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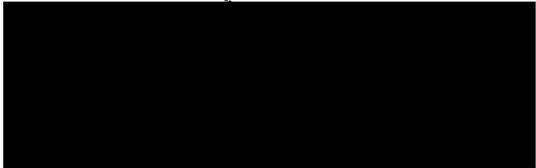


FILE: SRC 04 243 53449 Office: TEXAS SERVICE CENTER Date: MAR 01 2006

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

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

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 Acting Director, Texas Service Center, denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is an agent for athletes, seeking classification of the beneficiary under section 101(a)(15)(P)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(i), for a period of five years. The petitioner seeks to employ the beneficiary temporarily in the United States to select, purchase, train polo ponies and to play polo. According to the evidence in the record, the beneficiary, a 21-year old citizen of Argentina, last entered the United States in B-1 nonimmigrant visitor status on May 14, 2004; his status expired on August 18, 2004.

In a decision dated October 1, 2004, the director denied the petition, finding that the petitioner failed to establish that the beneficiary is an internationally recognized athlete and that the beneficiary would be coming to the United States to perform at an internationally recognized level of performance. The director denied the petition, in part, finding that the petitioner failed to establish that the beneficiary has a contract with a major United States sports league or team.

On appeal, counsel for the petitioner submits a brief.

Under section 101(a)(15)(P)(i) of the Act, an alien having a foreign residence which he or she has no intention of abandoning may be authorized to come to the United States temporarily to perform services for an employer or sponsor. Section 214(c)(4)(A) of the Act, 8 U.S.C. § 1184(c)(4)(A), provides that section 101(a)(15)(P)(i) of the Act applies to an alien who:

- (i) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance, and
- (ii) seeks to enter the United States temporarily and solely for the purpose of performing as such an athlete with respect to a specific athletic competition.

The regulation at 8 C.F.R. § 214.2(p)(1) states, in pertinent part:

- (i) *General.* Under section 101(a)(15)(P) of the Act, an alien having a residence in a foreign country which he or she has no intention of abandoning may be authorized to come to the United States temporarily to perform services for an employer or a sponsor. Under this nonimmigrant category, the alien may be classified under section 101(a)(15)(P)(i) of the Act as an alien who is coming to the United States to perform services as an internationally recognized athlete, individually or as part of a group or team . . . .

The regulation at 8 C.F.R. § 214.2(p)(3) states that:

*Internationally recognized* means having a high level of achievement in a field evidenced by a degree of skill and recognition substantially above that ordinarily encountered, to the extent that such achievement is renowned, leading, or well-known in more than one country.

The regulation at 8 C.F.R. § 214.2(p)(4)(ii) sets forth the documentary requirements for P-1 athletes as:

- (A) *General.* A P-1 athlete must have an internationally recognized reputation as an international

athlete or he or she must be a member of a foreign team that is internationally recognized. The athlete or team must be coming to the United States to participate in an athletic competition which has a distinguished reputation and which requires participation of an athlete or athletic team that has an international reputation.

(B) Evidentiary requirements for an internationally recognized athlete or athletic team. A petition for an athletic team must be accompanied by evidence that the team as a unit has achieved international recognition in the sport. Each member of the team is accorded P-1 classification based on the international reputation of the team. A petition for an athlete who will compete individually or as a member of a U.S. team must be accompanied by evidence that the athlete has achieved international recognition in the sport based on his or her reputation. A petition for a P-1 athlete or athletic team shall include:

(1) A tendered contract with a major United States sports league or team, or a tendered contract in an individual sport commensurate with international recognition in that sport, if such contracts are normally executed in the sport, and

(2) Documentation of at least two of the following:

(i) Evidence of having participated to a significant extent in a prior season with a major United States sports league;

(ii) Evidence of having participated in international competition with a national team;

(iii) Evidence of having participated to a significant extent in a prior season for a U.S. college or university in intercollegiate competition;

(iv) A written statement from an official of a major U.S. sports league or an official of the governing body of the sport which details how the alien or team is internationally recognized;

(v) A written statement from a member of the sports media or a recognized expert in the sport which details how the alien or team is internationally recognized;

(vi) Evidence that the individual or team is ranked if the sport has international rankings;  
or

(vii) Evidence that the alien or team has received a significant honor or award in the sport.

After careful review of the record, it is determined that the petitioner failed to overcome the grounds for denial of the petition.

The first issue to be addressed in this proceeding is whether the petitioner established that the beneficiary is internationally recognized as defined in the pertinent regulation. A petitioner may establish that a beneficiary is an internationally recognized athlete by demonstrating that the beneficiary meets at least two of the seven of criteria set forth at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2). In the instant case, the petitioner only submitted evidence in relation to criteria numbers four, five, six and seven.

*A written statement from an official of a major U.S. sports league or an official of the governing body of the sport which details how the alien or team is internationally recognized.*

The petitioner submitted a letter written by [REDACTED] Governor, [REDACTED] which states that the [REDACTED] has enjoyed the services of the beneficiary and that the beneficiary has "starred in numerous international polo matches of repute, and received national and international recognition for his performance, both on and off the polo field." This letter is insufficiently specific as to how the beneficiary is internationally recognized. The petitioner has failed to establish that the beneficiary satisfies this requirement.

