



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

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

MATTER OF A-A-

DATE: SEPT. 11, 2019

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a martial arts fighter, seeks classification as an “alien 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 had not provided documentation satisfying the initial evidence requirements set forth at 8 C.F.R. § 204.5(h)(3), which requires documentation of a one-time achievement or evidence that meets at least three of the ten regulatory criteria.

In his appeal, the Petitioner argues that the Director erred in finding he did not meet the initial evidence requirements set forth at 8 C.F.R. § 204.5(h)(3). The Petitioner further states that the evidence demonstrates his standing as an individual of extraordinary ability.

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). 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 record shows that the Petitioner is a competitive athlete in the [redacted] style of karate who has competed in local, national, and international sparring, or kumite, competitions since 1999, predominantly in Armenia, his native country. In 2005, at age 16, he received a certificate from the [redacted] evidencing he achieved a black belt in [redacted] karate. The Petitioner seeks to continue to train and compete in karate competitions in the United States.

### A. Major International Award

The regulation at 8 C.F.R. § 204.5(h)(3) states that a petitioner may submit evidence of a one-time achievement that is a major, internationally recognized award. On appeal, the Petitioner maintains that his first place finish in the [redacted] at the [redacted] [redacted] 2013 Open Championship [redacted] is a major, internationally recognized award.

The Petitioner’s initial submission contained a copy of his award certificate, and photographs of himself with his trophy and on the winner’s podium. Within his response to the Director’s request for evidence (RFE), the Petitioner submitted a letter from [redacted] the international president of the [redacted] who states that the event was “an International Karate Cup Championship, where athletes from many European countries were present.” He explains that the Petitioner participated in the

competition as part of the three-member Armenian team, and he calls the Petitioner's first place finish an "extraordinary result."

The aforementioned documentation, however, does not demonstrate the international import of the tournament or establish that the first place trophy or award certificate from the competition is recognized beyond the participants and organizers of the [redacted] event at a level commensurate with a major, internationally recognized award. The Petitioner has not shown that placing first among his pool of division contenders is indicative of international recognition in the martial arts. For example, although [redacted] indicates that the event "attracted thousands of athletes and audience" there is no documentary evidence showing the number of contenders who fought in the men's [redacted] division in which the Petitioner competed, or that they underwent a rigorous international selection process in order to compete in the tournament. In addition, there is no evidence showing that the Petitioner's fight attracted a substantial audience, received a significant amount of international media coverage, or was otherwise internationally recognized.

Given Congress' intent to restrict this visa category to "that small percentage of individuals who have risen to the very top of their field of endeavor," the regulation permitting eligibility based on a one-time achievement must be interpreted very narrowly, with only a small handful of awards qualifying as major, internationally recognized awards. Congress' example of a one-time achievement is a Nobel Prize. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990). The regulation is consistent with this legislative history, stating that a one-time achievement must be a major, internationally recognized award. 8 C.F.R. § 204.5(h)(3). The selection of Nobel Laureates, the example provided by Congress, is reported in the top media internationally regardless of the nationality of the awardees, is a familiar name to the public at large, and includes a large cash prize. Although an internationally recognized award could conceivably constitute a one-time achievement without meeting all of those elements, it is clear from the example provided by Congress that the award must be internationally recognized in the petitioner's field as one of the top awards in that field. In the present matter, the evidence submitted does not establish that the Petitioner's first place trophy or award certificate in the [redacted] division at the 2013 [redacted] Open Championship is a major, internationally recognized award.

In light of the above, the Petitioner has not demonstrated a qualifying one-time achievement pursuant to the regulation at 8 C.F.R. § 204.5(h)(3).

#### B. Evidentiary Criteria

As an alternative to demonstrating that the Petitioner has received a major, internationally recognized award, he must satisfy at least three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).<sup>1</sup>

*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 Director determined that the Petitioner has not established eligibility for this criterion. The evidence pertaining to the Petitioner's first place finish in the [redacted] division at the 2013

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<sup>1</sup> We have reviewed all of the evidence the Petitioner has submitted and will address those criteria the Petitioner asserts that he meets or for which the Petitioner has submitted relevant and probative evidence.

