U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 33329969

Date: AUG. 14, 2024

Motion on Administrative Appeals Office Decision

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

The Petitioner, a supply chain specialist, 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, asserting that our dismissal misinterpreted or misapplied legal principals or policies, but does not specify which principals and policies were interpreted incorrectly. In our prior decision, incorporated here by reference, we explained that although the record indicates the Petitioner has "in-depth technical knowledge and distinguished skills" in supply chain management, his expertise relates to the second prong of the Dhanasar framework, and does not establish the national importance of his endeavor. We concluded that as the Petitioner asserts, there may be a shortage of professionals in the industry, but he does not explain how filling his position would have a national influence. Finally, we noted that the Petitioner did not sufficiently detail the proposed endeavor beyond working in the supply chain industry. As a result, we determined that he had not sufficiently established that the 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).

The Petitioner states that he has "meticulously provided abundant evidence that extends far beyond mere sufficiency, establishing the broad and national significance of his proposed endeavor." The Petitioner refers to the letters of support, his progressive accomplishments and the potential job opportunity, restating the matters discussed on appeal. Notably, the Petitioner does not directly address the conclusions in our decision to dismiss the appeal and does not seek to clarify the details of the specific proposed endeavor or provide support as to how it would have national importance. Further, the Petitioner alleges a misapplication of law and policy but fails to identify those laws and policies in which we erred in our interpretation. Disagreements with our conclusions without showing that we erred as a matter of law or pointing to policy that contradicts our analysis of the evidence is not a ground to reconsider our decision. *See O-S-G-*, 24 I&N Dec. at 58. The Petitioner's motion does not meet the applicable requirements of a motion to reconsider because he does not establish that our decision was based on an incorrect application of law or policy. *See* 8 C.F.R. § 103.5(a)(3).

The Petitioner has not shown that we erred as a matter of law or policy. Consequently, we have no basis for reconsideration of our decision. Accordingly, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reconsider is dismissed.