U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF F-I-T-T-

DATE: JUNE 23, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a tennis academy, seeks to classify the Beneficiary as a foreign national of extraordinary ability in athletics. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i). This O-1 classification makes nonimmigrant visas available to foreign nationals who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation.

The Director, Vermont Service Center, denied the petition. The Director determined that the exhibits did not satisfy the evidentiary requirements applicable to foreign nationals of extraordinary ability in athletics, pursuant to 8 C.F.R. § 214.2(o)(3)(iii)(A) (a major internationally recognized award) or (B) (at least three of eight possible forms of documentation). The Director also concluded that the submitted consultation letter did not satisfy the requirements at 8 C.F.R. § 214.2(o)(2)(ii)(D) and 8 C.F.R. § 214.2(o)(5)(ii)(A).

The matter is now before us on appeal. In its appeal the Petitioner maintains that the Director erred in determining that the Beneficiary is not eligible for the classification sought.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

Section 101(a)(15)(O)(i) of the Act provides classification to a qualified beneficiary 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 regulation at 8 C.F.R. § 214.2(o)(3)(ii) provides, in pertinent part: "*Extraordinary ability in the field of science, education, business, or athletics* means a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor."

The regulation at 8 C.F.R. § 214.2(o)(3)(iii) sets forth a multi-part analysis. First, a petitioner can demonstrate a beneficiary's sustained acclaim and the recognition of the beneficiary's achievements

in the field through a major internationally recognized award. 8 C.F.R. § 214.2(o)(3)(iii)(A). If a petitioner does not submit this documentation, then it must satisfy at least three of the eight categories listed at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*)-(*8*). If the petitioner shows that the criteria in paragraph (o)(3)(iii)(B) of this section do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence in order to demonstrate the beneficiary's eligibility, as set forth at 8 C.F.R. § 214.2(o)(3)(iii)(C).

The submission of documents relating to at least three criteria does not, in and of itself, establish eligibility for O-1 classification. *See* 59 Fed. Reg. 41818, 41820 (Aug. 15, 1994). In addition, we have held that, "truth is to be determined not by the quantity of evidence alone but by its quality." *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). That decision explains that, pursuant to the preponderance of the evidence standard, we "must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Id.*

The regulation at 8 C.F.R. § 214.2(o)(2)(ii) sets forth evidence that must accompany petitions for O foreign nationals, which includes documentation relating to the terms of the proposed employment, the nature of the activities and events in which the beneficiary will participate, a copy of any itinerary, and written advisory opinion(s) from the appropriate consulting entity or entities. In addition, the regulation at 8 C.F.R. § 214.2(o)(2)(iv)(A) states that "[a] petition which requires the alien to work in more than one location must include an itinerary with the dates and locations of work."

Further, the regulation at 8 C.F.R. § 214.2(o)(5)(ii) details the consultation requirements for an O-1 foreign national of extraordinary ability as follows:

> (A) Content. Consultation with a peer group in the area of the alien's ability (which may include a labor organization), or a person or persons with expertise in the area of the alien's ability is required in an O-1 petition for an alien of extraordinary ability. If the advisory opinion is not favorable to the petitioner, the advisory opinion must set forth a specific statement of facts which supports the conclusion reached in the opinion. If the advisory opinion is favorable to the petitioner, it should describe the alien's ability and achievements in the field of endeavor, describe the nature of the duties to be performed, and state whether the position requires the services of an alien of extraordinary ability. A consulting organization may also submit a letter of no objection in lieu of the above if it has no objection to the approval of the petition.

II. ANALYSIS

A. Introduction

The Petitioner filed the Form I-129, Petition for a Nonimmigrant Worker, seeking to employ the Beneficiary as a "Traveling/Managing Tennis Coach" for its junior tennis players for a period of three years. The Beneficiary is a former professional tennis player from the Czech Republic. The Petitioner is a tennis academy which "focuses mainly on junior players whose goal is to become professional players and/or obtain a collegiate scholarship." In its initial letter, the Petitioner emphasized Beneficiary's "experience on the professional and junior circuit," "success in training professionals already on the tours," and "experience obtaining full scholarships into ranked tennis programs." The record shows that the Beneficiary is a [redacted] tennis player who competed successfully in junior regional tennis competitions in the Czech Republic, her native country, and in professional junior tennis competitions between 2005 and 2010 in Europe, Africa, and North America. More recently, the Beneficiary has participated in amateur tennis competitions during her college career in the United States between 2011 and 2014.

