



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

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

MATTER OF J-O-O-

DATE: SEPT. 5, 2018

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, a model, seeks classification as an alien 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 that the record did not establish, as required, that the Petitioner had met any of the requisite three of ten evidentiary criteria. We dismissed the Petitioner's appeal, finding that she met one of the criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x).

The matter is again before us on a motion to reopen. The Petitioner submits a brief along with additional evidence.

Upon review, we will deny the motion.

I. LAW

A motion to reopen is based on documentary evidence of new facts. The requirements of a motion to reopen are located at 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

II. ANALYSIS

The Petitioner claims to meet the initial evidence requirements as an individual of extraordinary ability by satisfying the requisite three of ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x): lesser national or international awards; published material about her; and service as a judge of the work of others. After the Director found insufficient evidence in the record to meet any of these claimed criteria, we held on appeal that the evidence regarding the Petitioner's activity on the audition team panel for a Nigerian modeling agency was sufficient to meet the criterion at 8 C.F.R. § 204.5(h)(3)(iv). However, we found the evidence regarding the basis for the awards received by the Petitioner at three beauty pageants, as well as the national or international recognition of the awards,

to be insufficient. We also found that the evidence submitted in support of the reputation, circulation and overall reach of the media which published material about the Petitioner did not establish that they could be considered to be major media.

In her brief, the Petitioner makes assertions about the prestige of the three beauty pageants at which she received awards, and provides links to the websites of the sponsoring organizations.¹ She states generally that some of these events involved competitions to select national representatives, but provides no corroborating evidence. Further, she contends that the pageants at which she received awards were televised nationally and internationally “as the case may be.” The link to a YouTube video of the 2007 [REDACTED] pageant provided in the motion brief lacks any further information about the broadcast of this event, nor does the record include information such as television transcripts or broadcast schedules, to support the Petitioner’s contention.

The Petitioner provides information from web sources identifying the winners and participants in the 2007 [REDACTED] pageant. However, this evidence does not explain the selection criteria for the [REDACTED] award she received. Thus, the Petitioner has not established that she received this award for excellence in the field of modelling.

The Petitioner resubmits evidence regarding her other two awards, [REDACTED] at the 2007 [REDACTED] pageant and second runner-up at the [REDACTED] 2011 pageant. For example, the Petitioner claims that the [REDACTED] pageant “was widely broadcast as it also attracted lovers of soccer from all over the world,” but provided no new evidence to support this claim. While she provided a previously submitted letter from the sponsors of this pageant, it does not mention the event’s broadcast and does not support her claim. Further, the Petitioner did not provide new evidence to overcome our finding that she had not established that these awards were for excellence in her field of endeavor. Therefore, the Petitioner has not provided new facts which would overcome our previous determination regarding these awards.

We noted in our appeal decision that the Petitioner had submitted evidence in the form of newspaper clippings and articles from various Internet media in the form of press releases. While these materials help to establish the Petitioner’s receipt of the claimed awards, we noted that the evidence lacked sufficient information regarding the national or international reputation or reach of the media in which they were published, which would support their qualification as major media under the criterion at 8 C.F.R. § 204.5(h)(3)(iii). The evidence submitted included self-promotional materials from the publishers of the various newspapers, including *Vanguard* and *Encomium*, as well as information about the newspapers from Wikipedia, which we noted as an unreliable source of information.

On motion, the Petitioner has included website addresses to pages which discuss the popularity of Nigerian newspapers. However, these websites do not provide independent circulation or distribution statistics or include the source of the information provided. For instance, an article titled

¹ The Petitioner does not mention the [REDACTED] she claims to have received in her motion brief.

“TOP 10: Your Guide to the Most Readable Newspapers in Nigeria” lists both *Vanguard* and *This Day*, sources cited by the Petitioner. However, the article did not clarify the term “readable” or identify the source of “the latest research” that it indicates was used in compiling the list. Another webpage rates *Vanguard* as the most popular daily newspaper in Nigeria, but uses the same previously submitted circulation figures provided on *Vanguard*’s own website in arriving at that conclusion. Further, circulation figures are not provided for the other newspapers listed which would allow for comparison, making it unclear how this conclusion was reached. Without supporting evidence, the lists on these websites do not establish that the newspapers and magazines in which articles about the Petitioner were published qualify as major media.

The Petitioner also included a website address for a list of the “Top 10 Gossip and Entertainment Blogs in Nigeria,” which includes two of the blogs which posted material about the Petitioner’s second runner-up placing at the 2011 [REDACTED] pageant. As with the lists discussed above, this list does not provide comparative statistics and figures or verifiable sources to support the ranking, and therefore does not establish that these blogs are professional, major trade, or other major media.

III. CONCLUSION

Upon consideration of the new facts presented in the Petitioner’s motion to reopen, we do not find that they establish her eligibility under the requisite three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

ORDER: The motion to reopen is denied.

Cite as *Matter of J-O-O-*, ID# 1482034 (AAO Sept. 5, 2018)