U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39461663

Date: SEP. 16, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner, an entrepreneur in the life sciences education technology field, 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 although the record established the Petitioner's qualification as an advanced degree professional, it did not establish that a waiver of the required job offer would be in the national interest. We dismissed the Petitioner's appeal of that decision, as well as three subsequent motions. 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.

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 new evidence in support of his claim that his proposed endeavor has national importance as required under *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). In our decision dismissing the Petitioner's appeal, we concluded that the record demonstrated the substantial merit, but not the national importance of his proposed endeavor and therefore did not satisfy *Matter of Dhanasar*'s first prong.[1] In considering national importance, we focus on "the specific

[1] Because this issue was dispositive of the Petitioner's appeal and rendered him ineligible for the requested national interest waiver, we reserved discussion of *Dhanasar*'s second and third prongs, which require the Petitioner to establish that he is well-positioned to advance the proposed endeavor and that, on balance, it would be beneficial to the United States to waive the job offer and labor certification requirements. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

endeavor that the foreign national proposed to undertake" and its "potential prospective impact." *Dhanasar*, 26 I&N Dec. at 889. Specifically, we look for "broader implications" of the proposed endeavor. *Id.*

The Petitioner is the founder and executive director of [redacted] a life-science focused learning, skills and professional development platform. He asserts that the new evidence submitted on motion shows that his endeavor has already resulted in "national and international access to learning and skill development contents in the life sciences" and that it "continues to gather a lot of subscribers and interest from multiple users." The Petitioner submits Google Analytics data providing a geographic breakdown of "views," "hours watched" and "average view duration" for [redacted] for the period November 2021 through June 2025. He also provides evidence that a pharmaceutical industry professional created a post on his LinkedIn profile that incorporates learning content from [redacted]

The Petitioner has consistently claimed that his endeavor will have broad implications for the "life science education and skill development infrastructure" and enhance "lifelong learning within the life science workforce." We previously considered the endeavor's potential prospective impact, and whether the record supported the Petitioner's claim that it would have national or global implications within the life sciences field. In doing so, we noted his reliance on a business plan that lacked sufficient explanation to substantiate the projected scope of the company in terms of the number of subscribers, and users, revenues, market share, staffing levels and other estimates. The evidence submitted on motion shows that [redacted] which the Petitioner states is still in a pilot phase, remains active and has content on its website that is viewable internationally. However, the Petitioner has not explained the significance of the new data from Google Analytics, clarified how it supports the previously provided projections in his business plan, or otherwise shown how the new evidence demonstrates the endeavor's potential prospective impact in the field of life sciences education and skill development. Similarly, the Petitioner has not demonstrated how one individual's sharing of content from [redacted] on his personal LinkedIn page demonstrates his endeavor's "inherent scalability" and supports its potential to have a "transformative impact" in the life sciences field.

The Petitioner also provides a June 2025 e-mail indicating that an industry magazine, *Life Sciences Review*, shortlisted [redacted] as a [redacted] and was interested in featuring a company profile in an upcoming issue. The Petitioner asserts that this evidence shows "recognition of the initial work that [he] has done through his endeavor and the impact he has already accrued as a result." However, the record does not contain sufficient evidence to demonstrate how this recognition is an indicator of the potential prospective impact of the endeavor or otherwise demonstrates its national importance. Specifically, the record lacks information regarding the recognition or the criteria for selection, as well as any independent evidence regarding the publication or its awards program.

Although the Petitioner has provided new facts, supported by evidence, in support of his motion to reopen, the new evidence is insufficient to overcome our previous determination. The Petitioner has not met his burden to demonstrate the national importance of his proposed endeavor under *Dhanasar*'s first prong. Accordingly, we will dismiss the motion to reopen.

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 contests the correctness of our May 7, 2025, decision on procedural grounds. In that decision, we advised that we could not grant his request for an extension of time to file a response to our decision issued on January 22, 2025, noting that, by regulation, any brief and/or evidence must be filed with the motion. The Petitioner emphasizes that he did not request an extension of time. Rather, he had provided evidence that the January 2025 decision was not properly served to him at his correct mailing address, as required by 8 C.F.R. § 103.8(b), and requested that we reissue the decision and "reset all deadlines based on the correct service data." The record supports the Petitioner's assertion that our January 2025 decision contained a typographical error in his mailing address, and it appears that we overlooked his request that we reissue that decision. Nevertheless, the Petitioner's motion in response to our January 2025 decision was timely filed and accompanied by a brief alleging legal errors in our prior decision, and we issued a decision addressing the merits of those allegations. Therefore, the Petitioner has not shown that any prior procedural error on our part provides proper cause for reopening or reconsideration of our May 2025 decision.

The Petitioner's remaining contentions on motion do not specifically address an incorrect application of law or policy in our prior decision. For example, the Petitioner claims, as he has in prior motions, that we imposed an unduly restrictive interpretation of how a petitioner may establish the national importance of a proposed endeavor and failed to sufficiently address evidence provided earlier in these proceedings. Again, 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). Here, the Petitioner merely reargues 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.

Although the Petitioner has submitted additional evidence in support of the motion to reopen, the evidence does not demonstrate his eligibility for the requested immigrant visa classification. 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.