The Petitioner's initial submission included a summary of the terms of the oral agreement under which it will employ the Beneficiary, including her duties and compensation in the proffered position. The Director denied the petition, finding that the materials did not establish that the Beneficiary qualifies as a foreign national with extraordinary ability in the field of athletics. Specifically, that Director found that the exhibits did not satisfy the evidentiary criterion at 8 C.F.R. § 214.2(o)(3)(iii)(A) or three of the eight categories listed at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*)-(*8*). The Director also concluded that the submitted consultation letter did not satisfy the requirements at 8 C.F.R. § 214.2(o)(2)(ii)(D) and 8 C.F.R. § 214.2(o)(5)(ii)(A). In its appeal, the Petitioner offers a brief and maintains that the Director erred in determining that the record did not establish the Beneficiary's eligibility for the requested classification. After careful review of the record and for the reasons discussed herein, we conclude that the Beneficiary is not eligible for the classification sought.

B. Intent to Continue to Work in the Area of Extraordinary Ability in the United States

The Petitioner seeks to classify the Beneficiary as a foreign national with extraordinary ability as a tennis coach, so that she may accept employment at its academy. According to the Petitioner's summary of the terms of the oral agreement under which it will employ the Beneficiary, she will be employed as a tennis instructor at its academy, which will involve travelling with its players "to international tournaments both on the junior and professional tours," and, "providing structured tennis and fitness training" to groups and individuals at the Petitioner's facility. The Beneficiary will not be coming to the United States to compete as a tennis athlete. The Petitioner has submitted evidence related to the Beneficiary's achievements as both a competitive tennis athlete and as a tennis coach. On appeal, the Petitioner maintains that the Beneficiary rose to the top of her field as a tennis athlete and has success as a coach. The record indicates that the Beneficiary competed as a

professional tennis player in Europe, Africa and North America between 2005 and 2010, and in collegiate tennis in the United States Between 2011 and 2014. The record shows that the Beneficiary has been coaching for the Petitioner for the previous year.

While a competitive tennis athlete and a coach share knowledge of the sport of tennis, the two rely on different sets of basic skills. Thus, competitive tennis and tennis coaching/instruction are not the same area of expertise. This interpretation has been upheld in Federal Court. In *Lee v. I.N.S.*, 237 F. Supp. 2d 914 (N.D. Ill. 2002), the court stated:

> It is reasonable to interpret continuing to work in one's "area of extraordinary ability" as working in the same profession in which one has extraordinary ability, not necessarily in any profession in that field. For example, Lee's extraordinary ability as a baseball player does not imply that he also has extraordinary ability in all positions or professions in the baseball industry such as a manager, umpire or coach.

Id. at 918.

The statute requires that the Beneficiary seek entry into the United States "to continue work in the area of extraordinary ability." Section 101(a)(15)(O)(i) of the Act, 8 U.S.C. § 1101(a)(15)(O)(i) (2007). U. S. Citizenship and Immigration Services (USCIS) will not assume that a foreign national with extraordinary ability as an athlete has the same level of expertise as a coach or instructor of his or her sport. However, given the nexus between athletic competition and coaching or sports instruction, in a case where the Beneficiary has achieved recent national or international acclaim as an athlete and has sustained that acclaim in the field of coaching at a national or international level, an adjudicator may consider the totality of the evidence as establishing an overall pattern of sustained acclaim and extraordinary ability such that it can be concluded that coaching is within the Beneficiary's area of expertise. Specifically, in such a case, USCIS will consider the level at which the Beneficiary acts as a coach. A beneficiary who has served as the primary coach for athletes competing at the national level has a stronger claim than a coach of novices. For the reasons discussed below, the Petitioner has not established that the Beneficiary is one of the small percentage who has risen to the very top of her field of endeavor.

