U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37958173

Date: SEP. 09, 2025

Motion on Administrative Appeals Office Decision

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

The Petitioner, a pole fitness performer, seeks classification as an individual of extraordinary ability. *See* section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 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.*

Service Center Operations (SCOPS) denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding the Petitioner had not established she had received a major, internationally recognized award, and that while she had satisfied three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3), she had not demonstrated her extraordinary ability in a final merits determination. We dismissed her appeal, highlighting procedural issues and withdrawing SCOPS' determination that the Petitioner met the criterion at 8 C.F.R. § 204.5(h)(3)(i), and a subsequent combined motions to reopen and to reconsider. The matter is before us again on combined motions to reopen and 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 motions.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). 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.[1]

We dismissed the prior motions to reopen and to reconsider because the new evidence did not address the insufficiencies raised in our appeal decision to establish the Petitioner's eligibility and the

[1] *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

Petitioner had not demonstrated that we erred as a matter of law or policy in withdrawing SCOPS' determination that she had received lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor under 8 C.F.R. § 204.5(h)(3)(i).

In the current motions, the Petitioner highlights previously submitted evidence and submits new evidence which she claims demonstrates she satisfies 8 C.F.R. § 204.5(h)(3)(i), such as letters of support and [redacted] documents, including information on its scoring, categories and levels of competition, training, dates of competitions, and social media. She also argues that her submitted documents support she is at the top of her endeavor. In our prior decision, we concluded that the Petitioner had not provided sufficient evidence that the awards she received have national or international recognition. We limit our review of the submitted evidence to this issue. In a November 2024 letter, the president of the [redacted] recognizes the Petitioner's accomplishments but explains that pole and aerial sports are not recognized as national sports in many countries, including the United States. The [redacted] documents, some of which may be relevant in understanding how the organization grants its awards, do not demonstrate national or international recognition. In addition, while the documentation on [redacted] social media presence evidences the organization's tens of thousands of subscribers, it does not demonstrate the international or national recognition of [redacted] awards. As a result, the Petitioner has not provided new facts to establish she satisfies 8 C.F.R. § 204.5(h)(3)(i) or her eligibility for the visa classification. Because the Petitioner has not established new facts that would warrant reopening of the proceeding, we have no basis to reopen our prior decision.

The Petitioner claims we erred in concluding her awards were not nationally or internationally recognized by applying a higher standard of proof. However, she does not provide details or examples of how we applied a higher standard. The Petitioner also asserts that we erred because we did not sufficiently weigh the expert letter she submitted and did not conduct a final merits determination in our prior decision. However, our prior decision reviewed the letter she submitted, noting it was not new to the record and did not provide adequate detail to establish that the awards she received have the requisite recognition to qualify under the criterion. Further, as the issue of whether the Petitioner satisfied 8 C.F.R. § 204.5(h)(3)(i) was dispositive of the motion, we did not err in ending our analysis there and not re-analyzing the final merits. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"). Therefore, the Petitioner has not established that our previous decision was based on an incorrect application of law or policy at the time we issued our decision.

For the foregoing reasons, the underlying petition remains denied.

ORDER: The motion to reopen is dismissed.

FURTHER 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 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.