

SISKIND SUSSER BLAND, P.C. - Administrative Appeals Decisions in Arts and Sports

| Year | Venue | Field | Occupation | Visa Type | Link to case | Description of case |
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| 2000 | AAO | Sports | Golf caddie | P-1 | 2000a.pdf | acknowledges caddies are athletes, but not eligible for P-1s in their own right; "no evidence that a professional golfer and his/her caddie qualify as an athletic team as defined at 8 CFR 214.2(p)(3)."Appeal dismissed. |
| 2000 | AAO | Arts | Music group | P-2 | 2000b.pdf | INS found that petitioner was foreign entity/agent and ineligible to petition an alien entertainment group for P-2 classification. Theater company asked for US theater company to be substituted as petitioner. AAO found that amended petition need be filed with proof that US company is authorized to act as agent for entire tour. |
| 2000 | AAO | Arts | Circus | P-1s | 2000c.pdf | USCIS found that assistant ineligible for P-1S because the performer from whom beneficiary would derive status is not an alien in P-1 status. Petitioner argued that beneficiary provides service to two other members of circus clown act who are on P-1s. AAO found that other two performers did not have same need for assistant and assistant did not rise to the level of a highly skilled, essential person who is integral to the performance of the P-1. But petition could be refiled with other performers listed as principal performers. |
| 2000 | AAO | Sports | Soccer player | P-1 | 2000d.pdf | Indoor soccer team filed P-1 for player who was already on P-1 with another team. Service denied due to failure to submit labor consultation. AAO agreed and also noted that no contract or itinerary was provided and also questioned whether World Indoor Soccer League met major league standard for P-1s. |
| 2000 | AAO | Sports | Martial arts coach | I-140 | 2000ia.pdf | Martial arts coach denied on extraordinary ability grounds. |
| 2000 | AAO | Arts | Cinematographer | I-140 | 2000ib.pdf | Service denied because applicant not highly paid. AAO noted that this is only one criterion and standard may be met with other kinds of evidence. AAO found petitioner met his burden and sustained appeal. |
| 2000 | AAO | Arts | Violinist | I-140 | 2000ic.pdf | Petitioner's only argument was that support letter from world-renown musician was not considered. AAO noted that the letter did not say petitioner had national or international acclaim. Appeal denied. |
| 2001 | AAO | Arts | Dancer | P-3 | 2001a.pdf | Agent petitioned for dancer; Service denied for failure to include contract with itinerary; AAO dismissed appeal. |

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| 2001 | AAO | Sports | Ballroom Dancer | P-1 | 2001b.pdf | Petitioner is ballroom dance studio and dancer seeks to compete in National Dance Council of America competition circuit. INS denied saying dancer failed to show international acclaim and failed to submit employment contract. AAO considered additional attestations and determined dancer had appropriate level of acclaim and that employment agreement not standard in the field. |
| 2001 | AAO | Sports | Hockey PR specialist | P-1s | 2001c.pdf | P-1 denied because applicant found not to qualify as an essential support alien; employee moved with Canadian team during its relocation to the US; 17 years with team; coordinates players community appearances per players' contracts; assisted players with relocation to Phoenix; AAO: services performed for entire team and not specific P-1. Coyotes failed to show they were a foreign team so P-1s not available. |
| 2001 | AAO | Arts | Opera singer | P-3 | 2001d.pdf | Petitioner is non-profit Chinese cultural center and performing arts company. P-3 extension of 14 months sought; VSC denied for failure to establish actual itinerary and remuneration arrangements; VSC claimed no evidence that beneficiary worked in her field in the first two and half years in P-3 status; beneficiary claimed to have performed unpaid work in field. Denied by AAO for lack of proof and for not being "culturally unique" |
| 2001 | AAO | Arts | Musician | P-1 | 2001e.pdf | Petitioner coming for one week to perform at Carnegie Hall. Argued that this was proof enough that group was at high artistic level. No additional documentation submitted. AAO denied for failure to meet documentary requirements. |
| 2001 | AAO | Arts | Musician | P-3 | 2001f.pdf | Case originally denied for failure to respond to request for evidence; petitioner requested 90 day extension in order to get labor cert approved from DOL; no evidence submitted; appeal denied because labor cert not requested by INS and requested documents never supplied. |
| 2001 | AAO | Sports | Soccer player | P-1 | 2001g.pdf | Denied because petitioner is local team playing in regional league rather than a major league team. Applicant had not played in international play in more than 20 years and had not been on a national team since 1988. |
| 2001 | AAO | Arts | Dancer | P-3 | 2001h.pdf | Moldovian/Gypsy dancer offered \$2000/month. VSC denied due to failure to provide itinerary of events; "speculative" itinerary did not constitute bona fide offer of employment. Petitioner argued full time employment |

