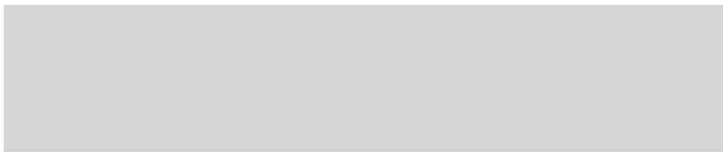




U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUL 06 2015**

PETITION RECEIPT #: 

IN RE: Petitioner:
Beneficiary:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(O)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(O)(i)

ON BEHALF OF PETITIONER:



Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. We will dismiss the appeal.

The petitioner filed this petition seeking to classify the beneficiary as an O-1 nonimmigrant pursuant to section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(O)(i), as an alien of extraordinary ability in the athletics. The petitioner, a martial arts academy, seeks to employ the beneficiary as a master instructor of taekwondo for a period of three years.

After issuing a request for evidence (RFE) and then considering the evidence of record, the director denied the petition. The director determined that the petitioner did not establish that the beneficiary has received “sustained national or international acclaim” in her field of endeavor. Specifically, the director determined that the evidence submitted did not satisfy the criterion set forth at 8 C.F.R. § 214.2(o)(3)(iii)(A) or at least three of the eight criteria set forth at 8 C.F.R. § 214.2(o)(3)(iii)(B). The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to us for review. On appeal, the petitioner requests approval of the petition and submits a brief and additional evidence.

I. The Law

Section 101(a)(15)(O)(i) of the Act provides classification to a qualified alien who has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability. The extraordinary ability provisions of this visa classification are intended to be highly restrictive. *See* 137 Cong. Rec. S18247 (daily ed., Nov. 16, 1991). The regulation at 8 C.F.R. § 214.2(o)(3)(ii) defines, in pertinent part: “*Extraordinary ability in the field of science, education, business, or athletics* means a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor.”

The regulation at 8 C.F.R. § 214.2(o)(3)(iii) sets forth a multi-part analysis. First, a petitioner can demonstrate the beneficiary’s sustained acclaim and the recognition of the beneficiary’s achievements in the field through evidence of a major internationally recognized award. 8 C.F.R. § 214.2(o)(3)(iii)(A). If the petitioner does not submit this evidence, then a petitioner must submit sufficient qualifying evidence that satisfies at least three of the eight categories of evidence listed at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1)-(8). If the petitioner demonstrates that certain criteria in paragraph (o)(3)(iii)(B) of this section do not readily apply to the beneficiary’s occupation, the petitioner may submit comparable evidence in order to establish the beneficiary’s eligibility. 8 C.F.R. § 214.2(o)(3)(iii)(C).

The submission of evidence relating to at least three criteria does not, in and of itself, establish eligibility for O-1 classification. 59 Fed. Reg. 41818, 41820 (Aug. 15, 1994). In addition, we have held that, “truth is to be determined not by the quantity of evidence alone but by its quality. Thus, in adjudicating the application pursuant to the preponderance of the evidence standard, the director must examine each piece of evidence for relevance, probative value, and credibility, both

individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.” *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

II. Discussion

A. Extraordinary Ability in Athletics

The record consists of: the Form I-129 petition and supporting evidence; the director’s request for evidence dated September 29, 2014, and the petitioner’s response; and, the director’s decision dated November 5, 2014. We have reviewed the evidence of record in its entirety in reaching our decision.

The record indicates that the beneficiary is a 46-year-old taekwondo practitioner who competed as a taekwondo athlete between 1984 and 1987 while attending high school and college, winning several national taekwondo championships. The petitioner seeks to classify the beneficiary as an alien with extraordinary ability as a taekwondo instructor so that it may employ her at its taekwondo academy.

