U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40716347

Date: JUN. 29, 2026

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

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

The Petitioner 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 Petitioner qualified for classification as a member of the professions holding an advanced degree, but that she had not established that a waiver of the required job offer, and thus of the labor certification, would be 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 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;

[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).

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

Id.

II. ANALYSIS

USCIS concluded that the Petitioner qualified as a member of the professions holding an advanced degree, but that she had not satisfied the second and third prongs set forth in the *Dhanasar* analytical framework.[2] The sole issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

At the time of filing, the Petitioner was working as a "Product Security Specialist" at [redacted][3] She presented a July 2024 "employment offer" letter from [redacted] listing her "primary responsibilities" as "identifying, analyzing, and mitigating potential security threats in our product lifecycle; collaborating with cross-functional teams to ensure compliance with cybersecurity regulations and best practices; conducting security assessments, penetration testing, and vulnerability remediation; and contributing to the design and implementation of secure software development practices."

The Petitioner initially stated that her "proposed endeavor, 'Mitigating Cybersecurity Risks in Critical Infrastructure,' seeks to address vulnerabilities in Internet of Things (IoT) devices increasingly integrated into essential systems such as energy, healthcare, transportation, and water utilities." She indicated that her "proposed focuses on mitigating these cybersecurity risks by developing innovative solutions to secure IoT ecosystems in critical infrastructure sectors. My work aims to ensure these systems' resilience, protect public safety, preserve economic stability, and maintain national security."

In response to USCIS' request for evidence, the Petitioner further elaborated on her proposed endeavor:

> I propose to enhance the security of IoT devices deployed in critical infrastructure, ensuring that interconnected systems remain resilient against cyber threats. This endeavor will focus on the sensors, software, and communication technologies that

[2] The Petitioner received a [redacted] in 2024 from [redacted]

[3] On her Form ETA-9089, Appendix A: Foreign Worker Information, she indicated that her "job duties" in this capacity include "identifying and mitigating security risks for clients in the healthcare, energy, and transportation industries. My work involves conducting vulnerability assessments and penetration tests to uncover potential threats and ensure compliance with industry frameworks such as NIST and ISO 27001. By addressing these risks, I help organizations strengthen their security posture and safeguard critical systems against evolving cyber threats. I also collaborate closely with multidisciplinary teams, including engineers and business leaders, to design tailored cybersecurity solutions that align with organizational goals. By integrating secure software practices throughout the development lifecycle, I enhance resilience against emerging vulnerabilities. Whether working directly with clients or contributing to team efforts, I take pride in delivering customized solutions . . . ." As the Petitioner is applying for a waiver of the job offer requirement, it is not necessary for her to have a job offer from a specific employer. However, we will consider information about her position to illustrate the capacity in which she intends to work in order to determine whether her proposed endeavor meets the requirements of the *Dhanasar* framework.

> make up critical infrastructure on an IoT network because, without them, there's no connection to the internet, which makes these critical infrastructures just structures.... My work focuses on developing and implementing advanced security frameworks that protect IoT devices/ecosystems in these mission-critical environments. This includes AI-driven intrusion detection and prevention systems (IDPS) to monitor anomalies, Zero Trust security models to restrict unauthorized access, and blockchain-based authentication to ensure data integrity across IoT networks. By strengthening the security of IoT devices within critical infrastructure, my endeavor directly supports national security objectives, prevents service disruptions and economic losses, and fortifies the resilience of essential services that millions of Americans rely on daily.

As discussed below, we conclude the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

A. Substantial Merit and National Importance of the Proposed Endeavor

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* We agree with USCIS' determination that the Petitioner's proposed endeavor has substantial merit.

