U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37036313

Date: AUG. 12, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a powerlifting athlete, 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 (EB-1) 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.

SCOPS denied the petition, concluding the record did not establish that the Petitioner had satisfied at least three of the ten initial evidentiary criteria for this classification, as required. The matter is now before us on appeal.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes visas available to immigrants with extraordinary ability if:

> (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
>
> (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
>
> (iii) the alien's entry into the United States will substantially benefit prospectively the United States.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of their achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i)–(x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *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).

II. ANALYSIS

The Petitioner states that he has been a member of the [redacted] since 2009; and that he has trained in powerlifting since 2005 at the age of 14 years old. He explains that in [redacted] powerlifting is a major sport; and it encompasses three exercises – squats with a barbell on the back, bench press on a horizontal bench and pulling the barbell. He asserts that he is "one of the strongest powerlifting athletes on the [redacted] earning more than 20 medals in national and international competitions." The Petitioner indicated that among other accolades, he was awarded with the title of [redacted] in 2010, in 2016 he was awarded the title of [redacted], and in 2022, he "became three-time world champion at (sic) [redacted] USA, according to (sic) [redacted]." The Petitioner further submitted a letter from [redacted] stating that they "had the privilege of witnessing [the Petitioner's] exceptional talent, dedication, and achievements in the sport of powerlifting," they praised the Petitioner's "extraordinary talent, achievements, and contributions to the sport of powerlifting' and asserts that his "exceptional abilities, unwavering dedication, and positive impact on the sport make him an asset to the athletic community in the United States." Another letter from [redacted] states that they "firmly believe that [the Petitioner's] addition to our team would be of immeasurable benefit, not only to our club but also to the advancement of powerlifting in the United States . . . potentially leading to an increase in the number of medals won in major international competitions." While in the Petitioner's personal statement he declares: "I realize that in the USA there are huge opportunities to apply my abilities and talents. I dream of being useful to this country. Now my goal is to make history in America like Muhammad Ali and Michael Jordon."

A. Evidentiary Criteria

Because the Petitioner has not indicated or established 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). On appeal, the Petitioner asserts that he meets the 8 C.F.R. § 204.5(h)(3) evidentiary criteria relating to awards (i), membership (ii), published material (iii), judging (iv), and leading or critical role (viii). He does not assert eligibility under original contributions (v), authorship (vi), display of work (vii), high salary (ix), or commercial success (x) criteria. Therefore, we deem these issues to be waived and will not address these criteria in our decision. *See, e.g.*, *Matter of M-A-S-*, 24 I&N Dec. 762, 767 n.2 (BIA 2009). On appeal, the Petitioner argues that SCOPS either did not give any weight or overlooked some of the evidence. While we may not discuss every document in the record, we have reviewed and considered each one. Based on our de novo review, we conclude that the Petitioner has not established that he meets the requirements of at least three criteria.

> Documentation of the individual'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. 8 C.F.R. § 204.5(h)(3)(ii).

The Petitioner claims he meets this criterion based on being a member of the [redacted] "the highest-level association in the field of Powerlifting in the country." To satisfy this criterion, the Petitioner must show that he is a member of an association in his field, and that membership in the association is based on being judged by recognized national or international experts as having outstanding achievements in the field for which classification is sought.[1]

At the time of filing, the Petitioner pointed to a letter from [redacted] who the Petitioner claims is the Head of the [redacted] (now [redacted]) confirming his membership in the [redacted] We note that [redacted] does not indicate his title. He also submitted a letter from the Head Coach of the [redacted] also confirming his membership in the [redacted] In the letter from [redacted], he states that the [redacted] demands outstanding achievements in sports from its members. According to [redacted] "The criteria for membership for [the Petitioner's] level of membership in the team, which is full team membership, are demonstration of outstanding achievements in the field of Powerlifting. [The Petitioner] is one of the strongest athletes of [redacted] whose membership is critical for Team's success. He has about 30 victories, winning more than 20 gold medals at national and international competitions. I hereby state and confirm that it is precisely [the Petitioner's] outstanding achievements in Powerlifting served as the basis for granting him membership in the [redacted] The goal and mission of the Team are achieving and maintaining the [redacted] leadership worldwide." Another letter from [redacted] Honored Coach of the [redacted], stated that the Petitioner "earned the honor of being accepted and representing Turkmenistan as part of the [redacted] at the [redacted] . . ."

[1] *See 6 USCIS Policy Manual* F.2 appendix, https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2 (providing an example of admission to membership in the National Academy of Sciences as a Foreign Associate that requires individuals to be nominated by an academy member, and membership is ultimately granted based upon recognition of the individual's distinguished achievements in original research).

