U.S. Citizenship and Immigration Services

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

In Re: 25920702

Date: APR. 26, 2023

Appeal of Vermont Service Center Decision

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

The Petitioner, an athlete management business, 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 did not establish that the Beneficiary intended to enter the United States solely to perform in athletic competitions that have a distinguished reputation and that require participation of an athlete who has an international reputation. *See* Section 214(c)(4)(A)(i)(I), (ii)(I) of the Act; 8 C.F.R. § 214.2(p)(4)(i)(A), (ii)(A).

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). 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 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)(*1*). Section 214(c)(4)(A)(ii)(I) of the Act specifies that the noncitizen must be entering the United States temporarily and solely for the purpose of performing "as such an athlete with respect to a specific athletic competition."

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 regulation at 8 C.F.R. § 214.2(p)(3) provides the following relevant definition:

> 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.

Further, 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 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.

Moreover, the U.S. Citizenship and Immigration Services 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.

## II. ANALYSIS

### A. Introduction

The petition indicates that the Petitioner is a business specializing in athlete management. According to pages 4 and 5 of the petition, it seeks to employ the Beneficiary to work as a "Judo Player" for a period of three years. The record includes an executed "Athlete-Manager Agreement" that substantiates that the Beneficiary will compete in "a minimum of nine matches during this contractual period" and will receive a wage of $3,000 per match.

The record indicates that the Beneficiary has trained in Judo since 2006 through the Egyptian Judo, Aikido & Sumo Federation in [redacted] Egypt. He has received five podium placements in cadet and junior continental championships sanctioned by the International Judo Federation, most recently in 2019 when he was promoted to black belt. The Director concluded that the Petitioner did not establish that the Beneficiary qualified as an internationally recognized athlete. On appeal, the Petitioner claims it has demonstrated eligibility to classify the Beneficiary as a P-1A nonimmigrant.

### B. Internationally Recognized Athlete

As discussed, to classify the Beneficiary as a P-1A internationally recognized athlete, the Petitioner must show that he intends to enter the United States solely to perform in athletic competitions that have a distinguished reputation and that require participation of an athlete who has an international reputation. *See* Section 214(c)(4)(A)(i)(I), (ii)(I) of the Act; 8 C.F.R. § 214.2(p)(4)(i)(A), (ii)(A). The Petitioner has not made such a showing.

The Petitioner's initial evidence included an itinerary of 13 tournaments in which the Beneficiary may compete, including competitions at the local, regional, national, and international level. The itinerary lists the Judo Grand Slam Paris and Tbilisi Grand Prix, which appear to be national tournaments that may reasonably require the participation of internationally recognized athletes, as well as the 2024 Olympic Games. Upon review, more than half of the Beneficiary's planned events are "open" events, suggesting that international recognition is not a prerequisite.

The Director issued a request for further evidence (RFE) to establish that the Beneficiary "will be competing at an internationally recognized level, in competitions or leagues with a distinguished reputation and that require, among its participants, an internationally recognized athlete." The Director determined that the Petitioner's RFE response did not establish sufficiently that all the Beneficiary's planned events require the participation of an athlete who has an international reputation. For instance, the decision noted that information from the Garden State Judo Classic website did not

indicate that there is a skill level required for participation in its competitive events. Therefore, the Petitioner did not establish that the planned event requires the services of an athlete who is "internationally recognized," as that term is defined in the regulations. 8 C.F.R. § 214.2(p)(3).

We acknowledge the Petitioner's assertions on appeal that the New York Open Judo Championship and the U.S. Open Judo Championship are distinguished Judo events that "pull[] athletes from all over the world." But the Petitioner's claims that the Beneficiary's planned events attract national and international competitors do not establish the reputation of the competitions or confirm that they require participation of an athlete who has an international reputation.

In addition, on appeal the Petitioner provides several online printouts, including a document titled "Seniors Classification and Point System" from the USA Judo website; an article titled "About us" from the website of the Pan American Judo Confederation; and an article from nyopenjudo.com which states that that tournament "has become the most competitive international competition held in North America." Those materials show that USA Judo and the Pan American Judo Confederation organize national and continental Judo events, and that the New York Athletic Club manages and promotes the New York Open Championship. They do not establish that their competitions require participation of an athlete with an international reputation.

The record does not sufficiently support the Petitioner's contention that the relevant planned events require participation of an athlete with an international reputation. For instance, the Petitioner 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 extent of past participation by internationally recognized athletes" in the events; "[t]he international ranking of athletes competing;" or "[d]ocumented merits requirements 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. Without additional corroboration, the Petitioner has not established that the Beneficiary maybe be classified as a P-1A internationally recognized athlete under Section 214(c)(4)(A)(i)(I) of the Act.

## III. CONCLUSION

The Petitioner has not demonstrated its eligibility to classify the Beneficiary as a P-1A 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.