U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41750828

Date: MAR. 12, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner – a player, coach, trainer, and referee in the Brazilian sport of footvolley – requests classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must submit evidence of "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition. SCOPS found that the Petitioner met the requisite three of ten initial evidentiary requirements for the requested category. But, in a final merits determination, SCOPS concluded that the record did not establish sufficient acclaim and recognition to demonstrate his purported extraordinary ability in his field. On appeal, the Petitioner contends that SCOPS overlooked evidence and misapplied law to facts.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we agree with SCOPS that he did not establish sustained acclaim or his asserted place among the small percentage at his field's very top. We will therefore dismiss the appeal.

I. LAW

To qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability" in the sciences, arts, education, business, or athletics;
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the country as a permanent resident.

Section 203(b)(1)(A)(i-iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

Unless a petitioner received "a major, international recognized award," they must satisfy at least three of ten alternate evidentiary criteria. 8 C.F.R. § 204.5(h)(3).[1] If a petitioner meets either evidentiary standard and the requirements at sections 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) must then make a final merits determination. To merit final approval, the record – as a whole – must establish a petitioner's "sustained national or international acclaim" and recognized achievements placing them among the small percentage at their field's very top. *See Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step review process to be "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

A. The Petitioner and His Field

The Petitioner states that he began playing organized footvolley in his home country of Brazil in 2012. Invented on the beaches of Rio de Janeiro in the mid-1960s, the sport combines elements of soccer and beach volleyball. In Brazil, he won several amateur and professional footvolley titles and established a popular club for training footvolley athletes.

In 2022, the Petitioner came to the United States, where he has worked as a professional footvolley player, coach, trainer, and referee.[2] In 2023 and 2024, he won the [redacted]. He states that he wants to continue playing, coaching, and refereeing footvolley in the United States[3] and popularize the sport in the country. He seeks to establish partnerships with sports brands and government agencies to increase U.S. investments in footvolley. He stated:

> I am building more than just a career; my goal is to leave a legacy, transforming the USA into a new powerhouse in global footvolley, creating opportunities, talent and visibility for a sport that, until recently, was almost unknown outside of Brazil.

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

[2] The Petitioner is now in O-1 nonimmigrant visa status in the United States. *See* section 101(a)(15)(O) of the Act, 8 U.S.C. § 1101(a)(15)(O) (creating a nonimmigrant visa classification for aliens who have extraordinary ability in the sciences, arts, education, business, or athletics). But "[e]ach petition is separate and independent and must be adjudicated on its own merits." 6 *USCIS Policy Manual* F.2(B)(3), n.53. Thus, the Petitioner's prior O-1 approval alone does not establish his eligibility in these proceedings as an EB-1 immigrant with extraordinary ability. *See Aravamuthan v. Jaddou*, No. 3:23-CV-01412-N, 2025 WL 1708126, at *9 (N.D. Tex. June 17, 2025) (finding that USCIS' prior approval of a petitioner's O-1 nonimmigrant visa petition did not merit the grant of his EB-1 immigrant petition); *see generally* 6 *USCIS Policy Manual* F.2(B)(3).

[3] USCIS generally considers competitive athletics and coaching to rely on different skillsets and therefore to reflect different fields. *See generally* 6 *USCIS Policy Manual* F.2(A)(2). Thus, where former athletes intend to coach in the United States for EB-1 purposes and have had extended periods in which to establish their coaching reputations, USCIS has placed heavier or exclusive weight on evidence of their coaching achievements. *Id.* Here, the Petitioner indicates his intent to play, coach, train, and referee footvolley in the United States. We therefore will not distinguish amongst his evidence based on his different roles within the sport.

The Petitioner stated that, in the future, he wants the sport to create a world federation, standardizing its rules and organizing international competitions. He said that he hopes footvolley will eventually become an Olympic sport.

B. The Initial Evidentiary Criteria

The record does not indicate – nor does the Petitioner claim – his receipt of a major internationally recognized award. He therefore must meet at least three of the ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i-x).

The record supports SCOPS' findings that the Petitioner successfully submitted evidence of:

- His receipt of nationally or internationally recognized prizes or awards for excellence in his field;
- Published materials about himself and his work; and
- Commandment of a high salary in his field.

See 8 C.F.R. § 204.5(h)(3)(i), (iii), (ix).

On appeal, the Petitioner contends that SCOPS' erred in finding insufficient evidence of his performance in a leading or critical role for organizations with distinguished reputations. *See* 8 C.F.R. § 204.5(h)(3)(viii). The Petitioner, however, has already met the required number of evidentiary criteria. We therefore need not consider whether he satisfied an additional one. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

We will next review SCOPS' final merits determination.

