U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37411915

Date: APR. 07, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a snooker and pool player, seeks first preference immigrant 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 Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner satisfied at least three of the ten required regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). 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 dismiss the appeal.

I. LAW

Section 203(b)(1)(A) 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 sustained acclaim and the recognition of achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or qualifying documentation that meets at least three of the ten categories 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).

II. ANALYSIS

On appeal, the Petitioner claims that he meets three of the regulatory criteria, namely that he has a lesser national or international prize, has published material relating to his work in the field, and had made contributions of major significance in the field. 8 C.F.R. § 204.5(h)(3)(i), (iii), (v).[1]

The Director determined that the Petitioner established the lesser national or international prize criterion but did not establish the other two criteria. Upon de novo review, we agree that the Petitioner has not established at least three of the claimed criteria.

A. Evidentiary Criteria

1. "Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).

To meet this criterion, a petitioner must submit "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v). USCIS should first determine whether an alien has made original contributions in their field. 6 *USCIS Policy Manual*, *supra*, F.(2)(B)(1). If so, the Agency should then determine whether any are of "major significance to the field." *Id.*

Analysis under this criterion focuses on whether the person's original work constitutes major, significant contributions to the field. *Id.* Evidence of significant contributions can include published research that has provoked widespread commentary on its importance from others in the field, or documentation that research generated a high number of citations relative to others' work in the field. *Id.* When determining whether original contributions have major significance, detailed letters from experts in the field explaining the nature and significance of the contributions may provide valuable context, especially if accompanied by corroborating documentation. *Id.*

[1] The Petitioner previously claimed he had a major, internationally recognized award. On appeal, the Petitioner does not address this issue. Accordingly, we deem this issue to be waived. An issue not raised on appeal is deemed to be waived. *See, e.g.*, *Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

On appeal, the Petitioner claims eligibility based on his assistance in the establishment of the [redacted] in establishing a snooker hall within the [redacted] and developing a snooker lounge and academy in Islamabad.

A letter from the Secretary of the [redacted] states that the Petitioner helped found the organization, which allows players to have a platform to "showcase their talents and progress to national competitions." The Petitioner also provided letters explaining that he worked with the Pakistani government to help open the country's snooker hall by providing technical advice. The letters state that the academy has helped promote the sport in the country, trained its players, and opened the sport to women in the country. The evidence in the record further denotes that the Snooker Lounge and Academy founded by the Petitioner provides training for students and organizes tournaments for them.

The events claimed are not sufficient to constitute original contributions of major significance in the field. Although, the record reflects that the Petitioner's actions have helped the growth of the sport in his country, he has not sufficiently explained how his actions have had a significant impact on the field of cue sports generally. His impact appears limited to his country. The Petitioner has not adequately elucidated how these actions have had a wider impact on the field.

In the appeal brief, the Petitioner additionally claimed eligibility for this criterion on the basis that the Petitioner is the sole record holder of a maximum 147 breaks in the United States. The brief does not adequately explain how this constitutes a major contribution to the sport, beyond stating that this is the highest score in a single frame of snooker. Moreover, we observe that the Petitioner has not provided sufficient evidence to establish that this event occurred prior to the filing of the petition, as all of the articles reporting the event were published several months after the petition's filing. A petitioner must meet all of the eligibility requirements of the petition at the time of filing. 8 C.F.R. §§ 103.2(b)(l), (12).

Thus, the Petitioner has not established eligibility for this criterion.

The Petitioner claimed eligibility for three criteria. As such, his inability to satisfy the outlined criterion means that he cannot meet the required three criteria necessary to progress to a final merits determination. As the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve arguments concerning the remaining criteria *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden here.

ORDER: The appeal is dismissed.