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| | | | | | | impossible due to uniqueness of art. AAO agreed that itinerary was speculative and denied appeal. |
| 2001 | AAO | Arts | Stage/Light technicians | P-1s | 2000i.pdf | Petitioner attempted to withdraw petition and refile as H-1Bs. INS did not specify grounds for denial; AAO remanded to review classification sought by petitioner and to specify grounds for denial. |
| 2001 | AAO | Arts | Musician | P-3 | 2000j.pdf | Petitioner is a ten-member group seeking "to participate temporarily in an unstated musical event in the US for an unstated period of time." Petitioner asked to submit contracts, labor union consultations, a description of the events where the group would perform and documentation that the performance was culturally unique. AAO upheld saying documents were not submitted and Form I-129 was not completed in full. |
| 2001 | AAO | Sports | Boxing | P-1 | 2001k.pdf | INS denied based on the fact that the one bout noted in petition was cancelled and petitioner failed to submit a contract of employment. Petitioner responded that cancellations are normal and beneficiary needed to train in the US to become a world champion. AAO found that if wage is stated, petitioner bears burden of showing contract demonstrating employment agreement. |
| 2001 | AAO | Arts | Music | P-3 | 2001l.pdf | Musical group sponsored by musical promoter to perform three concerts over one month period. Service denied due to failure to submit a labor union consultation. Petitioner responded with letter from Bolivian Ministry of Culture stating the group is well known and requesting assistance in their immigration. AAO found that this letter did not satisfy peer group requirement. Also, the AAO was not satisfied petitioner showed the group was culturally unique. |
| 2001 | AAO | Sports | Ballroom Dance | P-1 | 2001m.pdf | Petitioner is ballroom dance studio and beneficiary is a competitive ballroom dancer. Beneficiary is to be employed by employer and to compete in the National Dance Council of America competition circuit for two years. INS found beneficiary failed to show international recognition in athletics and failed to submit an employment contract. On appeal, petitioner submitted several attestations from experts and a consultation from the NDCA affirming beneficiary's international standing. AAO reversed finding that INS concerns now met and that employment agreement is not normal in the field. |

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| 2001 | AAO | Sports | Ballroom Dance | P-2 | 2001n.pdf | Petitioner sought P-2 to bring beneficiary in as a dance instructor for one year. Service found no international reciprocal exchange agreement. AAO agreed and suggested P-1 as more appropriate category. Appeal dismissed. |
| 2001 | AAO | Arts | Music | P-3 | 2001o.pdf | Irish Folk Festival sponsored an Irish music group for P-3 visa. Service denied saying standard for "culturally unique" not demonstrated. AAO denied saying petitioner failed to identify an erroneous conclusion of law or a statement of fact. Also, event had passed before appeal. |
| 2001 | AAO | Arts | Acrobatics | P-2 | 2001p.pdf | Acrobat performed with Circus Circus in Las Vegas. Denied saying petitioner was not a party to a "qualifying formal exchange agreement." Case dismissed on procedural grounds based on the attorney not having properly filed G-28 on file and no standing to file appeal. |
| 2001 | AAO | Arts | Dance | P-3 | 2001q.pdf | Service denied saying petitioner failed to submit a clear offer of employment. AAO found that record did not show any employment contract or clear summary of the terms of employment and the itinerary of performances. Also, no evidence that performer is culturally unique and no peer group consultation included. Appeal dismissed. |
| 2001 | AAO | Arts | Ballet | P-1 | 2001r.pdf | Service found that performer failed to show membership in internationally recognized entertainment group or that he had performed with group for at least a year. Petitioner promised brief but none was provided. Appeal dismissed. |
| 2001 | AAO | Sports | Race Car Driver | P-1 | 2001s.pdf | Beneficiary is professional NASCAR race driver. Petitioner failed to provide information on its business and Service held petitioner had not established its qualifications to petition. No brief provided to support appeal. Appeal dismissed. |
| 2001 | AAO | Arts | Musician | P-1 | 2001t.pdf | Restaurant sponsored musician for "one man show". AAO found that P-1 not appropriate since performer was individual performer. Appeal dismissed. |
| 2001 | AAO | Sports | Fencing | P-1 | 2001u.pdf | Fencing academy seeks to employ beneficiary as a fencer for five years. Service determined that academy failed to show beneficiary coming to compete in a specific event, no contract was submitted and no labor consultation was provided. Petitioner submitted letter from US Modern Pentathlon Association and two expert opinions. AAO denied saying beneficiary was coming to work as a |