But we withdraw USCIS' determination that the Petitioner established the national importance of her proposed endeavor under *Dhanasar's* first prong. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* at 889. This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. For the reasons discussed below, we conclude that Petitioner has not established the national importance of her proposed work.[4]

In addition to her discussions relating to the proposed endeavor, the record includes articles on the importance of cybersecurity, critical infrastructure security and resilience, mitigating cyberattacks on pipelines and power grids, combating cybercrime, preventing cyberattacks on healthcare systems and water utilities, using cyber defenses to protect critical infrastructure and transportation systems, national infrastructure risk management, having a robust national cybersecurity strategy, utilizing machine learning network intrusion detection, and managing cybersecurity risks. The Petitioner claims that these articles support the national importance of his proposed endeavor. The determination

[4] While the *USCIS Policy Manual* explains how the *Dhanasar* framework can apply to individuals who possess an advanced STEM degree, the Petitioner still must meet the three prongs set forth in *Dhanasar* to establish it is in the national interest that USCIS waive the requirement of a job offer, and thus the labor certification. With respect to *Dhanasar's* first prong, as in all cases, the evidence must demonstrate that a STEM endeavor has both substantial merit and national importance. *See generally* 6 *USCIS Policy Manual*, F.5(D)(4), https://www.uscis.gov/policy-manual. We agree that the Petitioner's proposed endeavor involves STEM technologies and has substantial merit in relation to U.S. technology interests, but she must also demonstrate that it has sufficiently broad potential implications to demonstrate national importance.

of national importance does not focus on the importance of one's field or industry in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the Petitioner or her planned projects, or otherwise speak to the potential prospective impact of her specific proposed endeavor.

The Petitioner also provided letters of support from S-B-, R-B-, L-O-, C-U-, C-C-, A-I-, Y-A-, A-O-, and A-A- who mainly discuss the Petitioner's cybersecurity capabilities and experience.[5] The Petitioner's skills, knowledge, and prior work in her field relate to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890. The issue here is whether the specific endeavor that she proposes to undertake has national importance under *Dhanasar's* first prong.

Regarding the Petitioner's proposed endeavor's prospective impact, S-B-, the Petitioner's supervisor at [redacted] asserted that the Petitioner "has successfully helped clients in the healthcare sector protect IoT-connected medical devices from potential cyber threats, ensuring patient safety and data integrity. Similarly, her work with energy sector clients has focused on fortifying operational technology systems against evolving threats, preventing potential disruptions to essential services." S-B- also wrote that the Petitioner's "ability to engage directly with clients has strengthened their cybersecurity postures and elevated their confidence in implementing proactive security measures" and that the Petitioner "has proven instrumental in implementing robust security solutions for our organization's product lines, applying her expertise to detect and address potential threats before they materialize."

In addition, L-O-, the Information Technology Service Desk Supervisor at [redacted] expressed her confidence that the Petitioner "will make invaluable contributions to the United States through her expertise in cybersecurity, helping protect sensitive systems and data that are essential to national security." Likewise, Y-A-, Principal Artificial Intelligence (AI) Security Architect with [redacted], asserted that the Petitioner's proposed work stands to "significantly advance our national interests by strengthening the security and resilience of the infrastructure systems that form the backbone of our society." Similarly, A-O-, a cybersecurity engineer at [redacted], indicated that the Petitioner's proposed endeavor addresses gaps in IoT device vulnerabilities "by developing and deploying advanced frameworks, including AI-powered IDPS, blockchain-based authentication protocols, and Zero Trust security models tailored for the IoT environment."

While the Petitioner's proposed endeavor helps mitigate cybersecurity risks by developing solutions to secure IoT ecosystems for her company and its clients, she has not provided evidence demonstrating that her proposed work would affect her industry or field at a level indicative of national importance. It is insufficient to claim an endeavor has national importance or would create a broad impact without providing evidence to substantiate such claims. The letters from S-B-, R-B-, L-O-, C-U-, C-C-, A-I-, Y-A-, A-O-, and A-A- do not contain sufficient information and explanation, nor does the record include adequate corroborating evidence, to show that the Petitioner's specific proposed work offers broader implications in her field or industry or substantial positive economic effects for our nation that rise to the level of national importance.

