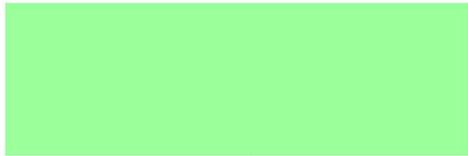
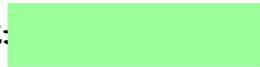


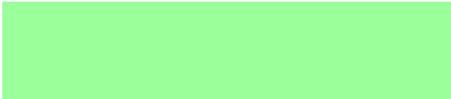


U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: FEB 23 2015 Office: CALIFORNIA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary:

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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
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. We will dismiss the appeal.

The petitioner filed this nonimmigrant petition seeking classification of the beneficiary under section 101(a)(15)(P)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(iii), as an entertainer coming to the United States to perform under a culturally unique program. The petitioner states that it is in the television broadcasting and entertainment business. It seeks to employ the beneficiary as a television show host of an Armenian-language television program for a period of one year.

The director denied the petition, concluding that the petitioner did not establish that the beneficiary possesses culturally unique skills or that all of the beneficiary's performances or presentations in the United States will be culturally unique events. The director observed that while the beneficiary may possess knowledge of the Armenian language and other dialects, he does not appear to have any culturally unique skills as a performer.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to us for review. On November 12, 2014, we summarily dismissed the petitioner's timely appeal, asserting that we had not received any supplemental brief or additional evidence. On December 29, 2014, upon review of evidence that the petitioner had, in fact, timely submitted a supplemental brief, we reopened the petitioner's Form 1-290B appeal *sua sponte*, pursuant to 8 C.F.R. § 103.5(a)(5)(ii), for the sole purpose of considering the merits of the petitioner's claims contained in the supplemental brief and evidence. The petitioner was permitted a period of 30 days in which to submit a brief. The petitioner submitted an additional copy of the supplemental brief and of the documents previously provided on appeal.

On appeal, the petitioner asserts that the beneficiary is a culturally unique entertainer and that he participated in events that the petitioner describes as "unique to [the] Armenian nation and society." The petitioner requests approval of the petition, asserting that its claims are substantiated by the evidence of record.

I. The Law

Section 101(a)(15)(P)(iii) of the Act, provides for classification of an alien having a foreign residence which the alien has no intention of abandoning who:

- (I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and
- (II) seeks to enter the United States temporarily and solely to perform, teach, or coach as a culturally unique artist or entertainer or with such a group under a commercial or noncommercial program that is culturally unique.

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

Culturally unique means a style of artistic expression, methodology, or medium which is unique to a particular country, nation, society, class, ethnicity, religion, tribe, or other group of persons.

The regulation at 8 C.F.R. § 214.2(p)(6)(i) further provides:

- (A) A P-3 classification may be accorded to artists or entertainers, individually or as a group, coming to the United States for the purpose of developing, interpreting, representing, coaching, or teaching a unique or traditional ethnic, folk, cultural, musical, theatrical, or artistic performance or presentation.
- (B) The artist or entertainer must be coming to the United States to participate in a cultural event or events which will further the understanding or development of his or her art form. The program may be of a commercial or noncommercial nature.

Finally, the regulation at 8 C.F.R. § 214.2(p)(6)(ii) states that a petition for P-3 classification shall be accompanied by:

- (A) Affidavits, testimonials, or letters from recognized experts attesting to the authenticity of the alien's or group's skills in performing, presenting, coaching, or teaching the unique or traditional art form and giving the credentials of the expert, including the basis of his or her knowledge of the alien's or group's skill, or
- (B) Documentation that the performance of the alien or group is culturally unique, as evidenced by reviews in newspapers, journals, or other published materials; and
- (C) Evidence that all of the performances or presentations will be culturally unique events.

II. Discussion

The petitioner filed the nonimmigrant petition on January 9, 2014. In support of the petition the petitioner submitted its employment contract with the beneficiary which indicates that the beneficiary will work for 40 hours per week as a host of the television show ' [REDACTED] ' to be broadcast by the petitioner in conjunction with ' [REDACTED] '. The employment contract indicates that "[i]n addition, [the beneficiary] will speak or read from scripted materials, such as news reports or commercial messages" and '[m]ay announce [the] artist or title of [a] performance, [and] identify interview guests.'