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| | | | | | | coach and not an athlete, no contract was provided. |
| 2001 | AAO | Arts | Music | P-1 | 2001v.pdf | 13 member musical group being petitioned by record company for four month stay in US. Service found no showing of international recognition, failure to provide contract and failure to provide itinerary. Petitioner showed performing in additional country, letter from American Federation of Musicians and a Spanish-language contract. AAO questioned whether Ecuador group could be tops in "Tex-Mex" and also said AFM letter not adequate despite their saying group was "clearly" recognized internationally. Contract not to be considered because it was not translated. Petitioner also failed to demonstrate ability to pay offered salary. |
| 2001 | AAO | Arts | Pastry Chef | Q | 2001w.pdf | Bakery sought to classify pastry chef as international cultural visitor. Greek chef to participate in folk festivals and offer demonstrations to the public. AAO found bakery could not qualify as festival. |
| 2001 | AAO | Arts | Music | P-3 | 2001x.pdf | Record company petitioned for seven-member South African vocal group to tour in US. Petitioner failed to submit brief or additional evidence. Itinerary included general music festivals and Service found that the events themselves needed to be culturally unique. AAO found that regs require event be culturally unique and an individual event in an interdisciplinary festival is not enough. |
| 2001 | AAO | Sports | Soccer Player | P-1 | 2001y.pdf | Petitioner sought two year extensions of P-1. Beneficiary to be paid \$125 per game. Service held petitioner not a major league team and player no longer had international recognition. Also, new attorney did not submit a G-28. AAO denied because appeal improperly submitted. |
| 2001 | AAO | Sports | Tennis Player | P-1 | 2001z.pdf | Petitioner is tennis facility and beneficiary is tennis player being hired to be an instructor. Case involves an extension of previously approved case. Service questioned whether player was internationally recognized and found part-time work as an instructor was inconsistent with P-1 category. AAO dismissed appeal. Consultation letter only from local branch of USTA instead of national. No contract submitted. Beneficiary not working as athlete. No evidence of international recognition. Also, Service not estopped from denying extension if it thinks prior approval erroneous. |

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| 2001 | AAO | Arts | Musicians | P-3 | 2001aa.pdf | Restaurant petitioner filed P-3 for three-member singing group to enable ten month, three nights/week engagement. Service denied for failure to respond to Request for Evidence. Petitioner argued RFE was immaterial and Service already had the evidence. AAO remanded to Service for consideration as a motion to reopen. |
| 2001 | AAO | Sports | Martial Arts | P-1 | 2001bb.pdf | Martial arts academy petitioner for martial arts master (and monk). Service denied saying beneficiary coming to work as instructor and not athlete. AAO: athlete must be coming SOLELY as an athlete. Appeal dismissed. |
| 2001 | AAO | Arts | Opera | P-3 | 2001cc.pdf | Non-profit Chinese cultural center petitioned for three member Chinese operatic group. Group members had overstayed original nonimmigrant visas. Denied by Service based on 214(b) non-immigrant intent issue. Beneficiary filed appeal. AAO denied based on improper submission of appeal. |
| 2001 | AAO | Journalism | Sports Journalist | O-1 | 2001oa.pdf | O-1 denied for failure to show extraordinary ability and that position required alien with extraordinary ability. Petitioner argued that INS incorrectly applied arts standard instead of business standard. AAO agreed with petitioner but held error was harmless since petitioner failed to meet the business extraordinary standard as well. Petitioner also failed to show the need for an O-1 caliber journalist. |
| 2001 | AAO | Arts | Documentary film producer | O-1 | 2001ob.pdf | Management agent petitioned for O-1 for producer of spanish-language documentaries. Petitioner seeks motion picture O-1. INS held petitioner failed to specify nature of the work and failed to provide consultation from labor organization. Petitioner failed to provide brief as part of appeal. AAO dismissed. |
| 2001 | AAO | Arts | Hair Stylist/Makeup Artist | O-1 | 2001oc.pdf | Petitioner petition for hair stylist/makeup artist denied by Service for failure to meet extraordinary ability standard. Petitioner failed to provide brief. AAO agreed with Service and denied. |
| 2001 | AAO | Arts | Film producer | O-1 | 2001od.pdf | Petition denied for motion picture producer for failure to show extraordinary ability. Petitioner failed to provide brief. AAO denied. |
| 2001 | AAO | Sports | Boxer | O-1 | 2001oe.pdf | Boxer's petition for O-1 denied based on failure to prove extraordinary ability. AAO did not agree showing of high ranking adequate because of failure to demonstrate ranking organization only ranks top boxers. AAO also found being national champion of Guyana |

