



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

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 21964110

Date: SEP. 07, 2022

Appeal of Nebraska Service Center Decision

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

The Petitioner, a business management consultant, 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 Nebraska Service Center determined that the Petitioner qualifies for the underlying classification and that he "possibly" submitted sufficient evidence to establish that he is well positioned to advance his proposed endeavor. Nevertheless, the Director denied the petition, concluding that the evidence did not establish the national importance of the proposed endeavor or that a waiver of the requirement of a job offer would be in the national interest. Accordingly, the Director determined that the Petitioner had not established eligibility for a national interest waiver.

The matter is now before us on appeal. The Petitioner reasserts his eligibility, arguing that the Director did not review each piece of evidence properly and erred in the decision. In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. 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. –

(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.

(B) Waiver of job offer –

(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.

Exceptional ability in the sciences, arts, or business means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

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

The Director determined that the Petitioner qualifies as a member of the professions with an advanced degree. The remaining issue to consider is whether the Petitioner has established eligibility under the *Dhanasar* framework.

### A. The Proposed Endeavor

On his Form I-140, the Petitioner stated that his proposed occupation is as a business management consultant and described his duties as “[c]onduct organizational studies and evaluations, design systems and procedures, conduct work simplification and measurement studies, and prepare operations and procedures manuals to assis[t] management in operating more efficiently and effectively.” His supporting evidence accompanying the petition included numerous explanations of his proposed endeavor. He stated in his professional plan and statement that his proposed endeavor involves continuing his career as a business management consultant “specialized in organizing, analyzing and planning various types of business operations.” He will implement process improvements that can help companies achieve corporate goals and revenue growth; monitor and improve organizational processes; recommend solutions; perform research and analysis to map out workflows; change company activities to reduce cost and increase efficiency; automate processes; and create innovative management tools. In addition, he will serve companies small and large by leading improvement projects and developing strategies for them. The Petitioner claimed that his proposed endeavor services would be an asset to companies that intend to develop existing business or to start new business in Brazil.

He offered numerous examples of his past accomplishments and successes for individual businesses in order to illustrate what he is capable of replicating through the proposed endeavor. Specifically, the Petitioner stated that the proposed endeavor will impact his field of work by (1) supervising companies’ operations; (2) promoting research on business and market trends in accordance with the organizations’ objectives and strategies; (3) developing growth concepts for companies; (4) applying continuous improvement (CI) management techniques; (5) implementing matrix management strategies; (6) developing and implementing balanced business strategy (BBS); and (7) disseminating

knowledge to others through professional trainings and events. His professional plan and statement included additional plans under each of these areas of impact. Furthermore, the Petitioner claimed that through his proposed endeavor, he will serve U.S. companies by promoting research to identify weaknesses and opportunities, increase the number of customers, create more jobs, and ultimately make the business grow sustainably.

Regarding proposed events and trainings, the Petitioner stated that he will serve as a lecturer and a speaker at conferences in order to reach as many professionals as possible, thereby helping the country to enhance its workforce knowledge in business and finance. By offering trainings within corporations or other institutions, such as universities and associations, he hopes to provide others with information regarding his techniques so as to generate broad and deep impacts within the field and the U.S. economy. Overall, the Petitioner believes that through his proposed endeavor, he can benefit many companies in a variety of industry sectors, the U.S. people, and the country as a whole.

## B. National Importance

In support of the national importance of the proposed endeavor, the Petitioner provided several examples of his business consulting presentations and the plans he delivered for specific companies in the past. This evidence illustrates that the Petitioner is capable and qualified, which appears to pertain more to the second prong of the Dhanasar framework, which “shifts the focus from the proposed endeavor to the foreign national.” *Id.* at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has substantial merit and national importance under Dhanasar’s first prong. While the plans and presentations may have been important for the companies that utilized the Petitioner’s services, this evidence is insufficient to establish how the Petitioner’s proposed endeavor will have an impact rising to the level of national importance.

In addition, the Petitioner provided printouts of available job opportunities and email exchanges with prospective employers interested in his services. This evidence suggests that the business management consulting field is important, that companies need business management consulting services, and that the Petitioner possesses the qualifications required to assist these companies. As mentioned previously, the Petitioner’s qualifications are relevant to the second Dhanasar prong. Additionally, 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.” *Id.* at 889. Accordingly, while the plans, presentations, and job opportunities provide helpful background information, they do not establish the national importance of the Petitioner’s proposed endeavor.

