U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 32193358

Date: JULY 29, 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. 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.

On motion, the Petitioner contests the correctness of our prior decision. In support of the motion, the Petitioner relies on 8 C.F.R.§103.2(a)(7)(ii)(A) and USCIS' COVID-19 related flexibilities. Here, the Petitioner restates many of the same claims and references the same evidence that we addressed in our prior appellate decision. In fact, the Petitioner's brief is substantially similar to the brief submitted in support of her appeal. She presents the same arguments regarding the use of electronic signatures and the claim that the Director should have issued a rejection instead of a denial. We note that the section entitled, "Dissent and Grounds for Dissent" is substantially similar to the section entitled, "Dissent and Grounds for Dissent," in the appeal. They both highlight USCIS' COVID-19 flexibilities and the use of electronic signatures, that the petition was incorrectly denied instead of being rejected, and the negative causal impacts of unwarranted denials. The Petitioner adds on motion that she disagrees with our appeal decision and did not, "mistakenly equate electronic signatures with electronically reproduced original signatures," and includes screen shots of two signatures.

Because we have already discussed the claims and evidence, we need not address them again here. The Petitioner's contentions in the motion to reconsider merely reargue facts and issues we have already

considered in our previous decision. *See e.g., Matter of* O-S-G-, 24 I&N Dec. 56, 58 (BIA 2006) (explaining that "a motion to reconsider is not a process by which a party may submit, in essence, the same brief presented on appeal and seek reconsideration by generally alleging error in the prior Board decision"). We will not re-adjudicate the appeal anew and, therefore, the underlying petition remains denied. The purpose of a motion to reconsider is to show error in the most recent prior decision. The Petitioner's motion filing does not meet this standard. 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.