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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

PUBLIC COPY

D9

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **NOV 17 2010**

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)

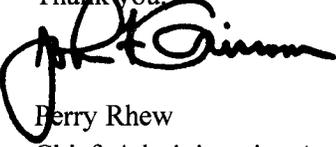
ON BEHALF OF PETITIONER:

[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, California 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 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 five years. The petitioner, which is self-described as a horse show barn, seeks to employ the beneficiary temporarily in the United States as a "Professional Athlete, Rider."

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary qualifies as a "professional athlete" as defined at section 204(i)(2) of the Act, or that the beneficiary meets at least two of the seven evidentiary criteria for internationally recognized athletes or athletic teams pursuant to the regulations at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2).

The petitioner, through its former counsel, subsequently filed an appeal.¹ The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, counsel asserts that "the 2006 COMPETE Act and all supporting documentation was not properly reviewed and considered in making the decision in this case." Counsel contends that, under the COMPETE Act, there is no requirement that the beneficiary be internationally recognized, provided that the petitioner establish that the beneficiary is a "professional athlete." Counsel submits a brief and additional documentary evidence in support of the appeal.

I. The Law

The instant petition was filed on March 20, 2009, subsequent to the passage of Public Law 109-463, "Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006" (COMPETE Act of 2006), which amended section 214(c)(4)(A) of the Act, and authorizes certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance. The COMPETE Act, signed into law on December 22, 2006, expanded the P-1 nonimmigrant visa classification to include certain athletes who were formerly admitted to the United States as H-2B nonimmigrants.

Under the current statute, as amended by the COMPETE Act, the P-1 nonimmigrant classification includes: (1) athletes who perform at an internationally recognized level of performance, individually or as part of a team; (2) professional athletes as defined in section 204(i)(2) of the Act; (3) athletes and coaches who participate in certain qualifying amateur sports leagues or associations; and (4) professional and amateur athletes who perform in theatrical ice skating productions.

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 . . .[.]

In relevant part, a "professional athlete," as defined at section 204(i)(2) of the Act, 8 U.S.C. § 1154(i)(2), is an individual who is employed as an athlete by:

- (A) A team that is a member of an association of 6 or more professional sports teams whose total combined revenues exceed \$10,000,000 per year, if the association governs the conduct of its members and regulates the contests and exhibitions in which its member teams regularly engage.

The regulation at 8 C.F.R. § 214.2(p)(3) defines "team" as "two or more persons organized to perform together as a competitive unit in a competitive event."

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.

II. The Issues on Appeal

Here, the petitioner's primary claim is that the beneficiary qualifies as a "professional athlete" as defined in section 204(i)(2) of the Act, and that the petitioner therefore does not need to establish that the beneficiary is an internationally recognized athlete. The director also addressed whether the beneficiary meets the more stringent requirements pertaining to athletes who perform at an internationally recognized level of performance.

A. "Professional Athlete"

The first issue to be addressed is whether the petitioner has established that the beneficiary is a "professional athlete" pursuant to section 214(c)(4)(A)(i)(II) of the Act. As noted above, a professional athlete for purposes of this classification is an individual who is employed by a team that is a member of an association of 6 or more professional sports teams whose total combined revenues exceed \$10,000,000 per year, if the association governs the conduct of its members and regulates the contests and exhibitions in which its member teams regularly engage. *See* section 204(i)(2)(A) of the Act.

The petitioner stated on Form I-129, Petition for a Nonimmigrant Worker, that it is doing business as a "horse show barn," rather than as a professional athletic team. In a letter dated March 17, 2009, counsel for the petitioner stated that the petitioner is a "team" that is "internationally recognized as a leading competitor on the International Horse Show Circuit."

The director issued a request for additional evidence ("RFE") on April 24, 2009, in which he instructed the petitioner to submit documentary evidence to establish that the beneficiary has competed on an international level and that he has achieved international recognition in the sport based on his reputation as a competitor.

