

TEMPLATE

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REQUEST FOR EVIDENCE**I-129 P Essential Support Workers**

You have filed Form I-129, Petition for Nonimmigrant Worker, seeking P-1S 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).

An essential support worker is a highly skilled person who is integral to the performance of a P nonimmigrant. A support person provides essential support services that cannot readily be performed by a U.S. worker.

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.

Status of the Principal Athlete or Artist

Essential support workers provide support to athletes or artists who are also known as “principals.” For an individual to qualify for classification as an essential support worker, one of the following must occur:

- Form I-129 is filed for the principal along with a separate Form I-129 for the essential support worker;
- Form I-129 for the principal is filed, but still undecided, before Form I-129 is filed for the essential worker; or
- Form I-129 for the principal is approved before Form I-129 is filed for the essential support worker.

Please provide evidence to show that Form I-129 was filed for the principal athlete or artist. Evidence you may submit includes but is not limited to:

- Form I-797, Receipt Notice, showing the name of the principals with whom the essential support worker will work; or
- Form I-797, Approval Notice, showing the name of the principals with whom the essential support worker will work.

General Requirements for All P Nonimmigrant Petitions

In general, petitions seeking P nonimmigrant classification must include the following:

- Copies of contracts;
- An explanation of the competition(s), event(s) or performance(s) and

- A consultation.

To satisfy these requirements, you 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 beneficiary 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 which meets the requirements as specified below.

Contracts should describe the terms and conditions of employment. If a written contract does not exist, a summary of the terms 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 event 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 which meets the requirements as specified below.

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 competition, 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-

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 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 area of the beneficiaries' skill. Additionally, for essential support personnel, the consultation must:

- Evaluate the essentiality to the artist or entertainer;
- Evaluate the working relationship with the artist or entertainer; and
- State whether U.S. workers are available to perform the proposed support services.

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 publications you used to determine the non-existence of a labor organization.

Requirements for All P Nonimmigrant Essential Support Workers

Qualifications, Critical Knowledge, and Experience. You must show that each support worker has:

- Appropriate qualifications to provide the required services;
- Critical knowledge of the specific services to be performed; and
- Experience providing the proposed support to the principal P nonimmigrant.

To satisfy these requirements, you submitted:

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- (list submitted evidence).

The beneficiary meets this requirement.

-OR-

You did not provide evidence for this requirement. Evidence you may submit to satisfy this requirement includes, but is not limited to:

-OR-

You provided evidence that does not sufficiently show the beneficiary has appropriate qualifications, critical knowledge, and/or experience. (ISO should explain if all areas (qualifications, critical knowledge, and/or experience are insufficient or only if certain areas are insufficient to establish eligibility.) Evidence you may submit to satisfy this requirement includes but is not limited to:

- A statement describing the beneficiary's qualifications, critical knowledge, and/or experience with the principal P nonimmigrant.
- A copy of the written contract or a summary of the terms of the oral agreement between the beneficiary and the employer.
- Testimony from authoritative and experienced personnel describing the beneficiary's qualifications, critical knowledge, and/or experience.

Agents and Sponsoring Organizations

The following individuals or organizations may file petitions for support workers:

For P-1S and P-3S classification:

- U.S. employers;
- U.S. sponsoring organizations;
- U.S. agents; and
- Foreign employers through a U.S. agent.

For P-2S classification:

- Any of the above individuals or organizations for P-1S and P-3S classification; and
- The U.S. labor organization which negotiated the P-2 reciprocal exchange agreement.

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 of 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 employers with whom the beneficiary is contracted to work;
- 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 actually 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, which:
 - 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 of definite employment and other services planned for the period of time requested.

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.

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