U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Washington, D.C. 20529

U.S. Citizenship and Immigration Services

HQ 70/6.2.19

Interoffice Memorandum

To: Dan Renaud, Director
Vermont Service Center

From: Donald Neufeld
Acting Associate Director, Domestic Operations

Date: MAR - 6 2009

Re: Procedures for Applying the Period of Authorized Stay for P-1 Nonimmigrant Individual Athletes

This memorandum provides United States Citizenship and Immigration Services (USCIS) personnel with instructions for applying the period of authorized stay for P-1 nonimmigrant individual athletes. Specifically, this memorandum clarifies that P-1 individual athletes:

- Are not subject to a lifetime admission of 10 years in the United States;
- May file a petition for a new P-1 initial period of admission (up to 5 years) after they have been in the United States for a 10 year period; and
- Must depart the United States after 10 years in order to be eligible for a new initial period of admission of up to 5 years.

Section 214(a)(2)(B) of the Immigration and Nationality Act (INA) provides: "In the case of nonimmigrants admitted as *individual athletes* under section 101(a)(15)(P), the period of authorized status may be for an initial period (not to exceed 5 years) during which the nonimmigrant will perform as an athlete and such period may be extended by the [Secretary of Homeland Security] for an additional period of up to 5 years." Based on USCIS' review of the statute, legislative and regulatory scheme, USCIS believes it is a reasonable interpretation and conclusion that INA 214(a)(2)(B) does not create a lifetime P-1 nonimmigrant individual athlete admission of 10 years. USCIS also believes that P-1 nonimmigrant athletes who have been in the United States for 10 years must depart the United States and reapply for admission as a P-1 nonimmigrant for a new initial period of stay. USCIS believes that allowing P-1 nonimmigrants to restart their admission period after every departure and reentry into the United States is inconsistent with the statutory scheme under INA 214, contrary to congressional intent as

reflected in the inclusion of time limits on the P-1 category in the first instance, and administratively unfeasible.

Field Guidance

USCIS hereby clarifies that P-1 nonimmigrant individual athletes are not subject to a lifetime admission period of 10 years. P-1 nonimmigrants may file a petition for a new P-1 initial period of admission (up to 5 years) for an individual athlete after the athlete has been in the United States for a 10 year period. P-1 nonimmigrant athletes must depart the United States after 10 years in order to be eligible for the new initial period of admission.

Aliens seeking status as P-1 nonimmigrant individual athletes must still meet all of the substantive requirements for those classifications and are subject to the normal rules concerning current DOS visa validity, reciprocity periods, and maintenance of status. This guidance does not apply to aliens serving in a support capacity, the P-2 or P-3 category or derivatives. USCIS will issue separate guidance to address these groups.

Questions regarding this memorandum should be directed to the USCIS Headquarters Office of Service Center Operations through appropriate channels.