U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 22149842

Date: SEP. 09, 2022

Appeal of Texas Service Center Decision

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

The Petitioner, a training and development manager, seeks second preference immigrant classification as either 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 Director of the Texas Service Center denied the petition, concluding that the evidence did not establish that the Petitioner is well positioned to advance the proposed endeavor or that a waiver of the requirement of a job offer would be in the national interest. Accordingly, the Director determined that the Petitioner had not established eligibility for a national interest waiver.

The matter is now before us on appeal. The Petitioner reasserts her eligibility, arguing that the Director did not review the evidence under the proper standard of proof and 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, 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. –
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> (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.
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> (B) Waiver of job offer –
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> (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, 8 USC § 1101(a)(32), 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.
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> Exceptional ability in the sciences, arts, or business means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.
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> 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). 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). Dhanasar states that after a petitioner has established eligibility for EB-2 classification, U.S. Citizenship and Immigration Services (USCIS) may grant a national interest waiver as matter of discretion. See also Poursina v. 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). As a matter of discretion, the national interest waiver may be granted 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. See Dhanasar, 26 I&N Dec. at 888-91, for elaboration on these three prongs.

II. ANALYSIS

A. Underlying Employment Classification

The Director did not provide any analysis or specific determination regarding whether the Petitioner established that she qualifies as a member of the professions holding an advanced degree or as an individual of exceptional ability. Based upon the record as currently constructed, we conclude that the Petitioner has not established eligibility for the underlying EB-2 classification.

1. Advanced Degree Professional

In order to show that a petitioner holds a qualifying advanced degree, the petition must be accompanied by "[a]n official academic record showing that the [individual] has a United States advanced degree or a foreign equivalent degree." 8 C.F.R. § 204.5(k)(3)(i)(A). Alternatively, a petitioner may present "[a]n official academic record showing that the [individual] has a United States baccalaureate degree or a foreign equivalent degree, and evidence in the form of letters from current or former employer(s) showing that the [individual] has at least five years of progressive post-baccalaureate experience in the specialty." 8 C.F.R. § 204.5(k)(3)(i)(B).

The Petitioner provided evidence of a "bacharelado" in law, which she earned after a program of study in Brazil from 1999 to 2003. In other academic documents, this course of study is also referred to as a "bacharelado" in legal and social sciences. She also provided a copy of her certificate for a course of study called "MBA in Strategic Management of People," which she earned in 2016. In addition, the record contains certificates of completion for various trainings and individual courses, such as "Time Management," "Maritime Legislation Course for HR Professionals," and "Leadership Training for Supervisors," among others.

To support a finding that she qualifies as an advanced degree professional, the Petitioner provided an academic and experience evaluation from senior evaluator, [redacted] on behalf of [redacted] Although [redacted] stated that the courses completed and the number of credit hours earned indicate the U.S. equivalency of her education, he offered little explanation of the Petitioner's

courses and credit hours, nor did he explain how they are the equivalent of a U.S. education. For instance, [redacted] stated that he converted foreign academic hours based on the assumption that the average number of credits for one full year of academic study in the United States is 30 to 34 semester hours. However, the Petitioner's academic records regarding her foreign bachelor's degree do not clearly indicate how many academic hours comprised the ten semesters she completed for the "bacharelado" in law. In addition, the Petitioner's transcript reflects a different grading system than that which is normally used in the United States and [redacted] offers no acknowledgement of the Petitioner's grades or any analysis explaining what they are the equivalent of in U.S. academic grades.

Regarding the Petitioner's course of study called "MBA in Strategic Management of People," [redacted] did not provide any specific analysis of how this course of study leads to the foreign equivalent of a U.S. master's degree. The Petitioner's academic record indicates that she earned a "specialization level (lato sensu)," but it is not apparent from either the documents or the evaluation provided whether this could be considered the equivalent of a U.S. master's degree. As such, [redacted] generalized conclusions are insufficient to establish the U.S. equivalency of the Petitioner's education. We may, in our discretion, use an evaluation of a person's foreign education as an advisory opinion. Matter of Sea, Inc., 19 I&N Dec. 817, 820 (Comm'r 1988). However, where an opinion is not in accord with other information or is in any way questionable, we may discount or give less weight to that evaluation. Id. Here, we question the accuracy of [redacted] conclusions, as he did not provide sufficient analysis to support them. Accordingly, we conclude that this evaluation is of little probative value in this matter.

