U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43216858

Date: JUNE 17, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Petitioner, a medical health services manager, 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.

USCIS denied the petition, concluding that although the Petitioner demonstrated that he meets at least three of the initial evidentiary criteria for this classification, he did not establish that he has achieved sustained national or international acclaim and is among those individuals in the small percentage at the very top of his field. The matter 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.[1]

I. LAW

Section 203(b)(1)(A) of the Act makes immigrant visas available to aliens with extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. A petitioning alien must seek to enter the United States to continue work in the area of extraordinary ability and show that their entry into the United States will substantially benefit the United States.

The term "extraordinary ability" refers only to those individuals 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-part analysis. First, a petitioner can demonstrate international recognition of their achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Alternatively, the petitioner can submit evidence that

[1] While we may not discuss every document submitted, we have reviewed and considered each one.

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. If those standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part 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 (5th Cir. 2022); *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

A. Evidentiary Criteria

Because the Petitioner has not claimed or established his receipt of 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). The Petitioner previously claimed that he met six of these ten criteria, namely:

- published materials about the individual;
- judge of others' work;
- original contributions of major significance;
- authorship of scholarly articles;
- leading or critical roles; and
- high salary in relation to others.

USCIS determined that the Petitioner met four of the claimed criteria by documenting that he had materials published about him or his work, judged the work of others in his field, authored scholarly articles in professional publications, and held a leading or critical role in an organization with a distinguished reputation.[2] *See* 8 C.F.R. § 204.5(h)(3)(iii), (iv), (vi) and (viii). Nevertheless, in a final merits determination, USCIS concluded that the Petitioner had not demonstrated, by a preponderance of the evidence, that he had garnered sustained national or international acclaim in his field and that he is one of that small percentage who has risen to the very top of the field.

On appeal, the Petitioner contends that he satisfies two additional criteria and that the evidence in the aggregate establishes his eligibility as an individual of extraordinary ability. We need not determine whether the Petitioner satisfies the additional evidentiary criteria because the appeal hinges on the

[2] The articles submitted to demonstrate that the Petitioner meets the published materials criterion at 8 C.F.R. § 204.5(h)(3)(iii) are about value-based healthcare (VBHC) and not about the Petitioner and his work. Regardless, we will address the evidence submitted in support of this criterion within the context of a final merits determination.

final merits determination.[3] Therefore, we will evaluate the totality of the evidence based on the documentation presented to USCIS in the context of the final merits determination below.

B. Final Merits Determination

In a final merits determination, we analyze the Petitioner's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian v. USCIS*, 596 F.3d at 1119-20. Because extraordinary ability is an elite level of accomplishment whose recognition necessarily entails a judgement call, it cannot be established through meeting at least three of the evidentiary criteria alone. *See Amin v. Mayorkas*, 24 F.4th at 394-395. The final merits determination requires an evaluation of whether a petitioner has demonstrated, by a preponderance of the evidence, their sustained national or international acclaim,[4] that they are among the small percentage at the very top of the field of endeavor, and that their achievements have been recognized in the field through extensive documentation.

Accordingly, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate extraordinary ability. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[5] The commentary for the regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required for lesser classifications." 56 Fed. Reg. 30703, 30704. Here the Petitioner has not established that he meets this very high standard. *See Amin v. Mayorkas*, 24 F.4th at 386-87 (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

The Petitioner is a medical health services manager who earned a bachelor's degree in hospital administration followed by a master's degree in administration, both in his home country of Brazil. The Petitioner's career has spanned more than two decades and has involved work in both hospital settings and the private sector, with a focus on healthcare policy. His latest role has been that of "Director of Health Systems Strategies and Government Affairs" at [redacted] in Canada. The Petitioner claims that he has extraordinary ability in providing healthcare consulting services that will offer "policy solutions that deliver measurable system improvements across both public and private markets."

As mentioned earlier, the record shows that the Petitioner has judged the work of others in his field, authored scholarly articles, and held leading or critical roles in organizations with distinguished reputations. We have also considered evidence related to published materials about the Petitioner, the

[3] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

[4] *See generally* 6 *USCIS Policy Manual* F.2(A)(1), https://www.uscis.gov/policy-manual (stating that the definition of "sustain" is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

[5] *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(2) (stating that USCIS officers should evaluate the evidence together when considering the petition in its entirety to determine if a petitioner has established by a preponderance of the evidence, the required high level of expertise required for this immigrant classification).

