



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

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 26609735

Date: MAY 15, 2023

Appeal of Nebraska Service Center Decision

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

The Petitioner, an airport operations specialist, seeks classification as an individual of exceptional ability in the sciences, arts, or business. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i).

The Director of the Nebraska Service Center denied the petition. The Director concluded that although the Petitioner established his eligibility for EB-2 immigrant classification as a member of the professions holding an advanced degree, the record did not demonstrate his eligibility for the requested national interest waiver. 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, under section 203(b)(2)(B)(i) of the Act.

An advanced degree is any United States academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. A United States bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. 8 C.F.R. § 204.5(k)(2).

Exceptional ability means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. 8 C.F.R. § 204.5(k)(2). A petitioner must initially submit documentation

that satisfies at least three of six categories of evidence. 8 C.F.R. § 204.5(k)(3)(ii)(A)-(F).<sup>1</sup> Meeting at least three criteria, however, does not, in and of itself, establish eligibility for this classification.<sup>2</sup> We will then conduct a final merits determination to determine whether the evidence in its totality shows that they are recognized as having a degree of expertise significantly above that ordinarily encountered in the field.

Once a petitioner demonstrates eligibility as either a member of the professions holding an advanced degree or an individual of exceptional ability, they must then establish that they merit a discretionary waiver of the job offer requirement “in the national interest.” Section 203(b)(2)(B)(i) of the Act. While neither the statute nor the pertinent regulations define the term “national interest,” *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion<sup>3</sup>, grant a national interest waiver if the petitioner demonstrates that:

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

## II. EB-2 CLASSIFICATION

The Petitioner has a bachelor’s degree in tourism and gained employment experience and additional job-related training in airport operations with several Brazilian airlines between June 2009 and February 2017.<sup>4</sup> He proposes to offer his services as “a Specialist in Airport Operations” for a U.S. employer and indicates that he will “help aviation companies and airports operate efficiently and safely.”

The Petitioner consistently asserted that he is eligible for the EB-2 classification as an individual of exceptional ability and did not claim eligibility as a member of the professions holding an advanced degree. For the reasons discussed below, we conclude that the Petitioner has not established his eligibility for either EB-2 classification.

### A. Member of the Professions Holding an Advanced Degree

The Petitioner submitted a diploma and academic transcript showing that he completed the program requirements for a bachelor’s degree in tourism at a Brazilian university in December 2014 after four years of study. He also submitted an academic evaluation which concluded that the Petitioner’s degree represents attainment of a level of education comparable to a bachelor’s degree in the United States.

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<sup>1</sup> If these types of evidence do not readily apply to the individual’s occupation, a petitioner may submit comparable evidence to establish their eligibility. 8 C.F.R. § 204.5(k)(3)(iii).

<sup>2</sup> USCIS has previously confirmed the applicability of this two-part adjudicative approach in the context of aliens of exceptional ability. *See generally*, 6 *USCIS Policy Manual* F.5(B)(2), <https://www.uscis.gov/policy-manual>.

<sup>3</sup> *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).

<sup>4</sup> The record reflects that the Petitioner has been in the United States since January 2018 and held F-2 nonimmigrant status as the spouse of an F-1 student when he filed this petition in February 2021.

The Director concluded the Petitioner qualifies for classification as a professional holding an advanced degree based on his submission of his official academic record for his bachelor's degree as well as evidence in the form of letters from former employers showing he has five years of progressive post-baccalaureate experience in the specialty. *See* 8 C.F.R. § 204.5(k)(3)(i)(B). However, although the Petitioner submitted letters documenting more than five years of employment experience, he did not demonstrate that he accrued this experience in his specialty after receiving his bachelor's degree. As noted, the record reflects that the Petitioner completed his bachelor's degree requirements in December 2014. The Petitioner indicates that he last worked as a dispatcher supervisor for a Brazilian airline from July 2014 until February 2017. Therefore, the Petitioner documented less than three years of post-baccalaureate employment experience.

As the Petitioner did not establish that he had five years of post-baccalaureate experience in his specialty, the Director's determination that he is eligible to be classified as a member of the professions possessing an advanced degree is withdrawn.

