U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42019479

Date: MAY 22, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a cricket player, seeks 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). This EB-1 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. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner had satisfied at least three of ten initial evidentiary criteria, but the totality of the material provided in a final merits determination did not show sustained national or international acclaim demonstrating that the Petitioner is among the small percentage at the very top of the field of endeavor. 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

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 United States as an immigrant.

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

The term "extraordinary ability" means expertise commensurate with "one 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 can demonstrate international recognition of his or her achievements in the field through a one-time

achievement (that is, a major, internationally recognized award), they must provide sufficient qualifying documentation that meets at least three of the ten lesser evidentiary criteria 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 evidence if they are 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.

If a petitioner meets these initial evidence requirements, U.S. Citizenship and Immigration Services (USCIS) must 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 Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step extraordinary ability analysis "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

The instant petition was filed on May 12, 2023. The record indicates that the Petitioner is a former cricket player of the [redacted] Cricket Team who competed internationally from 2001 to 2007. He continued to play cricket at the domestic level in [redacted] until he formally announced his retirement in 2020. The Petitioner claims that his retirement was temporary due to COVID-19 pandemic and he resumed his competitive playing after several months. Since 2023, the Petitioner has been playing cricket in various [redacted] cricket clubs in New Jersey and New York.

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 the following six initial criteria at 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (iv), (vii), and (ix):

- Receipt of lesser recognized awards or prizes for excellence in the field;
- Membership in associations in the field requiring outstanding achievements of their members;
- Published materials about the person;
- Participation as a judge of others' work;
- Display of work at artistic showcases or exhibitions; and
- Commanding a high salary in relation to others in the field.

SCOPS concluded that the Petitioner met three initial criteria at 8 C.F.R. § 204.5(h)(3)(i) (receipt of less recognized awards or prizes), (iii) (published materials), and (iv) (participation as a judge of others' work). However, in conducting a final merits determination, SCOPS concluded that the record did not demonstrate the Petitioner's sustained national or international acclaim and that he was one of the small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. We agree.

On appeal, the Petitioner generally contends that the evidence shows his "sustained national acclaim as a cricketer in his home country" because his championship and winner titles "ranged from 2002 to

2022" and the published materials span his entire cricket career "from the late 1990s until 2022." Then the Petitioner reiterates his intention to continue his career as a cricketer, to play cricket "on behalf of the US national team and further popularize the sport of cricket in the US," and "to bring prospective benefits to the US."

We first note that the Petitioner initially described his job as "playing and coaching the game of cricket" on Form I-140, Immigrant Petitioner for Alien Workers, and claimed that he has an offer of tentative employment from [redacted] to "train and coach young aspiring cricket players in the US." We acknowledge the possibility of an alien's extraordinary claim in more than one field, such as a coach and a cricket player, but the Petitioner must demonstrate "by clear evidence that the alien is coming to the United States to continue work in the area of expertise." *See* 8 C.F.R. § 204.5(h)(5). On appeal, the Petitioner focuses only on his intention to be a cricket player and does not raise the issue of his role as a cricket coach. As such, we consider this issue to be waived by the Petitioner. *See Matter of Garcia*, 28 I&N Dec. 693 n.1 (BIA 2023) (noting that issues not raised on appeal are waived); *see also Matter of O-R-E*, 28 I&N Dec. 330, 336 n.5 (BIA 2021).

Here, the Petitioner has received awards and prizes as a competitive cricket player, judged youths' abilities in cricket playing, and provided evidence of published materials about his cricket career, his membership, his salary as a brand ambassador, and YouTube videos of his cricket games. Although we acknowledge that the Petitioner has gained acclaim for himself by playing cricket on the [redacted] national team, the record does not sufficiently establish that the Petitioner's sustained national or international acclaim and recognition in the field of expertise, placing him at the very top of the field of endeavor, as discussed below. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B); *see also 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) (holding both sustained acclaim and recognition of achievements must be shown).

The Petitioner presented numerous photographs of awards, trophies, prizes, and certificates that he has received throughout his career as a cricket player. Although some award titles, such as '[redacted]' or '[redacted]," recognize excellence while he played for the national team from 2001 to 2007, the Petitioner did not provide sufficient context for many of these awards after he has stepped down from the national team, such as significance of the awards in the field or reputation of awarding entities to show his sustained national or international acclaim or his status at the very top of his field. Also, some photographs of the awards and trophies do not show dates of receipt.