The Petitioner submitted an advisory opinion letter from [REDACTED] a professor of marketing at [REDACTED] University, in which he evaluated the Petitioner’s eligibility under the Dhanasar framework. Regarding claims concerning the substantial merit and national importance of the Petitioner’s proposed endeavor, [REDACTED] highlighted the prospective impact of the Petitioner’s proposed endeavor in the business field. Among the impacts to the field, [REDACTED] wrote that the proposed endeavor will expand communication channels in national and international markets, improve companies and revenues in the United States, offer continuous improvement (CI) methodologies and business concepts to aspiring entrepreneurs and business professionals, and help small and medium-sized enterprises to achieve better production and profit levels. In addition, the

endeavor will provide business management insights to Latin American companies planning to conduct business in the United States, as well as U.S. companies looking to expand their business into the Latin American market.

[ ] claimed that the proposed endeavor would employ U.S. workers and have substantial positive economic effects. In particular, he opined that as a result of the proposed endeavor, the Petitioner would generate revenues within the United States, create employment opportunities, and organize business processes for various sectors within the U.S. business field. To support these claims, [ ] stated that, as a speaker or trainer, the Petitioner would teach other professionals in the field, which would generate business revenue and increase workforce knowledge. [ ] further opined that the proposed endeavor would enhance societal welfare and cultural enrichment by increasing job opportunities. He stated that the Petitioner will implement his methodologies to alleviate challenges in the business sector, which would result in improvement to the social and cultural welfare of communities.

While we have thoroughly considered [ ] opinion, it is of little probative value in this matter. [ ] does not provide sufficient evidence to corroborate the conclusions he makes concerning the impact of the proposed endeavor. For instance, [ ] noted that the Petitioner will implement his unique methods and strategies to increase business revenue for businesses entering the Latin American market; however, he did not provide any details to explain what makes the Petitioner's methods and strategies unique. The opinion contained assertions that the proposed endeavor would enhance societal welfare and cultural enrichment by increasing job opportunities and that the Petitioner will implement his methodologies to alleviate challenges in the business sector, resulting in improvement to the social and cultural welfare of communities. However, [ ] does not explain how the social and cultural welfare of U.S. communities would be improved through the creation of jobs, nor does he offer specific examples or other evidence to corroborate that the proposed endeavor would increase job opportunities. In addition, [ ] mentioned the importance of trade and business activity between Brazil and the United States, and that these activities have been the subject of governmental interest and action. However, the importance of trade and business activity is insufficient to establish the national importance of the specific proposed endeavor. As previously noted, 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." *Id.* at 889.

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.* Here, [ ] opinion restates large portions of the claims the Petitioner made concerning the national importance of the proposed endeavor, but he does not add sufficient analysis or corroborating details to support the restated claims.

We reviewed the letters of recommendation initially submitted; however, none of the authors discuss the proposed endeavor or why it is nationally important. In taking the past results the Petitioner achieved for other companies and extrapolating them to illustrate the results that the Petitioner may

produce through his proposed endeavor, we still cannot conclude that the impact would reach a level of national importance. Simply stating that certain statistical results occurred for a company because of the Petitioner's services does not establish a causal link supported by evidence. From the information provided, the positive effects produced within the companies could be the result of a variety of factors, which may include, but are not limited to, the Petitioner's services. Although, various authors cite statistical results to show the value and impact of the Petitioner's services, the claimed impact appears to be localized to the particular project or company that hired the Petitioner. For instance, [REDACTED] Director of Operations at a large pharmaceutical conglomerate, stated that as a result of the management advances the Petitioner initiated, the company opened 68 new branches that represented R\$ 200 million Brazilian reais, offered 1,700 new job positions, opened a new distribution center to respond to increased demand, as well as reduced costs by R\$ 22 million reais. However, the only evidentiary link between the Petitioner's services and these results is the author's attestation. As stated, it cannot be determined if other factors influenced the results. In addition, these results, while notable, do not in themselves sufficiently suggest a national impact, as opposed to an impact for that particular company.

In response to the Director's request for evidence (RFE), the Petitioner provided additional letters of reference, many of which contained examples of how the Petitioner's services for particular companies or projects created a positive impact for that company. While helping a company and its leaders increase profits, enabling a company to grow and hire more workers in a particular location, or enabling a company to expand its business into new locations are indeed important for the parties involved, neither the authors of the letters, nor the record in general, sufficiently supports a finding that the Petitioner's proposed endeavor has national importance.

We examined the articles and reports that highlight the success of a particular project or of a company for which the Petitioner worked. Examples include, but are not limited to, the [REDACTED] the [REDACTED] the expansion of [REDACTED] and the [REDACTED] digital transformation plans. However, the articles mention neither the Petitioner by name nor his specific services such that we can conclude that the Petitioner's past work is indicative of the Petitioner's future work in the proposed endeavor. Similarly, we acknowledge the articles regarding the importance of digital transformation in government sectors, but the Petitioner does not suggest that his proposed endeavor services will add anything new to the transformations already in place, nor does the evidence suggest that the scope of the proposed endeavor stands to impact the government. Finally, we acknowledge that the industry reports highlight the importance of certain business consulting services, note their relevance in good management, and explain how certain practices lead to success. However, as previously explained, it is insufficient to establish the importance of the industry or profession, but rather, the Petitioner must demonstrate the national importance of his specific proposed endeavor.

