U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41853860

Date: MAR. 24, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a systems engineer, 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 EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

SCOPS denied the petition, concluding that 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. 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;
- The individual is well-positioned to advance their proposed endeavor; and

[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).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

A. Eligibility for Second Preference (EB-2) Classification

Although SCOPS concluded that the Petitioner qualifies as an advanced degree professional based on his foreign master's degree, the record does not contain evidence to demonstrate that his degree equates to a degree from an accredited institution of higher learning in the United States. Because the Petitioner has not received prior notice to address whether he qualifies as an advanced degree professional, we will reserve the issue of EB-2 classification for consideration in future proceedings. The remaining issue to be determined on appeal 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.

B. Eligibility for a National Interest Waiver

The Petitioner is a lead information systems analyst and unit supervisor for [redacted], a petroleum and natural gas company of Saudi Arabia. He directs initiatives protecting power plants, substations, and industrial control systems from cyber threats. His proposed endeavor is to strengthen the cybersecurity and resilience of the U.S. energy grid and oil-and-gas pipeline infrastructure.

Although SCOPS determined that the Petitioner established the substantial merit and national importance of his proposed endeavor, SCOPS concluded that he did not establish that he is well positioned to advance the endeavor or that, on balance, it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner asserts that SCOPS misapplied the *Dhanasar* analytical framework and overlooked evidence in the record. Upon review, for the reasons discussed below, we will withdraw SCOPS determination that the Petitioner demonstrated the national importance of his proposed endeavor. We agree, however, that the Petitioner has not demonstrated that he is well positioned to advance his proposed endeavor.

C. Substantial Merit and National Importance of the Proposed Endeavor

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of 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.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the 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.* In *Matter of Dhanasar*, we further 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. If the evidence of record demonstrates that an individual's proposed endeavor has the significant potential to, for example, contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.[2] Regarding an endeavor in the fields of science, technology, engineering, or math—also known as STEM—importance may be found in its contribution to U.S. competitiveness or security in a variety of circumstances, such as when it will help the United States remain ahead of strategic competitors or current and potential adversaries.[3]

USCIS recognizes the importance of progress in STEM fields and the essential role of persons with advanced STEM degrees, especially in focused critical and emerging technologies or other STEM areas important to U.S. competitiveness or national security.[4] However, a proposed endeavor does not necessarily carry national importance based solely on its relationship to a critical and emerging technology. When evaluating the national importance of a proposed endeavor, it is not the overall importance of the industry, field, or profession in which an individual intends to work, but the particular endeavor on which an individual intends to embark. *Matter of Dhanasar*, 26 I&N Dec. at 889.

The Petitioner's proposed endeavor is "to design and implement a cybersecurity framework tailored specifically for the operational technology (OT) and industrial control systems (ICS) within the U.S. energy grid and oil and gas pipeline infrastructure." He stated that his endeavor will focus on integrating real-time Security Information and Event Management (SIEM) systems with industry-specific Data Loss Prevention (DLP) protocols "to proactively detect, contain, and neutralize cyber threats targeting critical energy operations." He seeks "not only to build this innovative platform, but also to make it accessible, scalable, and sustainable across the country, strengthening U.S. energy resilience, economic stability, and national security for decades to come."

As evidence of the national importance of his proposed endeavor, he referenced critical infrastructure sectors in the United States, including energy, oil and gas, critical manufacturing, healthcare, transportation, financial services, and communication. Because these industries require stable and uninterrupted energy supply to function efficiently, he reasoned that his endeavor to develop a cybersecurity framework to protect the nation's power grids and oil and gas infrastructure has national importance.

To provide context concerning his endeavor, the Petitioner submitted documentation of White House directives emphasizing the need for advanced cybersecurity measures to protect national infrastructure. He referenced these directives in response to a request for evidence (RFE) and included a link to the relevant webpage from the White House's website. He provided links for several additional webpages as sources of information to demonstrate the national importance of his endeavor, summarizing the contents of those webpages: industry and government reports on energy-sector vulnerabilities and the need for modernized cybersecurity protections, including structured monitoring systems and advanced analytics; media coverage of increased cyberattacks and preventative solutions

[2] *See generally* 6 *USCIS Policy Manual* at F.5(D)(3), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.
[3] *See generally* 6 *USCIS Policy Manual, supra*, at F.5(D)(4).
[4] *Id.*

for utility companies and oil and gas infrastructure; a Congressional House subcommittee hearing on the state of operational technology and cybersecurity; and recent research about cybersecurity defense strategies and systems.

Because the record does not include copies of the reports or studies referenced, we cannot determine whether or how they demonstrate the national importance of the Petitioner's specific endeavor to develop a cybersecurity framework for the United States' power grids and oil-and-gas infrastructure. Based on the Petitioner's webpage summaries and the contents of documentation on White House directives, all of the material cited references the use of SIEM and DLP. However, the fact that this material discusses cybersecurity and tools that the Petitioner states he will use to develop a cybersecurity framework does not speak to his specific endeavor or whether it has national importance.

Letters of support from individuals who have worked with the Petitioner stress that his endeavor has importance, but they describe his endeavor only generally as an intention to develop a cybersecurity framework, and they frame its national importance within the general importance of cybersecurity for critical infrastructure. An opinion letter from a manager and technical subject matter expert at [redacted] contains a similar description of the proposed endeavor and points to the overall importance of cybersecurity. As stated previously, it is not the importance of the field in which the Petitioner will work, but the specific endeavor he will pursue that is relevant to assessing its national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889.

