U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 22678742

Date: OCT. 05, 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 physical therapist, 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 determined that the Petitioner qualifies for the underlying classification as an advanced degree professional. 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 her eligibility, arguing that the Director 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. –
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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. Advanced Degree Professional

The Director concluded that the Petitioner qualifies as a member of the professions holding an advanced degree.[1] However, upon our de novo examination of the record, we must withdraw that finding. While we do not discuss each piece of evidence individually, we have reviewed and considered each one.

The record reflects that the Petitioner completed a course of study leading to a "título de bacharel" in physiotherapy.[2] To support a finding that she qualifies as an advanced degree professional, the Petitioner provided an academic and experience evaluation from senior evaluator, [redacted] on behalf of USCES, an academic credential evaluation service provider. Although [redacted] stated that the courses completed and the number of credit hours earned indicate the U.S. equivalency of her education, he offered little explanation of the Petitioner's courses and 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.

[1] Because the Director found that the Petitioner qualifies as a member of the professions holding an advanced degree, he determined that her eligibility as an individual of exceptional ability was moot. However, in the Director's request for evidence (RFE), he provided analysis of why the Petitioner's evidence did not establish that she is an individual of exceptional ability.

[2] Following this education, the Petitioner submitted documentation indicting that she pursued a post-graduate course of study ("lato sensu") in special education care, as well as courses leading to a teaching degree in biology. However, neither the AACRAO EDGE database nor the documents of record suggest that this additional academic coursework resulted in the foreign equivalent of a U.S. advanced degree. Nor does it appear as if the subject of these courses could be considered within the field of claimed exceptional ability, physiotherapy.

The Director accepted the Petitioner's "título de bacharel" in physiotherapy as the foreign equivalent of a U.S. bachelor's degree based upon the information provided in the AACRAO EDGE database. 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 Oct. 05, 2022). However, the Director stated that the employment letters the Petitioner submitted with her initial filing were insufficient to establish the Petitioner had at least five years of progressive post-baccalaureate experience.[3] In her response to the Director's request for evidence (RFE), the Petitioner provided new letters of experience from former employers, which the Director determined sufficiently established that she possessed a minimum of five years of post-baccalaureate experience.

We examined the employment letters provided in the RFE response and note a discrepancy in the information provided in these letters when compared with other documents in the record. Specifically, the Petitioner's Form ETA 750 Part B (ETA) includes the Petitioner's declaration under penalty of perjury that she worked part-time (20 hours per week) as a physical therapist in a nursing home from April 2008 to April 2015. Concurrent with this employment, she worked part-time (20 hours per week) as a physical therapist for a municipal department of health from June 2008 to March 2015. Finally, the Petitioner worked part-time (20 hours per week) as a teacher in a public school from February 2013 to December 2014. Her RFE response contained two employment letters, one from the nursing home and the other from the municipal health department. While each of these letters confirmed that the Petitioner worked during the above calendar periods, both letters stated that the Petitioner worked full-time. These letters suggest that the Petitioner simultaneously worked two full-time jobs as a physical therapist. Taken together with the information in the ETA, for a period of almost two years, from February 2013 to December 2014, the Petitioner had a third job as a part-time teacher.

Without further explanation and context, we question the ability of the Petitioner to simultaneously work two full-time jobs, let alone a third part-time job. We also question the credibility and accuracy of the employment letters and the ETA. Therefore, we cannot conclude that the Petitioner has sufficiently established that she has at least five years of progressive post-baccalaureate experience. 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. Here, the Petitioner has not provided consistent evidence to support a finding that she possesses at least five years of progressive post-baccalaureate experience. Accordingly, we cannot conclude that the Petitioner possesses an advanced degree, nor can we conclude that the Petitioner's foreign equivalent of a U.S. bachelor's degree is followed by five years of progressive post-baccalaureate experience. Therefore, the evidence does not establish that she is an advanced degree professional.

B. Exceptional Ability

[3] The RFE explained that the employment letters initially submitted did not include an explanation of the Petitioner's duties such that the progressive nature of her experience could be established, nor did the employment letters indicate whether the Petitioner's experience was full-time. In the letters submitted with her RFE response, the employers provided a list of duties and also stated that her work was full-time.

