

CO 214o.1-C
CO 214p.1-C

Policy Regarding Classification
of Essential Support Personnel

29 JUL 1992

Joseph L. Thomas
Director, WSC

Adjudications
(HQADN)

This is in response to your memorandum of July 17, to Michael Aytes in which you requested information concerning the proper classification for accompanying aliens who are coming to the U.S. to join an H-1B nonimmigrant alien.

In the first scenario described in your memorandum, essential support personnel coming to the U.S. to join an H-1B entertainer, entertainment group, or athlete are properly classifiable as P-1 nonimmigrant aliens. The petition for these aliens must be filed with the appropriate consultation from a labor organization. Thus, during this transitional period, situations will arise where a P-1 nonimmigrant will be in the U.S. supporting an H-1B nonimmigrant.

In the second scenario described in your letter, the essential support person is properly classifiable as an O-2 nonimmigrant alien. The petition for the O-2 must be accompanied by the appropriate consultations and evidence that the H-1B would qualify for O-1 status. The O-2 petition may be approved for the length of time corresponding with the validity of the principal alien's petition.



Lawrence J. Weinig
Acting Assistant Commissioner

cc: HQSCO/MLAytes
cc: AILA
~~cc: Interpretation/MLAytes~~
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