



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

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

In Re: 21563273

Date: AUG. 22, 2022

Appeal of California Service Center Decision

Form I-129, Petition for Nonimmigrant Worker (Athlete, Artist, or Entertainer – P)

The Petitioner, an American rugby organization, seeks to classify the Beneficiary as an internationally recognized athlete. *See* Immigration and Nationality Act (the Act) Section 101(a)(15)(P)(i)(a), 8 U.S.C. § 1101(a)(15)(P)(i)(a). This P-1 classification makes nonimmigrant visas available to certain high performing athletes and coaches. Sections 204(i)(2) and 214(c)(4)(A) of the Act, 8 U.S.C. §§ 1154(i)(2), 1184(c)(4)(A).

The Director of the California Service Center denied the petition, concluding that the Petitioner did not submit sufficient documentary evidence satisfying at least two of the seven evidentiary criteria listed under 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(i)-(vii) (2021).

The Petitioner appeals, maintaining that it has established eligibility to classify the Beneficiary as an internationally recognized athlete. In these proceedings, it is the Petitioner's burden to establish, by a preponderance of the evidence, its eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012); *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010).<sup>1</sup> Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

Under Sections 101(a)(15)(P)(i) and 214(c)(4)(A)(i)(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 as an athlete, individually or as part of a group or team, at an internationally recognized level of performance. *See also* 8 C.F.R. § 214.2(p)(1)(ii)(A)(I). Section 214(c)(4)(A)(ii)(I) of the Act specifies that a petitioner seeking to classify a foreign national as an internationally recognized athlete must show that the foreign national is entering the United States temporarily and solely for the purpose of performing "as such an athlete with respect to a specific athletic competition." *See also* 8 C.F.R. § 214.2(p)(1)(ii)(A)(I) (stating a P-1 classification applies to a foreign national who is coming to the United States temporarily "[t]o perform at specific athletic

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<sup>1</sup> If a petitioner submits relevant, probative, and credible evidence that leads us to believe that the claim is "more likely than not" or "probably" true, it has satisfied the preponderance of the evidence standard. *Chawathe*, 25 I&N Dec. at 375-76.

competition as an athlete, individually or as part of a group or team, at an internationally recognized level of performance”).

In addition, the regulation at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2) requires that a petitioner submit documentation satisfying at least two of the following seven evidentiary criteria regarding the beneficiary:

- (i) Evidence of having participated to a significant extent in a prior season with a major United States sports league;
- (ii) Evidence of having participated in international competition with a national team;
- (iii) Evidence of having participated to a significant extent in a prior season for a U.S. college or university in intercollegiate competition;
- (iv) A written statement from an official of the governing body of the sport which details how the alien or team is internationally recognized;
- (v) A written statement from a member of the sports media or a recognized expert in the sport which details how the alien or team is internationally recognized;
- (vi) Evidence that the individual or team is ranked if the sport has international rankings; or
- (vii) Evidence that the alien or team has received a significant honor or award in the sport.

## II. ANALYSIS

According to page 4 of the petition, the Petitioner seeks to hire the Beneficiary to work as a “professional rugby player.” The record includes a “Major League Rugby Standard Player Contract,” indicating that the Petitioner and the Beneficiary have entered into an agreement, under which the Petitioner “employs [the Beneficiary] as a professional rugby player,” and the Beneficiary “represents that he possesses exceptional and unique athletic abilities and skills.”

The Petitioner has not established eligibility to classify the Beneficiary as an internationally recognized athlete because it has not submitted documentation regarding the Beneficiary that satisfies at least two of the seven evidentiary criteria specified under 8 C.F.R. § 214.2(p)(4)(ii)(B)(2). On appeal, the Petitioner argues that it has presented evidence satisfying the following four criteria.

*Evidence of having participated in international competition with a national team.* 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(ii).

On appeal, the Petitioner claims that the Beneficiary satisfies this criterion because he was on the [ ] U19 squad” and competed against [ ] U20 development team.” The printouts from the

[redacted] Rugby Football Union [redacted] website indicates that the [redacted] “is the governing body for the sport of Rugby Union [redacted] According to an undated letter from [redacted] Head of [redacted] Elite Player Development, the Beneficiary “was capped for the [redacted] U19 in April 2019.” In an April 2019 letter, the [redacted] informed the Beneficiary that he “ha[d] been selected in the squad to face [redacted] U19 in two games in [redacted] France.” The selection letter, however, does not specifically reference the “squad” as a national team. The Petitioner offers an April 2019 article, posted on [redacted] com, stating that the Beneficiary was part of “the [redacted] Under-19 squad” that played “the [redacted] U-20 Development team” in “a development two-match tournament” in [redacted] France. As noted in the Director’s decision, the record includes a December 2021 letter from [redacted] of USA Rugby, stating that “[a]s listed on the [redacted] website, U20, U19 and U18 competitions are listed as proof of official pathways for [redacted] national team.”

