

DRAFT TEMPLATE FOR COMMENT
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000
**U.S. Citizenship
and Immigration
Services**

Request for Evidence Template

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.), seek 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 and 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 could be submitted to satisfy each requested item. You may submit one, some, or all of these items. You may also submit none of them, and instead submit other evidence to satisfy the request or articulate why or how the evidence in the record already establishes eligibility. 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 the Form I-129 was filed.

Support Personnel cannot be included on same Petition as Principal

Your petition includes a principal entertainment group or performers and essential support personnel. Essential support personnel may not be included on the same petition with the principal entertainment group or performers. As such, a favorable decision cannot be issued for the essential support personnel. If you wish to employ or sponsor essential support personnel, please submit a separate Form I-129 for the essential support personnel.

General Requirements for All P Nonimmigrant Petitions

In general, petitions seeking P nonimmigrant classification must be accompanied by the following:

- Copies of contracts;
- An explanation of the event(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 for entertainment groups and performers 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 each performer listed in the petition and yourself.

This requirement has been met.

-OR-

This requirement has not been met 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.

Event Description. All petitions seeking P nonimmigrant classification require adequate description of the event or activities in which the beneficiary will participate.

This requirement has been met.

-OR-

This requirement has not been met because an event description was not submitted. You may still submit evidence to satisfy this requirement.

-OR-

The event description 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 description must include:

- An explanation of the nature of the event or activities;
- Beginning and ending dates of the event or activities; and,
- A copy of any itinerary. The itinerary should show:
 - Dates of events or activities;
 - Name(s) of the employer(s) or sponsor(s); and,
 - Location(s) where the events or activities 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-

This requirement has not been met 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 which has expertise in the 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 this is 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.

**Requirements for Members of Internationally Recognized Entertainment Groups
(If members of a Nationally Recognized Circus, please delete and go to below)**

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 are required to 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: A waiver of the one-year relationship requirement may be requested 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, which 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; and
- A request for waiver of the international recognition requirement.
 - Note: A waiver of the international recognition requirement may be requested 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
(If this is not a Nationally Recognized Circus, please delete)

Circus personnel granted P-1B classification must represent an integral part of the performance. The circus must have been recognized nationally as outstanding for a sustained and substantial period of time. Your organization is required to submit:

- A list of all members of the group; and,
- Evidence that the circus is nationally recognized.

To satisfy these requirements, your organization submitted:

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- (list submitted evidence).

List of Members. Your organization is required to submit a statement listing each group member. The statement must include the exact dates each member was employed on a regular basis with the group.

This requirement has been met.

-OR-

Your organization did not provide evidence for this requirement. However, your organization may still submit evidence to satisfy this requirement. Such evidence may include, but is not limited to:

-OR-

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

- 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.

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 may 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, which clearly indicate the author's authority, expertise, and knowledge of the groups' achievements;
- Evidence of ratings or other standing in the field;
- Evidence of record, cassette, or video sales; and,

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, a contract between you and the beneficiary must be submitted. If a written contract does not exist, a summary of the terms of the oral agreement may be submitted.

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, which:

- Explains the terms and conditions of employment; 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. Evidence must be provided to establish the relationship between you and the relevant parties. You may be:

- 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 which:
 - Specifies the wage offered and other terms of employment; and,
 - Details any additional services provided.
- An itinerary of definite employment.

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 employers with whom the beneficiary is contracted to work;
- A complete itinerary of services or engagements which:
 - Specifies the dates of each service or engagement;
 - Provides the names and addresses of the actual employers; 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 employer; and
- A complete itinerary of services or engagements, which:
 - Specifies the dates of each service or engagement;
 - Provides the names and addresses of the actual employers; and
 - Provides the names and addresses of the establishments, venues or locations where the services will 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 employer(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 of employment; and,
- Detail any additional services provided.

Additionally, you should submit an itinerary of definite employment.

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 which 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.