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U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF B-&D-, INC.

DATE: NOV. 3, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a dance studio, 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 employ the Beneficiary in the field of competitive ballroom dance, also known as [redacted] and have the Beneficiary compete as a Professional Ballroom and Latin Dancer at various regional and national [redacted] competitions throughout the United States for a period of two years. At the time of filing, the Petitioner asserted that the Beneficiary satisfies three 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 show that the Beneficiary as an individual athlete has achieved international recognition in his sport based on his own reputation as defined at 8 C.F.R. § 214.2(p)(3). The Director also determined that the record does not establish that the Beneficiary is coming to the United States to compete in an athletic competition which has a distinguished reputation and requires the participation of an athlete who has an international reputation. *See* 8 C.F.R. § 214.2(p)(4)(ii)(A).

On appeal, the Petitioner asserts that it has demonstrated the Beneficiary's eligibility as an internationally recognized athlete, and submits a brief and new evidence. 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. Accordingly, we will uphold the Director's decision and dismiss the appeal.

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
>
> > (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 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)(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. FACTUAL AND PROCEDURAL HISTORY

The Beneficiary is a -year-old ballroom dancer who participated in junior and youth competitive ballroom dance competitions, or competitions, in Moldova, his native country; Belarus; and Ukraine between and . The record also indicates that the Beneficiary worked as a children's dance coach/instructor beginning in , and that, in the Beneficiary was certified as a Dance Adjudicator by the before coming to the United States as a J-1 exchange visitor in May 2014.

The Petitioner filed the Form I-129, Petition for a Nonimmigrant Worker, on September 23, 2014, seeking to employ the Beneficiary as a Professional Ballroom and Latin Dancer. In its initial letter of support dated September 16, 2014, the Petitioner described the Beneficiary as "a superbly talented dancer, instructor, and most recently certified adjudicator." The Petitioner indicated that the Beneficiary has successfully competed in nationally and internationally recognized competitions, including some sponsored by the formerly the which is the world governing body of the sport. The Petitioner stated that to further its aim of providing the highest level of dance instruction, it recruits leading professional ballroom dancers, "to compete on [the Petitioner's] behalf at National and Regional ballroom competitions in the United

States . . . and also to act as a dancing partner to [the Petitioner's] students competing at the aforementioned dance competitions."

The initial evidence included an itinerary of annual "Competitions, Special Events and Showcases," running from to information about the Petitioner downloaded from the organization's website at the Beneficiary's receipt of junior and youth awards between and documentation pertaining to the Beneficiary's participation as a backing dancer in the international song competition reference letters from experienced dancers and others working in the sport, photographs of the Beneficiary dancing at various events, and a letter to the requesting the required written consultation from a labor organization.

The Director issued a request for additional evidence (RFE) on October 3, 2014, to which the Petitioner responded with a "no objection" letter from an updated itinerary, promotional materials for competitions in which the Beneficiary will perform, additional awards won by the Beneficiary, additional reference letters, and the Petitioner's employment agreement with the Beneficiary dated and signed by the parties on October 1, 2014. The employment agreement describes the Beneficiary's duties as representing the Petitioner at dance competitions, including the associated duties of planning dance routines, developing choreography and practicing dancing skills. The copies of foreign language award certificates indicating that the Beneficiary achieved first, second and third place in various junior/youth competitions are accompanied by uncertified translations.

The Director denied the petition, concluding that the Petitioner did not satisfy at least two of the seven evidentiary criteria for internationally recognized athletes, pursuant to 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*). The Director further raised concerns regarding the nature of the events where the Beneficiary would participate. On appeal, the Petitioner asserts that it has established the Beneficiary's eligibility as an internationally recognized athlete and submits a brief and new evidence.