When issuing the RFE, the Director provided analysis of the Petitioner's eligibility as an individual of exceptional ability. Based on the evidence the Petitioner initially provided, the Director determined that the Petitioner had established eligibility under at least three of the six categories listed at 8 C.F.R. § 204.5(k)(3)(ii). The RFE explained that the Petitioner had satisfied the evidentiary requirements under: (1) 8 C.F.R. § 204.5(k)(3)(ii)(A), for an official academic record relating to the area of exceptional ability; (2) 8 C.F.R. § 204.5(k)(3)(ii)(C), for a license to practice the profession or certification for a particular profession or occupation; and (3) 8 C.F.R. § 204.5(k)(3)(ii)(E), for evidence of membership in professional associations.

The Petitioner stated in her initial filing that she did not submit evidence for consideration under 8 C.F.R. § 204.5(k)(3)(ii)(D), related to remuneration for services demonstrating exceptional ability, nor did she submit evidence for consideration under 8 C.F.R. § 204.5(k)(3)(ii)(B), related to letter(s) from current or former employer(s) showing at least ten years of full-time experience.

The Director provided a thorough analysis explaining why the evidence of record did not establish that the Petitioner had met the criterion at 8 C.F.R. § 204.5(k)(3)(ii)(F), related to recognition for achievements and significant contributions to the industry or field. After a review of the entire record, including the evidence submitted in response to the RFE and the arguments submitted on appeal, we agree with the Director's analysis of the evidence under 8 C.F.R. § 204.5(k)(3)(ii)(F), concerning recognition for achievements and significant contributions to the industry or field. We likewise conclude that the evidence is insufficient to establish eligibility under this criterion. Although the Director's RFE stated that she had satisfied at least three of the six criteria, the Director explained how her evidence did not establish that she qualifies as an individual of exceptional ability. Neither in her RFE response nor on appeal, did the Petitioner dispute or address the Director's analysis concerning her ineligibility as an individual of exceptional ability.

In the RFE, the Director found the Petitioner's evidence of a professional identity card and registration certificate from the Regional Council of Physical and Occupational Therapy (council) satisfied two criteria, that of evidence of a license or certification in the profession and of membership in a professional association. Although the Director explained that the identity card appeared to establish the Petitioner's authorization to exercise the occupation of physical therapy in Brazil and her registration with the council also served as evidence that the Petitioner was a member of a professional association, we conclude that this evidence is insufficient to establish eligibility under these criteria.

The identity card itself does not indicate what qualified the Petitioner to obtain such a card, nor does it indicate what the card confers upon her. By itself, the identity card does not support a finding that it is a license to practice the profession, but merely identifies the Petitioner as a physical therapist. The accompanying registration document states that the Petitioner "is qualified to carry out her professional activities," however, the document's validity expired in March 2019, prior to the filing of the petition in May 2019. Accordingly, it cannot be concluded that the identity card and registration were valid at the time of filing. The Petitioner must establish eligibility at the time of filing for the requested benefit and must continue to be eligible for the benefit through the adjudication of it. 8 C.F.R. § 103.2(b)(1). Similarly, we conclude that for the identity card and registration to serve as evidence of eligibility under these criteria, they must have been valid at the time of filing and continue to remain valid through the adjudication of the petition.

While we similarly conclude that the Petitioner has not established that she is an individual of exceptional ability, we reach this conclusion based on different reasoning than that upon which the Director relied. We conclude that the evidence supports a finding of eligibility under only one criterion. Because we conclude that the evidence does not support a finding that the Petitioner met at least three of the six evidentiary criteria at 8 C.F.R. § 204.5(k)(3)(ii), we need not reach a final merits determination. Nevertheless, we agree with the Director's analysis that the evidence provided did not establish that the Petitioner's experience is beyond that which is ordinarily encountered in the profession.

As explained, 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).

