



U.S. Citizenship
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FILE:

Office: NEBRASKA SERVICE CENTER

Date: JUN 29 2006

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IN RE:

Petitioner:
Beneficiary:

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:

SELF-REPRESENTED

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

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

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.

On appeal, the petitioner states: "I believe that I meet the criteria for my visa classification petition, and that my petition has been inappropriately denied."

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 she has earned sustained national or international acclaim at the very top level.

This petition, filed on October 6, 2003, seeks to classify the petitioner as an alien with extraordinary ability as a table tennis player and coach.

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, internationally recognized award). On appeal, the petitioner asserts that her bronze medal for team play at the 9th World University Table Tennis Championship held in Lyon, France in September 1992 constitutes a major, internationally recognized award. We do not find that a third place finish in a team competition limited to university students

meets this standard. There is no indication that the petitioner faced competition from throughout the entire field, rather than competition limited to her approximate age group within that field. The regulation permitting eligibility based on a single award must be interpreted very narrowly, with only a small handful of awards qualifying as major, internationally recognized awards. Examples of one-time awards which enjoy truly international recognition include the Nobel Prize, the Academy Award, and (most relevant for athletics) the Olympic Gold Medal. These prizes are household names, recognized immediately even among the general public as being the highest possible honors in their respective fields. It has not been shown that the petitioner's bronze medal for overall team play in a competition limited to college students, which will be further addressed below as a lesser nationally or internationally recognized prize or award, commands immediate international recognition comparable to the three examples cited above.

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. The petitioner has submitted evidence pertaining to the following criteria.

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

On appeal, the petitioner submits a letter from [REDACTED] President, USA Table Tennis, One Olympic Plaza, Colorado Springs, Colorado, stating:

[The petitioner] won a bronze medal in the 9th World University Table Tennis Championship in 1992. She also won a bronze medal in the 1996 National Table Tennis Tournament in Singapore. In the U.S., she won the championship title in the 2004 14th Paul Cracraft Memorial Open and was a runner-up in the 2004 Front Range Open in Open Singles, including competing with all male athletes. These open tournaments are open to all table tennis players around the country. Her superb table tennis competition skills are clearly demonstrated from her constant high rankings. She was ranked among the top 15 women according to the *USA Table Tennis Magazine* issues Jan/Feb 2004, July/Aug 2004 and Jan/Feb 2005.

The record includes supporting documentation such as published competitive results and photographs confirming the information provided by [REDACTED]. We find that the evidence showing that the petitioner received a bronze medal at the 9th World University Table Tennis Championship in 1992 and at the National Table Tennis Tournament in Singapore in 1996 is adequate to satisfy this criterion.

In regard to the petitioner's recent U.S. tournament results and *USA Table Tennis Magazine* rankings from 2004 and 2005, it is noted that this evidence came into existence subsequent to the petition's filing date. A petitioner, however, must establish eligibility at the time of filing. 8 C.F.R. § 103.2(b)(12); see *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971). Subsequent developments in the petitioner's career cannot retroactively establish that she was already eligible for the classification sought as of the filing date.

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.

In order to demonstrate that membership in an association meets this criterion, the petitioner must show that the association requires outstanding achievement as an essential condition for admission to membership. Membership requirements based on employment or activity in a given field, minimum education or experience, standardized test scores, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion as such requirements do not constitute outstanding achievements. In addition, it is clear from the regulatory language that members must be selected at the national or international level, rather than the local or regional level. Therefore, membership in an association that evaluates its membership applications at the local or regional chapter level would not qualify. Finally, the overall prestige of a given association is not determinative; the issue here is membership requirements rather than the association's overall reputation.

The petitioner submitted her membership card for USA Table Tennis. The record, however, includes no evidence of the membership bylaws or the official admission requirements for this organization demonstrating that admission to membership required outstanding achievement or that the petitioner was evaluated by national or international experts in consideration of her admission to membership. The petitioner has not established that she meets this criterion.

Published materials about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.

