



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

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

In Re: 22684439

Date: JULY 12, 2023

Appeal of Nebraska Service Center Decision

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

The Petitioner, a dressage trainer, seeks classification as an individual 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.

The Director of the Nebraska Service Center denied the petition, concluding the Petitioner did not establish that he satisfied the initial evidentiary requirements through evidence of a one-time achievement or meeting at least three of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3). The Director also dismissed a subsequent combined motion to reopen and reconsider, stating that the Petitioner had not presented English language translations of his foreign language documents in accordance with the regulation at 8 C.F.R. § 103.2(b)(3).<sup>1</sup> The Director's decision on motion further indicated that because the Petitioner had not provided proper English language translations, "all evidence submitted fails to be considered as probative and will not be considered." The matter is now before us on appeal.

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 withdraw the Director's decision and remand the matter for entry of a new decision.

Our review of the record indicates that the Petitioner's motion before the Director included properly certified English language translations of his foreign language documents in compliance with the regulation at 8 C.F.R. § 103.2(b)(3). The Director's decision on motion should have considered these translated documents, as well as the letters of support and other evidence that were not in a foreign language. On appeal, the Petitioner argues that the Director's decision "did not consider all probative evidence" and the record supports this conclusion. Because the Director's decision did not consider the arguments and evidence presented by the Petitioner, we remand this proceeding to the Director for a new decision addressing the merits of the Petitioner's combined motion to reopen and reconsider.

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<sup>1</sup> Any document in a foreign language must be accompanied by a full English language translation. 8 C.F.R. § 103.2(b)(3). The translator must certify that the English language translation is complete and accurate, and that the translator is competent to translate from the foreign language into English. *Id.*

**ORDER:** The Director's decision is withdrawn. The matter is remanded for entry of a new decision consistent with the foregoing analysis.