U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 39937676

Date: NOV. 17, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner, a sled dog racer, seeks classification as an alien of extraordinary ability under section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), which makes immigrant visas available to those who 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 did not establish her eligibility for this highly restrictive first preference immigrant visa classification. We dismissed her appeal and a subsequent motion to reconsider. This matter is now before us on a second motion to reconsider. Upon review, we will dismiss the motion.

A motion to reconsider must show 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 meet these requirements and establish eligibility for the requested benefit. The Petitioner bears the burden of establishing her eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010).

The Petitioner asserted below she has a one-time achievement based on a major, international recognized award as set forth in 8 C.F.R. § 204.5(h)(3), and alternatively claimed she also met at least three of the ten criteria to establish extraordinary ability, specifically at 8 C.F.R. § 204.5(h)(3)(i) (receipt of a lesser nationally or internationally recognized awards for excellence in her field); (ii) (membership in associations in the field requiring members' outstanding achievements, as judged by recognized experts); and (viii) (leading or critical role for distinguished organizations). SCOPS found that the record did not establish a one-time achievement as contemplated by 8 C.F.R. § 204.5(h)(3), necessitating that the Petitioner satisfy all three regulatory criteria that she also claimed to have met in order to establish eligibility. However, SCOPS concluded that the evidence satisfied only two regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i) and (viii), and thus denied the petition.

On appeal, we agreed with SCOPS' conclusion that the Petitioner did not satisfy 8 C.F.R. § 204.5(h)(3) and therefore did not establish that she is an alien of extraordinary ability, and we dismissed the appeal without making a final merits determination under the Act. *See Kazarian v. USCIS*, 596 F.3d 1115, 1119 (9th Cir. 2010); *Nagaiah v. Allen*, F.Supp.3d, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025)

(finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa.").

On prior motion to reconsider, the Petitioner reiterated that several [redacted] awards she won from 2016 to 2019 qualified as one-time achievements as regulation at 8 C.F.R. § 204.5(h)(3) requires and established her as a person of extraordinary ability among "that small percentage who have risen to the very top of the field of endeavor" in the final merits context as 8 C.F.R. § 204.5(h)(2) and *Kazarian* require. However, in dismissing her prior motion to reconsider our appeal decision, we again explained that the evidence did not demonstrate a one-time achievement (that is, major, international recognized award) under 8 C.F.R. § 204.5(h)(3).[1]

In concluding that she had not established one-time achievement under 8 C.F.R. § 204.5(h)(3) in our prior motion decision, we provided reasoned analysis and noted that she had not provided any pertinent legal authority for her assertion that U.S. Citizenship and Immigration Services (USCIS) should not have considered an award's level of general public recognition, rather than considering only its level of recognition within the field of sled dog racing itself, in assessing whether it qualifies as a one-time achievement (that is, major, international recognized award). *Id.* Moreover, we noted that even if we limited our analysis of the level of recognition of her [redacted] awards received within her field, she has not established such recognition beyond the awarding entity, [redacted] and its subsidiary national dog sledding associations. Citing relevant sections of the Act, regulations, and caselaw, we further noted that her assertions of error were not supported by relevant or binding legal authority or policy.

We considered all the awards she claimed constituted a major, internationally recognized award indicating a one-time achievement, comprising 2016-2017 [redacted] first place, two-dog and four-dog sprint category; 2018-2019 [redacted] first place, two-dog, four-dog, and six-dog sprint categories; and 2017 [redacted] first place. But we concluded that the Petitioner did not show that these awards were top prizes within her own field. We explained that the record rather showed that they were for sub-category of racers who primarily compete with [redacted]). We further noted that the record indicated that the [redacted] races (which occur more frequently every season and have point systems based on multiple races) do not appear to represent the highest competition in the field. Additionally, although she claimed that she placed first and won a gold medal in the 2017 [redacted] and submitted a support letter from the [redacted] association for this assertion, we noted that the corresponding race results table she also provided instead listed her in 17th place out of 25 racers in the [redacted] category, and indicated she was only in first place among seven racers in a sub-category of racers who drove [redacted] Moreover, a photograph of the medal she submitted for this race did not state it was for a first-place finish. She also did not submit any individual race results for the 2016-2017 [redacted] events in the "[redacted]" category to show she placed first, and the record also lacked evidence of the number of competitors for this class. We further noted that [redacted] maintains public lists of every elite-level championship medalist in its competitions from 1988 to 2023 on its website, and the Petitioner's name is not on any of its lists.

