U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 30146595

Date: AUG. 27, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an accounting and tax consultant, seeks classification as an individual of extraordinary ability in business. *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 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*.

SCOPS denied the petition, concluding that the record did not establish the Petitioner has a one-time achievement (that is, a major internationally-recognized award) or meets at least three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3). The Petitioner filed a motion to reopen and reconsider which was granted and the decision was affirmed, a second motion to reopen and reconsider which was granted and the decision was affirmed, and four more motions to reopen and reconsider which were all dismissed for failing to meet the requirements of a motion to reopen and reconsider. The dismissal of the sixth motion to reopen and reconsider is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

SCOPS denied the Petitioner's sixth motion to reopen for her failure to state any new facts or submit any documentary evidence. SCOPS noted that the Petitioner submitted a letter, but she only reasserted previously stated facts in it. A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). A review of the record reflects that SCOPS correctly dismissed the motion to reopen. On appeal, the Petitioner does not assert, nor does the record establish, that she stated any new facts or submitted any documentary evidence with her sixth motion to reopen. Rather, she reiterates her professional experience and achievements in asserting that she is an individual of extraordinary ability, and she asserts that SCOPS erred in its initial decision denying her Form I-140 petition by not considering relevant evidence.

SCOPS denied the Petitioner's sixth motion to reconsider for her failure to assert an incorrect application of law or policy and support it with any pertinent precedent decisions. SCOPS noted that the Petitioner submitted a letter, but she did not point out any specific incorrect application of law or policy or include any pertinent precedent decisions. A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or policy. 8 C.F.R. § 103.5(a)(3). A review of the record shows that SCOPS correctly dismissed the motion to reconsider. On appeal, the Petitioner does not assert, nor does the record establish, that she asserted an incorrect application of law or policy and supported it with any pertinent precedent decisions in her sixth motion to reconsider.

As the Petitioner has not overcome the basis for either the sixth motion to reopen or motion to reconsider dismissal, we will dismiss her appeal.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). 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.