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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

[Redacted]

89

FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date:

FEB 17 2011

IN RE: Petitioner:
Beneficiary:

[Redacted]

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

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, with a fee of \$630. 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)(a) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(i)(a). The petitioner is an agency providing representation to professional athletes. The petitioner requests that the beneficiary be granted P-1 status so that he may accept employment as a professional polo player with Fairplay Farm Polo Team for a period of five years.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary is an internationally recognized athlete as defined at 8 C.F.R. § 214.2(p)(3). Specifically, the director determined that the evidence provided failed to satisfy at least two of the seven criteria for internationally recognized athletes pursuant to 8 C.F.R. § 214.2(p)(4)(ii)(B)(2).

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 asserts that the petitioner has provided evidence to satisfy the evidence at 8 C.F.R. §§ 214.2(p)(4)(ii)(B)(2)(ii) and (iv) and has therefore met its burden of proof. Counsel submits a brief, a new advisory opinion letter from an official of the United States Polo Association, 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 petitions for P nonimmigrant aliens shall be accompanied by the following evidence:

- (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 end 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. Discussion

The sole issue before the AAO is whether the petitioner established that the beneficiary qualifies as an internationally recognized athlete pursuant to section 101(a)(15)(P)(i)(a)(I) of the Act. The director determined that the petitioner's evidence satisfied only one of the seven criteria at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2), of which two must be satisfied in order to establish the beneficiary's eligibility as an internationally recognized athlete.¹

The petitioner filed the Form I-129, Petition for a Nonimmigrant Worker, on February 19, 2010. At the time of filing, counsel described the beneficiary as an [REDACTED]. The petitioner submitted, among other documents: an employment letter from [REDACTED] owner of [REDACTED] [REDACTED] reference letters from five polo players; a "no objection" consultation from [REDACTED] [REDACTED] an itinerary of tournaments in which the beneficiary is expected to compete during the 2010 to 2015 polo seasons; 2010 [REDACTED] lists evidencing the beneficiary's four-goal handicap; photographs of the beneficiary playing polo; and a few publications which mention the beneficiary. The director issued a request for additional evidence on March 3, 2010, and the petitioner responded to the request on April 14, 2010. The AAO has reviewed the record in its entirety in reaching its decision.

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. The petitioner has submitted evidence that the beneficiary has played with various polo teams in the United States in the past. However, the petitioner has not claimed that the beneficiary meets this criterion, and additional evidence would be required to establish that the beneficiary has participated to a significant extent in a prior season with a "major United States sports league." It is unclear based on the evidence of record how professional polo is organized in the United States and which clubs, teams or leagues qualify as "major league" within the sport. As such, the AAO agrees with the director's finding that this criterion has not been met.

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. The director determined that this criterion had been satisfied, but did not discuss on which evidence she based this conclusion. Upon review, the petitioner has not submitted evidence to meet this criterion and the AAO will withdraw the director's finding.

¹ Although the petitioner also refers to the beneficiary as a "professional athlete," it has neither articulated a claim nor presented evidence that the beneficiary qualifies as a professional athlete as that term is defined in the section 204(i)(2) of the Act. As such, the AAO will not consider whether the beneficiary qualifies as a professional athlete pursuant to section 101(a)(15)(p)(i)(a)(II) of the Act.

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).

Upon review of the evidence submitted, the petitioner has not specifically stated that the beneficiary has competed in international competition on a national team or otherwise claimed that the beneficiary meets this criterion. The record does contain evidence that the beneficiary competed in the 2007 [REDACTED] held at the Pilara Polo Club in Argentina, as a member [REDACTED]. The record does not contain evidence, such as a letter from the governing body of the sport of polo in Jamaica, confirming that the beneficiary competed as a member of Jamaica's national polo team in international competition. A caption accompanying a photograph of the "Jamaica Polo Team" team indicates that polo [REDACTED] "came all the way from Jamaica especially for this tournament and hired [REDACTED]". The beneficiary was among the hired players. Based on the limited evidence provided, it appears that this team was not in fact [REDACTED]. The beneficiary is a native and citizen of Argentina, and has played for various polo clubs in Argentina, but the record does not contain evidence that he has represented Argentina in international competition as a member of his country's national team. Accordingly the petitioner has not established that the beneficiary participated in international competition as a member of 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 has not submitted evidence to 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 response to the director's request for evidence, the petitioner submitted a letter dated April 10, 2010 from [REDACTED], who identified herself as a "Governor-at-Large" with the United States Polo Association ("USPA"). [REDACTED] described the beneficiary as an "internationally recognized polo player" and provided the following overview of the beneficiary's achievements:

The first achievement of [the beneficiary] that stands out is his polo handicap of 4 goals. A polo handicap of 4 goals is a great achievement and places the [the beneficiary] among the top polo players in the world. [The beneficiary] comes from Argentina, a country rich in polo tradition, which has afforded him ample opportunity to study and play polo.

