



**U.S. Citizenship
and Immigration
Services**

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 16965296

Date: SEP. 20, 2021

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Advanced Degree, Exceptional Ability, National Interest Waiver)

A self-petitioning athlete seeks second preference immigrant classification as an advanced degree professional or an individual of exceptional ability in the sciences, arts or business, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. See Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). After a petitioner has established eligibility for EB-2 classification, U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion, grant a national interest waiver if the petitioner demonstrates: (1) that the foreign national's proposed endeavor has both substantial merit and national importance; (2) that the foreign national is well positioned to advance the proposed endeavor; and (3) that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. Matter of Dhanasar, 26 I&N Dec. 884 (AAO 2016).

The Nebraska Service Center Director denied the petition, concluding that the Petitioner had not established that he qualifies for classification as an advanced degree professional or an individual of exceptional ability. In addition, the Director determined that the record did not establish eligibility under any of the Dhanasar prongs. On appeal, the Petitioner submits a brief and asserts that the Director erred in the decision.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon de novo review, we will dismiss the appeal.

I. LEGAL FRAMEWORK

To establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification (emphasis added), as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Because this classification requires that the individual's services be sought by a U.S. employer, a separate showing is required to establish that a waiver of the job offer requirement is in the national interest.

Section 203(b) of the Act sets out this sequential framework:

(2) Aliens who are members of the professions holding advanced degrees or aliens of exceptional ability. –

(A) In general. – Visas shall be made available . . . to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

(B) Waiver of job offer –

(i) National interest waiver. . . . [T]he Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien’s services in the sciences, arts, professions, or business be sought by an employer in the United States.

Section 101(a)(32) of the Act provides that “[t]he term ‘profession’ shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries.”

The regulation at 8 C.F.R. § 204.5(k)(2) contains the following relevant definitions:

Advanced degree means any United States academic or professional degree or a foreign equivalent degree above that of baccalaureate. A United States baccalaureate degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a master’s degree. If a doctoral degree is customarily required by the specialty, the alien must have a United States doctorate or a foreign equivalent degree.

Exceptional ability in the sciences, arts, or business means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

Profession means one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a United States baccalaureate degree or its foreign equivalent is the minimum requirement for entry in the occupation.

In addition, the regulation at 8 C.F.R. § 204.5(k)(3)(ii) sets forth the specific evidentiary requirements for demonstrating eligibility as an individual of exceptional ability. A petitioner must submit documentation that satisfies at least three of the six categories of evidence listed at 8 C.F.R. § 204.5(k)(3)(ii).

Furthermore, while neither the statute nor the pertinent regulations define the term “national interest,” we set forth a framework for adjudicating national interest waiver petitions in the precedent decision Matter of Dhanasar, 26 I&N Dec. 884 (AAO 2016).¹ Dhanasar states that after a petitioner has established eligibility for EB-2 classification, USCIS may, as matter of discretion,² grant a national interest waiver if the petitioner demonstrates: (1) that the foreign national’s proposed endeavor has both substantial merit and national importance; (2) that the foreign national is well positioned to advance the proposed endeavor; and (3) that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification.³

II. ANALYSIS

The Petitioner did not assert that he is a member of the professions holding an advanced degree. The Director determined that the record did not establish that the Petitioner is an individual of exceptional ability. In our de novo review, we agree with the Director that the Petitioner has not established that he is an individual of exceptional ability and further conclude that the record does not support a finding that the Petitioner meets any of the six eligibility criteria.

An official academic record showing that the alien has a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability. 8 C.F.R. § 204.5(k)(3)(ii)(A)

The Petitioner provided a Form ETA 750 Part B which stated that he studied physical education at the [redacted] Institute of Physical Culture from 1998 to 2002. The Petitioner also stated on the form that he studied law at the Tax and Legal Institute of [redacted] from 2003 to 2005.⁴ Despite the Director’s request for evidence (RFE) of his claimed education, the Petitioner did not provide any official academic record evidencing study at either of these institutions. The record does not show he has a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability.⁵ Accordingly, the Petitioner has not satisfied this criterion.

Evidence in the form of letter(s) from current or former employer(s) showing that the alien has at least ten years of full-time experience in the occupation for which he or she is being sought. 8 C.F.R. § 204.5(k)(3)(ii)(B)

The Director determined that the Petitioner satisfied this criterion. However, in our review of the record, we question the evidence in support of this criterion. First, it is unclear in which specific occupation the Petitioner claims to have ten years of full-time experience. Although he stated on the Form I-140 that his occupation is as an athlete, the record indicates that the Petitioner’s experience is also as a coach, a team

¹ In announcing this new framework, we vacated our prior precedent decision, Matter of New York State Department of Transportation, 22 I&N Dec. 215 (Act. Assoc. Comm’r 1998).

