U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

(b)(6)

U.S. Citizenship and Immigration Services

DATE: NOV 0 4 2014 OFFICE: NEBRASKA SERVICE CENTER FILE:

IN RE: Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. We will dismiss the appeal.

The petitioner seeks classification under section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner seeks employment as an oriental medicine specialist.[1] The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

On appeal, the petitioner submits a legal brief and copies of previously submitted exhibits.

Section 203(b) of the Act states, in pertinent part:

> (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) . . . the 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.

The sole stated ground for denial is that the petitioner has not established that a waiver of the job offer requirement, and thus a labor certification, is in the national interest.

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[1] The petitioner submitted a job offer letter from California. has reported the university's closure, and the California Secretary of State has suspended the university's corporate status. Sources: (printouts added to record September 18, 2014). The job offer, therefore, no longer appears to be valid. This information does not directly affect the outcome of the petition, because eligibility for the national interest waiver rests on the qualifications of the foreign worker seeking the waiver, and the petitioner has not indicated that his ability to serve the national interest depends on employment at Therefore, this closure is not derogatory evidence resulting in the denial of an otherwise approvable petition.

Neither the statute nor the pertinent regulations define the term "national interest." Additionally, Congress did not provide a specific definition of "in the national interest." The Committee on the Judiciary merely noted in its report to the Senate that the committee had "focused on national interest by increasing the number and proportion of visas for immigrants who would benefit the United States economically and otherwise. . . ." S. Rep. No. 55, 101st Cong., 1st Sess., 11 (1989).

Supplementary information to regulations implementing the Immigration Act of 1990, Pub. L. 101-649, 104 Stat. 4978 (Nov. 29, 1990), published at 56 Fed. Reg. 60897, 60900 (Nov. 29, 1991), states:

> The Service [now U.S. Citizenship and Immigration Services (USCIS)] believes it appropriate to leave the application of this test as flexible as possible, although clearly an alien seeking to meet the [national interest] standard must make a showing significantly above that necessary to prove the "prospective national benefit" [required of aliens seeking to qualify as "exceptional."] The burden will rest with the alien to establish that exemption from, or waiver of, the job offer will be in the national interest. Each case is to be judged on its own merits.

In re New York State Dep't of Transportation, 22 I&N Dec. 215, 217-18 (Act. Assoc. Comm'r 1998) (*NYSDOT*), has set forth several factors which must be considered when evaluating a request for a national interest waiver. First, a petitioner must establish that the alien seeks employment in an area of substantial intrinsic merit. *Id.* at 217. Next, a petitioner must establish that the proposed benefit will be national in scope. *Id.* Finally, the petitioner seeking the waiver must establish that the alien will serve the national interest to a substantially greater degree than would an available U.S. worker having the same minimum qualifications. *Id.* at 217-18.

While the national interest waiver hinges on prospective national benefit, the petitioner must establish that the alien's past record justifies projections of future benefit to the national interest. *Id.* at 219. The petitioner's assurance that the alien will, in the future, serve the national interest cannot suffice to establish prospective national benefit. The term "prospective" is included here to require future contributions by the alien, rather than to facilitate the entry of an alien with no demonstrable prior achievements, and whose benefit to the national interest would thus be entirely speculative. *Id.*

The regulation at 8 C.F.R. § 204.5(k)(2) defines "exceptional ability" as "a degree of expertise significantly above that ordinarily encountered" in a given area of endeavor. By statute, aliens of exceptional ability are generally subject to the job offer/labor certification requirement; they are not exempt by virtue of their exceptional ability. Therefore, whether a given alien seeks classification as an alien of exceptional ability, or as a member of the professions holding an advanced degree, that alien cannot qualify for a waiver just by demonstrating a degree of expertise significantly above that ordinarily encountered in his or her field of expertise.

