U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39679456

Date: OCT. 02, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an information security analyst, 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, an information security analyst, proposes to develop and deploy "a unified cybersecurity framework that integrates Data Loss Prevention (DLP), Insider Risk Management (IRM), and Artificial Intelligence (AI) to prevent data breaches, secure infrastructure, and meet federal cybersecurity standards." The Petitioner intends to initially work with mid-sized financial institutions to "develop compliance-driven administrative procedures and training tailored to each organization's needs." The Petitioner then intends to turn this framework to "other critical sectors like healthcare" and develop "a national model for secure AI deployment in line with the U.S. Roadmap for AI Policy and Executive Order 14179."

SCOPS determined the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining issue to be determined is whether the Petitioner has established a waiver of the requirements of a job offer, and thus a labor certification, would be in the best interest. SCOPS determined the Petitioner's proposed endeavor has substantial merit but that its national importance was not established under the first *Dhanasar* prong. In addition, SCOPS concluded the Petitioner did not demonstrate he is well-positioned to advance his proposed endeavor under the second *Dhanasar* prong and that, on balance, the Petitioner did not meet the third *Dhanasar* prong's requirements to show it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification.

A. Substantial Merit and National Importance

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.* As stated, SCOPS determined the Petitioner's proposed endeavor has substantial merit. We concur.

SCOPS concluded, however, that the Petitioner did not establish the national importance of his proposed endeavor as he did not demonstrate the prospective potential impact of his proposed endeavor would have broader implications to the overall field. SCOPS did not find that the Petitioner's proposed work as an information security analyst was sufficiently detailed to demonstrate it would have benefits extending beyond the company to impact the field more broadly. SCOPS also found the Petitioner did not establish his proposed endeavor would offer a level of employment that would have the potential to provide substantial positive economic effects to the region or nation.

On appeal, the Petitioner asserts that his petition should be properly assessed in alignment with statutory and legal precedents such as *Dhanasar*. The Petitioner contends SCOPS erred in narrowly categorizing his proposed endeavor as working as an information security analyst. The Petitioner asserts his job title "is not indicative of the entire scope of [his] proposed endeavor," which consists of "a versatile add-on capable of integrating with existing infrastructures without compromising the

functionality of current applications," by integrating DLP, IRM, and AI in a unified system, "an innovation that has not been broadly implemented in the cybersecurity field yet."

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* 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.

The record reflects that the Petitioner is currently employed with [redacted] LLC [redacted] as a security analyst, since 2022. An employment verification letter for the Petitioner with [redacted] indicates the Petitioner's duties include: designing and deploying DLP solutions, aligning business requirements with the technical implementation plan, planning and implementing security measures to protect information, developing policies to protect sensitive information, monitoring and evaluating data security systems, evaluating security tools, and providing knowledge transfer and training sessions for the company and its customer teams. The Petitioner and other record letters of support do not explicitly detail whether he intends to realize his proposed endeavor within his current employment as a security analyst at [redacted] Similarly, the letters from [redacted] do not address the Petitioner's current endeavor to develop a national model cybersecurity framework integrating DLP, IRM, and AI for application to mid-sized financial sectors and other sectors, such as healthcare. The letters from [redacted] further do not address whether the Petitioner's proposed endeavor aligns with his current security analyst duties or [redacted] customer base. As such, it is not clear whether the Petitioner intends to implement his proposed endeavor through [redacted] clients or in another capacity.

The Petitioner asserts that his proposed endeavor has national importance as it supports current U.S policy priorities, including Executive Order 14178, Executive Order 14028 as it relates to "improving national cybersecurity," and Executive Order 14179 as it relates to "American leadership in Artificial Intelligence." The Petitioner contends that the development and implementation of a novel unified framework in cybersecurity has the potential to influence the industry more broadly "as most of these tools operate separately in typical corporation security environments." The Petitioner also claims that that his endeavor's goal is to "change how cybersecurity works, thereby safeguarding financial institutions, securing critical assets, and advancing overall national security." We acknowledge the importance of these goals and how they implicate the fields of cybersecurity, finance, and national security. However, the determination of national importance does not focus on the importance of these fields in general, but rather "focuses on the specific endeavor that that the foreign national proposes to undertake." *Id.* at 889. Here, as stated, it is not clear how the Petitioner intends to implement his proposed endeavor. However, if the Petitioner intends to implement his proposed endeavor through [redacted] clients, through another employer, or in an entrepreneurial capacity, it appears the benefits of his endeavor would extend to the relevant company and the clients of said company. In addition, in asserting that the innovation he proposes "has not been broadly implemented in the cybersecurity field," the Petitioner implicitly acknowledges that his proposed endeavor is being applied in the field to some degree. The Petitioner does not explain how his proposed endeavor would be differentiated from these applications to impact the field at a level of national importance. Overall, the Petitioner does not sufficiently detail how his consultancy work would have a broader impact on the field, rising to the level of national importance.

On appeal, the Petitioner asserts his endeavor protects "key institutions that significantly impact the U.S. economy," but does not assert or otherwise demonstrate this impact would amount to substantial positive economic effects under this prong. The Petitioner also does not assert, and the record does not indicate, the proposed endeavor has significant potential to employ U.S. workers, including in an economically depressed area.

For the reasons discussed above, the Petitioner has not demonstrated the national importance of his endeavor.

B. Additional *Dhanasar* Prongs and Ineligibility

As our finding on this issue is dispositive of the Petitioner's appeal, we decline to reach and reserve whether the Petitioner has met the additional prongs of the *Dhanasar* framework. *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 the Petitioner has not demonstrated eligibility 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.