The evidence sufficiently shows that the Beneficiary was selected by the [redacted] “the governing body for the sport of Rugby Union [redacted]” to be a member of a “squad” that represented [redacted] in a “development . . . tournament” against another team that represented [redacted]<sup>2</sup> Based on the evidence, we find that the Petitioner has satisfied this criterion, i.e., that the Beneficiary has “participated in international competition with a national team.” However, we conclude that the Petitioner has not satisfied another criterion for the reasons we will discuss below. See 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.* 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(iv).

On appeal, the Petitioner claims that it satisfies this criterion because it has presented evidence showing the Beneficiary “compete[d] in international competition on a national team” and because of his “receipt of these awards.” The Petitioner also states that the “USA Rugby’s letters should be given proper reconsideration under this criterion.” The record includes two letters from USA Rugby: one dated December 23, 2021, from [redacted] and the other dated October 29, 2021, from [redacted] USA Rugby’s [redacted] The letters state that USA Rugby is the governing body of the sport of rugby in the United States. Both letters discuss the Beneficiary’s athletic achievements, including his participation in the [redacted] U19 squad that played against a development team from [redacted] in 2019, his receipt of the [redacted] Sportsman of the Year” Award<sup>3</sup> in 2019, and his receipt of letters of support from individuals involved in the sport of rugby. In his letter, [redacted] also mentioned that the Beneficiary was on “the standby squads for

<sup>2</sup> On appeal, the Petitioner argues that the Beneficiary could not be on [redacted] Men’s National Rugby Team, because he was under the age of 20. We note, however, that at the time the Petitioner filed the petition in 2021, the Beneficiary was 21 years old. In addition, the Petitioner has not provided sufficient evidence showing that only men over the age of 20 could be on the [redacted] Men’s National Rugby Team.

<sup>3</sup> According to its website, [redacted] is a secondary school in [redacted] wp-content/uploads/2022/05/Admissions-Policy-September-2020.pdf (accessed on Aug. 18, 2022).

the [ ] U18 camps” in 2017 and that he was “the U15s assistant coach” for the club “ [ ] FC.”

While the letters from USA Rugby confirm that the Beneficiary is a successful rugby player, and his athletic abilities have been recognized by [ ] the letters do not sufficiently detail how he is internationally recognized, as required under the criterion. The regulation provides that “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.” 8 C.F.R. § 214.2(p)(3) (defining “internationally recognized”). The Beneficiary’s participation in the [ ] U19 squad in a development tournament, his placement in the [ ] standby U18 squads, his participation as an assistant coach for U15 teams, his receipt of an award from his secondary school, and letters from others familiar with his athletic achievements are insufficient to confirm that his rugby playing skills are “renowned, leading, or well-known in more than one country,” such as in both [ ] and the United States.

As noted in the Director’s decision, the letters from USA Rugby does “not explain how the [B]eneficiary’s participation [in a development tournament] indicates that [he] was internationally recognized,” or how “the significance of [his] performances” is indicative of his internationally recognized status. An individual’s participation in an international development, age restricted tournament, without additional evidence, is insufficient to confirm that the individual has attained the status as an internationally recognized athlete. Similarly, the letters from USA Rugby do not sufficiently explain how his receipt of an award from his secondary school confirms his status as an internationally recognized rugby player. Based on these reasons, the Petitioner has not satisfied this criterion, as it has not presented “[a] written statement from an official of the governing body of the sport which details how the [Beneficiary] is internationally recognized.” See 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.* 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(v).

On appeal, the Petitioner asserts that it meets this criterion because it has offered “written statements and support letters from rugby experts” and it has presented “[a]rticles . . . as independent evidence confirming [the Beneficiary’s] international recognition for his competitions and awards.” The Petitioner references the letters from USA Rugby as supporting evidence for this criterion. As discussed above, however, the letters do not detail how the Beneficiary is internationally recognized. The letters list the Beneficiary’s competitive accomplishments, but they are insufficient to demonstrate that he is recognized internationally. The Petitioner has not shown that claims and evidence that an athlete who participated in a development and age restricted tournament while representing his country and who received a secondary school award has achieved the status as an internationally recognized athlete. Significantly, we note that the record includes a letter from Head of the [ ] Elite Player

