U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42214213

Date: APR. 20, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an equestrian trainer, coach and rider, 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

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner met the initial evidence requirements for this classification by meeting at least three of the evidentiary criteria under 8 C.F.R. § 204.5(h)(3) or through evidence of a one-time achievement (a major, internationally recognized award.) 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

To establish eligibility as an individual of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that the petitioner's achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that the term "extraordinary ability" refers only to those aliens in "that small percentage who have risen to the very top of the field of endeavor." A petitioner can demonstrate that they meet the initial evidence requirements for this immigrant visa classification through evidence of a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the alien possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th. Cir. 2022).

II. ANALYSIS

A. The Petitioner's Field of Expertise

In Part 6 of the petition, the Petitioner listed the job title for her proposed employment in the U.S. as "Equestrian Competition Trainer/Rider/Coach." With her initial filing, she submitted a letter from her employer [redacted] which confirmed her role as a coach and trainer with the company. The list of her duties in this role included providing jumper training for clients, coaching at shows, riding of jumpers, and management of farriers. A second letter from the owner of [redacted] submitted with the Petitioner's response to SCOPS' request for evidence (RFE) provided further detail regarding her duties, including riding and exercising horses to ensure they are conditioned and responsive to their riders. For several of the evidentiary criteria which she claimed to meet (discussed below in more detail), the Petitioner relied on evidence (or comparable evidence) relating to her career as a competitive athlete[1] in showjumping competitions.

For example, on appeal the Petitioner challenges SCOPS' decision regarding the evidentiary criterion at 8 C.F.R. § 204.5(h)(3)(ii), noting these job titles and descriptions and claiming eligibility as a "competition rider" and a coach, stating that "riding is a critical duty, and past achievements demonstrating outstanding skill as a Rider are relevant to establishing eligibility for the petition." For this reason, she bases her claim to this criterion on comparable evidence per 8 C.F.R. § 204.5(h)(4), specifically her membership on Canadian national showjumping teams as an athlete.

As shown above, the Petitioner intends to work in the United States as an equestrian coach and trainer, and her duties necessarily include riding horses for training, conditioning, and to prepare them for competition. The Petitioner does not intend to compete in showjumping competitions as an athlete.

[1] As the International Equestrian Federation (FEI) General Regulations and Jumping Rules submitted in response to SCOPS' RFE use the term "athlete" to describe riders competing in equestrian competitions, we will use that term in this context to avoid any confusion.

The statute and regulations require that a petitioner's national or international acclaim be sustained and that he or she seeks to continue working in their area of expertise in the United States. *See* sections 203(b)(1)(A)(i) and (ii) of the Act, 8 U.S.C. §§ 1153(b)(1)(A)(i) and (ii), and 8 C.F.R. § 204.5(h)(3) and (5). While a coach/trainer and an athlete share knowledge of the sport, the two occupations rely on different sets of basic skills and in general are not in the same area of expertise. *See generally* 6 *USCIS Policy Manual* F.2(A)(2), www.uscis.dhs.gov/policy-manual. This interpretation has been upheld in federal court:

> It is reasonable to interpret continuing to work in one's "area of extraordinary ability" as working in the same profession in which one has extraordinary ability, not necessarily in any profession in that field. For example, Lee's extraordinary ability as a baseball player does not imply that he also has extraordinary ability in all positions or professions in the baseball industry such as a manager, umpire or coach.

Lee v. Ziglar, 237 F.Supp. 2d 914, 918 (N.D. Ill. 2002).

Other courts have noted a consistent history in this area: *see also Mussarova v. Garland*, 562 F.Supp. 3d 837, 844 (C.D. Cal. 2022)(determining that the plaintiff's awards as a water polo player were not awarded as a water polo coach); *Integrity Gymnastics & Pure Power Cheerleading, LLC v. USCIS*, 131 F.Supp. 3d 721, 730 (S.D. Oh. 2015)(concluding that the Administrative Appeals Office's reasoning, relevant statutory and regulatory language, and case law was not arbitrary, capricious, or otherwise not in accordance with the law in finding that an Olympic gold medal gymnast must meet the extraordinary ability classification through her achievements as a coach, her intended area of expertise.)

While we acknowledge the possibility that a petitioner's claim to extraordinary ability may involve multiple fields, a petitioner must demonstrate their intent to continue working in their area of expertise in the United States. 8 C.F.R. § 204.5(h)(5).[2] In this case, the Petitioner intends to continue to work as a coach and trainer in the field of equestrian showjumping in the United States, but not as a showjumping athlete. She cannot therefore satisfy any of the evidentiary criteria under 8 C.F.R. § 204.5(h)(3) through evidence of her achievements as a showjumping athlete.

