



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

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

MATTER OF F-J-G-R-

DATE: SEPT. 27, 2017

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, an [REDACTED] athlete and instructor, 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 Form I-140, Immigrant Petition for Alien Worker, concluding that the Petitioner had not satisfied three of the regulatory eligibility requirements. The Director determined that the Petitioner had demonstrated he had met the lesser nationally or internationally recognized prizes and judging eligibility criteria. However, the Director also found that the Petitioner had not shown he satisfied the published material and critical role criteria.

On appeal, the Petitioner contends that he meets at least three of the ten criteria directly or with comparable evidence. With his appeal, the Petitioner submits a brief and additional evidence.

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). Alternatively, he or she must provide documentation that meets at least three of the ten categories of evidence listed at 8 C.F.R. § 204.5(h)(3)(i)-(x) (including items such as awards, memberships, and published material in certain media).

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

As the Petitioner has not established that he has received a major, internationally recognized award, he must satisfy at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). In denying the petition, the Director found that the Petitioner satisfied only two of the four regulatory criteria upon which his claim was based. On appeal, the Petitioner contests the two criteria: published material at 8 C.F.R. § 204.5(h)(3)(iii) and critical role at 8 C.F.R. § 204.5(h)(3)(viii). We have reviewed all of the evidence in the record and we agree with the Director that the Petitioner has satisfied the lesser national awards and the judging criteria. However, as discussed below, the record does not support a finding that the Petitioner satisfied the published material or critical role criteria.

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).

On appeal, the Petitioner provides 31 articles and the transcript of a television interview to demonstrate his eligibility for this criterion. Most of the articles are in Spanish and are accompanied by only summary translations. Any document in a foreign language must be accompanied by a full

English language translation. 8 C.F.R. § 103.2(b)(3). The translator must certify that the English language translation is complete and accurate, and that the translator is competent to translate from the foreign language into English. *Id.* Because the Petitioner did not submit a properly certified English language translation of the articles, we cannot meaningfully determine whether the translated material is accurate and supportive.

Of the articles in English or accompanied by full translations, only two mention the Petitioner. One article lists him amongst 23 individuals who won awards in the 1999 [REDACTED]. The other article, also from 1999, identifies the Petitioner as a coach at one of 11 taekwondo schools in [REDACTED] Venezuela. These articles are not about the Petitioner, but rather focus on events or organizations with which he is associated.

The record lacks the original source material and relevant publication information relating to the Petitioner's interview on [REDACTED]. Review of the translated transcription of the interview demonstrates it focused taekwondo training in general and not the Petitioner. As such, the evidence in the record does not establish that the Petitioner meets the plain language of the 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).

On appeal, the Petitioner claims to have satisfied this criterion through his work as the Director of Promotions for the [REDACTED] as the president of the [REDACTED] and as the founder and president of the [REDACTED]. Each organization will be considered in turn.

A. [REDACTED].

The Director found that the Petitioner did not establish his position as the director of promotions qualified as a leading or critical role or that [REDACTED] was an organization with a distinguished reputation. The Petitioner presents new evidence on appeal, relying primarily on letters from the board of directors and the executive president of [REDACTED].

According to their letter, the board of directors at [REDACTED] created a director of promotions position to address a lack of uniform standards for determining advancements throughout the organization. The letter lists the responsibilities of the position, which include heading assessment activities, determining what procedures and techniques should be evaluated, developing an evaluation plan, and updating training methods. The Petitioner held the director of promotions role for five years.¹ The board of directors at [REDACTED] described the Petitioner as possessing "immense talent" and "a great leader," and emphasized the importance of his role to the organization.

¹ The letter from the board of directors of [REDACTED] does not identify when the Petitioner held position of director of promotions. The Petitioner indicates this was from 2010 to 2014.

██████████ the executive president of ██████████ describes the Petitioner as “a visionary and a pioneer in ██████████ in Venezuela” and claims that he “helped the organization as a whole reach a new level by ensuring that each person deserves the appropriate level of promotion.” ██████████ further states that the Petitioner’s leadership role was central to the organization’s mission, but does not provide specific examples of his leadership.

In general, a leading role is evidenced from the role itself, and a critical role is one in which a petitioner was responsible for the success or standing of the organization or establishment. The record does not demonstrate how the director of promotions fit into the hierarchy of ██████████ to show that it was a leading role. If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for a petitioner to submit corroborative evidence. *Matter of Y-B-*, 21 I&N Dec. 1136 (BIA 1998). Here, the letters describe the Petitioner’s role and affect in general terms without supporting evidence to establish the impact he had on the organization or its activities. As such, the record does not establish that the Petitioner’s role as the director of promotions was a leading or critical role.

The record, additionally, does not establish that ██████████ possesses a distinguished reputation. The Petitioner lists several characteristics to demonstrate ██████████ satisfies the reputation requirement, specifically that: it represents Venezuela in international competitions; magazines and newspapers write articles about the organization; distinguished visitors come to participate in activities and events; other organizations recognize it; and it has been designated as an independent affiliate of the larger ██████████

However, the record contains little evidence to support the Petitioner’s contentions. He does not demonstrate that the government of Venezuela endorses or supports ██████████ activities or that the organization represents the country in international events. Of the properly translated and English-language articles in the record, most only reference ██████████ in passing. One article about ██████████ from a 2010 ██████████ does not indicate that the organization has a distinguished reputation. Taken as a whole, the articles in the record are insufficient to demonstrate that ██████████ possesses a distinguished reputation.

