U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 31999880

Date: JUN. 27, 2024

Appeal of Texas Service Center Decision

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

The Petitioner seeks employment-based second preference (EB-2) immigrant classification as an advanced degree professional, 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 the Petitioner established he is an advanced degree professional but did not establish that a waiver of the required job offer, and thus that 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

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. Section 203(b)(2)(B)(i) of the Act. Once a petitioner demonstrates eligibility for the underlying classification, the petitioner must then establish eligibility for 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 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that U.S. Citizenship and Immigration Services (USCIS) may, as a matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that:

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v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Ninth, Eleventh, and D.C. Circuit Courts (and Third in an unpublished decision) in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

- 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.

Id. at 889.

II. NATIONAL INTEREST WAIVER

On appeal, the Petitioner submits a brief,[2] reasserting his eligibility and contends the Director's decision: ignored relevant evidence; failed to understand the Petitioner's proposed endeavor; failed to consider the "multiplier effect of increased economic activity" that would arise from his endeavor that goes beyond creating 11 direct jobs; and failed to consider that his endeavor would "address the steep shortage of engineering professionals." We disagree with the Petitioner's contentions and 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 has been "universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case).

The Director summarized the evidence and analyzed why it did not establish the Petitioner's eligibility for a national interest waiver. In so doing, the Director carefully considered the Petitioner's proposed endeavor, as described in his business plan, which is to build a company that provides asset integrity management and consulting services to companies working in various industries. The Director also considered the claimed economic projections and workforce impacts described in the Petitioner's evidence. However, quoting our decision in *Dhanasar*, the Director correctly explained that the relevant question is not the importance of the field, industry, or profession in which the individual will work; but rather "the specific endeavor that the foreign national proposes to undertake." *Dhanasar*, 26 I&N Dec. at 889. As such, we adopt and affirm the Director's decision regarding the Petitioner's eligibility under the first *Dhanasar* prong.

The Petitioner also asserts that the Director erred by disregarding that his endeavor will advance and innovate in key U.S. industries such as energy, environmental protection, and disease prevention by "applying [his] unique expertise and skills in asset integrity and maintenance engineering, which are essential for improving the performance, resilience, and sustainability of the critical infrastructure assets and systems." However, the Petitioner has not established these assertions because he has not adequately explained or demonstrated how his expertise differs from or improves upon those readily available and already in use in the United States. Nor does the evidence demonstrate that the use of the Petitioner's methodologies will reach beyond benefitting his own company and its clients or will have broader implications within the field or on his target market – government and private business organizations in different fields and industries.

[2] We note that since the filing of this legal brief, on June 7, 2024, the Petitioner's attorney withdrew her representation.

Moreover, we note that throughout the appeal, the Petitioner refers to his "past achievements" and professional history in advancing his contention that his proposed endeavor is of national importance. However, this information is relevant to our analysis under *Dhanasar's* second prong, where we focus on whether the individual is well positioned to advance their endeavor. *Id.* at 890. Finally, as to the Petitioner's assertion that his endeavor advances U.S. competitiveness because it benefits societal welfare and cultural enrichment through advancement of STEM fields, we point out that in *Dhanasar*, we concluded that a STEM teacher may have substantial merit in relation to U.S. education interests, but that the evidence must establish the broader impact their teaching would have on the field of STEM education. *Id.* at 893. Similarly, here, the Petitioner has not established, by a preponderance of the evidence, that his endeavor will have a broader impact on his field. *Matter of Chawathe*, 25 I&N Dec. at 375-76.

As such, we adopt and affirm the Director's decision regarding the Petitioner's eligibility under the first *Dhanasar* prong.

III. WILLFUL MISREPRESENTATION

While the appeal was pending, we issued the Petitioner a notice of intent to dismiss (NOID), to give the Petitioner an opportunity to respond to our adverse findings, as required by 8 C.F.R. § 103.2(b)(16)(i). We also advised the Petitioner that if he did not overcome the adverse findings, we would make a finding of willful misrepresentation of a material fact. The Petitioner responded to the NOID and provided more evidence. For the reasons discussed below, we find that the Petitioner willfully misrepresented evidence in two prior petitions, which are material to the adjudication of those prior petitions, and which impact this petition, and render him inadmissible under section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i).

