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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

D9

[redacted]

FILE [redacted] Office: VERMONT SERVICE CENTER Date: NOV 0 5 2010

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]

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. The fee for a Form I-290B is currently $585, but will increase to $630 on November 23, 2010. Any appeal or motion filed on or after November 23, 2010 must be filed with the $630 fee. 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, Vermont Service Center, denied the nonimmigrant visa petition, and 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 as an athlete under section 101(a)(15)(P)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(i). The petitioner, a taekwondo and martial arts institution, seeks to temporarily employ the beneficiary as a taekwondo demonstration performer and instructor for a period of three years.

The director denied the petition, concluding that the petitioner failed to establish: (1) that the beneficiary is coming to the United States to participate in an event or events requiring the participation of an internationally recognized athlete; and (2) that the beneficiary as an individual athlete has achieved international recognition in his sport based on his own reputation. The director further found that the petitioner failed to submit a complete itinerary of engagements and a tendered contract in an individual sport commensurate with international recognition.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, counsel for the petitioner asserts that all requirements for P-1 classification have been met. The petitioner submits new evidence and copies of previously submitted evidence in support of the appeal.

I. The Law

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)(i) of the Act, 8 U.S.C. § 1184(c)(4)(A)(i), provides that section 101(a)(15)(P)(i)(a) 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;

(II) is a professional athlete, as defined in section 204(i)(2);

(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if

(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant country;

(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production . . .[.]

Section 214(c)(4)(A)(ii)(I) of the Act, 8 U.S.C. § 1184(c)(4)(A)(ii)(I) provides that the alien must seek 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)(4)(i)(A) states:

> *P-1 classification as an athlete in an individual capacity.* A P-1 classification may be granted to an alien who is an internationally recognized athlete based on his or her own reputation and achievements as an individual. The alien must be coming to the United States to perform services which require an internationally recognized athlete.

The regulation at 8 C.F.R. § 214.2(p)(3) further states, in pertinent part:

> *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.

The regulation at 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 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.

Finally, the regulation at 8 C.F.R. § 214.2(p)(2)(ii) states that all petitions for P classification shall be accompanied by:

(A) The evidence specified in the specific section of this part for the classification;

(B) Copies of any written contracts between the petitioner and the alien beneficiary, or, if there is no written contract, a summary of the terms of the oral agreement under which the alien(s) will be employed;

(C) An 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; and

(D) A written consultation from a labor organization

II. The Issues on Appeal

A. The Nature of the Proposed Activities

The AAO will first address the issue of whether the beneficiary is coming to the United States to participate in an athletic competition which has a distinguished reputation and which requires participation of an athlete that has an international reputation. Pursuant to 8 C.F.R. § 214.2(p)(4)(i)(A), an individual P-1 athlete must be

coming to the United States to perform services which require an internationally recognized athlete. The beneficiary must be coming solely for the purpose of performing as such an athlete. *See* section 214(c)(4)(A)(ii)(I) of the Act ; 8 C.F.R. 214.2(p)(1)(ii)(A)(1).

The regulation at 8 C.F.R. § 214.2(p)(3) defines "competition" as follows:

> *Competition, event or performance* means an activity such as an athletic competition, athletic season, tournament, tour exhibit, project, entertainment event or engagement. . . . . An athletic competition or entertainment event could include an entire season of performances.

The petitioner filed the Form I-129, Petition for a Nonimmigrant Worker, on June 10, 2009. In a letter dated March 26, 2009, the petitioner stated that it seeks to employ the beneficiary in the position of taekwondo demonstration team instructor and performer. The petitioner specified that its school has two demonstration teams, including a children's team, "Little Tiger," and an "All Star" team comprised of children and adults.

In describing its need for the beneficiary's services, the petitioner explained as follows:

> In order to maintain our great reputation in Tae Kwon Do demonstration competition in this field, we must have specialized programs to compete other demonstration teams. Specially, for our Little Tiger team, we need a specialized training program. For special demonstration team, we need a team leader and performer to lead our performance with the highest Tae Kwon Do Martial Art techniques and experience. In addition, for Little Tiger team, we need an instructor who has an academic knowledge and experience for children education.
>
> At a minimum, we prefer to employ an experience Tae Kwon Do master and performer who has a [*sic*] experience and expertise in Tae Kwon Do Form and Demonstration. Academic background in physical education in a University is preferred because our Little Star demonstration team is consisting of children. As I mentioned, the candidate must have experience as a Demonstration team member and physical education for children to develop instructional material, coordinate educational content, and incorporate current technology in specialized fields that provide guidelines to students for developing curricula and conducting course for Tae Kwon Do Demonstration.

