U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37720102

Date: MAY 12, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a professional soccer player who intends to work as a soccer coach, seeks classification as an individual of extraordinary ability. 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 satisfied at least three of ten initial evidentiary criteria for this classification, as required. In making this determination, SCOPS observed that the evidence the Petitioner provided in support of the petition almost exclusively relates to and documents his career as a competitive athlete, not as a coach. 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 immigrant visas available to aliens with 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. Aliens requesting this classification must establish that they seek to enter the United States to continue work in their area of extraordinary ability, and that their entry into the United States will substantially benefit the country.

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 international recognition of their achievements in the field through a one-time achievement in the form

of a major, internationally recognized award. Alternatively, a petitioner must submit evidence that meets at least three of the ten criteria 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. If those standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner meets the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien 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).

II. ANALYSIS

The record shows that the Petitioner played soccer professionally for various teams in Brazil and Saudi Arabia between 2008 and 2022. A "personal plan" provided in support of the petition indicates he "intends to teach soccer in the U.S. as well as to open his soccer academy" and provide "high-level coaching sessions and programs for athletes." In a separate personal statement, the Petitioner indicated he was working on obtaining the licenses required to work as a soccer coach in the United States and mentioned his plans to open a soccer school for children. Although the Petitioner indicated that he was still "active" as a professional athlete as of February 2023, he did not mention any specific plans or commitments to continue playing soccer competitively in the United States.

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 initially claimed to have satisfied six 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;
- (vii), Display at artistic exhibitions or showcases;
- (viii), Leading or critical role for distinguished organizations or establishments; and
- (ix), High salary or other significantly high remuneration for services.[1]

SCOPS concluded that the Petitioner had not met any of the claimed criteria. In making that determination, SCOPS stated that evidence relating to the Petitioner's past career as a soccer *player* does not relate to his intended field of endeavor as a soccer *coach* and observed that "the evidence presented appears to be exclusively relative to the [Petitioner's] accomplishments as a player."

[1] On appeal, the Petitioner does not contest SCOPS' determination that he did not submit evidence that satisfied the requirements at 8 C.F.R. § 204.5(h)(3)(ix). Any ground of ineligibility that is not raised on appeal is waived. *See 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)). Accordingly, we will not address this criterion.

SCOPS did not err by taking the Petitioner's planned career transition into account. The *USCIS Policy Manual* addresses the implications of a career transition from athlete to coach:

> Competitive athletics and coaching rely on different sets of skills and in general are not in the same area of expertise. However, many extraordinary athletes have gone on to be extraordinary coaches.
>
> Therefore, in general, if a beneficiary has clearly achieved recent national or international acclaim as an athlete *and has sustained that acclaim in the field of coaching or managing at a national level*, officers can consider the totality of the evidence as establishing an overall pattern of sustained acclaim and extraordinary ability such that USCIS can conclude that coaching is within the beneficiary's area of expertise.

See generally 6 *USCIS Policy Manual* F.2(A)(2), https://www.uscis.gov/policy-manual (emphasis added). [2]

However, the transition from athlete to coach is somewhat separate from the preliminary issue of whether the Petitioner has satisfied the initial criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). As noted, SCOPS concluded that he did not meet any of the six claimed criteria based on his achievements as an athlete *or* as a coach. On appeal, the Petitioner contends that SCOPS wrongfully ignored or disregarded certain evidence and did not sufficiently explain why he did not meet his burden to show that he meets at least three criteria based on his documented athletic achievements.

Upon consideration of the record, we conclude that the Petitioner satisfied two of the six claimed criteria based on evidence relating to his career as a professional soccer player. First, we conclude the Petitioner has established, by a preponderance of the evidence that he won Brazilian national championships with his teams in 2009 and 2011, and that this achievement meets the requirements of the lesser nationally or internationally recognized awards or prizes criterion at 8 C.F.R. § 204.5(h)(3)(i).[3]

Further, the record contains articles about the Petitioner, relating to his work as a soccer player, that were published in the Brazilian publication [redacted], as well as sufficient evidence to demonstrate that this publication qualifies as major media in Brazil. Accordingly, we conclude that the Petitioner satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(iii), based on this media coverage of his playing career.[4]

However, for the reasons provided below, the record does not establish that the Petitioner meets any of the remaining claimed criteria.

