U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

D9

[redacted]

FILE: EAC 04 252 53882 Office: VERMONT SERVICE CENTER Date: NOV 30 2005

IN RE: Petitioner: [redacted]
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:

[redacted]

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

The petitioner is a "nonprofit organization dedicated to serving youth playing organized soccer in the Philadelphia area." It seeks 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), as a soccer coach for a period of five years.

In her decision, the director noted that the P-1 nonimmigrant classification under which the petitioner seeks to classify the beneficiary is generally only available to athletes and athletic teams. The director did state, however, that the classification could "apply to a coach as long as he [or she] is coaching [internationally recognized] athletes." The director denied the petition based upon a determination that the beneficiary would not be coaching P-1 nonimmigrant athletes.

On appeal, the petitioner, through 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.

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.

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.

8 C.F.R. § 214.2(p)(4)(iv) provides for the classification of an essential support alien who is an integral part of the performance of a P-1 athlete or athletic team.

The evidence in the record consists of:

1. A May 24, 2003 letter signed by [redacted] on behalf of the National Squad of Federazione

Italiana [redacted] advising that the beneficiary was a national player who participated in 17 playoff games;

2. A December 22, 2003 letter from [redacted] former trainer and coach for the Italian National Team who stated simply that he coached the women's Italian National Team from 1984 to 1989, that the team participated in the Olympics against China, and that the beneficiary was a player at the national level from 1983 to 1986;

3. An August 24, 2004 letter from [redacted] Vice President of the petitioning entity, claiming that the beneficiary is "an exceptional candidate for this position because of her experience in playing soccer on an international level and coaching soccer;"

4. A September 7, 2004 letter written by [redacted] Executive Director of the Eastern Pennsylvania Youth Soccer Association, the beneficiary "participated in 17 Nationals in Italy," "[h]er team placed fourth in the 1983 European Championship in Sweden," and she "played in the soccer semi-finals in the 1984 Olympic Games as a member of the Italian National Team;"

5. A program showing that the beneficiary participated in the 1984 Xian International Women's Football Tournament; and

6. Three articles that the petitioner claims are about the petitioner.

Pursuant to 8 C.F.R. § 103.2(b)(3), any document containing foreign language submitted to Citizenship and Immigration Services (CIS) shall be accompanied by a full English language translation that the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. The three articles were accompanied by a general description of the content of the articles rather than translations and therefore cannot be considered.

Although the letters from [redacted] and [redacted] both reference the beneficiary's work as a coach, there is no evidence in the record that establishes that the beneficiary has been or is employed as a coach. 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)).

On appeal, the petitioner submits additional articles, also unaccompanied by the requisite full translations, which appear to relate solely to the beneficiary's performance and reputation as an athlete in the 1980s. Counsel contends that a coach need not be serving as essential support personnel for a P-1 athlete and may be considered a qualifying P-1 athlete in his or her own right. Counsel states:

> The initial denial was based on the proposition that since the beneficiary was to be a coach, she could not qualify for P-1 classification because, in some unspecified fashion, a coach is not an athlete.

Counsel then suggests that Citizenship and Immigration Services (CIS) should allow the beneficiary's proffered position as a coach to be considered under this classification. Counsel states:

> For some reason yet unknown the Service Center felt that progression from player to

> coach was not a normal career development. It is common in almost all sports that the coaches were the better players when they were younger . . . the normal progression for an athlete when they have reached that stage where they are past their competitive physical prime is to continue in the sport as a coach. In terms of the intended employment the fact that the coach has actual experience at that high level of international competition not only adds authority to her coaching but inspiration to her players.

The director did not dispute the fact that, in certain instances, a coach may be considered under the category sought by the beneficiary as long as the beneficiary is coaching P-1 nonimmigrant athletes. We agree with counsel and with the director that there may be instances where an alien may be considered to qualify as a P-1 nonimmigrant if he or she is coming to coach; however, that classification is appropriate only if the coach is coming to support the performance of a P-1 athlete or athletic team. *See* 8 C.F.R. § 214.2(p)(4)(iv) (P-1 classification as an essential support alien).

The regulation at 8 C.F.R. § 214.2(p)(1)(ii)(A)(*1*) applies to an athlete who is coming to perform "at a specific athletic competition . . . at an internationally recognized level or performance." The petitioner does not assert, nor does the record demonstrate, that the petitioner would be coming to the United States as an essential support worker accompanying a P-1 athlete. Instead, according to the documentation submitted by the petitioner, the beneficiary would be coming to the United States to coach for a U.S. organization that:

> [P]romotes, fosters and perpetuates the game of soccer *on an amateur level* for girls, and to provide competition for its member clubs and teams in accordance with the high standards of good sportsmanship and fair play.

[Emphasis added.]

In a letter dated August 24, 2004, [redacted] Vice President of the petitioner, explained that the petitioner would serve as a soccer coach for youth playing organized soccer in the Philadelphia area. The beneficiary's position as a coach at this youth soccer program does not demonstrate that she is coming to perform as an athlete at an internationally recognized level or competition, nor does it demonstrate that she will be coming to perform as a P-1 nonimmigrant coach because she will not be working in a support relationship with an individual P-1 athlete or P-1 athletic team. 8 C.F.R. § 214.2(p)(4)(iv). There is no provision that would allow an alien to come individually as a P-1 coach, other than as a P-1 support.

Based upon the above discussion, the beneficiary is not eligible for the classification sought. 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.