



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

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

In Re: 8292721

Date: MAY 27, 2020

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, a taekwondo athlete and trainer, 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 Nebraska Service Center denied the petition, concluding that the Petitioner did not satisfy any of the ten initial evidentiary criteria for this classification, of which he must meet at least three. The Director further determined that the Petitioner did not establish that he is coming to the United States to continue work in his area of expertise, or that his entry would substantially benefit prospectively the United States.

On appeal, the Petitioner claims that he satisfies six of the ten evidentiary criteria and is otherwise qualified for the requested classification.

The petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). The Administrative Appeals Office (AAO) reviews the questions in this matter *de novo*. *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we agree with the Director's determination that the Petitioner did not meet at least three criteria. Accordingly, we will dismiss the appeal.

I. LAW

Section 203(b)(1) 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 a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of his or her achievements in the field through 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 sufficient qualifying 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).

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).

II. ANALYSIS

The Petitioner is a taekwondo athlete and coach who has trained in the [redacted] style of the sport. The record reflects that he holds a 4th degree black belt in [redacted] taekwondo and the rank of 6th degree black belt from the [redacted] Martial Arts Federation. In addition, he provided evidence that he is a Certified Master Instructor of the [redacted] system of taekwondo.

A. Evidentiary Criteria

Because the Petitioner 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). The Director found that the Petitioner did not meet any of these criteria.

On appeal, the Petitioner asserts that he meets six of the ten criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), summarized below:

- (i) Lesser nationally or internationally recognized prizes or awards;
- (ii) Membership in associations that require outstanding achievements;
- (iii) Published materials about him and relating to his work;
- (iv) Judging the work of others in the same field;
- (v) Original contributions of major significance; and
- (viii) Leading or critical roles for organizations that have a distinguished reputation.

After reviewing all the evidence in the record, we conclude that the Petitioner has not established that he meets at least three of the initial evidentiary criteria.

Documentation of the individual'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. Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field 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.¹

The Petitioner provided the following “summary list” of “his major national and international tournament victories”:²

- 1995 [redacted] International Tournament [redacted] 3rd place
- 2001 [redacted] Championship [redacted] 2nd place
- 2004 [redacted] Taekwondo World Championship [redacted] Absolute Champion
- 2005 [redacted] Taekwondo Championship [redacted] 1st place
- 2006 [redacted] World Taekwondo Championship [redacted] 3rd place
- 2012 [redacted] International Championship [redacted] 3rd place
- 2014 [redacted] Open Championship [redacted] 1st place
- 2015 [redacted] Martial Arts Open Tournament [redacted] 1st place
- 2015 [redacted] Championship [redacted] 1st place
- 2017 [redacted] Open Championship [redacted] 2nd place
- 2018 World Cup [redacted] Taekwondo Championship [redacted] 3rd place

The Petitioner did not submit evidence, such as award certificates, photographs of medals, and/or official event results, for some of the awards listed, including the 1995 [redacted] International Tournament, and the 2001 [redacted] Championship. As he did not establish that he received these awards, we will not further address them. Similarly, the Petitioner did not provide evidence related to his 3rd place finish at the 2012 [redacted] International Championship. He provided a black and white copy of a photograph of a medal that states [redacted] 2013” but it was not accompanied by an award certificate or any information regarding the tournament or the national or international recognition associated with the award.

The Petitioner provided copies of his “diplomas of participation” for the 2005 [redacted] Championship and the 2006 [redacted] World Championship, indicating that he finished first and third, respectively, in the “sparring division.” The Petitioner also provided a reference letter from the [redacted] of Taekwondo [redacted] who states that the Petitioner won the title of “absolute world champion in the weight category over [redacted] in 2004, but

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>.

² The list also included three events in which the Petitioner indicates that he finished as a “finalist” but did not receive a “prize or award” as required by the plain language of 8 C.F.R. § 204.5(h)(3)(i).

he did not provide his award certificate, medal, or official event results. The letter from [redacted] does not identify the event at which the Petitioner received the “absolute champion” title.

The Petitioner also provided his award certificates related to [redacted] Taekwondo tournaments. The certificates indicate that he achieved a first place finish in the [redacted] Championship held at [redacted] Academy in [redacted] in 2015; a first place finish at the 2nd [redacted] Championship held in [redacted] in 2017, and two other first place finishes in events described only as [redacted] Taekwondo Tournament” in 2016 and 2017.