The petitioner stated that the beneficiary's "essential duties" will include the following:

- Participate to Tae Kwon Do Demonstration competitions and events as a Tae Kwon Do Martial Art Performer.
- Conduct or participate in Tae Kwon Do demonstration, workshops, committees and conferences designed to promote performance and physical welfares of Tae Kwon Do students.
- Plan and conduct Tae Kwon Do Demonstration training programs for performance competitions in local, nationwide and international level.
- Advise team members to perform how to harmonize each member's action to be a team work [*sic*].

- Organize performance and lead each team member to participate in international or national level competition.
- Research, evaluate, and prepare recommendations on curricula, instructional methods, and materials for Tae Kwon Do demonstration systems.
- Observe work of other Tae Kwon Demonstration member to evaluate performance, and to recommend changes that could strengthen performance skills.

In a letter dated April 17, 2009, counsel stated that the petitioner's teams participate in "various Tae Kwon Do competitions in local and state level, US nationwide and international level." Counsel indicated that the petitioner was submitting evidence of the petitioner's past participation in various competitions, but no prospective competition itinerary was provided for the beneficiary.

The director issued a request for evidence ("RFE") on June 26, 2009, in which he instructed the petitioner to submit additional evidence to establish that the beneficiary is coming to the United States to participate in an athletic competition, event, season, or tournament. The director further requested a complete itinerary of events or engagements for the beneficiary. The regulation at 8 C.F.R. § 214.2(p)(4)(ii)(A) requires that the P-1 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.

In response, the petitioner submitted evidence that its All Star demonstration team or members of the team have participated in competitions such as the American Taekwondo United (ATU) Taekwondo Championship, Yong-In University International Taekwondo Championship, and World Taekwondo Culture Expo. The petitioner did not specifically address the beneficiary's participation in specific upcoming athletic competitions or provide an itinerary of events in which he would participate as a competitive athlete.

The director denied the petition on October 9, 2009, concluding that the petitioner failed to establish that the beneficiary is coming to the United States to participate in an athletic competition which has a distinguished reputation and requires the participation of an athlete with a distinguished reputation. The director further observed that the petitioner failed to submit the requested itinerary of events in which the beneficiary will participate during the requested period of employment.

On appeal, counsel asserts that the beneficiary will be team leader and member of the petitioner's All Star team upon approval of the petition, and emphasized that the petitioner provided evidence that this team has participated in "several internationally recognized Taekwondo competitions, including Young-in International Presidential cup Taekwondo Competitions and ATU Taekwondo Championship." Counsel states that "being a member of the team and the Employment contract with [the petitioner] could be evidence that the beneficiary is going to participate in an international recognized Taekwondo Competitions, various US nationwide competitions, and events in DC areas." The petitioner resubmits a copy of the beneficiary's employment contract with the petitioner.

With respect to the director's finding that no itinerary was provided, counsel once again refers to the beneficiary's employment contract and states:

> Based on this contract, the beneficiary will perform his service for [the petitioner] as a member and athlete of its Demonstration Team. The team has participated [in] various competitions and events for Taekwondo Demonstration. Annually, the team participated [in] demonstration competition such as ATU Taekwondo National Taekwondo Championship in USA, Young-In University President Cup Championship in various countries including Korea and USA, World Taekwondo Cultural Expo in Korea. For the event, the team regularly participate a [*sic*] demonstration in a Mantua Elementary School, Korean American Festival, Fairfax VA, etc.
>
> The schedules of the above mentioned competitions and events for 2010 and future has [*sic*] not been decided. For this reason, we could not provide the specific dates. However, we submitted some documents to show the team participated [in] the demonstrations.

Upon review, the petitioner has not established that the beneficiary is coming to the United States to perform services which require an internationally recognized athlete or that he is coming solely to perform as such an athlete.

Section 214(c)(4)(A) specifically states that section 101(a)(15)(P)(i)(a) refers to an alien who "performs as an athlete" and "seeks to enter the United States. . . for the purpose of performing as . . . an athlete with respect to a specific athletic competition." Where the language of a statute is clear on its face, there is no need to inquire into Congressional intent. *INS v. Phinpathya*, 464 U.S. 183 (1984).

