U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 36105863

Date: FEB. 13, 2025

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 a member of the professions holding an advanced degree 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 Texas Service Center denied the petition, concluding that the Petitioner did not establish that a waiver of a job offer would 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.

As background, the Petitioner previously mentioned that his proposed endeavor is to start a company "to undertake the manufacturing and selling of eco-friendly furniture . . . in the United States with reused materials using the latest technological features and advanced wood processing and finishing concepts." He also stated that he will "offer consulting services to other furniture manufacturers in the U.S. on the use of sustainable techniques." We agreed with the Director's finding that the Petitioner did not establish that his proposed endeavor has national importance.

On motion, the Petitioner contests the correctness of our prior decision, which we hereby incorporate by reference. In support of the motion, the Petitioner asserts that our prior decision was based on a misconception that he primarily relied on the general importance of domestic manufacturing and the global eco-friendly furniture market. In our prior decision, we referred to the Petitioner's reliance on

the importance of his industry and mentioned that the relevant question is not the importance of the industry or profession in which the individual will work rather it is the proposed endeavor. However, this was only one part of our decision, we did not mention it was the primary basis of his claim, and we addressed several other aspects of his national importance claim. Specifically, we determined that the Petitioner did not provide evidence to establish that he would employ a significant population of workers in the area the company will operate, that the area in which the company will operate is economically depressed, or that his endeavor would offer the region or its population a substantial economic benefit through employment levels, business activity, or tax revenue. Additionally, we determined that he did not demonstrate the prospective impact directly attributable to his proposed endeavor or establish how his company will impact the industry beyond his customers and the operations of his business; did not show that benefits to the U.S. regional or national economy resulting from his proposed endeavor would reach the level of substantial positive economic effects; and did not offer a sufficiently direct evidentiary tie between his proposed endeavor and the claimed economic results.

Next, the Petitioner asserts that we incorrectly questioned the origin and credibility of his company's financial and employment projections. He states that financial projections listed in business plans do not typically require detailed explanations, and projections are based on established financial forecasting methods, including trend analysis, causal models, and time series analysis. The Petitioner cites to articles on financial forecasting in business plans. He mentions that his business plan provided detailed estimates on how his company plans to create jobs, generate revenue, and stimulate local economic activity, and these were calculated based on credible sources and standard industry methodologies including the Bureau of Economic Analysis RIMS II multipliers. The Petitioner points to the section of his business plan covering market analysis and how it considers population demographics and local business landscapes. We note these claims, however even if we accepted them, his business plan only provides that his company will "hire a total of 32 employees, resulting in payroll expenses of $1,670,828" and sales proceeds of $2,780,304 by its fifth year of operation. These numbers do not establish substantial positive economic effects.

The Petitioner then makes similar claims that he made on appeal. He states that his proposed company will directly impact the U.S. economy and environment; it will promote domestic job creation in manufacturing, supply chain management, and retail, which will have a cross-industry ripple effect; he will offer consulting services to other companies resulting in innovation and eco-conscious manufacturing across the United States; it will serve as a white label company for small and medium sized businesses which will enable them to offer eco-friendly products without needed to invest in complex manufacturing setups; the broader economic health of the United States will be improved via the companies that he consults; and his company aligns with national environmental goals. He requests that we reconsider our decision in light of the specific, well-documented impacts of the proposed endeavor, particularly its broad benefits for job creation, sustainability, and small and medium sized business development. In our prior decision, we addressed these issues, and the Petitioner has not provided arguments on motion to overcome our prior determination. These include that the Petitioner did not provide evidence to establish that he would employ a significant population of workers in the area, that the area in which the company will operate is economically depressed, or that his endeavor would offer the region or its population a substantial economic benefit through employment levels, business activity, or tax revenue. He did not demonstrate the prospective impact directly attributable to his proposed endeavor or establish how his company will impact the industry

beyond his customers and the operations of his business; did not show that benefits to the U.S. regional or national economy resulting from his proposed endeavor would reach the level of substantial positive economic effects; and did not offer a sufficiently direct evidentiary tie between his proposed endeavor and the claimed economic results.

Finally, the Petitioner asserts that we applied a higher standard than preponderance of the evidence when finding that he did not offer a sufficiently direct tie between his proposed endeavor and the claimed economic results. He claims that it is unrealistic and impractical to expect a petitioner to provide evidence that guarantees specific, tangible economic results. He claims that he provided evidence that it is more likely than not that his projected economic outcomes will occur. With respect to the standard of proof in this matter, a petitioner must establish that they meet each eligibility requirement of the benefit sought by a preponderance of the evidence. *See Matter of Chawathe*, 25 I&N Dec. at 375-76. In other words, a petitioner must show that what they claim is "more likely than not" or "probably" true. To determine whether a petitioner has met their burden under the preponderance standard, USCIS considers not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence. *Id.* at 376; *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). In our decision, we did not require the Petitioner to guarantee economic results. We mentioned that the relevant burden of proof is the preponderance of evidence standard, and made our determinations accordingly based on the evidence in the record. The Petitioner has not established that we imposed novel substantive and evidentiary requirements beyond those set forth in the national interest waiver framework.

The Petitioner has not established 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. Therefore, the Petitioner has not met the requirements for a motion to reconsider.

ORDER: The motion to reconsider is dismissed.