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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



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



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DATE: OCT 21 2011

Office: CALIFORNIA SERVICE CENTER

FILE: 

IN RE:

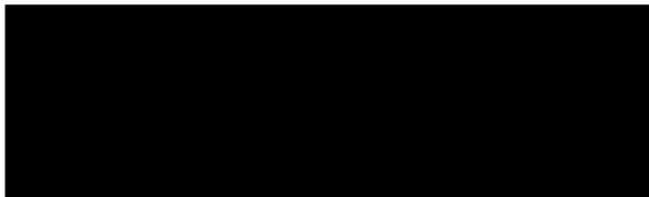
Petitioner:

Beneficiary:



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

ON BEHALF OF PETITIONER:



**INSTRUCTIONS:**

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal.

The petitioner filed the nonimmigrant petition seeking to classify the beneficiary under section 101(a)(15)(O)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(O)(ii), as an accompanying alien to [REDACTED], an athletic coach who has been granted O-1 classification for employment with the petitioner. The petitioner is the official governing body for the sport of skiing in the United States. The beneficiary was previously granted O-2 classification as an accompanying alien to an O-1 athletic coach who has since left the petitioner's organization. The petitioner seeks to amend the beneficiary's petition so that she can continue in her position of [REDACTED] Team Manager until the expiration of [REDACTED] status on December 15, 2011.

The director denied the petition, concluding that the beneficiary, as the [REDACTED] would be performing duties that are essential to the petitioning organization as a whole, rather than accompanying and assisting in the athletic performance of the principal O-1 alien coach. The director further determined that the petitioner did not submit sufficient evidence to establish that the beneficiary has had a prior working relationship that is critical and essential to support the O-1's athletic performance as a coach. Finally, the director determined that, based on the evidence of record, the petitioner failed to establish that the beneficiary possesses critical skills and experience with the O-1 alien which are not of a general nature and which are not possessed by a U.S. worker.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO. On appeal, counsel emphasizes that the beneficiary's support of the principal O-1 visa holder "is essential and not readily available in the United States." Counsel notes that the beneficiary's duties are not, in fact, general in nature, but rather are specific to the operation of the United States' most elite ski and snowboard team. Finally, counsel asserts that the beneficiary previously held O-2 status in a similar capacity. Counsel submits a brief and additional evidence in support of the appeal.

## **I. The Law**

Section 101(a)(15)(O)(ii) of the Act provides classification to a qualified alien who:

- (I) seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performance by an alien who is admitted under clause (i) for a specific event or events;
- (II) is an integral part of such actual performance,
- (III) (a) has critical skills and experience with such alien which are not of a general nature and which cannot be performed by other individuals . . . .
- (IV) has a foreign residence which the alien has no intention of abandoning.

The regulations at 8 C.F.R. § 214.2(o)(4) provide the following requirements for an O-2 accompanying alien:

- (i) General. An O-2 accompanying alien provides essential support to an O-1 artist or athlete. Such aliens may not accompany O-1 aliens in the fields of science, business or education. Although the O-2 alien must obtain his or her own classification, this classification does not entitle him or her to work separate and apart from the O-1 alien to whom he or she provides support. An O-2 alien must be petitioned for in conjunction with the services of the O-1 alien.
- (ii) Evidentiary criteria for qualifying as an O-2 accompanying alien –
  - (A) Alien accompanying an O-1 artist or athlete of extraordinary ability. To qualify as an O-2 accompanying alien, the alien must be coming to the United States to assist in the performance of the O-1 alien, be an integral part of the actual performance, and have critical skills and experience with the O-1 alien which are not of a general nature and which are not possessed by a U.S. worker.

\* \* \*
  - (C) The evidence shall establish the current essentiality, critical skills, and experience of the O-2 alien with the O-1 alien and that the alien has substantial experience performing the critical skills and essential support services for the O-1 alien.

## II. Discussion

The primary issue addressed by the director is whether the beneficiary will assist in the performance of the O-1 alien as an integral part of his athletic performance, and whether she has critical skills and substantial experience performing essential support services for the O-1 alien. The petitioner must also establish that the beneficiary's skills are not of a general nature and cannot be performed by a United States worker.

