



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

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

MATTER OF L-P-

DATE: JUNE 25, 2019

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a field hockey coach, seeks classification as an individual of extraordinary ability. *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 met three of the ten initial evidentiary criteria, as required, but that he did not establish eligibility in the final merits analysis.

On appeal, the Petitioner cites the evidence submitted previously and contends that he qualifies as an individual of extraordinary ability.

Upon *de novo* review, we will sustain 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 an assistant field hockey coach for the University of [REDACTED]. As he has not established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

A. Evidentiary Criteria

The Director found that the Petitioner met the following criteria: published material at 8 C.F.R. § 204.5(h)(3)(iii), leading or critical role at 8 C.F.R. § 204.5(h)(3)(viii), and high salary at 8 C.F.R. § 204.5(h)(3)(ix). We find that the evidence in the record sufficiently establishes that the Petitioner meets the requirements for these criteria.

For published material, he submitted an article about him and his work in the field that was published in the *Irish Times* with sufficient evidence indicating that this is the second highest circulated newspaper in Ireland. Regarding a leading or critical role, the record contains evidence of his role as the eastern developmental officer and chair of the coaching development panel for [REDACTED] (formerly known as the [REDACTED]). In those positions he expanded the participation and growth of field hockey in eastern Ireland and played a key role in developing the national coaching curriculum set forth by [REDACTED]. As the assistant coach for the University of [REDACTED] women's field hockey team, he played a critical role in helping the team successfully transition into the [REDACTED] and rise in the national rankings. The record reflects that these organizations have a distinguished reputation. For high salary, the record contains evidence that the Petitioner's salary is high for this position in relation to others in the field

as shown by documentation from the U.S. Department of Labor. Because the Petitioner has met three of the initial evidentiary criteria, as required, we will discuss the remaining documentation in the context of a final merits determination.

B. Final Merits Determination

As the record satisfies at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), we will analyze the Petitioner's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has extraordinary ability in the field of endeavor. We evaluate whether he has demonstrated, by a preponderance of the evidence, that he has sustained national or international acclaim and that his achievements have been recognized in the field through extensive documentation, making him one of the small percentage who have risen to the very top of the field of endeavor. See section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3): see also *Kazarian*, 596 F.3d at 1119-20. Here, the Petitioner has shown his eligibility for this classification.

As mentioned above, the Petitioner has been featured in published material, has performed a leading or critical role for an organization that has a distinguished reputation, and has had a high salary relative to others in his field. After reviewing the totality of the evidence submitted in the final merits pursuant to *Kazarian*, the Petitioner has demonstrated that he has sustained national or international acclaim and that he is one of the small percentage who have risen to the very top of the field. *Id.*

For published material, the record contains an article about the Petitioner that was published in the *Irish Times* in 2009 discussing his background in the sport of field hockey and his role as a development officer for the [REDACTED]. The record contains evidence of the circulation details for the *Irish Times*, which demonstrates that this article is an indication of the Petitioner's national acclaim.

Regarding his leading or critical roles, the evidence in the record illustrates his roles as a field hockey coach and in developing the national coaching programs for Ireland and the United States. With respect to his coaching experiences in Ireland, [REDACTED], the strategic development director for [REDACTED] states that in 2007 the Petitioner was named as [REDACTED] eastern development officer. In describing his influence there, [REDACTED] notes that this "is a vital role in terms of supporting clubs and schools in the province of [REDACTED]" which she indicates is "currently the largest province in terms of hockey participation with 45 clubs, 212 adult club teams and 65 high schools." She adds, "[d]uring his tenure, extremely high participation rates were recorded including growth of the girls' club game of 44 percent and growth of the boys' club game of 11 percent." [REDACTED] then attests to his positions as chair of the coaching development panel for [REDACTED] in 2011, as a "Head Coach Consultant for the Irish Men's Team and a Specialist Coach for the Irish Women's [REDACTED]" These positions demonstrate that the Petitioner has been entrusted with overseeing the growth of the sport in a prominent region in Ireland for field hockey and that his expertise has been sought out by the Irish [REDACTED] for the men and women, indicating that he has risen to the very top of his field.

As to his work in developing the national coaching curriculum in Ireland, [redacted] states that the Petitioner “was a key person in the development of [their] Coaching Qualifications and Certification programs.” She adds, “[w]ithout his input, the program would not be the success it is today.” [redacted] the Director General of the [redacted], further indicates that the Petitioner “helped us to develop a coaching and player training curriculum that [is] now the envy of the rest of the world.”