In the petitioner’s initial support letter dated September 12, 2014, it listed the beneficiary’s background and qualifications as follows:

In 2009, [the beneficiary] has achieved the **prestigious 5th dan in Taekwondo** [also referred to as 5th poom] and continues to be **registered with** [REDACTED]. In addition to her 5th dan achievement, [the beneficiary] is a [REDACTED] **certified 2nd class Coach** and **3rd class Instructor**.

(Emphasis in original.) The record reflects that [REDACTED] is the official taekwondo governing organization established by the South Korean government.

According to the beneficiary’s employment agreement, which the parties signed on August 18, 2014, the beneficiary’s duties in the United States will include the following:

- Form martial arts team of students to compete in national/international championships/tournaments;
- Instruct, train, and prepare team to ensure their competency at participating championships/tournaments;
- Attend and coach students at championships/tournaments;
- Set training and instruction goals for each student and class;
- Instruct daily classes from young ages to adults;
- Evaluate students in their performance on a regular basis;
- Teach and prepare students for advancement of Taekwondo ranks, provide one-on-one advanced level Taekwondo instruction for students with dan rank;
- Help students to achieve their respective training goals; and
- Support President of [REDACTED] in business development and growth.

The petitioner provided its class schedule, indicating that the beneficiary would teach taekwondo classes to students of all belt levels and all ages. The petitioner also provided an itinerary covering the period from [REDACTED] 2014 to [REDACTED] 2017, which listed 17 taekwondo events comprised of championship events, tournaments and festivals in California.

The director denied the petition on November 5, 2014, concluding that the petitioner did not establish that the beneficiary has satisfied at least three of the eight evidentiary criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B).

The director also noted that competitive athletics and coaching/instructing are not the same area of expertise. The statute requires that the beneficiary seek entry into the United States “to continue work in the area of extraordinary ability.” Section 101(a)(15)(O)(i) of the Act, 8 U.S.C. § 1101(a)(15)(O)(i) (2007). On appeal, the petitioner explains the merits of athlete-centered instruction. While a competitive taekwondo athlete and a taekwondo coach share knowledge of the sport of taekwondo, the two rely on different sets of basic skills. Thus, we agree with the director competitive taekwondo and taekwondo coaching/instruction are not the same area of expertise. This interpretation has been upheld in Federal Court. In *Lee v. I.N.S.*, 237 F. Supp. 2d 914 (N.D. Ill. 2002), the court stated:

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.

Id. at 918.

United States Citizenship and Immigration Services (USCIS) will not assume that an alien with extraordinary ability as an athlete has the same level of expertise as a coach or instructor of his or her sport. However, given the nexus between athletic competition and coaching or sports instruction, in a case where the beneficiary has achieved recent 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 such that it can be concluded that coaching is within the beneficiary’s area of expertise. Specifically, in such a case, USCIS will consider the level at which the beneficiary acts as a coach. In this matter, however, the beneficiary’s athletic accomplishments are not recent and the petitioner asserts the beneficiary has been coaching for several years. Accordingly, we will address the evidence regarding the beneficiary’s accomplishments as a taekwondo coach.

As a related issue, the petitioner has noted that only a small number of individuals who practice taekwondo at a dan level, not all of whom work in the field, are also certified to work as coaches. The petitioner has not persuasively explained how the fact that most dan level taekwondo athletes do not proceed to become certified as coaches reflects on the beneficiary’s abilities as a coach.



For the reasons discussed below, the petitioner has not established that the beneficiary is one of the small percentage who has risen to the very top of her field of endeavor.

