U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 23117051

Date: NOV. 07, 2022

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Advanced Degree, Exceptional Ability, National Interest Waiver)

The Petitioner, an information technology (IT) director, seeks second preference immigrant classification as either an advanced degree professional or an individual of exceptional ability in the sciences, arts or business, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. See Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). After a petitioner has established eligibility for EB-2 classification, U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion, grant a national interest waiver if the petitioner demonstrates: (1) that the foreign national's proposed endeavor has both substantial merit and national importance; (2) that the foreign national is well positioned to advance the proposed endeavor; and (3) 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. Matter of Dhanasar, 26 I&N Dec. 884 (AAO 2016).

The Director of the Texas Service Center denied the petition, concluding that the record did not establish the national importance of the proposed endeavor. Accordingly, the Director determined that the Petitioner had not established eligibility for a national interest waiver. On appeal, the Petitioner asserts that the Director erred in denying the petition.

In these proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; Matter of Skirball Cultural Ctr., 25 I&N Dec. 799, 806 (AAO 2012). Upon de novo review, we will dismiss the appeal.

I. LEGAL FRAMEWORK

To establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification, as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Because this classification requires that the individual's services be sought by a U.S. employer, a separate showing is required to establish that a waiver of the job offer requirement is in the national interest.

Section 203(b) of the Act sets out this sequential framework:

> (2) Aliens who are members of the professions holding advanced degrees or aliens of exceptional ability. –
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> (A) In general. – Visas shall be made available . . . to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.
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> (B) Waiver of job offer –
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> (i) National interest waiver. . . . [T]he Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

Section 101(a)(32) of the Act, 8 USC § 1101(a)(32), provides that "[t]he term 'profession' shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries."

The regulation at 8 C.F.R. § 204.5(k)(2) contains the following relevant definitions:

> Advanced degree means any United States academic or professional degree or a foreign equivalent degree above that of 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 master's degree. If a doctoral degree is customarily required by the specialty, the alien must have a United States doctorate or a foreign equivalent degree.
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> Exceptional ability in the sciences, arts, or business means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.
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> Profession means one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a United States baccalaureate degree or its foreign equivalent is the minimum requirement for entry in the occupation.

In addition, the regulation at 8 C.F.R. § 204.5(k)(3)(ii) sets forth the specific evidentiary requirements for demonstrating eligibility as an individual of exceptional ability. A petitioner must submit documentation that satisfies at least three of the six categories of evidence listed at 8 C.F.R. § 204.5(k)(3)(ii).

Furthermore, while neither the statute nor the pertinent regulations define the term "national interest," we set forth a framework for adjudicating national interest waiver petitions in the precedent decision Matter of Dhanasar, 26 I&N Dec. 884 (AAO 2016). In announcing this new framework, we vacated our prior precedent decision, Matter of New York State Department of Transportation, 22 I&N Dec. 215 (Act. Assoc. Comm'r 1998). Dhanasar states that after a petitioner has established eligibility for EB-2 classification, U.S. Citizenship and Immigration Services (USCIS) may grant a national interest waiver as matter of discretion. See also Poursina v. USCIS, 936 F.3d 868, 2019 WL 4051593 (9th Cir. 2019) (finding USCIS' decision to grant or deny a national interest waiver to be discretionary in nature). As a matter of discretion, the national interest waiver may be granted if the petitioner demonstrates: (1) that the foreign national's proposed endeavor has both substantial merit and national importance; (2) that the foreign national is well positioned to advance the proposed endeavor; and (3) 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. See Dhanasar, 26 I&N Dec. at 888-91, for elaboration on these three prongs.

II. ANALYSIS

A. Underlying EB-2 Classification

In our de novo review of the Petitioner's eligibility for the underlying classification, we conclude that the Petitioner has not established he is a member of the professions holding an advanced degree or that he is an individual of exceptional ability. Therefore, we withdraw the Director's conclusion that the Petitioner qualifies for the underlying classification as an advanced degree professional. While we may not discuss each piece of evidence individually, we have reviewed and considered each one.

