U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43281246

Date: JUN. 23, 2026

Motion on Administrative Appeals Office Decision

Form I-129, Petition for a Nonimmigrant Worker (H-1B)

The Petitioner, a nonprofit public utility provider, seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary, an electrical engineer, 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). *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Matter of Dhanasar* states that U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion, grant a national interest waiver if the petitioner demonstrates that: 1) the proposed endeavor has both substantial merit and national importance; 2) the individual is well-positioned to advance their proposed endeavor; and, 3) on balance, waiving the job offer requirement would benefit the United States.

USCIS denied the petition, concluding that the Petitioner did not establish that a waiver of the job offer requirement is in the national interest. We dismissed a subsequent appeal. The matter is now before us on motion to reconsider.

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). Upon review, we will dismiss the motion.

A motion to reconsider must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

In our previous decision dismissing the Petitioner's appeal, we concluded that the record did not establish the national importance of the Beneficiary's proposed endeavor, as required by the first prong of the *Dhanasar* framework. We concluded that instead of demonstrating the potential prospective impact of the Beneficiary's endeavor, the Petitioner "primarily focuses on the activities and responsibilities of the organization." We acknowledged the evidence in the record of the Beneficiary's job duties to provide cybersecurity monitoring and to improve detection of cybersecurity threats, but concluded that "the record is not sufficiently clear as to how the Beneficiary's specific role relates to

the Petitioner's overall cybersecurity management efforts and does not provide other details that would be necessary to determine whether the Beneficiary's endeavor rises to the level of national importance." We further stated that based on the evidence in the record we were unable to ascertain whether the Beneficiary's endeavor, as a single employee, has the potential to broadly impact the Petitioner's overall efforts to maintain its standards for reliability and compliance, or to impact the U.S. power grid or its cybersecurity on a level commensurate with national importance.

On motion, the Petitioner contests the correctness of our prior decision. In support of the motion, the Petitioner references specific evidence in the record that it claims establishes that the Beneficiary's specific proposed endeavor has national importance under *Matter of Dhanasar*. Specifically, the Petitioner points to a support letter from the Petitioner's Director of Cybersecurity Operations, a report from the U.S. Federal Energy Regulatory Commission (FERC) and the North American Electric Reliability Corporation (NERC) on the February 2021 cold weather outages, and an opinion letter from Dr. [redacted] Professor of Computing and Engineering Technology at [redacted]

The Petitioner asserts that the support letter from its Director of Cybersecurity Operations establishes how the Beneficiary's role relates to the Petitioner's overall cybersecurity management efforts and that it establishes the potential prospective impact of the Beneficiary's proposed endeavor on the cybersecurity of the Petitioner's generation facilities. Regarding the FERC-NERC report, the Petitioner asserts that this report specifically identifies the importance of SCADA systems, "like those at the heart of the Beneficiary's proposed endeavor," to enhance facility operations management and control and therefore promote reliable energy generation. Finally, the Petitioner claims that the opinion letter from Dr. [redacted] substantiates that the Beneficiary's proposed endeavor involves the Petitioner's SCADA system.

We conclude that the evidence which the Petitioner references on motion does not demonstrate the national importance of the Beneficiary's endeavor, and it does not demonstrate that our decision was incorrect based on the evidence in the record at the time of the decision. The letter from the Director of Cybersecurity Operations describes the Beneficiary's proposed endeavor to provide cybersecurity monitoring for its "Transmission Services Corporation (TSC)'s Operational Technology (OT) environment." The letter states that the Beneficiary will "work with" the cybersecurity operations and engineering team and the regulatory and market compliance team to conduct a review of the security information and event management (SIEM) alerts and ensure they detect threats as early and effectively as possible and configure new SIEM models to improve detection capability. The letter also states that the Beneficiary will also perform behavioral analytics to detect deviations from baseline traffic that can signal potential threats and use artificial intelligence (AI) to improve detection.

But despite this description of the Beneficiary's job duties, the letter does not, as the Petitioner claims on motion, sufficiently establish how the Beneficiary's role "relates to the Petitioner's overall cybersecurity management efforts," nor how it rises to the level of national importance. As we noted in our appeal decision, the record lacks documentary evidence about the Petitioner's cybersecurity operations, its organizational structure, how the Beneficiary's role fits within that structure, and how this role rises to the level of national importance. The support letter describing the Beneficiary's role is not sufficient, without additional documentary evidence, to establish the national importance of

proposed endeavor. The evidence in the record primarily relates to the importance of cybersecurity threat detection for utility providers, rather than to the Beneficiary's specific endeavor.

We are also not persuaded that the FERC-NERC report supports the national importance of the Beneficiary's endeavor. As the Petitioner points out on motion, one of the many recommendations in the FERC-NERC report is that production facilities consider upgrading their SCADA systems to provide operational data and gain more control of operations. But the fact that the Beneficiary's proposed endeavor relates to SCADA systems does not sufficiently demonstrate its national importance. Citing the general importance of a profession or field alone is not sufficient to demonstrate national importance. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual. As we have previously stated, in determining whether a proposed endeavor has national importance, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on the "specific endeavor that the foreign national proposes to undertake." *See Matter of Dhanasar*, 26 I&N Dec. at 889. Additionally, benefits to a specific employer alone, even an employer with a national footprint, are not sufficiently relevant to the question of whether a person's endeavor has national importance. *See generally* 6 *USCIS Policy Manual, supra*. At issue is whether the petitioner can demonstrate that the person's own individual endeavor stands to have broader implications, such as for a field, a region, or the public at large. *See id.* The record here does not establish those broader implications and therefore does not establish the national importance of the proposed endeavor.

Although the Petitioner states their disagreement with our prior decision, it does not establish that we incorrectly applied any law or policy, nor does it establish that our decision was incorrect based on the record at the time we issued our decision. Therefore, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reconsider is dismissed.

NOTICE: 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.