U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41705273

Date: MAR. 4, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a martial arts academy, seeks to classify the Beneficiary, a Muay Thai coach, 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 Petitioner had not established that the Beneficiary met the initial evidence requirement for this classification through evidence of either a one-time achievement or that he meets three of the alternative evidentiary criteria under 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

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 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 a multi-part analysis. First, a petitioner can demonstrate the beneficiary's sustained acclaim and the recognition of achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or qualifying 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).

Where a petitioner demonstrates that the beneficiary 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 Amin v. Mayorkas*, 24 F.4th 383 (5th Cir. 2022); *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 states that it seeks to classify the Beneficiary "as a Coach/Trainer of extraordinary ability."[1] The Petitioner asserts that the Beneficiary is a "coach whose key training of world-class athletes encapsulates a myriad of the sub-fields of athletics therein, not limited to Muay Thai, Kick Boxing, and Combo Salsa, among others. He is also a ***former*** world-class athlete with world, European, regional, and national titles in the sub-fields alluded to hereto in the martial arts." (Emphasis added).[2]

Where the beneficiary has had an extended period of time to establish his reputation as a coach beyond the years in which he has had sustained acclaim as an athlete, depending on the specific facts, USCIS may place heavier, or exclusive weight on the evidence of the beneficiary's achievements as a coach. *See generally* 6 *USCIS Policy Manual* F.2(A)(2), https://www.uscis.gov/policy-manual. Furthermore, the courts have consistently concluded that coaching and competing as an athlete or player are not the same area of expertise. *See Integrity Gymnastics & Pure Power Cheerleading, LLC v. United States Citizenship & Immigr. Servs.*, 131 F. Supp. 3d 721, 730 (S.D. Ohio 2015) (finding an Olympic gold medal gymnast must meet the extraordinary ability classification through her achievements as a coach, her intended area of expertise); *see also Lee v. Ziglar*, 237 F. Supp. 2d 914, 917 (N.D. Ill. 2002) (finding INS' distinction between extraordinary ability as a coach and as a player is a reasonable one); *Mussarova v. Garland*, 562 F. Supp. 3d 837, 844 (C.D. Cal. 2022) (finding petitioner's evidence related to awards as a water polo player rather than awarded for excellence in the field of water polo coaching).

A. Evidentiary Criteria

Because the Petitioner has not claimed or established the Beneficiary's receipt of a major internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at

[1] In parts 5 and 6 of the Form I-140, under "Additional Information About the Petitioner" and "Basic Information About the Proposed Employment," the Petitioner listed both the Beneficiary's "Occupation" and "Job Title" as "Coach/Trainer."
[2] The record does not include evidence of the Beneficiary's recent achievements as a competitive martial arts athlete.

8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner argued that the Beneficiary satisfied five of these criteria and SCOPS determined he met two, relating to membership and published material.[3] *See* 8 C.F.R. § 204.5(h)(3)(ii) and (iii). On appeal, the Petitioner maintains that the Beneficiary also meets the criteria relating to awards, original contributions, and leading or critical role. *See* 8 C.F.R. § 204.5(h)(3)(i), (v), and (viii).

1. Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) requires "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor."

The Petitioner presented the Beneficiary's martial arts awards he received as an athlete from 2011 until 2020. For example, the Petitioner submitted documentation showing that the Beneficiary received a bronze medal at both the 2016 [redacted] and the 2015 [redacted] In addition, the record indicates that the Beneficiary won the 2011 [redacted] the 2014 [redacted], the 2015 [redacted], and the 2016 [redacted]. The Petitioner also provided the Beneficiary's [redacted] from the [redacted]

While the record includes some information about the Beneficiary's athletic awards, the Petitioner has not demonstrated their significance in the martial arts field and that they have received media coverage or other attention that rises to the level of national or international recognition. *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 182 (D.N.J. 2021) (finding the regulation requires that the petitioner provide evidence of national or international recognition); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013); *Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *8-9 (N.D. Cal. Feb. 16, 2021); *Hristov v. Roark*, No. 09-CV-2731, 2011 WL 4711885, at *8 (E.D.N.Y. Sept. 30, 2011). Regardless, the Beneficiary's field of endeavor is coaching and competitive awards earned as an athlete do not show his excellence in coaching. *See Mussarova*, 562 F. Supp. 3d at 844 (finding petitioner's evidence related to awards as a water polo player rather than awarded for excellence in the field of water polo coaching). For this additional reason, the Beneficiary's competitive awards as an athlete do not meet this criterion.