III. ANALYSIS

A. Competition Having a Distinguished Reputation Requiring an Athlete with an International Reputation

The first issue addressed by the Director is whether the Beneficiary is coming to the United States to participate in an athletic competition which has a distinguished reputation and which requires participation of an athlete who has an international reputation, pursuant to 8 C.F.R. § 214.2(p)(4)(i)(A). In response to the RFE the Petitioner provided an updated prospective competition itinerary for the Beneficiary for the period from to listing events sponsored by the Petitioner's franchisor in which the Beneficiary will compete in Championships, Championships, and

The Petitioner's initial evidence did not include any materials pertaining to the reputation of the competitions or their entry requirements. In response to the Director's RFE, the Petitioner submitted a letter dated December 23, 2014, stating that "all of the competitions and events in which the [B]eneficiary is expected to compete, will be conducted under the supervision of , a national member organization of a national governing body for in the United States," and that all of the competitions will be conducted in accordance with "the strict guidelines and rules promulgated by the "

The Petitioner provided documentation demonstrating that the franchisor is a member organization of and the rules and regulations governing and championships. The rules defined a "professional" as a dancer who has registered with who partners a Pro/Am student dancer or registered amateur in Pro/Am competitions; or any person who declares himself or herself a professional by word or deed. A professional event is one where professionals 16 years of age or older registered with or foreign equivalent compete. Section VII.A.2 discussed the selection of couples for world championships, but not lesser championships. These rules do not reflect that the events in which the Beneficiary will participate require an athlete with an international reputation.

The Petitioner also submitted promotional materials from other franchisees hosting the annual competitions in which the Beneficiary will perform. The promotional materials pertaining to the from the website indicated that competition "will feature numerous sessions of ballroom and [L]atin dancing in diverse categories including all ages and levels in both the International and American styles of dance." The Petitioner further attached materials from its franchisor describing its competitions as "a regular part of the vast majority of yearly calendars" and stating that at national or regional competitions, "students meet, mingle and compete with other student dancers in order to take home awards and feel accomplished and confident as dancers."

The Director determined that the Petitioner did not establish that the specific competitions in which the Beneficiary will compete have a distinguished reputation and require participation of an athlete that has an international reputation. On appeal, the Petitioner contests the Director's finding, stating that the Director was in error in relying "exclusively on the itinerary and supporting documentation regarding specific competitions, without taking into consideration evidence pertaining to the prominence and standing of sponsoring organization,

The Petitioner submits a letter from the franchisor's National Dance Director, who asserts that its "events are some of the most competitive in the sport. They require the highest level of excellence in order for the competitor to succeed." At issue, however, are the requirements to compete, not succeed. concludes: "Overall, regional, national and world competitions have the most distinguished reputation in the field of "

Upon review, the record supports the Director's determination. We need not accept the primarily conclusory assertions in the letters. *1756, Inc. v. The Attorney General of the United States*, 745 F. Supp. 9, 15 (D.C. Dist. 1990). The Petitioner has not submitted evidence to corroborate that all of the listed competitions are competitions with distinguished reputations that require the participation of internationally-recognized athletes. The Petitioner has not documented the distinguished reputation of the competitions in which the Beneficiary will perform. While the Petitioner offered information pertaining to the services that the Petitioner and its franchisor provide, as stated on their websites, this material does not sufficiently address the reputation of the competitions in which the Beneficiary will perform. Additionally, while the itinerary lists the National Dance Championships, which has a name suggesting that it is a national competition that may reasonably require the participation of internationally-recognized athletes, the Petitioner has not provided the entry requirements for the event or comparable exhibits that would establish whether the event requires the participation of athletes with an international reputation. 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'l Comm'r 1972)). Ultimately, we do not reach a subjective determination about this competition; rather we find that the Petitioner has not met its burden of proof by submitting corroboration of the assertions about these events. Finally, the remaining competitions are DanceSport competitions of unknown significance in the sport.

B. Internationally Recognized Athlete

The remaining issue addressed by the Director is whether the Petitioner showed that the Beneficiary is an internationally recognized athlete as defined in the Act and regulations.[1] The Petitioner's evidence must support a finding that the Beneficiary's individual achievement in the sport is renowned, leading or well-known in more than one country, pursuant to the definition of "internationally recognized" at 8 C.F.R. § 214.2(p)(3). The Director determined that the Petitioner satisfied one of the seven criteria at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*), of which two must be satisfied. The Petitioner does not assert that the Beneficiary meets the criteria at 8 C.F.R. §§ 214.2(p)(4)(ii)(B)(*2*)(*i*), (*iii*), or (*vi*), nor does it contest the Director's determination that these criteria have not been met. The remaining four criteria will be discussed below. For the reasons discussed, we find that the Petitioner has not established the Beneficiary's eligibility as an internationally recognized athlete.

