U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 21798965

Date: AUG. 23, 2022

Appeal of Texas Service Center Decision

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

The Petitioner, a computer engineer, 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. Therefore, the Director determined that the record did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. On appeal, the Petitioner asserts that the Director applied a higher and stricter standard of proof and erred in denying the petition.

The matter is now before us on appeal. 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

The Director provided no analysis or explicit conclusion concerning the Petitioner's eligibility for the underlying EB-2 classification. In our de novo review, we conclude that the Petitioner has not established that she is a member of the professions holding an advanced degree or that she is an individual of exceptional ability.

A. 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 submitted an academic document indicating that a Brazilian university conferred upon her the title of "computer engineer." Her transcript further suggests that she underwent a computer engineering course of study from 1997 to 2003. However, the record contains insufficient evidence to establish that the Petitioner's title and course of study form the foreign equivalent of a U.S. baccalaureate degree.

The Petitioner submitted an academic equivalency and experience evaluation from Senior Evaluator, [redacted] of [redacted] Evaluations. Upon review, the evaluation does not contain sufficient information to support its conclusions. [redacted] provides little to no independent analysis of the Petitioner's education and experience. He appears to have used a template, as the content of the evaluation contains general and conclusory statements found in numerous other academic equivalency evaluations submitted by unrelated petitioners and from unrelated credential evaluation services. Although [redacted] claims that he based his conclusions, in part, upon the courses completed and the credit hours earned, he offers little analysis of how the course hours relate to credit hours, or how

the foreign credit hours might equate to U.S. credit hours. For instance, the Petitioner's transcript indicated that she completed a total of 3,908 workload hours throughout her course of study. U.S. bachelor's degree programs generally require between 120-140 credit hours, while most U.S. master's degree programs require between 30-40 credit hours. It is not apparent how 3,908 hours fits into U.S. credit hour standards. Further, [redacted] provides no analysis of the Petitioner's grades, the university's grading scale, or how the grades relate to U.S. passing and failing standards. 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 accordance with other information or is in any way questionable, we may discount or give less weight to that evaluation. Id. Here, the evaluation does not offer a cogent analysis of the Petitioner's foreign academic record.

Regarding the experience portion of the evaluation, [redacted] simply repeated the Petitioner's résumé in paragraph form without adding any additional analysis to support his conclusions. Further, he does not offer analysis regarding how the work experience was progressively responsible in nature. Part of the Petitioner's work experience, as a technical support analyst with [redacted] began prior to the completion of her academic course of study and therefore cannot be considered to have followed a baccalaureate degree as required by the regulation at 8 C.F.R. § 204.5(k)(2). In addition, we cannot consider this experience to be professional, as she was able to perform it prior to completing her claimed foreign bachelor's degree.

Although [redacted] concludes that the Petitioner has 16 years of qualifying experience, and thus, the equivalent of at least a U.S. master's degree, we cannot find adequate support for such a conclusion in the evaluation. As discussed below, the evidence of the Petitioner's work history is currently insufficient to conclude that she has five years of progressive post-baccalaureate experience, let alone ten years of work experience in the field of computer engineering. Once again, we may, in our discretion, use opinion statements submitted by the Petitioner as advisory. Id. However, where an opinion is not in accord with other information or is in any way questionable, we are not required to accept or may give less weight to that evidence. Id. Because [redacted] did not provide independent analysis of the Petitioner's claimed work experience, his opinion carries little weight in this matter.

Not only did [redacted] offer insufficient corroborating details or documentation to support his conclusions concerning the Petitioner's work experience, but the record overall does also not contain sufficient documentation of the Petitioner's work experience in the field of computer engineering. We acknowledge that most of the Petitioner's experience has been as the owner and president of her own companies. The Petitioner provided a letter from someone who appears to be an outsourced accountant whom she hired for her Brazilian business, [redacted] This letter provides no indication of the Petitioner's duties or experience, but simply references the Petitioner's employment dates at her own company as March 2007 to the present. However, it is not apparent how an outsourced accountant has the knowledge of, or authority to comment on, the Petitioner's employment dates or work experience. The Petitioner submitted a business registration document indicating when the Petitioner registered her business in Brazil, but the document does not include a description of her duties or work experience, nor does it constitute an employer letter.

