U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37323286

Date: APR. 30, 2025

Appeal of Service Center Operations Decision

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

The Petitioner, a wrestler, 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 in the sciences, arts, education, business, or athletics through sustained national or international acclaim, and whose achievements have been recognized in their field through extensive documentation. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner is the recipient of a major, internationally recognized award, nor did he meet at least three of the ten initial evidentiary criteria 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 demonstrating eligibility for the requested benefit 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 qualify as an alien with extraordinary ability, a petitioner must:

- Have "extraordinary ability in the sciences, arts, education, business, or athletics," which has been demonstrated by sustained national or international acclaim;
- Seek to continue work in their field of expertise in the United States; and
- Through their work, substantially benefit the country prospectively.

Section 203(b)(1)(A)(i)-(iii) of the Act. The term "extraordinary ability" means expertise commensurate with 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 of the evidence to determine whether a petitioner has sustained national or international acclaim and whether their

achievements have been recognized in the field. First, a petitioner can provide evidence of either "a major, international recognized award," or satisfaction of at least three of ten lesser evidentiary criteria at 8 C.F.R. § 204.5(h)(3).[1] Then, if a petitioner meets the initial evidence requirements, USCIS must conduct a final merits determination to assess whether the record—as a whole—shows a petitioner's sustained national or international acclaim and demonstrates that the petitioner is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115, 1121 (9th Cir. 2010) (discussing a two-step 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); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

The Petitioner is a Greco-Roman wrestler and intends to continue to compete in the United States. He contends that he has garnered recognition on a national and international scale and claims that his expertise will substantially benefit the United States.

Because the Petitioner did not indicate or establish that he has 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). Before SCOPS, the Petitioner claimed to meet five of the ten evidentiary criteria:

- (i) receipt of lesser nationally or internationally recognized awards for excellence in the field;
- (ii) membership in associations which require outstanding achievements of their members;
- (iii) published material in major trade publications or other major media;
- (iv) participation as a judge of the work of others in the same or an allied field; and
- (v) original business-related contributions of major significance to the field.

SCOPS determined that the Petitioner only satisfied the criteria relating to published material about the Petitioner in major trade publications or other major media. On appeal, the Petitioner continues to assert satisfaction of the remaining four criteria claimed and generally contends that the SCOPS' decision was erroneous.

Upon de novo review, we agree with SCOPS' ultimate conclusion that the record does not establish the Petitioner is an alien of extraordinary ability. However, for the reasons below, we also withdraw its conclusion that the Petitioner meets the criteria at 8 C.F.R. § 204.5(h)(3)(iii) relating to published material about the Petitioner in major trade publications or other major media.[2]

[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).

[2] Because the record does not otherwise establish the Petitioner meets two additional the regulatory criteria, issuing a request for evidence or notice of intent to deny would serve no purpose.

Documentation 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).

The plain language of this criterion requires a petitioner to establish: (1) they are the recipient of the prizes or awards; (2) those accolades are nationally or internationally recognized; and (3) the prize or award is one for excellence in the field of endeavor.

Generally, when evaluating whether the basis for granting the prize or award was excellence in the field, we may consider: (1) the criteria used to grant the award or prize; (2) the national or international significance of the award or prize in the field; (3) the number of awardees or prize recipients; and (4) any limitations on competitors. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

To satisfy this criterion, the Petitioner submitted copies of diplomas he earned from participating in various Greco-Roman wrestling competitions, including diplomas indicating he placed third within the Greco-Roman wrestling [redacted] at the 2019 [redacted] and third place in the [redacted] at the [redacted] in 2012. In addition, he submitted results from various tournaments from the [redacted] website identifying his placement in these events. While some of the diplomas provided were consistent with his official results listed on [redacted] website, several of the tournaments, including the 2019 [redacted] were not listed on [redacted] site. The Petitioner also submitted multiple photographs of medals he received.[3]

Upon review, SCOPS concluded that the evidence supported the Petitioner's claims that he was the recipient of these awards, but he did not demonstrate that any of the prizes or awards are nationally or internationally recognized for excellence in the field. SCOPS also determined that the Petitioner did not provide evidence to establish he had enjoyed sustained national or international acclaim. On appeal, the Petitioner asserts that the regulatory criterion only requires that the awards be nationally or internationally recognized, though not necessarily nationally distributed and relies on the same evidence and arguments made in response to SCOPS' request for evidence (RFE) to assert his satisfaction of this criterion.

