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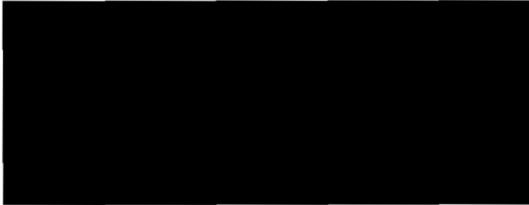
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
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FILE: WAC 07 038 50648 Office: CALIFORNIA SERVICE CENTER Date: **OCT 27 2008**

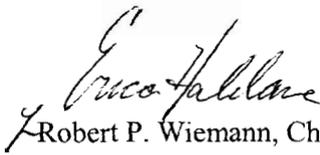
IN RE: Petitioner:  
Beneficiary:



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

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

The petitioner is a boxing management and training organization. The beneficiary is a professional kick boxer. 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"). The petitioner seeks to employ the beneficiary temporarily in the United States as a kick boxer for an unspecified period of time.

In the decision, the director found that the beneficiary had the appropriate standing to qualify for P-1 classification, but denied the petition finding that the petitioner had failed to specify the employment start and end dates on the Form I-129. Additionally, the director noted that while the petitioner had in fact submitted contracts for two previous events in which the beneficiary had participated, the petitioner had failed to submit an itinerary and/or contracts for upcoming events as required by the regulations.

On appeal, the petitioner states that it was "under the impression" that the petition was denied because the beneficiary status as a prizefighter was in question. As a result, the petitioner submits a letter of support from the president of the International Sport Karate & Kickboxing Association, as well as a fight summary sheet for a fight in which the beneficiary participated in Las Vegas on May 12, 2007. The petitioner concludes by stating that the beneficiary has 5-6 additional events scheduled for 2007.

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)(ii)(A)(I) states that the P-1 classification applies to an alien who is coming temporarily to the United States "[t]o perform at specific athletic competition as an athlete, individually or as part of a group or team, at an internationally recognized level or performance. . . ."

Furthermore, 8 C.F.R. § 214.2(p)(4)(ii)(B) requires that a petition for an internationally recognized athlete or athletic team must 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. . . .

The definition of a contract is at 8 C.F.R. § 214.2(p)(3):

*Contract* means the written agreement between the petitioner and the beneficiary(ies) that explains the terms and conditions of employment. The contract shall describe the services to be performed, and specify the wages, hours of work, working conditions, and any fringe benefits.

An alien athlete may be granted P-1 classification to perform at a single competition or event. An alien may also be granted P-1 classification for an athletic season or tour appropriate to the sport. *See* 8 C.F.R. § 214.2(p)(3). The petitioner bears the burden to explain the circumstances of the proposed employment including the duration and an itinerary of planned events. The petitioner must also submit a copy of the employment contract, if a contract has been executed.

In this case, the petitioner indicated on the petition form that the beneficiary would be employed as a kick boxer. However, the petitioner did not state the length of time the services of the beneficiary were being requested in the block provided in Part 5 of the petition form. Nor did the petitioner submit a copy of an employment contract or an itinerary to explain the terms and duration of the proposed employment, and the petitioner also failed to specify the wages which the beneficiary would receive for his services. Merely stating an intent to "manage" a professional boxer for an unspecified period of time is not sufficient to satisfy the above requirements.

Although the petitioner claimed on appeal that the beneficiary has 5-6 events scheduled for 2007, the petitioner failed to submit evidence of the proposed schedule in the form of an itinerary or signed contracts for the appearances. Merely submitting one fight summary sheet on appeal is insufficient to establish eligibility in this matter. It must be concluded, therefore, that the petitioner has failed to overcome the director's objection.

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.