



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

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

MATTER OF T-I-, INC.

DATE: NOV. 8, 2017

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, an information technology business, seeks to employ the Beneficiary as a senior SAP manager. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director of the Nebraska Service Center initially approved the petition, but subsequently revoked the approval of the petition and invalidated the labor certification on the grounds that the Petitioner misrepresented its relationship to the Beneficiary during the labor certification process and the offered position was not a *bona fide* job opportunity open to U.S. workers. On appeal, we withdrew the Director's finding that the Petitioner misrepresented its relationship to the Beneficiary and reinstated the labor certification. However, we affirmed the Director's decision to revoke the approval of the petition on the ground that the record did not establish the offered position was a *bona fide* job opportunity. In addition, we found that the Beneficiary did not meet the labor certification's educational requirement for the offered position.

We denied two subsequent motions to reopen and reconsider; again finding that the Petitioner had not demonstrated the *bona fide* nature of the job opportunity and had not established that the Beneficiary has the education required by the terms of the labor certification.

The matter is now before us for the third time on motion, this time as a motion to reconsider. Upon review, we will deny the motion.

I. MOTION REQUIREMENTS

A motion to reconsider must establish that our 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). A motion to reconsider must be supported by a pertinent precedent or adopted decision, statutory or regulatory provision, or statement of U.S. Citizenship and Immigration Services or Department of Homeland Security policy. We may grant a

motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

II. ANALYSIS

The Petitioner states that no new facts or documentation are being submitted and requests that we reconsider our previous decision(s) based on their alleged “incorrect application of law or policy.” The Petitioner asserts once again that the offered position was a *bona fide* job opportunity open to U.S. workers at the time the labor certification was filed and that the Beneficiary’s educational credentials met the labor certification’s requirement of a U.S. or foreign equivalent master’s degree at the time the labor certification was filed. However, the specific arguments made by the Petitioner are the same as those put forth on appeal and in its prior motions. We responded to these same arguments at length in our prior decisions, detailing why the record does not establish eligibility. We need not address these same claims again here. Moreover, the Petitioner does not cite to any pertinent precedent decisions, statute, regulation, or statement of policy to support its claim that our previous decisions were based on an incorrect application of law or policy. Thus, the Petitioner has not presented any grounds for reconsideration of our previous decisions.

III. CONCLUSION

For the reasons discussed, the Petitioner has not shown proper cause for reopening or established eligibility for the immigrant benefit sought.

ORDER: The motion to reconsider is denied.

Cite as *Matter of T-I, Inc.*, ID# 679712 (AAO Nov. 8, 2017)