



August 4, 2025

PA-2025-14

## Policy Alert

SUBJECT: Revising Guidance for Pertinent Visa Categories to Keep Men Out of Women's Sports

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to support and align with Executive Order (EO) 14201, Keeping Men Out of Women's Sports.<sup>1</sup> EO 14201 directs the Secretary of Homeland Security to develop policies to prevent the entry of male athletes seeking to compete in women's sports.

### Background

On February 5, 2025, the President issued EO 14201 to address the issue of educational institutions and athletic associations allowing men to compete in women's sports. The EO concludes these policies are demeaning, unfair, and dangerous to women and girls, and deny women and girls the equal opportunity to participate and excel in competitive sports.

USCIS supports and follows the EO in its adjudication of all benefit requests. This update clarifies how the EO impacts eligibility for certain classifications. Specifically, this update revises guidance relating to the following visa categories: O-1A aliens of extraordinary ability,<sup>2</sup> E11 aliens of extraordinary ability,<sup>3</sup> E21 aliens of exceptional ability,<sup>4</sup> and national interest waivers (NIWs).<sup>5</sup>

This guidance, contained in Volumes 2 and 6 of the Policy Manual, is effective immediately and applies to benefit requests pending or filed on or after the publication date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

### Policy Highlights

- Clarifies that, with respect to demonstrating extraordinary ability in athletics in both the nonimmigrant and immigrant classifications, USCIS considers the fact that a male athlete has

---

<sup>1</sup> See Keeping Men Out of Women's Sports, [90 FR 9279](#) (Feb. 11, 2025). For more information on evidence of biological sex and the role of biological sex in immigration benefit requests, see Volume 1, General Policies and Procedures, Part E, Adjudications, Chapter 5, Verification of Identifying Information, Section B, Personal Information, Subsection 2, Sex [[1 USCIS-PM E.5\(B\)\(2\)](#)].

<sup>2</sup> See [INA 101\(a\)\(15\)\(O\)\(i\)](#).

<sup>3</sup> See [INA 203\(b\)\(1\)\(A\)](#).

<sup>4</sup> See [INA 203\(b\)\(2\)](#).

<sup>5</sup> See [INA 203\(b\)\(2\)\(B\)\(i\)](#).

been competing against women as a negative factor in determining whether the alien is among the small percentage at the very top of the field.

- Explains that USCIS does not consider a male athlete who has gained the necessary acclaim in men's sports and seeks to compete in women's sports in the United States to be seeking to continue work in his area of extraordinary ability for both the relevant nonimmigrant and immigrant classifications.
- Provides that, for the immigrant aliens of extraordinary ability classification and the aliens of exceptional ability classification, male athletes seeking to enter the United States to compete in women's sports do not substantially benefit prospectively the United States.
- Clarifies that it is not in the national interest to the United States to waive the job offer and, thus, the labor certification for male athletes whose proposed endeavor is to compete in women's sports.
- As part of this update, USCIS is incorporating previously published NIW content into Volume 6, Part F, Chapter 5 of the Policy Manual.<sup>6</sup>

### Summary of Changes

Affected Section: Volume 2 > Part M > Chapter 4 > Section C, O-1A Beneficiaries in Sciences, Education, Business, or Athletics

- Adds new content at the end of Subsection 4 (Evaluating the Totality of the Evidence).

Affected Section: Volume 2 > Part M > Chapter 4 > Section F, Continuing to Work in the Area of Extraordinary Ability or Achievement

- Adds new content at the end of Subsection 1 (O-1A Beneficiaries in Sciences, Education, Business, or Athletics and O-1B Beneficiaries in the Arts).

Affected Section: Volume 6 > Part F > Chapter 2 > Section A, Eligibility

- Adds new content at the end of Subsection 2 (Continuing to Work in the Area of Expertise).
- Revises and adds new content to the last paragraph of Subsection 3 (Entry to Substantially Benefit the United States).

Affected Section: Volume 6 > Part F > Chapter 2 > Section B, Evidence of Extraordinary Ability

- Adds new content at the end of Subsection 2 (Final Merits Determination).

Affected Section: Volume 6 > Part F > Chapter 5 > Section B, Exceptional Ability

---

<sup>6</sup> See Second Preference Eligibility for National Interest Waiver Petitions, [PA-2025-03](#), issued January 15, 2025.

- Reorganizes existing content in Subsection 1 (Eligibility).
- Adds new content at the end of Subsection 2 (Evidence).

Affected Section: Volume 6 > Part F > Chapter 5 > Section D, National Interest Waiver of Job Offer

- Adds new content at the end of Subsection 3 (Overview of the Three Prongs).
- Incorporates previously published content throughout Section D.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

### **Citation**

Volume 2: Nonimmigrants, Part M, Nonimmigrants of Extraordinary Ability or Achievement (O), Chapter 4, O-1 Beneficiaries [[2 USCIS-PM M.4](#)].

Volume 6: Immigrants, Part F, Employment-Based Classifications, Chapter 2, Extraordinary Ability [[6 USCIS-PM F.2](#)], and Chapter 5, Advanced Degree or Exceptional Ability [[6 USCIS-PM F.5](#)].