U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38554246

Date: JUN 9, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner, a transportation, storage, and distribution manager, seeks employment-based second preference (EB-2) 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 EB-2 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 that although the Petitioner qualified for classification as a member of the professions holding an advanced degree, she had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. We dismissed the Petitioner's appeal because she did not establish the proposed endeavor's national importance. The matter is now before us on combined motions to reopen and 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 motions.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). 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. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

The Petitioner intends to operate her logistics and transportation consulting company, [redacted] LLC in Massachusetts, where she will offer foreign trade logistics and transport consultancy services.

On motion, the Petitioner submits various supporting documents, including a brief, personal statement, academic records, recommendation letters and potential client letters, business plan, and industry reports and articles. Through her brief and supporting documents, the Petitioner highlights the proposed endeavor's significance and national importance. The Petitioner contends that our analysis of her endeavor's national importance under the *Dhanasar* framework contain errors. She further argues that our decision reflects a misunderstanding of her innovation plans, her vision for the logistics

industry, and the improvements she proposes for the industry. As noted above, 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 appeal. Here, the Petitioner has not submitted any evidence or arguments that could be construed as "new facts" that were previously unavailable or undiscoverable to establish that we erred in dismissing her appeal.

Similarly, in our appellate decision, although we reserved our discussion of the second and third prongs, we explained why the Petitioner failed to meet the first prong of the analytical framework set forth in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016). We determined the Petitioner had not sufficiently demonstrated that her company's activities stand to provide substantial economic benefits for Massachusetts or the United States. Our focus in considering national importance is not on the industry itself; instead, we focus on "the specific endeavor that the foreign national proposed to undertake." *Id.* at 889. In determining whether a proposed endeavor has national importance, we consider its potential prospective impact. *Id.* In *Dhanasar*, we further noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890. As determined by SCOPS, and affirmed in our prior decision, the record does not show that the Petitioner's specific proposed endeavor's impact stands to sufficiently extend beyond her employees and clients to impact her field, the U.S. economy, or societal welfare at a level commensurate with national importance. Although we acknowledge the Petitioner's brief and additional documents, the Petitioner has not established new facts relevant to our appellate decision that would warrant reopening of the proceedings. We will not re-adjudicate the petition anew. The motion to reopen will therefore be dismissed.

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). 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.

On motion, although the Petitioner contends that our prong one analysis contain errors, the Petitioner does not sufficiently explain how our previous decision incorrectly applied the law or policy. The Petitioner has not established that our 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. The motion to reconsider must therefore be dismissed.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.