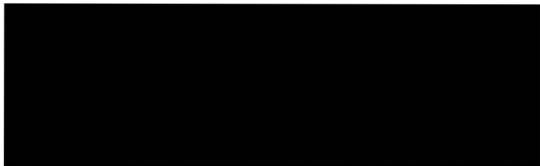


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**U.S. Citizenship  
and Immigration  
Services**

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FILE: WAC 0619352819 Office: CALIFORNIA SERVICE CENTER Date: **FEB 02 2007**

INRE: Petitioner:   
Beneficiary: 

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:



**PUBLIC COPY**

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, Chief  
Administrative Appeals Office

DISCUSSION: The Director, California 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 a polo association, which seeks classification of the beneficiary as an essential support alien under section 101(a)(15)(P)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(i). The petitioner seeks to employ the beneficiary temporarily in the United States as a polo groom for a professional polo player.

The director denied the petition because the petition for the principal athlete (P-I) was denied.

On appeal, counsel submits a brief and additional evidence.

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.

Aliens who provide essential support to P-1 athletes may also receive classification under section 101(a)(15)(P)(i) of the Act pursuant to the regulation at 8 C.F.R. § 214.2(p)(4)(iv), which states, in pertinent part:

*P-1 classification as an essential support alien.* (A) *General.* An essential support alien as defined in paragraph (P)(3) of this section may be granted P-I classification based on a support relationship with an individual P-1 athlete, P-1 athletic team, or a P-1 entertainment group.

Citizenship and Immigration Services (CIS) records show that the Form I-129, petition for a nonimmigrant worker, for the principal athlete was denied on August 25, 2006. Counsel submitted an appeal on behalf of the principal athlete, which was rejected on September 28, 2006 for lack of the proper fee. Counsel resubmitted the appeal, which was received on December 13, 2006. To date, the appeal of the principal athlete has not been sustained.

An alien may only be granted P-1 nonimmigrant classification as an essential support alien if the principal party has been accorded P-1 nonimmigrant classification as an individual athlete, athletic team or an entertainment group. 8 C.F.R. § 214.2(p)(4)(iv)(A). In this case, the principal athlete has not been accorded P-1 nonimmigrant classification. The principal athlete's petition

was denied and has not been sustained on appeal. Accordingly, the instant petition for the corresponding essential support alien must be denied.

On appeal, counsel contends that his appeal on behalf of the principal athlete should not have been rejected and counsel submits evidence in support of the principal athlete's appeal. The record shows that counsel submitted appeals on behalf of both the principal athlete and the essential support alien together with only one fee. Accordingly, CIS rejected the appeal on behalf of the principal alien for lack of the proper fee. Counsel claims that only one fee was required because "both beneficiaries were covered by the same petition." Counsel is mistaken. Although the regulation at 8 C.F.R. § 214.2(p)(ii)(2)(iv)(F) allows for more than one beneficiary to be included in a single petition, counsel filed two separate petitions: one for the principal athlete (WAC 06 193 52736) and one for the essential support alien (WAC 06 193 52819). Consequently, each petition required its own appeal and fee.

This petition seeks P-1 classification of the beneficiary as an essential support alien to an individual athlete who has not been accorded P-1 classification. On appeal, counsel submits no evidence that the appeal for the principal athlete has been sustained. Accordingly, the petitioner has not established that the beneficiary qualifies for classification under section 101 (a)(15)(P)(i) of the Act as an essential support alien for the principal athlete.

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.