The petitioner filed the Form I-140, Immigrant Petition for Alien Worker, on September 12, 2013. An accompanying introductory statement provided further details about the petitioner and his work. Regarding his field, the petitioner stated:

> Oriental Medicine . . . is based on the philosophies of Yin and Yang, polar opposite qualities that permeate everything in the Universe, combined with the concept of Qi, the body's living energy. . . .
>
> The concept of Qi relates to the energy of the entire universe. In the human body, Qi is perceived to flow through the body in pathways called "meridians" . . . [which] branch into progressively smaller branches, eventually connecting to the nucleus of every cell in the body where our DNA is stored. The energy frequencies of Qi are thus hypothesized to be able to influence even the expression of DNA and our genetic makeup. . . .
>
> There are generally two types of remedies in Oriental Medicine: Acupuncture and Herbology. Acupuncture is the primary treatment modality within Oriental Medicine which uses very thin and fine needles, inserted at key points along the meridians, to stimulate and regulate the flow of Qi. This can restore balance to the flow of Qi in the meridians and organs, thereby returning the body to a state of normal health.
>
> Chinese Herbology is another treatment modality within Oriental Medicine. Thousands of years of recorded use of medicinal plants has been documented in Chinese history, and the documented experience of hundreds of generations of Chinese Herbologists goes into every herbal formula.

The petitioner asserted "there is increasing evidence, proven research studies, and testimonials from medical professionals on the positive effects of Oriental Medicine and in treating certain types of diseases," but the petitioner did not identify or submit this evidence.

With respect to his own work in oriental medicine, the petitioner stated:

> **[The petitioner's] research focuses on utilizing oriental medicine treatments and acupuncture for the treatment of Alzheimer's disease, severe acne, skin care, and hair loss.**
>
> . . . He is not only one of the most respected researchers in the field of Oriental Medicine, but he is also the CEO [chief executive officer] and Founder of one of the largest Oriental Clinic Networks in South Korea: [redacted] . . . [The petitioner] currently oversees and manages **more than eighteen (18) clinics** in South Korea, earning more annual revenue than any other oriental medicine clinic in Korea. The success of [the petitioner's] clinics is a clear testament to his original research, achievements, and reputation in the field. . . .

He has proven himself time and time again to millions of patients in South Korea.

(Emphasis in original.) The record lacks evidence to support several claims, such as the assertion that the petitioner's clinics "earn[] more annual revenue than any other oriental medicine clinic in Korea," and the claim that "millions of patients" have directly benefited from the petitioner's work. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)).

The petitioner's claims about Alzheimer's disease (AD) derive from his doctoral dissertation, in which he "was able to isolate many novel compounds from herbs, some of which actually improved dementia with fewer side effects and is [*sic*] regarded as a potential anti-AD drug." The petitioner's dissertation dates from more than a decade before the petition's 2013 filing date. The petitioner's introductory statement claimed that "his specialized treatment methods on AD . . . were extremely successful and . . . can equally have the same impact on American patients," but the petitioner has not documented the effect of his herbal treatment on human patients. The dissertation dealt with the compound's effect on rats, and the petitioner has submitted no evidence of clinical trials on human subjects.

The petitioner submitted background evidence about AD, including "2013 Alzheimer's Disease Facts and Figures" from the Alzheimer's Association. This fact sheet says of AD that there is no "way to prevent it, cure it or even slow its progression," which does not indicate that the petitioner's doctoral research from has yielded an effective treatment for AD.

The record contains no evidence that the petitioner conducted any research on AD after he completed his graduate studies. Rather, in recent years the petitioner's "claim to fame has been his innovative treatment of the skin and hair loss," and his establishment of "one of the largest and most reputable oriental medical franchises in Korea, specializing in utilizing oriental medicine ointments, lotions, shampoos, and acupuncture for skin and hair treatments." The petitioner submitted copies of invoices, stating they document the sale of millions of product units. The documents show high numbers, but the invoices are in Korean without English translations, and therefore the petitioner has not established that the high numbers relate to unit sales rather than to prices. Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. 8 C.F.R. § 103.2(b)(3). The petitioner has submitted only a capsule translation, indicating that the documents include a sales agreement between

The petitioner submitted printouts from web site, but the materials are almost entirely in Korean, without the required translations. Occasional English words and phrases appear, such as the phrase ' [*sic*]" within a graphic on the page headed "Fundametals

[*sic*]." The petitioner also submitted photographs of products, such as labeled in English as a product to "[p]revent the demage hair [*sic*]."