[1] Although the Petitioner also refers to the Beneficiary as a "Professional Ballroom and Latin Dancer/Competitor," 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.

Evidence that the Beneficiary participated in international competition with a national team

The Director found that the Petitioner satisfied the regulatory criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*ii*), based upon the Beneficiary's participation in the 2014 ESC competition. The Director did not further discuss the evidence on which she based her determination. Upon review, the record does not support the Director's decision and we withdraw the Director's finding. We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).

The record contains evidence that the Beneficiary competed as a backing dancer for the popular Moldovan singer in the competition held in , Denmark. The Beneficiary was a member of a delegation representing Moldova sponsored by Moldova's state-owned national radio-TV broadcaster. The Petitioner included articles regarding the competition from *Wikipedia* and several other sources, and photographs of the Beneficiary participating in the competition. The articles do not mention the Beneficiary by name, but contain several pictures of the Beneficiary's performance in the competition. We note that two of the articles are from foreign media and the Petitioner did not provide English translationsof these articles. The regulation at 8 C.F.R. § 103.2(b)(3) states: "Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English." Therefore, these articles have limited probative value.

With regard to information from *Wikipedia*, there are no assurances about the reliability of the content from this open, user-edited internet site. *See Lamilem Badasa v. Michael Mukasey*, 540 F.3d 909 (8th Cir. 2008). Regardless, the materials reflect that the competition is an annual song competition held among the member countries of the since 1956, in which each member country submits a song to be performed on live television and radio and then casts votes for the other countries' songs to determine the most popular song in the competition. The materials also confirm that a "country" as a participant is represented by one television broadcaster from that country, and that the participating broadcaster sends a delegation, whose members include performers, lyricists, composers, official press officers, and a commentator. Examples of artists and groups who have won the competition are and In fact, all of the winners listed are solo artists or musical groups rather than a "team" comprised of the artist(s) and backing dancers. The materials also indicate that winning the competition "provides an opportunity for the winning artists to capitalize on the surrounding publicity and further their career."[2]

The Petitioner also provided two undated letters from the Director of the dance troupe letters explain that the Beneficiary was one of four members of the troupe who accompanied the Moldovan artist in Moldova's national finals of the competition in and , coming in and place, respectively. confirms that upon winning the national final in the troupe performed with in the

[2] The materials do not show that the Beneficiary's Moldovan team made it into the list of the 26 finalists.

international song competition. She describes the international competition as "one of the most watched non-sports events in the world." On appeal, the Petitioner submits a letter from President of the Moldovan Federation, the governing body of the sport of in Moldova, explaining that the Beneficiary competed on behalf of Moldova at the international competition.

The above materials do not establish that the Beneficiary has competed in international competition in his sport of as a member of a national team. While the Beneficiary participated as a backing dancer in the international song competition, the letter from does not assert that the Beneficiary competed in that international competition as a member of Moldova's national team. In fact, no evidence has been presented that there exists an official youth or adult national Moldovan team that competes on behalf of the country. As the record does not contain documentation of the Beneficiary's membership on a national team in Moldova, the Beneficiary's participation as a dancer in the international song competition does not satisfy the plain language of the regulatory criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*ii*).

> *A written statement from an official of the governing body of the sport which details how the alien or team is internationally recognized*

On appeal, the Petitioner asserts for the first time that the Beneficiary satisfies the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*iv*), and submits the above-mentioned letter from concludes that the Beneficiary's international recognition as a professional ballroom dancer is "evidenced by him being invited to compete at a number of national and international competitions outside of his native Moldova and by the virtue of his competitive success at these competitions." (Emphasis in original.) highlights the Beneficiary's results in some Moldovan junior tournaments, stating that "each of these competitions has been conducted and judged in accordance with the strict rules promulgated by the governing body of Thus any top placement at one of these highly competitive and prestigious events[,] serves as evidence of the individual's acclaim and standing in the field of international ballroom dance." (Emphasis in original.)

