U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37801018

Date: APR. 17, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner, an entrepreneur, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Service Center Operations (SCOPS) denied the petition, concluding the Petitioner did not establish that he was eligible for EB-2 classification or a national interest waiver as a matter of discretion. We dismissed the Petitioner's appeal and a subsequently filed motion to reopen. The matter is now before us again on a second motion to reopen.

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). Upon review, we will dismiss the motion.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i), (ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

On motion, the Petitioner submits two new documents titled "[redacted]" and "[redacted]" He also resubmits a letter written by Professor [redacted] at the [redacted] The Petitioner asserts that these documents, along with previously submitted evidence, establishes he is a member of the professions holding an advanced degree and that he merits a national interest waiver.

The Petitioner has not provided new facts to establish reopening is warranted in this case. The documents submitted do not overcome the deficiencies in the evidence discussed in our prior decision. As we previously stated, the record lacks evidence of an official academic record, such as a diploma

or transcript, establishing the Petitioner's completion of the Master of Science degree program. 8 C.F.R. § 204.5(k)(3)(i). While the Petitioner contends that he provided a "digitally signed digital diploma" and that Professor [redacted] letter "clearly establishes" a degree from the [redacted] is equivalent to those granted by U.S. accredited institutions, the record does not reflect that these documents are *official* academic records. 8 C.F.R. § 204.5(k)(3)(i). The Petitioner also has not addressed, and the documents submitted on motion do not overcome, the concerns previously noted with regard to his academic evaluation and the U.S. equivalency of his foreign degree.

Accordingly, the Petitioner has not provided new facts to establish that we erred in dismissing the prior motion. Based on the record, the motion must be dismissed.

ORDER: The motion to reopen is dismissed.