U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 27521249

Date: JUL. 3, 2023

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner seeks second preference immigrant classification as an individual of exceptional ability, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Texas Service Center denied the petition, concluding the Petitioner had not established eligibility for the EB-2 classification, or that a waiver of the required job offer and thus of the labor certification, would be in the national interest. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

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. Section 203(b)(2)(B)(i) of the Act. Next, a petitioner must then demonstrate they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016) provides that U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion,[1] grant a national interest waiver if the petitioner shows:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance the proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

[1] *See also Poursina v. USCIS*, 936 F.3d 868 (9th Cir. 2019) (finding USCIS' decision to grant or deny a national interest waiver to be discretionary in nature).

II. EB-2 CLASSIFICATION

The Petitioner plans to offer his services as an aircraft mechanic to U.S. employers and has provided evidence, such as his aircraft mechanic training certificates and licenses, his resume, a letter from his current employer, as well as letters from colleagues and former employers to establish that he is trained and experienced in performing services in this occupation.

In denying the petition, the Director indicated that he had reviewed the documentation in the record, both individually and within the totality of the evidence, and concluded that the Petitioner had not established that he was eligible for the EB-2 classification. On appeal, the Petitioner contests the Director's determination in this regard, noting in part, that the "Director failed to explain why [his] documentation was not demonstrating his *extraordinary ability* in Aviation Maintenance." [2] (emphasis added.) We agree with the Petitioner that the Director erred by not fully discussing his specific reasons for concluding that the Petitioner was ineligible for the EB-2 classification. *See* 8 C.F.R. § 103.3(a)(1), which requires USCIS "to explain in writing the specific reasons" for denying a petition. Nonetheless, we are providing the following analysis and determinations regarding the Petitioner's eligibility for the EB-2 classification (based on our de novo of the record), because we agree with the Director's ultimate conclusion that the Petitioner has not demonstrated eligibility for or otherwise merits a national interest waiver as a matter of discretion, which is dispositive of this appeal.

Because the Petitioner does not indicate or establish that he qualifies as a member of the professions holding an advanced degree, the record must establish that he qualifies as an individual of exceptional ability. The regulation at 8 C.F.R. § 204.5(k)(2) defines 'exceptional ability" as "a degree of expertise significantly above that ordinarily encountered" in a given area of endeavor. A petitioner must provide documentation that satisfies at least three of six regulatory criteria to meet the initial evidence requirements for this classification. *See* 8 C.F.R. § 204.5(k)(3)(ii)(A)-(F).

The submission of sufficient initial evidence does not, however, in and of itself establish eligibility. We first determine, by a preponderance of the evidence, which evidence submitted by the petitioner objectively meets the parameters of the regulatory description that applies to that type of evidence (referred to as "regulatory criteria"). If a petitioner satisfies these initial requirements, we then consider the entire record to determine whether the individual has a degree of expertise significantly above that ordinarily encountered. *See Matter of Chawathe,* 25 I&N Dec. at 376 (holding that the "truth is to be determined not by the quantity of evidence alone but by its quality"). *See* 6 *USCIS Policy Manual* F.5, https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.

On appeal, the Petitioner asserts that he met five of the regulatory criteria at 8 C.F.R. § 204.5(k)(3)(ii) at the time of filing the petition; he does not discuss nor does the record establish his eligibility under the *salary* criteria at 8 C.F.R. § 204.5(k)(3)(ii)(D). Based on our de novo review of the record, we conclude that the Petitioner does not qualify as an individual of exceptional ability because he has not

[2] It appears that the Petitioner conflates the requirements of two distinct employment-based immigration visa classifications. Notably, determinations regarding whether someone qualifies as an individual of *extraordinary ability* are made in petitions seeking the EB-1 immigrant classification which differs from the EB-2 (national interest waiver) classification sought in this petition. Individuals of *extraordinary ability* must meet at least three of ten criteria set forth in 8 C.F.R. § 204.5(h), as opposed to three of six criteria for an individual of *exceptional ability* under 8 C.F.R. § 204.5(k).

satisfied at least three of the other regulatory criteria. While we may not discuss every document submitted, we have reviewed and considered each one.

