U.S. Citizenship and Immigration Services

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

In Re: 39775212

Date: OCT. 24, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner, a health promoter, 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).

The Service Center Operations (SCOPS) denied the petition, concluding the Petitioner did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. We dismissed the subsequent appeal agreeing with SCOPS that the record did not demonstrate her eligibility for the requested national interest waiver. The matter is now before us on 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.

In dismissing the appeal, we agreed with SCOPS that the Petitioner met the substantial merit element of the first prong under *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016). But the Petitioner did not demonstrate that the potential prospective impact of the endeavor rises to the level of national importance. We noted the Petitioner had not demonstrated that her specific work has the potential to decrease absenteeism, lower health care costs, or significantly benefit the public welfare or economy sufficiently to rise to the level of national importance. That is, the Petitioner had not established that her proposed endeavor sufficiently extends beyond her organization and its clientele to impact the industry or the field more broadly, at a level commensurate with national importance.

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). 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 contends we overlooked "several critical pieces of evidence" included with the initial petition, response to the request for evidence (RFE), and on appeal. She asserts she provided a list of rural and underserved counties in Florida, New York, New Jersey and Connecticut in her Comprehensive Plan of Activities. The Petitioner proceeds to provide the same information she provided in the initial filing and in response to SCOPS' RFE. Although the Petitioner provides documentation about a new government initiative, the evidence does not establish national importance as she has not sufficiently demonstrated how, for example, her proposed endeavor will have a broader impact on the field, a significant potential to employ U.S. workers, or otherwise offers substantial positive economic effects for our nation as contemplated by *Dhanasar*. *Matter of Dhanasar*, 26 I&N Dec. at 889. As noted in our previous decision, the relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on "the specific endeavor that the foreign national proposes to undertake." *Id.*

The Petitioner also contests the correctness of our prior decision. Specifically, the Petitioner states that our analysis "rests on factual inaccuracies and mischaracterizations of the record" and that we failed "to properly weigh the documented alignment" of her proposed endeavor "with long-standing federal health initiatives and national priorities." However, she does not specifically identify an instance in which we incorrectly applied the law or U.S. Citizenship and Immigration Services policy in arriving at our decision. Thus, the Petitioner has not established that we erred as a matter of law or policy in our prior decision or that the decision was 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.

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 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.

**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.