



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 22645344

Date: OCT. 13, 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 financial 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 although the Petitioner established the substantial merit and national importance of the proposed endeavor, he had not established eligibility under the remaining Dhanasar prongs. Therefore, the Director determined that the Petitioner had not established eligibility for a national interest waiver. On appeal, the Petitioner reasserts his eligibility for a national interest waiver and claims the Director erred in denying the petition.

In these proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; Matter of Skirball Cultural Ctr., 25 I&N Dec. 799, 806 (AAO 2012). 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. –

(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, 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.

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). 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. The EB-2 Classification

The Director did not provide any analysis or specific finding concerning the Petitioner’s eligibility for the underlying EB-2 classification. Upon our de novo review of the record, we conclude that the Petitioner has not established he is a member of the professions holding an advanced degree or that he is an individual of exceptional ability.

1. Member of the Professions Holding an Advanced Degree

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 documentation to support a finding that he earned a foreign “título de bacharel” in accounting sciences in 1999. To support a finding that he qualifies as an advanced degree professional, the Petitioner provided an academic and experience evaluation from senior evaluator [redacted] on behalf of [redacted] an academic credential evaluation service provider. Although [redacted] stated that the courses completed and the number of credit hours earned indicate the U.S. equivalency of his education, he offered little explanation of the Petitioner’s courses and credit hours, nor did he analyze how they are the equivalent of a U.S. education. As such, [redacted] generalized conclusions are insufficient to establish the U.S. equivalency of the Petitioner’s education. In addition, [redacted] stated that the Petitioner earned his degree in accounting sciences in 1998, which appears to be inaccurate, based upon the employment documents in the record. 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.

According to the AACRAO EDGE database, a “título de bacharel” is comparable to a U.S. bachelor’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 Oct. 13, 2022). Therefore, we conclude that the Petitioner possesses the foreign equivalent of a U.S. bachelor’s degree. However, the record does not establish that the Petitioner pursued any formal education beyond this degree. Thus, to qualify as an advanced degree professional with only a bachelor’s degree education, the Petitioner must establish that he possessed at least five years of progressive post-baccalaureate experience in the specialty by the filing date of his Form I-140 petition.

The Petitioner provided numerous letters that list the titles of his employment positions; however, the letters do not include a sufficient explanation of the Petitioner’s duties in the positions such that the progressive nature of the Petitioner’s experience can be established. Additionally, none of the letters indicate whether the Petitioner worked full-time or part-time. Finally, some of the dates in the letters conflict with the dates the Petitioner provided in his résumé, while others do not include either definitive employment start dates or end dates.

To illustrate, one letter states that the superintendent of the Port of [redacted] “exonerate[d]” the Petitioner of his appointment as a financial administrative director on December 23, 2014. This letter does not provide a start date for the employment, a discussion of the Petitioner’s work in the position, or any indication as to whether the work the Petitioner performed was full-time or part-time basis. Other letters indicate that local government authorities appointed the Petitioner to temporary positions of varying durations ranging from a few weeks up to almost two years. For instance, one letter stated that the Mayor of the City of [redacted] appointed the Petitioner to work as the superintendent of the Port of [redacted] from January 20, 2014, to February 8, 2014, while the permanent employee occupying this position went on vacation. The Petitioner provided similar letters to evidence temporary appointments occurring in 2007, 2008, 2010, 2011, 2012, and 2014. However, some of the letters include a start date without an end date or an end date without a start date. Furthermore, one of the letters contains a signature dated April 31, 2010, a date which does not exist. Based upon the information the Petitioner provided in his résumé, we note that he worked as city councilor and secretary of the finance department from July 2007 to June 2008; however, the employment letters provided do not support this claim, both in terms of the exact title of his position and the dates in which he worked. Without further clarification, we question the credibility and accuracy of the Petitioner’s employment claims. 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.*

The Petitioner also stated in his résumé that he founded an accounting services business in 1994 and currently remains a partner in that business. Although we note that the Petitioner registered his company in Brazil, he provided little evidence to support a finding that he actually provided accounting services. For instance, the Petitioner has not provided evidence of how many clients he has served

and whether they are individuals or businesses. Further, the record does not include corroborating details, such as the names and employment records of the “ten highly-qualified accounting professionals” who work in his business, nor does it include evidence of specific services rendered, such as contracts, invoices, or payments. Accordingly, we cannot conclude that the Petitioner has sufficiently established that he gained accounting experience as a self-employed business owner. Moreover, as the Petitioner founded the accounting services business before he earned a foreign equivalent of a U.S. bachelor’s degree, it is not apparent how this experience, even if progressive, could be considered post-baccalaureate.

For the foregoing reasons, the Petitioner has not established that he has at least five years of progressive post-baccalaureate experience in financial management. Therefore, the Petitioner has not established that he is a member of the professions holding an advanced degree.