The petitioner submitted documentation indicating that clinics run by the petitioner received the " and "Appreciation Awards" from the and The petitioner submitted background information about television programs, and the record indicates that the petitioner was the "Team Doctor" for several shows. The petitioner submitted no information about the other awarding entities.

The petitioner submitted several documents identified as "published material about him in professional publications and other major media outlets." The documents appear to be, for the most part, printouts from the World Wide Web, and are in Korean. The petitioner did not submit complete, certified translations as required by the regulation at 8 C.F.R. § 103.2(b)(3). Instead, the petitioner submitted English-language cover pages for each item. One such page, for example, reads: ' , another reads These title sheets do not give sufficient context to the exhibits, for example by showing whether the petitioner is the focus of each piece, or is only briefly quoted. Other materials appear to show the petitioner on the set of various productions. These latter materials do not appear to be "published material" as such, but rather own promotional materials (several photographs include a superimposed logo in the manner of an identifying watermark).

An exhibit list submitted with the petition identified Exhibit 9 as "Book, Journal, and Research Publications, Authored by Self-Petitioner." Exhibit 9 includes one English-language article from published in and four Korean-language documents from 2010-2013 that show no evidence of publication in any book or journal. English-language cover pages identify the petitioner as the "lecturer" and provide individual dates, indicating that these documents pertain to oral presentations rather than published works.

The petitioner's own *curriculum vitae* includes a section marked "publications," which identifies the journal article, but not the subsequent lectures. The "publications" section also includes the petitioner's master's thesis and his doctoral dissertation, but the petitioner submitted no evidence that those graduate papers have been published.

The petitioner submitted five letters in support of the petition, all from individuals who work at or graduated from , where the petitioner earned all three of his degrees. (Dr. also studied at at the same time as the petitioner.) Dr. a professor at , praised the petitioner's graduate student work, and asserted that the petitioner "has impacted the oriental medical clinic system in a way fellow oriental medicine experts never imagined" through his clinics and products.

Another professor at is Dr. who asserted that the petitioner "invented new treatments and oriental medicines by which he provided service to entire communities, [and] he successfully commercialized it so that the medicine is readily available and affordable to those who need treatment the most." Dr. stated:

> After I witnessed [the] sensational success of [the petitioner's] specialized oriental medical franchise clinic, I established . . . my own specialized oriental medical franchise clinic for COPD, asthma, rhinitis, and insomnia. Other fellow oriental medical doctors also opened their own specialized oriental medical clinics. Thus, [the petitioner] made a significant contribution to the field of oriental medicine by influencing others to successfully specialize their treatment to better benefit the individual patients and ultimately the market itself.

Dr. professor at , studied at at the same time as the petitioner. Dr. stated:

> The petitioner is one of the most successful and creative Oriental Medicine Specialists I know and he has positively influenced the concept of oriental medicine and acupuncture systems in Korea. Traditionally, oriental medical clinics provided only general medical services, without specializing in a specific disease or treatment. [The petitioner] established a specialized oriental medical clinic franchise for skin diseases and hair loss, . . . [The petitioner] developed oriental medicine shampoos and tonics to prevent and treat hair loss. [The petitioner] also invented sulfur gel and bifidus to treat skin problems.
>
> Furthermore, [the petitioner] developed to treat acne. . . . is recognized as the best oriental medical clinic to treat acne in Korea.

alumnus Dr. now a professor at , stated:

> [The petitioner] has an extraordinary ability as an oriental medicine specialist and he made tremendous contributions to the field of oriental medicine already. There is not even the slightest doubt in my mind as to his incredible accomplishments, both as an oriental medical doctor and a researcher. He is the most creative and successful oriental medicine specialist I have known and he has made a significant impact on many different areas of oriental medicine throughout the last decade.
>
> For example, [the petitioner] established a unique medical clinic, specializing in dermatology, which is an unprecedented way of making oriental medicine to help people with various skin diseases and hair loss issues. . . .

> [The petitioner] is also one of the most ingenious scientists of our time. . . . Numerous oriental medical doctors successfully utilize [the petitioner's] [redacted] and other new oriental medicines to treat skin diseases and hair loss problems. [The petitioner] also developed the new concept of oriental medical cosmetic surgery utilizing acupuncture and herbal medicine.

