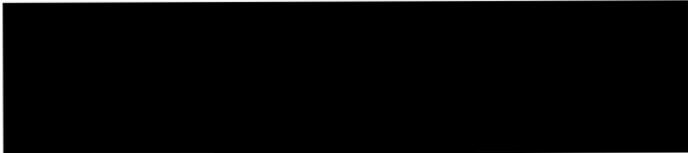




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FILE:

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Office: NEBRASKA SERVICE CENTER

Date: **SEP 14 2007**

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:



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 (AAO) 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. More specifically, the director found that the petitioner had failed to meet at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

On appeal, counsel states:

[The petitioner] has risen to the top of the sport of soccer as a coach and strength and conditioning trainer. It has been clearly established in the Petition that [the petitioner] was an elite international coach leading the Canadian National Youth Team and assisting the Canadian World Cup team. Based upon his skill, success and nation-wide popularity [the petitioner] was recruited to coach at University of Montana. [The petitioner] has come to the United States to continue to coach and train soccer athletes at the University level.

The Nebraska Service Center has simply ignored some of the evidence and dismissed others to make an arbitrary determination that [the petitioner] has failed to meet the criteria of the EB-1 visa in opposition to leading AA[O] case law on the subject.

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 into the United States will substantially benefit prospectively the United States.

Citizenship and Immigration Services (CIS) and legacy Immigration and Naturalization Service (INS) have consistently recognized that Congress intended to set a very high standard for individuals seeking immigrant visas as aliens of extraordinary ability. See 56 Fed. Reg. 60007-60009 (Nov. 29, 1991). 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 sustained national or international acclaim at the very top level.

This petition, filed on January 14, 2005, seeks to classify the petitioner as an alien with extraordinary ability as a women's soccer coach. At the time of filing, the petitioner was working at the University of Montana as head coach of its women's soccer team.

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). 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. A petitioner, however, cannot establish eligibility for this classification merely by submitting evidence that simply relates to at least three criteria at 8 C.F.R. § 204.5(h)(3). In determining whether the petitioner meets a specific criterion, the evidence itself must be evaluated in terms of whether it is indicative of or consistent with sustained national or international acclaim. A lower evidentiary standard would not be consistent with the regulatory definition of "extraordinary ability" as "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 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.

The petitioner submitted evidence showing that as a soccer player he was named to the "All Canadian Team" in Soccer in November 1992 and received provincial recognition by Soccer Nova Scotia when he was named Male Athlete of the Year in April 1992. As required by section 203(b)(1)(A)(i) of the Act and the regulation at 8 C.F.R. § 204.5(h)(3), the petitioner must demonstrate that his national or international acclaim has been sustained. The record reflects that the petitioner has been coaching for several years since he stopped competing as a soccer player in the mid-1990s. There is no evidence showing that the petitioner, age 37 at the time of filing, remains active at the national or international level as a competitive soccer player. In such a situation, where the petitioner has had ample time to establish a reputation as a soccer coach, he must show that he has sustained national or international acclaim based on his achievements as a coach rather than his prior reputation as a competitive athlete. Further, the regulation at 8 C.F.R. § 204.5(h)(5) requires the beneficiary to "continue work in the area of expertise." As noted by counsel and as indicated under Part 6 of the I-140 petition, athletic competition is not the field in which the petitioner seeks to continue working in the United States. In this country, the petitioner clearly intends to work as a coach. While a competitive soccer player and a soccer coach certainly share knowledge of the sport, the two rely on very different sets of basic skills. Thus, competitive athletics and coaching are not the same area of expertise. See *Lee v. I.N.S.*, 237 F. Supp. 2d 914, 918 (N.D. Ill. 2002) ("[C]ontinuing to work in one's 'area of extraordinary ability'" means "working in the same profession in which one has extraordinary ability.") Thus, while the petitioner's accomplishments as a soccer player are not completely irrelevant and will be given some consideration, ultimately he must satisfy the regulatory criteria through his achievements as a soccer coach. As such, the

petitioner's awards demonstrating his record of success as a player cannot serve to meet this criterion. Regarding the petitioner's record of success as a coach, we find no evidence showing that teams coached by the petitioner have won nationally or internationally recognized prizes or awards.