2. Evidentiary Criteria for Exceptional Ability

As the Petitioner has not established that he qualifies as an advanced degree professional, we provide additional analysis of his eligibility as an individual with exceptional ability. However, for the reasons explained below, we conclude that the record does not establish that the Petitioner is an individual of exceptional ability.

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 evidence that he completed a “título de bacharel” in accounting sciences in 1999. Therefore, the record establishes that the Petitioner has met 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)

For the same reasons explained in the prior section concerning eligibility as a member of the professions holding an advanced degree, we conclude that the evidence of the Petitioner’s employment is inconsistent, lacks sufficient detail, and is not adequately corroborated by other evidence in the record. Accordingly, the Petitioner has not established that he meets 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)

Under this criterion, the Petitioner submitted evidence of an accountant identity card, license of accounting organization, registration certificate, and professional regularity certificate from the Accountancy Regional Council of the State of [redacted] (council). The identity card itself does not indicate what qualified the Petitioner to obtain such a card, nor does it indicate what the card confers upon him. By itself, the identity card does not support a finding that it is a license to practice the profession, but merely identifies the Petitioner as an accountant. The accounting organization license appears to have been issued in 1996, prior to the Petitioner’s completion of his accounting sciences degree in

1999. Therefore, the Petitioner received this document prior to completing his accounting degree, and as such, it cannot be considered a license to practice the profession.

The accompanying registration certificate states that the Petitioner is “enabled to exercise and to [sic] professional professional prerogatives conferred.” However, both the registration certificate and the professional regularity certificate documents appear to have been issued in December 2018, after the Petitioner gained his claimed experience as a financial manager. This suggests the Petitioner did not need to obtain these certificates as prerequisites to work as an accountant or financial manager. Therefore, it cannot be concluded that they represent a license or certification to practice the profession. Additionally, both documents’ validity expired in March 2019, prior to the filing of the petition in April 2019. Accordingly, it cannot be concluded that these documents were valid at the time of filing. The Petitioner must establish eligibility at the time of filing for the requested benefit and must continue to be eligible for the benefit through the adjudication of it. 8 C.F.R. § 103.2(b)(1). Similarly, we conclude that for the certificates to serve as evidence of eligibility under this criterion, they must have been valid at the time of filing and continue to remain valid through the adjudication of the petition.

Based on the evidence provided, we conclude that the Petitioner has not established 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 submitted Brazilian income tax documentation in order to evidence that he has sufficient personal finances to fund his proposed endeavor. However, the Petitioner did not provide evidence that he has commanded a salary, or other remuneration for services, which demonstrates exceptional ability. For the foregoing reasons, the Petitioner has not established eligibility under this criterion.

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

The Petitioner submitted a university resolution document which states that the president of the university designated the Petitioner as a full member of the “curator council” from February 2007 to September 2008. Additionally, the Petitioner provided a participation registration document that suggests the [redacted] municipality designated him as a trustee in the higher education council of a local university from February 2007 to September 2008. The record does not include sufficient evidence of what professional qualifications, if any, enabled the Petitioner to obtain such designations, nor does it indicate what the designations conferred upon him. Notably, the documentation provided does not indicate that the designations related in any way to the profession of accounting or financial management. Even if these designations could be considered memberships in a professional association, they appear to have expired in 2008, and therefore would not be considered current memberships.

Lastly, the Petitioner submitted a November 2018 statement from the Union of Accountants of [redacted] indicating that the Petitioner has been an associate since March 2008. We cannot determine from the documentation provided what being an “associate” in the union entails. Even if we assume that “associate” is synonymous with membership in an accounting union, it still would not be apparent what

qualified the Petitioner to become a member such that the professional nature of the association can be established.

For the foregoing reasons, the evidence does not support a finding that the Petitioner has met 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 evidence is insufficient to demonstrate that the Petitioner has been recognized by peers, government entities, or professional or business organizations for achievements and significant contributions to the industry or field as a whole.

