U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 28467561

Date: OCT. 10, 2023

Appeal of Texas Service Center Decision

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

The Petitioner, an information scientist, seeks 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 qualified for classification as a member of the professions holding an advanced degree but that the Petitioner had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. 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.

I. LAW

To establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification, as either a member of the professions holding an advanced degree 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.

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). *Dhanasar* states that, after a petitioner has established eligibility for EB-2 classification, USCIS may, as a matter of discretion, grant a national interest waiver if the petitioner demonstrates: (1) that the noncitizen's proposed endeavor has both substantial

merit and national importance; (2) that the noncitizen 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.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the noncitizen proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact.

The second prong shifts the focus from the proposed endeavor to the noncitizen. To determine whether he or she is well positioned to advance the proposed endeavor, we consider factors including, but not limited to: the individual's education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals.

The third prong requires the petitioner to demonstrate 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. In performing this analysis, USCIS may evaluate factors such as: whether, in light of the nature of the noncitizen's qualifications or the proposed endeavor, it would be impractical either for the noncitizen to secure a job offer or for the petitioner to obtain a labor certification; whether, even assuming that other qualified U.S. workers are available, the United States would still benefit from the noncitizen's contributions; and whether the national interest in the noncitizen's contributions is sufficiently urgent to warrant forgoing the labor certification process. In each case, the factor(s) considered must, taken together, indicate 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.[1]

II. ANALYSIS

The Director found that the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus of a labor certification, would be in the national interest. For the reasons discussed below, the Petitioner has not established that a waiver of the requirement of a job offer is warranted.

A. Whether the Proposed Endeavor has National Importance

Initially, with the Form I-140, Immigrant Petition for Alien Workers, the Petitioner submitted, in relevant part, an untitled, eight-page document written in a language other than English with a similar, untitled, seven-page document written in English. A brief, written by the Petitioner's attorney and submitted with the Form I-140, refers to these untitled documents as the Petitioner's "personal statement." Other documents in the record written in a language other than English are accompanied with certifications that identify the individual who translated the document into English and the individual's qualifications to do so. However, the record does not establish who translated the

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

documents to which the Petitioner's attorney refers as her "personal statement" into English and why, if the Petitioner wrote her own "personal statement" in English, she also wrote it in a language other than English and submitted it in support of her Form I-140.[2] *See* 8 C.F.R. § 103.2(b)(3) (requiring "[*a*]*ny document containing foreign language* submitted to USCIS" to 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" (emphasis added)).

The omission of the identity of the individual who translated the purported "personal statement" of the Petitioner is significant because both the untitled, seven-page document written in English and the untitled, eight-page document written in a language other than English contain information that casts doubt on whether the Petitioner wrote either document. The English-language document ends with the words "signature of" and the Petitioner's name, with a faded, gray, pixelated image of a signature closely—but not entirely—matching the Petitioner's signature on the Form I-140. In turn, the non-English-language document ends with the Petitioner's name below a faded, gray, pixelated image of a signature that appears to be identical to that on the English-language document. Neither image of a signature appears to have been handwritten onto either version of the untitled document. We note that the regulation regarding acceptable signatures, 8 C.F.R. § 103.2(a)(2), specifically addresses those on benefit requests, without expressly addressing signatures on documentation submitted in support of benefit requests (and we further note that the signature on the benefit request itself raises some doubt). Nevertheless, because both signatures on the documents in question appear to be faded, gray, pixelated images of a signature that could have been affixed to the documents by an unidentified individual using a word processor, rather than signed by the Petitioner's hand to indicate that she wrote the documents, the images of signatures raise significant doubt that the Petitioner personally wrote the documents her attorney describes as her "personal statement." Doubt cast on any aspect of a petitioner's proof may undermine 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); *see also* 8 C.F.R. § 103.2(b)(1) (requiring petitioners to establish eligibility for requested benefits at the time the petition is filed).

