

TEMPLATE

Posted: 05-23-2011

Viewing Period Ends: 06-06-2011

REQUEST FOR EVIDENCE**I-129 P-1B Entertainment Groups and Performers**

You have filed Form I-129, Petition for Nonimmigrant Worker, seeking P-1B 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-1B classification may be granted to members of an internationally recognized entertainment group. Generally, the group must be recognized as outstanding for a sustained and substantial period of time. The beneficiary must have a sustained and substantial relationship with the group lasting at least one year, and provide functions important to the group.

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 the Form I-129.

Support Personnel Cannot Be Included On Same Petition as Principal

Your petition includes a principal entertainment group or performers and essential support personnel. Since essential support personnel may not be included on the same petition with the principal entertainment group or performers we can not continue with this petition. Provide a statement which specifies the principal entertainment group or performers 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, your organization 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 each performer listed 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 a written agreement, or if a written agreement does not exist, a summary of the oral agreement between you and each beneficiary listed 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.

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.

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 performer's field. Additionally, for P-1B classification, the consultation must:

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

If you are petitioning for P-1 Circus Personnel, the consultation must:

- Comment on whether the circus has national recognition;
- Discuss any other aspect of the beneficiary's qualifications that the labor organization deems appropriate; and,
- Be signed by an authorized official of the labor organization.

Additionally, 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 fact which 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 publication you used to determine the non-existence of a labor organization.

Requirements for Members of Internationally Recognized Entertainment Groups

Members granted P-1B classification must perform as a unit, based on the international reputation of the group. They must have been performing as a group for a sustained and substantial period of time. You are required to establish this by submitting:

- Evidence that the group has been performing for at least one year;
- A list of all members of the group; and
- Evidence that the group has been internationally recognized.

To satisfy this requirement, you submitted:

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- (list submitted evidence).

Performing for One Year. The group must have been established and performing regularly for at least one year when this petition was filed.

The group meets this requirement.

-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:

- Dated reviews, brochures or other documentation.
- Bookings or itineraries with dates.
- Compact discs or videos.

List of Members. You must submit a statement listing each group member. The statement must include the exact dates each member was employed with the group on a regular basis. At least 75 percent of members must:

- Have had a sustained and substantial relationship with the group for at least one year; and
- Provide integral functions to the group.

The group meets this requirement.

-OR-

You did not provide 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:

- A request for waiver of the one year relationship requirement.
 - Note: You may request a waiver of the one year relationship requirement in urgent circumstances. This applies to a beneficiary replacing a critical group member due to illness or another unanticipated and exigent circumstance or occurrence. If seeking a waiver, provide a detailed statement and evidence to support the request.
- A 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.
- Dated reviews, brochures, or other documentation identifying group members.

International Recognition. The group must have been internationally recognized in its field for a sustained and substantial period of time.

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.

To establish international recognition, you may provide evidence of the group's nomination or receipt of a significant international award for outstanding achievement. Alternatively, you must provide at least three of the following:

- Evidence that the group has performed, or will perform, as a starring or leading entertainment group in productions or events which have a distinguished reputation;

- Evidence that the group has achieved international recognition and acclaim for outstanding achievements in its field;
- Evidence that the group has performed, and will perform, services as a leading or starring group for organizations and establishments that have a distinguished reputation;
- Evidence that the group has a record of major commercial or critically acclaimed successes;
- Evidence that the group has achieved significant recognition for achievements from organizations, critics, government agencies, or other recognized experts in the field; or
- Evidence that the group has commanded, or will command, a high salary or other form of payment.

As discussed above, you have not submitted sufficient evidence to show that the group has the required international recognition. In order to meet the criteria outlined above, you may submit additional evidence. Evidence that may help to establish eligibility may include but is not limited to:

- Copies of advertisements, publicity releases, publications, contracts, or endorsements.
- Copies of articles or reviews in major newspapers, trade journals, magazines, or other published material.
- Copies of testimonials that clearly indicate the author's authority, expertise, and knowledge of the beneficiaries' achievements.
- Evidence of ratings or other standing in the field.
- Evidence of record, cassette, or video sales.
- A request for waiver of the international recognition requirement.
 - Note: You may request a waiver of the international recognition requirement due to special circumstances if the group has been recognized nationally as being outstanding in its discipline for a sustained and substantial period of time. If seeking a waiver, provide a detailed statement and evidence to support the request. An example of special circumstances would be when limited access to media or geography in the group's country makes it difficult to demonstrate recognition in more than one country.

Requirements for Members of Nationally Recognized Circuses

National Recognition. The circus must have been nationally recognized as outstanding for a sustained and substantial period of time.

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.

National recognition may be shown by providing evidence of the group's nomination or receipt of a significant national award for outstanding achievement. Alternatively, three of the following must be submitted:

- Evidence that the group has performed, or will perform, as a starring or leading entertainment group in productions or events which have a distinguished reputation;
- Evidence that the group has achieved national recognition and acclaim for outstanding achievements in its field;
- Evidence that the group has performed, and will perform, services as a leading or starring group for organizations and establishments that have a distinguished reputation;
- Evidence that the group has a record of major commercial or critically acclaimed successes;
- Evidence that the group has achieved significant recognition for achievements from organizations, critics, government agencies, or other recognized experts in the field; or
- Evidence that the group has commanded, or will command, a high salary or other form of payment.

As discussed above, you submitted insufficient evidence to establish the group has the required national recognition. In order to meet the criteria outlined above, you may submit additional evidence. Evidence that may help to establish eligibility may include, but is not limited to:

- Copies of advertisements, publicity releases, publications, contracts, or endorsements.
- Copies of articles or reviews in major newspapers, trade journals, magazines, or other published material.
- Copies of testimonials that clearly indicate the author's authority, expertise, and knowledge of the group's achievements.
- Evidence of ratings or other standing in the field.
- Evidence of record, cassette, or video sales.

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 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 names and addresses 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.