1. Consideration of the Evidentiary Criteria¹

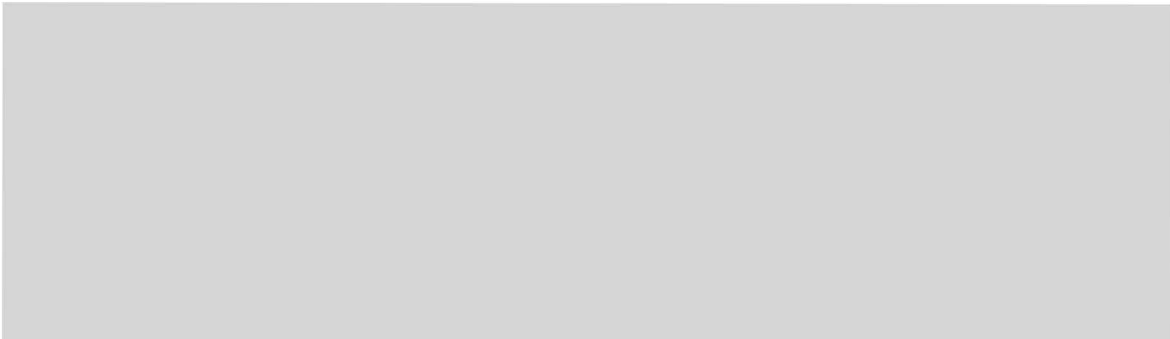
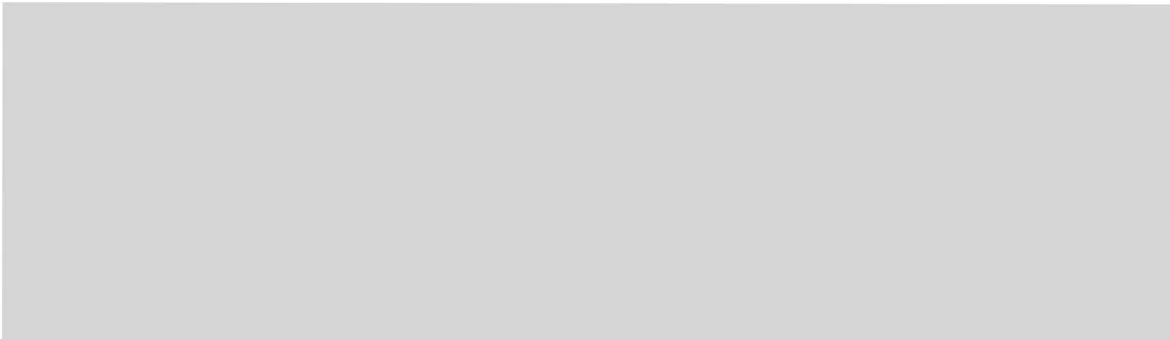
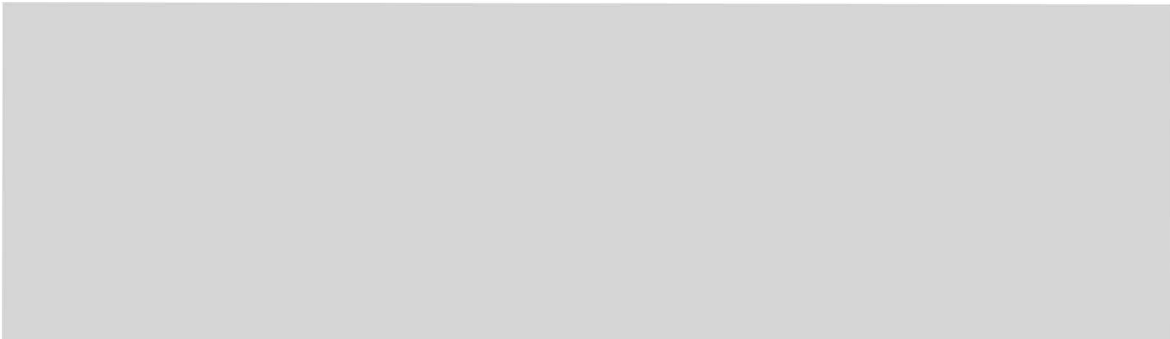
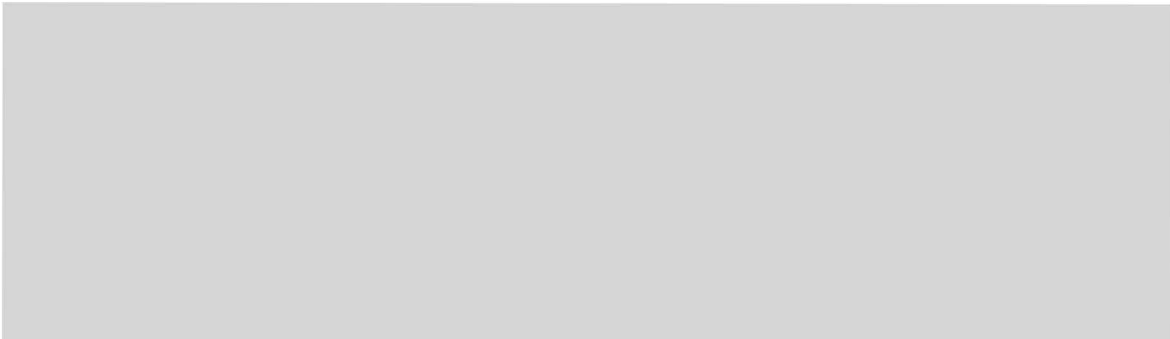
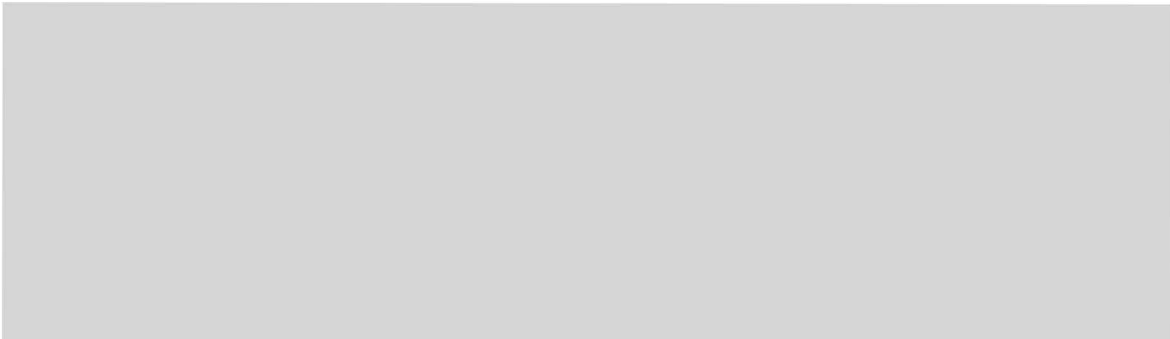
If the petitioner establishes through the submission of documentary evidence that the beneficiary has received a major, internationally recognized award pursuant to 8 C.F.R. § 214.2(o)(3)(iii)(A), then it will have submitted the requisite initial evidence pertaining to the beneficiary's acclaim and recognition. The regulations cite to the Nobel Prize as an example of a major award. *Id.* Here, the petitioner has not submitted evidence that the beneficiary has received a major, internationally recognized award; nor has the petitioner asserted that the beneficiary satisfies this criterion. Therefore, the petitioner must establish the beneficiary's eligibility under at least three of the eight criteria set forth at 8 C.F.R. § 214.2(o)(3)(iii)(B).

