



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

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

In Re: 28469369

Date: OCT. 2, 2023

Appeal of Vermont Service Center Decision

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

The Petitioner, an international youth hockey program, seeks to classify the Beneficiary, a head coach, as an individual of extraordinary ability. This O-1 nonimmigrant visa classification is available to individuals 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 Vermont Service Center denied the petition, concluding the Beneficiary had not satisfied the initial evidentiary criteria applicable to individuals of extraordinary ability: either receipt of 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). 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

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 did not indicate or establish the Beneficiary has received a major, internationally recognized award, it must demonstrate the Beneficiary satisfies at least three of the alternate regulatory criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1)-(8). The Director determined the Beneficiary fulfilled only one criterion, high salary under 8 C.F.R. § 214.2(o)(3)(B)(iii)(8). On appeal, the Petitioner maintains the Beneficiary meets three additional criteria.²

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)

On appeal, the Petitioner argues that it “provided documentation showing prestige of AAU [Amateur Athletic Union] National Championships,” and “[t]he letter from the National Chair of AAU [redacted] [redacted] was very specific about how [the Beneficiary] contributed to winning the AAU Championship.” According to screenshots from aausports.org, “the AAU has set the standard for amateur sports in the United States with one goal in mind: ‘Sports For ALL, Forever,’” and “is dedicated exclusively to the promotion and development of amateur sports and physical fitness programs.” In addition, [redacted] stated that “[f]or the second time in 3 years the team coached by [the Beneficiary] won the AAU National Championship,” and “[t]his was for his team in the U11 division.”

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1) requires “the alien’s receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor.” Although the Petitioner submitted evidence regarding the background and history of the AAU, the evidence makes no mention of the AAU National Championship, nor does it indicate the national or international recognition for excellence in the field.³ Moreover, [redacted] letter does not further discuss the AAU National Championship and show how the field views winning the AAU National Championship in the under 11 years of age division as being tantamount to a nationally or internationally recognized prize or award for excellence.

For the reasons discussed above, the Petitioner did not establish the Beneficiary meets this criterion.

¹ *See also* 2 USCIS Policy Manual, M.4(C)(2), <https://www.uscis.gov/policymanual>.

² We consider any previous eligibility claims not raised on appeal to be waived. *See, e.g., Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (*citing Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

³ The record also contains screenshots from *Wikipedia* regarding the history of the AAU without any mention of the AAU National Championship.

Evidence of the alien's original scientific, scholarly, or business-related contributions of major significance in the field. 8 C.F.R. § 214.2(o)(3)(iii)(B)(5).

The Petitioner argues:

The [Beneficiary] composed a playbook [redacted] that is used throughout the hockey world as indicated through various previously submitted letters. This playbook is circulated throughout Slovakia, Canada, Serbia and the US (even in the NHL). The Playbook was even distributed on academia.edu, which is a SCHOLARLY platform from such original contributions. The Service did not even consider the letters and the prestige of academia.edu as a SCHOLARLY outlet, therefore making the playbook a scholarly contribution.

The Petitioner submitted screenshots from academia.edu reflecting that “Academia suggested your papers in [redacted] search results” for various time periods. In addition, the screenshots contain several rankings for each search result. Although the Petitioner attached screenshots regarding the mission and background of Academia.edu, the Petitioner did not explain the significance of the search results or the relevance of the rankings.⁴ Here, the screenshots only indicate that “[redacted]” was uploaded into the database and such playbook was returned as a result of search terms by other users. There is no evidence that the searchers were even inquiring about the Beneficiary’s playbook. For instance, the following search terms resulted in Academia.edu suggesting the Beneficiary’s playbook:

[redacted]
[redacted]

Without further information and explanation, the Petitioner did not demonstrate the data from Academia.edu shows the Beneficiary’s playbook as a scholarly contribution of major significance in the field.

In addition, the Petitioner submitted a letter from [redacted] former NHL player, who briefly indicated the Beneficiary “developed not only his playbook at these organizations, but was a successful head coach.” The letter does not further elaborate and explain the significance of the playbook in the overall hockey field. Rather, the letter discusses the Beneficiary’s influence on the teams with whom he coached and simply references the development of his playbook.

Further, the record contains a letter from [redacted] president of the [redacted] Hockey League, who stated:

The [redacted] Team combined players from the USA, Canada, Slovakia and Serbia. This was not any easy task as the players flew in from different countries and some did not speak English. However, under the guidance of [the Beneficiary] all players (and family members) had a great experience, learned new skills, systems, and all have requested to continue playing with the [redacted] Team and under the systems outlined in the [Beneficiary’s] playbook.

⁴ The screenshot entitled, “About Academia,” states that “Academia is a platform for sharing academic research. Academics have uploaded 40 million papers, and 31 million academics, professionals, and students read papers on Academia every month.”

. . . .

The youth hockey Playbook that has been prepared by [the Beneficiary] has been incorporated with our kids through his camps and in private sessions with coaches. It is the gold standard for youth hockey throughout the world. It is our goal to spend time during the off season to dig deep into the concepts, techniques, and systems.

Although the letter praises the Beneficiary's playbook, the letter does not contain specific, detailed information showing the impact of the Beneficiary's playbook on the overall field rather than limited to the Beneficiary's youth teams and players. In addition, while the letter claims the playbook "is the gold standard for youth hockey," the letter does not further elaborate and justify its opinion. The letter, for example, does not discuss the applicability of the playbook across the hockey field other than by a select few youth hockey teams.

Here, the letters do not expand upon how the Beneficiary's work has significantly impacted or influenced the field in a major way. In the absence of specific information detailing the impact or influence of the Petitioner's playbook, the letters do not demonstrate that his work has risen to a level of major significance in the field.

Accordingly, considered both individually and collectively, the Petitioner has not shown the Beneficiary has made original contributions of major significance in the field.

III. CONCLUSION

The Petitioner did not demonstrate the Beneficiary meets two additional categories of evidence. Although the Petitioner claims the Beneficiary's eligibility under 8 C.F.R. § 214.2(o)(3)(iii)(B)(7), we need not address this ground because it cannot fulfill the initial evidentiary requirement of at least three criteria. We also need not provide a totality determination to establish whether the Beneficiary has sustained national or international acclaim and is one of the small percentage who has arisen to the very top of the field. *See* section 101(a)(15)(O)(i) of the Act and 8 C.F.R. § 214.2(o)(3)(ii) and (iii).⁵ Accordingly, we reserve these issues.⁶ Consequently, the Petitioner has not established the Beneficiary's eligibility for the O-1 visa classification 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.

⁵ *See also* 2 USCIS Policy Manual, *supra*, at M.4(B).

⁶ *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *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 applicants do not otherwise meet their burden of proof).