



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

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

In Re: 21165650

Date: JUL. 21, 2022

Appeal of Vermont Service Center Decision

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

The Petitioner, an entity that acts as an agent, 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 on multiple grounds, including finding that the Petitioner failed to submit an “adequate description of the competition, event, or performance in which the [B]eneficiary will participate” in the United States, *see* 8 C.F.R. § 214.2(p)(2)(ii)(C), (iv)(A) (2020); failed to submit sufficient evidence establishing 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); and failed to present sufficient documentation satisfying at least two of the seven evidentiary criteria listed under 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(i)-(vii).

In September 2021, the Petitioner filed a Notice of Appeal or Motion, Form I-290B, initiating an appeal of the Director’s adverse decision. On page 2 of the Form I-290B, the Petitioner indicated that it “will submit [its] brief and/or additional evidence to the AAO [Administrative Appeals Office] within 30 calendar days of filing the appeal.” On page 6 of the Form I-290B, the Petitioner included the following statement:

The reasons stated in the Denial did not follow the new policy for events that require athletes of international recognition. Additionally[,] the [B]eneficiary meets 2 of 7 qualifications required for P-1 approval.

It appears that “the new policy” the Petitioner referenced in the above statement refers to the updated guidance that U.S. Citizenship and Immigration Services (USCIS) issued in March 2021 on the adjudication of P-1 petitions. *See* USCIS Policy Alert PA-2021-04, *Additional Guidance Relating to P-1A Internationally Recognized Athletes* 1-2 (Mar. 26, 2021), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20210326-Athletes.pdf>; *see also* 2 *USCIS Policy Manual* N.2(A)(1), <https://www.uscis.gov/policy-manual/volume-2-part-n-chapter-2>. In addition, it appears that the “2 of 7 qualifications” the Petitioner referenced in the

statement refers to the regulation at 8 C.F.R. § 214.2(p)(4)(ii)(B)(2)(i)-(vii), which lists seven evidentiary criteria, requiring the Petitioner to submit documentation regarding the Beneficiary that satisfies at least two of the criteria. The Petitioner's statement did not challenge the Director's finding that it did not submit an "adequate description of the competition, event, or performance in which the [B]eneficiary will participate" in the United States. *See* 8 C.F.R. § 214.2(p)(2)(ii)(C), (iv)(A).

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will summarily dismiss the appeal. The regulation at 8 C.F.R. § 103.3(a)(1)(v) instructs: "An [USCIS] 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."

As noted, while the Petitioner indicated on page 2 of the Form I-290B that it would file an appellate "brief and/or additional evidence . . . within 30 calendar days," to date, approximately 10 months after it filed the Form I-290B, it has not submitted a brief and/or additional material in support of the appeal. As such, the Petitioner has not explained how the Director had failed to follow the updated adjudicative guidance or how the Director erred in concluding that it did not submit sufficient documentation satisfying at least two of the seven evidentiary criteria listed under 8 C.F.R. § 214.2(p)(4)(ii)(B)(2). The Petitioner's assertions on appeal do not identify specifically any erroneous conclusion of law or statement of fact. Rather, it makes broad, general claims that the Director erred. General assertions that the Director erred lack the specificity required under the regulation at 8 C.F.R. § 103.3(a)(1)(v). Accordingly, we will summarily dismiss the appeal.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).