U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 32523635

Date: AUG. 06, 2024

Motion on Administrative Appeals Office Decision

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

The Petitioner seeks second preference immigrant classification, as well as a national interest waiver of the job offer requirement attached to this EB-2 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 a waiver of the required job offer, and thus of the labor certification, would not be in the national interest. We dismissed a subsequent appeal. The matter is now before us on motion to 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 motion.

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). Our review on motion is limited to reviewing our latest decision. 8 C.F.R. § 103.5(a)(1)(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 a brief, in which she reiterates her belief that she qualifies for the requested classification. In our prior decision, incorporated here by reference, we determined that the Petitioner had not provided sufficient information to illustrate how her proposed endeavor would have substantial merit and national importance. We noted that the Petitioner stated that she was seeking to become a Judicial Law Clerk, and simultaneously discussed her goal of offering international trade consulting services to firms in the United States and abroad; however, she did not explain how she would apportion her time between working as a public sector judicial law clerk and working as an international trade consultant in the private sector. As a result, we concluded that she had not sufficiently established that her proposed endeavor in the United States would have substantial merit and national importance. *See Matter of Dhanasar*, 26 I&N Dec. 889-890 (AAO 2016).

In the brief submitted with her motion, the Petitioner states that she "truly believes that she fulfills the three-prong framework outlined in" *Dhanasar*. The Petitioner again outlines "key aspects" of the duties of a judicial law clerk and asserts their "national significance." However, notably, the Petitioner does not directly address our conclusions in our decision to dismiss her appeal and does not seek to clarify the details of her specific proposed endeavor. She further does not assert that our prior decision was based on an incorrect application of law or policy at the time we issued our decision. As a result, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reconsider is dismissed.