

...related to  
prevent the...  
invasion of personal privacy

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



U.S. Citizenship  
and Immigration  
Services

EXEMPT COPY

BA

JUN 10 2005



FILE:



Office: NEBRASKA SERVICE CENTER

Date:

LIN 03 264 50779

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, Director  
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 sustained and the petition will be approved.

The petitioner seeks classification of the beneficiary 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 petitioner had not established that the beneficiary had the sustained national or international acclaim in his field requisite to classification as an alien with extraordinary ability.

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.

The applicable regulation defines the statutory term "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). Specific supporting evidence must accompany the petition to document the "sustained national or international acclaim" that the statute requires. 8 C.F.R. § 204.5(h)(3). An alien can establish sustained national or international acclaim through evidence of a "one-time achievement (that is, a major, international recognized award)." *Id.* Absent such an award, an alien can establish the necessary sustained acclaim by meeting at least three of ten other regulatory criteria. *Id.*

In this case, the petitioner seeks classification of the beneficiary as an alien with extraordinary ability in athletics as a squash professional. With the petition and later in response to a Request for Evidence (RFE), the petitioner submitted numerous documents related to the beneficiary's talents, skills and accomplishments as a professional squash player and a squash coach. The director denied the petition finding that although the evidence indicated that the beneficiary had "achieved a certain level of acclaim as a squash player and as a squash coach," the record did not establish that the beneficiary "has earned sustained national or international acclaim as a squash professional." The director then concluded that because the submitted "Employment Contract" between the petitioner and the beneficiary stated the beneficiary's position as "Squash Coach," it did not establish the beneficiary's requisite intent to continue working in the United States as a Squash Professional. The director's

decision only summarily addresses the record and does not discuss the evidence as it relates to the beneficiary's eligibility under the regulatory criteria. On appeal, counsel claims that the director's decision was based on semantic distinctions, rather than a substantive review of the relevant evidence. We agree that the director failed to fully review the record which establishes that the beneficiary intends to continue working in his field in the United States and has earned the requisite sustained acclaim as a squash professional through fulfillment of three regulatory criteria. The evidence submitted, counsel's claims and the director's decision are addressed in the following discussion of the statutory requirements and regulatory criteria relevant to the petitioner's case.

We first address the issue of the beneficiary's plans to continue working in the United States in his field. To be granted classification as an alien with extraordinary ability, Section 203(b)(1)(A)(ii) of the Act, 8 U.S.C. § 1153(b)(1)(A)(ii) requires that the petitioner establish that the alien seeks entry into the United States to continue working in his or her area of extraordinary ability. In this case, the petitioner seeks classification of the beneficiary as an alien with extraordinary ability as a squash professional so that he may continue working in that position for the petitioner, the Dayton Squash Center. Numerous documents in the record establish that the beneficiary has been working for the petitioner as a squash professional on a P-1 visa since 2001 and that he intends to continue working in this position upon approval of his petition. The petitioner's Form I-140 states the beneficiary's proposed job title as [REDACTED] and describes this job as "direct squash program and coach squash players of all levels." In addition to the aforementioned employment contract between the petitioner and the beneficiary, the petitioner submitted a letter dated June 1, 2003 discussing the beneficiary's specific duties and accomplishments as a squash professional at the Dayton Squash Center. The record also contains a letter from the beneficiary detailing his current and future plans as a squash professional for the petitioner. The director apparently did not consider this evidence which we find sufficient to establish the beneficiary's intent to continue working in his field in the United States.

The director concluded that the submitted evidence only attested to the beneficiary's accomplishments as a squash player and coach, not a squash professional and therefore did not establish that the beneficiary had earned the requisite sustained acclaim as a squash professional. The director referenced only one document to support his conclusion that this semantic distinction equaled a substantive difference that disqualified the beneficiary. The director stated that although the record indicated that the beneficiary had achieved acclaim as a squash player and coach, he was "not being petitioned for as either a squash player or a squash coach . . . rather, the petitioner seeks the beneficiary's services as a squash professional, and apparently wishes that all of the beneficiary's accomplishments within the sport of squash be considered as evidence that he qualifies as an alien of extraordinary ability. Just as a squash player is not synonymous with a squash coach, neither of these positions is synonymous with a squash professional." To support his conclusion, the director simply references the "squash professional job descriptions provided by the petitioner, which clearly incorporate administrative as well as playing and coaching duties." The director's decision reflects a misunderstanding of the proper standard and a failure to fully review the record.