After careful review of the record and for the reasons discussed herein, the petitioner has not established eligibility under three of the eight evidentiary criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B).

Documentation of the alien's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor

To meet criterion number one, the petitioner must submit documentation of the beneficiary's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 214.2(o)(3)(iii)(B)(1). The director determined that the petitioner did not establish that the beneficiary satisfies this criterion.

As evidence of the beneficiary's achievements as an athlete, the petitioner indicates that the beneficiary received the following awards:

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The petitioner's initial evidence included copies of documentary evidence of the beneficiary's receipt of the above-referenced prizes. As the first four awards are for athletic achievements, they cannot serve as qualifying evidence that the beneficiary meets this criterion as a coach. In the alternative, the petitioner has not documented that these awards are qualifying athletic awards.

¹ The petitioner does not claim to satisfy or submit evidence relating to the regulatory categories of evidence not discussed in this decision.

The petitioner initially asserted that the beneficiary won “nationally recognized Taekwondo championships” and that the “championships receive significant recognition from Taekwondo practitioners all around the world.” On appeal, the petitioner focuses on the 2013 letter of commendation. With respect to the beneficiary’s 1st place finishes, we will not assume that any first place finish in any competition designated a “national” competition is a nationally or internationally recognized award. The prizes the beneficiary has received establish that she has awards from several national taekwondo competitions, all while attending high school or college. A competition may be open to athletes from throughout a particular country or countries, but this factor alone is not adequate to establish that an award or prize is “nationally or internationally recognized.”

The burden is on the petitioner to demonstrate the level of recognition associated with the beneficiary’s awards. As evidence in support of the significance of the events, the petitioner submitted two articles. The first article appeared in [REDACTED], is dated [REDACTED] 2013, and is titled [REDACTED]. It discusses a championship hosted by the [REDACTED], describing it as a national championship that is “a gateway for new talents.” The second article, published in [REDACTED] 2014 on the website of the [REDACTED] and titled [REDACTED], discusses that championship, describing it as an international championship involving competitions divided into different weight categories for men and women. Although the petitioner has not submitted official entry requirements from the sponsoring organizations of the events in which the beneficiary competed, additional information from the [REDACTED] website accompanying the second article states that the [REDACTED] competitions “are open to all student athletes that have not been out of university or an equivalent institution for more than a year, and that are aged between 17 and 28.” Upon review, the submitted news articles do not demonstrate that the level of recognition of the beneficiary’s competition victories is commensurate with nationally or internationally recognized prizes or awards for excellence in the field of competitive taekwondo. It appears that competitions in which the beneficiary received awards were for “new talent” and by definition not open to all taekwondo athletes, but to a restricted segment of athletes — student athletes between the ages of 17 and 28. The petitioner has not shown that these awards were open to established professionals already working in the field rather than limited to “student athletes.” While age restricted awards may be nationally or internationally recognized, it is the petitioner’s burden to demonstrate this level of recognition. The petitioner did not demonstrate major trade or general media coverage of the competitions or equivalent evidence of their recognition in the field. Thus, the submitted evidence does not satisfy the plain language of this criterion.

The petitioner also asserts that the beneficiary’s letter of commendation from [REDACTED] is “both [a] nationally and internationally recognized award” in the field. The letter of commendation states that it was given in recognition of the beneficiary’s “outstanding contribution to the development and dissemination of Taekwondo.” In the initial letter of support the petitioner states that the beneficiary received this award in recognition of her work as “the Woman Committee Chair of [REDACTED].” The petitioner’s letter also asserts that “[REDACTED] Letter of Commendation is given out once or maybe twice a year, only to a Taekwondo practitioner registered with [REDACTED] who has a great or brave deed that matches the values of Taekwondo

and is worthy to be admired and recognized by [REDACTED],” and that out of the total number of dan holders in the world “*only a handful* has ever received [REDACTED] Letter of Commendation.” The petitioner has not provided any documentation to corroborate these claims. 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’r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg’l Comm’r 1972)). As noted by the director, although the petitioner provided documentation from a booklet regarding [REDACTED] the documentation does not provide any information about the organization’s letters of commendation, such as how many have been issued and the criteria used to determine the recipients of such a letter. Merely submitting evidence of the beneficiary’s receipt of a prize or award is insufficient to meet the plain language of the regulation without documentary evidence reflecting that the prize or award is nationally or internationally recognized for excellence in the field of endeavor. For the above reasons, the petitioner has not established that the letter of commendation itself is a nationally or internationally recognized award or prize in the beneficiary’s field.