[redacted] president of the [redacted] received a doctorate from [redacted] in 1987 while the petitioner was an undergraduate student there. Dr. [redacted] stated:

> [The petitioner's] professional accomplishments are well-known in the field of Oriental Medicine. . . . [The petitioner] developed new treatments, lotions and shampoo based on oriental medicine to prevent and cure hair loss and skin problems. [The petitioner] also initiated reconstructive procedures based on oriental medicine. [The petitioner] developed the acupuncture procedure referred to as "Maesun Therapy" which tightens the skin and has the same effect as a face lift. This procedure has advantages over the western plastic surgery as it does not leave any scars and people can take a shower and put on makeup immediately following the procedure.
>
> [The petitioner] also continues to help oriental medicine gain popularity and [become] more accessible to the younger generations. [The petitioner] has participated as the primary oriental medicine doctor/consultant in popular Korean television dramas. Moreover, [the petitioner] took care of the health of the actors and staff and gave medical advice for Korean historical dramas.

The petitioner provided no evidence to corroborate his or the writers' claims regarding his market dominance in South Korea. *See Matter of Soffici*, 22 I&N Dec. at 165. The above letters indicated that the petitioner influenced his field primarily by establishing a specialized clinic franchise and marketing hair and skin care products. The job offer letter from [redacted] indicated that the petitioner, "on a full-time, permanent basis . . . will continue to perform and expand on his vast research at our facilities, engage with our leading oriental medicine specialists and instructors, and hold seminars and lecture on his career and research findings for our staff and students." Thus, the petitioner's stated intention is to work in an academic setting.

The director issued a request for evidence (RFE) on October 20, 2013, instructing the petitioner to submit evidence to establish that the benefit from his proposed employment would be national in scope, and to establish "a past record of specific prior achievement that justifies projections of future benefit to the national interest."

In response, the petitioner submitted a statement claiming that his "expertise and research findings can benefit the U.S. in two distinct and broad ways, which are proven to be effective and free of any side effects." The first of these two ways is "Treating Alzheimer's Disease," although the discussion that followed did not indicate that the petitioner's work had been "proven to be effective" in treating

AD. Rather, the statement repeated the claim that the petitioner's "encouraging preclinical and clinical trials suggest that his findings are a promising candidate for the treatment of AD." The petitioner's response to the RFE included no evidence that the petitioner continues to research AD treatments, or to show that clinical trials on human subjects have established the effectiveness of his proposed AD treatment.

The second way the petitioner claimed that his work would benefit the United States is, as described earlier, treating skin disorders and hair loss. The petitioner's discussion emphasized previously submitted materials, but the petitioner submitted five new exhibits in response to the RFE.

The petitioner submitted a second letter (dated December 19, 2013) from Dr. who provided more information about the petitioner's proposed employment at Dr. described the petitioner's AD research as set forth in the petitioner's 1999 doctoral dissertation, stating that the herbal remedy studied in the petitioner's dissertation, "has been widely used in China for the treatment of Alzheimer's," indicating that the petitioner's contribution was not in proposing the treatment, but in studying how it acts upon the body. Dr. stated that the petitioner "reported reductions in glutamate-induced toxicity in neurons in the rats, possibly through modulation of glutamate-NMDA receptor interaction, or of the passage of Ca2+ through associated ion channels." Dr. did not indicate that the petitioner continued this research after he completed his doctorate 14 years before filing the petition.

Dr. asserted that the benefit from the petitioner's work will be national in scope because of his skill for "identifying new techniques and methods that can help patients all across the U.S."

The petitioner submitted copies of sales documents for products. The petitioner submitted an English translation for one page of sales figures, showing that in from January 2013 through November 2013. These figures do not support the petitioner's claim to have sold products to "millions of patients."

The petitioner submits what appear to be before-and-after photographs of the scalps of several patients, purporting to show the effectiveness of the petitioner's hair loss treatments. The petitioner submitted no evidence to allow a comparison with other products, to show that the petitioner's treatment is more effective or has otherwise had a significant effect on the market or field. There is no blanket waiver for developers of skin care products, and therefore the petitioner cannot establish eligibility simply by establishing that his products work as advertised.

