U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39294985

Date: SEPT. 10, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a soccer coach, seeks classification as an individual 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 that the record did not establish the Petitioner's sustained national or international acclaim and that he is 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. 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 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. 369, 376 (AAO 2010).

II. ANALYSIS

The record reflects that the Petitioner, a native and citizen of Ukraine, is a soccer coach.[1] The Petitioner does not claim that he has a major, internationally recognized award. The Petitioner instead provided documentation to establish that he meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). SCOPS reviewed the Petitioner's evidence and determined that he fulfilled three of the initial evidentiary criteria: membership in associations in the field at 8 C.F.R. § 204.5(h)(3)(ii); published material about the alien in professional or major trade publications at 8 C.F.R. § 204.5(h)(3)(iii); and participation as a judge of the work of others in the same or allied field at 8 C.F.R. § 204.5(h)(3)(iv). SCOPS, however, denied the petition after a final merits determination, finding that the Petitioner had not shown that he is enjoying sustained national or international acclaim and that he is one of the small percentage at the very top of the field of endeavor. On appeal, the Petitioner asserts that he has met this standard and SCOPS failed to consider the extensive media coverage of his methodologies, contributions, and leadership roles in major professional sports outlets, as well as the wide-scale adoption of his training methods, his national awards and leadership roles, and documentation of the impact of his methodologies on Ukrainian youth soccer development.[2]

[1] On his Form I-140 petition, the Petitioner listed his occupation as "soccer coach" and job title as "soccer coach/methodologist." The Petitioner explains that throughout the petition, the term "football" refers to the sport commonly known as soccer in the United States.

[2] The Petitioner also asserts that he meets the criteria at 8 C.F.R. § 204.5(h)(3)(v),(viii). However, because the Petitioner has met the initial evidence requirements of at least three criteria, it is unnecessary to discuss any additional eligibility claims relating to the regulatory provisions at 8 C.F.R. § 204.5(h)(3)(i)-(x).

As discussed further below, the Petitioner, a former professional soccer player and youth soccer coach, has received awards, is a member of soccer associations, has had media coverage, authored a youth soccer training guide, and organized and judged youth soccer tournaments. However, in considering the totality of the evidence, the Petitioner has not demonstrated that his achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. *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. Furthermore, the Petitioner has not shown that he has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). 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. 30703-01, 30704. Here, the Petitioner has not established that he enjoys a career that meets this very high standard.

First, the Petitioner asserts that SCOPS failed to consider as part of the totality of the evidence the "extensive published coverage" he has received. The Petitioner refers to articles he previously submitted from Ukrainian online sports journals, which discuss his career as a former professional club soccer player in the [redacted], his development and implementation of soccer coaching techniques as the chief methodologist at the [redacted] his publication of a soccer training guide, '[redacted],"[3] and his organization of international youth soccer tournaments, [redacted], and [redacted]. The articles focus on the recognition the Petitioner has received at a regional level for his involvement in youth soccer. The Petitioner has not shown how or claimed that any of the articles establish he has a level of success among that small percentage who has risen to the very top of the field of endeavor in soccer coaching at the national level, has achieved sustained national or international acclaim for his soccer coaching skills, or has a career of acclaimed work as a soccer coach.

Next, the Petitioner claims that SCOPS overlooked the evidence of "wide-scale adoption of [his] training methods," in soccer schools and clubs in Ukraine.[4] He points to the previously submitted agreements with soccer clubs, leagues, and schools for the usage of his soccer training guide. The record contains a recent letter from the [redacted] stating that the methodology in the training guide has been used since 2018 and implemented "in more than [redacted] schools and academies in Ukraine." The Petitioner also submitted "reviews" of the training guide, including reviews from the [redacted] and the [redacted] and [redacted],[5] recommending the guide for training soccer players. Although this evidence demonstrates that the Petitioner's training curriculum has been used

[3] This title is from the certified English translation of the guide in the record; the Petitioner, in his appeal brief, refers to the guide as "[redacted]."

[4] The Petitioner asserts that his training methods are also being used in Kazakhstan, and he submitted a "letter of acknowledgement" from the [redacted] region.

[5] In his brief, the Petitioner states that [redacted] is the [redacted] and [redacted] is the [redacted].

as a guide in youth soccer academies and clubs, the Petitioner has not submitted any objective documentary evidence of his contributions to the field, such as data-driven published material assessing the impact of his methodology or other documentation demonstrating its originality and significance to the field of youth soccer and showing that his work received recognition in the field as being significantly important or unusually influential. We recognize that the Petitioner's training guide has been adopted by many youth soccer institutions in Ukraine, but when considering the totality of the evidence, the record does not establish that the Petitioner has developed a unique, original methodology for coaching soccer achieving notable results. Nor has he shown how this methodology compares to those of others at the very top of his field. Consequently, the record does not show that his achievement has been recognized in the field of expertise through extensive documentation or that he has a level of expertise that places him among the small percentage at the very top of his field.

