

## TEMPLATE

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### REQUEST FOR EVIDENCE

#### I-129 P-1A Athletes and Teams

You have filed Form I-129, Petition for Nonimmigrant Worker, seeking P-1A nonimmigrant classification for (insert beneficiary name) (beneficiary). You, (insert organization name, agent name, etc.), are seeking to employ or sponsor the beneficiary as a (position title).

The P-1A classification may be granted to internationally recognized athletes based on their reputations and achievements as individuals. It may also be granted to groups of two or more individuals that function as a unit and are internationally recognized as teams. Beneficiaries must be coming to the United States to perform services requiring an internationally recognized athlete or team.

To process the petition and determine if the beneficiary is eligible, additional information is required. This request provides suggested evidence that you could submit to satisfy each requested item. You may submit one, some, or all of these items. Or, you may choose to submit none of them, and instead submit other evidence to satisfy the request. You may also explain why or how the evidence in the record already establishes eligibility. Please note, however, that you are responsible for providing evidence that best shows that you and the beneficiary meet all requirements. The evidence must show that both you and the beneficiary were eligible for the requested benefit when you filed Form I-129.

#### Support Personnel Cannot Be Included On Same Petition as Principal

Your petition includes principal athletes or a team and essential support personnel. Since essential support personnel may not be included on the same petition with principal athletes or a team we can not continue with this petition. Provide a statement which specifies the principal athlete or team and also details the action you wish taken with regard to the support personnel on this petition. If you wish to employ or sponsor essential support personnel, please submit a separate Form I-129 for those individuals.

#### General Requirements for All P Nonimmigrant Petitions

In general, petitions seeking P nonimmigrant classification must include the following:

- Copies of contracts;
- A description of the competition(s), event(s) or performance(s); and
- A consultation.

To satisfy these requirements, you submitted:

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- (list submitted evidence).

**Contracts.** All petitions seeking P nonimmigrant classification must be supported by a copy of a written contract, or if a written contract does not exist, a summary of the terms of the oral agreement between you and the beneficiary or team named in the petition.

This requirement has been met.

-OR-

You have not met this requirement because no contracts were submitted. You may still submit evidence to satisfy this requirement.

-OR-

The contract you submitted is insufficient to establish eligibility. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy the requirements as specified below.

The contract should be with a major U.S. sports league or team. Alternatively, a tendered contract involving an individual sport is required if such contracts are normally executed in that specific sport. If a written agreement does not exist, a summary of the oral agreement between you and the beneficiary or team named in the petition may be acceptable.

Written contracts or the summary of the terms of an oral agreement must specify the terms and conditions of employment, including:

- Services to be performed;
- Wages;
- Hours of work;
- Working conditions; and
- Any fringe benefits.

Additionally, evidence must be submitted which establishes that the beneficiary has agreed to the offer.

**Competition, Event or Performance Description.** All petitions seeking P nonimmigrant classification require adequate description of the competition, event or performance in which the beneficiary will participate. A competition, event or performance may include an athletic competition, athletic season, tournament, tour, exhibit, project, entertainment event or engagement. Such activities could include short vacations, promotional appearances for the petitioning employer and incidental or related stopovers. An athletic competition or entertainment event could include an entire season of performances. A group of related activities will also be considered an event. In the case of a P-1 athlete, the event may be the duration of the beneficiary's contract.

This requirement has been met.

-OR-

You have not met this requirement because you did not submit a description of the competition, event or performance. You may still submit evidence to satisfy this requirement.

-OR-

The description you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility – refer to the definition at 8 CFR 214.2(p)(3).) You may still submit evidence to satisfy this requirement.

The description must include:

- An explanation of the nature of the competition, event or performance;
- Beginning and ending dates of the competition, event or performance; and
- If multiple competitions, events or performances, please provide a copy of any itinerary that shows:
  - Dates of competitions, events or performances;
  - Name(s) of the employer(s) or sponsor(s); and
  - Location(s) where the competitions, events or performances will be performed.

**Consultation.** All petitions seeking P nonimmigrant classification must be supported by a written consultation from an appropriate labor organization.

This requirement has been met.

-OR-

You have not met this requirement because a consultation was not submitted. You may still submit evidence to satisfy this requirement.

-OR-

The consultation you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) A new consultation may be submitted which meets the requirements specified below.

