U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43489071

Date: JUN. 25, 2026

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

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

The Petitioner, an information security analyst, 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 a waiver of the job offer requirement is in the national interest. 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.

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 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.

[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).

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

II. ANALYSIS

USCIS determined that the Petitioner qualifies for the EB-2 classification as an advanced degree professional. Based on the evidence in the record that the Petitioner possesses a master of science degree in cybersecurity operations, we agree. The issue on appeal is whether the Petitioner has established that a waiver of the job offer requirement, and thus of a labor certification, would be in the national interest under the analytical framework set forth in *Matter of Dhanasar*.

As to the Petitioner's eligibility for a national interest waiver, USCIS determined that the Petitioner demonstrated only the substantial merit of the proposed endeavor. USCIS found that the Petitioner did not establish the endeavor's national importance, that he is well-positioned to advance it, or that, on balance, a waiver of the job offer requirement would benefit the United States. Based on our de novo review of the record, we agree with USCIS that the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Matter of Dhanasar*. Specifically, we agree that the Petitioner has not sufficiently demonstrated the national importance of the proposed endeavor as required by the first *Dhanasar* prong, and we will dismiss the appeal on that basis. While we may not discuss each piece of evidence or address each argument made, we have reviewed and considered each one.

The first prong of the *Dhanasar* analytical framework, 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.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.*

The Petitioner states that his proposed endeavor is to "dedicate [his] expertise toward strengthening the cybersecurity posture of U.S. enterprises, critical infrastructure, and small- to medium-sized organizations by advancing threat detection, vulnerability management, and enterprise-level security frameworks." The Petitioner described his model for cybersecurity management, which he calls his "[redacted]" that he intends to implement. In response to USCIS' request for evidence, the Petitioner stated that he intends to pursue this proposed endeavor by establishing a cybersecurity consulting firm in the United States.

On appeal, the Petitioner claims that USCIS erred in its national importance analysis by requiring the Petitioner to demonstrate existing "large-scale implementation" or adoption of the Petitioner's cybersecurity framework, rather than evaluating the record for a potential prospective impact, as required by *Matter of Dhanasar*. The Petitioner also objects to USCIS' finding that the record does not show that his cybersecurity framework offers an improvement in the field. The Petitioner asserts that his proposed endeavor is nationally important because it aligns with federal priorities in addressing cybersecurity, because the endeavor will protect critical infrastructure and small- and medium-sized enterprises (SMEs), because it will have economic benefits, and because he intends to "leverage AI (artificial intelligence) capabilities."

First, we disagree with the Petitioner's characterization that USCIS required that the Petitioner demonstrate "large-scale implementation" or "widespread adoption" of his cybersecurity framework. The Petitioner does not point to specific language in the decision that states this requirement. Instead, in support of this claim, the Petitioner references USCIS' statement that the evidence is insufficient to demonstrate how the Petitioner's framework "represent[s] an improvement in the field of cybersecurity with potential to have a broad impact on the field."

But USCIS' consideration of whether the Petitioner has demonstrated that his cybersecurity framework has the potential to offer an "improvement in the field" is not tantamount to requiring that the Petitioner demonstrate that it has already enjoyed widespread adoption. We conclude that it is consistent with *Dhanasar's* requirement to consider an endeavor's potential prospective impact. For example, in *Matter of Dhanasar* we cited "certain improved manufacturing processes" or "medical advances" as examples of proposed endeavors that may have national importance. *Matter of Dhanasar*, 26 I&N Dec. at 890. We conclude that USCIS' consideration of whether the Petitioner's cybersecurity framework has the potential to offer "improvements" to the field was in line with *Matter of Dhanasar*, and we disagree that USCIS erred in its analysis.

Second, the Petitioner objects to USCIS' finding that the support letter from F.A.,[2] who states that they are the cybersecurity manager at a company called "[redacted] LLC," was not persuasive. We also agree with USCIS that the letter from F.A. at [redacted] LLC is not persuasive. F.A. states that they have eight years of experience in cybersecurity and hold several relevant certifications. F.A. claims that the Petitioner's creation of the [redacted] "has had a transformational impact on how we approach cybersecurity at [redacted] LLC," and that since using this framework, the company has seen measurable improvements such as a 30% boost in threat detection accuracy. The record does not contain further documentary evidence about this company, the consulting services that the Petitioner has provided to the company, nor the results or benefits of the Petitioner's consulting services.

