U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42271461

Date: APR. 28, 2026

Motion on Administrative Appeals Office Decision

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

The Petitioner seeks classification as an alien of extraordinary ability. *See* section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. *Id.*

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner was not the recipient of a major, internationally recognized award and did not satisfy at least three of the ten evidentiary criteria to meet the initial evidentiary requirements of the classification. We summarily dismissed the 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 combined motions.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). 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). 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). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

The Petitioner timely filed an appeal in August 2025, which we summarily dismissed in December 2025 because the Petitioner had not specifically identified any legal or factual error in SCOPS' decision on the Form I-290B, Notice of Appeal or Motion, and did not submit his appeal brief and/or additional evidence to us within 30 days of filing the appeal as indicated on the Form I-290B.

On motions, the Petitioner asserts that he timely submitted his appeal brief using the United States Postal Service (USPS) as the delivery carrier. But, he states proof of delivery is no longer available as the USPS tracking system holds the information for 120 days and he received the summary dismissal decision after the 120-day retention period. In support, he includes a printout of an order evidencing a label was printed in August 2025 and identifying the "Service Type" as "Priority Mail

Flat Rate Envelope." He also includes a printout stating USPS stores record information for 120 days. The printouts do not demonstrate that the Petitioner timely submitted his brief directly to the AAO as is required by the Form I-290B instructions. *See* USCIS Form I-290B, Instructions for Notice of Appeal or Motion (rev. 05/31/24). The printout evidencing a label was printed does not contain any identifying information linking it to the Petitioner's appeal, and it does not indicate that a package was mailed and timely received by the AAO.

We summarily dismissed the appeal because the record contained no basis statement specifically identifying any legal or factual error in SCOPS' decision at the time of adjudication in December 2025. The Petitioner has not presented new facts that overcome the basis for our prior summary dismissal and has not met the requirements for reopening under 8 C.F.R. § 103.5(a)(2). The Petitioner also has not established that we erred as a matter of law or policy in our prior decision or that the dismissal was incorrect based on the evidence in the record of proceedings at the time. Accordingly, he has not satisfied the requirements for a motion to reconsider. *See* 8 C.F.R. § 103.5(a)(3).

Consequently, we have no basis for reopening or reconsideration of our decision, and the combined motions will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.