



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

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

In Re: 21340583

Date: OCT. 11, 2022

Appeal of California Service Center Decision

Form 1-129, Petition for Nonimmigrant Worker (Athlete, Artist, or Entertainer- P)

The Petitioner, a boxing promotions 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 California Service Center denied the petition, concluding that the Petitioner did not establish that the Beneficiary will be competing in athletic competitions which have a distinguished reputation, and which require participation of an athlete who has an international reputation. 8 C.F.R. § 214.2(p)(4)(i)(A), (ii)(A); see also Section 214(c)(4)(A)(i)(I), (ii)(I) of the Act.¹

On appeal, the Petitioner maintains that it has established eligibility to classify the Beneficiary as an internationally recognized athlete. The Petitioner provides additional documentation. It also resubmits evidence that is already part of the record.

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).² 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 noncitizen having a foreign residence which he or she has no intention of abandoning may be authorized to come to the United

¹ The Director's decision ultimately found those issues to be dispositive and did not address whether the Petitioner has submitted 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).

² 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.

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 noncitizen as an internationally recognized athlete must show that the noncitizen 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 noncitizen who is coming to the United States temporarily “[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”). The U.S. Citizenship and Immigration Services (USCIS) Policy Manual specifies:

Relevant considerations for determining whether competitions are at an internationally recognized level of performance such that they require the participation of an internationally recognized athlete or team include, but are not limited to:

- The level of viewership, attendance, revenue, and major media coverage of the events;
- The extent of past participation by internationally recognized athletes or teams;
- The international ranking of athletes competing; or
- Documented merits requirements for participants.

If the record shows the participation of internationally recognized caliber competitors is currently unusual or uncommon, this may indicate that the event may not currently be at an internationally recognized level of performance. In addition, while not necessarily determinative, the fact that a competition is open to competitors at all skill levels may be a relevant negative factor in analyzing whether it is at an internationally recognized level of performance. If the event includes differentiated categories of competition based on skill level, the focus should be on the reputation and level of recognition of the specific category of competition in which the athlete or team seeks to participate.

2 *USCIS Policy Manual* N.2(A)(1), <https://www.uscis.gov/policy-manual/volume-2-part-n-chapter-2>; *see also* 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>.

In addition, the implementing 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.

Further, 8 C.F.R. § 214.2(p)(4)(ii)(A) provides:

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.

For clarification, the regulation at 8 C.F.R. § 214.2(p)(3) defines the following terms:

Competition, event or performance means an activity such as an athletic competition, athletic season, tournament, tour exhibit, project, entertainment event or engagement. Such activity could include short vacations, promotional appearances for the petitioning employer relating to the competition, event or performance, and stopovers which are incidental and/or related to the activity. An athletic competition or entertainment event could include an entire season of performances. A group of related activities will also be considered an event.

Moreover, the regulations require 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).

II. ANALYSIS

The record indicates that the Beneficiary is a 23-year-old [redacted] boxer who has been represented by the petitioning organization since [redacted] 2019, [redacted] seven professional matches [redacted] between 2019 and 2021. In the Form I-129, Petition for a Nonimmigrant Worker, filed on November 18, 2021, the Petitioner indicated it seeks to have the Beneficiary compete as a [redacted] in the United States for a period of three years. The Petitioner’s initial documentation in support of the petition included several articles confirming that in 2018 it entered a seven-year deal with ESPN that includes [redacted] live [redacted] events annually to air live on ESPN as well as on the ESPN+ streaming service.

The Petitioner also provided a [redacted] 2021 Itinerary, Acknowledgement and Consent to Oral Agreements signed by the Petitioner and the Beneficiary, which states that the Beneficiary will conduct the following activities:

- Compete in [the Petitioner’s] boxing bouts across the Nation as schedule permits
- Professional Boxing – ESPN+ – [redacted] 2021, [redacted] [redacted] (event already publicly posted)
- Professional Boxing – ESPN+ – [redacted] 2022: [redacted] [redacted] (not permitted for public viewing yet)
- Professional Boxing – ESPN+ – [redacted] 2022: [redacted] [redacted] (not permitted for public viewing yet)

The document also states the Petitioner has “a [redacted] event per year agreement with ESPN that will be honored until at least 2025,” and that “while we cannot know the exact dates [the Beneficiary] will compete, we do have a plan for the fighter to compete once a quarter” Further, the agreement indicates that the Petitioner does not “make future schedules available until the whole card is finalized . . . often closer to the date because of injuries, liability reasons, and other important causes” and that “it would be impossible to have the exact dates of the competition for the year because the promoters have not made the dates for the events public as the schedule evolves throughout the year.”

On appeal, the Petitioner reasserts that the aforementioned agreement “included dates and locations of bouts in 2022,” and that the bouts “require the participation of international athletes.” The Petitioner also claims the Beneficiary will “participate in world class exhibitions at the facility for the duration of his promotional contract and he will perform publicity activity at the dates and location known and supported by the Petitioner and the [P]etitioner’s partners.” Upon review, we agree with the Director’s determination that the Petitioner has not shown that the Beneficiary is entering the United States temporarily and solely to perform in specific athletic competitions that have a distinguished reputation and “require participation of an athlete [who] . . . has an international reputation.” 8 C.F.R. § 214.2(p)(4)(i)(A), (ii)(A); see also Section 214(c)(4)(A)(i)(I), (ii)(I) of the Act.

