U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39821907

Date: NOV. 5, 2025

Appeal of Service Center Operations (SCOPS) Decision

Form I-129, Petition for a Nonimmigrant Worker (Extraordinary Ability – O)

The Petitioner, a fencing club, seeks to classify the Beneficiary as a fencing master of extraordinary ability. This O-1 nonimmigrant visa classification is available to individuals with extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i).

SCOPS denied the petition concluding that the Petitioner did not show the Beneficiary satisfied at least three of eight possible forms of documentation. 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 dismiss the appeal.

I. LAW

As relevant here, section 101(a)(15)(O)(i) of the Act establishes O-1 classification for an individual who has extraordinary ability in the sciences, arts, education, business, or athletics that has been demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability. Department of Homeland Security (DHS) regulations define "extraordinary ability in the field of science, education, business, or athletics" as "a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor." 8 C.F.R. § 214.2(o)(3)(ii).

Next, DHS regulations set forth alternative evidentiary criteria for establishing a beneficiary's sustained acclaim and the recognition of achievements. A petitioner may submit evidence either of "a major, internationally recognized award, such as a Nobel Prize," or of at least three of eight listed categories of documents. 8 C.F.R. § 214.2(o)(3)(iii)(A)-(B). If the petitioner demonstrates a criterion

does not readily apply to the beneficiary's occupation, it may submit comparable evidence to establish eligibility. 8 C.F.R. § 214.2(o)(3)(iii)(C).

The submission of documents satisfying the initial evidentiary criteria does not, in and of itself, establish eligibility for O-1 classification. *See* 59 Fed. Reg. 41818, 41820 (Aug. 15, 1994) ("The evidence submitted by the petitioner is not the standard for the classification, but merely the mechanism to establish whether the standard has been met.") Accordingly, where a petitioner provides qualifying evidence satisfying the initial evidentiary criteria, we will determine whether the totality of the record and the quality of the evidence show sustained national or international acclaim such that the individual is among the small percentage at the very top of the field of endeavor. *See* section 101(a)(15)(o)(i) of the Act and 8 C.F.R. § 214.2(o)(3)(ii), (iii).[1]

II. ANALYSIS

Because the Petitioner did not indicate or establish the Beneficiary has received a major, internationally recognized award, it must demonstrate the Beneficiary satisfies at least three of the alternate regulatory criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*)-(*8*). SCOPS determined the Beneficiary fulfilled only one (critical or essential capacity under 8 C.F.R. § 214.2(o)(3)(B)(iii)(*7*)) of the six claimed categories. On appeal, the Petitioner maintains the Beneficiary meets three additional criteria.[2]

Moreover, the Petitioner submits new evidence on appeal. Because the Petitioner was put on notice and given a reasonable opportunity to provide this evidence, we will not consider it for the first time on appeal. *See Matter of Furtado*, 28 I&N Dec. 794, 801-02 (BIA 2024) (declining to consider new evidence on appeal when the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it) (citing *Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988)); *see also* 8 C.F.R. § 103.2(b)(11) (requiring that in response to a request for evidence or notice of intent to deny, all evidence must be submitted together at one time and that submitting only some of the requested evidence will be considered a request for a decision on the record).

A. Awards

The Petitioner argues that SCOPS "improperly discounted testimonial evidence from [redacted] medalists and national champions who credited [the Beneficiary's] coaching for their achievements." The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*) requires "[d]ocumentation of the *alien's* receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor." (emphasis added). USCIS determines whether the person was the recipient of prizes or awards in the field of endeavor.[3] A person may rely on a team award, provided the person is one of the recipients of the award.[4]

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[1] *See also generally* 2 *USCIS Policy Manual*, M.4(C)(2), https://www.uscis.gov/policymanaul.

[2] Any ground of eligibility 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)).

[3] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

[4] *Id.*

Here, the Petitioner claims the Beneficiary's eligibility based on awards or prizes won by his students, some of which received various awards after the Beneficiary's tenure as their coach. Although the Petitioner presented letters from individuals who were coached by the Beneficiary and credited him for being impactful in their athletic accomplishments, the Petitioner did not establish that the Beneficiary received nationally or internationally recognized prizes or awards for excellence in the field. Without evidence showing that the Beneficiary actually acquired those prizes or awards, the submission of evidence reflecting prizes or awards obtained by others is not sufficient to meet this criterion.

Accordingly, the Petitioner did not demonstrate the Beneficiary satisfies this criterion.

B. Judging

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*4*) requires "[e]vidence of the alien's participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization to that for which classification is sought." USCIS determines whether the person has acted as the judge of the work of others in the same or an allied field of specialization.[5]

As indicated in SCOPS' decision, the Petitioner initially claimed that the Beneficiary was appointed as a director of the "[redacted]organized by the [redacted] "[h]owever, the documents did not explain how the beneficiary participated as a judge to evaluate the works of others," and the "evidence suggest[ed] that the beneficiary was employed as a Director in an advisory role to train students at a training camp which [was] more akin to a coach, rather than being invited as a judge to evaluate works of others." In response to the request for evidence, the Petitioner presented a letter from the Beneficiary asserting his participation in various juries. However, the Petitioner did not support the record with evidence corroborating any of the Beneficiary's claims.

For the reasons discussed in SCOPS' decision, we agree that the Petitioner did not demonstrate the Beneficiary participated as a judge of the work of others consistent with this regulatory criterion, and the Petitioner did not provide evidence supporting the Beneficiary's assertions in his self-serving letter.[6]

III. CONCLUSION

The Petitioner did not establish the Beneficiary meets any additional criteria discussed above. Although the Petitioner claims the Beneficiary's eligibility for an additional criterion on appeal (original contributions under 8 C.F.R. § 214.2(o)(3)(iii)(B)(*5*)), we need not reach this ground because the Beneficiary cannot fulfill the initial evidentiary requirement of at least three under 8 C.F.R. § 214.2(o)(3)(iii)(B). We also need not provide a totality determination to establish whether the

[5] *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2).

[6] The Petitioner's new evidence submitted on appeal indicates requests and invitations to participate in jury proceedings rather than evidence of actual participation in the jury proceedings. *See generally* 2 *USCIS Policy Manual*, *supra*, at M.4(C)(2) (instructing that the petitioner must show that the beneficiary has not only been invited to judge the work of others, but also that the beneficiary actually participated in the judging of the work of others in the same or allied field of specialization).

Beneficiary has sustained national or international acclaim and is one of the small percentage who has risen to the very top of the field. *See* section 101(a)(15)(O)(i) of the Act and 8 C.F.R. § 214.2(o)(3)(ii) and (iii).[7] Accordingly, we reserve these issues.[8] Consequently, the Petitioner has not established the Beneficiary's eligibility for the O-1 visa classification 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.

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.

[7] *See also* 2 *USCIS Policy Manual*, *supra*, at M.4(B).

[8] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).