U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-I-

DATE: NOV. 12, 2019

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a single combat turon 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 not satisfied any of the initial evidentiary criteria, of which he must meet at least three.

On appeal, the Petitioner presents additional documentation and a brief, arguing that he fulfills at least three of the ten 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,
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> (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
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> (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). If that petitioner does not submit this evidence, then 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

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 competed in turon-related events and coached athletes in Uzbekistan. Because he has not indicated or 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).

In denying the petition, the Director determined that the Petitioner did not meet any of the initial evidentiary criteria. On appeal, the Petitioner maintains that he fulfills seven criteria, discussed below. We have reviewed all of the evidence in the record and conclude that it does not support a finding that the Petitioner satisfies the requirements of 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).

In order to fulfill this criterion, the Petitioner must demonstrate that he received the prizes or awards, and they are nationally or internationally recognized for excellence in the field of endeavor.[1] Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field

[1] *See* USCIS Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14* 6 (Dec. 22, 2010), https://www.uscis.gov/policymanual/HTML/PolicyManual.html.

include, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, and the number of awardees or prize recipients as well as any limitations on competitors.[2]

The Petitioner argues that he "submitted evidence of obtaining first place in the sport of Turon in the [redacted], establishing that he is the top athlete in the sport."[3] Specifically, he claims that "[t]he President of the Uzbekistan Single Combat Turon Federation, a national governing organization, certified [his] results as placing first in the sport of Single Combat Turon at the [redacted] Championship in 1999 and 2004, and placing second at the [redacted] Championship in 2005." The record contains a January 2019 letter from [redacted] of the Single Combat Turon Federation of Uzbekistan, who briefly mentioned that the Petitioner "placed first at the [redacted] Championship."[4] However, the letter does not mention him winning the championship in 1999 and 2004, as well as placing second in 2005. Moreover, the letter does not discuss the significance of the [redacted] Championship," nor does it explain the field's acknowledgment of the bestowed awards. Furthermore, the Petitioner did not offer evidence sufficiently demonstrating that the awards are nationally or internationally recognized for excellence in the field consistent with this regulatory criterion.

Similarly, the record reflects that the Petitioner presented copies of certificates evidencing his receipt of awards from various tournaments and championships. While the Petitioner established his receipt of athletic awards, he did not reference, nor does the record contain, documentation showing that the awards are nationally or internationally recognized for excellence in the field under the regulation at 8 C.F.R. § 204.5(h)(3)(i).

Furthermore, the Petitioner contends that he "submitted evidence in the form of articles, photographs, government archives and reference letters confirming that [his] trainees medaled in the top 3 positions at national and international tournaments, including the Asian games." This regulatory criterion, however, requires a petitioner to receive the prizes or awards.[5] Moreover, the description of this type of evidence in the regulation provides that the focus should be on "the alien's" receipt of the prizes or awards.[6] Here, the Petitioner did not establish that he received the athletic awards. Rather, the record shows awards bestowed upon his students and trainees; the awarding entities did not name the Petitioner as a recipient of the awards.

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[2] *Id.*

[3] We note that the U.S. Citizenship and Immigration Services AFM provides:

> In general, if a beneficiary has clearly achieved *recent* national or international acclaim as an athlete and has sustained that acclaim in the field of coaching/managing at a national level, adjudicators can consider the totality of the evidence as establishing an overall pattern of sustained acclaim and extraordinary ability such that we can conclude that coaching is within the beneficiary's area of expertise.

AFM ch. 22.22(i)(1)(C) (emphasis in original).

[4] If the Petitioner intended to reference another author or letter, he did not adequately identify it on appeal.

[5] *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 6.

