U.S. Citizenship and Immigration Services

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

In Re: 19968141

Date: OCT. 17, 2022

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Advanced Degree Professional

The Petitioner, a cargo services company, seeks to employ the Beneficiary as a senior analyst. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. Section 203(b)(2) of the Immigration and Nationality Act, 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 Texas Service Center initially approved the petition but then later revoked the approval of the petition. We subsequently dismissed the appeal. The matter is now before us on a motion to reconsider.

The regulation at 8 C.F.R. § 103.5(a)(1)(i) limits U.S. Citizenship and Immigration Services' authority to reconsider to instances where an applicant has shown "proper cause" for that action. Thus, to merit reconsideration, an applicant must not only meet the formal filing requirements at 8 C.F.R. § 103.5(a)(1)(iii) (such as submission of a properly completed and signed Form I-290B, Notice of Appeal or Motion, with the correct fee), but also show proper cause for granting the motion. Specifically, 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. § 103.5(a)(3). In these proceedings, it is the petitioner's burden to establish by a preponderance of the evidence eligibility for the requested benefit. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

On motion, the Petitioner repeats its appellate claims, makes the same contentions, and references identical arguments without demonstrating how we incorrectly applied law or policy in our previous decision. The review of any motion is narrowly limited to the basis for the prior adverse decision. Accordingly, we examine any new arguments to the extent that they pertain to our dismissing the appeal. Thus, the issue before us is whether we erred in applying law or policy. Here, we thoroughly addressed these same arguments and issues in our appellate decision. Because the Petitioner did not provide any new arguments relating to our previous decision, we need not address those same arguments again. In fact, language in portions of the Petitioner's motion brief is identical to its appellate brief. *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).

Accordingly, the Petitioner has not shown that we incorrectly applied law or policy in our previous decision based on the record before us.

**ORDER:** The motion to reconsider is dismissed.