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[Redacted]

FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: NOV 21 2005  
WAC 03 170 53404

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*Mari Johnson*

*S* Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained and the petition will be approved.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability in athletics. The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

Section 203(b) of the Act states, in pertinent part, that:

(1) Priority Workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):

(A) Aliens with Extraordinary Ability. -- An alien is described in this subparagraph 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 to the United States will substantially benefit prospectively the United States.

As used in this section, the term "extraordinary ability" means a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2). The specific requirements for supporting documents to establish that an alien has sustained national or international acclaim and recognition in his or her field of expertise are set forth in the regulation at 8 C.F.R. § 204.5(h)(3). The relevant criteria will be addressed below. It should be reiterated, however, that the petitioner must show that he has earned sustained national or international acclaim at the very top level.

This petition, filed on May 14, 2003, seeks to classify the petitioner as an alien with extraordinary ability as a Greco-Roman Wrestler and Wrestling Coach.<sup>1</sup>

The regulation at 8 C.F.R. § 204.5(h)(4) requires the beneficiary to "continue work in the area of expertise." While a wrestler and wrestling coach certainly share knowledge of the sport, the two rely on very different

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<sup>1</sup> The petitioner submitted evidence showing that he remains active as a competitive wrestler. For example, in January 2003, the petitioner placed first in the 120 kilogram weight class at the Armenian Greco-Roman Wrestling Championship. Further, in response to the director's request for evidence, the petitioner submitted documentation indicating that he continues to compete here in the U.S.

sets of basic skills. Thus, competing and coaching are not the same area of expertise. This interpretation has been upheld in Federal Court. In *Lee v. Ziglar*, 237 F.Supp.2d 914 (N.D.Ill. 2002), the court stated:

It is reasonable to interpret continuing to work in one's 'area of extraordinary ability' as working in the same profession in which one has extraordinary ability, not necessarily in any profession in that field. For example, Lee's extraordinary ability as a baseball player does not imply that he also has extraordinary ability in all positions or professions in the baseball industry such as a manager, umpire or coach.

*Id.* at 918. The court noted a consistent history in this area. Nevertheless, we acknowledge that there exists a nexus between playing and coaching a given sport. To assume that every extraordinary athlete's area of expertise includes coaching, however, would be too speculative. To resolve this issue, the following balance is appropriate. In a case where an alien has clearly achieved national or international acclaim as an athlete and has sustained that acclaim in the field of coaching at a national level, we can consider the totality of the evidence as establishing an overall pattern of sustained acclaim and extraordinary ability. Specifically, in such a case we will consider the level at which the alien acts as coach. A coach who has a successful history of coaching athletes who compete successfully at the national level or above has a credible claim; a coach of novices or intermediates does not.

The regulation at 8 C.F.R. § 204.5(h)(3) indicates that an alien can establish sustained national or international acclaim through evidence of a one-time achievement (that is, a major, international recognized award). Barring the alien's receipt of such an award, the regulation outlines ten criteria, at least three of which must be satisfied for an alien to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability. We find that the petitioner's evidence satisfies the following three criteria.

*Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.*

The petitioner submitted evidence showing that he won national Greco-Roman wrestling titles in Armenia in 1995, 1996, 1998, 1999, 2001, and 2003. The petitioner also submitted evidence showing that he placed second at international wrestling tournaments in Kazakhstan and Iran in 1997, 1999, and 2001.<sup>2</sup>

In addition to satisfying this criterion as a competitive wrestler, the petitioner has also submitted evidence showing that he has coached athletes who have won wrestling titles at the national level and above. For example, Anatoly Pretosyan of USA Wrestling states:

In 2003, [the petitioner] was invited to the U.S. by our World Class Athlete Program to train and prepare our Greco-Roman wrestlers at the Colorado Springs Olympic Training Center. He helped train our top wrestlers to prepare for the World Championship and Olympics. He was the training partner for World and Olympic Champions Rulon Gardner and Dremel Byers, and trained a number of other great U.S.

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<sup>2</sup> The record also includes a letter from Anatoly Pretosyan, Greco-Roman Resident Coach, USA Wrestling (the officially designated U.S. Olympic and Pan American Sport Organization for the sport of wrestling in the United States), stating that the petitioner "placed among the top 8 in the world" at the "1999 World Championships."

wrestlers. . . . The new techniques and innovative moves that [the petitioner] taught our wrestlers greatly improved their performance.

Rulon Gardner, Greco-Roman wrestling Olympic and World Champion for the U.S., states:

In 2000, while representing the USA at the Sydney 2000 Summer Olympic Games, I defeated the up to then undefeated [redacted] to capture the Olympic Gold Medal. In 2001 I defended my Olympic Gold medal by capturing the World Gold Medal at the World Championships.

\* \* \*

I have had the opportunity to train with [the petitioner] over the past three years. The first time I met [the petitioner] was in 2000 when we trained together for an Olympic qualifying tournament in Colorado Springs, Colorado. During this period, [the petitioner] helped me raise my wrestling technique to the level that I was confident enough to win the Olympics that year. He showed me new and original techniques which greatly assisted me.

\* \* \*

While training with [the petitioner], I have been able to gain an increased skill with my clinch. The manner in which [the petitioner] applied and executed the clinch was truly original and unique. I had never seen the clinch practiced in the manner [the petitioner] showed me. The clinch was the move that lifted me above Karelin. [The petitioner] also showed me several other holds which were innovative, and which I had never seen applied in wrestling. . . . Without [the petitioner's] help and the original techniques he taught me, I would not have been able to win the Bronze Medal in the 2004 Olympics.

