U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37890031

Date: MAY 14, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner 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).

SCOPS denied the petition, concluding that the Petitioner did not establish eligibility for the national interest waiver. We dismissed a subsequent appeal and a combined motion to reopen and reconsider. The matter is now before us on a second combined motion 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 combined motion.

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

On motion, the Petitioner asserts that the record demonstrates his proposed endeavor to operate an engineering consulting services company focusing on electrical engineering, electronics, and production processes has national importance and meets the national interest waiver requirements. He contends that his endeavor has the potential to enhance the efficiency and sustainability of the nation's energy systems, contribute to the broader goals of environmental stewardship and economic growth, and play a pivotal role in advancing the nation's energy capabilities. In support of his motion, the Petitioner submits a brief and additional articles. He further contends that we erred in our prior decision by incorrectly applying the standards outlined in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016) and failing to assign the appropriate weight to the submitted evidence.

A motion's scope is limited to the latest decision in the proceeding. In our prior decision, we noted that the Petitioner provided a brief and articles discussing the importance of the electrical engineering field and the field's growth potential. We concluded that the articles did not demonstrate the Petitioner's eligibility for a national interest waiver or present new facts relevant to the issues raised in our dismissal of his appeal. While the Petitioner's assertions and submitted articles emphasized the importance of the engineering field, the record did not demonstrate the prospective impact and national importance of the specific endeavor. The Petitioner also claimed that our decision improperly suppressed the weight of the documentary evidence and cited U.S. Citizenship and Immigration Services policy relating to the evaluation of evidence. We noted that the Petitioner generally disagreed with our conclusions and reargued issues already considered in our previous decision, rather than specify which evidence we did not correctly evaluate or how our decision was not consistent with policy.

With the instant motion, the Petitioner has not presented new facts that would warrant reopening of the proceedings, nor has he shown that we erred as a matter of law or policy. He again submits industry articles that emphasize the importance of the electrical engineering field, rather than demonstrate the prospective impact of his specific proposed endeavor. Though the Petitioner reiterates his arguments that his services will generate broad positive implications at a national scale and the appropriate weight was not assigned to the supporting documentation, he has not demonstrated that we incorrectly applied laws and policies or erred in our analysis of the documentary evidence. Accordingly, the combined motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.