*A written statement from a member of the sports media or a recognized expert in the sport which details how the alien or team is internationally recognized.*

The petitioner submitted a letter written by [REDACTED] professional polo player, that states that the beneficiary is "recognized by his peers as one of outstanding ability in the field of international high-goal polo." The petitioner submitted a letter written by [REDACTED] that states that "we can attest that [the beneficiary] is a very good polo player." Professional polo player [REDACTED] wrote "during my international polo travels, I have become familiar with the work of star polo player [beneficiary]. [The beneficiary] has participated in many of the world's top tournaments. He is internationally recognized for his outstanding playing ability." The petitioner submitted four more letters from professional polo players<sup>1</sup> that are almost identical to that of [REDACTED]. The letters would have greater evidentiary value if they were not so similar. In any event, the letters are insufficient because they do not detail how the beneficiary is internationally recognized. The beneficiary does not satisfy this criterion.

*Evidence that the individual or team is ranked if the sport has international rankings.*

On appeal, counsel for the petitioner asserts that the sport of polo has an official ranking system ranging from a negative -1 or A handicap (for the very beginner) all the way to a 10-goal handicap (the very best in the world). Counsel states that the beneficiary has a handicap of four.

The petitioner has not submitted evidence establishing that a handicap is a ranking system, per se. In any event, a handicap of four on a scale of negative one to ten is not consistent with a high level of achievement in the field evidenced by a degree of skill and recognition substantially above that ordinarily encountered, to the extent that such achievement is renowned, leading, or well-known in more than one country. The beneficiary does not satisfy this criterion.

*Evidence that the alien or team has received a significant honor or award in the sport.*

The petitioner submitted a letter written by [REDACTED] President, [REDACTED] that states that the beneficiary won the following tournaments:

- 1999 Copa Diego Lainez
- 2000 Torneo Intercolegial Cop Santa Paula, Copa Amiostad y Copa Alberto Beguerie

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<sup>1</sup> The letters were written by [REDACTED] and [REDACTED] among others.

- 2001 Estimulo Cup
- 2002 Campeonato Metropolitano de Bajo Handicap

The petitioner submitted translations of two articles that describe two of the above four tournaments. The name and date of the publications were not submitted, so these articles have little evidentiary value.

The petitioner submitted copies of items published in *The MorningLine*<sup>2</sup>, which indicate that the beneficiary competed on the White Birch Team in the Mercedes Benz Cup and that his team won on August 2, 2004. The petitioner failed to establish the significance of winning the above tournaments. Another item indicates that the beneficiary's team was a runner up in the Butler Hampton Handicap in August 2004. Finally, the evidence indicates that the beneficiary's team lost in the Greenwich Cup in June 2004.

For the purpose of P-1 classification, the petitioner must show that the beneficiary is "internationally recognized," e.g. having a high level of achievement in the sport, recognition substantially above that ordinarily encountered, and recognition as a leading athlete in more than one country. On review, the director's finding that this evidence is insufficient to establish the requisite level of international recognition must be affirmed. The petitioner failed to establish that the beneficiary satisfies this criterion.

The next issue to be addressed is whether the petitioner established that the beneficiary would be coming to the United States to perform at an internationally recognized level of performance.

The director said "[t]he record does not establish that all of the participants in the various polo tournaments . . . are compensated or that they derive their livelihood from polo. Therefore, the Service does not consider polo to be an internationally recognized sport in the United States."

The petitioner asserts that the beneficiary "has established himself as a talented international polo star [who] will . . . compet[e] in select national and international tournaments." 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. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

According to the itinerary submitted by the petitioner, the beneficiary would be coming to the United States to participate in the following competitions: Northeastern Circuit Independence Cup, Northeastern Circuit New York Cup, Northeastern Circuit Club Championship (USPA), Northeastern Circuit USPA Northeast Regional Championship, and many undetermined tournaments. The petitioner failed to establish that these competitions require internationally recognized athletes. Accordingly, the petitioner has not established that the beneficiary would be coming to the United States to perform at an internationally recognized level of performance.

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<sup>2</sup> *The MorningLine* is a newsletter dedicated to publishing polo-related news such as the results of polo competitions in the United States.

Another issue to be addressed in this proceeding is whether the petitioner established that the beneficiary satisfies the requirement at 8 C.F.R. § 214.2(p)(4)(ii)(B)(I), *supra*. Noting that the beneficiary had a contract with the Southampton Polo Club, the director determined that the petitioner failed to establish that the beneficiary has a contract with a major United States sports league or team. The petitioner asserts that the Southampton Polo Club is active on the national and international polo circuits. 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. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). The petitioner submitted a letter written by Frank MacNamara dated March 15, 2004, which states that “my [Southampton] team has competed with and against the top players and dignitaries from around the world in many prestigious tournaments.” In the absence of primary corroborating evidence, the petitioner has failed to establish that the beneficiary has a contract with a major United States sports team or league.

The burden of proof in visa petition proceedings remains entirely 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.