The remaining exhibits include copies of a Certificate of Service Mark Registration, showing that the petitioner owns the term and a Certificate of Joint Venture Agreement between The director had not disputed that the petitioner owns or that actively conducts business in South Korea. Registration of intellectual property and participation in a joint venture do not demonstrate influence or national benefit.

The director denied the petition on January 17, 2014. The director found that the petitioner had satisfied the first prong of the *NYSDOT* national interest test, regarding substantial intrinsic merit, but not the other two prongs, concerning national scope and impact on the field.

Herbal treatments can have pharmacological effects. The creation of effective medications has substantial intrinsic merit.

Concerning national scope, the director stated:

> The petitioner asserts that his work will be national in scope, but no evidence has been presented as to his actual proposed employment, and it is therefore not clear that it would be national in scope. The record indicates that the petitioner has done a small level of research; however, it does not appear that such research has been the petitioner's primary aim.
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> Rather, the petitioner has been primarily working as a CEO and founder of [redacted] . . .
>
> [T]he impact of a single oriental medicine specialist in one geographic area would be so attenuated at the national level as to be negligible. The evidence does not demonstrate that the primary focus of the [petitioner's] employment would be national in scope.

The petitioner has relied heavily on evidence regarding his line of commercial products for acne and hair loss. The manufacture and distribution of such products can be on a national scale, which would lend such activities national scope. As the director observed, however, treatment of individual patients yields substantially more limited benefits, confined to those patients whom the petitioner would personally treat. The petitioner could have a broader impact in this area by establishing a chain of clinics as he did in Korea, where other practitioners use methods that the petitioner developed, but the record does not show that the petitioner has done or will do this in the United States, or that market conditions are sufficiently similar in the two countries to support the assumption that the petitioner will have success in the United States comparable to his claimed success in Korea.

On appeal, the petitioner, via the appellate brief, asserts that the director did not sufficiently consider Dr. [redacted] December 19, 2013 letter, which indicated that the petitioner will engage in medical research, which has national scope. The petitioner asserts that Dr. [redacted] letter "outlines several of [the petitioner's] research projects in detail." The projects detailed in the letter all took place well before the filing of the petition. The petitioner's AD research culminated in his 1999 dissertation, and the acne research described by Dr. [redacted] led to a journal article published in 2009. Dr. [redacted] referred to the petitioner's "continual groundbreaking research findings," but the record does not establish that the petitioner's research has been either continuous or groundbreaking.

Dr. stated that would provide a platform for the petitioner's research but, its subsequent closure aside, the record contains no evidence about what research facilities the university offered, or to show that the university has produced published research in the past. Even when was still in operation, the record did not establish that it was a viable research institution.

The petitioner is correct that medical research produces benefits that are national in scope, but the petitioner did not refute the director's finding that the petitioner's recent research work has been peripheral at most. The appellate brief indicates that the petitioner "plans to expand his clinics into the U.S.," although his job offer at was "on a full-time . . . basis" with no stated clinical duties.

The petitioner, in the appellate brief, repeats prior claims about his AD research and his more recent efforts relating to skin care and hair loss. The director already considered these claims when the petitioner stated them in response to the RFE. The petitioner's assertions on appeal regarding this point add nothing of substance to the record.

With respect to the third prong of the *NYSDOT* national interest test, the director found that the petitioner had submitted general attestations regarding the petitioner's abilities. As is clear from the wording of section 203(b)(2)(A), exceptional ability does not, by itself, warrant a waiver of the job offer requirement. The director found that the petitioner's "evidence does not establish that an exemption from the job offer requirement presents a national benefit so great as to outweigh the national interest inherent in the labor certification process."