Petitioner's contributions, as well as his salary or renumeration in relation to others. The record, however, does not demonstrate that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

Regarding the Petitioner's service as a judge of the work of others in his field, an evaluation of the significance of the judging experience is appropriate to determine if such evidence is indicative of the extraordinary ability required for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22.[6] Participation in the peer review process does not automatically demonstrate that an individual has sustained national or international acclaim indicative of extraordinary ability. The record shows that the Petitioner sat on an editorial board at [redacted], served as a "scientific reviewer" at [redacted] Grant competition, and evaluated the "people management pillar" in a 2016 study which sought to gauge "the level of management maturity of healthcare providers."

However, the Petitioner did not explain the significance of his judging experiences or establish that such experiences are indicative of his placement at the very top of his field. For instance, the Petitioner did not show that he garnered wide attention from the field based on his work as an evaluator and judge. Without evidence that sets the Petitioner apart from others in his field, such as evidence that he has a consistent history of reviewing or judging as recognized by acclaimed experts in his field or that he serves in an editorial position for a highly ranked or prestigious journal, the Petitioner has not shown that his judging experience places him among that small percentage who has risen to the very top of the field of endeavor. *See Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the petitioner did not offer evidence of a consistent history of completing a substantial number of review requests relative to others, serving in editorial positions for distinguished journals or publications, or chairing technical committees for reputable conferences).

The Petitioner also provided certificates showing that he served as a "Member of the Scientific Committee" while attending the 2007, 2008, and 2009 [redacted] events on "Financial Management and Hospital Costs." Although the record contains a 2006 article from *Health World* which states that the "definition of specific themes and the selection of speakers . . . is the responsibility of a select scientific committee," the Petitioner did not provide official documentation outlining the requirements for serving as a committee member at these congressional events, nor is it apparent that such services involved judging the work of others. More importantly, the Petitioner has not explained the significance of his committee membership or established that such membership represents his status as being among the very top of his field.

Likewise, authorship and publication do not automatically place one at the top of their field.[7] Here, the record contains evidence showing that the Petitioner published two articles,[8] one in 2008 and

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[6] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (providing that the second step requires USCIS to evaluate the person's performance as a judge to determine whether it was indicative of the person being of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

[7] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that the second step requires USCIS to evaluate the person's publications to determine whether it is indicative of being one of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

[8] The record contains a 2007 article titled [redacted] The line directly below the title states the following: " For [Petitioner's name], from [redacted] It is unclear whether the Petitioner wrote this article.

another in 2018, but he has not demonstrated that his publication record is consistent with having a career of acclaimed work, sustained national or international acclaim, and being among the small percentage at the very top of his field. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding it reasonable for USCIS to focus on the fact that a publication record of six publications over seven years inconsistent with a career of acclaimed work and sustained national or international acclaim). Therefore, the Petitioner did not demonstrate that he has distinguished himself from others in the field based on his publications.

Further, the citation history or other evidence of his publications' influence can be an indicator to determine the impact and recognition his work has had on the field and whether such influence has been sustained. For example, numerous independent citations for an article authored by a petitioner may provide solid evidence that his or her work has been recognized and that others have been influenced by the work. Such an analysis at the final merits determination stage is appropriate pursuant to *Kazarian v. USCIS*, 596 F.3d at 1122. Here, however, the Petitioner has not provided his citation record or other evidence demonstrating that his publications have impacted the field or resulted in recognition for his work.

Next, we turn to the Petitioner's leading or critical roles. The record shows that the Petitioner has held a variety of leadership roles in the healthcare management field, the latest of which is his position in as [redacted] Canada's "Regional Director, Health System Strategies & Government Affairs," a role that requires the Petitioner to act in an advisory capacity and to develop relationships with "senior healthcare leaders in the region" both in the public and private sectors. The evidence includes letters of support from several [redacted] executives who discussed the Petitioner's work and achievements and highlighted his leadership role in starting a regional value-based healthcare (VBHC) program during his employment at [redacted] Brazil. The Petitioner also provided letters from colleagues and superiors at other organizations, such as [redacted] who recognize his work ethic and competence in carrying out various roles in the healthcare industry. Although the letters highlight the Petitioner's accomplishments within their respective organizations, such as spearheading the VBHC program during his employment with [redacted] Brazil and developing the "Corporate Accounts strategy" during his employment with [redacted] they do not demonstrate that the Petitioner has garnered sustained national or international acclaim in his field.

In general, letters that make expansive statements regarding a petitioner and their accomplishments are not persuasive. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3). Here, the letters do not claim, nor does the content show, that the Petitioner achieved national or international acclaim from the field. Moreover, the letters do not demonstrate that the Petitioner has attracted a level of attention that places him at the very top of his field, nor do they show that he has enjoyed a career of acclaimed work. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others).

