U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39373429

Date: AUG. 29, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a parachuting 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 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 that the record did not establish that the Petitioner qualifies as an individual of extraordinary ability either as the recipient of a one-time achievement that is a major, internationally recognized award, or as someone who initially satisfied at least three of the ten required regulatory criteria listed 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 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 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. 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 maintains that he is a professional parachuting athlete and has garnered recognition and awards over the last 15 years for his work. 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). The Petitioner specifically claimed to have met the criteria, as summarized below, and provided documentation with his initial filing, and in response to a request for evidence:

- (i), Receipt of lesser nationally or internationally recognized prizes or awards;
- (ii), Membership in associations;
- (iii), Published material about the alien in professional or major media;
- (iv), Participation as a judge of the work of others;
- (vi), Authorship of scholarly articles in the field;
- (viii), Leading or critical role for distinguished organizations or establishments.

SCOPS determined that the Petitioner met the following two criteria:

- (iv), Participation as a judge of the work of others;
- (vi), Authorship of scholarly articles in the field.

However, SCOPS found that the Petitioner did not establish eligibility for the following criteria:

- (i), Receipt of lesser nationally or internationally recognized prizes or awards;
- (ii), Membership in associations;
- (iii), Published material about the alien in professional or major media;
- (viii), Leading or critical role for distinguished organizations or establishments.

On appeal, in addition to the two criteria SCOPS concluded the Petitioner met, he also maintains that he meets the following criteria:

- (i), Receipt of lesser awards or prizes;
- (ii), Membership in associations;
- (iii), Published material about the alien in professional or major media;
- (viii), Leading or critical role for distinguished organizations or establishments.

A. Eligibility Criteria.

After reviewing all of the evidence in the record, we determine that the record supports a finding that the Petitioner satisfies the requirements of at least three criteria. We agree with SCOPS' conclusion that the Petitioner meets at least two criteria - participation as a judge of the work of others and the authorship of scholarly articles in the field. For reasons which we will explain below, we determine that he has established his eligibility under this third requirement as well:

> Documentation of the individual'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 regulation at 8 C.F.R. § 204.5(h)(3)(i) requires a petitioner to provide "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor."

To fulfill this criterion, the Petitioner must demonstrate that he has received prizes or awards, and that they are nationally or internationally recognized for excellence in the field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, and the number of awardees or prize recipients as well as any limitations on competitors.

SCOPS acknowledged the Petitioner's receipt of the following awards: certificate for first place in [redacted] 2022 from the [redacted], and a diploma for the winner of the [redacted] Championship 2018 from [redacted] But SCOPS determined that the record did not demonstrate that the Petitioner had received a nationally or internationally recognized prize or award for excellence in his field. In reaching this conclusion, SCOPS observed that the media coverage of the awards is one way to support the Petitioner's claim that these awards were nationally or internationally recognized. However, while the Petitioner submitted several articles containing information about parachuting and wind tunnel competitions, this informational material did not amount to national or international recognition of the awards. SCOPS pointed to the self-typed list of online publications and information regarding the visits received per month, the percentage of visits from Russia per month as sourced from SimilarWeb. SCOPS explained that general web domain statistics such as that garnered from SimilarWeb did not offer appropriate comparisons and were not useful in determining whether a source constituted major media commensurate with this criterion. Therefore, SCOPS concluded that the Petitioner did not meet this criterion.

On appeal, the Petitioner complains that SCOPS did not give appropriate recognition of the championship titles of the [redacted] and outright "ignored" the seven silver and bronze medals that he won at the [redacted] from the period 2015 to 2023. The Petitioner contends that parachuting is officially recognized on a national level in Russia. He further contends that in Russia, professional sports are subject to intensive government regulation through the [redacted] through its regulatory bodies, is empowered to determine the kinds of sports recognized in the [redacted] Consequently, among other responsibilities, it legitimizes parachuting competitions, and accredits the [redacted]. He argues that the medals from the Russian Parachuting Championship are the highest level of national awards in this sport. He asserts that his submission of the articles published in Russian news media announcing the holding of the tournament in various disciplines and "the report based on SimilarWeb visitorship data showing that these media are major in a news category" was intended to show the media interest in general. He claims that the interviews published soon after his successful performances along with the circulation report help to meet the criterion. Finally, he argues that SCOPS devalued the entire format of online media when it concluded that internet domain traffic did not determine a publication's circulation.

