

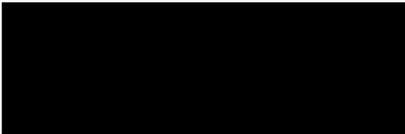
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



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

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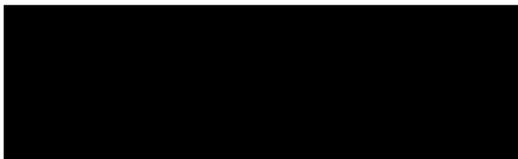
FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: FEB 10 2011

IN RE: Petitioner:
Beneficiaries:



PETITION: Petition for a Nonimmigrant Worker under Section 101(a)(15)(P)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(P)(i)

ON BEHALF OF BENEFICIARY:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will summarily dismiss the appeal.

The petitioner, an event promotions company, filed this nonimmigrant petition seeking classification of the beneficiaries under section 101(a)(15)(P)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(i)(b), as an internationally-recognized entertainment group. The petitioner requests that the beneficiaries' musical group be granted P-1 classification for a period of approximately 18 months to tour in the United States.

The director denied the petition on September 24, 2010, concluding that the petitioner failed to establish: (1) that the beneficiary group is internationally recognized as evidenced by submission of documentation to meet at least two of the six evidentiary requirements at 8 C.F.R. § 214.2(p)(4)(iii)(B)(3); and (2) that at least seventy-five percent of the members of the group have been performing together for at least one year, as required by 8 C.F.R. § 214.2(p)(4)(iii)(A). The director further determined that the petition includes both members of the musical group known as [REDACTED] and the group's essential support personnel. The director noted that, pursuant to 8 C.F.R. § 214.2(p)(2)(i), essential support personnel may not be included on the petition for the principal aliens, but rather require a separate petition.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, counsel for the petitioner asserts: "My brief and/or additional evidence will be submitted to the AAO within thirty (30) days." Counsel filed the appeal on October 25, 2010 and has not yet submitted a brief or additional evidence in support of the appeal. Accordingly, the record will be considered complete.

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. Section 214(c)(4)(B)(i) of the Act, 8 U.S.C. § 1184(c)(4)(B)(i), provides that section 101(a)(15)(P)(i)(b) of the Act applies to an alien who:

- (I) performs with or is an integral and essential part of the performance of an entertainment group that has, except as provided in clause (ii), been recognized internationally as being outstanding in the discipline for a sustained and substantial period of time,
- (II) in the case of a performer or entertainer, except as provided in clause (iii), has had a sustained and substantial relationship with that group (ordinarily for at least one year) and provides functions integral to the performance of the group, and
- (III) seeks to enter the United States temporarily and solely for the purpose of performing as such a performer or entertainer or as an integral and essential part of a performance.

The evidentiary criteria for members of internationally-recognized entertainment groups are set forth at 8 C.F.R. § 214.2(p)(4)(iii). In addition, all P nonimmigrant petitions must be accompanied by the evidence set forth at 8 C.F.R. § 214.2(p)(2)(ii).

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition. On the Form I-290B Notice of Appeal or Motion, counsel indicated that she would submit a brief or evidence within 30 days of filing the appeal on October 25, 2010. More than three months have passed and the AAO has not received a brief or additional evidence in this matter. Counsel has not identified an erroneous conclusion of law or statement of fact on the part of the director, or otherwise articulated any basis for the appeal.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Inasmuch as the petitioner has not identified specifically an erroneous conclusion of law or statement of fact in support of the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.