U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37273646

Date: APR. 17, 2025

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner, a martial artist, seeks classification as an individual of extraordinary ability. This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition. We dismissed the Petitioner's appeal and 10 subsequent motions. The matter is now before us on a combined motion to reopen and 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 combined motion.

We incorporate by reference our prior analysis in our respective decisions on the appeal and the Petitioner's subsequent motions. By way of summation, the record does not establish that the Petitioner received a one-time (that is, a major, internationally recognized award) contemplated by the regulation at 8 C.F.R. § 204.5(h)(3), or that the Petitioner meets at least three of the 10 criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x).

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). 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).

On motion to reopen, the Petitioner submits a copy of our prior decision and a brief. However, he does not submit new facts or documentary evidence. Because the Petitioner's motion does not include new facts supported by documentary evidence, it does not satisfy the plain language requirements of a motion to reopen, and it must be dismissed. *See* 8 C.F.R. §§ 103.5(a)(2), (4).

In turn, 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). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. §§ 103.5(a)(1)(i)-(ii).

On motion to reconsider, the Petitioner references the criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x), he discusses facts and issues we have already considered in our previous decisions, and he disagrees with our conclusions. However, he does not establish on motion to reconsider how we may have incorrectly applied a law or U.S. Citizenship and Immigration Services (USCIS) policy, nor does he reference any pertinent precedent decisions. Because the Petitioner's motion does not establish how we may have incorrectly applied a law or USCIS policy, supported by any pertinent precedent decisions, it does not satisfy the requirements of a motion to reconsider, and it must be dismissed. *See* 8 C.F.R. §§ 103.5(a)(3)-(4); *see also Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006) (providing that a motion to reconsider is not a process by which a party may submit, in essence, the same brief presented on appeal and seek reconsideration by generally alleging error).

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.