1. Member of the Professions Holding an Advanced Degree

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

The Petitioner provided a foreign academic record indicating that he earned a Título de Tecnólogo (Title of Technologist) in computer technology from an educational institution in Brazil. To support a finding that he qualifies as an advanced degree professional, the Petitioner provided an academic and experience evaluation from [redacted], a professor at the [redacted] of the City University of [redacted]. Although [redacted] stated that the courses completed and the number of credit hours earned indicate the U.S. equivalency of the Petitioner's education, he offered little explanation of the Petitioner's credit hours, nor did he analyze how they are the equivalent of a U.S. education. As such, [redacted] generalized conclusions are insufficient to establish the U.S. equivalency of the Petitioner's education. We may, in our discretion, use an evaluation of a person's foreign education as an advisory opinion. Matter of Sea, Inc., 19 I&N Dec. 817, 820 (Comm'r 1988). However, where an opinion is not in accord with other information or is in any way questionable, we

may discount or give less weight to that evaluation. Id. Here, we question the accuracy of [redacted] conclusions, as he did not provide sufficient analysis to support them. Accordingly, we conclude that this evaluation is of little probative value in this matter.

Based on the information contained in the record, the Petitioner has not met his burden to establish the U.S. equivalency of his foreign education in accordance with 8 C.F.R. § 204.5(k)(3)(i)(B). The Petitioner should be prepared to address this evidentiary shortcoming in any of his future filings. Nevertheless, we reviewed the AACRAO EDGE database to determine whether the Petitioner's foreign education is comparable to any U.S. degree. The AACRAO EDGE database is a reliable resource concerning the U.S. equivalencies of foreign education. See generally American Association of Collegiate Registrars and Admissions Officers, Electronic Database for Global Education, https://www.aacrao.org/edge (last visited Nov. 07, 2022). The database reflects that the level of education of Title of Technologist is comparable to two to three years of university study. Id. As a U.S. bachelor's degree is typically four years of university study, we conclude that the Petitioner's Title of Technologist in computer technology is not the foreign equivalent of U.S. bachelor's degree. Because the Petitioner has not established that he has at least the foreign equivalent of a U.S. bachelor's degree, we need not analyze whether he has established that he possesses at least five years of progressive post-baccalaureate experience in the specialty. Accordingly, the Petitioner has not established that he qualifies as an advanced degree professional.

2. Evidentiary Criteria for Exceptional Ability

The Petitioner has not established that he satisfies at least three of the six criteria at 8 C.F.R. § 204.5(k)(3)(ii). Accordingly, we conclude that he has not established that he qualifies as an individual of exceptional ability.

> An official academic record showing that the alien 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. 8 C.F.R. § 204.5(k)(3)(ii)(A)

As explained, the evidence establishes that the Petitioner holds a Title of Technologist in computer technology. While this education is not the foreign equivalent of a U.S. bachelor's degree, we conclude that the Petitioner has provided sufficient evidence to establish that he has received an official academic record showing that he has a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of claimed exceptional ability. Therefore, he satisfies this criterion.

> Evidence in the form of letter(s) from current or former employer(s) showing that the alien has at least ten years of full-time experience in the occupation for which he or she is being sought. 8 C.F.R. § 204.5(k)(3)(ii)(B)

The Petitioner provided three employment letters. To evidence his self-employment in a business that he owns, he provided a letter from an accountant, stating that the Petitioner has been a partner at [redacted] from September 2008 to the present. The letter does not describe any of the Petitioner's duties as a partner nor does the letter indicate whether the Petitioner worked full-time or part-time. In addition to these deficiencies, we question the author's authority and knowledge to

credibly comment on the Petitioner's employment dates. The author of the letter appears to be an accountant from an outsourced company that [redacted] hired to provide administrative services. Moreover, the information provided in this letter conflicts with other information in the record. The Petitioner's form ETA 750 Part B (ETA) states that the Petitioner has been working forty hours per week as an IT Director at [redacted] from September 2008 to the present. It is unclear if [redacted] is the same company as [redacted] Further, it is unclear if "IT Director" is the same position as "partner," the title the accountant referenced, or "Owner/Partner – Director of Operations Technology (CIO)," as referenced in the Petitioner's résumé. These inconsistencies cast doubt on the legitimacy of the Petitioner's employment. The Petitioner must resolve these inconsistencies with independent, objective evidence pointing to where the truth lies. Matter of Ho, 19 I&N Dec. 582, 591-92 (BIA 1988). Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. Id.