USCIS found the letter not persuasive because the record does not contain further relevant information about the company to support F.A.'s claims. Additionally, USCIS found that even if the Petitioner's services benefit future clients, such as this company, the record does not show that this potential prospective benefit would be commensurate with national importance. We agree that the letter, on its own, lacks sufficient detail to be persuasive as to the potential prospective impact of the Petitioner's proposed consulting services. The burden is on the Petitioner to support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Additionally, we disagree with the Petitioner's claim that his proposed endeavor is nationally important because it "implicates" U.S. national security and aligns with federal priorities to "strengthen cyber resilience." In support of these claims, the Petitioner relies on various articles and reports such as a blog post titled "Ransomware: 'costly and impactful' and now a staple national security risk" from the website of the Center for Cybersecurity Policy and Law and an article from the website of the U.S. Small Business Administration titled "Cyber Safety Tips for Small Business Owners." The Petitioner claims that cybersecurity is recognized as a matter of national importance and that the proposed endeavor addresses national priorities such as protecting critical infrastructure

[2] We use initials to protect individuals' privacy.

and government operations. The Petitioner further claims that his endeavor "contributes directly to mitigating risks that affect the United States at a national level," and that his work "enhances the ability of organizations to detect, respond to, and prevent cyber incidents."

However, none of the articles in the record demonstrate the national importance of establishing a cybersecurity consulting firm such as the Petitioner's. 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, we focus on the potential prospective impact of the "specific endeavor that the foreign national proposes to undertake." *See Matter of Dhanasar*, 26 I&N Dec. at 889. We acknowledge that the blog posts and articles in the record may be helpful in establishing the potential need for and interest in improved cybersecurity. Primarily, however, this speaks to the substantial merit of the proposed endeavor, which we agree with USCIS has been established.

The Petitioner makes similar claims on appeal that his endeavor will protect SMEs, contribute to workforce development, and integrate the use of AI into cybersecurity. The Petitioner does not reference specific evidence in the record in support of his claims that his proposed endeavor has the potential to impact business, the economy, or the use of AI at a level commensurate with national importance. We conclude that the Petitioner's assertions, without sufficient relevant, probative, and credible evidence, do not establish these claims. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Finally, the Petitioner claims that the potential prospective impact of the endeavor is supported by his "multi-phase implementation plan" that is intended to "produce cumulative benefits across the national landscape." We do not find the Petitioner's personal statement or implementation plan to be persuasive of the endeavor's national importance. The Petitioner submitted a "business plan and infrastructure overview for proposed cybersecurity consultancy" document that presents four phases for starting his business with "key activities" and intended "outcomes" for each phase.

But the Petitioner has not explained, and the evidence does not show, how the Petitioner's plan to build his business in phases will produce cumulative, national benefits as claimed. Additionally, an entrepreneur cannot demonstrate national importance solely by opening a consulting firm for those working or seeking to work in a nationally importance occupation, such as cybersecurity. *See generally* 6 *USCIS Policy Manual* F.5(D)(6), https://www.uscis.gov/policy-manual. Similarly, statements and evidence regarding the importance of the relevant industry overall will not demonstrate that a person seeking to start a business in that industry satisfies the national importance prong. *See id.*

In *Dhanasar* we concluded that STEM teaching has substantial merit in relation to U.S. educational interests, but that the petitioner had not demonstrated that the activities of one individual STEM teacher would impact the education field more broadly. *Matter of Dhanasar*, 26 I&N Dec. at 893. The same is true here. The Petitioner has not established that the benefits of his proposed endeavor will extend beyond his own clients to impact the cybersecurity field, U.S. small businesses, or the U.S. economy more broadly.

The Petitioner's claims on appeal do not overcome USCIS' findings as they relate to the national importance of the proposed endeavor. Moreover, upon de novo review, we agree that the Petitioner has not established the national importance of the proposed endeavor, as required by the first *Dhanasar*

prong. Therefore, he is not eligible for a national interest waiver. We acknowledge the Petitioner's arguments on appeal as to the second and third prongs of *Dhanasar* but, having found that the evidence does not establish the Petitioner's eligibility as to national importance, we reserve our opinion regarding whether the record establishes the 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 national importance requirement of the first prong of *Dhanasar*. We therefore conclude that the Petitioner has not established that he 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.