C. Proposed Endeavor

The Petitioner stated in her initial filing that she will "advise on clinical patient care" and "in the management and marketing of commercial activities of U.S. [p]hysical [t]herapy [d]evice manufacturers and [p]hysical [t]herapy institutions, operating or planning to operate in Brazil." The Petitioner also stated that her proposed endeavor is to continue working "in physical therapy with multi-national companies, providing indispensable guidance regarding national and cross-border contracts" involving the development of different healthcare ventures in the United States and Brazil. As described in an advisory opinion from [redacted] a professor at the [redacted] the Petitioner plans to work in a physical therapy facility, while providing advice and consultation to "U.S. healthcare institutions, teaching and training medical professionals and workers in the medical field as well as advising U.S. companies operating or planning to venture into the lucrative Brazilian [h]ealth field."

The Director issued an RFE, notifying the Petitioner that the evidence did not establish the national importance of her proposed endeavor. Among other pieces of evidence in her RFE response, the Petitioner provided a business plan for opening and operating her own physiotherapy business in Florida and serving as the clinic's president and head physical therapist. Not only will she provide physical therapy, but she also plans to offer occupational therapy and specialized educational care, particularly for the elderly and those with special needs. Her proposed endeavor is to:

> [P]rovide in-clinic and in-home physical rehabilitation treatments as well as tele physiotherapy. The Clinic will admit patients who suffered from COVID-19, as physiotherapy rehabilitation has a positive effect on health outcomes of patients with severe COVID-19. My proposed endeavor is to contribute to the development of the U.S. health system through the delivery of physiotherapy services and by sharing my knowledge on various techniques. Furthermore, I will also contribute to the development of the Physical Therapy Rehabilitation Centers Industry in the U.S. by establishing rehabilitation centers and sharing my industry-related experience with U.S.-based personnel.

Based upon the evidence in the record, we conclude that the Petitioner has not identified a specific or consistent proposed endeavor. As described in her initial filing, her proposed endeavor involves working with multinational companies, advising on cross-border contracts, and consulting with U.S. healthcare institutions regarding physical therapy. By contrast, her RFE response indicated a shift in focus to business ownership and patient care in Florida. While these endeavors may be connected through physiotherapy, their focus is quite different. In Dhanasar, we held that a petitioner must identify "the specific endeavor that the foreign national proposes to undertake." Id. at 889. Here, the Petitioner has not adequately explained how opening her own clinic in Florida would also involve working with multinational companies and advising on cross-border contracts such that we can conclude that the Petitioner has identified a specific and consistent proposed endeavor.

The purpose of the RFE is to elicit further information that clarifies whether eligibility for the benefit sought has been established. 8 C.F.R. § 103.2(b)(8). When responding to an RFE, the Petitioner cannot materially change the proposed endeavor. USCIS regulations affirmatively require a petitioner to establish eligibility for the benefit it is seeking at the time the petition is filed. See 8 C.F.R. § 103.2(b)(1). A visa petition may not be approved based on speculation of future eligibility or after a petitioner becomes eligible under a new set of facts. See Matter of Michelin Tire Corp., 17 I&N Dec. 248, 249 (Reg'l Comm'r 1978). Furthermore, 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 changes are made to the initial request for approval, the Petitioner must file a new petition rather than seek approval of a petition that is not supported by the facts in the record. We conclude that the Petitioner has significantly changed her proposed endeavor.

D. National Importance

Even when we consider all of the Petitioner's proposed activities as part of one endeavor, we still conclude that she has not established the national importance of her proposed endeavor. The Director determined that the Petitioner had established that the proposed endeavor met the substantial merit portion of the first prong set forth in the Dhanasar analytical framework. The Director's decision then discussed the deficiencies in the submitted evidence and provided a well-reasoned explanation as to why the Petitioner did not meet the national importance portion of the first prong. Therefore, upon consideration of the entire record, including the arguments made on appeal, we adopt and affirm the Director's decision regarding the first prong of the Dhanasar framework with the comments below.[4] 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).