This office has held that an alien who seeks to enter the United States as a coach under the extraordinary ability classification cannot rely solely on past acclaim as an athlete. However, given the nexus between competing and coaching, 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, an adjudicator may consider the totality of the evidence as establishing an overall pattern of sustained acclaim and extraordinary ability. A similar situation exists in this case. The record establishes that the position of a squash professional is inextricably linked to the professional's abilities as both a squash player and coach.

The petitioner submitted ample documentation regarding the beneficiary's position as a squash professional and how that position requires skills as both a squash player and a squash coach. The petitioner submitted letters explaining that the beneficiary's responsibilities included those of both a professional squash player and a squash coach. Letters from [REDACTED] Head Coach of the United States [REDACTED] Assistant Coach and Manager of the United States Women's National Squash Team, attest that squash professionals must be athletes in top form to perform duties inherent to their occupation such as exhibition matches, on-the-court demonstration and instruction, as well as participating in local, national and international squash events. Although the submitted employment contract between the petitioner and the beneficiary states the beneficiary's position as [REDACTED] the specified duties go beyond coaching. In particular, the contract states that the beneficiary must maintain his membership in the Professional Squash Association (PSA) as a touring professional player, maintain his world ranking as a squash player, represent and promote the Dayton Squash Center through competition in squash tournaments, and play exhibition matches. It is unclear what "administrative duties" the director is referring to in his decision. Besides coaching and playing, the only other duties listed in the contract are developing and directing youth squash programs and conducting squash clinics, duties that implicitly require skills as both a player and a coach. The beneficiary's past accomplishments as a squash player and coach are thus directly relevant to his current position as a squash professional and provide probative evidence of his eligibility under the following regulatory criteria.

*(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 evidence that the beneficiary won three [REDACTED] titles: the Atlanta Grand Masters in 1994, the I Buzios Squash Open in 1995, and the Hashim Khan/BOA Pro Singles in 1998. The record contains a printout from the PSA website stating that the "PSA is the official sanctioning and membership body for the men's World Rankings" and that the PSA operates a World Tour and numerous other international squash tournaments. The beneficiary claims to have been ranked by the PSA to be in the top 50 squash players worldwide for six consecutive years, but only provides primary evidence that he was ranked 46 in August, 1999. The beneficiary also claims to have won the 2003 U.S. National Championships in the 30-plus division and the 2003 Columbus Pro Challenge, but provides no primary evidence of these awards. However, an article published in the May 2003 edition of *Squash Magazine* discusses the beneficiary's title as 2003 U.S. National Champion in the Men's 30-plus division. The petitioner also submitted documentation of the beneficiary's success as a junior squash player in the United Kingdom, but this evidence is irrelevant to his eligibility under this criterion as a professional player. The beneficiary's receipt of three PSA tour titles and the 2003 U.S. National Men's 30-plus Championship constitute lesser internationally and nationally recognized prizes for excellence in professional squash playing.

The record also contains evidence that the beneficiary has coached students who have won national and international tournaments. Such prizes can be considered as comparable evidence for this criterion under 8 C.F.R. § 204.5(h)(4). The record shows that the beneficiary helped coach the English Men's Junior Team which won the 2000 World Junior Championship in Italy, but does not establish that the beneficiary was the team's head coach. Since his arrival in the United States, the beneficiary has coached [REDACTED] who won third-place at the U.S. National Under 17 Championships in 2002 and his wife [REDACTED] who won the 2003 U.S. National Women's 30-plus Championship. Letters from both of these athletes attest that their success was directly attributable to the beneficiary's coaching.