---

[2] [1] 6 *USCIS Policy Manual* F.2(A)(2), https://www.uscis.gov/policymanual provides:

> [I]n general, if a beneficiary has clearly achieved recent national or international acclaim as an athlete and has sustained that acclaim in the field of coaching or managing at a national level, officers can consider the totality of the evidence as establishing an overall pattern of sustained acclaim and extraordinary ability such that USCIS can conclude that coaching is within the beneficiary's area of expertise.

Because the record reflects that the Petitioner has not competed as a showjumping athlete since 2019 and has not received any *recent* acclaim as an athlete, we need not consider whether the evidence regarding her previous achievements as an athlete help to establish an overall pattern of sustained acclaim and extraordinary ability. Instead we will focus solely on the evidence of her coaching and training accomplishments.

B. Evidentiary Criteria

Because the Petitioner has not indicated or established that she received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS concluded that the Petitioner met (through comparable evidence per 8 C.F.R. § 204.5(h)(4)) two of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), relating to her receipt of lesser nationally or internationally recognized awards and her authorship of scholarly articles in her field. On appeal, the Petitioner asserts that she also meets the evidentiary criteria[3] relating to:

- Her membership in associations in her field requiring outstanding achievements of their members;
- Published material about her and her work in the field in a qualifying publication, and;
- Her leading or critical role for organizations having a distinguished reputation.

After reviewing all of the evidence in the record, we disagree with SCOPS' conclusions regarding both criteria that they determined the Petitioner met, and withdraw those conclusions. In addition, per the foregoing discussion we conclude that the Petitioner has not established that she meets at least three of the evidentiary criteria under 8 C.F.R. § 204.5(h)(3), and therefore does not meet the initial evidence requirements for classification as an alien of extraordinary ability.

1. Evidence of Lesser Nationally or Internationally Recognized 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." The Petitioner claimed in her RFE response that the awards she received from her participation in competitions as a showjumping athlete should be considered, and that the awards received by horses and athletes she trained should be considered as comparable evidence under this criterion. But SCOPS did not consider the Petitioner's awards received as an athlete, and per the discussion above we will also not consider that evidence under this criterion.

Turning to the evidence of awards received by horses and athletes trained and coached by the Petitioner, she asserted that these should be considered to be comparable evidence under this criterion. When making such a claim, a petitioner must first establish that a particular evidentiary criterion is not readily applicable to their occupation. If a petitioner so establishes, then they must demonstrate that the evidence submitted is truly comparable to the evidence described in that criterion. *See* 6 *USCIS Policy Manual* F.2(B)(1).

Here, SCOPS accepted that the evidence submitted by the Petitioner showed that this criterion is not readily applicable to her occupation of coach and trainer, and concluded that the evidence of awards received by athletes and horses coached and trained by the Petitioner were comparable to the evidence called for in the criterion's plain language. Leaving aside the issue of whether this criterion does not

[3] The Petitioner does not challenge SCOPS' conclusion that she did not meet the criterion at 8 C.F.R. § 204.5(h)(3)(ix) relating to her relatively high salary or significantly high remuneration, so we will consider this issue to be waived. *See 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)).

readily apply to an equestrian coach and trainer, we disagree that the evidence presented is comparable to nationally or internationally recognized prizes or awards received by the Petitioner.

When addressing this issue in her RFE response, the Petitioner referenced an example of possible comparable evidence in the USCIS Policy Manual. *Id.* Specifically, she noted that the USCIS Policy Manual indicates that evidence of a coach whose athlete wins an Olympic medal would likely be comparable to that required under 8 C.F.R. § 204.5(h)(3)(v). That evidentiary criterion, which was not claimed by the Petitioner, calls for evidence of original contributions of major significance in the field. The Petitioner asserted that this example "is analogous to the national and international awards for excellence, won by [the Petitioner's] horses and riders." But she did not reference support for this interpretation in the statute, regulations, policy or caselaw, nor did she provide evidence supporting this analogy. Further, she has not shown how the receipt of prizes or awards by an athlete or horse under her tutelage is comparable to her own receipt of a prize or award, which is an integral element of this criterion. Accordingly, we withdraw SCOPS' determination regarding this criterion and conclude that the Petitioner has not met its requirements.

2. Evidence of Membership in Associations Requiring Outstanding Achievements

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) requires "[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."

The Petitioner initially based her claim to this criterion on her membership as an athlete on teams that competed for Canada in the [redacted] as well as her membership on the Canadian [redacted] as an athlete in two years. She also relied upon evidence that her students had competed at national showjumping events at the youth/junior level. When responding to SCOPS' RFE, the Petitioner asserted that her and her students' membership on national teams and participation in national level competitions could alternatively by seen as comparable evidence under this criterion.

