U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40794764

Date: FEB. 12, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is an assistant professor in the area of intercultural communication who seeks classification as an alien 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.

SCOPS denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding the record did not establish that the Petitioner had a major, internationally recognized award, nor did he demonstrate that he met at least three of the ten regulatory criteria. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility to U.S. Citizenship and Immigration Services (USCIS) by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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.

I. LAW

To qualify under this immigrant classification, the statute requires the filing party demonstrate:

- The alien enjoys extraordinary ability in the sciences, arts, education, business, or athletics;
- They seek to enter the country to continue working in the area of extraordinary ability; and
- The alien's entry into the United States will substantially benefit the country in the future.

Section 203(b)(1)(A)(i)–(iii) of the Act. The term "extraordinary ability" refers only to those in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-step analysis. In the first step, a petitioner can demonstrate international recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that

meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then move to the second step to consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115, 1121 (9th Cir. 2010) (discussing a two-step review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022).

II. ANALYSIS

The Petitioner's field is best characterized as intercultural communication. Stated differently, his work relates to helping individuals from different backgrounds progress and succeed together.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). Before SCOPS, the Petitioner claimed he met five of the regulatory criteria. SCOPS decided that the Petitioner satisfied two of the criteria relating to judging and his authorship of scholarly articles but that he had not satisfied the criteria associated with prizes or awards, original contributions, or his leading or critical role. On appeal, the Petitioner maintains that he meets the same evidentiary criteria. After reviewing all the evidence in the record, we conclude the Petitioner has not demonstrated his eligibility for this highly restrictive immigrant classification.

1. "Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i).

This criterion contains several evidentiary elements, all of which must be met to satisfy the regulation. According to the plain language of the regulation the evidence must establish: (1) the alien is the recipient of the prizes or the awards; (2) those accolades are nationally or internationally recognized; and (3) each prize or award is one for excellence in the field of endeavor.

The Petitioner addressed multiple prizes or awards before SCOPS, but they determined that the Petitioner did not meet the requirements of this criterion. SCOPS found the evidence deficient as it did not demonstrate that some awards were for excellence in the field or that the accolades were nationally or internationally recognized in the field. SCOPS also noted deficiencies as some material was in a foreign language but was not accompanied by a certified translation, while other supporting evidence derived from *Wikipedia*, which is an unreliable source. On appeal, the Petitioner only contests SCOPS' determination relating to the [redacted] award.

Even if we were to accept the Petitioner's contention that this was awarded for excellence in the field, we note his appeal identifies inadequate evidence to demonstrate the award was nationally or

internationally recognized. And SCOPS noted some of the supporting evidence for this award either derived from an unreliable source or he provided foreign language documents that were not accompanied by a proper certified English translation.

Beginning with the translated material, the Petitioner has not explained what translation certifications are certifying his foreign language material. After reviewing the media-related evidence, we are unable to confirm the Petitioner's claims that his certified translations comply with the regulation at 8 C.F.R. § 103.2(b)(3). It appears he offered a translation certificate for multiple foreign language documents without any indication of what documents were being certified. "Petitioners and applicants for immigration benefits are required by regulation to provide certified English translations of any foreign language documents they submit." *Matter of Nevarez*, 15 I&N Dec. 550, 551 (BIA 1976) (citing 8 C.F.R. § 103.2(b), now promulgated at 8 C.F.R. § 103.2(b)(3)) which states: "Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English."

The language utilized within the regulation implicitly precludes a single certification that validates several translated forms of evidence unless the certification specifically lists the translated documents. Without a single translator's certification for each foreign language form of evidence, or a translator's certification specifically listing the documents it is validating, the certification cannot be regarded to be certifying any specific form of evidence. The final determination of whether evidence meets the plain language requirements of a regulation lies with USCIS. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988) (finding that the appropriate entity to determine eligibility is USCIS).

As noted above, the regulation does not contain any provision that allows for such a blanket translation certificate. The submission of a single translation certification that does not identify the document or documents it purportedly accompanies, does not meet the requirements of the regulation at 8 C.F.R. § 103.2(b)(3). Consequently, any foreign language document containing deficiencies in translation or based on a blanket certification of translation is not probative evidence.