In a document the petitioner signed titled [REDACTED] the petitioner further expanded on its description of the program that the beneficiary will host:

[REDACTED] is a morning TV show which will have mainly one host. By its nature [REDACTED] is a talk show. Depending on the topic of the day, [the] host invites different guests with various backgrounds to participate in the show. For example[,] if the theme of the day is diet or weight loss, the guests of the show would be nutritionists, doctors and other specialists. The guests will share their opinions on the topic and would try to provide proper guidelines and helpful tips.

The show will focus mainly on cultural issues. It will demonstrate the uniqueness of Armenian and American cultures and will provide recommendations on what people have to do in order to promote cultural values and maintain them. During the program, the host and his guests will discuss Armenian and American cultural issues and events. They will try to present similarities and differences of both cultures and meantime talk about their positive impact on each other. Part of the show would be [a] live broadcast from various cultural events during which participants would have [an] opportunity to state their thoughts and ideas.

[T]he show . . . will be the only talk show in cultural format so far broadcast by local TV Stations.

The petitioner also provided copies of pictures, employment contracts and DVDs pertaining to the beneficiary's work as a television host in Armenia. The petitioner further provided a flyer promoting the program to be hosted by the beneficiary in the United States, describing it as the petitioner's [REDACTED]

In response to the director's request for further evidence (RFE) the petitioner also submitted a letter from [REDACTED] Head of the [REDACTED] confirming that the beneficiary has been the host of numerous television productions with the [REDACTED] between 2002 and 2013, including the Armenian version of "[REDACTED]"

In the notice of denial, the director acknowledged that the beneficiary "has knowledge of [the] Western Armenian language and various dialects, and has the ability to attract Armenians living in different countries with his humor." The director determined, however, that the petitioner had not established that the beneficiary's talents as a host in various Armenian television programs makes him a culturally unique performer for the purposes of the P-3 classification

Upon review, and for the reasons discussed below, the evidence of record supports the director's determination that the petitioner did not establish that the beneficiary's performance as a television show host is culturally unique.

III. Culturally Unique

The regulation at 8 C.F.R. § 214.2(p)(6)(ii) requires that the petitioner establish that the beneficiary's performance or presentation is culturally unique through submission of affidavits, testimonials and letters from recognized experts, or through published reviews of the beneficiary's work. The petitioner

must also provide evidence that all of the beneficiary's performances or presentations will be culturally unique events. 8 C.F.R. § 214.2(p)(6)(ii)(C).

A. Affidavits, testimonials or letters from recognized experts

The regulation at 8 C.F.R. § 214.2(p)(6)(ii)(A) requires the petitioner to submit affidavits, testimonials, or letters from recognized experts attesting to the authenticity of the alien's or group's skills in performing, presenting, coaching, or teaching the unique or traditional art form and giving the credentials of the expert, including the basis of his or her knowledge of the alien's or group's skill.

The petitioner submitted testimonial letters from a total of eight individuals in support of the petition. The petitioner submitted an undated letter from Mr. [REDACTED] Chief Executive Officer and President of the [REDACTED] who states that he has known the beneficiary "for many years as a TV host and entertainer." Mr. [REDACTED] describes the beneficiary as having "many years of experience as an entertainer" having "hosted many popular programs (both [REDACTED] such as [REDACTED] (Armenian version), [REDACTED]". He also states that the beneficiary "participated in various entertaining programs and interviewed famous celebrities and politicians." Mr. [REDACTED] further describes the beneficiary as "a powerhouse of information" who "also brings a nice touch of humor into the mix."

Ms. [REDACTED] provided an undated letter in which she describes the beneficiary as having "a great personality and [an] amazing ability to interact with people." Ms. [REDACTED] states that she "had a chance to meet with [the beneficiary]," but she does not state how she first became aware of the beneficiary's work.

The petitioner provided an undated letter from Ms. [REDACTED] stating that she knows the beneficiary "as a famous international TV host and anchor" and that the beneficiary's "ability to break down the facts of the matter and make strong cases for his view points was outstanding for an audience." Neither Ms. [REDACTED] nor Ms. [REDACTED] explain their expertise in Armenian culture.

