



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

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

In Re: 26986919

Date: JUN. 22, 2023

Appeal of Nebraska Service Center Decision

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

The Petitioner, a chess trainer, seeks classification as an individual 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 petition, concluding that the record did not establish that the Petitioner satisfied the initial evidence requirements for this classification by demonstrating his receipt of a major, internationally recognized award or by submitting evidence to satisfy at least three of the ten evidentiary criteria at 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

An individual is eligible for the extraordinary ability classification if they have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and their achievements have been recognized in the field through extensive documentation; they seek to enter the United States to continue work in the area of extraordinary ability; and their entry into the United States will substantially benefit prospectively the United States. Section 203(b)(1)(A) of the Act.

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 may demonstrate international recognition of their achievements in the field through a one-time achievement (that is, a major, internationally recognized award). Absent such an achievement, a petitioner must provide

sufficient qualifying documentation demonstrating that they meet at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x).

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).

## II. ANALYSIS

The Petitioner is a professional chess trainer who has coached youth and adult players for national, European, and international competition in Norway, Greece, and Georgia. He intends to continue his work as a chess trainer in the United States.

### A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he must show that he satisfies at least three of the ten regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner claims that he can meet four of the initial evidentiary criteria.

The Director determined that the Petitioner met the two criteria at 8 C.F.R. § 204.5(h)(3)(iv) and (viii) based on his participation as a judge of the work of others in the field and his performance in a leading or critical role for an organization or establishment that has a distinguished reputation. The record supports the Director's determination that the Petitioner meets the requirements of 8 C.F.R. § 204.5(h)(3)(viii) based on his critical role as a coach for the [REDACTED] Women's National Team, which earned a silver medal at the [REDACTED] in 2022. However, for the reasons discussed below, we will withdraw the Director's determination that the Petitioner satisfies the criterion relating to judging at 8 C.F.R. § 204.5(h)(3)(iv).

On appeal, the Petitioner maintains that he also satisfies the criteria at 8 C.F.R. § 204.5(h)(3)(ii) and (v), based on his memberships in professional associations that require outstanding achievements and his original contributions of major significance in his field.

After reviewing all the evidence in the record, we conclude the Petitioner has not satisfied at least three regulatory criteria and therefore does not meet the initial evidence requirements for classification as an individual of extraordinary ability.

*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)

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, and that such achievements are judged by recognized experts in the field. Membership requirements based on employment in a certain occupation, minimum education or experience, or payment of dues or fees do not satisfy this criterion as such requirements do not constitute outstanding achievements. *See generally 6 USCIS Policy Manual F.2(B)(2) Appendix*, <https://www.uscis.gov/policy-manual>.

In a cover letter that accompanied the initial petition filing, the Petitioner stated that he “is a member of numerous Chess Clubs and Associations, and he has a sufficiently high Chess Rating to be a FIDE Certified Chess Trainer.” The Petitioner also stated that he is a “National Master of the US Chess Federation.”

The Petitioner provided a certificate from the U.S. Chess Federation indicating that he achieved the official title of National Master in October 2021, accompanied by a letter from the organization welcoming him into “a select circle of chess players.” The Petitioner also submitted his profile page from the International Chess Federation (Federation Internationale de Echecs or FIDE) which lists his world, continental and national ranks, his chess rating [redacted], and a FIDE Instructor title. He provided a certificate issued by the FIDE Trainers’ Commission of the Norwegian Chess Federation, indicating his successful participation in a two-day FIDE Trainers’ Seminar in Norway in June 2018. Finally, the Petitioner submitted an excerpt from the *FIDE Handbook* which includes the organization’s “Regulations for the Titles of Trainers.”

In a request for evidence (RFE), the Director observed that “no evidence or claim was submitted for this criterion” in reference to 8 C.F.R. § 204.5(h)(3)(ii). The Petitioner did not address the membership criterion in his response to the RFE.

On appeal, the Petitioner maintains that the Director erroneously discounted the evidence submitted in support of this criterion. He emphasizes that he “is a highly ranked member of [FIDE] and is a FIDE Trainer; a member of the Norwegian Chess Federation; and he is a U.S. National Master in Chess.” He further states:

The process of becoming FIDE Instructor and Trainer is complex and multistage. The first step is to receive a recommendation from the National Federation as well as required experience and education. A candidate should also possess a minimum FIDE rating of 1800. [The Petitioner] has become a FIDE Instructor in 2018 and is currently a FIDE Arbiter and Trainer.”

While we agree with the Petitioner that the Director appears to have overlooked his claim that he meets this criterion, the submitted evidence does not establish that the Petitioner is a member in an association that requires outstanding achievements of its members as judged by recognized national or international experts in the field.

The Petitioner emphasizes on appeal that he is a member of the Norwegian Chess Federation and has achieved the title of National Master with the U.S. Chess Federation. While he provided a certificate documenting his National Master title, he did not document his membership in the Norwegian Chess Federation, nor did he provide evidence of the membership requirements related to either of these

organizations and his specific level of membership. Without this evidence, we cannot evaluate whether either of these memberships satisfies all elements of the plain language of the criterion at 8 C.F.R. § 204.5(h)(3)(ii). The Petitioner did not meet his burden to establish that he satisfies this criterion based on his membership in the Norwegian or U.S. Chess Federations.