[redacted] also states that the Petitioner “created an exceptional coaching and core skills DVD for hockey coaches and worked tirelessly on player and coach development, community outreach, and [redacted] Coach Education Manager, similarly states that the Petitioner “led the development of [redacted] Long Term Player Development model, drawing on his own experience as an international coach.” As an indication that others took notice of the Petitioner’s work in Ireland, [redacted], the senior manager of coach education for [redacted] and a 1996 [redacted] states that she immediately reached out to the Petitioner for his assistance in creating the national coaching curriculum in the United States due to his successes in Ireland. She indicates that he “developed all the tools and resources in Ireland for the training and certification for every level of coaches, from grassroots to High Performance and Olympic Level coaches and athletes,” noting that “[t]his coaching education and certification program is considered one of the best in the world.” This further establishes the Petitioner’s international acclaim as a field hockey coach.

With respect to his experiences in the United States, the Petitioner highlights his roles in coaching and in developing the coaching curriculum for [redacted]. [redacted], the assistant athletic director at the University of [redacted] indicates that the University recruited the Petitioner to help take its women’s field hockey program to a higher level. She states that since the Petitioner’s time with the program beginning in 2012, “the [redacted] have seen their highest [national] ranking at [redacted] made the [redacted] tournament for the first time since 2008, [and] earned a regular season conference championship in 2013.” She adds that the impact he has had on the team is clear due to the “success of the team and [the] increase in national profile for the program.” The record demonstrates that the Petitioner has also been the head coach of a [redacted] team. Both of these experiences further establish that the Petitioner has risen to the top of his field.

Pertaining to his work in developing the coaching curriculum in the United States, [redacted] the Executive Director of the [redacted] discusses the Petitioner’s role in improving coaching in the United States. [redacted] states that the [redacted] has focused on developing the game of field hockey and improving its “level of competitiveness on the world stage.” He notes, “[i]n doing so, we have discovered the need to create a uniform system of education, training, coaching and a certification program to ensure a high quality level of coaching and instruction from volunteer school coaches through the elite level professional and national team coaches.” [redacted] then indicates, “[t]o accomplish this goal and develop this comprehensive program we sought the advice and consultation of [the Petitioner], who experienced incredible success in further developing and advancing the sport of field hockey in several countries including South Africa, Venezuela, and Ireland.” He also adds, “[t]here really is no one else in the U.S. who

has the background in developing these types of programs who is also a coach.” Similarly, [redacted] [redacted] the Director of Coaching Education and Learning for [redacted] states that the Petitioner is one of three individuals who helped create the “standardized coaching curriculum which is used throughout the U.S.” [redacted] indicates that he “requested [the Petitioner] to be involved in the creation of this program due to his successful development of the first standardized certification program in Ireland for the [redacted]” He notes, “[w]hat made his certification program unique was that it provided a step-by-step process, with a standardized curriculum to be taught through[out] Ireland.” He states that they “used his expertise in creating the Irish program to help [redacted] develop a similar standardized program.” He indicates that after developing the new curriculum, they have run over 35 courses in the United States, with each one having approximately 30 registrants. He states that “[t]housands of coaches participate in [the coaching clinics] each year.” Together with the evidence discussed above, the Petitioner has established that he has risen to the very top of his field with national and international acclaim.

For salary, the record contains a letter from [redacted], the Vice President of the University of [redacted] stating, “[b]ecause [the Petitioner] was so highly regarded, he became one of the highest paid Associate Coaches with [the University of [redacted] and the sport of field hockey.” This is another indication that the Petitioner has risen to the top of his field.

For the reasons stated above, the record establishes that the Petitioner has sustained national or international acclaim in the field and is among that small percentage at the very top of the field of endeavor. See section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2)-(3).

III. CONCLUSION

The Petitioner has shown that he meets at least three of the evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). He has also demonstrated sustained national and international acclaim and that his achievements have been recognized through extensive documentation. He therefore qualifies for classification as an individual of extraordinary ability.

In visa petition proceedings, it is the petitioner’s burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; Matter of Skirball Cultural Ctr., 25 I&N Dec. 799, 806 (AAO 2012). Here, that burden has been met.

ORDER: The appeal is sustained.

Cite as Matter of L-P-, ID# 1668367 (AAO June 25, 2019)