

October 11, 2022

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services

VLADISLAV GURABANIDZE
c/o NATIA KOIAVA
2271 OCEAN AVE APT 5
BROOKLYN, NY 11229



LIN2290056758

RE: VLADISLAV GURABANIDZE
I-140, Immigrant Petition for Alien Worker

REQUEST FOR EVIDENCE

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER. THE ORIGINAL NOTICE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested below. Include duplicate copies if you are requesting consular notification.

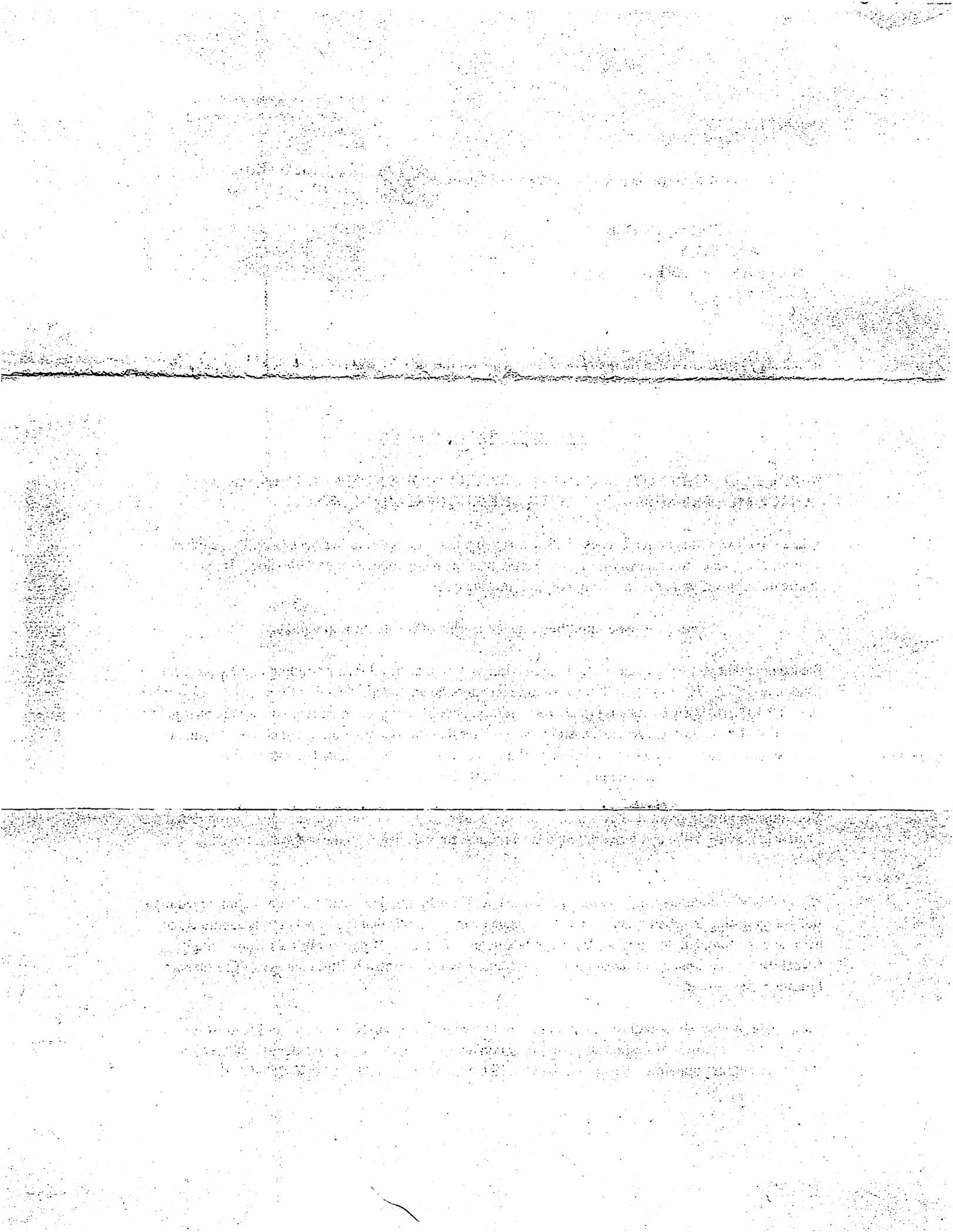
Your response must be received in this office by January 6, 2023.

