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P Visas

By Christopher A. Kerosky

The P visa category is a special category of visas for individual or groups of athletes and performers. While the P category does not lead to permanent residence, it is useful for certain performers. This article will give a general introduction to P visas. You should see a qualified immigration attorney before proceeding with an P visa or any other type of application with Citizenship and Immigration Services (“CIS”).

What is the P visa?

The P visa allows international athletes and entertainment groups to come to the U.S. and perform. It allows accompanying support personnel to enter the U.S., as well. Dependents of aliens in this category may also come to the U.S.

How does the P visa differ from an O visa?

P visas are better suited to group artists coming to the United States for shorter periods of time. Also, for many athletes, P visas are easier to obtain. The P-3 category is the first option for culturally unique artists.

What is the P-1 category?

These visas are granted to allow entry for performance at specific athletic competitions, individually or as part of a group or team, at an international level. CIS has resisted granting P-1 status to allow individuals to join U.S.-based groups. It also allows a foreign national who will perform with, or as an integral and essential part of the performance of an international group. The group may be as small as two performers, or may include a star performer and backup performers.

The group must show that at least 75% of the group’s members have been established and performing together regularly for a period of a least one year. It must also provide a statement from the petitioner listing each member of the group and the exact date for which each member has been employed on a regular basis by the group. In addition, the group must provide evidence that the group has been internationally recognized in the discipline for a sustained and substantial period of time.

What is the P-2 category?

This classification is for a foreign national who will perform as an artist or entertainer, individually or as part of a group, or perform as an integral part of the performance of such a group, and who seeks to perform under a “reciprocal exchange program.” These programs involve organizations in the United States and overseas that provide for the temporary exchange of entertainers, groups, and individual artists.

What is the P-3 category?

This category is for an artist or entertainer who is coming either individually or as part of a group to perform, teach, or coach in a program that is culturally unique. Examples would include commercial programs such as singers from Mexico or India performing in their language.

Who is considered essential support personnel?

Personnel coming to the U.S. with the principal artist or athlete may also receive P visas. You must show that the support personnel cannot be found in the United States and that all support staff are “essential” to the performance. Typically, a “consultation” from a union is required to show why U.S. union members could not perform the job.

How long can I stay on a P visa?

CIS may grant an initial P-1 petitions for individual athletes for up to five years. P-1s for athletic teams or entertainment groups may be valid for the time needed to complete the competition, event, or performance, not more than one year. This rule also applies to P-2 and P-3 petitions. Visas for essential support personnel may be granted for up to one year.

It is possible to receive an extension of up to a second five-year period may be granted to individual P-1 athletes, for a total stay not to exceed 10 years. Otherwise, extensions may be granted to P visa holders for up to one year at a time to continue or complete the activity for which they were admitted.

Can I apply for a green card?

The P visa alone does not provide for a path to a green card. However, a P visa holder may apply for a green card through other means. Essential support personnel may not apply for a green card.

WARNING: The above is a summary discussing legal issues. It is not intended to be a substitute for legal advice. We recommend that you get competent legal advice specific to your case.