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U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: NEBRASKA SERVICE CENTER Date: MAR 27 2009

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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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John Grissom
Acting 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 that the record did not establish that the petitioner had achieved the sustained national or international acclaim required for classification as an alien of extraordinary ability. The director also found the petitioner had not established that he is one of that small percentage who have risen to the very top of his field of endeavor.

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

> (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.

U.S. Citizenship and Immigration Services (USCIS) 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. 60897, 60898-99 (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 November 20, 2006, seeks to classify the petitioner as an alien with extraordinary ability as a professional tennis player and tennis coach. Initially, the petitioner submitted evidence of his membership in the Association of Tennis Professionals ("ATP"), one certificate of participation, tennis tournament results, news articles, awards received, job offers, and letters of recommendation. In response to a Request for Evidence ("RFE") dated December 19, 2007, the petitioner submitted the following supporting documents: verification of the petitioner's membership in the ATP, pictures of awards, news articles, additional tournament results, letters

from players the petitioner is coaching, an invitation to participate in a fundraising tournament, and additional letters of recommendation.

The statute and regulations require that the petitioner seeks to continue work in his area of expertise in the United States. *See* section 203(b)(1)(A)(ii) of the Act, 8 U.S.C. § 1153(b)(1)(A)(ii); 8 C.F.R. § 204.5(h)(5). Although experience as an athlete is undoubtedly relevant to coaching the same sport, the two endeavors are not identical and an alien who seeks to enter the United States as a coach under the extraordinary ability immigrant classification cannot rely solely on prior acclaim as an athlete. While a competitive tennis player and a coach certainly share knowledge of the sport, the two rely on a different set of basic skills. Thus, competing as a tennis player and coaching other tennis players are not the same area of expertise.[1]

In the present matter, the petitioner claims that he intends to work both as a tennis player and as a tennis instructor. Although a nexus exists between playing and coaching a given sport, to assume that every extraordinary athlete's area of expertise includes coaching 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 or international level, we can consider the totality of the evidence as establishing an overall pattern of sustained acclaim and extraordinary ability such that we can conclude that coaching is within the petitioner's area of expertise. Specifically, in such a case we will consider the level at which the alien acts as a coach. A coach who has an established successful history of coaching athletes who compete regularly at the national level has a credible claim; a coach of novices does not. Thus, we will examine whether the petitioner has demonstrated his extraordinary ability as a coach or as an athlete. If the petitioner has demonstrated extraordinary ability as an athlete, we will consider the level at which he has successfully coached.

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). Congress' example of a one-time achievement is a Nobel Prize. H.R. Rpt. 101-723, 59 (Sept. 19, 1990). Given that the House Report specifically cited to the Nobel Prize as an example of a one-time achievement, examples of one-time awards which enjoy major, international recognition may include the Pulitzer Prize, the Academy Award, a Wimbledon title (relevant for tennis players), and an Olympic Medal. The regulation is consistent with this legislative history, stating that a one-time achievement must be a *major, internationally recognized* award. 8 C.F.R. § 204.5(h)(3).

The petitioner asserted that his ranking as number 90 on the professional circuit evidences his receipt of a major internationally recognized award. First, we note that no official certificate or other recognition of the petitioner's ranking appears in the record. Instead, only a letter from the ATP coordinator for player relations,

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[1] While not binding precedent, we note that the reasoning contained in *Lee v. I.N.S.*, 237 F.Supp.2d 914, 918 (N.D.Ill. 2002), supports this interpretation:

> 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.

[redacted], and a caption underneath a photograph of the petitioner evidences the petitioner's career high ranking in 1995. Secondly, a ranking is not an "award" but instead recognizes the player's performance in a variety of tournaments. Lastly, the petitioner provided no evidence establishing the international significance and magnitude of being ranked number 90. For example, the petitioner submitted no evidence to show that holding such a ranking garners international media attention in the general or tennis media of multiple countries worldwide or other indicia of major, international recognition. We cannot ignore that the plain language of the regulation at 8 C.F.R. § 204.5(h)(3) qualifies the phrase "international recognized award" with the limitation "major." Without evidence distinguishing the level of acclaim associated with being ranked by the ATP, we cannot conclude the petitioner has established his eligibility through a one-time achievement.