Mr. [REDACTED] [also spelled [REDACTED] in the record], a composer, singer and performer, provided an undated letter in which he states that he has known the beneficiary for several years. Mr. [REDACTED] praises the beneficiary's "professional qualities of the anchorman and showman on [REDACTED] and his understanding of music "[w]ithout having any musical education."

In an undated letter, Mr. [REDACTED] states that the beneficiary is his friend of many years and that they worked together in Armenia on a comedy show called "[REDACTED]". He praises the beneficiary's professionalism and describes him as "intelligent" and "always on time at work." Mr. [REDACTED] describes the beneficiary as a "well-known artist/showman and [an] amazing TV host."

Mr. [REDACTED] a composer, provided an undated letter stating that he worked with the beneficiary on many occasions, including projects in the [REDACTED]. He describes the beneficiary as "a unique showman" who is highly responsible, with a "professional approach" to his work.

The petitioner provided an undated letter from Mr. [REDACTED] a musician and composer. Mr. [REDACTED] describes the beneficiary as “my closest friend” and one who “has been making people laugh since the first day of his career.” He states that the beneficiary’s comedy team won many national competitions.

Finally, the petitioner's initial evidence included an undated letter from Mr. [REDACTED] [also spelled [REDACTED] in the record], Head of [REDACTED] Mr. [REDACTED] states that he began working with the beneficiary many years ago and lists numerous television projects on which he worked with the beneficiary. Mr. [REDACTED] describes the beneficiary as “truly professional” and “one of the best TV hosts as well as showmen.”

The director determined that the submitted letters did not establish how the beneficiary’s specific style of television show hosting is a culturally unique art form. In the RFE issued on January 14, 2014, the director advised the petitioner to submit additional affidavits, testimonials or letters from recognized experts attesting to the authenticity of the beneficiary’s skills in performing or presenting a traditional or unique art form. The petitioner submitted five additional letters in response to the RFE.

The first letter, undated, is a supplemental letter from Mr. [REDACTED] describing several television projects on which he worked successfully with the beneficiary. He also states that the beneficiary hosted several of his musical concerts. Mr. [REDACTED] asserts that the beneficiary is “different from other Armenian artists, as he knows various dialects of [the] Armenian language. He is capable to attract Armenians living in different countries with his humor.” He describes the beneficiary as “an actor of unique cultural features.”

The petitioner also provided an undated supplemental letter from Mr. [REDACTED] indicating that he is a theater and movie actor and Master of Ceremonies. Mr. [REDACTED] states that he has known the beneficiary “since [the] 90-ies” and that the beneficiary “stood out with his intellectual humor even [at] that time.” He states that the beneficiary hosted his concert tour to the Russian Federation. He describes the beneficiary as “loved not only by the audience residing in Armenia but also by the ethnic Armenians residing in Russia . . . because of his hard work and good human qualities.”

The third letter is an undated supplemental letter from Mr. [REDACTED] stating that the beneficiary performed his work “brilliantly” when he hosted seminars at the [REDACTED] He also states that the beneficiary hosted several concerts of the [REDACTED] Mr. [REDACTED] praises the beneficiary’s talents as a “showman, host, singer and actor.”

The petitioner also provided an undated supplemental letter from Mr. [REDACTED] who states “I have been a guest in [the beneficiary’s] programs . . . and every time I got convinced that there is no field for him where he is not proficient.” He states that the beneficiary “has an exceptional ability by which he attracted [the] hearts of thousands [of] people.” He describes the beneficiary as “one of the well-known hosts on [REDACTED] within the last 10 years.”

The fifth and final testimonial letter is an undated supplemental letter from Mr. [REDACTED] who states that he has known the beneficiary since 1998. He states that in the beneficiary speaks “perfect Russian.”

The petitioner further submitted a letter dated March 14, 2014, from [REDACTED] Head of the Department of Culture and Tourism, [REDACTED] stating that the beneficiary participated in the following cultural events as a host: [REDACTED] festival (2001-2012); [REDACTED]; and [REDACTED] (2013), organized by Culture and Tourism Department of the [REDACTED] (2008-2012). The petitioner has not indicated that the beneficiary will participate in similar community cultural events in the United States, and the submitted itinerary does not describe any such events.