We note the beneficiary's receipt of an award in 2003 from the Dayton Squash Rackets Association "in recognition of coaching excellence." A short article from the June/July 2003 edition of *Squash Magazine* notes that "a special Coaching Recognition award was presented [REDACTED] Wellings for his presence and teaching ability" at the Dayton Squash Rackets Association annual banquet. On appeal, counsel claims that the award was also a commendation of the beneficiary's national achievements in squash, but the record does not support this claim. Rather, the evidence indicates that the award was given by a local squash association for the beneficiary's regional contributions.

*(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.*

The petitioner claimed that the beneficiary was a member of the Squash Rackets Association (SRA) in the United Kingdom from 1982 to 2001, the Professional Squash Association (PSA), and the United States Squash Rackets Association (USSRA). The petitioner submitted a printout from the website of England Squash that describes the SRA, but no evidence of the beneficiary's SRA membership. The remaining evidence is insufficient to meet this criterion.

The record contains a copy of the beneficiary's PSA membership card and a printout from the PSA website entitled "the PSA World Tour" explaining that more than 250 professional players compete for world ranking points. The printout does not state the PSA membership requirements and does not indicate that membership is open to only the most outstanding players. To the contrary, the printout states that "beneath the Super Series level . . . dozens of smaller events [offer] battlegrounds for aspiring players," suggesting that outstanding achievements are not a prerequisite to PSA membership.

Similarly insufficient is the evidence regarding the USSRA. The record contains a copy of the beneficiary's USSRA membership card and a printout from the association's website. The printout states that USSRA is "the governing body of the game of squash rackets in the United States" and that its mission includes promoting "participation in the game by the full spectrum of players and abilities, from novice to professional." The printout does not include the membership criteria for USSRA, but the quoted mission statement indicates that membership is open to both amateurs and professionals and does not establish that outstanding achievements are a prerequisite to USSRA membership.

*(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.*

The record contains copies of fifteen articles and excerpts of articles from newspapers and magazines that mention the beneficiary. Six of these articles discuss the beneficiary's competitions as a junior player and are not relevant to his eligibility under this criterion as a professional squash player. Of the remaining articles, three were published in apparently local or regional newspapers (*Dayton Daily News* and *Evening Argos*).

An excerpt from an article from the January 1999 issue of *SRA Squash Player* magazine reports on the beneficiary's match against the then fourth world ranked player Paul Johnson in the British National Championships. An excerpt from an article published in January, 1999 in the national newspaper *Daily Telegraph* also reports that "Johnson, the world number four, now plays Julian Wellings, ranked 50, one of two

non-seeds surviving in the last eight. Wellings, thoughtful, fast and consistent, brought down the sixth seed,

The beneficiary has also received limited media coverage since his arrival in the United States. An article dated May 19, 2002 from the website *squashtalk.com* discusses the beneficiary's matches at the competition in New York, but the record contains no evidence that *squashtalk.com* is a professional or major trade publication. An article in the May 2003 edition of *Squash Magazine* features photographs of the beneficiary and his wife and discusses "their first-ever US National titles at the 2003 tournament." A letter from the managing editor of *Squash Magazine* states that this periodical is the official nationwide magazine of the USSRA. The aforementioned article in the June/July 2003 edition of *Squash Magazine* briefly notes the coaching award presented to the beneficiary at the Dayton Squash Rackets Association annual banquet. Another article from the June/July, 2003 edition of *Squash Magazine* reports on the Hyder tournament and briefly mentions the beneficiary: "The semifinals between saw the audience sit in awe of the athleticism and skills of each player."

In sum, the record contains two articles covering one of the beneficiary's matches in 1999 and two articles discussing his performance in two more recent competitions. While notable, this limited coverage in four articles over the course of an approximately ten-year career as a professional squash player does not reflect the requisite sustained acclaim. Accordingly, the beneficiary does not meet this criterion.

