U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 31492900

Date: JUNE 26, 2024

Appeal of Texas Service Center Decision

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

The Petitioner, a food engineer, 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 Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree, but 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 pursuant to 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

If a petitioner demonstrates eligibility for the underlying EB-2 classification, 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,[1] 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

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner submitted evidence that he attained the equivalent of a United States bachelor's degree and has over five years of progressive post-baccalaureate experience in his specialty. The Director determined that the Petitioner qualified for EB-2 classification as a member of the professions holding an advanced degree. We agree. The only issue on appeal is whether he qualifies for and merits a waiver of the job offer requirement in the national interest.

In his initial Proposed Endeavor Statement, the Petitioner stated he would start a company specializing in consulting for small meat processing plants or independent entrepreneurs. The Petitioner explained his services would consist of research and development, implementation, and training. In the initial phase, the Petitioner stated he intended to work with ranchers in North Texas. In his statement submitted in response to the Director's request for evidence (RFE), the Petitioner added that he would work on improving meat production processes of United States food manufacturers, develop methodologies for the enhancement of meat production, and disseminate his work through publications and presentations at conferences.

A. Substantial Merit and National Importance

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* The Director determined the Petitioner's proposed endeavor has substantial merit. We agree.

The Director concluded, however, that the Petitioner did not establish the national importance of his proposed endeavor. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* This consideration may include whether the proposed endeavor has significant potential to employ U.S. workers (particularly in an economically depressed area), has other substantial positive economic effects, has national or even global implications within the field, or has other broader implications indicating national importance. *Id.* at 889-90. The Director determined the Petitioner did not establish his proposed endeavor would impact his field more broadly at a level sufficient to meet the *Dhanasar* framework.

On appeal, the Petitioner asserts the Director did not discuss all elements of the evidence submitted initially and in response to the RFE. Although the Director did not individually discuss all the evidence submitted, de novo review of the record shows they adequately addressed and assessed the relevant evidence. When USCIS provides a reasoned consideration of the petition, and has made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208

F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); and *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009).

The Petitioner also claims the Director erroneously discounted his support letters because they did not introduce new facts. We agree that the regulations and *Dhanasar* do not require all supporting evidence to provide new information to establish the national importance of a proposed endeavor. De novo review of the letters submitted, however, does not establish the national importance of the Petitioner's proposed endeavor.

The Petitioner submitted support letters from employers, colleagues and the American Ecuadorian Chamber of Commerce in Texas. [redacted] praises the Petitioner's work for the [redacted] production plant and expresses confidence in his ability to "strengthen the meat industry in the United States" through his "support [of] all the companies advised in that country." [redacted] lauds the Petitioner's professional achievements and states he will provide "[i]ndispensable tools to satisfy the needs and requirements as Technical Advisor, thus covering possible needs of interest for the United States." [redacted] praises the Petitioner's extensive experience and skills and concludes he "is fully qualified to perform consulting work for food production companies in the United States" and "will make a great contribution to the development of food production companies." [redacted] praises the Petitioner's work for his business and trusts the Petitioner "to efficiently and effectively develop any advisory project aimed at family businesses dedicated to food production." [redacted] and [redacted] of the American Ecuadorian Chamber of Commerce in Texas express their interest in the "contribution that [the Petitioner's] project can bring to the community" and express their belief that the Petitioner has "the essential skills and requirements to create a labor impact."

These letters attest to the Petitioner's experience and qualifications and are relevant to the second *Dhanasar* prong of whether petitioners are well-positioned to advance their proposed endeavors. The Petitioner's support letters do not, however, speak to the national importance of his specific proposed endeavor. The letters do not specify how the Petitioner's work would extend beyond his consultancy to individual companies to impact food production on a national level. *Cf. Dhanasar*, 26 I&N Dec. at 892 (stating Dhanasar submitted probative expert letters describing the importance of his specific research as it related to U.S. strategic interests).

The Petitioner further asserts the Director disregarded evidence that his proposed endeavor impacts a matter that a government entity has described as having national importance or is the subject of national initiatives. The Petitioner submitted articles discussing beef production in the United States, federal funding to increase competition and expand meat and poultry processing capacity, the Biden Administration's plan to improve the meat and poultry supply chain, food processing manufacturing practices, Hazard Analysis and Critical Control Points and Good Manufacturing Practices and Sanitation Standard Operating Procedure programs, the United States meat market and industry, the economic impact of the meat and poultry industry, transforming American's food system to withstand crises, competition and meat supply chain investments, and United States Department of Agriculture investments in the meat and poultry sector. These articles speak to the importance of the food production industry and issues affecting this field. However, our assessment of national importance does not focus on the importance of the field in general, but instead "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* at 889. Here, none of the articles mention the

Petitioner or address his specific proposed endeavor. The Petitioner has not demonstrated that his proposed endeavor would have broader implications in the meat processing industry. *Cf. id.* at 892 (citing media articles and other evidence documenting Congressional interest in Dhanasar's research).

The Petitioner also claims the Director disregarded the letter from the American Ecuadorian Chamber of Commerce of Texas and other unspecified evidence of the economic benefits of the Petitioner's proposed endeavor. The record does not establish any such economic benefits. In their letter, Mr. [redacted] and Ms. [redacted] express their belief the Petitioner's company would have "great potential" to "generat[e] more sources of employment as new possibilities of commercial ties between the United States and Ecuador." They do not specify how the Petitioner would create employment opportunities and, in his statements, the Petitioner did not address forging commercial ties between the United States and Ecuador. In his initial statement, the Petitioner indicated his company would employ three other individuals. In his statement submitted in response to the RFE, the Petitioner discussed the large contributions of the United States meat and poultry industry to the national economy, labor market, and gross domestic product. The Petitioner did not specify how his work with individual food manufacturers would have significant potential to employ U.S. workers and he did not indicate he would work in any economically depressed area, or detail other ways in which his company would have substantial positive economic effects, as discussed in *Dhanasar*. *Id.* at 890.

The Petitioner also claims he submitted evidence of the inherent benefits in optimizing manufacturing processes, reducing waste, and increasing overall profitability of the United States meat market, which demonstrates the national importance of his proposed endeavor. Although the Petitioner submitted statements and articles discussing these issues, he has not demonstrated how his work would extend beyond individual food manufacturers to have broader implications for the meat production industry. 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. *Id.* at 893. Here, the Petitioner has not established that his proposed endeavor would sufficiently extend beyond his clientele to impact his field more broadly at a level commensurate with national importance.

Although the relevant evidence establishes the substantial merit of the Petitioner's proposed endeavor, the Petitioner has not demonstrated that his proposed endeavor would have significant potential to employ U.S. workers, other substantial positive economic effects, national or even global implications within the field, or other broader implications indicating national importance.

B. The Remaining *Dhanasar* Prongs

The Petitioner has not established the national importance of her specific proposed endeavor and she does not meet the first prong of the *Dhanasar* framework. As this issue is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve determination of her eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is 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).

III. CONCLUSION

The Petitioner has not established the national importance of his proposed endeavor and does not meet the first prong of the *Dhanasar* analytical framework. Consequently, he has not demonstrated that he is eligible for or merits a waiver of the job offer requirement in the national interest as a matter of discretion.

ORDER: The appeal is dismissed.