All of the published materials submitted by the petitioner, such as the *USA Table Tennis Magazine* player rankings from 2004 and 2005 and the December 28, 2004 article about the petitioner in the *Wyoming Tribune-Eagle*, came into existence subsequent to the petition's filing date. As stated previously, a petitioner must establish eligibility at the time of filing. 8 C.F.R. § 103.2(b)(12); see *Matter of Katigbak* at 45, 49. The petitioner has not established that she meets this criterion.

Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought.

The regulation at 8 C.F.R. § 204.5(h)(3) provides that "a petition for an alien of extraordinary ability must be accompanied by evidence that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise." Evidence of the petitioner's participation as a judge must be evaluated in terms of these requirements. For example, serving as a judge for a national competition involving professional athletes is of far greater probative value than serving as a judge for a local competition involving amateur competitors or children.

In response to the director's request for evidence, the petitioner states: "I have been coaching table tennis for about 10 years for both adults and kids." We do not find that coaching is tantamount to judging the work of others in one's field for purposes of this criterion. While a coach does evaluate athletes under his or her tutelage, this evaluation is commonplace and inherent to the coaching profession. The petitioner's coaching of novice, intermediate, or amateur players is not indicative of national or international acclaim and does not fulfill this criterion.

Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.

On appeal, the petitioner argues that a letter from [REDACTED], Vice President and Chairman, Corporate Review Committee, Singapore Table Tennis Association, demonstrates her eligibility under this criterion. [REDACTED] states:

During her 13 months with us, [the petitioner] was attached to our National Table Tennis Women's Team as a practice partner sparring with our country's top women players.

* * *

As a sparring partner in the National Team, she worked very closely with our national coach to improve the quality of training. Her presence has been a great help to the coach and the team who was then preparing for the 13th Commonwealth Table Tennis Championships to be held in Glasgow, UK, in April 1997. With the efforts from everyone in the team – coaches, sparring partners and players, the Singapore Table Tennis team won four gold medals in the 13th Commonwealth Table Tennis Championships.

As a sparring partner, rather than a head coach or player, the petitioner's level of contribution to the success of the Singapore National Team is difficult to ascertain. Nevertheless, nationally or internationally recognized prizes or awards won by teams or individuals coached by the petitioner are far more relevant to the criterion at 8 C.F.R. § 204.5(h)(3)(i), a criterion which the petitioner has already fulfilled.

In order to satisfy this criterion, the petitioner must show that her athletic or coaching contribution has demonstrably influenced the greater field at the national or international level. The record in this case, however, includes no comparative evidence showing that the petitioner is among the most influential coaches or competitors currently active in the sport of table tennis. For example, in regard to the petitioner's coaching contributions, the petitioner has not submitted evidence showing that a number of top players from throughout the United States have adopted her particular techniques. As an example relating to competitive athletes, holding a national or world record in one's sport (in certain instances) can constitute a major contribution since the record is something to which other athletes aspire. In this case, however, the petitioner has failed to demonstrate a specific coaching or athletic accomplishment that rises to the level of contribution of major national or international significance.

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

In order to establish that he performed a leading or critical role for an organization or establishment with a distinguished reputation, the petitioner must establish the nature of her role within the entire organization or establishment and the reputation of the organization or establishment.

In response to the director's request for evidence, the petitioner states: "I have performed in a leading or critical role as a coach for Cheyenne Table Tennis Club, Cheyenne, Wyoming. This is the only table tennis club in Wyoming." The record, however, includes no evidence showing that the Cheyenne Table Tennis Club has earned a distinguished national or international reputation in the sport of table tennis. For example, there is no indication that the club has a history of producing table tennis players who have competed successfully at the national or international level. Nor has the petitioner shown that, during her tenure as the Cheyenne Table Tennis Club coach, players under her direct tutelage have competed successfully at the national or international level. For these reasons, we find the petitioner has not established that she has performed in a leading or critical role for a distinguished organization, or that her involvement has earned her sustained national or international acclaim.

In this case, the petitioner has failed to demonstrate her receipt of a major internationally recognized award, or that she meets at least three of the criteria that must be satisfied to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability.

Review of the record does not establish that the petitioner has distinguished herself to such an extent that she may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of her field. The evidence is not persuasive that the petitioner's achievements set her significantly above almost all others in her field at a national or international level. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A) of the Act and the petition may not be approved.

The burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.