U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 35370644

Date: DEC. 31, 2024

Motion on Administrative Appeals Office Decision

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

The Petitioner, an entrepreneur, seeks employment-based second preference (EB-2) immigrant classification as 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 Texas Service Center denied the petition, concluding that the signatures on the submitted forms were not valid. We dismissed a subsequent appeal and motion to reconsider. The matter is now before us on a second 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.

In our prior decision, we indicated that the Petitioner presented the same arguments on motion as that provided in support of her appeal. For example, she asserted that the petition was incorrectly denied instead of being rejected and referred to USCIS' COVID-19 flexibilities, the use of electronic signatures, and the negative consequences of unwarranted denials. The Petitioner also indicated that she did not mistakenly equate electronic signatures with electronically reproduced original signatures and included screen shots of two signatures. We dismissed the motion because the Petitioner did not establish that our previous decision was based on an incorrect application of law or policy at the time we issued our decision.

With the instant motion, the Petitioner asserts that we erred in our prior decision. She reiterates her previous arguments regarding her use of an electronic signature and reliance on relevant regulations, policy guidance, and USCIS' flexibilities related to COVID-19. The Petitioner contends her motion

to reconsider "is not merely based on assertions but is fortified by pertinent precedent decisions" that "serve as valuable references, demonstrating that [her] case aligns with established legal precedents." However, she does not identify the referenced precedent decisions or otherwise provide information to support her assertions. Here, the Petitioner's motion to reconsider does not establish error in the most recent prior decision. Further, we addressed the Petitioner's prior arguments in our earlier decision, and the Petitioner's repetition of the same arguments does not show proper cause for reconsideration.

On motion to reconsider, the Petitioner has not established that our previous decision was based on an incorrect application of law or policy at the time we issued our decision. Therefore, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reconsider is dismissed.