U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39375365

Date: SEP. 30, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a computer network architect, 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 although the Petitioner qualified as an advanced degree professional, she 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.

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 Petitioner's proposed endeavor is to "develop and implement scalable software systems that enhance operational efficiency, improve accuracy, and strengthen cybersecurity across industries." The Petitioner further states that her endeavor "focuses on driving innovation in the United States telecommunications and critical infrastructure by implementing advanced, automated network management and cybersecurity solutions." She explains that she will assume her proposed endeavor through her current employer but that she is "open to seek[ing] other employment opportunities and roles that provide a better platform to bridge the identified gaps and shortcomings within the industry."

A. EB-2 Classification

The Petitioner submitted her Master of Science degree in Information Systems from [redacted] along with her transcripts. SCOPS determined that the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether she qualifies for and merits a waiver of the job offer requirement in the national interest.

B. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Id.* The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* SCOPS determined that the Petitioner's proposed endeavor was of substantial merit, and we agree. However, SCOPS concluded the Petitioner did not establish that her proposed endeavor has national importance.

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we noted that, in assessing national importance, "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.* at 890. 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.*

[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 appeal, the Petitioner asserts that the record contains "abundant evidence" in support of national importance and that SCOPS erroneously imposed a "national in scope" standard from *Matter of New York State Department of Transportation (NYSDOT)*, 22 I&N Dec. 215 (Act. Assoc. Comm'r 1998), which was vacated by our precedent decision in *Matter of Dhanasar*.

To the extent SCOPS indicates a proposed endeavor must be national in scope, we withdraw those portions of SCOPS' decision. Nevertheless, we agree with SCOPS that the record does not establish that the Petitioner's proposed endeavor is of national importance under the *Dhanasar* framework as discussed below.[2]

The Petitioner asserts her proposed endeavor has national importance because it aligns with U.S. government priorities and initiatives in technology and security. She asserts that SCOPS disregarded detailed evidence that her work directly advances key federal priorities from the National Institute of Standards and Technology, the National Telecommunications and Information Administration, and the Federal Communications Commission for artificial intelligence driven network automation and next generation telecommunications security. The Petitioner highlights that in response to SCOPS' request for evidence she submitted 17 articles and reports from government agencies and industry sources as evidence that her endeavor falls within these national initiatives. While they attest to the importance of these topics, these articles do not discuss the Petitioner's proposed endeavor. Our assessment of national importance does not focus on the importance of a field or issues impacting a field in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889.

The Petitioner also claims SCOPS failed to give due weight to the letters of support from her current and former colleagues. The Petitioner states that these letters show how her "software innovations benefitted major U.S. telecommunications providers, thereby impacting millions of end users across the nation" and that "[b]y improving a core network system for a national telecom operator, [she] is *by extension* benefiting users and businesses on a national scale." (Emphasis on original). Upon review, we note that the letters largely praise the Petitioner's past work but do not specifically address her proposed endeavor. For instance, most of the letters discuss the projects the Petitioner has worked on with her current employer and conclude that her contributions will benefit the United States. However, the letters do not detail how the Petitioner's specific proposed endeavor would have such a broad implication on her field.

Moreover, the letters focus mostly on her experience, expertise, and knowledge in the field. For example, one letter states that the Petitioner's "exceptional expertise, pioneering contributions, and leadership in telecommunications security and automation make her an indispensable asset to the United States." Another letter states her "exceptional technical acumen, longstanding achievements, and commitment to advancing telecom infrastructure directly serve the interests of the United States." While we acknowledge the Petitioner's experience and expertise as discussed in the record, this does not establish the national importance of her work as it does not speak to the prospective impact of the proposed endeavor. While past experience can be persuasive for prong two analysis, whether the Petitioner is well-positioned to advance the proposed endeavor, it does not sufficiently establish a claim of national importance. *Id.* at 890.

[2] While we do not discuss every piece of evidence individually, we have reviewed and considered each one.

III. CONCLUSION

Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* test, we need not address her eligibility under the remaining prongs, and we hereby reserve them. *See INS v. Bagamasbad,* 429 U.S. at 25; *see also Matter of L-A-C-*, 26 I&N Dec. at 526 n.7. The burden of proof is on the Petitioner to establish that she meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-376. The Petitioner has not done so here and, therefore, we conclude that she has not established eligibility for 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.