The Petitioner also asserts that his extraordinary ability is demonstrated by his receipt of several awards and commendations from recognized institutions. Specifically, the Petitioner asserts that for his contributions, he received the [redacted] Award from the [redacted] "a prestigious recognition of high-level achievement in football administration, development, or sports management within Ukraine's national football ecosystem." He also claims that "[f]or his important contribution to the country's football development" he was awarded the [redacted] by the [redacted] and has received "[n]umerous certificates of honor," which "serve as evidence of national acclamation of [his] dedication and his creation of a strong foundation for professional football in Ukraine." Although the record contains evidence of awards and other accolades, which show recognition of the Petitioner as a former professional soccer player and his work developing a youth soccer training guide and organizing youth soccer tournaments, the Petitioner has not demonstrated how they indicate sustained national or international acclaim or a career of acclaimed work as a soccer coach. As stated in the denial notice, the Petitioner has not submitted evidence demonstrating the criteria used to grant the awards and other accolades, their national or international significance, their geographic scope, how many are issued each year, who has previously received them, and how he compares with others at the top echelon of his field. As a result, the Petitioner has not shown the significance of the awards and other accolades and how they place him among that small percentage at the very top of the field.[6] *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) (plaintiff did not contextualize his awards throughout his career to show sustained national or international acclaim).

The Petitioner further asserts that the recommendation letters he submitted from top national players and coaches in Ukraine show his nationwide impact and recognition. The recommendation letters briefly discuss the Petitioner's pervious career as a soccer player, and his subsequent influence on youth soccer through his work developing a training guide and organizing international tournaments. While the letters praise the Petitioner for his impact on youth soccer, none of them show that the Petitioner has garnered recognition on a national or international scale as a soccer coach, consistent

[6] 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." *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994).

with being among the small percentage at the very top of the field of endeavor. For example, the Petitioner highlights a letter from [redacted], who the Petitioner states is "a distinguished Soviet, Russian, and Ukrainian football player." In his letter, [redacted] remarks that the Petitioner "went down in history becoming the author of an innovative method of educating young football players . . . [and his] method has become a modern base of the new Ukrainian football school." But Mr. [redacted] does not further discuss how he concluded that the Petitioner's training guide is historical or has had such a remarkable influence on youth soccer institutions in Ukraine. Although the letters briefly mention the Petitioner's achievements, they do not reflect a career of acclaimed work in the field, garnering the required sustained national or international acclaim. *See Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *3 (E.D. Va. Apr. 20, 2021) (finding the plaintiff submitted letters only from people within his circle of professional acquaintances, and none of the letters point to evidence of extensive documentation of his accomplishments to show sustained national or international acclaim).

Additionally, the Petitioner claims that he has held an essential role with institutions with distinguished reputations and SCOPS "failed to credit [his] role as Chief Methodologist at the [redacted] for [redacted] and leadership roles within national and regional football associations." The Petitioner notes that the [redacted] has sent several of its students to "high-level" national and international teams. He further states that [redacted] is a member of the [redacted] Ukraine and as an ambassador for this organization, his responsibilities included popularizing soccer, engaging youth, and advocating values. The Petitioner further asserts that he has had a key role organizing international youth soccer tournaments in Ukraine and Bulgaria, including the [redacted], and the [redacted] He also states that he is a pro bono advisor to the Chairman of the [redacted] Association, promoting the popularization and development of sports and football in the region. We agree that the Petitioner has shown he has had a role in promoting and developing youth soccer in Ukraine. However, under the final merits portion of the analysis, we look at the Petitioner's evidence in its entirety to determine if he has established that he has extraordinary ability in the field. We find that while the Petitioner has worked with soccer associations to promote youth soccer in Ukraine and organized and judged international youth soccer tournaments, he has not shown that this sets him apart from other soccer coaches and demonstrates extraordinary ability and sustained national or international acclaim at the very top of his field.

Consequently, the record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[7] 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

[7] Although we do not discuss each piece of evidence in the record, the entire record was reviewed as part of the final merits determination.

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.[8] *See* 8 C.F.R. § 204.5(h)(2).

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.

[8] The Petitioner also claims that SCOPS failed to consider the prospective benefit to the United States. The statute requires that the alien's entry into the United States will substantially benefit prospectively the United States. Section 203(b)(1)(A)(iii) of the Act, 8 U.S.C. § 1153(b)(1)(A)(iii); *see also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(A)(3). Because the Petitioner has not demonstrated eligibility under section 203(b)(1)(A)(i) of the Act, we need not render a determination regarding whether his entry into the United States will substantially benefit prospectively our nation. *See Job v. Jaddou*, No. 4:22-CV-03017, 2024 WL 2963795, at *4 (S.D. Tex. June 12, 2024) (upholding a determination of whether the plaintiff would substantially benefit prospectively the United States was not needed because the plaintiff did not establish sustained national or international acclaim).