U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41002029

Date: APR. 5, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a martial arts athlete, 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.

SCOPS denied the petition, concluding the record did not establish that the Petitioner had a major, internationally recognized award, nor did it demonstrate that he met at least three of the ten regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). The matter is now before us on appeal. 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 dismiss the appeal.

I. LAW

Section 203(b)(1) of the Act makes visas available to immigrants with extraordinary ability if:

(i) the alien 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,

(ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

(iii) the alien's entry into the United States will substantially benefit prospectively the United States.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate international recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); see also *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131–32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner has experience competing, coaching, and training others in several martial arts fields, and he intends to continue his work in the United States. Because the Petitioner has not indicated or established that he received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined the Petitioner satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(iv), which concerns his participation as a judge of the work of others in his field, but that he did not meet any of the other claimed criteria. On appeal, the Petitioner asserts that he meets the criteria at 8 C.F.R. § 204.5(h)(3)(i), (ii), and (v).[1]

A. Prizes or Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." We first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally* 6 *USCIS Policy Manual* at F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner provided a certificate from the president of the Federation of Non-Traditional Wrestling in the Kyrgyz Republic under the North American Grappling Association (NAGA)—a certificate which, according to the accompanying translation, was "awarded in the nomination of [redacted] 2013.'" He submitted certificates from the same organization acknowledging him as an "Honored MMA Coach" and a "Master of Mixed Martial Arts." He also provided brief articles and photographs relating to his placement in several tournaments, photographs of NAGA Championship medals, and

[1] The Petitioner does not contest SCOPS' determination that he did not meet the criterion relating to published material at 8 C.F.R. § 204.5(h)(3)(iii). We consider the Petitioner's prior eligibility claims not raised or contested on appeal to be abandoned. An issue not raised on appeal is waived. *See, Matter of O-R-E-*, 28 I&N Dec. 336 n.5. (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

information about the NAGA organization and tournaments, including details about divisions and rules to be followed during competition.

The record, however, does not include sufficient evidence to demonstrate that either his certificates or his tournament placements are nationally or internationally recognized. The documentation also does not provide context to show that he received the awards for excellence in his field, such as how his awards compare to others in the field, the criteria used to grant the awards, the number of awardees, or limitations on competitors. Further, we note that on appeal, the Petitioner takes issue with SCOPS' assessment of his awards in its decision, which states that evidence of national and international recognition may include, "but [is] not limited to, national or international-level media coverage." Although the Petitioner claims that SCOPS' invocation of media coverage went beyond whether the Petitioner met the criterion to assess whether he has sustained acclaim, the record does not support his assertion. SCOPS pointed to major media coverage as an example of evidence that may support the criterion.[2] The Petitioner, however, has not provided evidence indicating the national or international recognition of his certificates or tournament placements. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

The Petitioner also asserts on appeal that SCOPS did not analyze all of the evidence of record, including his award of the title of [redacted] from the Ministry of Sports of the Kyrgyz Republic. He initially provided a letter from the Department of Physical Culture and Sports under the Ministry of Culture, Information, Sports and Youth Policy of the Kyrgyz Republic confirming that he was awarded the title [redacted] for Thai boxing and for kalatuu mixed martial arts, including a letter stating that he is an honored coach who has been actively contributing to the organization of events and the sports. He also provided regulations from the same entity in the form of The Unified Sports Classification of the Kyrgyz Republic, which states that it is a regulatory document for physical education performance standards. This document details the organization's goals of promoting physical fitness, sports interest of youth, and preparation for international and national competitions. The document states that it seeks to establish standards and requirements for awarding athletes sports titles and ranks, including classifications for [redacted] based on an athlete's placement in specific tournaments under certain conditions. The document does not, however, indicate that the titles and ranks are considered awards, nor does it clarify whether the classification of [redacted] denotes excellence in the field, as the requirements concern only the names and placements within tournaments, and the significance of those tournaments is not evident.

Further, the record does not contain evidence sufficient to demonstrate that the Petitioner's classification of [redacted] is nationally or internationally recognized. The regulatory language specifically requires that the prizes or awards are nationally or internationally recognized. Although certain awards from well-known national institutions may qualify under 8. C.F.R. § 204.5(h)(3)(i), the reputation of the organization does not necessarily establish that a given prize or award is nationally or internationally recognized.[3] Here, the Petitioner has not provided information concerning whether the Department of Physical Culture and Sports under the Ministry of Culture, Information, Sports and Youth Policy of the Kyrgyz Republic is a well-known national institution, nor has he provided evidence of whether his receipt of a title from the entity is comparable to an award or prize that is nationally or internationally recognized.

[2] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[3] *Id.*

The burden is on the Petitioner to demonstrate that he has received lesser awards or prizes recognized recognition nationally or internationally for excellence in his field. The Petitioner has not established that he meets this criterion.

B. Membership

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for "[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." Once membership in a qualifying association has been established, we determine whether the association requires those at the alien's level of membership to have attained outstanding achievements in the field. *See generally* 6 *USCIS Policy Manual* at F.2(B)(1).

