



July 29, 2025

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Texas Service Center  
6046 N Belt Line Rd STE 172  
Irving, TX 75038-0015



**U.S. Citizenship  
and Immigration  
Services**

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IOE093222383



A249-037-980

RE: LIANG XING WONG  
I-140, Immigrant Petition for Alien Worker

**REQUEST FOR EVIDENCE**

**\*\*PREMIUM PROCESSING\*\***

**IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER. THE ORIGINAL NOTICE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.**

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence listed on the attached page(s). Include duplicate copies if you are requesting consular notification.

**Your response must be received in this office by October 24, 2025.**

Please note that you have been allotted the maximum period allowed for responding to an RFE. The time period for responding cannot be extended. 8 Code of Federal Regulations (8 CFR) 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. See 8 CFR 103.2(b)(11).

If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must certify that the translation is accurate and they are competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.**

Processing of your I-140 will resume upon receipt of your response. If you have not heard from

USCIS within **45 days of responding**, you may contact the USCIS Contact Center at **1-866-315-5718**. If you are hearing impaired, please call the USCIS Contact Center TDD at **1-800-767-1833**.

Reference is made to this Form I-140, Immigrant Petition for Alien Worker, seeking classification as a member of the professions holding an advanced degree and an exemption from the requirement of a job offer, and thus of a labor certification, in the national interest of the United States for LIANG XING WONG (petitioner and beneficiary), filed on his/her own behalf. The priority date for this petition is June 2, 2025.

The beneficiary intends to work as a Cybersecurity Researcher.

In order to establish eligibility, the petitioner must establish that:

- The beneficiary qualifies for the requested classification; and
- An exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States.

### **I. ELIGIBILITY FOR THE REQUESTED CLASSIFICATION**

The first issue in this case is whether the beneficiary is eligible for classification as an individual of exceptional ability or member of the professions holding an advanced degree.

#### **E21 EXCEPTIONAL ABILITY**

The E21 immigrant classification applies to individuals who are members of the professions holding advanced degrees or individuals of exceptional ability in the sciences, arts or business. When seeking consideration as an individual of exceptional ability, it must be demonstrated that the individual possesses a degree of expertise significantly above that ordinarily encountered in the sciences, arts or business.

A two-part analysis is used to determine whether the beneficiary has exceptional ability in the sciences, arts, or business.

- First, we determine whether the petitioner has submitted evidence to qualify under at least three of the criteria required for this classification.
- Second, we determine whether the petitioner has submitted evidence demonstrating that the beneficiary possesses a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

All evidence submitted should address both parts of the analysis. A discussion follows addressing the evidence you have provided with the petition.

(i) An official academic record showing that the beneficiary has a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability;

Evidence received with the initial filing included a Bachelor's degree in Information Technology Games and Entertainment Design from the University of South Australia. However, USCIS is unable to determine how this degree related to the area of exceptional ability, since a defined proposed



endeavor has not been provided. Therefore, this criterion has **not** been met.

(ii) Evidence in the form of letter(s) from current or former employer(s) showing that the beneficiary has at least ten years of full-time experience in the occupation for which he or she is being sought;

Evidence received with the initial filing included an employment letter from Laguna Labs. However, this letter does not demonstrate that the beneficiary has at least ten years of full-time experience in the occupation for which he or she is being sought. Therefore, this criterion has **not** been met.

(iii) A license to practice the profession or certification for a particular profession or occupation;

You have provided no evidence for this criterion. Therefore, this criterion has **not** been met.

(iv) Evidence that the beneficiary has commanded a salary, or other remuneration for services, which demonstrates exceptional ability;

You have provided no evidence for this criterion. Therefore, this criterion has **not** been met.

(v) Evidence of membership in professional associations;

You have provided no evidence for this criterion. Therefore, this criterion has **not** been met.

(vi) Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.

Evidence received with the initial filing included various certificates/awards, education, and evidence of experience letters issued to the beneficiary. However, while the certificates, experience and letters fully support the beneficiary and his past work, they do not establish a significant contribution to the industry. Therefore, this criterion has **not** been met.