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| | | | | | | inadequate. AAO considered fact that applicant was seeking position as a sparring partner, a support job. Appeal dismissed. |
| 2001 | AAO | Arts | Chef | O-1 | 2001of.pdf | Restaurant filed O-1 for executive chef. Service denied for failure to show extraordinary ability. Counsel argued Service incorrectly applied science standard ("very top of field") rather than lesser arts standard ("distinguished"). AAO agreed that lesser standard applied, but that after weighing evidence, error was harmless and that petitioner did not meet the other standard either. Appeal dismissed. |
| 2001 | AAO | Sports | Gymnastics Coach | O-1 | 2001og.pdf | Service denied saying that applicant was extraordinary ability gymnast but not a coach. Counsel argued coaches often hired from ranks of top gymnasts. AAO: "No evidence that coaching gymnastics requires being, or having been, a gymnast or that there are any recognized standards evaluating or ranking coaching." Appeal dismissed. |
| 2001 | AAO | Arts | Oil Painter | O-1 | 2001oh.pdf | Gallery filed for O-1 for oil painter. Service denied based on extraordinary ability. AAO reviewed evidence and agreed with Service. Appeal dismissed. |
| 2001 | AAO | Arts | Dancer/Dan Instructor | O-1 | 2001oi.pdf | Dancer petition denied for failure to show extraordinary ability. AAO found petitioner essentially wanted readjudication of the facts and did not make any arguments. Appeal dismissed. |
| 2001 | AAO | Arts | Artist | O-1 | 2001oj.pdf | Non-profit arts organization filed O-1 for artist. Service denied because position was part-time and non-paid, the job didn't require someone of O-1 calibre and the alien did not have extraordinary ability. AAO found that intent of the statute was for full-time, paid employment. Job involves editing and is not in the arts. Applicant's background not extraordinary. Appeal dismissed. |
| 2001 | AAO | Sports | Ballroom Dance | O-1 | 2001ok.pdf | Dance studio denied petition for ballroom dancer. Counsel argued that lower arts standard should apply, but AAO agreed with Service noting that competitive ballroom dance is a sport. AAO found alien not extraordinary. Appeal dismissed. |
| 2001 | AAO | Sports | Gymnastics Coach | O-1 | 2001ol.pdf | Gymnastics facility petitioned for coach. Service found applicant not an extraordinary gymnast and that position of coach does not equal working in the area of extraordinary ability. AAO: "Coaching, or teaching, at a gymnastics facility is not related to a specific athletic event or events and |

