U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF [redacted]

DATE: JULY 5, 2017

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a youth soccer academy, seeks to classify the Beneficiary as a foreign national of extraordinary ability in athletics as a soccer coach. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i). This O-1 classification makes nonimmigrant visas available to foreign nationals who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation.

The Director of the Vermont Service Center denied the petition, concluding that the record did not establish, as required, that the Petitioner had submitted the necessary initial evidence satisfying at least three of the relevant eight regulatory criteria.

On appeal, the Petitioner asserts that the evidence of record meets five criteria.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

Section 101(a)(15)(O)(i) of the Act provides classification to a qualified beneficiary who has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim. The petitioner must show that the beneficiary's achievements have been recognized in the field through extensive documentation, and that he or she seeks to enter the United States to continue work in the area of extraordinary ability. The regulation at 8 C.F.R. § 214.2(o)(3)(ii) states, in pertinent part: "*Extraordinary ability in the field of science, education, business, or athletics* means 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."

The regulation at 8 C.F.R. § 214.2(o)(3)(iii) sets forth a multi-part analysis. First, a petitioner can demonstrate a beneficiary's sustained acclaim and the recognition of his or her achievements in the field through a major, internationally recognized award. 8 C.F.R. § 214.2(o)(3)(iii)(A). If a petitioner does not submit this documentation, then that petitioner must satisfy at least three of the eight categories listed at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*)-(*8*). If a petitioner shows that certain

regulatory criteria do not readily apply to a beneficiary's occupation, that petitioner may provide comparable evidence to meet the initial evidentiary requirements. 8 C.F.R. § 214.2(o)(3)(iii)(C).

The submission of documents relating to at least three criteria does not, in and of itself, establish eligibility for O-1 classification. *See* 59 Fed. Reg. 41818, 41820 (Aug. 15, 1994). In addition, we have held that, "truth is to be determined not by the quantity of evidence alone but by its quality." *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). That decision explains that, pursuant to the preponderance of the evidence standard, we "must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Id.* Accordingly, where a petitioner provides qualifying evidence under at least three criteria, we will determine whether the totality of the record shows eligibility under section 101(a)(15)(O)(i) of the Act and 8 C.F.R. § 214.2(o)(1)(ii).

II. ANALYSIS

The Petitioner offers soccer programs for boys and girls up to the age of 19. It seeks to employ the Beneficiary, who is an experienced youth soccer coach. The Petitioner does not assert, and the record does not reflect, that the Beneficiary has received a major, internationally recognized award or prize. *See* 8 C.F.R. § 214.2(o)(3)(iii)(A). Accordingly, the Petitioner must satisfy at least three of the eight regulatory criteria set forth at 8 C.F.R. § 214.2(o)(3)(iii)(B). We address below those criteria that the Petitioner has advanced or for which it has presented relevant evidence, and conclude that the Beneficiary does not meet any of them.

> *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 in their disciplines or fields.* 8 C.F.R. § 214.2(o)(3)(iii)(B)(*2*).

The Petitioner relies on the Beneficiary's membership in the Football Association (FA) as a licensed coach and the National Soccer Coaches Association of America (NSCAA). On appeal, it characterizes these associations as "distinguished" and the licensing process for FA as "rigorous." At issue are the requirements to become a member of these organizations.

The Petitioner has not documented that either association requires the level of achievement specified in the regulation. The record contains several FA certificates confirming the Beneficiary's completion of modules, courses, and programs. The promotional materials about the FA affirm that it is "leading the way in supporting and developing coaches, providing professional recognition at every level." Membership is free and allows for reduced costs for national courses and access to FA online courses. According to the *Wikipedia* entry the Petitioner supplied, the FA is the governing body of association football in England, overseeing all of the country's professional football teams

and Olympic teams.[1] This information does not relate to the issue of FA's membership requirements. According to the information on NSCAA's website, which the Petitioner submitted, members enjoy discounts and access to group health insurance rates.

None of the above materials address how members are admitted to either association. While licensure requires the successful completion of certain courses, the Petitioner has not shown that passing a course constitutes an outstanding achievement. Moreover, certifications and licensure are distinct from memberships. For example, in the immigrant visa context, the criteria for exceptional ability include separate ones for licenses and certifications, and memberships. *Compare* 8 C.F.R. § 204.5(k)(3)(ii)(C) *with* (E). The record, therefore, does not confirm that either association requires outstanding achievements of its members as judged by recognized national or international experts.