> *An official academic record showing that the individual 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)

The Petitioner submitted a copy of his training certificates and course transcripts from the institutions of learning where he obtained training as an aircraft mechanic abroad, together with certified translations. Accordingly, he established that he meets this criterion.

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

The petition was filed in August 2020. The Petitioner maintains that his prospective aircraft mechanic position comports with the duties and responsibilities of those employed in the "Aircraft Mechanics and Service Technicians," SOC Code 49-3011 occupation. *See* U.S. Department of Labor (DOL's), O*NET Summary Report for "Aircraft Mechanics and Service Technicians," which may be viewed at https://www.onetonline.org/link/summary/49-3011.00. Thus, the record must establish that he had at least ten years of full-time experience as an aircraft mechanic as of August 2020. A petitioner must establish eligibility at the time of filing a petition. 8 C.F.R. § 103.2(b)(1).

The Petitioner submitted letters from his former employers as evidence of his qualifying work experience. The letter from L- indicates that it employed the Petitioner as an aircraft mechanic from May 2014 to January 2020, reflecting about five years and seven months of employment in this occupation.

He also submitted a letter from N- who indicates that it employed the Petitioner as a transportation manager from January 2009 to October 2011, where he performed duties, such as "[d]irecting activities to dispatching, routing, and tracking vehicles, aircraft, or railroad cars," "[d]irecting investigations to verify and resolve customer or shipper complaints," and "arranging repairs and routine maintenance of vehicles." The letter from S- states that the Petitioner was employed from April 2007 to December 2009 as an operational technician, in which he performed duties, such as "[b]eing accountable for the day-to-day management of pipeline operations activities," "starting and stopping production facilities," and "carrying out routine and first-line maintenance as needed." Notably, the Petitioner's employment letters contend that he was employed by *both* N- and S- on a full-time basis from January through December of 2009. The Petitioner has not (1) indicated that he contemporaneously worked two full-time jobs during this time period, or (2) otherwise addressed this discrepancy in the record. The Petitioner must resolve this inconsistency in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

We have reviewed and collectively considered the evidence in the record, including the letters from the Petitioner's employers, his aircraft mechanic training records, and the Petitioner's own accounting of his work history. However, while the letters cover a period of more than ten years, they do not establish that all of the Petitioner's claimed employment was in the aircraft mechanic occupation. The

record reflects that he held an aircraft mechanic position with L- from May 2014 to January 2020, but the Petitioner has not sufficiently explained how the job duties performed while he was as a transportation manager for N- or as an operational technician for S- from April 2007 to October 2011 are akin to those typically performed in the aircraft mechanic occupation, supported by probative evidence. *Matter of Chawathe,* 25 I&N Dec. at 376. Additionally, the Petitioner's training records reflect that he did not start his aircraft mechanic training program until 2012 – after his period of employment with N- and S- ended. The Petitioner has not sufficiently explained how he could work as an aircraft mechanic prior to obtaining training to learn how to do so. *Matter of Ho*, 19 I&N Dec. at 591-92.

Because the record lacks credible evidence that at the time of filing the petition, the Petitioner had at least ten years of full-time employment in the aircraft mechanic occupation, he has not satisfied 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 shows that at the time of filing the petition, the Petitioner possessed aircraft mechanic licenses from the U.S. Federal Aviation Administration (FAA) and the National Civil Aviation Agency (ANAC) in Brazil. This criterion has been met.

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

This criterion requires evidence of membership in a professional association. The regulation at 8 C.F.R. § 204.5(k)(2) defines "profession" as any occupation having a minimum requirement of a United States bachelor's degree or foreign equivalent for entry into the occupation.

On appeal, the Petitioner asserts that he holds membership in three professional associations. With regard to his membership in the Professional Aviation Maintenance Association (PAMA), the evidence reflects that he obtained membership in this association in August 2022, two years after the filing of the petition. Therefore, this documentation does not establish his eligibility for this criterion at the time of filing. 8 C.F.R. § 103.2(b)(1). For the sake of brevity, we will not address other deficiencies within the PAMA-related documentation.