### A. Procedural History

The record shows that the petitioner has employed the beneficiary as its [redacted] in O-2 status since approximately September 2009. The petitioner indicates that the beneficiary worked for the petitioner during the 2008-2009 season in H-2B status. It filed the instant petition on November 26, 2010, and provided the following explanation for the filing of an amended petition.

[redacted] was granted an O-1 visa to serve as [redacted] of the [redacted], with a validity through December 15, 2010 [redacted]. The instant petition seeks an amendment of the O-2 status for [the beneficiary] to serve as [redacted] Team Manager in direct support of [redacted]. [The beneficiary] has previously supported

██████████ in this capacity ██████████ and these duties are being transferred to support ██████████ who has been admitted in O-1 status. She possesses critical skills and experience with ██████████ that are not of a general nature and must be performed by her.

The petitioner submitted the following description of duties for the position of ██████████

#### Administrative (Team) Responsibilities

- Assist technical head coach with the presentation of the 1 year and 5 year program plan.
- Accounting – Process all expense reports and advance requests.
- Financial Forecasting – Manage and prepare monthly projection and analysis of operations budget for individual teams based on project templates.
- Coordinate aspects of worldwide travel for staff, athletes and support personnel under the leadership of the head coach.
- Coordinate on-site logistics (i.e. credentials, housing, meals, media appearances, uniforms) for major team projects including, World Championships, National Championships and Olympics.
- Order, prepare and distribute team uniform orders.
- Participate in 1 yr and 5 yr planning including budgets, preparation and competition period schedules and 5-year strategic plan under the leadership of the head coach.
- Liaison between national team, equipment suppliers, parents, agents, media, event organizers, U.S. Olympic Committee and [the petitioner's] departments.
- Work with Medical to book Doctor and rotational ATC travel
- Communicate all information from the office that relates to the ██████████ procedure updates, ██████████ updates, ██████████ updates, ██████████ updates ██████████ updates etc.)
- Annually coordinate team photo
- ██████████ entries when appropriate
- Assist in administration for ██████████ respectively in the form of athlete support

#### Administrative ██████████

- Follow ██████████ and procedures as they relate to administration.
- Work with ██████████ director on ██████████ operating procedures for Team manual
- Assist alpine director with semi-annual addendum presentations
- Annually produce and update phone directory for staff, athletes, and parents
- Weekly Team where-about/camp announcements for staff, athletes and parents
- Internal communication with office Staff, other departments
- Participate in the front desk duties when requested

According to the position summary, the position "exists to provide administrative assistance for the alpine gender technical head coach to execute the alpine program for [the petitioner]." The position requires direct interaction with the technical head coach, other coaches, athletes, parents, sponsors and other departments within the petitioning organization. The petitioner indicates that the beneficiary will be evaluated by the technical head coach for team responsibilities and by the Alpine Director for responsibilities that relate to the organization.

Finally, the petitioner indicates that the position requires understanding of the petitioner's values, attention to detail, organizational and leadership skills, communication skills, computer proficiency, time management skills, competence in managing logistics for major events, budget planning and accounting experience, and general knowledge of alpine ski racing.

In a letter dated November 8, 2010, the petitioner further explained its need for the beneficiary to serve as an O-2 support alien for the principal O-1 coach as follows:

The skills and experience [the beneficiary] brings to our team are critical to support the duties that are required of [redacted] O-1 visa holder. [redacted] is an [redacted] for the [redacted] Ski Team. His duty is responsibility for the athletic success of our team in international competition, yet there are administrative duties beyond the technical sport specific responsibilities that also require international experience.

The petitioner provided a detailed list of [redacted] "athletic" and "administrative" responsibilities. The coach's administrative responsibilities include attending meetings at the request of the organization, assisting the [redacted] with the design and implementation of the overall [redacted], communicating with all staff, athletes and [redacted] organizers, preparing individual evaluations for each athlete, preparing expense reports for each Preparation Period and Competition project, overseeing the competition of individual athletes and competition tracking, coordinating all travel and reservations for the staff and athletes in the preparation and competition season, developing and broadening knowledge in [redacted], attending Coaches Education seminars, and working proactively with all departments of the organization.