In a request for evidence (RFE), the Director advised the Petitioner that the record lacked evidence to establish that he has received nationally or internationally recognized awards for excellence in his field. The Director suggested additional evidence that he could submit in support of this criterion, such as evidence of the reputation of the organizations that granted the awards or prizes, media coverage of the events, and the geographic scope of the competitions. The Director also requested, for each award, a copy of the award certificate, a clear photograph of the actual award, and a public announcement from the granting organization.

In response, the Petitioner maintained that he had provided “extensive evidence” in support of this criterion. Nevertheless, in response to the RFE, he provided a letter attributed to [redacted] who indicates that he is the [redacted] of [redacted] Taekwondo for Kazakhstan. The letter is not on this organization’s letterhead and does not include any contact information for [redacted] He states:

In accordance with the Unified Calendar of Inter-regional, National and International Physical Culture and Sports Events in the Republic of Kazakhstan which is approved every year by order of the Ministry of Sports, Tourism and Youth Affairs of the Republic of Kazakhstan, one major athletic competition at the Uzbekistan Championship and Kazakhstan Cup levels is held during the calendar year in the sport of taekwondo. Thus an athlete has only one opportunity to win the title Champion of Kazakhstan, or the Kazakhstan Cup, per calendar year.

We note that there is no evidence that the Petitioner has won a Kazakhstan championship or national cup event or any event associated with the Kazakhstan Ministry of Sports during the course of his athletic career, although the letter appears to focus, in part, on establishing the national significance of these events. In addition, we note that the reference to an “Uzbekistan Championship” in a letter attributed to a Kazakhstan sports official raises questions regarding the source of the letter. Much of the letter also focuses on the “Master of Sports” title and the Taekwondo achievements required for such title; however, the Petitioner neither claims nor provides evidence that he has earned this title.

Finally, [redacted] refers to “the reputation of the organizers of International Taekwondo Competitions in which [the Petitioner] took part” noting that the reputation of these organizations is “beyond doubt.” Specifically, the letter lists: World Taekwondo Federation (WT), International Taekwondo Federation (ITF), [redacted] and Ministry of Sport of Kazakhstan as the sponsors of the events in which the Petitioner has competed. The evidence does not demonstrate the Petitioner has competed in any event sponsored by [redacted]. [redacted]’s letter does not address the reputation of any of the

listed sponsors apart from WT, which is identified as the international federation governing the sport of taekwondo and the international body recognized by the International Olympic Committee.

While the Petitioner's certificates and medals indicate that he has participated in events sanctioned or sponsored by [redacted] and [redacted] the RFE response did not expressly address the reputation of these organizations or the national or international significance of the specific awards the Petitioner received. [redacted] and [redacted] appear to be training academies rather than being among the several governing bodies in the sport of taekwondo. While the evidence demonstrates that [redacted] has an international reach with academies in the United States and several other countries, we cannot determine based on the evidence submitted that a [redacted] World Championship medal receives the same recognition in the sport as a WT or ITF sponsored world championship.

On appeal, the Petitioner argues that his awards are "in no way local or regional in nature." However, the Director did not determine that the Petitioner had won only local or regional awards. The issue for this criterion is not whether an individual competed in national or international competitions but whether the bestowed prizes or awards are nationally or internationally recognized for excellence in the field. Here, the Petitioner did not submit evidence regarding the stature or recognition of his awards received in international competitions. The Petitioner has therefore not established that he meets all elements of this criterion.

Documentation of the individual'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).

At the time of filing the Petitioner indicated that he meets this criterion based on his membership on the Kazakhstan National [redacted] Taekwondo Team since 2005 and further indicated that he serves as [redacted] of the [redacted] in Kazakhstan. In support of his claim, he submitted a "Certificate of Approval" from [redacted] Taekwondo International appointing him as [redacted] of the [redacted] in Kazakhstan in 2013.

In the RFE, the Director acknowledged this evidence, but advised the Petitioner that it was insufficient to establish that he had been granted membership in an association which requires outstanding achievements of members as judged by recognized national or international experts. The Director requested that the Petitioner provide additional documentation, such as the section of the association's constitution or bylaws discussing the qualifications for membership and the qualifications required of those who review potential members.

