



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

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

In Re: 9279064

Date: JULY 23, 2020

Appeal of California Service Center Decision

Form I-129, Petition for Nonimmigrant Worker (Extraordinary Ability – O)

The Petitioner, a non-profit Nordic ski club, seeks to classify the Beneficiary, an assistant ski coach, as an alien of extraordinary ability in athletics. To do so, the Petitioner seeks O-1 nonimmigrant classification, available to aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i).

The Director of the California Service Center denied the petition, concluding that the Petitioner did not satisfy, as required, the alternative evidentiary criteria applicable to individuals of extraordinary ability in athletics, either a major, internationally recognized award or at least three of eight possible forms of documentation. 8 C.F.R. § 214.2(o)(3)(iii)(A)-(B).

On appeal, the Petitioner maintains that the evidence satisfies at least two of the eight regulatory categories of evidence at 8 C.F.R. § 214.2(o)(3)(iii)(B).

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

I. LAW

As relevant here, section 101(a)(15)(O)(i) of the Act establishes O-1 classification for an individual who has extraordinary ability in the sciences, arts, education, business, or athletics that has been demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability. Department of Homeland Security (DHS) regulations define "extraordinary ability in the field of science, education, business, or athletics" as "a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor." 8 C.F.R. § 214.2(o)(3)(ii).

Next, DHS regulations set forth alternative evidentiary criteria for establishing a beneficiary's sustained acclaim and the recognition of achievements. A petitioner may submit evidence either

of “a major, internationally recognized award, such as a Nobel Prize,” or of at least three of eight listed categories of documents. 8 C.F.R. § 214.2(o)(3)(iii)(A)-(B).

The submission of documents satisfying the initial evidentiary criteria does not, in and of itself, establish eligibility for O-1 classification. *See* 59 Fed. Reg. 41818, 41820 (Aug. 15, 1994) (“The evidence submitted by the petitioner is not the standard for the classification, but merely the mechanism to establish whether the standard has been met.”) Accordingly, where a petitioner provides qualifying evidence satisfying the initial evidentiary criteria, we will determine whether the totality of the record and the quality of the evidence shows sustained national or international acclaim such that the individual is among the small percentage at the very top of the field of endeavor. *See* section 101(a)(15)(o)(i) of the Act and 8 C.F.R. § 214.2(o)(3)(ii), (iii).¹

II. ANALYSIS

Because the Petitioner has not indicated or established that the Beneficiary has received a major, internationally recognized award, it must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1)-(8). The Director determined that the Petitioner provided evidence relating to three criteria, but the Beneficiary did not meet any of them. The Petitioner maintains on appeal that the Beneficiary fulfills two criteria. For the reasons discussed below, we find that the documentation does not meet any evidentiary categories.

Documentation of the alien’s receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 214.2(o)(3)(iii)(B)(1)

The Director determined that although the Petitioner submitted copies of screenshots and photographs of awards, trophies, and certificates, including foreign language documentation without certified English language translations, it did not provide supporting documentation to demonstrate that they reflect nationally or internationally recognized prizes or awards for excellence in the field.² For instance, as indicated by the Director, the Petitioner did not supplement the record with evidence showing the purpose, significance, and scope of each award, as well as the criteria used to judge the participation and reputations of the organizations granting the awards.

On appeal, the Petitioner submits a letter from [redacted] U.S. Ski & Snowboard, who indicated that the Beneficiary “is a National Collegiate Athletic Association (NCAA) ski champion and has competed for [redacted] at the international level.” However, [redacted] did not provide further information, specifying the Beneficiary’s prizes or awards and explaining the significance and recognition of those prizes or awards in the field. Furthermore, [redacted] did not demonstrate that NCAA awards are tantamount to nationally or internationally recognized awards for excellence in the field consistent with this regulatory criterion.

¹ *See also Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010), in which we held that, “truth is to be determined not by the quantity of evidence alone but by its quality.”

² Any document in a foreign language must be accompanied by a full English language translation. *See* 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 from the foreign language into English. *Id.*

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1) requires not only the Petitioner to show that the Beneficiary received prizes or awards but that the prizes or awards are nationally or internationally recognized for excellence in the field of endeavor. However, in the case here, the Petitioner provided evidence of the Beneficiary's receipt of prizes or awards without establishing the national or international recognition for excellence in the field.³ In addition, the Petitioner did not offer evidence of the Beneficiary's receipt of nationally or internationally recognized prizes or awards for excellence as a ski coach, her field of endeavor.

For the reasons discussed above, the Petitioner did not demonstrate that the Beneficiary fulfills this criterion.

III. CONCLUSION

We find that the Petitioner did demonstrate that the Beneficiary meets the criterion relating to awards. Although the Petitioner claims the Beneficiary's eligibility for an additional criterion on appeal, relating to memberships at 8 C.F.R. § 214.2(o)(3)(iii)(B)(2), we need not reach this additional ground.⁴ As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 214.2(o)(3)(iii)(B), we reserve this issue.⁵ Consequently, the Petitioner has not established the Beneficiary's eligibility for the O-1 visa classification as an individual of extraordinary. 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.

³ Although some of the photographs and screenshots of the awards, trophies, medals, and plaques contain the Beneficiary's name as the recipient, the majority of the documentation does not show her name or any of the recipient information to establish that she garnered them.

⁴ Even if the Petitioner established on appeal that the Beneficiary met the awards and membership criteria, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1)-(8). While the Director determined that the Petitioner did not establish the Beneficiary's eligibility under the original contributions of major significance criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(5), the Petitioner does not address this criterion on appeal.

⁵ 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).