*(iv) 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.*

Counsel claims that the beneficiary meets this criterion through his work as a squash coach in England and the United States. However, duties or activities which nominally fall under a given regulatory criterion at 8 C.F.R. § 204.5(h)(3) do not demonstrate national or international acclaim if they are inherent or routine to the occupation itself, or in a substantial proportion of positions within that occupation. "Judging" the work of others is inherent to coaching and is not necessarily indicative of the requisite sustained acclaim. Although the record indicates that the beneficiary is a talented coach, no independent evidence was presented to show that his selection as a coach reflects the requisite sustained acclaim. Nor is there any evidence that the beneficiary has actually served as a judge for any national or international squash tournaments.

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

Counsel claims the beneficiary meets this criterion by virtue of his coaching and attestations of other squash professionals. In relation to this category, the petitioner submitted numerous support letters for the beneficiary from the petitioner, professional squash players, students and other individuals in the field who have worked with the beneficiary. While such letters provide relevant information about an alien's experience and accomplishments, they cannot by themselves establish the alien's eligibility under this criterion because they do not demonstrate that the alien's work is of major significance in his field beyond the circle of individuals with whom he has worked directly. Moreover, recommendation letters solicited by an alien in support of an immigration petition carry less weight than preexisting, independent evidence of major contributions that one would expect of an alien who has sustained national or international acclaim. Accordingly, the support letters will be discussed as they relate to other relevant evidence in the record.

The record indicates that the beneficiary has successfully coached several squash players as previously discussed under the first criterion. In addition, a letter from [REDACTED] SRA National Coach, attests that the beneficiary "contributed to the English World Junior Champion team won [sic] in Italy in July, 2000." Other evidence confirms that this team won the 2000 World Junior Championship. Testimonial letters from some of the beneficiary's other students including his wife, [REDACTED] credit him with their winning or improved performances at regional and national squash competitions. The record contains a printout from [www.us-squash.org](http://www.us-squash.org) with the national rankings lists in various categories that corroborates the accomplishments of [REDACTED]. An article from the May 2003 edition of *Squash Magazine* confirms that [REDACTED] won the U.S. National Championship in the Women's 30-plus division. Several letters state that the beneficiary also helped coach the U.S. Junior Men's Team which attained their best-ever finish in the World Team Junior Championships in 2002. A page from the April, 2003 edition of *Squash Magazine* congratulates the team on their "historic performance" by ranking "7<sup>th</sup> in 2002." The record also contains a letter from [REDACTED] of the Talbott Squash Academy, the Official National Training Center of the United States Squash Racquets Association, and a printout from the Talbott Squash Academy website that confirm that the beneficiary was a head coach at the Academy's summer programs from 2001 to 2003. [REDACTED] that the beneficiary "not only is the top playing professional that I have ever had teach at the Academy, but he is also the best coach that I have ever employed. He possesses that rare talent of understanding the game, being able to communicate it to players of all abilities and ages while displaying the correct technique on court at the highest level." The record indicates that [REDACTED] was the number one ranked U.S. professional squash player from 1983 to 1997. Finally, some letters note the beneficiary's contributions as a coach for regional junior teams in England, but the record contains no corroborative evidence of the beneficiary's position or the accomplishments of those teams.

Letters from current and past professional squash players also attest to the valuable individual coaching the beneficiary has given them. [REDACTED] states that he trained with the beneficiary in 2000 when "my world ranking went from 290 to a personal best of 107. My performance improved dramatically in U.S. competitions as well." [REDACTED] a professional PSA squash player for 10 years with a world ranking of 23, states that he became acquainted with the beneficiary after the beneficiary beat him in the final competition of the PSA Atlanta Masters competition in 1994. [REDACTED] explains that he later trained with the beneficiary before the Dayton Open and another competition in Virginia: "The advice [REDACTED] gave me was invaluable and was a significant reason for me beating the world no. 12 and the world no. 20 to reach the semi finals. In Virginia a week later I won the event as the no. 3 seed, thanks to the work with Julian beforehand." [REDACTED] letter is accompanied by his profile from the PSA website that corroborates his standing as a professional squash player. [REDACTED] ranked number seven in the world and chairman of the Women's International Squash Players Association (WISPA), states that the beneficiary "helped me many times in professional events, coaching me through many matches." [REDACTED] letter is accompanied by a printout from the WISPA website confirming her standing as a professional squash player. [REDACTED] ranked second in the world and president of WISPA, states that the beneficiary coached her as a junior player in England and continues to provide her with valuable assistance: "Apart from [REDACTED] sound technical advice he has provided me with a wealth of knowledge, which has helped me reach the top of women's squash." A printout from the WISPA website submitted with [REDACTED] letter confirms her standing as a top professional squash player.