As a preliminary matter, it appears SCOPS conflated the criteria of a final merits analysis—whether the record as a whole establishes the Petitioner's sustained national or international acclaim—with the individual criterion in question. However, the plain language of this criterion does not impose a requirement of sustained acclaim related to the receipt of a lesser nationally or internationally recognized award. Nonetheless, upon de novo review, we also conclude that the Petitioner has not established that the awards and prizes he received are nationally or internationally recognized and accordingly has not demonstrated his eligibility under this criterion.

[3] The photographs of the medals contain foreign language inscriptions that have not been translated. Any evidence in a foreign language must be accompanied by a full English language translation. 8 C.F.R. § 103.2(b)(3). Evidence not complying with these regulatory requirements does not have any evidentiary weight and will not be considered. Additionally, because the Petitioner did not provide a translation, we are unable to ascertain to which competitions the medals correspond.

We agree with the Petitioner's contention on appeal that the plain language of the regulation does not require the awards or prizes to be *distributed* nationally, but he does not demonstrate the national or international recognition of these awards, which is required under the plain language of the regulation. 8 C.F.R. § 204.5(h)(3)(i); *see also Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 182 (D.N.J. 2021) (finding the regulation requires that the petitioner provide evidence of national or international recognition); *Visinscaia v. Beers* at 136. We have reviewed the letter from the president of the [redacted] which asserts that the competitions won by the Petitioner adhered to "rigorous standards," and that winners are "determined based on officially accepted criteria. . . ensuring that the awards genuinely reflect athletic merit and performance"; however, this is not probative evidence that the awards are nationally or internationally recognized. The Petitioner did not submit sufficient objective, documentary evidence to show that the prizes are nationally or internationally recognized. Evidence of national or international recognition can take different forms. For example, the awarding of a particular prize might attract media coverage or notice throughout the field. Without evidence of that recognition, assertions about an award's significance are not sufficient to meet the requirements in the regulations.

And while the president of the [redacted] identifies several individuals that have won the same competitions as the Petitioner, and who have then gone on to "achiev[e] significant international success," this also does not satisfy the plain language of the criterion. The fact that these individuals went on to achieve major success in international competitions does not establish that the Petitioner himself won nationally or internationally recognized awards for excellence in the field.

A Petitioner must establish satisfaction of each criterion with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Without more, we cannot conclude that the Petitioner has satisfied his burden and established his eligibility under this criterion.

> *Documentation 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.* 8 C.F.R. § 204.5(h)(3)(ii).

This criterion requires the Petitioner to establish that membership in the association requires outstanding achievements in the field for which classification is sought, as judged by recognized or international experts. Accordingly, membership in an association based solely on a level of education or experience in the field; payment of a fee or subscription; and / or employment in certain occupations, is generally not sufficient to meet this requirement.[4]

On appeal, the Petitioner claims that he satisfies this criterion based on his membership on the [redacted]" which he asserts "was based on his outstanding achievements in the field of Greco-Roman Wrestling." In support, the Petitioner points to several letters submitted, including the letters from the president of the [redacted] corroborating the Petitioner's membership, an expert opinion letter, and a letter from the president of the [redacted] As a preliminary matter, we note that the record contains inconsistencies as to the specific association. In his June 2023 letter, the president of the [redacted] states that the Petitioner was "a member of [redacted]

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

[F]ederation from October 2007 to December 2020." Then, in his May 2024 letter, he states that the Petitioner was a member of the [redacted] from 2007 to 2020." Accordingly, it is not clear as to whether he was a member of a national team, a member of the wrestling federation for the country, or both.

Nevertheless, upon review, we agree with SCOPS' conclusion that the evidence does not support the Petitioner's satisfaction of this criterion. While a petitioner's participation as a member of a national team may demonstrate eligibility for this criterion as these teams may limit their number of members and have a rigorous selection process, it is still the Petitioner's burden to demonstrate that he satisfies this criterion. We will not assume that every national team requires outstanding achievements of its members as judged by recognized national or international experts in their field or disciplines. *See Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794, at *5 (D. Md. Apr. 1, 2024) (upholding plaintiff's documentation did not reflect that membership requires outstanding achievements).