A developer, [redacted] claimed in a support letter to have joined the Petitioner's online English school, [redacted] as a coordinator at the first location of the

school. [redacted] stated that the Petitioner's computer engineering background "proved to be instrumental to the development of an innovative program" and that her "expertise in technology was essential to the automated tests and exercises, recording, editing, and distribution of video material . . . ." However, [redacted] does not offer sufficient detail to support his claims, nor does he identify any employment dates, progressively responsible experience, or training. In addition, many of the anecdotal descriptions provided pertain to experience gained in the education and business fields, rather than the computer engineering field. Other evidence regarding her experience is self-completed in nature, including her résumé and ETA 750 Part B, which contain her duties as the president and owner of her own companies. While it may be more difficult for a self-employed petitioner to establish the requisite five years of progressive post-baccalaureate experience, such a petitioner is not exempt from the evidentiary burden to establish eligibility for the 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).

Being an owner of a business is in and of itself insufficient to meet the experience requirement at 8 C.F.R. § 204.5(k)(3)(i)(B). Moreover, the Petitioner has not demonstrated how her experience in education or business amounts to five years of progressive work experience in computer engineering. The record does not contain sufficient independent and objective evidence to corroborate her claimed work experience in the computer engineering field. For instance, the Petitioner stated that she has "led several IT projects for major companies," but the work she performed as a technical support analyst for [redacted] as evidenced in her résumé, does not reflect this, nor does the record contain evidence that she worked for any companies other than her own and [redacted] As such, it is not apparent how she led several IT projects for major companies.

We conclude that the evidence does not establish the Petitioner's academic record is the equivalent of at least a U.S. bachelor's degree, nor does the record support a finding that the Petitioner possesses the requisite five years of progressive post-baccalaureate experience. For the foregoing reasons, the Petitioner has not established that she is a member of the professions holding an advanced degree.

B. Evidentiary Criteria for Exceptional Ability

Alternatively, even considering the Petitioner under the exceptional ability criteria, we still conclude that she has not established eligibility for the benefit sought.

> 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)

Although she has not established that her academic course work amounted to the foreign equivalent of a U.S. bachelor's degree, the evidence supports a finding that a college or university issued the Petitioner a "título" or title of computer engineering. Therefore, the Petitioner has satisfied 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)

For the same reasons explained in the prior section concerning eligibility as a member of the professions holding an advanced degree, we conclude that the evidence of the Petitioner's employment is insufficient, lacks sufficient detail, and is not adequately corroborated by other evidence in the record. Accordingly, the Petitioner has not established that she 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 record contains a copy of the Petitioner's professional registration with the regional council of engineering and agronomy of the State of [redacted]. The Petitioner has not explained or provided documentation of what the [redacted] is or does, nor has she explained how registration with the council constitutes a license to practice a particular profession. The Petitioner has not provided evidence to explain what qualifies her to register with [redacted] what such registration confers, nor do we know if the registration expires or continues in perpetuity. Moreover, it is not apparent from the record that Brazil requires a license to practice computer engineering. Accordingly, the record is insufficient to establish the Petitioner's 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 has not submitted evidence for this criterion. Therefore, she has not established eligibility under it.

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

For this criterion, the Petitioner submitted the same [redacted] registration document discussed above as evidence of a license to practice the profession. This document appears relevant to the Petitioner's claimed area of ability, but as explained above, the Petitioner has not provided any information on what [redacted] is and therefore she has not established that it is a professional association. Accordingly, the record does not support a finding that the Petitioner has satisfied 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)

The evidence is insufficient to demonstrate that the Petitioner has been recognized by peers, government entities, or professional or business organizations for achievements and significant contributions to the industry or field as a whole. While we acknowledge that the Petitioner may own her own companies, she has not submitted independent, objective evidence from other professionals in the field to demonstrate that she has achievements and significant contributions in the computer engineering field or industry.

