U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39973606

Date: AUG. 19, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). 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.

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner had not demonstrated a one-time achievement or satisfaction of at least three initial evidentiary criteria. We dismissed a subsequent appeal and six subsequent motions. The matter is now before us on 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 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). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

In our dismissal of the Petitioner's sixth motion, the latest decision in these proceedings, we determined that the Petitioner did not establish that the preceding decision (the Petitioner's fifth motion) had been in error according to law and policy, and that it neither asserted a new fact nor included documentary evidence of a new fact. We concluded that we had properly dismissed the Petitioner's fifth motion because it was improperly filed according to the form instructions (indicating that USCIS may reject a Form I-290B that improperly purports to be both an appeal and a motion). Although the Petitioner cited *Matter of Morales-Morales*, 28 I&N Dec. 714 (BIA 2023) in support his sixth motion, we noted that *Morales-Morales* did not address 8 C.F.R. § 103.5(a)(1)(i), which pertains to motions before us.

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). Here, the motion brief does not identify any errors or refer to any specific conclusions in the latest decision in the proceeding, our dismissal of the Petitioner's sixth motion. The Petitioner's contentions in his current motion merely reargue facts and issues we have already considered in our previous decisions. *See, e.g., Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006) (indicating 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 in the prior Board decision").

We will not re-adjudicate the petition anew and, therefore, the underlying petition remains denied.

ORDER: The motion to reconsider is dismissed.

NOTICE: Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.