While the Act provides for P-1 classification for certain coaches, the beneficiary does not meet the criteria set forth at section 214(c)(4)(A)(i)(III) of the Act, which limits P-1 classifications to coaches of teams or franchises that are located in the United States and members of a foreign league or association of 15 or more amateur sports teams. Regardless, the petitioner clearly seeks to classify the beneficiary as an athlete who performs at an internationally recognized level of performance, pursuant to section 214(c)(4)(A)(i)(I) of the Act.

Counsel emphasizes on appeal that the beneficiary would be competing in local, state, national and international competitions with the petitioner's All Star demonstration team. However, the petitioner has also unequivocally indicated that the beneficiary will be serving as an instructor for its organization, and specifically for its Little Tiger demonstration team. The petitioner has consistently highlighted the beneficiary's credentials as an instructor in the sport, and specifically, his qualifications as a children's instructor, and devoted a significant portion of its initial letter to describing its need for an instructor with a background in training children. The beneficiary, in addition to having a 4th Dan level black belt in Taekwondo, has a bachelor's degree in physical education, a teaching license for teaching physical education in elementary and secondary schools, and other special qualifications as a children's instructor. The petitioner specifically stated in its initial letter that "we need an instructor who has an academic knowledge and experience for children education," and that the "candidate must have experience as a Demonstration team member and physical education for children to develop instructional material, coordinate educational content . . . for developing curricula and conducting courses." The petitioner did not indicate that it requires an internationally-recognized athlete to compete for the team in events with a distinguished reputation. The entire body of initial evidence indicates that the beneficiary will be coaching and instructing students. Any

claim that these coaching duties are secondary or merely incidental, given the evidence to the contrary, is unpersuasive.

With respect to the itineraries, the petitioner has submitted a brief list of events in which its school would participate on an annual basis. The petitioner has referred to the school and its students generally and has provided no evidence of the specific athletic competitions in which the beneficiary would participate. The AAO notes that, even assuming, *arguendo,* that the petitioner had established that the beneficiary would compete in the events and that such events require the participation of internationally-recognized athletes, the events appear to be one-day events held annually. Given that the petitioner has offered the beneficiary full-time employment to lead and train its demonstration team, the limited number of scheduled competitions further supports a conclusion that the beneficiary will primarily be engaged in instructing Taekwondo, rather than serving as a competitive athlete.

Therefore, based on the evidence submitted, the director appropriately concluded that the beneficiary would not be coming to the United States solely to participate in athletic events that require an internationally recognized athlete. Rather, the evidence indicates that the beneficiary will be a children's Taekwondo instructor in addition to any athletic competitions in which he may compete. There is no provision that would allow an alien to come to the United States individually as a P-1 coach or instructor other than the above-referenced statutory provision allowing P-1 classification of coaches who participate in certain qualifying amateur sports leagues or associations, or as a P-1 essential support alien accompanying a P-1 athlete or athletes. *See* 8 C.F.R. § 214.2(p)(4)(iv). The statute and regulations do not provide for P-1 classification of an individual who will serve as both a competitive athlete and coach/instructor.

Based on the foregoing, the petitioner has not submitted evidence on appeal to overcome the director's finding that the beneficiary would not be coming to the United States solely 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. Accordingly, the appeal will be dismissed.

B. Internationally-Recognized Athlete

The next issue to be addressed in this matter is whether the petitioner established that the beneficiary is an internationally recognized athlete as defined in the Act and regulations. The petitioner can establish that the beneficiary is internationally recognized by submitting evidence satisfying two out of the seven of the documentary requirements listed at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*). The petitioner does not claim that the beneficiary meets the criteria at 8 C.F.R. §§ 214.2(p)(4)(ii)(B)(*2*)(iii) and (vi) and therefore the AAO will not address these criteria.

The criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*i*) requires evidence of having participated to a substantial extent in a prior season with a major United States sports league. The petitioner attempts to meet this criterion by submitted evidence of competitive events in which the petitioner's All Star demonstration team has competed in previous years. The beneficiary, however, has never competed as a member of this team. Furthermore, 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. 8 C.F.R. § 214.2(p)(4)(ii)(B). Therefore, the submitted evidence pertaining to the petitioner's demonstration team is not

relevant to this criterion, and the criterion has not been met.

To meet the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*ii*), the petitioner must submit evidence of having participated in international competition as part of a national team. The petitioner attempts to meet this criterion by providing evidence of competitive events in which the petitioner's All Star demonstration team and its individual members have competed. Again, the beneficiary has never competed with the petitioner's team. The petitioner must establish that the beneficiary has achieved international recognition in the sport based on his own reputation if it claims that he will compete individually or compete for a U.S. team. Accordingly, evidence related to past achievements of the petitioner's All Star Demonstration team cannot be used to satisfy this criterion.

