U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 4224831

Date: APR.28, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a hockey player, seeks 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.

Service Center Operations (SCOPS) denied the petition, concluding that although the Petitioner satisfied at least three of the initial evidentiary criteria, as required, he did not show his sustained national or international acclaim and demonstrate he is among the small percentage at the very top of the field of endeavor. 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)(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). *See also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented" aliens"). 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. U.S. Citizenship & Immigr. Servs.*, 596 F.3d 1115, 1119-20 (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. U.S. Citizenship & Immigr. Servs.*, 772 F. Supp. 2d 1339, 1346 (W.D. Wash. 2011), *aff'd*, 683 F.3d 1030 (9th Cir. 2012).

II. ANALYSIS

As indicated above, SCOPS concluded the Petitioner did not show he garnered sustained national or international acclaim and his achievements have been recognized in the field of endeavor through extensive documentation, demonstrating he is one of that small percentage who has risen to the very top of the field.[1] On appeal, we will review the totality of the evidence in the context of the final merits determination below.[2] In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if the successes are sufficient to demonstrate extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[3] In this matter, we determine the Petitioner has not shown eligibility.

The Petitioner argues that "[t]he focus of the EB-1A petition is whether the Petitioner has raised to the very top of his field on the national or international level." Section 203(b)(1)(A)(i) of the Act requires an alien to have "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

[1] SCOPS' decision does not specifically explain why the Petitioner met at least three criteria or indicate which eligibility claims or documentation qualified him for the criteria. Rather, SCOPS' decision simply indicates that he submitted evidence meeting the respective criteria. In this case, because SCOPS conducted a final merits determination, our appellate decision will be limited to this issue.

[2] *See also generally* 6 *USCIS Policy Manual*, F.2(B)(2), https://www.uscis.gov/policymanual.

[3] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (instructing that USCIS officers should consider the petition in its entirety to determine eligibility according to the standard – sustained national or international acclaim and the achievements have been recognized in the field of expertise, indicating that the person is one of that small percentage who has risen to the very top of the field of endeavor).

recognized in the field through extensive documentation."[4] Moreover, the regulation at 8 C.F.R. § 204.5(h)(2) defines extraordinary ability as "a level of expertise indicating that the individual is one of that small percentage who [has] risen to the very top of the field of endeavor," and the regulation at 8 C.F.R. § 204.5(h)(3) requires "[a] petition for an alien of extraordinary ability must be accompanied by evidence that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise."[5] Thus, achieving sustained national or international acclaim is not sufficient unless the individual also demonstrates that he or she has risen to the very top of the field of endeavor. *See Kazarian*, 596 F.3d at 1119-20 (holding USCIS determines whether the evidence demonstrates both a level of expertise indicating that the individual is one of that small percentage who has risen to the very top of the field of endeavor and that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise); *see also Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4 (D.D.C. June 8, 2021), *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (holding that in addition to the requirement of demonstrating "sustained national or international acclaim," the plaintiff was also required to provide evidence demonstrating "that his or her achievements have been recognized in the field of expertise").

As contended in the Petitioner's initial cover letter:

> [The Petitioner] is a distinguished professional ice hockey player from [redacted] Russia. [The Petitioner's] career is marked by significant achievements and recognition in the field of ice hockey, demonstrating sustained national and international acclaim.
>
> [The Petitioner's] professional journey encompasses participation in premier hockey leagues across North America and Europe. Notably, he has competed in the Kontinental Hockey League (KHL) with teams such as [redacted] and in the American Hockey League (AHL), showcasing his adaptability and high-level performance in diverse competitive environments.
>
> In the North American circuit, [the Petitioner] has made significant contributions in the ECHL [East Coast Hockey League], amassing [redacted] with the [redacted]. His recent acquisition by the [redacted] further underscores his value and impact within the league.
>
> [The Petitioner's] early career is equally noteworthy. He was a [redacted] pick [redacted] overall) in the 2019 [redacted] Import Draft by the [redacted], reflecting early recognition of his talent. His international experience includes representing Russia at th[redacted]], where he contributed to the team's gold medal victory.

[4] *See generally* 6 *USCIS Policy Manual*, F.2(A)(1), https://www.uscis.gov/policymanual (stating the definition of sustain is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

[5] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(A)(1).

[The Petitioner] is known for his powerful shot and strong positioning on the ice. His physical attributes, combined with his skill set, have been highlighted in scouting reports, noting his potential to play a dominant form of hockey.

According to eliteprospects.com, referenced by the Petitioner, the following summarizes both his youth, amateur, junior, and professional careers at the time of filing:

Year	Team	League
2016-2017		
2017-2018		
2018-2019		
2019-2020		
2020-2021		
2021-2022		
2022-2023		
2023-2024		
2024-2025		

The Petitioner also highlighted some of his personal achievements, such as:

- of Russia with in 2016
- Finished top four in league points and second in goals, and top five on his team with the during the 2016 – 2017 season
- Led the in team points and goals, finished second in league points, and team at the national championship during the 2017 – 2018 season
- Signed a tender with the in 2018
- Received a scholarship from the in 2018[10]
- Won a gold medal with Russia's team at the
- Drafted in by the in the Canadian Hockey League Import Draft in 2019
- Set a with the during the 2020 – 2021 season
- "Called Up" to Russia's team for

6
7
8
9

[10] The Petitioner submitted a few articles indicating his commitment to play at the but none of the evidence reflects his receipt of a scholarship.