Development, and the letter does not specify the level of the Beneficiary's recognition within or outside of [redacted]

While the record includes articles noting the Beneficiary's participation in tournaments and his abilities as a rugby player, the articles do not discuss the level of his recognition in the sport within or outside of [redacted] or claim that he is internationally recognized in the sport of rugby. As the Director observed in the decision, the published materials, which reference the Beneficiary's athletic achievements, are insufficient to confirm his status as an internationally recognized rugby player. Moreover, the Petitioner has not offered evidence concerning the publications that published these articles, including information relating to readership level and prominence in the sport of rugby. Such information can be relevant to the issue of whether the level of media attention that the Beneficiary has received is indicative of his status as an internationally recognized athlete. The evidence the Petitioner has offered is insufficient to confirm that the Beneficiary is "renowned, leading, or well-known in more than one country" as a rugby player. See 8 C.F.R. § 214.2(p)(3) (defining "internationally recognized"). Based on these reasons, the Petitioner has not met this criterion, as it has not submitted "[a] written statement from a member of the sports media or a recognized expert in the sport which details how the [Beneficiary] is internationally recognized." See 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.* 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(vii).

On appeal, the Petitioner maintains that it satisfies this criterion because the Beneficiary's "receipt of international caps and the [redacted] Sportsman of the Year awards." While the Petitioner claims that the Beneficiary had received "international caps" and more than one awards, the evidence shows that he was capped once and received one award from his secondary school. According to [redacted] of the [redacted] the Beneficiary "was capped for the [redacted] U19s in April 2019" for his participation in the development and age restricted tournament. [redacted] of the USA Rugby explained in his letter that a "cap" is a metaphoric term for a player's appearance in a game at the internationally level" and that "[e]ach time a player participates in an international match, he/she is 'capped.'" The record includes other evidence concerning what it means for someone to be "capped." The evidence, however, does not confirmed that an individual who is capped for his participation in a development, age restricted tournament constitutes his or her receipt "of a significant honor or award" in the sport of rugby. Significantly, the letter from [redacted] of the [redacted] the organization that selected the Beneficiary for the U19 squad to participate in the development tournament against a [redacted] team, does not demonstrate, or even claim, that being capped constitutes "a significant honor or award" in rugby. Similarly, while [redacted] letter mentions that the Beneficiary had "some excellent performances for his school [redacted]" it does not claim that the award the Beneficiary received from his secondary school constitutes "a significant honor or award" in rugby.

A December 2021 letter from the [redacted] Head of Sport confirms that the Beneficiary received the Sportsman of the Year Award, which is "[the school's] highest individual sporting accolade, awarded to the person in the school who has represented the school at the highest level that year." This letter indicates that the award has been given to individuals participating in sports other than rugby. The letter from [redacted] shows that the award is a significant one within the school, but it is insufficient to confirm, and it does not even claim, that the

award from his secondary school qualifies as “a significant honor or award in the sport” of rugby outside of the school.

While the letters from USA Rugby allege that the Beneficiary’s secondary school award satisfies this criterion, the letters do not point to evidence in the record that substantiates this claim. The record lacks documentation – such as media coverage or other independent evidence concerning the prestige of the secondary school award outside of the school – that confirms that the secondary school award qualifies as “a significant honor or award in the sport” of rugby. *See* 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(vii). Although the record includes evidence of the Beneficiary’s competitive achievements, the Petitioner has not established through supporting evidence that these achievements rise to the level of “significant honor or award in the sport.” As such, the Petitioner has not satisfied this criterion.

Based on the reasons we have discussed above, the Petitioner has not met the requirements under 8 C.F.R. § 214.2(p)(4)(ii)(B)(2). Specifically, it has not submitted documentation satisfying at least two of the seven listed evidentiary criteria.<sup>4</sup>

### III. CONCLUSION

The Petitioner has not demonstrated its eligibility to classify the Beneficiary as an internationally recognized athlete because it has not met the requirements under 8 C.F.R. § 214.2(p)(4)(ii)(B)(2). The appeal will be dismissed for the above stated reasons. In visa petition proceedings, it is the Petitioner’s burden to establish eligibility for the immigration benefit sought. Section 291 of the Act; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. at 806. Here, that burden has not been met.

**ORDER:** The appeal is dismissed.

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<sup>4</sup> In light of our findings, we need not consider other eligibility issues, including whether the Petitioner has submitted sufficient evidence showing that the Beneficiary intended to perform in the United States “services which require an internationally recognized” athlete. *See* 8 C.F.R. § 214.2(p)(4)(i)(A)-(B). We reserve this and other eligibility issues for consideration if the need arises.