In a letter dated May 11, 2009, submitted in response to the director's request for additional evidence, counsel stated that "under the 2006 Compete Act . . . [t]he athlete does not have to individually compete at an internationally recognized level as long as the group or team does." Counsel asserted that the petitioner's "team" is "most definitely internationally recognized." The petitioner submitted a copy of the COMPETE Act and extensive evidence of the competition results achieved by the petitioner's owner, [REDACTED]

The director noted the petitioner's claim that the beneficiary qualifies as a "professional athlete," but found that the petitioner failed to provide evidence to establish that the beneficiary is employed by a sports team that is a member of an association of 6 or more professional teams." The director acknowledged that the petitioner provided evidence that the petitioner's riders are members of the United States Equestrian Federation (USEF), but observed that individual memberships do not establish that the petitioning horse show barn is a "team" for immigration purposes.

On appeal, counsel asserts that the beneficiary qualifies under the COMPETE Act as a "professional athlete," explaining as follows:

[The petitioner's] Team and the beneficiary are members of the United States Equestrian Federation (USEF) who governs and regulates the Sport and its Competitions. . . .

The USEF currently has 71,061 members that have millions of dollars in annual revenues, well in excess of \$10,000,000.00. In addition, annual revenue for prizes and award for competition is well in excess of \$10,000,000.00 The USEF is made up of hundreds of teams in the United States. The USEF Teams are in the following 8, of sport teams, all that is required under the 2006 Compete Act is 6. The teams are as follows: Dressage, Driving, Endurance, Eventing, Para-Equestrian, Reining, Show Jumping and Vaulting.

In support of the petition, the petitioner has submitted copies of United States Equestrian Federation (USEF) membership cards for the petitioner's riders and for the beneficiary, as well as individual competition results for riders. The name of the petitioning company or "team" does not appear on any of these documents.

The petitioner has also submitted extensive information regarding USEF, including its mission statement and 2009 Rule Book. The evidence submitted demonstrates that USEF is the national governing body for equestrian sport in the United States, and that USEF does govern the conduct of its members and regulates contests and exhibitions in the sport. However, the petitioner did not submit evidence that the equestrian sport is comprised of "6 or more professional sports teams" or that the petitioning organization is a professional sports team. Based on the evidence submitted, it is evident that USEF issues memberships to individuals, not to teams, and that competition occurs on an individual level.

The AAO acknowledges the petitioner's claim that its "team" "has been internationally recognized in equine sports in the United States and abroad for many years," but notes there is no corroborating evidence in the record to support the claim that the petitioner has been recognized in any capacity as a "team" competing in the equestrian sport. Again, the regulation at 8 C.F.R. § 214.2(p)(3) defines "team" as "two or more persons organized to perform together as a competitive unit in a competitive event." The AAO anticipates that evidence of a "sports team" would include documentation of the team's organization, performance, and results as a competitive unit in actual team events. The petitioner's riders' individual results in equestrian events are noted, but such results are not evidence that the petitioner is competing as a professional sports team in a league or association comprised of professional sports teams.

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)). Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

The AAO can find no basis for considering the petitioning horse show barn a "team" when there is no evidence that it participates in a team sport or that it is recognized in the industry as a professional sports team. Accordingly, the petitioner has not established that the beneficiary will be employed by the petitioner as a "professional athlete" as defined in section 204(i)(2) of the Act.

B. "Internationally Recognized Level of Performance"

The remaining issue in this matter is whether the petitioner has established that the beneficiary is an alien who performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance, pursuant to section 214(c)(4)(A)(i)(II) of the Act. In order for the beneficiary to qualify as a member of an internationally recognized team based on the team's reputation, the team must be foreign. Therefore, even assuming, *arguendo*, that the petitioner had established that it is a "team," the beneficiary would still be required to establish that he has achieved international recognition in the sport based on his own reputation. *See generally*, 8 C.F.R. §§ 214.2(p)(4)(ii)(A) and (B).

At the time of filing the petition, the petitioner described the beneficiary as "a professional equestrian rider with years of experience within this specialized industry," and as "an asset to the equestrian industry." The petitioner provided a copy of the beneficiary's USEF membership card identifying him as a "Senior Amateur" member. Counsel indicated that the beneficiary's "international reputation as a leading Professional Athlete/Rider is well established by his impressive list of participation in events/competitions and the international recognition, which he has received competing in such events/competitions."

The petitioner submitted several letters from professional riders and a letter from the USEF as references for the beneficiary, but did provide any evidence of the beneficiary's competition or event results documenting his career as an equestrian athlete.