The petitioner also claims that his status as the number one player in Venezuela qualifies him as the recipient of a one-time award. The petitioner presented no evidence to show his Venezuelan ranking outside of a letter submitted by [redacted], a professional tennis player, a mention of his ranking in a February 5, 2000 news article in *El Universal* and an October 25-November 1, 1999 article in *Nuevo Mundo*. Mr. [redacted] states that the petitioner "has been a number one player for many years" in Venezuela, but does not provide any support for his statement. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I. & N. Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I. & N. Dec. 190 (Reg. Comm. 1972)). The news articles state that the petitioner is ranked number one in Venezuela but do not say what body decides on the rankings, how many players are ranked or competing internationally, or give any other information about the petitioner's ranking. Finally, the petitioner failed to provide evidence that being the number one player in Venezuela is a major, internationally recognized award. Nonetheless, the petitioner's ranking and performances in particular tournaments is relevant to the first criterion at 8 C.F.R. § 204.5(h)(3)(i) and will be further discussed below.

Barring the alien's receipt of a major internationally recognized award, the regulation at 8 C.F.R. § 204.5(h)(3) 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 an alien's 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). We address the evidence submitted in the following discussion of the regulatory criteria relevant to the petitioner's case. The petitioner does not claim eligibility under any criteria not addressed below.

(i) 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 pictures of a number of awards including the Presidential Honor in Sports Merit Award, the sportsmanship award from the 1998 Ericsson Cup, a bronze medal in the 1999 Pan American Games, first place at the 2005 Fisher Island Club Men's Invitational, winner of the 2007 Joe DiMaggio Children's Hospital Foundation Pro Am, and first place at the Sony Ericsson Open, doubles division. The petitioner also submitted a self generated list of achievements as well as pictures of trophies that counsel states relate to the self generated list. Those pictures, however, do not focus upon the plates on the trophies so we are unable to see whether those trophies match the list provided. Without anything more than counsel's assertions,

we are unable to determine which awards besides those named above were won by petitioner. *See Matter of Obaigbena*, 19 I. & N. Dec. at 534 n.2; *Matter of Laureano*, 19 I. & N. Dec. at 3 n.2; *Matter of Ramirez-Sanchez*, 17 I. & N. Dec. at 506. The petitioner submitted no evidence regarding the recognition of the sportsmanship award from the 1998 Ericsson Cup. A sportsmanship award appears to be based not on the petitioner's performance as a tennis player, but rather on his fair and honest play. The awards from the Joe DiMaggio Children's Hospital tournament and the 2008 Sony Ericsson Open may not be considered as the tournaments occurred after the date that this petition was filed. A petitioner must establish eligibility at the time of filing; a petition cannot be approved at a future date after the petitioner becomes eligible under a new set of facts. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I. & N. Dec. 45, 49 (Comm. 1971). Although the bronze medal won at the Pan American Games and the Presidential Merit Award may have qualified the petitioner under this criterion, those awards were received in 1999 and 1995 respectively, i.e. seven and eleven years prior to the filing of this petition, and thus are insufficient to establish his *sustained* acclaim as an athlete.

The petitioner also claimed his international ranking as high as number 90 and his number one ranking in Venezuela qualifies him under this criterion. First, as stated previously, a ranking is not a prize or award. Second, the petitioner failed to provide evidence that either such ranking conveys national or international recognition. Although several news articles mention the petitioner's ranking, they do so in order to identify the petitioner and do not focus on the ranking as a separate achievement. The petitioner also submitted evidence of his participation in some of the most renowned tennis tournaments including the U.S. Open, Wimbledon, and the Davis Cup. The petitioner submitted no evidence as to how his participation in these tournaments constitutes an award or prize or what sort of national or international acclaim was garnered through participation.

In addition, the petitioner submitted a copy of a 1994 award for being a good role model to children presented by the Chacao Sports & Recreation Commission. The petitioner submitted no information about the background of the award or other evidence to demonstrate that this award is nationally or internationally recognized. For example, he submitted no news articles reporting on his receipt of these awards or any other evidence showing that he received national or international recognition as a result of these awards.