We must determine whether his evidence "objectively meets the parameters of the regulatory description" for at least one additional criterion. *See generally* 6 *USCIS Policy Manual* F.2(B), https://www.uscis.gov/policy-manual (describing the two-step evidentiary review of evidence submitted in support of a petition requesting extraordinary ability classification). After considering the evidence, we agree with the Petitioner that the evidence establishes that he received an internationally or nationally recognized award or prize for excellence in his field. Accordingly, we conclude that he meets the criterion at 8 C.F.R. § 204.5(h)(3)(i). Contained in the record is a letter from the president of the [redacted] outlining the Petitioner's receipt of nine medals including two "champion of Russia" titles, and a description of the gold, silver and bronze medals he received. The championship titles from 2018 and 2022 are corroborated by this letter from an authoritative body. We note that the 2018 Under-Age Championship indicates that there is some limitation on the competitors based on age restrictions, which is a relevant consideration. Even so, we conclude that the Petitioner meets this criterion. We need not consider therefore whether the various articles submitted by the Petitioner bolstered his qualification under this criterion.

B. Final Merits Determination.

The Petitioner has satisfied at least three of the ten evidentiary requirements at 8 C.F.R. § 204.5(h)(3)(i)-(x). However, granting the third initial criterion does not suffice to establish eligibility for the classification the Petitioner seeks. Rather than remanding the matter to SCOPS, we will now make a final merits determination on the Petitioner's filing.

In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if their 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.

We evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim,[1] that he is one of the small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. In this analysis, the Petitioner has not demonstrated his eligibility by a preponderance of the evidence.

We recognize that the Petitioner has authored scholarly articles, has participated as the judge of the work of others, and received lesser nationally or internationally recognized prizes or awards for excellence. In support of the claim that he has achieved sustained national and international acclaim and is among the small percentage at the very top of the field of parachuting, the Petitioner points to his certificate for first place in the [redacted] 2022 from the [redacted] and a diploma for the winner of the [redacted] 2018 from [redacted] among other silver and bronze prizes or awards. The Petitioner's prizes or awards show that he received accolades in the areas of accuracy landing, and freeflying. The record reflects that the Petitioner was certified as a judge in 2018 and performed as a judge at major Russian parachuting tournaments. In addition, the Petitioner has authored scholarly articles including one titled, '[redacted]' in which he studied the nature of dependence of successful competitive activity in skydiving on the functional state of vegetative and central nervous systems of skydivers who perform accuracy landing and canopy formation disciplines. And another scholarly article was titled, "[redacted]" An abstract explanation of that article stated as follows: The analysis of the level of stress resistance of skydivers held on the basis of indicators of cardiorespiratory synchronization allowed us to reveal dependence of the nature of stress resistance of athletes on their experience in skydiving which is expressed in absence of dynamics of the studied indicators among beginning skydivers in the presence of stress factor and positive change of the level of stress resistance among experienced skydivers to stress factor.

Nevertheless, in considering the totality of the evidence, the Petitioner has not demonstrated that his 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 FR 30703-01, 30704. Here, the Petitioner has not established that his career meets this very high standard.

As a general matter, the Petitioner did not show that his work as a parachuting athlete has garnered wide attention in his field indicative of being at the very top of his field of endeavor, even with his two [redacted] titles. Similarly, the Petitioner did not demonstrate how his work distinguishes him from other parachuting athletes. Although the Petitioner provided evidence of his

[1] *See generally* 6 *USCIS Policy Manual* F.2(A)(1), https://www.uscis.gov/policy-manual (according to *Black's Law Dictionary* (11th ed. 2019), 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").

awards or prizes, the record does not contain sufficient information about whether they are greater when compared to others in the field. Additionally, while the Petitioner received two [redacted] titles, the record reflects seven out of nine of his awards were either silver or bronze medals. While the Petitioner emphasizes his passion and dedication to parachuting, it is not a sport that shares worldwide acclaim. For example, parachuting is not currently an Olympic sport. Thus, the record does not establish the significance or influence of the Petitioner's specific work such that it showcases a career of acclaimed work in the field.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[2] Here, the Petitioner seeks a highly restrictive visa classification which is intended for individuals already at the top of their respective fields. *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2002) (stating that extraordinary ability is such an elite level of accomplishment); *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"); *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 work as a parachuting athlete is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. 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 envisioned small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. Therefore, the appeal will be dismissed, and the petition will remain denied.

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.

[2] *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).