In response to the RFE, the Petitioner submitted a letter from [redacted] in his capacity as the [redacted] of the Academy of Martial Arts Kazakhstan. He states that admission to the Kazakhstan National [redacted] Taekwondo Team requires "a consistent track record of outstanding achievements in this sport" and that "[the Petitioner] was admitted to the team on the basis of his outstanding achievements in taekwondo as judged by nationally or internationally recognized experts in this sport." [redacted] also stated that the Petitioner "has been a champion of the Republic of Kazakhstan in taekwondo," a statement that is not supported by the evidence relating to the Petitioner's awards, which

does not include any national championships. In addition, he states that the national team “only selects the best of the best and is highly selective” and names other past members of the team who have gone on to win medals in international events.

[redacted]’s letter simply repeated the regulatory language of this criterion without providing details regarding how selection for the national team is actually made or what criteria must be met. Repeating the language of the statute or regulations does not satisfy the petitioner’s burden of proof. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff’d*, 905 F. 2d 41 (2d. Cir. 1990); *Avyr Associates, Inc. v. Meissner*, No. 95 CIV. 10729, *1, *5 (S.D.N.Y. Apr. 18, 1997).

Further, the Petitioner relies solely on the above-referenced letter, which is not sufficiently specific with respect to the national team membership requirements or selection processes. Although [redacted] refers to the “Kazakhstan National [redacted] Taekwondo Team by-laws” in his letter, the record does not contain corroborating evidence, such as a copy of these bylaws or the team’s official rules or procedures governing membership. The Petitioner must show that he meets every element of a given criterion. Here, the Petitioner has not sufficiently demonstrated the procedures or criteria used for his selection to this claimed national team.

Based on the above, the Petitioner did not demonstrate that he satisfies this criterion.

Published material about the individual 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 Director determined that the submitted evidence does not satisfy this criterion and we agree with that finding. Specifically, the Petitioner did not demonstrate published material about him in professional or major trade publications or other major media, including the author of the material.

The Petitioner initially submitted three published articles in support of this criterion. One article from 2012, titled [redacted]’ is about the [redacted] studio in [redacted] Kazakhstan, and discusses the achievements of the young students who train there under the Petitioner’s instruction. Another article, titled [redacted]’ is an interview with the Petitioner and two of his students who had recently won medals at the [redacted] World Taekwondo Championships held in [redacted] in 2013. The third article is an interview with the Petitioner about his work as a competitive athlete and taekwondo coach, but it does not include a date or identify the author. While all three articles are about the Petitioner and his work as a taekwondo athlete and/or instructor, the submitted translations do not identify the names of the publications in which the articles appeared and were not accompanied by evidence demonstrating that any of the articles appeared in a professional or major trade publication or other major medium.

In the RFE, the Director advised the Petitioner that each article submitted to satisfy this criterion should include: the title, date and author of the published material; the circulation (online and/or in print) of the publication in which it appeared; comparative circulation data for major publications; and the intended audience of each publication.

In response, the Petitioner submitted three additional articles: (1) an online article titled [redacted] published by *Kostanay News* in [redacted] 2016”; (2) an online article published by *Kostanay News* in [redacted] 2012, titled “[redacted]” and (3) an online article published by *Nasha Gazeta* in 2013, titled “[redacted]”. The articles are about the Petitioner and identify the respective authors and dates of publication. However, the Petitioner did not submit sufficient evidence that these articles were published in professional or major trade publications or other major media.³

Within his response, the Petitioner submitted letters from the editors of the publications *Kostanay News* and *Nasha Gazeta*. The editor of *Kostanay News* describes it as a “major media regional socio-political publication,” published three times per week and distributed in Kazakhstan and certain regions of Russia, with 82,000 print copies and an online version read by 150,000 people. The editor of *Nasha Gazeta* describes the publication as a “major media newspaper, which mainly covers the problems of Kostanay city,” and further states that it is a “regional independent weekly publication” distributed in Kostanay city and the Kostanay region of Kazakhstan. She states that it has a weekly circulation of 12,000 to 14,000 copies.

The information provided from the preceding editors is not sufficient to demonstrate that these publications qualify as major media. USCIS need not rely on self-serving assertions.⁴ Even if we were to accept the editors’ information, we note that *Nasha Gazeta* is a local or regional publication based on the statements made its editor. While *Kostanay News* appears to have a broader reach, there is no evidence showing the distribution of this publication relative to other media in Kazakhstan to demonstrate that the submitted articles were published in professional or major trade publications or other major media.