The director acknowledged that the letters submitted indicate that the beneficiary is a talented television show host, with a facility for the Western Armenian language and various dialects and the ability to provide information regarding Armenian culture in an entertaining manner. The director also acknowledged that the beneficiary is stated to have “the ability to attract Armenians living in different countries with his humor.” The director determined, however, that the beneficiary’s work as a television show host who comments on Armenian culture does not make him a “culturally unique performer” for the purpose of this classification, finding that the petitioner did not establish any culturally unique aspects of his performance as a television show host.

On appeal, the petitioner asserts that the beneficiary is a well-established television personality in Armenia and is successful because of his unique performance style. Upon review, the evidence of record supports the director’s conclusion that the letters submitted in support of the petition do not establish the beneficiary’s skill in performing, presenting, coaching or teaching a unique or traditional art form, as required by 8 C.F.R. § 214.2(p)(6)(ii)(A).

In order to establish that the beneficiary’s style of performance as a television show host and personality is culturally unique, the petitioner must establish that the art form represents a style of artistic expression, methodology, or medium which is unique to a particular country, nation, society, class, ethnicity, religion, tribe, or other group of persons. The evidence of record establishes the beneficiary’s credentials as a television show host and his ties to his own native culture. However, the petitioner must establish that the beneficiary’s performance as a television show host is a recognized style of performance or artistic expression, methodology or medium that is distinguishable as unique within the field of television broadcasting.

With respect to the submitted letters, they do not describe any cultural aspects of the beneficiary’s skills as a television show host. None of these letters attests to the authenticity of the beneficiary’s skills in performing, presenting, coaching, or teaching a unique or traditional art form. Vague references to Armenian culture are insufficient to meet the petitioner’s burden of proof. Such statements do not identify the beneficiary’s culturally unique skills or the unique art form to which he applies those skills.

On appeal, the petitioner claims that “[a]ll the authors of the testimonials as representatives[?] of Armenian traditions and culture, described that [the] beneficiary was a host and performer during various cultural and traditional events and programs. Those events and programs are unique to [the] Armenian nation and society.” The petitioner’s claim, that various events and programs in which the beneficiary participated as a host and performer are unique to [the] Armenian nation and society, is not supported by the evidence of record. Going on record without supporting documentary evidence is

not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)). As such, the petitioner's related claim, that the beneficiary possesses skills unique to [the] Armenian nation and society otherwise he wouldn't be able to host such events, is similarly not supported by the evidence of record.

The regulation at 8 C.F.R. § 214.2(p)(6)(ii) specifically requires "letters from recognized experts attesting to the authenticity of the alien's or group's skills in performing, presenting, coaching, or teaching the unique or traditional art form and giving the credentials of the expert, including the basis of his or her knowledge of the alien's or group's skill." As a matter of discretion, USCIS may accept expert opinion testimony.¹ USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Matter of Caron International, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988); see also *Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) ("[E]xpert opinion testimony, while undoubtedly a form of evidence, does not purport to be evidence as to 'fact' but rather is admissible only if 'it will assist the trier of fact to understand the evidence or to determine a fact in issue.'"); see also *Matter of Skirball Cultural Center*, 25 I&N Dec. 799, 805 (AAO 2012) (holding that the petitioner bears the burden of establishing by a preponderance of the evidence that the beneficiaries' artistic expression, while drawing from diverse influences, is unique to an identifiable group of persons with a distinct culture; it is the weight and quality of evidence that establishes whether or not the artistic expression is "culturally unique.")

In *Matter of Skirball Cultural Center*, we found sufficient scholars' letters explaining in detail how Klezmer music in general is the music of a specific ethnic group of people, and how the Argentine version, which combines Eastern European roots with native Argentine culture, produces a unique Jewish Argentine music. *Id.* at 802-03. The beneficiaries in that case were not merely familiar with Klezmer music, they performed it. The record lacks expert letters that detail the culturally unique aspects of the beneficiary's duties performing as a host for an Armenian television show, as found in *Matter of Skirball Cultural Center*. Rather, the letters in the record are conclusory, focusing on the language of the events and the beneficiary's linguistic knowledge rather than the cultural uniqueness of the beneficiary's performance itself. USCIS need not accept primarily conclusory assertions. *1756, Inc. v. The Attorney General of the United States*, 745 F. Supp. 9, 15 (D.C. Dist. 1990).