C. Evidentiary Criteria

In denying the petition, the Director determined that the Petitioner did not satisfy any of the eight evidentiary criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B). Regarding the criteria listed at 8 C.F.R. § 214.2(o)(3)(iii)(B) subparagraphs (*1*), (*2*), (*3*), and (*7*), the Director discussed the submitted evidence and found that the Petitioner did not establish that the Beneficiary met these criteria. The Director further concluded that the Petitioner did not attempt to meet the evidentiary criteria at 8 C.F.R. § 214.2(o)(3)(iii)(A), or 8 C.F.R. § 214.2(o)(3)(iii)(B) subparagraphs (*4*), (*5*), (*6*), and (*8*).

On appeal, the Petitioner maintains that the submitted exhibits satisfy the criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B) subparagraphs (*1*), (*2*), (*3*), and (*7*), but does not contest the Director's findings or offer additional arguments regarding the remaining criteria.

Documentation of the alien's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor

The Director determined that the Petitioner's evidence did not satisfy the evidentiary criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*1*). The Petitioner's initial cover letter affirmed that, "[a]s an player [the Beneficiary] won various notable tournaments, in Italy, Spain, Germany, and the Czech Republic," and referenced the Beneficiary's resume as corroborating documentation. The Beneficiary's resume does not indicate that she has received any nationally or internationally recognized prizes or awards for excellence as a tennis athlete, and there is no documentary evidence of her receipt of such awards. Rather, the resume provides, under the heading "Notable Tournament Finishes w/Cash Prizes," a listing of seven professional tournaments in which the Beneficiary has participated in Europe, Africa, and North America. In response to the Director's request for evidence (RFE), the Petitioner submitted the Beneficiary's listing those tournaments among approximately 40 professional tournaments in which she competed between 2005 and 2010.

The initial submission also highlighted the fact that the Beneficiary was ranked in junior tennis "among the top 100 European players in her age division," and in youth tennis ' in the European youth rankings." The Petitioner provided several articles from Czech publications showing that, while residing in the Czech Republic, the Beneficiary competed in singles and doubles tournament competitions, winning several regional championships, but the articles do not indicate the significance of her results. While the Petitioner submitted letters from two persons who are familiar with the Beneficiary's tennis career in the Czech Republic, neither testimonial indicated that the Beneficiary received any national or international prizes of awards. For example, provided a letter that discussed the Beneficiary's participation, between 2002 and 2004, in the most prestigious of three mixed doubles leagues "recognized under the He explained that participation in or requires the players to "have a high ranking within the Czech Republic and also and rankings if they have." a former professional tennis player and live television tennis commentator, who has known the Beneficiary for more than 20 years, affirmed that the Beneficiary "possesses all the qualities that a high-quality coach needs." Further, articles in the record indicate that when she was a 17-year old she attained a career-high before losing all her ranking points due to injury. However the record does not contain sufficient corroborating evidence to establish that this accomplishment would be equivalent to a major nationally or internationally recognized award.

With respect to the Beneficiary's U.S. tennis career, the Petitioner emphasized that the Beneficiary

received full scholarships to attend in Texas and where she competed as a member of their tennis teams between 2012 and 2014. The head coach of submitted two letters which confirmed the Beneficiary's receipt of a full scholarship, and stated that the Beneficiary was the school's " in singles and doubles," and achieved " The Athletic Director at also provided two letters, stating that the Beneficiary received a full scholarship, was the school's 2013 " singles and doubles," and achieved "a rank of in the . . . rankings." The Petitioner has not submitted evidence that the Beneficiary's accomplishments in her collegiate tennis career would be equivalent to a major nationally or internationally recognized award in the sport. The Petitioner provided coverage of the accomplishments in the Beneficiary's college newspapers, but there is no evidence, for example, that the Beneficiary's results were reported by the sports media in the United States or otherwise recognized beyond the context of the competition.