As noted, the Petitioner's résumé states that from September 2008 to the present, he has been working as an Owner/Partner – Director of Operations Technology (CIO) at [redacted] At the same time, the Petitioner stated in his résumé that he has also been working as Owner/Partner – Director of Operations Technology (CIO) for [redacted] from August 2013 to the present. Taking the information in the ETA and the résumé together, it appears that the Petitioner has simultaneously worked at least two jobs since 2013. While not impossible to simultaneously work two full-time jobs, we nevertheless question whether each of these jobs requires full-time work. Other evidence in the record suggests that the Petitioner operates his businesses by engaging individual clients on individual projects. While it is possible that the Petitioner may have accrued enough clients and projects such that the Petitioner's work hours comprise full-time experience, the record lacks evidence to support this conclusion. For instance, the record does not contain evidence of any client service contracts or payments from clients to the Petitioner. Based on the record as currently constructed, we cannot conclude that the letter of self-employment from the Petitioner's outsourced accountant is sufficient to establish ten years of full-time work experience in the profession.

The Petitioner also submitted a letter stating that he worked at [redacted] as the Director Unit Service from June 2009 to August 2010. In addition, we reviewed the letter from [redacted] which states that the Petitioner worked from November 1998 to October 2007 as a Business Analyst. However, neither letter states whether the Petitioner performed work for these companies on a full-time basis. Additionally, the letters do not describe the Petitioner's duties such that we can determine whether the Petitioner gained experience in the IT field. Notably, the [redacted] letter appears on letterhead that may be from an unrelated entity called [redacted] The Petitioner has not explained how [redacted] relates to [redacted] such that it may credibly comment on the Petitioner's employment dates with [redacted] Moreover, the titles provided for the Petitioner in both letters conflict with the titles the Petitioner provided in his résumé. The Petitioner's résumé states that the Petitioner served in the position of Chief Technology Officer for [redacted] and Technology Innovation Project Manager for [redacted] As these résumé titles conflict with the Director Unit Service and Business Analyst titles provided in the letters, respectively, we cannot conclude that the Petitioner has sufficiently or consistently evidenced his work history. Therefore, we conclude that the evidence is insufficient to establish that the Petitioner has ten years of full-time work experience in the IT field.

Because the evidence of the Petitioner's employment is inconsistent, lacks sufficient detail, and is not adequately corroborated by other evidence in the record, we conclude that the Petitioner has not established that he meets this criterion.

> A license to practice the profession or certification for a particular profession or occupation. 8 C.F.R. § 204.5(k)(3)(ii)(C)

The Petitioner did not provide evidence for our consideration under this criterion. Therefore, the Petitioner has not established eligibility under this criterion.

> Evidence that the alien has commanded a salary, or other remuneration for services, which demonstrates exceptional ability. 8 C.F.R. § 204.5(k)(3)(ii)(D)

The Petitioner provided a website printout of salary data for the position of "IT Director" in Brazil. Although the printout states that the data provided is from October 2018 to October 2019, it is unclear if the salaries listed correspond to an hourly, monthly, annual, or some other salary timeframe. Further, the Petitioner did not indicate which of the salary figures pertain to the professional level for which he believes he qualifies. For instance, the Petitioner offered no indication as to whether he is a "trainee," "junior," "full," "senior," or "master." In addition, the Petitioner did not indicate the size of the company, such as "little," "average," or "great," for which he worked during the relevant time frame, nor does the record contain sufficient evidence to corroborate the size of his employer during this time frame. Therefore, we cannot determine which figures in the salary chart correspond to the Petitioner.

The Petitioner provided Brazilian tax return documents from the years 2015 to 2018; however, the chart provided does not reflect salary data from this time period. Therefore, the salary data in the chart is inapplicable to the Petitioner, as it does not correspond to the relevant years for which he provided evidence of his income. Even if it were established that the Petitioner received a salary that exceeded certain figures on the chart, it would still only provide a very limited picture of the Petitioner's salary in comparison to others in the profession. In other words, even if the Petitioner provided sufficient evidence to establish that his salary was in fact higher than other IT Directors, it would simply establish that he earned a higher-than-average salary. The evidence does not suggest that the salary he earned was due to his ability.

The record does not support a finding that the Petitioner commands a salary that demonstrates exceptional ability. For the foregoing reasons, the Petitioner has not satisfied this criterion.

> Evidence of membership in professional associations. 8 C.F.R. § 204.5(k)(3)(ii)(E)

The Petitioner did not provide evidence for our consideration under this criterion. Therefore, the Petitioner has not established eligibility under this criterion.

Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations. 8 C.F.R. § 204.5(k)(3)(ii)(F)

For our consideration under this criterion, the Petitioner provided letters of recommendation, as well as articles and reports concerning the importance of the IT field, the demand for IT professionals, how business intelligence can serve companies, the competitiveness of the IT field, and the shortage of workers in the science, technology, engineering, and math (STEM) fields.

