U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42727416

Date: MAY. 26, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a software 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 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 that the record did not establish that a waiver of the required job offer, and thus of a 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;
- 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

The Petitioner proposes to "design novel algorithms and architectures." SCOPS found that the Petitioner qualifies as a member of the professions holding an advanced degree.[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. For the reasons discussed below, we conclude the Petitioner has not established eligibility for a national interest waiver under the analytical framework set forth in *Dhanasar*.

SCOPS concluded that the Petitioner's proposed endeavor has substantial merit and that he is well positioned to advance it. SCOPS determined, however, that the Petitioner did not establish the proposed endeavor is of national importance, and that, on balance, it would benefit the United States to waive the job offer requirement. On appeal, the Petitioner contends that SCOPS mischaracterized and failed to properly analyze the evidence.

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.*

The Petitioner maintains that he submitted sufficient evidence to demonstrate the national importance of his proposed endeavor. He explains that he seeks to "design novel algorithms and architectures to enhance the efficiency, scalability and reliability of private cloud storage systems that can serve as foundational technologies for secure and high-performance computing in U.S. critical sectors." Specifically, the Petitioner states that he will develop "novel algorithms and system architectures that dramatically improve how private cloud storage performs and recovers." His process involves "identifying real-world infrastructure problems, investing novel techniques to solve them, validating those solutions in production, and then disseminating them to advance the field." The Petitioner submitted documents in support of his petition, including academic records, expert opinion and recommendation letters, a co-authored article, evidence of patents for co-designed innovations, as well as industry reports and articles. While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

The Petitioner indicates that he is currently employed as a software engineer at [redacted] He asserts that his role extends beyond "ordinary software-engineering duties and uniquely empowers deployment of [his] innovation end-to-end and measure impact under realistic workloads." He also states that once his new algorithms and system architectures are validated through practical application, he intends to "publish them as patents to impact the field." However, the record does not sufficiently demonstrate how the Petitioner intends to pursue the proposed endeavor independently of his current employment. In addition, the Petitioner does not establish how his proposed endeavor meaningfully differs from existing algorithms and system architects already used in the private cloud storage field.

[2] The Petitioner earned a master's degree in computer science from [redacted] in 2021.

The Petitioner states that his endeavor aims to "advance the field of private cloud storage systems by enhancing their efficiency, scalability, and reliability." To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement we look to evidence documenting the "potential prospective impact" of the Petitioner's work. The relevant question is not the importance of the field, industry, or profession in which the individual will work; instead, we focus on "the specific endeavor that the [petitioner] proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. In *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. Here, the Petitioner does not sufficiently explain or provide adequate evidence to demonstrate that his specific endeavor has had, or is likely to have impact that will rise to the level of national importance.

The Petitioner submitted letters which emphasize his contributions to the field. For example, one author notes that the Petitioner's contributions are of national importance because "private clouds underpin critical sectors in the United States." Another author states that the Petitioner's record "demonstrates sustained, original, and field-advancing contributions to private cloud storage systems, with immediate national-interest impact due to [redacted] wide deployment in critical sectors." Similarly, another author asserts that the Petitioner's work has "materially improved the reliability and availability of private cloud storage systems in critical sectors through [redacted] deployments, reducing outage impact and accelerating safe recovery." However, these letters do not offer sufficient, detailed, and concrete examples of how the Petitioner's endeavor has the potential for broad and measurable implications for the country beyond impacting his employer and its clients.

The Petitioner also submitted a letter from a software engineer who has closely worked with the Petitioner and has served as an architect and technical leader. The author states that he has "directly reviewed [the Petitioner's] designs and plans, and observed the impact his innovations have brought to the efficiency, scalability, and reliability of private cloud storage systems." The author also describes the Petitioner's innovations, including his independently designed algorithm and co-designed architectures. While we acknowledge the letter, the author does not sufficiently explain how the Petitioner's specific innovations stand to have an impact that extends beyond the company and its clients to influence the Petitioner's field of endeavor. In addition, the letter does not detail which aspect of the Petitioner's work is intended for dissemination outside of his employer.

The Petitioner further asserts that his work has been integrated into widely used products in the private cloud storage field and has produced tangible benefits across the U.S. critical sectors. He also asserts that his innovations have been published as patents and an article and have advance the field by "pushing the upper bound of private cloud storage systems," and that his work has "great potential to benefit other storage-system vendors through cross-licensing." However, the evidence does not sufficiently explain how these algorithms and system architects were created and whether they were developed during his employment with [redacted] which subsequently deployed the systems. As such, the record does not sufficiently establish the extent to which the claimed impact is attributable to the Petitioner independently, rather than to the activities of his employer.

Likewise, the Petitioner has not sufficiently demonstrated that his specific proposed endeavor's impact would extend beyond his employer to impact the field more broadly. "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,* F.5(D)(3), https://www.uscis.gov/policymanual. "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." *Id.*

The Petitioner declares that his endeavor will advance government priorities related to cloud computing initiatives by addressing efficiency and reliability of private cloud storage systems and that he will significantly reduce the hardware and operational costs for private cloud storage. As previously mentioned, in determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work. Instead, we focus on "the specific endeavor that the [petitioner] proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. 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, the Petitioner has not demonstrated that his undertaking offers benefits which extend beyond the community to impact the industry more broadly. Furthermore, alignment with general national goals, in and of itself, does not necessarily establish that the Petitioner's endeavor rises to the level of national importance. In this case, the record does not include adequate corroborating evidence, to show that the Petitioner's specific proposed endeavor offers broader implications in his field, enhancements to U.S. societal welfare, or substantial positive economic effects for the country that rise to the level of national importance.

Because the documentation in the record does not establish the proposed endeavor's national importance as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the second and third prongs outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor, and he does not meet the first prong of the *Dhanasar* analytical framework. Consequently, the Petitioner has not demonstrated that he is eligible for or merits a waiver of the job offer and labor certification requirements in the national interest 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.