We reviewed the support letters from colleagues and professional acquaintances. The authors of the letters commend the Petitioner's personal and professional qualifications and achievements. However, they do not provide any specific details that explain how the Petitioner's work is representative of recognition for achievements and significant contributions to the industry or field as a whole. The authors largely describe the Petitioner's good character, skill, work quality, education, and experience, as well as

her accomplishments within various projects, but they do not describe any impact the Petitioner made to the computer engineering field or industry as a whole. Here, the primary benefits of her work, if any, accrue to individual companies and clients, rather than to the field of computer engineering. Accordingly, the Petitioner has not established eligibility under this criterion.

Summary of Exceptional Ability Determination

The record does not support a finding that the Petitioner meets 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 her 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.

C. Proposed Endeavor

Upon review, we conclude that the Petitioner's proposed endeavor as described in her initial filing differs from the proposed endeavor described in response to the Director's request for evidence (RFE). The Petitioner stated on her Form I-140 that she will work as a computer engineer, which she described as, "research, design, develop or test computer or computer-related equipment for commercial, industrial, military, or scientific use."

In her initial professional plan and statement, she explained that:

> My career plan in the United States is to use the knowledge I have acquired in the Information Technology field to work on large scale projects in the United States that involve complex Information Technology Systems. . . . I plan to continue using my intimate knowledge of computer engineering to directly help companies in the U.S. with their computer and information technology systems. . . . I intend to continue utilizing my exceptional expertise in the field of IT as a Computer Engineer, thus providing expert technological services to U.S. companies that require my unique skillset.

Other parts of the record include descriptions such as:

> [The Petitioner] intends to advance her career as a Computer Engineer, to develop hardware and software systems within Information Technology (IT) industry projects, as well as to implement and advise in the management and marketing of commercial activities of U.S. IT companies, operating with the United States or planning to operate abroad, especially in Latin America, and particularly Brazil, as well as implementing her skills to advance her endeavor in the United States [IT] and engineering field. . . . [she will advance her] proposed endeavor of applying her expertise and skills in these areas, to seize market and investment opportunities for U.S. companies doing business at home and abroad.

However, in response to the Director's request for evidence (RFE), the Petitioner added that she will pursue entrepreneurship in the United States by owning and running her own IT company. Her company will specialize in offering digital transformation services for clients in the United States and other countries, as well as serving companies with specific needs and interests. The Director noted in the decision that a change in the nature of the proposed endeavor from a computer engineer to an entrepreneur is material to eligibility for the national interest waiver. We agree.

The purpose of an RFE is to elicit information that clarifies whether eligibility for the benefit sought has been established, as of the time the petition is filed. See 8 C.F.R. §§ 103.2(b)(1), 103.2(b)(8), 103.2(b)(12), and Matter of Katigbak, 14 I&N Dec. 45, 49 (Comm'r 1971). A petitioner may not make material changes to a petition in an effort to make a deficient petition conform to USCIS requirements. See Matter of Izummi, 22 I&N Dec. 169, 176 (Assoc. Comm'r 1998). If significant, material changes are made to the initial request for approval, a petitioner must file a new petition rather than seek approval of a petition that is not supported by the facts in the record.

The information the Petitioner provided in the response to the Director's RFEs did not clarify or provide more specificity to an initially described proposed endeavor, but rather it changed its focus to opening and running her own business in the IT field. While we acknowledge that it is possible to construe the owning and operating of her own IT company as the vehicle for which she would carry out her initially described proposed endeavor activities, the fact remains that the Petitioner did not mention entrepreneurship as a feature of her initially described endeavor. Here, it is not apparent how she will focus her energy on her initially proposed activities, while also devoting time to the commencement of her business. In addition, on appeal, the Petitioner further shifts her endeavor to include helping companies adapt to the remote working challenges caused by the COVID-19 global pandemic, as well as another wholly unrelated endeavor concerning a plan for her new grass and grass-related products company. As such, it is not apparent how much time the Petitioner would devote to her initially described proposed endeavor plans, in the face of starting two new business. Here, the Petitioner describes a proposed endeavor that includes a grass business wholly unrelated to the computer engineering or IT fields, while also describing other pursuits with disparate areas of focus including, helping U.S. businesses seize market and investment opportunities in Brazil, assisting U.S. IT companies planning to operate abroad, and building remote work environments for other companies. In Dhanasar, we held that a petitioner must identify "the specific endeavor that the foreign national proposes to undertake." Id. at 889. As the foregoing illustrates, the Petitioner has not identified a specific proposed endeavor. Accordingly, we conclude that the RFE response and the appeal present a new set of facts regarding the work she will perform, which is material to eligibility for a national interest waiver. See Matter of Michelin Tire Corp., 17 I&N Dec. 248 (Reg'l Comm'r 1978); see also Dhanasar, 26 I&N Dec. at 889-90. As the Director stated, the Petitioner's reliance on a significantly modified proposed endeavor does not establish eligibility at the time of filing.