Please note that you have been allotted the maximum period allowed for responding to a Request for Evidence (RFE). The time period for responding cannot be extended. 8 Code of Federal Regulations (8 CFR) 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. See 8 CFR 103.2(b)(11).

If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.**

Processing of your I-140 will resume upon receipt of your response. If you have not heard from USCIS within **60 days of responding**, you may contact the USCIS Contact Center at **1-800-375-5283**. If you are hearing impaired, please call the USCIS Contact Center TDD at **1-800-767-1833**.



You have filed Form I-140, Immigrant Petition for Alien Worker, on behalf of VLADISLAV GURABANIDZE, seeking E21 immigrant classification on November 24, 2021. In addition, you have indicated that you are seeking a National Interest Waiver of the job offer requirement.

In order to establish eligibility, the petitioner must establish that:

- The beneficiary qualifies for the requested classification; and
- An exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States.

Proposed endeavor

According to the cover letter / petitioners statement, the petitioner wants “to work in information technology in the USA and do many useful projects for the USA. I want to open LLC Company in USA” as well as “to develop information technology in the United States and work in the field of information technology and create creative projects, web projects and mobile applications.”

Additionally, the petitioner has multiple projects he wants to create and develop, as explained:

- A mobile application that will facilitate ordering food in restaurants in the United States
- Add the ability to view real estate videos on websites
- Create a website that sells fruits, vegetables and berries online
- Create a website for selling tours and travel services
- An online jewelry store
- A large-scale project to improve transportation services
- A website for people who are looking to move furniture
- Launching a website for the sale of medical education services

E21 Advanced Degree

To establish that the beneficiary is a professional holding an advanced degree, you must submit:

- An official academic record showing that the beneficiary has a U.S. advanced degree (or a foreign equivalent degree); or
- An official academic record showing that the beneficiary has a U.S. baccalaureate degree (or a foreign equivalent degree), and evidence in the form of letters from current or former employer(s) showing that the beneficiary has at least five years of progressive post-baccalaureate experience in the specialty.