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| | | | | | | does not constitute continuing in the work of athletic performance at the extraordinary level." Appeal dismissed. |
| 2001 | AAO | Sports | Synchronize Swimmer and Coach | O-1 | 2001om.pdf | Synchronized swimming club petitioned for head coach/consultant. Service held extraordinary standard not met. AAO agreed and dismissed appeal. |
| 2001 | AAO | Sports | Tennis Player | O-1 | 2001on.pdf | Tennis school denied O-1 petition for Indian player based on not being extraordinary. AAO agreed and denied appeal. AAO also had problem with proposed teaching duties. |
| 2001 | AAO | Sports | Race Car Driver | O-1 | 2001oo.pdf | Mortgage company petitioned for driver. Denied on extraordinary ability standard. G-28 not signed by petitioner and no brief submitted. AAO dismissed appeal. |
| 2001 | AAO | Sports | Cricket player | O-1 | 2001op.pdf | Manufacturing company petitioned for beneficiary to work as player and coach of company team. Petition denied on extraordinary ability standard. AAO agreed and dismissed appeal. |
| 2001 | AAO | Arts | Comedian | O-1 | 2001oq.pdf | Comedy club denied petitione for Canadian comedian. Service denied for failure to provide labor consultation and on extraordinary ability grounds. AAO agreed and dismissed appeal. |
| 2001 | AAO | Arts | Painter | O-1 | 2001or.pdf | Gallery denied O-1 for painter. Service questioned whether there was a qualifying job offer and whether painter was extraordinary. AAO: "An art gallery that merely files the visa petition on behalf of an alien artist, in the absence of a specific employer or agent relationship, is not qualifying." AAO also found no extraordinary ability. Appeal denied. |
| 2001 | AAO | Arts | Audio Engineer | O-1 | 2001os.pdf | Recording studio denied petition for Japanese audio engineer. Denied on extraordinary ability grounds and AAO agreed. Appeal dismissed. |
| 2001 | AAO | Arts | Painter | O-1 | 2001ot.pdf | Gallery denied extension petition for Japanese painter on extraordinary ability grounds. AAO agreed and dismissed appeal. |
| 2001 | AAO | Sports | Tennis Player | O-1 | 2001ou.pdf | Tennis school denied petition for tennis player and coach. Counsel argued player had acclaim in India and she was the only female coach in the country. AAO agreed with service and also expressed doubt due to player only earning \$30,000 per year and having dutied teaching tennis to children. Appeal denied. |
| 2001 | AAO | Arts | Embroidery | O-1 | 2001ov.pdf | A national association for embroidery petitioned for teacher of "Danish whitework." Petition was for just one week for beneficiary to come during a series of seminars. Service denied on |

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| | | | | | | extraordinary ability grounds and for lack of a consultation. AAO agreed that the petitioner WAS the appropriate peer group and through out that part of Service's decision. "The rarity of a particular skill or being one of a few who specialize in some genre of an art form is not the determining factor..." Appeal dismissed. |
| 2002 | AAO | Arts | Music | P-3 | 2002a.pdf | Music producer filed for singer for five-performance tour and studio recording work over year period. Service said singer not culturally unique. Petitioner argued singer is an expert in Vietnamese opera. AAO dismissed because singer also sings pop and is not coming SOLELY to perform culturally unique music. |
| 2002 | AAO | Arts | Music | P-3 | 2002b.pdf | Petitioner is Chinese music ensemble seeking P-3 extension. Pay is \$300 per week. Service denied saying petitioner failed to submit a schedule of performances sufficient to justify extension for the length requested. No attorney in original case and new attorney filed G-28 and appeal. AAO found appeal needed to be submitted by petitioner and not new attorney. |
| 2002 | AAO | Arts | Music | P-1 | 2002c.pdf | Entertainment group filed for 8 member group of stage technicians as support personnel. Service held that since principal P-1 extension denied, P-1s petition to be denied as well. AAO agreed and also questioned need for so many support personnel noting that each person's individual role needs to be documented. |
| 2002 | AAO | Arts | Music | P-3 | 2002d.pdf | Croatian radio station petitioned for musicians. Service denied for failure to include an itinerary of performances. Petitioner argued that itinerary could not be finalized until visas certain. Petitioner later submitted a list of performances, but AAO was not satisfied because it did not include an explanation of the nature of the events. |
| 2003 | AAO | Sports | Rugby | P-1 | 2003a.pdf | Semi-pro team (part of Rugby Super League) petitioned for player's P-1. Service denied on "international recognition" grounds and because league was not major league. AAO found that team having amateur players was evidence it is not major league. Other evidence did not convince AAO that league rose to "major league" standard and appeal dismissed. |
| 2003 | AAO | Arts | Musician | P-1 | 2003b.pdf | Restaurant filed P-3 for musician. Service held beneficiary did not meet 214(b) non-immigrant intent requirement. No brief provided. Appeal dismissed. |