We note the existence of one article the Petitioner identifies as being in the English language in its original form. After locating the document, we agree that the article is an English language version. But the award he received was not mentioned in the article, so the relevance to demonstrate his award is nationally or internationally recognized in the field is not apparent from this material.

In the appeal, the Petitioner further relies on the issuing entity's reputation, the process the entity utilized to select the award's winners, that the winners were chosen from a global applicant pool, and the reputation of the award's past winners. But as we detail below, none of those aspects taken individually, or collectively, preponderantly demonstrate this award is a nationally or internationally recognized award for excellence in the field.

As it relates to the issuing entity's reputation, national and international recognition results, not from the issuing entity, but through the awareness of the accolade in the eyes of the field nationally or internationally. This recognition should be evident through specific means; for example but not limited to, national or international-level media coverage. A national or international level competition may issue lesser awards that merely receive local or regional recognition, which do not

meet the plain language requirements of this criterion. As a result, selection from an international pool of candidates does not necessarily impart equal significance to an award. The international pool of candidates is not determinative as the regulation continues to require documentary evidence demonstrating that the award is nationally or internationally recognized.

And the Petitioner does not adequately explain how the review process for this award imparts national or international recognition onto it. Even if we agree with the Petitioner that the process involves more than simply identifying "the highest overall division reviewer rating," within that portion of the decision SCOPS was discussing whether the award was for excellence in the field, but the issue here is its national or international recognition in the field. So the Petitioner's arguments are misplaced. Even so, the process the Petitioner identifies—"a multi-stage, double-blind peer-review process grounded in merit-based criteria"—does not establish the award is nationally or internationally recognized in the field.

And finally, the fact that well-known figures have received this award in the past does not satisfy this criterion's requirements. What's absent is probative material demonstrating this particular award is nationally or internationally recognized for excellence in the field. Agency policy addresses the requisite level of a prize's or award's recognition noting we consider the "national or international significance of the awards or prizes in the field" and states "national or international recognition is most often associated with awards given to individuals at the highest level in a given field." *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual. *See Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *8 (N.D. Cal. Feb. 16, 2021) (upholding the determination that awards must be nationally or internationally recognized). But the Petitioner has not made such a showing here and he has not submitted evidence that meets the plain language requirements of this criterion.

2. "Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).

The primary requirements here are that the Petitioner's contributions in their field were original and they rise to the level of major significance in the field, rather than to a project or to an organization. *See Amin*, 24 F.4th at 394 (citing *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134 (D.D.C. 2013)). The regulatory phrase "major significance" is not superfluous and, thus, it has some meaning. *Nielsen v. Preap*, 586 U.S. 392, 415 (2019) (finding that every word and every provision in a statute is to be given effect and none should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence). Further, the Petitioner's contributions must have already been realized rather than being potential, future improvements. Contributions of major significance connotes that the Petitioner's work has significantly impacted the field. The Petitioner must submit evidence satisfying all of these elements to meet the plain language requirements of this criterion.

The Petitioner claimed eligibility under this criterion based on two of his publications; one in 2016 and another in 2023. SCOPS determined that the Petitioner did not meet the requirements of this criterion. On appeal, the Petitioner contests SCOPS' allegation that he only presented evidence from local colleagues and his influence is therefore limited to his local surrounding area. The Petitioner points to evidence that is from an independent expert in his field to refute SCOPS' allegation.

The primary evidence the Petitioner points to on appeal is the letter from [redacted] who also serves as the editor-in-chief of one of the prominent academic journals for intercultural communication research. While the professor asserts that the Petitioner is a recognized scholar, this characterization remains unsupported by the objective record. Although the Petitioner's 2023 publication is described as having attracted attention, the professor fails to bridge the gap between mere visibility and major significance. Specifically, the professor's testimonial offers no evidence that the Petitioner's work has actually resolved the "key gaps" it purportedly identifies. Furthermore, the professor relies on the existence of international citations as a proxy for influence; however, he fails to demonstrate how these citations represent a fundamental shift in the field's philosophy or a transformative advancement in research, rather than the routine academic acknowledgement typical of the peer-review process. Ultimately, the professor describes a scholar who is participating in the field, not one who is leading or reshaping it.

