U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43223800

Date: JUNE 9, 2026

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

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

The Petitioner is a soccer coach and former player who 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

USCIS denied the petition, concluding that the record did not establish that the Petitioner met the initial evidence requirements for this classification by meeting at least three of the evidentiary criteria under 8 C.F.R. § 204.5(h)(3) or through evidence of a one-time achievement (a major, internationally recognized award). 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. The Petitioner's Field of Expertise

In Part 5 of the petition, the Petitioner listed his occupation as "Soccer Coach" and referenced his supporting cover letter at Part 6 of the petition, which asks the Petitioner's job title. The supporting cover letter describes the Petitioner as "a remarkable soccer talent, coach, and social innovator" and further states that he has transitioned to "coaching and management" and "is committed to mentoring soccer players and teaching sports, activities that provide tangible contributions to U.S. society."[1] The Petitioner discussed the "critical leadership positions" he has held since transitioning away from playing soccer competitively more than ten years ago, listing his roles supervising a soccer academy and "serving as Executive Director" of a non-profit organization where his duties included overseeing "multi-site program operations," coaching and mentoring staff, evaluating national tournaments, and developing "original sport-for-development initiatives now recognized internationally."

A second letter was submitted in response to a request for evidence (RFE) and offers further information about the Petitioner's role as executive director at a non-profit organization, where he "personally conceived, designed, and executed soccer-based development programs that integrate elite training with documented social-impact objectives" and where his primary focus was on "program strategy, implementation, and outcomes." However, despite having been retired from his career as a soccer player for over a decade, the Petitioner relied on evidence relating to his career as a soccer player to demonstrate that he met several of the evidentiary criteria which are discussed in the analysis below. For example, on appeal the Petitioner challenges USCIS' decision regarding the evidentiary criterion at 8 C.F.R. § 204.5(h)(3)(i), noting that the decision "appears to evaluate the awards criterion primarily through the lens of the [Petitioner]'s coaching career." The Petitioner asserts that the field of endeavor rather than "a single professional role or stage of a career" should be the reference point for determining whether the Petitioner is an individual of extraordinary ability. We disagree.

[1] The record contains an article about the Petitioner published in [redacted] 2020, stating that the Petitioner retired from playing soccer in 2013 after suffering a head injury.

As discussed above, the Petitioner intends to work in the United States not as a soccer player but rather as a soccer coach. The statute and regulations require that a petitioner's national or international acclaim be sustained and that he or she seeks to continue working in their area of expertise in the United States. *See* sections 203(b)(1)(A)(i) and (ii) of the Act, 8 U.S.C. §§ 1153(b)(1)(A)(i) and (ii), and 8 C.F.R. § 204.5(h)(3) and (5). While a coach and an athlete share knowledge of the sport, the two occupations rely on different sets of basic skills and in general are not in the same area of expertise. *See generally* 6 *USCIS Policy Manual* F.2(A)(2), www.uscis.dhs.gov/policy-manual. This interpretation has been upheld in federal court:

> It is reasonable to interpret continuing to work in one's "area of extraordinary ability" as working in the same profession in which one has extraordinary ability, not necessarily in any profession in that field. For example, Lee's extraordinary ability as a baseball player does not imply that he also has extraordinary ability in all positions or professions in the baseball industry such as a manager, umpire or coach.

Lee v. Ziglar, 237 F.Supp. 2d 914, 918 (N.D. Ill. 2002).

Other courts have noted a consistent history in this area. *See Mussarova v. Garland*, 562 F.Supp. 3d 837, 844 (C.D. Cal. 2022)(determining that the plaintiff's awards as a water polo player were not awarded as a water polo coach); *Integrity Gymnastics & Pure Power Cheerleading, LLC v. USCIS*, 131 F.Supp. 3d 721, 730 (S.D. Oh. 2015)(concluding that the Administrative Appeals Office's reasoning, relevant statutory and regulatory language, and case law was not arbitrary, capricious, or otherwise not in accordance with the law in finding that an Olympic gold medal gymnast must meet the extraordinary ability classification through her achievements as a coach, her intended area of expertise). Therefore, while we acknowledge the possibility that a petitioner's claim to extraordinary ability may involve multiple fields, a petitioner must demonstrate their intent to continue working in their area of expertise in the United States.[2] 8 C.F.R. § 204.5(h)(5).

In this case, the Petitioner stated that he intends to embark on a career of "mentoring soccer players and teaching sports," thus indicating that in the United States he will continue to work as a soccer coach, not as a soccer player. As such, the Petitioner cannot rely on evidence that pertains to his achievements as an athlete to satisfy the evidentiary criteria under 8 C.F.R. § 204.5(h)(3).

