U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37736000

Date: APR. 24, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a karate coach, seeks classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not meet any of the category's initial ten evidentiary requirements – three less than needed for a final merits determination. *See* 8 C.F.R. § 204.5(h)(3). On appeal, the Petitioner maintains that he satisfied the following nine evidentiary criteria:

- Receipt of lesser nationally or internationally recognized awards for excellence in his field;
- Membership in associations in the field requiring outstanding achievements of their members;
- Appearances in published material about him and his work in the field;
- Participation as a judge of others' work in his or an allied field;
- Original contributions of major significance in the field;
- Display of his work at artistic exhibitions or showcases;
- Performance in a leading or critical role for organizations with distinguished reputations;
- Commandment of a high salary or significantly high remuneration relative to others in the field; and
- Commercial successes in performing arts.

8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (iv), (v), (vii), (viii), (ix), (x).

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that he submitted evidence of his participation as a judge of others' work in an allied field and his performance in a leading role for an organization with a distinguished reputation.

But, because the Petitioner has not satisfied the requisite minimum number of evidentiary criteria, we will dismiss the appeal.

I. LAW

To qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability in the sciences, arts, education, business, or athletics;"
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the country as a permanent resident.

Section 203(b)(1)(A)(i)-(iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). Unless a petitioner received "a major, international recognized award," they must satisfy at least three of ten lesser evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1]

If a petitioner meets either evidentiary standard and the requirements at section 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) must then make a final merits determination. To merit approval, the record – as a whole – must establish a petitioner's "sustained national or international acclaim" and recognized achievements placing them among the small percentage at their field's very top. *See Kazarian v. USCIS*, 596 F.3d 1115, 1119-20 (9th Cir. 2010) (implementing a two-step extraordinary ability analysis); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Field

The record identifies the Petitioner as a former undefeated karate champion in his home country of Armenia, where he successfully defended his title 12 times before becoming a karate coach. In 1998, he founded a [redacted] in Armenia. [redacted], one of four major styles of karate, emphasizes body shifting, agility, and fast, precise movements. He served as head coach of the country's national karate team from 2002 to 2024.

Now in the United States, the Petitioner seeks to continue coaching karate in this country. He stated that he wants to open karate schools here.

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

B. The Evidentiary Criteria

The record does not indicate – nor does the Petitioner claim – his receipt of a major internationally recognized award. He must therefore meet at least three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

We will now review SCOPS' findings regarding the other nine evidentiary requirements that the Petitioner claims to have met. To satisfy these criteria, his evidence must objectively meet the parameters of the applicable regulatory descriptions. *See generally* 6 *USCIS Policy Manual* F.2(B). "[N]either USCIS nor [the] AAO may unilaterally impose novel substantive or evidentiary requirements beyond those set forth in 8 C.F.R. § 204.5." *Kazarian*, 596 F.3d at 1121.

1. Lesser Nationally or Internationally Recognized Awards for Excellence

This criterion requires "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i).

When adjudicating this requirement, USCIS first determines if a petitioner – as opposed to their employer, for example – received prizes or awards. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 1. If so, the Agency then determines whether the awards are for excellence in the applicable field and nationally or internationally recognized. *Id.*

The Petitioner submitted copies of awards he received as an athlete and certificates he received as a coach. He also submitted copies of his coaching licenses and certificates from a Russian city, regarding his fifth Dan grade,[2] and to his [redacted].

SCOPS correctly discounted the Petitioner's awards as an athlete. "Competitive athletics and coaching rely on different sets of skills and in general are not in the same area of expertise." 6 *USCIS Policy Manual* F.2(A)(2).

> Where [a petitioner] has had an extended period of time to establish his or her reputation as a coach beyond the years in which he or she had sustained national or international acclaim as an athlete, depending on the specific facts, officers may place heavier, or exclusive, weight on the evidence of the beneficiary's achievements as a coach or a manager.

Id.

The record shows that the Petitioner obtained a coaching license in 2005. His most recent award as an athlete dates to 2007. Thus, he has had more than 15 years to establish his reputation as a coach. SCOPS therefore appropriately discounted his awards as an athlete. *See Mussarova v. Garland*, 562 F. Supp. 3d. 837, 844 (C.D. Cal. 2022) (holding that awards to a petitioner as a water polo player did not constitute awards for excellence in the water polo coaching field). Regarding the remaining awards,

[2] Dan is a system of karate rankings containing 10 grades. Each grade signifies a higher level of skill and experience.

