U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37800170

Date: MAY 28, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is a water polo player who 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.

SCOPS initially denied the Form I-140, Immigrant Petition for Alien Workers (petition), and we remanded the matter for further consideration. SCOPS then reevaluated the Petitioner's eligibility and concluded the record did not establish that he had a major, internationally recognized award, nor did he demonstrate that he met at least three of the ten regulatory criteria. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility to U.S. Citizenship and Immigration Services (USCIS) by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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 under this immigrant classification, the statute requires the filing party demonstrate:

- The alien enjoys extraordinary ability in the sciences, arts, education, business, or athletics;
- They seek to enter the country to continue working in the area of extraordinary ability; and
- The alien's entry into the United States will substantially benefit the country in the future.

Section 203(b)(1)(A)(i)–(iii) of the Act. The term "extraordinary ability" refers only to those 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-step analysis. In the first step, 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). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation 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).

Where a petitioner meets these initial evidence requirements, we then move to the second step to 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, 1121 (9th Cir. 2010) (discussing a two-step 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, 394 (5th Cir. 2022).

II. ANALYSIS

The Petitioner is a water polo player and intends to continue in that role if admitted to the United States as a permanent resident.[1] He emerged as a stand-out player earning notable accolades as a collegiate water polo player.

A. One-time Achievement

The regulation establishes a multi-part analysis in demonstrating extraordinary ability. In the first part, an alien may submit evidence of a one-time achievement. *See* 8 C.F.R. § 204.5(h)(3); *see generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policymanual. Although the regulation provides that a one-time achievement represents a major, internationally recognized award, it does not specifically indicate any qualifying one-time achievements. *Id.* We therefore look to legislative history and congressional intent in further defining a one-time achievement.

The House Report specifically cited to the Nobel Prize as an example of a one-time achievement. *See* H.R. Rep. 101-723, 59 (Sept. 19, 1990), *reprinted in* 1990 U.S.C.C.A.N. 6710, 1990 WL 200418 at *6739. Also, congress intended that "admission under this category is to be reserved for that small percentage of individuals who have risen to the very top of their field of endeavor." *Id.* So, consistent with legislative history, a one-time achievement must be interpreted very narrowly, with only a small handful of awards qualifying as major, internationally recognized awards.

The selection of Nobel Laureates—the example congress provided—is reported in the top international media regardless of the nationality of the awardees, reflects a familiar name to the public at large, and includes a large cash prize. While an internationally recognized award could conceivably constitute a one-time achievement without meeting all of those elements, it is clear from congress' example that the award must be global in scope and internationally recognized. Other acknowledged one-time achievements include, as a non-exhaustive list of examples, an Academy Award, an Emmy, a Grammy, a Pulitzer Prize, and an Olympic Medal.

Furthermore, the claim that a major, internationally recognized award may not exist in a particular field does not mean that we should diminish the nature of the one-time achievement and accept the

[1] Although the Petitioner has served as what appears to be a water polo coach on a volunteer basis, he has not expressed that he will work as a coach if this petition is approved.

highest award a person can achieve in their particular field as a major, internationally recognized award. In cases where a person cannot obtain a one-time achievement, including instances where it is not available in a field, "[a]n alien can also qualify on the basis of a career of acclaimed work in the field" by satisfying three of the ten categories of evidence. *See* H.R. Rep. at 59 and 8 C.F.R. § 204.5(h)(3). Moreover, awards that may be nationally or internationally recognized in the field do not necessarily demonstrate that they are also major or consistent with one-time achievements. In those instances, the regulation at 8 C.F.R. § 204.5(h)(3)(i) allows for a person to submit lesser nationally or internationally recognized awards for excellence in the field.

In 2020 the Petitioner was one of three finalists for consideration of the [redacted] Award, but he did not win the award. SCOPS noted he was not the award's recipient and that "a finalist nomination does not carry the same weight as actually winning the award." Based on these factors, SCOPS decided he fell short of demonstrating he provided "evidence of a one-time achievement (that is, a major, international recognized award)." 8 C.F.R. § 204.5(h)(3).

On appeal, the Petitioner argues [t]he statute does not require winning an award in order to be considered a one-time achievement." He draws a comparison to the National Collegiate Athletic Association (NCAA) Heisman Trophy, and he picks from a select group of recent Heisman Trophy finalists who continued to play in the National Football League (NFL). Not surprisingly, the three individuals the Petitioner identifies were named as the offensive rookie of the year, a pro bowl selection in their second year in the league, and one who was named as the starting quarterback in his first year.

