



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

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

MATTER OF A-F-

DATE: AUG. 8, 2017

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, an epee fencer and fencing 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 that the record did not establish, as required, that the Petitioner had demonstrated a one-time achievement or satisfied at least three of the ten regulatory criteria.

On appeal, the Petitioner asserts that she submitted the requisite initial evidence.

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

**I. LAW**

Section 203(b)(1)(A) of the Act describes qualified immigrants for this classification as follows:

- (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. Alternatively, 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).

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).<sup>1</sup> 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 Petitioner is an epee fencer who has won junior (ages 17 to 19) world championships and competed on Israel's national senior team at the world championships in [REDACTED] (when she was 17 years old or younger). She subsequently became a [REDACTED] champion while she was a student at the [REDACTED]. She has also coached other fencers at [REDACTED] and [REDACTED]. The Director concluded that she had not demonstrated a one-time achievement or satisfied any of the regulatory criteria.<sup>2</sup> On appeal, the Petitioner maintains that her first place finish at the [REDACTED] constitutes a one-time achievement and, regardless, she has satisfied four of the ten criteria. For the reasons discussed below, we find that she has met two criteria: she won lesser nationally and internationally recognized awards and served as a member of an association that requires outstanding achievements of its members. 8 C.F.R. § 204.5(h)(3)(i), (ii). She has not, however, submitted the required initial evidence to meet any additional criteria.

### A. One-time Achievement

Congress' example of a one-time achievement is a Nobel Prize. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). The regulation is consistent with this legislative history, stating that a one-time achievement must be a major, internationally recognized award. 8 C.F.R. § 204.5(h)(3).

<sup>1</sup> This case discusses 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).

<sup>2</sup> The Director focused on the evidence as it relates to coaching as that is what the Petitioner intends to do in the United States. We note that the first question is whether she has demonstrated extraordinary ability in athletics. Section 203(b)(1)(A)(i) of the Act. Had she done so, we would separately consider whether she intends to continue competing and if coaching falls within her area of expertise. Section 203(b)(1)(A)(ii) of the Act.

Significantly, even a lesser internationally recognized award could serve to meet only one of the ten regulatory criteria, of which a petitioner must meet at least three. 8 C.F.R. § 204.5(h)(3)(i)-(x). The selection of Nobel Laureates, Congress' example, is reported in the top media internationally regardless of the nationality of the awardees, is 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 the example Congress provided that the award must be internationally recognized in the individual's field as one of the top awards.

In [REDACTED] the Petitioner won a gold medal at the [REDACTED]. She provided information about the games from the [REDACTED] and a blog on the [REDACTED] website. The information from these sources confirms that the games represent a quadrennial [REDACTED] held in Israel. The [REDACTED] and the [REDACTED] sanction these games. The [REDACTED] states that while all events are competitive, some "measure up to world-class competition." According to materials from the [REDACTED] that the Petitioner submitted, the games in [REDACTED] had [REDACTED] athletes, [REDACTED] of whom were from abroad. The record corroborates that Olympic medalists and world champions, including swimmer Mark Spitz, have competed at these games.

Fencing is an Olympic sport and the record is insufficient to confirm that the [REDACTED] fencing medals are major, internationally recognized awards. The fact that internationally renowned athletes have competed at these games is not determinative. The Petitioner has not documented significant media coverage of those events outside of Israel. Notably, the article "[REDACTED]" in [REDACTED] states that [REDACTED] was happy to win a [REDACTED] "even if it's just a [REDACTED]." Without additional corroboration, she has not demonstrated that her [REDACTED] medal constitutes a one-time achievement and she must therefore satisfy at least three of the ten regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x). We analyze below those criteria the Petitioner has addressed in this proceeding.

## B. Regulatory Criteria

*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).