---

[2] 6 *USCIS Policy Manual* F.2(A)(2), https://www.uscis.gov/policymanual provides:

> [I]n general, if a beneficiary has clearly achieved recent national or international acclaim as an athlete and has sustained that acclaim in the field of coaching or managing at a national level, officers can consider the totality of the evidence as establishing an overall pattern of sustained acclaim and extraordinary ability such that USCIS can conclude that coaching is within the beneficiary's area of expertise.

Because the record reflects that the Petitioner has not competed as a soccer player since retiring in 2013 and has not received any recent acclaim as an athlete, we need not consider whether the evidence regarding his previous achievements as an athlete help to establish an overall pattern of sustained acclaim and extraordinary ability. Instead, we will focus solely on the evidence of his coaching and training accomplishments.

B. 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). USCIS concluded that the Petitioner met two of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), relating to his judging the work of others in the same or allied field and holding a leading or critical role for organizations with a distinguished reputation. On appeal, the Petitioner asserts that he also meets the evidentiary criteria[3] relating to:

- Receipt of lesser nationally or internationally recognized awards;
- Published material about him and his work in the field in a qualifying publication; and
- Original contributions of major significance in the field.

After reviewing the evidence in the record, we conclude that the Petitioner has not established that he meets at least three of the evidentiary criteria under 8 C.F.R. § 204.5(h)(3) and therefore does not meet the initial evidence requirements for classification as an alien of extraordinary ability.

1. Evidence of Lesser Nationally or Internationally Recognized Prizes or Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." In determining eligibility for this criterion, we look to the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(i), requiring "[d]ocumentation of the alien's receipt" of prizes or awards. In addition, we consider the term "alien's receipt" using its ordinary, common meaning. *See, e.g., Perrin v. United States*, 444 U.S. 37, 42 (1979) ("A fundamental canon of statutory construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning . . . .") Moreover, the description of this type of evidence in the regulation indicates that the focus should be on the person's receipt of the awards or prizes, as opposed to the employer's receipt of the awards or prizes.[4] Thus, prizes or awards not received by or bestowed upon the Petitioner do not satisfy this regulatory criterion.

In the initial supporting statement, the Petitioner claimed that he has "demonstrated outstanding achievements as a coach, earning recognition for his leadership and success across multiple youth soccer categories." Evidence of the Petitioner's prior coaching achievements consists of a photograph of trophies with handwritten notes on the photograph stating that the trophies were awarded by the [redacted] for wins in the U9, U11, and U15 categories. The Petitioner did not provide evidence that he was the recipient of these awards or even evidence that he coached the teams who were identified as the trophy recipients. The Petitioner must support its assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

[3] Regarding the criterion at 8 C.F.R. § 204.5(h)(3)(ii) pertaining to membership in associations in the field, the Petitioner states that it "does not rely on the membership criterion to satisfy the regulatory threshold in this appeal" and therefore does not challenge USCIS's conclusion that he did not satisfy the elements of the criterion. As such, we will consider this issue to be waived. *See Matter of O-R-E-*, 28 I&N Dec. 330,336 n.5 (BIA 2021)(citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

[4] *See generally* 6 USCIS Policy Manual F.2(B)(1), https://www.uscis.gov/policymanual.

In response to the RFE, the Petitioner discussed and provided evidence that focused exclusively on awards he received while competing as a soccer player prior to 2010. On appeal, he argues that the awards he received from his participation in competitions as an athlete should be considered as evidence under this criterion. However, USCIS did not consider the Petitioner's awards received as an athlete, and per the discussion above we also will not consider that evidence under this criterion. *See generally* 6 USCIS Policy Manual F.2(B)(1), https://www.uscis.gov/policymanual.

Because the Petitioner has not shown that he received any awards as a soccer coach, we need not determine whether the awards he received as an athlete qualify as nationally or internationally recognized awards for excellence. *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *see also Matter of L-A-C-*, 26 I&N Dec. 516, n.7 (declining to reach alternative issues on appeal where applicants do not otherwise meet their burden of proof).

2. Evidence of Published Material About the Petitioner and his Work in the Field

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" and "shall include the title, date, and author of the material, and any necessary translation."

