U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39889713

Date: OCT. 14, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a cybersecurity consultant, 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 Petitioner qualifies for classification as a member of the professions holding an advanced degree, but that he had not established 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 because the Petitioner did not establish that his proposed endeavor has national importance and thus, he did not meet the required first prong of the *Dhanasar* framework. *See Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). Because this identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding the remaining *Dhanasar* prongs. *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).

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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(K)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id.*

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

Id.

II. ANALYSIS

The record demonstrates that the Petitioner qualifies as a member of the professions holding an advanced degree.[2] Therefore, the remaining 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.

The Petitioner states that he is a recognized professional in information technology, cybersecurity, artificial intelligence and machine learning. In addition to his master of science degree in cybersecurity, he asserts that he has foreign degrees equivalent to a bachelor of science degree in accounting and an associate of applied science degree in information systems security. The Petitioner also asserts that he has more than 12 years of employment experience in cybersecurity and data protection. He describes his proposed endeavor as follows:

> My proposed endeavor is to create a novel AI-driven cybersecurity platform, [redacted] the first system of its kind tailored specifically for women in positions of power, authority, and entrepreneurship. This platform will provide innovative machine leaning [sic] algorithms and models that address gender-specific cyber threats, such as targeted harassment, social engineering, doxxing, and IP tracking, through secure messaging, AI-based threat detection, and privacy management across all digital communication channels.

With the initial filing the Petitioner submitted evidence of his education and experience as well as awards and certifications in cybersecurity. He submitted copies of his written works, including two

[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).
[2] The Petitioner holds a U.S. master of science degree in cybersecurity awarded in 2022.

articles that he authored on LinkedIn and two research articles on cybersecurity and artificial intelligence. The research articles do not include dates or publication information. He submitted a business plan and statement describing his proposed endeavor and claimed eligibility for a national interest waiver, evidence of his personal funds, and recommendation and support letters. The Petitioner also submitted letters from academic professionals and a private cybersecurity firm, stating their intent to collaborate with him on his proposed endeavor. The initial filing also included an undated document titled "MVP [Minimum Viable Product] for [redacted]." The document describes the technical framework for the Petitioner's proposed platform but does not list its author or provide additional context.

Following initial review, SCOPS issued a request for evidence (RFE), allowing the Petitioner an opportunity to submit additional evidence in attempt to establish his eligibility for the national interest waiver. The Petitioner's response to the RFE included an additional personal statement, an economic impact report, additional letters of support, a case study and update of the proposed endeavor's development, and copies of evidence already in the record.

After reviewing the Petitioner's RFE response, SCOPS determined that the Petitioner submitted sufficient evidence to demonstrate that his proposed endeavor has substantial merit. However, SCOPS concluded that the Petitioner had not demonstrated that his proposed endeavor has national importance, that he is well-positioned to advance the proposed endeavor, or that, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus of the labor certification. SCOPS stated that the record did not demonstrate that the Petitioner's proposed endeavor will have a regional or national impact at a level consistent with having national importance, or that the Petitioner's work will have broader implications in the field of cybersecurity. Additionally, SCOPS determined that the Petitioner did not demonstrate national interest factors such as the impracticality of a labor certification, the benefit of his prospective contributions to the United States, an urgent national interest in his contributions, the potential creation of jobs, or that his self-employment does not adversely affect U.S. workers.

On appeal, the Petitioner submits a brief and asserts that SCOPS made several inaccurate statements, did not give due regard to evidence in the record, and imposed "inappropriate standards" constituting an abuse of discretion. In his brief on appeal, the Petitioner references evidence already in the record and states that this evidence demonstrates by a preponderance of the evidence that he merits a national interest waiver.

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. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. As noted above, SCOPS determined that the Petitioner's proposed endeavor has substantial merit and we agree.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889. 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." *See Id.* 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.

The record includes the Petitioner's business plan, personal statements, and an economic impact report to explain the national importance of his proposed endeavor. The Petitioner's business plan states that his business, [redacted] will receive an initial capital investment of $60,000. The plan anticipates that the company will employ 20 employees by its fifth year. The plan also forecasts that, within five years, the company will have net sales of over $3 million and tax payments of over $2 million.

