U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 36675282

Date: APR. 02, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a general operations manager, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this classification. *See* 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 that while the Petitioner is an advanced degree professional, he did not establish eligibility for a 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.

On appeal, the Petitioner asserts that not all the evidence was comprehensively considered. He first describes what constitutes substantial merit and claims that the proposed endeavor has substantial merit. We note that the Director correctly found that the proposed endeavor has substantial merit. Next, the Petitioner mentions characteristics of national importance and that the Director narrowly interpreted and overlooked facets of his contributions. Specifically, the Petitioner states that the very essence of his company, which sells cleaning and sanitizing products, is inextricably linked to the health sector it serves especially during the ongoing health crisis. The Petitioner discusses the importance of sanitizing products to reduce the spread of viruses and protect public health against diseases, his aim to sell products to an unlimited number of clients, and his success in growing his business. The Petitioner mentions that [redacted] Florida is the base from which his company will expand, it takes time for a business to evolve, and his company will have a ripple effect on the local economy and eventually the national economy. The Petitioner discusses the benefits of his consulting services, how his company will expand into areas such as the food production industry, and the importance considering the national COVID-19 pandemic.

We adopt and affirm the Director's decision that the Petitioner has not established the national importance of the proposed endeavor. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see*

also Giday v. INS, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted"). The Director provided the law related to the national importance requirement, provided a description of the proposed endeavor, and thoroughly and accurately evaluated the Petitioner's claims and evidence related to whether the proposed endeavor has national importance. The Director correctly concluded that the Petitioner did not establish that the proposed endeavor has national importance. In making this finding, the Director mentioned several deficiencies with the evidence submitted by the Petitioner. The Director discussed an eight-page document describing his company and its financial projections. The Director noted it lacked details of specific positions, who would occupy them, and numbers of employees; and lacked projected expenses for part of 2022, 2023, and 2024, such as wages, commissions, and payroll taxes. Next, the Director discussed the Petitioner's professional plan, statement, and an advisory evaluation letter. The Director pointed out that the author of the advisory letter did not provide detailed analysis and support for the conclusory assertions regarding the national importance of the proposed endeavor, and therefore it lacked probative value. The Director could not conclude that the potential prospective impact of the proposed endeavor would have any implications beyond his company, employees, clients, or entities he may work with that would impact the industry or field at a level commensurate with national importance. The Director found that the record did not detail how his proposed endeavor would operate on such a large scale to create jobs and revenue, or that any taxes paid would substantially affect the Florida or United States economy or tax revenue, at a level commensurate with national importance. The Director stated that the Petitioner did not establish he would pursue the proposed endeavor in an economically depressed area, how he would provide consulting services and help foreign companies expand into the United States, and how one general operations manager would trigger substantial positive economic impacts.

On appeal, the Petitioner includes previously submitted evidence. He does not address many of the evidentiary deficiencies detailed by the Director, and he does not provide arguments establishing that the proposed endeavor has national importance. The record does not establish, by a preponderance of the evidence, that the proposed endeavor has national importance. Since this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the appellate arguments regarding his eligibility under the second and third prongs outlined in *Dhanasar*. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

ORDER: The appeal is dismissed.