U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39350298

Date: SEP. 26, 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 section 203(b)(2), 8 U.S.C. § 1153(b)(2).

Service Center Operations (SCOPS) denied the petition, concluding the record 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 Petitioner's appeal, a combined motion to reopen and reconsider, and two subsequent motions to reconsider. The matter is before us again on 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.

We incorporate by reference our analysis in our prior decisions on the Petitioner's appeal and motions. By way of summation, the Petitioner proposes to work in the United States as a human resources and marketing communications specialist at her own consultancy company. In our previous decisions, we discussed specific evidence in the record and explained why, under the preponderance of evidence standard, the totality of the record does not establish how the potential prospective impact of the proposed endeavor may have broader implications indicative of national importance, as contemplated by the first prong of the *Dhanasar* adjudicative framework. *Matter of Dhanasar*, 26 I&N Dec. 884, 889-90 (AAO 2016); *see also Matter of Chawathe*, 25 I&N Dec. at 376.

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).

A motion to reconsider is a request to reexamine a decision in light of additional legal arguments, a change in law, or an aspect of a case that was overlooked. *See, e.g., Matter of O-S-G-*, 24 I&N Dec. 56, 57 (BIA 2006) (quoting *Matter of Ramos*, 23 I&N Dec. 336, 338 (BIA 2002) (quoting *Matter of*

Cerna, 20 I&N Dec. 399, 402 n.2 (BIA 1991)). However, the Petitioner's main contentions in the current motion merely reargue facts and issues we have already considered in our prior decisions, and we will not adjudicate the petition anew. *See, e.g., Matter of O-S-G-*, 24 I&N Dec. at 56, 58 (providing that a motion to reconsider is not a process by which a party may submit, in essence, the same brief already presented and seek reconsideration by generally alleging error in the prior decision). Aside from broadly disagreeing with our conclusions, the Petitioner does not specify how we applied a stricter standard of proof than that of preponderance of the evidence or otherwise misapplied law or policy in evaluating the evidence in accordance with *Dhanasar's* first prong.

The Petitioner also takes issue with an observation in our previous motion dismissal regarding wages included in her business plan, which she asserts are projections reflecting the economic realities of small business development that should not be misconstrued as misleading or contradictory. The Petitioner states, "The national importance of the endeavor, as required under [*Matter of Dhanasar*], is not dependent on the Petitioner's wage but rather on the broader economic, societal, and employment impact . . . ." We agree. And regardless of the observation in the motion dismissal relating to the projected wages, the evidence of record concerning the potential prospective impact of the Petitioner's proposed endeavor remains unchanged. We have fully evaluated the evidence of record and have explained why it does not establish the national importance of her proposed endeavor—an explanation that has included discussion of how the record does not establish that the endeavor has the potential to have substantial positive economic effects[1] or have an influence beyond the Petitioner's immediate clients to impact the field more broadly.[2]

While the Petitioner reiterates her contention that we have disregarded certain evidence, stating that we have "overlooked the comprehensive strength of her supporting evidence," which she asserts "collectively demonstrate[s] the broad and impactful reach of her work on a national scale," we have thoroughly discussed how the evidence of record does not establish her eligibility for a national interest waiver.

Because 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, the motion to reconsider will be dismissed. 8 C.F.R. § 103.5(a)(4).

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.

[1] *See Dhanasar* at 890.
[2] *Id.* at 893.