² See also Poursinav. USCIS, 936 F.3d 868, 2019 WL 4051593 (9th Cir. 2019) (finding USCIS’ decision to grant or deny a national interest waiver to be discretionary in nature).

³ See Dhanasar, 26 I&N Dec. at 888-91, for elaboration on these three prongs.

⁴ As the Director noted in the decision, this education does not appear to be related to the claimed area of exceptional ability as an athlete.

⁵ The record contains various certificates labeled “diploma,” however these documents were issued by athletic competition organizers and are not official academic records.

captain, and a referee. Next, we note that very few, if any, documents are from current or former employer(s). Further, none of the documents state that the experience the Petitioner gained was full-time. We reviewed the reference letter from the Department of Youth Affairs and Sports of [redacted] as well as the reference letter from the Judo Federation of [redacted]. Although the letters appear to be written by independent authors, they are both dated on the same day and both authors use identical structure and phrases to describe the Petitioner's history. The authors state that the Petitioner began the sports of sambo⁶ and judo at the age of six, that he became a judo champion at age eighteen, and that he has since built his own judo sports club where he trains more than 200 children and teenagers. Here we note again that it is unclear whether the Petitioner's claimed experience comes from being a judo athlete or from being a judo coach, among other roles.⁷

Although the Petitioner may have begun practicing the sport at the age of six, the record as a whole, and these letters in particular, do not suggest that the Petitioner performed this sport as an occupation when he was a child. Even once he reached the age of eighteen and began winning competitions, neither the record nor the letters substantiate a finding that he gained full-time experience in the occupation. For instance, the record contains insufficient evidence to conclude when, or even if, he became a professional athlete paid to compete in the sport as his full-time occupation. While we acknowledge that the Petitioner has been a long-standing participant in the sport, this alone does not satisfy the requirements of this criterion. Because sports may be played at any age and with varying degrees of time commitment and competition, it is insufficient simply to evidence his participation in the sport. The Petitioner must clearly define how his participation, and thus the experience he gained, constituted a full-time occupation. The record, as it currently stands, is not sufficient to satisfy this criterion.

A license to practice the profession or certification for a particular profession or occupation. 8 C.F.R. § 204.5(k)(3)(ii)(C)

The Petitioner did not submit evidence indicating that a license or certification is required to practice the profession or occupation of being an athlete. Although we reviewed the document labeled "international license" from the International Sambo Federation and the "Certificate No. 311" issued by the "Head of sports and tourism sector of the Youth affairs, sports and tourism Department of [redacted]" (capitalization errors in the original), neither of these documents contains a date of issuance and the record contains no explanation concerning the purpose of such documents. There is no indication that these documents are licenses to practice the profession or certifications for a particular profession or occupation. It seems that, at most, these documents could be construed as identification cards to access a particular athletic event or function. This conclusion is supported by the fact that Certificate No. 311 does not state what sport the certificate is for and it also contains instructions that it "shall be returned upon termination of the function." If this document were a license to practice the profession or certification for a particular profession or occupation, we would not expect it to expire at the end of a particular event or function. In addition, we question the credibility of the document as it contains a validity period through 2017. As the Petitioner was born in 1980, it appears incongruous that a youth affairs department would issue him a document valid through to an age of thirty-seven.⁸

⁶ Sambo is a martial art that originated in the former Soviet Union in the 1920s.

⁷ Notably, the record contains no corroborating evidence of the Petitioner's sports club, how many youths attend the club and have been trained, or when the Petitioner began the judo sports club.

⁸ At the time of this petition's filing, the Petitioner was over thirty-eight years old and the Certificate No. 311 was no longer valid.

The record includes a copy of the Petitioner's International Judo Federation Official Identification Card, which does not contain an issuance date, and which expired in December 2016, prior to the filing of this petition. Therefore, this is not evidence of a license or certification at the time of filing. Even if it had been valid at the time of filing, such evidence would still be insufficient, as the Petitioner has not explained how an identification card is a license or certification.

In general, the Petitioner appears to confuse the term "certificate" with the term "certification." The record contains numerous certificates of participation in athletic competitions, but these certificates of participation are not certifications for a particular profession or to practice the sport. For instance, although the Petitioner asserted that the titles "Master of Sport" and the "Honored Master of Sport" are licenses, such titles are not provided to every athlete who participates in the sport and therefore they are not certifications for the profession. Based upon the information provided about the issuance of "Master of Sport" and "Honored Master of Sport" designations, these documents do not confer official permission to practice the profession or certify an athlete in a particular occupation as much as they are an acknowledgement that an athlete has reached a particular level in a sport.

