U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 31524324

Date: JUL. 3, 2024

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 eight motions to reopen. The matter returns to us on his ninth 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 and documents regarding *Sprudge* but 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, was dismissed since the motion did not address the latest decision in the proceeding.

Even if the documentation the Petitioner submits on motion addressed the prior decision, which in this case they do not, they do not sufficiently satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(iii). We previously determined on motion that the Petitioner had not submitted evidence sufficient to establish that he met the published material criterion. As previously noted, although the documentation submitted on motion provides some information and rankings for *Sprudge,* the Petitioner does not establish the relevance of the visitor and viewing numbers, and does not contextualize the statistics,

indicate its significance, or elaborate on how that information could establish that the website is the type of major media contemplated by 8 C.F.R. § 204.5(h)(3)(iii). Furthermore, USCIS need not rely on the self-promotional material of the publisher. *See Braga v. Poulos,* No. CV 06 5105 SJO (C. D. CA July 6, 2007) *aff'd* 2009 WL 604888 (9th Cir. 2009) (concluding that self-serving assertions on the cover of a magazine as to the magazine's status is not reliant evidence of major media).

The Petitioner has been issued a detailed appellate decision specifically addressing matters concerning the Petitioner's statutory eligibility. That decision was followed by a series of motions, all of which were dismissed after careful review of the documents submitted on motion. Here, the Petitioner once again submits documents that were addressed and deemed to be insufficient. Moreover, 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.