U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40798823

Date: JAN. 08, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a combat sport 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.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish that the Petitioner met the initial evidentiary requirements through evidence of a one-time achievement or meeting at least three of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3). 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

To establish eligibility as an individual of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that the petitioner's achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that the term "extraordinary ability" refers only to those aliens in "that small percentage who have risen to the very top of the field of endeavor." A petitioner

can demonstrate that they meet the initial evidence requirements for this immigrant visa classification through evidence of a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about lesser awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the alien possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th. Cir. 2022).

II. ANALYSIS

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he 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). SCOPS decided that the Petitioner satisfied two of the criteria relating to receipt of lesser nationally or internationally recognized awards and published material about him at 8 C.F.R. § 204.5(h)(3)(i) and (iii). SCOPS found that the Petitioner did not meet the remaining two claimed evidentiary criteria associated with judging and performing in a leading or critical role at 8 C.F.R. § 204.5(h)(3)(iv) and (viii). On appeal, the Petitioner again asserts that he meets the same four criteria. After reviewing all of the evidence in the record, we agree with SCOPS that the Petitioner has satisfied the awards and published material criteria. Additionally, we conclude that he has also satisfied the judging criteria. As a result, we will conduct a final merits determination.

The Petitioner contends that SCOPS did not fully consider all the evidence submitted and did not properly weigh the evidence under the preponderance of the evidence standard. Under the preponderance standard, we consider not only the quantity, but also the quality of the evidence, including its relevance, probative value, and credibility. *Matter of Chawathe*, 25 I&N Dec. at 376; *see also Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989). We also note that it is the Petitioner's burden to submit evidence that sufficiently corroborates her claims. Statements made without supporting documentation are of limited probative value and are insufficient to satisfy the Petitioner's burden of proof. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998).

> *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).

SCOPS acknowledged that the Petitioner submitted documentation indicating that, in addition to participating as an athlete, the Petitioner participated as a referee at various events. However, SCOPS distinguished the role of an athletic referee "enforcing the rules of a match and ensuring sportsmanlike

competition" from judging the work of others, as contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(iv). Therefore, SCOPS concluded that the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(iv).

On appeal, the Petitioner reasserts that Brazilian jiu-jitsu referees exercise discretion and apply subjective judgment to determine not only points participants earned during a match for their qualitative performances but also which participant ultimately won a given match and that, therefore, his participation as a jiu-jitsu referee satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(iv).

The Petitioner submits a letter from the president of the Arizona Brazilian jiu-jitsu league (AZBJJL) that stated that due to the Petitioner's "international reputation as one of the top athletes," he was invited to judge many of the competitions as a referee. He explained that the referee must "analyze every aspect of the athletes' performances – scoring, tactical dominance, submission attempts, rule adherence, and overall match dynamics – to render informed and fair judgements."

The Petitioner also provided evidence that the AZBJJL follows the international Brazilian jiu-jitsu federation (IBJJF) ruleset. The Petitioner submitted the IBJJF rule book that indicated that the referees exercise discretion and apply subjective judgment to determine not only points participants earned during a match for their qualitative performances but also which participant ultimately won a given match. Because the record establishes the extent of the discretion and subjective judgment Brazilian jiu-jitsu referees apply, the record satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(iv), contemplating evidence of the Petitioner's participation, either individually or on a panel, as a judge of the work of others in the same or allied field of specification for which classification is sought, as required by the criterion at 8 C.F.R. § 204.5(h)(3)(iv). Accordingly, we withdraw the Director's conclusion to the contrary.

Because the record satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(iv), in addition to the criteria at 8 C.F.R. §§ 204.5(h)(3)(i) and (iii), it satisfies at least three of the 10 criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x). Therefore, we reserve our opinion regarding whether the record also satisfies the criteria at 8 C.F.R. § 204.5(h)(3)(viii). *See, e.g., INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"). We will evaluate the totality of the evidence in the context of a final merits determination, discussed below.

B. Final Merits Determination

As the Petitioner has submitted the requisite initial evidence, we will evaluate whether he has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim and 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 a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has extraordinary ability in the field of endeavor.[1] In this matter, we determine that the Petitioner has not shown his eligibility.

[1] *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. *See also*

The Petitioner stated that he is an "athlete of international reputation in combat sports," and he has a "high-level of achievement" in Brazilian jiu-jitsu (BJJ) and mixed martial arts (MMA). As indicated above, the Petitioner received awards, published materials about him, and judged others. The record, however, does not demonstrate that his personal and professional achievements rise to a level of a "career of acclaimed work in the field" as contemplated by Congress.[2] 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.

The evidence generally reflects participation and activity within combat sports but does not demonstrate broad recognition beyond those circles or a level of influence indicative of extraordinary ability. The record as a whole does not establish that she has risen to the level of the small percentage at the very top of the field or that he enjoys sustained national or international acclaim.

The record establishes that the Petitioner won by submission the [redacted] in 2022. In 2018, he won the [redacted] in the featherweight category. In 2024, he won the [redacted] According to a submitted printout from *Tapology*, the Petitioner has a Pro MMA Record of 8-4-0 (win-loss-draw) and is ranked [redacted] as an MMA fighter in the North American region. Here, the record does not sufficiently contextualize the evidence of the Petitioner's participation in competitions. For example, it does not clarify the total number of competitions in which the Petitioner participated for any given year, and whether the results in the record reflect his overall performance, or simply a selective representation of it. The record also does not clarify, through objective evidence, the number of competitions in which typical combat athletes participate in a given year, to indicate how the Petitioner's participation compares to typical combat athletes' activities. Similarly, the record does not indicate the number of other participants against whom the Petitioner competed for a given belt and weight classification at the particular competitions, to contextualize the athletic competition he may have overcome.