Finally, the record contains a certificate from the International Olympic Committee acknowledging that in 2005, the Petitioner took part in a nine-day technical course for judo coaches. Although the certificate states that he "has taken part" in the course, the record does not contain evidence that the Petitioner finished the course, that he is qualified to be a judo coach as a result of this single course, or that any certification or license is required to be a judo coach. As already stated, the Petitioner identified on the Form I-140 that his occupation is as an athlete. Therefore, a technical course for judo coaching appears not to have any bearing on his ability to practice judo as an athlete.

Accordingly, the evidence of record does not establish that the Petitioner has satisfied this criterion.

Evidence that the alien has commanded a salary, or other remuneration for services, which demonstrates exceptional ability. 8 C.F.R. § 204.5(k)(3)(ii)(D)

The Petitioner did not submit evidence of his salary or other remuneration for services. Therefore, he has not satisfied this criterion.

Evidence of membership in professional associations. 8 C.F.R. § 204.5(k)(3)(ii)(E)

The Petitioner claimed that he has been a member of the [redacted] National Judo Team since 1998 and that from 2003 until the present, he has served as the team leader. It is unclear from the record how the Petitioner maintains membership on the [redacted] National Judo Team since he has relocated to the United States, or whether his membership continues in perpetuity. By contrast, the President of the National Judo Federation of the [redacted] stated that the Petitioner became a member of the [redacted] National Judo Team in 2003 and that he served as the captain from 2003 to 2012. Not only is the record unclear on the difference between a team leader and a team captain, but the dates the Petitioner provided for his membership differ from those provided by the President. The Petitioner must resolve these inconsistencies with independent, objective evidence pointing to where the truth lies. Matter of Ho, 19 I&N Dec. 582, 591-92 (BIA 1988). Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit.

Id. Aside from the inconsistent assertions he and the President made concerning his membership, the record contains little independent, objective evidence to corroborate the Petitioner's status as a member of the team.

In his letter, the President also explained the qualifications required to be a member of the team and in so doing, used regulatory language setting forth eligibility criteria for individuals of extraordinary ability.⁹ The author stated that the Petitioner's achievements have been judged by nationally and internationally recognized experts and that the Petitioner has won nationally and internationally recognized awards. Neither the letter nor the record contains credible and specific qualifications for becoming a member of the team, but instead includes a recitation of a portion of the criteria for another U.S. immigrant classification. Counsel asserted that the Petitioner's membership on the [redacted] National Judo Team satisfies this criterion, however counsel also repeated the regulatory language for the extraordinary ability immigrant classification without identifying the specific achievements that enabled the Petitioner to qualify for the team. Taken together, we question the credibility of the statements made by both the President of the National Judo Federation and by counsel.

In addition, the record does not establish that the national judo team is a professional association. Rather, the team appears more akin to an athletic club managed by a larger association. Counsel stated that the [redacted] National Judo Federation is managed by the [redacted] Judo Federation," which is a member of the International Judo Federation.¹⁰ Counsel then concluded that "[t]herefore, [redacted] Judo Federation is definitely a professional association" and that this is sufficient to establish the Petitioner's membership in the [redacted] Judo Federation. However, the record contains statements that the Petitioner belongs to the [redacted] National Judo Team, not that he is a member of the [redacted] Judo Federation. Even if the statements concerning the Petitioner's membership on the [redacted] National Judo Team were credible and consistent, this would not establish that the team is a professional association that would satisfy the Petitioner's eligibility under this criterion.

Returning to the Petitioner's expired International Judo Federation Official Identification Card, as explained above regarding evidence related to a license or certification, this identification card is not evidence of membership at the time of filing. Even if it had been valid at the time of filing, it would still be insufficient to satisfy eligibility under this criterion because the Petitioner has not explained how an identification card confers membership.

Accordingly, the evidence of record does not establish that the Petitioner has satisfied this criterion.

⁹ An individual of extraordinary ability is a different U.S. immigrant classification and is not the classification under which this petition was filed. Individuals of extraordinary ability must meet at least three of ten criteria set forth in 8 C.F.R. § 204.5(h), as opposed to three of six criteria for an individual of exceptional ability under 8 C.F.R. § 204.5(k). The Petitioner previously filed for and was denied classification as an individual of extraordinary ability.