Based on the information contained in the record, the Petitioner has not met her burden to establish the U.S. equivalency of her foreign education in accordance with 8 C.F.R. § 204.5(k)(3)(i)(B). The Petitioner should be prepared to address this evidentiary shortcoming in any of her future filings. Nevertheless, we reviewed the AACRAO EDGE database to determine whether the Petitioner's foreign education is comparable to any U.S. degree. The AACRAO EDGE database is a reliable resource concerning the U.S. equivalencies of foreign education. See generally American Association of Collegiate Registrars and Admissions Officers, Electronic Database for Global Education, https://www.aacrao.org/edge (last visited Sept. 8, 2022). Although the database reflects that a "bacharelado" may be a foreign equivalent of a U.S. bachelor's degree, it does not indicate that the "specialization level (lato sensu)," is the foreign equivalent of a U.S. master's degree. Rather, the database suggests that the Petitioner may have completed a graduate program in which she received graduate credits leading to a professional certificate, but not necessarily leading to a graduate degree. Id.

Moreover, the evidence provided is insufficient to conclude that she has at least five years of progressive post-baccalaureate experience in the specialty. First, the employment letter from [redacted] only stated the titles of the positions the Petitioner held from 2005 to 2018. As the letter does not discuss the Petitioner's duties, it cannot be concluded that the Petitioner's work was progressively responsible in nature. Additionally, based upon the titles of the Petitioner's positions, it appears that she gained experience in the area of human resources, which differs from the specialty of law or legal and social sciences, the area in which she earned her foreign equivalent bachelor's degree. Accordingly, we cannot conclude that the Petitioner possesses an advanced degree, nor can we conclude that the Petitioner has the foreign equivalent of a U.S. bachelor's degree followed by five years of progressive post-baccalaureate experience in the specialty.

2. Individual of Exceptional Ability

We reviewed the entirety of the record and have considered the Petitioner's eligibility as an individual of exceptional ability. We conclude that the Petitioner has not satisfied at least three of the six criteria and therefore we need not reach a final merits determination. Accordingly, the Petitioner does not qualify as an individual of exceptional ability. While we may not discuss each piece of evidence individually, we have reviewed and considered each one.

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)

Although the academic documentation in the record combined with the information found in the AACRAO EDGE database is sufficient to conclude that the Petitioner completed education that is the equivalent of a U.S. bachelor's degree, the record does not show that the Petitioner earned this degree in the area of exceptional ability. As the Petitioner proposes to work in the field of human resources management, we cannot conclude that her bachelor's degree in law or in legal and social sciences is sufficiently related to human resources as to be in the "area of exceptional ability." Based upon the evidence provided, the Petitioner has not persuasively established that she has 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)

As previously discussed, the Petitioner provided an employment letter from [redacted] which stated the titles of the positions the Petitioner held from 2005 to 2018. However, this letter does not indicate whether the Petitioner's experience was full-time. In addition, the employment letter and the Petitioner's résumé contain inconsistent information concerning her employment during the period of 2005 to 2008. The Petitioner's résumé indicates that she worked as a receptionist for [redacted] from 2005 to 2007 and that she worked as a human resources analyst from 2007 to 2008. By contrast, the employment letter stated that she worked as a human resources assistant from 2005 to 2008 and does not mention the Petitioner's work as an analyst or receptionist. 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. Accordingly, the evidence does not establish that the Petitioner satisfied 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 provided evidence that she received an "identity card of the lawyer" from the Brazilian Bar Association's Sectional Council of [redacted] The associated documents in the record suggest that the Petitioner took and passed the Brazilian bar exam. However, the Petitioner's identity card and membership with the bar was canceled in June 2018, prior to the filing of the I-140 petition. USCIS

regulations affirmatively require a petitioner to establish eligibility for the benefit sought at the time the petition is filed. See 8 C.F.R. § 103.2(b)(1). Therefore, we cannot conclude that the Petitioner had a license to practice the profession or certification for a particular profession at the time of filing. In addition, the Petitioner has not provided evidence that a license or certification is required to practice the profession of human resources management. Accordingly, the record is insufficient to establish the Petitioner's eligibility under 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 provided a website printout of salary data for the position of "training supervisor" in Brazil. Although the printout states that the data provided is from October 2017 to October 2018, it is unclear if the salaries listed correspond to an hourly, monthly, annual, or some other salary timeframe. The Petitioner does not indicate for which professional level she qualifies, such as "trainee," "junior," "full," "senior," or "master," nor has she provided sufficient explanations for how such determinations are made. In addition, she has not demonstrated the size of the company for which she worked during the relevant time frame, such as "little," "average," or "great," or how such size determinations are made. As such, the Petitioner has not established which figures in the chart apply to her.