The Petitioner's professional acquaintances, colleagues, and former clients authored the letters of recommendation. The authors describe the Petitioner and the quality of services he provides, along with details concerning the projects and results the Petitioner achieved for companies and clients. Although they praise the Petitioner's professional skills and experience, as well as the success of the projects upon which the Petitioner worked, the authors do not suggest that the Petitioner received recognition for achievements and significant contributions to the industry or field. Rather, as explained, the authors described the results the Petitioner achieved on individual projects for individual companies.

The letters do not support a finding that the Petitioner has impacted the IT industry or field, nor that he has received recognition for doing so. As a matter of discretion, we may use opinion statements submitted by the Petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we will reject an opinion or give it less weight if it is not in accord with other information in the record or if it is in any way questionable. Id. We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. Id. See also Matter of V-K-, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). While we acknowledge that the authors hold the Petitioner in high regard and praise the work he performed, we nevertheless conclude that they did not provide any specific details explaining how the Petitioner's work is representative of recognition for achievements and significant contributions to the industry or field as a whole.

We reviewed the reference materials concerning the shortage of professionals in the IT and STEM fields and the competitiveness of the industry, along with other background materials that offer an overview of the IT market and IT solutions. These materials do not mention the Petitioner specifically, or how he has impacted the field or industry. Merely working in an important field is insufficient to establish that he has received recognition for achievements and significant contributions in that field. Therefore, we conclude that this evidence does not establish that the Petitioner received recognition for achievements and significant contributions in the field.

Accordingly, we conclude that the evidence does not establish the Petitioner's eligibility under this criterion.

Summary of Exceptional Ability Determination

The record does not support a finding that the Petitioner met at least three of the six regulatory criteria for exceptional ability at 8 C.F.R. § 204.5(k)(3)(ii). Rather, we conclude that the evidence supports a finding of eligibility under only one criterion. Therefore, the Petitioner has not established his eligibility as an

individual of exceptional ability under section 203(b)(2)(A) of the Act. As the Petitioner has satisfied only one of the criteria, a final merits determination is not required. Nevertheless, we conclude that the record does not establish that the Petitioner's experience is beyond that which is ordinarily encountered in the profession.

3. EB-2 Classification Conclusion

As previously outlined, the Petitioner must show that he either possesses exceptional ability or is an advanced degree professional before we reach the question of the national interest waiver. We conclude that the evidence does not establish that the Petitioner meets the regulatory criteria for classification as an individual of exceptional ability or that he is a member of the professions holding an advanced degree. It is the Petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; Matter of Skirball Cultural Ctr., 25 I&N Dec. 799, 806 (AAO 2012). As the Petitioner has not established eligibility for the underlying immigrant classification, the issue of the national interest waiver is moot. The waiver is available only to foreign workers who otherwise qualify for classification under section 203(b)(2)(A) of the Act.

B. National Importance

The Director denied the petition on the basis that the Petitioner had not established the national importance of the proposed endeavor under the first Dhanasar prong. Therefore, although the issue of the national interest waiver is moot, as explained above, we nevertheless provide additional analysis under the Dhanasar framework only insofar as to address the Petitioner's claims on appeal.

The Director concluded the evidence did not establish that the proposed endeavor has national importance. The Director's decision then discussed the deficiencies in the submitted evidence and provided a well-reasoned explanation as to why the evidence was insufficient to establish eligibility for a national interest waiver under the first Dhanasar prong. Therefore, upon consideration of the entire record, including the arguments made on appeal, we adopt and affirm the Director's decision with the comments below. See Matter of P. Singh, Attorney, 26 I&N Dec. 623 (BIA 2015) (citing Matter of Burbano, 20 I&N Dec. 872, 874 (BIA 1994); see also Chen v. INS, 87 F.3d 5, 7-8 (1st Cir. 1996) ("[I]f a reviewing tribunal decides that the facts and evaluative judgments prescinding from them have been adequately confronted and correctly resolved by a trial judge or hearing officer, then the tribunal is free simply to adopt those findings" provided the tribunal's order reflects individualized attention to the case).

In his professional plan and statement, the Petitioner set forth his plan to directly help companies in large scale projects with complex IT systems. In his updated professional plan and statement, which he submitted in response to the Director's request for evidence (RFE), he explained that his proposed endeavor involves running his own IT business in the United States. He will deliver services through consultancy, technical assistance, advising on infrastructure and tools, as well as providing solution architecture and project management. His U.S. company will offer services in four main categories: (1) IT consulting; (2) cloud computing implementation; (3) cloud computing support, monitoring, and management; and (3) virtual office platforms. The Director considered the Petitioner's professional plan and statement, but nonetheless determined that the evidence was insufficient to establish the

national importance of the proposed endeavor. We agree. The professional plan and statement describes the proposed endeavor but does not sufficiently describe the national importance of it.