While suggests that the Beneficiary is internationally recognized based upon his first, second and third place finishes in junior regional/national and continental/international competitions, he does not sufficiently explain the significance of these achievements. While winning a gold medal in certain major competitions may convey international recognition, we will not assume that any first place finish in any competition designated a "world" or "international" competition will have such an effect. has not commented on the significance of the specific competitions in which the Beneficiary achieved the first-place, second-place and third-place awards, other than to state that the competitions were conducted and judged in accordance with the strict rules promulgated by the The fact that the Beneficiary competed in sanctioned events, in and of itself, does not establish that the Beneficiary's achievement in the sport of is "renowned, leading, or well-known in more than one country."

While it is position that the invitation to participate in the events is in and of itself evidence of international recognition, he does not explain the significance or scope of the competitions such as, for example, detailing the requirements for participation in those competitions. Nor does discuss the international recognition conveyed on the Beneficiary as a result of his performance in those competitions. further opines that the fact that the Beneficiary "was recently selected from among some of Moldova's best dancers to serve as a principal dancer with Moldova's National Team at the contest (one of the most watched competitions in Europe), further attests to his success and international recognition as a top professional competitor." does not, however, detail the requirements for participation as a backing dancer in that song contest that would support a finding, for example, that the competition only accepts as backing dancers athletes who have previously achieved international recognition in the sport.

The regulation at 8 C.F.R. § 214.2(p)(2)(iii)(B) provides that affidavits written by recognized experts "shall specifically describe the [foreign national'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 criterion requires that the authors "detail how the alien . . . is internationally recognized." While we recognize as an official of the Moldovan and conclude that he has described the Beneficiary's achievements in the sport of in some detail, he has not described the manner in which he acquired such knowledge about the Beneficiary. *See* 8 C.F.R. § 214.2(p)(2)(iii)(B). We may, in our discretion, use as advisory opinions statements submitted as 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 documentation 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 writer's statements and how they became aware of the Petitioner's reputation are important considerations. For the above reasons, letter does not sufficiently detail how or whether the Beneficiary is in fact internationally recognized.

The Petitioner also submitted, in response to the Director's RFE, a written statement from of the indicated that the has no objection to the Beneficiary being granted P-1 status, which meets the consultation requirement at 8 C.F.R § 214.2(p)(2)(ii)(D). She did not, however, detail how the Beneficiary is internationally recognized. Based on the above, we conclude that the evidence is not sufficient to meet the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*iv*).

> *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 meet the evidentiary criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*v*), the Petitioner has included a number of testimonial letters. The letters praise the Beneficiary's abilities as a competitive dancer,

adjudicator and coach/instructor. Several of the letters mention the Beneficiary's awards received at dance competitions. The Director determined that the submitted evidence did not meet this criterion.

President of the Association of stated that the Beneficiary recently became a certified dance adjudicator, after which he "joined the judging panel of several ballroom competitions supervised by our organization." praised the Beneficiary's ability to be "objective, impartial and capable of rational analysis." We will consider below whether the Beneficiary's achievement of becoming a certified dance instructor could be considered a "significant honor or award in the sport" under the seventh criterion.

, of the in affirmed that the Beneficiary was a dance coach for one of the organization's summer camps for children and teenagers, and a collaborator on other short term projects of the organization related to the performing arts, such as . described the Beneficiary as a "dedicated worker," "passionate artist," and "effective team-worker." Director, in stated that the Beneficiary was a part of his association's efforts in organizing high-level ballroom dancing competitions. praised the Beneficiary's "positive and constructive work attitude."

The Petitioner provided two letters from Director of the dance troupe in who characterized the Beneficiary as "one of the best dancers of our dance troupe." In her first letter, asserted that she "heard of [the Beneficiary's] brilliant dancing talent and decided to invite him to participate in the show we planned for the national finals" of She explained that the dance troupe's choreography "joined the well-known Moldovan artist and then participated with in the international competition in Although did not indicate in what position finished at the competition, she affirmed that the dance troupe "received great feedback from [the] press, organizers and other participants." praised the Beneficiary's stamina, strength, speed, charisma, and "excellent physical expression." In her second letter, submitted in response to the Director's RFE, emphasized that the reason that the troupe was selected to participate in the competition, which she described as "one of the most watched non-sport events in the world," was "directly the result of [the Beneficiary's] participation in our dance troupe and his extraordinary abilities as a competitive dancer." concluded that she chose the Beneficiary to join her dance troupe in 2013 because of the Beneficiary's "national and international reputation as a top ballroom dancer/competitor."

