U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 30172482

Date: APR. 18, 2024

Appeal of Texas Service Center Decision

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

The Petitioner, a soccer administration manager and coach, seeks employment-based second preference (EB-2) immigrant classification as an individual of exceptional ability, 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). U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so.

The Director of the Texas Service Center denied the petition. The Director concluded that the record did not demonstrate the Petitioner merits a discretionary waiver of the job offer requirement in the national interest. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Matter of Chawathe, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's*, Inc., 26 I&N Dec. 537, 537 n.2 (AAO 2015). 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.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree.[1] 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or a foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. Id.

[1] Profession shall include, but not be limited to, architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

Exceptional ability means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. 8 C.F.R. § 204.5(k)(2). A petitioner must initially submit documentation that satisfies at least three of six categories of evidence:

> (A) 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;
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> (B) 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;
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> (C) A license to practice the profession or certification for a particular profession or occupation;
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> (D) Evidence that the alien has commanded a salary, or other renumeration for services, which demonstrates exceptional ability;
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> (E) Evidence of membership in professional associations; or
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> (F) 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).[2]

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows that the petitioner is recognized as having a degree of expertise significantly above that ordinarily encountered in the field.[3] See Kazarian v. USCIS, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); see also Visinscaia v. Beers, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); Rijal v. USCIS, 772 F. Supp. 2d 1339 (W.D. Wash. 2011). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." Matter of Chawathe, 25 I&N Dec. at 376.

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

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[2] If these types of evidence do not readily apply to the individual's occupation, a petitioner may submit comparable evidence to establish eligibility. 8 C.F.R. § 204.5(k)(3)(iii).

[3] USCIS has previously confirmed the applicability of this two-part adjudicative approach in the context of individuals of exceptional ability. See generally 6 USCIS Policy Manual F.5(B)(2), https: //www.uscis.gov/policy-manual.

term "national interest," Matter of Dhanasar, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. Dhanasar states that USCIS may, as matter of discretion,[4] grant a national interest waiver if the petitioner demonstrates that:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

The Petitioner proposes to establish a soccer development business for which he would work as its head soccer coach. The record shows that the Petitioner is a former professional soccer player who played in Brazil for several years, and more recently worked as a soccer administrative manager and soccer coach in Brazil. The Director's decision stated that the Petitioner established his eligibility for the underlying EB-2 classification as an advanced degree professional. However, the Director determined that the Petitioner did not establish that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

A. EB-2 Classification

In determining the Petitioner met eligibility for the underlying EB-2 classification as an advanced degree professional, the Director did not provide an explanation for this decision. We will withdraw the Director's determination because the Petitioner did not claim eligibility as an advanced degree professional, instead claiming he is an individual of exceptional ability in the sciences, arts, or business under section 203(b)(2)(B)(i) of the Act. Also, the Director stated in a request for evidence notice that the Petitioner established eligibility for the underlying classification and met five of the six initial evidentiary criteria under 8 C.F.R. § 204.5(k)(3)(ii) as an individual of exceptional ability. However, the record does not include the Director's analysis of the evidence for the determination that the Petitioner met the five criteria. In addition, the record does not indicate that the Director considered a totality of the evidence in a final merits determination and assessed whether the Petitioner is recognized as having a degree of expertise significantly above that ordinarily encountered in the field of soccer coaching.[5] Upon de novo review, the Petitioner has not established he is an individual of exceptional ability in the sciences, arts, or business.

To meet eligibility as an individual of exceptional ability, the Petitioner claimed to meet all six evidentiary criteria. For the reasons provided below, we conclude that the Petitioner does not meet the initial evidentiary requirements for classification as an individual of exceptional ability.

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

[5] See generally 6 USCIS Policy Manual, supra, at F.5(B)(2).

> An official academic record showing that the individual 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 submitted his high school academic transcript to meet this criterion. However, the Petitioner's high school transcript does not meet the plain language of the regulation. His high school transcript does not show that his high school degree is related to his area of exceptional ability, soccer coaching. Therefore, the Petitioner has not established he meets the requirements for the criterion.

> Evidence in the form of letter(s) from current or former employer(s) showing that the individual 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).