[1] Because the Petitioner did not dispute SCOPS' or our prior determination (on appeal) that the record satisfied only two of three regulatory criteria she alternatively claimed, we deemed issues pertaining to the regulatory criteria waived. *See Matter of Garcia*, 28 I&N Dec. 693 n.1 (BIA 2023) (noting that unraised issues may be deemed waived) (citation omitted). Further, as she did not satisfy evidentiary threshold as set forth in 8 C.F.R. § 204.5(h)(3), we did not reach the final merits of the petition under the second part of the *Kazarian* framework.

We also addressed other specific evidence in the record, including the letters from [redacted] officials, which we found did not provide any probative detail as to relative renown or prestige of the races the Petitioner participated in, the awards she won, and the claimed international recognition of the awards beyond the sport and related organizations. We also noted that the general articles on [redacted] races from local newspapers and a few articles from larger publications commenting on [redacted] events were insufficient to show international recognition of the [redacted] events in the sub-category races, and the record otherwise lacked evidence of major, international recognition of the specific races she competed in or the 2016-2019 awards she has won. Accordingly, in our prior motion decision, we concluded that she did not show that the [redacted] awards she claimed to have received constituted a one-time achievement (that is, a major, international recognized award) for purposes of satisfying 8 C.F.R. § 204.5(h)(3). We explained that national or international recognition of an award does not necessarily show it is of higher caliber than lesser awards or indicative of one-time achievements intended to include only a small number of major awards that are globally recognized.

As stated, 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). The assertions in her instant motion to reconsider reiterate the same facts, issues, and arguments we have already considered in our previous decision. She broadly claims our decision dismissing her prior motion to reconsider "rests on a misapplication of law and regulatory standards governing extraordinary ability in specialized athletic disciplines." But in support of this assertion, she repeats her prior claim that we erroneously considered general "public familiarity" or recognition of the [redacted] awards, rather than considering only the esoteric level of recognition specific to the [redacted] races and awards as evaluated by the field experts. We have already considered this argument in our prior decisions and noted that she did not provide any authority for her assertion that we erred in considering an award's level of general public recognition. She also does not explain how we misapplied law or policy in finding that she did not establish that awards she received were recognized beyond that of [redacted] the awarding entity to the extent that they were major, internationally recognized awards as contemplated by 8 C.F.R. § 204.5(h)(3). Although the Petitioner also claims that we "appear[] to have erroneously interpreted" her 17th ranking in one of her [redacted] races, she does not specify how we erred or explain why her own document lists her as in the 17th ranking. Even if she had placed first in that particular race, as we explained in our prior motion decision, the record still does not show it qualifies as a one-time achievement (that is, major, international recognized award) to warrant reconsideration of our decision.

The Petitioner also again claims that we misapplied *Kazarian* by "improperly collaps[ing]" our review of the record as it relates to 8 C.F.R. § 204.5(h)(3)'s regulatory requirement and final merits analysis. But as noted above and in our decision dismissing her first motion to reconsider, we were not required to and in fact did not reach the merits of this case under the *Kazarian* framework. She also mentions several non-precedent decisions involving canine trainers but does not explain how they relate or apply to her case or show error in law or policy in our decision dismissing her prior motion. The Petitioner has not demonstrated that we erred in applying law or policy in our last decision or that the decision was incorrect based on the evidence then before us when we dismissed her prior motion. Accordingly, she has not established that reconsideration is warranted, and the following order will be entered.

**ORDER:** The motion to reconsider 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.