U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42776346

Date: JUL. 10, 2026

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

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

The Petitioner, a karate athlete, seeks classification as an alien 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 the record did not establish that the Petitioner had a major, internationally recognized award, nor did it demonstrate that he met at least three of the ten regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x). 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

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 two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)–(x) do not readily apply to the individual's occupation.

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 is a competitive karate athlete for Uzbekistan, and he intends to continue his athletic career in the United States. 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). The Petitioner initially claimed to have met five criteria relating to awards, memberships, published materials, judging, and performing in a leading or critical role. SCOPS determined the Petitioner satisfied the criteria at 8 C.F.R. § 204.5(h)(3)(i) and (iv), which, respectively, concern receipt of lesser nationally or internationally recognized awards and participation as a judge of the work of others in the field. On appeal, the Petitioner asserts he meets the evidentiary criteria concerning memberships and published materials at 8 C.F.R. § 204.5(h)(3)(ii) and (iii).[1]

A. Membership

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for "documentation of the alien's membership in associations in the field for which classification is sought." In addition, the association must require "outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." Once membership in a qualifying association has been established, we determine whether the association requires those at the alien's level of membership to have attained outstanding achievements in the field. *See generally 6 USCIS Policy Manual* at F.2(B)(1), http://www.uscis.gov/policy-manual.

[1] The Petitioner does not contest SCOPS' determination that he did not meet the criterion for having performed in a leading or critical role at 8 C.F.R. § 204.5(h)(3)(viii). We consider the Petitioner's prior eligibility claims not raised or contested on appeal to be abandoned. An issue not raised on appeal is waived. *See, Matter of O-R-E-*, 28 I&N Dec. 336 n.5. (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

The Petitioner claims he satisfies this criterion based on his membership with the [redacted] which, he states, "is predicated upon the outstanding achievements of its members." We acknowledge that membership on a national team, depending on the evidence presented, may satisfy this criterion. While an athletic team is not, strictly speaking, an "association," it is nonetheless equally true that an athlete can earn a place on a major national or an Olympic team only through rigorous competition which separates the very best from the great majority of participants in a given sport. Therefore, an athlete's membership on an Olympic team or a major national team may serve to meet this criterion as such teams have limited numbers of members and a rigorous selection process. *See id.* (stating that election to a national all-star or Olympic team might serve as comparable evidence for evidence of membership in 8 C.F.R. § 204.5(h)(3)(h)). It is the Petitioner's burden, however, to demonstrate that he meets every element of a given criterion. We will not assume that every "national team" is sufficiently exclusive and requires outstanding achievements of its members as judged by recognized national or international experts in their fields or disciplines.

On appeal, the Petitioner states that SCOPS did not meaningfully consider testimonial evidence, highlighting letters from the president and the secretary general of the [redacted] and from the head coach of the [redacted]. He also points to evidence of the federation's constitution, ministerial orders and approval letters, and a cabinet resolution addressing national team selection criteria, athletic evaluation standards, and roster composition requirements.

A letter from the president of the [redacted] states that the selection process for the [redacted] "is conducted by a specialized committee comprised of [redacted] licensed coaches and referees, all of whom are recognized experts in the sport." A letter from the general secretary of the [redacted] states that "assessments are conducted by a panel of highly qualified experts in the field of karate, officially appointed by the Ministry of Sports of the [redacted]" A letter from the head coach of the [redacted] states that the final decision to select team members is made by an "expert panel consisting of coaches, referees, and sport medicine professionals."

However, the record does not corroborate those claims. The Resolution of the Cabinet of Ministers of the [redacted], which the Petitioner highlights on appeal, does not corroborate these testimonial statements concerning the expertise of the panel that judged the Petitioner's admission to the national team. To support the testimonials, the Petitioner points to the second section of the cabinet resolution—Goals, Objectives, and Procedure for the Formation of National Teams by Sports—and the following objectives therein:

- Forming national teams of sports and their reserves among athletes, coaches, and other specialists who have demonstrated high sporting results based on the outcomes of sports competitions.
- Training highly qualified athletes and forming national teams by sports and their reserves capable of successfully performing in territorial and republican sports competitions, and of worthily representing the country at the Olympic and Asian Games, World and Asian Championships, and Cups, as well as other international sport competitions.

These objectives, however, do not discuss the panels evaluating athletes for team membership, and neither the remainder of the cabinet resolution nor other documentation submitted concerning the national team provides information about the judging panel for the Petitioner's acceptance to the national team sufficient to show that the panel was comprised of national or international experts in their disciplines or fields.

Without more, the Petitioner has not demonstrated his membership in associations requiring outstanding achievements in the field for which classification is sought, as judged by recognized national or international experts. Therefore, this criterion has not been met.

B. Published Material

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." These materials must include "the title, date, and author of the material, and any necessary translation." *Id.* The published material should be about the alien and their work, rather than the alien's employer and its work (or about an organization and its work). Professional or major trade publications may be identified by their intended audience, while other major media and major trade publications should have elevated circulation or readership relative to other media in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

On appeal, the Petitioner asserts that, contrary to SCOPS' determination, the articles as evidence of published material about him meet the regulatory requirements. He states that the articles are exclusively related to his achievements and that the circulation information about the publications was objective because it was from public sources. He also states that SCOPS did not acknowledge evidence submitted with the RFE response, including documentation of an article from the International Journal of Social Sciences and Interdisciplinary Research (IJSSIR). He further states that SCOPS improperly discounted certain publications because it was not evident that individuals in the field of karate were the intended audience.

The Petitioner provided published material from Olamsport.com and Sports.uz, as well as an article from the IJSSIR discussing sports and journalism. The IJSSIR article states that web versions of print news for sports and internet publications are still developing, listing websites that include Sports.uz and Olampsport.com, which it states "occupy the leading positions in sports journalism" in Uzbekistan. Although the article includes Google Analytics data for social media subscribers of sports.uz content, it does not provide context for the data relative to other publications to demonstrate that it is a professional or trade publication or other major media. In addition, the record does not include information about the IJSSIR to show that it is an objective source reporting on the media, nor does the record include information about Tennis.uz, which the Petitioner referenced to show that Olamsport.com and Sports.uz are listed among its top twenty sports websites in Uzbekistan.

The Petitioner also provided articles from several newspapers, including one that he authored about himself that was published in [redacted]. He also provided traffic and engagement information from Similarweb for this newspaper, but that data does not include information about comparable newspapers to demonstrate that the newspaper constitutes major media. And while additional newspaper articles submitted are accompanied by circulation information, the information

originates from the newspapers themselves, rather than from objective sources. No additional documentation was submitted to place the readership information in context to show that the newspapers are considered major publications for the purposes of this criterion.

The Petitioner has not provided evidence of published material about him and his work in professional or major trade publications or other major media. Therefore, the Petitioner has not established that he satisfies this criterion.

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that they are an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, --- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we decline to reach and hereby reserve any final merits determination in this matter. *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).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility 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.