Additionally, the petitioner asserts that the beneficiary’s 5th level Dan in taekwondo is a nationally or internationally recognized prize or award in the field. The record indicates that attaining a certain Dan level in the martial arts is not an award for which one garners recognition, but rather the foreseeable outcome of a standard process by which taekwondo martial arts practitioners advance from one Dan level to the next. The evidence shows that such advancement is a promotion within the ranks of the sport, but does not establish that achievement of a Dan level by the beneficiary constitutes a nationally or internationally recognized award.

The petitioner asserts that additional certificates received by the beneficiary establish that the beneficiary has received nationally or internationally recognized awards for excellence as a taekwondo instructor or coach. The petitioner submitted the beneficiary’s course completion certificates for 3rd class instructor given by [REDACTED] in [REDACTED] 1989 and 2nd class coach given by the [REDACTED] in [REDACTED] 1994. The petitioner submitted the beneficiary’s certificate of license as a 3rd class referee given by the [REDACTED] in [REDACTED] 1994. The petitioner provided a certificate indicating that beneficiary participated in a referee seminar conducted by [REDACTED] (2008). The petitioner submitted two certificates of appreciation, given to the beneficiary as a referee at the [REDACTED] (2013) and for her “dedication and continued support” of the [REDACTED] at the [REDACTED] (2013). The record does not contain any evidence establishing that the above certificates themselves are nationally or internationally recognized awards or prizes for excellence in coaching. Credentials that qualify the beneficiary to work as a coach and referee are not nationally or internationally recognized awards for excellence.

Upon review, the submitted evidence does not satisfy the criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1).

Evidence of the alien’s participation on a panel, or individually as a judge of the work of others in the same or in an allied field of specialization to that for which classification is sought

To meet the fourth criterion, the petitioner must submit evidence of the beneficiary's participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization to that for which classification is sought. 8 C.F.R. § 214.2(o)(3)(iii)(B)(4). The director determined that the petitioner did not satisfy this criterion.

As previously stated, the petitioner submitted a certificate of appreciation, given to the beneficiary for her “dedication and continued support” of the [redacted] at the [redacted] (2013). In response to the director’s RFE, the petitioner submitted a letter from [redacted] President of the [redacted] stating that the beneficiary “has been respectfully invited [by [redacted]] to participate as a referee/judge at [redacted] (2009 & 2013). [The beneficiary] has received [redacted] formal invitations for her national acclaim as a Taekwondo practitioner in South Korea” Mr. [redacted] letter described the required qualifications for the positions of referees/ judges at these events as follows:

The referees/judges applicants must have thorough understanding of the official Taekwondo competition rules, match management procedures, Korean terminology used in Taekwondo competition, and point awarding system, as evidenced by their dan certificates and referee certificates.

While Mr. [redacted] letter does not indicate whether the beneficiary participated in these events as a referee or as a judge, the beneficiary’s certificate of appreciation and resume indicate she was a referee at the [redacted] at the [redacted] (2013). The record does not establish that the beneficiary’s work as a referee in the above instance equates to participating as a “judge” of the work of others. For instance, the evidence does not demonstrate that the beneficiary actually judged the work of competitors, such as assigning points or determining winners, rather than merely enforcing the rules and maintaining a sense of fair play. Nor does the record contain official competition rules for the championships indicating that serving as a referee in these instances equates to participating as a judge of work of others.

Based on the foregoing, the evidence of record does not satisfy the plain language requirements set forth at 8 C.F.R. § 214.2(o)(3)(iii)(B)(4).

Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation

The seventh criterion requires the petitioner to establish that the beneficiary has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation. 8 C.F.R. § 214.2(o)(3)(iii)(B)(7). The director determined that the petitioner did not establish that the beneficiary satisfies this criterion.