The Petitioner also contends that his aircraft mechanic licenses from the FAA and ANAC are evidence of his membership in professional associations. The Petitioner provided documentation about these organizations, which shows that these organizations are government agencies in their respective countries. The evidence provided does not suggest that these two government agencies require at a minimum a United States bachelor's degree or foreign equivalent for obtaining a license to be employed in the Petitioner's occupation, or that these government agencies otherwise qualify as professional associations as contemplated by 8 C.F.R. § 204.5(k)(3)(ii)(E).

For instance, the Petitioner submitted an FAA document entitled "Mechanic Questions and Answers," which indicates that to obtain an FAA aircraft mechanic license, applicants must at a minimum be: "at least 18 years old; able to read, write, speak, and understand the English language (with certain exceptions permitted); able to meet the experience, knowledge, and skill requirements for at least one

rating, and; able to pass all the prescribed tests within a 24-month period. Similarly, according to the submitted ANAC documentation, ANAC requires that applicants for this license, must be "at least 18 years old; hold a high school diploma; successfully complete a course approved by [ANAC], and; pass[] an [ANAC] knowledge test."

Here, the evidence provided does not substantiate that FAA and ANAC require at a minimum a United States bachelor's degree or foreign equivalent for obtaining a license to be employed in the Petitioner's occupation, or that these government agencies otherwise qualify as professional associations under 8 C.F.R. § 204.5(k)(3)(ii)(E). This criterion has not been met.

> *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)

On appeal, the Petitioner reiterates his accomplishments and professional achievements but does not provide new evidence in support of this criterion. To establish his eligibility under this criterion, he first points to a reference letter from Mr. B-, who indicates that he is an "aircraft inspector and second military sergeant of the Military Fire Department of the Capital of Brasil, [and a] former professor of aviation at the GF Technical School of Aviation," which is an institution of learning where the Petitioner attended training for the aircraft mechanic occupation. Mr. B- speaks favorably about the Petitioner's academic aptitude, explaining that he was the Petitioner's teacher for 2 ½ years, and that during that time, the Petitioner "proactively perform the activities proposed to him, standing out several times and demonstrating that he was able to learn quickly." Mr. B- further notes that there was consensus amongst the training staff there about the Petitioner's abilities as a student; Mr. B- indicates that the Petitioner "was one of the best students I was able to teach in my career, as he is constantly in search of knowledge, standing out among other professionals in his area. . ." Mr. B- also generally references the Petitioner's job performance while he was employed as an aircraft mechanic in Brazil, contending that the Petitioner's work "was highly praised by his bosses, whom I knew."

We also note that the individual who wrote the employment letter on behalf of L- (where the Petitioner was employed abroad as an aircraft mechanic), states that the Petitioner was "fully prepared for the activities related to his qualifications, and we acknowledge his expertise." The record contains letters from colleagues, teachers, and former employers who offer general praise about his abilities. But, without more detailed explanation about the Petitioner's specific contributions to the occupation, supported by documentary evidence, the letters do not sufficiently support the Petitioner's assertion that he has "been recognized for his achievements and significant contributions to the aviation industry." *Chawathe, supra.*

On appeal, the Petitioner also discusses two previously submitted opinion letters, contending that they are "proof" of his eligibility under this criterion. For the following reasons, we disagree. The letter from professor K- discusses the "crucial contribution[s]" made by a self-taught mechanic – Charlie Taylor, who assisted in the "Wright brothers' invention of the airplane," then addresses how "aircraft maintenance is an area of critical concern as it entails the performance of tasks required to ensure the continuing airworthiness of an aircraft or aircraft part. . ." Turning to the Petitioner's own qualifications and accomplishments, he incorporates portions of the Petitioner's resume as a means to outline his training, skills and experience, quotes from the reference and employment letters which we

have already addressed and opines "I am in total agreement with the [letter writers] regarding [the Petitioner's] specialized knowledge and recognition of expertise." Absent from his analysis is any mention of the specific *significant contributions* that the Petitioner has made to the aircraft mechanic occupation, or the greater aviation industry, supported by documentary evidence. *Id.*