Upon review, the beneficiary has not met at least three of the criteria. As such, USCIS is affording the petitioner the opportunity to submit additional evidence to establish that the beneficiary meets the regulatory criteria. The response to this request should address the insufficiencies articulated by USCIS in this request. Additionally, meeting the minimum regulatory criteria outlined above, alone will not establish eligibility for the E21 immigrant classification. Any evidence submitted in response to this request, should also articulate how the evidence establishes that the beneficiary possesses the required level of expertise for the E21 immigrant classification. Establishing eligibility for the level of expertise required for the E21 immigrant classification is based on the beneficiary possessing a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

When ultimately making a final decision regarding eligibility, we will:

- First evaluate the evidence on an individual basis to determine if it meets the criteria, as discussed in part one; then,
- Consider all of the evidence in totality in making the final merits determination. The final merits determination will determine if the beneficiary possesses a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

You may submit any available additional documentary evidence and/or further documentary evidence to demonstrate how the record shows the beneficiary meets the regulatory criteria as discussed above.

**Please note, the evidence must:**

- Have been in existence as of the date the petition was filed; and

- Demonstrate that the beneficiary possesses a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

This is the petitioner's opportunity to meet their legal burden of proof to establish eligibility in all respects. Whenever any person makes an application for an immigration benefit, they shall bear the burden of proof to establish eligibility for the benefit sought. Therefore, the petitioner must prove, by a preponderance of the evidence, in other words, that it is more likely than not, that the beneficiary is fully qualified for the benefit sought. Accordingly, the decision will be based on the initial evidence submitted upon filing and all additional evidence submitted in response to this request.

## **E21 ADVANCED DEGREE**

Title 8, Code of Federal Regulations (C.F.R.), Section 204.5(k)(2) defines advanced degree to mean the following:

Any United States academic or professional degree or a foreign equivalent degree above that of a baccalaureate. A United States baccalaureate degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a masters' degree. If a doctoral degree is customarily required by the specialty, the alien must have a United States doctorate or a foreign equivalent degree.

Title 8, Code of Federal Regulations, Section 204.5(k)(3)(i) states that: To show that the alien is a professional holding an advanced degree, the petition must be accompanied by:

- (A) An official academic record showing that the alien has a United States advanced degree or a foreign equivalent degree; or
- (B) An official academic record showing that the alien has a United States baccalaureate degree or a foreign equivalent degree, and evidence in the form of letters from current or former employer(s) showing that the alien has at least five years of progressive post-baccalaureate experience in the specialty.

After evaluation of the evidence provided with the initial petition, USCIS finds that the beneficiary has **NOT** supplied sufficient evidence to support that they hold the required advanced degree or a baccalaureate degree and at least five years of progressive post-baccalaureate experience in the specialty. You have provided a copy of your Bachelor of Information Technology in Games and Entertainment Design from the University of South Australia. You also included an employment letter from Laguna Labs. However, the submitted evidence does not provide an academic evaluation nor does it provide evidence to demonstrate that the beneficiary has at least five years of progressive post-baccalaureate experience in the specialty.

In order to show an individual holds an advanced degree, the petition must be accompanied by "[a]n official academic record showing that the alien has a United States advanced degree or a foreign equivalent degree." 8 C.F.R. § 204.5(k)(3)(i)(A). Alternatively, the Petitioner may present "[a]n official academic record showing that the alien has a United States baccalaureate degree or a foreign equivalent degree, and evidence in the form of letters from current or former employer(s) showing that the alien has at least five years of progressive post-baccalaureate experience in the specialty." 8 C.F.R. § 204.5(k)(3)(i)(B).

If the beneficiary completed education outside the United States, please also submit a detailed advisory evaluation of the beneficiary's credentials. This evaluation is necessary to determine the level and major field of the education in terms of equivalent education in the United States. An acceptable



evaluation should:

- Consider formal education only, and not practical training or experience;
- Specify the type of educational institution that conferred the credential;
- Provide a detailed explanation of the evaluated material, rather than a simple conclusive statement; and
- Briefly state the evaluator's qualifications and experience

Please ensure all foreign language documents must have a complete English translation. In addition, the translator must certify that:

- The translations are accurate and complete; and
- He or she is competent to translate from the foreign language into English.

Thus, it appears the beneficiary does NOT qualify for the E21 classification with an advanced degree.