## B. Individual of Exceptional Ability

Because the Director determined that the Petitioner established his eligibility as a member of the professions possessing an advanced degree, the Director did not evaluate his claim that he qualifies as an individual of exceptional ability.

The Petitioner claimed that he meets all six evidentiary criteria under 8 C.F.R. § 204.5(k)(3)(ii) and otherwise qualifies as for the requested classification. For the reasons provided below, we conclude that the Petitioner does not meet the initial evidentiary requirements for classification as an individual of exceptional ability.

### 1. Evidentiary Criteria

*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 diploma and transcripts from a Brazilian university, together with certified translations, which establish that he earned a bachelor's degree in tourism. 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)

This criterion focuses on evidence of experience in the occupation which a petitioner intends to pursue in the United States, which in this case would include the Petitioner's employment experience in airline or airport operations. Although the Petitioner emphasizes that he has more than 11 years of work experience, he has not demonstrated that he has at least ten years of full-time experience in the relevant occupation.

The Petitioner provided several letters from his prior employers in support of his claim that he held airport operations positions with airlines from June 2009 until February 2017, a period of less than eight years. The Petitioner indicates that, prior to June 2009, he worked as an office assistant for employers who were not in the same industry or field in which he seeks to work in the United States.

Because the record lacks evidence that the Petitioner has at least ten years of full-time employment in the occupation in which he seeks to provide his services in the United States, he has not satisfied the criterion at 8 C.F.R. § 204.5(k)(3)(ii)(B).

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

In support of this criterion, the Petitioner submitted a copy of his “professional identification card” issued by the [REDACTED]. The card indicates that he has a “qualification” of “Manager” and a “restricted area of action” in “Tourism.” The card also indicates that it was issued in April 2019 (more than two years after the Petitioner last worked in Brazil), bears a “registration date” of July 2020 and was valid until July 2022, and therefore expired while the petition was pending. The Petitioner submitted a document from an unidentified source which briefly describes [REDACTED] noting that it is “a federal autarchy that has the purpose of disciplining and supervising the professional practice of the Administrator in the area of its respective jurisdiction, organizing and maintaining the registration of this professional, and implementing the guidelines formulated by the Federal Administration Council.”

The Petitioner did not submit sufficient evidence or explanation to demonstrate that this professional identification card constitutes a license to practice his profession, or a certification related to his profession or occupation as required by the plain language of the criterion. He also did not establish that he held this qualification at the time he was employed in the aviation or tourism sector in Brazil or that he maintains this, or any other required professional license or certification, related to his intended occupation in the United States.

In addition to the professional identification card, the Petitioner submitted a “Federal Tax and Active Federal Debt Clearance Certificate” issued by the Brazilian Department of Federal Revenue to satisfy this criterion. This document certifies “that there are no pending items in his name, related to tax credits administered by the Federal Revenue Service of Brazil (RFB) and the enrollment in Active Federal Debt (DAU) with the National Treasury Attorney’s Office.” This document was not accompanied by any additional evidence or explanation of how it qualifies as a license to practice a profession or a certification for a particular profession or occupation. The Petitioner did not meet his burden to establish that the evidence he submitted satisfies the plain language of this criterion.

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

The record contains a letter from an individual who indicates he has been the Petitioner’s accountant since January 2020. He states that the Petitioner’s earnings for the years 2014, 2015 and 2016 were R\$27,702, R\$38,212, and R\$40,938, respectively. The Petitioner did not submit any additional evidence of his prior earnings. The accountant’s letter was accompanied by a screenshot from the

Brazilian website salariobr.com providing salary data for the position of “operational flight dispatcher.” The salary information, which is provided for the year ended October 2020, includes separate salary data for those employed in this occupation for small, mid-sized and large companies, as well as for workers with five different experience levels ranging from “trainee” to “master.” The provided evidence does not indicate whether the reported salaries represent average, median or highest reported salaries within each distinct category.