The petitioner submitted a letter from [redacted] Vice President (South), [redacted], stating that the beneficiary was “employed in an essential position for [the] [redacted] South Korea.” Mr. [redacted] further states as follows:

Particularly, as a fellow Taekwondo practitioner with South Korean background, I have extensive knowledge in [the] [REDACTED] and more than adequate insight to attest that [the beneficiary] was selectively recruited, thoroughly interviewed, and prudently selected to be the operating person, contributing to the success of [the] [REDACTED]. [The beneficiary] was one of 384 operating personnel directly under the command of Taekwondo headquarter of [REDACTED] Committee and her main role was guiding the [REDACTED] officials in numbers of Taekwondo games and ensuring the safety of these officials throughout the [REDACTED] events in various locations in South Korea. The arriving of the [REDACTED] officials in a timely-manner at the designated location was crucial for the successful [REDACTED] and therefore, [the beneficiary's] above-mentioned role in the [REDACTED] was in an essential capacity.

Mr. [REDACTED] further states as follows:

Also this employment of hers was in a critical capacity since this particular [REDACTED] was having an inclusion of Taekwondo into its games for the very first time in the history of [REDACTED] and [the beneficiary] needed professionally [sic] show and explain [sic] the [REDACTED] officials to see that Taekwondo is a sport with high merit, popularity, and value worthy to be continuously included in the future [REDACTED] while guiding these officials throughout the Games. [The beneficiary] used her extensive knowledge and experience gained from the years she practiced Taekwondo and competently completed her task of guiding and ensuring the safety of [REDACTED] officials while explaining and showing the different aspects of Taekwondo to the [REDACTED] officials.

The petitioner submitted a copy of the beneficiary's photo ID Accreditation Card for the [REDACTED] which indicates that she was a member of the entrance/exit staff. The petitioner also submitted the beneficiary's commemorative diploma from those games dated October 2, 1988, and signed by the chairmen of the [REDACTED] Committee and the [REDACTED]. The diploma states "[w]e give you this certificate to recognize and reward you for your devoted service in the [REDACTED] because you have large contributed to the success of this international event."

While the [REDACTED] Committee and the [REDACTED] Committee are organizations with a distinguished reputation in the sport, there is no evidence that the beneficiary was ever formally employed by either organization in a critical or essential capacity. The evidence of record indicates that the beneficiary, as part of the entrance/exit staff, acted as an informative guide for officials to the different taekwondo venues of the Games. The scope of this evidentiary criterion focuses on the beneficiary and the relative importance of her position within the organizations that have employed her, such as evidence establishing how the beneficiary's position as a member of the entrance/exit staff related to the other 383 operating personnel under the command of the Taekwondo headquarters of [REDACTED] Committee and the overall hierarchy of the organization. The evidence does not establish that the beneficiary, as one of a number of members of the entrance/exit staff, was responsible for the success or standing of the [REDACTED] the [REDACTED] Committee or the [REDACTED] Committee to a degree consistent with the meaning of "critical or essential capacity."

Based on the foregoing, the petitioner has not submitted evidence that satisfies the plain language of the evidentiary criterion at 8 C.F.R. 214.2(o)(3)(iii)(B)(7).

In sum, the petitioner has not presented the type of sustained national or international recognition of accomplishments necessary for O-1 classification through the satisfaction of at least three of the regulatory criteria

Comparable Evidence under 8 C.F.R. 214.2(o)(3)(iii)(C)

The regulation at 8 C.F.R. § 214.2(o)(3)(iii)(C) provides that if the petitioner demonstrates that certain criteria do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence in order to establish the beneficiary's eligibility.

In the initial letter of support, the petitioner stated that it was submitting as "other comparable evidence" an advisory opinion letter from [redacted] president of the [redacted], dated June 20, 2014, and a recommendation letter from [redacted], a taekwondo grandmaster, dated July 1, 2014. The petitioner's response to the RFE did not mention comparable evidence. The director's decision did not address whether the evidence establishes the beneficiary's eligibility under the "comparable evidence" provision at 8 C.F.R. § 214.2(o)(3)(iii)(C). On appeal, the petitioner does not assert that it has submitted qualifying comparable evidence. Accordingly, the petitioner has abandoned that claim. *See Sepulveda v. U.S. Att'y Gen.*, 401 F.3d 1226, 1228 n. 2 (11th Cir.2005); *Hristov v. Roark*, No. 09-CV-2731, 2011 WL 4711885 at *9 (E.D. N.Y. Sept. 30, 2011).