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[2] This policy has been repeatedly upheld in federal court. *See, e.g., Mussarova v. Garland,* 562 F.Supp.3d 837 (C.D. Cal. 2022) (affirming USCIS's distinction between playing and coaching in the case of an Olympic water polo athlete); *Integrity Gymnastics & Pure Power Cheerleading, LLC v. USCIS*, 131 F.Supp.3d 721 (S.D. Ohio 2015) (concluding that an Olympic gold medal-winning gymnast did not provide sufficient evidence to establish her extraordinary ability as a coach).

[3] While the Petitioner claimed he received other nationally recognized awards, such as being named '[redacted]' in 2018 and 2019, we agree with SCOPS that he did not provide sufficient documentary evidence to corroborate his receipt of this and certain other claimed awards.

[4] The Petitioner did not claim or establish eligibility under the criteria at 8 C.F.R. § 204.5(h)(3)(i) and (iii) based on evidence relating to his performance as a soccer coach.

1. Membership in associations in the field for which classification is sought that require outstanding achievements of their members. 8 C.F.R. § 204.5(h)(3)(ii).

To qualify under this criterion, the evidence must show that a person is member of an association in their field, that the association requires a person to have outstanding achievements in order to become a member, and that such achievements are judged by nationally or internationally recognized experts in that field. *Id.*; *see generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1).

The Petitioner claimed that he has been "a member of recognized professional soccer clubs in Brazil and Saudi Arabia," including [redacted]. He highlighted each team's history, achievements, and notable players, claiming the evidence demonstrates that these teams signed him based on his "outstanding achievements as a soccer player." He also provided evidence of his statistics as a player. He did not claim eligibility under this criterion based on any memberships he has held as a coach.

On appeal, the Petitioner correctly asserts that SCOPS' decision did not reflect full consideration of his evidence relating to this criterion. Nevertheless, we have reviewed the record and conclude it does not support the Petitioner's claim that his employment as a player on the roster of the above-referenced soccer teams satisfies the plain language requirements of this criterion. The Petitioner provided background information regarding these teams from their websites, media articles and other third-party sources, but he did not provide direct evidence from the teams detailing their specific membership or hiring requirements and indicating whether or how those requirements align with those set forth in the regulations at 8 C.F.R. § 204.5(h)(3)(ii).

The record does not contain, for example, documentation demonstrating that the Petitioner's prior employers "admitted" him as a paid player on their soccer teams based on a determination, made by recognized national or international experts in the field, that he has outstanding achievements in the field. Further, the Petitioner did not submit evidence showing that all players on any of these teams are required to meet similar requirements as an essential condition of being signed to a contract with the team. The Petitioner's general assertion that the teams that employed him are "globally recognized for their rigorous standards and reputations for excellence" does not overcome these evidentiary deficiencies. Accordingly, the Petitioner did not demonstrate that he meets this criterion.

2. Display of work at artistic exhibitions or showcases. 8 C.F.R. § 204.5(h)(3)(vii).

To meet this criterion, a petitioner must provide evidence that the work displayed is their own product. Further, they must document that the venues in which their work was displayed were "artistic exhibitions or showcases." *Id.* The dictionary definition of "exhibition" refers to "a public showing (as of works of art, objects of manufacture, or athletic skill.)"[5] While the dictionary definition includes public showings other than those that are artistic in nature, the plain language of the criterion includes the modifier "artistic" and explicitly requires that the exhibitions or showcases be artistic. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

[5] *See Exhibition*, *Merriam-Webster Dictionary*, https://www.merriam-webster.com/dictionary/exhibition.

The Petitioner claims his work has been displayed in national and international soccer tournaments that can be considered "public showings," emphasizing that such tournaments were attended by live audiences, televised, and/or available on streaming platforms. SCOPS concluded that the Petitioner has not shown his work in the field has been displayed in "an artistic exhibition or showcase." We agree. As noted, the plain language of the regulation requires evidence that a petitioner's work be displayed in an exhibition that is artistic in nature. USCIS may consider non-artistic exhibitions or showcases as part of a properly supported claim of comparable evidence under 8 C.F.R. § 204.5(h)(4). *Id.* Here, however, the Petitioner did not make or support such a claim and therefore did not meet his burden to demonstrate that he meets this criterion.