Even to the extent that the Petitioner may have written the purported "personal statement" both in a language other than English and then translated it into English for reasons unexplained in the record, the document otherwise contains information that casts significant doubt on its veracity. The document asserts that the Petitioner's endeavor entails a "goal . . . to set up my consulting company in elearning issues to be able to meet the great demand for training and training existing in the United States [sic]." The document elaborates that the plan involves first "[o]ffering my services to schools, institutes, universities, private companies, and NGOs," then "carry[ing] out an analysis of their training needs, to finally offer them the tailor-made product that covers their demands and interests." The document written in English also contains the following passage:

> According to the meetings I have held with some companies and, reviewing the demand observed in Indeed, some of the courses I will develop are:

[2] The Petitioner indicated on the Form I-140 that she can read and understand English. The record does not reconcile why the Petitioner would write and submit a purported "personal statement" in a language other than English if she can read and understand English, as asserted on the Form I-140.

- Occupational health and safety courses.
- Courses.
- Courses.
- Course on the use of library resources.
- Courses.
- Course on manuals and processes within a company.
- Courses that are part of a curricular mesh within a university or college.
- Courses that the human resources areas determine to enhance the competencies of your staff.
- Management skill course.
- Courses for executives of various companies.
- Course how [sic] to face a job interview.
- Course how to make your curricum vitae [sic].
- Courses for entrepreneurs.

As another example, the document refers to "virtual learning objects" by the acronym "OVA," rather than "VLO," without explaining why one would refer to words beginning with those letters in English and in that syntax as an "OVA." The numerous spelling and grammatical errors, in addition to three courses written simply as "courses," cast significant doubt on both whether the English translation of the untitled document written in a language other than English is an accurate translation of the untitled document written in a language other than English, and on the competency of the unidentified individual who translated the document into English to do so. *See Matter of Ho*, 19 I&N Dec. at 591; *see also* 8 C.F.R. § 103.2(b)(3). Because the document the Petitioner's attorney purports to be an English translation of her "personal statement" casts doubt on whether it was written by the Petitioner, as claimed—and that the unidentified individual who translated it was competent to do so—and because it casts doubt on whether it is an accurate translation of the document written in a language other than English, the reliability and sufficiency of the purported "personal statement," and consequently of other documents in the record, is undermined. *See id.* Furthermore, because the reliability and sufficiency of the document purported to be the Petitioner's "personal statement" is undermined, the Petitioner's attorney's references to and quotations of that document in the brief submitted with the Form I-140, in turn, bear minimal probative value.

Even to the extent that the purported "personal statement" may have been written by the Petitioner and may be reliable and sufficient, neither it, nor references to, nor quotations of that document support the conclusion that the proposed endeavor has national importance.

In determining national importance, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on the "specific endeavor that the [noncitizen] proposes to undertake." *See Dhanasar*, 26 I&N Dec. at 889. *Dhanasar* provided examples of endeavors that may have national importance, as required by the first prong, having "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" and endeavors that have broader implications, such as "significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area." *Id.* at 889-90.

First, the untitled document to which the Petitioner's attorney refers as a "personal statement" describes a proposed educational consulting company endeavor as benefitting the Petitioner's clients, her own startup company, and freelance workers to whom she subcontracts work; however, the record does not establish how the proposed endeavor may have "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances" or broader implications, such as "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area." *Id.* at 889-90. Specifically, the document refers to training material "tailor-made," based on "the information or input that the client can provide." By definition, providing training material tailor made for a client based on information the client provided is suitable to the client for which it was tailored but it provides less—and possibly no—value to other clients or the general public for whom it was not tailored. Thus, in general the endeavor's business model appears to benefit only the clients that request the Petitioner's services and "tailor-made" material.

Second, beyond the limited benefits of the proposed endeavor, the untitled document to which the Petitioner's attorney refers as a "personal statement" does not establish how the proposed endeavor may have "national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *See id.* The document describes the process as follows: "Offering my services to schools, institutes, universities, private companies and NGOs will be the first step. The second step will be to carry out an analysis of their training needs, to finally offer them the tailor-made product that covers their demands and interests." Despite referring to solicitation as the "first step" and needs assessment as the "second step," the document then states that the "first phase will determine if the client needs a platform to host their courses or already has one." The client then identifies the target audience and selects the training format to inform the instructional design, budget, and production schedule. The document then states that the Petitioner may need to form "a work team" consisting of "graphic designers, programmers, announcers, actors, audiovisuals, etc." However, the document does not elaborate on the actual process of creating training material. Without more detail about the actual process of creating training material, the document—and the record in general—does not establish how the proposed endeavor improves an existing process, as contemplated by *Dhanasar*. *See id.* Similarly, the record does not establish how the consulting process described in the untitled document is the type of "improved manufacturing processes or medical advances" that may have "national or even global implications within a particular field," as contemplated by *Dhanasar*. *See id.*

Third, the untitled document to which the Petitioner's attorney refers as a "personal statement" does not establish how the proposed endeavor may have broader implications, such as "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area." *Id.* at 889-90. Specifically, the document states that the "work team" the Petitioner would form to create training materials tailor-made for clients would consist of "independent professionals (freelance), with whom I have been working and who would always work under my control and supervision." Therefore, the document indicates that, rather than the Petitioner employing U.S. workers at her startup consulting company, she would instead coordinate the work of individuals who are already self-employed as freelance workers. Coordinating the work of existing, self-employed freelance workers is distinguishable from employing U.S. workers. Even to the extent that the Petitioner's coordination of existing, self-employed workers may relate to the type of employment of U.S. workers contemplated by *Dhanasar*, the document does not elaborate on the

number of freelance workers the Petitioner would direct, the compensation she would provide those workers, the locations where the freelance workers would perform their services, and other details that may assist in determining whether such activities may amount to the type of "significant potential to employ U.S. workers or . . . other substantial positive economic effects, particularly in an economically depressed area," as contemplated by *Dhanasar*. *See id.* Relatedly, the document does not assert, and the record does not support the conclusion, that the proposed educational consulting company would indirectly affect the Petitioner's clients' potential to employ U.S. workers. *See id.*

We note that the brief submitted with the Form I-140 also asserts that publications in the record establish that the proposed endeavor has national importance. The publications, from sources including the U.S. Department of Education and the New York State Education Department, provide generalized information regarding education; however, they do not specifically address the Petitioner, the proposed endeavor, or how the specific endeavor may have national importance. As noted above, in determining national importance, the relevant question is not the importance of the industry, field, or profession in which an individual will work; instead, to assess national importance, we focus on the "specific endeavor that the [noncitizen] proposes to undertake." *See id.* at 889. Because the publications in the record referenced in the brief do not address how the specific endeavor the Petitioner proposes to undertake may have national importance, they bear minimal probative value for that aspect of the first *Dhanasar* prong.

Despite the reduced reliability and sufficiency of the record in general, and of the description of the proposed endeavor in the purported Petitioner's "personal statement," and references to and quotations of it, more specifically for the reasons discussed above, the Director concluded that "the documentation in the record does establish national importance of her proposed endeavor as required by the first prong of the Dhanasar precedent decision," in addition to it having substantial merit, and thus that "the [P]etitioner has met the first prong of the Dhanasar framework." However, because the record does not establish the Petitioner wrote either the "personal statement" in a language other than English or the document that purports to be an English translation of it, and because the document that purports to be an English translation of the "personal statement" does not support the conclusion that it is an accurate translation, and furthermore because the record does not support the Director's conclusion regarding national importance for the reasons discussed above, we withdraw the Director's conclusions that the record establishes the proposed endeavor has national importance and that the Petitioner has satisfied the first *Dhanasar* prong. Because the record does not establish, through reliable and sufficient information, that the proposed endeavor may have national importance, the remainder of the *Dhanasar* framework is moot. Nevertheless, we will address the denial basis before us on appeal.

B. Whether the Petitioner is Well Positioned to Advance the Proposed Endeavor

Turning to the Director's stated basis for denial, the Director concluded that the Petitioner's "educational credentials, professional accomplishments and current pursuit of her plan in the United States . . . are insufficient to demonstrate that [she] is well positioned to advance the proposed endeavor," as required by the second *Dhanasar* prong. *See id.* at 890. More specifically, the Director observed that the record does not establish the Petitioner received "accomplishments in the profession or academic contributions or recognition [of] her work in the field like awards, patents, publications, citations[,] etc." The Director also noted that the record contains only one letter of interest; however,

it is "more of a casual letter without any commitment or contracts" and "the record does not provide . . . any other evidence to support these statements." The Director acknowledged that the record contains testimonial letters from "clients, colleagues, friends, and individuals who attest of [the Petitioner's] work," although the Director deemed the letters insufficient "to show that the [P]etitioner's work serves as a record of success in the field."

On appeal, the Petitioner notes that *Dhanasar* contemplates four, non-exhaustive, general factors that may demonstrate an individual is well positioned to advance a proposed endeavor: "the individual's education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals." *Id.* The Petitioner asserts that the following information in the record pertains to the first factor: a copy of the Petitioner's curriculum vitae; copies of the Petitioner's academic degrees and a degree evaluation; letters of support and employment confirmation; a copy of the Petitioner's Peruvian Association of eLearning membership certificate; and the untitled document to which the Petitioner's attorney refers as a "personal statement," discussed above. The Petitioner states on appeal that the untitled document to which her attorney refers as a "personal statement," discussed above, also pertains to the second factor. The Petitioner also asserts that letters of interest pertain to the fourth factor. The Petitioner also generally states that all of the information that pertain to the three other factors pertain to the third factor.

Regarding the first factor, we acknowledge that the record contains a copy of the Petitioner's curriculum vitae, degrees, and corresponding transcripts both written in a language other than English and translated into English, with a certification from the translator, and an academic evaluation provided by Silvergate Evaluations. These documents provide minimal information regarding the education, skills, knowledge, and record of success the Petitioner may have had in related or similar efforts. The academic evaluation concludes that the Petitioner "has attained the equivalent of a Bachelor's Degree in Communications with a concentration in Journalism and a Master's Degree in Information Science from an accredited institution of higher learning in the United States." We acknowledge that the fields of communications and information science relate to the proposed endeavor's field of operating an educational consulting company; however, the transcript for her master's degree in information science—as translated into English in the record—does not provide sufficient information to determine how well positioned the Petitioner may be to advance the proposed endeavor. More specifically, although the transcript identifies the "subject name" and grade the Petitioner earned for particular courses, it does not elaborate on the number of credit hours the Petitioner studied any particular course, to indicate how much education she received regarding that subject, which in turn may indicate how well positioned she may be to advance an endeavor that implicates a particular subject. We acknowledge that the transcript for the Petitioner's bachelor's degree in communications provides the "value in credits" in addition to the "name of the subject" and the "final grade," but the coursework in general is attenuated from the proposed endeavor's field of operating an educational consulting company. Moreover, the record does not supplement the "subject name" and the "name of the subject" in the respective transcripts with additional information regarding the content of the subjects' coursework and other information that may establish how well positioned the Petitioner may be to advance the proposed endeavor, beyond merely stating the course titles.

Similarly, although we acknowledge the Petitioner's curriculum vitae identifies positions that relate to the proposed endeavor, the limited information provided in the curriculum vitae does not establish

how well positioned the Petitioner may be to advance the proposed endeavor. For example, although the curriculum vitae indicates that the Petitioner has been the "Head of e-learning projects – Responsible for content generation (virtual courses of the [redacted] e-learning platform)" during the period of "05/20 – On going [sic]," the document does not elaborate on what tasks the Petitioner's responsibility for content generation entails, and how well she performs those tasks. The curriculum vitae appears to reiterate that the Petitioner is "Responsable [sic] for the generation of virtual courses for B2B and B2C clients. For example: marketing courses, soft skills, personal development, among others." However, this reiteration does not clarify the Petitioner's specific tasks and how well positioned her performance of those tasks may make her to advance the proposed endeavor. We further note that the curriculum vitae's format in general is confusing. It appears to indicate that the Petitioner has also worked as the "Employability Project Manager – [redacted]," simultaneously during the period of "05/20 – On going [sic]." However, the curriculum vitae lists websites for the respective projects that appear to indicate distinct entities. The period of "07/17 – 03/20" also provides multiple overlapping job titles, including working as the "Employability Project Manager [redacted] during that period, as well. In its totality, considering the numerous spelling and grammatical errors the curriculum vitae contains, its generally confusing format, and the limited information it provides regarding the tasks the Petitioner performs and how well she performs those tasks, the curriculum vitae provides little probative information regarding how well positioned she may be to advance the proposed endeavor.

Next, the record contains copies of letters of support both written in a language other than English and translated into English, with a certification from the translator. The documents purport to be from current and former supervisors and coworkers of the Petitioner. However, similar to the untitled document to which the Petitioner's attorney refers as a "personal statement," addressed above, the respective versions of the letters of support bear identical, faded, gray, pixelated images of signatures that could have been affixed to the documents by an unidentified individual using a word processor, rather than signed by the signatories' hands to indicate that they wrote the respective documents. Moreover, the letters of support are accompanied by certifications attesting that a third party translated the letters of support, not that the signatories translated their own letters of support. However, the record does not reconcile how or why images of the signatories' signatures were affixed to a translator's translation of the letters written in a language other than English, when the translator, not the purported signatories, ostensibly created the translated documents. We specifically note that the letter written in a language other than English and ostensibly signed by [redacted] provides the name [redacted] in the contact information next to his ostensible signature on the English translation; however, the record does not reconcile why the translator would have rewritten the signatory's actual name to the equivalent of his name using an English word, which undermines the translator's assertion of competency to translate the document. (The translations bear other errors that undermine the translator's assertion of competency, which we omit here for brevity.)

Because both versions of each letter of support bear respective, identical, pixelated images of signatures, they cast doubt on whether the signatory wrote the English version of the documents (which, moreover, a third party asserts she created as a translator) and the doubt is imputed to the pixelated images of signatures on the documents written in a language other than English, undermining the assertions that they were written by the Petitioner's current and former supervisors and coworkers. As noted above, doubt cast on any aspect of a petitioner's proof may undermine the reliability and

sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. at 591; *see also* 8 C.F.R. § 103.2(b)(3). Therefore, the reliability and sufficiency of the record in general, and of the letters of support specifically, is undermined.

Even to the extent that the letters of support may be reliable, they do not provide sufficient information to determine how well positioned to advance the proposed endeavor the Petitioner may be. They generally attest to the Petitioner's "ability to manage several projects simultaneously," her "autonomy and creativity," the "resilience with which [the Petitioner] took the project forward," and her "extensive knowledge," and they provide brief examples of successful projects with which she was involved. However, the letters address the Petitioner in generalized terms and conclusory statements that provide limited insight into how well positioned she may be to advance the proposed endeavor. Moreover, neither the letters nor the remainder of the record indicate that the Petitioner has a record of success founding and operating her own educational consulting company—they relate to work the Petitioner performed as an employee of existing educational companies. Therefore, even if the letters of support were credible—which they are not—the information they provide relating to her record of success in related or similar efforts would be minimal. We acknowledge that the record also contains employment confirmation letters and translations; however, they provide minimal information, generally limited to one paragraph or even merely confirming that the Petitioner "worked at the [redacted] as Head of Library, from January 1, 2014[,] to December 31, 2016," which do not establish how well positioned to advance the proposed endeavor the Petitioner may be.

Next, the Petitioner does not establish how her membership in the Peruvian Association of eLearning relates to how well positioned to advance the proposed endeavor she may be. The record does not establish that membership in the Peruvian Association of eLearning is required for the proposed endeavor of operating an educational consulting company in the United States. Even to the extent that membership in an eLearning association abroad may relate to how well positioned the Petitioner may be to advance an educational consulting endeavor in the United States, the record does not establish the requirements for membership in the Peruvian Association of eLearning. Therefore, the fact that the Petitioner is a member in the Peruvian Association of eLearning does not establish what education, skills, or knowledge the Petitioner possesses in order to qualify for that membership.

Next, the reliability and sufficiency of the untitled document to which the Petitioner's attorney refers as a "personal statement" is undermined, for the reasons discussed above. *See id.* Because the "personal statement" is unreliable and insufficient, it does not credibly establish the education, skills, knowledge and record of success in related or similar efforts, or a model or plan for future activities the Petitioner may have, and we need not discuss it further.

Turning to the fourth, non-exhaustive factor identified in *Dhanasar*, the Petitioner asserts that five letters of interest in the record demonstrate interest from relevant entities or individuals. We note that, similar to other documents in the record discussed above, none of the letters of interest bear a handwritten signature affixed by the letters' purported writers. Although one letter is written only in English, the signature block merely types an individual's name, which could have been performed by an individual other than the signatory using a word processor. The four other letters are written in a language other than English, and accompanied by a translation in English and a certification by the translator. For two of those four letters, both the non-English language and the translated versions bear the same type of identical, pixelated, images of signatures that could have been affixed by an

individual other than the signatory signing the original and the translation by hand, using a word processor instead. Moreover, the other two of those four letters type the name of the signatory in the signature block, rather than copying the pixelated image of a signature on the original document, which casts further doubt regarding the authenticity of the other translations in the record—all ostensibly created by the same translator—given that the translator specifically did not affix a copy of an image of a signature to two of the translated documents. We further note that the original letters bear other characteristics that undermine their credibility in general, such as using up to five different fonts on a single page, which occurs when copying information from other sources. Based on these issues, and because of similar issues raised with many other translated documents in the record, the form of the letters of interest cast doubt on whether the English versions actually reflect the interest of the signatories and the entities on whose behalf they purport to opine, which undermines the letters' reliability and sufficiency. *See id.*

Even to the extent that the letters of interest may be reliable and sufficient, they provide minimal information that may establish interest from relevant entities or individuals. In general, the letters thank the Petitioner for visiting or otherwise contacting them, and they express interest in the Petitioner's "services as a consultant in the short term," "working with [her]," and her "services as an elearning [sic] consultant." However, beyond expressing a general interest in receiving the Petitioner's generalized "services," the brief letters do not provide additional information about the services they anticipate receiving. For example, the letters do not indicate the number or type of courses they may be interested in the Petitioner developing, the timeframe—other than "the short term"—during which they would require the Petitioner to provide her services, the compensation structure—such as whether they would require the Petitioner to deliver the final product before paying, which in turn would affect the Petitioner's payment to the freelance workers addressed above—and other details regarding the nature and level of interest from relevant entities or individuals in order to determine whether the Petitioner is well positioned to advance the proposed endeavor.

Because the Petitioner asserts on appeal that all of the information that pertains to the first, second, and fourth, non-exhaustive factors addressed in *Dhanasar* pertain to the third factor, we turn to the third factor last. We also incorporate by reference our prior discussion of the undermined reliability and sufficiency of that evidence. *See id.* For brevity, because the reliability and sufficiency of the evidence discussed above is undermined, and furthermore because the evidence does not establish the requisite education, skills, knowledge, record of success in related or similar efforts; a model or plan for future activities; and the interest of customers, users, investors, or other relevant entities, the same evidence provides minimal, reliable, sufficient evidence of the Petitioner's progress towards achieving the proposed endeavor. For example, the Petitioner does not elaborate in the record on the name of her proposed startup educational consulting company or the location in which the company will physically operate, in order to determine any progress the Petitioner may have made in registering her company to do business in that location. Likewise, the record does not contain evidence that the Petitioner has registered her unnamed company to do business in any particular location. We acknowledge that a petitioner need not necessarily have chosen a company name or registered that company to do business in any particular location in order to establish sufficient progress towards achieving a proposed endeavor; however, naming a company and registering it to do business in a particular location are favorable factors in determining whether a petitioner may be well positioned to advance a proposed endeavor, as opposed to having done neither.

In summation, the Petitioner has not established that the proposed endeavor has national importance, as required by the first *Dhanasar* prong; therefore, she is not eligible for a national interest waiver. As a separate basis of ineligibility, because the record does not establish the Petitioner is well positioned to advance the proposed endeavor, she is not eligible for a national interest waiver. We reserve our opinion regarding whether the record satisfies the third *Dhanasar* prong. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, in addition to the requisite second prong, we conclude that the Petitioner has not established eligibility for, or otherwise merits, a national interest waiver as a matter of discretion.

ORDER: The appeal is dismissed.