In determining whether an individual qualifies for a national interest waiver, we must rely on the specific proposed endeavor to determine whether (1) it has both substantial merit and national importance and (2) the foreign national is well positioned to advance it under the Dhanasar analysis. Because the Petitioner has not provided consistent information regarding her proposed endeavor, we cannot conclude that she meets either the first or second prong, or that she has established eligibility for a national interest waiver.

D. National Interest

As stated, we are unable to determine the national importance of the proposed endeavor as the Petitioner has materially changed it twice since the initial filing. However, as the Petitioner's arguments on appeal relate to the Dhanasar prongs, we limit our discussion to those claims. The Petitioner identified several pieces of evidence to which she claims the Director did not give due consideration, including the Petitioner's professional plan and statement; credentials; business plan; past work and contributions to her field; letters of recommendation; and industry reports and articles.

Initially, we acknowledge the evaluation from [redacted] of [redacted] University. [redacted] offered his opinion on the Petitioner's eligibility under the Dhanasar framework. However, a letter from Counsel appears to present the same information as is contained in [redacted] evaluation. It cannot be determined if [redacted] used Counsel's words or if Counsel used [redacted] words. In either case, we question the credibility of the information contained in the evaluation. In addition, [redacted] has not supported his claims with sufficient details or corroborating evidence. To illustrate, although [redacted] identified the importance of the information technology and computer engineering fields, he does not demonstrate specific knowledge of the Petitioner's proposed endeavor, nor does he offer anything more than generalized statements concerning its national importance. He stated that the Petitioner's work is important, that she can make "major contributions," and provide "significant benefits," but he did not describe the specific contributions or benefits she will make, nor did he offer corroborating evidence to support his conclusions. Furthermore, whether the Petitioner has demonstrated eligibility under the Dhanasar framework is a legal determination that only USCIS may make. *See Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988) (explaining that the immigration service "is responsible for making the final determination regarding . . . eligibility for the benefit sought"). USCIS need not defer to [redacted] findings if they conflict with other evidence of record or are "in any way questionable." See id. While we recognize [redacted] is an associate professor of computer science, information systems, and cybersecurity, as a matter of discretion, we may use opinion statements submitted by a petitioner as advisory. Id. at 795. 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.

Although the Petitioner may have excellent credentials, including her education and experience, the Petitioner's credentials relate to the second prong of the Dhanasar framework, which "shifts the focus from the proposed endeavor to the foreign national." See Dhanasar, 26 I&N Dec. at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has national importance under *Dhanasar's* first prong. As explained, the Petitioner's professional plan and statement materially changed throughout these proceedings. The Director specifically stated that the Petitioner's reliance on a significantly modified proposed endeavor does not establish eligibility at the time of filing. In addition, the Director devoted four pages to the analysis of the national importance of the proposed endeavor. As such, we conclude that the Director did consider the professional plan and statement. Although the Petitioner claims that the proposed endeavor will help U.S. companies, this help appears to be contingent upon those companies paying her for her services or using her products, which indicates advancement more for the parties involved than for overall national impact. Accordingly, we conclude that the Director duly considered the Petitioner's professional plan and statement and determined that it, combined with the other evidence of record, did not establish eligibility under the first prong of Dhanasar.