Other letters from squash professionals attest to the beneficiary's value as a member of the squash community in the United States. A letter from [REDACTED] executive director of USSRA, dated May 23, 2001 and captioned "P-1 Advisory Opinion" explains that in the last two decades the United States has transitioned from "hardball" squash played by only a few countries to the predominant "soft version" played internationally. [REDACTED]

states that the United States “does not have a cadre of certified coaches schooled in the internationally style play. We are importing them as they are identified. . . . If we as a nation are to become internationally competitive in this sport, we need to retain the services of highly qualified soft ball coaches . . . like [redacted] President of USSRA; [redacted] General Manager – Indoor Court Sports for Prince Sports, Incorporated; and [redacted] acting executive director of USSRA, all confirm that the beneficiary will thus “be of great value in further developing squash in the United States.” We note that these last three letters, although written by independent experts, repeat several paragraphs verbatim. Such repetition indicates that the language is not the authors’ own and detracts from the letters’ credibility.

While the support letters attest to the beneficiary’s skill, talent and success as a squash player and coach, they do not specify any original contributions of major significance that the beneficiary has made to his field. Rather, they praise him as a talented coach and mentor whose skills and experience as a professional squash player are needed to help make U.S. squash players internationally competitive. In addition, the letters evidence the beneficiary’s excellent reputation among the squash professionals with whom he has worked directly, but do not provide sufficient evidence that he has made original contributions of major significance to the field at large which have garnered sustained national or international acclaim. Accordingly, the beneficiary does not meet this criterion.

*(vi) Evidence of the alien’s authorship of scholarly articles in the field, in professional or major trade publications or other major media.*

The record contains copies of two articles written by the beneficiary and published in *Squash Magazine*. The first article is entitled “Back to Basics: It’s Always a Good Time for Drills” and was published in the April, 2003 edition of *Squash Magazine*. The second article is entitled “Ball Placement” and was published in the June/July, 2003 edition of *Squash Magazine*. The articles analyze and discuss specific training and playing techniques and are accompanied by detailed schematic diagrams. The previously mentioned letter from [redacted] managing editor of *Squash Magazine*, confirms that the publication is the official nationwide magazine of the USSRA. [redacted] explains that [redacted] has been an invaluable asset to the magazine as someone that has been at the top of the game as a professional player and has now risen to the top as a coach of extraordinary ability. He can provide insight to readers from a top level playing perspective and from a top level coaching perspective. This is a rare combination and is reflected in his articles.” [redacted] also notes that “the Prince coaching page that Julian has written for us has been occupied by a select few that have been asked by us to write in the last year: [redacted] (World No. 1 player) [redacted] Director of the Talbott Squash Academy) [redacted] testifying his [sic] standing as an outstanding coach.” The petitioner submitted a third article written by the beneficiary for *Squash Magazine* that we cannot consider because it was published after the petition was filed. The beneficiary’s eligibility must be established at the time of filing. See 8 C.F.R. § 103.2(b)(12), *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971). However, the beneficiary’s previous two articles combined with [redacted] attestation of their significance are sufficient to meet this criterion.

*(vii) Evidence of the display of the alien’s work in the field at artistic exhibitions or showcases.*

In his RFE response, counsel requested that the petitioner’s articles be considered as comparable evidence for this criterion under 8 C.F.R. § 204.5(4). Yet the regulation states that comparable evidence will be considered when the other criteria do not readily apply to the alien’s field. As the abundant record in this case shows, at least eight criteria readily apply to the beneficiary’s field and there is consequently no need to invoke the comparable evidence provision for this criterion.

