

(b)(6)



**U.S. Citizenship
and Immigration
Services**

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

MATTER OF A-O-R-D-L-

DATE: OCT. 18, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a former professor at the [REDACTED] seeks classification as an individual of extraordinary ability in education. 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.

The Director of the Texas Service Center denied the petition and two subsequent motions. The Petitioner appealed the matter to us. We dismissed the Petitioner's appeal, and reaffirmed that decision in four motion adjudications. The matter is now before us on a fifth motion to reopen. We will deny the motion.

I. ANALYSIS

A motion to reopen must state the new facts to be provided and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). The Petitioner contends that he "included in all [of his] petitions, more evidence than was asked," and we never requested additional evidence or afforded him the opportunity to "explain personally" his situation at our office. The regulation at 8 C.F.R. § 103.2(b)(8) does not require us to request additional documentation. Rather, the regulation allows for discretion to deny, request additional information or evidence, or notify the petitioner of our intention to deny. In this case, the Petitioner has had multiple opportunities to submit documentation, including at the initial filing of his petition, in response to the Director's request for evidence, with the two motions filed before the Director, on appeal, and with the five motions filed before us. Furthermore, our previous decisions thoroughly discussed the reasons for our denials and informed the Petitioner of the deficiencies in the record. Accordingly, we will not issue a request for evidence in response to his filing of this motion.

In addition, as discussed in our most recent decision, the regulation at 8 C.F.R. § 103.3(b) allows for oral argument in support of an appeal, but there is no provision in the regulations permitting oral argument on motion. *See* 8 C.F.R. § 103.5(a). Further, the requesting party must adequately explain in writing why oral argument is necessary. Here, the Petitioner has not identified any unique factors or issues of law to be resolved that cannot be adequately addressed in writing. Moreover, the written record of proceedings fully represents the facts and issues in this matter. We have sole authority to

Matter of A-O-R-D-L-

grant or deny a request for oral argument. *See* 8 C.F.R. § 103.3(b). For these reasons, we will not grant the Petitioner's request for oral argument.

On motion, the Petitioner submits an inquiry response from the Office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman). Specifically, the CIS Ombudsman informed the Petitioner that his prior motion was pending with us, and that it did not have jurisdiction.¹ The Petitioner contends that three of his Forms I-290B, Notice of Appeal or Motion, are still waiting adjudication from us "for years." The record of proceedings indicates that two of his motions related to the Director's denial of his lawful permanent resident application, over which we do not have jurisdiction. The third identified Form I-290B relates to the Petitioner's original appeal, which we dismissed in July 2014. Regardless, the CIS Ombudsman's inquiry response does not demonstrate the Petitioner's eligibility for classification as an individual of extraordinary ability.

II. CONCLUSION

As the Petitioner has not stated any new facts, and the evidence does not overcome the grounds of denial from our latest decision, the motion is denied. The Petitioner has met its burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013).

ORDER: The motion to reopen is dismissed.

Cite as *Matter of A-O-R-D-L-*, ID# 14034 (AAO Oct. 18, 2016)

¹ We issued our decision on the prior motion approximately three weeks after the CIS Ombudsman's response.