The petitioner also submitted a list of tournament appearances and results generated by ATP. That list shows that as a singles player, the petitioner has won no career titles and his overall record is 30-52; as a doubles player, the petitioner won one career title and his overall record is 40-59. This ATP list of professional tournaments demonstrates that the petitioner has not competed in a professional tournament since November 2001, five years before the filing of this petition. The petitioner submitted a news article about his second place team finish in Las Vegas, however, no primary evidence (such as a picture of the trophy won or a copy of an award certificate) was presented and the secondary evidence presented focused on the achievements of another member of the team without mentioning the petitioner in this manner. The other two tournaments that the petitioner submitted evidence that he participated in after November 2001, the Fisher Island Club Men's Invitational and the Joe DiMaggio Children's Hospital Foundation Pro Am (even if they could be considered) are not accompanied by any evidence that the tournaments and the awards presented are nationally or internationally recognized. For example, the petitioner did not provide evidence of the number of competitors in the tournaments or the standing or recognition of the other competitors. Although counsel in her appellate brief gives background information about these tournaments, she submits no evidence to support her assertions that these tournaments are premier events. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not

constitute evidence. *Matter of Obaigbena*, 19 I. & N. Dec. at 534 n.2; *Matter of Laureano*, 19 I. & N. Dec. at 3 n.2; *Matter of Ramirez-Sanchez*, 17 I. & N. Dec. at 506.

The petitioner submitted no evidence of his receipt of awards as a coach.

In sum, as previously acknowledged, although the petitioner did present evidence of his receipt of both a nationally and internationally recognized award as a tennis player, those awards are not sufficient to demonstrate the *sustained* acclaim necessary for this highly restrictive classification. In cases where the athlete has subsequently coached in the field where he or she had prior acclaim as an athlete, we may also consider the extent to which the petitioner's activities as a coach reflect upon the prior sustained acclaim In this instance, however, the record contains no evidence which demonstrates nationally or internationally recognized prizes or awards won by athletes coached by the petitioner. In response to the director's RFE, the petitioner submitted two letters from his students. The letter from [redacted] stated that she is ranked 540 in the world and 30 in the junior rankings. She credits the petitioner with "help[ing her] develop a strategic plan of tournament schedule as well as a training program which has helped . . . obtain better results." [redacted] wrote that she is ranked 888 in the world and that the petitioner "has contributed in [her] tennis activities and has worked on developing a training strategy as well as helping [her] with [her] game." Neither letter mentions tournaments won nor what effect the petitioner's coaching has had in terms of rankings or the ability to win tournaments. We also note that both of the letters were written in January 2008 and state that the petitioner has been their coach for six to eight months, i.e. a time period that began after this petition was filed. A petitioner must establish eligibility at the time of filing; a petition cannot be approved at a future date after the petitioner or beneficiary becomes eligible under a new set of facts. *Matter of Katigbak*, 14 I. & N. Dec. 45, 49 (Comm. 1971). Therefore, while the petitioner did have success as a tennis player, that success was not sustained. As a coach, the petitioner has failed to demonstrate that he received any nationally or internationally recognized awards or that any student that he coached received such an award.

Accordingly, the petitioner failed to establish that he meets this criterion either as an athlete or as a coach.

(ii) 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, a 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, proficiency certifications, standardized test scores, grade point average, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion as such requirements do not constitute outstanding achievements. Further, the overall prestige of a given association is not determinative; the issue here is membership requirements rather than the association's overall reputation.

The January 24, 2007 letter from [redacted] states that membership in the ATP is "reserved for the top players of [the] sport [of tennis]." However, neither [redacted]'s letter nor any other evidence in the record documents how membership in the ATP is decided or otherwise demonstrates that membership in the ATP is predicated upon outstanding achievement in the field. In addition, the petitioner presented no evidence that membership in the group is decided by national or international experts in the field. Finally, we note that the record contains no evidence relating this criterion to the petitioner's claim of continued employment as a tennis

coach.