## **II. NATIONAL INTEREST WAIVER**

USCIS has designated *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016) ("*Dhanasar*") as a precedent decision. That decision rescinded the earlier precedent decision, *Matter of New York State Dep't of Transp.* ("NYSDOT"), 22 I&N Dec. 215 (Acting Assoc. Comm'r 1998), regarding national interest waivers under Section 203(b)(2)(B)(i) of the Immigration and Nationality Act, and introduced a new three-prong test for determining eligibility. Under *Dhanasar*, USCIS may grant a national interest waiver as a matter of discretion if the petitioner demonstrates by a preponderance of the evidence that:

- The beneficiary's proposed endeavor has both substantial merit and national importance;
- The beneficiary is well positioned to advance the proposed endeavor; and
- On balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification.

If these three elements are satisfied, USCIS may approve the national interest waiver as a matter of discretion.

The initial filing included the following evidence:

- Beneficiary's brief;
- Beneficiary's education documents;
- Evidence of beneficiary's experience;
- Beneficiary's resume;
- Numerous awards issued to the beneficiary;
- Industry articles/documents relating to area of endeavor;

The evidence does not establish that the beneficiary's proposed endeavor has both substantial merit and national importance, the beneficiary 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 a labor certification. **Therefore, USCIS requests additional evidence. With respect to additional evidence, all evidence supplied must have been in existence as of the date the petition was filed.**

While USCIS may not discuss every document submitted, USCIS has reviewed and considered each one. When USCIS provides a reasoned consideration to the petition, and has made adequate findings, it is not required to specifically address each claim the petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir.1992); *affd Morales v.INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009).

### **Dhanasar Prong 1 - Substantial Merit and National Importance**

While USCIS agrees that working in the field of cybersecurity could be of substantial merit, you have not clearly established exactly what your proposed endeavor is, making it difficult to determine if the proposed endeavor itself, is of substantial merit. Additionally, you submitted insufficient evidence to establish that the endeavor is national in scope. To evaluate whether the proposed endeavor satisfies the substantial merit and national importance requirement, USCIS looks to evidence for the "potential prospective impact" of the beneficiary's particular undertaking. In determining substantial merit and national importance, the relevant question is not the importance of the industry or profession in which the individual will work; instead, USCIS will focus on the "the specific endeavor that the foreign national proposes to undertake." *See Matter of Dhanasar, supra*. In *Dhanasar*, USCIS noted that USCIS "look[s] 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.* USCIS 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. While the waiver precludes the requirement of a specific job offer, it does not preclude the need to define a specific endeavor. USCIS finds that the beneficiary's proposed endeavor meets the substantial merit requirement of the first prong of *Dhanasar*. However, the beneficiary has failed to establish the national importance of their proposed endeavor.

Beneficiary's brief asserts,

*"In the United States, I intend to continue my independent cybersecurity research and consulting work, focusing on smart contract security, DeFi fraud mitigation, and blockchain infrastructure risk analysis. This includes the development of forensic tools and open-source frameworks designed to detect, investigate, and prevent financial fraud on blockchain networks such as Ethereum and Polygon, which are commonly used in U.S.-linked digital asset markets.*

*My proposed endeavor involves engaging with public information, protocol documentation, and industry standards to advance tools and techniques that improve security in decentralized systems. I aim to publish threat analyses, enhance MEV resistance frameworks, and share audit methodologies that may help strengthen investor protection in open financial protocols.*

*I may also seek opportunities to collaborate on a voluntary or informational basis with U.S.-based technical communities, open-source projects, or organizations committed to the secure development of decentralized finance systems. While I have no job offer or contractual arrangement with any U.S. institution, my intention is to contribute to a domain of clear public relevance.*



*Given the rapid growth of blockchain-based financial crime and the relatively small global pool of individuals capable of performing low-level protocol auditing and exploit intervention, I believe my continued work can serve the U.S. national interest. In light of the technical specialization, independent nature, and policy alignment of my contributions. I respectfully request that the labor certification requirement be waived."*

However, while USCIS agrees that working in this field is of substantial merit, these statements do not present a clear and specific proposed endeavor.

