



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

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

In Re: 20683107

Date: JUN. 16, 2022

Appeal of California Service Center Decision

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

The Petitioner, a sports management 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 the Petitioner failed to submit sufficient evidence concerning the specific athletic competitions in which the Beneficiary intended to participate in the United States and the record did not establish that the Beneficiary qualified as an internationally recognized athlete. The Petitioner appeals the Director's denial of the petition, maintaining that it has established eligibility to classify the Beneficiary as an internationally recognized athlete.

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).<sup>1</sup> 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 foreign national 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)(I). The regulation at 8 C.F.R. § 214.2(p)(2)(i) specifies that a P-1 petition must be "filed by a United States employer, a United States sponsoring organization, a United States agent, or a foreign employer through a United States agent." In addition, the regulation requires a petitioner to submit, among other evidence, "[a]n explanation of the nature of the events or activities, the beginning and ending dates for

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<sup>1</sup> 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.

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). The regulation also states that “[a] petition which requires the alien to work in more than one location (e.g., a tour) must include an itinerary with the dates and locations of the performances.” 8 C.F.R. § 214.2(p)(2)(iv)(A).

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 regulatory at 8 C.F.R. § 214.2(p)(3) defines “internationally recognized” to mean “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.”

Moreover, the regulation at 8 C.F.R. § 214.2(p)(1)(ii)(A)(I) provides that a P-1A classification applies to a foreign national who is coming temporarily to the United States “[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.”

Furthermore, 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[A] 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.

## II. ANALYSIS

According to pages 4 and 5 of the petition, the Petitioner seeks to have the Beneficiary work as a “professional tennis player,” with compensation “based on prizes in competitions, Professional tennis player tournaments and future sponsorships.” According to an August 2021 document that the Petitioner claims to be a “Summary of the Terms of the Oral Agreement under which the Beneficiary will be Employed,” the Beneficiary will “[c]ompete as a professional Tennis Player in the ATP Challenger Tour and ITF World Tennis Tour” by playing “in exhibition, circuit, tournament and playoff matches at ITF World Tennis Tour and ATP Challenger Tour” and has a term from August 2021 to August 2026. The record includes an itinerary listing M15 tournaments throughout the United

States from August to November 2021, a printout for the ATP Tour 2021 original season, and the ATP Challenger Tour 2021 calendar.

The Petitioner has not established eligibility to classify the Beneficiary as an internationally recognized athlete for the following reasons. First, 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.” The regulation at 8 C.F.R. § 214.2(p)(2)(iv)(A) specifies that “[a] petition which requires the alien to work in more than one location (e.g., a tour) must include an itinerary with the dates and locations of the performances.” As discussed in the Director’s decision, the itinerary provided at the time of filing only lists M15 competitions but does not list events shown on the ATP Tour calendars.

In response to the Director’s request for evidence (RFE), the Petitioner provided an updated letter from USTA Pro Circuit stating the Beneficiary applied for entry in the USTA Professional Circuit Event, the ATP1000 Indian Wells, CA in October 2021, which is part of the ATP Challenger Tour. However, the record does not indicate the Beneficiary qualified to play in the ATP1000 Indian Wells event or that he will play in the ATP Qualifying Challengers more broadly. Additionally, as discussed by the Director, open-source information indicated the Beneficiary was not listed as a qualifying competitor at the ATP1000 Indian Wells event. As such, the record lacks a list of competitions in which the Beneficiary intends to participate in the United States.

On appeal, the Petitioner provided a USTA Event statement indicating the COVID-19 pandemic resulted in numerous cancellations and the “return of the tennis sport overall delays related to the global pandemic” which resulted in the men’s ATP Challenger Tour being suspended until August 2021. In addition, the Petitioner provided copies of drawsheets showing the Beneficiary participated in M15 competitions from September 2021 to November 2021. However, the Petitioner did not provide an explanation for not including the ATP Challenger Tours on his itinerary when the calendar was available and did not provide an explanation for the Beneficiary’s lack of qualification to enter the ATP Challenger Tour competitions. As such, the Petitioner has not submitted regulatorily required documents showing the Beneficiary will participate in competitions for the validity period listed in his employment contract, and thus, it has not demonstrated eligibility for the petition.

Next, in order 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)(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 record includes online articles regarding the M15 events on the Beneficiary’s itinerary as well as a W25 event in Austin and the ATP Indian Wells Challenger 2020 indicating it was a prelude to the BNP Paribas Open with a \$150,000 prize. However, the articles for the M15 and W25 events only list the event dates, host nations, prize money, and grades. The information provided by the Petitioner state that M15 competitions are in grade T1 and winners of these competitions are awarded \$15,000 while the W25 competition are in grade T2 with the winners of this competition being awarded \$25,000. However, these documents do not explain the meaning of the grades given to the competitions or an explanation as to how the prize money indicates these competitions have

distinguished reputations. The articles for the ATP Indian Wells Challenger 2020 indicate it was a prelude to the BNP Paribas Open with a \$150,000 prize. However, the record does not provide details showing the ATP Indian Wells Challenger has a distinguished reputation and requires the participation of an athlete or athletic team with an international recognition. While the articles discuss the events as well as the prizes for winning the competitions, they do not establish that these events have a distinguished reputation or require the participation of an athlete who has an international reputation.

Based on the insufficient information concerning the Beneficiary's intended competitions, including the lack of a proper itinerary, the Petitioner has not demonstrated that he is entering the United States to participate at an internationally recognized level of performance that requires the participation of an internationally recognized athlete. *See* 8 C.F.R. § 214.2(p)(1)(ii)(A)(I), (4)(i)(A); *see also* 8 C.F.R. § 214.2(p)(2)(ii)(C), (iv)(A).

### III. CONCLUSION

The Petitioner has not demonstrated its eligibility to classify the Beneficiary as an internationally recognized athlete because it has not submitted an itinerary of his competitions, which is required under the regulation and it has not established that the Beneficiary is coming to the United States to participate at an internationally recognized level of performance that requires the participation of an internationally recognized athlete.

The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. In visa petition proceedings, it is the Petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. at 806. Here, that burden has not been met.

**ORDER:** The petition is denied.