C. The Final Merits Determination

To merit final approval as an alien with extraordinary ability, a petitioner must demonstrate – through evidence of sustained national or international acclaim and recognition of their achievements in their field – that they are one of the small percentage who has risen to their field's very top. 6 *USCIS Policy Manual* F.2(B)(2). They "must explain the significance of the submitted evidence, and how it demonstrates that [they have] achieved sustained national or international acclaim and recognition in their field of expertise." *Id.* USCIS must review all evidence in the totality and consider "any potentially relevant evidence in the record, even if such evidence does not fit one of the … regulatory criteria or was not presented as comparable evidence." *Id.*

The Petitioner submitted evidence that his footvolley activities have generated some national and international acclaim. He won two [redacted] awards in the [redacted]. Two articles in major Brazilian media also focused on him and his efforts to popularize the sport in the United States. Further, the Petitioner co-organized a three-day U.S. footvolley competition that attracted 150 teams and about 1,000 spectators and founded two successful training centers, one in Brazil and one in the United States.

But the record supports SCOPS' final merits determination. Contrary to the Act, the Petitioner has not demonstrated his receipt of "sustained" acclaim. The word "sustained" means 'to support or maintain, especially over a long period of time." *Sustained*, Black's Law Dictionary (11th ed. 2019). The record indicates that most of the Petitioner's acclaim has come only recently towards the end of his ten-plus-year career. The [redacted] awards are from 2023 and 2024, and the articles about him were published in 2022 and 2025. The record also lacks "extensive documentation" of recognition of the Petitioner's achievements, *see* section 203(b)(1)(A)(i) of the Act, and evidence sufficiently placing him among the small percentage at his field's very top. *See* 8 C.F.R. § 204.5(h)(2).

On appeal, the Petitioner accuses SCOPS of "predetermining" types of extraordinary-ability evidence that it believes he should have submitted. Specifically, SCOPS questioned how two [redacted] awards and two online articles about the Petitioner over his ten-plus-year career establish his extraordinary ability in footvolley. *See* H.R. Rep. No. 101-723, 59 (Sept. 19, 1990) (stating Congress's expectation that an alien with extraordinary ability have a "career of acclaimed work in the field"). The Petitioner notes that, under USCIS policy:

> An officer may not limit the kind of evidence the officer thinks the person should be able to submit and deny the petition if that particular type of evidence … is absent, if the person nonetheless submitted other types of evidence that meet the regulatory requirements for the classification.

6 *USCIS Policy Manual* F.2(B)(3).

SCOPS, however, did not limit the *type* of evidence the Petitioner submitted. Rather, SCOPS permissibly questioned the *amount* of evidence he provided. As previously indicated, this requested immigrant visa category requires "extensive documentation" of recognition of achievements in a field. Section 203(b)(1)(A)(i) of the Act; *see also* Proposed Rule for Employment-Based Immigrants, 56 F.R. 30703, 30704 (July 5, 1991) ("The intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required under the current law for [other employment-based immigration categories].") Also, as previously indicated, "the petitioner must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise." 6 *USCIS Policy Manual* F.2(B)(3). The Petitioner has not explained how his awards and the published materials about him place him in the small percentage at his field's very top. Thus, SCOPS permissibly questioned whether the evidence sufficiently establish his claimed extraordinary ability in his field.

The Petitioner also contends that SCOPS made contradictory findings regarding evidence that he commanded a high salary in relation to others in his field. *See* 8 C.F.R. § 204.5(h)(3)(ix). He notes that, while SCOPS found that he met the evidentiary requirement, the decision's final merits determination faults him for:

> not establish[ing] how his income compares to others at the very top of his field or that he has received notoriety or attention based on his salary that separates him from others in his field or placing him at the very top.

Contrary to the Petitioner's contention, however, SCOPS' findings regarding his salary do not conflict. SCOPS found that he met the initial evidentiary criterion by showing that his U.S. coaching salary exceeds the average coaching salary in his geographical area. He satisfied the requirement because the evidence showed that his salary was high "in relation to others in the field." *See* 8 C.F.R. § 204.5(h)(3)(ix). But, in the final merits determination, SCOPS had to consider whether the Petitioner's coaching salary places him among the small percentage at his field's top, not merely in relation to others below that small percentage. Thus, SCOPS properly faulted him for not providing sufficient context to demonstrate that his salary places him among the small percentage at the field's top. *See Nagaiah v. Allen*, 784 F. Supp. 3d 798, 820 (E.D. Pa. 2025) (affirming USCIS' finding that, while a petitioner's high salary reflected recognition of his skillset, "the record did not show that his earnings were so high as to indicate that he is one of a small percentage at the top of his field, or that his salary [reflected] sustained national acclaim"); *see generally* 6 *USCIS Policy Manual* F.2(B)(3) ("In all cases, the petitioner must provide *sufficient context* regarding the above evidence and considerations to demonstrate that the evidence meets the relevant criteria and to establish the person's extraordinary ability in the totality of the circumstances.") (emphasis added).