USCIS will deny a visa petition if a petitioner submits evidence which contains false information. In general, a few errors or minor discrepancies are not reason to question the credibility of a foreign national or an employer seeking immigration benefits. *See Spencer Enters. Inc. v. U.S.*, 345 F.3d 683, 694 (9th Cir. 2003). However, if a petition includes serious errors and discrepancies, and the petitioner does not resolve those errors and discrepancies given the opportunity to rebut or explain, then the inconsistencies will lead USCIS to conclude that the claims stated in the petition are not true. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988) (standing for the proposition that any inconsistencies in a petitioner's evidence may lead to reevaluation of the remaining evidence offered in support of the visa petition.)

Misrepresentation of a material fact may lead to multiple consequences in immigration proceedings. Under Board of Immigration Appeals (the Board) precedent, a misrepresentation is material when it tends to shut off a line of inquiry that is relevant to a foreign national's admissibility and that would predictably have disclosed other facts relevant to his or her eligibility for a visa, other documentation, or admission to the United States. *Matter of D-R-*, 27 I&N Dec. 105, 112 (BIA 2017). A finding of willful misrepresentation in a visa petition may be considered in any future proceeding to determine that the petitioner is inadmissible to the United States. Section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i). A material misrepresentation requires that a petitioner willfully make a material misstatement to a government official for the purpose of obtaining an immigration benefit to which one is not entitled. *See Matter of Kai Hing Hui*, 15 I&N Dec. 288, 289-90 (BIA 1975); *and see generally*

8 *USCIS Policy Manual* J.2, https://www.uscis.gov/policy-manual. In addition, for a misrepresentation to be found willful, it must be determined that the petitioner was fully aware of the nature of the information sought and knowingly, intentionally, and deliberately misrepresented material facts. *Matter of G-G-*, 7 I&N Dec. at 164.

In addition, USCIS "Instructions for Petition for Alien Worker" corresponding to the Petitioner's previously filed Form I-140 petition includes in the "Penalties" section at page 9, this warning:

> "If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-140, we will deny your petition and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution."

Further, the "Petitioner's or Authorized Signatory's Declaration and Certification" section on page 6 of the Form I-140 petition states:

> "I recognize the authority of USCIS to conduct audits of this petition using publicly available open source information. I also recognize that any supporting evidence submitted in support of this petition may be verified by USCIS through any means determined appropriate by USCIS . . .. "

In addition, the Form I-140 contains the following certification: "I certify, under penalty of perjury, that I have reviewed this petition, I understand all of the information contained in, and submitted with, my petition, and all of this information is complete, true and correct." As such, the presence of the Petitioner's signature on the certification in the petition creates a strong presumption that he was aware of the petition's contents and assented to them. *Matter of Valdez*, 27 I&N Dec. 496, 499-500 (BIA 2018).

Our NOID explained that USCIS's fraud unit investigated evidence, in the form of two emails,[3] provided in support of the Petitioner's 2019 and 2021 petitions, which he asserted were material to his eligibility for a national interest waiver because they demonstrated that his endeavor was of national importance, and that he was well positioned to advance the proposed endeavor as required under our precedent decision *Dhanasar*. *See Dhanasar* 26 I&N Dec. at 889-890. Upon investigation, the [redacted] General Counsel could not authenticate the emails and further explained that the writer of one of the emails did not assign the Petitioner a case study that was mentioned in the email.

In response to our NOID, the Petitioner explained that the two inauthentic emails that were submitted in his prior petitions (our records show these petitions were filed in 2019 and 2021, and that the 2019 petition was appealed to the AAO), were created as part of "sample evidence" "to show what kind of information and documentation could be presented in response to the request for evidence to prove my achievements and support my proposed endeavor." He further claims that at the time, it was determined that these emails were not relevant to his case based on all other evidence presented, and

[3] For purposes of brevity, we will not restate the content or other details of these emails in this decision. However, in our NOID dated May 7, 2024, we provided the full content and all information relevant to the fraud investigation and its findings so that the Petitioner could adequately understand and address our concerns.

that no request was made to [redacted] to provide a "real email with that information." He goes on to explain that the "sample evidence" should have been destroyed but instead, his prior immigration attorneys submitted the emails "by mistake without my knowledge." He further claims he is "profoundly sorry that I didn't notice all the mistakes committed by the immigration law company" and that he had "no intention to submit those documents."

