

The ABC'S Of Immigration - P-2 Visas for Artists and Entertainers in Reciprocal Exchange Programs and P-3 Visas for Artists and Entertainers Participating in Culturally Unique Programs

by Gregory Siskind

What is a P-2 visa?

The P-2 nonimmigrant category is reserved for those who are coming to the US through an exchange program in which US based and a foreign-based organizations exchange artists and entertainers. The visas are available to both individuals and groups. There are few requirements for these exchange programs so long as the people involved are of equal caliber, will be employed in similar conditions and for similar periods of time, and there are similar numbers of people being exchanged. The P-2 category also includes support personnel.

What documents should I include in my P-2 application?

Among the specific documents required in the P-2 application are the following:

- o A copy of the agreement between the US and foreign organizations about the exchange program,
- o A letter from the US organization describing the exchange program,
- o Evidence that a US labor union or similar organization was involved in negotiating the exchange, and
- o Evidence that the foreign artists and entertainers in the US will be employed in conditions similar to those under which US artists and entertainers will be employed abroad.

Is there anything I should do before applying for a P-2 visa?

If you are considering applying for a P-2 visa, check with the organization that represents artists in your field. For example, the American Federation of Musicians has a P-2 program allowing for the exchange of American and Canadian musicians.

What is a P-3 visa?

P-3 visas are granted to artists and entertainers who come to the US to participate in a "program that is culturally unique." The statute does not make clear whether the performance that will be given must be culturally unique, or whether the performance must also be given in a setting that is culturally unique. While the USCIS initially took the position that the program must be culturally unique, it has since relaxed the standards to allow issuance of P-3 visas so long as the performance that will be given is culturally unique. P-3 essential support personnel are also given P-3 visas.

What documents should I include in my P-3 application?

The following evidence must be submitted with a P-3 application:

- o Affidavits or letters from experts regarding the authentic cultural uniqueness of the performance, or

- o Other documentation that the performance is culturally unique, such as material published in newspapers and trade journals, and
- o Evidence that each performance will be culturally unique.

The application must include an I-129 Form as well as a P Supplement and the O. It must be submitted to the USCIS Service Center having jurisdiction over the petitioner's location.

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