



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

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

MATTER OF G-M-

DATE: OCT. 5, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a wrestling 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 Nebraska Service Center denied the petition, concluding that the Petitioner did not establish, or even assert, that he met at least three of the ten initial evidence requirements, and did not document his intent to continue working in his area of expertise.

On appeal, the Petitioner submits additional evidence, including a job offer, and cites two criteria to which the record materials relate.

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).

Finally, the regulation at 8 C.F.R. § 204.5(h)(5) explains the prospective job requirements for this classification:

*No offer of employment required.* Neither an offer for employment in the United States nor a labor certification is required for this classification; however, the petition must be accompanied by clear evidence that the alien is coming to the United States to continue work in the area of expertise. Such evidence may include letter(s) from prospective employer(s), evidence of prearranged commitments such as contracts, or a statement from the beneficiary detailing plans on how he or she intends to continue his or her work in the United States.

## II. ANALYSIS

The Petitioner is a former wrestler and current wrestling coach. He initially provided letters, award certificates, and news articles without referencing the regulatory criteria. The Director issued a notice of intent to deny (NOID), which noted that the Petitioner had not identified the criteria to which his submission pertained and expressly requested specific items under each possible criterion. The Petitioner's response focused on his future plans and included letters and information about [REDACTED] asserting that he assisted in the preparation for this event. The Director concluded that the record did not sufficiently address at least three criteria and raised concerns about the translations of the foreign language materials. He further determined that the Petitioner had not sufficiently supported his intent to continue working in his area of expertise and, thus, that he would substantially benefit the United States prospectively.

---

<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).

On appeal, the Petitioner discusses two criteria, of which he must satisfy at least three. He provides copies of the awards, official wrestling results, and a job offer. We have reviewed all of the exhibits the Petitioner has presented and will address those criteria he has identified or for which he has submitted relevant and probative evidence. For the reasons enumerated below, while he has now documented his future plans as a wrestling coach, he has not supplied the requisite initial evidence for the classification sought.

A. Intent upon Entry

The Petitioner has now presented evidence relating to his future intentions in the United States. See section 203(b)(1)(A)(iii) of the Act, 8 C.F.R. § 204.5(h)(5). Specifically, [REDACTED] co-owner of the [REDACTED] in New Jersey, has offered the Petitioner a full-time wrestling coach position at that location. This letter satisfies the requirements at 8 C.F.R. § 204.5(h)(5).<sup>2</sup>

B. Evidentiary 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 record contains several award certificates at the cadet, junior, and senior level in Georgia and elsewhere. For example, the Petitioner finished third in a cadet competition in Albania in 2005, third at the [REDACTED] tournament in [REDACTED] in 2009, and second at two events in India in 2011. Contrary to the Director's statement in the denial, the initial submission did include official translations of these certificates. Accordingly, he has documented several awards.

As noted in the NOID, however, the Petitioner must also provide information about the national or international recognition of the awards and their significance. [REDACTED] president of the [REDACTED] attests that the Petitioner was previously on the [REDACTED] and was a "champion and prizeman of [REDACTED] or [REDACTED] tournaments in [REDACTED] does not discuss the significance of any specific competition. The Petitioner also offered event results published in various newspapers. The record does not correlate these reports with the certificates. For example, an article in [REDACTED] in 2007 describes a competition where he finished second in the [REDACTED] category, but there is no certificate from 2007. Moreover, the record lacks evidence regarding the circulation or distribution of any of the newspapers, some of which the translator did not identify. On appeal, he presented his results as posted on [REDACTED] website. This information verifies that he finished third at the senior level at the [REDACTED] tournament in 2011, third at the junior level at the [REDACTED] and the [REDACTED] in 2008, and third

---

<sup>2</sup> Most of the evidence relates to the Petitioner's history as a wrestler, with some evidence of his experience as a coach. As he has not demonstrated extraordinary ability as an athlete, however, we will not analyze whether coaching falls within his area of expertise.

as a cadet at the [REDACTED] in 2005. The Petitioner, however, did not corroborate the significance of the [REDACTED] website and the competition results it posts. For all of the above reasons, he has not sufficiently documented that his awards are national or internationally recognized.

*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 Petitioner submitted several articles; however, they do not meet the requirements of this criterion. First, they are not about him. Rather, all but one reports on the results of a competition. The remaining item discusses his father's interest in wrestling as a wrestler and a father of wrestlers. Moreover, the Director advised the Petitioner in the NOID that he must document that any material about him appeared in professional, major trade publications, or other major media. The NOID suggested that he might provide circulation data to satisfy this requirement, however, the response did not address this concern and the record in general does not contain sufficient information to establish that the articles appeared in the requisite types of publications or media. For all of the above reasons, the Petitioner has not satisfied this criterion.

*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).*

While the Petitioner did not specifically address this criterion, we note the submission of several reference letters. These, however, mostly praise his professionalism and talent in general terms without identifying how he performed in a leading or critical role for an organization or establishment with a distinguished reputation. For example, [REDACTED] a member of the [REDACTED] describes the Petitioner as a "hardworking, initiative [sic], qualified, conscientious and respectable person." Some letters include more precise information, but are still insufficient to demonstrate the nature of his roles. [REDACTED] a head coach for the [REDACTED] affirms that the Petitioner "had also a success with his new cadet's team at the [REDACTED] in 2016," but does not offer any details regarding the team's achievements while primarily under his tutelage. Similarly, [REDACTED] states generally that the Petitioner "worked diligently to find the most productive tactics to lead the team to success." These letters do not establish, however, that his role was a leading or critical one for a team with a distinguished reputation. [REDACTED] does not explain the significance of coaching a cadet team.

[REDACTED] another head coach for the [REDACTED] affirms that the Petitioner is the personal coach for his brother, [REDACTED] who participated in the 2012 [REDACTED] and won a [REDACTED] the following year. The Petitioner has not offered his [REDACTED] coaching credentials or any other evidence confirming that he played a critical role for a [REDACTED] during the [REDACTED] and [REDACTED]. The definitive registration form in the record lists [REDACTED] as a competitor at the 2016 [REDACTED] and the Petitioner as

one of three coaches, but does not reflect his specific responsibilities for an organization or establishment at that event. [REDACTED] a [REDACTED] in the United States, contends that the Petitioner “has been very beneficial to my athletic career.” She does not describe his function for a qualifying entity. While he submitted materials about the [REDACTED] event in [REDACTED] involving a matchup between the United States and Japan, he did not document his role in supporting this tournament or clarify its nature.

The record does not verify the total number of coaches for the various levels of [REDACTED] or explain the hierarchy of the coaching staff. Notably, the Petitioner has offered letters from two different [REDACTED] coaches in Georgia suggesting a significant coaching staff. The record also lacks corroboration of his impact on the success of the [REDACTED]. As noted above, while [REDACTED] indicates the [REDACTED] has fielded athletes at the [REDACTED] there is no verification that the Petitioner attended the games as a credentialed coach. For these reasons, he has not satisfied this criterion.

### III. CONCLUSION

The Petitioner is not eligible because he 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 advise that 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 G-M-*, ID# 945675 (AAO Oct. 5, 2017)