MATTER OF MASTERS

In Visa Petition Proceedings

A-14096410

Decided by District Director January 22, 1969

Since beneficiary, an outstanding professional tournament golfer, is a person of exceptional ability in the arts, she is accorded preference classification under section 203(a)(3) of the Immigration and Nationality Act, as amended.

The petition seeks to classify the beneficiary as a preference immigrant under section 203(a)(3) of the Immigration and Nationality Act, as amended, either as a member of the professions within the meaning of section 101(a)(32) of the Act, or upon the basis of her exceptional ability as a professional tournament golfer.

The beneficiary is a citizen of Australia, born October 24, 1934, in Australia. She intends to engage in her calling as a professional tournament golfer in the United States.

A certification pursuant to section 212(a)(14) of the Act, as amended, has been issued by the Department of Labor.

Section 203(a)(3) of the Act, as amended, provides for the availability of visas to qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or the arts, will substantially benefit prospectively the national economy, cultural interests or welfare of the United States.

Section 101(a)(32) of the Act, as amended, defines the term "profession." However, no definition of the terms "arts" or "sciences" is contained within the Act. The term "profession" is defined as including, but not being limited to architects, engineers, lawyers, physicians, surgeons and teachers in elementary or secondary schools, colleges, academies or seminaries.

It has been held consistently that recognition as a member of the professions normally requires the successful completion of a course of education on the college or university level, culminating

in the attainment of a specific degree or diploma. The attainment of such degree or diploma or the equivalent in specialized experience is usually the minimum requirement for entry into the occupation. As golf and other sports do not require high academic or mental preparation but primarily physical dexterity, enhanced by training and experience, it is concluded that the beneficiary, a professional tournament golfer, is not a member of the professions within the meaning of section 101(a) (32) of the Act.

Science is defined in *Webster's New Collegiate Dictionary* as "(1) Knowledge obtained by study and practice. (2) Any department of systemitized knowledge." It is clear that sports do not fall within these definitions. Art is defined as "(1) Skill in performance acquired by experience, study, or observation; knack." *Modern English Usage*, by Fowler, includes in the definition of artiste, a professional singer, dancer, or other public performer and states that when an artiste makes his occupation into a fine art, he becomes an artist.

It has been determined that professional tournament golfers are basically entertainers and may be included within the arts, in the sense that the term is used in section 203(a) (3) of the Act, as amended, if such golfers have the exceptional ability required by that section. Professional tournament golfers entertain thousands of paying spectators at the golf courses and literally millions of viewers who watch tournament action on television during weekends.

Title 8, Code of Federal Regulations, Part 204.2(f) provides that: "if the alien's eligibility is based on a claim of exceptional ability in the sciences or the arts, documentary evidence supporting the claim must be submitted by the petitioner. Such evidence may attest to the universal acclaim and either the national or international recognition accorded to the alien; that he has received a nationally or internationally recognized prize or award, or won a nationally or internationally recognized competition for excellence for a specific product or performance or for outstanding achievements; or that he is a member of a national or international association of persons which maintains standards of membership recognizing outstanding achievements, judged by recognized national or international experts in a specific discipline or field of endeavor."

Evidence in the form of newspaper clippings, professional tournament brochures, and a letter from the President of the Ladies Professional Golf Association of the United States, of which the alien is a member, establishes that the beneficiary has won

major professional golf tournaments in the United States, Canada, Australia, New Zealand, and South Africa. She has competed against the best women golfers in the world. During 1967 she was the tenth highest money winner among professional women golfers competing in the United States.

The evidence submitted establishes that the beneficiary is a person of exceptional ability in the art of playing professional tournament golf who will substantially benefit prospectively the national economy of the United States.

ORDER: It is ordered that the petition to classify the status of Margaret Ann Masters as a preference immigrant under section 203(a)(3) of the Immigration and Nationality Act, as amended, be and is hereby approved.