The Petitioner submitted reference letters from former colleagues. The authors of the letters commend the Petitioner's work and praise his personal and professional qualities. However, they do not provide specific details that explain how the Petitioner's work is representative of recognition for achievements and significant contributions to the industry or field of financial management. For instance, [redacted] an administrative superintendent of [redacted] stated that, as chief financial officer at the Port of [redacted] the Petitioner developed a financial management model during a time in which a large flood occurred in the region. [redacted] stated that the Petitioner "established a strategy that allowed the gradual resumption of activities and the maintenance of economic and financial stability despite the severe restrictions imposed by the climatic event. Due to his essential contributions, it was possible to resume the allocation of resources, the austerity in management and the methodology of monitoring and reporting." However, [redacted] did not provide details regarding how the financial management model worked, what it involved, or how the Petitioner developed it. Moreover, [redacted] did not explain what the Petitioner's strategy involved or how it functioned to allow the port to gradually resume activities and maintain economic and financial stability.¹ Additionally, the Petitioner has not submitted sufficient independent and objective evidence to corroborate the claims made in the letter. Even if he had, this would not explain how helping the port to resume activities and maintain economic and financial stability constitutes an achievement or contribution to the field of financial management, as opposed to a contribution to the Port of [redacted]. Likewise, [redacted] the former secretary of tourism for the Port of [redacted] noted in his letter that when the Petitioner served as chairman of boat races in the port, the Petitioner earned revenue and created jobs for the city. However, the author does not explain how this demonstrates that the Petitioner has received recognition for achievements and significant contributions in the financial management field or industry.² Rather, it suggests that the Petitioner may have contributed to the city through tourism and fundraising.

We also reviewed the evidence that indicates the Petitioner created the first sailing team in the city, in addition to the evidence that he worked to fund and host regatta races in Itajai. Further, we acknowledge that during the Petitioner's service as interim head of the port, the Port of Itajai received the "Social Seal

¹ We note that the author of this letter pledges support for the permanent residence of [redacted]. As such, it appears this letter may have been written for a different petitioner.

² The Petitioner provided a letter from [redacted] a freelance civil engineer. We note that both [redacted] [redacted] and the Petitioner share the name, [redacted] which suggests a familial relationship. Without further explanation, we question whether these letters are from independent and objective sources.

2009 - 2010 Certification” from the city hall, a business association, and the commission on non-governmental entities. The Petitioner explained that the Port of [] certification provided a reminder of the importance of contributing to a more equitable society and a better quality of life. While we acknowledge these accomplishments, the Petitioner has not explained how any of them relate to or affect the field of financial management. Overall, the evidence suggests the Petitioner has experience in sailing, boat races, tourism, and local government, but the evidence does not support a finding that the Petitioner received recognition for achievements and significant contributions to the industry or field of financial management.

Therefore, we conclude that the Petitioner has not established eligibility under this criterion.

Summary of Exceptional Ability Determination

The record does not support a finding that the Petitioner met at least three of the six regulatory criteria for exceptional ability at 8 C.F.R. § 204.5(k)(3)(ii). Rather, we conclude that the evidence supports a finding of eligibility under only one criterion. Therefore, the Petitioner has not established his eligibility as an individual of exceptional ability under section 203(b)(2)(A) of the Act. As the Petitioner has satisfied only one of the criteria, a final merits determination is not required.

3. Conclusion

The Petitioner bears the responsibility of ensuring that the record demonstrates how he qualifies for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Additionally, the Petitioner must support his assertions with relevant, probative, and credible evidence. See *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). As explained, 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. Therefore, he is not eligible for a national interest waiver.

B. The Proposed Endeavor

The Petitioner has not established that he qualifies for the underlying EB-2 classification. As this is a prerequisite to qualifying for a national interest waiver, we need not address the Petitioner’s eligibility under the Dhanasar framework. However, because the Director evaluated the Petitioner’s eligibility under Dhanasar and the Petitioner claims error in the Director’s decision, we provide additional analysis of the proposed endeavor.

The Petitioner stated on his Form I-140 that his proposed endeavor is to work as a financial manager, which involves planning, directing, or coordinating in the areas of accounting, investing, banking, insurance, and securities. In the petition letter he submitted with his initial filing, the Petitioner proposed to “continue my career as a Financial Manager specialized in the fields of Finance, Accounting, and Seaport Administration in the United States, joining large U.S. corporations that have global business and international presence.” In his professional plan and statement, the Petitioner stated that he plans to pursue positions and projects with multinational companies in the United States. He indicated that many U.S. companies doing business or planning to do business in Brazil could benefit from his expertise. In support, the Petitioner provided a list of open positions in the United States for which he believes he qualifies.

The Director issued a request for evidence (RFE), notifying the Petitioner that, among other deficiencies, the record did not establish the national importance of the proposed endeavor. In his RFE response, the Petitioner stated that he plans to continue his career in financial management, Brazilian accounting, and investment consulting. He intends to “leverage the U.S. business community and local, regional, and international business networks to reach potential clients.” Further, he will conduct business with major U.S. companies to provide accounting advice, financial and tax management, and investment incentives.

He also explained that he created his own company, [REDACTED] a Florida-based provider of accounting and financial services, in which he manages all business activities. He stated that he will serve as the chief executive officer (CEO) of [REDACTED] and that his proposed endeavor is to continue his business in Florida. Through [REDACTED] the Petitioner intends to attract foreign investors, develop financial strategies and operation plans for clients, make budgetary forecasts and decisions, acquire funds, and provide auditing services. He also stated that by understanding clients’ needs and assessing their overall financial picture, [REDACTED] will guide clients through profitable and secure accounting decisions. In addition, he plans to advise investors on the real estate market and promote the development of areas in need of revitalization. His proposed endeavor also involves training other workers, helping Brazilian and American clients comply with financial and tax regulations, and becoming a leading consultant to investors seeking to open a business in the United States.

