U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38311681

Date: MAY 30, 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 a national interest waiver. We dismissed the appeal and 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). 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 contends that her proposed endeavor, working as a tourism and hospitality management specialist focused on enhancing industry practices in the United States through innovative solutions, meets the national importance requirements according to *Matter of Dhanasar*, 26 I&N Dec. 888 - 891 (AAO 2016). She asserts that we erred in dismissing the previous motion to reconsider by not acknowledging that her arguments demonstrated the incorrect application of law and misrepresentation of evidence. The Petitioner further argues that our conclusions contradict established legal precedent and fail to properly apply the preponderance of evidence standard. She indicates that the submitted evidence, such as her personal statement, expert opinion letters, and industry reports and research, establishes her eligibility for a national interest waiver.

A motion's scope is limited to the latest decision in the proceeding. In our prior decision, we noted the Petitioner's claim that we applied a level of scrutiny that exceeds the required standard and erred in dismissing the appeal by minimizing the weight of the two opinion letters. We concluded that while the Petitioner's motion restates the arguments and documents she believes support her endeavor's national importance, she did not establish that we made a legal error in our conclusion. We noted that

the record did not show through supporting documentation how her endeavor sufficiently extends beyond her prospective employers or clients to impact the field or the U.S. economy more broadly at a level commensurate with national importance. We explained that the submitted articles and reports did not address the specific endeavor the Petitioner proposed to undertake and how the potential prospective impact of the specific endeavor may have broader implications indicative of national importance. *See id.* at 889-90. Regarding the opinion letters, we indicated they did not specifically address how the Petitioner's proposed endeavor could have national implications within the field of hospitality, significant potential to employ U.S. workers or other substantial positive economic effects, or other indicators of national importance as contemplated by *Dhanasar*. Further, while the record discussed innovations within the hospitality and business administration fields, the evidence did not establish any specific innovation connected with the proposed endeavor that would be distinguishable from current practices within the related fields.

With the instant motion, the Petitioner has not shown that we erred as a matter of law or policy. Though the Petitioner reiterates her arguments that her endeavor will generate broad positive implications on a national scale and the appropriate weight was not assigned to the supporting documentation, she has not demonstrated that we incorrectly applied laws and policies or erred in our analysis of the documentary evidence. In accordance with 8 C.F.R. § 103.5(a)(4), the motion will be dismissed.

ORDER: The motion to reconsider is dismissed.