The Petitioner cites two special visitors who participated in the organization’s events, but does not explain how two visits occurring five years apart bestow a distinguished reputation on the organization. The participation plaque provided by the Petitioner as evidence that other organizations recognize ██████████ does not identify the recipient as distinguished in nature. Finally, the record contains lacks sufficient evidence to establish that the parent ██████████ organization possesses a distinguished reputation or that the independent affiliate status it granted to ██████████ conveys any esteem or goodwill. Considered in the aggregate, the record fails to establish that ██████████ has a distinguished reputation.

B. The [REDACTED]

Beyond his work with the national [REDACTED] organization, the Petitioner also claims that he held a leading role as the president of the [REDACTED] of the organization. [REDACTED] the executive president of [REDACTED] indicates that the Petitioner's duties as president included leading all of the affiliated schools in the state, organizing events, liaising with government officials, and representing the organization. In their letter, the board of directors further explained that the Petitioner oversaw three schools and their students in the [REDACTED]

The record lacks sufficient evidence to corroborate the scope and nature of the Petitioner's role as president of the [REDACTED]. He relies solely on the letters from the executive president and the board of directors to establish his role, which describe his duties only in vague terms. Furthermore, the Petitioner has not established the organizational structure and hierarchy of the [REDACTED] or the relationship between [REDACTED] and its affiliated schools. Therefore, despite his title as president, the Petitioner has not established that he held a leading role.

The record also lacks sufficient evidence demonstrating that the [REDACTED] held a distinguished reputation. The Petitioner points to a 1998 newspaper article indicating that the most prominent team in a competition was the team from [REDACTED]. The Petitioner does not explain how a one-time success at a tournament occurring 11 years prior to his tenure as president of the [REDACTED] shows that the organization had a distinguished reputation. Rather, the Petitioner invites us to accept the attestations of the [REDACTED] board of directors, who state that the [REDACTED] is one of the premier state chapters in the national organization, in part because it performs well in competitions.

The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the foreign national's eligibility. USCIS may give less weight to an opinion that is not corroborated, in accord with other information or is in any way questionable. *Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r. 1988). The record, lacking corroborating evidence, does not establish that the [REDACTED] possesses a distinguished reputation.

C. The [REDACTED]

The Petitioner also claims that he played a leading and critical role as founder and president of the [REDACTED] a martial arts academy he began in 2009. As support, he provides a letter from [REDACTED] the vice president of the school, who describes the Petitioner's past responsibilities, which included handling the legal formation of the corporation operating the school, selecting a location, hiring staff, supervising instructors, and training students. [REDACTED] letter describes the Petitioner's involvement with the school in the past tense, but the record does not identify when the Petitioner stopped performing these duties.

As the record lacks direct evidence of the Petitioner's role in the formation and management of the [REDACTED] he relies primarily on the letters from [REDACTED] and [REDACTED] the

executive president who also serves as vice president of the school. The letter from only briefly touches on the Petitioner's role at the school, mentioning that he founded it and crediting his leadership for the school's success. In his letter, provides some additional detail regarding the Petitioner's responsibilities, describing him "as a leader of the school" who "ensures that the instructors also achieve excellence in teaching" and "makes important decisions regarding every aspect of the school." However, beyond cursory descriptions of the Petitioner's importance to the school, letter does not contain sufficient detail to determine if he held a leading or critical role at the school. If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for a petitioner to submit corroborative evidence. *Matter of Y-B-*, 21 I&N Dec. at 1139. The record lacks corroborating evidence of the Petitioner's role and responsibilities at the and thus, considered as a whole, does not suffice to establish that he held a leading or critical role.

To establish the school's distinguished reputation, attests that the is widely renowned as of the best taekwondo schools in Venezuela and that the school has won "countless awards, which is the main indicator of success in our field." The record lacks evidence, beyond individual attestations by those affiliated with the school, of its renown. As evidence of the competitive success, the Petitioner provides photographs of a number of recent tournament trophies. The trophies in the photographs do not identify the recipients and the Petitioner did not submit corroborating evidence demonstrating the received the awards. Additionally, USCIS records indicate that the Petitioner resided in the United States during the period these tournaments occurred and he has not demonstrated that he has maintained any active role with the school during the relevant time period. Taken as a whole, the record contains insufficient evidence to demonstrate that the possesses a distinguished reputation.

III. CONCLUSION

The Petitioner is not eligible because he has not submitted the required initial evidence of either a qualifying 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 do not need to fully address the totality of the materials in a final merits determination. *Kazarian*, 596 F.3d at 119-20.² 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 F-J-G-R-*, ID# 547045 (AAO Sept. 27, 2017)

² In addition, as the Petitioner has not established his extraordinary ability under section 203(b)(1)(A)(i) of the Act, we need not determine whether he is coming to "continue work in the area of extraordinary ability" under section 203(b)(1)(A)(ii).