In his initial statement, the Petitioner stated that his proposed endeavor is of national importance because it offers digital security for women "who often hold key positions in business, government, and influential organizations, fortifying a critical line of defense against threats that can have sweeping implications for national security, economic stability, and public trust." In describing how his proposed endeavor will broadly impact the field of cybersecurity, the Petitioner stated that his platform "will act as a catalyst for broad industry adoption of gender-specific cybersecurity measures" and will "set a precedent for integrating cybersecurity within the larger context of personal and professional wellness." He stated that the platform "also improves societal welfare by promoting better online safety practices." He also stated that his proposed endeavor "aligns with and supports various executive orders and national initiatives that recognize the importance of cybersecurity, artificial intelligence, and women's empowerment."

In his second statement submitted in response to the RFE, the Petitioner elaborated on the national importance of his proposed endeavor. He stated that it has "implications for policymakers and technology developers," "supports U.S. competitiveness in the global security industry," and has economic implications in preventing cyberattacks that result in billion dollar losses each year. The Petitioner referenced the economic impact report, stating, "The proposed endeavor's economic impact is grounded in credible assumptions supported by contemporary research."

The economic impact report, prepared by Gewählt Consulting and dated April 2025, examines the economic implications of the Petitioner's proposed endeavor. The report states, "In 2023 alone, cybercrime cost the U.S. economy over $12.5 billion, with women in leadership comprising a significant and growing share of high-value targets." The report projects that, with an adoption level of 1%, the Petitioner's proposed endeavor will have 10% of estimated probability of "national influence with high replication" over a five-year period. The report then discusses the computational algorithm used to estimate these projections, described as a "Monte Carlo simluation." The report states, "A Monte Carlo simulation was conducted across 10,000 iterations to estimate the potential economic outcomes of implementing an AI-enhanced patient violence risk assessment system in U.S. hospitals." The report concludes that "even limited adoption of an AI-enhanced patient violence risk assessment system in U.S. hospitals can yield significant economic benefits." The report does not explain any correlation between the Petitioner's proposed endeavor in creating a gender-specific cybersecurity platform and a system for patient violence risk assessment in U.S. hospitals. Nor does the report elaborate on how the Petitioner's specific proposed endeavor will have a prospective impact

on the United States, including the national or global implications on cybersecurity, the potential to employ U.S. workers, or the positive economic effects.

As noted above, when determining national importance, we examine the Petitioner's specific proposed endeavor, rather than focusing on the importance of the industry or profession in which the individual will work. *See Matter of Dhanasar*, 26 I&N Dec. at 889; *see also* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual ("In determining national importance, the officer's analysis should focus on what the beneficiary will be doing rather than the specific occupational classification."). While we recognize the importance of increased and improved cybersecurity, merely working in an important field is insufficient to establish the national importance of the proposed endeavor. For example, the Petitioner has not submitted sufficient evidence specifically mentioning his work or discussing the government's interest in promoting the use of the Petitioner's work or his development of cybersecurity platforms, such that it has "national or even global implications within a particular field." *See Matter of Dhanasar*, 26 I&N Dec. at 889. The record lacks sufficient evidence showing that the Petitioner's proposed endeavor will help the United States to remain ahead of strategic competitors or current and potential adversaries , or that it may contribute to the United States achieving or maintaining technology leadership or peer status among its allies and partners. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual.

As also noted above, to establish national importance, the Petitioner must demonstrate the proposed endeavor's impact. *See Matter of Dhanasar*, 26 I&N Dec. at 890; *see also* 6 *USCIS Policy Manual* F.5(D)(3) https://www.uscis.gov/policy-manual ("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."). While we acknowledge the Petitioner's assertions in his personal statements that his proposed endeavor will impact the field of cybersecurity and improve societal welfare, these assertions are generalized claims without independent and objective substantiating evidence. The projections of the Petitioner's company's revenue and job creation as stated in the business plan are unsupported in the record. The evidence does not suggest that the Petitioner's skills differ from or improve upon those already available and in use in the United States. Nor does the evidence demonstrate that the use of the Petitioner's experience will reach beyond benefitting his own company and clients or have broader implications within the field of cybersecurity. The record does not establish that his proposed endeavor stands to impact the field as a whole.