To address the national importance of the proposed endeavor, the Petitioner submitted additional recommendation letters in her RFE response. These letters, along with the letters initially submitted, largely focus on the Petitioner's past accomplishments for her patients and employers. In addition, the letters contain generalized statements concerning the impact of her past work in order to illustrate

[4] While we may not discuss every document submitted, we have reviewed and considered each one.

the prospective impact of her proposed endeavor. For instance, [redacted], a nurse and professional acquaintance of the Petitioner, wrote that the Petitioner's muscle stretching program for the elderly had an impact on municipal, regional, and national levels, as well as served as inspiration to professionals from other cities and states. Further, [redacted] stated that she herself implemented the Petitioner's ideas and that they had a significant impact on the health of the elderly in her region. However, [redacted] does not provide adequate support for these assertions and does not point to any independent and objective evidence to corroborate her claims about the impact of the Petitioner's past work. Similarly, [redacted], a physiotherapist at a hospital in Brazil, noted that the Petitioner has unique skills and methods in her field, that she presented these skills and methods to students and professionals, and that this added to their knowledge, as well as inspired others in her field. However, the letter does not contain details concerning where and when the Petitioner presented to others, what specific skills and methods she presented, or who specifically attended her presentation. Further, it is not apparent from the letter or the record what makes the Petitioner's skills and methods unique. Although [redacted] noted that the Petitioner's work had a regional impact as well an impact on the field of physiotherapy as a whole, she does not provide corroborating evidence to support this conclusion.

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"). Here, the Petitioner's letters of support do not sufficiently support a finding of the national importance of the proposed endeavor. While the authors of the letters claim that the Petitioner's past work has had a nationally important impact, their examples, if provided, only support a finding of an impact to the individuals with whom the Petitioner worked.

We now turn to a discussion of [redacted] advisory opinion regarding the Petitioner's eligibility for a national interest waiver. Regarding the national importance of the proposed endeavor, [redacted] referenced healthcare and physical therapy statistics, the national importance of these fields, the national shortage of physical therapists, as well as the personal and professional qualities the Petitioner will rely upon when carrying out her proposed endeavor. However, 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. Furthermore, as the Director already noted, the Petitioner's qualifications relate 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 national importance under *Dhanasar's* first prong.

[redacted] offered further conclusions concerning the prospective impact of the proposed endeavor, including that as a result of increased business activity, the endeavor has the potential to create direct and indirect jobs, increase household consumption and spending power, as well as lead to increased federal and state tax revenue. While we agree that any basic business activity has the

potential to positively impact the economy, [redacted] has not demonstrated how the prospective economic activity the proposed endeavor would generate rises to the level of affecting the U.S. economy. 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 proposed endeavor would reach the level of "substantial positive economic effects" contemplated by Dhanasar. See id. at 890.

As a matter of discretion, we may use opinion statements 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. Because [redacted] did not provide adequate support for his conclusions, as well as addressed the importance of the field and the Petitioner's qualifications, rather than the importance of the specific proposed endeavor, we cannot conclude his opinion is of probative value in this matter.

On appeal, the Petitioner repeatedly relies upon the merits of the services she will provide through her new business, rather than providing additional evidence to overcome the Director's concerns that the impact of her proposed endeavor would not extend beyond her business alliances, clients, and workplace. The Petitioner expects that she will create ten direct jobs by year five of her business and will significantly improve the quality of life of her patients; however, as the Director stated, she has not established how these benefits will impact the field of physical therapy, reach beyond her clinic and patients, or rise to the level of national importance.

The Petitioner references her unique methodologies and techniques but does not offer a sufficient explanation of why they are unique. For instance, it is not apparent that educating the elderly on their physical health and offering a stretching program is a unique methodology or treatment technique. While the Petitioner references a "unique and exclusive physical therapy protocol," she does not explain what her unique treatment protocol is or how it is unknown or unavailable in the United States. Rather, it appears as though the Petitioner will customize treatment programs to meet individual patient needs, which does not appear to have an impact extending beyond her patients. While we agree that the field of physical therapy is important, as are issues of individual patient care and quality of life, it is not apparent from the evidence or arguments provided that the Petitioner's specific proposed endeavor has national importance. Furthermore, as stated previously, the Petitioner has not provided a specific or consistent proposed endeavor. Therefore, we conclude that the Petitioner has not met the requisite first prong of the Dhanasar framework.

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. Additionally, the documentation in the record does not establish a specific and consistent proposed endeavor, nor does it establish the national importance of it, 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 her eligibility under the remaining prongs outlined in Dhanasar 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 the Petitioner's 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 she qualifies for the underlying EB-2 classification or the requisite first prong of the Dhanasar analytical framework, we conclude that she has not established she 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.