

**TEMPLATE**

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**REQUEST FOR EVIDENCE**

**I-129 P-2 Reciprocal Exchange Artists or Entertainers**

You have filed Form I-129, Petition for Nonimmigrant Worker, seeking P-2 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-2 classification may be granted to artists or entertainers who will be working in the United States under a reciprocal exchange program. The program must be between an organization in the United States and an organization in one or more foreign states, and provide for the temporary exchange of artists or entertainers, whether as individuals or in groups.

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 principal reciprocal exchange artists or entertainers and essential support personnel. Since essential support personnel may not be included on the same petition with the principal reciprocal exchange artists or entertainers we can not continue with this petition. Provide a statement which specifies the principal reciprocal exchange artists or entertainers 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 the essential support personnel.

**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 performances(s) and
- A consultation.

To satisfy these requirements, you submitted:

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- (list submitted evidence).

**Contracts.** All petitions seeking P nonimmigrant 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 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 a 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. In the case of a P-2, the event may be the duration of the reciprocal exchange agreement.

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 competition, event or performance 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 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-

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 reciprocal exchange artist's or entertainer's field. Additionally, for the P-2 classification, the consultation must:

- Verify the existence of a viable exchange program;
- Comment on the bona fides of the reciprocal exchange program; and
- Specify whether the exchange meets the requirements of the P-2 classification.

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 for the field of the artist or entertainer, 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 Artists or Entertainers in a Reciprocal Exchange Program

Performers in the P-2 classification must be exchanged with artists or entertainers of similar caliber. The terms and conditions of employment, such as length of employment, and the number of artists or entertainers involved in the exchange should be similar. In order to establish eligibility, the petition must include:

- A copy of the formal reciprocal exchange agreement;
- A statement from the sponsoring U.S. organization describing the reciprocal exchange of U.S. artists or entertainers as it relates to the petition;
- Evidence that an appropriate labor organization in the United States was involved in negotiating, or has concurred with, the reciprocal exchange agreement; and
- Evidence showing that the beneficiaries of this petition are artists or entertainers with comparable skills, and the terms and conditions of their employment are similar to the U.S. artists or entertainers for whom they are being exchanged.

To satisfy these requirements, you submitted:

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- (list submitted evidence).

**Reciprocal Exchange Agreement.** All P-2 nonimmigrant petitions must have a copy of the formal reciprocal exchange agreement between the U.S. and foreign organizations.

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.

To show that you have a reciprocal exchange agreement, you must submit a copy of the formal reciprocal exchange agreement between the U.S. and foreign organizations that was valid on the date of filing this Form I-129.

**Statement from Sponsoring U.S. Organization.** All P-2 nonimmigrant petitions must have a statement from the sponsoring U.S. organization describing the reciprocal exchange of U.S. artists or entertainers as it relates to this petition.

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.

In response to this request, you must submit a statement from the sponsoring U.S. organization describing the reciprocal exchange of U.S. artists or entertainers as it relates to this petition.

**Labor Organization Involvement.** All P-2 nonimmigrant petitions must have evidence establishing that an appropriate U.S. labor organization has negotiated, or has agreed with, the reciprocal exchange agreement.

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.

Please submit evidence that establishes that that an appropriate U.S. labor organization has negotiated, or has agreed with, the reciprocal exchange agreement.

**Comparable Exchange.** The beneficiaries of this petition must be comparable to the U.S. artists or entertainers for whom they are being exchanged.

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.

The evidence should establish how the beneficiaries are comparable to the U.S. artists or entertainers for whom they are being exchanged. Evidence should include:

- A comparison of the skills of the beneficiaries and U.S. artists or entertainers;

- Terms and conditions of employment for the beneficiaries and U.S. artists or entertainers;
- Length of employment; and
- Generally, the number of artists or entertainers involved in the exchange.

### **Agents and Sponsoring Organizations**

Petitions for P-2 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 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 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 actual 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 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.

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