In examining the Director's consideration regarding the Petitioner's business plan, we note that the Director devoted several paragraphs to the analysis of the Petitioner's plans, including the claims of how it would impact the United States on a nationally important level. The Director explained that a shortage of IT talent does not necessarily render the work of an individual computer engineer as nationally important. Specifically, the Director noted that "she has not shown that her company's future staffing levels, business activity, and associated tax revenue stand to provide substantial economic benefits in Florida or in the United States." We agree. Although the Petitioner projects that she will create 58 direct jobs and millions in revenue in the first five years, she has not offered sufficient corroborating evidence to support such projections. In addition, the record, including the business plan, does not indicate that the Petitioner's activities would extend beyond the specific clients and businesses that hire her. The Director explained that 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. Id. at 893. Similarly, the activities the Petitioner proposes to undertake cannot be considered to impact the field so broadly as to rise to the level of national importance. Accordingly, the record does not support a finding that the proposed endeavor will broadly impact the IT industry, job creation, or economy. As the Director explained, without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to her 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. Id. at 890.

While the Director did not extensively quote the support letter authors or provide individual analyses of each letter, the decision does not reflect that the Director failed to duly consider them. Upon a thorough analysis of the letters, we conclude that they do not offer sufficient details to support a finding of eligibility under the first prong of Dhanasar. The authors offer general and conclusory statements about the Petitioner's impact with little evidence to support such claims. None of the authors analyze the proposed endeavor or discusses its specific impact. Instead, the authors largely focus on the Petitioner's past achievements, personal and professional qualities, as well as how she impacted individual companies and clients. Generalized conclusory statements that do not identify a specific impact in the field have little probative value. See 1756, *Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications). The submission of reference letters supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters so as to determine whether they support the petitioner's 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"). The Director's decision reflects that he considered the Petitioner's achievements, work history, and impact to individual clients and companies, but nevertheless determined that she had not established the national importance of her proposed endeavor.

Regarding the industry reports and articles, the Director's decision reflects a specific consideration of them, as he quoted several of the exact titles of the reports and articles. As the Director noted, the articles reflect the importance of the IT field and how it improves businesses, such that the Petitioner's proposed endeavor has substantial merit. However, as the articles and reports do not discuss the Petitioner's proposed endeavor, we cannot conclude that they support a finding that the Petitioner's proposed endeavor has national importance. In particular, 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 Dhanasar, 26 I&N Dec. at 889. Here and as explained above, the Petitioner has not

established how her proposed endeavor will extend beyond the individual companies and clients that hire her. Moreover, she has not offered sufficient independent and objective evidence concerning how the proposed endeavor broadly impacts the IT industry, job creation, or the economy on a scale rising to the level of national importance.

Overall, the Petitioner claimed abstract economic benefits of her proposed endeavor, including that she will seize market and investment opportunities for U.S. companies doing business in Brazil, contribute to U.S. companies' productivity, and that her endeavor will offer nationally important economic contributions. However, the record contains little concrete evidence to support these statements. For instance, although the Petitioner claimed that the tax revenues linked to her business will result in an increase of the U.S. Gross Domestic Product (GDP), she has not demonstrated how her assistance to U.S. companies would generate such significant revenue as to impact the national economy or GDP. We note the figures she provided in her business plan; however, she does not offer a sufficient foundation for the calculation of these figures. Furthermore, the Petitioner has not demonstrated that the specific endeavor she proposes to undertake has significant potential to employ U.S. workers. Even if the Petitioner creates 58 jobs in five years, as claimed, she has not explained how this would significantly mitigate the shortage of IT professionals or offer such significant benefits as to rise to the level of national importance. Overall, any impact her proposed endeavor will have appears to be localized, temporary, and internal in nature. As previously explained, without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to her future work, the record does not show that benefits to the U.S. regional or national economy resulting from the Petitioner's projects would reach the level of "substantial positive economic effects" contemplated by Dhanasar. Id. at 890.

In the present matter, the Petitioner's evidence is insufficient to show that her proposed work has broader implications for her field, as opposed to being limited to the clients and the companies that hire her. Accordingly, the Petitioner's proposed work does not meet the first prong of the Dhanasar framework. Because the documentation in the record does not establish the national importance of her proposed endeavor as required by the first prong of the Dhanasar precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of her eligibility under the second and third prongs outlined in Dhanasar, therefore, would serve no meaningful purpose.

III. CONCLUSION

The Petitioner has not demonstrated that she 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 Petitioner has not met the requisite first prong of the Dhanasar analytical framework. Therefore, we conclude that she has not established that she is eligible for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons.

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).

ORDER: The appeal is dismissed.