



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

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

In Re: 27693596

Date: AUG. 16, 2023

Appeal of Nebraska Service Center Decision

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

The Petitioner, a martial arts athlete, seeks classification as an alien 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 record did not establish that the Petitioner met the initial evidence requirement for this classification through evidence of a major, internationally recognized award or meeting at least three of the ten evidentiary criteria under 8 C.F.R. § 204.5(h)(3). The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

## I. LAW

To establish eligibility as an individual of extraordinary ability, a petitioner (or anyone on the petitioner's behalf) must establish that they:

- Have extraordinary ability in the sciences, arts, education, business, or athletics;
- Seek to enter the United States to continue work in their area of extraordinary ability; and that
- Their entry into the United States will prospectively substantially benefit the United States.

Extraordinary ability must be demonstrated by evidence of sustained national or international acclaim as well as extensive documentation that their achievements have been recognized in the field. Section 203(b)(1) of the Act.

The implementing regulation further states that 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.” It also

sets forth a multi-part analysis. A petitioner can demonstrate international recognition of their achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If such evidence is unavailable, then they must alternatively provide evidence that meets at least three of the ten listed criteria, which call for evidence about other awards they may have received, published material about them in qualifying media, and their authorship of scholarly articles, among other types of evidence. 8 C.F.R. §§ 204.5(h)(2),(3).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination, assessing whether the record shows that the individual possesses the acclaim and recognition required for this highly exclusive immigrant visa classification. *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).

## II. ANALYSIS

The Petitioner is a martial arts athlete who has competed in muay thai, kickboxing, and mixed martial arts (MMA) tournaments. He intends to continue to compete as a martial arts athlete in the United States.

### A. One-Time Achievement

The INA does not define what constitutes a major, international award, but the Nobel Prize was specifically cited as an example in Congressional debates leading to the statute's passage. *See* H.R. Rep. 101-723, 59 (Sept. 19, 1990), reprinted in 1990 U.S.C.C.A.N. 6710, 1990 WL 200418 at \*6739. We note that the selection of Nobel Laureates is reported in the top media internationally regardless of the nationality of the awardees, reflects a familiar name to the public at large, and includes a large cash prize. Other awards which enjoy similar international recognition as top awards for those in a particular field include, but are not limited to, the Pulitzer Prize, the Academy Award, and Olympic medals.

The Petitioner contends that he won championships at the 2013 [redacted] International Championship, the 2014 [redacted] Championship (Thailand), as well as at the 2014 [redacted] Championship and [redacted] Championship, both also in Thailand. As evidence of his receipt of these awards, he submitted letters from the founder of the Muay Thai Federation of Turkey (TMF), his coach, and other martial arts athletes, all of whom attest to these victories. However, we note that none of these individuals claim to have any standing in or relationship with the organization which issued these awards, identified in a newspaper article as the Professional Muay Thai Federation (PMF), nor do they explain how they acquired their knowledge of the Petitioner's claimed victories. Further, while the Petitioner's coach indicates that he was coaching the Petitioner at the time of these competitions, and would presumably have attended them with the Petitioner, he does not provide even the smallest detail about the Petitioner's victories or even the events, such as the dates on which they occurred. As such, these letters lack sufficient authority, credibility, and detail to establish that the Petitioner received the claimed awards.

The Petitioner also submitted photographs of medals and trophies, but did not provide an explanation of any of them or associate them with his claimed awards. As noted by the Director, for all of the medals and trophies which included a plaque or engraving, that text was in a foreign language. Any document in a foreign language must be accompanied by a full English language translation. 8 C.F.R. § 103.2(b)(3). The translator must certify that the English language translation is complete and accurate, and that the translator is competent to translate from the foreign language into English. *Id.* Because the Petitioner did not submit a properly certified English language translation of the text on these medals and trophies, we cannot meaningfully determine whether they support his claims.<sup>1</sup>

Although not mentioned by the Director or the Petitioner with regard to his claimed awards, the record also includes media articles that report on or make reference to the Petitioner's receipt of the claimed awards. While the Director noted a minor discrepancy in the certifications accompanying the English translations of these articles, we conclude that they are compliant with the requirements at 8 C.F.R. § 103.2(b)(3). One article, published in *Millyet Akdeniz Spor* in 2014<sup>2</sup>, states that the Petitioner won 10 out of 14 matches at [redacted] [sic] Boxing Stadium "thereby achieving a great success," and that he competed at the [redacted] and "won the championship belt." Another article, published a day earlier in *Akdeniz Manset Spor*, also states that he won the championship belt at the [redacted]. Both articles feature a photograph of the Petitioner wearing a championship belt. Despite the concerns about the evidence noted above, these contemporaneous articles and accompanying photographs show by a preponderance of the evidence that the Petitioner won the 2014 [redacted] muay thai tournament.

However, the record includes very little evidence regarding the [redacted] and its standing as a major, internationally recognized award. The letters from other athletes mentioned above, such as [redacted] state that this and the other awards claimed by the Petitioner "are extraordinary and the most prestigious events that [the Petitioner] has won," while the founder of the TMF calls them "very important awards." These statements, even if supported by documentary evidence, do not suggest that the [redacted] is a major, internationally recognized award, but rather that it marks the pinnacle of the Petitioner's career. Even the two newspaper articles mentioned above provide scant information about the award. Further, regarding the articles and the publications in which they appeared, the record does not show that their mentions of the [redacted] constitute international recognition. A letter from a journalist with a different Turkish newspaper states that *Millyet* "is one of the top circulating newspapers in Turkey." However, this statement is not supported by circulation statistics, and we note that the name of both newspapers includes "Akdeniz," indicating that they are local newspapers or local editions of more widely-distributed publications.<sup>3</sup> In addition, there is no indication that the Petitioner's victory came with a substantial monetary prize, gave him significant points or standing in any sort of international ranking or title scheme, or was recognized more broadly at the international level.