3. Performance in a leading or critical role for organizations or establishments with a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii).

In evaluating this criterion, USCIS must determine whether a petitioner has demonstrated that their role for an organization, or a division or department of an organization, is or was leading or critical. For a leading role, the evidence must establish that the person is or was a leader, based on their title and job duties. For a critical role, a petitioner should provide evidence that they have contributed in a way that is of significant importance to the outcome of the organization's activities. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Letters from those with personal knowledge of the significance of a petitioner's leading or critical role are particularly helpful so long as such letters contain detailed and probative information that specifically addresses how their role for the organization was leading or critical. *Id.*[6]

SCOPS acknowledged that the Petitioner provided letters of recommendation that praise his performance as a soccer player but emphasized that the letters did not specifically discuss how his role was critical or leading within an organization. The decision also acknowledges published materials in the record but notes that the submitted articles did not provide detailed information demonstrating the Petitioner held a leading or critical role with any organization that employed him.

On appeal, the Petitioner asserts that he "played in critical and leading roles for highly distinguished soccer organizations in Brazil and Saudi Arabia." The Petitioner states that these teams "are globally recognized for their rigorous standards and reputations for excellence, making his contributions essential to their successes" and contends that SCOPS did not fully consider the letters of recommendation and media coverage he submitted. The Petitioner further claims that "elite soccer players like [himself] are critical to a team's overall general strategy and performance" by providing leadership on the field, fostering cohesion among teammates and dictating the outcome of matches based on their individual performances. Finally, he highlights the importance of his position of [redacted], noting that such players are essential to any team's success.

The record includes a letter from the football executive director of [redacted] who states that the Petitioner, during his tenure with this Saudi Arabian team, had "achievements, goals and beautiful performances." The author also recommends the Petitioner as a "competent," "technically qualified,"

[6] As noted in the *USCIS Policy Manual*, the regulation at 8 C.F.R. § 204.5(g)(1) states that evidence relating to an alien's qualifying experience "shall be in the form of letter(s) from current or former employer(s)."

and "extremely committed" player. But he does not provide detailed and probative information that specifically addresses how the Petitioner's role for this organization was leading or critical.

The record contains three additional letters from professional soccer players who state that they played on the same team with the Petitioner. M-A- states that he played one season with the Petitioner on [redacted] in Saudi Arabia. He praises the Petitioner's knowledge of the sport and describes him as honest, hardworking, and dedicated. A-M-, who indicates he worked with the Petitioner on [redacted] and previously on a Brazilian under-20 team, praises the Petitioner's "professionalism and competence," and opines that he is "a valuable person" who "makes a difference to any team." Finally, the Petitioner provided a letter from B-F-B-, who indicates he played with the Petitioner on the [redacted] team in Brazil. He states that the Petitioner has "done work with excellence" and worked at a "high level" while "always complying with the rule and procedures of a club." We agree with SCOPS' determination that these letters do not contain the detailed and specific information needed to demonstrate the Petitioner's performance in a leading or critical role for any of these teams.

The Petitioner also requests consideration of media coverage relating to his playing career as evidence that he satisfies this criterion but does not point to specific articles that support his claim. As noted above, some of the submitted articles are sufficient to meet the plain language requirements of the criterion at 8 C.F.R. § 204.5(h)(3)(iii) because they are about the Petitioner, related to his work as a soccer player, and were published in a qualifying publication. For example, many of the articles were written to mark his movement from one team to another and provide some highlights from his career. However, none of the articles provide sufficient information to establish that he served in a leading or critical role with a given team, particularly in the absence of detailed letters from team representatives who can confirm the Petitioner's employment in such capacity.

Finally, we acknowledge the Petitioner's assertion that all "elite soccer players" or all those who play the [redacted] position, should be considered to hold critical roles for their teams. These broad claims that essentially every professional athlete in his sport should be deemed to qualify under this criterion are not persuasive. It is the Petitioner's burden to show, through the submission of relevant evidence pertaining to his own career and prior roles with specific organizations, that he can satisfy the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(viii). He has not made such a showing.

B. Final Merits Determination

For the reasons discussed above, the Petitioner has not demonstrated that he meets the initial evidence requirements for this classification based on the submitted evidence related to his career as a professional soccer player. Therefore, we need not make a final merits determination, as described in *Kazarian*, to evaluate whether he has achieved the high threshold of showing sustained national or international acclaim that places him among that small percentage of athletes at the very top of the field. *See* section 101(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2).