The Petitioner did not explain how the salary he received in any given year demonstrates or is indicative of exceptional ability in his occupation. It is unclear whether his employer during the period in question was a small, mid-sized or large company and we therefore cannot determine which data would provide an appropriate basis for comparison. Further, the salary information provided in the survey appears to be internally inconsistent. For example, the screenshot from salariobr.com includes a chart that identifies monthly salaries for employees of small companies ranging from R\$1379 to R\$2412, as well as a table that identifies monthly salaries for employees of small companies ranging from R\$1866 to R\$3263. It appears that the Petitioner’s salary was comparable to salaries reported for senior or master level employees, but there is insufficient evidence to demonstrate that the Petitioner’s salary demonstrated or is indicative of exceptional ability in his field. The Petitioner has not established that he satisfies this criterion.

*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.

The Petitioner submitted a copy of a card indicating his membership in the “Brazilian Tourismologist Association and Tourism Professionals (ABBTUR),” issued in June 2020 and valid until June 2021. It indicates that the Petitioner’s “category” is “Bachelor of Tourism.” The Petitioner submitted a document from an unidentified source that briefly describes ABBTUR as “a non-profit private civil association, not exercising the function of Professional Council, dedicated to the purpose of defending the interest of the category.” This document indicates that ABBTUR’s goals are to “contribute to the development of tourism activity,” to “gather and represent tourism professionals from all over the country” and to “ensure professional ethics.” The Petitioner did not submit any additional evidence regarding ABBTUR and its membership requirements.

Although the submitted membership card refers to the Petitioner’s bachelor’s degree in tourism, it is unclear what professions or occupations are eligible for membership in ABBTUR and whether such occupations require a bachelor’s degree for entry. Since the Petitioner did not provide evidence indicating that ABBTUR requires its members to be professionals as defined in the regulations, he did not meet his burden to establish that it qualifies as a professional association. Moreover, even if the Petitioner had demonstrated that his membership met the requirements of this criterion, his membership card expired four months after he filed the petition and additional evidence would be required to demonstrate his ongoing membership in this association. A petitioner must establish that he or she is eligible for the requested benefit at the time of filing the benefit request and must continue to be eligible through adjudication. 8 C.F.R. § 103.2(b)(1).

## 2. Final Merits Determination

Per the analysis above, the Petitioner has established that he meets only one of the evidentiary criteria at 8 C.F.R. § 204.5(k)(3)(ii)(A) through (E). The Petitioner also claims that he can satisfy the criterion at 8 C.F.R. § 204.5(k)(3)(ii)(F), which requires evidence of recognition of his achievements and significant contributions to the industry or field. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(k)(3)(ii), we reserve and will not address this remaining criterion.<sup>5</sup>

Further, because the Petitioner did not satisfy the initial evidence requirements, we need not conduct a final merits analysis to determine whether the evidence in its totality shows that he is recognized as having a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. 8 C.F.R. § 204.5(k)(2). Nevertheless, we advise that we have reviewed the record in the aggregate and conclude that it does not support a finding that the Petitioner has established the recognition required for classification as an individual of exceptional ability.

## III. NATIONAL INTEREST WAIVER

Although the Petitioner has not established his eligibility for the underlying EB-2 visa classification and is therefore not eligible for a national interest waiver, we will address the Director's determination that he did not establish his eligibility under the *Dhanasar* analytical framework. The Director found substantial merit in the proposed endeavor but concluded that the record did not establish that the Petitioner's endeavor has national importance and therefore did not meet the first *Dhanasar* prong. The Director also concluded the record did not satisfy the second and third *Dhanasar* prongs. For the reasons provided below, the Petitioner has not established that a waiver of the requirement of a job offer is warranted.<sup>6</sup>

The first prong of the *Dhanasar* framework, substantial merit and national importance, focuses on the specific endeavor that an individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Dhanasar*, 26 I&N Dec. at 889.

In a "Professional Plan" submitted at the time of filing, the Petitioner described his work experience and training gained as an agent, dispatcher and supervisor with several Brazilian airlines. He indicates that he intends to offer his services as "a Specialist in Airport Operations" for a U.S. employer, noting he will "help aviation companies and airports operate efficiently and safely." Referring to a submitted expert opinion letter from an [REDACTED] University professor, the Petitioner emphasized that "the airline industry helps drive \$1.7 trillion in U.S. economic activity and more than 10 million jobs" and is experiencing healthy growth. He further stated:

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<sup>5</sup> See *INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions 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).

