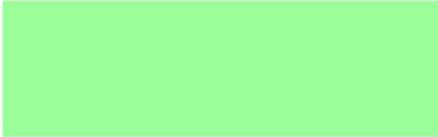


(b)(6)

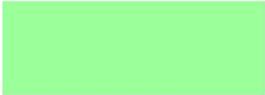
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

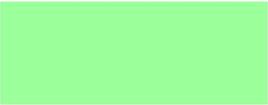


U.S. Citizenship
and Immigration
Services



DATE: **MAR 06 2014**

Office: TEXAS 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:

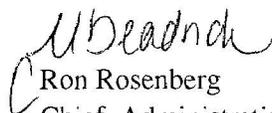


INSTRUCTIONS:

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, Texas Service Center, denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

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.¹ According to Part 6 of the Form I-140, Immigrant Petition for Alien Worker, the petitioner seeks employment as a Magnetic Resonance Imaging (MRI) Researcher. At the time of filing, the petitioner was pursuing a Ph.D. in Chemistry at [REDACTED] under the guidance of Dr. [REDACTED] Associate Professor, Department of Chemistry, [REDACTED]. 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 brief from counsel and additional documentary evidence.

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 petitioner received a Master of Science degree from [REDACTED] in September 2007. The director determined that the petitioner qualifies as a member of the professions holding an advanced degree.

¹ According to Form I-94, Arrival-Departure Record, the petitioner was last admitted to the United States on January 13, 2012 as an F-1 nonimmigrant student.

The sole issue in contention is whether the petitioner has established that a waiver of the job offer requirement, and thus a labor certification, is in the national interest.

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).

A supplementary notice regarding the regulations implementing the Immigration Act of 1990, P.L. 101-649, 104 Stat. 4978 (Nov. 29, 1990) (IMMACT90), published at 56 Fed. Reg. 60897, 60900 (Nov. 29, 1991), states, in pertinent part:

The Service 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 Dept 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 he 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 he 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.

The petitioner has established that his work as an MRI researcher is in an area of substantial intrinsic merit and that the proposed benefits of his research to develop a nano-particle based contrast agent would be national in scope. It remains, then, to determine whether the petitioner will benefit the national interest to a greater extent than an available U.S. worker with the same minimum qualifications.

Although the national interest waiver hinges on prospective national benefit, the petitioner must establish his past record justifies projections of future benefit to the national interest. *Id.* at 219. The petitioner’s subjective assurance that he will, in the future, serve the national interest cannot suffice to establish prospective national benefit. The inclusion of the term “prospective” is used here to require future contributions by the petitioner, rather than to facilitate the entry of an individual with no demonstrable prior achievements, and whose benefit to the national interest would thus be entirely speculative. *Id.*

Eligibility for the waiver must rest with the petitioner's own qualifications rather than with the position sought. Assertions regarding the overall importance of a petitioner's area of expertise cannot suffice to establish eligibility for a national interest waiver. *NYS DOT* at 220. At issue is whether this petitioner's contributions in the field are of such significance that he merits the special benefit of a national interest waiver, a benefit separate and distinct from the visa classification he seeks. A petitioner must demonstrate a past history of achievement with some degree of influence on the field as a whole. *Id.* at 219, n. 6. In evaluating the petitioner's achievements, original innovation, such as demonstrated by a patent, is insufficient by itself. Whether the specific innovation serves the national interest must be decided on a case-by-case basis. *Id.* at 221, n. 7.

In addition to documentation of his published and presented work, the petitioner submitted letters of support discussing his activities in the field. The letters, however, focus only the importance of the petitioner's research, an issue that relates to the intrinsic merit and national scope of his work. As it relates to the petitioner's specific contributions, the letters do not discuss any current demonstrable impact on the petitioner's field, but rather the potential and future impact of his work.

Dr. [REDACTED] the petitioner's advisor and mentor at [REDACTED] stated:

I closely collaborated with [the petitioner] during the 6 years that he spent in my laboratory as a Ph.D. candidate under my guidance.