In the request for evidence issued on April 24, 2009, the director instructed the petitioner to submit, *inter alia*, evidence to establish that the beneficiary is an internationally-recognized athlete based on his own reputation and achievements as an individual in the sport. The director listed the evidentiary criteria set forth at 8 C.F.R. § 214.2(p)(4)(ii)(B) and advised the petitioner that it must provide documentation of at least two of the seven criteria.

As noted above, in a response dated May 11, 2009, counsel for the petitioner asserted that under the COMPETE Act, the beneficiary "does not have to individually compete at an internationally recognized level as long as the group or team does." In response to the director's request for evidence that the beneficiary has achieved international recognition based on his reputation, counsel emphasized that "this is no longer required."

The director concluded that the petitioner failed to submit evidence to satisfy any of the seven evidentiary criteria at 8 C.F.R. § 214.2(p)(ii)(B)(2), of which at least two are required to establish eligibility. Therefore, the director concluded that the petitioner did not establish that the beneficiary is not an internationally-recognized athlete. The AAO concurs with the director's determination.

To meet the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(i), the petitioner must submit evidence that the beneficiary has participated to a significant extent in a prior season with a major United States sports league. Counsel asserts that "the beneficiary has participated in several internationally recognized horse shows with [the petitioner's] team, both "Internationally Recognized and USEF Members." However, the record is devoid of any competition or event results the beneficiary has achieved in the United States or elsewhere as an individual athlete and does not indicate that he has ever competed as part of a major United States sports league. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec.

533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

Even if the petitioner had established that USEF should be considered a "sports league," and the petitioning entity is a "team," the petitioner could not meet this criterion without submitting evidence of the beneficiary's career as a competitive athlete in the United States. His USEF membership card is insufficient. Again, 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. at 165. The fact that the beneficiary is currently a USEF member is insufficient to establish that he meets this criterion.

To meet the second criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(ii), the petitioner must submit evidence that the beneficiary has participated in international competition with a national team. Again, the record contains no documentary evidence of the beneficiary's participation in any specific equestrian events or competitions, much less his participation in international competition with a national team.

The criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(iii) requires the petitioner to submit evidence that the beneficiary has participated to a significant extent in a prior season for a U.S. college or university in intercollegiate competition. The petitioner does not claim that the beneficiary can meet this criterion.

To meet the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(iv), the petitioner must submit a written statement from an official of the governing body of the sport which details how the alien or team is internationally recognized. In this regard, the petitioner submitted a letter dated February 6, 2009 from [REDACTED]. Ms. Ike states that she has been provided with a copy of the beneficiary's resume and that she "has no objection to the granting of the petition."

Upon review, the AAO notes that a statement that no objection is raised is not equivalent to a statement detailing how the beneficiary is internationally recognized. [REDACTED] letter stating that she has no objection is sufficient to meet the consultation requirement pursuant to 8 C.F.R. § 214.2(p)(2)(ii)(D), but it does not satisfy the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(iv).

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 has submitted peer letters from five individuals. [REDACTED] an equestrian athlete, states that he is "aware that [the beneficiary] has been an integral part of the industry as a Professional Athlete-Rider," and that he has "participated in international competitions both in the United States and Canada."

[REDACTED] an equestrian athlete, states that she has "had the opportunity to come to know" the beneficiary as an "Athlete-Rider" during her national and international competition experiences. [REDACTED] states that the beneficiary "is excellent with top show horses" and "through his international experience in the United States, Canada, and Mexico . . . developed professional skills, which are of great aid to the horses in the show ring."

[REDACTED] a rider with Pegasus Show Stable, Inc., states that he is acquainted with the beneficiary based on his experience on the international show horse circuit. [REDACTED] states that the beneficiary "has

proven his skills as an international equine professional in the United States, Mexico and Canada."

The petitioner also provided a letter from [REDACTED], a show jumper, who states that she is acquainted with the beneficiary "in his capacity as Professional Athlete/Rider." [REDACTED] indicates that the beneficiary "has an international reputation as a Professional Athlete/Rider in the United States, Mexico and Canada."

Finally, the petitioner submitted a letter from [REDACTED], a rider with [REDACTED] [REDACTED] states that she is acquainted with the beneficiary based on her experience in horse show competitions. She states that the beneficiary "has an international reputation in the United States, Mexico and Canada for his riding abilities."