An undated letter of support from [REDACTED], who identifies himself as President of NRT Sport Management Group, a "consulting group involved in the area of sport, player and coach development," and as a former coach of the Canadian Women's National Team from 1986 -1991 and 1995 - 1999, states that the petitioner received a "Petro Canada Olympic Torch Scholarship Award in 1995 and 1996 for coaching." The record, however, includes no primary or secondary evidence to corroborate this assertion. A petition must be filed with any initial evidence required by the regulation. 8 C.F.R. § 103.2(b)(1). The regulation at 8 C.F.R. § 103.2(b)(2) further provides:

Submitting secondary evidence and affidavits. (i) General. The non-existence or other unavailability of required evidence creates a presumption of ineligibility. If a required document, such as a birth or marriage certificate, does not exist or cannot be obtained, an applicant or petitioner must demonstrate this and submit secondary evidence, such as church or school records, pertinent to the facts at issue. If secondary evidence also does not exist or cannot be obtained, the applicant or petitioner must demonstrate the unavailability of both the required document and relevant secondary evidence, and submit two or more affidavits, sworn to or affirmed by persons who are not parties to the petition who have direct personal knowledge of the event and circumstances. Secondary evidence must overcome the unavailability of primary evidence, and affidavits must overcome the unavailability of both primary and secondary evidence.

Rather than submitting primary evidence from the awarding entity that he was a recipient of this scholarship, the petitioner instead submitted a letter from Neil Turnbull issued several years later claiming the petitioner's receipt of the scholarship. In this instance, the petitioner has not overcome the absence of primary and secondary evidence demonstrating his receipt of this scholarship. Nor is there evidence showing that the Petro Canada Olympic Torch Scholarship Award constitutes a nationally or internationally recognized award for excellence in the petitioner's field. Rather, a scholarship represents the receipt of funding to pursue further education and training in one's field of endeavor.

In light of the above, the petitioner has not established that he meets 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 evidence showing that, as a soccer player, he represented Canada at the 1993 World University Games. In this case, "the field for which classification is sought" is soccer coaching. Therefore, the petitioner's participation as a player on the Canadian Team cannot serve to meet this criterion.

The petitioner also submitted an April 1997 certificate from the National Coaching Institute, Victoria, Canada stating that he "completed a diploma program in the theoretical and practical aspects of high performance

coaching.” The record also includes two letters from [redacted] Director of the National Coaching Institute. The June 24, 2003 letter from [redacted] states:

[The petitioner] was enrolled in the National Coaching Institute (N.C.I.) from September 1995 – April 1996. During his residency, [the petitioner] proved himself to be an excellent student, earning an Honours standing in 8 of the 12 sports science modules required of him to graduate.

* * *

The role of the National Coaching Institute of Canada is to instruct elite level coaches in Level 4 of the National Coaching Certification Program, of which there are 5 levels. Sport Canada has made Level 4 a requirement for elite coaches attending international competitions such as the PanAm Games, Olympic Games, and World Championships. There are two coaches per sport per year chosen to attend the N.C.I. therefore the selection process is very competitive.

Following graduation from the National Coaching Institute where he received his Level 4, [the petitioner] took the initiative to complete his Level 5. This is very difficult to attain as the coaching student must work with their national sport program, in [the petitioner’s] case the women’s national soccer team. There are fewer than 8 coaches in the entire country of Canada who have their Level 5. [The petitioner] is one of them.

[redacted] April 23, 2004 letter states:

Since the Inception of the National Coaching Institute in 1986 there have been only 22 soccer coaches in the entire country of Canada to successfully complete the National Coaching Certification Program Level IV Diploma Program. [The petitioner] was selected because of his leadership qualities, his intelligence and his willingness to work hard to become an excellent, elite level coach.

A March 30, 1999 letter addressed to the petitioner from [redacted] Director of Coaching and Player Development, Canadian Soccer Association (CSA), reflects the petitioner’s receipt of an “A License” based on his successful completion of “assignments and/or ‘Notices of Level 5 Task Completion’ received by the CSA.

The petitioner also submitted a National “A” Coaching License issued to the petitioner in 2002 by the United States Soccer Federation and a September 23, 2003 certificate from the Canadian National Commission for Certifying Agencies stating that the petitioner earned the designation of Certified Strength and Conditioning Specialist.

In response to the director’s request for evidence, the petitioner submitted a letter of support from [redacted] Head Soccer Coach, University of Nebraska, stating:

Only a handful of soccer coaches in Canada have graduated from Canada’s National Coaching Institute and hold the highest coaching certification (Level 5) from the Coaching Association of Canada and the “A” License (highest level) from the Canadian Soccer Association. [The petitioner]

is actually one of 2 coaches in North American soccer to hold Level 5 Certification in Canada, a Canadian "A" License plus an American "A" License.

