



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

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

In Re: 21179681

Date: JUL. 14, 2022

Appeal of Vermont Service Center Decision

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

The Petitioner, a sports franchise and media company, 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 Vermont Service Center denied the petition, concluding the Petitioner failed to submit sufficient evidence to establish that the Beneficiary qualified as an internationally recognized athlete. The Petitioner appeals the Director's denial of the petition, 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).¹ Upon *de novo* review, we will sustain 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). The regulation at 8 C.F.R. § 214.2(p)(2)(i) specifies that a P-1 petition must be "filed by a United States employer, a United States sponsoring organization, a United States agent, or a foreign employer through a United States agent." In addition, the regulation requires a petitioner to submit, among other evidence, "[a]n explanation of the nature of the events or activities, the beginning and ending dates for the events or activities, and a copy of any itinerary for the events or activities." 8 C.F.R. § 214.2(p)(2)(ii)(C). The regulation also states that "[a] petition which requires the alien to work in

¹ 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.

more than one location (e.g., a tour) must include an itinerary with the dates and locations of the performances.” 8 C.F.R. § 214.2(p)(2)(iv)(A).

In addition, the regulation at 8 C.F.R. § 214.2(p)(4)(i)(A) states:

P-1[A] classification as an athlete in an individual capacity. A P-1[A] 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 regulatory language at 8 C.F.R. § 214.2(p)(3) defines “internationally recognized” to mean “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.”

Moreover, the regulation at 8 C.F.R. § 214.2(p)(1)(ii)(A)(1) provides that a P-1A classification applies to a foreign national who is coming temporarily to the United States “[t]o perform at specific athletic competition as an athlete, individually or as part of a group or team, at an internationally recognized level of performance.”

Furthermore, the regulation at 8 C.F.R. § 214.2(p)(4)(ii)(A) sets forth the documentary requirements for P-1A athletes, stating:

General. A P-1[A] 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.

II. ANALYSIS

In denying the petition, the Director discussed the seven criteria set forth in 8 C.F.R. 214.2(p)(4)(2)(B)(2) and found that the Beneficiary met the criterion of 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(vii) by winning the [REDACTED] championship belt. Upon review of the record, we agree with the Director’s finding. However, the Director determined that the Petitioner did not establish the Beneficiary’s eligibility under at least two criteria specified in the regulations, which we will discuss in detail below.

The Petitioner maintains that it has demonstrated the Beneficiary’s international recognition in the sport of [REDACTED] through the submission of sufficient evidence corresponding to the four evidentiary criteria at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(i), (iv), (v) and (vii). As discussed below, we conclude that the Petitioner has demonstrated that the Beneficiary meets at least two criteria, which

is sufficient to establish his eligibility as a P-1 nonimmigrant athlete.² Specifically, in addition to the Beneficiary winning the [redacted] championship belt – a significant honor or award in the sport – sufficient to meet the criterion of 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(vii), the Petitioner has also provided a written statement from a recognized expert in the sport detailing how the Beneficiary is internationally recognized. Upon review of the expert letter, we conclude that it contains sufficient information to establish that the Beneficiary meets the criterion of 8 C.F.R. 214.2(p)(4)(ii)(B)(2)(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. 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(v).

To satisfy this criterion, and as acknowledged by the Director, the Petitioner submitted a letter from [redacted] identified as both the co-creator of the [redacted] and the Chief Executive Officer of [redacted]. As noted by the Director, [redacted] stated the following in the letter:

[redacted] has selected [Beneficiary] because we consider him to be an internationally recognized [redacted] fighter. He has signed a promotional agreement with [redacted]

[Beneficiary] is a world-renowned, professional [redacted] fighter who has competed successfully in [redacted] events in Latin America and in the United States. [Beneficiary] has competed successfully in [redacted] fights throughout the world. . . . [and] is ranked [redacted] of 540 active Latin America Pro [redacted] . . . [and] is ranked [redacted] of 58 active [redacted] Pro [redacted] . . . [His] international recognition is why we have placed our resources behind him.”

Despite acknowledging [redacted] as a recognized expert, the Director asserts that the aforementioned letter is vague and does not adequately address in detail how the Beneficiary is internationally recognized. Upon review, we agree that [redacted] is a recognized expert, but also find the evidence in the record, reviewed in its totality, sufficiently demonstrates the Beneficiary’s international recognition.

In addition to the letter from [redacted] the Petitioner provided and the Director acknowledged the submission of several printouts from various publications referencing the Beneficiary’s participation in several different [redacted] and [redacted] events over the past few years, including one instance where the Beneficiary won the [redacted] 2019 tournament by fighting and defeating [redacted]. This particular achievement by the Beneficiary was characterized in one of the submitted articles to be one of the [redacted] “rarest feats” ever accomplished in tournament competition.

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. In this matter, the totality of the evidence in the record supports the Petitioner’s claim – as stated in the letter

² Because the Petitioner has established that the Beneficiary meets at least two of the criterion sufficient to establish eligibility for P-1 nonimmigrant status as an internationally recognized athlete, it is not necessary for us to examine the remaining eligibility criterion specified in 8 C.F.R. § 214.2(p)(4)(ii)(B)(2).

from [] that the Beneficiary is an internationally recognized athlete eligible for P-1 nonimmigrant status due to his demonstrated achievements and international recognition in the sport of []

III. CONCLUSION

The Petitioner's submissions satisfy at least two of the evidentiary criteria listed in the regulation at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2), and the evidence when viewed in its totality establishes that the Beneficiary is an internationally recognized athlete in the sport of [] as defined at 8 C.F.R. § 214.2(p)(3). Consequently, the Petitioner has shown that the Beneficiary is eligible for P-1 nonimmigrant classification as an internationally recognized athlete.

ORDER: The appeal is sustained.