U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 34966112

Date: NOV. 20, 2024

Motion on Administrative Appeals Office Decision

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

The Petitioner, a hospice company, seeks employment-based second preference (EB-2) immigrant classification for the Beneficiary, a healthcare management specialist, 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).

The Director of the Nebraska Service Center denied the petition and a subsequent motion, concluding that the Petitioner had not established eligibility for a waiver of the required job offer, and thus of the labor certification, would be in the national interest. We dismissed a subsequent appeal and motion to reopen. The matter is now before us on a second motion to reopen.

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 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). A motion to reopen that does not satisfy the applicable requirements must be dismissed. 8 C.F.R. § 103.5(a)(4).

In our prior decision, incorporated here by reference, we determined the Petitioner did not meet the first prong of the analytical framework in *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). We found the Petitioner did not establish the national importance of the proposed endeavor. *See id.* at 889 (providing in relevant part that, to establish eligibility for a national interest waiver, the petitioner must establish that their specific proposed endeavor has national importance). We referred to the Petitioner's assertions regarding the importance of palliative care and hospice staffing shortages, in addition to the plan to disseminate the Beneficiary's research findings and proposed program. We determined that the record did not demonstrate broader implications of the proposed endeavor at a level of national importance or that the proposed endeavor would positively impact the national

economy. *See id.* (stating that national importance is evaluated through consideration of "potential prospective impact" and "broader implications" and noting that an "endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, . . . may well be understood to have national importance."). We concluded that the record did not show through supporting documentation how the proposed services extend beyond the individuals who were introduced to the Beneficiary's research to impact the field or the U.S. economy more broadly at a level commensurate with national importance.

On the first motion to reopen, the Petitioner provided letters of support from licensed long-term care facilities, a presentation plan for the proposed endeavor, a strategy for distribution, and a grant proposal. The Petitioner asserted that the new evidence explained how the program will be disseminated to create a positive impact to healthcare and contended that *Dhanasar* did not require a significant economic impact. We indicated that the letters from hospices generally repeated information that was already in the record and found that the Petitioner did not provide corroborating documentation to support the assertion that the proposed endeavor will succeed nationally if it succeeds in the most competitive region. We determined that the documents submitted on motion and the Beneficiary's unsubstantiated distribution strategy indicating potential to influence palliative care practices nationwide did not establish broader implications of the proposed endeavor at a level of national importance.

With the instant motion to reopen, the Petitioner submits reports and articles discussing the demand for quality hospice care and assisted living facilities in the United States, a letter from the individual who prepared the Beneficiary's strategy of focusing her palliative care work in Southern California, documents reflecting the Beneficiary's membership in the American Academy of Hospice and Palliative Medicine (AAHPM), and a letter from the administrator of an assisted living facility in California. The Petitioner asserts that although the Beneficiary's current strategy focuses on Southern California, this is a natural step for any nationwide initiative; the locality in this case [redacted] is the size of a good country and represents a significant portion of the U.S. economy and population; and the Beneficiary has begun using her AAHPM membership to reach the nationwide industry. The Petitioner contends that the significant potential of the proposed endeavor is illustrated by the fact that the methodology is also applicable to assisted living facilities. To support this contention, the Petitioner refers to the letter from the administrator of an assisted living facility in [redacted] who indicates that the Beneficiary's techniques have proven effective and beneficial for her residents.

Upon review, the Petitioner has not provided sufficient supporting evidence to show the broader impact of the Beneficiary's work and corroborate the assertion that the proposed endeavor would broadly influence the hospice and palliative care field and rise to the level of national importance. The documentation submitted in support of the motion to reopen does not overcome our previous decision.

ORDER: The motion to reopen is dismissed.