To meet this criterion, the Petitioner claims to have played professional soccer in Brazil for over 15 years. He submitted a statement from the Union of Professional Football Athletes of the [redacted] in Brazil acknowledging "[the Petitioner] as a professional soccer athlete, playing more than 15 years in the category." However, the statement does not meet the plain language of the criterion. The statement does not appear to be from the Petitioner's former employer(s), which his resume specifies as individual soccer clubs. Also, the statement indicates he has experience as a professional soccer player instead of as a soccer coach, the occupation being sought for in this petition. Because the evidence provided does not appear to be from his former employer(s) and does not demonstrate that he has at least ten years of full-time experience in his intended occupation as a soccer coach, the Petitioner has not established that he meets the plain language of the 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).

To meet this criterion, the Petitioner submitted a "certificate of football monitor" issued to him by the Union of Professional Athletes of [redacted] The Petitioner also submitted an identity card issued by the Brazilian Association of Soccer Coaches for the Federative Republic of Brazil to the Petitioner. The identity card indicates he is a professional football coach having been a member of staff since 2022. However, the record does not include evidence explaining the significance of either document, nor does it indicate that either serves as a license or certification for the profession as a soccer coach.

Because the record does not demonstrate that the Petitioner has a license to practice the profession or certification for his occupation, he has not established that he meets this criterion.

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

To meet this criterion, the Petitioner submitted a statement from an accountant listing the Petitioner's annual revenue for each of the years 2018 to 2022, and two articles relating to salaries of soccer players in Brazil. The regulation requires that the remuneration demonstrates the Petitioner's exceptional ability. However, the accountant's statement does not indicate that the Petitioner earned a salary or

renumeration for his exceptional ability as a soccer coach. For this reason, the Petitioner has not shown that he meets this criterion.

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

The Petitioner submitted a membership certificate from International Coaches Association (ICA) indicating he is a "full member." The record does not include documentary evidence relating to the membership requirements for ICA or of ICA being a professional association under this criterion. The regulation at 8 C.F.R. § 204.5(k)(2) defines "profession" as "any occupation for which a United States baccalaureate degree or its foreign equivalent is minimum requirement for entry into the occupation." Accordingly, a professional association is one which requires its members to be members of a profession as defined in the regulation. The record does not show that ICA requires that its membership body be comprised of individuals who have earned a U.S. baccalaureate degree or its foreign equivalent, or that the organization otherwise constitutes a professional association.

For the reasons explained above, the Petitioner does not meet 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).

The Petitioner claims he meets this criterion based on his previous work as a professional soccer player. To support his claims, he submitted a recognition certificate, news articles, and recommendation letters attesting to his work as a professional soccer player. However, for this petition, the Petitioner intends to be a soccer coach instead of a soccer player. The record does not show that the Petitioner has been recognized for his achievements and significant contributions to his intended field of soccer coaching, as required under the criterion. Therefore, the Petitioner has not demonstrated he meets this criterion.

The Petitioner has not established that he meets at least three of the evidentiary criteria at 8 C.F.R. § 204.5(k)(3)(ii)(A) through (F). Because the Petitioner did not satisfy the initial evidence requirements, we need not conduct a final merits analysis to determine whether the evidence in its totality shows that he is recognized as having a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. 8 C.F.R. § 204.5(k)(2). Nevertheless, we advise that we have reviewed the record in the aggregate and conclude that it does not support a finding that the Petitioner has established the recognition required for classification as an individual of exceptional ability.

For the above stated reasons, we withdraw the Director's determination that the Petitioner is eligible for the underlying EB-2 classification.

B. National Interest Waiver

As discussed above, the Petitioner has not established his eligibility for the underlying EB-2 classification, and therefore is not eligible for a waiver of that classification's job offer requirement.

However, we will discuss whether the Petitioner demonstrated a waiver of the labor certification would be in the national interest, the basis for the Director's decision.

The Director found that while the Petitioner demonstrated the proposed endeavor has substantial merit, he did not establish that the proposed endeavor is of national importance, as required by the first prong of Dhanasar's analytical framework. The Director further found that the Petitioner did not establish that he is well positioned to advance the proposed endeavor, and 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. Upon de novo review, we agree with the Director's determination that the Petitioner did not demonstrate that a waiver of the labor certification would be in the national interest.[6]

The first prong of the Dhanasar framework, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. Matter of Dhanasar, 26 I&N Dec. at 889.