SCOPS found that the Petitioner did not demonstrate their issuance for excellence as a coach or their national or international recognition.

On appeal, the Petitioner points to evidence of his 2015 participation as a judge at a European wado ryu karate championship.[3] He states that he won a judging award at the event, where he served as both a judge and coach of the Armenian team. He claims that he was "chosen among the best coaches in the world to judge this event."

The Petitioner indicates that karate coaches serve as judges in karate competitions. But he has not demonstrated that coaching and judging represent the same field of expertise. Like coaches and athletes, coaches and judges appear to rely on different skill sets. Also, the only certificate associated with this championship that the Petitioner submitted is a participation certificate given to one of his students. The record contains a copy of a photo of a medal he claims to have received for judging at the event. But no objective evidence corroborates his receipt of this medal. Also, the Petitioner described the medal as "for his participation as one of the judges." Thus, he has not demonstrated the medal's issuance for excellence in the field. The record therefore does not establish his receipt of an award for excellence in judging at the 2015 championship.

The Petitioner also argues that he should receive credit for awards issued to his karate students and certificates issued to his [redacted]. He states that he founded the federation and serves as its president. He contends that the certificates were "inherently given to him for his extraordinary work in organizing the championships and training the best athletes." He states that the certificates are nationally and internationally recognized because the [redacted] "the sole regulating body of karate in Armenia," issued them.

We decline to attribute the students' awards and the federation's certificates to the Petitioner. As previously indicated, our first step in analyzing evidence under this criterion is to determine whether a petitioner won an award. *See* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 1. ("The description of this type of evidence in the regulation indicates that the focus should be on the person's receipt of the awards or prizes.") Also, even if we attributed the federation's certificates to the Petitioner, their issuance by the sole Armenian regulating body does not demonstrate their national or international recognition. To demonstrate national or international recognition, a petitioner must establish how a larger audience beyond the awards' grantor viewed them. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 182 (D.N.J. 2021) (quoting *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013) (holding that "evidence solely from the awarding organization itself may be insufficient if it does not show 'how a larger audience viewed [the] awards.'" Thus, the certificates issued to the Petitioner's [redacted] do not meet this evidentiary requirement.

The Petitioner also points to the 2017 certificate he received from a Russian city. He states that the city invited him to train karate athletes there and improve its "karate culture." He claims that the city's physical culture department, which issued the award, is a distinguished and well-known association and that, because the city department issued the certificate, it is nationally recognized.

[3] As previously indicated, participation as a judge of others' work constitutes another separate evidentiary requirement. *See* 8 C.F.R. § 204.5(h)(3)(iv). The Petitioner also claims to meet the judging criterion, which we will discuss later in this decision.

The certificate "expresses gratitude to [the Petitioner] for his great contribution to the development of karate in the city." But the record does not establish the award's issuance for excellence in the field of karate coaching. *See Krasniqi*, 558 F. Supp. 3d at 183 (affirming our decision that a certificate was "a 'gratitude award' [that] failed to establish that it was awarded for merit in [the applicable field]"). Also, even if the award reflects excellence in the Petitioner's field, the certificate's issuance by the city does not demonstrate national recognition. As previously indicated, the Petitioner must show how a larger audience viewed the award. *See Krasniqi*, 558 F. Supp. 3d at 182 (quoting *Visinscaia*, 4 F. Supp. 3d at 136).

The Petitioner further argues that we should consider his coaching licenses and fifth Dan grade certificate as "comparable evidence" to meet this criterion. He states that he had to "pass certain skills and tests to be awarded these licenses" and contends that "well-known professional associations" issued them. He also claims that his Dan grade certificate required 17 years of training and equates to a "master" title in the sport.

