



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

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF T-L-A-

DATE: DEC. 30, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, an athlete representation and sports marketing company, seeks to classify the Beneficiary as an internationally recognized athlete. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(P)(i), 8 U.S.C. § 1101(a)(15)(P)(i). The Director, Vermont Service Center, denied the petition. The matter is now before us on appeal. The appeal will be dismissed.

The Petitioner seeks to have the Beneficiary compete as a professional golfer at various professional golf events throughout the United States for a period of five years. At the time of filing, the Petitioner asserted that the Beneficiary satisfies 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 Director denied the petition, concluding that the Petitioner did not establish that the Beneficiary is coming to the United States to compete in athletic competition(s) which require participation of an athlete who has an international reputation. *See* 8 C.F.R. § 214.2(p)(4)(ii)(A). The Petitioner subsequently filed an appeal, including supplemental briefs. On July 13, 2015, we issued a notice of intent to dismiss the appeal (NOID), noting that we are bound by the regulation at 8 C.F.R. § 214.2(p)(4)(ii)(A), which the Petitioner has asserted is *ultra vires*. In addition, while not discussed by the Director in his final decision, we concluded that the record did not establish that the Beneficiary is, in fact, an internationally recognized athlete.

In response to our NOID, the Petitioner acknowledges that we cannot void a regulation, suggests an option for evaluating whether the competitions are qualifying, and addresses the Beneficiary's eligibility. Upon review, and for the reasons stated herein, we find that the record does not establish either that the events in which the Beneficiary will compete require participation of an athlete who has an international reputation, or that the Beneficiary is an athlete who performs at an internationally recognized level of performance.

I. PERTINENT LAW AND REGULATIONS

Under section 101(a)(15)(P)(i) of the Act, a foreign national 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 a foreign national 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 [certain conditions apply, 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 provides that the foreign national 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)(1)(ii)(A)(I) states that a P-1 classification applies to a foreign national who is coming temporarily to the United States to perform at specific athletic competition as an athlete, individually or as part of a group or team, at an internationally recognized level of performance.

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 regulation at 8 C.F.R. § 214.2(p)(4)(i)(A) allows classification for those who are internationally recognized athletes based on their own reputation and achievements as an individual.

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 [criteria at subparagraphs (i) through (vii)].

Additionally, the regulation at 8 C.F.R. § 214.2(p)(2)(ii) states that all petitions for P classification shall be accompanied by contracts, an explanation of the nature of the events (including dates) and a written consultation from a labor organization.

Finally, we have held that truth is to be determined not by the quantity of evidence alone but by its quality. Thus, in adjudicating the petition pursuant to the preponderance of the evidence standard, we must examine each document for relevance, probative value, and credibility, both individually and within the context of the totality of the record, to determine whether the fact to be proven is probably true. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

II. FACTUAL AND PROCEDURAL HISTORY

The Petitioner filed the Form I-129, Petition for a Nonimmigrant Worker, on February 27, 2014, seeking to have the Beneficiary compete as a professional golfer at various professional golf events throughout the United States for a period of five years. The Petitioner asserted that the Beneficiary satisfies the evidentiary requirements pertaining to athletes who perform at an internationally recognized level of performance. The Director issued two requests for evidence (RFE), on March 12, 2014, and May 1, 2014, respectively, specifically requesting that the Petitioner submit, *inter alia*, documentation to establish that the Beneficiary qualifies as an internationally recognized athlete, pursuant to section 214(c)(4)(A)(i)(I) of the Act, or that the Beneficiary is a “professional athlete” pursuant to section 214(c)(4)(A)(i)(II) of the Act.¹ The Director’s decision dated

¹ Although the Petitioner also refers to the Beneficiary as a “professional athlete,” it has neither articulated a claim nor

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July 28, 2014, ultimately addressed only whether the Petitioner demonstrated that the Beneficiary is coming to the United States to compete in athletic competition(s) which require participation of an athlete that has an international reputation. See 8 C.F.R. § 214.2(p)(4)(ii)(A). We will also address the Petitioner's evidence of the Beneficiary's eligibility as an athlete who performs at an internationally recognized level of performance. See *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004)(noting that we review appeals on a *de novo* basis).