The petitioner explained that "the logistical demands of the [redacted] require communication and interaction with 18 [redacted] event organizers during a season including 28 [redacted] races," and extensive coordination for lodging, meals, equipment storage, preparation space, meeting and video facilities at each race. The petitioner emphasized that the beneficiary manages these functions in addition to managing the relationship between the team and the event organizer.

Finally, the petitioner described the beneficiary's experience as follows:

[The beneficiary] has extensive experience in the area of [redacted] event production, specifically in the area of team management and logistics. [The beneficiary] has worked with [redacted] organizers throughout the world including [redacted]. She has worked as an Organizer in 2 different countries ([redacted] and [redacted]) and as a National Team Manager. Her extensive network and knowledge of the business along with her language skills in Italian, German and English make her uniquely qualified for this position.

The petitioner explained that while the beneficiary's current O-2 status was based on her essential support of former [redacted], who is no longer with the petitioner, the beneficiary would continue to perform the same supporting duties for coach [redacted]. The petitioner concluded by stating that the beneficiary is

"critical to the success of Michael Branch," and noting that the team's athletes are "dependent on proper planning and execution of the program for success at [REDACTED]"

The petitioner submitted a peer group consultation letter from [REDACTED] Director of Sports Education with the U [REDACTED] stated:

[The beneficiary] has been employed by the United States Ski Team since 2009. She has worked with the [REDACTED] both as a team manager and as direct support for [REDACTED]. This is the position she still currently holds and which is being transferred to [REDACTED]. In reviewing her professional activities in this manager capacity, it is our position that [the beneficiary] has been a tremendous asset to the [REDACTED]. It is also our position that this job requires an alien of extraordinary abilities.

[The beneficiary] has provided professional service for the coaching staff that can only be found at the very highest levels internationally. Her connections in Central Europe and her home nation of Italy in particular, continue to support [REDACTED] in a sport that finds its home in the [REDACTED] Europe. Her knowledge of Europe, language skills in the alpine skiing languages, and traveling on the World Cup circuit is invaluable to the staff and individual athletes. Her education, practical experience, and knowledge of the sport organizers around the world in alpine skiing have elevated the level of the [REDACTED] organization and as a result the program.

The petitioner also submitted recommendations letters from four individuals who are familiar with the beneficiary's credentials, including: (1) [REDACTED] who details the beneficiary's international alpine event logistics experience and states that the beneficiary is "critical to the success of [REDACTED] and the [REDACTED] organizing committee of the [REDACTED], the beneficiary's former employer; (3) [REDACTED] for the [REDACTED] organizing committee of [REDACTED], and the beneficiary's former supervisor; and (4) [REDACTED] who supervised the beneficiary during the [REDACTED]"

The AAO notes that none of the letters, at least two of which were written in 2009 and submitted in support of the beneficiary's prior O-2 visa petition, mention [REDACTED] or the beneficiary's experience with the O-1 alien. The persons providing recommendations praise the beneficiary's language skills, ability to communicate with coaches, teams and organizers, her abilities in the area of alpine event organization and team logistics, and the value of the support she provides to coaches and teams. The petitioner also submitted a copy of the beneficiary's resume. The beneficiary graduated from the [REDACTED] of [REDACTED] with a degree in Economics and Tourism Management in 2008. Beginning in 2006, she had internships in [REDACTED] and [REDACTED] event organization. She indicates that she has served as [REDACTED] petitioner since 2008.

With respect to the O-1 alien, [REDACTED], the petitioner submitted a copy of his approval notice authorizing O-1 employment with the petitioner since December 2008, along with a peer group consultation, a copy of his resume, and several recommendation letters that were apparently submitted in support of his O-1 petition in 2008. The evidence indicates that [REDACTED] was hired to serve as the "Alpine skiing assistant coach for speed disciplines." Prior to his employment with the petitioner, he spent his entire coaching career [REDACTED]

The director issued a request for additional evidence ("RFE") on December 8, 2010, in which she observed that the beneficiary does not appear to meet the statutory and regulatory requirements for an O-2 accompanying alien. The director advised the petitioner that, based on the initial evidence, it does not appear that the beneficiary has experience with the current O-1 alien, [REDACTED] or that her duties as Alpine team manager are directly connected to the O-1 alien. The director instructed the petitioner to submit additional evidence to establish that the beneficiary is coming to the United States to assist in the performance of the O-1 alien as an integral part of the actual performance, and that she has critical skills and experience with the O-1 alien which are not of a general nature and which are not possessed by a U.S. worker. The director emphasized that the petitioner must establish that the beneficiary has substantial experience performing the critical skills and essential support services for the O-1 alien, [REDACTED]