The Petitioner further challenges SCOPS' finding regarding the numerous support letters on his behalf. SCOPS concluded:

> The letters do not show the petitioner has received recognition on a national or international scale, consistent with being among that small percentage at the very top of the field. The record does not support the conclusion that the petitioner has been widely influential in his field, that his contributions have had a significant impact, or that his contributions have resulted in his sustained acclaim or placed him among the small percentage of individuals at the very top of his field.

The Petitioner contends that SCOPS:

> create[ed] novel requirements nonexistent in the regulations. Nowhere in the regulations does it state that the Petitioner must show that *the petitioner has been widely influential in his field, that his contributions have had a significant impact, or that his contributions have resulted in his sustained acclaim or placed him among the small percentage of individuals at the very top of his field*, as suggested by the officer in this case.

(emphasis in original). *See Kazarian v. USCIS*, 596 F.3d 1115, 1121 (9th Cir. 2010) ("[N]either USCIS nor [the] AAO [Administrative Appeals Office] may unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5.")

We disagree. As previously indicated, the regulations define the term "extraordinary ability" as "a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). Thus, as SCOPS stated, the Petitioner had to show that his footvolley activities "placed him among the small percentage of individuals at the very top of his field." Also, as SCOPS stated, the Act requires the Petitioner to show that "his contributions have resulted in his sustained acclaim." *See* section 203(b)(1)(A)(i) of the Act (requiring

an alien's extraordinary ability to be "demonstrated by sustained national or international acclaim"). Thus, the record does not demonstrate that SCOPS held the Petitioner to novel requirements.

The Petitioner argues that SCOPS "fail[ed] to consider the totality of evidence within the record." He contends that evidence shows that: "he has been leading this sport in the United States;" he organized an important U.S. championship; and the [redacted] invited him to work for it.

But the Petitioner has not established that his achievements as a footvolley professional in the United States place him among the small percentage at his field's top. The Petitioner has not contextualized his expertise level within the entire field. *See generally* 6 *USCIS Policy Manual* F.2(B)(3) ("In all cases, the petitioner must provide sufficient context regarding the above evidence and considerations to demonstrate that the evidence meets the relevant criteria and to establish the person's extraordinary ability in the totality of the circumstances.")

The Petitioner contends that SCOPS overlooked multiple letters on his behalf. He states: "The letters submitted with the initial file and the response to the RFE [request for additional evidence] clearly state [his] recognition as one of the pioneers in the field, and his recognition as a professional at the very top of the field."

We agree that SCOPS appears to have overlooked some support letters and aspects of others. These materials not only attest to the Petitioner's playing and coaching abilities but also praise his training and teaching skills. For example, one letter-writer, a Brazilian professional soccer player, stated that he trained with the Petitioner in the United States and left "in top form." But the materials do not ultimately explain how the Petitioner ranks among the small percentage at his field's very top. *See* 6 *USCIS Policy Manual* F.2(B)(2) ("[T]he petitioner must explain the significance of the submitted evidence, and how it demonstrates that the person has achieved sustained national or international acclaim and recognition in their field of expertise.")

Congress intended to set "a very high standard" for aliens of extraordinary ability. Proposed Rule for Employment-Based Immigrants, 56 Fed. Reg. at 30704. The legislature indicated that this immigrant visa category was meant "for that small percentage of aliens who have risen to the very top of their field of endeavor." *Id.* The Petitioner met the initial evidentiary requirements. But, considering the evidence as a whole, he did not establish receipt of sustained acclaim or his purported place among the small percentage at his field's very top. *See Amin*, 24 F.4th at 386 ("[G]iven the lofty bar for extraordinary ability classifications, we cannot say that the agency acted arbitrarily when it determined that [a petitioner] was not 'extraordinary' but merely very good."); *Matter of Price*, 20 I&N Dec. 953, 954 (Acting Assoc. Comm'r 1994) (holding that even athletes performing in their sports' premier leagues do not automatically meet the extraordinary ability standards).

III. CONCLUSION

The Petitioner has not established his receipt of sustained acclaim or his asserted place among the small percentage at his field's very top. We will therefore affirm the petition's denial.

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.