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

Counsel claims the beneficiary met this criterion through his current position at the Dayton Squash Center (DSC), his role in the Dayton Open Tournaments of 2002 and 2003, as director of the Dayton Challenge Youth Development Program, as director of Youth Squash Development in the Miami Valley area, and his coaching of the U.S. National Men's Under 19 Squash Team. The beneficiary's direction of the two youth programs are part of his duties as a squash professional at the Dayton Squash Center and will be discussed in relation to that position.

The record indicates that the beneficiary is one of two full-time employees of the Dayton Squash Center (DSC). The beneficiary's employment contract and letters from the petitioner verify that he is in charge of directing the entire squash program at DSC including coaching, organizing and managing tournaments, supervising support staff as well as maintaining his status as a professional squash player through frequent participation in PSA competitions. The beneficiary also directs two local youth squash programs, the Dayton Challenge Youth Development Program and Youth Squash Development in the Miami Valley area. On appeal, the petitioner writes that the beneficiary "is simply irreplaceable. He has single-handedly put the Dayton Squash Center on the nationwide squash map through performances & results in prestigious squash tournaments around the nation: such as becoming the U.S. National 30+ Champion in 2003." The record establishes that the beneficiary performs a leading role for DSC. The record also indicates that the DSC has gained a distinguished reputation by virtue of the beneficiary's accomplishments, most notably by hosting the Dayton Open which is now cited by the PSA as a "prestigious event" and which Amy Duchêne of *Squash Magazine* describes as a "major international event on the PSA tour." Several documents attest to the petitioner's crucial role in organizing and promoting the Dayton Open.

Because we find that the beneficiary meets this criterion through his position at DSC, we need not address counsel's far less convincing claim regarding the beneficiary's coaching of the U.S. National Men's Under 19 Squash Team.

*Comparable Evidence under 8 C.F.R. § 204.5(4).*

In his RFE response, counsel requested that other accomplishments of the beneficiary be considered as comparable evidence of his eligibility pursuant to 8 C.F.R. § 204.5(4). All but one of these accomplishments have been mentioned in the above discussion of the applicable regulatory criteria. Accordingly, we only address the beneficiary's endorsement contract with Prince. Counsel initially listed this contract under the ninth criterion (high remuneration) on page nine of his cover letter to the Form I-140. However, in his RFE response counsel contradictorily states that the contract was "offered not as evidence of significant remunerations, but as recognition of his extraordinary standing in the field." The contract is titled "Advisory Staff Agreement" and was entered into on July 1, 2002 between the beneficiary and Prince, a division of Benetton Sportsystem USA, Incorporated. The agreement states that the beneficiary will exclusively use and endorse Prince products and was entered into because the beneficiary "is recognized and widely known throughout the world as a squash player, promoter and instructor." The record also contains Prince advertisements published in *Squash Magazine* that include a quotation of the beneficiary endorsing Prince squash racquets. Although counsel claims that this endorsement agreement is evidence of the beneficiary's "extraordinary standing in the field," the record contains no evidence that such endorsements are limited to only the very top squash professionals.

We have considered two additional facts documented in the record in our assessment of the beneficiary's eligibility. First, the record contains a printout from the PSA website listing the world rankings of the top U.S. male squash players as 117 to 275. In comparison, the beneficiary's documented world rankings of 46 in 1999 and 101 at the time his petition was filed establish that he is among the top professional squash players in the United States. Second, the record contains several letters (including those from [REDACTED] PSA president and [REDACTED] WISPA director) attesting to the challenges facing squash professionals in trying to raise the level of U.S. squash to make its players internationally competitive. These facts add considerable weight to the beneficiary's accomplishments as a squash player, coach and professional in the United States.

An immigrant visa will be granted to an alien under section 203(b)(1)(A) of the Act 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 petitioner bears this substantial burden of proof. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner in this case has sustained that burden. The evidence indicates that the petitioner has met three regulatory criteria and has established the requisite sustained acclaim. Accordingly, the appeal will be sustained and the petition will be approved.

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