U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 41073699

Date: JULY 13, 2026

Motion on Administrative Appeals Office Decision

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

The Petitioner, an entrepreneur in the life sciences education technology field, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, 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).

U.S. Citizenship and Immigration Services (USCIS) denied the petition, concluding that although the record established the Petitioner's qualification as an advanced degree professional, it did not establish that a waiver of the required job offer would be in the national interest. We dismissed the Petitioner's appeal of that decision, as well as four subsequent motions. The matter is not 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).

In our decision dismissing the Petitioner's fourth motion, we acknowledged the Google Analytics data, a post from a pharmaceutical industry professional on the Petitioner's LinkedIn profile, and an email from an industry magazine but concluded that the evidence was insufficient to show the endeavor's potential prospective impact in the field of life sciences education and skill development. We also concluded that 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.

On motion, the Petitioner submits a new financial projection and economic impact report. The Petitioner asserts that this new report demonstrates that his company will "contribute to more than $45 million in cumulative payroll, catalyze over 400 total jobs annually (direct and indirect), and generate tax revenues exceeding $5 million." The Petitioner contends that these "metrics establish the broad

and systemic reach and scope" of his company satisfying national importance under *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). However, like the previously submitted business plan, the financial projection and economic impact report lacks sufficient explanation to substantiate the projected scope of the company in terms of the number of subscribers and users, revenues, market share, staffing levels and other estimates. The Petitioner also continues to contend that his proposed endeavor will help increase U.S. competitiveness in bioscience and that his endeavor aligns with government initiatives.

As previously noted, the scope of a motion is limited to "the prior decision" and "the latest decision in the proceeding." 8 C.F.R. § 103.5(a)(1)(i), (ii). Therefore, we will only consider new evidence to the extent that it pertains to our latest decision dismissing the motion to reopen. Here, the Petitioner has not provided new facts to establish that we erred in dismissing the prior motion. Because the Petitioner has not established new facts that would warrant reopening of the proceeding, we have no basis to reopen our prior decision. We will not re-adjudicate the petition anew and, therefore, the underlying petition remains denied.

**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.