



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 26991084

Date: JUN. 1, 2023

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner, a soccer coach, seeks classification as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition, concluding that although the record established that the Petitioner satisfied the initial evidentiary requirements for this classification, it did not establish that the Petitioner has sustained national or international acclaim and is one of that small percentage at the very top of his field of endeavor. We dismissed a subsequent appeal. The matter is now before us on motion to reopen.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon review, we will dismiss the motion.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Our review on motion is limited to reviewing our latest decision. 8 C.F.R. § 103.5(a)(1)(ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

The record reflects that the Petitioner was a professional soccer player in Brazil and Trinidad and Tobago from 1993 until 2009, when he transitioned to coaching. The Petitioner initially held coaching roles with [REDACTED] a professional team in Trinidad and Tobago, and has coached youth soccer teams since 2015. At the time of filing in August 2020, he was employed as the head soccer coach for the Under 14 (U14) and Under 12 (U12) teams for [REDACTED] in [REDACTED] California.

The Director determined that the Petitioner had met four of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x) and therefore satisfied the initial evidence requirements for this

classification. Specifically, the Director determined that the Petitioner submitted evidence of published material about him and relating to his work as an athlete and coach; evidence that he had participated as a judge of the work of others in the field; evidence that he had performed in a leading or critical role for an organization with a distinguished reputation, and evidence that he has commanded a high salary in relation to others in the field. *See* 8 C.F.R. §§ 204.5(h)(3)(iii), (iv), (viii) and (ix).

Because we determined the Petitioner submitted the required initial evidence, we proceeded to a final merits determination to evaluate whether he had demonstrated, by a preponderance of the evidence, his sustained national or international acclaim and that he is one of the small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20. In our appellate decision, we determined the Petitioner did not establish eligibility. We noted the record does not demonstrate the Petitioner has achieved or sustained a level of acclaim he achieved from when he was a player and coach in Trinidad and Tobago to after when he went to pursue other coaching opportunities with youth soccer organizations, or a level of acclaim that places him at the top of the field among soccer coaches.

On motion, the Petitioner submits a brief, and supporting documentation to include, in part, an expert opinion letter and letters of support. The Petitioner asserts that these new facts establish eligibility evidencing that his work in subsequent years has brought him the requisite sustained acclaim at a national or international level.

On motion, the Petitioner states that from 2015 to 2017 he served an essential role as a Director of Coaching at the [redacted] Football Academy which was established by the [redacted] [redacted] Football Association. In support of this claim, he submits a letter from [redacted] the [redacted] Football Association's Director of Communications, who confirms the Petitioner's employment and outlines the duties he performed. The Petitioner further indicated from 2018 to 2020 he held the position of head soccer coach for [redacted]. In support of this claim, the Petitioner submits a letter from [redacted] A Licensed Coach and Instructor, that states the Petitioner "coached at the highest level of youth soccer during his tenure with [redacted]" Finally, from 2019 to 2020, the Petitioner asserts he was the assistant coach with [redacted] [redacted] in Brazil. In support of this claim, the Petitioner submits a letter from [redacted] [redacted] U17 Head Coach, confirming his role as assistant coach and his duties.

While we acknowledge the documentation submitted on motion highlights the Petitioner's continued experience as a coach up to the point of filing the instant petition, the Petitioner did not establish he sustained a level of acclaim, and he did not sufficiently demonstrate that these coaching positions placed him among the small percentage of coaches at the very top of his field. *See* 8 C.F.R. § 204.5(h)(2). He did not show, for example, how his coaching experiences compared to others at the top of the field or demonstrate how his coaching activities have either resulted from or contributed to his sustained national or international acclaim. Further, the regulations require that the Petitioner provide "extensive documentation" to show that his achievements have been recognized in the field. We found that the Petitioner had little or no evidence of such recognition in the five years preceding the filing of the petition; his submission on motion of more recent evidence of his coaching employment positions does not automatically meet this high standard or demonstrate that he has

sustained national or international acclaim as a coach. While the letters of support submitted on motion evidence that his colleagues respect and appreciate him, they do not sufficiently indicate he has sustained national or international acclaim as a coach.

In addition, the Petitioner does not provide sufficient evidence of the ranking and importance of the teams he has coached prior to filing the petition. Although the letter from [redacted] states the Petitioner coached at the highest level of youth soccer during his tenure with [redacted] that information alone is not sufficient to understand the level of the Petitioner's coaching. For example, [redacted] is a large organization with several teams, and it is not clear if there is a ranking of teams within the [redacted] and whether the Petitioner is ranked as a coach within [redacted]. The same is also true for his work as an assistant coach for the [redacted] in Brazil. The Petitioner did not submit sufficient documentation that would enable us to understand the ranking of that club within Brazil compared to other teams. Further, the Petitioner did not indicate how many coaches are part of that club and whether he was the only assistant coach or one of many. Without further context of the role of each coaching position the Petitioner held, it is impossible to determine if he is one of the small percentage of coaches at the very top of his field.

On motion, the Petitioner also submits an opinion letter from [redacted] Director and Professor of the Sport Management program of the [redacted] College of Business and Economics at the University [redacted]. In his opinion letter, [redacted] concluded the Petitioner has "extraordinary ability in the Soccer field and has satisfied at least six of the criteria of the USCIS classification as an Alien of Extraordinary Ability." [redacted] outlined in his letter the Petitioner's professional experience as a professional soccer player and coach. He often quotes from letters submitted in the record to further reiterate the Petitioner's experience. While we acknowledge the experience the Petitioner has as a professional soccer player and coach as outlined in the opinion letter, [redacted] does not provide new evidence as it solely confirms evidence previously submitted and is not considered new facts. Nor does the opinion letter overcome the concerns discussed in our decision.

Although the Petitioner has submitted additional evidence in support of the motion to reopen, the Petitioner has not established eligibility.

**ORDER:** The motion to reopen is dismissed.