We do not find that earning a coaching diploma, successful completion of the Level 4 and 5 certification programs, obtaining an "A" coaching license in Canada and the United States, or certification as a strength and conditioning specialist constitute "membership in associations in the field" requiring "outstanding achievements of their members." There is no evidence demonstrating that receipt of the preceding credentials required "outstanding achievements" in soccer coaching rather than simply the completion of educational programs that furthered the participant's knowledge or experience in coaching. We note that the June 24, 2003 letter from [REDACTED] discusses the petitioner's "residency" and his being an "excellent student" at the NCI. We acknowledge that few individuals are selected to attend the NCI training program for coaches; however, E [REDACTED] April 23, 2004 letter indicates that the petitioner was admitted based on "his leadership qualities, his intelligence and his willingness to work hard to become an excellent, elite level coach," rather than his past outstanding achievements as an elite level coach.

The letter of support from [REDACTED] states that the petitioner's involvement as "Coach of Canada's National Woman's Soccer Team" meets this criterion. The petitioner submitted a May 5, 2006 letter from [REDACTED] Head Coach, Canadian U-20 Women's Soccer Team,¹ stating: "In his role with the Canadian Soccer Association as assistant national team coach [the petitioner] worked with the national team athletes at all age levels from 1996 through to the Algarve Cup 2000 in Portugal." The petitioner also submitted an April 9, 1999 article in the sports section of *Daily News* stating: "[The petitioner] accompanied the Canadian team to Australia in January for the three-team Australian Cup as an assistant coach." According to the article, the petitioner was starting as head coach for the National Collegiate Athletic Association (NCAA) division II University of North Dakota woman's soccer program on April 12, 1999. Further, the petitioner's Form G-325A, Biographic Information, indicates that the petitioner was employed at the University of North Dakota from April 1999 to December 2000. Therefore, [REDACTED] statement that the petitioner worked with the Canadian National Team athletes "through to the Algarve Cup 2000 in Portugal" is not supported by the evidence of record. CIS may, in its discretion, use as advisory opinion statements submitted as expert testimony. However, where an opinion is not in accord with other information or is in any way questionable, CIS is not required to accept or may give less weight to that evidence. *Matter of Caron International*, 19 I&N Dec. 791, 795 (Commr. 1988). In this instance, we find that the petitioner's specific activities for the Canadian National Team subsequent to April 1999 are not sufficiently documented.

On appeal, counsel argues that the director's "[d]ecision to dismiss this evidence is in conflict with established precedent." Counsel refers to an unpublished decision involving an ice skating coach for the Russian Olympic Team. In that case, the AAO determined that the alien met the requirements of the membership criterion by virtue of his membership on the Russian Olympic team. Counsel has furnished no evidence to establish that

¹ A May 9, 2006 internet printout submitted by the petitioner from *canadasoccer.com*, identified as the official site of the Canadian Soccer Association, identifies [REDACTED] as Head Coach of the "Women's U-20 Team" and also states that he was "named Head Coach of the newly formed Women's Under-19 Team." The printout also identifies the existence of U-18, U-17, U-16, and U-15 "Development Teams" and notes that since 2000 [REDACTED] has served as an assistant coach to [REDACTED], the Canadian Women's National Team Head Coach.

the facts of the instant petition are analogous to those in the unpublished decision. We find that the present matter is easily distinguishable as there is no evidence of the petitioner's membership on an Olympic team, nor evidence establishing that "assistant" coaching at the three-team Australian Cup in 1999 is consistent with sustained national or international acclaim at the very top of the field. Furthermore, while 8 C.F.R. § 103.3(c) provides that AAO precedent decisions are binding on all CIS employees in the administration of the Act, unpublished decisions are not similarly binding. Moreover, even if we were to conclude that the petitioner's involvement as an assistant coach with the Canadian national team was a qualifying membership, the plain language of the criterion requires "membership in associations in the field." A single association membership that appears to have terminated several years before the petition was filed does not meet the plain language of this criterion, nor is it evidence of *sustained* national or international acclaim.

In light of the above, the petitioner has not established that he meets this criterion.

Published material 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.

The petitioner submitted several articles, but only two of these articles, printed in *Daily News*, are primarily about him and his work as a coach. One of these articles did not include its date of publication as required by this regulatory criterion. Further, there is no evidence (such as circulation statistics) showing that *Daily News*, a local newspaper serving Nanaimo, British Columbia, qualifies as a professional or major trade publication or a form of other major media. Thus, the petitioner has not established that he meets this criterion.