As previously noted, a petitioner may submit comparable evidence to establish their eligibility "[i]f the above standards do not readily apply to the[ir] occupation." 8 C.F.R. § 204.5(h)(4). To the extent SCOPS found that the Petitioner must demonstrate that all ten evidentiary requirements do not readily apply to his occupation, we withdraw that finding. He need only establish that the criterion at issue does not readily apply to his occupation. *See Krasniqi*, 558 F. Supp. 3d at 190 (finding that, to meet an evidentiary requirement based on comparable evidence, a petitioner "needed to first show that *one* of the [8 C.F.R. § 204.5](h)(3) criteria was not readily applicable to her field") (emphasis added). "[A] statement from the petitioner can be sufficient to establish whether a criterion is readily applicable if that statement is detailed, specific, and credible." 6 *USCIS Policy Manual* F.2(B)(1), Comparable evidence. General, unsupported assertions, however, are not probative. *Id.*

The Petitioner has not demonstrated that awards for excellence do not readily apply to karate coaches. The record lacks a detailed and specific statement from the Petitioner or other supporting evidence. Even if awards do not readily apply to his field, he has not established that receipt of his coaching licenses and fifth Dan grade certificate favorably compares to awards.

For the foregoing reasons, the Petitioner has not submitted evidence of his receipt of nationally or internationally recognized awards for excellence in his field. We will therefore affirm SCOPS' finding regarding this criterion.

2. Membership in Associations

To meet this evidentiary requirement, a petitioner must submit "[d]ocumentation of [their] 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 field." 8 C.F.R. § 204.5(h)(3)(ii).

The Petitioner submitted letters and other documentation to show his memberships in the [redacted] and his own [redacted], as well as on the [redacted] as coach.

The record does not establish that the federations require outstanding achievements of their members. Letters from officials of the [redacted] state that the organization requires outstanding achievements of its members. But a copy of the federation's charter does not support those statements. The charter states that members must pay membership fees and support the charter, and that membership candidates must submit applications and information about themselves, which the federation's president examines before admitting members. The charter does not indicate that members must have outstanding achievements in the field. Also, the Petitioner did not submit any evidence of the membership requirements for his [redacted].

On appeal, the Petitioner cites a 2016 non-precedent decision of ours, arguing that evidence of his membership on the [redacted] meets this criterion. Our non-precedent decision agreed with a petitioner, a judo athlete, that his membership on a national judo team was, "in effect, an association membership that requires outstanding achievements, as judged by national experts in judo."

Our non-precedent decision does not bind us in this matter. *See* 8 C.F.R. § 103.10(b) (requiring USCIS officers to follow precedent decisions of the Attorney General and Board of Immigration Appeals in matters involving the same issues). Also, unlike the petitioner in our non-precedent decision, the Petitioner here is a coach, not an athlete. A letter from the [redacted] president indicates that the coach of the country's national team requires outstanding achievements. But national team members also include athletes, and the record does not indicate their membership requirements. Thus, the record does not establish that the [redacted] requires outstanding achievements of all its members. Also, the Petitioner has not demonstrated that recognized national or international experts judge members of the federations or the national team.

The Petitioner has not submitted evidence of his membership in associations in the field requiring outstanding achievements of their members as judged by recognized national or international experts. We will therefore affirm the Director's finding regarding this requirement.

3. Published Material About the Petitioner

This criterion requires "[p]ublished material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought." 8 C.F.R. 204.5(h)(3)(iii). "Such evidence shall include the title, date, and author of the material, and any necessary translation." *Id.*

USCIS first determines whether published material relates to a petitioner and their work in the applicable field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 3. If so, the Agency next determines whether the publication qualifies as a professional publication, major trade publication, or major media publication. *Id.* Relevant factors include, for professional and major trade publications, the intended audience and, for major trade publications and other major media, the relative circulation, readership, or viewership. *Id.*

The Petitioner submitted copies of two online articles, social media pages from his [redacted] and a link to an online video.

We agree with SCOPS that the online articles do not meet this criterion. The Petitioner argues that they discuss his work as coach of the national karate team. The articles, however, focus on the team and only briefly identify the Petitioner as its coach. Contrary to USCIS policy, neither article includes "a substantial discussion of the person's work in the field." *See* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 3; *see also Mussarova*, 562 F. Supp. 3d at 848 (finding this criterion unmet by an article about an athlete's participation in an event that mentions her only once). Also, the Petitioner did not demonstrate the online articles' appearance in professional or major trade publications or other major media. He provided online information about the publications and their history. But the information does not indicate their intended audiences or viewership relative to other publications in Armenia.

SCOPS discounted the social media pages from the Petitioner's [redacted] finding "no assurance of reliability or objectivity from these sources that allow for self-created material to be posted." We find the social media pages to be reliable, as, based on photographs of the Petitioner elsewhere in the record, images on the social media pages show him. But the pages primarily contain images that, contrary to USCIS policy, do not substantially discuss his work. *See* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 3; *see also Mussarova*, 562 F. Supp. 3d at 848. We therefore agree that the social media pages do not satisfy this criterion.