The Petitioner's paystubs and tax documentation indicate she received a steady income from [redacted] across several years. However, as stated, it is not apparent where the Petitioner's salary falls on the salary data chart. Even if that were established and the evidence demonstrated that the Petitioner received a salary that exceeded certain figures on the chart, it would still only provide a very limited picture of the Petitioner's salary in comparison to others in the profession. In other words, even if the Petitioner provided sufficient evidence that her salary was in fact higher than other training supervisors, it would simply establish that she earned a higher-than-average salary. The evidence does not suggest that the salary she earned was due to her ability.

The record does not support a finding that the Petitioner commands a salary that demonstrates exceptional ability. For the foregoing reasons, the Petitioner has not satisfied this criterion.

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

The Petitioner did not provide evidence to establish eligibility under this criterion. Therefore, she has not satisfied this criterion.

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)

We reviewed the entire record for evidence of recognition for the Petitioner's achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations. We acknowledge evidence that includes, but is not limited to, certificates of completed trainings and courses, a national interest waiver eligibility evaluation, and numerous letters of support from coworkers and employers. As previously stated, while we may not discuss each piece of evidence individually, we have reviewed and considered each one.

Although the letters of support indicate that her professional acquaintances hold her in high regard personally and professionally, as well as that she has received recognition for achievements and significant contributions within the companies she has worked for, this evidence does not suggest that the Petitioner has received recognition for achievements and significant contributions to the industry or field. To illustrate with several examples, [redacted] a safety superintendent at [redacted] provided examples of the Petitioner's achievements within projects that involved training, budget, and customer service, among others. However, [redacted] did not provide sufficient detail concerning how these internal accomplishments constitute recognition for achievements of significant contributions to the field of human resources management. In addition, [redacted] mentions that the Petitioner's "unique methodology" will serve the national interest of the United States, but he does not provide any detail or explanation of what her unique methodology is. Similarly, [redacted] a project manager at [redacted] offered specific instances of how the Petitioner performed her job well; however, simply performing well as an employee does not establish exceptional ability. Additionally, [redacted] letter does not contain sufficient details concerning how the Petitioner's work constitutes recognition for achievements and significant contributions to the industry or field, as opposed to the individual companies and clients for whom she worked. Overall, the authors of the letters explained how the Petitioner's accomplishments were important to the Petitioner's employers, but the authors did not support their conclusions that such accomplishments constitute recognition for achievements and significant contributions to the industry or field.

Likewise, the documentation suggesting that the Petitioner received a monetary bonus from her employer and numerous positive performance appraisals serves to reinforce a finding that she successfully performed her job and that she can accomplish internal work assignments. However, a company's recognition of her as an important and effective employee is insufficient to establish that she has received recognition for achievements and significant contributions to the industry or field.

We acknowledge the industry reports and articles concerning the field of human resources management, including those that explain what human resources management is, its increasing importance in the market, and the effects of labor shortages on human resources, among other topics. Nevertheless, these articles and reports do not mention the Petitioner specifically, or how she has impacted the field or industry such that we can conclude she has received recognition for achievements and significant contributions. Merely working in an important field is insufficient to establish that she has received recognition for achievements and significant contributions in that field.

In the Petitioner's professional plans and statements, she offered background on the importance of human resources management, the experience she has gained in the field, and how she would use this experience to benefit companies. However, the Petitioner did not explain, for instance, how her techniques differ or are better than the human resources management techniques already used. Although she may be able to adapt and customize her human resources management to suit the needs of her employer, this does not support a conclusion that she has personally developed anything from which others in the field or industry could benefit. Even if the Petitioner offered evidence to support a finding that she developed techniques, innovations, or methodologies, this would still not establish how others in the field or industry would know about and benefit from what she developed such that the Petitioner's work would constitute achievements and significant contributions to the industry or field.

Based on the evidence provided, the Petitioner has not established how her professional accomplishments extend beyond her individual employers and clients. While the Petitioner may be a valuable employee with an impressive record of success, her professional performance does not represent achievements and significant contributions to the industry or field. Accordingly, the evidence does not establish that the Petitioner satisfied this criterion.

