



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

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

In Re: 24094091

Date: JAN. 31, 2023

Appeal of Vermont Service Center Decision

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

The Petitioner, a corporation, seeks to classify 20 Beneficiaries as essential support personnel for the [redacted] of Ukraine. *See* Immigration and Nationality Act (the Act) Section 101(a)(15)(P), 8 U.S.C. § 1101(a)(15)(P). This P-1S classification makes nonimmigrant visas available to essential support personnel for certain nonimmigrant athletes or performers. 8 C.F.R. § 214.2(p)(3) (defining “essential support alien”) (2022).

The Director of the Vermont Service Center denied the Petitioner’s Form I-129, Petition for a Nonimmigrant Worker on two grounds. First, the Director concluded that the Petitioner did not submit sufficient documents showing that all 20 Beneficiaries “have appropriate qualifications to perform the services, critical knowledge of the specific services to be performed, and experience in providing such support to the P-1, P-2, or P-3 alien.” 8 C.F.R. § 214.2(p)(3) (defining “essential support alien”). Second, the Director found that the Petitioner did not present “[c]opies of any written contracts between the petitioner and alien beneficiar[ies] or, if there is no written contract, a summary of the terms of the oral agreement under which the alien(s) will be employed.” 8 C.F.R. § 214.2(p)(2)(ii)(B). The Petitioner appeals.

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 remand the matter to the Director for the entry of a new decision.

On appeal, the Petitioner explains that it cannot contact four of the 20 Beneficiaries “[d]ue to the war in Ukraine,” but notes that it is “provid[ing] all necessary information for the remaining sixteen (16) people: documents such as individual contracts with [the petitioning] company, resumes and copies of passports.” The additional materials include resumes as well as executed agreements between the Petitioner and the Beneficiaries that predate the filing of the petition. As the Petitioner has offered documentation that the Director did not have an opportunity to review, we will withdraw the Director’s decision and remand the matter for the entry of a new decision.

On remand, the Director should consider the additional documentation and determine if the Petitioner has established eligibility to classify the Beneficiaries as essential support personnel, including

determining whether the Petitioner has presented sufficient documents showing that all the Beneficiaries “have appropriate qualifications to perform the services, critical knowledge of the specific services to be performed, and experience in providing such support to the P-1, P-2, or P-3 alien,” as required under 8 C.F.R. § 214.2(p)(3) (defining “essential support alien”), and whether the Petitioner has offered “[c]opies of any written contracts between the petitioner and [each] alien beneficiary or, if there is no written contract, a summary of the terms of the oral agreement under which the alien(s) will be employed,” as required under 8 C.F.R. § 214.2(p)(2)(ii)(B).

ORDER: The Director’s decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.