The Director concluded that the Petitioner's awards were local or regional and impermissibly age-limited. The record does not support this conclusion. In addition to the [REDACTED] discussed above, she is a [REDACTED] champion, won a [REDACTED] medal at the [REDACTED] and a [REDACTED] medal at the [REDACTED] both [REDACTED] junior events. While the Petitioner has not demonstrated that the [REDACTED] are a major, internationally recognized competition, the record confirms that they are recognized nationally in Israel. In addition, an award or prize in a competition that is age-limited may still qualify provided it is

nationally or internationally recognized.<sup>3</sup> Although the junior events are age-limited, we must consider all the categories and their recognition in the field. Documents in the record show that junior competitors must be under 20 years old, another level, cadet, exists for fencers under age 17. Moreover, at issue for this criterion is solely whether the awards are nationally or internationally recognized. Notably, the junior competitions receive media coverage. For example, *Maariv*, an Israeli newspaper, covered the junior championships in Spain. In addition, while [REDACTED] events are limited to college students, we are persuaded that recognition of its national championship is not limited to a single university or region. Therefore, the Petitioner has satisfied this criterion.

*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 Director acknowledged that the Petitioner competed at world championships while on the Israeli senior national team but only addressed her membership in [REDACTED] head coach of the [REDACTED] Team, confirms that the Petitioner was a member of that nation's senior women's team, which is also corroborated by her information on the screenshot from [www.eurofencing](http://www.eurofencing) in the record. We are persuaded that official national teams that select an exclusive group of athletes to compete at significant international events are qualifying associations. Thus, the Petitioner has also satisfied this criterion.

*Published materials 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 material from [REDACTED] website, a [REDACTED] fencing website, and the regional Israeli newspaper [REDACTED] did not appear in major media. The Director also declined to afford weight to information about the Israeli publication [REDACTED] from *Wikipedia*. On appeal, the Petitioner references "numerous" articles reporting her success and asserts that they need not be "solely" about her. She does not address the Director's finding that *Wikipedia* is insufficient to establish [REDACTED] is major media.

The record does not contain the required initial evidence to show that the Israeli articles satisfy this criterion. The Petitioner offered numerous articles in Israeli newspapers with the initial filing. This submission, however, did not include certified translations and the name of each publication was either handwritten on the exhibit or not identified. In response to the Director's request for certified translations and information about the publications, the Petitioner supplied two certified translations and information about [REDACTED] from *Wikipedia*. She must provide certified translations for all

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<sup>3</sup> The question of whether an age-limited award or prize is indicative of a petitioner's sustained national or international acclaim or that individual's status as being among the small percentage at the very top of the field should be addressed in the final merits determination.

foreign language documentation that she wants us to review. 8 C.F.R. § 103.2(b)(3). Accordingly, we will only consider the two Israeli articles that are supported by such translations.

One article appeared in media with an unspecified level of distribution; the other is not about the Petitioner and the nature of that publication is insufficiently documented. The article by [REDACTED] is about the Petitioner. It appears in the newspaper [REDACTED] however, and the record does not contain corroborated information pertaining to the distribution or circulation of this publication. Accordingly, she has not established that it constitutes major media. The second article, “[REDACTED]” appeared in [REDACTED]. In some situations, an article may be considered to be “about” an individual even if it is not solely about that individual. The article with a qualifying translation that appeared in [REDACTED] however, is not about the Petitioner. It is about the fencing results at the [REDACTED]. She is mentioned as a member of the women’s epee team, but the article discusses the results in several other events, including the men’s competitions. Thus, even if we accepted the *Wikipedia*<sup>4</sup> information about [REDACTED] being a national publication, the article is not about the Petitioner and, thus, cannot serve to meet this criterion. Similarly, the materials from the English language [REDACTED] website are not about the Petitioner; rather, they mention her in the context of reporting the results of multiple events or about her father’s work as a fencing coach.