As no evidence was presented as to the qualifications for membership, how membership is determined or judged, or how the claimed evidence relates to the petitioner as a coach, the petitioner has failed to establish that he meets this criterion either as a player or a coach.

(iii) 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.

In general, in order for published material to meet this criterion, it must be primarily about the petitioner and, as stated in the regulations, be printed in professional or major trade publications or other major media. To qualify as major media, the publication should have significant national or international distribution. An alien would not earn acclaim at the national level from a local publication. Some newspapers, such as the *New York Times*, nominally serve a particular locality but would qualify as major media because of significant national distribution, unlike small local community papers.[2]

The petitioner submitted copies of sixteen newspaper articles with translations that mention or discuss his tournament participation or victories. These articles appear in the following publications: *El Universal, Nuevo Mundo, El Nacional, 2001, El Diario de Carcas, Cuerpo Alegre,* and *NA*. The "translations" however are incomplete in that they are summaries of the content of the articles instead of a true translation. Without a translation of the entire article, we are unable to determine whether these articles are primarily about the petitioner. In addition, the record is devoid of documentation to verify the national or international circulation of any of these newspapers, and the petitioner submits no other evidence that the newspapers are professional, major trade publications, or other major media publications. The only information submitted concerning these publications appeared in counsel's submissions. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I. & N. Dec. at 534 n.2; *Matter of Laureano*, 19 I. & N. Dec. at 3 n.2; *Matter of Ramirez-Sanchez*, 17 I. & N. Dec. at 506. Further, these articles are all dated 2000 and earlier so they cannot demonstrate sustained acclaim.

The petitioner also submitted a number of other articles that appeared between 1989 and 1999 that do not comply with the plain language of the criterion in that they do not include necessary data such as the name of publication, author of the article, or translation of the article. Again, these articles do not evidence sustained acclaim as they are dated seven years prior to the filing of this petition. The article with presumably the latest date, "Local team finishes 2nd in Vegas" does not identify the date published nor does it include the name of the publication. Even if it had been identified, the publication would not constitute major media as it refers to the South Florida team as a "local team" with a focus on news that would be relevant to a small community. Even if the petitioner had shown that this article appeared in major media, the focus of the article was on one of the petitioner's teammates and not on him or his performance. Finally, we note that the record contains no published materials about the petitioner as a coach.

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[2] Even with nationally-circulated newspapers, consideration must be given to the placement of the article. For example, an article that appears in the *Washington Post*, but in a section that is distributed only in Fairfax County, Virginia, for instance, cannot serve to spread an individual's reputation outside of that county.

Accordingly, the petitioner failed to establish that he meets this criterion either as a player or as a coach.

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

The petitioner asserts eligibility under this criterion by virtue of his representation of Venezuela in various tennis tournaments including the Davis Cup. First, we note that Venezuela is not an organization or an establishment and the petitioner has not presented any evidence that a tennis player could perform in a leading or critical role for the state of Venezuela as a whole. Second, to the extent that the petitioner is actually arguing that his performance was leading or critical to the Venezuelan national tennis team, he presented no evidence as to the existence of such a national team as opposed to a delegation sent to each of the competitions. Third, the evidence that the petitioner submitted concerning his involvement in the Venezuelan delegation to the Davis Cup states that he participated on the Davis Cup team from 1989 through 2000. The petitioner presented no evidence that he participated as a member of the Davis Cup team for the more than five years between 2000 and the filing date of this petition, so involvement with the Davis Cup team cannot evidence sustained acclaim. Lastly, the petitioner states that he was a part of the delegation sent by Venezuela to the Pan American Games, the U.S. Open, and the Ericsson Cup. The petitioner submits no evidence that any of these competitions involve the selection of individuals to represent the nation as opposed to individual competitors competing in tournaments without needing their country's selection. Although the petitioner submitted the results for these tournaments, he did not present evidence of his role on the team as compared to other members. Without such evidence, the petitioner cannot show that any national team that does exist enjoys a distinguished reputation or that he played a leading or critical role on any such team. In addition, the petitioner failed to submit evidence relevant to this criterion and his claim of continued employment as a coach.

