



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF R-J-A-F-

DATE: SEPT. 7, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a sailing coach, seeks classification as an individual of extraordinary ability in athletics. *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.

The Director of the Texas Service Center denied the petition, concluding the Petitioner had satisfied only two of the regulatory criteria, of which he must meet at least three.

The matter is now before us on appeal. In his appeal, the Petitioner submits a brief stating that he meets at least one additional criterion.

Upon *de novo* review, we will sustain the appeal.

I. LAW

Section 203(b) of the Act states in pertinent part:

(1) Priority workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):

(A) Aliens with extraordinary ability. – An alien is described in this subparagraph 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

*Matter of R-J-A-F-*

- (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 a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the 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 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).

Satisfaction of at least three criteria, however, does not, in and of itself, establish eligibility for this classification. *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. Beeers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011), *aff'd*, 683 F.3d 1030 (9th Cir. 2012); *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010) (holding that the "truth is to be determined not by the quantity of evidence alone but by its quality" and that U.S. Citizenship and Immigration Services (USCIS) examines "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"). Accordingly, where a petitioner submits qualifying evidence under at least three criteria, we will determine whether the totality of 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.

## II. ANALYSIS

The Petitioner serves as coach of the [REDACTED]. The Director found that the Petitioner met the published material criterion under 8 C.F.R. § 204.5(h)(3)(iii) and the leading or critical role criterion under 8 C.F.R. § 204.5(h)(3)(viii) but had not satisfied any of the other criteria at 8 C.F.R. § 204.5(h)(3). On appeal, the Petitioner establishes that he meets the membership criterion under 8 C.F.R. § 204.5(h)(3)(ii). For the reasons discussed below, the record supports a finding that the Petitioner meets the plain language requirements of at least three criteria.

### A. Evidentiary Criteria

*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).

The record of proceedings reflects that the Petitioner is a member of the [REDACTED]. The Petitioner submitted a letter from [REDACTED] General Secretary for the

*Matter of R-J-A-F-*

\_\_\_\_\_ who explains that it is the national governing body for the sport of sailing under the \_\_\_\_\_. In addition, membership with the national team, as approved by \_\_\_\_\_ requires: (1) active coaching or athletic status; (2) unanimous approval by the \_\_\_\_\_ board, which consists of knowledgeable experts based on prior athletic involvement or judging experience; (3) national ranking in the top three for a coach; and (4) other considerations such as experience and recognition. Further, \_\_\_\_\_ notes that the Petitioner received membership based on unanimous approval of the \_\_\_\_\_ as he had the \_\_\_\_\_ ranking in Venezuela as a sailing coach.

Given the above information, the Petitioner has shown that his membership with the \_\_\_\_\_ requires outstanding achievements, as judged by national experts in sailing. Accordingly, the Petitioner has established that he meets this regulatory criterion.

*Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii).*

The Director concluded that the Petitioner meets this criterion based on a submitted article from the newspaper \_\_\_\_\_ that discusses his training and coaching of Venezuelan sailors. In addition, the article talks about the Petitioner's plans for his sailors to compete at the \_\_\_\_\_ and qualify at the \_\_\_\_\_. The record supports the Director's finding on this issue.

*Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii).*

The Director determined that the Petitioner performed in a leading or critical role as one of the head coaches for the \_\_\_\_\_ which has a distinguished reputation. The Petitioner documented his role as a coach of several athletes who qualified for the 2016 \_\_\_\_\_ and the 2015 \_\_\_\_\_ while under his tutelage. Based on a review of the record of proceedings, we concur with the Director's finding that the Petitioner meets this criterion.

## B. Summary

As explained above, the Petitioner satisfied three of the regulatory criteria. As a result, the Petitioner has submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x).

## C. Final Merits Determination

The next step is a final merits determination that considers all evidence in the context of whether or not the Petitioner has shown a level of expertise indicating that he or she is one of that small

(b)(6)

*Matter of R-J-A-F-*

percentage who has risen to the very top of the field of endeavor demonstrated by sustained national or international acclaim and achievements that have been recognized in the field through extensive documentation. Section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2). *See also Kazarian*, 596 F.3d at 1119-20.

The Petitioner has documented his coaching experience since 2008 and the record reflects he has served as the coach of the [REDACTED]. In that capacity, the Petitioner has been selected to represent Venezuela at international competitions due to his [REDACTED] ranking as a coach for multiple years. According to the previously discussed letter by [REDACTED] the [REDACTED] only selects the top [REDACTED] ranked coaches to represent Venezuela at international competitions.

Although the Petitioner provided a single article from [REDACTED] that reflected an in-depth interview and discussion of the Petitioner’s coaching experience, he also submitted other articles that confirmed his role and importance to the [REDACTED]. For instance, an [REDACTED] article indicated that “Vargas State [Venezuela] demonstrated its high competitive level guided by coach [the Petitioner], who returned last week from [REDACTED] Brazil where he accompanied the [REDACTED].”

The record of proceedings also reflects that the Petitioner’s athletes achieved success in various tournaments and competitions under his tutelage:

[REDACTED]

Bronze Medal	2014	[REDACTED]	[REDACTED]
Bronze Medal	2014	[REDACTED]	[REDACTED]
Gold Medal	2010	[REDACTED]	[REDACTED]
Gold Medal	2010	[REDACTED]	[REDACTED]

[REDACTED]

Gold Medal	2015	[REDACTED]	[REDACTED]
Gold Medal	2015	[REDACTED]	[REDACTED]
Silver Medal	2015	[REDACTED]	[REDACTED]
Gold Medal	2014	[REDACTED]	[REDACTED]
Gold Medal	2014	[REDACTED]	[REDACTED]
Gold Medal	2013	[REDACTED]	[REDACTED]
Bronze Medal	2013	[REDACTED]	[REDACTED]

[REDACTED]

Gold Medal	2014	[REDACTED]	[REDACTED]
Gold Medal	2014	[REDACTED]	[REDACTED]
Silver Medal	2014	[REDACTED]	[REDACTED]

*Matter of R-J-A-F-*

Bronze Medal	2014	
Bronze Medal	2014	
Two Silver Medals	2013	
Silver Medal	2010	

Most recently and of noteworthy significance, [REDACTED] qualified for the 2016 [REDACTED] this past January. The record includes articles that celebrated the sailor's recent accomplishment and credited the Petitioner as his coach. In addition, the Petitioner submitted two awards from the [REDACTED] and [REDACTED] acknowledging the Petitioner's coaching achievement in qualifying a sailor for the 2016 [REDACTED]. Moreover, the record of proceedings shows that [REDACTED] and [REDACTED] qualified for the 2015 [REDACTED].

The Petitioner demonstrated his extraordinary ability as a sailing coach. The totality of the evidence establishes that the Petitioner enjoys a level of expertise that is consistent with a finding that he is one of a small percentage who has risen to the very top of the field of endeavor. In addition, the Petitioner has documented sustained national acclaim. See § 203(b)(1)(A) of the Act; 8 C.F.R. §§ 204.5(h)(2), (3); see also *Kazarian*, 596 F.3d at 1119-20.

### III. CONCLUSION

The Petitioner submitted the requisite initial evidence and demonstrated his extraordinary ability when considered in a final merits determination. Section 203(b)(1)(A)(i) of the Act. It is the Petitioner's burden to establish eligibility for the immigration benefit sought. § 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the Petitioner has met that burden.

**ORDER:** The appeal is sustained.

Cite as *Matter of R-J-A-F-*, ID# 10141 (AAO Sept. 7, 2016)