U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 36312869

Date: APRIL 23, 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 or as an individual of exceptional ability, 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 Director of the Texas Service Center denied the petition, concluding that the Petitioner did not establish his qualification for EB-2 classification or his eligibility for a national interest waiver. We dismissed a subsequent appeal because the Petitioner waived consideration of the Director's adverse decision regarding his eligibility for EB-2 classification. We dismissed two subsequent motions to reopen as untimely filed and dismissed the Petitioner's third and fourth combined motions to reopen and reconsider. The matter is now before us for a fifth time on combined motions to reopen and reconsider.

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 motions.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). 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.

On motion, the Petitioner does not assert new facts but submits additional evidence. The Petitioner does not articulate how any of the additional evidence establishes his eligibility for EB-2 classification. The Petitioner also does not identify any legal or policy error in our prior decision dismissing his fourth combined motions to reopen and reconsider and does not establish that our prior decision was incorrect based on the evidence of record at the time of our prior decision.

The Petitioner asserts he meets the first prong of the framework for adjudicating national interest waiver petitions explicated in *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). The Petitioner claims his proposed endeavor has substantial merit and national importance because his role as operations manager in his event planning and management company "contributes to business efficiency, employment growth, and economic stimulation, especially in Florida's growing event management sector." The Petitioner asserts his business plan "details the projected job creation, expected revenue growth, and [his] company's contribution to the U.S. economy."

The Petitioner's business plan does not support his claim. The business plan projects the company will employ four people in the first year, increasing to 12 people in the fifth year. These projections do not indicate the Petitioner's company has significant potential to employ U.S. workers as the business plan states there were 149,000 event planner jobs in 2023. The business plan estimates the company's net profit will be $48,280 in the first year, increasing to $296,424 in the fifth year. These projected profits do not demonstrate substantial positive economic effects in the event services market which the business plan states was valued at $70.3 billion in 2022 or in the corporate event market which the business plan states generated $95.3 billion in revenue in 2020. *See id.* at 890 (discussing significant potential to employ United States workers and other substantial positive economic effects as indicative of national importance).

The Petitioner's claims and his business plan are insufficient to establish the national importance of his proposed endeavor and that he meets the first *Dhanasar* prong. The Petitioner does not identify any other evidence submitted on motion as supporting his claim that he meets the first *Dhanasar* prong. As this issue is dispositive of the Petitioner's motion, we decline to reach and hereby reserve determination of his eligibility under the second and third prongs of the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach").

Although the Petitioner has submitted additional evidence in support of the motion to reopen, the Petitioner has not established eligibility. On motion to reconsider, the Petitioner has not established that our previous decision was based on an incorrect application of law or policy based on the record at the time we issued our decision. Therefore, the motions will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.