We reviewed the Petitioner's business plan in which he described his vision, mission, and the services he will provide. In the first five years of operation, the Petitioner anticipates that he will create 56 direct jobs and generate over 200 jobs in general. He provided five-year growth projections in income, salary payment, and tax revenue. He also explained that his services will make his clients more efficient and productive such that their businesses will positively contribute to the economy as well. However, the Petitioner has not provided a foundation or corroborating details to support the growth projections he provided in his business plan. As such, these figures appear to be little more than conjecture.

Although the Petitioner highlighted that his endeavor would positively impact the economy, tax revenue, and job creation, he has not offered sufficient evidence to corroborate these claims. We acknowledge the Petitioner's argument that through his services, the companies that hire him for his services can be more productive in providing services to others and that the benefits of a productive, well-functioning business extend beyond the individual organization. However, the record lacks sufficient evidence to establish a strong connection between the proposed endeavor activities and job creation or tax revenues on a level commensurate with national importance. In Dhanasar, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. Dhanasar, 26 I&N Dec at 893. Similarly, the proposed endeavor may very well positively impact the individuals and businesses that engage the Petitioner for his services, but the evidence does not suggest that the Petitioner's services will be available on a level that creates national or global implications in the IT field. 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 the Petitioner's services would reach the level of "substantial positive economic effects" contemplated by Dhanasar. Id. at 890.

While the articles and reports provide helpful background information, we nevertheless conclude that none of the reference materials discuss the Petitioner's specific proposed endeavor. As the Director explained, in determining national importance, the relevant question is not the importance of the 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. at 889. We acknowledge the importance of IT and STEM fields and also of addressing the nation's shortage of IT professionals; however, the Petitioner has not sufficiently explained how his work as an IT Director for his own company would resolve the shortage or produce an impact rising to the level of national importance.

Returning to the Petitioner's letters of recommendation, we again acknowledge the authors' praise of the Petitioner's work and the successful results he achieved for companies and their clients. However, these letters do not discuss the proposed endeavor or provide specific details on its national importance. Therefore, the letters do not offer support for the conclusion that that the proposed endeavor has national importance.

As discussed above, it is not apparent that the Petitioner's proposed endeavor activities would operate on such a scale as to rise to the level of national importance. It is insufficient to claim an endeavor

has national importance or will create a broad impact without providing evidence to corroborate such claims. The Petitioner must support his assertions with relevant, probative, and credible evidence. See Matter of Chawathe, 25 I&N Dec. 369, 376 (AAO 2010).

On appeal, the Petitioner contends that the Director did not duly consider certain pieces of evidence and failed to apply the correct standard of proof when reviewing the evidence. In support, he relies primarily upon the evidence and arguments previously submitted. While we acknowledge the Petitioner's appellate claims, we nevertheless conclude that the documentation in the record does not sufficiently establish the national importance of the proposed endeavor as required by the first prong of the Dhanasar precedent decision. In addition, the Petitioner argues that the Director erred in not providing analysis of his eligibility under the second and third Dhanasar prongs. As the Petitioner must establish eligibility under each Dhanasar prong, a failure to do so under any single prong would necessarily negate eligibility for a national interest waiver overall. Therefore, while we acknowledge the Petitioner's argument that the Director erred in not further analyzing the Petitioner's eligibility, we conclude that the Petitioner has not explained how providing such analysis would have changed the outcome of the Director's decision.

III. CONCLUSION

The Petitioner has not demonstrated that he qualifies as a member of the professions holding an advanced degree or as an individual of exceptional ability under section 203(b)(2)(A) of the Act. Accordingly, the Petitioner has not established eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; Matter of Otiende, 26 I&N Dec. 127, 128 (BIA 2013). In addition, the documentation in the record does not establish the national importance of the proposed endeavor as required by the first prong of the Dhanasar precedent decision. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of his eligibility under the remaining Dhanasar prongs would serve no meaningful purpose.

Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the Dhanasar framework. 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).

As the Petitioner has not established that he meets the requirements of the underlying EB-2 classification or the requisite first prong of the Dhanasar analytical framework, we conclude that he has not established he is eligible for or otherwise merits a national interest waiver. The appeal will be dismissed for the above stated reasons.

ORDER: The appeal is dismissed.