Summary

The record does not support a finding that the Petitioner meets at least three of the six regulatory criteria for exceptional ability at 8 C.F.R. § 204.5(k)(3)(ii). The Petitioner therefore has not established her eligibility as an individual of exceptional ability under section 203(b)(2)(A) of the Act. As previously outlined, the Petitioner must show that she either possesses exceptional ability or is an advanced degree professional before we reach the question of the national interest waiver. We conclude that the evidence does not establish that the Petitioner meets the regulatory criteria for classification as an individual of exceptional ability or that she is a member of the professions holding an advanced degree. As the Petitioner has not established eligibility for the underlying immigrant classification, the issue of the national interest waiver is moot. The waiver is available only to foreign workers who otherwise qualify for classification under section 203(b)(2)(A) of the Act. Further analysis of her eligibility under the prongs outlined in Dhanasar would serve no meaningful purpose. Nevertheless, the wording in the Director's decision regarding the Petitioner's eligibility under the first Dhanasar prong is somewhat confusing and can be interpreted as contradictory. Therefore, we provide analysis under this prong simply to lend clarity.

B. Substantial Merit and National Importance

The Petitioner stated on her Form I-140 that as a training and development manager, she intends to "[p]lan, direct, or coordinate the training and development activities and staff of an organization." Other documents in the record describe her proposed endeavor as working for companies to provide advice and guidance on the growth and development of their human resources departments, including in the area of developing cross-border relations involving Brazil and the rest of Latin America. In her initial professional plan and statement, she explained that she will help U.S. companies improve their strategies and practices, as well as help them with people and business management. She also stated that through her proposed endeavor, she will seize market and investment opportunities for U.S. companies operating or planning to operate outside the United States and especially in Brazil.

The Director issued a request for evidence (RFE), notifying the Petitioner that the record suggested the Petitioner's proposed endeavor would benefit companies but that it did not sufficiently demonstrate that the endeavor would benefit the broader field as a whole. In response, the Petitioner provided an updated professional plan and statement, as well additional explanations of her proposed endeavor. She described her endeavor as continuing her career as a training and development manager "with a special focus on administrative management, human resources management, negotiating employment law, hiring, strategic management, and strategic partnerships." She also plans to work for U.S. companies in need of corporate enhancement solutions, such as workforce productivity, human resources management analysis, and operational improvements. The Petitioner stated that her endeavor will be an essential component in supporting, advancing, and developing business

development projects within the United States, including by advising companies in distinctive industries on the best human resources operational processes to follow.

Regarding the national importance of the proposed endeavor, the Petitioner claimed that her work will have broad implications for the U.S. business market, specifically through the implementation of improvement platforms and corporate measures that allow for workforce productivity and dependability. The Petitioner offered examples of her past successes in order to demonstrate how she might produce similar results through her proposed endeavor. For instance, she stated that she has increased the professionalization of the services a company provided which resulted in the expansion of the company's market share. To illustrate further, the Petitioner stated that she developed pipelines for new market segments when searching for new talent, developed campaigns and strategies to increase the quality of candidates, and developed professional training. Because she plans to improve business functions, the Petitioner expects that she would be able to increase businesses' economic production. She stated that her proposed endeavor will make companies better and more profitable, improve working conditions and wages, and boost the business ecosystem productivity and overall capability. The Petitioner claimed that her proposed endeavor will substantially benefit the United States in the following ways:

- U.S. job creation, considering that business productivity makes companies produce more goods and services, which leads to hiring more workers;
- Providing effective business advice within multinational environments, in line with updated global business strategy trends; and
- Providing unparalleled and full-service human resources and business regulatory compliance consulting services to U.S. companies, including advice and implementation methods.

She also stated that her endeavor would expand business, income, profit, and U.S. markets, as well as create competitive advantages for U.S. companies. Her endeavor would contribute to the successful search of new employees and the achievement of company goals, favoring economic and financial success, which would generate jobs and increase the gross domestic product (GDP).

In our de novo review of the record, we conclude that the Petitioner has not established the national importance of her proposed endeavor. In Dhanasar, we noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." Dhanasar, 26 I&N Dec. at 889. We also evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement by looking to evidence that documents the "potential prospective impact" of her work. To illustrate, "[a]n endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance." Id. at 890.

Although the Petitioner claimed that she would create jobs and improve the economy, the evidence she provided does not support such a conclusion. While her endeavor may directly impact the hiring, profit, professionalism, and growth of a particular company, the evidence does not suggest how these benefits would reach the field of human resource management overall or have an impact so broad as to affect the economy or create a significant number of jobs. Although her work may generate positive impacts in hiring, developing, and training employees, as well as improve management processes and

professionalize human resource functions, this impact appears to be localized within the company(ies) where she will work. The Petitioner has not sufficiently explained how helping the individual companies and clients that hire her would result in impact on a broad scale rising to the level of national importance. For instance, the Petitioner has not provided evidence that increasing the profitability and enabling the expansion of a particular company would affect the GDP. It is insufficient to claim an endeavor has national importance or will create a broad impact without providing evidence to corroborate such claims. The Petitioner must support her assertions with relevant, probative, and credible evidence. See Matter of Chawathe, 25 I&N Dec. 369, 376 (AAO 2010).

