U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41735887

Date: MAR. 23, 2026

Appeal of Service Center Operations (SCOPS) 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).

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish 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: (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. *Id.*

[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).

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the underlying EB-2 classification as an advanced degree professional but did not establish his eligibility under the *Dhanasar* analytical framework. Specifically, although SCOPS found the Petitioner established the substantial merit and national importance of his proposed endeavor, they concluded he did not establish that he is well positioned to advance the proposed endeavor and that, on balance, waiving the job offer requirement would be beneficial to the United States.

Upon de novo review of the record, we conclude that the Petitioner has not established that he satisfies the requirements of *Dhanasar's* first prong and will, therefore, withdraw SCOPS' determination on this issue. Specifically, while we agree that the proposed endeavor has substantial merit, the record does not support its national importance. As the Petitioner's inability to meet the first prong is also a dispositive issue, the Petitioner cannot establish his eligibility for a national interest waiver. Accordingly, we will dismiss the appeal.[2]

The first prong, substantial merit and national importance, focuses on the specific endeavor that the foreign national proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n 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." *Id.* at 890.

The Petitioner states his proposed endeavor is "to establish a company, [redacted], an information technology company, specialized in delivering IT Security consulting services to the U.S. government and small to medium sized American businesses." His company's services will include: risk assessment and management; penetration testing; security audits; incident response; security awareness training; managed security services; security architecture and design; data loss prevention (DLP); network security; identity and access management (IAM); threat intelligence; and regulatory compliance assistance.

Although the Petitioner asserts on appeal that he submitted sufficient evidence to demonstrate his eligibility for a national interest waiver, we conclude that the record does not sufficiently establish that his proposed endeavor's prospective impact rises to the level of national importance. In particular, the Petitioner has not shown, and the record does not illustrate, how the impact resulting from his individual company's IT security consulting services would sufficiently extend beyond his company, its clients, and the individuals he trains to impact the industry, region, or nation more broadly at a level commensurate with national importance.

[2] With his appeal, the Petitioner submits additional documentation, including some new evidence such as his affidavit, bank statements, and letters of intent. While we do not discuss every piece of evidence individually, we have reviewed and considered the entire record, including the evidence on appeal.

The Petitioner asserts on appeal that his endeavor "directly addresses the urgent national interest in strengthening the cyber defenses of U.S. government entities and businesses." He argues that "through the development and implementation of comprehensive cybersecurity solutions, including advanced threat detection, vulnerability management, security architecture design, and incident response protocols, [his company] is expected to advance critical technologies and practices that support the protection of national critical functions and digital infrastructure, especially for American governmental agencies." Additionally, he claims that his endeavor will broadly enhance societal welfare by providing affordable IT services and contributing to cybersecurity. In support of his claims, he submitted various articles discussing topics such as cybersecurity and the costs of data breaches, as well as governmental reports such as the National Cyber Workforce and Education Strategy by the Office of the National Cyber Director.

Although the articles and reports provide helpful background information and support the substantial merit of the proposed endeavor, they do not establish with specificity how the Petitioner's work would extend beyond his company, clients, and trainees to impact these areas more broadly and show its national importance. And while the Petitioner contends that the evidence shows his work aligns with national priorities, including the enhancement of national cybersecurity capabilities, the protection of critical infrastructure, and the bolstering of cybersecurity resilience for small and medium sized businesses, working in an important field, including one that is the subject of national or federal priorities, is insufficient to establish the proposed endeavor's national importance. The Petitioner must still demonstrate the specific endeavor's potential prospective impact in that area of national importance.

But here, the Petitioner's arguments and evidence focus on the general importance of his industry without sufficiently establishing how his individual services would have broader implications extending beyond his company and clients to have regional, economic, or national impacts rising to the level of national importance. The Petitioner has not demonstrated how his specific endeavor, as opposed to IT security consultants or the IT security industry generally, would achieve these goals and have a broader impact on the field, region, or nation. Aside from generally claiming that he will establish an IT security consulting firm offering various services such as "risk assessment and management," "network security," and "security architecture and design," he has not provided sufficient detail explaining, for example, what these activities would specifically entail, how his services are meaningfully distinguishable from those of other IT security consulting firms, or how his work in particular would accomplish the claimed objectives. Importantly, he also has not explained how any impact produced would be direct and significant enough to rise to a regional or nationally important level. Although his endeavor may benefit his employees, potential clients, and individuals he trains, he has not established how his specific endeavor stands to impact the broader IT security field, region, or nation, or otherwise has implications rising to the level of national importance. Again, while we acknowledge the overall importance of the cybersecurity field, IT consulting, and the professionals working in them, the relevant question is not the importance of the field, industry, or profession in which the individual will work. Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