The petitioner, on appeal, contends that the director did not sufficiently consider the letters submitted in support of the petition, and that the director mischaracterized them as containing only general praise for the petitioner's skills and experience. The petitioner calls the letters "independent advisory opinions," but the writers did not claim to be independent, and many of them taught or studied alongside the petitioner at

While some of the letters contained particular claims of fact that the director did not directly address, the letters do not have substantial weight on those points. The opinions of experts in the field are not without weight and have received consideration above. USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; USCIS may, as above, evaluate the content of those letters as to whether they support the alien's eligibility. USCIS may even give less weight to an opinion that is not corroborated, in accord with other information or is in any way questionable. *See id.* at 795; *see also Matter of V-K-*, 24 I&N Dec. 500, 502 n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). *See also Matter of Soffici*, 22 I&N Dec. 165. The petitioner did not submit corroborating evidence to bolster the weight of the reference letters.

The petitioner asserts that the director gave insufficient weight to several previous exhibits relating to his work in Korea, including his work on SBS programs and his claimed media coverage, but the identified exhibits either contain minimal explanatory information or are in the Korean language without the required complete certified translations.

The petitioner claims to have met several requirements that relate to a different immigrant classification, that of an alien of extraordinary ability under section 203(b)(1)(A) of the Act. The petitioner, for instance, states that he "is a member of numerous professional organizations that require outstanding achievements of their members." This claim relates to the extraordinary ability regulation at 8 C.F.R. § 204.5(h)(3)(ii). The petitioner documented his memberships in several organizations, but did not establish that the organizations require outstanding achievements of their members. *See Matter of Soffici*, 22 I&N Dec. at 165. The petitioner claims to have earned "international recognition," but submits no evidence of recognition outside of South Korea.

The petitioner need not meet the higher threshold of extraordinary ability to qualify for the national interest waiver. Nevertheless, the petitioner claims to have met that higher threshold, and therefore the petitioner's credibility is contingent on the extent to which the evidence supports his claim. Doubt cast on any aspect of the petitioner's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988).

The petitioner has not established a past record of achievement at a level that would justify a waiver of the job offer requirement. The petitioner need not demonstrate notoriety on the scale of national acclaim, but the national interest waiver contemplates that his influence be national in scope. *NYSDOT*, 22 I&N Dec. 217, n.3. More specifically, the petitioner "must clearly present a significant benefit to the field of endeavor." *Id.* at 218. *See also id.* at 219, n.6 (the alien must have "a past history of demonstrable achievement with some degree of influence on the field as a whole").

As is clear from the statute, it was not the intent of Congress that every person qualified to engage in a profession in the United States should be exempt from the requirement of a job offer based on national interest. Likewise, it does not appear to have been the intent of Congress to grant national interest waivers on the basis of the overall importance of a given profession, rather than on the merits of the individual alien. On the basis of the evidence submitted, the petitioner has not established that a waiver of the requirement of an approved labor certification will be in the national interest of the United States.

Because we review the record on a *de novo* basis, we may identify additional grounds for denial beyond what the Service Center identified in the initial decision. *See Siddiqui v. Holder*, 670 F.3d 736, 741 (7th Cir. 2012); *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004); *Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989). Review of the record shows that the petitioner has failed to establish eligibility for the immigrant classification underlying the application for the national interest waiver.

The petitioner has not claimed to qualify as an alien of exceptional ability in the sciences, the arts, or business. He claimed eligibility only as a member of the professions holding an advanced degree. The director granted this point without further discussion, but the petitioner's evidence is not sufficient to support that finding.

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

> *Advanced degree* means any United States academic or professional degree or a foreign equivalent degree above that of baccalaureate. . . .
>
> *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 into the occupation.

The petitioner asserted that his "profession requires an advanced degree," but he cited no evidence to support this assertion, or to show that his intended occupation requires even a bachelor's degree. The petitioner's possession of such degrees is not evidence that they are required for entry into the occupation. Furthermore, the petitioner's degrees are from South Korea, and he submitted no evidence to establish their equivalency to advanced degrees from U.S. universities.

The petitioner may be a member of the professions, and his degrees may be equivalent to United States advanced degrees, but he did not submit evidence to meet his burden of proof. The record, as it now stands, does not support the petitioner's claim to be a member of the professions holding an advanced degree, as the relevant regulation defines those terms.

We will dismiss the appeal for the above stated reasons, with each considered as an independent and alternate basis for the decision. In visa petition 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 Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the petitioner has not met that burden.

ORDER: The appeal is dismissed.