While the Petitioner's depictions of his endeavor throughout the record reference tools and terminology used in the field of cybersecurity, he has not provided a detailed explanation of his endeavor. For example, in summarizing the issues discussed in the Congressional hearing, he stated his intention "to develop standards-aligned, adaptable architecture blueprints that can be immediately deployed by both federal agencies and private energy operators." He further stated that his proposed framework would address what he identified in the hearing as "the absence of a cohesive national strategy for OT cybersecurity and the need for solutions that bridge governance, operational awareness, and technical defense." His framework, he stated, offers "a unified and scalable model designed for real-world application across critical U.S. energy infrastructure." A clearly defined endeavor is necessary for a full evaluation of an endeavor's national importance. Here, his references to such generic terms as "national strategy" and a "scalable model" are not corroborated by a sufficiently detailed account of his proposed endeavor. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner further claimed that he would "aim to contribute to the U.S. workforce by training cybersecurity professionals"; however, the record does not contain corroborating evidence demonstrating that his endeavor has significant potential to employ U.S. workers or has other substantial positive economic effects. *Matter of Dhanasar* contemplates that an undertaking may have national importance "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. Although the record demonstrates the Petitioner's value to his past and present employers, it does not clarify how the Petitioner's proposed endeavor will have a level of impact on a scale commensurate with national importance. Again, it is not the proverbial value of the field in which an individual intends to work, but the particular endeavor an individual intends to pursue that we consider in assessing its national importance. *Id.*

The record does not establish the national importance of the proposed endeavor, as required by the first prong of *Matter of Dhanasar*. We withdraw SCOPS' conclusion to the contrary.

D. Well Positioned to Advance the Proposed Endeavor

The second *Dhanasar* prong shifts the focus from the proposed endeavor to the individual. To determine whether an individual is well positioned to advance the proposed endeavor, we consider factors including, but not limited to: their education, skills, knowledge, and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals. *Id* at 890.

Concerning the Petitioner's education, the record contains his bachelor's and master's degrees. In consideration with other evidence to assess an individual's qualifications under the second prong, we consider an advanced degree, particularly a Doctor of Philosophy (Ph.D.), in a STEM field tied to the proposed endeavor and related to work furthering a critical and emerging technology an especially positive factor.[5] We note, however, that the Petitioner does not have a doctoral degree, and he has not otherwise shown that his academic accomplishments alone are sufficient to demonstrate that he is well positioned to advance his proposed endeavor. In *Matter of Dhanasar*, the record established that the petitioner held multiple graduate degrees, including two master of science degrees and a Ph.D. *Id.* at 891. We look to a variety of factors in determining whether an individual is well positioned to advance a proposed endeavor, and education is only one factor among many that may contribute to that determination.

The record indicates that the Petitioner is a skilled and experienced engineer. He submitted the aforementioned letters of support, which attest to his technical acumen, professionalism, and experience working with data forensics, assessing cybersecurity risks, and developing cybersecurity framework designed for specific systems. The record also contains employment verification letters and certificates for training in areas related to cybersecurity, information technology, project management, and information systems auditing.

However, credentials, skills, and experience are not solely determinative of an individual is well positioned to advance a proposed endeavor. The Petitioner has not provided a model or plan detailing his future activities, but a general summary of his intentions. Whether an endeavor can realistically be carried out is a necessary consideration in assessing an individual's positioning to advance the endeavor. Here, the Petitioner has not addressed logistical factors necessary to evaluate whether he is credibly capable of advancing his endeavor.

For instance, he has not clarified whether his endeavor would be tied to specific employment, nor has he indicated whether or how it might involve collaboration with other engineers, scientists, or entities pertinent to actualizing its broader implications. He stated that he would "collaborate with key stakeholders in the government, critical infrastructure sectors, national laboratories, and private sector organizations to operationalize a cybersecurity platform" with specific attributes. He plans to "engage

[5] *See generally* 6 *USCIS Policy Manual, supra,* at F.5(D)(4).

with energy regulators, cybersecurity consortiums, and public-private partnership programs . . . and research institutions to align [his] framework with evolving security needs." He intends to "conduct pilot programs in collaboration with utility companies and pipeline operators . . . ."

The Petitioner has not provided evidence to substantiate these claims. He has not explained how he would gain access to these entities or obtain the influence required to coordinate the expansive effort he describes—to realize his vision "to scale this cybersecurity model across all 50 states through modular deployments that can be tailored to the needs of rural, urban, and high-density energy hubs." While the Petitioner has summarized his intention to interact with individuals and organizations that might be helpful or essential to advancing his endeavor, he has not provided evidence of contact with, or interest from, any of these parties. We further note that he has not identified sources of funding to support his endeavor or described what other resources would be necessary to pursue his endeavor. The record does not establish that he can plausibly pursue an endeavor of the broad scope he has described. The record does not establish that the Petitioner is well positioned to advance his proposed endeavor, as required by the second prong of *Matter of Dhanasar*.

Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating 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 demonstrated the national importance of the proposed endeavor or that he is well positioned to advance the endeavor. As the Petitioner has not met the requisite first and second prongs 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. The petition will remain denied.

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.