U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 34408229

Date: DEC. 20, 2024

Motion on Administrative Appeals Office Decision

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

The Petitioner, an organ transplant coordinator, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced, 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 record did not support a finding 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 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).

On motion, the Petitioner submits a brief in support of the motion and previously submitted evidence including proof of certification as a Clinical Transplant Coordinator, copies of educational documents, and articles and information on organ transplantation. The Petitioner asserts that these documents establish eligibility, as evidence of the national importance of the proposed endeavor in organ donation and transplantation. However, the Petitioner does not submit any new evidence and does not assert any new facts supported by documentary evidence that establish eligibility, as required on motion to reopen. *See* 8 C.F.R. § 103.5(a)(2), (4). As such, her submission does not meet the requirements of a motion to reopen, and her motion must be dismissed. We will not re-adjudicate the petition anew and, therefore, the underlying petition remains denied.

ORDER: The motion to reopen is dismissed.