The Petitioner proposes to establish a soccer development business for which he would be its head soccer coach. The Petitioner intends to establish the business in the [redacted] Georgia area with plans to expand to four additional Georgia cities by its fifth year of business. The business plan indicates that the business would have soccer development classes for children, adolescents, professional and college soccer teams, and soccer athletes. In addition, the business will leverage the Petitioner's ability to "recognize potential talents" to create and coach a soccer team. The business plan states, "[t]he Petitioner endeavors to contribute to the overall skill level of soccer players in the [United States] by providing exceptional coaching sessions and programs for professional and college teams, as well as children and athletes, positively influencing society by promoting sports and active lifestyles." The Petitioner intends to "help aspiring players develop essential and core skills in soccer and generally enhance their overall athleticism." The business plan explains that he plans "to create and implement age-appropriate training plans" which would "benefit the professional and amateur soccer players . . . ." We agree with the Director that the Petitioner's endeavor has substantial merit.

With respect to national importance, the Director determined "the Petitioner has not established that the proposed work has implications beyond adding to the pool of knowledge in the field, and therefore impact the [s]occer field or the United States at a level sufficient to demonstrate the national importance of the proposed endeavor." The Director further found that the record did not demonstrate the Petitioner's proposed endeavor "has the potential to create a significant economic impact or have broader implications" as contemplated by Dhanasar. Therefore, the Director determined the Petitioner did not establish his proposed endeavor is of national importance. Upon de novo review, the Petitioner has not established that his proposed endeavor satisfies the national importance element of *Dhanasar's* first prong, as discussed below.

At the outset, the Petitioner argues on appeal that the Director incorrectly analyzed the evidence. He questions whether the Director considered the evidence claiming that although the decision lists the Petitioner's evidence, the Director provided "a vague and nonspecific decision" without addressing

[6] While we may not discuss every document submitted, we have reviewed and considered each one.

the content of the evidence. The Petitioner maintains that the evidence submitted validates "his contribution to the world of soccer similar to how Lionel Messi intends to do so." The Petitioner then argues on appeal that the Director did not consider the totality of the evidence in the denial decision and failed to identify the evidence's deficiencies. He stresses the amount of documentary evidence, claiming that the Director's decision did not reference any of the documents submitted with the initial petition or with the reply to a request for evidence notice. Arguing that the Director did not explain specific reasons for the decision to deny the petition, the Petitioner maintains he could not understand why the evidence failed to satisfy the burden of proof. We disagree with the Petitioner's claims relating to the deficiencies of the Director's denial decision.

Contrary to the Petitioner's arguments, the decision properly analyzed the Petitioner's documentation and weighed the evidence to evaluate the Petitioner's eligibility by a preponderance of the evidence. In addition to acknowledging the evidence submitted, the Director provided a reasoned analysis of specific documents to explain how they did not show the national importance of the Petitioner's proposed endeavor. The standard of proof in this proceeding is preponderance of the evidence, meaning that a petitioner must show that what is claimed is "more likely than not" or "probably" true. Matter of Chawathe, 25 I&N Dec. at 375-76. To determine whether a petitioner has met the burden under the preponderance standard, we consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. Id.; Matter of E-M-, 20 I&N Dec. 77, 79-80 (Comm'r 1989).

On appeal, the Petitioner mainly highlights his success as a professional soccer player to show the national importance of his proposed endeavor. He argues that his "national importance is best shown through the impact that he has already had on the nation of Brazil. There is substantial [sic] amount of evidence demonstrating how [the Petitioner's] influence has positively affected both communities and organizations to the benefit of the culture and economy." The Petitioner details his accomplishments as a professional soccer player in Brazil relying on recommendation letters from teams he previously played with in Brazil. He stresses his player statistics, the recognition he received from his former teams as a soccer player, and the impact he had on his teams and the country of Brazil as a professional soccer player. With the appeal he submits additional news articles highlighting that a team he played with was promoted to a higher soccer division and the economic importance of the team's promotion.