In a request for evidence (RFE), SCOPS observed that the provided reference letters did not indicate that membership on the [redacted] required outstanding achievements of its members as judged by recognized national or international experts in their discipline or field. And no membership documents were submitted to show when membership was granted and if any membership expired. SCOPS observed that the Petitioner did not submit evidence to explain the Petitioner's coaching memberships; and the letters were not supported by documentary evidence. Regarding the letter from [redacted] SCOPS indicated that the letter did not explain when the Petitioner became a part of the team and if he was still a part of the team. Therefore, SCOPS requested evidence reflecting the requirements for membership on the [redacted] such as the section of the association's constitution or bylaws which discuss the criteria for membership at the Petitioner's level. In addition, SCOPS requested that the Petitioner submit evidence to show that the basis for granting membership in the association was the Petitioner's outstanding achievement in the field as judged by recognized national or international experts in the field. To satisfy this requirement, SCOPS suggested that the Petitioner submit information establishing that the individuals who reviewed prospective members' applications were recognized as national or international experts in the field, and the section of the constitution or bylaws which discussed the qualifications required of the reviewers on the panel.

In response, the Petitioner did not submit any additional documentation to support this criterion. In the denial decision SCOPS explained that the Petitioner had not met his burden. Therefore, the evidence to establish eligibility under this criterion was insufficient.

On appeal, the Petitioner references the previously discussed letters and asserts that the Petitioner provided "convincing evidence that he was a member of the [redacted]' and "he could not have been [sic] participated in the completions [sic] and represented his home country." The Petitioner asserts that the reference letters detailed the criteria for selection to the team "and the merits of the petitioner for which he was honored not only to be an ordinary member of the team but also to coach its members."

Upon review, we conclude that the Petitioner has not established that he satisfies this criterion based on his membership on the [redacted] As discussed by SCOPS, the Petitioner did not submit sufficient objective evidence to demonstrate the selection process for members of the [redacted] which is necessary to establish that outstanding achievements are required for membership. The reference letters, though complementary, were general in nature and did not provide any substantial information regarding the membership standards of the [redacted] For example, [redacted] who describes himself as an expert witness declares, "Since 2009, [the Petitioner] has been a member of the [redacted] where he has participated and won in major national and international tournaments. The [redacted] demands outstanding achievements in sport from its members." However, the Petitioner provides little indication or evidence as to what outstanding achievements are required, how athletes are selected, and how an "outstanding athlete" is determined. Thus, this letter merely mirrors the language of the regulations without offering anything more than a conclusion. Hence, the Petitioner submitted an insufficient amount of objective evidence to establish how members of the team are selected or what achievements are required. It is reasonable to conclude, like many national athletic teams, that certain achievements are required for membership, such as attaining certain scores or advancing through qualification

rounds, or in this case, lifting a certain amount of weight in specific exercises, according to your weight class. However, the Petitioner did not submit sufficient documentary evidence to support the claim that he met his burden by a preponderance of the evidence.

The Petitioner submitted a letter from [redacted] who describes himself as the Master of Sports of [redacted] and a member of the [redacted] He asserts, "I confirm that [the Petitioner] has demonstrated the highest achievements in powerlifting, as he won many top awards at international and national tournaments." While this writer recounts the competitions that the Petitioner won, it is reasonable to conclude that not every member has won regional and international championships or accomplished outstanding achievements prior to being selected for the team. In sum, the Petitioner has provided little probative objective evidence to establish the basis for the selection of its members and those outstanding achievements required for membership on the team. The Petitioner must resolve inconsistencies and ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Further, we may, in our discretion, use advisory opinion statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. However, where an opinion is not in accord with other information or is in any way questionable, we are not required to accept or may give less weight to that evidence. *Matter of Caron Int'l*, 19 I&N Dec. 791 (Comm'r 1988).

For the reasons discussed above, the evidence submitted here does not show that the Petitioner has a membership in an association that satisfies all elements of the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

> Published material about the noncitizen in professional or major trade publications or other major media, relating to the noncitizen's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii).

To establish this criterion, the Petitioner must demonstrate that there was published material about him in professional or major trade publications or other major media, including the title, date, and author of the material.[2] If the record supports those regulatory requirements, we will then decide whether professional or major trade publications or other major media published those materials.

On appeal, the Petitioner contends that SCOPS overlooked the published material and erroneously concluded that the Petitioner did not provide independent objective circulation documentation. The Petitioner asserts that he provided sufficient evidence of published articles about him in professional publications, or other major media related to his work. For instance, the Petitioner points to the newspaper [redacted] where the article [redacted] by author [redacted] was published on [redacted] 2023 [redacted] He asserts that it has a circulation of 8,800 and therefore satisfies the major media standard. Next, the Petitioner asserts that he provided the official circulation of the [redacted] who published the article about the Petitioner in the [redacted] 2015 [redacted] Lastly, the Petitioner states that the [redacted] published article [redacted] on [redacted] 2016, by [redacted] indicated the Petitioner's First Place in [redacted] Russia. He