Regarding the Beneficiary's tennis scholarships, the Petitioner has not established how receipt of a sports scholarship equates to a national or international prize or award in the sport. Based on the evidence submitted, it is reasonable to conclude that the Beneficiary was a very successful competitor at the college level, but not the recipient of any nationally or internationally recognized awards.

With respect to the Beneficiary's experience as a tennis coach, her resume indicated that in the summer of 2013 she was a tennis instructor with in the Czech Republic, and that she has been an assistant and traveling coach with the Petitioner's facility since May 2014. The submitted testimonial letters mention the Beneficiary's coaching experience, and several of the letters praise her coaching abilities and affirm that she "is currently working with several junior players, many of which are progressing and advancing in the rankings." However, they do not indicate that the Beneficiary has received nationally or internationally recognized awards for coaching, or that she has coached students who have received such awards or who compete at the national level.

Overall, the record does not contain sufficient evidence of the coach-athlete relationship between the Beneficiary and the successful athletes she is claimed to have coached. While the evidence establishes that two tennis professionals who wrote letters on the Beneficiary's behalf, and have won national or international tournaments or other nationally or internationally recognized prizes or awards for tennis excellence, they do not state for how long the Beneficiary worked with them, or that the Beneficiary contributed significantly to their receipt of any nationally or internationally recognized awards. Their statements do not include sufficient information to corroborate counsel's statement on appeal that the Beneficiary "was responsible for the success of highly ranked players on the junior and professional circuit."

We also note that the letters from and contain unresolved inconsistencies.[1] For instance, letter, written in February 2015, stated that the Beneficiary coached her "during this past year," and that the Beneficiary "had a huge impact" on her success during her top ranking on the in singles and in doubles. However, attached indicated she achieved her career-high singles/doubles ranking in 2013 and 2014, respectively. In addition, while indicated that the Beneficiary was his "full time coach in 2012-2014," the Beneficiary described herself as his "sparring/hitting partner" in a submitted 2012 article from a Czech newspaper, and the article indicated that in June 2012, was "leaving to play tournaments in South America" and the Beneficiary was returning to the U.S. to attend college.

The Petitioner also provided letters pertinent to the Beneficiary's experience teaching its junior tennis players. The Petitioner provided letters from several parents, praising the improvement in their children's junior ranking, as well as the Beneficiary's talents as an instructor of young athletes. The record contains the junior player profiles for several players claimed to have been coached by the Beneficiary. The Petitioner did not submit copies of any awards received by these students. The evidence indicates that the Beneficiary has been teaching amateur athletes, mainly competing at the junior level. Even if the Petitioner had submitted copies of awards received by these students, an international award received by a student competing at the junior level would not carry the same evidentiary weight as an international award received by a competitor at the adult, professional level, without some additional explanation as to how the sport is governed at the junior level.

In summary, the evidence is insufficient to establish that the Beneficiary's competitive tennis career in the Czech Republic at the junior level in regional and professional competitions, or in the United States at the collegiate level, resulted in her receipt of nationally or internationally recognized prizes or awards for tennis excellence. The record also contains no evidence that the Beneficiary has received a nationally or internationally recognized award for excellence as a tennis instructor or coach. Finally, the record does not contain sufficient evidence of the coach-athlete relationship between the Beneficiary and the successful athletes she is claimed to have coached. Accordingly, the Beneficiary does not meet this criterion.

> *Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized or international experts in their disciplines or fields*

In order to demonstrate that membership in an association meets this criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*2*), a petitioner must show that the association requires outstanding

[1] It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective 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).

achievement as an essential condition for admission to membership. Membership requirements based only on employment or activity in a given field, minimum education or experience, standardized test scores, grade point average, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion, as such requirements do not constitute outstanding achievements. Further, the overall prestige of a given association is not determinative; the issue here is membership requirements rather than the association's overall reputation. The Director determined that the Petitioner did not establish that the Beneficiary satisfies this criterion. The Petitioner maintains that the Beneficiary satisfies this criterion based upon her membership in the and the