Additionally, the record does not contain sufficient evidence to suggest that his proposed endeavor would offer the field or the nation any innovative or unique techniques. He mentioned utilizing the Agile framework, Lean Six Sigma, matrix management, CI methodology, BBS, Management by Improvement (PDCA), and Management to Sustain Results (SDCA), but he does not suggest that he created or developed these practices, nor does he suggest that he would be among the first to introduce them to the business consulting field. Evidence in the record suggests that for his current employer, [REDACTED] Company, the Petitioner created a tool called [REDACTED] which stands for [REDACTED] [REDACTED]. However, the record does not suggest that this framework is the subject

of a patent belonging to the Petitioner or that this framework is new or unfamiliar to the business management field.<sup>1</sup> Furthermore, it is unclear from [redacted] director, [redacted] whether the Petitioner actually created [redacted] or whether he customized an existing framework to address [redacted] specific business needs. Returning to [redacted]' opinion, we again note that although [redacted] referenced the Petitioner's unique methods and strategies, the record does not explain what these are, nor does the Petitioner offer a sufficiently direct evidentiary tie between his methods and strategies and the claimed results.

While a technique or practice may be new to a particular company, the record does not suggest that such techniques or practices are new to the field of business consulting. Additionally, asserting that a company achieved a particular result after hiring the Petitioner for his services does not sufficiently link the Petitioner's services to the claimed results. In other words, although positive results may be correlated with the Petitioner's services, this is insufficient to establish that the Petitioner's services caused the results. Even if this had been established, the record still lacks sufficient evidence of how his proposed endeavor would introduce innovative, unique, or previously unknown techniques to the business management consulting field or that his proposed endeavor would have an impact rising to the level of national importance.

As the Director stated in the decision, the proposed endeavor stands to primarily impact the individuals and businesses that hire the Petitioner for his services. Simply working to improve discrete businesses is not necessarily sufficient to establish that the proposed endeavor has national importance. The proposed endeavor may very well improve productivity and profit for U.S. businesses; however, the record lacks sufficient evidence to establish a strong connection between the proposed endeavor activities and job creation, broad enhancement of social welfare and cultural enrichment, or increased revenues on a level commensurate with national importance. Not all business activity has the potential to impact the economy on a nationally important scale. While the Petitioner's proposed endeavor may impact the individuals and businesses that engage him for his business management consulting services, the evidence does not suggest that the Petitioner's services will be available on a level that creates national or global implications in the business field.

To illustrate further, even if the Petitioner offered his services to the public at large by drawing high attendance to his lectures, teaching, and speaking engagements, the Petitioner has not offered sufficient evidence to suggest that this would impact the business consulting field or the nation. 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. See *Dhanasar*, 26 I&N Dec. at 893. As previously explained, the Petitioner has not demonstrated that his techniques and practices are unique, innovative, or new to the business field. Accordingly, the evidence does not support a finding that even if the Petitioner reached the public at large, that his services would impact the business field or the nation as a whole.

As explained in the Director's decision, the Petitioner's statements reflect his intention to provide valuable services for potential employers or clients, but the evidence and information offered insufficiently demonstrated that the prospective impact of his proposed endeavor would rise to the

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<sup>1</sup> The Petitioner's [redacted] framework appears similar to and perhaps the same as an open-source decision making framework called "DACI," which stands for "driver, approver, contributor, informed."

level of national importance. The Director stated that the Petitioner had not shown that his endeavor will “sufficiently extend beyond the employer and clientele to impact the field or the nation’s fiscal condition more broadly.” The decision reflects that the Director considered the Petitioner’s past success in business management consulting but nevertheless determined that even if the Petitioner replicated those results for U.S. companies through his proposed endeavor, “his help and these results would be contingent upon those companies hiring him to manage their projects and paying him for his services, indicating advancement more for the parties involved than for overall national impact.”

On appeal, the Petitioner argues that he provided evidence similar to what Dr. Dhanasar provided in support of the national importance of his proposed endeavor and that because we found the evidence had established Dr. Dhanasar’s eligibility for a national interest waiver, we should likewise view the Petitioner’s evidence as sufficient to establish his eligibility. Although the Petitioner argues for a one-to-one comparison of his evidence to Dr. Dhanasar’s evidence, the matter before us does not pertain to or contain evidence of Dr. Dhanasar’s proposed endeavor to make such a comparison. Moreover, the Petitioner’s proposed endeavor involves business management consulting, which is a vastly different proposed endeavor than Dr. Dhanasar’s endeavor, which involved research into hypersonic propulsion.

