U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

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[redacted]

FILE: WAC-02-175-53254 Office: CALIFORNIA SERVICE CENTER Date: OCT 27 2004

IN RE: Petitioner: [redacted]
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:

[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

for Robert P. Wiemann, Director
Administrative Appeals Office

identifying [illegible] to prevent [illegible] warranted invasion of personal privacy

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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).

An alien, or any person on behalf of the alien, may file for classification under section 203(b)(1)(A) of the Act as an alien of extraordinary ability in science, the arts, education, business, or athletics. Neither an offer of employment nor a labor certification is required for this classification.

The specific requirements for supporting documents to establish that an alien has achieved sustained national or international acclaim are set forth at 8 C.F.R. § 204.5(h)(3). The relevant criteria will be discussed below. It should be reiterated, however, that the petitioner must show that the beneficiary has sustained national or international acclaim at the very top level.

This petition seeks to classify the petitioner as an alien with extraordinary ability as an ice skating coach. The regulation at 8 C.F.R. § 204.5(h)(3) presents ten criteria for establishing sustained national or international acclaim, and requires that an alien must meet at least three of those criteria unless the alien has received a major, internationally recognized award. Review of the evidence of record establishes that the petitioner has in fact met three of the necessary 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 diplomas issued to him by the Central Sport Club of Army (Russia), the Figure Skating Federation of Russia in recognition of coaching a champion at the 1998 and 1999 Russian Cups, the Ministry of Education of Russian Federation, and the International Skating Union (ISU) for "taking part in" the Grand Prix. The petitioner also submitted evidence that one of his students, [redacted] (coached by the petitioner since at least 1991), has placed third in the 1997 European Championships, third in the 1997 Skate America competition, third in the 1998 Cup of Russia, third in 1999 Russian Nationals, and second in the 1999 Cup of Russia. In response to the director's request for additional documentation, the petitioner submitted a letter from an Olympic medalist asserting that the Russian Figure Skating Federation only awards diplomas to coaches of the top skaters. The director concluded that the petitioner had not established the significance of his diplomas. On appeal, the petitioner submits a letter from Igor Shpilband attesting to the national significance of the military, Russian Cup, and ISU competitions.

While the competitions may have national and even international significance, the petitioner has not established that diploma recognition is a prize or award. As stated above, the ISU diploma merely acknowledges that the petitioner participated in the event. Nevertheless, this office consistently recognizes that awards issued to a coach's students while under that coach's tutelage can, on a case-by-case basis, be considered comparable evidence to meet this criterion. As stated above, [redacted] has received nationally and internationally recognized prizes and awards while under the tutelage of the petitioner. Thus, the petitioner 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 director did not consider this criterion. The record, however, contains evidence that the petitioner was a coach for the Russian Olympic team for the 2002 Olympics in Salt Lake City. While a team is not an association, we find that an Olympic team is comparable to the type of exclusive association that requires outstanding achievements of their members. Unlike major league teams, the Olympic team is one national team representing the best coaches and athletes nationally that competes in the most significant international athletic competition. Thus, we find that this specific team membership is sufficient to meet 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.

The petitioner submitted several magazine and newspaper articles that mention him by name. The director questioned the national or international significance of the publications and concluded that the articles focused on the petitioner's students, not the petitioner himself. The article in *Blades on Ice*, which describes itself as skating's most comprehensive news magazine, is a two-page article focusing on the accomplishments of [redacted] Rather than simply identifying [redacted] coach, however, the article devotes half of the text to the petitioner's personal story and coaching philosophy. In addition, the petitioner submitted an article-length interview with him published in *Segodnya*. While it is the petitioner's burden to demonstrate that the publications are major media, we note that our search of the Internet reveals that *Segodnya* is an all-Russian

newspaper.[1] Considering the article, the interview and the other evidence of published material in the record, we find that the petitioner satisfactorily meets this criterion. As we have found that the petitioner meets three criteria, we need not consider the remaining, less persuasive claims.

In review, while not all of the petitioner's evidence carries the weight imputed to it by counsel, the petitioner has established that he has been recognized as an alien of extraordinary ability who has achieved sustained national acclaim and whose achievements have been recognized in h field of expertise. The petitioner has established that he seeks to continue working in the same field in the United States. The petitioner has established that his entry into the United States will substantially benefit prospectively the United States. Therefore, the petitioner has 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.

ORDER: The decision of the director is withdrawn. The appeal is sustained and the petition is approved.

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[1] WWW.english.pravda.ru.