U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF B-A-S-T- LLC

DATE: JUNE 7, 2017

APPEAL OF A VERMONT SERVICE CENTER DECISION

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

The Petitioner, a soccer club, seeks to classify the Beneficiary as a foreign national of extraordinary ability in athletics. *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 Beneficiary has the necessary acclaim. We rejected a subsequent appeal, noting that the Petitioner's corporate status was dissolved in the State of New Hampshire.

On motion, the Petitioner requests that we reopen and reconsider our prior decision. It is now in active status in New Hampshire.[1] Accordingly, we will reinstate the appeal.

Upon *de novo* review, we will sustain 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, 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. The regulation at 8 C.F.R. § 214.2(o)(3)(ii) clarifies, 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 the beneficiary's achievements

[1] The reinstatement is retroactive, meaning the Petitioner was effectively in active status at the time of filing.

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 criteria in paragraph (o)(3)(iii)(B) of this section do not readily apply to a beneficiary's occupation, that petitioner may present comparable evidence in order to establish the beneficiary's eligibility. 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). 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). 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 then perform a qualitative analysis to determine whether the totality of the record shows eligibility under the standard set forth at 8 C.F.R. § 214.2(o)(3)(ii).

II. ANALYSIS

The Petitioner seeks to employ the Beneficiary as its director of coaching for a three-year period with an annual salary of $65,000. The Petitioner has never asserted that the Beneficiary received a major, nationally recognized award, and the record does not document such an award. 8 C.F.R. § 214.2(o)(3)(iii)(A). At issue, therefore, is whether the Petitioner has submitted evidence that satisfies three of the criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B) and whether those exhibits, in the aggregate, are indicative of the regulatory standard for this classification.

A. Evidentiary Criteria

Based on information in the record, the Director found that the Beneficiary will command a high salary or other remuneration for services. 8 C.F.R. § 214.2(o)(3)(B)(8). For the reasons discussed below, we find that the Beneficiary meets two additional criteria.

> *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)(B)(5).

The Beneficiary's scouting and mentoring have produced notable results in Serbian soccer. In particular, several references emphasize his efforts as a youth coach for [redacted] According to online materials in the record, it is the [redacted] soccer club in Serbia and the former Yugoslavia, having won [redacted] championships and [redacted] cups.[2] The record

[2] The online content is from *Wikipedia*, which is subject to 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*

includes letters from business director of youth categories for , director of youth categories for and head of grassroots for the These individuals advise that the Beneficiary prepared several boys for the club's senior squad, mentored players of various ages on the youth national teams, and scouted players from all over Serbia. As an example, Mr. discusses the Beneficiary's work with The Beneficiary invited him to try out and then trained him. Mr. debuted for the senior squad at 16 years old, breaking a record as the youngest goal scorer in a competition match in the club's history. According to a media post, the soccer club later paid €2.2 million for Mr. Mr. notes that is ranked as the youth soccer academy based solely on the number of its players presently participating in one of the leagues.

In addition, Mr. explains that the Beneficiary was head coach for three age groups of youth teams, and that he was responsible for the training content while in this position. Mr. continues that the Beneficiary "prepared his own program based on club philosophy which has been used by other coaches within" the club. Mr. states that the Beneficiary organized three coaching education sessions in different cities in Serbia that were attended by over 100 coaches. Mr. also confirms that the Beneficiary expanded the number of training camps in Serbia. Finally, Mr. affirms that his organization selected the Beneficiary as a leader to create an individual development program in preparation for the upcoming European Championship qualifications and future actions of the youth national team. The evidence in the aggregate adequately demonstrates by a preponderance of the evidence that the Beneficiary has significantly impacted youth soccer in Serbia. These materials satisfy this criterion.[3]

> *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)(B)(7).

The Petitioner claims that the Beneficiary meets this criterion through his role with where he served as head coach and scout for several age groups at the most prestigious soccer academy in Serbia. The Director accepted that enjoys a distinguished reputation. He concluded, however, that the Beneficiary was not essential because he was not responsible for a major shift in strategy, and had not achieved a result that another coach could not have accomplished. The Director's standard does not follow from the plain language of the

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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 proceeding. *See also Badasa v. Mukasey*, 540 F.3d 909 (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 the probative value and credibility of the documents provided. *See Chawathe*, 25 I&N Dec. at 376. In this instance, we find no reason to question the information in this entry, which is supported by 40 footnotes.

[3] While the plain language of the regulation does not include athletic contributions, even if we were to assume that this criterion is not applicable to athletics, contributions of major significance in that field are comparable evidence under 8 C.F.R. § 214.2(o)(3)(iii)(C).

regulation. Even the definition of extraordinary ability only requires that the individual be within the small percentage at the top of the field, not at a level no one else can reach.

After a thorough review of the record, we find that the information provided demonstrates that the Beneficiary has performed in a critical or essential capacity for . Mr. discusses the Beneficiary's success with Mr. as well as with 11 of his other players currently on the team. He confirms that the Beneficiary's efforts "were critical in achieving such success for our club," and that "[the Beneficiary's] role was essential in connecting the previously mentioned parties and players to our institution to derive benefits on both sides." As noted above, Mr. advises that the Beneficiary is the head coach for three age groups, and that he is responsible for their training content. Mr. addresses the importance of scouting for the club, noting that the Beneficiary spotted and recruited top talent, then prepared them for national competition. The Beneficiary's work has assisted his players in securing high-paying contracts with professional teams, portions of which help fund the club.[4] Accordingly, the Petitioner has satisfied this criterion.

B. Qualitative Analysis

Not only has the Petitioner submitted the requisite initial evidence, a review of the record in its totality confirms the Beneficiary's eligibility by a preponderance of the evidence. The position is director of coaching. The proposed wage ranks among the highest for that occupation. Specifically, the record contains a list of 111 results on Only four of those listings show a higher salary than the one the Petitioner offered to the Beneficiary, and two of those are only slightly higher. The Beneficiary has served as head coach and head scout for three age groups at the most prestigious soccer academy in Serbia, one that has transferred several players to professional teams across Europe, including and head coach for the concludes that the Beneficiary "has a history of extraordinary achievement in the field of soccer coaching, training, and club development." These factors, in the aggregate, are consistent with a finding that the Beneficiary meets the regulatory definition of an individual of extraordinary ability.

[4] According to the news article about Mr. Serbian football clubs have struggled financially, and sales of players "have become the only source of stable income."

III. CONCLUSION

The Petitioner has demonstrated that the Beneficiary is an individual of extraordinary ability by submitting the required initial evidence which, in the aggregate, is indicative of his high standing in the field.

ORDER: The appeal is sustained.

Cite as *Matter of B-A-S-T- LLC*, ID# 660539 (AAO June 7, 2017)