III. ANALYSIS

A. Performing Services that Require Participation of an Athlete with an International Reputation

The Petitioner 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. Pursuant to 8 C.F.R. § 214.2(p)(4)(ii)(A), an individual P-1 athlete 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. The Director determined that the Petitioner did not satisfy this requirement. Specifically, the Director concluded that the Petitioner did not present evidence to establish that the specific competitions in which the Beneficiary will compete require the participation of an athlete that has an international reputation.

The record shows that the Beneficiary is a 24-year-old golfer who has participated in amateur golf competitions in the United States, predominantly collegiate tournaments, between 2011 and 2013, and that on September 25, 2013, the Beneficiary turned professional after winning the [redacted] at the [redacted] North Carolina. The Petitioner indicated on the Form I-129 that it seeks to have the Beneficiary compete as a professional golfer at various professional golf events throughout the United States. The Petitioner submitted its golf representation agreement with the Beneficiary, dated January 23, 2014, which reflected that the services the Petitioner will provide the Beneficiary are "Pro-Am/Marketing Representation" and "Professional Golf Management." The agreement reflects that "[i]f [the Beneficiary] so desires, [the Petitioner] will assist in planning and coordinating [the Beneficiary's] schedule of tournaments, exhibitions and other promotional appearances, and will generally consult with [the Beneficiary] on all aspects of his professional career."

The Petitioner provided a "no objection" letter from [redacted] Director of the [redacted] [redacted] dated February 14, 2014. [redacted] described the [redacted] as a trade organization which is the governing body of men's professional golf organization in the United States and is "the preeminent professional golf tour in the world." [redacted] stated that the [redacted] owns and operates the [redacted] and that the Beneficiary is "eligible to compete in

presented evidence that the Beneficiary qualifies as a professional athlete as that term is defined in section 204(i)(2) of the Act. As such, we will not consider whether the Beneficiary qualifies as a professional athlete pursuant to section 101(a)(15)(p)(i)(a)(II) of the Act.

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_____ qualifying events.” In a second undated letter, _____ explains that “the _____ schedules “all repeat on an annual basis in much the same format subject to periodic adjustments of dates” and that “[t]he seasons of each tour run on a calendar year basis.” The Petitioner provided tournament schedules for the _____ the _____²

In response to our NOID, the Petitioner has abandoned its request that 8 C.F.R. § 214.2(p)(4)(ii)(A) be voided as being *ultra vires* of the Act. Instead, the Petitioner proposes that we exercise our “authority to set a precedent for interpretation of the regulation whereby, ***if a petitioner has met its burden of establishing that an athlete is internationally recognized under 8 C.F.R. § 214.2(p)(4)(ii)(B)(2), it can be presumed that the athletic competition or event requires participation of an athlete or athletic team that has an international reputation in accordance with 8 C.F.R. § 214.2(p)(4)(ii)(A).***” (Emphasis in original.)

Even if we were to conclude that the Petitioner has met its burden of establishing that the Beneficiary is an internationally recognized athlete, which we do not for the reasons set forth below, the applicable regulation contains the separate and distinct requirement that the proposed events have a distinguished reputation and require participation of an athlete or athletic team that has an international reputation. This requirement does not focus on the Beneficiary but on the proposed events, and requires that the Petitioner show that they will be of a caliber appropriate for an internationally recognized athlete. While the Petitioner is persuasive that the Beneficiary’s recognition may, on a case-by-case basis, be a relevant consideration, we will not create a presumption that is not stated or implied in the regulation.

First, the Petitioner has not demonstrated that the _____ events, through which the Petitioner hopes to qualify for _____ and other tours, require the participation of an athlete who has an international reputation. Although _____ stated that the Beneficiary is eligible to compete in _____ qualifying events, her letter did not provide the entry requirements for such events or similar information that would establish whether the events require the participation of an athlete who has an international reputation, such as the number of entries accepted, or the number of participants who qualified for the tour, as opposed to those who did not qualify, withdrew, or were disqualified.