The record also contains a letter from [redacted] inviting the Petitioner "to participate as a speaker" for the purpose of training managers, clinicians, and policymakers based on his "leadership in developing the Brazilian VBHC Body of Knowledge." However, the Petitioner did not provide corroborating evidence from [redacted] indicating that they reserve their invitations for individuals who have sustained national or international acclaim and are

among the small percentage at the very top of his field. The Petitioner's participation in the [redacted] training program or other invited presentations[9] demonstrates that his work was shared with others in his field, but without documenting the broader impact of his work, such participation is not sufficient to show that his achievements reflect the level of recognition that is commensurate with sustained national or international acclaim. *See* 6 *USCIS Policy Manual*, *supra*, at F.2(A)(1).

In sum, the Petitioner has not offered sufficient evidence demonstrating that his specific roles reflect sustained national or international acclaim and demonstrate that he is among the small percentage at the very top of his field. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 2879217, at *23 (D. Neb. Sept. 12, 2025) (upholding that plaintiff's roles do not place her at the top of the field or demonstrate sustained national or international acclaim).

Beyond the criteria that the Petitioner satisfied, we have considered additional documentation in the record to determine whether the totality of the evidence demonstrates eligibility. For the reasons discussed below, we find that the evidence neither fulfills the requirements of any further evidentiary criteria nor contributes to an overall finding that the Petitioner has sustained national or international acclaim and is among the small percentage at the top of his field.

Regarding the Petitioner's submission of published material, although the record contains articles mentioning the Petitioner and his accomplishments, such as the VBHC program he spearheaded during his employment with [redacted], the Petitioner has not established that the published material is evidence of his sustained national or international acclaim. And as previously indicated, the record does not show that the material was about the Petitioner and his work. For instance, in a 2017 article that was posted to *Anahp News*, the Petitioner's name and role with [redacted] Brazil were provided in the article's discussion of VBHC. Despite offering a quote from the Petitioner on "the need for conceptual change" in healthcare options, the article was mainly about VBHC as a viable healthcare solution and does not discuss what role, if any, the Petitioner had in implementing VBHC in Brazil. Likewise, a 2018 article published in *In Club* also focused on the concept of VBHC as a healthcare framework and provided an explanation from a Harvard University researcher and economist about the VBHC initiative. The body of the article contained no mention of the Petitioner and did not recognize him as someone who greatly contributed to the implementation of VBHC in Brazil; rather, the Petitioner was mentioned on the page following the article, which contains what appears to a link to a presentation accompanied by the following caption: [redacted] However, an article featuring the Petitioner and his work was not provided. Regardless, the Petitioner has not established that such an article, even if submitted, is sufficient evidence of his sustained national or international acclaim and demonstrates that the Petitioner is among the small percentage at the very top of his field.

While the record does contain additional articles that mention the Petitioner as a proponent of healthcare management solutions, the Petitioner has not established that this level of recognition translates into national or international acclaim in his field.

[9] The record contains a 2006 article from *Unimed Universe* which lists the Petitioner, who at the time was working at [redacted], as one of five panelists and provides a summary of the subject matter discussed by each panelist.

Regarding original contributions of major significance in his field, USCIS determined that the Petitioner failed to specify how his contributions have been of major significance to the field as a whole. *Agrawal v. Miller*, No. 4:24CV3143, 2025 2879217, at *20 (D. Neb. Sept. 12, 2025) (upholding that plaintiff did not submit evidence demonstrating the impact the work has made on the field as a whole).

On appeal, the Petitioner highlights several of his former initiatives, stating that he is responsible for Latin America's first VBHC contract, [redacted] and [redacted] The Petitioner claims that his initiatives have been "replicated, institutionalized, and cited as global benchmarks" and he points to reference letters, including one from Dr. R-A- of [redacted], as evidence that his contributions have been recognized by experts in his field.

In his reference letter Dr. R-A- stated that he became aware of the Petitioner's work "firsthand in international settings" and he referenced a 2019 [redacted] Japan where he learned of the Petitioner's role in creating "a groundbreaking public-private collaboration" in Brazil. Dr. R-A- referred to "a new outcomes-based agreement" in treating type 1 diabetes, stating that the Petitioner "oversaw creation and negotiation" of the agreement and used his "expertise in policy and negotiation" which resulted in joining the efforts of "municipal health authorities, clinical teams, and a multinational enterprise" focused on "a single framework for outcomes."

