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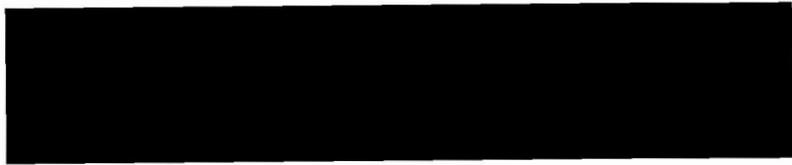
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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FILE: SRC 06 115 50945 Office: TEXAS SERVICE CENTER Date: **AUG 01 2008**

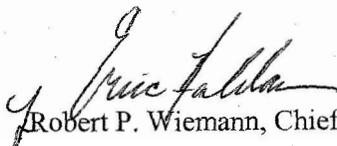
IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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: SELF-REPRESENTED

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, Texas Service Center, denied the nonimmigrant visa petition in a decision dated August 25, 2006. The petitioner appealed the director's decision to deny the petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a polo player and horseman's sports agency. The petitioner filed a Form I-129, Petition for a Nonimmigrant Worker, 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 5 years. The petitioner seeks to employ the beneficiary temporarily in the United States as a professional equestrian.

The director denied the petition, finding that the petitioner failed to establish that the beneficiary is internationally recognized as an athlete. Specifically, the director determined that the petitioner did not submit documentation to satisfy at least two of the seven evidentiary criteria set forth at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2). The director acknowledged the petitioner's response to the request for evidence issued on May 5, 2006 and explained why the submitted evidence failed to satisfy the regulatory requirements for this visa classification.

On appeal, the petitioner indicated on Form I-290B that it would submit a brief and/or additional evidence to address the director's denial within thirty days. Although the petitioner submitted a brief statement on the Form I-290B, it failed to adequately address the director's conclusions. In this brief statement, the petitioner states:

The applicant respectfully disputes the finding that she is not an internationally recognized athlete. We will be submitting evidence of International recognition from (1) [an] official of the governing body of the sport and (2) [a] detailed statement of International recognition from a recognized expert. These will be submitted in the near future.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition.

The director provided a detailed analysis and specifically cited the deficiencies in the evidence in the course of the denial. The petitioner's general objection on the Form I-290B, without specifically identifying any errors on the part of the director, is simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the petitioner. 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 the Notice of Appeal received on September 25, 2006, the petitioner clearly indicates that it would send a brief with the necessary evidence to the AAO within thirty days. To date there is no indication or evidence that the petitioner ever submitted a brief and/or evidence in support of the appeal with the

Service or with the AAO.¹ As stated above, absent a clear statement, brief and/or evidence to the contrary, the petitioner does not identify, specifically, an erroneous conclusion of law or statement of fact. Hence, the appeal must be summarily dismissed. *See* 8 C.F.R. § 103.3(a)(1)(v).

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

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. Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the petitioner has not sustained that burden. Therefore, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.

¹ On July 8, 2008, the AAO sent a fax to the petitioner. The fax advised the petitioner that no evidence or brief had been received in this matter and requested that the petitioner submit a copy of the brief and/or additional evidence, if in fact such evidence had been submitted, within five business days. As of the date of this decision, the AAO has received no response from the petitioner. Therefore, the record is considered complete.