U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38132707

Date: MAY 22, 2025

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 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 that the Petitioner did not establish that a waiver of a job offer would be in the national interest. We dismissed the appeal and a subsequent motion to reconsider. The matter is now before us on a second 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). 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.

The Petitioner proposes to start a company that manufactures and sells eco-friendly furniture in the United States with reused materials and will also offer consulting services to other furniture manufacturers in the United States on the use of sustainable techniques in furniture manufacturing. As noted above, SCOPS denied the petition. In our decision dismissing the appeal, we agreed with SCOPS' determination that the Petitioner did not establish that his proposed endeavor has national importance. We then dismissed the Petitioner's subsequent motion to reconsider as it did not meet the applicable requirements. 8 C.F.R. § 103.5(a)(4). We incorporate our prior decisions by reference and will repeat only certain facts and evidence as necessary to address the Petitioner's claims on this second motion to reconsider.

In dismissing the immediate prior motion to reconsider, we determined the Petitioner did not demonstrate that our prior appellate decision was based on an incorrect application of law or USCIS policy and that our decision was incorrect based on the evidence in the record at the time of the decision. Specifically, we noted that the Petitioner did not provide evidence to establish that he would employ a significant population of workers in the area, that the area in which the company will operate is economically depressed, or that his endeavor would offer the region or its population a substantial economic benefit through employment levels, business activity, or tax revenue. He also did not demonstrate the prospective impact directly attributable to his proposed endeavor or establish how his company will impact the industry beyond his customers and the operations of his business; did not show that benefits to the U.S. regional or national economy resulting from his proposed endeavor would reach the level of substantial positive economic effects; and did not offer a sufficiently direct evidentiary tie between his proposed endeavor and the claimed economic results.

On motion, the Petitioner contests the correctness of our prior decision, claiming that we did not properly consider the evidence in the record. First, the Petitioner reiterates that we applied a higher standard than preponderance of the evidence and "impos[ed] new and unwarranted requirements that far exceed" those outlined in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016). He contends that we "improperly equat[ed] substantial economic effects with the creation of a large number of jobs," which is not a requirement of the *Dhanasar* framework. He further contends that we added requirements that are not found in *Dhanasar*, which does not explicitly require that a petitioner "must employ a 'significant population' or demonstrate that economic effects derive solely from employment levels, business activity, or tax revenue." The Petitioner highlights that the *Dhanasar* decision indicates national importance could be established based on the endeavor's potential for broader implications in a specific field and does not impose a rigid employment threshold nor restrict the scope of economic impact to direct employment or business activity alone. Regardless, the Petitioner contends that his endeavor's financial and employment projections still place his business within the top-performing 6% of U.S. businesses in terms of economic activity based on official data from the U.S. Census Bureau. However, after review, we conclude that our prior decision correctly applied the *Dhanasar* framework in assessing the national importance of the proposed endeavor. Contrary to the Petitioner's assertions, our decision did not impose novel substantive and evidentiary requirements, nor did it require that the Petitioner guarantee economic results. The Petitioner implies that we based our analysis on a requirement that a "large number of jobs" be created, but our prior decision imposes no such requirement. Rather, our decision explained that our previous decision evaluated prospective impact in various ways, including employment of workers, tax or business activity, as well as the potential to impact the manufacturing industry more broadly. We determined that the Petitioner had not adequately outlined the basis for the prospective economic growth or otherwise demonstrated an impact extending beyond his customers and the operations of his business. While the Petitioner may disagree with our decision in this case, he has not demonstrated that our determination was based on an incorrect application of law or policy.

The Petitioner then suggests that economic effects can be both direct and indirect and argues that we did not consider the indirect substantial economic effects of its white-label service, which will allow multiple companies to leverage its manufacturing capacity, expand their product lines, and increase overall market competition. He discusses the proposed endeavor and indicates that it will "generate downstream economic activity by creating demand for raw materials, logistics, and distribution services, while also contributing to sustainability advancements in the industry." He further reiterates

that his business will serve as a white-label manufacturer for small and medium-sized enterprises (SMEs), which is a critical economic driver that stimulates entrepreneurship, lowers barriers to market entry for smaller firms, and enhances product availability and market diversity. It also supports job creation at the Petitioner's business and across multiple business sectors, including retail, e-commerce, packaging, and transportation. However, we observe that our prior decision acknowledged this intent and concluded that the Petitioner had not provided arguments to overcome our decision on appeal. Specifically, we reiterated our appeal decision in that the Petitioner did not demonstrate the prospective impact directly attributable to his proposed endeavor; establish how his company would impact the industry beyond his customers and the operations of his business; show that benefits to the U.S. regional or national economy resulting from his proposed endeavor would reach the level of substantial positive economic effects; or offer a sufficiently direct evidentiary tie between his proposed endeavor and the claimed economic results. In the instant motion, the Petitioner does not explain how we erred in this determination, nor does he establish that his specific endeavor will result in broader economic impact. Rather, the Petitioner outlines the claimed economic ripple effects based on the operation of his business within the furniture manufacturing field. While any basic economic activity has the potential to positively impact a local economy, the Petitioner has not demonstrated how the economic activity directly resulting from his proposed endeavor would rise to a level commensurate with national importance. Here, the Petitioner has not demonstrated that we omitted or ignored this evidence from consideration such that our decision was incorrect.

Finally, the Petitioner argues that national importance can be established through contributions beyond purely economic benefits and his proposed endeavor introduces technological innovations in the U.S. manufacturing industry and advances sustainability through eco-conscious production methods. He further asserts that his proposed endeavor directly aligns with the current administration's goal of strengthening domestic manufacturing and driving technological advancement. While we recognize that domestic manufacturing and technological advancement in the United States are important, the Petitioner does not point to any evidence that might show the prospective broad impact of his specific endeavor in the furniture manufacturing industry. His general statements on motion that his proposed endeavor to "moderniz[e the] U.S. manufacturing processes and promot[e] sustainability is fully in line with these national objectives, further underscoring the importance of his endeavor," are not sufficient to establish the requisite national importance of his specific proposed endeavor.

Because 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 or that it was incorrect based on the record at the time, the motion to reconsider will be dismissed. 8 C.F.R. § 103.5(a)(3)-(4).

ORDER: The motion to reconsider is dismissed.