The Petitioner has also not demonstrated the Beneficiary’s eligibility to participate in _____ events as of the date that the petition was filed on February 27, 2014. The Petitioner must establish eligibility at the time of filing the nonimmigrant visa petition. A visa petition may not be approved at a future date after the Petitioner or Beneficiary becomes eligible under a new set of facts. *Matter of Michelin Tire Corp.*, 17 I&N Dec. 248 (Reg’l Comm’r 1978). According to the letter from _____ the Beneficiary is eligible to compete in _____ qualifying events, and if he

² The Petitioner also provided a tournament schedule for the _____ for 2014, but the evidence of record does not establish that the Beneficiary is eligible to compete in this tour.

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qualifies he can compete in [REDACTED] events. Therefore, as of the date of filing, the Beneficiary was not yet eligible to compete in any [REDACTED] events.

Second, the Petitioner has submitted two testimonial letters from [REDACTED] to establish that the [REDACTED] tournaments in which the Beneficiary will compete require the participation of an athlete who has an international reputation. In his first letter dated January 21, 2014, [REDACTED] confirmed that the Beneficiary is a professional golfer and a member in good standing of the [REDACTED] for the 2014 season and described the tour as a large developmental tour with average field sizes of 160 players per event that has paid out over \$11 million in prize money since 2009. As [REDACTED] did not sign this letter, however, it has little evidentiary value.

In his second letter dated July 9, 2014, which he signed, [REDACTED] described the [REDACTED] as “a major development tour . . . designed to be a stepping stone for players trying to ascend to higher level tours.” He explained that “[i]n golf, players compete on developmental tours throughout the U.S. before acquiring all the skills and making it to the [REDACTED] and then eventually the [REDACTED] and that “[m]any players on the [REDACTED] tour have gone on to play on the second tier [REDACTED] and a few have reached the top level on the [REDACTED]” [REDACTED] emphasized “the international recognition and caliber” of both the tour and the competing athletes. [REDACTED] asserted that “just because the tour is labeled as ‘developmental,’ it does not mean . . . that we do not require internationally recognized athletes to compete.” He noted that the tour has 10 countries represented, including at least 15 P-1 athletes, and that they require internationally recognized athletes to increase interest, attendance, sponsorships, revenue, and purse prizes. He concluded: “Our tour consequently is internationally recognized and we also require the participants to be internationally recognized.” [REDACTED] did not, however, explain the manner by which the tour requires the participation of an athlete who has an international reputation. Similarly, although [REDACTED] asserted that approximately 15 P-1 athletes are participating in [REDACTED] tournaments, this information does not establish that the tournaments require the participation of an athlete who has an international reputation.³

In the first appeal brief, dated August 18, 2014, the Petitioner asserted that it has established that the Beneficiary is an “exceptional” golfer, because “[t]he golfers competing on the [REDACTED] must have official handicaps of 2.0 or lower administered by golf clubs or national golf associations before they can qualify.” The Petitioner referred to a screenshot dated July 16, 2014,

³ Even if USCIS has previously granted a number of P-1 petition approvals for athletes to compete on the [REDACTED] each petition filing is an independent proceeding with a separate record and burden of proof. In making a determination of statutory eligibility, USCIS is limited to the information contained in the specific record of proceeding. See 8 C.F.R. § 103.2(b)(16)(ii). Despite any number of previously approved petitions, USCIS does not have any authority to confer an immigration benefit when the Petitioner does not meet its burden of proof in a subsequent petition. See section 291 of the Act. We are not required to approve applications or petitions where eligibility has not been demonstrated, merely because of prior approvals that may have been erroneous. See, e.g. *Matter of Church Scientology International*, 19 I&N Dec. 593, 597 (Comm. 1988).

