U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43237651

Date: JUN. 18, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner, a data protection and technology specialist, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

USCIS denied the petition, concluding that the record did not establish that the Petitioner is eligible for a national interest waiver as a matter of discretion. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

To qualify for the underlying EB-2 visa classification, a petitioner must establish they are an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*.

If a petitioner establishes eligibility for the underlying EB-2 classification, they must then demonstrate that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that U.S.

Citizenship and Immigration Services (USCIS) may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Matter of Dhanasar, 26 I&N Dec. at 889.

II. ANALYSIS

The Petitioner's proposed endeavor is to "develop and implement. . . strategies for secure, inclusive, and interoperable digital-identity systems. . . ." The Director determined that the Petitioner is eligible for the EB-2 classification as a member of the professions holding an advanced degree,[2] and that the record establishes her proposed endeavor's substantial merit. However, The Director ultimately concluded that the Petitioner did not establish eligibility for a national interest waiver as the record did not establish the proposed endeavor's national importance, that she is well-positioned to advance the proposed endeavor and that, on balance, waiving the job offer requirement would benefit the United States. On appeal, the Petitioner contends that the Director erred in this conclusion and that she meets all three prongs of the *Dhanasar* framework. Upon de novo review, we conclude the record does not establish the Petitioner's proposed endeavor is of national importance and therefore she is not eligible for a national interest waiver as a matter of discretion.

A. The Record Establishes the Proposed Endeavor Has Substantial Merit

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* As stated above, the Petitioner intends to "develop and implement. . . strategies for secure, inclusive, and interoperable digital-identity systems. . . ." She asserts that her work will "protect privacy, reduce fraud, and foster innovation." The record includes industry reports and articles about the importance of data privacy, the prevalence of digital identity systems, and U.S. initiatives on issues related to the Petitioner's endeavor. We conclude the Petitioner's proposed endeavor has substantial merit.

B. The Record Does Not Establish the Proposed Endeavor Has National Importance

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The Director determined that the record did not establish the proposed endeavor's national importance. On appeal, the Petitioner asserts that the denial "rests on a misapplication of the governing legal standard, a pattern of conclusory reasoning, and a failure to

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

[2] The Petitioner is a data protection and technology specialist. She submitted evidence of a master's degree in business administration from [redacted] and a master of laws from [redacted]. The Director concluded that the Petitioner qualifies as a member of the professions holding an advanced degree and we agree.

meaningfully engage with a comprehensive evidentiary record." Upon review, we conclude that the record does not establish the national importance of the proposed endeavor.

On appeal, the Petitioner contends that the Director erred in stating that she did not provide specific information of her proposed endeavor's national importance. She states that the submitted plan of action articulates the nationwide implications of her proposed endeavor. In a review of national importance, *Dhanasar* states that an undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Matter of Dhanasar*, 26 I&N Dec. at 889. The Petitioner sets forth a five-step plan to implement her [redacted] which she contends will have "national-level outcomes tied to identifiable sectors such as government services, healthcare, financial systems, and international standards setting." She states that her proposed endeavor "strengthens national security and critical infrastructure, enhances economic competitiveness by reducing fraud and administrative inefficiencies, promotes equity and inclusion across underserved populations, and advances U.S. global leadership in AI and digital identity standards." On appeal, the Petitioner additionally references the revised plan she submitted in response to the request for evidence (RFE), stating that this provided greater specificity on the impact of her endeavor on multiple critical sectors, advancing U.S. cybersecurity and national security interests, reducing systemic fraud affecting the national economy, providing equitable access to essential services, and strengthening public trust in AI-enabled systems. Although the Petitioner provides information on the intended prospective impact of her proposed endeavor through her original and revised plans of action, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe,* 25 I&N Dec. at 376. Here, the evidence in the record does not support a determination of national or global implications within her field.

