



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

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

In Re: 29299987

Date: DEC. 12, 2023

Motion on Administrative Appeals Office Decision

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

The Petitioner, an electrical engineer, 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).

The Director of the Nebraska Service Center denied the petition, concluding the Petitioner did not establish that he met the initial evidentiary requirements through receipt of a one-time achievement or satisfaction of at least three of the ten categories of evidence. We dismissed the appeal and a subsequent motion to reopen. The matter is now before us on a motion to reconsider.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon review, we will dismiss the motion.

A motion to reconsider must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). Our review on motion is limited to reviewing our latest decision. 8 C.F.R. § 103.5(a)(1)(ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

In our prior decision, we concluded the Petitioner's motion to reopen did not demonstrate eligibility for the awards criterion under 8 C.F.R. § 204.5(h)(3)(i), the judging criterion under 8 C.F.R. § 204.5(h)(3)(iv), and the original contributions criterion under 8 C.F.R. § 204.5(h)(3)(v). In addition, we determined that we would not consider his new eligibility claims and evidence for the membership criterion under 8 C.F.R. § 204.5(h)(3)(ii), the scholarly articles criterion under 8 C.F.R. § 204.5(h)(3)(vi), the leading or critical role criterion under 8 C.F.R. § 204.5(h)(3)(viii), and the high salary criterion under 8 C.F.R. § 204.5(h)(3)(ix) because the Petitioner did not claim eligibility or submit the documentation before the Director.

In the present motion to reconsider, the Petitioner highlights his personal and professional accomplishments, such as his education and language fluency, and claims he has "international[] influence." In addition, the Petitioner describes some of his history with "UVC sterilization

implementation” and opines on the “[n]ew generation of future sterilization lamp semiconductor circuit.”

The scope of a motion is limited to “the prior decision” and “the latest decision in the proceeding.” 8 C.F.R. § 103.5(a)(1)(i), (ii). Here, the Petitioner does not explain or demonstrate how we erred as a matter of law or policy in dismissing his previous motion to reopen. Instead, the Petitioner emphasizes his past accomplishments and discusses the potential of his future work. *See e.g., Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006) (“a motion to reconsider is not a process by which a party may submit, in essence, the same brief presented on appeal and seek reconsideration by generally alleging error in the prior Board decision”). Because the Petitioner does not show how we misapplied law or point to policy contradicting our analysis of the evidence, the motion does not satisfy the requirements for a motion to reconsider under 8 C.F.R. § 103.5(a)(3). We will not re-adjudicate the petition anew and, therefore, the underlying petition remains denied.

**ORDER:** The motion to reconsider is dismissed.