The Petitioner alleges that under the agency's interpretation, these NFL standouts would not be considered extraordinary athletes. But the Petitioner's reasoning doesn't bear out here because he's not only factoring in that select group of players' consideration for the Heisman Trophy, but also the achievements they enjoyed after being drafted onto an NFL team.

Also, the record lacks evidence to support the Petitioner's comparative arguments that the NCAA Heisman trophy qualifies as a one-time achievement and without such material in the record, to assert it qualifies is merely speculation. But even if that wasn't the case, despite the Petitioner—and others—analogizing collegiate water polo's [redacted] Award with American collegiate football's Heisman Trophy, he has not offered probative evidence that NCAA water polo's top award is sufficiently congruous with the NCAA's top collegiate football award. While the [redacted] Award may hold high merit within collegiate water polo, its comparative lack of media exposure, cultural ubiquity, institutional scale, and economic impact renders it less prestigious and less recognized than the Heisman Trophy.

Here, the Petitioner does not grapple with congress' creation of a highly restrictive requirement for an award that a person generally will only receive once in their lifetime, and the example the legislators offered was the Nobel Prize; although not every award must equal that stature. So, it was congress that set the bar so high for a one-time achievement which could result in some fields being precluded from consideration under that provision. Not all sports or fields issue awards that would qualify as a one-time achievement. For example, even though the following sports have a global or international governing body and include competitors from around the world, their awards are not widely covered by major international media outlets: [redacted] The [redacted] Award

appears to be one of those awards that, while it may be the top collegiate water polo award, simply doesn't enjoy the stature needed to qualify as it is not reported in the top international media regardless of the nationality of the awardees, is not a familiar name to the public at large, and does not include a large cash prize.

For all of the reasons stated above, we conclude that the Petitioner has not received a one-time achievement that is, a major, internationally recognized award.

B. Evidentiary Criteria

Because the Petitioner has claimed but not established that he has 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). Before SCOPS, the Petitioner claimed he met four of the regulatory criteria. SCOPS decided that the Petitioner satisfied one of the criteria relating to published material and we will not disturb that decision. SCOPS also decided that he had not satisfied the criteria associated with prizes or awards, membership, or performing in a leading or critical role. On appeal, the Petitioner maintains that he meets the same evidentiary criteria. After reviewing all the evidence in the record, we conclude he has not demonstrated he is eligible for this restrictive immigrant classification.

1. "Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." 8 C.F.R. § 204.5(h)(3)(i).

This criterion contains several evidentiary elements, all of which must be met to satisfy the regulation. According to the plain language of the regulation the evidence must establish: (1) the alien is the recipient of the prizes or the awards; (2) those accolades are nationally or internationally recognized; and (3) each prize or award is one for excellence in the field of endeavor.

The Petitioner provided a description, photographs, and articles relating to awards he received while competing in his home country, multiple articles from the U.S.-based [redacted] and claims associated with his collegiate awards he earned in the United States. SCOPS determined that the Petitioner did not meet the requirements of this criterion.

We begin our analysis acknowledging the Petitioner's statement that within a previously filed petition under this same immigrant classification, SCOPS issued a favorable determination under this criterion. The Petitioner effectively conveys he should not have to re-prove his eligibility under this requirement in this petition. We note the Petitioner did not identify any authority indicating SCOPS is required to give deference to prior determinations when adjudicating extraordinary ability petitions. The regulation repeatedly reflects that an eligibility determination on a benefit request will be based on information contained in the record of proceeding. 8 C.F.R. §§ 103.2(b)(10), (11), (14), (16)(i)–(ii). A case-by-case determination must be made on each individual record of proceeding. *See, e.g.*, *Matter of H-C-R-C-*, 28 I&N Dec. 809, 812 (BIA 2024). Further, it is possible SCOPS made an error in the previously filed petition, and it would be unwise for the agency to grant blind deference when the possibility of errors exists. We are not required to approve petitions—or distinct elements in petitions—where eligibility has not been demonstrated in current filings, merely because of prior approvals that could have included errors. *Matter of Church Scientology International*, 19 I&N Dec. 593, 597 (Comm'r 1988).

At any rate, it is unnecessary for us to compare the two filings as we will provide analysis of the facts and evidence present in this petition. We begin dispelling any assertions that the Petitioner may claim the [redacted] Award under this criterion, as he did not win that accolade. The Petitioner's initial filing included the coverage of his awards in his home country and listed his collegiate awards he earned in the United States, but SCOPS informed him in their request for evidence (RFE) that he must submit evidence those awards were nationally or internationally recognized.