- Played in [redacted] with Russia in [redacted]
- Assigned to the [redacted] in 2022
- Earned [redacted] in multiple games with the [redacted] during the 2023 – 2025 seasons

In addition, the Petitioner provided various hockey and sports websites, such as nhl.com, thehockeynews.com, and eliteprospects.com that cover a variety of issues, such as statistics, prospects, and scouting reports to corroborate his youth, amateur, junior, and professional hockey history. Further, the Petitioner submitted articles from various Russian hockey websites and other websites, such as sports.ru, allhockey.ru, spartkak.ru, hcsochi.ru, and fhr.ru, regarding his Russian hockey experience, including with [redacted] the [redacted], and the [redacted] The Petitioner also offered articles and materials from his teams' websites and local coverage of his teams' news.

Moreover, the record contains several recommendation letters, mainly from former and current National Hockey League (NHL) players, such as R-L-, A-Z-, V-T-, V-K-, and A-K-, praising the Petitioner for his skills, work ethic, and hockey intelligence.

Considering the totality of the evidence, the Petitioner has not demonstrated that his hockey achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. 1990 U.S.C.C.A.N. 6710, 6739. Furthermore, the Petitioner has not shown that he has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required" for lesser classifications. 56 Fed. Reg. 30703, 30704. Here, the Petitioner has not established that he enjoys a career that meets this very high standard. *See Amin v. Mayorkas*, 24 F.4th 383, 386-87 (5th Cir. 2002) (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

In our precedent, *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994), we held that even athletes performing in the premier league of their sport do not automatically meet the extraordinary ability standards. Here, the Petitioner is not competing in the premier league of his sport, the NHL, but rather two levels lower in the ECHL. Although the Petitioner played on [redacted] youth teams earlier in his youth career and at the highest levels in his junior career, such as the [redacted], the Petitioner has not established that such amateur and junior experiences place him among that small percentage at the very top of the field. Furthermore, the highest level the Petitioner has ever played was for a short time in the [redacted] from 2020 – 2022 and a brief stint [redacted] in the [redacted] in 2022 – 2023, which is [redacted] from the NHL. According to the submitted articles from nhl.com and sports.ru, the Petitioner took part in the [redacted] (NHL) training camp in October 2002, but he did not make the roster and was assigned to the team's AHL affiliate, [redacted] and then later that season played for the [redacted] of the [redacted]. Since then, the Petitioner has never played higher than the [redacted].[11]

[11] Since the filing of the petition, the Petitioner has played for the [redacted] - all in the [redacted]. *See* eliteprospects.com.

In addition, the Petitioner has not distinguished himself from the overall field, let alone the players from which he played with and against among the respective leagues. Besides indicating that he was the [redacted] with the [redacted] during the 2020 – 2021 season and his receipt of multiple '[redacted]' honors in multiple games with the [redacted] during the 2023 – 2025 seasons, the Petitioner did not show that these achievements set him apart from others in the KHL or ECHL, let alone from players among the top of the field, such as NHL players. Furthermore, the Petitioner did not show that he received significant attention from winning a gold medal with Russia's [redacted] team at the [redacted] *See Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *5 (N.D. Cal. Nov. 11, 2021) (finding that what matters for the purpose of the visa classification is whether the award brought the petitioner individual acclaim).

Similarly, the Petitioner did not show that he received acclaim at a level tantamount to the upper echelon of his hockey field from his participation at the 2021 [redacted] 2021 [redacted], 2021 [redacted], or 2021 [redacted] as well as with any of his other teams. *See Hamal*, 2021 WL 2338316, at *4, *aff'd*, 2023 WL 1156801 (upholding plaintiff did not contextualize his membership to demonstrate sustained national or international acclaim); *see Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *23 (D. Neb. Sept. 12, 2025) (upholding that plaintiff's roles do not place her at the top of the field or demonstrate sustained national or international acclaim).

Likewise, the Petitioner did not demonstrate that the amount of press coverage, which mainly reflected roster moves, statistics, or game coverage, represents that small percentage at the very top of his field. *Compare Price*, 20 I&N Dec. at 955 (finding that virtually every major newspaper has covered the petitioner's progress in the world of golf); *see also Hamal*, 2021 WL 2338316, at *4, *aff'd*, 2023 WL 1156801 (upholding plaintiff did not show his press coverage was indicative of a level of success consistent with being at the top of his field). Furthermore, none of his published materials indicate his premier standing in the field or otherwise shows his status among the very top of his field.

Finally, although he offered recommendation letters from NHL players, some of whom won Stanley Cups, the Petitioner falls substantially short of being among that small percentage at the very top of the field. When compared to the professional accomplishments of these NHL players, the pinnacle of the Petitioner's career rests with a few games played in the [redacted] two seasons with the [redacted] and recent experience in the [redacted] Moreover, none of the letters provide sufficient information showing the Petitioner among the top hockey players or has had a major impact in the hockey field. *See Hamal*, 2021 WL 2338316, at *4, *aff'd*, 2023 WL 1156801 (upholding plaintiff did not establish that he significantly influenced the field); *see also Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (S.D.N.Y. Jan. 5, 2024) (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[12] Here, the Petitioner seeks a highly restrictive visa classification,

[12] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence).

intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Price*, 20 I&N Dec. at 954 (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visa are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown that the significance of his personal and professional accomplishments is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

Finally, we note that according to USCIS electronic records, the Petitioner subsequently filed another petition to seek classification as an alien of extraordinary ability, which SCOPS approved in March 2026.[13] However, the record remains that the Petitioner did not demonstrate sustained national or international acclaim, placing him among that small percentage at the very top of his field.

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, with each considered as an independent and alternate basis for the decision.

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.

[13] *See* USCIS receipt: [redacted]