And we acknowledge the statement from the president of the [redacted] that team membership "requires outstanding achievements of its members, as judged by nationally or internationally recognized experts in the field of Grego-Roman Wrestling"; however, he does not, for example, identify any specific benchmarks required of the team members, what achievements are considered, nor does he elaborate on how the experts determine acceptance into the team. Repeating the language of a statue or regulation, alone, does not satisfy a petitioner's burden of proof. *See Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990); *Avyr Associates, Inc. v. Meissner*, 1997 WL 188942 at *5 (S.D.N.Y.). Moreover, although the Petitioner claims that he was "accepted at the same level of membership" as the numerous athletes listed in the president's letter who have won several international wrestling tournaments and participated in Olympic games, the letter does not indicate that their membership in the team was predicated on those outstanding achievements. Similarly, the letter from the president of the [redacted] indicating that the Petitioner is enrolled in the [redacted] does not provide information relating to the basis for his acceptance into the team.

Accordingly, we cannot conclude that the Petitioner has met this criterion.

> *Published 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).

To satisfy this criterion, the Petitioner must first demonstrate the published material was about him and his specific work in the field for which classification is sought.[5] Articles that are not about a petitioner do not satisfy the plain language of this criterion. *See Noroozi v. Napolitano*, 905 F.Supp.2d 535 (2012) (articles about the Iranian Table Tennis Team which only briefly mentioned the person were not about him); *Negro-Plumpe v. Okin*, 2008 WL 106997512 (D. Nevada 2008) (articles focusing on a character played by the person or the show he performed in were not about the person); *see also* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

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

If a petitioner has shown that the published material is about him and his work, we will then determine whether the publication qualifies as a professional or major trade publication, or other major media. When evaluating whether a publication is a profession or major trade publication relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media).[6]

The Petitioner submitted multiple articles published in various online publications, and a screenshot of an email indicating the Petitioner's participation in an event accompanied by multiple photographs of the Petitioner wrestling. SCOPS concluded, without discussion, that the evidence satisfies this criterion. Upon de novo review, we disagree and withdraw SCOPS' determination.

First, the email indicating that the petitioner has "weighed in" at an event appears to be an individual email rather than a publication and therefore will not be considered. Moreover, several of the articles only report the results of competitions or events in which the Petitioner competed, and therefore name him as a participant, but are not "about" the Petitioner as required. For example, one article simply includes him as one of the individuals that would be competing in an upcoming event, without further discussion. The Petitioner has not established how the submission of articles reporting results from a sporting event or competition is consistent with the meaning of "published material about the alien" pursuant to the plain language of the regulation. *See, e.g. Victorov v. Barr*, 2020 WL 3213788, at *8 (C.D.C.A. Apr.9, 2020) (finding a rational basis for the AAO's conclusion that articles about events in which a petitioner competed are not about the petitioner); *Noroozi*, 905 F.Supp.2d at 545 (concluding that articles about a sporting team with brief mentions of an athlete are not considered to be about the athlete); *see also Mussarova v. Garland*, 562 F. Supp. 3d 837, 848 (C.D. Cal. 2022) (finding an article which reported on a sporting event and mentioned the alien only in identifying players who scored a goal was not about her).

Moreover, while the remaining articles may discuss the Petitioner and his work, they nonetheless do not satisfy this criterion. Several of the articles submitted do not contain the author of the material as required by the regulation. *See* 8 C.F.R. § 204.5(h)(3)(iii). And while we have reviewed the letters submitted by First News and Newspost, which identify the authors of their articles about the Petitioner, the record does not otherwise establish that these publications are "professional or major trade publications or other major media" The letters do not indicate that these publications are for a limited intended audience or otherwise should be considered professional or major trade media, and beyond indicating the amount of views of each article, the letters do not provide the publications' circulation or other evidence to establish they can be considered "major media" as required. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). For example, they do not explain the nature of these views (whether they indicate readership or individual views), and moreover, unsupported assertions regarding a publication's stature are insufficient to show that a medium qualifies under this criterion. *See Braga v. Poulos*, No. CV 06 5105 SJO (C. D. CA July 6, 2007) *aff'd* 2009 WL 604888 (9th Cir. 2009) (concluding that self-serving assertions on the cover of a magazine as to the magazine's status is not reliable evidence that it is a major medium). Additionally, the Petitioner has not provided comparative evidence to establish that these views are indicative of "major media." For the same reasons, we cannot conclude that the article entitled [redacted]

[6] *Id.*

[redacted]" satisfies this criterion as the record does not establish that the publication (eurosportsnew.com) is a "major trade publication or other major media."