We acknowledge the Petitioner's assertions, however they are contrary to the weight of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-76 (AAO 2010) (standing for the proposition that to determine whether a petitioner has met their burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence.) For example, the Petitioner does not explain why these emails appear to come directly from the [redacted] employees' email inboxes. *Id.* The Petitioner also does not explain how and why, if they were "sample evidence," they were created to look real. *Id.* Furthermore, he does not provide sufficient details to explain if the emails were created with the cooperation of the [redacted] employees that appear as senders in these inauthentic emails and if not, how he was able to draft emails appearing to come directly from these individuals. *Id.* In addition, the Petitioner's NOID response does not address the fact that [redacted] General Counsel also explained that a case study mentioned in [redacted] employee [redacted] inauthentic email was not assigned to the Petitioner, as suggested in the content of the email itself. Moreover, while the Petitioner appears to shift the blame on his prior immigration firm, he does not explain why his own personal statements submitted with his appeal and 2021 petition specifically reference this case study. *Id.*

In his prior attorney's cover letter dated December 21, 2020 (accompanying his 2021 petition), the attorney relies on the case study mentioned in [redacted] email to establish his eligibility stating:

> "[b]esides his current daily activities, the institute has set up a plan for [the Petitioner] to develop a case of study to showcase the institute's achievements in the maintenance management area. The plan is to have this case study ready to be presented next year throughout national conferences in the U.S., targeting industries such as medical research, oil and gas, technology, among others. This work is of high value to the nation, providing new knowledge and methodology to be applied to the engineering maintenance area, and creating opportunities to improve processes in many different business organizations."

This exact language is found in the June 2020 personal statement the Petitioner submitted with his 2021 petition, and we note that he signed each page of his personal statement, and thus cannot suggest he was unaware of its contents. Because the Petitioner's NOID response does not attempt to provide an explanation for his continued reference to a case study that [redacted] General Counsel informed us he was not assigned, the weight of the evidence suggests the Petitioner actively participated in the creation of these inauthentic emails and that he knowingly relied on the information in the inauthentic emails to support claims of eligibility when he filed his appeal and 2021 petition. *Matter of Chawathe*, 25 I&N Dec. at 375-76. As such, he is inadmissible under 212(a)(6)(C)(i) of the Act.[4]

[4] We note that USCIS is not barred from making a finding of willful misrepresentation because the Petitioner withdrew his 2019 and 2021 petitions. Indeed, if USCIS were barred from entering a finding of misrepresentation after a petitioner

To the extent the Petitioner is making an ineffective assistance of counsel claim, he has not met the threshold requirements found in precedent caselaw, *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988), *aff'd*, 857 F.2d 10 (1st Cir. 1988). In that case, the Board established a framework for ineffective assistance of counsel claims, and set forth the following threshold documentary requirements:

- A written affidavit of the petitioner attesting to the relevant facts. The affidavit should provide a detailed description of the agreement with former counsel (i.e., the specific actions that counsel agreed to take), the specific actions taken by former counsel, and any representations that former counsel made about his or her actions.
- Evidence that the petitioner informed former counsel of the allegation of ineffective assistance and was given an opportunity to respond. Any response by prior counsel (or report of former counsel's failure or refusal to respond) should be submitted with the claim.
- If the petitioner asserts that the handling of the case violated former counsel's ethical or legal responsibilities, evidence that the petitioner filed a complaint with the appropriate disciplinary authorities (e.g., with a state bar association) or an explanation why the petitioner did not file a complaint.

Id. at 639.

These documentary requirements are designed to ensure we possess the essential information necessary to evaluate ineffective assistance claims and to deter meritless claims. *Id.* Allowing former counsel to present their version of events discourages baseless allegations, and the requirement of a complaint to the appropriate disciplinary authorities is intended to eliminate any incentive for counsel to collude with their client in disparaging the quality of the representation. We may deny a claim of ineffective assistance if any of the *Lozada* threshold documentary requirements are not met. *Castillo-Perez v. INS*, 212 F.3d 518, 525 (9th Cir. 2000).[5]

Here, the Petitioner's apparent ineffective assistance of counsel claims does not meet any of *Lozada's* documentary requirements. In his NOID response, the Petitioner accepts responsibility for the submitted "sample evidence," and although he places blame on his former counsel for submitting the evidence when they should not have, he does not establish the nature of his agreement with them, or

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withdraws the visa petition or appeal, we would be unable to subsequently enforce the law and find an individual inadmissible for having "sought to procure" an immigrant visa by fraud or willful misrepresentation of a material fact. *See* section 212(a)(6)(C) of the Act, 8 U.S.C. § 1182.

