



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

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

In Re: 16588784

Date: APR. 21, 2022

Appeal of Vermont Service Center Decision

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

The Petitioner, a music production and artist management business, seeks to extend the Beneficiaries' classification as essential support personnel to [redacted] and [redacted] performing as [redacted] whose petition for P-1 classification was filed concurrently. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(P)(i), 8 U.S.C. § 1101(a)(15)(P)(i). This P-1S classification makes nonimmigrant visas available to essential support personnel for P-1, P-2, or P-3 athletes or performers.

The Director of the Vermont Service Center denied the petition, based upon the denial of the P-1 petition filed on behalf of [redacted] and [redacted]. The Petitioner subsequently appealed both denials. We dismissed the Petitioner's appeal of the P-1 petition denial. The matter is now before us on appeal. In the instant appeal, the Petitioner addresses the grounds for denial of the petition for P-1 classification submitted on behalf of [redacted] and [redacted].

Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

Under section 101(a)(15)(P)(i) of the Act, an alien 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 services for an employer or sponsor.

The regulation at 8 C.F.R. § 214.2(p)(3), provides, in pertinent part:

*Essential support alien* means a highly skilled, essential person determined by the Director to be an integral part of the performance of a P-1, P-2, or P-3 alien because he or she performs support services which cannot be readily performed by a United States worker and which are essential to the successful performance of services by the P-1, P-2, [or P-3] alien. Such alien must 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.

The regulation at 8 C.F.R. § 214.2(p)(4)(iv) states:

- (A) *General.* An essential support alien as defined [above] may be granted P-1 classification based on a support relationship with an individual P-1 athlete, P-1 athletic team, or a P-1 entertainment group.
- (B) Evidentiary criteria for a P-1 essential support petition. A petition for P-1 essential support personnel must be accompanied by:
  - (1) A consultation for a labor organization with expertise in the area of the alien's skill;
  - (2) A statement describing the alien(s) prior essentiality, critical skills, and experience with the principal alien(s); and
  - (3) A copy of the written contract or a summary of the terms of the oral agreement between the alien(s) and the employer.

## II. ANALYSIS

As noted by the Director, the regulations governing the P-1 S classification provide that the status of the essential support personnel is contingent upon approval of the principal's P-1 status. Here, while the Beneficiaries' services as P-1 S accompanying individuals were petitioned for in conjunction with the services of two P-1 individuals, the P-1 petition was denied, and we dismissed the Petitioner's appeal of that denial.<sup>1</sup>

The Petitioner has not submitted any evidence in support of the instant appeal indicating that USCIS has approved a new P-1 petition for the principal aliens for the requested validity period of March 14, 2016, to March 14, 2017. As the principal P-1 individuals for whom the Beneficiaries seek to provide essential support services have not been granted P-1 classification, the Director appropriately denied the petition.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> We dismissed the appeal as moot, noting that U.S. Citizenship and Immigration Services (USCIS) records reflect that [redacted] received O-1 classification in 2017, based on a nonimmigrant petition filed by a nother petitioner, a long with an extension of his O-1 status from 2020 to 2023, [redacted] received O-3 dependent spouse classification in 2018, a long with an extension of her O-3 status from 2020 to 2023.