Regarding his judging roles, the Petitioner submitted evidence he served as a referee for AZBJJL competitions. The Petitioner's judging experience is a relevant consideration as to whether the evidence is indicative of the Petitioner's national or international acclaim. *See Kazarian*, 596 F.3d at 1122. The record shows the Petitioner has served as a referee with the AZBJJL; however, it does not specify the particular competitions, the level of competitors involved (for example, amateur, regional, national or international), or the number of competitions in which he served as a referee. Without evidence that sets him apart from others in his field, such as evidence that he has a consistent history of reviewing or judging recognized, acclaimed individuals in his field, the Petitioner has not shown that his judging experience places him among that small percentage who has risen to the very top of the field of endeavor. In addition, the Petitioner did not establish, for instance, that he garnered wide attention

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U.S. Citizenship and Immigration Services (USCIS) Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14* 4 (Dec. 22, 2010) (Policy Memo), https://www.uscis.gov/ legal-resources/policy-memoranda (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established by a preponderance of the evidence the required high level of expertise of the immigrant classification).

[2] H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

from the field based on his referee work. Moreover, serving as a judge or evaluator does not automatically demonstrate that an individual has extraordinary ability and sustained national or international acclaim at the very top of his field. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (stating that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard). Without evidence that sets the Petitioner apart from others in his field, such as evidence that he has a consistent history of reviewing or judging recognized, acclaimed experts in his field, the Petitioner has not shown that his narrow judging experience places him among that small percentage who has risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2) and 56 Fed. Reg. at 30704.

As it relates to media coverage, the Petitioner offered two items reflecting published material about him in 2023 and 2024. However, the Petitioner did not demonstrate that such minimal press coverage is consistent with the sustained national or international acclaim necessary for this highly restrictive classification. *See* section 203(b)(1)(A) of the Act. The Petitioner did not show how his overall media coverage is indicative of a level of success with being among that small percentage who has risen to the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). Thus, the Petitioner did not establish that the limited media reporting of two articles reflects a career of acclaimed work in the field or a very high standard to present more extensive documentation than that required. *See* H.R. Rep. No. 101-723 at 59 and 56 Fed. Reg. at 30703, 30704 (July 5, 1991).

In addition, we acknowledge the recommendation letters from employers and colleagues which corroborate the Petitioner's professional experience, discuss his contributions, and assert that he has a reputation as a top athlete in MMA. The recommendation letters submitted by the Petitioner are universal in their praise for the Petitioner. But they are not sufficient to establish that his work in his field has sustained national or international acclaim. Letters that make general and expansive statements regarding the Petitioner and his accomplishments are generally not persuasive. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(3). The letters do not demonstrate that the Petitioner has attracted a level of attention placing him at the very top of her field. In addition, the letters do not show that he has enjoyed a career of acclaimed work. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *9 (finding testimonial letters were insufficient to establish his relative status in the field and do not compare him to others).

In addition, the letters do not contain sufficient information and explanation to show that he is viewed by the overall field, rather than by a solicited few, among the upper echelon or that he has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor. Although the letters highlight the Petitioner's talents, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding the plaintiff submitted letters only from people within his circle of professional acquaintances, and none of the letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim).

Further, the record indicated that the Petitioner is ranked [redacted] as an MMA fighter in the North American region. The Petitioner did not provide additional evidence to show that this ranking is sufficient to demonstrate that he is among the envisioned small percentage at the top of his field.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[3] Here, the Petitioner seeks a highly restrictive visa classification 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 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 envisioned small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

C. O-1 Nonimmigrant Status

The record reflects that the Petitioner received O-1 status, a classification reserved for nonimmigrants of extraordinary ability. However, the prior approval does not preclude USCIS from denying an immigrant visa petition, which is adjudicated based on a different standard – statute, regulations, and case law. *See Aravamuthan v. Jaddou*, No. 3:23-CV-01412-N, 2025 WL 1708126, at *9 (N.D. Tex. June 17, 2025); *Cuckic v. Jaddou*, No. 21-CV-8395 (JPO), 2023 WL 2586031, at *2 (S.D.N.Y. Mar. 21, 2023); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025). Many immigrant petitions are denied after USCIS approves prior nonimmigrant petitions. *See, e.g., Sunlift Int'l, Inc. v. Mayorkas*, No. 20-CV-08869-JCS, 2021 WL 3111627, at *11 (N.D. Cal. July 22, 2021); *Q Data Consulting, Inc. v. INS*, 293 F. Supp. 2d 25, 29-30 (D.D.C. 2003); *IKEA US, Inc. v. U.S. Dep't of Just. INS*, 48 F. Supp. 2d 22, 23 (D.D.C. 1999), *aff'd sub nom. IKEA US, Inc. v. Dep't of Just., INS*, No. 99-5159, 1999 WL 825420 (D.C. Cir. Sept. 27, 1999); *Fedin Bros. Co. v. Sava*, 724 F. Supp. 1103, 1104 (E.D.N.Y. 1989), aff'd, 905 F.2d 41 (2d Cir. 1990). Furthermore, our authority over SCOPS, the office adjudicating nonimmigrant visa petitions, is comparable to the relationship between a court of appeals and a district court. Even if SCOPS has approved a nonimmigrant petition on behalf of an individual, we are not bound to follow that finding in the adjudication of another immigrant petition. *See Louisiana Philharmonic Orchestra v. INS*, No. CIV. A. 98-2855, 2000 WL 282785, at *2 (E.D. La. Mar. 15, 2000).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her 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.

[3] *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).

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.