The Petitioner asserts that the record contains evidence that her proposed endeavor will have national or global implications within her field as the record "contains extensive evidence that [the Petitioner] has already made tangible, field-influencing contributions. . . ." The record contains letters of recommendation discussing projects she has contributed to, evidence of authorship of comparative regulatory analysis, and published articles on AI, surveillance, and privacy. The Petitioner contends that this demonstrates that her work has been "adopted, scaled, and applied across industries;" and therefore has national or global implications. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. While we acknowledge the Petitioner's experience in the field; evidence of the Petitioner's past success and experience is relevant to *Dhanasar's* prong two analysis, on whether the petitioner is well-positioned to advance the endeavor. It does not establish the national importance of the proposed endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Id.* Therefore, evidence of the Petitioner's past experience, even if successful, does not sufficiently establish the national importance of the proposed endeavor. *Id.* at 890. [3]

[3] The Petitioner also contends that the Director erred in stating that the Petitioner did not show that her "published and presented work has been frequently cited by independent researchers or otherwise served as an impetus for progress in the field, that it has affected the field. . . or that it has generated substantial positive discourse in the broader research community." Here, we conclude that this analysis is more appropriate in a prong two discussion on if the Petitioner is well positioned to advance the endeavor as its focus is on the Petitioner's qualifications and not the endeavor's prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889.

Further, the Petitioner contends that the Director erred in their national importance analysis by stating that the industry articles in the record do not mention the Petitioner or discuss the potential prospective impact of her proposed endeavor. She further states that she submitted policy reports, government publications, and industry analysis to "establish that digital identity, cybersecurity, and AI governance are recognized by U.S. government agencies, international organizations, and industry leaders as critical national priorities, with far-reaching implications for economic security, fraud prevention, public trust, and access to essential services." While we agree that the industry articles need not mention the Petitioner or her proposed endeavor, evidence of the importance of the industry does not equate to evidence of the impact of the proposed endeavor. While this evidence reinforces the Petitioner's statements about the importance of the industry, it does not further the Petitioner's claim of her specific proposed endeavor's national importance as it does not establish the impact her endeavor will have on these challenges.

In addition, the Petitioner submitted an independent expert opinion letter in which the author similarly emphasizes the importance of the industry. In the letter written by C-C-, the author describes the digital identity landscape as a "critical national challenge" and speaks of the importance and of addressing these challenges. While the author details the prevalence of the digital identity industry and its impacts, they do not specifically address the impact of the Petitioner's endeavor. For example, in a discussion on "substantial positive economic effects," the author details the rising number of digital identity systems, their economic benefits across various sectors, and how its use reduces costs and fraud. *Dhanasar* states that an endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance. *Matter of Dhanasar*, 26 I&N Dec. at 890. The author provides information on the value of the "Digital Identity Solutions Market" and that digital identity solutions are now more accessible due to the use of smartphones and internet connections. The author also details the prevalence of digital identity systems and how they impact the economy; however, the author does not discuss the Petitioner's specific proposed endeavor and how it will impact the economy. As stated above, in determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. While we acknowledge the importance of the industry and the merit of the Petitioner's work in this field; the relevant question is not the importance of the field in which the individual will work; instead, we focus on the "the specific endeavor that the [Petitioner] proposes to undertake. *Id.* Here, the Petitioner improperly relies upon the importance of the industry to further establish the national importance of her proposed endeavor without establishing the impact of her proposed endeavor on the industry. Without sufficient documentary evidence of the specific proposed endeavor's broader impact on the industry, the Petitioner's proposed endeavor does not meet the "national importance" element of the first prong of the *Dhanasar* framework.

While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety. As the Petitioner's proposed work does not meet the first prong of the *Dhanasar* framework, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the Petitioner is ineligible for a national interest waiver, we need not reach, and therefore reserve, remaining *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

The Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework. We therefore conclude that the Petitioner has not established by a preponderance of the evidence that she is eligible for or otherwise merits a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.