Similarly, the letter from Mr. T-, an airline pilot and certified aviation manager, takes note of the Petitioner's intention to seek employment as an aircraft mechanic in the U.S, discusses information gleaned from the evidence in the record, and concludes that the Petitioner's "education, experience, and skill in the field, his record of success in employing his expertise previously, [and his current post-petition filing employment as an aircraft mechanic] position him well to advance his proposed endeavor." Like professor K-'s analyses, Mr. T- does not mention, document, or analyze the ways in which the Petitioner has made significant contributions to his field, or otherwise explain how his "recognition" by his former training instructor, employers, and colleagues is indicative of his asserted exceptional ability as an aircraft mechanic. *Id.*

For the reasons discussed, we conclude the opinion letters provided lend little probative value to the matter here. 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.*

Importantly, the Petitioner has not sufficiently explained the nature of his specific contributions to the aircraft mechanic occupation, supported by documentary evidence. For instance, the Petitioner has not explained how his academic achievements, and his license, both required for entry into the occupation, demonstrate he meets this criterion. The Petitioner appears to be a qualified and well-trained aircraft mechanic with several years of aircraft mechanic work experience. However, without more, this evidence is insufficient to establish that the Petitioner qualifies for this criterion. This criterion has not been met.

As the Petitioner has not satisfied the initial regulatory requirements at 8 C.F.R. § 204.5(k)(3)(ii), we will not consider the entire record to determine whether the individual has a degree of expertise significantly above that ordinarily encountered. *See* 6 *USCIS Policy Manual* F.5, https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5. As the Petitioner in this matter has not established eligibility as an individual of exceptional ability under section 203(b)(2)(A) of the Act, he has not established eligibility for the underlying EB-2 classification.

III. NATIONAL INTEREST WAIVER

The first prong relates to the substantial merit and national importance of the specific proposed endeavor. *Dhanasar*, 26 I&N Dec. at 889. The Director concluded in her denial that the Petitioner's endeavor did not have substantial merit and national importance.

Regarding his claim of eligibility under *Dhanasar*'s first prong, the Petitioner provided a "personal statement" which reflects that he intends to continue to work as an aircraft mechanic. The record contains a variety of articles and reports about the aircraft mechanic occupation specifically and the aviation industry generally, including a 2014 report from the U.S. Government Accounting Office (GAO) entitled

"*Current and Future Availability of Aviation Engineering and Maintenance Professionals*." This report explains that "[m]aintaining a safe and robust aviation system requires [aircraft mechanics] to . . . repair more than 225,000 aircraft . . .," which supports the Petitioner's contention that his proposed endeavor, which involves work as an aircraft mechanic, has substantial merit. Therefore, we withdraw the Director determination that the Petitioner's endeavor lacks substantial merit and conclude that he has meets the substantial merit aspect of *Dhanasar's* first prong.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance under *Dhanasar*'s first prong, we look to evidence documenting the "potential prospective impact" of his work. *Dhanasar* at 889. For the reasons discussed below, we agree with the Director that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor. While we may not discuss every document submitted in support of the Petitioner's national interest waiver eligibility, we have reviewed and considered each one.

In a letter submitted at the time of filing, the Petitioner described his work experience and training gained as an aircraft mechanic, which we previously addressed. He indicates that he intends to offer his aircraft mechanic services to U.S. employers, noting his work will "satisfy a void of significant national importance . . . [and] will have a positive impact by transporting people and valuables across the U.S. and internationally. His work will affect people through the U.S. and across the world."

The Director issued a request for evidence (RFE), advising that the Petitioner had not shown that the positive effects of his proposed endeavor would "sufficiently extend beyond his [employing] organization and its clients to impact the industry or field more broadly." The Director, citing to *Dhanasar*, further emphasized that the evidence the Petitioner provided did not specifically describe the potential impacts of his work, such as broader implications to his field, a significant potential to create jobs for U.S. workers, or substantial positive economic effects. Accordingly, the Director asked the Petitioner to provide a detailed description of the proposed endeavor and why it is of national importance and to support his statements with documentary evidence. However, based on our review of the record, we conclude that the Petitioner did not sufficiently address this aspect.