<sup>6</sup> While we may not discuss every document submitted, we have reviewed and considered each one.

[M]y contributions to the U.S. will include improving operations of U.S. companies, ensuring airport quality and safety standards, identifying and using potential improvements in airport operations, identifying, eliminating or controlling hazards that could adversely impact a company's physical and human assets, helping reduce injury and illness rates, lowering workers compensation and other business costs, empowering employees, increasing job satisfaction, making companies more competitive, and expanding the American workforce.

The referenced expert opinion letter provides data and statistics regarding the airport operations and aviation services industry, identifies factors driving its steady growth, and emphasizes the resulting ongoing demand for specialists in the field. Regarding the Petitioner and his prior experience in the industry, the author states that "his proposed endeavor to provide his services in the airport industry in the U.S. is in demand and of national importance" and opines that "the United States would greatly benefit from the expertise and skills of an experienced Specialist in Airport Operations such as [the Petitioner]." The Petitioner also submitted market and industry reports related to the air transport industry and airport operations.

The Director issued a request for evidence (RFE), advising that the Petitioner's proposed endeavor to continue advancing his career as an airport operations specialist is "too vague to establish national importance." 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. The Petitioner's response to the RFE included: a revised Professional Plan; his updated resume; evidence that he completed several leadership and management training course in 2022; two letters of recommendation; a second expert opinion letter from a professor at [redacted] State University; and a copy of President Biden's fiscal year 2023 budget submission for the Federal Aviation Authority (FAA)

In denying the petition, the Director determined that the record did not establish the national importance of the proposed endeavor. The Director emphasized that neither the initial evidence nor the response to the RFE provided a detailed description of the proposed endeavor, and therefore the Petitioner's future work is not well-defined. As a result, Director determined that the 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 evidence of how his plans to work as an airport operations specialist would have an impact that reaches beyond benefiting his future employer.

On appeal, the Petitioner maintains that his response to the RFE contained "a very specific breakdown" explaining how his proposed endeavor will have broader implications (including national implications) within his field, the significant potential to employ U.S. workers, 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 address this evidence and erred by concluding that he did not establish the national importance of the proposed endeavor.

The Petitioner specifically highlights the previously submitted recommendation letters and expert opinion letters, noting that the authors “testify to the dissemination of [the Petitioner’s] work though the aviation industry and provide specific examples of how [his] work has been continuously affecting the broad Industry as a whole.” The Petitioner also maintains that “even a superficial reading of [his] professional history reveals that, upon evaluating his past achievements, his proposed endeavor also has a significant prospective impact.” Finally, the Petitioner contends that the previously submitted evidence supports a determination that his previous work in the industry has impacted “limitless other fields” because “aviation and tourism find application in basically any industry and thus signifies that his proposed endeavor has palpable broader implications.”

Upon review, we conclude that the Petitioner did not demonstrate the national importance of his proposed endeavor. 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 in airport operations, where he has approximately eight years’ work experience with airlines as an agent, dispatcher, and supervisor in several operational areas. We acknowledge that a U.S. airline or similar employer that hires him to provide services may operate more efficiently and that the benefits of a productive, efficient business 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 airport operations specialist in the United States, he “will broadly impact the field” and that such impacts would be “cascading” throughout other industries.

As observed by the Director, the Petitioner did not provide sufficient information regarding his proposed endeavor or sufficient supporting evidence to establish a strong connection between the proposed endeavor 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 aviation or airport operations field or the air transport sector. 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 has also asserted that his proposed endeavor “impacts a matter that the federal government described as the subject of national initiatives.” Specifically, the Petitioner submitted a copy of President Biden’s proposed FAA budget for 2023 which highlights the importance of prioritizing aviation. The Petitioner maintains that his proposed endeavor addresses several of the priorities highlighted in the budget plan, including development of the aviation workforce of the future, and strengthening safety oversight, both areas in which he has experience and/or training. However, the fact that a petition 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 he has not met that burden.