> *Published material in professional or major trade publications or major media about the alien, relating to the alien's work in the field for which classification is sought, which shall include the title, date, and author of such published material, and any necessary translation.* 8 C.F.R. § 214.2(o)(3)(iii)(B)(*3*).

The Petitioner offered a [redacted] article by [redacted] and article-length postings by '[redacted]' at [redacted] website. On appeal, the Petitioner acknowledges that the article in the [redacted] does not "provide in-depth information" about the Beneficiary, but contends that the remaining articles "discuss his contributions to the [redacted] team." Finally, the Petitioner affirms that [redacted] is owned by [redacted] which "bills itself as 'the fastest-growing sports media brand.'"

The article and postings do not meet the requirements of the criterion. "[redacted] in [redacted]" which appeared in the [redacted] is about [redacted] decision to form the [redacted] The article notes that Mr. [redacted] was already the owner of two teams, including the [redacted] and that the Beneficiary would be the assistant coach of that team. The two postings on [redacted] website consist of a report about the [redacted] holding its trial day and a preview of the [redacted] season. One item notes that the Beneficiary, as the assistant coach of the [redacted] led the players to work on their striking techniques and "was looking for players for that team as well."

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[1] Online content from *Wikipedia* is subject to a general disclaimer confirming that it is an online open-content collaborative encyclopedia and that it cannot guarantee the validity of the information, which may have been altered by someone whose opinion does not correspond with the state of knowledge in the relevant fields. *See* Wikipedia: General Disclaimer, http://en.wikipedia.org/wiki/Wikipedia:General_disclaimer, accessed on May 23, 2017, a copy of which is incorporated into the record of proceedings; *see also Badasa v. Mukasey*, 540 F.3d 909, 910 (8th Cir. 2008). Keeping in mind *Wikipedia*'s limitations, our consideration of material from this source will vary depending on whether an entry's relevant information is corroborated, as well as the purpose for which it is presented. As with any submission, we must evaluate its probative value and credibility. *See Chawathe*, 25 I&N Dec. at 376. In this instance, we find no reason to question the information in this entry.

The second posting on [redacted] website states that "much of the [redacted] identity comes from its head coach," the Beneficiary, but the record does not corroborate that the piece appeared in qualifying media. Even if we accepted that this item is "about" the Beneficiary, it must appear in a professional or major trade publication or major media. *See* 8 C.F.R. § 214.2(o)(3)(iii)(B)(*3*). One of the pages printed from [redacted] website indicates that the information is copyright protected by [redacted]. The record, however, does not demonstrate that [redacted] is a professional or major trade publication or otherwise constitutes major media. Even if the Petitioner had documented the company's general assertion that it is the fastest-growing sports media brand, that affirmation, which other evidence in the record does not substantiate, would be insufficient to establish that it is a qualifying publication or media. *See Braga v. Poulos*, No. CV 06 5105 SJO, 2007 WL 9229758, at *5, *7 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680, 2009 WL 604888 (9th Cir. 2009).

Moreover, information about the parent company does not demonstrate that [redacted] is itself a professional or major trade publication or major media. Finally, while we acknowledge that certain blogs and other postings can reach the level of major media, the Petitioner has not corroborated the reach and viewership of postings by [redacted]" Thus, for all of these reasons, the Petitioner has not established that the reports on [redacted] constitute published material in qualifying publications or major media.

> *Evidence of the alien's participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization to that for which classification is sought.* 8 C.F.R. § 214.2(o)(3)(iii)(B)(*4*).

Throughout the proceeding, the Petitioner has asserted that the Beneficiary meets this criterion because he has delivered seminars and lectures on coaching to players and coaches, and mentored coaches. It has affirmed that the Beneficiary recruited, hired, and evaluated new coaches for the [redacted] which involved giving periodic performance reviews and training to coaches. On appeal, it focuses on the Beneficiary's experience recruiting and developing coaches for that entity.