The Petitioner's response to the RFE included his professional statement, a letter from his current employer, two opinion letters, as well as articles and reports about his occupation and the aviation industry. In discussing the national importance of his proposed endeavor, the Petitioner highlighted that "it is well known that air transport is an important contributor to global economic development," and discusses various ways in which the air mechanic occupation supports the airline industry, noting "my education and work history would be of great national importance to the United States." He also mentions that he may act as a mentor for other aircraft mechanics as part of his proposed endeavor but has provided no plan regarding how or when he might perform these duties, or how the prospective impact of his mentoring activities would rise to the level of national importance.

Referring to the previously discussed opinion letter from professor K- the Petitioner emphasized that "the civil aviation industry employs over 274,000 people and generates $39 billion in economic activity. Maintenance, repair and overhaul (MRO) accounts for 85 percent of the industry's total employment in the United States with 233,237 employees." The Petitioner also referenced articles which indicate that "there is a great need for [aircraft mechanics] in the U.S., as there is an urgent

shortage of [them]. . . the U.S. loses its advantage in a global market due to this shortage, particularly when considering the importance of the sector in which [the Petitioner] offers his services."

In denying the petition, the Director explained that the submitted evidence did not demonstrate the endeavor's potential prospective impact by showing it will have broader implications within the aviation or air transport industry, significant potential to employ U.S. workers, or that it will result in substantial positive economic effects. The Director acknowledged evidence addressing a market demand for workers in the Petitioner's field and the national importance of the U.S. aviation and air transport industry but concluded that the Petitioner had not submitted sufficient evidence showing how his plans to work as an aircraft mechanic would have an impact that reaches beyond benefiting his employer and its clients.

On appeal, the Petitioner maintains that the evidence submitted in response to the RFE explained how his proposed endeavor will have national implications within his field, substantial positive economic effects, and how it will broadly enhance societal welfare in a manner consistent with national importance. The Petitioner contends that the Director did not adequately address the submitted evidence and erred by concluding that he did not establish the national importance of the proposed endeavor.

The Petitioner specifically highlights his previously submitted personal statement, recommendation letters and opinion letters, noting that he "highlights several broader implications of his [aircraft mechanic role] in the aviation industry," and incorporates the statements put forth by the authors who noted, among other things, that there are "[a]bout 13,100 openings for aircraft and avionics equipment mechanics are projected each year," and that the "[Petitioner's] contributions to his [employer] translate into a substantial benefit for the Aviation Industry as a whole in terms of financial returns, improved productivity, reduces lost costs, lower insurance premiums, and most importantly, improved safety." The Petitioner contends that the previously submitted evidence supports a determination that through his prospective work in the industry he "can generate a valuable contribution to the U.S. aviation industry, as my qualifications place me within a scarce population of highly qualified licensed [aircraft mechanics] to meet current and future industry demands."

As noted, to evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement under the *Dhanasar* framework, we look to evidence documenting the "potential prospective impact" of his work. The Petitioner asserts that he will continue his career working as an aircraft mechanic, where he has approximately six years' of work experience. We acknowledge that a U.S. airline or similar employer that hires him to provide services may operate more safely and efficiently, benefits that may extend beyond the individual organization. However, the record does not provide adequate support for the Petitioner's claim that, by accepting a position as an aircraft mechanic, he "will broadly impact the field" and that the impacts from his work will significantly benefit the aviation industry and the nation.

Here, the Petitioner also did not provide sufficient supporting evidence to establish a strong connection between the proposed endeavor aircraft mechanic activities and substantial economic benefits (such as job creation or tax revenues) on a level commensurate with national importance. In *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Dhanasar*, 26 I&N Dec at 893.

Similarly, the proposed endeavor here may very well positively impact the businesses that engage the Petitioner for his services, but the evidence does not suggest that the Petitioner's services will be available on a level that has potential national implications in the aircraft mechanics occupation or the aviation industry.

