

P-1B VISAS FOR INTERNATIONALLY RECOGNIZED ENTERTAINMENT GROUPS

The P-1B classification applies to foreign nationals who are coming to the United States temporarily to perform as a member of an entertainment group that has been recognized internationally as outstanding in the discipline for a sustained and substantial period of time.

Eligibility Criteria

At least 75 percent of the members of the group must have had a substantial and sustained relationship with the group for at least one year.

The entertainment group must be internationally recognized, having a high level of achievement in a field evidenced by a degree of skill and recognition substantially above that ordinarily encountered. The reputation of the group, not the individual achievements of its members or the acclaim of a particular production, is essential.

Note: Individual entertainers not performing as part of a group are not eligible for this visa classification.

Special Provisions for Certain Entertainment Groups

Foreign nationals who are circus performers and essential circus personnel are exempt the one year requirement and the internationally recognized requirement. The foreign national/s must be coming to join a nationally recognized circus. Certain nationally known entertainment groups may have the internationally recognized requirement waived if they can establish they have been recognized nationally as outstanding in its discipline for a sustained amount of time in consideration of special circumstances.

Internationally Recognized Entertainment Group may be based in the United States or abroad

The statute and regulations do not limit the P-1B classification to individual entertainers coming to the United States to join only foreign-based entertainment groups. Rather, the regulations focus on whether the group is “internationally recognized” which is defined as “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.” Therefore, USCIS recognizes that the P-1 classification encompasses internationally recognized entertainment groups that are based in the United States, as well as those that are based abroad.

General Requirements for All P Nonimmigrant Petitions

As a general rule, petitions seeking P nonimmigrant classification must be accompanied by at least the following:

- A written consultation from an appropriate labor organization regarding the nature of the work to be done or a statement proving that the group has been established and performing regularly for a period of at least one year (If no appropriate labor organization exists, this requirement is excused)
- Itinerary with the dates and locations of the performances
- A copy of the contract between the petitioner and the beneficiary or summary of terms of the oral agreement under which the beneficiary will be employed
- Evidence that your group has been established and performing regularly for at least one year
- Statement from the petitioner listing each member of the group and the exact dates for which each member has been employed on a regular basis by the group
- Evidence that your group is internationally recognized as outstanding in the discipline for a sustained and substantial period of time as demonstrated by evidence of your group's receipt of, or nomination for, significant international awards or prizes for outstanding achievement in the field, or evidence of at least three of the following:
 - The group has performed and will perform as a starring or leading entertainment group in production or events which have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications, contracts, or endorsements
 - The group has achieved international recognition and acclaim for outstanding achievement in its field as evidenced by reviews in major newspapers, trade journals, magazines or other published material
 - The group has performed and will perform services as a leading or starring group for organizations and establishments that have a distinguished reputation as evidenced by articles in newspapers, trade journals, publications, or testimonials
 - The group has a record of major commercial or critically acclaimed successes, as evidenced by indicators such as ratings, box office receipts, record, cassette or video sales, and other achievements as reported in trade journals, major newspapers or other publications
 - The group has received significant recognition for achievements from critics, organizations, government agencies or other recognized experts in the field

- The group has commanded and will command a high salary or other substantial remuneration for services comparable to others similarly situated in the field, as evidenced by contracts or other reliable evidence

Period of Stay/Extension of Stay

This petitions are valid for the period needed to complete the event, competition of performance, not to exceed 1 year and extensions are for periods up to 1 year

Change of employer

A new petition with the new employer must be filed and approved for the beneficiary to start working with the new employer.

Family of P-1B Visa Holders

The spouse and unmarried children under the age of 21 may obtain P-4 status. The dependents may not engage in employment, but may attend school or college.

Essential Support Personnel

Essential Support Personnel who are an integral part of the performance of a P-1 entertainer(s) and who perform support services which cannot be readily performed by a U.S. worker, are eligible for P-1 classification. Support personnel include front office personnel, camera operators, lighting technicians and stage personnel.

The petition must include the following documents:

- A consultation from an appropriate labor organization
- A statement describing the support person's prior and current essentially, critical skills and experience with the P-1 entertainer(s)
- A copy of a written contract between the employer and the support person or a summary of the terms of the oral agreement under which the support person will be employed