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

On appeal, counsel argues that articles authored by the petitioner and his ball striking video meet this criterion. Articles written by the petitioner, however, relate to the "authorship of scholarly articles" criterion at 8 C.F.R. § 204.5(h)(3)(vi). Here it should be emphasized that the regulatory criteria are separate and distinct from one another. Because separate criteria exist for authorship of scholarly articles and original contributions of major significance, CIS clearly does not view the two as being interchangeable. If evidence sufficient to meet one criterion mandated a finding that an alien met another criterion, the requirement that an alien meet at least three criteria would be meaningless. We will fully address the articles authored by the petitioner under the next criterion.

As April 23, 2004 letter states:

At the NCI, one of my duties includes evaluating and retaining world class experts to conduct sessions in our program.

One speaker we have used is

* * *

[The petitioner's] training methods have become integral contributions to the fitness component of the sport of soccer and that [sic] his contributions have been accepted as part of the training regimes for some of the top athletes in the world. I can state this because I have reviewed [redacted]'s methods and he has adopted the following strength and conditioning materials from [the petitioner] to use with his clients and have been taught at [sic] by Dr. [redacted] as part of his sessions at the National Coaching Institute.

letter fails to identify the specific "strength and conditioning materials" developed by the petitioner to which he refers. Nor is there evidence showing the names of the "top athletes" who utilize the petitioner's training regimes and the extent of their use. We further note that the record lacks a letter of support from [redacted] himself confirming his use of the petitioner's material. Moreover, as the petitioner attended the NCI, we do not find its use or its instructors' use of his material indicative of sustained acclaim beyond the walls of his alma mater.

The letter of support from [redacted] of the Canadian Soccer Association states: "We have utilised [the petitioner's] programs and videos in our development of Canada's best youth players. In fact[,] to this day I am frequently referencing his ball striking video 'Breaking the Rules' to my developing players." According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), an alien's contributions must be not only original but of major significance. We must presume that the phrase "major significance" is not superfluous and, thus, that it has some meaning. While [redacted] who worked with the petitioner during the 1990s as part of the Canadian national team program, indicates that the petitioner's programs and videos were used to instruct the Canadian program's youth players, there is no evidence that these developmental materials constitute contributions of major significance in the field consistent with sustained national or international acclaim.

The petitioner also submitted a letter from [redacted] Women's Assistant Coach and Head Coach of Girls Development, Vancouver Whitecaps, who states:

Since 1995, when I met [the petitioner] he has proved to be a consistent and trustworthy mentor for my coach development. Now, as the Development Coordinator for the Vancouver Whitecaps, I use the information shared by [the petitioner] over the years on a daily basis with my work for the club.

* * *

[The petitioner's] Ball Striking and Technical Videos have provided our athletes and staff with a visual tool for development.

A letter of support from [redacted] Program Coordinator and Head Coach of the Pacific Soccer Academy, states:

[The petitioner] developed the curriculum (ongoing), and acts as Chief Consultant for the Staff at Pacific Soccer Academy in Nanaimo, British Columbia.

* * *

[The petitioner] has been to the Academy in Nanaimo to provide direct instruction to the student-athletes, he has instructed the Academy coaches, [and] has provided the Academy with a copy of [his] Ball Striking Video, which we use to instruct student-athletes in our Program, as well as new coaches to our Program.

While the petitioner has developed videos and other instructional material that is utilized and admired by his acquaintances and by the organizations with which he has been affiliated, there is no evidence showing that these contributions are of major significance to his sport. For example, there is no evidence showing that a large number of copies of the petitioner's videos have been sold nationwide. Without evidence showing that his instructional material had a significant impact beyond his affiliated organizations or other evidence of the material's success consistent with sustained national or international acclaim, we cannot conclude that the petitioner's material rises to the level of a contribution of major significance.

The letter of support from [redacted] states:

On the weekend of February 24-26, 2006, an Elite College Soccer Coaches Summit was organized for the first time and held in Lincoln [,] Nebraska.

* * *

The petitioner was 1 of 10 coaches invited to the College Coaching Summit This group of coaches included many with National Team coaching experience and many of the most successful coaches in college soccer. [The petitioner] impressed the group with his innovative coaching methods and was one of the most articulate and dynamic presenters in the summit.