First, the Petitioner has not provided sufficient evidence to document the Beneficiary's membership in any of these organizations.[2] The record shows that the Beneficiary competed in sponsored events. Her resume also indicated that her professional tennis experience included competing in the in 2008 and 2013. The Petitioner provided a letter from of the in Germany, a club in which the Beneficiary currently plays, explaining that the Beneficiary played mixed teams tennis in the in 2005, and that she currently plays in another of the four leagues of mixed teams. He stated that the selects players to participate in the leagues, and requires that the players "must have a high ranking within Germany and also with the rankings." did not affirm, however, that the Beneficiary was a member of the In addition, although a letter from in the Czech Republic, reflected that the Beneficiary played in the mixed teams tennis leagues of the Czech Republic, he did not maintain that she was a member of the

Further, the Petitioner did not provide evidence regarding the membership eligibility criteria (such as bylaws or rules of admission) for any of these organizations or evidence that they require outstanding achievements of their members, as judged by recognized national or international tennis experts. Accordingly, the Beneficiary does not meet this criterion.

> *Published material in professional or major trade publications or major media about the alien, relating to the alien's work in the field for which classification is sought*

The Director determined that the Petitioner did not establish that the Beneficiary satisfies this criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*3*). The Petitioner submitted translations of several foreign language articles that mention the Beneficiary. Although not addressed by the Director, the submitted translations do not comport with the regulation at 8 C.F.R. § 103.2(b)(3), since many of the

[2] Statements made without supporting documentary evidence are of limited probative value and are not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)).

translations are summary translations rather than representing the whole foreign language document, or clearly omit sentences or passages from the foreign language document. In addition, the Petitioner has not provided any translation for several foreign language articles. The regulation states: "Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which 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." Because these translations do not comply with 8 C.F.R. § 103.2(b)(3), they have diminished probative value. The Petitioner also submitted several articles that mention the Beneficiary in her college newspapers.

All of the above articles mention the Beneficiary's results in competitions at the junior regional, professional, or collegiate level. Several of the articles are interviews with the Beneficiary, and are therefore "about" the Beneficiary as required. However, the record does not establish that any of these publications could be classified as a professional publication, major trade publication or major media, as opposed to local or regional sports media coverage. The Beneficiary's recognition in college newspapers does not qualify as "major media."

Furthermore, the plain language of the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*3*) requires published material "relating to the alien's work in the field for which classification is sought." In this case, the articles submitted by the Petitioner relate to accomplishments as a tennis athlete and not her accomplishments in her current field of coaching. The evidence of record does not establish that the Beneficiary meets this criterion either as a player or coach. Accordingly, the Petitioner has not submitted evidence that satisfies this criterion.

> *Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation*

The Director determined that the Petitioner did not establish that the Beneficiary satisfies this criterion at 8 C.F.R. § 103.2(b)(3)(*7*). Upon review, we concur with the Director's determination. The Petitioner submitted the previously mentioned letter from stating that the Beneficiary worked at his club as an instructor for children and youth, and praising her professionalism and "perfect approach to the players coached by her." The Petitioner also initially indicated that the Beneficiary "has coached top professional players . . . and has been a key in the success of these players," citing and as examples. However, letters from those tennis athletes do not establish for whom the Beneficiary was working at the time she coached these athletes. Further, the Petitioner affirmed that the Beneficiary has coached several of its junior players, improving their rankings, and the Petitioner's owner, described the Beneficiary as "a very important contribution to our program."

The scope of this evidentiary criterion focuses on the Beneficiary and the relative importance of her position within the organizations that have employed her. The record does not contain evidence

which would establish that the Beneficiary's position with either or the Petitioner's organization was in a critical or essential capacity, such as evidence establishing how the Beneficiary's coaching position related to other coaching positions in the organization, the number of coaches employed, or how many of the coaches coached top-level athletes. As previously stated, there is no evidence which clearly shows the Beneficiary's established successful history of coaching top-level athletes. Further, the record does not contain sufficient evidence to demonstrate that either the Petitioner or has a distinguished reputation in the field. Based on the forgoing, the Petitioner has not established that the Beneficiary satisfies the plain language of the regulatory criterion at 8 C.F.R. § 214.2(o)(3)(iii)(B)(*7*).