[5] If the petitioner satisfies these threshold documentary requirements, he must then show that former counsel's assistance was so deficient that he was prejudiced by the performance. *Lozada*, 19 I&N Dec. at 632. *See Flores v. Barr*, 930 F.3d 1082, 1087 (9th Cir. 2019) (requiring the noncitizen to establish prejudice demonstrating that counsel's deficient performance may have affected the outcome by showing "plausible grounds for relief"); *Saakian v. INS*, 252 F.3d 21, 25 (1st Cir. 2001) (requiring the noncitizen to establish ineffective assistance by showing at least a reasonable probability of prejudice where, as a result of counsel's actions or inaction, the proceeding was so fundamentally unfair that the noncitizen was prevented from reasonably presenting his case). Harmless error is insufficient. *See Lozada*, 19 I&N Dec. at 639 (explaining that individuals are "generally bound by the conduct of their attorneys absent egregious circumstances"); *Matter of B-B-*, 22 I&N Dec. 309, 311 (BIA 1998) (finding no *prima facie* case of ineffective assistance where counsel's insistence on corroborating evidence discouraged respondents from seeking asylum but was consistent with legal precedent and not egregious).

the actual steps taken to create the "sample evidence," or any details to understand whether counsel was even made aware that they submitted, as he claims, inauthentic evidence. To bolster his claim that former counsel submitted the inauthentic emails in error, the Petitioner provides copies of emails dated March 2021 in which he informs former counsel's ombudsman of his concerns regarding their "lack of care and competence" in their representation. However, we note that his complaints do not contain any mention of the submission of erroneous evidence or "sample evidence," even though these emails are dated March 2021, approximately 11 months after he claims former counsel erroneously submitted this evidence. Furthermore, the record does not demonstrate that the Petitioner has filed a complaint with the appropriate disciplinary authorities or contain an explanation for why such a complaint has not been filed. Thus, the Petitioner has not provided sufficient information for us to evaluate a claim for ineffective assistance of counsel under *Lozada*.

Our NOID also informed the Petitioner that he submitted an article of an interview with his 2019 and 2021 petitions, where he claimed he was interviewed by [redacted] and the interview was published in Brasil Energia in [redacted] 2013. The article is titled [redacted] (the Portuguese title is [redacted]. We informed him that USCIS's fraud unit was unable to authenticate this article. Our NOID provided him with notice that Brasil Energy publishes an online index of its publications, and a search of this index did not yield any evidence of the purported interview and article. According to Brasil Energia's archive, there were two published editions in [redacted] 2013, one focused on off-shore drilling, the other focused on general energy issues, however the Petitioner's article, [redacted] is not included in the list of articles for either edition. We further noted our search included the Google translate English version of the website, and the Portuguese language title [redacted] in the Portuguese language version of the website.

USCIS' fraud unit also conducted a search for the term [redacted] on Brasil Energia's website, and although the search produced the title and the first line of text of approximately 608 articles/posts attributed to [redacted] and published in Brasil Energia, none were related to the Petitioner or the claimed interview.

In his NOID response, the Petitioner requests us to "consider that it is a reasonable fact that not all journals will have all their publications available online, especially when we are talking about an interview in an edition that was exclusively printed and was done more than 10 years ago." He also submits a letter from a coworker at the time of the purported interview who confirms the interview happened. He further requests us to consider that this interview is not material to his petitions, and he has not "mentioned anything about this interview in *this petition*." He also points us to the fact that his personal statements and professional plans did not mention this article either due to its lack of relevance.

We have considered the Petitioner's assertions and additional evidence however the weight of the evidence supports a determination that the article is not only inauthentic but that he submitted it with intent to deceive USCIS into granting his national interest waiver petition, and thus it is material within the meaning of 212(a)(6)(C)(i) of the Act. First, we note that the language of the article itself mirrors the language of our national interest waiver framework in *Dhanasar*. For example, in the interview, the Petitioner is asked the following questions:

- "You were nationally known for the importance of your work in the area of Asset Integrity for the Brazilian industry. Could you talk a little about your methodology?" and
- "Your methodology has been applied by several companies in Brazil and abroad. What do you think about your methodology being using to develop not only the Brazilian shipbuilding industry, but also the shipbuilding industry in other countries?"

The use of the words "nationally" "importance" and "methodology" closely mirrors the Petitioner's assertions under *Dhanasar's* first prong, where he must establish that his endeavor is of national importance and where he describes his "unique methodology" in his field. Second, the Petitioner's NOID response suggests that the letter provided by a [redacted] employee [redacted] confirming he read the interview in Brasia Energia is authentic and should not be disqualified simply because his wife also worked for [redacted] However, in the interview itself, one of the Petitioner's responses mentions [redacted] stating "I was personally in charge of important projects to make it possible to operate in Brazilian waters dozens of drillships . . . to be operated by large companies with a long-term contract signed with [redacted] . .." As such, the weight of the evidence suggests the article is not authentic and the letter provided by [redacted] of [redacted] to corroborate the article's publication is not sufficient to overcome that determination.