On appeal, the Petitioner does not address the statistical information appearing on fencing websites or the articles that were in [REDACTED] publications, which we find do not satisfy this criterion. She has not shown that her rankings and finishes on [REDACTED] website and [REDACTED] are the type of authored and dated published material contemplated by this criterion. In addition, she has not demonstrated that the [REDACTED] website and publications constitute major media, with a readership significantly above students, staff, and alumni of [REDACTED]. Accordingly, these filings do not satisfy this criterion.

*Evidence of the alien’s original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.* 8 C.F.R. § 204.5(h)(3)(v).

The Director concluded that the awards presented under the awards criterion, 8 C.F.R. § 204.5(h)(3)(i), could not serve to also meet this criterion and that the letters and evidence of the accomplishments by the Petitioner’s students were insufficient. On appeal, she continues to rely on her awards and the accomplishments of her students. These materials do not satisfy this criterion.

Athletic awards and team memberships do not serve to meet this criterion. We have addressed the Petitioner’s medals and participation on the Israeli national team above. While evidence may relate

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<sup>4</sup> With regard to information from *Wikipedia*, there are no assurances about the reliability of the content from this open, user-edited internet site. See *Badasa v. Mukasey*, 540 F.3d 909 (8th Cir. 2008). Keeping in mind *Wikipedia*’s limitations, our consideration of material from this source will vary depending on whether an entry’s relevant information is corroborated, as well as the purpose for which it is presented. As with any submission, we must evaluate the probative value and credibility of the documents provided. See *Chawathe*, 25 I&N Dec. at 376.

to more than one criterion, in the case of awards and team memberships, those accomplishments are specifically covered under the criteria at 8 C.F.R. § 204.5(h)(3)(i) and (ii), which we find that the Petitioner meets. Successfully competing, however, is not also original and a contribution of major significance to a sport. Accordingly, we will not consider the Petitioner's own awards and team memberships under this criterion.

The Petitioner documented success as a coach, but successfully training junior fencers is not an original contribution of major significance to the sport of fencing. [REDACTED] executive director of [REDACTED] affirms that while serving as a [REDACTED] Camp Coach in [REDACTED] and [REDACTED], the Petitioner coached some of the best junior athletes in the country. As the Director noted, Mr. [REDACTED] did not name the athletes. In addition, he does not confirm that they were primarily under the Petitioner's tutelage or, if they were, how they fared during that time. [REDACTED] president of [REDACTED] addresses several fencers the Petitioner coached. For example, he asserts that she began coaching [REDACTED] in [REDACTED] helping her attain a [REDACTED] medal in the [REDACTED] and become a member of the [REDACTED]. [REDACTED] Ms. [REDACTED] father, states that she took lessons from the Petitioner five to six times per week, two to three hours per day. An article entitled [REDACTED] however, quotes Ms. [REDACTED] high school coach, [REDACTED] and does not suggest that she was ever primarily under the Petitioner's tutelage. The article mentions her fencing achievements at school and that she attends open bouts sessions at clubs. It does not suggest that she was training under other fencers at an outside club. While Ms. [REDACTED] has [REDACTED] accomplishments at the [REDACTED] these were not done when she was primarily under the Petitioner's tutelage. Mr. [REDACTED] and [REDACTED] mother of fencing student [REDACTED] describe his progression from being unrated to obtaining a B rating (A is the highest). The record contains similar information relating to other young fencers the Petitioner has coached. This evidence reflects that she is a successful coach whose students have progressed under her mentorship. Such accomplishments, however, are not original and do not constitute a contribution of major significance to the field of coaching fencing as a whole. For all of the reasons discussed above the Petitioner has not satisfied this criterion.

### III. CONCLUSION

The Petitioner is not eligible because she has not 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). Thus, we need not fully address the totality of the materials in a final merits determination. *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the level of expertise required for the classification sought.

**ORDER:** The appeal is dismissed.

Cite as *Matter of A-F-*, ID# 454150 (AAO Aug. 8, 2017)