We further note the Petitioner asserts that his 2023 work serves as a "core scholarly foundation" that "directly shapes" European policy discourse; however, the record fails to substantiate such a sweeping claim of influence. A review of the provided appellate examples reveals that his work was merely cited in a single instance sometime among dozens of publications. This peripheral mention falls far short of the in-depth discussion offered as a representative example in USCIS policy, which expects evidence of published research that has provoked "widespread commentary" regarding its importance. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. *Venkatnarayan v. Jaddou*, No. 1:23CV256, 2024 WL 4008312, at *7 (M.D.N.C. Aug. 30, 2024), *report and recommendation adopted sub nom. Venkatnarayan v. Jaddou*, No. 1:23-CV-256, 2024 WL 4267307 (M.D.N.C. Sept. 23, 2024) (upholding USCIS' finding that there was no evidence distinguishing the alien's work from all the other works cited in the articles to show the major significance of his work).

But even if the Petitioner's work was influential within the work of one or a few published works, that is not necessarily adequate to demonstrate that influence amounts to a contribution of major significance in the broader field. While we agree that it is notable when one's work has influence on other researcher's work, a petitioner should be able to demonstrate how that lesser influence extends to impact the field as a whole, as simply demonstrating an original contribution in the field falls far short of this criterion's requirements. *See Amin*, 24 F.4th at 394 (citing *Visinscaia*, 4 F. Supp. 3d at 134–35 (upholding a finding that a ballroom dancer had not met this criterion because she did not corroborate her impact in the field as a whole).

For the Petitioner's final argument under this criterion, he discusses how the citation rates for social sciences is lower than those of other sciences. He identifies the supporting material he offered in the initial filing and in response to SCOPS' request for evidence. But the evidence he points to does not demonstrate what he claims it does. He asserts the material's "implementation across the globe and across academic disciplines confirms that the Petitioner's contributions were not merely original but of 'major significance.'" The evidence he references appears to be portions of his Google Scholar profile with his personal annotations on the document presenting them as "Original Contributions (Average Citations)." The provided evidence does not provide the raw numbers needed to calculate a simple average such as "citations per paper." In other words, the Petitioner did not provide sufficient information to reveal the average number of citations that the Petitioner is attempting to demonstrate.

But even setting that aside, simply because he has attained a higher than average citation rate does not establish that he has made contributions of major significance in the field. The comparison of citations to a particular scientific article may be relevant for this criterion in order to establish the overall field's general view of a contribution of major significance, but only when that data is accompanied by additional factors as indicated below. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual. *See also Visinscaia*, 4 F. Supp. 3d at 134 (upholding a finding that a ballroom dancer did not meet this criterion because she did not corroborate her impact in the field as a whole).

In fact, the USCIS Policy Manual reflects that a petitioner should show more than simply being highly cited. Agency policy also requires a significant reaction to the published work throughout the field when it states:

> Analysis under this criterion focuses on whether the person's original work constitutes major, significant contributions to the field.
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> . . . .
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> For example, *published research that has provoked widespread commentary on its importance from others working in the field, and* documentation that it has been highly cited relative to others' work in that field, may be probative of the significance of the person's contributions to the field of endeavor.

See generally 6 *USCIS Policy Manual*, *supra*, F.2(B)(1) (emphasis added). *See also Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *20 (D. Neb. Sept. 12, 2025) (determining the Policy Manual describes a proper basis to make this determination). So, agency policy does not reflect what the Petitioner alleges, because a foreign national must also show how potentially influential research has generated substantial discussion among peers in the field. For instance, that could mean more than citations and might include invitations to serve as a keynote speaker or to participate on panels at major conferences, media coverage, etc. We also note the Policy Manual includes the provision that the citations to a petitioner's work should be compared (i.e., relative) to other's work in the field and such a showing should be to others who have been influential in the field and not merely average. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1). *Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *5 (N.D. Tex. Oct. 19, 2023) (finding although the petitioner provided evidence showing that a few of his articles have received several times more citations than average, the record did not indicate what number of citations was being compared to: all articles within his specific field, all articles written by researchers of his age or level of expertise, or all scientific articles ever published).