We have considered the Petitioner's assertion that he "immediately, voluntarily, and timely asked to retract my appeal and petition," after a phone call at the end of April 2022 with his prior immigration counsel, during which he "suspected that wrong documents could have been erroneously sent within the evidence." This statement is vague and lacks credibility. *Matter of Chawathe*, 25 I&N Dec. at 375-76. The Petitioner does not explain why he suspected they submitted incorrect documents, which documents were incorrect, why he did not request a copy of his filing to verify this information, or whether he considered filing a complaint or reporting counsel to disciplinary authority, and if he did consider it, why he ultimately decided not to file. *Id.* As such, the Petitioner's response is insufficient, vague, and does not reflect the withdraw of his 2019 and 2021 petitions and appeal, was in good faith, as he suggests. *Id.*

Lastly, our NOID informed the Petitioner that it appeared he sought to procure a U.S. tourist visa in May 2022 through willful misrepresentation because he answered "no" to the question on the tourist visa application regarding whether he had sought to obtain a visa or other immigration benefit by fraud or willful misrepresentation. In response, the Petitioner explains that he was unaware of the contents of his prior petitions because he "reached out to other immigration law companies to know if there was a way to identify what was sent to USCIS in my previous petitions" and that he learned about the Freedom of Information Act (FOIA) records request process and asked them to request the petition documents through FOIA, but they said it would take a few months to obtain any response.[6] The Petitioner does not provide a FOIA receipt notice or other corroboration to show he filed a FOIA request. *Matter of Chawathe*, 25 I&N Dec. at 375-76. He also does not explain why the immigration firm that filed his 2019 and 2021 petitions and appeal did not provide him with a copy. *Id.* We note here that his own emails to his former counsel's ombudsman's office dated March 2021 suggest that he was given copies of his immigration documents because he claims to have found "errors" and informs prior counsel that "there have been numerous instances where I had to correct [redacted]

[6] A Form I-140 petitioner may file a FOIA request with USCIS to obtain copies of documents submitted in support of their petition. https://www.uscis.gov/records/request-records-through-the-freedom-of-information-act-or-privacy-act.

work." *Matter of Ho*, 19 I&N Dec. 591-92. As such, the weight of the evidence supports the conclusion that the Petitioner willfully misrepresented a response on his May 2022 tourist visa application to obtain a tourist visa and did in fact enter with that visa in June 2022.[7]

The Petitioner's NOID response in this petition suggests that he continues to willfully misrepresent information and provide evidence that he knows is not authentic to obtain an immigration benefit. Thus, in addition to finding the Petitioner inadmissible under 212(a)(6)(C)(i) of the Act for the information he provided in his 2019 and 2021 petitions, we are providing him with an additional explicit notice that our finding of willful misrepresentation also includes the information and evidence contained in his NOID response for the instant petition.

IV. CONCLUSION

We adopt and affirm the Director's decision regarding the Petitioner's eligibility under the first *Dhanasar* prong. As such, he has not established he is eligible for a national interest waiver as a matter of discretion.[8]

Furthermore, in two prior petitions, the Petitioner willfully misrepresented material evidence and information to establish his eligibility for a national interest waiver. In the instant petition, he relies on his work experience at [redacted] to establish his eligibility for a national interest waiver and continues to willfully misrepresent material facts to obtain an immigration benefit. As such, the Petitioner is inadmissible under 212(a)(6)(C)(i) of the Act. This finding may be considered in any future proceeding where admissibility is an issue.

ORDER: The appeal is dismissed.

[7] We note that had the Petitioner correctly responded to this question on his tourist visa application, he would have been rendered inadmissible under 212(a)(6)(C)(i) of the Act. Therefore, his response was "material" within the meaning of the Act. *See Matter of D-R-*, 27 I&N Dec. 105, 112 (BIA 2017); *see also Matter of Kai Hing Hui*, 15 I&N Dec. 288, 289-90 (BIA 1975) (standing for the proposition that a material misrepresentation requires that a petitioner willfully make a material misstatement to a government official for the purpose of obtaining an immigration benefit to which one is not entitled); *and see generally* 8 *USCIS Policy Manual* J.2, https://www.uscis.gov/policy-manual.

[8] Because the identified reason for dismissal is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under 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).