The Petitioner also argues on appeal for consideration of the January 2022 USCIS Policy Manual guidance regarding entrepreneurial and Science, Technology, Engineering, and Math (STEM) national interest waiver petitioners. We have reviewed and applied the guidance at 6 USCIS Policy Manual F.5(D), <https://www.uscis.gov/policymanual> to this decision. However, we nevertheless conclude that the Petitioner has not established the national importance of his proposed endeavor. The USCIS Policy Manual acknowledges that claims lacking corroborating evidence are not sufficient to meet a petitioner’s burden of proof. As explained, the Petitioner has not provided sufficient evidence to support his claims concerning the impact of the proposed endeavor and how it would rise to the level of national importance. While the Petitioner states on appeal that he submitted a large volume of evidence to support his claims, eligibility for the benefit sought is not determined by the quantity of evidence alone but also the quality. Chawathe, 25 I&N Dec. at 376 (citing Matter of E-M-, 20 I&N Dec. 77, 80 (Comm’r 1989)). It is always the Petitioner’s responsibility to ensure the record demonstrates how he qualifies for a national interest waiver. Section 291 of the Act, 8 U.S.C. § 1361.

The Petitioner also argues that the impact of his work at [REDACTED] illustrates the impact of the Petitioner’s proposed endeavor. For instance, the Petitioner notes that [REDACTED] offers 38,000 jobs worldwide, operates 78 factories, and engages 5,500 ingredient and package suppliers. However, the size and international scope of the company is insufficient to illustrate that his work within [REDACTED] is nationally important. Although the Petitioner provided letters that speak highly of the Petitioner’s services and articles that illustrate the importance of CI and digital transformation, the Petitioner’s conclusion that his proposed endeavor has national importance is not corroborated by the record. Rather, such a conclusion requires uncorroborated assumptions to establish a connection between his work and an impact that rises to the level of national importance. To illustrate by example, the evidence does not suggest that the U.S. Gross Domestic Product (GDP) changed from when the Petitioner was not yet a part of the [REDACTED] team to when he became part of the team and that any improvements to the GDP were attributable to [REDACTED] and the Petitioner’s services specifically. While [REDACTED] may have hired the Petitioner to work on their digital transformation team, the Petitioner has not established that his services directly impact the position of [REDACTED] or other U.S.



companies in the international market. Even if the Petitioner had offered such evidence, it would not necessarily establish how individual companies' positions would be nationally important or how the Petitioner would offer his services on a scale reaching beyond just the companies that hire him.

To illustrate with another example, the Petitioner suggests on appeal that increasing the size and profitability of [ ] will increase the number of consumers who buy [ ] products, thereby introducing others to U.S. tendencies and tastes, which will attract attention to the United States and its culture. While we acknowledge this argument, it once again requires that we reach conclusions that are not corroborated by evidence. The Petitioner has not offered evidence to suggest that his proposed endeavor would result in the expansion of U.S. tendencies or interest in U.S. culture. Even if he provided such evidence, the Petitioner still has not shown how increased interest in the U.S. would result in a broad enhancement of society or cultural enrichment.

On appeal, the Petitioner notes that companies that invest in CI have achieved positive results. While this may be true, the companies, individuals, or entities that choose to hire the Petitioner or other business management consultants to initiate and carry out the CI processes are the beneficiaries of the claimed positive results. The evidence the Petitioner provides does not lead to the conclusion that substantial positive impacts to the economy would be attributable to the Petitioner's work. Furthermore, as previously explained, the field of business consulting, to include services such as CI and digital transformation are important; however, eligibility for a national interest waiver requires more than just a showing of the importance of a particular field or a profession within a field. Rather, the Petitioner must establish the national importance of his specific proposed endeavor.

We conclude that the evidence provided does not sufficiently establish that either individually or collectively, the Petitioner's proposed endeavor services would have a significant potential to employ U.S. workers, generate broad impact outside the individual companies involved, or offer substantial positive economic effects. Even if the Petitioner's services directly resulted in enabling a company to expand, hire more workers, generate more profit, as well as run more efficiently and effectively, the Petitioner has not explained how these benefits reach past the individual parties involved. 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 business would reach the level of "substantial positive economic effects" contemplated by Dhanasar. See Dhanasar, 26 I&N Dec. at 890. Even if we aggregate the benefits the Petitioner's proposed endeavor will create across his career and lifetime, it is not apparent from the evidence provided that the Petitioner would impact either the business management consulting field or the nation as a whole.

As the foregoing discussion demonstrates, we conclude that the Petitioner has not established the national importance of his proposed endeavor. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. As such, further analysis of his eligibility under the second and third prongs outlined in Dhanasar would serve no meaningful purpose.

### III. CONCLUSION

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 third Dhanasar prong.

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 met 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 reason.

ORDER:      The appeal is dismissed.