* * *

[The petitioner's] main focus in my laboratory was in the new design of nano-particle based contrast agent for MRI application. He carefully planned out from the bottom up synthesis, analysis and characterization of the contrast agent to insure that it is the correct and well developed agent which could be used in actual clinic. MRI is a great non-invasive medical imaging technique for detection of cancer and the contrast agents are used as brightening agents so the doctors can look at the image and regardless of resolution of the images, they could confidently tell their patients and fellow doctors that cancer is present, earlier the detection, better and more hope for cure. . . . As the time progressed contrast agents that are in molecular basis have been revolutionized into particle based structure by use of dendrimers or liposome core-shell structure which enabled and got to the thinking of combining a drug delivery system within the contrast agent. To guide these discoveries [the petitioner] was the one who carefully designed the synthesis of the ligand that is specifically used for MRI contrast agent and modified to combine it with solid nanoparticle.

* * *

The work of [the petitioner] represents a new ligand which has a potential use as MRI contrast agent that combines brightening effect/targeting/and possible therapeutic drug delivery.

Dr. [REDACTED] comments on the petitioner's doctoral research concerning the design of a new nano-particle based contrast agent for MRI application, but fails to provide specific examples of how the petitioner's findings are being applied by others in the field or have otherwise influenced the field as a whole. While the petitioner's Ph.D. research has value, any research must be original and likely to present some benefit if it is to receive funding and attention from the scientific community. In order for a university, publisher or grantor to accept any research for graduation, publication or funding, the research must offer new and useful information to the pool of knowledge. Not every graduate student who performs research and development projects that add to the general pool of knowledge in the field inherently serves the national interest to an extent that is sufficient to waive the job offer requirement.

In addition, although Dr. [REDACTED] asserts that the petitioner's ligand has "potential use as [an] MRI contrast agent that combines brightening effect/targeting/and possible therapeutic drug delivery," the evidence submitted by the petitioner does not show that the petitioner's work has yet been utilized in the field as a method for medical diagnoses or drug delivery. Speculation about the possible future impact of the petitioner's work is not evidence, and cannot establish eligibility for the third prong of the national interest waiver test. Eligibility must be established at the time of filing. 8 C.F.R. § 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). A petition cannot be approved at a future date after the petitioner becomes eligible under a new set of facts. *Matter of Izummi*, 22 I&N Dec. 169, 175 (Comm'r 1998). That decision further provides, citing *Matter of Bardouille*, 18 I&N Dec. 114 (BIA 1981), that USCIS cannot "consider facts that come into being only subsequent to the filing of a petition." *Id.* at 176.

Dr. [REDACTED] Department of Neurosurgery, [REDACTED] stated:

[The petitioner] focuses on the development of agents specifically for MRI, from the bottom up synthesis, analysis and adding new features into it. MRI is a non-invasive medical imaging technique of detecting cancer. The specific agent that [the petitioner] is working is so-called multivalent contrast agent; in a simple term it has more than one function. Advanced agents are still being researched and to suit the multivalency, scientist are moving onto micelle or a particle based contrast agents and combining the polymer chemistry it extends to having dendrimer structural contrast agent. These structures allow the agents to have possible drug delivery and/or to have specific targeting moiety so once the agents are in the body it only targets the specific area. I believe [the petitioner's] research will stand on the line and it will be a great asset in the United States of America, in main area of cancer detection/therapy, as you may know MRI is a key detection tool to identify cancer.

Dr. [REDACTED] describes the petitioner's ongoing research to develop a multivalent contrast agent, but fails to provide specific examples of how the petitioner's past work has already influenced the field as a whole. A petitioner cannot establish eligibility based solely on the expectation of future eligibility. *Matter of Katigbak* at 49. There is no documentary evidence showing that the

petitioner's work to develop a multi-functional contrast agent for MRI has been frequently cited by independent researchers or that his findings have otherwise affected the field as a whole.

Dr. [REDACTED], Professor and Associate Chair of the Department of Biomaterials and Biomimetics, [REDACTED] stated:

I have known [the petitioner] for more than 5 years during his Master's degree, where I had an opportunity to be course-director in several academic courses in the program, but it is really the time when we had a chance to work on a research project on osteoporosis funded by [REDACTED]

* * *

[The petitioner's] Master's thesis dealt with simulation studies on dental restoration material. Results of his study can contribute to the development of better and longer lasting restoration materials with lower susceptibility to cracking. This was presented and completed very nicely. Along his career, I am more interested in his current research on Magnetic Resonance Imaging (MRI) in completing year of Ph.D. Degree. . . . His background knowledge in biomaterials would be a great asset towards his newly development of contrast agent in human body

* * *

There is no doubt that [the petitioner] will be a significant and positive contributor to important scientific achievement in the field of MRI contrast agent development and biomaterials in dental or medicine in not too distant future.