To meet the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*iv*), the petitioner must provide a written statement from the governing body of the sport which details how the alien or team is internationally recognized. The petitioner submitted a letter from , who states:

> I had a chance to review [the beneficiary's] background and I was sufficiently impressed by his success as a great instructor, performer, and competitor with an international reputation. I can respectfully characterize [the beneficiary] as a player with great talent, skills and achievement as well as a person with integrity and respect. It is my opinion that [the beneficiary] qualifies as an outstanding Taekwondo Master.

It is unclear why the petitioner sought a statement from a Michigan American Taekwondo United official for a position located in Virginia, particularly since taekwondo is an Olympic sport with a national governing body, USA Taekwondo. s letter, apart from the fact that it is not definitively from the appropriate governing body in the sport, is lacking any explanation as to how being a "great instructor, performer and competitor," conveyed international recognition on the beneficiary.

In the RFE issued on June 26, 2009, the director provided the petitioner with an opportunity to submit additional evidence in support of this criterion and the other six evidentiary criteria pertaining to internationally-recognized athletes. The petitioner did not reference this criterion in response to the RFE, but submits new evidence in support of the appeal in an attempt to satisfy this criterion. Where, as here, a petitioner has been put on notice of a deficiency in the evidence and has been given an opportunity to respond to that deficiency, the AAO will not accept evidence offered for the first time on appeal. *See Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *see also Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988). If the petitioner had wanted the submitted evidence to be considered, it should have submitted the documents in response to the director's request for evidence. *Id.* Regardless, the AAO notes that the newly submitted letters are insufficient to satisfy this criterion.

The petitioner submits a statement from Association, and requests that USCIS accept this letter in support of the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*iv*), noting that this association is a member of USA Taekwondo. states that the beneficiary has a 4th degree black belt and notes that "this means that [the beneficiary] has sufficient techniques and talents in the Taekwondo Athletic Field." He further states:

> [The beneficiary] has won a gold medal in the Taekwondo World Expo held in Korea, 2007. He has experience in teaching children the benefits of taekwondo as a martial art form as well as a way of life. His talents and experience will be a great benefit to the children of Virginia.
>
> As president and officer of USA Taekwondo, I am certain that the gold medalist . . . is internationally recognized by Kukkiwon. My judgment that [the beneficiary] is an internationally recognized taekwondo player is based on the objective facts including she [*sic*] is the gold medalist of the internationally recognized competition and 4th degree black belt.

The petitioner also submits on appeal a letter from United who states:

> I recognize [the beneficiary] as an International Taekwondo Athlete. Through my own experience in the field of Taekwondo, I know that how much training time and passion are needed to be a 4th degree black belt in the sport of Taekwondo. Also, I know how difficult it is to win the gold medal in an International Taekwondo Competition. His achievements sufficient make him recognized as an International Taekwondo Player.

Both suggest that the beneficiary is internationally recognized based upon receipt of one gold medal in an international competition and based on his 4th Dan level black belt in taekwondo. However, neither individual explains the significance of these achievements or how they convey international recognition. The record indicates that attaining a certain Dan level in the martial arts is not an award for which one garners recognition, but rather the foreseeable outcome of a standard process by which taekwondo martial arts practitioners advance from one Dan level to the next. The evidence shows that such advancement is a promotion within the ranks of the sport, but does not establish that achievement of a Dan level by the beneficiary constitutes an internationally-recognized achievement. With respect to the beneficiary's gold medal, which will be discussed further below, the AAO notes that neither have commented on the significance of the specific competition in which the beneficiary achieved the first-place award. While the AAO recognizes that winning a gold medal in certain major competitions may convey international recognition, the AAO will not assume that any first place finish in any competition designated a "world" or "international" competition will have such an effect. Therefore, even if the petitioner had submitted the letters from prior to the adjudication of the petition, the letters would be insufficient to meet this criterion.

To meet the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*v*), the petitioner must submit 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. To satisfy this criterion the petitioner initially submitted letters from representatives of two other U.S. Taekwondo schools. tates that he is sure that a "person who holds 4th Dan and the master certificate must be a Tae Kwon Do master with excellent skills," and he describes the beneficiary as a "brilliant coach and instructor." tates that he has "no doubt of [the beneficiary's] extraordinary skills and abilities." However, neither individual details how the beneficiary is internationally recognized.