[6] *Id.*

Finally, the Petitioner asserts that "[t]here are no prizes issued for coaching within most sports" and requests that the awards won by his trainees be considered as comparable evidence. The regulation at 8 C.F.R. § 204.5(h)(4) allows for comparable evidence if the listed criteria do not readily apply to his occupation.[7] A petitioner should explain why he has not submitted evidence that would satisfy at least three of the criteria set forth in 8 C.F.R. § 204.5(h)(3), as well as why the evidence he has included is "comparable" to that required under 8 C.F.R. § 204.5(h)(3).[8]

Here, the Petitioner did not provide documentation supporting his assertion regarding the non-existence of coaching prizes. General assertions that any of the ten objective criteria do not readily apply to an occupation are not probative and should be discounted.[9] Furthermore, the fact that the Petitioner did not offer documentation that satisfies the awards criterion is not evidence that a single combat turon coach could not do so, including prior awards as a competitive athlete. In addition, the Petitioner has not shown why he cannot offer evidence that meets at least three criteria. In fact, as discussed later, the Petitioner claims to meet six other criteria. Moreover, the Petitioner did not establish how awards won by others is "truly comparable" to the awards criterion.[10]

For these reasons, the Petitioner did not establish that he qualifies for the awards criterion, including through the submission of comparable evidence.

> *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 argues that his "status as a Senior Coach/Highest Level coach is a membership in an association (Ministry of Sport) which requires outstanding achievement (multiple medals for the coach's trainees) as judged by recognized national experts (the Ministry of Sport)." In order to satisfy the regulation at 8 C.F.R. §204.5(h)(3)(ii), a petitioner must show that membership in the association is based on being judged by recognized national or international experts as having outstanding achievements in the field for which classification is sought.[11]

The record reflects that the Petitioner submitted the regulations for assigning qualification categories to "coach-teachers" by the Ministry of Culture and Sports of the Republic of Uzbekistan. Specifically, the regulations show that to obtain a qualification category, a person must submit "characteristics from the place of work" and "a copy of the authorization to carry out coaching activities." In addition, a qualification commission evaluates the coach-teachers based on competitions and finishes or rankings of the trainees. For example, a coach-teacher would receive a "highest category" ranking if an athlete placed first through third at the World Cup Among Children and Youth as opposed to a "first category"

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[7] *See* USCIS Policy Memorandum PM-602-0005.1, *supra*, at 12.
[8] *Id.*
[9] *See* USCIS Policy Memorandum PM-602-0005.1, *supra*, at 12.
[10] *Id.*
[11] *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 6 (providing an example of admission to membership in the National Academy of Sciences as a Foreign Associate that requires individuals to be nominated by an academy member, and membership is ultimately granted based upon recognition of the individual's distinguished achievements in original research).

ranking if an athlete placed fourth through sixth or "second category" ranking if an athlete placed seventh through tenth.

However, the Petitioner did not demonstrate that receiving the "highest category" coach-teacher qualification indicates that membership requires outstanding achievements, as judged by recognized national or international experts.[12] While a coach-teacher would receive the "highest category" if an athlete finished first at the Olympics, a coach-teacher would also achieve the same category qualification if an athlete placed second at the Cup of Asia among Children and Youth, which is not reflective of outstanding achievements. Thus, the Petitioner did not establish that his "highest category" coach-teacher classification qualifies as membership with an association that requires outstanding achievements, as judged by recognized national or international experts, consistent with this regulatory criterion.

Moreover, the Petitioner contends that he "was head of the entire training department for the sport of Turon" at the [redacted]. Here, the Petitioner did not establish that employment with [redacted] constitutes "membership" in an association. Moreover, the Petitioner also claims his [redacted] employment qualifies as a leading or critical role under the regulation at 8 C.F.R. § 204.5(h)(3)(viii), a separate and distinct criterion that will be discussed later. Consistent with the regulatory requirement that a petitioner meet at least three separate criteria, we will generally not consider evidence to the leading or critical role criterion.

Accordingly, the Petitioner did not demonstrate that he satisfies 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 Petitioner claims eligibility for this criterion based on five newspaper articles and three television programs. In order to fulfill this criterion, the Petitioner must demonstrate published material about him in professional or major trade publications or other major media, as well as the title, date, and author of the material.[13]

The record reflects that the Petitioner submitted two articles from *Sport*, as well as articles from *Mir Sporta*, *Temiryolchi*, and *Respublika*. With the exception of the article from *Respublika*, the Petitioner did not provide the required authors. The inclusion of the author is not optional but a regulatory requirement. *See* 8 C.F.R. § 204.5(h)(3)(iii). Moreover, while the *Sport* (February 2001) and *Respublika* articles reflect published material about him relating to his work, the other articles relate to competitions where the Petitioner is briefly mentioned only one time as one of the competitors. Articles that are not about a petitioner do not fulfill this regulatory criterion. *See, e.g., Negro-Plumpe*

[12] *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 6 (providing that the level of membership afforded to the alien must show that in order to obtain that level membership, the alien was judged by recognized national or international experts as having attained outstanding achievements in the field for which classification is sought).
[13] *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 7.

v. Okin, 2:07-CV-820-ECR-RJJ at *1, *7 (D. Nev. Sept. 8, 2008) (upholding a finding that articles regarding a show are not about the actor).

Further, the Petitioner did not establish that any of the newspapers represent major media. Specifically, the Petitioner offered screenshots from pressreference.com reflecting a circulation of 8,500 for *Sport* and "NA" for *Respublika*. However, the Petitioner did not show the significance of the *Sport* circulation figures or explain how such data reflects status as a major medium.[14] Moreover, while the Petitioner attached contact, editorial, and ownership information for each publication, he did not demonstrate how the material represents major media standings of the publications.

As it relates to the television programs, the Petitioner submitted transcripts from *Sports and Children*, *Assalom Uzbekistan*, and *Sport is My Life*. However, the Petitioner did not include the title for the program by *Sports and Children* and the author for the program by *Assalom Uzbekistan*. In addition, the Petitioner provided only the year instead of the full date for the *Sport is My Life* episode. Moreover, while the television programs by *Assalom Uzbekistan* and *Sport is My Life* reflect published material about the Petitioner, the program by *Sports and Children* is about the Tashkent Open Single Combat Turon Championship where the Petitioner responded to two questions about the tournament. Further, although the Petitioner submitted documentation relating to the television stations that aired the programs, the Petitioner did not offer evidence demonstrating that *Sports and Children*, *Assalom Uzbekistan*, and *Sport is My Life* reflect major media. Again, the issue here is whether the television programs are considered major media rather than the overall status of the television stations.

For the reasons discussed above, the Petitioner did not show that he fulfills this criterion.

> *Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought.* 8 C.F.R. 204.5(h)(3)(iv).

The Petitioner argues that he "previously submitted evidence that [he] was selected by the Ministry of Sport to participate as an international level judge to judge the [redacted] Championship of Turon." The record reflects that the Petitioner provided certificates showing "an award of 'Judge of National Category'" and that he "passed courses on preparation referees and tolerance by competition." In addition, the Petitioner presented documentation listing him as a "judge" at two single combat turon championships in 2009 and 2011.

This regulatory criterion requires a petitioner to show that he has acted as a judge of the work of others in the same or an allied field of specialization.[15] However, the Petitioner's evidence does not reflect the duties of a single combat turon referee/judge to demonstrate whether they involve evaluating or judging the work or skills of competitors as opposed to enforcing the rules of a match and ensuring sportsmanlike competition. Moreover, the record lacks other evidence, such as official competition rules or bylaws for single combat turon referees or judges, showing that serving in that capacity is

[14] *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 7 (indicating that evidence of published material in professional or major trade publications or in other major media publications should establish that the circulation (on-line or in print) is high compared to other circulation statistics).
[15] *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8.

consistent with participating as a judge of the work of others. Furthermore, as discussed below, the Petitioner indicated that he co-authored the "[redacted] manual." While the Petitioner provided English language translations for only the covers and tables of contents for various manuals, he did not submit English language translations for the remaining material, including the relevant sections regarding judging or refereeing. *See* 8 C.F.R. § 103.2(b)(3) (requiring that any foreign language document must be accompanied by a full English language translation).

Accordingly, the Petitioner did not establish that he fulfills 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).

As indicated above, the Petitioner claims eligibility for this criterion based on his co-authorship of [redacted] manual." In order to meet the regulation at 8 C.F.R. § 204.5(h)(3)(v), a petitioner must establish that not only has he made original contributions but that they have been of major significance in the field.[16] For example, a petitioner may show that the contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance in the field.

The record reflects that the Petitioner provided English language translations of the covers, introductory pages, and tables of contents for various training materials: '[redacted]' and '[redacted]' However, the Petitioner did not submit evidence of his clamed authorship of the '[redacted]'

Notwithstanding, as it relates to the manuals mentioned above, the translations indicate his co-authorship for each one. However, while the manuals demonstrate the originality of his contributions, the Petitioner did not establish how they have been of major significance in the field. The Petitioner, for example, did not show how the manuals have significantly impacted or influenced the field in a major way. Publications and presentations are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance." *See Kazarian v. USCIS,* 580 F.3d 1030, 1036 (9th Cir. 2009), *aff'd in part*, 596 F.3d 1115. Here, the Petitioner has not established that the publication of manuals alone demonstrates a contribution of major significance in the field.

In addition, the Petitioner contends that his "extraordinary accomplishments as a coach taking a few students and training them up to be top medal winners at international competitions representing the country of Uzbekistan is itself an athletic contribution of major significance in the field." The record contains copies of certificates and diplomas reflecting the athletic accomplishments of the Petitioner's students and trainees. In addition, the Petitioner submits letters praising him as a coach and crediting him for their awards. For instance, "[t]he role of my coach [] is invaluable in the achievement of these

[16] *See* USCIS Policy Memorandum PM 602-0005.1, *supra,* at 8-9 (finding that although funded and published work may be "original," this fact alone is not sufficient to establish that the work is of major significance).

high sports results [redacted] and "I became a multiple champion of Uzbekistan in my weight category ([redacted]). However, the Petitioner did not demonstrate how the personal awards and achievements of his students represents original contributions of major significance in the overall field. Moreover, the evidence does not sufficiently establish the impact in the overall field beyond the students with whom he coached and trained.[17]

Furthermore, the Petitioner references the previously mentioned letter from [redacted] and asserts that it "detail[s] his accomplishments" in the sport. [redacted] explained that the Petitioner started as an athlete at the "Turon training center" and later began training some of the younger students. Moreover, [redacted] indicated that [redacted] recruited him to be a competitor and coach. In addition, [redacted] stated that the Petitioner trained athletes for the national team and sport federations of other countries invited him to conduct training. Although [redacted] summarized the Petitioner's athletic and coaching career, he did not show how it has been majorly significant in the field. Again, [redacted] did not articulate how the Petitioner's personal athletic accomplishments, as well as his coaching experience, rises to a level of major significance consistent with this regulatory criterion.

Here, the Petitioner's letters do not contain specific, detailed information explaining the unusual influence his athletic and coaching career has had on the overall field. Letters that specifically articulate how a petitioner's contributions are of major significance to the field and its impact on subsequent work add value.[18] On the other hand, letters that lack specifics and use hyperbolic language do not add value, and are not considered to be probative evidence that may form the basis for meeting this criterion.[19] Moreover, USCIS need not accept primarily conclusory statements. *1756, Inc. v. The U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990).

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown that he has made original contributions of major significance in the field.

> *Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.* 8 C.F.R. § 204.5(h)(3)(vi).

The Petitioner contends to meet this criterion for the first time on appeal. Specifically, the Petitioner indicates that he "submitted materials establishing publication of his scientific articles in professional publications on the training methods of athletes, which are used by [redacted]." In addition, he references a letter from [redacted] vice president of the [redacted] Committee, who stated that the Petitioner "was instrumental in creating with me a number of academic works related to coach and sport development, not only in single combat Turon, but also about coaching psychology and other aspects of coaching."

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[17] *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9; *see also Visinscaia*, 4 F. Supp. 3d at 134-35 (upholding a finding that a ballroom dancer had not met this criterion because she did not corroborate her impact in the field as a whole).

[18] *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9.

[19] *Id.* at 9. *See also Kazarian*, 580 F.3d at 1036, aff'd in part 596 F.3d at 1115 (holding that letters that repeat the regulatory language but do not explain how an individual's contributions have already influenced the field are insufficient to establish original contributions of major significance in the field).

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) requires "authorship of scholarly articles in the field, in professional or major trade publications or other major media."[20] The record reflects that the Petitioner submitted three scholarly articles published in *Science to Sport*. However, the Petitioner did not demonstrate that *Science to Sport* is a professional or major trade publication or other major medium. The Petitioner did not provide any supporting evidence relating to the nature or standing of *Science to Sport*.[21]

Accordingly, the Petitioner did not show that he fulfills 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).

The Petitioner argues that he "has performed a leading and critical role at [redacted] by being the first Turon coach within the College and becoming head of the entire Turon department." As it relates to a leading role, the evidence must establish that a petitioner is or was a leader. A title, with appropriate matching duties, can help to establish if a role is or was, in fact, leading.[22] Regarding a critical role, the evidence must demonstrate that a petitioner has contributed in a way that is of significant importance to the outcome of the organizations or establishment's activities. It is not the title of a petitioner's role, but rather the performance in the role that determines whether the role is or was critical.[23]

On appeal, he submits a letter from [redacted] deputy director of [redacted], who explained why the college selected the Petitioner as a coach. In addition, [redacted] indicated that the Petitioner "became the College's coach in Turon and was solely and sin gle-handedly [sic] responsible for training and development of the College's Turon athletes" and "was also responsible for recruitment and selection of new talented athletes to join the College's Turon team." Moreover, [redacted] stated that the Petitioner "made significant strides with his trainees in the sport and they consistently placed in the top 3 at international and national sporting events." While [redacted] discussed the Petitioner's involvement as a coach of the turon athletes and team, he did not demonstrate how the Petitioner performed in a leading or critical for [redacted] as a whole. Moreover, the Petitioner did not show how coaching the turon department within [redacted] reflects a leadership or essential position for the college overall. In fact, when compared to the role of [redacted] the deputy director of [redacted] the Petitioner performed in a far lesser role.[24] In addition, the Petitioner did not establish how his coaching contributed to the general success or standing of [redacted]

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[20] *See* USCIS Policy Memorandum PM-602-0005.1, *supra*, at 9.

[21] *Id.* (providing that evidence of professional or major trade publications or in other major media publications should establish that the circulation (on-line or in print) is high compared to other circulation statistics and the intended audience).

[22] *See* USCIS Policy Memorandum PM-602-0005.1, *supra*, at 10.

[23] *Id.*

[24] The record also contains screenshots from [redacted] listing 17 sports departments within [redacted]; the Petitioner did not demonstrate how his performance within the turon department differentiated from the other individuals in charge of the 16 other departments.

Furthermore, the Petitioner did not establish that [redacted] enjoys a distinguished reputation.[25] The Petitioner does not reference or point to documentation relating to [redacted] reputation. In addition, the record contains screenshots from *Wikipedia* regarding background and history of a "sports school" under the Soviet Union. We note that *Wikipedia* is an online, open source, collaborative encyclopedia that explicitly states it cannot guarantee the validity of its content. *See General Disclaimer*, *Wikipedia* (November 12, 2019), https://en.wikipedia.org/wiki/Wikipedia:General_disclaimer; *Badasa v. Mukasey*, 540 F.3d 909 (8th Cir. 2008). Moreover, the screenshots do not address the specific reputation of [redacted] rather than a "sport school" in general. Here, the Petitioner did not include evidence, for example, showing the field's view of [redacted], how its reputation compares to similar sports institutions, or how its successes or accomplishments relates to others, signifying a distinguished reputation consistent with the regulatory criterion.

Accordingly, the Petitioner did not establish that he satisfies this criterion.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we need not provide the type of final merits determination referenced in *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 acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. In visa petition proceedings, the petitioner bears the 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 not been met.

[25] *See* USCIS Policy Memorandum PM-602-0005.1, *supra*, at 10-11 (defining *Merriam-Webster's Dictionary* definition of "distinguished" as marked by eminence, distinction, or excellence).

ORDER: The appeal is dismissed.

Cite as *Matter of A-I-*, ID# 4633827 (AAO Nov. 12, 2019)