The Petitioner further asserts that athletes trained by the Beneficiary have earned medals at national and international competitions, including [redacted] and [redacted] The Beneficiary, however, was not the recipient of his trainees' awards.[4] None of their awards specifically identify the Beneficiary as a recipient. *See 72andSunny Partners LLC v. Mayorkas*, No. 222CV04465CASGJSX, 2023 WL 5661527, at *7 (C.D. Cal. Aug. 28, 2023) (upholding record did not establish the beneficiary was the intended recipient of awards for which he was not listed). Without evidence showing the Beneficiary's receipt of coaching awards that are

[3] SCOPS determined that the Beneficiary did not satisfy the criteria relating to awards, original contributions, and leading or critical role. *See* 8 C.F.R. § 204.5(h)(3)(i), (v), and (viii).

[4] *See* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (stating that "USCIS determines if the person was the recipient of prizes or awards" and that "[t]he 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").

nationally or internationally recognized awards for excellence in his field, the Petitioner has not established the Beneficiary meets this regulatory criterion.

2. Membership

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) requires "membership in associations in the field for which classification is sought, which require outstanding achievement of their members, as judged by recognized national or international experts in their disciplines or fields." We withdraw SCOPS' determination that the Beneficiary meets this criterion.

The Petitioner asserts that the Beneficiary's invitation to attend the [redacted] in [redacted] and his participation in the [redacted] and the [redacted] through a "national team nomination" meet this criterion. The Petitioner provided a letter from the Technical Committee Chairman of the [redacted] stating that "[i]n 2014, the Beneficiary was invited to the [redacted] held in [redacted] province." In addition, the record includes a letter from the Secretary General of the [redacted] stating that the Beneficiary "participated as a national team athlete in the [redacted] held in [redacted], Sweden between May 19-29, 2016." The letters from the [redacted] and [redacted] did not define what outstanding achievements are required of national team members, explain in any detail how their federations determine if an individual has outstanding achievements, or indicate that candidates are judged by recognized national or international experts in the field. Regardless, the "field for which classification is sought" in this case is martial arts coaching and the Petitioner has not shown that the Beneficiary's national team development camp invitation and instances of competing for a national team constitute membership in coaching associations.

Additionally, the Petitioner asserts that the Beneficiary's appointment to the national coaching staff of the [redacted] fulfills this criterion. The aforementioned letter from the Secretary General of the [redacted] stated that the Beneficiary "served as a coach for the [redacted] at the [redacted] held in [redacted] between February 13-20, 2022." While this letter identified the Beneficiary as a coach for the national team, it did not list the team's membership requirements for coaches or discuss the coaching selection process. The record also does not contain sufficient information on the individuals that choose the team coaches and whether they are national or international experts in their disciplines or fields. Without sufficient evidence showing that the Beneficiary's associations require outstanding achievements of their members, as judged by recognized national or international experts, the Petitioner has not established that he meets this criterion. *See Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *9 (N.D. Cal. Feb. 16, 2021) (finding plaintiff was the national coach for the Brazilian Vaulting Team but the record lacked other information to suggest that his employment as a coach was commensurate with membership in an association requiring outstanding achievements). For the reasons discussed, the Petitioner has not demonstrated that the Beneficiary satisfies this criterion.

3. 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. Such evidence shall include the title, date, and author of the material, and any necessary translation." We withdraw SCOPS' determination that the Beneficiary meets this criterion.

The Petitioner submitted a 2012 article in *Hurriyet Spor Arena*, entitled "[redacted]." This article lists the Beneficiary as one of 31 athletes invited to the [redacted] Team's training camp, but the material is about the training camp in [redacted] and not the Beneficiary. The language of this criterion, however, requires "[p]ublished material about the alien." *See, e.g., Negro-Plumpe v. Okin*, No. 2:07-CV-820-ECR-RJJ, 2008 WL 10697512, at *3 (D. Nev. Sept. 9, 2008) (upholding a finding that articles regarding a show are not about the actor). Further, the material did not identify an author as required by this criterion. *See Javakhadze v. Mayorkas*, No. 3:21-CV-00617-E, 2023 WL 8037730, at *6 (N.D. Tex. Nov. 20, 2023) (upholding articles did not contain the required authors). Moreover, while the Petitioner offered information regarding *Hurriyet's* circulation, it did not provide specific circulation figures for *Hurriyet Spor Arena*. Accordingly, the Petitioner has not shown that *Hurriyet Spor Arena* is a form of major media.

