U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 31090591

Date: JAN. 08, 2025

Appeal of Nebraska Service Center Decision

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

The Petitioner, an entrepreneur, 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 Nebraska Service Center denied the petition, concluding that the Petitioner established that he was an advanced degree professional, but had not demonstrated that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. Specifically, the Director found that the nature of Petitioner's proposed endeavor was unclear and that the Petitioner had not submitted consistent, detailed, and corroborating evidence such that he could establish that his proposed endeavor has substantial merit or was of national importance.

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 he has established eligibility for the national interest waiver. Among other arguments, he claims that his proposed endeavor to pursue a career as a digital marketing specialist in the United States has substantial merit and national importance. He contends that his academic background and past professional experience make him well-positioned to contribute to the marketing field, which he contends is key to modern business success and would significantly benefit the United States. The Petitioner additionally states that his long-term vision is to establish his own digital marketing agency. He argues that this is an entrepreneurial endeavor and aligns with broader national goals of fostering innovation and entrepreneurship.

Regarding the issue of whether the Petitioner's proposed endeavor has national importance, we adopt and affirm the Director's decision. *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").

As a general matter, an appeal must specifically identify any erroneous conclusion of law or statement of fact in the unfavorable decision. *See* 8 C.F.R. § 103.3(a)(1)(v). Here, the Petitioner has not addressed specific deficiencies in the Director's denial aside from asserting his eligibility for the requested petition.

Furthermore, we agree with the Director that the evidence in the record does not sufficiently describe a cognizable endeavor. The term "endeavor" is more specific than the general occupation; a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation. *See generally* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual. Simply being employed in an occupation does not constitute an endeavor for the purposes of these proceedings. *Id.*

Because the identified basis for denial is dispositive of the Petitioner's appeal, we need not reach, and therefore reserve, the remaining eligibility requirements for the requested national interest waiver. *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.