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| 2003 | AAO | Arts | Acrobatics | P-3 | 2003c.pdf | Acrobatic entertainment company petitioned for P-3 for four-member Chinese acrobatic troupe. \$2000/mo salary. Service found group not "culturally unique." AAO found Chinese acrobatics is culturally unique. Service argued that contract to perform at 122 schools was not enough to satisfy "culturally unique event" standard. AAO disagreed with Service. Appeal sustained. |
| 2003 | AAO | Arts | Music | P-1 | 2003d.pdf | exican restaurant filed P-1 for three member band. Service found petitioner failed to meet international recognition standard. AAO agreed. Also, consultation provided was for P-3 and not a P-1. Appeal dismissed. |
| 2003 | AAO | Arts | Acrobatics | P-1 | 2003e.pdf | Entertainment company filed P-1 for acrobat. Service found petitioner did not meet "starting or leading" role requirement, international recognition requirements or one year group membership test. No brief submitted. Appeal dismissed. |
| 2003 | AAO | Sports | Soccer | P-1 | 2003f.pdf | Soccer club filed P-1 for player being offered \$29,000 salary. Service held team was not major league. No supporting brief submitted by petitioner. Petitioner part of United Systems of Independent Soccer League (USISL), participating in Premiere Development League. Evidence shows this league below Major League Soccer and USL's "A" League. Also failed to meet requirement of showing performing at "internationally recognized" level. Appeal dismissed. |
| 2003 | AAO | Arts | Acrobatics | P-1 | 2003g.pdf | Entertainment company filed P-1 for acrobat. Service found beneficiary not plaing "starring or leading" role in distinguished organization. Service also found benefciary not eligible for circus exemption from one year group membership and international recognition requirements. AAO agreed. Also agreed that circus exemption doesn't apply since petitioner not nationally recognized as outstanding for sustained period of time. Also, no consultation provided. Appeal dismissed. |
| 2003 | AAO | Arts | Music | P-1 | 2003h.pdf | Record company filed P-1 for 18 member entertainment group. Service questioned whether beneficiary was a group and had been performing together for a year. Also questioned "interational recognition." Petitioner advanced no arguments on appeal other than saying Service was wrong. Appeal dismissed. |

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| 2003 | AAO | Sports | Boxing | P-1 | 2003i.pdf | Boxing manager petitioned for P-1 for boxer. Service held petitioner didn't show boxer would participate in any specific athletic competition or event and no defined employment for period requested. No supporting brief received. Appeal denied. |
| 2003 | AAO | Sports | Soccer | P-1 | 2003j.pdf | Team petitioned for P-1 for player. Service held that team was not major league and beneficiary not internationally recognized. Certification provided from Secretary General of US Soccer Federation that United Soccer League's "A" League was major league in sport. Congress and FIFA (world soccer body) recognized USSF as governing body of the sport. League as television contracts, teams in major cities. Player had played in Major League Soccer teams and other USL teams. Appeal sustained. |
| 2003 | AAO | Sports | Rugby | P-1 | 2003k.pdf | Semi-pro rugby club petitioned for P-1 for pro rugby player. Service denied for failure to show beneficiary would compete an internationally recognized level, that petitioner needed someone who could compete at that level and that rugby is not a major league sport. AAO agreed that rugby isn't a qualifying sport. International recognition standard also not met. Appeal dismissed. |
| 2003 | AAO | Sports | Equestrian | P-1 | 2003l.pdf | Trainer petitioned for a P-1 for a groomsman. Service held that groomsman not an athlete nor essential personnel for an internationally recognized athlete. Petitioner provided evidence that groomsman worked with Olympic equestrian teams. AAO found beneficiary not an athlete and was not supporting a P visa holder. |
| 2003 | AAO | Sports | Rugby | P-1 | 2003m.pdf | Semi-pro rugby club petitioned for professional rugby player for P-1 for three years. Service denied saying player not coming to US to compete at an internationally recognized level and that rugby was not a qualifying major league sport. AAO agreed with Service. AAO found major league team meant "team or league of principal importance in professional sports." Also, support letter provided from Major League Rugby, indicating that this team was a minor league team. |
| 2003 | AAO | Arts | Music | P-3 | 2003n.pdf | Restaurant/Romanian Cultural organization petitioned for P-3 for Romanian folkloric group. Salary offer of \$500/week. Service denied because petitioner provided consultation from non-profit arts membership organization instead of labor |