In addition, the Petitioner provided a 2012 article in *Milliyet*, entitled "It's Coming Up As You Hit It," but the article is not about Beneficiary. Rather, the article discusses the benefits of martial arts for women and only briefly quotes the Beneficiary. The Petitioner also submitted circulation information for *Milliyet* from its publisher, but did not establish the significance of these statistics, showing that the publication is a form major media.[5] *See Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *5 (E.D. Wis. Nov. 4, 2024) (indicating that the failure to provide context to circulation figures makes it difficult to assess their significance).

Furthermore, the Petitioner presented articles posted on the websites of Marmara University, *Yakin Savunma*, *Haber ABD*, *Etkihaber*, the [redacted] Federation, and the [redacted] Sports Clubs Confederation. These articles generally discuss various martial arts competitions and list the Beneficiary's name among the numerous competitors or weight class winners, but the articles are not about Beneficiary and do not identify an author.[6] Further, the Petitioner has not demonstrated that the aforementioned websites are professional or major trade publications or other major media.

The Petitioner also provided screenshots of videos posted on YouTube, but he did not offer supporting evidence to establish the significance of the Beneficiary's appearance in the YouTube videos (such as providing transcripts of the videos and letters from individuals such as the videos' producers or directors with details on the significance of each video and the Beneficiary's appearance in it). *See Strategati, LLC v. Sessions*, No. 3:18-CV-01200-H-AGS, 2019 WL 2330181, at *6 (S.D. Cal. May 31, 2019) (upholding that not all material found on internet sites, such as a blog, "may be equivalent to material with stringent vetting and high standards for publication"). Nor has the Petitioner demonstrated that the specific YouTube channels where the Beneficiary's videos were accessible are major media.[7]

---

[5] *See* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that in evaluating whether a submitted publication is a major trade publication or major media, a relevant factor is the publication's "relative circulation, readership, or viewership").

[6] The article in *Haber AB*, entitled "[redacted]," stated at its conclusion that "[t]his news has been read 161 times in total."

[7] One of the YouTube video screenshots, entitled "[redacted]," lists "216 subscribers." Another YouTube video, entitled "[redacted]," lists "223 views."

Finally, much of the material provided for this criterion relates to the Beneficiary's work as a competitive athlete rather than his work as a coach. The Petitioner therefore has not shown that the submitted material referring to the Beneficiary's athletic achievements relates to his "work in the field for which classification is sought" – coaching. For all the aforementioned reasons, the Petitioner has not established that the Beneficiary meets this criterion.

B. Summary and Reserved Criteria

The Petitioner has not established the Beneficiary satisfies the criteria relating to awards, memberships, and published material. Because the Beneficiary cannot meet the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), detailed discussion of the remaining two claimed criteria at 8 C.F.R. § 204.5(h)(3)(v) and (viii) cannot change the outcome of the appeal. Accordingly, we need not reach, and therefore reserve, these remaining two criteria. *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).

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documentation that the Beneficiary meets at least three of the ten criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. We therefore reserve this additional issue.

Nevertheless, we have reviewed the record in the aggregate, concluding it does not support the Petitioner's claim that the Beneficiary has earned the acclaim and recognition required for the classification sought. The Petitioner seeks a highly restrictive visa classification for the Beneficiary, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. at 954 (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Visinscaia*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design,"); *Hamal v. Dep't of Homeland Sec. (Hamal II)*, No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021), *aff'd*, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"). *See also Hamal v. Dep't of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian,* 596 at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. Ill. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for visa as a baseball coach). Here, the Petitioner has not shown the significance of the Beneficiary's work is indicative of the required sustained national or international acclaim or 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 the Beneficiary has garnered national or international acclaim in the martial arts coaching field, and he is one of the

small percentage who has 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).

For the reasons discussed above, the Petitioner has not established the Beneficiary's eligibility as an alien of extraordinary ability.

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.