We find that the evidence submitted by the petitioner is adequate to satisfy 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.*

The petitioner submitted a May 2003 letter from A. Manukyan, President, Armenian Wrestling Federation, who states: "[The petitioner] is a member of Armenian national combined team of Greco-Roman wrestling. He is a winner of last Republican championships. He participated in international championships of World and Europe and won prizes. He has a right of participating in Olympic Games."

The petitioner also submitted a comprehensive listing of international wrestlers who qualified for the 2000 Olympic Games in Sydney, Australia (including the petitioner) and certificates issued by the National Olympic Committee of Armenia and the International Olympic Committee confirming the petitioner's participation as a member of the Armenian national team. While a team is not an "association," we could consider such evidence as comparable pursuant to 8 C.F.R. § 204.5(h)(4) because membership on an Olympic team is the result of multi-level national competition, supervised by national experts. There is undeniable prestige in representing one's country at the Olympics. Given the level of accomplishment generally required to secure

and maintain a place on a country's Olympic team, it appears reasonable to conclude that it is the functional equivalent of an association of the type contemplated in the regulations. We find that the evidence submitted by the petitioner is adequate to satisfy this criterion.

*Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.*

The petitioner submitted a letter from [REDACTED] Head Coach of the U.S. Army's World Class Athlete Program, who states:

In 2003, I was selected to be the head coach for the U.S. World Team, I was also named the head coach for the 2004 Olympic wrestling team.

\* \* \*

I met [the petitioner] in 2000 at the [REDACTED] Tournament as a coach for the World Class Athlete Program (WCAP) Wrestling Team. The WCAP program provides Soldiers-athlete [sic] with high national ranking or world class potential with the support and training to compete and succeed in national and international competitions to include the Olympic games. Since 1948, 415 Army Soldier-athlete [sic] have been selected to either an American summer or winter team, earning 102 Olympic medals overall.

\* \* \*

In 2003, in my capacity as Coach of the Army's World Class Athlete Program . . . I invited [the petitioner] to the United States to help prepare and train our Greco-Roman wrestlers for the 2003 World Championships and 2004 Olympics.

[The petitioner] made significant and valuable contributions to our program. Over a 13-month amount of time he was the training partner for our best wrestlers, including [REDACTED] who has won a World Championship and [REDACTED] who has won Olympic Gold medal and a world championship. Both wrestlers went on to considerably improve their skills with [the petitioner's] assistance. [The petitioner] also trained many of our other top ranking Greco-Roman wrestlers.

[The petitioner] helped every wrestler he trained and prepared to substantially improve their techniques and skills.

\* \* \*

At the WCAP program, I relied heavily on [the petitioner's] advice and judgment. He frequently judged and assessed each wrestler's performance and progress. His evaluation of each wrestling [sic] abilities, his analysis . . . of the proper training routine for each athlete, and his judgment regarding each person's potential and performance were invaluable to me in selecting the final team members and raising our team's overall standards.

██████████ Captain, U.S. Army, World Class Athlete Program, states:

[The petitioner] has played a leading and critical role in the U.S. Army's World Class Athlete Program. He has trained and prepared some of our greatest wrestlers, such as ██████████ . . . [The petitioner] showed our wrestlers new holds and original moves with which they were not familiar, and which greatly increased their skills and improved their results. He also introduced innovative substantial benefits . . . and we see him as a key and indispensable member of our team.

\* \* \*

The U.S. lags behind Eastern European athletes in Greco-Roman wrestling. Our wrestlers rarely have the opportunity to train with a top ranking Greco-Roman wrestlers like [the petitioner] who have the knowledge, expertise, and experience to make a significant, favorable, and long lasting impact on our wrestlers' skills, development and performances.

Steve Fraser, National Greco-Roman Coach, USA Wrestling, Colorado Springs, CO, states:

[The petitioner] came to the USA in February 2003 by invitation of the . . . U.S. Army. He was invited with the intent to share his professional experience as a training partner to U.S. wrestling athletes for the World and Olympic Games.

\* \* \*

At the 2004 Olympic Games in Athens, Greece, ██████████ won the bronze medal in Greco-Roman wrestling. This is a high achievement for the US Greco-Roman team. [The petitioner] played a role in this by being an excellent training partner. Currently [the petitioner] is a training partner and coach to many world class wrestlers.

The preceding letters of support are adequate to demonstrate that the petitioner has performed in a critical role for the U.S. Army's WCAP program.

In this case, the petitioner has satisfied three of the regulatory criteria required for classification as an alien of extraordinary ability. Pursuant to the statute and regulations as they are currently constituted, the petitioner qualifies for the classification sought.

In review, while not all of the evidence presented in this matter carries the weight imputed to it by counsel, the totality of the evidence establishes an overall pattern of sustained national acclaim and extraordinary ability in Greco-Roman wrestling. The petitioner has also established that he seeks to continue working in the same field in the United States and that his entry into the United States will substantially benefit prospectively the United States. Therefore, the petitioner has overcome the stated grounds for denial and thereby established eligibility for the benefits sought under section 203 of the Act.

The burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has sustained that burden. Accordingly, the decision of the director denying the petition will be withdrawn and the petition will be approved.

**ORDER:** The appeal is sustained and the petition is approved.