We reviewed the additional reference letters and articles provided in response to the RFE. [redacted] provided examples of what the Petitioner accomplished for [redacted] in the past, but he did not suggest that these accomplishments impacted the field of human resources management or that the success of the company resulted in significant job creation, tax revenue, or economic growth for the United States on a scale that rises to the level of national importance. Similarly, the letter from [redacted] a retired [redacted] human resources employee, noted the Petitioner's influence on specific projects and offered highlights of the Petitioner's career, but she did not explain how the proposed endeavor would have national importance. 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. See 1756, Inc. v. U.S. *Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (an agency need not credit conclusory assertions in immigration benefits adjudications). See also Matter of V-K-, 24 I&N Dec. 500, n.2 (BIA 2008) (expert opinion testimony does not necessarily purport to be evidence as to "fact"). Overall, the reference letters do not sufficiently address the proposed endeavor or explain why it has national importance.

We examined the articles concerning human resources management and consulting, the importance of foreign language skills in the U.S. job market, and the challenges related to talent management; however, as previously explained, none of these articles discuss the proposed endeavor or demonstrate its impact. We acknowledge that the field of human resource management is important; however, this is insufficient to establish the national importance of the proposed endeavor. In determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work. Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." See Dhanasar, 26 I&N Dec at 889.

Turning now to the advisory opinion from [redacted] an adjunct associate professor at [redacted] University, we read that the Petitioner's endeavor has national importance because the additional business-to-business activity it creates would have the indirect effect of creating new jobs and improving wages and salaries, which then allows for increased household spending and consumption. [redacted] opined that the Petitioner's endeavor will also have a multiplier impact in the areas of income and revenue. He explained that the increased business activity would create more business income, which would lead to more state and federal tax revenue, as well as personal income. While we acknowledge and understand how basic economics function, the record does not evidence a sufficiently direct connection between the proposed endeavor activities and either job creation, tax revenue, or increased household spending. Without sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to her future work, the record does not show that benefits to the U.S. regional or national economy resulting from the Petitioner's endeavor

would reach the level of "substantial positive economic effects" contemplated by Dhanasar. Id. at 890. As a matter of discretion, we may 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, we will reject an opinion or give it less weight if it is not in accord with other information in the record or if it is in any way questionable. Id. We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. Id. Here, [redacted] offered numerous conclusions concerning the national importance of the proposed endeavor but insufficient evidence to corroborate them.

The Petitioner does not suggest that her human resources techniques are unavailable in the United States or that the quality of her human resources management capabilities is better than that which is already offered in the United States. Even if she had demonstrated this, it would not establish how her procedures and techniques would be available to individual human resource managers or to the public at large. Similarly, 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. Dhanasar, 26 I&N Dec at 893. Here, we conclude that although the individual clients and companies may benefit from her services, she has not offered sufficient evidence to demonstrate how this individual benefit rises to the level of national importance or would impact the field more broadly.

On appeal, the Petitioner alleges no specific error but rather contends that the Director examined the evidence and applied a higher and stricter standard of proof than the preponderance of the evidence standard. In support, she largely restates the arguments already presented and relies upon evidence previously submitted. We have thoroughly reviewed the evidence of record and conclude that although the Petitioner asserted that her proposed endeavor has national importance, she offered little corroborative evidence or explanation to support her claims. While the Petitioner provided a significant volume of evidence, eligibility for the benefit sought is not determined by the quantity of evidence alone but also the quality. Chawathe, 25 I&N Dec. at 376 (citing Matter of E-M-, 20 I&N Dec. 77, 80 (Comm'r 1989)). The Petitioner bears the responsibility of ensuring that the record demonstrates how she qualifies for a national interest waiver. Section 291 of the Act, 8 U.S.C. § 1361. Accordingly, we conclude that the Petitioner has not established the national importance of her proposed endeavor.

III. CONCLUSION

The Petitioner has not established that she is eligible for the underlying classification as an advanced degree professional or as an individual of exceptional ability. Furthermore, the documentation in the record does not establish the national importance of the proposed endeavor as required by the first prong of the Dhanasar precedent decision. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of her eligibility under the second and third prongs outlined in Dhanasar would therefore serve no meaningful purpose.

Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the second and third Dhanasar prongs. 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).

The appeal will be dismissed for the above stated reasons.

ORDER: The appeal is dismissed.