In a letter submitted in response to the RFE, the petitioner explained that "the skills and experience [the beneficiary] brought to our team while supporting [REDACTED] became critical for the whole [REDACTED]." The petitioner emphasized that the beneficiary, in supporting [REDACTED] "automatically supported the entire [REDACTED] and became also a key factor for the other high elite coaches like [REDACTED] O1 visa." The petitioner indicated that [REDACTED] was last paid in April 2010.

With respect to the beneficiary's relationship with [REDACTED] speed coach, the petitioner stated:

In order to perform in his job on its highest [REDACTED] is depending on the support from [the beneficiary] who takes over many and very important administrative duties so that he can focus on the technical coaching aspects of his position. Such administrative duties include logistics and management: as far as lodging arrangements, transportation, team entries to races, equipment movements and purchases, constant communication with [REDACTED] venues and organizers all over Europe and USA, creating training arrangements at ski areas throughout Europe, team expenses and budget tracking, uniform order and distribution, day to day communication with [REDACTED] and his athletes, sponsor appearances, anti-doping tracking, media relations in European race venues, communication with athletes' families, and many other related duties.

The petitioner stated that the beneficiary "takes over a big job and therefore takes off a big load off of [REDACTED] he can focus on his main task: coaching, elite athlete for the success of the [REDACTED] The petitioner concluded by stating that it is essential to the organization's success that the beneficiary be allowed to support [REDACTED] in his efforts with the [REDACTED]

The director denied the petition on January 19, 2011, concluding that the petitioner did not provide sufficient evidence to demonstrate that the beneficiary is an integral part of the O-1 alien's actual performance, as the majority of the beneficiary's duties do not appear to be critical to the O-1 alien's role as an athletic coach. The director noted that the beneficiary, as team manager, is expected to assist the entire team and not the O-1 principal exclusively. Moreover, the director observed that, according to the beneficiary's position description, she supports the Head Coach, the team, and the organization, and the evidence indicates that [REDACTED] is not, in fact, the [REDACTED]

The director also observed that, when comparing [REDACTED] to the beneficiary's proposed duties as team manager, there is very little overlap between responsibilities, as the O-1 alien's duties are primarily specific to his position as a coach, whereas the team manager's duties are generally supportive to the ski team and the organization's operations. Further, the director noted that the petitioner has not established how the beneficiary's duties are not possessed by others as it appears that the requirements and duties are general administrative functions. The director concluded by acknowledging that the beneficiary's skills and experience are likely valuable to the function of the petitioning organization as a whole, however the petitioner failed to establish how the beneficiary's skills and experience are based on experience with the O-1 alien, or why such skills and experience could not be possessed by a U.S. worker.

On appeal, counsel for the petitioner asserts that "[the beneficiary's] support of O-1 visa holder, [REDACTED] is essential and is not readily available in the United States." Counsel emphasizes that the beneficiary was previously granted O-2 status in a similar capacity and contends that the decision "is too restrictive in that it characterizes her duties as general in nature and not, as they are, specific to the operation of the elite ski and snowboard team of the United States."

In support of the appeal, the petitioner submits a letter dated February 8, 2011 from [REDACTED] describes the beneficiary as one of "the best [REDACTED]s in the world," and states:

[The beneficiary] has been essential in supporting my performance in my role with [REDACTED]. My duties in coaching and preparing my athletes include physical preparation, technical and tactical analysis and coaching, equipment preparation and selection, team and race meetings, staff management, industry relations and venue preparation. These duties leave me little time for any operational functions associated with my performance.

I am writing this letter to demonstrate my support for the O-2 visa application for [the beneficiary]. [She] is in the highest echelon of Alpine team coordinators in the world and is a coordinator of extraordinary ability. [The beneficiary] has supported me throughout much of my career, and without [her] support – including language expertise, local knowledge of the primarily [REDACTED] circuit, ability to liaison [sic] with the leaders of [REDACTED] in the [sic] U.S., and longstanding relationships with the functionaries within all of the World Cup organizing committees and ski industry companies, - I would not be able to perform my duties to their fullest and execute my performance. As an expert in the sport of [REDACTED]

racing, I believe that the U.S. program will greatly benefit from the unique skills possessed by [the beneficiary].