[redacted] Open Championship [redacted] has already been discussed in part A, above. As previously mentioned, the evidence submitted does not show that the Petitioner's aforementioned first place trophy or award certificate is internationally recognized in the martial arts field. Furthermore, the Petitioner has not demonstrated that either of them is a nationally recognized award for excellence in the field of endeavor. A karate competition may be open to athletes from throughout a particular country or countries, but this factor alone is not adequate to establish that an award or prize from that competition is nationally or internationally recognized. The burden is on the petitioner to demonstrate the level of recognition and achievement associated with his award. The submitted documentation does not establish that the Petitioner's award had a substantial level of recognition beyond the context of the event where it was presented and was therefore commensurate with a nationally or internationally recognized prize or award for excellence in the field.

In addition, the Petitioner submitted evidence of his podium finishes in competitions at the adult level, including in the following:

- A first place certificate received at the [redacted] [redacted] 2017)
- A second place certificate in kumite form in the adult [redacted] category received at the [redacted] 8th European [redacted] Championships (2016)
- A first place certificate received at the [redacted] s Cup [redacted] 2014)
- First and second place certificates in kumite form in the adult category received at the [redacted] Championship (2014, 2013, 2012, 2010 and 2007)
- A first place certificate in the adult [redacted] category received at the [redacted] Eastern Martial Arts Federation Armenia Open Tournament (2013)
- A first place certificate in the adult [redacted] category received at the Armenian National Association of the [redacted] Open Championship (2013)
- First place certificates received at the Armenian [redacted] Open Championship ([redacted] 2012, 2011)
- First, second, and third place certificates in the adult category received at Armenian National [redacted] Championships (2012, 2011, 2010, 2008, 2007)
- A second place certificate in kumite form in the adult [redacted] category received at the [redacted] Championship ([redacted] 2009)
- A first place finish in kumite form in the adult [redacted] category received at the [redacted] 10th Open championship (2009)
- A second place certificate in kumite form received at the [redacted] World Championship ([redacted] 2008)

The Petitioner also provided awards certificates evidencing his podium finishes in youth competition between 1999 and 2006.<sup>2</sup>

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<sup>2</sup> The record also contains evidence that in 2018 the Petitioner took second place in a [redacted] Open karate competition, and received a commendation from the mayor [redacted] California, adding his name to a list of top Armenian athletes in the state. However, the Petitioner received those awards after the date the petition was filed on August 21, 2017. The Petitioner must establish that all eligibility requirements for the immigration benefit have been satisfied from the time of the filing and continuing through adjudication. 8 C.F.R. § 103.2(b)(1).

The plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(i) specifically requires that the Petitioner's awards be nationally or internationally recognized in the field of endeavor and it is his burden to establish every element of this criterion. With regard to the aforementioned awards, the Petitioner did not submit evidence demonstrating their national or international recognition in the field of karate or in the general area of martial arts. The documentary evidence submitted does not demonstrate that the Petitioner's first, second, and third place certificates were recognized at a level commensurate with nationally or internationally recognized awards for excellence in the field. For example, the Petitioner did not submit supporting documentary evidence in the form of official entry requirements from the sponsoring organizations of these events or other evidence to establish the significance of the events within the sport.

Further, the Petitioner submitted the aforementioned certificate for his successful completion of a training course and attainment of a black belt [redacted] karate, but this certificate does not equate to nationally or internationally recognized prizes or awards for excellence in the field. The black belt certificate reflects that the Petitioner earned a promotion in rank based on his successful completion of a karate skills test, but he has not established that his promotion to this rank constitutes either a prize or an award, nor has he submitted documentation, such as media reports, demonstrating that his rank has received national or international recognition.

