U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 35851569

Date: DEC. 19, 2024

Motion on Administrative Appeals Office Decision

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

The Petitioner, a finance technologist, seeks employment-based second preference (EB-2) immigrant classification as an advanced degree professional, as well as a national interest waiver of the job offer requirement attached to this classification. Section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). The Director of the Texas Service Center denied the petition, concluding that although she qualifies for the underlying EB-2 classification as an advanced degree professional, she did not establish that a waiver of the required job offer, and thus labor certification, would be in the national interest because the record did not satisfy any of the requisite three prongs as set forth in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016). While we acknowledged the Director's finding on the EB-2 classification, we dismissed a subsequent appeal, concluding that the evidence did not satisfy *Dhanasar*'s national importance prong. Given that any one of *Dhanasar*'s three prongs is dispositive, we did not reach the second and third *Dhanasar* prongs for a national interest waiver. This matter is now before us on a motion to reconsider. We will dismiss the motion.

A motion to reconsider must show 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 proceeding 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 a motion that meets these requirements and establishes eligibility for the benefit sought. Petitioners must establish their eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010).

In our prior decision dismissing the appeal, we determined, as did the Director, that although the Petitioner's proposed endeavor to continue to work as a finance technologist for a U.S. electric power company has substantial merit, the evidence did not demonstrate that it has national importance, as required under the first prong of *Matter of Dhanasar*, 26 I&N Dec. at 889-890. We specifically adopted and affirmed the Director's detailed decision pertaining to this issue; further discussed relevant key factors and evidentiary shortcomings by highlighting certain documents the Petitioner submitted below; and provided a reasoned consideration in concluding that the record did not establish the claimed national importance of her proposed endeavor as a company finance employee.

On motion, the Petitioner asserts that we applied a stricter standard of proof, and further claims we misinterpreted and misapplied the *Dhanasar* framework as well as related law and policy. However, other than these general assertions she does not clearly identify any incorrect application of law or

policy in our prior decision or specify how we erred based on the evidence then before us that would warrant reconsideration. The Petitioner alleges that we improperly "focus[ed] solely on her specific [proposed] role" as a company finance technologist "versus the industry's importance," in addressing the issue of national importance. However, she does not explain why or how this constitutes error, particularly given *Dhanasar*'s instruction to consider and focus on the *specific* endeavor's prospective impact in assessing *its* national impotence, rather than the importance of her qualifications, profession, or industry, on which she primarily relied in claiming that her proposed work has far-reaching significance. *Dhanasar*, 26 I&N Dec. at 889-890. She also reiterates her eligibility assertions and the claimed relevance of her supporting documents. But in our prior decision, we specifically addressed that the documents the Petitioner highlighted below and again on motion pertain to *Dhanasar*'s second prong, which "shifts the focus from the proposed endeavor to the foreign national." *Id.* at 890.

The Petitioner further asserts that we overlooked certain documents, including her updated statement, two expert letters, and "probative research" documents, which she claims "clearly demonstrate[] the national importance of [her] specific proposed endeavor." However, we previously addressed these documents and related assertions, and determined (as did the Director, and as stated) that they focus on her experience, skills, and the value of her profession, and relates to *Dhanasar*'s second prong and whether she is well positioned to advance her endeavor, rather than *Dhanasar*'s first prong. *Id.* at 890. We further appropriately concluded, in adopting and affirming the Director's detailed decision, that the record lacks specific, objective, and probative evidence that the proposed company work will have broader implications in her field beyond her employer and its clientele as she claimed, have significant potential to employ U.S. workers, or otherwise have substantial positive economic or societal effects.

The Petitioner nonetheless continues to assert that her proposed endeavor to continue to work in finance for a U.S. company will broadly impact and also promote the development of other areas "directly tied to key national priorities," including economic stability, growth, energy security, innovation, and advancement of "STEM skills." However, as we and the Director specifically noted, the record evidence (primarily including her declarations, support letters, and general industry reports) did not establish that the proposed work has broader implications for the related fields and industries, or it specifically furthers the stated objectives in a nationally significant manner that would directly be attributable to her specific endeavor, or otherwise demonstrate national importance. We have fully considered previously the aforementioned documents as well as the Petitioner's motion assertions of error and eligibility claims, which are largely similar, if not nearly identical, to her appeal assertions, and provided a reasoned analysis under the applicable standard of proof and relevant precedent when we dismissed her appeal. *See, e.g.*, *Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006) (explaining that a motion to reconsider is not a process by which the party may reiterate in essence, the same assertions and seek reconsideration by generally alleging error in the prior decision).

Apart from making the above assertions in a conclusive manner, reiterating the same arguments, and generally disagreeing with our determination as to the claimed national importance of her proposed endeavor, the Petitioner has not meaningfully apprised us of how we erred based on the evidence before us at the time of our decision. 8 C.F.R. § 103.5(a)(3). As the Petitioner has not established that we applied incorrect law or policy in our prior decision, or that it was incorrect based on the evidence then before us, she has not met the requirements of a motion to reconsider. 8 C.F.R. § 103.5(a)(3).

ORDER: The motion to reconsider is dismissed.