In response to the RFE, the petitioner stated that it was submitting a written statement from reporter Albert

Hong, detailing how the team is internationally recognized. states that the petitioner's All Star Team and its leader, , are recognized internationally; however, he does not mention the beneficiary. As discussed above, the evidence submitted to satisfy the criteria at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*) must establish that the beneficiary, as an individual, is internationally recognized based on his own reputation. Therefore, the petitioner has not submitted evidence to meet this criterion.

The fifth and final criterion the petitioner seeks to meet is evidence that the beneficiary "has received a significant honor or award in the sport." 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*vii*). The petitioner has provided a copy of a certificate of award indicating that the beneficiary achieved first place in the Poom Sae division at the 2nd World Taekwondo Culture Expo held in Muju, Korea in July 2008. The record contains no other evidence of competitions in which the beneficiary has competed or placed as a taekwondo athlete.

The petitioner submitted the program for this competition, which describes the event as follows:

> World Taekwondo Culture Expo is the festival which helps , the sacred ground, to be given wider publicity.
>
> With various experience-based Taekwondo Programs, it is the festival where own culture, and oriental and western tradition get joined together. Visitors can have their fills of the essence of Taekwondo with world citizens, which is inspired with Korean spirit beyond a mere sport.

The event included a tour , a taekwondo seminar, and a Taekwondo contest. Counsel asserts that the beneficiary's award is "good evidence that an individual athlete has achieved international recognition in the sport based on his reputation." Counsel further states that the World Taekwondo Cultural Expo is held in Korea annually, and that "more than 2000 Taekwondo Athletes from over 40 nations was participated to [*sic*] this competition."

The record contains an article regarding the third annual World Taekwondo Culture Expo, held in 2009, which indicates that "2,000 taekwondo practitioners from over 40 nations will participate in sparring matches, Korean traditional folk games and seminars on the art of taekwondo." According to the article, the event includes a parade, demonstrations by elementary school children, belly dancers, pumba dancers, Korean traditional music troupes, fireworks, and talent shows, as well as food samplings, cultural tours, shopping and academic seminars. The article mentions an "A-match competition" and an "extreme tournament classified by levels."

Upon review, the petitioner has not established that the beneficiary's first-place finish at the World Taekwondo Culture Expo is considered a major prize or award in the sport. The event appears to be primarily a cultural festival centered on Taekwondo rather than an athletic event that is significant within the sport as a whole and recognized by the sport's international governing body. The petitioner offered no documentary evidence to establish the participation requirements for the above-referenced culture expo, nor any other evidence to establish that winning an event in such a tournament would amount to a "significant honor or award" in the sport of taekwondo. 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)). Accordingly, the petitioner has not submitted sufficient evidence that the beneficiary has achieved a significant honor or award in his sport, pursuant to 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*vii*).

Although the petitioner has failed to establish how the beneficiary is internationally recognized, nothing in this decision should be taken to suggest that the AAO fails to recognize the beneficiary's extensive academic and physical training and qualifications as a taekwondo instructor. However, notwithstanding the beneficiary's qualifications for the position offered, the petitioner must still comply with the evidentiary requirements for the requested visa classification.

Here, the evidence submitted by the petitioner fails to meet at least two of the criteria listed in the regulation at 8 C.F.R. § 214.2(p)(4)(ii)(*B*)(*2*). Therefore, the petitioner failed to establish that the beneficiary has achieved international recognition in the sport of Taekwondo, and the appeal will be dismissed for this additional reason.

C. Tendered Contract

The final issue to be addressed is whether the petitioner has satisfied the requirement at 8 C.F.R. 214.2(p)(4)(ii)(B)(*1*), which provides that the petitioner must submit 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 petitioner has submitted a copy of its employment agreement with the beneficiary setting forth the terms and conditions of his employment. On appeal, counsel explains that "there is no Taekwondo league such as Major-league Baseball or National Football League," and thus there is no written contract between the beneficiary and a league. Counsel further states that taekwondo teams and competitors typically submit an application for participation in competitions and are not under contract for this purpose. The petitioner provides copies of entry forms and applications for upcoming taekwondo competitions in support of counsel's assertions.

The AAO finds these explanations reasonable given the nature of the sport and will withdraw the director's determination that the regulation at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*1*) has not been satisfied.

III. Conclusion

The petition will be denied and the appeal dismissed for the above stated reasons, with each considered as an independent and alternative basis for the decision. When the AAO denies a petition on multiple alternative grounds, a plaintiff can succeed on a challenge only if it is shown that the AAO abused its discretion with respect to all of the AAO's enumerated grounds. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd.* 345 F.3d 683 (9th Cir. 2003).

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.