U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 39505917

Date: OCT. 1, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner, an accounting consultant, 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).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not establish her eligibility as a member of the professions with an advanced degree, or that a waiver of the required job offer, and thus of a labor certification, would be in the national interest. We dismissed a subsequent appeal and a combined motion to reopen and motion to reconsider. The Petitioner filed a second combined motion to reopen and motion to reconsider. Although we concluded that the Petitioner had established her eligibility as a member of the professions with an advanced degree, we dismissed the motions, as she had not established her eligibility for the national interest waiver. The matter is now before us on the third 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). 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. *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 submits a statement, accompanied by two 2024 reports on productivity from the McKinsey Global Institute, July 2024 data from the U.S. Small Business Administration, and a 2025 blog post on a courier service's website. The Petitioner asserts that her statement includes "material new facts supported by updated and detailed evidence" that meet the requirements of a motion to reopen and establish her eligibility for a national interest waiver.

In our decision on appeal, we affirmed SCOPS' determination that the Petitioner's proposed endeavor lacked specificity. In *Matter of Dhanasar*, we held that a petitioner must identify "the specific endeavor that the foreign national proposes to undertake." *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016). The Petitioner described her endeavor as continuing her career as an accountant "with expertise in International Financial Reporting Standards (IFRS), specializing in fostering the growth of Small and Medium Enterprises (SMEs) through consultancy and advisory roles ... to assist companies throughout the entire process – from initial diagnosis to preparation and eventual implementation." We noted that the record did not include evidence of the Petitioner's proposed projects in the United States, or other information about the specific consulting work she will undertake. In our subsequent motion decisions, we noted that the Petitioner reiterated arguments previously made contending her eligibility for a national interest waiver but did not submit new evidence.

In the current combined motions before us, the Petitioner does not further elaborate on her proposed endeavor. The Petitioner asserts that her statement outlines how her proposed endeavor will benefit the SME sector and states, "The original petition did not include this level of quantification or macroeconomic linkage." However, the additional statistics do not describe with specificity her proposed endeavor. Although the Petitioner states that her "business model fits precisely within" the *Dhanasar* framework, the record does not include a description or corroborating evidence of the Petitioner's business model.

The Petitioner's explanation and additional evidence does not add specificity to her proposed endeavor. The purpose of a national interest waiver is not to enable a petitioner to engage in a U.S. job search. As we noted on appeal, a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation. *See generally* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policymanual (providing, as guidance, the term "endeavor" is more specific than the general occupation; a petitioner should offer details not only as to what the occupation normally involves, but what types of work the person proposes to undertake specifically within that occupation). "In determining national importance, the officer's analysis should *focus on what the beneficiary will be doing* rather than the specific occupational classification. The analysis considers whether the petition contains *substance that explains and substantiates* how working in the proposed endeavor meets the national importance standard." *Id.* at F.5(D)(3) (emphasis added). The Petitioner's statements in the record provide generalized projections that are not specific and detailed enough to establish the potential prospective impact of her proposed endeavor.

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 motion to reopen. Here, the Petitioner has not provided new facts to establish that we erred in dismissing the prior motion. Because the Petitioner has not established new facts that would warrant reopening of the proceeding, we have no basis to reopen our prior decision.

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, the Petitioner contests the correctness of our prior decision. In support of the motion to reconsider the Petitioner states that prior decisions misapplied the legal test, overlooked relevant evidence in the record, and applied an unduly restrictive interpretation. However, the Petitioner does not explain how, in our latest decision, we applied the incorrect standard in concluding that she did not establish the national importance of her proposed endeavor. Nor does she identify what evidence was overlooked.

As we explained on appeal, the Petitioner's arguments for the national importance of her proposed endeavor rested on examples of her skills and prior work experience as an accountant and did not explain how her specific proposed endeavor would have a potential prospective impact rising to the level of national importance. While the Petitioner makes general claims, for example, that her endeavor will result in "increases in business revenue, improved tax compliance, stronger credit ratings, and successful international expansion," as we discussed on appeal, she does not sufficiently describe her proposed endeavor to support these claims.

The Petitioner has not established that we erred as a matter of law or policy in our prior decisions or that the decisions were incorrect based on the evidence in the record of proceedings at the time. Accordingly, she has not satisfied the requirements for a motion to reconsider. 8 C.F.R. § 103.5(a)(3).

Although the Petitioner has submitted additional evidence in support of the motion to reopen, the Petitioner has not established eligibility. On motion to reconsider, 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. Therefore, the motions will be dismissed. 8 C.F.R. § 103.5(a)(4).

The Petitioner's contentions in the current motions merely reargue facts and issues we have already considered in our previous decisions. *See, e.g., Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006) ("a motion to reconsider is not a process by which a party may submit, in essence, the same brief presented on appeal and seek reconsideration by generally alleging error in the prior Board decision"). We will not re-adjudicate the petition anew and, therefore, the underlying petition remains denied.

**ORDER:** The motion to reopen is dismissed.

**FURTHER ORDER:** The motion to reconsider is dismissed.

**NOTICE:** Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.