We acknowledge the Petitioner's assertions that SCOPS appears to have misunderstood the basis of her claim to this criteria, as the decision appears to consider her qualification only as a member of [redacted] Nevertheless, after de novo review of the record and the Petitioner's claims, we conclude that the Petitioner has not established that she meets this criterion.

Turning first to the evidence regarding the Petitioner's career as a showjumping athlete and her membership on national teams, the evidence confirms that she was a part of the Canadian [redacted] in 2013 and 2019, and participated on behalf of Canada in [redacted] events in 2012 and 2018. However, as discussed at the outset, the Petitioner does not intend to compete as an athlete in the United States, nor does the record show that she has competed or otherwise garnered acclaim as an athlete in the approximately six years preceding the filing of her petition. She therefore cannot rely upon her past athletic achievements in the field of [redacted] to establish that she meets this evidentiary criterion or any of the others under 8 C.F.R. § 204.5(h)(3) as a coach and trainer.

As for the evidence regarding the Petitioner's horses and students, she asserts that their selection to national or international level teams, championships, or finals should be considered as comparable evidence under this criterion. We first note that *a petitioner's* selection to a national team may be

considered as comparable evidence under this criterion, provided that the petitioner has shown that it does not readily apply to their occupation and the evidence submitted is comparable to the type of evidence required under the plain language of this criterion. *See generally* 6 *USCIS Policy Manual* F.2(B)(1). But similar to the discussion above regarding the awards received by her students and [redacted], the Petitioner has not provided sufficient supporting evidence to show how any membership held by her students is comparable to her own membership in a qualifying association.

In addition, even if we were to consider memberships held by the Petitioner's students as comparable evidence under this criterion, she has not established that an athlete competing in particular events or competitions, regardless of the level of competition, is comparable to membership in an association. Per the Merriam Webster online dictionary, www.merriam-webster.com, an association is "an organization of persons having a common interest." Participation in a competition does not, by itself, demonstrate membership in such an organization.

For all of the reasons discussed above, we conclude that the Petitioner does not meet this evidentiary criterion.

3. Authorship of Scholarly Articles in the Field

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) calls for "[e]vidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." In fields other than academia, a scholarly article should be written for others having profound knowledge in the field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1).

The Petitioner submitted evidence of several articles which were posted on the website of [redacted] a magazine emphasizing [redacted] issues. These articles are about [redacted] and tips regarding [redacted] equipment. The titles of most of these articles refer to the Petitioner and attribute the advice to her, and some include direct quotes from the Petitioner. But all of the articles list a different person as the author, and thus do not meet the first element of this criterion.

In addition, several of the reference letters submitted by experts in the equestrian field describe these articles as providing advice to riders of all levels. This evidence does not show that the articles were written for others with profound knowledge in the field of [redacted], or specifically the [redacted] disciplines, and thus cannot be considered to be scholarly articles.

When responding to SCOPS' RFE, the Petitioner asserted that these articles should be considered to be comparable evidence under this criterion. She stated that "the industry of competitive [redacted]. commonly features how-to articles in media platforms," and that under 8 C.F.R. § 204.5(h)(4), "they are not required to be scholarly in nature." But she then asserts that her articles "instruct persons with profound knowledge of [redacted]," which would qualify them as scholarly per the USCIS Policy Manual statement noted above. Further, this statement contradicts the experts' statements in the reference letters noting that the articles are for [redacted] of all levels.

SCOPS determined without analysis that the Petitioner's comparable evidence claim under this criterion showed that these articles met the criterion. We disagree. Not only does the evidence not

establish that the articles are scholarly in nature, but it also does not show that they were authored by the Petitioner. Even if we were to accept the Petitioner's assertion regarding the former, she has not established how articles authored by someone else are comparable to articles authored by her.

For all of the reasons discussed above, we withdraw SCOPS' determination regarding this criterion and conclude that the Petitioner does not meet its requirements through comparable evidence.

4. Additional Evidentiary Criteria

Although the Petitioner claims eligibility for two additional criteria on appeal, relating to published materials about her at 8 C.F.R. § 204.5(h)(3)(iii) and her leading or critical role for distinguished organizations at 8 C.F.R. § 204.5(3)(3)(viii), we need not reach these additional grounds. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), the identified basis for denial is dispositive of the appeal. We therefore reserve the Petitioner's appellate arguments regarding these additional evidentiary criteria. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

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. Because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that s/he is 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*, 784 F. Supp. 3d 798, 814 (E.D. Pa. 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. at 25.

ORDER: The appeal is dismissed.

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.