The Petitioner has not offered sufficient evidence showing that the intended professional fights are at an internationally recognized level of performance such that they require the participation of an internationally recognized athlete. The record includes online printouts from www.boxrec.com and www.tapology.com listing the Beneficiary’s biographical information, his www.boxrec.com rating in [redacted] and his competitive results in seven events since turning professional in [redacted] 2019. We note that all the bouts in which the Beneficiary competed were in the undercard and were not the main event on the boxing card. The Petitioner also provided several articles advertising and reporting the results of some of those professional bouts. The record does not include evidence establishing the caliber of events in which the Beneficiary participated. Without additional corroboration, these documents are insufficient to confirm his status as an internationally recognized athlete.

In addition, the record lacks evidence concerning the caliber of the Beneficiary’s intended professional fights.³ While the record shows the Petitioner entered a seven-year deal with ESPN in 2018 that includes [redacted] live boxing events annually to air live on ESPN as well as on the ESPN+ streaming service, as discussed in the Director’s decision the Petitioner has not shown that any of the Beneficiary’s intended events will be televised. The Petitioner similarly has not presented evidence relating to “[t]he level of viewership, attendance, revenue, and major media coverage of the [Beneficiary’s intended events]”; “[t]he international ranking of athletes competing;” or “[d]ocumented merits requirements

³ Within its initial submission, the Petitioner submitted printouts from www.box.live explaining that “[l]ess important fights” on a boxing card include “[k]eep busy bouts, get back fights and building fights for prospects.” On appeal, the Petitioner provides an article dated [redacted] 2022 from [redacted].com titled, [redacted] indicating the Beneficiary’s intended events may be such “less important fights.”

The excerpt states that [redacted]

[redacted] See [https://www.\[redacted\].com](https://www.[redacted].com) [redacted] (accessed on Oct. 6, 2022).

for participants.” *See* 2 USCIS Policy Manual, *supra*, at N.2(A)(1); *see also* USCIS Policy Alert PA-2021-04, *supra*, at 1-2.

Further, the Director concluded that the Petitioner has not submitted an adequate itinerary of upcoming events. We agree with the Director’s determination. As noted, 8 C.F.R. § 214.2(p)(2)(ii)(C) requires the Petitioner to submit “[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.” Here, the Petitioner did not list any scheduled events beyond 2022 in support of its request for P-1 status for the Beneficiary through November 29, 2024.

On appeal, the Petitioner reasserts that “it would be impossible to have the exact dates of the competition for the year because the promoters have not made the dates for the events public as the schedule evolves throughout the year.” Upon review, the Petitioner’s assertions are not persuasive. The Petitioner’s Itinerary, Acknowledgement and Consent to Oral Agreements specifically indicated that the Beneficiary would be competing in “boxing bouts across the Nation” over a three-year period. Its inability to document any planned events beyond [REDACTED] 2022 has not been adequately explained. While we recognize that boxing bouts may generally not be scheduled years in advance, the fact remains that the Petitioner provided a two-bout schedule in support of its request for a three-year validity period. The Petitioner did not indicate the other venues at which the Beneficiary would compete or provide prior years’ schedules for the events in which the Beneficiary is expected to compete during the next three years. Based on the foregoing, the Petitioner has not satisfied the regulatory requirement at 8 C.F.R. 214.2(p)(2)(ii)(C).

Moreover, section 214(c)(4)(A)(ii)(I) of the Act, 8 U.S.C. § 1184(c)(4)(A)(ii)(I), provides that the noncitizen 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. According to the Petitioner’s representations on appeal, the Beneficiary also “will perform publicity activity at the dates and location known and supported by the Petitioner and the [P]etitioner’s partners.” Without an adequate itinerary, the record does not confirm that such performances would be limited to promotional appearances incidental or related to the athletic activity, as allowed under the definition of competition, event, or performance. 8 C.F.R. § 214.2(p)(3). The Petitioner has therefore not demonstrated that the Beneficiary will solely perform as an athlete during the three-year period.

Based on the insufficient information concerning the Beneficiary’s intended professional fights, the Petitioner has not demonstrated that the Beneficiary is entering the United States to compete in competitions that have a distinguished reputation and that require participation of an athlete who has an international reputation. *See* 8 C.F.R. § 214.2(p)(4)(ii)(A); 214(c)(4)(A)(i)(I), (ii)(I) of the Act; 8 C.F.R. § 214.2(p)(4)(i)(A).

III. CONCLUSION

The Petitioner has not shown eligibility to classify the Beneficiary as a P-1 internationally recognized athlete, because it has not established that the Beneficiary is entering the United States temporarily and solely to compete in qualifying competitions. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.