Continuing employment in ones' position, field or industry is not an endeavor sufficient to evaluate under this analytical framework. In *Dhanasar*, North Carolina Agricultural and Technical State University ("North Carolina A&T") employed the beneficiary as a Postdoctoral Research Associate and the petitioner worked in the air and space propulsion systems field. *Matter of Dhanasar*, 26 I&N Dec. 884, 891 (AAO 2016). His proposed endeavor was to "continue research into the design and development of propulsion systems for potential use in military and civilian technologies such as nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles." *Id.* Furthermore, there is no evidence of these claims, or that any of these entities are interested in working with the beneficiary to carry out his endeavor. Simply going on record without supporting substantive evidence to support assertions, is not sufficient in these proceedings. See *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (BIA 1972).

The term "endeavor" is more specific than the general occupation; a beneficiary should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation. For example, while engineering is an occupation, the explanation of the proposed endeavor should describe the specific projects and goals, or the areas of engineering in which the person will work, rather than simply listing the duties and responsibilities of an engineer.

As stated above, it is not the "field" or "area of intended employment" which makes the proposed endeavor of substantial merit or national importance, it is the specific endeavor which the beneficiary intends to undertake. Further, while the beneficiary states his intention of working in a professional capacity in the industry, this does not clarify a specific endeavor, nor does it explain how working in the field is of national importance. Just because an individual has knowledge and expertise in an industry, it does not automatically qualify their proposed endeavor as nationally important.

The beneficiary has not submitted evidence that their services, procedures, or techniques are unusual or novel, or that they are offering a service that will impact the industry more broadly. The record does not reflect that the beneficiary's practices, methods, or approaches have or will impact the industry as a whole, such that it can be concluded that the proposed endeavor will have national importance. In this case, the beneficiary has not demonstrated that their proposed endeavor stands to sufficiently extend beyond their self-employment, or customers to impact the industry, or the U.S. economy more broadly at a level commensurate with national importance. As the beneficiary's endeavor is vague, the potential prospective impact of the endeavor has not been established. There was no evidence submitted which supports that their endeavor will rise to the level of national importance. In *Dhanasar*, we 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 petitioner submitted various industry articles to support the national importance of the beneficiary's proposed endeavor. While these topics, orders, articles, and fact sheets relate to certain elements involved in the beneficiary's proposed endeavor as a whole, they do not discuss the beneficiary's specific endeavor. Indicating that the beneficiary's proposed endeavor aligns with these topics, orders, articles, and fact sheets, among other concepts and factors, is far too all-encompassing to be relevant to the beneficiary's endeavor. Furthermore, while we agree that all of these topics, orders, articles, and fact sheets are important to the economy, the United States population, and government, the beneficiary has not established how their individual endeavor, to work as a Cybersecurity Researcher, will rise to the level of national importance.

While the beneficiary's activities may add to the positive cumulative effect in the United States, there was no evidence submitted which supports that the beneficiary's endeavor will rise to the level of national importance. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to his future work, the record does not show that benefits to the U.S. regional or national economy resulting from his activities would reach the level of substantial positive economic effects. A review of the beneficiary's evidence does not clarify his proposed endeavor as to where or how he will carry out his endeavor, nor does it persuasively establish the endeavor's national importance. It appears the beneficiary's proposed endeavor does not stand to sufficiently extend beyond his employer to impact the United States more broadly at a level commensurate with national importance. The beneficiary has not demonstrated that their endeavor has the potential to employ a significant number of U.S. workers or provide any other positive economic or cultural impact on our nation. Accordingly, the beneficiary's proposed endeavor does not meet the first prong of the *Dhanasar* framework.

Lack of detailed information and the petitioner's general conclusionary assertions without supporting documentation impede our ability to determine whether the proposed endeavor is of national importance. See *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (holding that statements made without supporting documentation are of limited probative value and are not sufficient to meet the burden of proof in immigration proceedings); see also *1756, Inc. v. The Attorney General of the United States*, 745 F. Supp. 9, 15 (D.C. Dist. 1990) (stating that USCIS need not accept primarily conclusionary assertions). Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to their future work, the record does not show that benefits to the U.S. regional or national economy resulting from the beneficiary's projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. Id. at 890.

Please submit evidence to establish that the beneficiary's proposed endeavor has substantial merit and national importance. This evidence must demonstrate the endeavor's potential prospective impact.