The petitioner also submitted a letter of support from [redacted] Head Women's Soccer Coach, University of North Carolina, who led the Tar Heels to 18 Collegiate National Championships. He states:

I had the pleasure of working with [the petitioner] at an NCAA Div I Soccer Coaching Summit held at the University of Nebraska. [The petitioner] and I were invited by Coach [redacted] . . . to present and share our thoughts on the game with a number of prominent Div I coaches.

* * *

Each coach returned with one of [the petitioner's] ball striking videos. A topic that he presented at the Summit.

The petitioner's participation in this coaching summit and the distribution of his video to the other coaches in attendance occurred 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); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Commr. 1971). Accordingly, the AAO will not consider this evidence in this proceeding. Nevertheless, nothing in the letters from [redacted] and [redacted] indicate that they were aware of the petitioner's video prior to the conference or that they consider it to be an original athletic contribution of major significance in the field.

In light of the above, the petitioner has not established that he meets this criterion.

Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.

The petitioner submitted articles authored by the petitioner appearing in *SSR, Performance Conditioning for Soccer* newsletter, *The Complete Guide to Soccer Conditioning*, and *How to Improve the 7 Speeds of Soccer – Beginner and Intermediate Players*. Aside from the article in *SSR*, there is no indication that the remaining articles were “scholarly” in nature. Further, there is no evidence (such as circulation statistics) showing that any of the preceding publications qualify as professional or major trade publications or other major media. Accordingly, the petitioner does not meet this criterion.

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

The letter of support from [REDACTED] asserts that the petitioner’s involvement as “Coach of Canada’s National Women’s Team” meets this criterion. The letter from [REDACTED] states that “as assistant national team coach [the petitioner] worked with the national team athletes at all age levels from 1996 through to the Algarve Cup 2000 in Portugal.” We accept that the Canadian National Women’s Team has a distinguished reputation, however, neither of the preceding letters offers sufficient information about the nature and importance of the petitioner’s role when compared to that of the other assistant coaches working for the team. The record reflects that [REDACTED] was the head coach during the petitioner’s tenure as assistant coach, but there is no information regarding the number of other assistant national team coaches who served along with the petitioner. For example, according to the May 9, 2006 internet printout submitted by the petitioner from *canadasoccer.com*, [REDACTED] had been an assistant coach since 1997 and he “helped guide the team to the 1999 Women’s World Cup.” Aside from the three-team Australian Cup, the record lacks supporting evidence showing the specific competitions attended by the petitioner as an assistant coach. Further, according to [REDACTED]’s letter, the petitioner was “heavily involved in the youth team programs and the development of Canada’s future players.” The petitioner has not established that involvement with the U-18, U-17, U-16, and U-15 “Development Teams” is tantamount to a leading or critical coaching role for the “national” team. Thus, the evidence submitted by the petitioner is not adequate to demonstrate that he was responsible for the national team’s success or standing to a degree consistent with the meaning of “leading or critical role” and indicative of sustained national or international acclaim.

The petitioner also submitted evidence showing that he served as the head coach at the University of Montana and the University of North Dakota and as the assistant coach at the University of Southern California. The record, however, includes no competitive statistics or other evidence establishing that these women’s soccer teams had distinguished reputations during the petitioner’s tenure as coach. For example, the petitioner has not submitted a listing of NCAA division I rankings showing that his teams consistently finished among the top teams nationally (such as NCAA Sweet 16 appearances) or evidence that his teams won their respective regional conference tournaments.² A February 8, 2006 article submitted by the petitioner entitled “Griz soccer signs six to

² According to an internet biography submitted with [REDACTED] letter, under his tenure as coach, the University of Nebraska women’s team “made NCAA Sweet 16 appearances in eight of the last nine years, including two trips to the Elite Eight. They have compiled a remarkable 162-40-8 record over the last nine

National Letters of Intent” states that the petitioner’s 2005 squad finished with 3 wins, 13 losses, and one tie overall, and 1 win and 5 losses in Big Sky Conference play.

In light of the above, the petitioner has not established that he meets this criterion.

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

Review of the record does not establish that the petitioner has distinguished himself to such an extent that he may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of his field. The evidence is not persuasive that the petitioner’s achievements set him significantly above almost all others in his field at the national or international level. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A)(i) 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.

seasons and have won three Big 12 regular season crowns and five Big 12 Tournament titles.” According to an internet profile submitted with [REDACTED] letter, the University of North Carolina women’s team has won “18 of the 24 national championships which have been decided in the history of collegiate women’s soccer.”