[The beneficiary] has competed in and has had success in tournaments in Argentina, Chile and the United States. Like a lot of great athletes, [the beneficiary] started competing at a high level early in his life. In 1991, in Buenos Aires, Argentina and in 1992 in Santiago, Chile, [the beneficiary] competed in the International Children's Championship, earning 2nd [REDACTED] and winning it all in 1992. The International Children's Championship is a yearly tournament where children from all over the world are invited to compete in hopes of promoting and encourage the sport of polo to the next generation of polo players and enthusiasts.

[The beneficiary's] most notable successes in the United States have come in Wyoming while competing in back-to-back years in USPA sanctioned even Wyoming Cup in 2005 and 2006. [The beneficiary's] team earned [REDACTED] place honors both years thanks in large part to the skill and play of [the beneficiary]. [The beneficiary] has also competed in USPA sanctioned events such as the Max Berger Cup in New Jersey and the Southwest Circuit Governor's Cup in Texas, where in his teams earned [REDACTED] place, also in 2005 and 2006.

As I mentioned above, [the beneficiary] is from Argentina. Argentina is considered by many in the polo community to be the best country in the world for polo and its player[s] are considered to be the best in the world. [The beneficiary's] most recent successes in polo have come in his home country including [REDACTED] place in the Prince of Wales tournament in Hurlingham, Argentina in 2006, [REDACTED] place in the Pilara International in Pilara, Argentina in 2007, [REDACTED] place in the Copa la Campana in Open Door, Argentina in 2009 and most recently earning [REDACTED] place in the Inter-Estancia Invitational in La Pampa, Argentina.

[The beneficiary's] achievements within the United States and abroad have made him internationally recognized as a polo player. Having a polo handicap of 4, originating from Argentina, and being trained in the Argentinean style of polo play make [the beneficiary] a highly sought after polo player. Most U.S. polo players have handicaps of 0 or 1 and many are in the negative numbers. . . .

The petitioner also submitted a written statement from [REDACTED] [REDACTED] indicated that the USPA has no objection to the beneficiary being granted P-1 status, but did not detail how the beneficiary is internationally recognized.

The director acknowledged receipt of the letter from [REDACTED], but observed that the letter was not printed on official USPA letterhead, or accompanied by probative, corroborative evidence establishing that she is in fact a governor-at-large with the USPA. Accordingly, the director determined that [REDACTED]'s letter was insufficient to meet this criterion, as it had not been established that she is an official of the governing body of the sport.

On appeal, counsel asserts that [REDACTED] "expressed detailed knowledge of [the beneficiary's] international recognition and affirmed her opinion of [the beneficiary's] international recognition as a USPA Governor-at-Large." Counsel notes that the letter was signed by [REDACTED] and contained all of her contact information, and contends that "the statute does not specify that corroborating evidence is required for the criterion to be satisfied." In support of the appeal, the petitioner submits an advisory opinion from [REDACTED], printed on USPA letterhead. The letterhead lists all officers, circuit governors and governors-at-large of the USPA, and [REDACTED] is listed among the eleven governors-at-large.

The regulation at 8 C.F.R. § 214.2(p)(2)(iii)(B) provides that affidavits written by recognized experts "shall specifically describe the alien's recognition and ability or achievement in factual terms, and also set forth the

expertise of the affiant and the manner in which the affiant acquired such information. Furthermore, the plain language of this evidentiary criterion requires that the evidence "detail how the alien . . . is internationally recognized."

While the AAO recognizes [REDACTED] as an official of the USPA and she has described the beneficiary's achievements in the sport of polo in some detail, she has not described the manner in which she acquired such information about the beneficiary. *See* 8 C.F.R. § 214.2(p)(2)(iii)(B). Furthermore, while [REDACTED] lists the beneficiary's achievements in specific tournaments in her letter, the record of proceeding, as discussed further below, contains little primary evidence of the beneficiary's tournament results and it is unclear from where she derived her information.

USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Commr. 1988). However, 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 (Comm. 1988). USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of letters 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. Thus, the content of the writers' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence of achievements that one would expect of an athlete who is regarded as renowned, leading or well-known in more than one country.

Therefore, the AAO concludes with the director's ultimate conclusion that the petitioner has failed to submit evidence to meet 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. The petitioner submitted endorsement letters from polo players [REDACTED]

[REDACTED] states that he has known the beneficiary for many years and played polo with him on many occasions. He describes the beneficiary as a "very capable player who adds excitement to our already exciting sport," and praises "the fluidity of [the beneficiary's] movements with his mount."

[REDACTED] states that he has competed with the beneficiary and describes him as "a formidable player." He further states that the beneficiary "makes the game more challenging because he uses exceptional technical skills" and "is able to direct his mount so gracefully that he is a pleasure to observe." [REDACTED] states that he is acquainted with the beneficiary "through many years of competing with him at various polo tournaments in South America." He describes the beneficiary's "undying energy on the field" and his impressive handling of his mounts. [REDACTED] also states that beneficiary's "performances on the field are well-executed and highly regarded by other professional polo players."

██████████ states that he has competed with the beneficiary at many tournaments in Argentina and states that he is "a player who possesses tremendous skills." He notes that Argentinean polo players "enjoy a reputation as being versatile, athletic, and overall superior players due to the different horse methodologies utilized in Argentina." ██████████ further states that the beneficiary "is well-versed in Argentinean horse methodologies and he is an overall outstanding player."

Finally, ██████████ states that he has observed the beneficiary play polo at "various tournaments in Argentina." He describes the beneficiary as an "outstanding player," who "displays great technical skills on the field" and "has proven himself to be a tremendous team player." ██████████ praises the beneficiary's passion, "great spirit and energy," and "amazing athletic skills," and describes the beneficiary as "an exceptional athlete in the grand sport of polo."

In response to the director's request for evidence, the petitioner submitted one additional letter from polo ██████████ of South Africa. ██████████ states that he has witnessed the beneficiary's abilities as a polo player. He indicates that the beneficiary "displays a great knowledge of the game, a very technical swing and one of the best back shots I've seen." ██████████ mentions that "Argentine players are the best in the world and the ones who have collectively managed higher handicap ratings."

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 language and do not establish how the beneficiary's achievements are renowned, leading, or well-known in more than one country. While it appears that the beneficiary has earned the respect of some successful polo players, the petitioner has not submitted any written statements that satisfy the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(v).

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). At the time of filing, the petitioner submitted polo handicap lists from the "Federation of International Polo" and from the Asociacion Argentino de Polo, as evidence of the beneficiary's 4-goal handicap.

The AAO notes that the petitioner's initial evidence also included international polo player rankings from the World Polo Tour ("WPT"); however, the beneficiary's name does not appear on this list. Rather, the petitioner sought to rely on the beneficiary's four-goal handicap.

In the request for evidence issued on March 3, 2010, the director requested evidence that the beneficiary's polo handicap is considered an international ranking, or evidence that the sport of polo does not use international rankings, if applicable.

In its response to the RFE, the petitioner did not directly address the question of whether a polo handicap is equivalent to an "international ranking" in the sport. As noted above, ██████████ of the USPA indicated that "a polo handicap of 4 goals is a great achievement and places [the beneficiary] among the top polo players in the world." The petitioner also submitted, "for educational purposes," an article entitled "The Sport of Kings"

which was published in the Spring 1996 [REDACTED]. The article states the following regarding polo handicaps:

Polo players are assigned a handicap to rate their relative value to a team. This handicap, assigned by a USPA committee that observes each player in action on an annual basis, is based upon the player's understanding of the rules, horsemanship and sense of strategy. Handicaps range from C, B, A (-2 through 0) to a high of 10 goals, which is a handicap carried only by the world's most exceptional players. The handicapping system is important to the organization of polo tournaments because it allows teams of similar ability to be grouped with one another.

* * *

Most players in the United States carry a handicap of two goals or less, and few will ever advance beyond three-goal status (75 percent of USPA members are considered low-goal players). Low- and medium-goal teams are usually informally assembled.

Upon review, the petitioner has not established that the handicapping system used in the sport of polo is considered an international ranking system. Rather, it appears that all players who compete in USPA sanctioned events are assigned a handicap, and therefore would be considered to have a "rank." The AAO will consider below whether the beneficiary's achievement of a four-goal handicap could be considered a "significant honor or award" in the sport under the seventh criterion.