In response, the Petitioner noted that the documentation USCIS typically requires under this requirement essentially does not exist because water polo is not a front-page sport and little traditional major media coverage of individual awards and recognition exists. But the Petitioner provided the best available evidence to date through a letter from the General Secretary of the [redacted] listing his foreign earned awards. And he focused attention on an article he provided in the initial filing from the [redacted] listing various collegiate-level awards he earned in the United States. SCOPS decided this evidence did not meet this criterion's plain language requirements.

We note the absence of evidence reflecting any of these lesser awards were nationally or internationally recognized. National and international recognition results, not from the individual who signed the prize or the award, but through the awareness of the accolade in the eyes of the field nationally or internationally. This recognition should be evident through specific means; for example but not limited to, national or international-level media coverage. A national or international level competition may issue lesser awards that merely receive local or regional recognition, which do not meet the plain language requirements of this criterion. Additionally, unsupported conclusory letters from those in the Petitioner's field are not sufficient evidence that a particular prize or award is nationally or internationally recognized. Sufficiently probative evidence that an award is nationally or internationally recognized is generally material from sources besides the issuing entity. *Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021).

Because the Petitioner's appeal brief completely argues that USCIS should defer to its determination in a previous petition that he satisfied this criterion and he does not advance any arguments that his prizes or awards are nationally or internationally recognized, he has not submitted evidence that meets the plain language requirements of this criterion.

2. "Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." 8 C.F.R. § 204.5(h)(3)(ii).

This criterion contains several evidentiary elements the Petitioner must satisfy. First, the Petitioner must demonstrate that he is a member of an association in his field. Second, the Petitioner must demonstrate both of the following: (1) the associations utilize nationally or internationally recognized experts to judge the achievements of prospective members to determine if the achievements are outstanding, and (2) the associations use this outstanding determination as a condition of eligibility for prospective membership.

SCOPS determined that the Petitioner did not meet the requirements of this criterion. On appeal, the Petitioner's claims consist of being named as a NCAA All-American and his place on the water polo team associated with the [redacted]

First, 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 or being named as an All-American 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 a comparable evidence claim under 8 C.F.R. § 214.2(h)(4) as such teams are limited in the number of members and have a rigorous selection process. *See generally* 6 *USCIS Policy Manual*, *supra*, F.2(B)(1) (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)(ii)).

It is the Petitioner's burden, however, to demonstrate that he meets every element of a given criterion. We will not presume 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. We observe the Petitioner did not claim his naming to the All-American team should be considered as comparable evidence before SCOPS. As such, his All-American claim falls short here and we will not consider this claim further in this appeal.

Moving to his claimed membership in the [redacted], in the appeal he notes this [redacted] to the [redacted], but he does not offer any arguments for this club identifying how it might satisfy this criterion's requirements. Revisiting his initial filing and RFE response, the Petitioner discussed the acclaim emanating from this club, but he merged his claims relating to this club with other water polo teams, and with the requirements of other regulatory criteria. As such, he did not present a direct claim pertaining to this criterion's main requirements.

And we do not observe that any of the evidence he offered relating to this club shows it meets the regulation's mandates. The letter from [redacted] head coach conveys the Petitioner's skills and abilities. The head coach's letter is more relevant to a different regulatory requirement under this immigrant classification instead of focusing on his inclusion on this club being a membership in an association that requires outstanding achievements of its members. Recall our previous discussion about the Petitioner being named as an All-American and how that naming did not offer all the elements necessary to satisfy this criterion's requirements. Again, agency policy discusses how an athlete's membership on an Olympic team or a major national team may serve to meet this criterion as a comparable evidence claim under 8 C.F.R. § 214.2(h)(4) but it does not reflect it will act as a qualifying claim when made as a direct eligibility claim. As a result, the Petitioner's [redacted] claims also fall short.

Because of these evidentiary shortcomings, the Petitioner has not submitted evidence that meets the plain language requirements of this criterion.

3. We Reserve the Petitioner's Remaining Eligibility Claim under 8 C.F.R. § 204.5(h)(3)(viii)

We conclude that although the Petitioner satisfies the published material criterion, he does not meet the criteria regarding lesser prizes or awards or membership requirements. While he argues and submits evidence for one additional criterion on appeal relating to performing in a leading or critical role at 8 C.F.R. § 204.5(h)(3)(viii), it is unnecessary that we make a decision on this additional ground because he cannot numerically meet the required number of criteria. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), we reserve the remaining issue. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)); *see also Matter of M-S-I-*, 29 I&N Dec. 61, 65 (BIA 2025) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we do not need to provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119–20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for those progressing toward that goal. 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). Here, the Petitioner has not shown the significance of their work is indicative of the required sustained national or international acclaim or that it is consistent with 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). Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and they are one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an alien 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.

ORDER: The appeal is dismissed.