



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

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

In Re: 22064652

Date: AUG. 24, 2023

Motion on Administrative Appeals Office Decision

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

The Petitioner seeks classification as a member of the professions holding an advanced degree. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so.

The Director of the Texas Service Center denied the petition. Although the record establishes that the Petitioner qualifies for classification as a member of the professions holding an advanced degree, in relevant part the Director concluded that the record does not establish that the proposed endeavor has national importance. We dismissed a subsequent appeal. The matter is now before us on combined motions 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.

After the appeal decision, the Petitioner submitted two additional Forms I-290B, Notice of Appeal or Motion, indicating that the subsequent filings each were appeals. However, the submissions clarified that the Petitioner intended the subsequent filings to be combined motions to reopen and motions to reconsider. After filing the additional Forms I-290B, the Petitioner further clarified that the instant submission is a duplicate and he requested that we “consolidate the filings and adjudge accordingly.” Therefore, we address the merits of the submissions in our decision on the previously submitted combined motions, *In Re*: 22046022, and we will dismiss the instant submission as moot.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.