The world of [redacted] is relatively small and the number of excellent [redacted] coordinators is even smaller. Few in the world possess the skills [the beneficiary] does.

The petitioner also submits a letter from [redacted] [redacted] verifies that "a team manager is an essential support position to a [redacted] coach." He explains that [redacted] coach has little to no time to deal with logistical matters when traveling with a team, and that, without an experienced team manager, a coach would be unable to completely fulfill his obligations to the team.

#### B. Discussion

After a careful review of the record, it must be concluded that the petitioner has failed to meet its burden of proof.

In order to establish the beneficiary's eligibility, the petitioner must, in part, establish that the beneficiary has substantial experience performing critical skills and essential support services for the O-1 alien. 8 C.F.R. § 214.2(o)(4)(ii)(C). The O-1 alien, [redacted], has worked for the petitioner in the United States in O-1 status since approximately April 2009 and the petitioner has not claimed that the beneficiary worked with him prior to his arrival in the United States. The beneficiary was authorized for employment with the petitioning organization in H-2B status from October 1, 2008 until May 15, 2009. She was first admitted to the United States as an accompanying alien to O-1 visa holder [redacted] in October 2009, and [redacted] left the petitioner's employ in April 2010. While it appears that the beneficiary was in the United States at the time the petition was filed in November 2010, the O-2 classification did not entitle her to work separate and apart from the O-1 alien, [redacted] to whom she provided support. *See* 8 C.F.R. § 214.2(o)(4)(i).

The beneficiary's job description indicates that the team manager position provides administrative assistance for the alpine head coach and the alpine director. While [redacted] held a head coaching position, the petitioner has not established that [redacted] occupies the same position. Rather it is likely that [redacted] was in fact replaced by another head coach.<sup>1</sup>

While there is no doubt that [redacted] is an important member of the petitioner's [redacted] coaching staff, the record does not support that the beneficiary directly and specifically supports his duties in her position as [redacted] [redacted], that she is an integral part of the actual performance of his duties, or that she has the required critical skills and experience with [redacted]. We acknowledge that [redacted] states on appeal that the beneficiary "has supported me throughout much of my career." However, the record shows that [redacted] spent his entire coaching career, through April 2009, in Australia, a country in which the beneficiary has never worked. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective

<sup>1</sup> A review of the petitioner's website indicates that all three [redacted] team head coaches for the 2011-12 season are Americans, and therefore, not O-1 visa holders. *See* The Official Site of the [redacted]

evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

The beneficiary is clearly required to interact with various coaches, athletes, and other support personnel and external parties in her capacity as team manager and has likely worked with [REDACTED] in some capacity during her authorized period of O-2 employment in support [REDACTED]. However, the petitioner must establish that the beneficiary assists in the performance of the O-1 alien, is an integral part of his actual athletic performance as a coach, and has critical skills and experience which are not of a general nature and which are not possessed by a U.S. worker. 8 C.F.R. § 214.2(o)(4)(ii)(A). The petitioner must also establish through evidence that the beneficiary has substantial experience performing critical skills and essential support services for [REDACTED], as required by 8 C.F.R. § 214.2(o)(4)(ii)(C). The AAO agrees with the director's conclusion that this burden has not been met.

The petitioner initially described the beneficiary's skills and experience as including "extensive experience in the area of [REDACTED] event production" as well as team management, logistics." The petitioner also emphasized the beneficiary's network of contacts, knowledge of the sport [REDACTED], and language skills. The petitioner did not address these skills in relation to the beneficiary's support relationship with the O-1 alien, explain why there are no available U.S. workers who possess similar knowledge and skills, or describe how these skills are essential to [REDACTED] athletic performance as a coach.