The Petitioner states on appeal that he is currently a FIDE Trainer and FIDE Arbiter, but he has not submitted evidence to document that he has received these titles from FIDE and that he held one or both titles when he filed the petition in September 2022. *See* 8 C.F.R. § 103.2(b)(1) (stating that a petitioner must establish eligibility for the requested benefit at the time of filing and must continue to be eligible through adjudication). Further, although the Petitioner provided an excerpt from the *FIDE Handbook* with “Regulations for the Titles of Trainers,” he did not submit comparable evidence regarding FIDE’s requirements for granting the title of Arbiter.

As noted, the Petitioner’s FIDE profile indicates he was a FIDE Instructor as of 2018, and he submitted evidence that he successfully completed a FIDE Trainers’ seminar that fulfilled part of the organization’s requirements for this title. According to the submitted regulations for the FIDE Trainers’ System, the title of FIDE Instructor requires an application. To be qualified as a FIDE Instructor, one must be a trainer of a national champion or junior or youth champion, have achieved a career high rating of at least 2000, and complete a successful professional skills evaluation as a participant in a FIDE Trainer’s Commission Seminar.<sup>1</sup> The *FIDE Handbook* includes evaluation tables describing a points system used for determining a person’s title. Points are awarded based on an individual’s highest FIDE or national rating, student results, published material, years of experience, and written examinations.

According to the *FIDE Handbook*, the title recommendations are made by the lecturer in charge of the FIDE Trainers’ Seminar, endorsed by the FIDE Trainers’ Commission, and then submitted for approval “by either the PB, EB or GA.” The regulations indicate that upon approval a trainer will receive “an official diploma and badge” with their photograph and license validity. We note that the Petitioner did not submit a copy of his official diploma and badge from FIDE as evidence that he passed through all stages of the approval process to become a licensed FIDE Instructor.

Further, while receiving approval for the FIDE Instructor title appears to require a certain baseline level of experience, skill and achievement as a chess player and instructor (evaluated using a points system), the record does not contain sufficient evidence to support a finding that a FIDE member’s achievement of that title requires “outstanding achievements” as judged by national or international experts in the field. The level of membership afforded to the person must show that to obtain that level of membership, the person was judged by recognized national or international experts as having attained outstanding achievements in the field for which classification is sought. The submitted regulations from the *FIDE Handbook*, without additional context, do not establish that the minimum requirements for the “Instructor” title are judged by experts as “outstanding achievements” nor is there evidence that the individual(s) who make the final decision to approve the title are recognized national

---

<sup>1</sup> The *FIDE Handbook* indicates that there are two lower classes of instructor/trainer (National Instructor and Developmental Instructor) that are below FIDE Instructor, and two higher classes of instructor/trainer (FIDE Trainer and FIDE Senior Trainer, with the latter requiring significantly higher levels of achievement such as publishing books and manuals, serving as a FIDE seminar lecturer, founding chess schools that have developed titled players, and originating and developing educational systems or programs in the field.)

or international experts in the field. Accordingly, the Petitioner has not established that he meets the requirements of the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

*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)*

To establish that he meets this criterion, the Petitioner submitted printouts of "Tournament Details" for four chess tournaments from the website of the International Chess Federation. This evidence identified the Petitioner as "Chief Arbiter" for the Open Tournament in [REDACTED] held in Greece in 2012, and as one of several "Deputy Arbiters" for three youth championship tournaments held in Greece in 2009, 2010, and 2012.

In the RFE, the Director acknowledged this evidence, but advised the Petitioner that additional documentation would be required to establish that he meets the plain language of this criterion, based on the nature of the activities he performed at these tournaments. The Petitioner's response to the RFE did not address his role as an arbiter at the above-referenced events, but the Director nevertheless concluded, without additional explanation, that he satisfied this criterion.

The record does not contain evidence describing the activities the Petitioner performed in his capacity as a deputy or chief arbiter at the referenced chess tournaments. If the petitioner simply enforced the rules of a match and sportsmanlike competition, then his participation as an arbiter cannot be said to have involved evaluating or judging the work of the competitors. Without further evidence that he judged the work of others, such as evidence that he awarded points or exercised his judgment in choosing the ultimate winner, evidence regarding officiating is insufficient to meet this criterion. Accordingly, we withdraw the Director's determination that the Petitioner satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(iv).

## B. Summary and Reserved Issue

The Petitioner claims that he can meet four of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). While he established that he meets the criterion at 8 C.F.R. § 204.5(h)(3)(viii), we conclude, for the reasons provided above, that he did not provide evidence demonstrating that he satisfies the criteria at 8 C.F.R. 204.5(h)(ii) and (iv). Accordingly, he cannot meet the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3).

Detailed discussion of the remaining claimed criterion at 8 C.F.R. § 204.5(h)(3)(v), which relates to original contributions of major significance in the field, cannot change the outcome of the appeal. The Director determined that the evidence submitted in support of this criterion demonstrated that the Petitioner made contributions that were significant for individual chess players and for organizations that employed him but did not establish that he made original contributions of major significance that impacted the broader field of chess or influenced the work of others. On appeal, the Petitioner submits additional evidence and asserts that he made a "significant impact . . . on the popularization of the game of Chess in [REDACTED] as a whole," based on his successful coaching of the [REDACTED] National Women's Chess Team. However, we will reserve discussion of this criterion and the Petitioner's appellate arguments related to this issue. *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); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

### 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 at 8 C.F.R. § 204.5(h)(3)(i)-(x). As a result, we do not need to provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119–20. Nevertheless, we advise that we have reviewed the material in the aggregate, concluding that while the Petitioner has achieved some significant success as a chess trainer, the record does not support a determination that he 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 that goal. 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 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 of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) 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.