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

states that [redacted] is published in [redacted] Turkmenistan. However, even if the circulation of [redacted] is 8,800 in [redacted], we note that the population of [redacted] is 1,613,386,[3] so that a circulation of 8,800 only represents 0.545% of the population. The article, published a month before the Petitioner filed his petition and while he was in the United States, discusses the Petitioner's successes as an athlete including taking second place at the [redacted] held in India. Here, the Petitioner does not clearly articulate how this article relates to his proposed work in the United States, as a coach. *See Lee v. I.N.S.*, 237 F. Supp. 2d 914 (N.D. Ill. 2002) (upholding a finding that competitive athletics and coaching are not within the same area of expertise). The article published in the [redacted] mentions the Petitioner but as SCOPS noted, the Petitioner was not the main focus of the article. The article showcased the sports programs offered by the university. Moreover, it had a circulation of 400 copies, appeared to be promotional material for the university, and there is no author listed as required by regulation. The Petitioner does not specifically articulate why this article should be considered a professional or major trade publication or other major media. Regarding the [redacted] article, no author is credited, and the Petitioner has not provided objective supporting evidence to corroborate that the publication was founded and circulated by a branch of the Turkmenistan government, and in turn, how this establishes it as a professional or major trade publications or other major media.

Although we observe that the documentary evidence reflects some published material about the Petitioner relating to his work as both an athlete and a coach, the Petitioner has not clearly articulated whether he will compete and/or coach while in the United States. The plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(iii) 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."

After reviewing the totality of the evidence submitted in support of this criterion, the Petitioner has not met his burden of proof to demonstrate his eligibility under 8 C.F.R. § 204.5(h)(3)(iii).

> Evidence of the individual's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought. 8 C.F.R. § 204.5(h)(3)(iv)

In order to meet the plain language requirements of this criterion, a petitioner must show that they have not only been invited to judge the work of others, but also that they actually participated in the judging of the work of others in the same or allied field of specialization. *See* 6 *USCIS Policy Manual* F.2, *supra*.

On appeal, the Petitioner contends that he has provided sufficient evidence to demonstrate that he was invited to act as a judge and that he acted as a judge. He first points to the letters in the record, such as the letter from [redacted] that states, "For [the Petitioner's] high professional achievements in 2018, he was appointed a Judge at [redacted] Turkmenistan." Similarly, [redacted] states that in 2018, the Petitioner "has shown himself as a judge at [sic] [redacted] . . ." and that he "officiated as a side judge." The Petitioner asserts that he was a side judge at [redacted]

[3] *See* https://www[redacted] (2022 Census).

[redacted] 2018, and claims that the letter from the principal of [redacted] is official confirmation. He also points to pictures, one of which he states portrays him with one of the athletes and a "main judge" at the competition. The Petitioner argues that SCOPS was incorrect in its assessment that the evidence did not contain detailed information about the date, place, name of competition and the role of the Petitioner as a judge. We observe that in his initial personal statement, the Petitioner summed up his experience with judging others as follows: "In 2018, I have been asked and performed as a judge at [redacted] Turkmenistan." The Petitioner did not provide any details concerning the judging duties. Generally, for us to conclude that a petitioner acted as a judge in an athletic competition, this is based on him or her awarding points or determining a score based upon an athlete's performance. On the other hand, acting as a referee by enforcing competition rules is generally not a qualifying activity for purposes of this criterion. Again, the Petitioner must resolve inconsistencies and ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Here, the term "judge" appears to have been used as a misnomer. Indeed, it appears as though the [redacted] does not use the terms "judge" or "side judge" in its Technical Rules book. *See* https://www.[redacted] [last accessed July 29, 2025]. However, the term "referee" and "side referee" are used. Side referees support the referee and keenly observe the competitors and indicate whether they have successfully lifted a certain amount of weight in exercises such as the bench presses, squats, and deadlifts. The functions of a referee or side referee do not seem consistent with a judge, but rather that of a referee, as he was not awarding points or determining a score, namely, judging their performance.

Without additional probative information or evidence, we cannot determine whether the Petitioner judged the work of others in the Petitioner's claimed field of expertise or an allied field. In evaluating the evidence, the truth is to be determined not by the quantity of evidence alone but by its quality. *Matter of Chaw*athe, 25 I&N Dec. at 376. For these reasons, we conclude the Petitioner does not meet this criterion.

B. Summary and Reserved Issue

The record does not establish that the Petitioner meets at least three of the initial evidentiary criteria discussed above. As such, the Petitioner has not met the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3). Detailed discussion of the remaining criteria at 8 C.F.R. § 204.5(h)(i) and (viii) cannot change the outcome of the appeal. Therefore, we reserve and will not address these remaining issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach); *see also Matter of D-L-S-*, 28 I&N Dec. 568, 576–77 n.10 (BIA 2022) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we do not need to provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119–20. Nevertheless, we have reviewed the material in the aggregate, concluding that while the Petitioner has achieved some success

as a powerlifting athlete and coach, the record does not support the conclusion that he 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. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown the significance of their work is indicative of the required sustained national or international acclaim or that it is 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 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).

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-mentioned 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.