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from the [redacted] website [redacted], titled [redacted] [redacted] submitted in response to the Director's second request for evidence, which showed that approximately five percent of all men in the United States have a golf handicap index of two percent or lower. Therefore, the Petitioner maintained that "less than 4% of those with golf handicaps in the [United States] would even qualify for the [redacted] or the [redacted]" However, neither [redacted] nor [redacted] stated the handicap required, if any, to compete in the [redacted] or the [redacted] qualifying events, and the record does not contain documentation to support the Petitioner's position. Going on record without corroboration 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'l Comm'r 1972)).

Third, the Petitioner initially submitted a schedule of events for the [redacted] golf tournaments in North Carolina and South Carolina. The record reflects that the Beneficiary has previously participated in the [redacted]. The Petitioner has not established that these tournaments require the participation of an athlete with an international reputation. Again, the Petitioner has not provided evidence of the entry requirements for such events or other specific information as to the quality of the events that would support the assertion that participation is limited to internationally recognized athletes. *Id.*

Finally, although the Petitioner affirms that the Beneficiary will be coming to compete in [redacted] [redacted] events, "and other golfing events," the Petitioner has not submitted any information pertaining to specific [redacted] events, or "other golfing events" in which the Beneficiary will compete, and establishing the Beneficiary's eligibility to compete in those events at the time of filing. The Petitioner has not provided evidence of the entry requirements for such events or other specific information as to the quality of the events that would confirm whether the events require the participation of an athlete who has an international reputation. Again, going on record without supporting documentation is not sufficient for purposes of meeting the burden of proof in these proceedings. *Id.* Based on the foregoing, the Petitioner has not demonstrated that the specific competitions in which the Beneficiary will compete are competitions which require participation of an athlete who has an international reputation, pursuant to 8 C.F.R. § 214.2(p)(4)(ii)(A). The appeal will be dismissed on this basis.

B. The Beneficiary's International Recognition as an Individual Athlete

As discussed above, although the Director's decision ultimately addressed only whether the Beneficiary is coming to compete in events which require participation of an athlete who has an international reputation, we will also address whether the Petitioner has shown 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 at least two out of the seven evidentiary requirements listed at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2). After review of the record, and for the reasons discussed below, the Petitioner has satisfied two of the evidentiary criteria, specifically, 8 C.F.R. §§ 214.2(p)(4)(ii)(B)(2)(iii) and (vi).

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Evidence of having participated to a significant extent in a prior season for a U.S. college or university in intercollegiate competition

Upon review, we find that the submissions satisfy the plain language of the regulation at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(iii). The evidence shows the Beneficiary competed as a member of [REDACTED] in 2012 and 2013. He was twice named to [REDACTED] teams (first team 2012, second team 2013) and twice named the [REDACTED] (2012, 2013). The Beneficiary competed in the [REDACTED] 2012 and the [REDACTED] 2013, placing in a tie for [REDACTED] in individual competition. Accordingly, the Petitioner has satisfied this criterion.

Evidence that the individual or team is ranked if the sport has international rankings

The Petitioner does not assert that the Beneficiary has been ranked internationally after turning professional. Rather, the Petitioner maintains that because the Beneficiary has recently turned professional, the available rankings are those he achieved as an amateur. To satisfy the criterion, the Petitioner provided a screenshot from the [REDACTED] website, which described the [REDACTED] listing process, stating that it is a ranking for elite amateur players offered by the [REDACTED] Scotland, the governing body of amateur golf outside the United States and Mexico] and the [REDACTED], which “processes information from over 4,500 Counting Events to rank over 10,000 players from more than 100 countries,” and that “[p]layers are ranked on the basis of their average performance in those events over a rolling cycle of the previous 52 weeks.” This information shows that [REDACTED] rankings are leading rankings for men and women amateurs. The Petitioner further submitted a document titled [REDACTED] listing a weekly ranking for the Beneficiary from week 46 of 2010 until week 3 of 2014, with a line graph of the Beneficiary’s ranking for that period. The item indicated that the Beneficiary had an amateur ranking of [REDACTED] at the time the petition was filed on February 27, 2014. In response to the NOID, the Petitioner has provided materials confirming that the information contained in the exhibit is from the [REDACTED]. Based on the foregoing, the Petitioner has established that the Beneficiary was internationally ranked among amateur competitors in the sport by the [REDACTED] and, therefore, has satisfied the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(vi).