Although we agree with the Petitioner that a portion of SCOPS' statements under this criterion were incorrect, he has not submitted evidence that his contributions have had a sufficiently appreciable impact in the field, and as a result they have not met this criterion's requirements.

3. "Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii).

A leading role should be apparent by its position in the overall organizational hierarchy and the role's matching duties. A critical role should be apparent from the Petitioner's impact on the entity's activities. The Petitioner's performance in any role should establish whether it was leading or critical for organizations, establishments, divisions, or departments *as a whole*. Ultimately, the leading or the critical role must be performed on behalf of the organization, establishment, division, or department that enjoys a distinguished reputation, rather than for a unit subordinate to these listed entities. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual. USCIS policy reflects that organizations, establishments, divisions, or departments that enjoy a distinguished reputation are "marked by eminence, distinction, or excellence." *Id.* The Petitioner must submit evidence satisfying all of these elements to meet the plain language requirements of this criterion. *Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *7 (E.D. Wis. Nov. 4, 2024).

The Petitioner only claims the roles he performed for the [redacted] in the appeal. SCOPS determined that the Petitioner did not meet the requirements of this criterion.

We begin noting we will not presume the Petitioner performed in a leading or critical role simply from the title he held in that organization nor from the entity's longevity or size; additional probative, corroborating evidence must also be part of the record. USCIS policy addresses this aspect providing:

> The relative size or longevity of an organization or establishment is not in and of itself a determining factor but is considered together with other information to determine whether a distinguished reputation exists. Other relevant factors for evaluating the reputation of an organization or establishment can include the scale of its customer base or relevant media coverage.

See generally 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). The USCIS Policy Manual also refers to a common dictionary to define the term distinguished and states: "Merriam-Webster's online dictionary defines 'distinguished' as 'marked by eminence, distinction, or excellence' or 'befitting an eminent person [or entity].'" *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policymanual. The concepts within that definition indicate a distinguished reputation means the organization or establishment:

- Is in "a position of prominence or superiority"[1];
- Has "the quality or state of being excellent or superior"[2]; or
- Has "the quality of being excellent"[3] or "an excellent or valuable quality"[4].

[1] *Eminence*, Merriam-Webster.com Dictionary (Feb. 2, 2026), https://www.merriam-webster.com/dictionary/eminence.
[2] *Distinction* (sense 4), Merriam-Webster.com Dictionary (Feb. 4, 2026), https://www.merriam-webster.com/dictionary/distinction.
[3] *Excellence*, Merriam-Webster.com Dictionary (Feb. 9, 2026), https://www.merriam-webster.com/dictionary/excellence.
[4] *Excellent*, Merriam-Webster.com Dictionary (Feb. 9, 2026), https://www.merriam-webster.com/dictionary/excellent.

The evidence in the record does not adequately reflect this entity enjoys a distinguished reputation. The Petitioner claims [redacted]'s reputation is distinguished based on: (1) its inclusion in the Education Resources Information Center (ERIC), a national digital library and bibliographic database of education research and information; (2) it is recognized through official governmental repositories and is validated by leading universities; (3) it issues awards, and (4) it issues a peer-reviewed journal.

As it relates to the [redacted]'s inclusion in ERIC, the evidence the Petitioner submitted to support this claim is significantly dated relating to its reputation in 1981, but he served with the organization within the last few years. He did not present any similar material for the approximate timeframe when he performed in the claimed leading and critical role for [redacted]. While it's possible some entities included in ERIC may enjoy a distinguished reputation, the Petitioner has not provided evidence to demonstrate such inclusion inherently enjoys such a reputation. It signifies that the work is relevant to education, not necessarily distinguished within the field. Inclusion in a bibliographic database like ERIC—which serves as a comprehensive repository for educational literature—is a standard professional occurrence for research entities and does not, in itself, establish a distinguished reputation. ERIC indexes various materials, including non-peer-reviewed technical reports and internal documents. The Petitioner has provided no independent evidence, such as national rankings, major industry awards, or significant media recognition, to demonstrate that the [redacted]'s stature rises to that of a distinguished level as this criterion requires. Consequently, the Petitioner has not established that his role was performed for an organization with the requisite reputation based on its inclusion in ERIC.

