U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41713212

Date: APR. 2, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-129, Petition for a Nonimmigrant Worker (Extraordinary Ability – O)

The Petitioner, a badminton club, seeks to classify the Beneficiary as an O-1 nonimmigrant to work as a badminton coach in the United States. This O-1 nonimmigrant visa classification is available to an alien who has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim, and whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability. Immigration and Nationality Act (the Act) Section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not satisfy the initial evidentiary requirements of submitting evidence of the Beneficiary's receipt of a major, internationally recognized award, 8 C.F.R. § 214.2(o)(3)(iii)(A), or at least three of the eight possible types of documentation listed under 8 C.F.R. § 214.2(o)(3)(iii)(B)(1)-(8). The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

I. LAW

Section 101(a)(15)(O)(i) of the Act establishes O-1 classification for an alien who has extraordinary ability in the sciences, arts, education, business, or athletics that has been demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability. U.S. Department of Homeland Security (DHS) regulations define "extraordinary ability in the field of science, education, business, or athletics" as "a level of expertise indicating that the

person is one of the small percentage who have arisen to the very top of the field of endeavor." 8 C.F.R. § 214.2(o)(3)(ii).

In addition, DHS regulations set forth initial evidentiary criteria for establishing an alien's sustained national or international acclaim and recognition for achievements in the field of endeavor. A petitioner may submit evidence either of the alien's receipt of "a major, internationally recognized award, such as a Nobel Prize," or of at least three of the eight listed categories of documents. 8 C.F.R. § 214.2(o)(3)(iii)(A)-(B). If the petitioner demonstrates that a particular criterion does not readily apply to the alien's occupation, it may submit comparable evidence to establish eligibility. 8 C.F.R. § 214.2(o)(3)(iii)(C).

The petitioner's submission of documents satisfying the initial evidentiary criteria does not, in and of itself, establish the alien's eligibility for O-1 classification. *See* 59 Fed. Reg. 41818 (Aug. 15, 1994) ("The evidence submitted by the petitioner is not the standard for the classification, but merely the mechanism to establish whether the standard has been met."). Accordingly, where a petitioner provides qualifying evidence satisfying the initial evidentiary requirements, we will determine whether the totality of the record and the quality of the evidence show sustained national or international acclaim such that the alien is among the small percentage at the very top of the field of endeavor. *See* Section 101(a)(15)(O)(i) of the Act; 8 C.F.R. § 214.2(o)(3)(ii), (iii).[1]

Moreover, the U.S. Citizenship and Immigration Services (USCIS) Policy Manual explains:

> . . . [W]hen determining whether the beneficiary is coming to work in the beneficiary's "area of extraordinary ability," officers focus on whether the prospective work or services involve skillsets, knowledge, or expertise shared with the occupation(s) in which the beneficiary has garnered acclaim. In evaluating whether occupations involve shared skillsets, knowledge, or expertise to an extent that they may be considered within the same area of extraordinary ability, officers evaluate the totality of information and evidence presented . . . .

See generally 2 *USCIS Policy Manual* M.4(F)(1), https://www.uscis.gov/policy-manual/volume-2-part-m-chapter-4.

II. ANALYSIS

In the decision denying the petition, SCOPS concluded that the Beneficiary did not submit evidence of his "[r]eceipt of a major, internationally recognized award, such as the Nobel Prize," but did present materials satisfying two of the eight listed categories of documents. *See* 8 C.F.R. § 214.2(o)(3)(iii)(A)-(B). Specifically, as the Beneficiary had won multiple national badminton championships in [redacted] SCOPS found that the Petitioner had offered "[d]ocumentation of alien's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 214.2(o)(3)(iii)(B)(1). Additionally, based on the Beneficiary's television appearance and articles that discuss his competitive successes, SCOPS found that the Petitioner had offered "[p]ublished material in professional or major trade publications or major media about the alien,

[1] *See generally* 2 *USCIS Policy Manual* M.4(C)(4), https://www.uscis.gov/policy-manual/volume-2-part-m-chapter-4.

relating to the alien's work in the field for which classification is sought." 8 C.F.R. § 214.2(o)(3)(iii)(B)(3).

In addition to the two above-mentioned categories of documents, it appears that the Petitioner has also submitted evidence satisfying a third category of documents. Specifically, it appears that the Petitioner has offered "[d]ocumentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." 8 C.F.R. § 214.2(o)(3)(iii)(B)(2). The record includes an April 2025 letter from [redacted], the vice president of international relations for the [redacted], providing that "[t]he primary criterion for selection to the [redacted] is the athlete's performance and accomplishments in both domestic and international tournaments," and that "athletes who place in the top 3 positions at the [redacted] are considered leading candidates for the [redacted]." In a subsequent letter, dated August 2025, [redacted] explained that because of "his outstanding achievements, [the Beneficiary] was selected to join [redacted] for the [redacted] in 2013, 2018, and 2019, and for the [redacted] in 2014, 2018, and 2022." Other materials in the record seem to confirm the Beneficiary's participation in international badminton competitions, representing [redacted] These materials appear to support a finding that the Petitioner has presented evidence satisfying a third category of documents, *see* 8 C.F.R. § 214.2(o)(3)(iii)(B)(2), and has provided qualifying evidence satisfying the initial evidentiary requirements.

In the decision denying the petition, SCOPS did not discuss whether the Beneficiary was on the [redacted] or whether his purported membership on the [redacted] satisfies the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(2). Upon remand, if FOD concludes that the Petitioner has presented evidence satisfying the initial evidentiary requirements, FOD should determine whether the totality of the record and the quality of the evidence show sustained national or international acclaim such that the Beneficiary is among the small percentage at the very top of the field of endeavor. *See* Section 101(a)(15)(O)(i) of the Act; 8 C.F.R. § 214.2(o)(3)(ii), (iii).

Moreover, as noted, the Petitioner must demonstrate that the Beneficiary is seeking to enter the United States to continue work in his area of extraordinary ability. Section 101(a)(15)(O)(i) of the Act. The evidence the Petitioner has offered relates to the Beneficiary's accomplishments as a badminton player, while the Petitioner indicates on the petition that the Beneficiary intends to work as a badminton coach in the United States. It appears that the petition is for an alien who is transitioning to a new occupation, i.e., an athlete coming to the United States to be a coach. *See generally* 2 *USCIS Policy Manual*, *supra*, M.4(F)(1). Upon remand, FOD should evaluate the totality of information and evidence presented to determine if the Beneficiary is coming to work in his "area of extraordinary ability," "focus[ing] on whether the prospective work or services involve skillsets, knowledge, or expertise shared with the occupation(s) in which the [B]eneficiary [claims to have] garnered acclaim." *See id.* The factors to consider include but not limited to:

- Whether the past and prospective occupations are in the same industry or are otherwise related based on shared duties or expertise;

- Whether the prospective occupation is a supervisory, management, or other leadership position that oversees the beneficiary's previous position or otherwise requires shared knowledge, skills, or expertise; and

- Whether it is common for persons in one occupation to transition to the other occupation(s) based upon their experience and knowledge.

See generally 2 *USCIS Policy Manual*, *supra*, M.4(F)(1).

III. CONCLUSION

Based on the issues we have discussed, including FOD not fully addressing evidence the Petitioner has presented concerning the Beneficiary's "membership in associations," referenced under 8 C.F.R. § 214.2(o)(3)(iii)(B)(2), as well as whether the Beneficiary is seeking to enter the United States to continue work in his area of extraordinary ability, we are remanding the matter to allow FOD to consider all materials in the record and for the entry of a new decision.

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.