Dr. [REDACTED] comments on the petitioner's graduate research work at [REDACTED] and "background knowledge of biomaterials." However, it cannot suffice to state that the petitioner possesses useful skills, or a "unique background." The issue of whether similarly-trained workers are available in the United States is an issue under the jurisdiction of the U.S. Department of Labor through the labor certification process. Special or unusual knowledge or training does not inherently meet the national interest threshold. *NYS DOT* at 221. In addition, although Dr. [REDACTED] asserts that the petitioner "will be a significant and positive contributor to important scientific achievement in the field of MRI contrast agent development and biomaterials in dental or medicine in not too distant future," she fails to provide specific examples of how the petitioner's graduate work to develop restoration materials and an MRI contrast agent has already impacted the field as whole. Again, eligibility must be established at the time of filing. 8 C.F.R. § 103.2(b)(1), (12); *Matter of Katigbak* at 49.

Dr. [REDACTED] Vice President for Research and Technology, [REDACTED] stated:

[The petitioner] has been known to me since 2005 when he entered the Master of Science biomaterials graduate program of [REDACTED] . . . I rate [the petitioner] as one of the top innovative and productive scientist [sic] in our industry.

There was a time when [the petitioner] finished his Master of Science degree with his research project, Design of a New Dental Implant Material, that I considered recommending him for employment at [REDACTED]. However after discussing the matter with him, I agreed that it might be more in his interest if he pursue further studies to obtain a Ph.D. degree. Now that he has successfully completed his studies and will get his Ph.D. this year for his significant success in developing New Hybrid Contrast Agents for MRI Applications to Improve Detection of cancer and Therapeutic Diagnosis, I will again discuss with him my recommendation that he be employed by [REDACTED]. I believe that he will be entitled to work for one year Optional Practical Training (OPT) and may with the support of my company be eligible to apply for U.S permanent residence status for a permanent position with my company.

Dr. [REDACTED] mentions the petitioner's research projects at [REDACTED] but there is no documentary evidence showing that the petitioner's graduate work has been frequently cited by independent researchers or has otherwise influenced the field as a whole. In addition, Dr. [REDACTED] comments on his recommendation that the petitioner be employed by [REDACTED]. However, it is not unusual that an employer would seek a highly qualified applicant for a given position. Attracting the interest of a prospective employer is not intrinsic proof of eligibility for the national interest waiver. Regardless, there is no evidence showing that the petitioner had commenced employment with [REDACTED] at the time of filing.

Dr. [REDACTED] Head Chief, Department Diagnostic Radiology, [REDACTED] South Korea, stated that the petitioner's "multivalent contrast agent would be very valuable as it is going to have more than one function" and that it represents "a good improvement in the contrast agent field." Dr. [REDACTED] further stated that the petitioner's work "has a lot of potential." While Dr. [REDACTED] offers his opinion regarding the potential impact of the petitioner's work, he fails to provide specific examples of how the petitioner's innovation has already been implemented throughout the field to improve MRI capabilities. Again, a petitioner cannot establish eligibility based solely on the expectation of future eligibility. *Matter of Katigbak* at 49.

[REDACTED] Patent Examiner, [REDACTED] stated:

I personally met [the petitioner] in the summer of 2006 and we immediately developed a mutual scientific understanding with each other involving materials science and engineering, particularly in biomaterial technology.

* * *

Upon investigation of [the petitioner's] research area, I was thoroughly impressed on the potential applications of his field, especially on his innovative designs of MRI (Magnetic Resonance imaging) contrast agents. From the way he designs the ligand that would chelate the paramagnetic metals I am familiar with his organic synthesis. I have seen numerous number [sic] of patent applications regarding the synthesis, however [the petitioner's] idea and the simplicity of the research [sic]. In my professional opinion, there is absolutely no doubt that his field of expertise is a compelling national interest in areas of healthcare and the well-being of the nation's citizenry.

