U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41613424

Date: FEB. 20, 2026

Motion on Administrative Appeals Office Decision

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

The Petitioner seeks employment-based second preference immigrant classification as either 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).

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner did not establish eligibility for the underlying immigrant classification or that, on balance, a waiver of the required job offer, and thus of the labor certification, would be in the national interest. SCOPS also dismissed a subsequent combined motion to reopen and reconsider, which the Petitioner appealed. We withdrew SCOPS' combined motion decision and remanded the matter. SCOPS again dismissed the combined motion, and we dismissed the Petitioner's second appeal, as well as a subsequent combined motion to reopen and reconsider, concluding that the Petitioner did not demonstrate that the proposed endeavor would have national importance, as required by the precedent decision. *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). We then dismissed several motions due to timeliness issues. We dismissed two subsequent motions to reopen because they did not provide new facts, supported by documentary evidence, that established we erred in dismissing the motions. The matter is again 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). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i)-(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).

Our decision on the Petitioner's most recent motion to reopen, issued October 21, 2025, summarized our previous appeal and motion decisions on his underlying case. We observed that the Petitioner submitted copies of evidence concerning his proposed endeavor already present in the record and that

he reiterated earlier arguments attesting to the endeavor's national importance. We determined that this resubmitted documentation did not constitute evidence of new facts. *See* 8 C.F.R. § 103.5(a)(2). We also informed the Petitioner that we would not address additional documentation he submitted subsequent to filing his motion to reopen because it was not properly filed in accordance with the Form I-290B instructions. The instructions state that, "[u]nlike an appeal, you must submit any brief and/or additional evidence with your motion." Every form submitted to USCIS must comply with the form instructions. 8 C.F.R. §§ 103.2(a)(1), 103.2(b)(1).

Review of the Petitioner's present motion to reopen shows that he submits substantively identical documentation to what was submitted with his most recent motion. He revisits explanations for his filing timeline and assertions concerning his proposed endeavor. The Petitioner has not identified new facts supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Accordingly, the motion to reopen will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.

NOTICE: Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.