The director found that, while the submitted letters praise the beneficiary's skills as a television program host, the testimonial evidence did not satisfy the requirements of 8 C.F.R. § 214.2(p)(6)(ii)(A), because the evidence submitted did not discuss what, exactly, makes the beneficiary's form of artistic expression, methodology or medium, culturally unique.

¹ Depending on the specificity, detail, and credibility of a letter, USCIS may give the document more or less persuasive weight in a proceeding. The Board of Immigration Appeals (the Board) has held that testimony should not be disregarded simply because it is "self-serving." See, e.g., *Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000) (citing cases). The Board also held, however: "We not only encourage, but require the introduction of corroborative testimonial and documentary evidence, where available." *Id.* If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for the petitioner to submit corroborative evidence. *Matter of Y-B-*, 21 I&N Dec. 1136 (BIA 1998).

On appeal, the petitioner asserts that the beneficiary “introduces the audience [to] the history of Armenian culture and teaches the ways to keep and protect it.” As an example of the cultural significance of the beneficiary’s past projects, the petitioner notes that the beneficiary hosted the Armenian version of ‘ [REDACTED] and asserts: ‘ [REDACTED] is a culturally unique project for each nation or country where it takes place.” The petitioner also asserts that the culturally unique nature of the beneficiary’s projects is apparent from the beneficiary’s education at “a college-studio/department of host” at the ‘ [REDACTED] [which] is the only place in Armenia that teaches traditional music.” Finally, the petitioner further asserts that the director did not consider the beneficiary’s contracts for projects such as ‘ [REDACTED]’

As noted by the director, the role of a host of television events or productions is not, in and of itself, a culturally unique or traditional art form even if some or most episodes address cultural issues. The beneficiary’s combined knowledge of the Armenian language and regional dialects and performance skills may make him, as an individual, a unique television personality. Any television program host is expected to be knowledgeable about the topics included in his or her program and to present an engaging and distinctive personality to the audience in the language of the intended audience. There is no legal authority suggesting that all foreign television show hosts who perform in their native language or host events where singers perform in their own language would qualify for the P-3 classification as “culturally unique” performers. The evidence does not identify the culturally unique aspects of the performance that make the beneficiary’s television personality and performance style distinct to a particular group of persons and recognizable as a unique style of artistic expression that exists in Armenia’s culture.

In addition, while the authors of the letters discussed their own credentials, the petitioner did not submit evidence to establish that several of the authors are “recognized experts” in the beneficiary’s field as required by the plain language of the regulation. The petitioner is required to “give the credentials of the expert, including the basis of his or her knowledge of the alien’s or group’s skill,” pursuant to 8 C.F.R. § 214.2(p)(6)(ii)(A). Here, several of the persons providing testimonial evidence have not fully established the basis of their knowledge of the beneficiary’s skill.

As discussed above, the letters submitted cannot be deemed probative of the “culturally unique” nature of the beneficiary’s performance. The evidence of record supports the director’s determination that the testimonial evidence does not satisfy the evidentiary criterion at 8 C.F.R. § 214.2(p)(6)(ii)(A).

B. Documentation that the performance of the alien or group is culturally unique

The regulation at 8 C.F.R. § 214.2(p)(6)(ii)(B) requires the petitioner to submit documentation that the performance of the alien or group is culturally unique, as evidenced by reviews in newspapers, journals, or other published materials. The petitioner submitted one article and six reviews pertaining to the beneficiary’s work as a television host from Armenian-language internet sites including [REDACTED] and [REDACTED]

The reviews praise the beneficiary’s “flexibility and versatility,” his ability “easily to communicate with anyone,” his “professionalism, good manners and acute humor,” and his “insightful and meaningful

questions.” One reviewer states that the beneficiary’s “excellent knowledge of Western Armenian is his most important cultural feature.” The article, titled “[redacted] [the beneficiary] [redacted] from the internet site [redacted] indicates that the beneficiary’s television show ‘[redacted]’ is broadcast on [redacted] and seen in Moscow, Paris and Los Angeles. The article describes the show as “original and pleasantly different.” The reviews and article do not document how the beneficiary’s performance as a television program host is culturally unique.

Upon review, the Armenian-language materials do not, in the alternate, satisfy the evidentiary requirement set forth at 8 C.F.R. § 214.2(p)(6)(ii)(B), by providing descriptions of how the beneficiary’s performance is culturally unique to Armenia.