In the alternative, the petitioner did not initially state why the regulatory criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B) are not readily applicable to the beneficiary's occupation. In referring to the letters the petitioner stated as follows:

Advisory opinion letters have been written in support of [sic] O-1 petition for [the beneficiary] to recognize and recommend [the beneficiary's] extraordinary qualities and qualifications to be qualified as an O-1 Master Instructor at [the petitioning organization]. . . . Mr. [redacted] the president of [redacted] testifies that [the beneficiary] is a 'Taekwondo master that received recognition from [redacted] for her outstanding contribution and service in the field of Taekwondo . . . has been serving in critical and essential capacity at Taekwondo organizations that have distinguished reputation.' Grandmaster [redacted] the former [redacted] Team Head Coach attests that [the beneficiary] is 'well-educated, trained and experienced as well as nationally recognized in South Korea.'

Section 291 of the Act, 8 U.S.C. § 1361, places the burden of proof on the party seeking benefits. Thus, it is the petitioner's burden to explain why the regulatory criteria are not readily applicable to the beneficiary's occupation and how the evidence submitted is "comparable" to the objective evidence required at 8 C.F.R. § 214.2(o)(3)(iii)(B)(1) through (8). The petitioner's statement is not sufficient.

In addition, while the advisory letter from the [REDACTED] satisfies the petitioner's burden to submit a written advisory opinion from an appropriate consulting entity pursuant to 8 C.F.R. § 214.2(o)(2)(ii)(D), it cannot be used for the dual purpose of satisfying the regulatory criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B). Consultations are advisory and are not binding on USCIS. See 8 C.F.R. § 214.2(o)(5)(i)(D).

Finally, whether one relies on the standard regulatory criteria or on comparable evidence, the burden is still on the petitioner to show that the beneficiary "is one of the small percentage who have arisen to the very top of the field of endeavor" as required by 8 C.F.R. § 214.2(o)(3)(ii) and has earned "sustained national or international acclaim" as required by section 101(a)(15)(O)(i) of the Act and 8 C.F.R. § 214.2(o)(1)(ii)(A)(1). Mr. [REDACTED] letter contains his unsupported statements that the beneficiary is "well educated, trained and experienced as well as nationally recognized in South Korea" and "I confirm that [the beneficiary possesses the qualities and qualifications complying with the O-1 athlete classification criteria," statements that do not evidence achievements and recognition consistent with sustained national or international acclaim at the very top of the field. Accordingly, this evidence does not constitute comparable evidence sufficient to satisfy this criterion.

III. Conclusion

The petitioner submitted no evidence that the beneficiary has received a major, internationally recognized award and the documentation submitted does not meet three of the eight other evidentiary criteria specified in the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B). The petitioner also did not establish that those criteria did not readily apply to the beneficiary's occupation and provide comparable evidence in lieu of the specified criteria.

The evidence shows that the beneficiary is a skilled taekwondo athlete. Upon review of the totality of the evidence submitted, the petitioner has not established that the beneficiary has extraordinary ability as a taekwondo coach, which has been demonstrated by sustained national or international acclaim and that her achievements have been recognized in the field through extensive documentation, as required by section 101(a)(15)(O) of the Act. Consequently, the beneficiary is not eligible for nonimmigrant classification under section 101(a)(15)(O) of the Act. For this reason, the petition may not be approved.

The petition will be denied and the appeal dismissed for the above stated reasons, with each considered as an independent and alternative basis for the decision. In visa petition proceedings, it is the petitioner's burden to establish eligibility for the benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed.