



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

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

In Re: 29137920

Date: NOV. 22, 2023

Motion on Administrative Appeals Office Decision

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

The Petitioner, a barista, seeks classification under the employment-based, first-preference (EB-1) immigrant visa category as a noncitizen with “extraordinary ability.” See Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). To qualify for this category, a petitioner must demonstrate “sustained national or international acclaim” and submit “extensive documentation” of recognized achievements in their field. *Id.*

The Director of the Nebraska Service Center denied the petition. The Director concluded that the Petitioner met only two of ten initial evidentiary criteria for the requested immigrant category - one less than required. The Director also found insufficient evidence of the Petitioner’s required intent to continue working in his field in the United States. We dismissed the Petitioner’s appeal and his following seven motions to reopen. See *In Re: 27520761* (AAO May 30, 2023). The matter returns to us on his eighth motion to reopen.

A motion to reopen must state new facts, supported by documentary evidence, and address “the latest decision in the proceeding.” 8 C.F.R. § 103.5(a)(1)(ii), (2). We may grant a motion meeting these requirements and demonstrating eligibility for the requested benefit. In contrast, we must dismiss a motion that does not meet applicable requirements. 8 C.F.R. § 103.5(a)(4).

The Petitioner’s motion to reopen includes evidence. But, contrary to regulations, the motion does not address the latest decision in the proceeding. The filing contains copies of website printouts. These materials purportedly support an initial evidentiary criterion requiring a potential noncitizen with extraordinary ability to show published materials about them in professional or major trade publications or other major media. See 8 C.F.R. § 204.5(h)(3)(iii). The latest decision in the proceeding, however, concerned documentation for a different evidentiary criterion regarding the Petitioner’s purported membership in associations in his field requiring outstanding achievements. See *In Re: 27520761*, at *1; see also 8 C.F.R. § 204.5(h)(3)(ii).¹

¹ Our dismissals of the Petitioner’s fourth, fifth, and sixth motions also solely considered the evidentiary requirement at 8 C.F.R. § 204.5(h)(3)(ii). See *In Re: 16159429* (AAO May 5, 2022); *In Re: 23272884* (AAO Nov. 8, 2022); *In Re: 25690671* (AAO Feb. 13, 2023).

The Petitioner's motion does not address the latest decision in the proceeding. We must therefore dismiss it. *See* 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.