Moreover, various published articles do not portray the Petitioner as someone who received sustained acclaim and recognition consistent with those who have risen to the top of his field. For example, the [redacted] article in [redacted] 2006 stated that the Petitioner's career "came to a sudden halt in 2002 due to injury" and quoted the Petitioner as saying that because he was no longer part of the national team, he "[g]radually got lost, not just from the media, cricketers like [the Petitioner] are lost in all discussions." In 2016, an article from the Daily Star quoted the Petitioner stating that "players above [redacted] in the domestic circuit do not get as much attention from the selectors as the younger players, no matter how they perform." In 2020, several articles announced the Petitioner's sudden retirement from the sport, indicating that the Petitioner hinted at transitioning to being a coach or selector. In particular, the [redacted] article from [redacted] 2020 noted that the Petitioner "failed to do

anything remarkable to be considered for the national side again" since his last international match in 2007. As such, these articles do not establish his sustained acclaim or being at the very top of his field.

Further, the record does not contain other published materials discussing his comeback as a cricketer either in [redacted] or in the United States, to illustrate continued acclaim and success after his retirement. In response to the notice of intent to deny, the Petitioner submitted an article published by [redacted] dated [redacted] 2021, indicating that the Petitioner plans to play in the [redacted] for the [redacted] team but the record does not corroborate that joining such team demonstrates acclaim or recognition in the field. Although the article summarizes the Petitioner's cricket playing history and talks about the Petitioner working as a brand ambassador, being involved in various social work, and preparing for cricket coaching, this single article does not establish that the Petitioner has sustained acclaim after retirement or that he resumed his place at the top of his field.

Although the Petitioner included photographs of prizes and awards after competing in regional cricket clubs in the United States,[1] he has not sufficiently demonstrated the significance of the awards and how they place him among that small percentage at the very top of the field. USCIS has long held that even athletes performing at the major league level do not automatically meet the statutory standards for classification as an individual of "extraordinary ability." *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). In addition, his cricket playing and tournament titles in the United States largely occurred after the filing of this petition and such evidence is not probative as the petitioner must be eligible as of the date of filing. *See* 8 C.F.R. § 103.2(b)(1); *see also Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg. Comm. 1971). We cannot consider "facts that come into being only subsequent to the filing of a petition." *Matter of Izummi*, 22 I&N Dec. at 176 (citing *Matter of Bardouille*, 18 I&N Dec. 114 (BIA 1981).

The Petitioner also submitted evidence of his participation as a judge of young cricket athletes aged 12 through 19 in the [redacted]" But judging youths in a single cricket contest event does not establish a consistent history of judging recognized, acclaimed individuals in the field. On appeal, the Petitioner claims that [redacted] involved collaboration with the [redacted] government's ministry of sports and education and demonstrates his national acclaim as a cricket player; however, the Petitioner has not included corroborating documentation to show that his participation in a single talent hunt rises to the level of extraordinary ability. The Petitioner also served as a mentor at the [redacted] youth development program and judged students' playing abilities, but such evidence is insufficient to indicate the required extraordinary ability or that he has a career of acclaimed work in the field.

Beyond the three criteria that the Petitioner satisfied, we consider additional documentation in the record in order to determine whether the totality of the evidence demonstrates eligibility. With respect to his membership in the [redacted] the Petitioner did not submit information about the criteria for this membership to show that it is based on the Petitioner's sustained acclaim and outstanding achievements beyond being a cricket player. Furthermore, the Petitioner submitted his two-year contractual agreement in 2020 with [redacted] to be its brand ambassador and his salary but did not demonstrate that his earnings are high compared to others at the very top of the

[1] The Petitioner indicated that he plays for the [redacted] and [redacted].

field or other renowned cricket players, or that he received attention or notoriety based on his profits or salary separating himself from others in the field or placing him in the upper echelon.[2] The Petitioner also submitted screenshots of YouTube videos showing his cricket matches but the evidence in the record does not establish that these videos rise to the level of sustained national or international acclaim at the very top of his field.

Finally, the Petitioner suggests that his petition should be approved as "other national-level cricket players from South Asia, like [the Petitioner], have previously been approved for this EB-1 "extraordinary ability" visa, and are playing for the US national cricket team." However, we are not required to approve petitions where eligibility has not been demonstrated, merely because of prior approvals that may contain different set of facts or may have been erroneous. *See e.g., Matter of Church Scientology Int'l*, 19 I&N Dec. 593, 597 (Comm'r 1988).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[3] The Petitioner has not demonstrated that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).[4] Here, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. at 954 (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visa are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown the significance of his work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

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, with each considered as an independent and alternate basis for the decision.

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[2] The Petitioner also submitted a letter showing that he is a brand ambassador for [redacted] but once again, he has not demonstrated that his profits are high in relation to other renowned cricket players.

[3] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence).

[4] The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that 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" for lesser classifications. 56 Fed. Reg. 30703, 30704 (July 5, 1991).

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.