Evidence to establish that the beneficiary's proposed endeavor has substantial merit and national importance consists of, but is not limited to, the following:

- A detailed description of the proposed endeavor and why it is of substantial merit and national importance,
- Documentary evidence that supports the petitioner's statements and establishes the endeavor's substantial merit and national importance. Such evidence must demonstrate the endeavor's potential prospective impact, and may consist of, but is not limited to, evidence showing that the proposed endeavor:
  - Has national or even global implications within a particular field;
  - Has significant potential to employ U.S. workers or has other substantial positive





economic effects, particularly in an economically depressed area;

- Will broadly enhance societal welfare or cultural or artistic enrichment; and
- Impacts a matter that a government entity has described as having national importance or is the subject of national initiatives.

### ***Dhanasar* Prong 2- Well positioned to advance the proposed endeavor**

The second prong shifts the focus from the proposed endeavor to the foreign national. To determine whether the petitioner is well positioned to advance the proposed endeavor, we consider factors including, but not limited to:

- The individual's education, skills, knowledge and record of success in related or similar efforts;
- A model or plan for future activities;
- Any progress towards achieving the proposed endeavor; and
- The interest of potential customers, users, investors, or other relevant entities or individuals.

USCIS will examine the factors set forth in *Dhanasar* to determine whether, for instance, the individual's progress towards achieving the goals of the proposed endeavor, record of success in similar efforts, or generation of interest among relevant parties supports such a finding. *Id.* at 890. The petitioner has not sufficiently demonstrated that the beneficiary's past work constitutes a record of success or progress in advancing the proposed endeavor.

While USCIS acknowledges the beneficiary's education, the evidence does not establish that the beneficiary has shown that their academic accomplishments by themselves are sufficient to demonstrate that they are well positioned to advance their proposed endeavor. In *Dhanasar*, the record established that the beneficiary held multiple graduate degrees including "two master of science degrees, in mechanical engineering and applied physics, as well as a Ph.D. in engineering." *Id.* at 891. We look to a variety of factors in determining whether a beneficiary is well positioned to advance their proposed endeavor and education is merely one factor among many that may contribute to such a finding.

Not every individual who possesses the necessary educational and professional credentials and who has worked in the field will be found to be well positioned to advance the proposed endeavor. USCIS acknowledges the evidence submitted with respect to the claim that the beneficiary is well-positioned to advance their proposed endeavor, such as, their personal statement, education credentials, and certificates/awards. However, the evidence submitted to establish that the beneficiary qualifies under the well-positioned prong, while relevant to factors that can be considered as supportive to the beneficiary's claims, has not established that the beneficiary is well-positioned to advance their proposed endeavor, or the interests of the United States. USCIS notes that a beneficiary may be well positioned to advance the endeavor even if there is no certainty that the proposed endeavor will be a success. The evidence provided with this instant petition merely demonstrates that the beneficiary has the qualifications to pursue their endeavor, not that their experience and/or accomplishments have influenced the field as a whole.

USCIS notes that conducting activities such as maintaining professional memberships/licenses, competently performing one's job duties, completing continuing educational courses or professional development programs and participating in meetings, projects, or attending professional conferences

are all routine and expected in professional communities. The beneficiary has not shown that he has influenced the field beyond the normal expectations of a professional with some experience in the field. The evidence of record is not sufficient to demonstrate that the petitioner's past work has affected his field beyond his employer's operations and business partnerships, clients, or that he has otherwise been integral to advancing methodologies, innovations or techniques that have garnered significant interest in his industry. The beneficiary has not demonstrated with material, relevant, and probative evidence that they are well-positioned to advance their proposed endeavor.

While USCIS agrees that the beneficiary has experience in the industry, however, you have not submitted sufficient evidence to establish interest from other qualified individuals in the field, users, investors, or other relevant third-party entities or individuals which would indicate furtherance of the endeavor. No evidence has been provided of financial support or interest in your future projects. The evidence should demonstrate a generation of interest from relevant parties which supports a finding that he is well positioned to advance his endeavor, and you have provided no such evidence. Although the beneficiary has stated his intentions of working with U.S. entities, there is no evidence that any of those agencies/organizations are seeking out to work with the beneficiary on carrying out his endeavor. The beneficiary has not submitted evidence to establish they have a model or plan for their future endeavor, or evidence that they have made any progress toward achieving the proposed endeavor. The National Interest Waiver is not intended to grant individuals time to conduct a job search or start up their own business. It is meant for those who stand out among their peers and are already being sought out for their particular expertise.