The Petitioner has similarly stressed the national importance of his work by highlighting the fact that air transport is a major economic driver for the U.S. economy. Regarding national importance, however, 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." *Dhanasar, supra*. The Petitioner must demonstrate the national importance of his continued career as an aircraft mechanic in the aviation or air transport industry, rather than the national importance of the industry overall. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to his future work, the record does not show that benefits to the U.S. regional or national economy resulting from the Petitioner's services would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *Id.* at 890.

The Petitioner also references the Federal Aviation Act of 1958, Title 14 of the Code of Federal Regulations - which codifies aviation regulations in "areas overseen by the FAA and NASA," and the recently enacted Safe Aircraft Maintenance Standards Act, for the proposition that the Petitioner through his duties as an aircraft mechanic is "necessary for individual and societal wellbeing" because he "helps and oversees services to ensure that aircraft flying passengers and cargo from and to various destinations are in perfect condition and free of defects, disrepair or changes to malfunction." However, the fact that a petitioner is qualified for and may accept a position in an industry or sector that is the subject of national initiatives is not sufficient, in and of itself, to establish the national importance of a specific endeavor. The Petitioner must still demonstrate the potential prospective impact of his specific endeavor in that area of national importance, and here he has not met that burden.

We again acknowledge the Petitioner's recommendation and employment letters which discuss his training, and work experience and generally comment on his proposed endeavor to continue working in the same field. Some of the letters praise his skills, abilities and performance as an aircraft mechanic. While important, the Petitioner's expertise acquired through his employment relates to the second prong of the *Dhanasar* framework, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* The issue here is whether the specific endeavor the Petitioner proposes to undertake has national importance under *Dhanasar's* first prong. While we do not doubt that the Petitioner was and is a valued and high-performing employee, the letters do not sufficiently illustrate how the Petitioner's specific endeavor in the United States will have national implications.

Turning to the previously discussed opinion letters, one from professor K- and the other from Mr. T-, both letter writers generally highlight the size, stability and continuous growth of the air transport industry and emphasize the ways in which the industry's revenues and employment opportunities contribute to the U.S. economy, noting that the Petitioner's endeavor as an aircraft mechanic would support this important industry, benefiting airlines and airports, passengers and the broader travel industry. While we acknowledge that there is an ongoing demand in the industry for persons who possess the Petitioner's skills, training, and experience, neither the Petitioner nor the individuals who provided opinion letters in support of the petition sufficiently explain how the Petitioner's work as an

air mechanic would meaningfully impact this demand or alleviate any shortage of workers. We observe that much of the content of the opinion letters lacks relevance because the writers discuss the importance of the Petitioner's industry and occupation rather than addressing how the specific proposed endeavor would satisfy the national importance element of the first prong of the *Dhanasar* framework. Simply stating that his work would support an important industry is not sufficient to meet the "national importance" requirement under the *Dhanasar* framework.

For the foregoing reasons, we conclude that the opinion letters are of little probative value to the matter at hand. *Matter of Chawathe*, 25 I&N Dec. at 376. Importantly, 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. *See Matter of V-K-*, 24 I&N Dec. 500, 502 n.2 (BIA 2008) ("[E]xpert opinion testimony, while undoubtedly a form of evidence, does not purport to be evidence as to 'fact' but rather is admissible only if 'it will assist the trier of fact to understand the evidence or to determine a fact in issue.'"). For the sake of brevity, we will not discuss other deficiencies in the opinion letters.

We conclude the Petitioner has not met his burden to establish that his proposed endeavor would operate on such a scale as to rise to the level of national importance. It is insufficient to claim an endeavor has national importance or will create a broad impact without providing evidence to corroborate such claims. The Petitioner must support his assertions with relevant, probative, and credible evidence. *Chawathe, supra.*

For these reasons, the Petitioner's proposed endeavor does not meet the first prong of the *Dhanasar* framework. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we determine that he has not demonstrated his eligibility for or otherwise merits a national interest waiver as a matter of discretion. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding his eligibility under the second and third prongs. It is unnecessary to analyze additional grounds when another independent issue is dispositive of the appeal. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976); *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).

IV. CONCLUSION

In visa petition 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. The Petitioner has not met that burden.

ORDER: The appeal is dismissed.