In light of the above, the Petitioner has not established that he meets this criterion.

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

In support of this criterion, the Petitioner initially submitted a reference letter attributed to [redacted] the [redacted] Taekwondo of the Republic of [redacted] Republic,” who confirmed that the Petitioner “actively participated in carrying out and in judging of the republican and international competitions in Taekwondo” between 2010 and 2017. He provided a similar reference letter from [redacted] of the [redacted] Regional Judo Federation, indicating that he had judged city and regional competitions in judo. The aforementioned letters lack specificity regarding the events at which the Petitioner judged and therefore, the letters alone are insufficient to establish when the Petitioner served as a judge of taekwondo or other martial arts competitions.

³ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 7 (instructing that evidence of published material in professional or major trade publication or in other major media publications should establish that the circulation (on-line or in print) is high compared to other circulation statistics and show the intended audience of the publication).

⁴ See *Braga v. Poulos*, No. CV 06 5105 SJO (C. D. CA July 6, 2007) *aff’d* 2009 WL 604888 (9th Cir. 2009) (concluding that the AAO did not have to rely on self-serving assertions on the cover of a magazine as to the magazine's status as major media).

He also provided a certificate indicating that he was granted the title of “Judge of category ‘A’” in Kazakhstan by [redacted] in 2012. While this certificate indicates that the Petitioner holds a judging credential or qualification, it is insufficient to establish that he participated as a judge of the work of others at any specific event or competition.

Finally, he provided a certificate of thanks issued to him by the [redacted] Taekwondo Institute “[f]or the help at the objective refereeing and help in the assistance in conducting the open championship of [redacted]” in [redacted] Taekwondo in 2016. In his RFE, the Director acknowledged this certificate but noted that the record did not contain sufficient information to establish that he “acted as a judge consistent with the plain language of this regulatory criterion, rather than as a referee, enforcing the rules of the match and ensuring a sportsmanlike competition.”

In response to the RFE, the Petitioner submitted another letter from [redacted] who signed this letter as [redacted] the Kazakhstan Taekwondo Federation.” He states that the Petitioner, “having gained tremendous experience in the field of taekwondo” has “assumed a position of the Chief Judge, which he held for many years” and “judges tournaments of all levels.” [redacted] describes the composition of the “Tae Kwon Do Judges Committee” as approved by “the relevant Federation or Organization conducting the competition” and the role of a “Chief Judge.” However, he does not identify any specific competitions in which the Petitioner participated as a judge. Further, based on his description of the judging hierarchy at a taekwondo competition, a chief judge is not responsible for judging the work of individual athletes in competition. Rather, he states that those duties are assigned to lower-level judges who each make “an independent decision on the evaluation of the performance of the athletes and is obliged to argue their actions in the relevant points of the Competition Rules when analyzing controversial points.” [redacted] indicates that the chief judge performs duties such as checking the readiness of premises and equipment for competition, organizing the drawing of participants and approving the competition schedule, duties that do not require participating in judging the work of others.

Here, the Petitioner has relied solely on the evidence discussed above, and did not submit corroborating evidence, such as his event-specific judging credentials, or official records from one or more events in which he claims he served as a judge, to show that he actually participated as a judge for taekwondo or other martial arts competitions. We agree with the Director that the sole event-specific document from the 2016 [redacted] Open Championship, indicating that the Petitioner helped with refereeing, is insufficient to establish his participation as a judge at the event.

Based on the foregoing, the Petitioner did not establish that he satisfies this criterion.

Evidence of the individual’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).

In order to meet this criterion, a petitioner must establish that he has made original contributions of major significance in the field.⁵ For example, a petitioner may show that his contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have

⁵ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8 (finding that although work may be “original,” this fact alone is not sufficient to establish that the work is of major significance).

otherwise risen to a level of major significance in the field. The Petitioner contends that he meets this criterion “by virtue of winning major national and international competitions” and that his “accomplishments in his athletic field constitute a contribution of major significance to the sport of Taekwondo.” He argues that the Director did not give appropriate weight to the submitted expert testimonials.