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| | | | | | | organization. AAO agreed and dismissed appeal. |
| 2003 | AAO | Sports | Rugby | P-1 | 2003o.pdf | Rugby club petitioned for player/coach. Service denied saying beneficiary was not an internationally recognized athlete. No time frame specified in contract and no proof that club required an internationally recognized athlete. Petitioner failed to submit brief and appeal denied. |
| 2003 | AAO | Sports | Gymnastics | P-1 | 2003p.pdf | Gymnastics school petitioned for gymnastics coach/competitor. Service held that beneficiary no longer competing at international level. AAO found evidence was sufficient to grant P-1 status. |
| 2003 | AAO | Arts | Entertainme Group | P-1 | 2003q.pdf | Producer/agent filed P-1 on behalf of 16 member group. Service found that group not internationally recognized. AAO failed to be persuaded by petitioner's evidence. |
| 2003 | AAO | Arts | Acrobats | P-3 | 2003r.pdf | Circus petitioned for P-3 for Chinese acrobatic troupe. Service denied because troupe would perform at "corporate parties" and these were not culturally unique events. AAO found that nature of event rather than venue controls and sided with petitioner. |
| 2003 | AAO | Arts | Music | P-3 | 2003s.pdf | Entertainment company petitioned for P-3 for Vietnamese entertainment group. No peer group consultation provided and inadequate proof that group culturally unique. No contract provided. Appeal denied. |
| 2003 | AAO | Arts | Entertainme group | P-1 | 2003t.pdf | Agent petitioned for P-1 for entertainment group. Service said petitioner failed to show international recognition for sustained and substantial period of time. AAO dismissed appeal. |
| 2003 | AAO | Arts | Entertainme group | P-3 | 2003u.pdf | Producer petitioned for P-3 five-member singing, dancing, comedic group that tells jokes in Tagalog and English. Service found cultural uniqueness standard not met. Petitioner submitted letter from its representative stating group performed a unique Filipino art form. AAO agreed with Service. |
| 2003 | AAO | Sports | Ballroom Dance | P-1 | 2003v.pdf | Dance studio petitionerd for O-1 for ballroom dance instructor. Three year annual salary of \$25,000. Service found extraordinary ability not demonstrated. Petitioner failed to submit brief. Appeal dismissed. |
| 2003 | AAO | Arts | Music | P-1 | 2003w.pdf | Petitioner is music promoter petitioning for P-1 for ten-member musical group for one-year tour. Service denied due to failure to include labor group advisory opinion. AAO dismissed appeal. |

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| 2003 | AAO | Arts | Music | P-3 | 2003x.pdf | Petitioner is producer and provider of entertainment seeking P-3. The beneficiary is the technical staff to the Pepperonis, a group of professional singers, actors and comedians. P-1 petitions denied. Petitioners argued that it was appealing P-1 denial. Service also held petitioner failed to show staff essential. |
| 2003 | AAO | Arts | Music | P-3 | 2003y.pdf | Music production company petitioned for P-3 for Cuban beneficiary. Service held performances would not be culturally unique. Service found that singing in West African language was evidence of lack of cultural uniqueness; no contract submitted. AAO: Service wrong in finding that "all performances in the event... must be culturally unique solely to the beneficiary's home country." But beneficiary could not show that it would perform in culturally unique events since other kinds of cultures would be represented. |
| 2003 | AAO | Arts | Music | P-3 | 2003z.pdf | Croatian cultural center petitioned for musical group comprised of vocalist and five musicians to perform in three performances in a single week. Service denied on ground that group not culturally unique. American Federation of Musicians and Croatia Musical Union opinions provided. AAO found group not culturally unique. Not clear group had been together for requisite period. AAO: not clear that "traditional cultural Croatian songs" are culturally unique. |
| 2003 | AAO | Arts | Dance | P-3 | 2003aa.pdf | Petitioner is a dance studio sponsoring a German dancer in P-3 status. Service denied for failure to meet O-1 visa standards. AAO remanded and required service to adjudicate case under P-3 |
| 2003 | AAO | Arts | Music | P-3 | 2003bb.pdf | Petitioner was musical group who self-petitioned. Service claimed self-petitioning not permitted. AAO agreed and said petition must be resubmitted. Also, no peer group consultation provided and no proof that 75% of group members had been with group for at least a year. Finally, group members were from several countries and no demonstration of being culturally unique was presented. |
| 2003 | AAO | Arts | Acrobatics | P-1 | 2003cc.pdf | Entertainment company petitioned for acrobat. Service denied saying petitioner failed to show beneficiary will perform in a starring or leading role win events with a distinguished reputation. Also denied for failure to show exemption from one-year membership requirement. Also, failure to |

