



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

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

In Re: 27611586

Date: JULY 28, 2023

Appeal of Nebraska Service Center Decision

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

The Petitioner, a partner in a capital management firm, 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 that the record did not establish that the Petitioner had satisfied at least three of ten initial evidentiary criteria, as required. The matter is now before us on appeal. 8 C.F.R. § 103.3. Upon review, we will dismiss the appeal as moot.

The Director denied the petition in November 2022. The Petitioner filed the appeal four months later, in March 2023. On appeal, the Petitioner states that the appeal “is filed subsequent to a timely Motion to Reopen.” The Petitioner submits copies of documents that he had submitted in December 2022 in support of that motion.

In the March 2023 appellate brief, the Petitioner states that the “appeal . . . is postmarked within 30 days of service of the Denial,” but the appeal does not include a copy of a denial notice or any other evidence that the Director denied the petition in February or March 2023. The Petitioner provides no date of service other than November 10, 2022, which was the date of the original decision.<sup>1</sup>

U.S. Citizenship and Immigration Services records indicate that the Director reopened the petition in February 2023, and therefore the November 2022 denial is no longer in effect. But there is no record that the Director issued any decision after that time. The Petitioner does not attach or cite to any decision from the reopened proceeding. As there is no evidence of a decision following the February 2023 reopening, the proceeding appears to remain pending. Therefore, we must dismiss the appeal as moot, because there is no decision for the Petitioner to contest on appeal.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> A March 2023 appeal of a November 2022 decision would be rejected as untimely under 8 C.F.R. § 103.3(a)(2)(v)(B).