In summary, based on the foregoing, the Petitioner has established that the Beneficiary satisfies the antecedent regulatory requirement of two types of evidence at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2).

C. Totality of the Evidence

As previously discussed, in adjudicating the petition pursuant to the preponderance of the evidence standard, we must examine the submissions as a whole. *See Chawathe*, 25 I&N Dec. at 376. Therefore, we will analyze the record in its totality to determine whether or not the Petitioner has demonstrated that the Beneficiary has a high level of achievement in his field evidenced by a degree of skill and recognition substantially above that ordinarily encountered, to the extent that such

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achievement is renowned, leading, or well-known in more than one country, pursuant to 8 C.F.R. § 214.2(p)(3). In response to the NOID, the Petitioner asserts that the Beneficiary has achieved “significant accomplishments and rankings that have placed him in the top handful of golfers in the world.” Upon review of all the evidence, including those documents not discussed above, the Petitioner has not established that the Beneficiary qualifies as an internationally recognized athlete.

As discussed, [REDACTED] Director of Competition Administration of [REDACTED] the governing body of men’s professional golf organization in the United States, affirms that she has “no objection” to the granting of the petition on behalf of the Beneficiary, “a professional golfer who is internationally recognized based upon his performance in amateur, collegiate and international competitions.” The Petitioner asserts in its response to the NOID that “[t]he [REDACTED] is considered an expert and the leading authority on such matters and their statement has always been accepted in previously approved USCIS P-1 filings.” The regulation at 8 C.F.R. § 214.2(p)(2)(iii)(B), however, 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.” While we recognize [REDACTED] as an official of the [REDACTED] she does not detail how the Beneficiary is internationally recognized or what materials she reviewed in issuing her letter.

The Petitioner also submitted letters from [REDACTED] who identified themselves as professional golfers and experts in the game of golf, and indicated that they are members of the [REDACTED] With respect to the Beneficiary’s qualifications and international recognition, [REDACTED] listed several golf tournaments in which the Beneficiary competed in 2011 through 2013, including, but not limited to, [REDACTED] place finishes at the [REDACTED] in 2013 and the [REDACTED] in 2012, and [REDACTED] place finishes at the [REDACTED] in 2011. [REDACTED] and [REDACTED] provided the same list of the Beneficiary’s accomplishments, and each concluded: “As a result of his play in these tournaments and internationally, [the Beneficiary] is an internationally recognized golfer whose play in the United States will add substantially to U.S. golf.” The Petitioner also offered a letter from [REDACTED], Men’s Head Golf Coach at [REDACTED] stating that the Beneficiary began his education there in 2009, successfully “competed as a junior golfer internationally,” and “competed at a high level from 2010 to 2013.” [REDACTED] also listed highlights of the Beneficiary’s college achievements. The record further contains a letter from [REDACTED] the International Team Selection Coordinator for the [REDACTED] stating that the Beneficiary “was considered as one of an elite group of collegiate athletes for inclusion on the 2012 [REDACTED] team . . . an international collegiate event between the United States and Europe,” and that although the Beneficiary was not selected for the 2012 team, “his consideration for the event is noteworthy and demonstrates that he is an internationally recognized athlete.”

In response to our NOID the Petitioner maintains that “[i]nstead of including every tournament and event finish and the significance of each, [the Petitioner] has submitted letters from experts in the field. . . all of which have confirmed the Beneficiary’s accomplishments and international

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recognition.” The Petitioner emphasized that “[c]ollege athletics has become international in nature,” and that “[w]hile the average American may not recognize a top named amateur golfer from England, collegiate coaches and fellow competitors are well aware of these internationally recognized athletes.” Upon review, we find that the materials do not establish that the Beneficiary’s abilities have been so recognized. The letters contain summary statements that as a result of the Beneficiary’s consideration for the [REDACTED] competition, or the Beneficiary’s play in the above tournaments “and internationally,” that the Beneficiary is an internationally recognized golfer. The letters listing some of the Beneficiary’s accomplishments, predominantly in U.S. collegiate tournaments over the previous several years, do not explain the significance or scope of the tournaments or the international recognition conveyed on the Beneficiary as a result of his performance. For this reason, the letters fall short of detailing how or whether the Beneficiary is internationally recognized.

We may, in our discretion, use as advisory opinions expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm’r 1988). However, we are ultimately responsible for making the final determination regarding a foreign national’s eligibility for the benefit sought. *Id.* The submission of letters supporting the petition is not presumptive evidence of eligibility; we may evaluate the content of those letters as to whether they support the foreign national’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 a foreign national in support of an immigration petition are of less weight than preexisting, independent confirmation of achievements that one would expect of an athlete who is regarded as renowned, leading or well-known in more than one country. In addition, the letters were not accompanied by any other material that would establish the stature of the tournaments in which the Beneficiary competed.

The Petitioner also submitted several articles with respect to the Beneficiary’s golf achievements that the Petitioner asserted, in its first appeal brief, are “about [the] Beneficiary and his U.S. collegiate, international and professional achievements to satisfy the written statement from a member of the sports media or a recognized expert which details how the alien is internationally recognized.” The Petitioner included an article dated July 28, 2010, published on the website [REDACTED] mentioning the Beneficiary among several players participating in [REDACTED] match play stages in [REDACTED]. In addressing losses by “two of England’s European Team Championship-winning squad,” one of whom lost to the Beneficiary, the article concluded: [REDACTED]. Although this article referenced the Beneficiary’s [REDACTED] play, the article’s implication, that the Beneficiary was not a well-known golfer when compared to his competitor, does not support the Petitioner’s contention that the Beneficiary’s achievement is renowned, leading, or well-known in more than one country. The evidence also does not establish that this victory in [REDACTED] match play stages was such a “high level of achievement” that as a result the Beneficiary became “internationally recognized.” The Petitioner provided materials published on the website of the Beneficiary’s college at [REDACTED] and on the website [REDACTED] reviewing achievements of Beneficiary’s college golf career, a press release posted on the website [REDACTED] indicating that the Beneficiary finished

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in a [redacted] place tie in the [redacted] at that resort in Arizona, and another posted on the website [redacted] stating that the Beneficiary won a [redacted] tour event at the [redacted] in September 2013, the event at which the Beneficiary turned professional.

An additional article published on the website [redacted] titled [redacted] [redacted] noted that the Beneficiary turned professional in September 2013 and has moved to the United States “to fulfill his dream of playing on the [redacted]” The article stated that the Beneficiary’s golf game has often been described by many who knew him at his local golf club “as something special.” In the article the Beneficiary was quoted as saying, “[m]y aim is to make it on to the [redacted] play around the world, playing the game I love Of course I want to win a major, but that is a long way away, and I have to do a lot of things to get to that point.” The article concluded by noting that the Beneficiary is about to start the [redacted] in the Carolinas, and affirming that “[i]t will be interesting to see if he can continue his successful start as a professional golfer.” These articles do not detail how the Beneficiary is internationally recognized. Rather, the articles reflect that the Beneficiary is an up-and-coming golfer for whom interest has recently begun to grow, rather than a golfer who is already internationally recognized for his achievements in the field. Further, the record does not contain evidence pertaining to the websites’ significance in the field and their readership. In sum, the list of tournament results provided in the letters and the published materials pertaining to the Beneficiary were lacking an explanation of the significance of the Beneficiary’s accomplishments in specific tournaments, or how such results conveyed international recognition on the Beneficiary.

In response to the Director’s second RFE, the Petitioner maintained that the Beneficiary’s distinguished awards include being twice named by the [redacted] teams, and having competed in the [redacted] in 2012 and the [redacted] in 2013. In response to the NOID, the Petitioner asserts that the Beneficiary being twice named the [redacted] (2012, 2013) is a significant award in the sport, and that the Beneficiary’s other college awards are significant because [redacted] is the primary award granting organization which honors all student athletes and has honored [the] Beneficiary throughout his collegiate career.” In the only national competition of his college career, however, the Beneficiary finished in a tie for [redacted] in individual competition. The Petitioner has not documented that any of those achievements were significant achievements such that they convey national or international recognition in the sport. There is no evidence, for example, that the Beneficiary’s results were reported by the sports media in the United States or otherwise recognized beyond the context of the competitions.

Finally, as addressed in our preceding discussion of the regulatory criteria at § 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(iii) and (vi), the Petitioner has established that the Beneficiary has participated to a significant extent in U.S. intercollegiate golf competition. The Beneficiary’s achievement includes having competed as a member of [redacted] men’s golf team between 2012 and 2013, where he was twice been named to the [redacted] teams and competed in the [redacted] in 2013, placing in a tie for [redacted] in individual competition. The Petitioner has also submitted evidence of the Beneficiary’s [redacted]

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place amateur international golf ranking by the [REDACTED] as of the date the petition was filed. In response to the NOID, the Petitioner provides a copy of a portion of the 2012 [REDACTED] Decisions on the Rules of Amateur Status pertaining to Amateurism, Professionalism, Prizes and Use of Golf Skill or Reputation [REDACTED] Rules). The Petitioner refers specifically to Rule 6/1 of the [REDACTED] Rules which pertains to the definition of the phrase "Competes at an Elite Level" and "Golf Skill or Reputation." The rule states that "Golf Skill or Reputation" pertains to an amateur golfer who *inter alia* "competes at an elite level," and that "elite level" competitions are "in general, national championships and other gross stroke play competitions that draw top players from outside the state or country" The Petitioner asserts that the Beneficiary "has achieved international recognition through his golf skill by competing at this elite level," and that the fact that the Beneficiary was ranked as an amateur golfer "should not diminish his significant accomplishments and rankings that have placed him in the top handful of golfers in the world."

We acknowledge that the Beneficiary has only just begun his professional golfing career, and we agree with the Petitioner that the regulations do not require evidence that the Beneficiary has played as a professional in his sport. However, the fact that the Beneficiary competed in the [REDACTED] national championships, in and of itself, does not show that the Beneficiary's achievement in the sport of golf is "renowned, leading, or well-known in more than one country." The record does not confirm that the Beneficiary's two-time [REDACTED] honors and [REDACTED] place finish in the [REDACTED] national championships are significant and highly recognizable achievements, such that they convey international recognition in the sport. The Petitioner has also not documented that the Beneficiary's amateur ranking of [REDACTED] is a significant achievement in the sport. None of the testimony mentions the Beneficiary's amateur ranking or discusses whether the ranking is a significant achievement in the sport or otherwise reflective of the significance of the results that contributed to this ranking.

In sum, the Petitioner must establish that the Beneficiary has a high level of achievement in his 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, pursuant to 8 C.F.R. § 214.2(p)(3). For the reasons discussed above, the Petitioner has not shown that the Beneficiary's abilities have been so recognized. Therefore, the Petitioner has not demonstrated the Beneficiary's eligibility for the benefit sought under section 101(a)(15)(P)(i) of the Act. The appeal will be dismissed on this additional basis.

IV. CONCLUSION

The record does not confirm that the Beneficiary is coming to the United States to participate in an athletic competition which requires participation of an athlete that has an international reputation, pursuant to 8 C.F.R. § 214.2(p)(4)(ii)(A). In addition, although the Petitioner's submissions satisfy two of the evidentiary criteria listed in the regulation at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2), the evidence when viewed in its totality does not establish that the Beneficiary is an internationally-recognized athlete in the sport of golf as defined at 8 C.F.R. § 214.2(p)(3). Consequently, the Petitioner has not shown that the Beneficiary is eligible for classification as an internationally recognized athlete.

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The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. In visa petition proceedings, it is the Petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of T-L-A-*, ID# 11763 (AAO Dec. 30, 2015)