The online video shows scenes from a 2024 karate competition in the United States at which the Petitioner served as a judge. The video, at one point, shows him with other judges at the event. But, similar to the social media pages of the Petitioner's federation, the video does not substantially discuss his work. *See* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 3; *see also Mussarova*, 562 F. Supp. 3d at 848. Also, as previously indicated, the Petitioner has not demonstrated that judging karate competitions constitutes the same field as coaching karate athletes. The video therefore does not meet this criterion.

The Petitioner has not demonstrated his submission of published material about himself in professional or major trade publications or other major media relating to his work in his field. We will therefore affirm SCOPS' decision regarding this evidentiary criterion.

4. Participation as a Judge of Others' Work

This criterion requires "[e]vidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought." 8 C.F.R. § 204.5(h)(3)(iv).

On appeal, the Petitioner contends that he has served as a judge at both national and international karate competitions. A preponderance of the evidence supports his contention. The online video, copies of photos, and letters confirm his role as a judge of karate athletes at various competitions. We recognize karate competitions as an "allied field" of the Petitioner's karate coaching field. *See* 8 C.F.R. § 204.5(h)(3)(iv).

The Petitioner has submitted evidence of his participation as a judge of others' work in an allied field. We will therefore withdraw SCOPS' contrary finding.

5. Original Contributions of Major Significance

This criterion requires "[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 first determines whether a petitioner has made original contributions in their field. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 5. If so, the Agency then determines whether the original contributions are of major significance in the field. *Id.*

The Petitioner submitted letters showing his founding and pioneering of the [redacted] in Armenia. He states that SCOPS did not understand that he is not only the president of the [redacted] but also its founder and the introducer of that karate style to Armenia.

Letters from officials of the [redacted] state that the Petitioner has instructed the nation's karate athletes in both the [redacted] karate styles. The federation's vice president stated: "Shotokan style emphasizes strong stances, powerful strikes and powerful long-range techniques. [redacted] on the other hand places emphasis on Sanchin kata and its rooted Sanchin stance, and it features grappling and close-range techniques." The federation's head coach stated that "the combination of these two styles of karate is hardly found in the styles of the other competitors" and "gives our national team athletes who are stronger and more competitive on an international level." The federation's president stated that the Petitioner's:

> introduction of the [redacted] karate to our nation is a contribution of major significance because it enhances the overall performance of the karate athletes in Armenia because his style of karate combined with the other styles of karate puts our nation's athletes above the other athletes in international competitions.

The letters indicate that karate officials in the Petitioner's home country consider his coaching methodology to be important. But the record does not demonstrate the major significance of his methodology to his field of karate coaching. The letters indicate that, unlike the Petitioner, few other coaches combine the [redacted] styles. But the record lacks sufficient details. When and how did the Petitioner learn both karate styles? Was he the first karate coach in the world to combine them? Have other coaches implemented his methods? A current karate coach/former student of the Petitioner stated: "I have adopted his original coaching methodology, which has proven to be highly effective in preparing athletes for competitions, promoting a healthy lifestyle, teaching adaptability, and providing vocational guidance." But the coach/former student does not specify that, like the Petitioner, he combines the [redacted] Nor does he provide evidence supporting the methodology's effectiveness.

The Petitioner contends that SCOPS added requirements unstated in the regulation to this criterion. *See Kazarian*, 596 F.3d at 1121 (barring USCIS from imposing "novel substantive or evidentiary requirements"). He notes that SCOPS' faulted him for omitting "documentary evidence of widespread commercial or industrial implementation of your work[or] that it has been seminal" and "independent and objective evidence to demonstrate that you have created/developed new Karate techniques as a Karate Coach that were/are of major significance in the field."

We recognize that 8 C.F.R. § 204.5(h)(3)(v) does not expressly require evidence of widespread implementation of petitioners' work or their development of new techniques. But, as the regulation requires, such evidence may establish the "major significance" of their contributions to their fields. *See* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 5 (providing examples of evidence that may demonstrate major significance, including: published research provoking widespread commentary; and development of technology attracting significant attention or commercialization). The decision's context shows that SCOPS intended documentation of implementation of the Petitioner's work and his development of new techniques not as requirements, but rather as examples of evidence that may establish major significance of his contributions. *See Krasniqi*, 558 F. Supp. 3d at 182 (finding that we did not act arbitrarily or capriciously when a regulation's text supported our reasoning). SCOPS therefore did not improperly require such evidence from the Petitioner.