However, the Petitioner's reliance on his professional experience, achievements, and credentials to establish the national importance of his proposed endeavor is misplaced. His professional experience, achievements, and credentials relate to the second prong of the Dhanasar framework, which "shifts the focus from the proposed endeavor to the foreign national." Matter of Dhanasar, 26 I&N Dec. at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has national importance under Dhanasar's first prong. To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of his work. Id. at 889.

The Petitioner argues on appeal that his exceptional ability as a soccer player will contribute to the U.S. soccer industry as a soccer coach. As a coach, he would transfer his knowledge attained during his soccer career to U.S. soccer players. In Dhanasar, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his

field more broadly. Id. at 893. Here, the record lacks evidence showing that the Petitioner transferring his soccer knowledge to soccer players will reach beyond the players he would directly worki with to impact the field more broadly. The Petitioner also argues that his work as a soccer coach would "have broader implications" as attested by public officials and authorities in the recommendation letters. He points out that the recommendation letters attest to his ability as a soccer player and the positive exposure he brought to the teams he played with which benefited local communities and economies. He argues that as a former professional soccer player who influenced local communities, he has the potential to impact his business' regional economy. To support his claims, he compares his potential impact to other well-known professional soccer players, David Beckham and Leo Messi, and how they economically influenced the soccer industry and local communities. However, the Petitioner's claims and recommendation letters relate to the impact of his work as a soccer player, instead of his proposed endeavor as a soccer coach.

Similar to Dhanasar, the record does not demonstrate that the Petitioner's proposed work to provide soccer instruction and development classes to soccer players would impact the soccer industry more broadly. In Dhanasar, we stated "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." Id. The evidence does not suggest that the Petitioner's soccer development business would impact the soccer and soccer coaching fields more broadly.

The record includes the Petitioner's business plan, which describes the business' potential "national-level impact." The business plan claims the business would have economic, health, and social welfare benefits. The plan stresses the recent growth of the soccer industry in the United States and its expected increase in revenue due to the United States hosting games for the 2026 FIFA World Cup. The business plan maintains that the Petitioner's soccer development business would generate economic and employment benefits through the creation of jobs; support the development of soccer in the United States; provide soccer development and coaching services that are in demand; provide educational opportunities for athletes; transfer the Petitioner's soccer skill knowledge to athletes; help crime prevention because increased sports participation leads to lower crime; help athletes cope with mental health issues; and support U.S. government initiatives related to sports, fitness, and nutrition. The business plan also describes the Petitioner's professional experience; his ownership of the business; the business' services and intended clients; the demand for the business' services; a market analysis of the sports coaching industry; and the business' projected marketing, staffing, and financial forecasts.

However, the Petitioner has not provided corroborating evidence to support his claims that his business' activities stand to provide substantial economic, health, and societal welfare benefits to areas of Georgia and the United States. The Petitioner's general claims that his soccer development business will benefit the local Georgia and U.S. economies and will provide the claimed health and societal welfare benefits has not been established through independent and objective evidence. The Petitioner's statements are not sufficient to demonstrate his endeavor has the potential to provide economic, health, and societal welfare benefits to Georgia and the United States. The Petitioner must support his assertions with relevant, probative, and credible evidence. See Matter of Chawathe, 25 I&N Dec. at 376. Without documentary evidence that his proposed job duties as head soccer coach for his soccer development business would impact the soccer industry more broadly, rather than

benefiting his business and his proposed clients, the Petitioner has not demonstrated by a preponderance of the evidence that his proposed endeavor is of national importance.

The business plan also indicates that the business is expected to stimulate the U.S. economy by creating new jobs and generating payroll tax revenue. The business plan projects that in five years the business will hire eight direct employees, create 19 indirect jobs, and generate almost $100,000 in tax revenue. However, the record does not sufficiently detail the basis for its financial and staffing projections, or adequately explain how these projections will be realized. The Petitioner has not provided corroborating evidence demonstrating that his business' future staffing levels and business activities stand to provide substantial economic benefits to communities in Georgia or the United States. While the Petitioner expresses his desire to contribute to the United States and his local community in Georgia, he has not established with specific, probative evidence that his endeavor will have broader implications in the soccer and soccer coaching fields, will have significant potential to employ U.S. workers, or will have other substantial positive economic effects in Georgia or the United States. The Petitioner must support his assertions with relevant, probative, and credible evidence. See id. Even if we were to assume everything the Petitioner claims will happen, the record lacks evidence showing that creating eight direct jobs and 19 indirect jobs, and generating almost $100,000 in tax revenue over a five-year period rises to the level of national importance.

