

## **The ABC'S Of Immigration: P-1 Visas for Athletes and Entertainers**

by Gregory Siskind

The P categories, P-1, P-2 and P-3, are reserved for those aliens who will be coming to the US to perform in athletics or entertainment, and who do not meet the extraordinary ability standard required for classification in the O category. This article discusses the P-1 category.

### **How do I qualify for a P-1 if I am an athlete?**

For an athletic team to petition for a foreign athlete, the team must have achieved international recognition in the sport. An athlete who will come to the US to compete in individual events rather than as a team must show that he or she is internationally recognized. The USCIS has defined "international recognition" as a "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." The event the athlete is coming to the US to participate in must have a distinguished reputation and must require the participation of athletes and teams of international recognition.

### **How do I qualify for a P-1 if I am an entertainer?**

For an entertainer to obtain a P-1 visa, they must be part of an entertainment group. Individuals cannot usually obtain a P-1 visa — the only exception is for people who are coming to the US to join a foreign entertainment group. The group must be internationally recognized as outstanding in the area, and have a sustained period of achievement. Also, the individual members must have a substantial relationship to the group, generally satisfied by at least one year. This requirement may be waived in exigent circumstances, and is not imposed on circus personnel, so long as the circus is of national recognition. The group must have been together for at least one year, and at least three-fourths of the members must have been in the group for at least a year.

### **How is the petition for a P-1 visa filed?**

A P-1 petition may be filed by a US employer or organization, a foreign employer, or by a US agent. The petition must include the following information: any written contract between the alien and the petitioner, or, if there is no written contract, a thorough description of their oral agreement; an explanation of the event and an itinerary; and a consultation from a labor organization.

If a US employer or agent is filing the petition, it should be filed at the regional USCIS Service Center with jurisdiction over the petitioner. If a foreign employer files the petition, it should be filed at the regional Service Center with jurisdiction over the place where the alien will begin employment.

### **What types of evidence are needed for athletes trying to obtain a P-1 visa?**

When the application is filed on behalf of an athlete or team, at least two of the following types of evidence need to be presented:

- o Participation to a significant extent in a prior season with a major US sports league,
- o Participation on a national team at international events,
- o Participation to a significant extent in a prior season with a US collegiate team,

- o A written statement from an official in the governing body of the sport outlining how the athlete or team is internationally recognized,
- o A written statement from a member of the sports media or other recognized expert outlining how the athlete or team is internationally recognized,
- o Evidence that the alien is highly ranked if the sport uses a ranking system, or
- o Evidence that the alien or team has received a significant award for performance.

**What types of evidence are needed for entertainers trying to obtain a P-1 visa?**

When the application is being filed on behalf of an entertainment group, the petition must include details about each person's length of membership in the group. The petition must also demonstrate the group's sustained international recognition. This may be done in two ways, first by nomination or receipt of awards for outstanding achievement in the field, and second, by submitting three of the following types of evidence:

- o The group has and will continue to perform a starring role in productions or events with a distinguished reputation, evidenced by reviews, advertisements, press releases, contracts, or endorsements,
- o The group has international recognition, evidenced by reviews in papers, trade journals, etc.,
- o The group has and will continue to perform a starring role in productions or events with a distinguished reputation, evidenced by articles in newspapers, trade journals, etc.,
- o The group has had commercial success
- o The group has gained significant recognition for achievements from leaders in the field, or
- o The group commands a high salary compared to others similarly situated.

**Do I qualify for a P-1 if I am considered support personnel?**

Aliens coming to the US to work as support personnel for P-1 athletes, teams, or entertainment groups are also given the P-1 classification. The application must contain a consultation from a labor organization, a statement describing the alien's essential role, and a copy of the contract or summary of the oral agreement between the support alien and the employer.

---

**Gregory Siskind** (gsiskind@visalaw.com) is a partner in the law firm of Siskind, Susser, Haas and Devine (www.visalaw.com), which has offices in the United States and around the world. He is an active member of the American Immigration Lawyers Association (AILA). He is a member of the American Bar Association (ABA), where he currently serves as Chairman of the Law Practice Management Publishing Board and on the Governing

Council of the Law Practice Management Section. He was one of the first lawyers in the country (and the very first immigration lawyer) to set up a website for his practice and he was the first attorney in the world to distribute a firm newsletter via e-mail listserv. He is a co-author of *The J Visa Guidebook* published by LexisNexis Matthew Bender, and the author of *The Lawyer's Guide to Marketing on the Internet*, published by the ABA. He graduated magna cum laude from Vanderbilt University and received his law degree from the University of Chicago.