It appears that the beneficiary's proposed endeavor would include starting their own company or conducting a job search. While a job offer is not necessary for a national interest waiver, the evidence should demonstrate a generation of interest from relevant parties which supports a finding that the beneficiary is well positioned to advance their endeavor. The record of evidence does not contain sufficient documentary evidence that the beneficiary has parties interested in hiring them or investing in their company. In addition, there has been no documentation reflecting feasible plans for financial support venture capital firms, angel investors, or start up accelerators in amounts appropriate to the relevant endeavor. The beneficiary did not submit any evidence of how he will be able to afford his endeavor to include his living expenses.

The certificates/awards supplied as evidence build upon the beneficiary's knowledge in his previous positions they do not establish that he is well positioned to advance the proposed endeavor. These certificates may suggest that they were given to him for excellence in the field of endeavor or that their primary purpose was to recognize excellence in the field—regardless, such awards are not noteworthy in the field. Nor are fellowships or any type of student awards. It is noted that for consideration of the National Interest Waiver, an advanced degree or exceptional ability (each option allowing for 5-10 years of qualifying experience) is the preliminary qualification. Thus education/experience alone is generally not sufficient to establish that one well positioned to advance a proposed endeavor but are some of several factors considered. Not every educated and experienced professional will be found well positioned to advance a proposed endeavor.

While USCIS acknowledges your education, experience and certificates you submitted, you have not provided a solid model and plan for future activities. You have not submitted documentation reflecting feasible plans for financial support. Additionally, you have not supplied contracts or evidence of interest from a government entity or evidence of awards, grants, or other indications of relevant non-monetary support (for e.g., using facilities free of charge, etc.) from Federal, State, or local government entities with authority over the field of endeavor. Again, the National Interest Waiver is not intended to grant individuals time to conduct a job search or for them to start up their own



business. It is meant for those who stand out among their peers and are already being sought out for their particular expertise.

You have not sufficiently established that the beneficiary's previous work renders him well positioned to advance his proposed endeavor. The evidence does not support projections of future work that would serve the national interest of the United States. No evidence has been provided of financial support or interest in your future projects. The evidence submitted lacks relevant, probative, and credible information about your support (financial or otherwise). Overall, the beneficiary has not established they are well positioned to advance their proposed endeavor as required by the second prong of *Dhanasar*.

Please submit evidence to establish that the beneficiary is well positioned to advance the proposed endeavor.

Evidence which best establishes that the beneficiary is well positioned to advance the proposed endeavor will document the beneficiary's qualifications (skills, experience and track record), support (financial and otherwise) and commitment (plans and progress) to drive the endeavor forward, and will support projections of future work in the proposed endeavor. USCIS may consider factors including, but not limited to, the following:

- A model or plan for future activities:
  - To show a model or plan for future activities, the petitioner may submit one or more pieces of evidence from the following non-exhaustive list:
    - ▢ A plan describing how the beneficiary intends to continue his or her work in the United States;
    - ▢ A detailed business model, when appropriate;
    - ▢ Correspondence from prospective/potential employers, clients or customers; and
    - ▢ Documentation reflecting feasible plans for financial support.
- Any progress towards achieving the proposed endeavor:
  - To show progress towards achieving the proposed endeavor, a petitioner may submit one or more pieces of evidence from the following non-exhaustive list:
    - ▢ Evidence of grants the beneficiary has received listing the amount and terms of the grants, as well as the grantees;
    - ▢ Copies of contracts, agreements, or licenses resulting from the proposed endeavor or otherwise demonstrating the beneficiary is well positioned to advance the proposed endeavor;
    - ▢ Evidence of achievements that the beneficiary intends to build upon or further develop (including the types of documentation listed under "beneficiary's education, skills, knowledge, and record of success in related or similar efforts"); and
    - ▢ Evidence demonstrating the beneficiary has a leading, critical or indispensable role in the endeavor.
- The interest of potential customers, users, investors, or other relevant entities or individuals:

- To show interest of potential customers, investors, or other relevant individuals, a petitioner may submit one or more pieces of evidence from the following non-exhaustive list:
  - ▣ Letters from a government entity demonstrating its interest in the proposed endeavor;
  - ▣ Evidence that the beneficiary has received investment from U.S. investors, such as venture capital firms, angel investors, or start-up accelerators, in amounts that are appropriate to the relevant endeavor;
  - ▣ Evidence demonstrating how the beneficiary's work is being used by others, such as:
    - ▣ Contracts with companies using products, projects, or services that the beneficiary developed or assisted in developing;
    - ▣ Documents showing licensed technology or other procedural or technological advancements developed in whole or in part by the beneficiary and relied upon by others; and
    - ▣ Patents or licenses awarded to the beneficiary with documentation showing why the particular patent or license is significant to the field.
- Other evidence that the beneficiary is well-positioned to advance the endeavor.

Note: The beneficiary may be well positioned to advance the endeavor even if there is no certainty that the proposed endeavor will be a success. However, unsubstantiated claims are insufficient and would not meet the petitioner's burden of proof.

***Dhanasar* Prong 3 - On balance, is it beneficial to the United States to waive the requirements of a job offer and thus a labor certification**

Described in *Dhanasar* as on one hand protecting the domestic labor supply through the creation of the labor certification process, while on the other hand recognizing that in certain cases the benefits inherent in the labor certification process can be outweighed by other factors that are also deemed to be in the national interest. The third prong requires the petitioner to demonstrate 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. In performing this analysis, USCIS may evaluate factors such as: whether, in light of the nature of the foreign national's qualifications or the proposed endeavor, it would be impractical either for the foreign national to secure a job offer or for the petitioner to obtain a labor certification; whether, even assuming that other qualified U.S. workers are available, the United States would still benefit from the foreign national's contributions; and whether the national interest in the foreign national's contributions is sufficiently urgent to warrant forgoing the labor certification process.

The evidence did not persuasively demonstrate why, on balance, it will be of greater benefit to the nation's interest to waive the requirements of a job offer. The beneficiary did not establish why he is not able to obtain a labor certification, or why it would be impractical to do so. The evidence does not support a finding that relevant parties have expressed urgent national interest for his specific contributions. The beneficiary's specific proposed endeavor lacked a detailed description or documentary evidence that demonstrated that his proposed endeavor will have potential impact at the



national or global level. While USCIS acknowledges that labor certifications sometimes require multiple filings, the NIW is not intended to waive the labor certificate solely for the convenience of the employer. The beneficiary must still demonstrate the United States would benefit on a national level from their work or that there is a national urgent need for their service and they have not met that burden.

The evidence has not clearly established that there is an urgent national interest in the beneficiary's work that would warrant forgoing the labor certification process. The evidence submitted does not support statements 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. The beneficiary has not submitted evidence to establish how obtaining a labor certification would be impractical or that the beneficiary's endeavor is time sensitive or urgent. The evidence submitted does not support statements 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.

Please submit evidence to establish 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.

USCIS may evaluate factors including, but not limited to, the following:

- Whether, in light of the nature of the beneficiary's qualifications or proposed endeavor, it would be impractical either for the beneficiary to secure a job offer or for the petitioner to obtain a labor certification;
- Whether, even assuming that other qualified U.S. workers are available, the United States would still benefit from the beneficiary's contributions;
- Whether the national interest in the beneficiary's contributions is sufficiently urgent to warrant forgoing the labor certification process;
- Whether the beneficiary's endeavor may lead to potential creation of jobs; and
- Whether the beneficiary is self-employed in a manner that generally does not adversely affect U.S. workers.

**DO NOT RESUBMIT EVIDENCE ALREADY SUBMITTED.**

**WITHDRAWAL**

If you wish to withdraw this petition, please submit your request in writing. The fee is paid for the filing of the petition and cannot be refunded.

**PLACE THE ENCLOSED COVERSHEET ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS COVERSHEET WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL.**

Sincerely,

John M. Allen  
SCOPS Deputy Associate Director of Adjudications