¹⁰ The President of the National Judo Federation of the [redacted] also confirmed that the [redacted] National Judo Federation is managed by National Judo Federation of the [redacted]

Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.
8 C.F.R. § 204.5(k)(3)(ii)(F)

The Petitioner presented numerous certificates of participation, attendance, and victory in various athletic competitions. These certificates do not establish achievement or contribution in the field of judo, sambo, or [redacted] Wrestling as much as they establish participation in sporting events and a willingness to compete.¹¹ Aside from the evidence relating to the Olympics, a competition well known for having qualifying trials, much of the Petitioner's evidence of his performance in competitions is not accompanied by documentation that there were any required minimum qualifications for participation in the events. Nor does the record contain sufficient evidence to establish that these events were exclusive such that acceptance into them would signify a level of achievement or contribution in the field.¹² It is, therefore, not apparent from the record that the Petitioner's participation in these events was due to any contribution or achievement in the field. Further, the record does not establish that the Petitioner, who was nearly forty years old at the time of filing this petition in 2019, is a current athlete. According to his personal statement, he last competed in 2015 and the last time he won an award for his athletic performance in a competition was in 2013.¹³

The Petitioner emphasized his titles of "Master of Sport of International Class of the [redacted] [redacted] on Judo" and "Master of Sport of International Class of the [redacted] on [redacted] Wrestling," both of which the record indicates he won in 2003, as well as his title of "Honored Master of Sport of the [redacted] on Judo," which the record indicates he won in 2017. These awards are also loosely referred to in the record as "Master of Sport," "Master of Sport of [redacted]" and "Honored Master of Sport of [redacted]."

An undated letter from the President of the [redacted] Judo Federation provided the various requirements for awarding the title of "Master of Sport of [redacted] in judo," which are all based on rankings after qualifying competitions.¹⁴ In addition, the President stated in his letter that the "Master of Sport of [redacted]" is awarded in accordance with the "Order of the Ministry for Physical Culture and Sports of the [redacted]." By contrast, the Petitioner asserted that the "titles of Master of Sport of International Class in judo and [redacted] Wrestling" are:

¹¹ As previously explained, not all of the certificates clearly indicate athletic participation, as opposed to coaching or referee participation, or mere attendance.

¹² We acknowledged the undated letter from the President of the [redacted] Judo Federation identifying the [redacted] judo ranking system, but this information has little bearing on the rankings, qualifications, and competitions outside of [redacted].

¹³ We acknowledge a 2016 article in a [redacted] newspaper that stated the Petitioner won the 2016 [redacted] Championship held in Florida. The Petitioner did not provide any U.S. articles featuring his victory in this event, nor did he list this event in his personal statement. In review of the event results online, the website indicates that the competition was for a "[redacted] 2016" and that although the Petitioner is listed as a participant, the results do not indicate that he ranked or placed, let alone won anything. For more information, visit the International Judo Federation site at <https://www.ijf.org> [redacted] (last visited Sep. 20, 2021). Therefore, we question the credibility of the newspaper report from [redacted].

¹⁴ It is unclear from the punctuation and wording of the letter whether an athlete must meet each requirement listed or only one of them. Further, it does not appear as though an athlete must win only first place in order to qualify for the title, but that placing up to 6th place in certain competitions is sufficient.

[O]fficial titles issued by the Committee for Youth, sports and Tourism under the Government of the [redacted] the official and the highest governing body of martial arts in [redacted] to those athletes who have attained an exceptional level of mastery in their particular sport, as evidenced by success in major national or international tournaments. In order to be awarded “Master of Sport in Judo and [redacted] Wrestling”, a [redacted] wrestler must achieve one or more first-place finishes in national championships and receives a recommendation from the [redacted] Wrestling and Judo Federations.

(errors in the original). Here, the Petitioner’s assertions differ from the President’s, both in terms of who issues the title, as well as whether first-place is required to qualify. In examining the 2017 award itself, the issuing body is listed as the “Committee for Youth Affairs, Sports and Tourism under the Government of the [redacted]” whereas the 2003 awards were issued by the “Committee of Physical Education and Sport under the Government of the [redacted]”. Due to the varying titles provided for the awards, the varying titles of the issuing bodies, along with the varying explanations for how an athlete qualifies for the title, we question the credibility of these awards overall. Furthermore, we conclude that even if this evidence was credible, it would not establish eligibility under this criterion. The evidence remains insufficient to conclude that the titles are recognition for achievements and significant contributions to the industry or field. For instance, the record contains little evidence that the recognition for receiving such a title is an achievement for the field of judo, as opposed to a personal achievement. In other words, while the Petitioner may have received recognition for personal achievement as a judo athlete, it is not apparent that the Petitioner has achieved anything for or contributed anything to the field of judo. Furthermore, the Petitioner has submitted little evidence to explain which specific competitions enabled him to receive these awards. Moreover, we do not have information on the difference between the titles of “Master of Sport” and “Honored Master of Sport” or why he earned these awards fourteen years apart from each other. Finally, the Petitioner presented little evidence showing that these awards are recognized beyond the presenting institution or indicative of influence on the field as a whole.