Without evidence that the petitioner performed a leading or critical role for an organization with a distinguished reputation, the petitioner has failed to establish that he meets this criterion either as a player or as a coach.

The petitioner submitted a number of letters of recommendation written by tennis professionals. Counsel argues that these letters constitute "Significant Recognition From Experts in the International Tennis Community." Although the letters are complimentary of the petitioner and further support his statement that he has participated in the professional tennis community, the petitioner has not shown to which criterion the letters relate. In addition, these letters are all from the petitioner's collaborators and immediate circle of colleagues. While such letters are important in providing details about the petitioner's role in various projects, they cannot by themselves establish the petitioner's acclaim beyond his immediate circle of colleagues. The ten regulatory criteria at 8 C.F.R. § 204.5(h)(3) reflect the statutory demand for "extensive documentation" in section 203(b)(1)(A)(i) of the Act. Opinions from witnesses whom the petitioner has selected do not represent extensive documentation. Independent evidence that already existed prior to the preparation of the visa petition package carries greater weight than new materials prepared especially for submission with the petition.

Beyond the decision of the director, we find the petitioner has failed to establish that he seeks to continue work in his area of expertise in the United States. *See* sections 203(b)(1)(A)(i) and (ii) of the Act, 8 U.S.C. §§ 1153(b)(1)(A)(i) and (ii), and 8 C.F.R. §§ 204.5(h)(3) and (5). While the petitioner appears to have achieved a moderate level of success in the past as a tennis player, he cannot rely on his prior success as a competitive player to meet this classification if he seeks to enter the U.S. to work as a coach. As previously discussed, although a competitive tennis player and coach share knowledge of tennis, the two rely on very

different sets of basic skills and are not, therefore, the same area of expertise. In this instance, the record reflects that the petitioner has not competed as a professional tennis player on a national or international level since the mid to late 90's and that he did not begin coaching until after the filing of the appeal. Moreover, the record contains the petitioner's Form I-485, Application to Adjust Status, that he signed under penalty of perjury indicating that the I-485 and all of "the evidence submitted with it is all true and correct." It is noted that on the petitioner's Form G-325A, Biographic Information, which was submitted as evidence with his Form I-485, the petitioner indicated that since February 2004 he has been working as a "purchasing director" for a healthcare retail establishment. The petitioner did not mention professional tennis or coaching.

Given the lack of evidence that the petitioner continues to compete as a professional tennis player and that he had begun coaching at the time of filing, combined with his claim that his only employment since 2004 was as a purchasing director, the petitioner has failed to establish that he is coming to the U.S. to continue to work in his area of expertise.

The AAO maintains plenary power to review each appeal on a *de novo* basis. 5 U.S.C. § 557(b) ("On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule."); *see also Janka v. U.S. Dept. of Transp., NTSB*, 925 F.2d 1147, 1149 (9th Cir. 1991). The AAO's *de novo* authority has been long recognized by the federal courts. *See, e.g., Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989).

An immigrant visa will be granted to an alien under section 203(b)(1)(A) of the Act, 8 U.S.C. § 1153(b)(1)(A), only if the alien can establish extraordinary ability through *extensive documentation of sustained national or international acclaim* demonstrating that the alien has risen to the very top of his or her field. The evidence in this case indicates that the petitioner competed as a professional tennis player in the past and enjoyed a moderate level of success but that he ceased competing on this level several years prior to filing. The petitioner claimed that he would pursue tennis as a coach, however, he presented no evidence indicating that, at the time of filing, he was pursuing work as a coach. As such, the record does not establish that the petitioner had achieved sustained national or international acclaim placing him at the very top of his field at the time of filing. He is thus ineligible for classification as an alien with extraordinary ability pursuant to section 203(b)(1)(A) of the Act, 8 U.S.C. § 1153(b)(1)(A), and his 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. This decision is rendered without prejudice to the filing of a new petition with the requisite supporting documents under section 203(b) of the Act, 8 U.S.C. § 1153(b).

ORDER: The appeal is dismissed.