U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40106833

Date: NOV. 6, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a software developer in the field of cybersecurity, seeks employment-based second preference (EB-2) immigrant classification as an individual of exceptional ability, 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 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;
- 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 claims to have "extensive expertise" in cybersecurity and proposes an endeavor in which he will operate and be the chief executive officer (CEO) of [redacted] a cybersecurity consulting firm that will offer "specialized services aimed at safeguarding sensitive digital information" by enhancing security systems particularly in the education, financial services, and personal data protection sectors. The Petitioner states that his endeavor is consistent with "national strategies to advance U.S. technological leadership and protect against threats to national security" and claims that the endeavor is "a pivotal contribution to the national effort in enhancing the cybersecurity framework across key sectors that are fundamental to the country's stability and growth."

SCOPS concluded that although the Petitioner established that his endeavor has substantial merit, he did not establish that: 1) the endeavor has national importance; 2) that he is well-positioned to advance that proposed endeavor; or 3) that it would be beneficial to the United States to waive the requirements of a job offer. We agree that the Petitioner has not established that his proposed endeavor has national importance and will dismiss the appeal accordingly.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. In *Dhanasar*, we noted that "we look for broader implications" such as an endeavor that 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 has repeatedly highlighted the various types of cybersecurity threats and vulnerabilities his company would address by offering "tailored services" that include risk assessment and cybersecurity policies and solutions. The Petitioner also claims that his company's services "are designed for nationwide scalability," arguing on appeal that SCOPS disregarded this critical element. We disagree and note that this assertion is premised primarily on the proposed endeavor's location. Namely, the Petitioner stresses his company's "proximity to [redacted]" as a key factor that he claims will enable his cybersecurity standards to "rapidly disseminate across the country and globally." However, the Petitioner has not provided evidence, either initially or on appeal, to show that his company's location will likely lead to national or global dissemination of his cybersecurity solutions thus making his endeavor nationally important. 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 places considerable emphasis on the importance of the cybersecurity field, stating that cybersecurity "is unequivocally recognized as a national priority." On appeal, the Petitioner argues that denial of his petition denotes SCOPS's "fundamental misunderstanding of the national cybersecurity landscape." However, the Petitioner has not offered sufficient evidence to demonstrate

that his proposed endeavor's prospective impact rises to the level of national importance. While we recognize the overall importance of cybersecurity professionals and the cybersecurity industry in general, simply working on an endeavor within that industry is insufficient to establish that the endeavor itself has national importance.

And although the Petitioner contends that SCOPS disregarded prior submissions that demonstrate his proposed endeavor's "substantial economic implications," he did not specify which submissions he claims were disregarded. Nor do the revenue and hiring projections in the Petitioner's business plan, which projects approximately $2.2 million in gross revenue in 2026 and 54 employees by the company's fifth year of operation, establish that the economic impact of the proposed endeavor would be substantial as the Petitioner claims. Even if sufficient basis were provided for the proposed endeavor's revenue and job creation projections, these figures do not establish that the Petitioner's company would operate on a scale rising to the level of national importance. Furthermore, while any basic economic activity has the potential to positively affect the economy to some degree, the Petitioner has not explained how his proposed employment metrics would have impact beyond his company's area of intended operations.

Further, the Petitioner contends that his cybersecurity consulting firm will "significantly benefit U.S. national interests by addressing major cybersecurity vulnerabilities affecting key national sectors." The evidence in the record does not support this assertion. In fact, the Petitioner's business plan states that his company's business model "prioritizes customization and adaptation to the unique needs of each client" and reveals a marketing strategy that "will be directed at winning customers" in the healthcare, education, and transportation sectors. These statements indicate that the endeavor will be client focused, and while those clients may be organizations operating within the three sectors the Petitioner plans to target, it is unclear how the endeavor will broadly impact those sectors, as opposed to more narrowly impacting the specific clients the Petitioner's company will serve.

The Petitioner also asserts that his company will offer "affordable and effective cybersecurity solutions" to small and medium enterprises (SMEs), thereby creating a "profound" ripple effect resulting from the prevention of financial loss to SMEs in the United States. However, without sufficient information or evidence regarding any projected U.S. economic impact or job creation directly attributable to the Petitioner's future work, the record does not show that benefits to the U.S. regional or national economy resulting from the proposed endeavor would reach the level of "substantial positive economic effects" as contemplated in *Matter of Dhanasar*. 26 I&N Dec. at 889. Further, the Petitioner has not demonstrated that his business would benefit an economically depressed area or impact the cybersecurity industry beyond his company and the customers it would serve.

In addition, the Petitioner refers to various federal cybersecurity initiatives that were previously submitted in his RFE response. He asserts that SCOPS "did not engage" with these "strategic alignments" thus constituting "a fundamental omission in the assessment process." We disagree. First, we note that not every piece of evidence must be specifically addressed for it to be considered. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it will not be required to specifically address each claim the Petitioner makes, nor is it necessary for it to address every piece of evidence the Petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013) (citing *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir.1992); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir.

1993). Second, the government initiatives the Petitioner referenced involve general cybersecurity themes, such as the National Institute of Standards and Technology's Cybersecurity Framework and the Cybersecurity and Infrastructure Security Agency's recognition of the importance of cybersecurity in safeguarding national security; these initiatives are not specific to the Petitioner and do not advance the Petitioner's claim about his proposed endeavor's national importance.

In light of the deficiencies discussed above, we find that the record does not demonstrate that the Petitioner's proposed endeavor has national importance as required by the first prong of the *Dhanasar* precedent decision, and therefore the Petitioner has not demonstrated eligibility for a national interest waiver. And because the identified basis for dismissal is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments concerning the two remaining prongs of the *Dhanasar* framework as well as the issue of the Petitioner's eligibility for the underlying EB-2 visa classification. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "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

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

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.