The record also includes industry reports and articles to demonstrate the national importance of his proposed endeavor. The reports and articles relate to the effects of stress on the body and coping with stress; the positive outlook for soccer in the United States; the necessary skills for youth soccer coaches; the impact of professional soccer player, Lionel Messi, joining the American team, Inter Miami; the importance of skilled immigrants to the U.S. economy; labor shortages in the United States and the need for entrepreneurs; venues for the FIFA World Cup in 2026; increased popularity of soccer in the United States; economic benefits to countries hosting the FIFA World Cup; importance of sports to a country's culture and social welfare; and the expected impact of President Biden's presidency on arts and culture.

We recognize the importance of the soccer industry and related careers, and the significant contributions from immigrants who have become successful entrepreneurs; however, merely working in the soccer coaching field or starting a soccer development business is insufficient to establish the national importance of the proposed endeavor. Instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." Matter of Dhanasar, 26 I&N Dec. at 889. 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." Id. We also stated that "[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. The industry reports and articles submitted do not discuss any projected U.S. economic impact or job creation specifically attributable to the Petitioner's proposed endeavor.

We further note that the record includes an opinion from a lecturer at [redacted] in New Jersey. The opinion provides an analysis of the national importance of the Petitioner's proposed endeavor concluding, "the United States would greatly benefit from the expertise and skills of an experienced Soccer Coach/CEO such as [the Petitioner], who has extensive knowledge and expertise in sports

training. His work has both substantial merit and national importance." In support of the Petitioner's proposed endeavor having national importance, the opinion explains the demand for soccer coaches and trainers due to the increased popularity of soccer in the United States. In addition, the opinion indicates that because the Petitioner's endeavor would be an outdoor physical activity, it would benefit the players' mental and physical health. The opinion provides a general summary of the economic benefits of physical activity; the revenue generated through spectator sports; the cultural benefits of sports; and government initiatives promoting physical activity to reduce diseases and obesity.

However, the opinion's focus on the benefits of sports and physical activity does not demonstrate that the Petitioner's specific endeavor may have a prospective impact in his field. Although the opinion mentions the Petitioner's proposed endeavor, it does not specify how the Petitioner's work as a soccer coach for his soccer development business would have a potential prospective impact on the U.S. economy or in the field of his proposed endeavor. Simply stating that he is qualified to be a soccer coach who would promote individual health through outdoor physical activity and enhance cultural enrichment through team soccer is not sufficient to meet the "national importance" requirement under the Dhanasar framework.

The Petitioner has not demonstrated that his proposed endeavor extends beyond his business and his future clients to impact the field of soccer or any other industries or the U.S. economy more broadly at a level commensurate with national importance. Beyond general assertions, he has not demonstrated that the work he proposes to undertake as the owner and head soccer coach of his proposed soccer development business offers innovations that would contribute to advancements in his industry or otherwise has broader implications for his field. The economic, health, and societal welfare benefits that the Petitioner claims depend on numerous factors, and the Petitioner did not offer a sufficiently direct evidentiary tie between his proposed work and the claimed economic, health, and societal welfare benefits.

Because the documentation in the record does not sufficiently establish the national importance of the Petitioner's proposed endeavor as required by the first prong of the Dhanasar precedent decision, he has not demonstrated eligibility for a national interest waiver. Because the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding his eligibility under the second and third prongs. See INS v. Bagamasbad, 429 U.S. 24, 25 (1976) (noting that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); see also Matter of L-A-C-, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established eligibility for the underlying EB-2 immigrant classification. Also, the Petitioner has not met the requisite first prong of the Dhanasar analytical framework. Therefore,

the Petitioner has not established eligibility for a national interest waiver as a matter of discretion.

The appeal will be dismissed for the above stated reasons.

ORDER: The appeal is dismissed.