A consultation is a written advisory opinion regarding the nature of the work and the beneficiary's qualifications. It must be from a U.S. labor organization that has expertise in the athlete's or team's field. Additionally, for P-1A classification, the consultation must:

- Describe the athlete's or team's abilities and achievements in the specific sport;
- Assert that the athletes are, or the team is, internationally recognized for their achievements;
- Affirm that the services to be performed are appropriate for an internationally recognized athlete or team; and
- Be signed by an authorized official of the labor organization.

A labor organization may submit a letter of no objection if it has no objection to the approval of the petition.

If you believe an appropriate U.S. labor organization does not exist, you should submit a statement attesting to this. The statement may include, but is not limited to:

- An account of the steps you took to locate the proper labor organization for your field;

- Names and addresses of people or entities you contacted or attempted to contact; and
- Relevant publications you used to determine the non-existence of a labor organization.

### Requirements for Athletes and Teams

Beneficiaries may obtain P-1A classification by:

- International recognition as an individual athlete or member of a team;
- Being classified as a professional athlete;
- Performing as an athlete or coach with a U.S. team in a foreign league; or,
- Performing individually or as part of a group in a theatrical ice skating production.

To satisfy this requirement, you submitted:

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- (list submitted evidence).

### International Recognition

You indicate that the beneficiary or team has international recognition. In this situation, the P-1A classification requires an athlete to have an internationally recognized reputation. Alternatively, an athlete must be a member of a foreign team that is internationally recognized in the sport. The athlete or team must be coming to the United States to participate in competitions that have distinguished reputations. Petitions for:

1. **Individual athletes**, competing as individuals or on a U.S. team, must show the international recognition is based on their individual accomplishments.
2. **A team** must show that it has achieved international recognition. Each member of the team then receives P-1A classification based on the team's recognition.

This requirement has been met.

-OR-

You have not submitted evidence for this requirement. However, you may still submit evidence to satisfy this requirement.

-OR-

The evidence you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy this requirement.

To show an individual athlete's or a team's international recognition, you must provide at least two of the following:

- Evidence of participation in a prior season with a major U.S. sports league;
- Evidence of participation in international competition with a national team;
- Evidence of participation for a U.S. college or university in intercollegiate competition;
- A written statement from an official of the sport's governing body describing how the athlete or team is internationally recognized;
- A written statement from sports media or recognized experts describing how the athlete or team is internationally recognized;
- Evidence of ranking in the respective sport, if an international ranking is available;  
or
- Evidence of the receipt of a significant honor or award in the sport.

### **Professional Athletes**

You indicate that the beneficiary qualifies as a professional athlete.

This requirement has been met.

**-OR-**

You have not submitted evidence for this requirement. You may still submit evidence to satisfy this requirement.

**-OR-**

The evidence you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy this requirement.

A beneficiary may qualify as a "professional athlete" if working as an athlete for:

- A team in an association or league of six or more sports teams whose teams' total combined revenues exceed \$10 million per year; and
- The association or league governs the conduct of its members and regulates the contests and exhibitions in which the teams engage.

Evidence may include, but is not limited to:

- A list of teams in the league or association; and
- Copies of association or league documentation, such as:
  - Contracts;
  - League rules and by-laws;
  - Statements from league officials; or
  - Other evidence from the league office that satisfies the criteria listed above.

Additionally, a beneficiary may qualify as a "professional athlete" if working as an athlete for a minor league team affiliated with such an association described above.

Evidence may include, but is not limited to:

- Contracts, agreements or other documentation showing the team is affiliated with a qualified league or association; or
- Articles, reviews or other documentation from established sports media outlets or sports media personnel showing the team is affiliated with a qualified league or association.

### **U.S. Team in a Foreign League**

You indicate that the **beneficiary** will perform as **an athlete or coach** for a team in a foreign league.

This requirement has been met.

**-OR-**

You have not submitted evidence for this requirement. You may still submit evidence to satisfy this requirement.

**-OR-**

The evidence you submitted is insufficient. **(ISO should explain why the evidence submitted is insufficient to establish eligibility.)** You may still submit evidence to satisfy this requirement.

A beneficiary may qualify in this situation if:

- He or she is an athlete or coach of a team located in the United States;
- The team is a member of a foreign league of at least 15 amateur sports teams;
- The foreign league is the highest level of amateur performance of that sport in the relevant foreign country;
- A significant number of the league's players are drafted by a major sports league or minor league affiliate; and
- Participation in the league makes players temporarily or permanently ineligible under National Collegiate Athletic Association (NCAA) rules to:
  - Earn a scholarship in the sport at a US college or university; or
  - Participate in the sport at a US college or university.