Although the petitioner submitted a peer consultation letter from [REDACTED] the letter does not address the beneficiary's prior working relationship with the O-1 alien. [REDACTED] indicates that the beneficiary is "a tremendous asset to [REDACTED] but does not describe the beneficiary's essentiality to and working relationship with the O-1 athletic coach or discuss whether there are available U.S. workers who can perform the support services, pursuant to the consultation requirements for O-2 accompanying aliens as set forth at 8 C.F.R. § 214.2(o)(5)(iv). Furthermore, [REDACTED] spoke of the beneficiary's knowledge and skills in similarly broad terms, noting that her "knowledge of Europe," language skills and education are invaluable to the staff and individual athletes. Such attributes and skills would reasonably be classified as general in nature, rather than skills that are specific to and integral to the performance of Coach [REDACTED]

Such conclusion is supported by the petitioner's stated requirements for the beneficiary's position, which include a Bachelor's degree in economics or management, attention to detail, initiative, organizational skills, communication skills, time management skills, budget planning and accounting experience, logistics experience for major events, computer proficiency and "general knowledge of alpine racing." The position requires no specific experience with any one given coach or even any team management experience, and the beneficiary was hired after completing internships that exposed her to the organization [REDACTED] alpine events. The four recommendation letters submitted in support of the petition confirm that the beneficiary possesses these skills and attributes, but also fail to address the beneficiary's essential skills and working relationship with [REDACTED], and, in fact, do not even mention his name. 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)).

When asked to provide additional evidence of the beneficiary's critical skills and her experience providing essential support services for the O-1 alien, the petitioner stated that the beneficiary "takes over many and very important pieces of his administrative duties so that he can focus on the technical coaching aspects of his position." As noted by the director, when comparing the detailed position descriptions provided for [REDACTED] and for the beneficiary, there is little overlap between their assigned administrative duties. The beneficiary is not claimed to provide any assistance specific to [REDACTED] primary athletic coaching responsibilities. The team manager and the team's coaches have different responsibilities and different purposes, and the petitioner has not established that the team manager is an essential support position for any one coach, such that an elite level coach is typically hired along with a team manager with whom he or she has an existing relationship. In fact, it appears that the beneficiary was hired for the position of [REDACTED] prior to either [REDACTED] [REDACTED] with the petitioning organization.

As noted by the director, the team manager is clearly integral to the successful operation of an elite level national ski team. The record does not demonstrate, however, that the duties of the position are assistive to, supportive of, or integral to the athletic performance of [REDACTED] in his capacity as [REDACTED]. While the beneficiary gained some experience as an intern in organizing [REDACTED] the petitioner has not established that the skills required for the position are not of a general nature or addressed why such skills and duties could not be performed by a U.S. worker. The fact that the beneficiary and the O-1 alien may have successfully worked for [REDACTED] for several months as team manager and speed coach, respectively, during the beneficiary's authorized period of employment as a support alien for the head coach, does not establish the existence of the required essential support relationship between these two individuals. The petitioner has failed to establish the critical element of eligibility - that the beneficiary possesses critical skills that are integral to the coach's actual athletic performance.

Based on the foregoing discussion, we concur with the director's findings that the petitioner failed to establish that the beneficiary is an integral part of [REDACTED] performance as a ski coach, or that she has critical skills and experience with [REDACTED] that are not of a general nature and which cannot be performed by a U.S. worker.

The fact that the beneficiary previously held O-2 status "in a similar capacity" is irrelevant, given that an O-2 alien must be petitioned for in conjunction with the services of an individual O-1 alien and is based on the O-2 alien's substantial experience performing essential support services for one specific O-1 alien. If the petitioner seeks to amend the petition to allow the O-2 alien to work in an essential support capacity with a different O-1 alien, it must once again establish the existence of the required working relationship between the O-2 beneficiary and the new O-1 alien. Each nonimmigrant petition filing is a separate proceeding with a separate record and a separate burden of proof. *See* 8 C.F.R. § 103.8(d). In making a determination of statutory eligibility, USCIS is limited to the information contained in that individual record of proceeding. *See* 8 C.F.R. § 103.2(b)(16)(ii).

The beneficiary is clearly a skilled and highly valued team manager who is undoubtedly an asset to the petitioner's organization and [REDACTED], its coaches and its athletes. The denial of this petition is without

prejudice to the filing of a new petition by the petitioner in an appropriate visa classification, accompanied by the appropriate supporting evidence and fee.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The appeal is dismissed.