At the time of filing, the Petitioner asserted that his athletic achievements, and the achievements of his students “constitute a contribution of major significance to the field of martial arts” noting that it is a “unique and rare achievement” to win national and international competitions. He also stated that his activities have been recognized as a contribution of major significance by leading experts in the field and indicated that he was submitting three letters in support of this criterion.

The Petitioner provided a letter from [redacted] who describes the Petitioner as “one of the hardest working athletes” he has worked with. He praises the Petitioner’s “natural talent” and “tremendous desire to excel and describes him as “polite and humble” and as a “good sportsman and coach.”

The Petitioner also provided an “Appreciation Letter” he received from [redacted] [redacted], who thanked him for the cooperation and support he offered to the [redacted]-Kazakhstan Team at the [redacted] World Championship held in Spain in 2013. The letter lists the event results for three Kazakh athletes who received medals in their respective age and weight categories. Finally, he submitted a letter from [redacted] of the Orthodox Jewish Self Defense Program in New York, who confirms that the Petitioner was a volunteer coach in the program from 2017 to 2018. [redacted] praises the Petitioner’s character and sportsmanship and states that he is “a good athlete.”

In the RFE, the Director advised the Petitioner that these letters did not identify his original contributions in his field or describe the significant impact of those contributions. The Director advised the Petitioner that letters from experts should provide as much detail as possible regarding his contributions and be supported by other evidence.

In response, the Petitioner once again emphasized his achievements, stating that he “has unquestionably developed his own uniquely effective style, which is based on outstanding physique combined with mastery of challenging fighting techniques.” However, he did not indicate that he was submitting additional evidence in support of this criterion.

The Petitioner’s achievements in taekwondo competitions and tournaments are more relevant to the awards category of evidence at 8 C.F.R. § 204.5(h)(3)(i), a separate and distinct criterion. Consistent with the regulatory requirement that a petitioner meet at least three separate criteria, we will generally not consider here evidence relating to the awards criterion. Regardless, the Petitioner did not establish that his competitive taekwondo results were indicative of original athletic contributions of major significance in the overall field.⁶ Likewise, while the Petitioner established that he successfully

⁶ See USCIS Policy Memorandum PM 602-0005.1, 8-9; see also *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 134-35 (D.D.C. 2013) (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).

coached young athletes who won awards and prizes, the record does not show how his instruction methods were original or how his coaching has been recognized as an original contribution of major significance in the field. He did not show, for example, that his instruction or coaching methods have been adopted by others or otherwise impacted anyone other than the individual athletes with whom he has worked.

Although the record contains letters praising the Petitioner's talent, character and work ethic, and additional letters which praise the Petitioner's career and highlight his achievements, they do not, individually or collectively, identify how he has made an original contribution of major significance in the field. In addition, having a diverse or unique skill set is not a contribution in-and-of-itself. Rather, the record must be supported by evidence that the Petitioner has already used those skills and abilities to impact the field at a significant level.

The letters submitted primarily contain attestations of the Petitioner's status in his sport without providing specific examples of original 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.⁷ 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.⁸ Moreover, USCIS need not accept primarily conclusory statements. *1756, Inc. v. U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990).

While the Petitioner has competed in competitions and tournaments at the international level, trained extensively in taekwondo, and coached other athletes, he has not shown how these activities equate to "original" athletic contributions of major significance in the field. While the record indicates that the Petitioner is a highly skilled athlete who has achieved some notable success in his career thus far, and although he has earned favorable recognition from the authors of the submitted letters, 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.

B. Summary and Reserved Issues

As explained above, the Petitioner has not established that he meets the criteria related to awards, membership in associations, published materials, judging, and original contributions. Although he argues and submits evidence for one additional criterion on appeal, relating to leading or critical roles for organizations or establishments at 8 C.F.R. § 204.5(h)(3)(viii), we need not reach this additional criterion. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), we reserve this issue.⁹ Similarly, since the identified basis for denial is dispositive of the appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding the Director's separate determinations that the Petitioner did not establish that he is coming to "continue work in the area of extraordinary ability" and that his entry would "substantially benefit prospectively the United States" under section 203(b)(1)(A)(ii) and (iii) of the Act.

⁷ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9.

⁸ *Id.* at 9.

⁹ See *INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach.)

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. Accordingly, 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.

ORDER: The appeal is dismissed.