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. He states that his proposed endeavor “enables the expansion of numerous societal benefits,” noting that aviation drives globalization and “the development of the modern world.” 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.” *See id.* at 889. As noted by the Director, the Petitioner must demonstrate the national importance of his continued career as an operations specialist in the aviation or air transport industry, rather than the national importance of the industry overall.

We also acknowledge the Petitioner’s letters of recommendation and expert opinion letters which evaluate the Petitioner’s achievements in the industry and generally comment on his proposed endeavor to continue working in the same field. For example, several of the letters from prior employers describe the Petitioner’s job-related accomplishments, praise his skills, abilities and performance, and indicate that it would be “in the national interest” for a U.S. employer to hire him. The Petitioner’s former manager at [redacted] Airlines in Brazil states that she entrusted the Petitioner to manage the company’s [redacted] Airport base, where “his performance was differentiated not only for the company, but for the market in which he operates.” She explained that he “presented concise ways of developing business” and demonstrated “his unique capacity to promote the expansion and improvement of the tourism and aviation sectors.” While we do not doubt that the Petitioner was a valued and high-performing employee, it is unclear how his prior work was so impactful that it was able to “connect the tourism and aviation markets for the best result for both sectors of the industry,” nor does the author explain how the Petitioner’s specific endeavor in the United States will have national implications. In *Dhanasar*, we noted that “we look for broader implications” of the proposed endeavor and that “[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field.” *Dhanasar*, 26 I&N Dec. at 889.

As noted, the Petitioner also submitted two expert opinion letters from professors at [redacted] State University and [redacted] State University. The [redacted] State University professor concludes that the Petitioner’s endeavor is “important for a variety of reasons,” including “supporting the growth of the economy via safe and efficient business travel,” supporting the growth of the tourism market by “boosting revenues at the airport, hotels, parks and entertainment in general” and strengthening the companies he services, resulting in increased tax revenue. However, he does not sufficiently explain the basis for these conclusions regarding the positive economic impacts of the proposed endeavor.

Both expert opinion letters also generally highlight the size, stability and continuous growth of the air transport industry and emphasize the revenue and employment opportunities the industry contributes to the U.S. economy, noting that the Petitioner’s “endeavor as an Airport Operations Specialist would support this important industry, benefiting airlines and airports, passengers and the broader tourism 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 letters in support of the petition sufficiently explain how the Petitioner's work as an airport operations specialist would meaningfully impact this demand or alleviate any shortage of workers.

USCIS may, in its discretion, use as advisory opinions statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. *Matter of Caron Int'l*, 19 I&N Dec. 791, 795 (Comm'r. 1988). However, USCIS is ultimately responsible for making the final determination regarding a noncitizen's eligibility. The submission of letters from experts supporting the petition is not presumptive evidence of eligibility. *Id.*, see also *Matter of D-R-*, 25 I&N Dec. 445, 460 n.13 (BIA 2011) (discussing the varying weight that may be given expert testimony based on relevance, reliability, and the overall probative value). Here, as noted, much of the content of the advisory opinion letters is lacking relevance because they 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.

On appeal, the Petitioner once again highlights the importance of the industry and his relevant training, skills, experience, and accomplishments. 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.

As discussed above, 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. See *Matter of Chawathe*, 25 I&N Dec. at 376.

For these reasons, the Petitioner's proposed endeavor does not meet the first prong of the *Dhanasar* framework. 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.<sup>7</sup>

#### IV. CONCLUSION

The Petitioner has not established that he is eligible for EB-2 classification as a member of the professions possessing an advanced degree or as an individual or extraordinary ability under section 203(b)(2) of the Act. In addition, as the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, we conclude that he has not demonstrated his eligibility for or otherwise merits a national interest waiver as a matter of discretion. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

**ORDER:** The appeal is dismissed.

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<sup>7</sup> See *INS v. Bagamasbad*, 429 U.S. at 25; see also *Matter of L-A-C-*, 26 I&N Dec. at 526 n.7.