



**U.S. Citizenship
and Immigration
Services**

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

In Re: 29259251

Date: DEC. 06, 2023

Motion on Administrative Appeals Office Decision

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

The Petitioner, a bilingual content analyst, seeks second preference immigrant classification as a member of the professions holding an advanced degree or as an individual of exceptional ability, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Texas Service Center denied the petition, concluding 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. The matter is now before us on a combined motion 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 determined the Petitioner did not establish her proposed endeavor satisfied the national importance aspect of the first prong under *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016). Specifically, we concluded the Petitioner did not show how her endeavor would have broader implications in the field or would have significant potential to employ U.S. workers or other substantial positive economic effects. Accordingly, we decided further analysis of her qualification under the second and third prongs outlined in *Dhanasar* would serve no meaningful purpose and reserved those issues.

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). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

On motion, the Petitioner summarizes her prior arguments and our determinations in our appeal decision. In addition, the Petitioner points to evidence, such as her business plan, which we addressed in our decision. *See Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006) (finding that a motion to

reconsider is not a process by which the party may submit in essence, the same brief and seek reconsideration by generally alleging error in the prior decision). Here, our previous decision analyzed and explained why the indicated evidence and claimed arguments did not meet the first prong under the *Dhanasar* framework. The Petitioner did not establish that we incorrectly applied law, policy, or precedent in our decision dismissing her appeal. Disagreeing with our conclusions without showing how we erred as a matter of law or pointing to policy or precedent that contradicts our analysis of the evidence is not a ground to reconsider our decision. Accordingly, the Petitioner did not demonstrate that her motion satisfies the requirements for a motion to reconsider under 8 C.F.R. § 103.5(a)(3). Therefore, we will dismiss her motion to reconsider.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. §103.5(a)(2). *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 recent job offer letter for an online interpreter and argues that “language barriers still exist in the United States and I would very much like to serve the national interest in providing services that improve communications and businesses that have those concerns.” For the same reasons discussed in our prior decision, the Petitioner did not demonstrate how her particular services as an online interpreter would have broader implications for our country rather than limited to the customers she would prospectively serve over the phone. *Dhanasar*, 26 I&N Dec. at 889. Here, the evidence does not overcome the underlying grounds in our previous decision, and therefore, we will dismiss her motion to reopen.

ORDER: The motion to reconsider is dismissed.

FURTHER ORDER: The motion to reopen is dismissed.