Evidence to establish eligibility may include, but is not limited to:

- Reviews, articles and reports from established sports media outlets showing the level of performance of the league or association.
- Contracts, copies of rules and by-laws and other documentation from the league office showing the level of performance of the member teams.

### **Theatrical Ice Skating Production**

You indicate that the **beneficiary** will be performing in a theatrical ice skating performance as an individual or in a group.

This requirement has been met.

**-OR-**

You have not submitted evidence for this requirement. You may still submit evidence to satisfy this requirement.

**-OR-**

The evidence you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy this requirement. Such evidence may include but is not limited to:

- Reviews, critiques, and descriptions of the theatrical performance from established journals, newspapers, and other entertainment and sports media.
- An itinerary or schedule of the performances.
- Evidence of the beneficiary's past accomplishments and awards.

### **Internationally Traded Athletes**

Please provide a copy of the professional athlete's major league contract. If the player is transferring to a new team, provide a copy of the player's new contract, including any addendums.

### **Agents and Sponsoring Organizations**

Petitions for P-1 nonimmigrants may be filed by:

- U.S. employers;
- U.S. sponsoring organizations;
- U.S. agents; and
- Foreign employers through a U.S. agent.

**U.S. Sponsoring Organizations.** It appears that you are a U.S. sponsoring organization. As a U.S. sponsoring organization, you must submit a contract between you and the beneficiary. If a written contract does not exist, you may submit a summary of the terms of the oral agreement.

This requirement has been met.

**-OR-**

You have not submitted evidence for this requirement. You may still submit evidence to satisfy this requirement.

**-OR-**

The evidence you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy this requirement.

The contract should be a written contract, or if a written contract does not exist, a summary of the terms of the oral agreement that:

- Explains the terms and conditions; under which the beneficiary will perform these services and
- Shows that you are not directly employing the beneficiary.

**U.S. Agents.** It appears that you are a U.S. agent filing this petition. You must provide evidence to establish the relationship between you and the relevant parties, showing that you are:

- Performing the function of an employer;
- Representing the beneficiary and multiple employers with whom the beneficiary is contracted to work;
- Representing both the beneficiary and the employer; or
- Representing a foreign employer.

**Agents performing the function of an employer** must submit:

- A written contract, or if a written contract does not exist, a summary of the terms of the oral agreement between you and the beneficiary that:
  - Specifies the wage offered and other terms of employment; and
  - Details any additional services provided.
- An itinerary of definite employment and information on any other services planned for the period of time requested.

**Agents representing both the beneficiary and multiple employers** must submit:

- Evidence that the agent is authorized to act as an agent on behalf of the beneficiary and all of the entities with whom the beneficiary is contracted to perform the services;
- A complete itinerary of services or engagements that:
  - Specifies the dates of each service or engagement;
  - Provides the names and addresses of the entities with whom the beneficiary is contracted to perform the services; and
  - Provides the names and addresses of the establishments, venues or locations where the services will actually be performed.

**Agents representing both the beneficiary and the employer** must submit:

- Evidence that the agent is authorized to act as agent on behalf of the beneficiary and the entity with whom the beneficiary is contracted to perform.
- A complete itinerary of services or engagements that:
  - Specifies the dates of each service or engagement;
  - Provides the name and address of the actual entity with whom the beneficiary is contracted to perform the services; and
  - Provides the names and addresses of the establishments, venues or locations where the services will actually be performed.

You have not submitted evidence for this requirement. You may still submit evidence to satisfy this requirement.

-OR-

The evidence you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy this requirement.

In some cases, a contract between the beneficiary and the entity(s) where services will be performed may be required. We require these contracts in this case. (ISO should explain why contracts are required in this case.) Each contract should:

- Specify the wage offered and other terms under which the beneficiary is contracted to perform; and
- Detail any additional services provided.

Additionally, you should submit an itinerary of definite employment and other services planned for the period of time requested.

**Foreign Employers.** It appears that you are a U.S. agent filing this petition on behalf of a foreign employer. As a U.S. agent filing for a foreign employer, you must submit evidence that shows:

- You are authorized to file the petition; and
- You are authorized to accept service of process on behalf of the employer.

You have not submitted evidence for this requirement. You may still submit evidence to satisfy this requirement

-OR-

The evidence you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy this requirement.