U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 36027104

Date: APR. 23, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner, Chief Executive Officer (CEO) for an agribusiness development company, 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).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. We dismissed a subsequent appeal. The matter is now before us 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. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

In our prior decision, we determined the Petitioner did not meet the first prong of the analytical framework in *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016), to adjudicate national interest waiver petitions. We concluded the Petitioner did not establish the national importance of his proposed endeavor. *See id.* at 889 (providing in relevant part that, to establish eligibility for a national interest waiver, the petitioner must establish that their specific proposed endeavor has national importance).

On motion to reopen, the Petitioner does not assert any new facts and does not submit any new evidence. His submission does not meet the requirements of a motion to reopen.

On motion to reconsider, the Petitioner asserts we "exclusively focused" on the consulting services of his proposed endeavor and failed to consider that it included providing "both course offerings and knowledge dissemination." However, in our prior decision we stated the Petitioner described his proposed endeavor as serving as the CEO of his California company, [redacted] which will "offer a complete line of courses, training, seminars, and workshops (online e presential [sic]) focused on maximizing efficiency and productivity for Agribusiness companies, especially by exploring new methods and technology to this industry, including topics related to the Internet of Things (IoT), and finally, providing strategic consultancy, planning, and development of IoT structures to implement such new technologies for companies around the US."

In addition, the Petitioner reasserts that his proposed endeavor has national importance because it will make numerous significant contributions to the United States. The Petitioner maintains that his endeavor's course offerings, knowledge dissemination, and consultancy will address clients' operational improvements and challenges facing U.S. agriculture, such as optimizing resource use, reducing waste, and enhancing crop yields. He highlights information "extracted" from his business plan and provides further descriptions of his endeavor's trainings and strategies for marketing them. In addition, the Petitioner submits articles regarding the benefits and challenges of precision agriculture technologies to make farms more efficient, which he claims demonstrate how his company will significantly contribute to United States' agribusiness interests.

We do not discount the importance of agribusiness development. However, the determination of national importance does not focus on the importance of the field in general, but "focuses on the specific endeavor that the foreign national proposes to undertake." *Id.* In our prior decision, we explained that the evidence did not show the Petitioner's proposed endeavor would sufficiently extend beyond his company and clients to have broader implications in the agribusiness training and consultancy fields on a scale indicative of national importance.

The Petitioner's submission does not meet the requirements of a motion to reopen. On motion to reconsider, the Petitioner has not established that our previous decision was based on an incorrect application of law or policy 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.