



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: **JAN 06 2015**

Office: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

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:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (“AAO”) on appeal. We will dismiss the appeal.

The petitioner filed a Form I-129, Petition for a Nonimmigrant Worker, seeking P-1S classification of the beneficiary as essential support personnel pursuant to section 101(a)(15)(P)(i) of the Immigration and Nationality Act (“Act”), 8 U.S.C. § 1101(a)(15)(P)(i). The petitioner is self-described as an agency providing representation to professional athletes. It seeks to classify the beneficiary as P-1S essential support personnel so that he may serve as a polo horse trainer/groom for P-1 visa holder and professional polo player [REDACTED] for a period of approximately 31 months. The beneficiary was previously granted P-1S status to provide essential support services to a different P-1 athlete.

The director denied the petition on April 30, 2014, concluding that the beneficiary does not qualify as an essential support alien in accordance with the regulations at 8 C.F.R. § 214.2(p)(3). Specifically, the director determined that the petitioner failed to establish that the beneficiary had previously performed as essential support personnel for the principal alien.

The petitioner filed the instant appeal on June 2, 2014. In an accompanying statement of the basis for the appeal, the petitioner states “[the petitioner] now comes before the AAO and asserts the CSC’s decision was in error and asks the AAO reopen its petition and afford the classification sought to [the beneficiary.]”<sup>1</sup> The petitioner indicated that it would submit a brief and/or evidence to us within 30 days. However, as of this date, no supplemental brief or additional evidence has been received, and we will consider the record to be complete.

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

*Essential support alien* means a highly skilled, essential person determined by the Director to be an integral part of the performance of a P-1, P-2, or P-3 alien because he or she performs support services which cannot be readily performed by a United States worker and which are essential to the successful performance of services by the P-1, P-2, [or P-3] alien. Such alien must have appropriate qualifications to perform the services critical knowledge of the specific services to be performed, and experience in providing such support to the P-1, P-2, or P-3 alien.

Accordingly, the petitioner must establish that the support alien will provide support to a P alien and is essential to the success of the P alien. The petitioner must also establish that the beneficiary is qualified to perform the services and the services cannot be readily performed by United States workers.

The director denied the petition based on the petitioner’s failure to submit sufficient evidence to establish the beneficiary’s prior essentiality, critical skills and experience with the principal P-1 alien, as required by 8 C.F.R. § 214.2(p)(4)(iv)(B)(2). In denying the petition, the director provided a detailed

<sup>1</sup> On appeal, the petitioner erroneously states that the name of the P-1 professional polo player is [REDACTED] instead of [REDACTED]

discussion of the evidence submitted and explained why such evidence failed to meet the regulatory requirements for this visa classification.

Specifically, the director found that the petitioner submitted no evidence of the beneficiary's prior relationship with the principal P-1 athlete in an essential support role, and in fact, failed to indicate that the beneficiary had ever worked for the principal P-1 athlete in any capacity. The director therefore concluded that the petitioner did not demonstrate that the beneficiary has performed as essential support personnel for the principal P-1 athlete and that the beneficiary is critical or essential to the athlete's performance.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Based on the foregoing, the evidence of record supports the director's determination that the petitioner failed to establish that the beneficiary qualifies as an essential support alien as defined at 8 C.F.R. § 214.2(p)(3). The evidence of record does not establish that the beneficiary has any prior experience providing essential support services to the principal P-1 alien, and the petitioner has not provided any evidence on appeal to overcome this deficiency. The petitioner's brief statement on appeal does not address the director's findings and therefore does not identify any erroneous conclusion of law or statement of fact on the part of the director.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in support of the appeal, the petitioner has not sustained that burden.

**ORDER:** The appeal is summarily dismissed.