U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41847896

Date: MAR. 13, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a professional squash player, seeks classification as an individual of extraordinary ability in athletics. *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.

SCOPS denied the petition, concluding the record did not establish that the Petitioner had satisfied at least three of the ten evidentiary criteria for this classification, as required. 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

I. LAW

An alien is eligible for the extraordinary ability classification if he or she has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and his or her achievements have been recognized in the field through extensive documentation; he or she seeks to enter the United States to continue work in the area of extraordinary ability; and his or her entry will substantially benefit prospectively the United States. Section 203(b)(1)(A) of the Act.

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 regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then the petitioner must provide documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to

submit comparable material if the they can 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, 1119-20 (9th Cir. 2010); *see also Amin v. Mayorkas,* 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step analysis of extraordinary ability "consistent with the governing statute and regulation").

II. ANALYSIS

The Petitioner is a professional squash player who has played for Pakistan's junior and senior national teams in international competition and as an internationally ranked competitor on the Professional Squash Association (PSA) Tour.

A. Evidentiary Criteria

Because the Petitioner has not indicated or shown 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 claimed to have satisfied seven of these criteria, summarized below:

- (i), Lesser nationally or internationally recognized prizes or awards;
- (ii), Membership in associations that require outstanding achievements;
- (iii), Published material about the alien in professional or major media;
- (iv), Participation as a judge of the work of others;
- (v), Original contributions of major significance; and
- (viii), Leading or critical role for distinguished organizations or establishments.

The Petitioner also claimed eligibility under 8 C.F.R. § 204.5(h)(4), by providing "comparable evidence" of the display of his work, his authorship of a published article, and his commercial success, asserting that the corresponding criteria at 8 C.F.R. § 204.5(h)(3)(vi), (vii) and (x) do not readily apply to his occupation.

SCOPS determined that the Petitioner satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(vii) based on his submission of comparable evidence. Therefore, he must establish that he meets at least two additional criteria. On appeal, the Petitioner asserts that he meets all claimed criteria and contends that SCOPS "misapplied legal standards related to evidentiary sufficiency, comparable evidence, and the two-step analysis set forth in *Kazarian*."

Upon de novo review, we conclude that the Petitioner has met at least two additional criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x) and has therefore satisfied the initial evidence requirements.

1. Receipt of lesser nationally or internationally recognized prizes or awards

SCOPS determined the Petitioner did not demonstrate his receipt of lesser nationally or internationally recognized prizes or awards for excellence in his field of endeavor under 8 C.F.R. § 204.5(h)(3)(i). In

reaching this conclusion, SCOPS observed that, although the Petitioner submitted evidence of his receipt of prizes or awards in squash competitions, there is "nothing in the record" showing that the awards are nationally or internationally recognized and no "objective documentary evidence demonstrating the significance of the awards."

We disagree and find sufficient evidence to demonstrate that the Petitioner's receipt of a gold medal at the [redacted], held in Poland in 2016, satisfies the plain language requirements of this criterion. While the competition was limited to players under the age of 19, the record shows that the competitors were elite junior players chosen through a selective process to represent their countries at the highest level of international competition, and that the event received international media coverage that extended beyond the competition's organizer and participating national squash federations. *See generally*, 6 *USCIS Policy Manual*, F.2(B)(1) https://www.uscis.gov/policy-manual, (noting that, while limitations on competitors can be a relevant factor, there is no specific requirement that an award be open to all members of the field, including the most experienced, to meet the requirements of this criterion). Accordingly, the Petitioner has satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(i).

2. Published material in major media

The plain language of the criterion at 8 C.F.R. § 204.5(h)(3)(iii) requires published material about a person in professional or major trade publications or other major media, relating to the person's work in the field for which classification is sought. SCOPS acknowledged the Petitioner's submission of multiple articles about him which relate to his work in the field but concluded that the supporting evidence relating to the online publications' circulation was insufficient to demonstrate the articles were published in "major media" or other qualifying media. SCOPS appeared to question the reliability of online articles, observing that "while internet websites can be accessed worldwide . . . anyone with a computer can create a website."

The record indicates that the Petitioner provided copies of more than 30 published articles in support of this criterion. While many of the articles do not satisfy all elements of this criterion, the Petitioner provided sufficient objective evidence in response to SCOPS' request for evidence (RFE) to establish that the newspapers [redacted] and [redacted] including their digital versions, qualify as major media in the United Arab Emirates and Pakistan, respectively, based upon the credible online circulation metrics and rankings submitted. Further the articles published by these newspapers in 2018 are solely focused on the Petitioner and his career as a squash athlete. Therefore, the Petitioner has demonstrated, by a preponderance of the evidence, that he satisfies this criterion.

C. Final Merits Determination

Based on the foregoing discussion, the Petitioner has satisfied at least three of the ten evidentiary requirements at 8 C.F.R. § 204.5(h)(3)(i)-(x).[1] We will therefore withdraw SCOPS' decision, because

[1] We need not consider the Petitioner's arguments that he meets additional evidentiary criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x), beyond the three already granted. *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). As the matter will be remanded, SCOPS may consider those arguments prior to addressing the final merits.

that decision was based on a determination that the Petitioner had satisfied only one criterion and did not satisfy the initial evidence requirements for this classification.

However, granting three criteria does not suffice to establish eligibility for the classification the Petitioner seeks. USCIS must now make a final merits determination on the Petitioner's filing and consider whether the record establishes the sustained national or international acclaim and recognized achievements sufficient to place the Petitioner among the small percentage at the very top of his field. *See* section 203(b)(l)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20. SCOPS did not make such a finding. Rather than make this determination in the first instance, we will remand the matter to SCOPS.

The final merits determination should weigh the evidence submitted in support of all claimed initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), any other potentially relevant evidence in the record (including evidence that does not fit one of the evidentiary criteria), and the Petitioner's claims and evidence on appeal. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2).

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.