Finally, the Petitioner has submitted two letters from [redacted] the president of the [redacted] who states that in 2005 the Petitioner was chosen by the Armenian Karate Federation (AKF), the national governing body of the sport, to be a member of the [redacted]. He explains that the Petitioner was selected for the [redacted] after achieving a podium finish in the [redacted] Championship. The Director did not address this evidence. We find the Petitioner's podium finish in the [redacted] championship, which resulted in his appointment to the Armenian [redacted] sufficient to qualify as a nationally recognized award for excellence in the field. In light of the above, the Petitioner has established that he meets this regulatory 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).

In order to demonstrate that membership in an association meets this criterion a petitioner must show that the association requires outstanding achievement as an essential condition for admission to membership. Membership requirements based on employment or activity in a given field, minimum education or experience, proficiency certifications, standardized test scores, grade point average, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion as such requirements do not constitute outstanding achievements. Further, the overall prestige of a given association is not determinative; the issue here is membership requirements rather than the association's overall reputation.

The Petitioner maintains that he satisfies this criterion based upon his membership in the World Karate Federation (WKF), the [redacted] and the Armenian [redacted]. However, the record does

not include evidence of the membership requirements for the WKF or the [redacted] such as bylaws or rules of admission showing that those organizations require outstanding achievements of their members, as judged by recognized national or international experts in the Petitioner's field or an allied one.

The Petitioner also maintains that he satisfies this criterion based on his membership on the Armenian [redacted] in the sport of karate. The Petitioner has submitted the aforementioned two letters from [redacted], the president of the [redacted] who states that in 2005 the Petitioner was chosen by the AKF to be a member of the Armenian [redacted]. He explains that the Petitioner was selected for the [redacted] after achieving a podium finish in the [redacted] Championship, and subsequently undergoing specialized training and winning the finals round of competition in his age and weight group. As previously mentioned, the Director did not address this evidence. We find that the Petitioner meets this criterion based on his selection for Armenia's [redacted]

*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 maintains that he satisfies this criterion based on "published materials about [him] in the national newspapers, as well as through media outlets." The record contains evidence that he was interviewed in 2017 for a sports program on PanArmenian TV, a U.S.-based Armenian television channel. A translated transcript of the interview demonstrates that it was about him and related to his work, including his career achievements. Within the Petitioner's response to the Director's RFE he provided a media kit from PanArmenian TV indicating the channel is "[a]vailable on most major Southern California Cable Television providers." However, the record does not demonstrate who interviewed the Petitioner or the date when the interview was broadcast. In addition, the Petitioner did not provide documentary evidence of the viewership statistics for the specific television program on which the interview was broadcast.

The Petitioner also provided an article pertaining to the Petitioner dated 2006 and published in the newspaper of the Armenian National Agrarian University (ANAU). Upon review, this article does not satisfy the plain language of this criterion, as it is not about the Petitioner, but about the Yerevan Martial Arts Club, and does not identify the author of the material.

In addition, the record contains a translation of an article pertaining to the Petitioner that he asserts was published on the website [verdadzortert.com](http://verdadzortert.com). We note that neither the translation nor the translator's certification identify the source where the article was published. The Petitioner also provided a letter from the editor of *Vardadzor* indicating it is a regional newspaper with a print circulation of 10,000 to 15,000 readers per month and a website at [www.vardadzortert.com](http://www.vardadzortert.com). The letter does not provide evidence showing that the number of visitors to *Vardadzor's* website elevates the newspaper to a form of major media relative to other online news sources.

The Petitioner further provided an article about himself dated 2018 and published on the website [yerkirmedia.am](http://yerkirmedia.am). However, this article was published after the date the petition was filed on August 21, 2017. As stated previously, the Petitioner must establish that all eligibility requirements for the

immigration benefit have been satisfied from the time of the filing and continuing through adjudication. 8 C.F.R. § 103.2(b)(1). Finally, we note that the record contains several documents that appear to be translated excerpts of an interview of the Petitioner for Armenia First Television Italy and an article from “Germany Bremen.” However, since the Petitioner has not submitted the original source documents this evidence cannot be considered “published material” under this criterion. In light of the above, the Petitioner has not established that he meets this regulatory 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).