For the reasons discussed above, we conclude that the Petitioner has not established that he has received a major, internationally recognized award. We will therefore consider whether he meets at least three of the alternative evidentiary criteria.

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<sup>1</sup> We note that all but one of the medals and trophies which include a place name show cities in Turkey [redacted] [redacted] with the exception being [redacted] (Germany). None refer to cities or places in Thailand.

<sup>2</sup> The translations did not include the exact date of the publications.

<sup>3</sup> We take administrative notice that Akdeniz is a municipality within the metropolitan center of [redacted] in Turkey.

## B. Evidentiary Criteria

Because the Petitioner has not established that he 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 the evidentiary criteria. On appeal, the Petitioner asserts that he meets the evidentiary criteria relating to lesser internationally or nationally recognized awards, member of an association requiring outstanding achievements, published material about him and his work in his field, and original contributions of major significance to his field. After reviewing all of the evidence in the record, we find that he does not meet at least three of the ten evidentiary 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)*

As stated above regarding the Petitioner's claim to having received a major, internationally recognized award, the evidence is sufficient to establish that he received the [redacted] award in 2014, but not any of the other awards he specifically claims. And given the lack of supporting documentation regarding the stature of the [redacted] award, the record is insufficient to show that it qualifies as a lesser nationally or internationally recognized award. In addition, while the Petitioner submitted evidence of medals and trophies which apparently relate to other martial arts tournaments in which he competed, the lack of English translations, as well as any explanations or other supporting evidence about these awards, renders this evidence of minimal value. As such, we agree with the Director's conclusion that the Petitioner does not meet this criterion.

*Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields. 8 C.F.R. § 204.5(h)(3)(ii)*

To meet this criterion, a petitioner must establish their membership in an association in their field, and then show that the association requires outstanding achievements of its members, as judged by recognized experts. Here, the Director determined that the Petitioner is a member of [redacted] Turkey, based upon a letter from the owner, but concluded that this evidence was insufficient to show that it required outstanding achievements of its members. The Petitioner does not challenge this aspect of the Director's decision on appeal.

The Director also considered two letters from [redacted] who states that he is the [redacted] of the TMF and [redacted] of the European Muaythai Federation (EMF). The letters state that the Petitioner is a "prominent member" of the TMF, and that such members must "have national and international achievements for very important awards." However, the Director noted that neither of these letters included an address for the writer, referring to the requirement at 8 C.F.R. § 204.5(g)(1) pertaining to "evidence relating to qualifying experience or training," and thus gave them little evidentiary weight.

On appeal, the Petitioner asserts that “8 C.F.R. Sec. 204.5 does not apply here” as he is a self-petitioner, and that the letters are “official government document(s)” such that discrediting them was inappropriate. To the extent that the Petitioner argues that the specific requirement at 8 C.F.R. § 204.5(g)(1) regarding evidence of training and work experience is not applicable to letters submitted in support of this criterion, we acknowledge that the letters were not submitted as evidence of training or work experience. However, we note the lack of additional information in the record about the TMF and [redacted] which combined with the missing address information lowers the evidentiary value of the letters. As for the Petitioner’s claim that these are official government documents, there is no indication in the record that TMF is a government agency or [redacted] a government official. Having said that, the Petitioner’s athlete “license” issued by the Ministry of Youth and Sports, which lists TMF as the federation to which he belongs, lends credence to the claim that TMF is officially sanctioned by the Turkish government.

With the above taken into account, we conclude that while this evidence is sufficient to show that the Petitioner is a member of TMF, we agree with the Director that it is insufficient to show that the association requires outstanding achievements of its members. Notably, [redacted] description of the Petitioner as a “prominent member” does not make clear whether this is recognized as a separate membership class with unique admission requirements, or is simply a way to describe members who have achieved some level of success and recognition as athletes. Also, his statements that prominent members must have “national and international achievements” and “have been recognized nationally to be outstanding achievers” parrots the language of the regulation without providing substantive membership requirements. 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); *Ayyr Associates, Inc. v. Meissner*, No. 95 CIV. 10729, \*1, \*5 (S.D.N.Y. Apr. 18, 1997). Further, despite the Director’s request for sections of the association’s constitution or bylaws which contain the requirements for membership at all levels, the Petitioner did not submit such evidence or explain its absence.

On appeal, the Petitioner also suggests that he is a member of the Turkish national muay thai team, despite not having previously made this claim. This appears to be based solely on [redacted] statement that he “is our National Athlete for the Republic of Turkey.” However, this statement is insufficient to show that he is a member of a national team, as it makes no reference to a team at all. The record also lacks evidence that the Petitioner has competed internationally as a member of a team representing the Republic of Turkey.

For the reasons provided above, we conclude that the evidence is insufficient to establish that the Petitioner meets this criterion.

## B. Final Merits Determination

The Petitioner has not established that he meets at least three of the ten evidentiary criteria under 8 C.F.R. § 204.5(h)(3). Although he claims eligibility for two additional criteria on appeal, relating to published material about him and his work as a martial arts athlete and his original contributions of major significance to the field of martial arts, we need not reach these additional grounds. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. §

204.5(h)(3), we reserve these issues.<sup>4</sup> 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 those 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 that he is one of the small percentage who have 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).

**ORDER:** The appeal is dismissed.

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<sup>4</sup> *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make “purely advisory findings” on issues that are unnecessary to the ultimate decision).