Mr. [redacted] comments that the petitioner's development of MRI contrast agents is a field of expertise with "a compelling national interest in areas of healthcare and the well-being of the nation's citizenry," but he does not specify how the petitioner's innovation is being utilized in the field or has otherwise affected the field as a whole. As previously discussed, general arguments or information regarding the importance of a given field of expertise cannot by themselves establish that an individual benefits the national interest by virtue of engaging in the field. *NYSDOT* at 217. Such assertions and information address only the "substantial intrinsic merit" prong of *NYSDOT*'s national interest test. Furthermore, although Mr. [redacted] states that he has seen "numerous . . . patent applications regarding the synthesis" of MRI contrasts agents, there is no documentary evidence specifically identifying the petitioner as the inventor of any technologies that have influenced the field as a whole.

Finally, Dr. [redacted], Research Scientist, [redacted] stated:

I met [the petitioner] in 2006 at the [redacted] . . . in [redacted] where I was a [redacted]

[redacted] At the time, he was an Assistant Research Scientist working on dental layer structures. During a total period of more than two year we shared the same lab as well as a common office, and even published a joint paper. . . . In the year that I was able to observe his research activity, my impression of his investigative skills and work ethic was that [the petitioner] was dedicated researcher in the field. As a result of my examination of his research endeavors as well as my own extensive experience, I am convinced that [the petitioner] has made exceptional contributions to the scientific community of advanced biomaterials research.

[The petitioner's] current research topic is in the field of MRI contrast agent. . . . His primary research focus is one the development of newly and advanced contrast agent for the MRI. As far as developing a new contrast agent, [the petitioner] studies and understands the currently available contrast agents and along with their usages and possible problems, adding onto those agents [the petitioner] is also looking for a possible therapy along with detection/better image control.

Dr. [redacted] points to the petitioner's investigative skills and understanding of contrast agents, but any objective qualifications which are necessary for the performance of the occupation can be articulated in an application for labor certification. *NYSDOT* at 220-221. Although Dr. [redacted] also states that the

[REDACTED]

petitioner “has made exceptional contributions” to his field, he does not describe any specific examples to support his claim.

In addition, Dr. [REDACTED] states that he “published a joint paper” with the petitioner at [REDACTED]. With regard to the petitioner’s published research, the petitioner submitted three citation reports reflecting an aggregate of 48 cites to his body of work. The three citation reports indicate that 33 of the listed citations are self-cites by the petitioner or his coauthors. Self-citation is a normal, expected practice. Self-citation cannot, however, demonstrate the response of independent researchers. The number of independent citations per article is minimal. For instance, the submitted documentation reflects that none of the petitioner’s articles was independently cited to more than eight times. Specifically:

- 1.
- 2.
- 3.

[REDACTED]

The petitioner’s submission of documentation reflecting that his work has been cited by others in their published work is insufficient to establish eligibility for the national interest waiver without documentary evidence reflecting that the petitioner’s work has influenced the field as a whole. Generally, the number of citations is reflective of the petitioner’s original findings and that the field has taken some interest regarding the petitioner’s work. However, it is not an automatic indicator that the petitioner’s work has affected the field as a whole. The petitioner has not established that the limited number of independent cites per article for his published work is indicative of influence on the field as a whole.

The director denied the petition on July 6, 2013. The director indicated that the submitted evidence did not show that the “field as a whole has already felt the effects of the petitioner’s research.” In addition, the director determined the petitioner had failed to demonstrate that his “work has previously influenced the work of others throughout [the] field.” The director therefore concluded that the petitioner failed to establish 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 second letter from Dr. [REDACTED] that states:

[The petitioner’s] research focuses on the synthesis of a molecule that contains the element gadolinium (Gd) that is widely employed to enhance MRI images. His molecule is special because it easily enables us to insert Gd in a numerous other molecular and polymeric environments. In fact the molecule has been submitted as part of a patent application in

which [the petitioner's] work played a pivotal role. In detail, he took a synthesis that had been developed in only a rudimentary fashion by a previous student and refined it so that we could obtain the molecule in high yield and high purity. Then he worked out the steps to form derivatives of the molecule that now allow us to convert it into a polymers [sic] which may eventually allow us to employ it in particularly demanding clinical cases.

