

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-3 Culturally Unique Artists and Entertainers

You have filed Form I-129, Petition for Nonimmigrant Worker, seeking P-3 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-3 classification may be granted to artists who will be participating in a culturally unique program in the United States.

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 principal artists and essential support personnel. Essential support personnel may not be included on the same petition with the principal artists. 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, you submitted:

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- (list submitted evidence).

Contracts. All petitions seeking P nonimmigrant classification for P-3 artists 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 P-3 artist beneficiary 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 artist's field. Additionally, for the P-3 classification, the consultation must:

- Evaluate the cultural uniqueness of the beneficiary's skills;
- State whether the events or activities are cultural in nature; and,
- Specify whether the event or activities are appropriate for P-3 classification.

Requirements for Artists or Entertainers in a Culturally Unique Program

The P-3 classification requires that beneficiaries develop, interpret, perform, represent, teach, or coach in a culturally unique program. They may participate as individuals or in groups. The program must be a unique or traditional ethnic, folk, cultural, musical, theatrical or artistic performance or presentation. The program must further the understanding and development of the art form.

To satisfy these requirements, you submitted:

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- (list submitted evidence).

Expert Attestations or Documentation of Culturally Unique Performances. All P-3 nonimmigrant petitions must be supported by expert attestations or documentation of the cultural uniqueness of the performer's or group's performances.

This requirement has been met.

-OR-

You have not submitted evidence for this requirement. However, 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.

Expert Attestations: If you choose to submit expert attestations, they must be from recognized experts, and may include:

- Affidavits;
- Testimonials; or,
- Letters.

Note: The expert attestations must be from recognized experts attesting to the authenticity of individuals' or groups' skills in performing, presenting, coaching, or teaching the unique or traditional art form. You must also attest to the expert's credentials, which includes the basis of the expert's knowledge of the individual's or group's skills.

Documentation of Culturally Unique Performances: If you chose to submit documentation that the individuals' or group's performances are culturally unique, you may submit evidence which includes, but is not limited to:

- Reviews in newspapers, journals, or other published materials which discuss the cultural uniqueness of the performances; and,
- Evidence that all of the performances or presentations will be culturally unique events which may be shown by:
 - Flyers about all the upcoming events;
 - A detailed itinerary;
 - Contracts which detail the events;
 - Evidence that the beneficiaries are an established group who perform culturally unique events.

Agents and Sponsoring Organizations

Petitions for P-3 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.