The record also does not contain sufficient evidence to support the substantial economic benefits he claims. For instance, the Petitioner contends that his endeavor will benefit Florida's local economy with job creation and taxes paid, as well as attracting investment to the United States, which will

stimulate local industry growth. Although the Petitioner provided a business plan for his company, he did not provide sufficient explanation or evidentiary support for the basis of his figures. He also did not demonstrate how his claimed employment and sales forecasts show a significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the [redacted] Florida region, where he will begin operations, or the nation. For example, although he forecasts sales of $496,000 in the first year of operation, increasing to $1,388,703 by the fifth year, he did not establish the significance of this data or explain how the benefits to the regional or national economy would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890. Additionally, while the business plan claims he will employ five individuals in the first year, increasing to 15 direct employees and 62.74 indirect jobs by the fifth year, he did not demonstrate the relevance of these numbers or show how such employment figures would utilize a significant population of workers in the area or would substantially impact job creation and economic growth, either regionally or nationally. While any increased business activity has the potential to positively impact the economy to some degree, the Petitioner has not offered a sufficiently direct connection between his proposed endeavor and any demonstrable economic effects to establish his proposed endeavor's national importance.

In addition, the Petitioner contends that his company's services will position it to "contribute meaningfully to enhancing the overall cybersecurity posture and resilience of the United States, saving up to 2.22 million dollars per enterprise." The Petitioner's figures appear to be based on an IBM article entitled "Cost of a data breach 2024," which claims that that "[o]rganizations that applied AI and automation to security prevention saw the biggest impact in reducing the cost of a breach, saving an average USD 2.22 million over those organizations that didn't deploy these technologies." However, this general statistic does not equate to the Petitioner's endeavor creating the same impact. Without more, the Petitioner's claims that his endeavor will have this broad economic impact are insufficient to establish his endeavor's national importance. The Petitioner must support his assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner also states he will offer IT training for individuals seeking to enter the cybersecurity field, which will address the "critical shortage" of cybersecurity professionals and help develop STEM talent in the nation. By doing so, he claims his endeavor contributes to building a stronger, more capable cybersecurity workforce and enhances the overall security posture of the nation by increasing the pool of "skilled defenders." But, in the same way that *Dhanasar* finds that a classroom teacher's proposed endeavor is not nationally important because it will not impact the field more broadly, the Petitioner also has not shown how his training activities would sufficiently extend beyond the individuals he trains to affect the region or our nation more broadly at level commensurate with national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 893. And, even considering the Petitioner's contention that his endeavor is nationally important because he is helping develop workers in a STEM field, the fact that a proposed endeavor may be in a STEM field is not dispositive in and of itself. *See generally* 6 *USCIS Policy Manual* F.5(D)(4), https://www.uscis.gov/policy-manual (stating that with respect to the first prong, as in all cases, the evidence still must show that a STEM endeavor has national importance). As noted above, the Petitioner has not established his training activities would rise to the level of national importance. Without more, the Petitioner has not established his proposed endeavor's national importance simply because his training activities relate to a STEM field.

We have also reviewed the expert opinion letters written by [redacted] as well as other recommendation letters by former work colleagues. However, they also provide little persuasive evidence to establish the national importance of the Petitioner's proposed endeavor. The letters are largely conclusory in nature and do not provide a sufficient, evidentiary basis for their claims. For example, the expert opinion letters state that by offering IT security services at affordable rates, the Petitioner's company "not only protects the companies themselves but also strengthens the broader economic ecosystem" and will address the "ever-growing and urgent need for cybersecurity and IT resilience." However, beyond these generalizations, neither letter provides sufficient detail or explanation as to how the Petitioner's company, in particular, would specifically accomplish these broad objectives or how any potential claimed benefits would extend beyond his clients to meaningfully and directly impact the region or nation at a level indicative of national importance. Likewise, many of the other recommendation letters discuss the Petitioner's skills, personal attributes, and past accomplishments, but these are considerations under *Dhanasar's* second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Matter of Dhanasar*, 26 I&N Dec. at 890. Under the first prong, we look to the proposed endeavor itself. *Id.* at 889. Additionally, while the letters broadly state that the Petitioner's endeavor will make substantial contributions to the nation, they are also conclusory and do not offer an evidentiary basis to support their claims. Consequently, these expert opinion and other recommendation letters are of limited probative value in establishing the endeavor's national importance.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Because the record does not establish his proposed endeavor's national importance as required by *Dhanasar's* first prong, the Petitioner has not demonstrated eligibility for a national interest waiver. As the identified reasons for dismissal are dispositive, we decline to reach and hereby reserve remaining issues and arguments concerning whether he has established eligibility under the remaining two *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

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he 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.