On appeal, the Petitioner asserts that SCOPS did not fully consider all of his evidence, including the economic impact report, evidence of his invitations to judge the work of others in the field, proof of financial support, and evidence supporting the revenue and expense projections. The Petitioner does not explain on appeal how evidence of his financial support or that he has judged the work of others demonstrates the national importance of his proposed endeavor. Nor does the Petitioner identify the evidence in the record that supports the revenue and expense projections in the business plan. As noted above, the business plan does not cite to any reference that supports these projected figures.

As discussed above, the economic impact report relies on data from an analysis of a different endeavor, a system for patient violence risk assessment in U.S. hospitals. The report does not discuss any analysis based on the Petitioner's proposed endeavor of creating a gender-specific cybersecurity platform. Where an opinion is not in accord with other information or is in any way questionable,

USCIS is not required to accept it or may give it less weight. *See Matter of Sea, Inc.*, 19 I&N Dec. 817 (Comm'r 1988).

On appeal, the Petitioner asserts that SCOPS erred in referencing a different petitioner, business plan and proposed endeavor in the RFE. He further asserts that SCOPS inaccurately stated in the decision that he submitted various articles discussing the importance of artificial intelligence. While we acknowledge SCOPS' errors, because SCOPS otherwise determined that the record also did not establish the Petitioner's proposed endeavor would result in broader implications commensurate with national importance, and we agree with this conclusion, we conclude that this error was not material to the decision, nor does it warrant a remand. *See generally Matter of O-R-E-*, 28 I&N Dec. at, 350 n.5 (citing *Japarkulova v. Holder*, 615 F.3d 696, 701 (6th Cir. 2010) (stating that error is harmless where there is no "reason to believe that . . . remand might lead to a different result" (citation omitted))). Moreover, on appeal the Petitioner does not establish that the evidence in the record shows that his *specific endeavor* is of national importance. It is not enough to generally assert errors in a decision; the Petitioner must also establish that they were prejudiced by any claimed errors. Errors can be overlooked when they had no bearing on the substance of an agency's decision. *See e.g., Aguilar v. Garland*, 60 F.4th 401, 407 (8th Cir. 2023) (citing *Prohibition Juice Co. v. United States Food & Drug Admin.*, 45 F.4th 8, 24 (D.C. Cir. 2022)).

The Petitioner continues to rely upon the asserted merits of the services he will provide, his personal and professional qualities and achievements, and the importance of cybersecurity as a national initiative. However, as set forth above, the evidence does not sufficiently demonstrate the proposed endeavor's national importance. Therefore, we conclude that the Petitioner has not met the requisite first prong of the framework set forth in *Matter of Dhanasar*, 26 I&N Dec. 884.

As the Petitioner has not established the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* framework, he is not eligible for a national interest waiver and further discussion of the balancing factors under the second and third prongs would serve no meaningful purpose. As noted above, we reserve the Petitioner's appellate arguments regarding the two remaining *Dhanasar* prongs.[3] *See INS v. Bagamasbad*, 429 U.S. at 25.

[3] Even if we had addressed the remaining issues, we still would have dismissed this appeal. As noted above, SCOPS concluded that, although the proposed endeavor has substantial merit, the Petitioner did not establish its national importance, that he was well-positioned to advance the proposed endeavor, or that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. On appeal, the Petitioner references the same supporting evidence submitted with the original petition and RFE response and does not provide any new evidence. SCOPS fully addressed the previously submitted evidence and explained how it was deficient in establishing that the Petitioner met the three *Dhanasar* factors and would be eligible for a national interest waiver. The Petitioner's assertions on appeal do not establish that he meets all of the three *Dhanasar* prongs.

III. CONCLUSION

As the Petitioner has not met all of the requisite three prongs set forth in the *Dhanasar* analytical framework, we conclude that he has not established 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.