U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42652636

Date: AUG. 25, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

Form I-129, Petition for a Nonimmigrant Worker (Extraordinary Ability – O)

The Petitioner, a professional baseball organization, seeks to classify the Beneficiary as a general manager of extraordinary ability. This O-1 nonimmigrant visa classification is available to individuals with extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i).

USCIS denied the petition, concluding that the Petitioner did not show the Beneficiary satisfied at least three of eight possible forms of documentation. 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

As relevant here, section 101(a)(15)(O)(i) of the Act establishes O-1 classification for an individual who has extraordinary ability in the sciences, arts, education, business, or athletics that has been demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability. Department of Homeland Security (DHS) regulations define "extraordinary ability in the field of science, education, business, or athletics" as "a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor." 8 C.F.R. § 214.2(o)(3)(ii).

Next, DHS regulations set forth alternative evidentiary criteria for establishing a beneficiary's sustained acclaim and the recognition of achievements. A petitioner may submit evidence either of "a major, internationally recognized award, such as a Nobel Prize," or of at least three of eight listed categories of documents. 8 C.F.R. § 214.2(o)(3)(iii)(A)-(B). If the petitioner demonstrates a criterion

does not readily apply to the beneficiary's occupation, it may submit comparable evidence to establish eligibility. 8 C.F.R. § 214.2(o)(3)(iii)(C).

The submission of documents satisfying the initial evidentiary criteria does not, in and of itself, establish eligibility for O-1 classification. *See* 59 Fed. Reg. 41818, 41820 (Aug. 15, 1994) ("The evidence submitted by the petitioner is not the standard for the classification, but merely the mechanism to establish whether the standard has been met.") Accordingly, where a petitioner provides qualifying evidence satisfying the initial evidentiary criteria, we will determine whether the totality of the record and the quality of the evidence show sustained national or international acclaim such that the individual is among the small percentage at the very top of the field of endeavor. *See* section 101(a)(15)(o)(i) of the Act and 8 C.F.R. § 214.2(o)(3)(ii), (iii).[1]

II. ANALYSIS

Because the Petitioner did not indicate or establish the Beneficiary has received a major, internationally recognized award, it must demonstrate the Beneficiary satisfies at least three of the alternate regulatory criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*)-(*8*). USCIS determined the Beneficiary fulfilled only one (published materials under 8 C.F.R. § 214.2(o)(3)(iii)(B)(*3*)) of the five claimed categories of evidence. The Petitioner maintains on appeal that the Beneficiary meets two additional criteria.[2]

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*) requires "[d]ocumentation of the alien's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor." Relevant consideration include, but are not limited to: the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, the number of awardees or prize recipients, and limitations or eligible competitors. *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

USCIS concluded that the Petitioner did not demonstrate the Beneficiary's eligibility for this criterion, and we agree with that determination. The Petitioner claims the Beneficiary's receipt of '[redacted]' and '[redacted]' deem him qualified for the awards category under 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*).

The Petitioner provided evidence reflecting the Beneficiary received the following from [redacted]

- [redacted]' (2015)
- Gold Mention for '[redacted]' (2018)
- Gold Mention for '[redacted]' (2024)
- [redacted] Award for '[redacted]' (2024)
- [redacted] for '[redacted]' (2025)

[1] *See also generally* 2 *USCIS Policy Manual*, M.4(C)(2), https://www.uscis.gov/policymanual.

[2] Any ground of ineligibility that is not raised on appeal is waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

In addition, the Petitioner submitted a letter from the president of [redacted] who described the history and background, including "all types of talents of any nationality may apply, the idea being that they are people who develop their talents for the benefit of the world and are applauded by their audience," "[t]he award is granted when their careers show such a satisfactory evolution," and "[s]ince itS creation [in 2009], more than three thousand important figures have been recipients." However, the Petitioner did not offer any independent, objective evidence showing the national or international recognition for excellence of any of the [redacted] awards. *Cf., Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 184 (D.N.J. 2021) (upholding a letter only describing the award criteria was insufficient to show that the award had national or international recognition). The Petitioner did not demonstrate recognition of the awards, either nationally or internationally, beyond [redacted] *Cf., Sun v. Jaddou*, No. 3:24-CV-01466-E, 2025 WL 1556944, at *4 (N.D. Tex. June 2, 2025) (upholding that the plaintiff did not establish the award demands the wider industry, either nationally or internationally, takes notice of it). Moreover, the Petitioner did not establish how an award issued to over three thousand individuals since 2009 possesses national or international recognition for excellence. *Cf., Churyumov v. U.S. Citizenship & Immigr. Servs.*, No. 2:18-CV-00841-RAJ, 2019 WL 5802041, at *3 (W.D. Wash. Nov. 7, 2019), *aff'd*, No. 19-36094, 2022 WL 1657356 (9th Cir. May 25, 2022) (upholding an annual award received by thousands did not demonstrate eligibility). Without further evidence showing the national or international recognition for excellence of the "[redacted]" "Gold Mention," "[redacted] Award," or "[redacted]," the Petitioner did not establish the Beneficiary meets this criterion.

Regarding [redacted] the Petitioner submitted evidence showing the Beneficiary received "[redacted]" (2024). In addition, the Petitioner provided an article posted on [redacted] reporting on the upcoming fifth edition of the awards in 2025 and describing it as "the country's coolest awards," and reflecting that "[t]he objective [illegible] the impeccable work carried out daily by the media, journalists, presenters, musicians, singers, influencers, and entrepreneurs who are part of the artistic industry." Further, "[t]he [redacted] are divided into 39 categories, with 5 talents nominated for each of them, in the following sections: Television, Press, Talents, Music, and Social Media." However, the Petitioner did not establish that the article shows the field's recognition of [redacted] "[redacted]" as a national or international award for excellence. *Cf., Limon v. Dep't of Homeland Sec.*, No. CV H-25-0063, 2026 WL 2000101, at *4 (S.D. Tex. June 22, 2026) (upholding documents did not show the award issued to plaintiff was for excellence in the field of endeavor, or that the award is nationally or internationally recognized). Moreover, the Petitioner did demonstrate the significance of one article posted on a single website reporting on the ceremony. Further, the Petitioner did not show than award geared towards the "artistic industry" relates to the Beneficiary's athletic field. *Cf., Oguntominiyi v. Garland*, No. 4:24-CV-04252, 2026 WL 679247, at *5 (S.D. Tex. Mar. 4, 2026) (finding the plaintiff's award vague to his field). Accordingly, the Petitioner did not establish the Beneficiary's [redacted] award meets this criterion.

For the reasons discussed above, the Petitioner did not demonstrate the Beneficiary qualifies for this criterion.

III. CONCLUSION

The Petitioner did not establish the Beneficiary meets the awards criterion discussed above. Although the Petitioner also claims the Beneficiary's eligibility under 8 C.F.R. § 214.2(o)(3)(iv)(B)(*7*), we need

not address this category because the Beneficiary cannot fulfill the initial evidentiary requirement of at least three. Therefore, we need not provide a totality determination to establish whether the Beneficiary has sustained national or international acclaim and is one of the small percentage who has risen to the very top of the field. *See* section 101(a)(15)(O)(i) of the Act and 8 C.F.R. § 214.2(o)(3)(ii) and (iii).[3] Accordingly, we reserve these issues.[4] Consequently, the Petitioner has not established the Beneficiary's eligibility for the O-1 visa classification as an alien 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.

[3] *See also* 2 *USCIS Policy Manual*, *supra*, at M.4(B).

[4] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).