



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

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

MATTER OF R-Z-A-

DATE: JUNE 7, 2018

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a powerlifter, 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 Form I-140, Immigrant Petition for Alien Worker, concluding that the Petitioner met one of the ten initial evidentiary criteria, of which he must meet at least three, and that he had not provided sufficient evidence of his plan to work in the United States. The Petitioner filed a motion to reopen the matter and the Director affirmed the conclusion of his prior decision while finding that he met the membership criterion, discussed below.

On appeal, the Petitioner submits additional evidence and contends that he meets three criteria.

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

The Petitioner is a powerlifter. 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). The Director held that the Petitioner met the awards criterion at 8 C.F.R. § 204.5(h)(3)(i). Then on motion he held that the Petitioner met the membership criterion at 8 C.F.R. § 204.5(h)(3)(ii) but that he had not met a third criterion. On appeal, the Petitioner asserts that he meets the following additional criteria: published material at 8 C.F.R. § 204.5(h)(3)(iii) and high salary at 8 C.F.R. § 204.5(h)(3)(ix). While we find that the Petitioner meets the published material criterion, we conclude that the record does not establish that he meets the membership criterion as found by the Director. Therefore, the Petitioner has not satisfied at least three 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 Petitioner submitted evidence indicating that he won gold and silver medals in the 2013 [REDACTED] in [REDACTED] which includes setting two world records for squat in his age and weight class. Additional awards he received include a fourth rank in the 2010 [REDACTED] in [REDACTED], a gold medal and Champion of Champions award in the 2014 [REDACTED] in Iran; a gold medal and Champions Cup at the 2014 [REDACTED] Championships; a gold medal, Champions Cup and Champion of Champions award at the [REDACTED] Powerlifting, Bench-press and Deadlift competition in

Russia; and two gold medals at the 2016 [REDACTED] Championships. Accordingly, he has established that he meets 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 Petitioner asserts that he meets this criterion due to his membership in the [REDACTED] [REDACTED] previously known as the [REDACTED] and because he has been a member of [REDACTED] since 2013. The record does not support a finding that these organizations require outstanding achievements of its members. The record contains the [REDACTED] Constitution, which states that it is an amateur association that was founded in 2015 that allows member state affiliates to join the [REDACTED] upon paying an annual membership fee. The [REDACTED] Constitution does not indicate that it requires outstanding achievements of its members.

In a letter from [REDACTED] the President of [REDACTED] who states that he has the sole responsibility of selecting the members of Iran's powerlifting team to compete in [REDACTED] events, he indicates that "[f]or an Iranian Powerlifter being a member of the [REDACTED] and representing Iran in regional and international competitions is the highest level of professional powerlifting achievement." [REDACTED] asserts that "only the most exceptional and talented Iranian powerlifters are selected to be a member of [REDACTED] and that he considers "all the achievements and performances of powerlifters in national competitions" in selecting members of the team. However, the record does not contain the rules for membership or bylaws of [REDACTED] regarding the selection process for the team or other objective evidence to establish that outstanding achievements are required for membership. While [REDACTED] states that he considers all the achievements of powerlifters in selecting members of the national team, the record does not contain objective evidence indicating that outstanding achievements are required for all members. Therefore, the Petitioner does not meet this 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 record contains several articles published in the [REDACTED] about the Petitioner and his successes as a powerlifter. The Director concluded that this is not major media, but on appeal the Petitioner has provided evidence demonstrating that the [REDACTED] is the third most popular newspaper in Iran with significant daily circulation. Therefore, the Petitioner meets this criterion.

*Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field. 8 C.F.R. § 204.5(h)(3)(ix).*

On appeal, the Petitioner states that he submitted letters and affidavits regarding the remuneration he received as a professional powerlifter, but he indicates that he is unable to demonstrate that he commands a high salary because Iran does not have any official sources to indicate the level of income for athletes. The record also lacks information on income for powerlifters internationally. Therefore, the Petitioner has not established that he has commanded a high salary in relation to others in his field.

### III. CONCLUSION

The Petitioner has not established eligibility as an individual of extraordinary ability under section 203(b)(1)(A) of the Act 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. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has the level of expertise required for the classification sought.

**ORDER:** The appeal is dismissed.

Cite as *Matter of R-Z-A-*, ID# 1222031 (AAO June 7, 2018)