On appeal, the Petitioner argues that the Director has not given “appropriate weight” to testimonial letters in the record that discuss “[his] fighting techniques, his qualifications, etc.” The Petitioner submitted letters of support from his personal contacts discussing his achievements as a karate competitor. The record lacks evidence showing that the Petitioner has made original athletic contributions that have significantly influenced or impacted his field.

The Petitioner submitted the two aforementioned letters from [redacted] who states that the Petitioner’s first place finishes at the 2013 [redacted] in Italy and the 2017 [redacted] [redacted] in [redacted] conferred upon him “national and international recognition for his achievements . . . in his [redacted] category.” [redacted] and [redacted] martial arts instructors in the United States, state that they met the Petitioner at the latter competition, and describe him as very talented and hardworking with exceptional fighting skills. [redacted] a martial arts instructor who has offered the Petitioner employment in the United States as a competitive karate athlete, mentions that in 2017 the Petitioner trained at his facility and was featured in the above-referenced interview on PanArmenia TV. The Petitioner provided the above-referenced letter from [redacted] in which he describes and praises the Petitioner’s “very unique and difficult” sparring technique. He also highlights the Petitioner’s second place finish at the [redacted] in 2008.

The letters considered above primarily contain attestations of the Petitioner’s status in the field without providing specific examples of contributions that rise to a level consistent with major significance. Letters that specifically articulate how a petitioner’s contributions are of major significance to the field and its impact on subsequent work add value.<sup>3</sup> 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.<sup>4</sup> 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).

While the Petitioner has competed in tournaments and participated in extensive karate training, he has not shown how these activities equate to “original” athletic contributions of major significance in the

<sup>3</sup> 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 8-9 (Dec. 22, 2010), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html>.

<sup>4</sup> *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).

field. According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), the contributions must be not only original but of major significance. While this suggests that the Petitioner is knowledgeable and skilled in karate, it does not establish that he has made original athletic contributions of major significance in the field. Although the Petitioner has earned the admiration of his references, the evidence submitted does not demonstrate that his impact on the sport is commensurate with an original athletic contribution of major significance in the field.

*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 states that he performed in a leading or critical role for the Armenian [redacted] [redacted] in his role as an athlete on the team in 2005, because he asserts that all [redacted] members “must possess and exhibit special skills and achievements, which set them apart from their peers.” The scope of this evidentiary criterion, however, focuses on the relative importance of the Petitioner’s role for distinguished organizations. In general, a leading role is evidenced from the role itself, and a critical role is one in which the petitioner contributed in a way that is of significant importance to the outcome of the organization or establishment’s activities.<sup>5</sup>

The Petitioner has not submitted evidence to support his assertions on appeal. The record does not contain, for example, evidence that would establish that the Petitioner’s position with the Armenian [redacted] was in a leading or critical role, such as team rosters, team statistics or other documentation of his tenure with the Armenian [redacted]. The Petitioner’s evidence does not elucidate how the Petitioner’s position differentiated him from the other karate athletes on the Armenian [redacted] such as its senior players. In the above-referenced letters, [redacted] primarily attests to the Petitioner’s work ethic and sportsmanship, but nothing in his statement suggests that the Petitioner was considered to have performed in a leading or critical role. For the above reasons, the evidence submitted by the Petitioner does not establish that he was responsible for the Armenian [redacted] success or standing to a degree consistent with the meaning of “leading or critical role.” Further, the record does not contain sufficient evidence to demonstrate that the Armenian [redacted] [redacted] has a distinguished reputation in the field. In light of the above, the Petitioner has not established that he satisfies this evidentiary criterion.

### C. Summary

For the reasons discussed above, we agree with the Director that 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.

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<sup>5</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 10.



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 athletic accomplishments 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).

### III. CONCLUSION

The Petitioner has not shown that he qualifies for classification as an individual of extraordinary ability under section 203(b)(1)(A) of the Act. 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, 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 not been met.

**ORDER:** The appeal is dismissed.

Cite as *Matter of A-A-*, ID# 3998911 (AAO Sept. 11, 2019)