U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42090376

Date: MAY 5, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a karate athlete, 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.

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish that the Petitioner had a major, internationally recognized award, nor did it demonstrate that he met at least three of the ten regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). The matter is now before us on appeal. 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

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 two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to 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 (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 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). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. at 376.

II. ANALYSIS

The Petitioner is a karate athlete for [redacted] 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). The Petitioner initially claimed five criteria relating to awards, memberships, published materials, contributions, and leading or critical role. SCOPS determined the Petitioner established two of the regulatory criteria relating to published materials and leading or critical role. Because SCOPS granted only two of the claimed initial criteria, SCOPS did not undertake a final merits determination. On appeal, the Petitioner asserts he meets the evidentiary criteria relating to awards and memberships.[1]

Upon de novo review, we conclude the Petitioner has demonstrated that he meets the criterion relating to awards and memberships and therefore satisfies the initial evidence requirements for this classification.

[1] Although the Petitioner previously claimed to meet the criteria relating to contributions, he does not contest SCOPS' decision relating to this criterion on appeal or otherwise refer to it in his appeal brief. An issue not raised on appeal is waived. *See, e.g., 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)).

A. Evidentiary Criteria

1. 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." We first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally 6 USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

As previously noted, SCOPS determined that the Petitioner did not satisfy this criterion. However, upon review, the record contains sufficient documentary evidence to establish that the Petitioner received nationally and internationally recognized awards from karate events, and SCOPS' determination on this issue will be withdrawn. For example, the Petitioner provided documentation showing that he received double gold medals at the [redacted] South Asian Games and a bronze medal at the [redacted] Asian Karate Federation Karate Championship.

2. Memberships

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for "documentation of the alien's membership in associations in the field for which classification is sought." In addition, the association must require "outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." Once membership in a qualifying association has been established, we determine whether the association requires those at the alien's level of membership to have attained outstanding achievements in the field. *See generally 6 USCIS Policy Manual* F.2(B)(1).

The Petitioner claims he satisfies this criterion based on his membership with the [redacted] National Karate Team, which "is strictly limited to National Gold Medalists (Rank-1) at the National Games or National Karate Championships." We acknowledge that membership on a national team may, depending on the evidence presented in an individual case, be sufficient to satisfy this criterion. While an athletic team is not, strictly speaking, an "association," it is nonetheless equally true that an athlete can earn a place on a major national or an Olympic team only through rigorous competition which separates the very best from the great majority of participants in a given sport. Therefore, an athlete's membership on an Olympic team or a major national team may serve to meet this criterion as such teams are limited in the number of members and have a rigorous selection process. *See id.* (stating that election to a national all-star or Olympic team might serve as comparable evidence for evidence of membership in 8 C.F.R. § 204.5(h)(3)(h)). It is the Petitioner's burden, however, to demonstrate that he meets every element of a given criterion. We will not assume that every "national team" is sufficiently exclusive and requires outstanding achievements of its members as judged by recognized national or international experts in their fields or disciplines.

Here, the Petitioner provided a letter from the General Secretary of the [redacted] Commission of Karate, a letter from the Chief Executive Officer of the [redacted] a letter from the head coach of the [redacted] National Karate Team, and the Government of [redacted] Ministry of Culture, Sports, and Youth Affairs' Revised National Sports Policy 2005. The letters explain that the Petitioner is on the [redacted] National Karate Team due to winning gold medals at the National

Karate Championships and National Games. They also state that the selection process is conducted by the [redacted] selection committee, which consists of former national championships, international medalists, and certified referees and judges. However, the Revised National Sports Policy does not corroborate this information. The Revised National Sports Policy explains that "[o]n culmination of National level Tournaments, National Teams will be selected to participate in International Tournaments" but it does not provide any information on the [redacted] selection committee to establish that that individuals are judged by recognized national or international experts.

Without more, the Petitioner has not demonstrated his membership in associations requiring outstanding achievements in the field for which classification is sought, as judged by recognized national or international experts. Therefore, this criterion has not been met.

B. Final Merits Determination

The Petitioner has satisfied at least three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x) and therefore meets the initial evidence requirements for this classification. However, granting the third initial criterion does not suffice to establish the Petitioner's eligibility for the classification he seeks. USCIS must now make a final merits determination based on a review of the totality of the evidence the Petitioner provided. SCOPS did not make such a finding. Rather than make this determination in the first instance, we will remand the matter to SCOPS.

On remand, SCOPS must analyze the Petitioner's accomplishments and weigh the totality of the evidence, including the evidence and arguments provided on appeal, to determine if he established his extraordinary ability in his field of endeavor based on the statutory and regulatory standards. *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 should consider any potentially relevant evidence of record, even if it does not fit one of the evidentiary criteria or was not presented as comparable evidence. *See generally 6 USCIS Policy Manual* F.2(B)(2). The type and quality of evidence should determine the petition's approval or denial. *Id.*

For instance, while the Petitioner provided evidence reflecting his receipt of numerous gold, silver, and bronze medals, SCOPS should determine whether he has demonstrated the significance of the awards and how they place him among that small percentage at the very top of the field. *See Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4 (D.D.C. June 8, 2021), *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (upholding plaintiff did not contextualize his awards throughout his career to show sustained national or international acclaim).

Moreover, SCOPS should determine whether the Petitioner's membership with the [redacted] National Karate Team, as well as being the National Team's [redacted] shows sustained national or international acclaim or a career of acclaimed work. *See Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *5 (N.D. Cal. Nov. 11, 2021) (upholding the petitioner's membership did not demonstrate the requisite level of achievement or sustained acclaim to establish extraordinary ability). And whether the Petitioner has distinguished himself from others in the field based on his membership with the [redacted] National Karate Team.

Regarding media coverage, the Petitioner submitted several articles mentioning his competitive achievements in national and international karate championships. SCOPS should determine whether the Petitioner shows that such media coverage is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor, has achieved sustained national or international acclaim, or has a career of acclaimed work. For instance, SCOPS should decide whether the Petitioner shows how the amount of his media coverage compares to others in his field who are among the very top.

Finally, the record includes three reference letters, which discuss the Petitioner's accomplishments in national and international karate events. SCOPS should determine whether the letters contain sufficient information and explanation that show that the Petitioner is viewed by the overall field, rather than by a solicited few, among the upper echelon or that he has garnered recognition on a national or international scale, consistent with being among the small percentage at the very top of the field of endeavor.

III. CONCLUSION

By a preponderance of the evidence, the Petitioner has satisfied three initial evidentiary criteria. We will remand the matter to SCOPS for a final merits determination.

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