[5] While we discuss a sampling of these letters, we have reviewed and considered each one.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of her work. The Petitioner's statements reflect her intention to enhance the security of IoT devices deployed in critical infrastructure, but she has not offered sufficient information and evidence to demonstrate that the prospective impact of her proposed endeavor rises to the level of national importance. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. Here, we conclude the Petitioner has not shown that her specific proposed endeavor stands to sufficiently extend beyond her company and its clients to impact her field, the cybersecurity industry, national security, our country's public safety, the nation's economy, or U.S. technological interests more broadly at a level commensurate with national importance.

Furthermore, the Petitioner has not demonstrated that the specific endeavor she proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to her future work, the record does not show that benefits to the regional or national economy resulting from the Petitioner's cybersecurity projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

The Petitioner has not established that her proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance.

B. Whether on Balance a Waiver is Beneficial to the United States

The third prong requires a petitioner to demonstrate that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. *Id.* at 890-91. In performing this analysis, we may evaluate factors such as: whether, in light of the nature of the individual's qualifications or the proposed endeavor, it would be impractical either for them to secure a job offer or to obtain a labor certification; whether, even assuming that other qualified U.S. workers are available, the United States would still benefit from their contributions; and whether the national interest in their contributions is sufficiently urgent to warrant forgoing the labor certification process. *Id.* In each case, the factor(s) considered must, taken together, establish that on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. *Id.* at 891.

In denying the petition, USCIS concluded the Petitioner had not established she "offers contributions of such value that, on balance, it would be beneficial to waive the requirements of a job offer and thus of a labor certification."

On appeal, the Petitioner points to "the impracticality of the traditional labor certification process in the context of my proposed endeavor" and asserts that "[t]he labor certification process is designed for clearly-defined, employer-specific roles." She also contends that her proposed endeavor "is not tied to any one employer or job opening." The Petitioner, however, does not specifically explain how her position at [redacted] prevents her from improving the security of IoT

devices deployed in critical infrastructure or why her employer is unable to file a labor certification on her behalf. The Petitioner's job offer from [redacted] undermines her arguments regarding the impracticality of the labor certification process.

In addition, the Petitioner argues that the potential benefit of her "contributions to U.S. national interests far outweighs the standard justification for requiring a job offer." She asserts that her "work has the potential to catalyze job creation indirectly by increasing the demand for security-compliant device manufacturers, technical trainers, public procurement specialists, and framework auditors." The Petitioner further contends that there is an "urgent public interest in accelerating the adoption of security standards and best practices across vulnerable infrastructure sectors, particularly where outdated devices are deployed in schools, hospitals, and utilities." She also claims that "[b]y waiving the job offer requirement, the U.S. can remove administrative friction that would otherwise delay or obstruct progress on a matter of national urgency."

The Petitioner, however, has not demonstrated that her contributions supersede the benefits of protecting the domestic labor supply inherent in the labor certification process. While the record includes information about the merits of cybersecurity, this documentation is insufficient to show that the national interest is better served by a waiver of the job offer and thus the labor certification requirement. The labor certification process is intended to ensure that the admission of foreign workers will not adversely affect the job opportunities, wages, and working conditions of U.S. workers. We acknowledge the Petitioner's Master of Science degree and professional credentials, her cybersecurity capabilities and experience, and the letters she offered in support of the petition. The evidence in the aggregate, however, is not sufficient to demonstrate that a national interest waiver outweighs the benefits inherent to the labor certification process.

The Petitioner has not shown that she offers contributions of such value that, on balance, it would be beneficial to the United States to waive the job offer and labor certification requirements even assuming that other qualified U.S. workers are available.

C. The Remaining *Dhanasar* Prong

Because the documentation in the record does not establish the national importance of her proposed endeavor and that, on balance, waiving the job offer requirement would benefit the United States, as required by the first and third prongs of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. As these issues are dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, determination of her eligibility under the second prong of the *Dhanasar* framework. *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

As the Petitioner has not met the requisite first and third prongs of the *Dhanasar* analytical framework, we conclude that she has not established she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

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.