U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 16709641

Date: SEP. 14, 2021

Appeal of Nebraska Service Center Decision

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

A self-petitioning pilot seeks second preference immigrant classification as 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 Nebraska Service Center Director denied the petition, concluding that the Petitioner did not qualify for the underlying classification as a member of the professions or as an individual of exceptional ability, nor did the record establish his eligibility under any of the Dhanasar prongs. Although the Director granted the Petitioner's subsequent motion to reopen and reconsider, he ultimately determined that the Petitioner had not overcome the reasons for denial. On appeal, the Petitioner asserts that the Director erred in the decision and submits a brief and additional evidence in support of his claims.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon de novo review, we will dismiss the appeal.

I. LEGAL FRAMEWORK

To establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification (emphasis added), as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Because this classification requires that the individual's services be sought by a U.S. employer, a separate showing is required to establish that a waiver of the job offer requirement is in the national interest.

Section 203(b) of the Act sets out this sequential framework:

> (2) Aliens who are members of the professions holding advanced degrees or aliens of exceptional ability. –
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> (A) In general. – Visas shall be made available . . . to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.
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> (B) Waiver of job offer –
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> (i) National interest waiver. . . . [T]he Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

Section 101(a)(32) of the Act provides that "[t]he term 'profession' shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries."

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

> Advanced degree means any United States academic or professional degree or a foreign equivalent degree above that of baccalaureate. A United States baccalaureate degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a master's degree. If a doctoral degree is customarily required by the specialty, the alien must have a United States doctorate or a foreign equivalent degree.
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> Exceptional ability in the sciences, arts, or business means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.
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> Profession means one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a United States baccalaureate degree or its foreign equivalent is the minimum requirement for entry in the occupation.

In addition, the regulation at 8 C.F.R. § 204.5(k)(3)(ii) sets forth the specific evidentiary requirements for demonstrating eligibility as an individual of exceptional ability. A petitioner must submit documentation that satisfies at least three of the six categories of evidence listed at 8 C.F.R. § 204.5(k)(3)(ii).

Furthermore, while neither the statute nor the pertinent regulations define the term "national interest," we set forth a framework for adjudicating national interest waiver petitions in the precedent decision Matter of Dhanasar, 26 I&N Dec. 884 (AAO 2016).[1] Dhanasar states that after a petitioner has established eligibility for EB-2 classification, U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion,[2] 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.[3]

II. ANALYSIS

A. Eligibility as an Individual with Exceptional Ability

The Director determined that the Petitioner did not qualify as an individual with exceptional ability because the evidence established that he satisfied only two of the six criteria. Specifically, the Director determined that the Petitioner had established that he possessed a professional license and membership, under subsections (C) and (E), respectively. Upon our de novo review, we agree with the Director's determination that the record does not establish that the Petitioner is eligible for the underlying classification as an individual of exceptional ability. However, we arrive at this conclusion based on somewhat different reasoning than the Director. The Director found that the record established that the Petitioner had a membership in a professional association, whereas we conclude that the evidence is insufficient to support such a finding. Additionally, we conclude that the record supports a finding that the Petitioner has at least ten years of experience in the occupation.

> 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 asserts that he meets the requirements of this criterion due to his Airline Transport Pilot License (ATPL), which cannot be obtained without aviation training that is commensurate with a Ph.D.-level of education. The record contains evidence of an ATPL from both [redacted] and [redacted] aviation authorities, along with documentation that the U.S. Federal Aviation Administration (FAA) has verified the legitimacy of his [redacted] ATPL. Accompanying his [redacted] ATPL are various aviation training certificates and scores issued by an [redacted] airline, [redacted]. In addition, an [redacted] certification document contains the number of flying hours the Petitioner accrued from 1998 to 2015. Although these documents may comprise an academic record from an institution of learning relating to the area of exceptional ability, the Petitioner has not provided adequate documentation to establish this. Specifically, not all of the [redacted] documents are accompanied by English translations, nor has the Petitioner

[1] 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).
[2] 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).
[3] See Dhanasar, 26 I&N Dec. at 888-91, for elaboration on these three prongs.

offered an explanation of the academic equivalency of this training.[4] Regarding the [redacted] training documents, it is unclear whether the Petitioner had an official aviation education from an institution of higher learning. The evidence suggests it is equally possible that the Petitioner received on-the-job training from the airline that hired him as a pilot. Accordingly, this training evidence does not persuasively establish his eligibility under this criterion.

We reviewed the [redacted] training documents reflecting FAA-approved education in the field of aviation, as well as the Petitioner's passing scores on the U.S. ATP exam, and a graduation certificate for completion of the ATP certification training program. The record reflects that the Petitioner underwent and passed exams for FAA-approved education in the year 2020, which occurred after this petition had already been filed. Therefore, even though this education could potentially serve as an official academic record relating to the field of endeavor, it would not establish his eligibility under this criterion at the time of filing. The Petitioner must establish eligibility at the time of filing the nonimmigrant visa petition and must continue to be eligible for the benefit through adjudication. 8 C.F.R. § 103.2(b)(1).

In addition, the Petitioner included his secondary school graduation records accompanied by an English translation of them. This education, however, is general and not readily related to the aviation field of endeavor. Finally, we reviewed a document that appears to be a report card or transcript reflecting some engineering education. Although requested, the Petitioner did not provide an English translation of this education document but describes it on his ETA 750 Part B as two years of undergraduate studies in electronic engineering. The education document itself reflects completion of only five courses and civil engineering, rather than electronic, appears to be a more appropriate description of the program of study. Nevertheless, as there is no English translation for this document, it cannot be considered as a basis for eligibility under this criterion, nor is there evidence to suggest that the Petitioner completed his undergraduate studies. While the record reflects that the Petitioner is a well-trained pilot, it does not reflect that at the time of filing, the Petitioner possessed an official academic record showing that he 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. Accordingly, the Petitioner has not satisfied this criterion.

> Evidence in the form of letter(s) from current or former employer(s) showing that the alien has at least ten years of full-time experience in the occupation for which he or she is being sought. 8 C.F.R. § 204.5(k)(3)(ii)(B)

As previously mentioned, the record contains an [redacted] certification of the Petitioner's flying hours from 1998 to 2015. This document appears on [redacted] letterhead, is signed by a staff relations official, and states that the Petitioner worked for the company until February 2015. Although the document does not contain the Petitioner's precise start date with [redacted] a preponderance of the evidence establishes that his flying hours and employment with [redacted] began in 1998 and ended in 2015. In addition, the Petitioner included a February 3, 2020, service verification letter which states that beginning on June 17, 2015, the Petitioner began serving [redacted] as a Captain (pilot) and was presently serving in that capacity as of the date of

[4] We acknowledge the FAA "advisory circular" concerning how students with an aviation education from institutions of higher education and a certain number of flying hours may meet the eligibility requirements for an FAA ATP certificate. Despite this document, the record does not establish that the Petitioner's [redacted] training qualifies as an aviation education from an institution of higher learning.

the letter.[5] As of the filing date of this petition, this letter establishes that the Petitioner had four years and three months of experience as a pilot with [redacted].[6] Taken together, these letters are sufficient to establish that the Petitioner has at least ten years of full-time experience in the occupation. Therefore, the Petitioner 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)

As previously stated, the Petitioner presented evidence that he possesses an ATPL from both the [redacted] and [redacted] aviation authorities. Accordingly, the evidence of record establishes that the Petitioner has satisfied 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 presented a [redacted] 2019 wage and salary income statement, a document which appears similar to the [redacted] equivalent of a U.S. W-2 tax form. Although this document reflects that the Petitioner's 2019 "[g]ross payroll" was "201,735.458," it is not apparent from this document which currency this figure is in or what "[g]ross payroll" means. The record also contains the Petitioner's bank statement evidencing what appears to be a May 2020 direct deposit of $12,684.48 in U.S. dollars from the [redacted]'s third-party airline crew vendor. Although this appears to be the direct deposit for the Petitioner's salary, we do not know how frequently these wages are deposited into the Petitioner's bank account, nor do we have evidence that such deposits occurred prior to the filing of the petition. We conclude that this evidence does not sufficiently establish the Petitioner's salary.

To satisfy this criterion, the evidence must show that the Petitioner "has commanded a salary or remuneration for services that is indicative of his or her claimed exceptional ability relative to others working in the field." 6 USCIS Policy Manual F.5(B)(2). It appears logical and appropriate to consider the Petitioner's income based on the wage statistics or comparable evidence in the foreign country in which it is earned, rather than by converting the salary to U.S. dollars and then viewing whether that salary would be considered high in the United States. Here, the Petitioner appears to have earned his salary in [redacted]. We have little information concerning how the Petitioner's salary compares to other airline captains in [redacted]. We acknowledge the printout from the Department of Labor's Occupational Outlook Handbook, which states that as of May 2019, the median annual wage for U.S. airline pilots, copilots, and flight engineers was $147,220 and that the overall 2019 median pay for U.S. airline and commercial pilots was $121,430. However, this data is not particularly relevant if the Petitioner did not earn a salary in the United States. Even if he had earned a U.S. salary in U.S. dollars, the Petitioner would still be required to offer a sufficient basis for how the salary demonstrates exceptional ability. In other words, evidence that the Petitioner earns a salary above the median does not in itself establish that he commands a salary indicative of exceptional ability.

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[5] The Petitioner also provided his employment contract, which indicates that he was contracted to serve [redacted] through a third-party aviation vendor and that he serves [redacted] as an independent contractor rather than as an employee of either the airline or the third-party vendor.

[6] Another letter from [redacted] which relates to the Petitioner's safe flying record, indicates that the Petitioner served as a Captain until June 30, 2020.

For the foregoing reasons, the evidence does not establish the Petitioner's income or whether such income demonstrates exceptional ability. Therefore, the Petitioner has not satisfied this criterion.

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

The record contains a letter from [redacted] which states that the Petitioner is a member of [redacted] The letter also contains an explanation of the membership which includes that members receive discounted access to services from participating third parties and that members must hold either a Commercial Pilots License (CPL) or ATPL or be the spouse of someone who holds a CPL or ATPL. This information indicates that members need not be licensed pilots but simply married to one. As such, the evidence does not suggest that this is a professional association. Furthermore, the letter references numerous entities including a [redacted] and [redacted] without acknowledging or explaining the differences in these entities. This variation raises questions as to the credibility of the letter and the true name of the association. For this additional reason, we conclude that this letter does not support a finding that the organization is professional in nature.

The record also contains evidence that the Petitioner belongs to an association of airline pilots and that he has an identification card as evidence of his membership in this organization. After taking a 2009 language examination, the association provided the Petitioner with an English language certification in accordance with the International Civil Aviation Organization. Although the Petitioner stated in his response to the Director's request for evidence (RFE) that he has been a member of this association since 1998, the evidence of record does not substantiate this claim. From the documents, it is not apparent when he became a member or what is required for membership. Taking a language exam offered by the association does not establish membership in the association. Further, while the identification card may support a finding of membership in the association, it does not contain a date for when the Petitioner became a member or for how long membership continues, nor does the record contain supplementary evidence that explains membership requirements such that we might determine whether the association is professional in nature.

Accordingly, although the Director found the Petitioner met this requirement, we conclude that the evidence is insufficient to establish membership in a professional association.

Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations. 8 C.F.R. § 204.5(k)(3)(ii)(F)

The Petitioner submitted six letters of recommendation in which the authors praise the Petitioner's ability, experience, number of flying hours, and positive personal characteristics. We also note the opinion letter the Petitioner provides on appeal. The authors write about the significance of the Petitioner's personal accomplishments including his flying hours, that he achieved status as a captain in a challenging industry, and that he has gained experience in top-rated airlines that hold high standards. Many of the authors also note the rigorous examinations and proficiency tests that the Petitioner has passed, his career trajectory, and his talent. None of the letters, however, explain how the Petitioner's numerous personal accomplishments constitute recognition of achievements and significant contributions to the industry or field of aviation. While his peers and colleagues may offer their opinions as to his personal achievements,

they do not provide sufficient information concerning how such personal achievements affected the industry or field as a whole. For instance, [redacted] described the Petitioner's scholarship achievements, goals in aviation, and his level of talent and competency, particularly in sustaining a career with the prestigious [redacted] However [redacted] does not identify how any of these examples are achievements and significant contributions to the industry or field of aviation. Similarly, [redacted] offered his opinion that the Petitioner has achieved high ranking positions within multiple airlines, along with outstanding career success. Yet, his information does not illustrate how the Petitioner's personal success constitutes recognition for achievements and significant contributions to the industry. Although [redacted] stated that the Petitioner added benefit to the aviation industry due to his safe operations and flying, he does not explain how this is a significant contribution to the field. We presume that it is every pilot's responsibility to fly and operate an aircraft safely and so a record of success in this area does not set the Petitioner apart as a pilot with recognition in the field.

Regarding the Petitioner's safe flying record, we acknowledge a letter from [redacted] in which the Petitioner performed as a Captain for five years with [redacted] without any accidents, incidents, or air traffic control violations. While this is commendable and indeed a praise-worthy accomplishment, the Petitioner has not offered evidence to substantiate how this is an achievement or contribution to his field. We do not know, for instance, how many other pilots also reached such a milestone, how this success in safety is known about by others who are not acquainted with the Petitioner, or how this safety record is viewed within the field as a whole.

The Petitioner offered a narrative-style explanation of his accomplishments as a pilot, including examples of how he safely flew in challenging situations and made difficult real-time judgment calls that required him to rely upon his extensive training and experience. The Petitioner described his success as a pilot who has performed optimally despite poor weather conditions, emergency landings, long nighttime flights, and difficult take-offs and landings. In addition, the record contains evidence of numerous trainings, testing proficiencies, various licenses and certifications, as well as evidence that the Petitioner has accrued an impressive number of flying hours in his career. However, as explained previously, these personal accomplishments may be testaments to his skill, experience, and talent as a pilot, but the record does not contain sufficient evidence that as a result of these circumstances the Petitioner has received recognition for achievements or contributions to the field of aviation.

For all these reasons, the evidence of record does not establish that the Petitioner has satisfied this criterion.

Summary

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).[7] Therefore, the Petitioner has not established eligibility as an individual of exceptional ability under section 203(b)(2)(A) of the Act. As previously outlined, the Petitioner must show that he is either an advanced degree professional or possesses exceptional ability before we reach the question of the national interest waiver. While the record reflects that the

[7] When a petitioner has satisfied at least three of the six criteria, a final merits determination concerning the Petitioner's eligibility is still required per the two-part adjudication framework established in Kazarian v. USCIS, 596 F.3d 1115 (9th Cir. 2010). In the final merits analysis, the quality of the evidence must be evaluated. Here, a final merits analysis is not required because the Petitioner has not established that he has met at least three of the six criteria.

Petitioner is a very highly qualified and well-trained pilot with a wealth of valuable experience, this alone is insufficient, as a petitioner must meet the specific eligibility requirements for the underlying classification of a national interest waiver. The Petitioner has not shown that he meets the regulatory criteria for classification as an individual of exceptional ability and he has not asserted that he is an advanced degree professional. Therefore, the documentation in the record does not establish eligibility for the underlying EB-2 classification.

B. The Substantial Merit and National Importance of the Proposed Endeavor

As the Petitioner has not established eligibility for the underlying immigrant classification, the issue of the national interest waiver is moot. The waiver is available only to foreign workers who otherwise qualify for classification under section 203(b)(2)(A) of the Act. However, because the Director made additional eligibility findings and the Petitioner alleges error in the Director's decision, we will provide additional analysis using the Dhanasar framework.[8]

The Director determined that the Petitioner provided insufficient descriptions and documentary evidence to establish the proposed endeavor's substantial merit and national importance. First, the Petitioner proposes to contribute to the aviation industry by continuing to apply to jobs offered by major U.S. airlines like Delta, United, and American Airlines, which would allow him to continue his career as a Captain. He also intends to apply to jobs as a pilot for cargo carriers such as FedEx and UPS. His proposed endeavor also includes the possibility of serving as a pilot for low-cost carriers such as Spirit, Jet Blue, and Frontier. In addition, he has applied to positions as a flight simulator instructor and examiner in several flight training facilities and included this type of work as a project within his proposed endeavor as well. Finally, the Petitioner also proposes to serve as a pilot for private companies who run their own corporate flights. The Petitioner did not provide a timeline for when he would occupy each of these roles and it is not apparent whether securing a position in any of these areas is the proposed endeavor or whether the proposed endeavor involves the Petitioner performing in all of these positions either simultaneously or consecutively. Based upon the information provided, the Petitioner's proposed endeavor may be summarized as engaging in a U.S. job search within the field of aviation.

On appeal, the Petitioner adds to his proposed endeavor with an entrepreneurial idea not previously articulated. He states that he also has plans to sell instruction packages to airlines abroad and that these packages include training at U.S. aviation facilities, arrangements for accommodation, transportation, as well as logistics for immigration, food, and spare time.[9] Although this entrepreneurial idea is not entirely clear from the record, the Petitioner appears to intend to establish a "one stop shop" business whereby

[8] While we do not discuss each piece of evidence individually, we have reviewed and considered each one. For instance, although we reviewed and acknowledge the previously submitted letters of recommendation and the opinion letter the Petitioner presents on appeal, the authors of these documents do not discuss or demonstrate knowledge of the Petitioner's specific proposed endeavor and therefore these documents are of limited value in this analysis.

[9] As previously noted, USCIS regulations affirmatively require a petitioner to establish eligibility for the benefit it is seeking 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). Here, the Petitioner's entrepreneurial idea is new and additional rather than a clarification to the previously claimed proposed endeavor.

pilots may be trained and qualified in the United States, the facilitation of which is a service that the Petitioner believes will benefit foreign and U.S. airlines, as well as the individual pilots' careers, and will also address pilot shortage issues.

We agree with the Director that the Petitioner has not provided sufficient documentation or explanation concerning how his proposed endeavor has substantial merit and national importance. The purpose of the national interest waiver is not to afford the Petitioner an opportunity to engage in a job search or further his own career while only adding ancillary benefits to the nation. Although he has many ideas, it remains unclear as to what specifically his proposed endeavor involves aside from securing a job in the U.S. aviation industry. We do not know if he intends to perform all the functions he describes or whether he will perform in only the first job he secures. In addition, we have little clarity on which position, if any, he will obtain. 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. While it may include one or more of the job ideas outlined above, we conclude that the Petitioner has not yet identified his specific endeavor.

As part of his evidence of substantial merit, the Petitioner provided evidence of his own qualifications. Here, the Petitioner appears to confuse his own merit with the merit of the proposed endeavor. The Petitioner's expertise relates to the second prong of the Dhanasar framework, which "shifts the focus from the proposed endeavor to the foreign national." Id. at 890. The issue here is whether the specific endeavor that the Petitioner proposes to undertake has substantial merit and national importance under Dhanasar's first prong. The Petitioner also argues that his proposed endeavor has substantial merit because the United States faces a significant national and potentially global pilot shortage. In addition, the Petitioner argues that pilots and the field of aviation are extremely important to the economy and that his proposed endeavor will offer substantial positive economic impacts. In support of both his arguments concerning pilot shortages and positive economic impacts, he offered numerous articles about the flight industry, its economic implications, as well as the challenges faced by airlines and pilots. While these articles provide useful background information, they are of limited value in this matter, as none of them addresses the Petitioner's specific proposed endeavor. Furthermore, in determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work; instead we focus on the "the specific endeavor that the foreign national proposes to undertake." Id. at 889.

To evaluate whether the Petitioner's proposed endeavor satisfies the national importance requirement, we look to evidence documenting the "potential prospective impact" of his work. Initially we note that while the Petitioner may fly nationally or internationally, simply having a global route does not establish that the endeavor has a global impact. To the extent that the Petitioner's proposed endeavor can be understood, we conclude that he has not substantiated how his specific work in the aviation industry will address a pilot shortage or positively impact the economy. Specifically, how one pilot will improve a national shortage or will trigger substantial positive economic impacts has not been explained. Even assuming the Petitioner chooses to pursue his ideas concerning flight simulator training or his entrepreneurial services, which may affect others' careers in addition to his own, he has not provided sufficient information of how his services in these areas would rise to the level of national importance. While such endeavors may impact the individual students, pilots, employers, or airlines that the Petitioner works with, the substantial merit and national importance of this work has not been adequately explained or substantiated. Similarly, in Dhanasar, we determined that the petitioner's teaching activities did

not rise to the level of having national importance because they would not impact his field more broadly. Id. at 893.

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 sufficient information and documentation 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 appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.