The record contains a joint letter from Director of the dance ensemble in and Director of the in The Petitioner also provided two letters from Director of the dance ensemble in All of these letters praised the Beneficiary's talent, noted the performance, and mentioned his skills teaching youth dancers.

a member of the governing board of the Petitioner's franchisor, described the Beneficiary as an exceptionally gifted and superb dancer and competitor "whose talents are recognized in his home country of Moldova and abroad." emphasized that the Beneficiary "has distinguished himself at many International, National and Regional competitions in Moldova and Ukraine" and that the Beneficiary's talents "as an international dancer were showcased in front of hundreds of millions of TV viewers across the globe during a competition, where [the Beneficiary] performed as a dancer with Moldova's national team." The Petitioner provided two letters from National Dance Director of the Petitioner's franchisor. In his first letter, included in response to the Director's RFE, stated that "other internationally recognized and accomplished Ballroom Dancers brought my attention to [the Beneficiary's] extraordinary abilities." noted the Beneficiary's awards and performance. In his second letter, submitted in support of the appeal, relies on standards for the events where the Beneficiary has successfully competed as evidence both of a "significant honor/award within the field" and "as an unequivocal proof of [the Beneficiary's] professionalism, skill and international reputation."

a retired champion ballroom dancer, stated that she is familiar with the Beneficiary's work and achievements in the field, although she did not specify how she acquired this knowledge. She described the Beneficiary as "one of the top ballroom dancers in his native Moldova and abroad based on his level of skill, ability, and competitive achievements." concluded that the Beneficiary prestigious events and won competitions at these events. Finally, the Petitioner provided a letter from vice president of the Petitioner's franchisor, who affirmed that she was introduced to the Beneficiary by opined that the Beneficiary has demonstrated extraordinary talent as a ballroom dancer and competitor.

Upon review, none of the persons providing testimonials have detailed how the Beneficiary is internationally recognized in the sport. Merely repeating the language of the statute or regulations does not satisfy the petitioner's burden of proof. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990); *Avyr Associates, Inc. v. Meissner*, 1997 WL 188942 at *5 (S.D.N.Y.). Similarly, USCIS need not accept primarily conclusory assertions. *1756, Inc.*, 745 F. Supp. at 15. While several of the letters contained assertions that the Beneficiary is internationally recognized based upon his receipt of first, second and third place finishes in regional/national and continental/international competition, the letters do not explain the significance of these achievements or how they convey international recognition in the sport beyond being sanctioned events. As discussed further below, the evidence of record does not support a finding that the Beneficiary received any recognition for his achievements beyond the scope of the awarding organizations, such that his individual achievements are recognized as leading, renowned or well-known in more than one country. For the above reasons, we agree with the Director's determination that the submitted letters do not satisfy the evidentiary criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*v*).

Evidence that the alien or team has received a significant honor or award in the sport

The Director determined that the evidence submitted was insufficient to establish that any of the Beneficiary's awards are internationally recognized in the sport as significant, to the extent that the recipient could derive an international reputation from having received them. The Director emphasized that while the Beneficiary received multiple awards attesting to his skills and talent in ballroom dancing, the Petitioner did not document the awards constituted a significant honor or award because it did not provide general information pertaining to the eligibility criteria such as "how the participants qualified and were judged in the competitions, how the [B]eneficiary was chosen as the recipient of the certificates, and the significance and prestige of having won the certificates." Upon review, we concur with the Director's finding that this criterion has not been met.

The Petitioner provided copies of award certificates reflecting that the Beneficiary received several awards in youth and junior competitions in Ukraine, Moldova and Belarus. In addition, the Petitioner provided the Beneficiary's certificate of participation in the in Spain. The Petitioner asserts that the awards indicate that the Beneficiary is an internationally recognized athlete, because "the [B]eneficiary has been awarded the highest honors and top awards at multiple Regional, National and International competitions in his native Moldova, as well as in Ukraine, Belarus and Spain." The Petitioner, however, provided uncertified translations for these award certificates, which do not comply with the regulation at 8 C.F.R. § 103.2(b)(3). Therefore, these award certificates have limited probative value.