For the reasons discussed, the Petitioner has not submitted published material about himself in professional or major trade publications or other major media, relating to his work in the field. We therefore disagree with SCOPS and conclude that the Petitioner has not satisfied this criterion.

> *Evidence 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).

To satisfy the plain language of this criterion, the Petitioner must show that he has not only been invited to judge the work of others, but also that he actually participated in judging the work of others in the same or allied field of specialization.

The Petitioner claimed to satisfy this criterion based on his participation as a judge at international and regional tournaments organized by the [redacted], including the 2016 and 2017 international tournaments for Greco-Roman wrestling for young people held in [redacted] Georgia at the [redacted] In support of this, the Petitioner submitted a letter from the President [redacted] listing the events he judged, as well as multiple "Best Judge" certificates.

SCOPS concluded that the Petitioner did not sufficiently corroborate his claims that he served as a judge and noted that he did not provide evidence showing that he participated as a judge after 2017, concluding that he had not shown "sustained" national or international acclaim.

Because the plain language of this criterion does not impose a requirement of sustained acclaim related to performing the work as a judge, we disagree with SCOPS' conclusion as it relates to the Petitioner's sustained acclaim. Moreover, upon de novo review of the record, we conclude that the letters, diplomas, and evidence in the record pertaining to the rules associated with [redacted] events do corroborate the Petitioner's claim that he served as a judge of the work of other wrestlers in the field. Accordingly, we will withdraw SCOPS' contrary determination and conclude that the Petitioner meets this criterion.

> *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).

The plain language of this criterion requires the Petitioner to establish that not only has he made original contributions in his field, but that they have been of major significance. For example, he may show that his 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.

While SCOPS' acknowledged the letters in the record discussing the Petitioner's involvement in competitions, his talent, and his individualized wrestling techniques, they nonetheless concluded that the record did not demonstrate that the Petitioner has made an original contribution of major

significance in the field. On appeal, the Petitioner asserts that the record contains "expert testimonials that clearly establish [his] original contributions to the field of wrestling," and claims that SCOPS failed to consider this expert testimony in violation of the Petitioner's due process. Moreover, the Petitioner asserts that unchallenged expert testimony cannot be rejected outright. Notably, however, SCOPS does not question the reliability of the testimony but concludes that this testimony does not establish original contributions of major significance. We agree.

For example, in his letter, the president of the [redacted] commends the Petitioner's "enormous abilities technically, mentally, and physically," and his "amazing work ethic both on and off the mat," adding that he has "no doubt he will continue to impress and excel in his future endeavors," however the letter does not identify an original contribution the Petitioner has made. Rather, they establish that he is skilled at his sport. Similarly, while we acknowledge that the letter form S-V-G, President of [redacted] asserts that the Petitioner is "a master of takedown techniques, having created his own technique," the letter does not elaborate on how any of the Petitioner's techniques, even if original, can be considered "of major significance" in the field.

The Petitioner cannot rely on conclusory statements to satisfy their burden. *See e.g., 1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications). Because the Petitioner has not shown that he has made an original contribution of significance in the field, he has not satisfied the plain language of this criterion.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement of a "major, international recognized award," or evidence that meets at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3). As a result, we do not need to provide the type of final merits determination discussed in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate and conclude that it does not demonstrate that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward that goal. *See Matter of 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,"); *Visinscaia*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design,"); *Hamal v. Dep't of Homeland Sec. (Hamal II)*, No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at * 1 (D.D.C. June 3, 2020) (citing *Kazarian*, 596 at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")).

Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is otherwise consistent with a "career of acclaimed

work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and that they are one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) and 8 C.F.R. § 204.5(h)(2).

ORDER: The appeal is dismissed.