Summary

The Petitioner submitted no evidence that the Beneficiary has received a major, internationally recognized award pursuant to 8 C.F.R. § 214.2(o)(3)(iii)(A), and the documentation submitted does not meet three of the eight other evidentiary criteria specified in the regulation at 8 C.F.R. § 214.2(o)(3)(iii)(B).

D. Consultation

The Director determined that the evidence of record does not contain the written consultation required pursuant to 8 C.F.R. § 214.2(o)(2)(ii)(D). The regulation at 8 C.F.R. 214.2(o)(5)(ii)(A) requires a petitioner to provide a consultation with a peer group in the area of the foreign national's ability, or a person or persons with expertise in the area of the beneficiary's ability. The advisory opinion is required to describe the foreign national's ability and achievements, describe the nature of the duties to perform, and state whether the position requires the services of a foreign national of extraordinary ability. A consulting organization may also submit a letter of no objection in lieu of the above if it has no objection to the approval of the petition.

The Petitioner indicated on Form I-129 that it was attaching the required written consultation, and provided, in the initial filing, a letter from the international director of the letter described the as the largest global organization of tennis teaching professionals with more than 15,000 members worldwide. He stated that he is confident, "based on [the Beneficiary's] extensive coaching experience and playing experience she will be a great asset to the teaching ranks in the [United States]." In response to the Director's RFE, the Petitioner provided a second letter from affirming that has "no objection" to the approval of the petition. On the basis of the above, the Petitioner has submitted the required written consultation. The Director's findings on this issue will be withdrawn.

E. Itinerary

Although not discussed by the Director, the Petitioner has not met its burden to provide an itinerary. The regulation at 8 C.F.R. § 214.2(o)(2)(ii)(C), which lists the required evidence for all O-1 visa petitions, mandates that all petitions must include "[a]n explanation of the nature of the events or activities, the beginning and ending dates for the events or activities, and a copy of any itinerary for the events or activities." While all petitioners are expected to explain the nature of the event and provide specific dates for the beneficiary's activities, the use of the non-mandatory word "any" recognizes that an itinerary may not be required in all circumstances. The regulation at 8 C.F.R. § 214.2(o)(2)(iv)(A) states that "a petition which requires the alien to work in more than one location must include an itinerary with the dates and locations of work."

The Petitioner indicated on the Form I-129 that the Beneficiary will be employed as a "Traveling/Managing Tennis Coach" on a full-time basis. It requested a three-year approval and indicated that the Beneficiary's wages will include compensation for travel. Although the Petitioner's summary of the terms of its oral agreement with the Beneficiary included a detailed description of the nature of the Beneficiary's activities on the Petitioner's worksite, the Petitioner has not provided an itinerary of discrete appearances for the Beneficiary when acting as a traveling tennis coach, other than to state that the Beneficiary "will be traveling with junior and professional players to many of the premier national and international tournaments." The Petitioner has, therefore, not fulfilled the regulatory requirements set forth at 8 C.F.R. § 214.2(o)(2)(ii)(C) and 8 C.F.R. § 214.2(o)(2)(iv)(A). The appeal will be dismissed on this additional basis.

III. CONCLUSION

The Petitioner has not submitted qualifying material under 8 C.F.R. § 214.2(o)(3)(iii)(A) and the exhibits do not satisfy at least three criteria at 8 C.F.R. § 214.2(o)(3)(iii)(B). The Petitioner also has not submitted an itinerary, as required at 8 C.F.R. § 214.2(o)(2)(ii)(C) and 8 C.F.R. § 214.2(o)(2)(iv)(A). Consequently, the Petitioner has not established that the Beneficiary is eligible for the O-1 visa classification as a foreign national with extraordinary ability in athletics.

The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. In visa petition proceedings, it is the Petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of F-I-T-T-*, ID# 16838 (AAO June 23, 2016)