Accordingly, for the reasons previously discussed, the evidence of record supports the director’s determination that the petitioner has not submitted evidence to satisfy the evidentiary requirements at 8 C.F.R. § 214.2(p)(6)(ii)(A) or (B).

C. Evidence that all of the beneficiary’s performances or presentations will be culturally unique events

The director concluded that the petitioner had not submitted evidence that all of the beneficiary’s performances or presentations would be culturally unique events, as required by 8 C.F.R. § 214.2(p)(6)(ii)(C). Upon review, the evidence of record supports the director’s determination.

First, the petitioner did not establish that the beneficiary’s performances are culturally unique by submitting evidence to meet the regulatory requirement at 8 C.F.R. § 214.2(p)(6)(ii)(A) or 8 C.F.R. § 214.2(p)(6)(ii)(B). For this reason alone, the evidence does not support the petitioner’s assertion that all of the beneficiary’s performances or presentations would be culturally unique events.

Second, the petitioner’s own description of the beneficiary’s proposed duties supports the director’s determination that the evidence submitted does not establish that the beneficiary will be performing as an artist or entertainer at culturally unique events, as required under this criterion. The “events” in which the beneficiary will participate are episodes of the Armenian-language TV talk show [redacted]. As discussed previously, in a document titled [redacted] the petitioner described the program, in part, as follows:

[redacted] is a morning TV show which will have mainly one host. By its nature [redacted] is a talk show. Depending on the topic of the day, [the] host invites different guests with various backgrounds to participate in the show. For example [,] if the theme of the day is diet or weight loss, the guests of the show would be nutritionists, doctors and other specialists. The guests will share their opinions on the topic and would try to provide proper guidelines and helpful tips.

The show will focus mainly on cultural issues. It will demonstrate the uniqueness of Armenian and American cultures and will provide recommendations on what people have to do in order to promote cultural values and maintain them. During the program, the host and his guests will discuss Armenian and American cultural issues and events.

They will try to present similarities and differences of both cultures and meantime talk about their positive impact on each other. Part of the show would be [a] live broadcast from various cultural events during which participants would have [an] opportunity to state their thoughts and ideas.

On appeal, the petitioner reiterates that the talk show will “mainly focus on cultural issues” and “will demonstrate the uniqueness of Armenian and American cultures.” The petitioner further notes that part of the show “would be live broadcast[s] from various cultural events.” The itinerary submitted by the petitioner provided a similar description, indicating that the primary ‘events’ in which the beneficiary will participate are episodes of the Armenian-language TV talk show ‘[REDACTED]’ The statute requires that the beneficiary may be granted P-3 classification “solely to perform, teach, or coach as a culturally unique artist or entertainer.” Section 101(a)(15)(P)(iii)(II) of the Act. The fact that the beneficiary hosts an Armenian-language television program does not make his performance as a television program host a culturally unique art form. The petitioner bears the burden of establishing through submission of evidence that the beneficiary’s performance across all events and activities is in fact unique to a particular country, nation, society, class, ethnicity, religion, tribe or identifiable group of persons with a distinct culture. 8 C.F.R. § 214.2(p)(3). The culturally unique aspects of the beneficiary’s hosting responsibilities have not been discussed in the record. Vague references to the petitioner’s show as a [REDACTED] that will “discuss Armenian and American cultural issues and events,” and references to the beneficiary as “an actor of unique cultural features” are insufficient to establish the beneficiary’s eligibility.

Based on the foregoing, the petitioner has not established that the beneficiary will be performing as an artist or entertainer at culturally unique events, as required by 8 C.F.R. § 214.2(p)(6)(ii)(C).

IV. Conclusion

In summary, the statute requires that the beneficiary enter the United States solely to perform, teach, or coach under a “program that is culturally unique.” Section 101(a)(15)(P)(iii)(II) of the Act, 8 U.S.C. § 1101(a)(15)(P)(iii)(II). To obtain classification of the beneficiary under this section of the Act, the petitioner must submit evidence that all of the beneficiary’s performances or presentations will be events that meet the regulatory definition of the term “culturally unique.” 8 C.F.R. §§ 214.2(p)(3) and 214.2(p)(6)(ii)(C). The petitioner did not meet these evidentiary requirements. Accordingly, the appeal will be dismissed.

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; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed.