U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 28809653

Date: NOV. 29, 2023

Appeal of Texas Service Center Decision

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

The Petitioner, a lawyer, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so.

The Director of the Texas Service Center denied the petition, concluding that the Petitioner did not establish that she qualifies for a national interest waiver. The matter is now before us on appeal. 8 C.F.R. § 103.3.

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

On appeal, the Petitioner presents a brief in which she asserts that the Director's decision included "numerous erroneous conclusions of both law and fact." The Petitioner, however, does not specify how the Director erred or what factors in the decision were erroneous.[1] Through her brief, the Petitioner reiterates her qualifications and provides an explanation of her experience and intended proposed endeavor that mirrors language in a cover letter included with her response to a request for evidence.

We adopt and affirm the Director's decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been "universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they

[1] An appeal must specifically identify any erroneous conclusion of law or statement of fact in the unfavorable decision. *See* 8 C.F.R. § 103.3(a)(1)(v).

give "individualized consideration" to the case). The Director thoroughly reviewed, discussed, and analyzed the evidence of record as it relates to the Petitioner's proposed endeavor to provide legal services to businesses in the United States. In accordance with the framework for adjudicating national interest waiver petitions provided in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), the Director considered how the evidence submitted served to establish whether or not the Petitioner's proposed endeavor has both substantial merit and national importance.[2] While the Director determined that the Petitioner demonstrated eligibility for the EB-2 classification and that her endeavor has substantial merit, the Director properly concluded that the Petitioner's endeavor does not reach a level of national importance to warrant a waiver of the job offer requirement.

In conjunction with the foregoing analysis, we adopt and affirm the Director's decision. The petition will remain denied.

ORDER: The appeal is dismissed.

[2] *See Dhanasar*, 26 I&N Dec. at 888-91, for elaboration on the three evidentiary prongs used to evaluate whether an individual qualifies for a national interest waiver.