On appeal, the Petitioner maintains that the documentation of record establishes that he meets this criterion. He first points to his receipt of several [redacted] titles of the Kyrgyz Republic, stating that these titles "confer membership in the country's elite circle of nationally and internationally distinguished athletes and coaches—a distinction that can only be obtained by demonstrating performance at the highest national level." The Petitioner, however, does not offer evidence to demonstrate that the "elite circle" is a formalized organization, nor has he provided documentation relating to anyone who judged his eligibility for the [redacted] title, including any evidence showing that the judge or judges were recognized experts in the fields relating to the title. The regulatory document, for example, depicts that certain placements and rankings are required to achieve the mastery titles, such as winning a certain number of tournaments against opponents of certain ranks. However, it does not indicate that judges of an athlete's qualifications for a mastery title have a level of expertise in any athletic field.

The Petitioner also references his affiliations with several associations on appeal, including NAGA, for which he has provided extensive documentation detailing rules and requirements for tournament competitors, referees, and spectators. This documentation, however, does not include discussion of any requirements for membership. The Petitioner's references on appeal to his memberships with United World Wrestling, the World Martial Arts Kazakhstan Association, and the World Federation of Mixed Martial Arts, are not supported by any documentation concerning membership requirements. He asserts that his "inclusion and awards issued by these organizations demonstrates recognition and membership by recognized authorities within the global martial arts and combat sports community." However, his implication that awards he has received demonstrates membership, without supporting evidence of membership requirements, is insufficient to demonstrate eligibility under this criterion.

Finally, the Petitioner claims on appeal that his "membership within the Taekwondo Federation and achievement of a Black Belt in Taekwondo demonstrates his advanced mastery, discipline, and long-term commitment to excellence in the martial arts." The record includes a certification from the World Korea Professional Taekwondo Federation for his black belt, information about the federation, and information about the belt system. This documentation, however, makes no reference to membership with the federation or specific membership requirements, but focuses on requirements for achieving ascending belt levels. It is not evident whether or how the federation offers membership requiring

outstanding achievements of members as judged by recognized national or international experts in the field.

C. Contributions

The regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." A petitioner may show that their contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. *See Visinscaia*, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 *USCIS Policy Manual* at F.2(B)(1).

On appeal, the Petitioner refers to letters he previously submitted from organizations and individuals in the fields of martial arts who have direct knowledge of his work as an athlete, trainer, and coach. He states that SCOPS "failed to assess [his] achievements in the proper context of the field, disregarding evidence showing that [his] contributions—though specialized—were adopted and implemented by major institutions and cited by other professionals." Based on the evidence of record, however, it is unclear what original contributions of major significance the Petitioner has made to his field.

More specifically, the letters from organizations in the field express appreciation for his work without further elaboration. Letters from the World Martial Arts Kazakhstan Association and a village council in the Kyrgyz Republic express appreciation for his contribution to the development of sports and the "patriotic education of youth" in the republic, but they do not describe his specific contributions furthering sports development or youth education. A letter from the Federation of Non-Traditional types of wrestling and pankration thanks the Petitioner for "holding the championship of Kyrgyz Republic in non-traditional types of wrestling and pankration." Letters from the Mixed Martial Arts Federation for Brazilian Vale Tudo commend him for his service as chief referee and for his promotion of the sport and assistance in organizing tournaments. Using brief and generalized terms, these letters thank the Petitioner for his involvement in the athletic community, but they do not reference any original or specific contributions he has made to the field—of major significance or otherwise.

Further, although the letters from individuals with knowledge of the Petitioner's work laude his skills and experience, they do so in a broad manner that does not illustrate what particular contributions he has made in the context of his field. For example, a letter from an individual who trained the Petitioner describes him as an exceptional and responsible person, as well as one of his best students. Another letter from an individual who trained with the Petitioner describes him as a "very talented, multi-faceted athlete and coach." Letters from the Petitioner's former students express confidence in his ability to "continue to prepare excellent athletes" and that "his students will achieve great results." They speak highly of his character and credit him for his role in helping these athletes advance through

various stages of their careers as professional fighters. These letters do not identify any original or "specialized" contributions that "were adopted and implemented by major institutions and cited by other professionals."

While these letters from organizations and individuals in the field generally demonstrate the Petitioner's positive influence within his sports community and positive impacts he has made on some of his students, they do not demonstrate that he has made an original contribution of major importance to the field. We note that some letters mention that the Petitioner has coached fighters who have placed highly in tournaments, and the record includes some information about these individuals' competition histories, inferring a claim of contributions of major significance to the field through their performance. The record does not, however, include any information by which to compare their achievements to athletes under the tutelage of another coach to demonstrate that their performance is principally attributable to the Petitioner's original contributions as a coach.

Detailed letters from experts in the field explaining the nature and significance of the person's contribution may also provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.[4] Submitted letters should specifically describe the person's contribution and its significance to the field and should also set forth the basis of the writer's knowledge and expertise. *Id.* In this case, the letters lack specific, detailed information explaining how the Petitioner has made original contributions of major significance in the field. USCIS need not accept primarily conclusory statements. *1756, Inc. v. The US. Att'y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990). The record does not establish that the Petitioner has made original athletic contributions of major significance in the field. Accordingly, the Petitioner has not established that he meets the requirements of this criterion.

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that they are an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, --- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an alien of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.

[4] *See generally* 6 USCIS Policy Manual, *supra*, at F.2(B)(1).

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.