U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 31108908

Date: JUNE 25, 2024

Appeal of Texas Service Center Decision

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

The Petitioner 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 the record did not establish 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). We conclude that a remand is warranted in this case because the Director's decision is insufficient for review. The decision lacks analysis and reaches conclusory findings. Accordingly, we will withdraw it and remand the matter for entry of a new decision consistent with the following analysis.

The Petitioner asserts on appeal that her proposed endeavor is not to work as a systems engineer, as the Director stated, but rather to establish a hospitality and event consultancy company. The Petitioner also contends that the decision simply listed the evidence without addressing its contents and did not discuss the applicability of the relevant law to the evidence or explain the specific reasons for the denial.

We agree. An officer must fully explain the reasons for denying a visa petition. *See* 8 C.F.R. § 103.3(a)(1)(i). A decision denying a benefit must include the specific reasons for denial and sufficiently explain the underlying deficiencies to allow a petitioner a fair opportunity to contest the decision and to allow us an opportunity for meaningful appellate review. *See, e.g.*, *Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that a decision must fully explain the reasons for denying a motion to allow the respondent a meaningful opportunity to challenge the determination on appeal). Here, the decision did not meet these requirements. The decision's lack of any substantive analysis prevented the Petitioner from filing an appeal that meaningfully addressed it. Consequently, we

hereby withdraw the Director's decision and remand the matter so that the Director may issue a new decision that considers the Petitioner's evidence carefully.

On remand, the Director should consider the evidence of record and articulate whether that evidence establishes the Petitioner's eligibility for the benefit she seeks. If the Director concludes that the Petitioner's documentation does not meet the requirements of a specific eligibility criterion, the decision should discuss the insufficiencies in the evidence and adequately explain the reasons for ineligibility.

For the above reasons, we will withdraw the Director's decision and remand this matter for further consideration and entry of a new decision. The Director may request any additional evidence considered pertinent to the determination prior to issuing a new decision.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.