We note that the record does not contain the referenced agreement but it does contain a 2019 [redacted] summary report, which discusses VBHC as "a new approach that can create improved outcomes in health systems" and discusses the presentation of a case by the Municipal Health Secretary for [redacted] Brazil. That said, the report does not discuss or even mention the Petitioner or his role in creating and negotiating the referenced VBHC agreement. In fact, the report highlights the role of the Municipal Health Secretary, stating that she presented a case that arose from her municipality and illustrated the municipality's "need to achieve better discipline, governance, and patient outcomes." The report is accompanied by a schedule of the [redacted] events and list of participants, which listed Dr. R-A- as a panelist, moderator, and partaker in a "Q&A session" and also listed the vice president of "Global Government Relations" at [redacted] the Petitioner's employer, as a participant in one of the panel discussions. The Petitioner also provided a project impact presentation, several news articles, and [redacted] paper on global health access, all discussing [redacted] partnership with the [redacted] Brazil municipality. The paper on global health access contains quotations from the presidents of [redacted] China and Latin America branches but neither it nor any of the other submissions mentions the Petitioner or recognizes him for what Dr. R-A- described as the Petitioner's "instrumental role" in [redacted] collaboration with the Brazilian municipality.

The record also contains support letters discussing the Petitioner's other achievements, such as a letter from the former Chief Financial Officer of [redacted] discussing the Petitioner's "design and execution of key policies and strategic initiatives that changed the financial trajectory of the organization and elevated the standards of provider engagement" and a letter from the former "Corporate Business Director" at [redacted] discussing the Petitioner's key role in "spearheading the reimbursement strategy for the Cypher drug-eluting stent, which became the first of its kind reimbursed by private insurance in Brazil." While the Petitioner was clearly valued by his

superiors and colleagues for his skills and understanding of factors that are critical to managers in the health services industry, the record lacks sufficient evidence that the Petitioner's work has been considered of such importance in the field that it rises to the level of major significance. *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022) (finding evidence must demonstrate the petitioner's work has been widely adopted or replicated by industry actors unaffiliated with him). More importantly, the Petitioner has not established that his work in healthcare services management has gained such recognition as to place him among that small percentage at the very top of his field.

Finally, the Petitioner claims that his extraordinary ability is reflected in his annual compensation as "Director Health Systems Strategies & Government Affairs" at [redacted] Canada. The Petitioner's supporting evidence includes a job offer letter from [redacted] Canada showing that in October 2021 he was offered the position of "Director Health Systems Strategies & Government Affairs" with a base salary of $180,000 and an opportunity to earn an additional $80,000 as a participant in the company's "Sales Incentive Plan." The record contains a corresponding Canadian tax return showing that the Petitioner earned $260,428 in 2022.

The Petitioner also provided the Economic Research Institute's salary data, including the averages and ranges for a "Government Affairs Director" in Canada. This data shows that the high end of the salary range for this position is $187,932 and lists average bonus amounts, but it is unclear whether this amount reflects exclusively a base salary or whether it includes a bonus. Regardless, the job description for this position states that it requires planning or coordinating "to create or maintain public awareness for their organization." Although the Petitioner did not provide evidence detailing his work responsibilities as [redacted] Canada's "Director Health Systems Strategies & Government Affairs," the submitted evidence indicates that his position involved multiple components – government affairs, systems strategies, and sales. The Petitioner has not established that his job with [redacted] Canada was sufficiently comparable to that of a "Government Affairs Director" which appears to be singularly focused on maintaining "public awareness" of the employing organization and does not appear to include systems strategies or sales. *Xia v. Miller*, No. 3:20-CV-01468-JR, 2021 WL 5817324, at *7 (D. Or. Nov. 18, 2021), *report and recommendation adopted*, No. 3:20-CV-01468-JR, 2021 WL 5825999 (D. Or. Dec. 6, 2021) (finding it is "[i]nherent in plaintiff's burden to 'provide appropriate evidence' of a higher salary is the need to explain how the information he supplies provides a relevant, appropriate, and fair compensation"). Thus, the Petitioner did not provide supporting evidence allowing for a comparison between his remuneration and that of others performing similar work. *Racine v. INS*, No. 94 C 2548, 1995 WL 153319, at *7 (N.D. Ill. Feb. 27, 1995) (the regulations allow comparison of a salary with others similarly situated). We therefore cannot conclude that the Petitioner received a salary or remuneration that was "significantly high." Moreover, the record does not establish that the Petitioner's earnings are consistent with having a career of acclaimed work and that they place him among the small percentage at the very top of his field.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. at 954 (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Visinscaia v. Beers*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design"); *Hamal v. Dep't of*

Homeland Sec. (Hamal II), No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021), *aff'd*, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian v. USCIS*, 596 F.3d at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for visa as a baseball coach).

Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and that he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2). The record does not contain sufficient evidence establishing the Petitioner among the upper echelon in his field.

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an alien of extraordinary ability. The appeal will be dismissed for the above-mentioned 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.