On appeal, counsel indicates that the petitioner is submitting as "Exhibit M" a statement from [REDACTED] [REDACTED] a prior Olympic and World Cup athlete in the beneficiary's sport, attesting to the beneficiary's recognition. The AAO notes that Exhibit M includes [REDACTED] professional resume and evidence of his achievements in the sport, but not the referenced letter. Upon careful review of the complete appeal submission, the AAO did not locate a letter from [REDACTED]

The petitioner also submitted extensive material regarding the individuals who provided letters, including their rankings, competition results, information regarding their barns or farms, and articles about these individuals.

Upon review, none of the persons providing testimonials have detailed the beneficiary's accomplishments in the sport or how he is internationally recognized. The letters are written in vague, conclusory language and do not establish how the beneficiary's achievements are renowned, leading, or well-known in more than one country. Furthermore, apart from the letters identifying the beneficiary as a professional athlete/rider, there is no evidence of his accomplishments in the sport, such as competition results or letters from prior employers. The non-existence or other unavailability of required evidence creates a presumption of ineligibility. 8 C.F.R. § 103.2(b)(2)(i).

Given the lack of evidence regarding the beneficiary's career as a horse show competitor, the record does not support the conclusions reached in the testimonial letters that the beneficiary is recognized throughout North America as a fine equestrian athlete. Furthermore, it must be emphasized that the favorable opinions of experts in the field, while not without evidentiary weight, are not a solid basis for a successful international recognition claim.² USCIS may, in its discretion, use as advisory opinions statements submitted as expert

² Letters may generally be divided into two types of testimonial evidence: expert opinion evidence and written testimonial evidence. Opinion testimony is based on one's well-qualified belief or idea, rather than direct knowledge of the facts at issue. Blacks Law Dictionary 1515 (8th Ed. 2007) (defining "opinion testimony"). Written testimonial evidence, on the other hand, is testimony about whether something occurred or did not occur, based on the witness' direct personal knowledge. *Id.* (defining "written testimony"); *see also id.* at 1514 (defining "affirmative testimony").

Depending on the specificity, detail, or credibility of a letter, USCIS may give the document more or less persuasive weight in a proceeding. The Board of Immigration Appeals (the Board) has held that testimony should not be disregarded simply because it is "self-serving." *See, e.g., Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000) (citing cases). The Board also held, however: "We not only encourage, but require the

testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm. 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. at 500, n.2. Where an opinion is not in accord with other information or is in any way questionable, the AAO is not required to accept or may give less weight to that evidence. *Matter of Caron International*, 19 I&N Dec. 791.

Based on the foregoing discussion, the petitioner has not established that the beneficiary meets this criterion.

To meet the sixth criterion, the petitioner must submit evidence that the individual or team is ranked, if the sport has an international ranking. 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(vi). The petitioner has submitted the [REDACTED] showing the rankings of 467 individual riders in the sport, but the beneficiary's name does not appear on the list, and no other evidence has been submitted to establish that the beneficiary is ranked among competitors in the sport. As discussed, the record does not contain any independent evidence that the beneficiary has ever ridden competitively in any equestrian competition. The petitioner has not established that the beneficiary meets this criterion.

The seventh and final criterion requires the petitioner to submit evidence that the alien or team has received a significant honor or award in the sport. 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(vii). Counsel for the petitioner stated at the time of filing that "[the beneficiary] and [the petitioner] have received numerous and internationally recognized prizes and awards." However, when asked to provide evidence of the beneficiary's achievements in the form of documentary evidence, the counsel indicated that no such evidence is required. As such, the record contains no documentary evidence of the purported awards received by the beneficiary in his sport. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

III. Conclusion

In summary, as discussed above, the petitioner has failed to establish that the beneficiary is a professional athlete as described at section 214.2(c)(4)A(i)(II) of the Act. Furthermore, 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 equestrian sport. Accordingly, the appeal will be dismissed.

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).

introduction of corroborative testimonial and documentary evidence, where available." *Id.* If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for the petitioner to submit corroborative evidence. *Matter of Y-B-*, 21 I&N Dec. 1136 (BIA 1998).


Page 11

In visa petition proceedings, the burden of proof 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.