The Petitioner also provided exhibit entitled the Beneficiary's "qualification book/record of competitions," which consists of an untranslated copy of the Beneficiary's Moldovan book in which the Beneficiary's dancer proficiency classification and competition results are recorded. The Petitioner also submitted the Beneficiary's certificate of participation in the in Spain. Further, the letter from of the indicated that in the Beneficiary became a certified dance adjudicator and joined the judging panel of several ballroom competitions supervised by her organization. The Petitioner did not establish, however, that the Beneficiary's Moldovan book, his participation certificate for the competition, or his certification as a dance adjudicator are significant honors or awards in the sport.

The Petitioner submitted evidence to establish that the Beneficiary achieved first, second and third place finishes in regional/national and continental/international competitions. The Petitioner has not established, however, that the Beneficiary's awards in youth/junior competitions are significant honors or awards in the sport. The Petitioner has not provided, for example, information about these competitions, contemporaneous publicity surrounding the above competitions, or otherwise documented that the Beneficiary's specific honors or awards were significant, such as supporting corroboration that the recipients of the preceding awards were announced in general or trade media or in some other manner consistent with a significant award in the sport.

We must presume that the word "significant" is not superfluous and, thus, that it has some meaning. *Silverman v. Eastrich Multiple Investor Fund, L.P.*, 51 F. 3d 28, 31 (3rd Cir. 1995) *quoted in APWU v. Potter*, 343 F.3d 619, 626 (2nd Cir. Sep 15, 2003). All of the Beneficiary's awards were won in youth-level national and regional competitions in Moldova and Belarus. While some youth awards may be qualifying, it is the Petitioner's burden to demonstrate that the Beneficiary's youth awards meet this criterion. The Petitioner has not provided any media coverage of the Beneficiary's receipt of the awards or similar confirmation to establish that the Beneficiary's achievements rise to the level of significant honors or awards.

The testimonials alone do not provide sufficient context in which to evaluate the significance of the Beneficiary's awards. The letters do not comment on the significance of the specific competitions in which the Beneficiary achieved the first-place, second-place and third-place awards, other than to state that the competitions were conducted and judged in accordance with the strict rules promulgated by the The fact that the Beneficiary competed in sanctioned events, in and of itself, does not establish that the Beneficiary's achievement in those competitions is a significant award in the sport of Without documentation to provide additional context regarding the Beneficiary's awards within the scope of his occupation, the Petitioner has not shown that the Beneficiary's awards in competition are significant awards in the sport. For example, none of the letters describe the selection process for participation in the event, or evidence regarding the eligibility criteria, or the extent to which the winners of such awards are recognized beyond the issuing body.

The Petitioner has also not shown that the Beneficiary received a significant honor or award as a result of his participation in the or his team having won and place for the national in and . The previous letters from confirm that a singer performing with the Beneficiary's troupe won and place for the in and The Petitioner did not suggest that the Beneficiary received an award at the event, or provide official event results. While there is some contemporaneous publicity surrounding the including photographs of the beneficiary competing in the competition, as discussed above, the publicity does not specifically mention the Beneficiary, or indicate that the Beneficiary or his group received an award. Further, the Petitioner did not provide evidence that participation in these song competitions can be equated to receipt of a significant honor or award in the sport of It is the Petitioner's burden to demonstrate how the record establishes eligibility under the regulatory criterion. As such, we agree with the Director's conclusion that the Petitioner has not established that the Beneficiary meets the criterion at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*)(*vii*).

C. Summary

Based on the foregoing, the Petitioner has not satisfied at least two of the seven criteria for internationally-recognized athletes as set forth at 8 C.F.R. § 214.2(p)(4)(ii)(B)(*2*). 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 has a distinguished reputation and requires participation of an athlete that has an international reputation, pursuant to 8 C.F.R. § 214.2(p)(4)(ii)(A). In addition, the evidence submitted by the Petitioner does not satisfy at least two of the seven evidentiary criteria listed in the regulation at 8 C.F.R. § 214.2(p)(4)(ii)(*B*)(*2*). Consequently, the Petitioner has not established that the Beneficiary is eligible for classification as an internationally recognized athlete.

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 B-&D-, Inc.*, ID# 14282 (AAO Nov. 3, 2015)