U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

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

DATE: FEB. 4, 2019

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, a former professor at Brown Mackie College, seeks classification as an individual of extraordinary ability in education.[1] *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 Texas Service Center denied the petition in 2012 and two subsequent motions in 2012 and 2013, respectively, concluding that the Petitioner had not satisfied the initial evidence requirements set forth at 8 C.F.R. § 204.5(h)(3), which require documentation of a one-time achievement or evidence that meets at least three of the ten regulatory criteria listed under 8 C.F.R. § 204.5(h)(3)(i)-(x). In 2014, we upheld the Director's 2013 decision, and subsequently reaffirmed our findings in eight motion decisions between 2014 and 2018.[2]

The matter is now before us on motion for the ninth time. The Petitioner has filed combined motions to reconsider and reopen, asserting that we should approve his petition because "the favorable factors in the case outweighed the unfavorable factors." He further alleges that he has shown he satisfies at least three of the ten regulatory criteria, because in addition to having previously established the judging and scholarly articles criteria under 8 C.F.R. § 204.5(h)(3)(iv) and (vi), he claims that he has demonstrated his "receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor," under 8 C.F.R. § 204.5(h)(3)(i).

Upon review, we will deny the combined motions to reconsider and reopen.[3]

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[1] On page 3 of his petition, the Petitioner indicated that upon the approval of the petition, he would work as a "professor of law and economics" in the United States.

[2] Our most recent decision in this matter is *Matter of A-O-R-D-L-*, ID# 1083126 (AAO Mar. 5, 2018).

[3] With his motion, the Petitioner asserts that U.S. Citizenship and Immigration Services (USCIS) has failed to adjudicate five Forms I-290B filed between 2012 and 2017. Review of USCIS records shows that all of the receipt numbers provided have been adjudicated, either by the AAO or the Director.

I. LAW

A motion to reconsider is based on an incorrect application of law or policy, and a motion to reopen is based on documentary evidence of new facts. The requirements of a motion to reconsider are located at 8 C.F.R. § 103.5(a)(3), and 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

A. Motion to Reconsider

On motion, the Petitioner asserts that we erred in our last decision, because we concluded that his "Innovare Award" and "Honor to Accounting Merit" did not qualify as nationally or internationally recognized prizes or awards for excellence, under 8 C.F.R. § 204.5(h)(3)(i). He further claims that he has received three nationally recognized awards that also satisfy the criterion under 8 C.F.R. § 204.5(h)(3)(i).

The Petitioner has not demonstrated that we erred in our previous decision. In his initial filing in support of his petition, the Petitioner submitted a 2001 certificate, indicating that he received a "Diploma of Merit" for "relevant and good professional services rendered to the accounting profession and society." As discussed in our 2014 decision dismissing the appeal, as well as in our subsequent motion decision,[4] the Petitioner has not submitted credible and sufficient evidence confirming that this certificate, issued by a regional authority, constitutes either a nationally or internationally recognized prize or award in the field of education.

In addition, while the Director concluded in his 2012 decision that the Petitioner's "Innovare Award" qualified as a nationally recognized award, the record does not support this finding. A 2011 certificate indicates that the Petitioner "won the Prize Innovare 2005 in the category Single Judge by practicing Reconciliation of First Degree." Although the record includes a photograph, purportedly depicting his attendance at the award ceremony, and online printouts about the award issuing entity – Institute Innovare – as well as its Innovare International Awards, the Petitioner has not shown that his 2005 award is nationally or internationally recognized. As discussed in our 2014 decision dismissing the appeal, as well as in our subsequent motion decisions, the Petitioner has not established that his 2005 award was an Innovare International Award, which, according to documents in the record, did not exist before 2010. Additionally, the record lacks sufficient evidence, such as materials from publications or news outlets with a national or international readership or viewership base, confirming that the Petitioner's "Prize Innovare 2005" enjoys recognition on a national or international level in the field of education.

[4] Specifically, in our 2014 and 2015 motion decisions, we again explained the bases upon which we concluded that the "Diploma of Merits," which the Petitioner references as "Honor to Accounting Merit," does not meet the criterion under 8 C.F.R. § 204.5(h)(3)(i).

Moreover, as discussed in our 2014 decision, the Petitioner did not initially assert on appeal that his other awards and prizes, which he now claims to be nationally recognized, were qualifying under 8 C.F.R. § 204.5(h)(3)(i). Furthermore, as we explained in our 2014 decision, the record shows that these accolades are local or regional in scope, and are not recognized nationally or internationally.

The Petitioner's conclusory statements that he satisfies the "nationally or internationally recognized prizes or awards" criterion under 8 C.F.R. § 204.5(h)(3)(i) and his repeating of arguments he previously made in support of appeal and motions do not meet the requirements for a motion to reconsider the matter. He has not established that our most recent decision, dated March 2018, was based on an incorrect application of law or policy or that it was incorrect based on the evidence in the record of proceedings at the time of the decision. *See* 8 C.F.R. § 103.5(a)(3). We will therefore deny his motion to reconsider the matter.

B. Motion to Reopen

We will similarly deny the Petitioner's motion to reopen the matter. As noted, a motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). On motion, the Petitioner has not presented either new facts or new evidence in support of his eligibility for the classification. As such, he has not satisfied the requirements for a motion to reopen.

III. CONCLUSION

The Petitioner's motion to reconsider does not demonstrate that our previous decision was based on an incorrect application of law or policy, or was incorrect based on the evidence in the record at the time. In addition, he has not provided documentation in support of his motion to reopen or established eligibility for the classification.

ORDER: The motion to reconsider is denied.

FURTHER ORDER: The motion to reopen is denied.

Cite as *Matter of A-O-R-D-L-*, ID# 1574437 (AAO Feb. 4, 2019)