The evidence does not support the contention that the Beneficiary has participated on a panel, or individually, as a judge of the work of others. [redacted], director of operations for the [redacted] confirms only that the Beneficiary has showcased "his ability to serve as a mentor to other coaches," without specifying what that responsibility entailed. As discussed above, Mr. [redacted] founded the [redacted] and currently serves as its chief executive officer. In addition, he serves as president of the [redacted] and his letter describes the Beneficiary's experience as technical director and director of coaching for that entity. In that position, he was responsible for "recruiting, training, and developing" the company's coaching staff. Mr. [redacted] praises the coaching staff that the Beneficiary built. He does not, however, indicate that the Beneficiary hired and evaluated coaches or conducted their performance reviews. Accordingly, the record contains insufficient documentation to support a conclusion that the Beneficiary has participated on a panel or individually as a judge of the work of others.

Evidence of the alien's original scientific, scholarly, or business-related contributions of major significance in the field. 8 C.F.R. § 214.2(o)(3)(iii)(B)(5).

Initially, the Petitioner relied on the success of players the Beneficiary has coached, as explained in an unsigned letter from head coach of the men's soccer team at The letter confirms that the university recruited players the Beneficiary coached at the . Subsequently, the Petitioner offered its academy technical guide, which it characterized as "publication of a curriculum designed to train . . . fellow youth soccer coaches." The Petitioner also provided letters from athletes affirming the Beneficiary's contributions to their success. On appeal, it argues that the Beneficiary's curricula and influence on the success of those he has coached are sufficient to meet this criterion.

The Beneficiary's curricula and coaching of players who have gone on to success do not qualify under this criterion. First, the academic technical guide bears no indicia of publication and does not list an author or otherwise credit the Beneficiary. The record also lacks evidence verifying that it has been adopted beyond the Petitioner's organization. Accordingly, the Petitioner has not shown that it constitutes a contribution of major significance in the field. Finally, the fact that players coached by the Beneficiary have gone on to be recruited by colleges might confirm his influence on individual athletes, but it is insufficient to demonstrate his impact in the field at a level consistent with a contribution of major significance. Thus, the Petitioner has not satisfied this criterion.

Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation. 8 C.F.R. § 214.2(o)(3)(iii)(B)(7).

The Petitioner asserted that the Beneficiary coached many soccer teams with distinguished reputations in the United States and England, but focused on his role with the the and the . In a subsequent submission, the Petitioner noted the Beneficiary's experience with the the and the in the United Kingdom. On appeal, the Petitioner reiterates past statements and notes that the and are professional soccer teams that are part of the League, "a new professional soccer league that was founded by in 2014 to provide 'professional opportunities for American players to develop and move on to the next level.'" The Petitioner refers us to the article in the , and the letters from Mr. and , . manager. For the reasons discussed below, while the letters confirm the critical or essential capacity of the Beneficiary's employment, the record lacks sufficient evidence of the distinguished reputation of his former employers.

First, the record does not demonstrate that the Beneficiary's experience with the is qualifying. Mr. advises that he promoted the Beneficiary to technical director and director of coaching at that center. and , former players there, confirm the importance of the Beneficiary to their eventual success, including being recruited to play on a college team. The unsigned letter from Mr. asserts that brought on a few of the Beneficiary's players from the . Even if we were to give

evidentiary weight to that unsigned letter, the fact that players from that center were able to go on to play soccer in college is not, by itself, sufficient corroboration of the center's distinguished reputation.

Second, we similarly find that the record lacks sufficient evidence showing that the and its teams enjoy a distinguished reputation. Mr. explains that the Beneficiary was the assistant head coach for a group of players, who were under the age of 23, before he became the head coach of the "a new pro club competing in the very same " A 2014 article in a local paper about the recent founding of the however, is not indicative of its distinguished reputation once operational.

Finally, Mr. letter is insufficient to meet this criterion. He notes that the Beneficiary was a "lead coach at both and " While he praises the Beneficiary's abilities as a coach, he does not address the reputation of either the or , other than to say that the latter was established in 1885. Without additional information on the reputation of these entities and the specific affiliated teams for which the Beneficiary coached, the Petitioner has not presented sufficient evidence to meet this criterion.

III. CONCLUSION

The Petitioner has not demonstrated that the Beneficiary satisfies at least three of the eight regulatory criteria to show extraordinary ability in athletics. Accordingly, it has not submitted the requisite initial evidence for the classification sought.

ORDER: The appeal is dismissed.

Cite as *Matter of* ID# 371966 (AAO July 5, 2017)