Turning to the letters of recommendation, we observe that although the authors offered general praise concerning the Petitioner’s talents and accomplishments, none of the letters persuasively establishes that the Petitioner received recognition for achievements or significantly contributed to the field. Most authors did not identify specific achievements or contributions, but instead repeated general phrases that he has won awards and competitions. One author described the Petitioner’s judo coaching as extraordinary, but he did not provide specific examples or detail explaining why, nor did the author indicate that the Petitioner’s coaching has contributed to the field of judo, as opposed to only his individual coaching students. Generalized conclusory statements that do not identify specific contributions or their impact in the field have little probative value. See *1756, Inc. v. U.S. Att’y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications). The submission of reference letters supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters so as to determine whether they support the petitioner’s eligibility. *Id.* See also *Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to “fact”).

Other claims made by the authors of the letters call into question the credibility of the letters. For example, one author claimed that the Petitioner created a federation of judo in the city of [redacted], a claim which is not substantiated by any evidence in the record. Another example is the letter from the Head Coach of a mixed martial arts gym, which contains a claim that the Petitioner is a highly

decorated Tae Kwon Do specialist. Other parts of the record do not mention the Petitioner as an athlete in Tae Kwon Do and we question the accuracy of this statement. In addition, this author used regulatory language setting forth eligibility criteria for individuals of extraordinary ability, which involves a different analysis from that which is used for individuals of exceptional ability, and which is not the classification under which this petition was filed. The letter does not appear to contain the independent opinion of the author, but instead includes a recitation of the criteria for another immigrant classification. We may, in our discretion, use opinion statements submitted by the Petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, where an opinion is not in accord with other information or is in any way questionable, we are not required to accept or may give less weight to that evidence. *Id.* Here, the letters are of diminished probative value due to insufficient explanations and evidence to support the authors' conclusions as well as the unsupported recitation of regulations concerning a different immigrant classification.

The Petitioner also submitted copies of published articles about judo competitions, some of which reference him and multiple other competitors. Although several news articles and one radio broadcast reference him, the reports largely focus on the athletic event as a whole, rather than focusing on the Petitioner specifically or exclusively. As the Director noted, the readership and reach of these publications has not been established outside of their own self-reported statements. Furthermore, the apparent inaccurate reporting in a [redacted] newspaper concerning the Petitioner's victory in a competition in Florida undermines the credibility of the publications as a whole. Based upon the evidence of record, it has not been established that the Petitioner is recognized for achievements or contributions in his industry as a result of this publicity.

For all these reasons, the evidence of record does not establish that the Petitioner has satisfied this criterion.

Summary

The record does not support the finding that the Petitioner has met any of the six regulatory criteria for exceptional ability at 8 C.F.R. § 204.5(k)(3)(ii).¹⁵ Therefore, the Petitioner has not established eligibility as an individual of exceptional ability under section 203(b)(2)(A) of the Act. As previously outlined, the Petitioner must show that he is either an advanced degree professional or possesses exceptional ability before we reach the question of the national interest waiver. The Petitioner has not shown that he meets the regulatory criteria for classification as an individual of exceptional ability and he has not asserted that he is an advanced degree professional. Accordingly, the issue of the national interest waiver is moot.¹⁶ The waiver is available only to foreign workers who otherwise qualify for classification under section 203(b)(2)(A) of the Act. Because the documentation in the record does not establish

¹⁵ When a petitioner has satisfied at least three of the six criteria, a final merits determination concerning the Petitioner's eligibility is still required per the two-part adjudication framework established in *Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010). In the final merits analysis, the quality of the evidence must be evaluated. Here, a final merits analysis is not required because the Petitioner has not established that he has met at least three of the six criteria.

¹⁶ Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the arguments regarding eligibility under the Dhanasar framework. See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("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).

eligibility for the underlying EB-2 classification, further analysis of eligibility under the framework outlined in Dhanasar would serve no meaningful purpose.

III. CONCLUSION

The Petitioner has not demonstrated that he qualifies as a member of the professions holding an advanced degree or as an individual of exceptional ability under section 203(b)(2)(A) of the Act. Accordingly, the Petitioner has not established eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; Matter of Otiende, 26 I&N Dec. 127, 128 (BIA 2013).

ORDER: The appeal is dismissed.