



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

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

In Re: 31405910

Date: JUL. 12, 2024

Motion on Administrative Appeals Office Decision

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

The Petitioner seeks second preference 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 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. We dismissed a subsequent appeal. The matter is now before us on the present 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.

A motion to reconsider must: (1) state the reasons for reconsideration, (2) be supported by any pertinent precedent decision to establish that the decision was based on an incorrect application of law or policy, and (3) establish that the decision was incorrect based on the evidence in the record at the time of the decision. 8 C.F.R. § 103.5(a)(3). A motion to reconsider that does not satisfy these requirements must be dismissed. 8 C.F.R. § 103.5(a)(4).

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). Therefore, we will only consider new evidence and arguments to the extent they pertain to our latest decision dismissing the motion to reconsider. 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).

The Petitioner has not provided a sufficient basis for us to reconsider our decision.<sup>1</sup> The motion begins by restating evidence regarding the Petitioner’s work history and education to generally assert his eligibility. The Petitioner also cites to one of his recommendation letters in the record and avers that it demonstrates his venture is of national importance. He does not claim any error in our analysis.

---

<sup>1</sup> The motion makes reference to the Texas Service Center’s decision, but recitation of the content appears to come from our prior decision. As such, we interpret these references as being to our prior decision.

The Petitioner further asserts that his proposed endeavor would have substantial economic impact as it will outsource services and its employee will become “multipliers.” Our prior decision analyzed these assertions of indirect job creation. Disagreeing with our conclusions without showing that we erred as a matter of law is not a ground to reconsider our decision. *See e.g., Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006).

Finally, the Petitioner alleges that we erred in our analysis regarding his education. After reviewing the record, we are unable to determine if the Petitioner’s bachelor’s degree from the [redacted] [redacted] is equivalent to a U.S. bachelor’s degree. The Petitioner asserts that the theology courses he completed at the [redacted] contributed to this bachelor’s degree and all together constituted four years of study. However, the transcript provided from the [redacted] does not have a certified English language translation accompanying it. In order to show that a petitioner holds the qualifying degrees, the petition must be accompanied by “[a]n official academic record.” 8 C.F.R. § 204.5(k)(3)(i)(B). Moreover, any document in a foreign language must be translated and accompanied by a certification from the translator that the English language translation is complete and accurate, and that they are competent to translate from the foreign language into English. 8 C.F.R. § 103.2(b)(3). Because the record lacks a certified English language translation of the transcript from the [redacted] we accord it no weight as we cannot determine whether it supports the claim.

Regardless, the Petitioner has presented nothing to disturb our findings on his other degree. Given that, even if the Petitioner’s bachelor’s degree were determined equivalent to a U.S. bachelor’s degree, he could not have completed the necessary five years of progressive experience after graduating prior to filing the petition to qualify as an advanced degree professional. Moreover, as noted above, the Petitioner has not established that he qualifies for the national interest waiver.

Thus, the Petitioner’s arguments in this motion have not established his eligibility for the waiver. We will not grant the Petitioner’s motion. *See Matter of Coelho*, 20 I&N Dec. at 473 (requiring that new evidence have the potential to change the outcome).

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