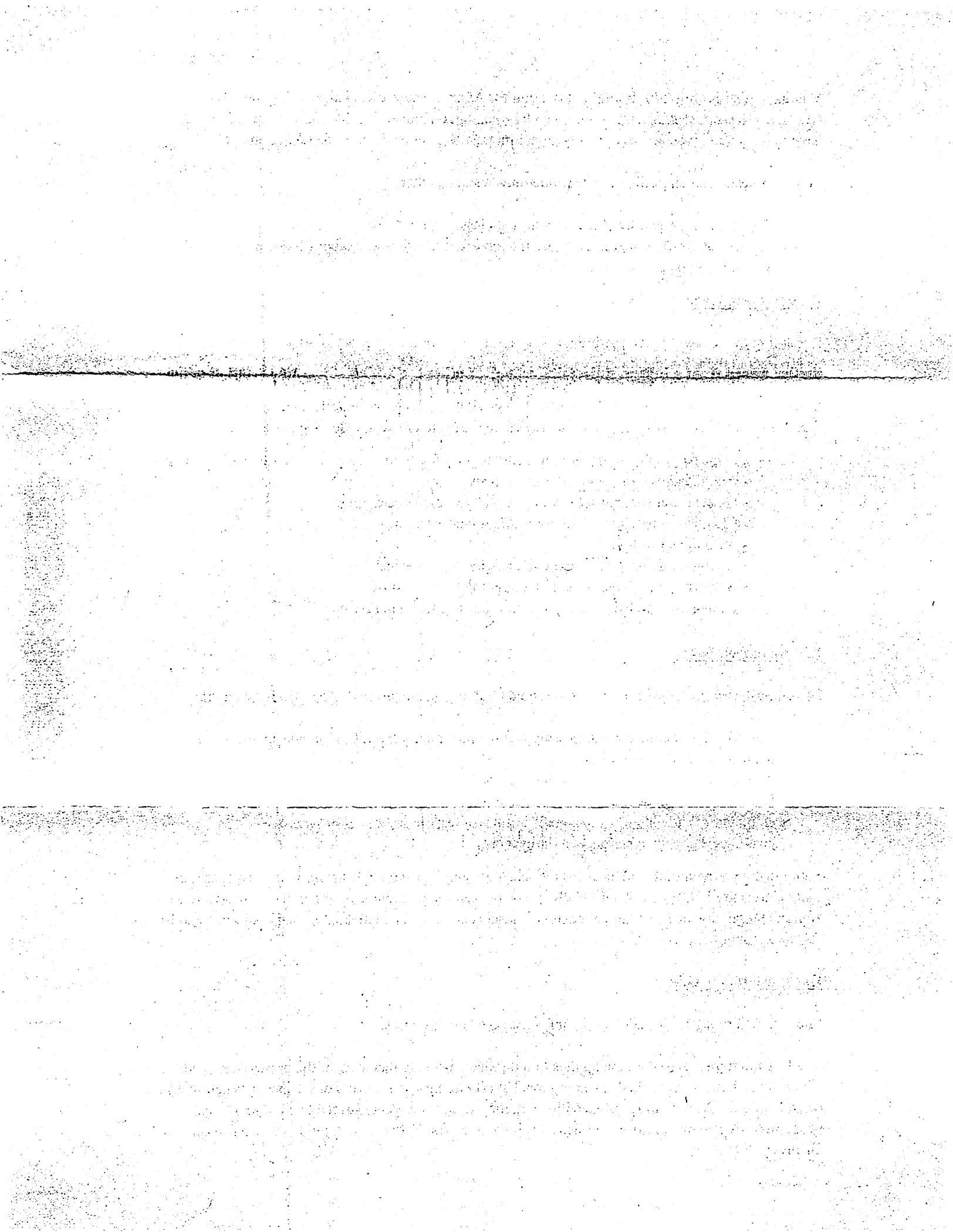
Submitted with the initial evidence was a Bachelors degree in economics from Ivane Javakhishvili State University in Georgia. Additionally, you have submitted documentation in the form of a letter Action Digital, however, additional documentation is needed. The letter submitted does not establish a full five years of experience.

E21 Exceptional Ability

The beneficiary intends to work in the information technology field.

The E21 immigrant classification applies to individuals who are members of the professions holding advanced degrees or individuals of exceptional ability in the sciences, arts or business. When seeking consideration as an individual of exceptional ability, it must be demonstrated that the individual possesses a degree of expertise significantly above that ordinarily encountered in the sciences, arts or business.





A two-part analysis is used to determine whether the beneficiary has exceptional ability in the sciences, arts, or business.

- First, we determine whether the petitioner has submitted evidence to qualify under at least three of the criteria required for this classification.
- Second, we determine whether the petitioner has submitted evidence demonstrating that the beneficiary possesses a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

All evidence submitted should address both parts of the analysis. A discussion follows addressing the evidence you have provided with the petition.

(i) An official academic record showing that the beneficiary 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;

Submitted with the initial evidence was a Bachelors degree in economics from Ivane Javakhishvili State University in Georgia. Therefore, this criteria has been met.

(ii) Evidence in the form of letter(s) from current or former employer(s) showing that the beneficiary has at least ten years of full-time experience in the occupation for which he or she is being sought;

You have submitted documentation in the form of letter(s) from current or former employer(s); however, additional documentation is needed. The letter(s) do not establish a full ten years To satisfy this criterion, you may submit:

- Employment verification letters on official employer letterhead from the Human Resources Department, or other equivalent department authorized by the employer to verify employment stating the:
 - Dates of employment; and,
 - Statement of the duties performed while in the position.