Further, separate from the issue of acclaim, the Petitioner must establish that he seeks to enter the United States to continue work in the area of claimed extraordinary ability. Section 203(b)(1)(A)(ii) of the Act; 8 C.F.R. § 204.5(h)(5). Like sustained acclaim, intention to continue work in the area of claimed extraordinary ability is a core eligibility requirement.

SCOPS concluded, and we agree, that the evidence the Petitioner provided in support of the initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3) exclusively relates to and documents his career as a professional soccer player between 2008 and 2022. Evidence of acclaim as an athlete does not establish acclaim or extraordinary ability as a coach. *See Lee v. Ziglar*, 237 F. Supp. 2d 914, 917 (N.D. Ill. 2002) (finding that the "distinction between extraordinary ability as a coach and a player is a reasonable one, entitled to deference," because playing and coaching "are markedly different roles").

Because the Petitioner has identified that he seeks employment in the field of coaching, and the statute requires that he "seeks to enter the United States to continue work in the area of extraordinary ability," the athlete to coach transition necessarily relies on demonstration of extraordinary ability, and thus sustained national or international acclaim, as a coach. If the evidence of record does not demonstrate that the Petitioner has sustained acclaim at the national or international level as a *coach*, then he cannot demonstrate that he meets all eligibility requirements for this classification. This would be the case even if he had met his burden to show that he met the initial evidentiary requirements and achieved the required level of sustained national or international acclaim as an athlete.

The Petitioner must meet eligibility requirements at the time of filing. *See* 8 C.F.R. § 103.2(b)(1). Here, the record does not demonstrate that, at the time of filing in December 2023, he had any formal coaching experience. Rather, the record shows that he obtained coaching licenses in 2023 and 2024 in preparation for future work as a coach.

On appeal, the Petitioner asserts that his "exceptional abilities extend beyond his accomplishments as a player to include his potential as a top-tier coach," emphasizing that he is equipped with the "tactical knowledge and leadership qualities necessary for coaching." He further emphasizes that he holds a [redacted] coaching license, noting that this credential is "universally recognized as the pinnacle qualification for soccer coaches," and that he has skills that are "directly transferable to a coaching role." Finally, the Petitioner maintains that "[c]oaching is a natural progression for an elite athlete of [his] caliber and aligns seamlessly with his extraordinary abilities as a player."

While the Petitioner may show potential as a coach, he cannot rely on such potential to demonstrate his eligibility for this highly restrictive classification. Rather, it is his burden to demonstrate that he has already personally achieved sustained national or international acclaim as a coach, the field in which he intends to work in the United States. Claims that other professional athletes have successfully made the transition and achieved acclaim as coaches do not establish that he has done the same.

With respect to the coaching licenses the Petitioner has attained to date, the documentation in the record identifies no requirements for the [redacted] license or other licenses other than completion of the required training course. The Petitioner has not supported his claim that the [redacted] license he obtained is "the pinnacle qualification for soccer coaches" or that attainment of a specific license reflects his existing acclaim as a coach or contributes to such acclaim. The Petitioner has not established extraordinary ability as a coach, which is the occupation he intends to pursue in the United States.

III. CONCLUSION

For the reasons discussed, SCOPS was correct to draw a distinction between the evidence regarding the Petitioner's career as an athlete and his intended future work as a coach. Even if the Petitioner had

met the initial evidence requirements at 8 C.F.R. § 204.5(h)(3)(i)-(x) based on his career as an athlete, the record shows he has not yet worked as a coach, and therefore his coaching activities cannot support a conclusion that the Petitioner has established the acclaim and recognition required for classification as an alien of extraordinary ability as a soccer coach.

The Petitioner seeks a highly restrictive visa classification, intended for individuals who have already reached, and remain at, the top of their respective fields, rather than those progressing toward the top, or who are embarking on new careers related to ones in which they had previously earned more recognition. Here, the Petitioner has not shown a degree of recognition of his coaching work that rises to the level of sustained national or international acclaim and demonstrates 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 that the Petitioner 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).

The Petitioner has not demonstrated eligibility as an alien of extraordinary ability. We will therefore dismiss the appeal.

ORDER: The appeal is dismissed.