Next, the Petitioner claims the [redacted]'s distinguished reputation is derived from its recognition through official governmental repositories, such as the Indiana State Library's Indiana Memory project, and recognition of leading universities. For the Indiana Memory project, the Petitioner notes the [redacted] "mirrored its Digital Media Repository holdings on this library's statewide digital library. But he doesn't explain how mirroring content that already exists imparts a distinguished reputation on [redacted].

On the issue of recognition from leading universities, the appeal brief offers an example stating: [redacted] library recognizes the [redacted] as a professional organization, which serves as a testament to its legitimacy and regional scholarly influence from a top-tier research institution." The evidence the Petitioner relies on to claim this conveys a distinguished reputation to [redacted] is a [redacted] website simply listing research guides relating to communications studies. But he doesn't offer sufficiently probative evidence to support those claims. [redacted] website instructs librarians constructing such a list to consider their users, ensure the content is reliable and timely, and is easy to find.[5] Being listed in a library database is a passive inclusion in an index of resources. It does not involve a selective review panel, peer nomination, or a competitive process that requires members or listed entities to meet an extraordinary standard of achievement. The evidence presented only confirms that the [redacted] is an appropriate and authoritative source for students researching communication studies at [redacted] not that it enjoys a distinguished reputation as a result of being included in the list.

[5] *Research Guide Design: Best Practices and Guidelines*, [redacted] Libraries | Research Guides (Apr. 15, 2024), https://libguides.northwestern.edu/rgd.

And for the Petitioner's final claims under this requirement he states: "[redacted]'s awards, Hall of Fame, and peer-reviewed journal 'Communication Studies' further confirm its role as a major platform for recognizing excellence in communication scholarship. Such third-party recognition satisfies the requirement that the organization itself must be distinguished under 8 C.F.R. § 204.5(h)(3)(iii)." A review of associated material he presented before SCOPS reflects university-based media covering various forms of awards that [redacted] was issuing to individuals from those educational institutions. But recognition at that level does not establish that [redacted] enjoys a distinguished reputation. Absent is probative material showing the awards are acknowledged at a heightened level that might speak to the [redacted]'s reputation and demonstrate it is "marked by eminence, distinction, or excellence" or "befitting an eminent person [or entity]" as we detailed above. The simple fact that an entity issues awards does not automatically impart a distinguished reputation to the entity.

And about the journal [redacted] publishes, it is commonplace for associations to publish journals and such publication is viewed as an administrative function rather than proof of prestige. The Petitioner has not demonstrated that the journal's prestige is transitive or that its status should automatically be imputed to [redacted]. The record lacks any evidence to persuade us that a journal's reputation and its parent association are an amalgamation or to depart from the view that a journal's reputation is more associated with its editorial board, peer-review rigor, citation impact, and the quality of submissions. In general, we view a journal's reputation and its parent association as distinct. Ultimately, the evidence in the record does not adequately reflect that [redacted] enjoys a distinguished reputation, and we will not presume as much based on the reputation of one of its products.

Because the Petitioner has not demonstrated a primary requirement under this criterion—that his claimed organization enjoys a distinguished reputation—it is unnecessary that we evaluate the remaining mandatory requirements and we reserve the Petitioner's remaining appellate arguments under this criterion. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)); *see also M-C-C-*, 29 I&N Dec. 401, 405–06 (BIA 2026) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he is an alien of extraordinary ability and we need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119–20; *see also Nagaiah v. Allen*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *See Bagamasbad*, 429 U.S. at 25.

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an alien of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

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.