The Petitioner has not submitted evidence showing contributions of major significance to his field. We will therefore affirm SCOPS' finding regarding this evidentiary requirement.

6. Display of the Petitioner's Work at Artistic Exhibits or Showcases

This criterion requires "[e]vidence of the display of the alien's work in the field at artistic exhibitions or showcases." 8 C.F.R. § 204.5(h)(3)(vii).

USCIS first determines whether displayed material is a petitioner's work product. *See generally* 6 *USCIS Policy Manual* F.2.(B)(1), Criterion 7. USCIS then determines whether the venues that displayed the work - including virtual venues - were artistic exhibitions or showcases. *Id.*

The Petitioner contends that his coaching at national and international karate competitions should serve as "comparable evidence" to meet this criterion. *See* 8 C.F.R. § 204.5(h)(4). He states that, at these events, his students use the athletic skills he has taught them and, by winning championships, display the skills to the public. He notes that, under USCIS policy, "[a] person who is an Olympic coach whose athlete wins an Olympic medal while under the person's principal tutelage would likely constitute evidence comparable to that in 8 C.F.R. § 204.5(h)(3)(v) [Criterion 5]." *See* 6 *USCIS Policy Manual* F.2(B)(1), Comparable evidence.

Federal courts have affirmed our finding that the phrase "artistic exhibitions or showcases" in this criterion limits applicable presentations to visual arts, not dance or performance arts. *See Visinscaia v. Beers*, 4 F. Supp. 3d 126, 135-36 (D.D.C. 2013); *Negro-Plumpe v. Okin*, No. 2: 07-CV-820-ECR-RJJ, 2008 WL 10697512, at *4 (D. Nev. Sep. 9, 2008). If even an art, karate would be a performance art rather than a visual art. We therefore agree with the Petitioner that this criterion does not readily apply to his karate coaching field. *See* 8 C.F.R. § 204.5(h)(4).

But the Petitioner has not shown that his karate coaching at national or international competitions compares to displaying works of art. *See Xia v. Miller*, No. 3: 20-cv-01468-JR, 2021 WL 5817324, at **4-6 (D. Or. Nov. 18. 2021) (finding insufficient evidence that coaching athletes to medals compares to contributions of major significance in the field). The record indicates that karate competitions primarily focus on the work or performances of athletes, not their coaches. Coaches' contributions to athletes' performances remain largely unseen by the public. They therefore are not on "display."

For the foregoing reasons, the Petitioner has not submitted evidence comparable to displaying his work in his field at artistic exhibitions or showcases. Thus, we will affirm SCOPS' finding regarding this criterion.

7. Performance in a Leading or Critical Role

To meet this requirement, a petitioner must submit "[e]vidence that [they] ha[ve] performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii).

USCIS first determines whether a petitioner has performed in a leading or critical role for an organization, establishment, or a division or department of an organization or establishment. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 8. A leading role means that a petitioner is (or was) a leader within the organization, establishment, division or department. *Id.* In contrast, a critical role means that a petitioner "has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment." *Id.*

Next, USCIS determines whether the organization, establishment, department, or division for which a petitioner holds or held a leading or critical role has a distinguished reputation. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 8. In this context, the word "distinguished" means "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Distinguished*, Merriam-Webster Online Dictionary, *supra*. Relevant factors include not only an organization's relative size or longevity but also other information such as the scale of its customer base or relevant media coverage. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), Criterion 8.

The Petitioner points to letters regarding his roles in the [redacted] and his own [redacted]

SCOPS erred in finding that, under this criterion, the federations had to employ the Petitioner. The regulation requires evidence of "*perform[ance]* in a leading or critical role," *see* 8 C.F.R. § 204.5(h)(3)(viii) (emphasis added), not necessarily employment in such a role. *See Kazarian*, 596 F.3d at 1121 ("[N]either USCIS nor [the] AAO may unilaterally impose novel substantive or evidentiary requirements beyond those set forth in 8 C.F.R. § 204.5.")