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| | | | | | | demonstrate ability to pay and provide an itinerary. Petitioner failed to provide brief arguing against results and AAO dismissed appeal. |
| 2004 | AAO | Arts | Music | P-3 | 2004a.pdf | Serbian restaurant filed P-3 for three-member folk group. Service found "culturally unique" standard not met. Brief not submitted. Petitioner argued that previous approval of similar case meant denial was "arbitrary and capricious." AAO cited Louisiana Philharmonic case and disagreed. Fact that support letter noted group was from the wrong country cited by AAO. Appeal dismissed. |
| 2004 | AAO | Arts | Music | P-2 | 2004b.pdf | Concert producer filed P-2 for Hong Kong Canton Pop Artist Performers, a three-member singing group as well as their artist manager, tour manager, three artists' assistants and five-piece band. Service questioned whether they were applying in correct category, but petitioner stated P-2 appropriate. Petitioner provided AFTRA consultation for an O-1 petition. Appeal dismissed. |
| 2004 | AAO | Arts | Music | P-3 | 2004c.pdf | Management company filed P-3 for 13-member musical group led by Louis Awilo Longomba. Non-attorney filed G-28. AAO found that representative not qualified to submit G-28. Service questioned "culturally unique" status. Also questioned whether ensemble had performed together as a group. AAO agreed and appeal dismissed. |
| 2004 | AAO | Arts | Dance | P-3 | 2004d.pdf | Petition filed P-3 for Argentine tango dancer. Service found "culturally unique" standard not met and not brief provided. AAO dismissed appeal. |
| 2004 | AAO | Arts | Dance | P-3 | 2004e.pdf | Management company filed P-3 extension for Russian folk dancer in Russian dance ensemble. Service sent RFE on "culturally unique" standard and 214(b) non-immigrant intent. AAO agreed that after five years, beneficiary was not able to demonstrate a continuing residence in home country. Appeal dismissed. |
| 2004 | AAO | Sports | Motorcycle Racer | P-1 | 2004f.pdf | Racing team petitioned for P-1 for motorcycle racer. Service denied on international recognition grounds. Also, no peer group consultation submitted. AAO agreed with Service and dismissed appeal. |
| 2004 | AAO | Arts | Dance | P-1 | 2004g.pdf | Managing company petitioned for P-1 extension for six member Russian dance ensemble. Service denied due to failure to submit labor consultation. Petitioner indicated additional evidence would be provided, but nothing submitted. Petitioner argued that |

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| | | | | | | consultation not required for extensions. AAO indicated that consultations not required generally, but Director can request on a case by case basis. Appeal dismissed. |
| 2004 | AAO | Arts | Music | P-3 | 2004h.pdf | Non-profit group petitioned for P-3 for Celtic harpist and singer to perform at a fund-raising event. Service requested peer group consultation, but only letter from the venue was provided. Service denied saying American Guild of Musical Artists was appropriate consulting group. Petitioner provided AGMA consultation with the appeal and AAO sustained. |
| 2004 | AAO | Arts | Music | P-3 | 2004i.pdf | Church petitioned for Brazilian musicians. Service questioned whether event was culturally unique. Petitioner argued component of church service was culturally unique, but Service held the entire church service was the event and it did not qualify. AAO agreed and dismissed appeal. |
| 2004 | AAO | Sports | Motorcycle Racing | P-1 | 2004j.pdf | Motorcycle Racing Tem petitioned for beneficiary to work as athlete's public relations manager for two years. Service denied saying services not essential. Consultation from American Motorcyclist Association provided. AAO not persuaded and appeal dismissed. |
| 2004 | AAO | Arts | Music | P-3 | 2004k.pdf | Artist manager petitioned for switch from P-1 to P-3 for Russian folk singing group and dancing group for 96 concerts. Service found e events concluded and non-immigrant intent a problem. AAO found that Service did not properly request documentation of P-3 eligibility in RFE and remanded. |
| 2004 | AAO | Sports | Horse Trainer | O-1 | 2004oa.pdf | Horse trainer denied. Motion to reopen AAO prior denial. New evidence found not to be enough to overcome prior finding of lack of extraordinary ability. |
| 2004 | AAO | Arts | Cheerleadin | O-1 | 2004ob.pdf | Denied for failure to timely file. |
| 2004 | AAO | Arts | Pianist | O-1 | 2004oc.pdf | Case remanded to USCIS due to incorrect application of science/business O-1 standard rather than lower arts standard. |