Here, the Petitioner provided: 1) an article published in [redacted] about his work as executive director at the non-profit foundation '[redacted]," which the article describes as being "dedicated to providing education to children and young people through sports"; 2) an article published in [redacted] cataloguing the Petitioner's career trajectory, which included working as a barber in a barbershop and working as a soccer coach at [redacted] "where [the Petitioner] and eight people are in charge of preparing players from the age of four to 17"; and 3) a transcript from [redacted] posted on *YouTube.com* where the Petitioner and the founder of '[redacted]' discussed the non-profit foundation and its goals for the program's participants.[5]

However, the Petitioner did not provide evidence establishing that the interview and two articles were in major media. Rather, the Petitioner provided a list of self-compiled data which referred to [redacted] as "the most-read media outlet in the country, followed by [redacted]' and listed the results of a study that "surveyed 1,000 people" but he did not provide the relative circulation, readership, or viewership of these publications. *See generally* 6 USCIS Policy Manual F.2(B)(1), https://www.uscis.gov/policymanual. Likewise, on appeal, the Petitioner maintains that that the publications containing articles about him are "mainstream national newspapers in Costa Rica that regularly report on professional soccer and international competition" but once again he does not provide objective evidence to support these claims. *See id.; see also Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 185 (D.N.J. 2021) (upholding AAO's determination that the plaintiff provided no basis to gauge the circulation of the publication in which she appeared).

[5] The Petitioner also provided articles pertaining to his time spent playing competitive soccer, but as previously explained, the Petitioner intends to work in the United States as a soccer coach not as a soccer player. We therefore will not consider articles published about the Petitioner's time spent playing competitive soccer.

3. Original Contributions of Major Significance

Finally, the regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." The regulatory phrase "major significance" is not superfluous and, thus, it has some meaning. *Nielsen v. Preap*, 139 S. Ct. 954, 969 (2019) (finding that every word and every provision in a statute is to be given effect and none should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence). Contributions of major significance connotes that the Petitioner's work has significantly impacted the field. The Petitioner must submit evidence satisfying all these elements to meet the plain language requirements of this criterion.

Here, the Petitioner highlights his "innovative leadership as a coach and executive shaping soccer's social impact in Costa Rica," claiming that in his role as executive director of the nonprofit foundation [redacted] he "designed and implemented programs that integrate sports, education, and social development." In his original supporting statement, the Petitioner stressed his various achievements, which included obtaining additional operational fields, conducting over 2,000 training sessions, recruiting staff, securing sponsorships, and ensuring school enrollment of all participants; he claimed that he had a "pivotal role in creating programs that have transformed the lives of children and young people." The Petitioner pointed to an article that he wrote about the foundation and its philanthropic goals and discussed information provided in the foundation's annual reports which highlight the achievements listed above. The Petitioner did not, however, explain how his work with the nonprofit organization constitutes original contributions that are of major significance in his field.

In his RFE response statement, the Petitioner stated that he "personally conceived, designed, and executed soccer-based development programs that integrate elite training with documented social-impact objectives." He claimed that as executive director of [redacted] "he bears primary responsibility for program strategy, implementation, and outcomes" and credited himself with the foundation's "sustained and expanding program activity." However, the Petitioner did not specify his original contribution and instead highlighted the foundation's annual reports from 2022-2024, broadly claiming that the reports reflect the program's "continuity and measurable outcomes benefiting hundreds of children and community members in Costa Rica, demonstrating impact well beyond routine involvement."

The Petitioner also provided a letter of support from D-M-, the nonprofit's founder, who praised the Petitioner's leadership and accomplishments, which included fundraising, strengthening "key partnerships," and innovating methodology by "adapt[ing] and implement[ing] a comprehensive S4D methodology" that incorporates "sport-based sessions, socioemotional workshops, community events, and family engagement." However, the Petitioner has not established that fundraising, strengthening partnerships, or adapting and implementing an existing methodology are original contributions. And while D-M- also listed three "innovative community engagement strategies" that he attributed to the Petitioner, the letter contains no description of the strategies to explain how they are original, nor is there evidence that the strategies were of major significance in the Petitioner's field.

On appeal, the Petitioner contends that USCIS applied "a standard that is not appropriate for the field of professional athletics and sports development," where significant contributions "are demonstrated through the design and implementation of development programs, measurable outcomes in athlete

training and community engagement, institutional reliance on the beneficiary's initiatives, and recognition by organizations operating within the sports ecosystem." However, despite referring to his "role in designing and implementing the [redacted] initiative," the Petitioner has not established that his contributions to the nonprofit organization attracted media coverage or other attention at a level that is indicative of major significance in his field of coaching soccer. *See Kinuthia v. Rosenberg*, No. CV 17-10255-LTS, 2018 WL 1243955, at *5 (D. Mass. Mar. 8, 2018), *aff'd sub nom.*, *Kinuthia v. Velarde*, No. 18-1244, 2019 WL 11671989 (1st Cir. July 3, 2019), *cert. denied*, 140 S. Ct. 2643, 206 L. Ed. 2d 714 (2020) (upholding petitioner's authorship of a religious book did not relate to his field of engineering).

For all of the reasons discussed above, we conclude that the Petitioner does not meet this evidentiary criterion.

III. CONCLUSION

The Petitioner has not shown that he met either a one-time award, or three of ten initial criteria. The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); see also section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and that he is one of the small percentage who have risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

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.