Moreover, based on the evidence submitted, it appears that there is in fact at least one international ranking system in the sport of polo, namely the World Polo Tour ranking system. The petitioner submitted evidence that [REDACTED], who provided an endorsement letter in support of the petition, was [REDACTED] on this list. According to the World Polo Tour web page provided "[t]his ranking is constantly updated; each player is ranked according to his/her performance, during the course of the year, in the main tournaments around the world." The petitioner did not provide evidence that the beneficiary appeared on this or any other list of internationally-ranked players in the sport of polo. Accordingly, this criterion has not been met.

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).

As noted above, [REDACTED] of the USPA indicates that the beneficiary's four-goal handicap "is a great achievement and places [the beneficiary] among the top polo players in the world." While it is true that the submitted article from [REDACTED] indicates that few American polo players advanced beyond a three-goal handicap, the AAO does not find a 14 year-old article from a cigar magazine to be a reliable source of information about the sport of polo. As [REDACTED] provided no additional background information regarding polo handicaps in the United States, the AAO has consulted the USPA website, which indicates that "[r]atings

of 5-goals and above usually belong to professional players."² Although the petitioner refers to the beneficiary as a professional player, it has not provided evidence that he has ever been assigned a five-goal handicap.

The USPA website does state that "[a]bout two-thirds of the rated players carry a rating of 2-goals or less; few ever advance beyond 3-goals." However, the AAO cannot conclude that achievement of a four-goal handicap is a "significant honor" in the sport, especially within the field of international high-goal players, or even among professional players who have received a USPA handicap. The petitioner did submit one article from the December 23, 1997 edition of the Argentinean publication *The Nation*, which mentions that the beneficiary was one of more than a dozen polo players whose handicap recently increased from two to three goals. The article, entitled "Without a team of 40 goals" discusses recent modification of handicaps by the Argentinean Polo Association and the resulting impact on a very long list of Argentine polo players. Although the article appears to have been published in a major publication, it does not constitute recognition of the beneficiary's achievement of a three-goal handicap as a significant honor in the sport.

The petitioner also indicates that the beneficiary has won or placed second or third in a number of polo tournaments and competitions in the United States and Argentina. As discussed below, most of these claimed prizes are either undocumented or poorly documented in the record.

The petitioner indicates that the beneficiary was [REDACTED] which achieved a third place award in the 2007 Pilara International Tournament. The petitioner submits an article about the tournament titled "III Torneo Internacional," which the petitioner claims was published "by the renowned 'Polo Internacional' Magazine." The provided article has no page numbers, magazine title, or other indicators that it was actually published in a magazine. A photograph of [REDACTED] is included, and the beneficiary's name is identified in the caption to the photo. However, the article does not provide clear confirmation of the beneficiary's receipt of the third place award. No official tournament results or other primary evidence of his receipt of the award were submitted.

The petitioner submitted an article titled [REDACTED] which was published in the [REDACTED]. Counsel indicates that the beneficiary "is highlighted as the high scorer in his match in [REDACTED] recognized event in 2004 in Frenchtown, New Jersey." The article indicates that the team Stone Rows defeated Lamington Polo/Windover Farm in the 4-goal Max Berger Cup. According to the article, the beneficiary, as a member [REDACTED] was the high scorer in a losing effort against [REDACTED] in an earlier match. This article does not commemorate the beneficiary's receipt of a significant honor or award in the sport, nor does the passing reference to the beneficiary constitute evidence of his international recognition.

In her letter dated April 10, 2010, [REDACTED] of the USPA indicated that the beneficiary competed in the International Children's Championship in 1991 and 1992, earning second and first-place finishes. In support

² See "The Polo Handicap," http://us-polo.org/index.php?option=com_content&view=article&id=31&Itemid=124 (accessed on February 15, 2010).

of this claim, the petitioner submitted a copy of the cover of the sports section of the January 6, 1992 edition of the Chilean newspaper *El Mercurio*. The page provided refers to an article whose title translates as "Polo showed the faces of the future." The petitioner indicates that the beneficiary is one of the four polo players who appear in the small photograph that accompanies the title. The petitioner did not provide a copy of the article. The petitioner also submits two photographs which, according to the petitioner, depict the beneficiary playing on the [REDACTED] which won the International Children's Tournament held in Chile in 1992.

