U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 36120877

Date: MAR. 25, 2025

Appeal of Nebraska Service Center Decision

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

The Petitioner, a martial art athlete and coach, seeks first preference immigrant classification as an individual 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.

The Director of the Nebraska Service Center denied the petition, concluding that the record did not establish that the Petitioner had demonstrated his extraordinary ability in the totality of the circumstances. 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 into the United States 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 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 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).

II. ANALYSIS

The Director determined that the Petitioner established the requirements for at least three of the initial criteria. As such, we will proceed to a final merits determination. In these evaluations, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if successes are sufficient to demonstrate that a petitioner has extraordinary ability in the field of endeavor. *Kazarian*, 596 F.3d at 1119-20. We evaluate whether a petitioner has demonstrated, by a preponderance of the evidence, that they have sustained national or international acclaim and if they are one of the small percentage at the very top of the field of endeavor. *Id.* Their achievements must be recognized in the field through extensive documentation. *Id.* In this matter, we determine that the Petitioner has not shown his eligibility.

The Petitioner is a martial art athlete and coach, specializing in Sambo and Judo. The Petitioner was a member of the [redacted] Team from 1997 to 2006, first as an athlete and then from 2004, as an Assistant Head Coach. He also served as team captain. He received a bronze medal at both the 2006 [redacted] Championship and the 2005 [redacted] Championship. He was also a five-time [redacted] of Tajikistan. As noted in the Director's decision, the Petitioner has established that he has a lesser national or international prize, was a member in an association in his field, is the subject of published material, and has participated as a judge in his field. The record[1], however, does not demonstrate that his personal and professional achievements rise to a level of a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

Although the Petitioner has established that he meets the plain language of several of the criteria, the quality of the evidence does not lend itself to a finding that the Petitioner is among the small number who have risen to the top of their field and sustained that acclaim. Regarding the Petitioner's awards, while the Petitioner has shown evidence he participated and placed in several competitions in his career, he has not provided evidence sufficient to show that he participated in a competition since approximately 2017. Moreover, he did not provide evidence showing he

[1] While we may not discuss every document submitted, we have reviewed and considered each one. Several pieces of evidence that the Petitioner presented with the appeal originated after the filing of the petition. A petitioner must meet all of the eligibility requirements of the petition at the time of filing. 8 C.F.R. §§ 103.2(b)(l), (12).

participated in competitions after 2006 until approximately 2014.[2] We observe that in response to the Notice of Intent to Deny (NOID), the Petitioner provided a list of judo competitions he participated in from 2017 to 2019, such as the 2018 [redacted] Championship and the 2019 [redacted] Championship. He also submitted photos of medals and himself at different competitions. The Petitioner did not provide corresponding evidence from the events or other sources to confirm his claimed participation or placement in the respective competitions.[3] Moreover, many of the photos are of poor quality and do not indicate what event they come from.

Even if we determined these images confirmed the Petitioner's claims of participation in more recent competitions, he has not presented evidence adequate to show that these are on the level of events he participated in earlier in his career as a national team member. As mentioned above, the Petitioner has not been a member of the national team since 2006. During that time, he received a bronze medal at both the 2006 [redacted] Championship and the 2005 [redacted] Championship. The names of the Petitioner's competitions in the past several years denote they are smaller state and regional competitions. For example, the Petitioner claims he competed in 2018 [redacted] Championship, the 2016 [redacted] Championship, and the 2018 [redacted] Championship. The evidence the Petitioner provided about these events did not support that they were akin to the level of events he competed in on the national team. In summation, the competitions described are not consistent with the sustained national or international acclaim necessary for this highly restrictive classification. *See* section 203(b)(1)(A) of the Act; *see also Chawathe*, 25 I&N Dec. at 375-76 (standing for the proposition that to determine whether a petitioner has met their burden under the preponderance standard, we consider the quality, relevance, probative value, and credibility of the evidence).

The only evidence the Petitioner provided for the published material criterion was a 2005 interview with the Petitioner from [redacted] According to the Petitioner's evidence, the publication has a circulation of over 7,000. The Petitioner did not provide further published material about himself. This is not adequate evidence to demonstrate that the Petitioner has garnered significant recognition, indicative of someone at the top of their profession.

Regarding membership in associations, the Petitioner provided a number of letters from individuals attesting to his membership in the [redacted] Team and the [redacted] Team, and that such membership requires outstanding achievement. The evidence shows that he left the national team in 2006, and the Petitioner did not provide documentation indicating that he remains a member of the Moscow team since he moved to the United States. He has not provided evidence of membership in similar associations from recent years. Additionally, the Petitioner presented evidence that he acted as a judge for various competitions, but according to that record, he last judged competitions in 2013. These documents are not adequate to show by a preponderance of the evidence, that the Petitioner has sustained national or international posture of the small percentage at the very top of the field of endeavor. *Kazarian,* 596 F.3d at 1115; *Chawathe*, 25 I&N Dec. at 375-76.

[2] We observe that the record generally contains little evidence, as it pertains to the Petitioner's participation in the field, during this time period.

[3] Furthermore, the Petitioner only provided generalized indications of his placement at these events, but did not denote what division he competed in, such as a weight class, skill level, or age group. Without this information it is difficult to ascertain the significance of his claimed victories.

Concerning the Petitioner's experience as a coach, while he has presented documentation that he has acted as a coach, he has not provided sufficient documentation to show that he has reached the top of that profession. As mentioned previously, he served as an Assistant Head Coach for the [redacted] team. Nevertheless, beyond evidence verifying his former position, the Petitioner did not submit more detailed elaborating on his work with the team.

The Petitioner also provided a letter from [redacted], the head coach of the [redacted] Club. The letter states that the Petitioner was formally employed as a coach at the club in 2019, and then worked as a volunteer from 2022 to 2023. He indicates that the Petitioner contributed to two students' victories, but did not provide further details on the specific placement of the individuals or the significance of the competitions. The Petitioner presented two letters from his students' parents attesting to the Petitioner's coaching skills. The Petitioner additionally submitted a check from the club in payment for his services and some other documentation confirming his aforementioned experience coaching. This evidence shows that the Petitioner has acted as a coach, but does give further detail and is not sufficient enough to establish that his time as a coach has been noteworthy or even that he has significant experience coaching. It is not enough to demonstrate that the Petitioner is among the small percentage at the very top of the field of endeavor. *Kazarian*, 596 F.3d at 1115; *Chawathe*, 25 I&N Dec. at 375-76.

In summary, 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). The Petitioner's evidence confirms that the Petitioner has acted as an athlete and coach in his field. Nevertheless, he has not submitted extensive documentation exhibiting, by a preponderance of the evidence, that he has attained a level of expertise placing him among that small percentage that has risen to the very top of the field of endeavor. *Chawathe*, 25 I&N Dec. at 375-76.

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden here.

ORDER: The appeal is dismissed.