Dr. [REDACTED] asserts that the petitioner synthesized a molecule that "has been submitted as part of a patent application" and that the molecule will be converted into a polymer that has the potential for future use in "particularly demanding clinical cases," but there is no documentary evidence showing that the petitioner's work has already resulted in a system that has improved MRI medical diagnoses or has otherwise impacted the field as a whole. Once again, eligibility must be established at the time of filing. 8 C.F.R. § 103.2(b)(1), (12); *Matter of Katigbak* at 49.

In addition, the petitioner submits a copy of a U.S. patent application entitled "Lanthanoid complex capsule and particle contrast agents, methods of making and using thereof" that was published on November 22, 2012. The published patent application lists Dr. [REDACTED] as the inventor, not the petitioner. There is no intellectual property documentation listing the petitioner as the inventor of an advance in MRI technology. Regardless, while issuance of a patent recognizes the originality of an idea, it does not demonstrate that the petitioner has influenced the field as a whole through his development of the innovation. A patent is not necessarily evidence of a track record of success with some degree of influence over the field as a whole. *NYSDOT* at 221, n. 7. Rather, the significance of the innovation must be determined on a case-by-case basis. *Id.* In this instance, there is no evidence showing that the petitioner's work has been implemented as an improvement to MRI technologies available for detecting patients' medical conditions or that his work has otherwise influenced the field as a whole.

Counsel points to the three citation reports as evidence of the petitioner's eligibility for the national interest waiver and states that the director did not address that documentation. As previously discussed, the petitioner has not established that the level of independent citation of his work is indicative of his influence on the field as a whole. Regardless, frequent citation by others is not the only means by which to show the petitioner's impact on his field. Independent reference letters can play a significant role in this respect. Here, the letters submitted by the petitioner discuss the importance of his work and its potential value. These claims support the finding that the petitioner seeks employment in an area of substantial intrinsic merit and that the proposed benefit of his work will have a national impact. However, as it relates to the third prong of *NYSDOT*, the petitioner's letters fail to establish the depth or extent of his influence on the field as whole. Descriptions of the petitioner's novel findings and speculation about potential future impact are not sufficient to establish that the petitioner will serve the national interest to a greater degree than other similarly qualified workers.

The Board of Immigration Appeals (BIA) has held that testimony should not be disregarded simply because it is "self-serving." *See, e.g., Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000) (citing cases). The BIA also held, however: "We not only encourage, but require the introduction of

corroborative testimonial and documentary evidence, where available.” *Id.* If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for the petitioner to submit corroborative evidence. *Matter of Y-B*, 21 I&N Dec. 1136 (BIA 1998).

The opinions of the petitioner’s references are not without weight and have been considered 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 a petitioner’s eligibility for the benefit sought. *Id.* The submission of letters of support from the petitioner’s professional contacts is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the petitioner’s eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to “fact”). Thus, the content of the experts’ statements and how they became aware of the petitioner’s reputation are important considerations. Even when written by independent experts, letters solicited by a petitioner in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of a researcher who has influenced the field as a whole.

Additionally, counsel points to the petitioner’s presentations at the [REDACTED]

[REDACTED] Many professional fields regularly hold meetings and conferences to present new work, discuss new findings, and to network with other professionals. These meetings and conferences are promoted and sponsored by professional associations, businesses, educational institutions, and government agencies. Although presentation of the petitioner’s work demonstrates that his findings were shared with others and may be acknowledged as original based on their selection to be presented, there is no documentary evidence showing that his presented work has resulted in advances in biomaterials or MRI technologies that have been implemented in the field, that his work has been frequently cited by independent researchers, or that his findings have otherwise influenced the field as a whole.

A plain reading of the statute indicates that it was not the intent of Congress that every advanced degree professional or alien of exceptional ability should be exempt from the requirement of a job offer based on national interest. The petitioner has not shown that his past record of achievement is at a level sufficient to waive the job offer requirement which, by law, normally attaches to the visa classification sought by the petitioner. While the petitioner need not demonstrate notoriety on the scale of national acclaim, the petitioner must have “a past history of demonstrable achievement with some degree of influence on the field as a whole.” *NYSDOT* at 219, n.6. 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.

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, that burden has not been met.

ORDER: The appeal is dismissed.