The Petitioner heavily emphasized his intention to cultivate Brazilian clients that are interested in U.S. real estate investments. In addition, we understand that the Petitioner proposes to offer services in various categories including:

- Investment Advice: investment management analysis, portfolio development, private equity consulting, and performance monitoring;
- Financial Management: offer services to businesses in Florida and Delaware, including financial management, accounting, tax preparation, payroll, and human resources consulting; and
- Training Other Professionals in the Finance Industry: train peers in sophisticated projects in financial management and investment methodologies, disseminate the Petitioner’s knowledge to laypersons so that they may understand the market, and teach other professionals in order to enhance their skills, experiences, and careers.

In *Dhanasar*, we held that a petitioner must identify “the specific endeavor that the foreign national proposes to undertake.” See *Dhanasar*, 26 I&N Dec. at 889. Based upon the proposed endeavor as initially described and the details the Petitioner provided in his RFE response, we conclude that the Petitioner has not identified a specific or consistent proposed endeavor. In addition, the Petitioner’s RFE response materially changed his proposed endeavor from that which he described in his initial filing.

The purpose of the RFE is to elicit further information that clarifies whether eligibility for the benefit sought has been established. 8 C.F.R. § 103.2(b)(8). When responding to an RFE, the Petitioner cannot materially change the proposed endeavor. 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). A visa petition may not be approved based on speculation of future eligibility or after a petitioner becomes eligible under a new set of facts. See *Matter of Michelin Tire Corp.*, 17 I&N Dec. 248, 249 (Reg’l Comm’r 1978). A petitioner may not make material changes to a petition in an effort to make a deficient

petition conform to USCIS requirements. See Matter of Izummi, 22 I&N Dec. 169, 176 (Assoc. Comm'r 1998). If significant changes are made to the initial request for approval, the Petitioner must file a new petition, rather than seek approval of a petition that is not supported by the facts in the record.

In the initial filing, the Petitioner emphasized that he would continue his career as a financial manager specialized in the fields of finance, accounting, and seaport administration in the United States. He proposed to join large U.S. corporations that have global business and international presence. Further, the Petitioner planned to pursue positions and projects with multinational companies in the United States and emphasized working with companies that conduct business or plan to conduct business in Brazil. In his initial filing, the Petitioner did not mention entrepreneurship or U.S. business ownership as a feature of his proposed endeavor.

By contrast, in his RFE response, he described his proposed endeavor as working as the CEO of his own company, which involves providing customers tailored financial and accounting solutions, attracting foreign investments, and contributing to the increase of real estate investments in the United States. He emphasized cultivating Brazilian clients interested in U.S. real estate, rather than U.S. clients interested in conducting business in Brazil. Although the Petitioner's activities may loosely relate to each other through some level of involvement in financial management, the focus of the work is quite different. It is not apparent how the Petitioner will simultaneously run his own financial and investment management company in Florida; provide customers financial and investment services; attract and advise foreign investors in U.S. real estate; teach and train other professionals; and join large U.S. corporations or multinational companies that have global business and international presence. Accordingly, the Petitioner has not provided a specific or consistent proposed endeavor activity such that we can determine its substantial merit and national importance.

In addition, the record indicates that the Petitioner currently works as a managing director of [redacted] helping homeowners and guests to negotiate rents and providing specialized assistance to owners in managing their homes. The Petitioner's résumé also indicates that he continues to work as the founder and partner of his accounting services business in Brazil, while other documents in the record suggest that he also serves as the [redacted] sailing team's manager and captain. The Petitioner has not provided sufficient information to establish how much time he will devote to his numerous proposed activities, while also working at [redacted] and continuing his activities abroad. Notably, these other activities do not appear to relate to financial management. As such, the Petitioner's continuation of them reinforces the conclusion that the Petitioner has not provided a specific or consistent proposed endeavor activity.

In determining whether an individual qualifies for a national interest waiver, we must rely on the specific proposed endeavor to determine whether (1) it has both substantial merit and national importance and (2) the foreign national is well positioned to advance it under the Dhanasar analysis. Because the Petitioner has not provided consistent information regarding his proposed endeavor, we cannot conclude that he meets either the first or second prong, or that he has established eligibility for a national interest waiver.

III. CONCLUSION

The documentation in the record does not establish the Petitioner's eligibility for the underlying classification, nor does it identify a specific and consistent proposed endeavor. Therefore, the

Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of his eligibility under the remaining prongs outlined in Dhanasar would 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 third Dhanasar prong. 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.