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U.S. Department of Justice  
Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



Public Copy

File: LIN-00-253-52067 Office: Nebraska Service Center Date: JUL 30 2001

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

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

IN BEHALF OF PETITIONER: Self-represented

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert P. Wiemann, Acting Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a gymnastics school. The beneficiary is a former gymnast and gymnastics coach. The petitioner seeks classification of the beneficiary under section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the "Act"), as an alien with extraordinary ability in athletics, in order to employ him in the United States as a gymnastics/trampoline coach for a period of three years at an annual salary of \$28,000.

The director denied the petition finding that the petitioner had not established that the beneficiary has extraordinary ability in athletics as a gymnastics coach or that he seeks admission to continue work in the area of extraordinary ability.

On appeal, the petitioner submitted additional documentation and requested reconsideration of the decision.

Section 101(a)(15)(O)(i) of the Immigration and Nationality Act (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 issue raised by the director in this proceeding is whether the position of coach constitutes continuing work in the area of extraordinary ability.

The petitioner is a gymnastics school. The beneficiary is a native and citizen of the Ukraine currently in the United States in P-1 classification with another employer. The record reflects that the beneficiary is a former athlete who has worked as a gymnastics coach for more than ten years. At least one of the beneficiary's former students was an Olympic competitor.

The O-1 classification is intended to be highly restrictive available only to the small percentage of athletes who have risen to the very top of their field of endeavor. 8 C.F.R. 214.2(o)(3)(ii). In addition, the O-1 classification is available to qualified aliens who seek to come to the United States to perform services relating to an event or events if petitioned for by an employer. 8 C.F.R. 214.2(o)(1)(i).

It must be concluded that employment as a coach at a public gymnastics facility is not related to a specific athletic event or

events and does not constitute continuing work in the area of extraordinary ability in athletics as contemplated at section 101(a)(15)(O)(i) of the Act. When pertaining to athletics, O-1 classification is intended for individual athletes seeking admission to compete in a specific event(s), not to former athletes seeking employment as coaches, trainers, or teachers.<sup>1</sup> There are no standards for ranking or evaluating athletic coaching. Even where it can be established that an alien has or had reached the extraordinary ability level in athletics, they are not seeking admission to continue that work where the intended employment is coaching in a public facility. Accordingly, the director's decision is affirmed.

The denial of this petition is without prejudice to the filing of a visa petition on behalf of the beneficiary for any other immigration benefit for which he may be eligible.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. Here, the petitioner has not met that burden.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> Coaches and trainers etc. may qualify for O-2 classification, if they seek admission solely to assist the athletic performance of a qualifying O-1 athlete.