(iii) A license to practice the profession or certification for a particular profession or occupation;

This criterion has not been met because the license/certification do not establish that the beneficiary's profession or occupation requires them. To satisfy this criterion, you may submit:

- Documentary evidence to establish that the occupation requires the license or certification possessed by the beneficiary.
- Any other relevant evidence.

(iv) Evidence that the beneficiary has commanded a salary, or other remuneration for services, which demonstrates exceptional ability;

Submitted as evidence was annual income statements, tax documents and paperwork from Geostat, a National statistics office of Georgia average monthly earnings. Taking these into account, this criteria has been met.

(v) Evidence of membership in professional associations;

The petitioner submitted evidence of membership status with

- GDC
- Scientific Cyber Security Association
- Georgian Professional Information Technologies Specialists
- Institute of Electrical and Electronic Engineers (IEEE)

Therefore, this criteria has been met.

(vi) Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.

Multiple certificates of completion and excellence were submitted as evidence. However, this criterion has not been met because the evidence does not indicate that the achievements and significant contributions to the industry or field have been recognized by peers, governmental entities, or professional or business organizations. To assist in determining that the achievements and significant contributions to the industry or field have been recognized by peers, governmental entities, or professional or business organizations, you may submit:

- Documentary evidence that the beneficiary's achievements and significant contributions have provoked widespread public commentary in the field.
- Testimony and/or support letters from experts which discuss the beneficiary's achievements and significant contributions to the industry or field (See note below).
- Documentary evidence of the beneficiary's work being implemented by others. Possible evidence may include but is not limited to:
 - Contracts with companies using the beneficiary's products;
 - Licensed technology being used by others;
 - Patents currently being utilized and shown to be significant to the field.
- Other contributions with documentary evidence to show the achievements and significant contributions to the industry or field have been recognized by peers, governmental entities, or professional or business organizations

If you are submitting comparable evidence:

- Submit evidence to establish that the six criteria do not apply to the beneficiary's field of endeavor; or,
- The reasons the required evidence is not available.

As discussed above, the beneficiary has met at least three of the criteria above, and therefore qualifies under this category as someone with exceptional ability.

National Interest Waiver

USCIS may grant a national interest waiver as a matter of discretion if the petitioner demonstrates by a preponderance of the evidence that:

- The beneficiary's proposed endeavor has both substantial merit and national importance;
- The beneficiary is well positioned to advance the proposed endeavor; and
- On balance, it would be beneficial to the United States to waive the requirements of a job offer

and thus of a labor certification.

If these three elements are satisfied, USCIS may approve the national interest waiver as a matter of discretion.

The evidence does not establish that any of the prongs of Dhanasar have been met. Therefore, USCIS requests additional evidence.

Dhanasar Prong 1 - Substantial Merit and National Importance

Please submit evidence to establish that the beneficiary's proposed endeavor has substantial merit and national importance. This evidence must demonstrate the endeavor's potential prospective impact. You submitted the following list to establish that the petitioner meets this requirement:

- Petitioner's statement
- "Financial plan of the project of development of a website for sale of medical services"
- Letters of recommendation
- Information about Imedi Media Holding
- Student ID card
- Extract from registry of entrepreneurs and non-entrepreneurial legal entities
- Umbrella Group LLC registration
- Polipro LLC registration
- Petitioner's employment history
- Bachelors degree, Ivane Javakishvili State University, Georgia, plus transcript
- Certificates of completion, excellence and participation in conferences and classes
- Background information on computer science jobs
- Screen shots of a personal website the petitioner created
- Articles authored by the petitioner
- Tax returns 2009-2010
- Annual income statement
- Geostat, National statistics office of Georgia average monthly earnings
- Letter of experience, Action Digital
- Memberships with
 - GDC
 - Scientific Cyber Security Association
 - Georgian Professional Information Technologies Specialists
 - IEEE

To evaluate whether the proposed endeavor satisfies the national importance requirement USCIS looks to evidence documenting the "potential prospective impact" of the petitioner's particular undertaking. While you asserts that the national importance of the your endeavor is evident, you have not demonstrated that the economic implications of your proposed projects would extend to a level that holds national importance.

The petitioner states he "wants to open LLC Company in the USA". He has not demonstrated that his proposed endeavor has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for the United States. Here, the petitioner has not shown that the wider economic effects it is claiming as a U.S. company are implications of his specific proposed endeavor. Because the petitioner has not provided sufficient information or evidence regarding any projected U.S. economic impact or job creation attributable to his future information technology work, it has not shown that benefits to the regional or national economy resulting from his projects would reach the

level of "substantial positive economic effects" contemplated by *Dhanasar. Id.* at 890.

Furthermore, the issue here is not the broader implications of the petitioner's innovations in information technology, but rather the potential prospective impact of his specific proposed work. The record does not show that the Petitioner's proposed endeavor stands to sufficiently extend beyond his company, future clientele, or business partnership to impact his field or the IT industry more broadly at a level commensurate with national importance.

The evidence submitted is insufficient to establish your proposed endeavor has national importance. While it is important for the nation to have quality information technologists, the national interest waiver does not contain a blanket waiver for all individuals who strive to work in the field. You have not submitted sufficient evidence to show how your proposal to continue your career in the United States will be beneficial to the United States on the national level.

Additionally, a review of the petitioner's evidence does not clarify his proposed endeavor, nor persuasively establish its national importance. The petitioner provided online commentary from academic and news sources asserting the significance and relevance of the information technology field. However, 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." See *Id.* at 889. Although the Petitioner asserted that he has multiple project ideas, he has not provided sufficient documentation to substantiate these claims.

For instance, the petitioners idea of a mobile application that will facilitate ordering food in restaurants in the United States, he has not asserted that this application is new or different from other applications that are already used in the industry. Furthermore, USCIS observes evidence that many others work to develop their own applications on similar topics. The record contains insufficient evidence to support a finding that the petitioner's projects have offered novel insights. The petitioner's second project is to add the ability to view real estate videos on websites. Again, he has not asserted that this application is new or different from other applications that are already used in the industry. The same applies to the other projects as well.

In this petition, the petitioner has not demonstrated that the specific endeavor he proposes to undertake has significant potential to employ U.S. workers or otherwise offers substantial positive economic effects for our nation as contemplated by *Dhanasar*. The petitioner has not demonstrated that his proposed "LLC Company" is similar to any of the listed endeavors, such that he would meet the national importance portion of the first prong.

Evidence to establish that the beneficiary's proposed endeavor has substantial merit consists of, but is not limited to, the following:

- A detailed description of the proposed endeavor and why it is of substantial merit; and
- Documentary evidence that supports the petitioner's statements and establishes the endeavor's merit.

Evidence to establish that the beneficiary's proposed endeavor has national importance consists of, but is not limited to, the following:

- A detailed description of the proposed endeavor and why it is of national importance,
- Documentary evidence that supports the petitioner's statements and establishes the endeavor's national importance. Such evidence must demonstrate the endeavor's potential prospective

- impact, and may consist of, but is not limited to, evidence showing that the proposed endeavor:
- o Has national or even global implications within a particular field;
 - o Has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area;
 - o Will broadly enhance societal welfare or cultural or artistic enrichment; and
 - o Impacts a matter that a government entity has described as having national importance or is the subject of national initiatives.

Dhanasar Prong 2 - Well positioned to Advance Proposed Endeavor

Please submit evidence to establish that the beneficiary is well positioned to advance the proposed endeavor. You submitted the following list to establish that the petitioner meets this requirement:

- Petitioner's statement
- "Financial plan of the project of development of a website for sale of medical services"
- Letters of recommendation
- Information about Imedi Media Holding
- Student ID card
- Extract from registry of entrepreneurs and non-entrepreneurial legal entities
- Umbrella Group LLC registration
- Polipro LLC registration
- Petitioner's employment history
- Bachelors degree, Ivane Javakhishvili State University, Georgia, plus transcript
- Certificates of completion, excellence and participation in conferences and classes
- Background information on computer science jobs
- Screen shots of a personal website the petitioner created
- Articles authored by the petitioner
- Tax returns 2009-2010
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 - o IEEE

USCIS acknowledges that evidence of the impact of the petitioner's past work has had provides a basis to suggest that his future work will have a similar impact, this past acclaim does not in itself establish the national importance of the proposed endeavor. Here, the petitioner has not identified the specific nature of his proposed future activities so that USCIS might determine the endeavor's possible impact. USCIS acknowledges that the petitioner's education and prior work experience has added to the overall body of knowledge in the information technology field, but this is the goal of all such research or work; general assertions that the petitioner's work has influenced the field does not persuasively show that it would be beneficial to the U.S. to waive requirements of a job offer and thus waive the labor certification.

The petitioner submitted multiple letters of recommendations from other individuals in the field. However, the authors did not discuss the petitioners proposed future endeavor. The authors primarily focused on the petitioners past work. As such, these letters do not assist in USCIS's understanding of the proposed endeavor.

USCIS notes that the witness letters submitted are from individuals who are professionally acquainted with you. While it is true that the authors of these letters appear to work in the same field, the record, at present does not persuasively establish that you have had a substantial impact in the field of endeavor. It would be generally expected that someone who has had such a substantial impact on the field that the granting of a national interest waiver would be warranted, would be known outside the circle of his or her personal acquaintances. In addition, the opinions of experts in the field, while not without weight, cannot form the cornerstone of a successful claim for classification as a professional holding an advanced degree who is also requesting a national interest waiver.

Furthermore, the letters provided were all extremely similar. For example, the letters from Shalva Kavtaradze, Temur Mstoisani, and Niko Gogoladze all say verbatim "Too many web specialists would like to work with him". All three of those authors also have another line that is very similar "He will use his talent and potential to create many good and useful web projects". Similar recommendation letters like these indicate to USCIS that they went off a template, and therefore hold less sway.

The petitioner's statement vaguely outlined multiple projects he wants to work on in the US. However, no plan describing how he intends to continue his work in the United States or business model were provided.

Evidence which best establishes that the beneficiary is well positioned to advance the proposed endeavor will document the beneficiary's qualifications (skills, experience and track record), support (financial and otherwise) and commitment (plans and progress) to drive the endeavor forward, and will support projections of future work in the proposed endeavor. USCIS may consider factors including, but not limited to, the following:

- The beneficiary's education, skills, knowledge, and record of success in related or similar efforts. To show a beneficiary's education, skills, knowledge, and record of success in related or similar efforts, the petitioner may submit one or more pieces of evidence from the following non-exhaustive list:
 - Patents, trademarks, or copyrights owned by the beneficiary;
 - Letters from experts in the beneficiary's field, describing the beneficiary's past achievements and providing specific examples of how the beneficiary is well positioned to advance his or her endeavor. Testimonial letters should include information about the expert's own credentials, such as a curriculum vitae;
 - Documentation demonstrating a strong citation history;
 - Evidence that the beneficiary's work has influenced his or her field of endeavor;
 - Evidence demonstrating the beneficiary has a leading, critical or indispensable role in the endeavor or similar endeavors; and
 - Evidence showing that the beneficiary's past inventions or innovations have been used or licensed by others in the field.
- A model or plan for future activities. To show a model or plan for future activities, the petitioner may submit one or more pieces of evidence from the following non-exhaustive list:
 - A plan describing how the beneficiary intends to continue his or her work in the United States;
 - A detailed business model, when appropriate;
 - Correspondence from prospective/potential employers, clients or customers; and
 - Documentation reflecting feasible plans for financial support.
- Any progress towards achieving the proposed endeavor. To show progress towards achieving the proposed endeavor, a petitioner may submit one or more pieces of evidence from the

following non-exhaustive list:

- Evidence of grants the beneficiary has received listing the amount and terms of the grants, as well as the grantees;
 - Copies of contracts, agreements, or licenses resulting from the proposed endeavor or otherwise demonstrating the beneficiary is well positioned to advance the proposed endeavor;
 - Evidence of achievements that the beneficiary intends to build upon or further develop (including the types of documentation listed under “beneficiary’s education, skills, knowledge, and record of success in related or similar efforts”); and
 - Evidence demonstrating the beneficiary has a leading, critical or indispensable role in the endeavor.
- The interest of potential customers, users, investors, or other relevant entities or individuals. To show interest of potential customers, investors, or other relevant individuals, a petitioner may submit one or more pieces of evidence from the following non-exhaustive list:
 - Letters from a government entity demonstrating its interest in the proposed endeavor;
 - Evidence that the beneficiary has received investment from U.S. investors, such as venture capital firms, angel investors, or start-up accelerators, in amounts that are appropriate to the relevant endeavor;
 - Evidence that the beneficiary has received awards, grants, or other indications of relevant non-monetary support (for e.g., using facilities free of charge, etc.) from Federal, State, or local government entities with authority over the field of endeavor;
 - Evidence demonstrating how the beneficiary’s work is being used by others, such as:
 - Contracts with companies using products, projects, or services that the beneficiary developed or assisted in developing;
 - Documents showing licensed technology or other procedural or technological advancements developed in whole or in part by the beneficiary and relied upon by others; and
 - Patents or licenses awarded to the beneficiary with documentation showing why the particular patent or license is significant to the field.
 - Other evidence that the beneficiary is well-positioned to advance the endeavor.

Note: The beneficiary may be well positioned to advance the endeavor even if there is no certainty that the proposed endeavor will be a success. However, unsubstantiated claims are insufficient and would not meet the petitioner’s burden of proof.

Dhanasar Prong 3 - On balance, is it beneficial to the United States to waive the requirements of a job offer and thus a labor certification

Please submit evidence to establish 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. This balance was described in *Dhanasar* as on one hand protecting the domestic labor supply through the creation of the labor certification process, while on the other hand recognizing that in certain cases the benefits inherent in the labor certification process can be outweighed by other factors that are also deemed to be in the national interest. You submitted the following list to establish that the petitioner meets this requirement:

- Petitioner’s statement
- “Financial plan of the project of development of a website for sale of medical services”
- Letters of recommendation
- Information about Imedi Media Holding



- Student ID card
- Extract from registry of entrepreneurs and non-entrepreneurial legal entities
- Umbrella Group LLC registration
- Polipro LLC registration
- Petitioner's employment history
- Bachelors degree, Ivane Javakhishvili State University, Georgia, plus transcript
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Please submit evidence to establish 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. This balance was described in *Dhanasar* as on one hand protecting the domestic labor supply through the creation of the labor certification process, while on the other hand recognizing that in certain cases the benefits inherent in the labor certification process can be outweighed by other factors that are also deemed to be in the national interest.

The evidence you have submitted is not sufficient to justify foregoing the labor certification process in your case. You must submit additional evidence to establish your contributions and proposed endeavor is sufficiently urgent that, assuming other qualified U.S. workers are available, the United States would benefit from your contributions.

USCIS may evaluate factors including, but not limited to, the following:

- Whether, in light of the nature of the beneficiary's qualifications or proposed endeavor, it would be impractical either for the beneficiary 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 beneficiary's contributions;
- Whether the national interest in the beneficiary's contributions is sufficiently urgent to warrant foregoing the labor certification process;
- Whether the beneficiary's endeavor may lead to potential creation of jobs; and
- Whether the beneficiary is self-employed in a manner that generally does not adversely affect U.S. workers.

Withdrawal

If you wish to withdrawal this petition, please submit your request in writing. The fee is paid for the filing of the petition and cannot be refunded.

PLACE THIS ENTIRE LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF



**EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND
MAY RESULT IN A DENIAL. PLEASE USE THE ENCLOSED ENVELOPE TO MAIL THE
ADDITIONAL EVIDENCE REQUESTED BACK TO THIS OFFICE.**

Sincerely,



L. Miller
Director
Officer: 0032

