U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 33485149

Date: AUGUST 16, 2024

Motion on Administrative Appeals Office Decision

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

The Petitioner, an attorney, seeks employment-based second preference (EB-2) immigrant classification as an advanced degree professional or 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 Nebraska Service Center 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 the Petitioner's subsequent appeal. The matter is now before us on a 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). 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).

In our prior decision, incorporated here by reference, 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 her 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, the Petitioner reiterates that her proposed endeavor is to create a consulting company that will provide legal consulting services to help United States companies do business with Brazilians and help Brazilian companies in the United States. She states her proposed endeavor "furthers the goals and objectives of the U.S. in maintaining and further expanding its economic relationship with Brazil."

The Petitioner explains that through successful negotiations between U.S. companies and Brazilian companies, she will have "a broader, positive impact on the economic and trade relationships between the U.S. and Brazil." The Petitioner made this same claim on appeal. In our prior decision, we explained that the Petitioner did not establish how her proposed endeavor would have broader implications for the trade relationship between the United States and Brazil beyond the scope of the clients she would serve. *See id.* (explaining "we look for broader implications").

On motion, the Petitioner quotes several sections of the Director's denial decision and asserts error in the Director's decision. The Petitioner does not quote, cite, or otherwise reference any part of our prior decision. The Petitioner submits copies of evidence previously submitted and does not state any new facts. Without the identification of any error in our prior decision or any new facts supported by documentary evidence, the Petitioner's submission does not meet the requirements for a motion to reopen. Consequently, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.