Upon review, the petitioner has not provided sufficient evidence of the beneficiary's receipt of a first place team finish at the International Children's Tournament. While it appears that the tournament received mainstream press coverage in Chile, the petitioner did not provide a copy of the actual award, official tournament results, or even a copy of the newspaper article that is claimed to have featured the tournament. 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'r. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r. 1972)). The photographs depict teenagers playing polo, but do not document the beneficiary's receipt of the claimed award.

The remaining evidence of the beneficiary's receipt of honors or awards in the sport was submitted in the form of photographs of the beneficiary with teammates or on horseback at various tournaments, accompanied by captions indicating the results of the tournament. The petitioner indicates that the beneficiary [REDACTED] the invitation-only Inter-Estancia Invitational in La Pampa, Argentina (2010), as a member of The Santo Domingo Polo Team. Although the petitioner indicates that the tournament was covered by *Polo Times Magazine*, the petitioner did not submit an article about the tournament from the magazine or any other publication, nor did it provide official tournament results or any other documentation corroborating the beneficiary's receipt of the second-place prize.

The petitioner submitted various photographs of the beneficiary participating as a member [REDACTED] [REDACTED] event and polo match held at the Jackson Hole Polo Club. The petitioner did not indicate that the beneficiary achieved a significant honor or award at this event, provide official event results, or provide evidence of any media coverage of the event.

The petitioner submitted five photographs of the beneficiary competing as a member of Rocking P Polo Team in the 2008 Therapeutic Riding Benefit held at Jackson Hole Polo Club. The petitioner indicates that "the best players in the club" were selected every year to play in this benefit, with the money collected given to charity. While the photographs confirm that the beneficiary participated in the event, the petitioner did not provide evidence that participation in this charity tournament can be equated to receipt of a significant honor or award in the sport.

Finally, the petitioner submitted two photographs which are claimed to depict the beneficiary's participation in The President Cup (15-20 goals) at La Cañada Polo Club in Argentina in 2007. The petitioner indicates that the photographs show the beneficiary "hitting the ball with a perfect swing at full speed" and riding a mare that was sold to another player, who later rode the horse in events such as the Argentine Open. Counsel

indicated in her letter dated April 12, 2010 that "only the best players in the world can compete in tournaments such as the President's Cup." However, the record contains no further background information regarding the event, nor is there any evidence that the beneficiary received any honor or award at this tournament.

The petitioner submitted photographs of the beneficiary playing in the Prince of Wales Cup at the Hurlingham Polo Club in Argentina in 2006; in the 2006 Governor's Cup – Southwest Circuit, at the Houston Polo Club; in the Wyoming Cup 2005, held at the Jackson Hole Polo Club; in an unidentified match at the Jackson Hole Polo Club in 2005; in the 2005 Therapeutic Riding Benefit; in the 1995 Semifinals Copa Estimulo (4-12 goals) at the Jockey Club de San Isidro; in the 1998 Copa Metropolitano Bajo Handicap (7-14 goals) at the Jockey Club de San Isidro; and in the 1991 International Children's Tournament. The petitioner indicates that the beneficiary's team, ██████████ won the 2005 Wyoming Cup and the photograph from this event does appear to depict the team holding a prize. However, the petitioner has not provided evidence of the significance of this polo tournament, such that it could be concluded that the beneficiary's won a "significant honor or award." With respect to the other events depicted in the photographs, the petitioner has neither claimed nor submitted evidence that the beneficiary received honors or awards at these tournaments. The director determined that the evidence was insufficient to establish that the beneficiary received a significant honor or award in the sport, and the petitioner has not contested this finding.

The AAO acknowledges that the petitioner and ██████████ of the USPA have claimed that the beneficiary has achieved several first, second and third place awards at various events in the United States and Argentina. However, these claims fail on an evidentiary basis, as the petitioner has failed to provide evidence of the claimed prizes and awards in the form of copies or photographs of the awards themselves or official tournament results. A petition must be filed with any initial evidence required by the regulation. 8 C.F.R. § 103.2(b)(1). The nonexistence or other unavailability of primary evidence creates a presumption of ineligibility. 8 C.F.R. § 103.2(b)(2)(i). The petitioner has not established that primary evidence of the claimed prizes and awards does not exist or cannot be obtained. Furthermore, as mentioned above, the petitioner did not submit evidence to establish the significance of most of the tournaments in which the beneficiary competed. 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. Accordingly, the AAO concurs with the director's determination that the petitioner has not submitted evidence to satisfy this criterion. In summary, 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). The petitioner failed to establish that the beneficiary has achieved international recognition as a polo player and as a result, this petition may not be approved. Accordingly, the appeal will be dismissed.

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.