A preponderance of the evidence demonstrates that documentation regarding the Petitioner's role in his [redacted] meets this requirement. The record shows that he founded the federation in 1998 and that he has served as head coach of its karate team. The evidence therefore identifies the Petitioner as the organization's leader. Also, the [redacted] president stated that "[a]lmost 80 percent of the athletes of the national team of Armenia is comprised of athletes of the [redacted] operating under the leadership and coaching skills of [the Petitioner]." Thus, the record also indicates that the [redacted] has a distinguished reputation. *See* 6 *USCIS Policy Manual* F.2(B) ("[A]lthough some of the regulatory language relating to evidence occasionally uses plurals, it is entirely possible that the presentation of a single piece of evidence in a specific evidentiary category may be sufficient.")

The Petitioner has met this evidentiary requirement by submitting documentation of his performance in a leading role for an organization with a distinguished reputation. We will therefore withdraw SCOPS' contrary finding.

8. Commandment of a High Salary or Significantly High Remuneration

This criterion requires "[e]vidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field." 8 C.F.R. § 204.5(h)(3)(ix).

On appeal, the Petitioner cites a letter from the president of the [redacted]. The letter states that the Petitioner:

> has received substantial compensation and high salary for being the best coach in the nation, and the only coach who has contributed the most champions to our nation, in comparison to other national coaches in the [redacted] He has been awarded high compensation by the [redacted] after winning and bringing home champions on international levels.

The letter states that the Petitioner's salary is high compared to other national karate team coaches. But the record contains insufficient evidence to meaningfully compare his salary to those of the other coaches. The letter does not indicate by how much the Petitioner's salary exceeds other karate coaches. *See* 8 C.F.R. § 204.5(h)(3)(ix) (requiring evidence of a high salary or significantly high remuneration "in relation to others in the field"). Also, the record lacks independent, objective evidence supporting the letter's statements. *See* 6 *USCIS Policy Manual* F.2(B)(3) ("[T]he statements made by the witnesses should be corroborated by documentary evidence in the record.")

The Petitioner has not submitted sufficient evidence of his claimed commandment of a high salary or significantly high remuneration in relation to others in the field. We will therefore affirm SCOPS' finding regarding this evidentiary requirement.

9. Commercial Successes in the Performing Arts

This criterion requires "[e]vidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales." 8 C.F.R. § 204.5(h)(3)(x).

"This criterion focuses on volume of sales and box office receipts as a measure of the person's commercial success in the performing arts." 6 *USCIS Policy Manual* F.2(B)(1), Criterion 10. "The evidence must show that the volume of sales and box office receipts reflect the person's commercial success relative to others involved in similar pursuits in the performing arts." *Id.*

The Petitioner maintains that evidence of his participation in national and international karate competitions as a national coach qualifies as "comparable evidence" under this requirement. Some of his students purportedly provided him with "bonuses and extra remuneration" in appreciation of his coaching.

Karate coaches generally do not generate sales or receipts in the performing arts. We therefore agree with the Petitioner that this criterion does not readily apply to his field. *See* 8 C.F.R. § 204.5(h)(4).

The Petitioner, however, has not demonstrated that his coaching at national or international karate competitions compares to commercial successes in the performing arts. *See Xia*, 2021 WL 5817324, at **4-6 (finding insufficient evidence that coaching athletes to medals compares to contributions of major significance in the field). Counsel states that, in gratitude for the Petitioner's coaching, students have provided him with additional compensation. But counsel's unsubstantiated assertion does not constitute evidence. *See, e.g., Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998) ("[S]tatements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight.") Also, the record lacks the additional compensation amount purportedly received by the Petitioner and evidence that other karate coaches receive such compensation. The omission of such evidence prevents comparison of the Petitioner's commercial successes with those of others in the field.

The Petitioner has not demonstrated that his documentation favorably compares to evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales. We will therefore affirm SCOPS' finding regarding this criterion.

C. Final Merits Determination

The Petitioner has met two of the nine evidentiary requirements he claims to have met – one less than needed for a final merits determination. *See Kazarian*, 596 F.3d at 1120 (citation omitted) ("The regulations regarding this preference classification are extremely restrictive.") Because he did not satisfy the required minimum number of criteria, we need not reach and hereby reserve consideration of his final merits determination arguments. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

III. CONCLUSION

The Petitioner has not met the required minimum number of evidentiary criteria for the requested immigrant visa category. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.