



U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Domestic Operations (MS 2110)
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

7-14-09

HQ 70/6.2.19

Memorandum

TO: Dan Renaud, Director
Vermont Service Center

Christina Poulos, Director
California Service Center

FROM: Donald Neufeld/s/
Acting Associate Director, Domestic Operations

SUBJECT: Procedures for Applying the Period of Authorized Stay for P-1S Nonimmigrant Individual Athletes' Essential Support Personnel

On March 6, 2009, a memorandum was issued entitled "Procedures for Applying the Period of Authorized Stay for P-1 Nonimmigrant Individual Athletes" (the "March 2009 memo") which provided United States Citizenship and Immigration Services (USCIS) personnel with instructions for applying the period of authorized stay for P-1 individual athletes. It did not apply to aliens serving in a support capacity, P-2 or P-3 category or derivatives.

This memorandum extends the March 6, 2009 guidance to P-1 essential support personnel ("P-1S personnel") of P-1 individual athletes. Specifically, this memorandum clarifies that P-1S essential support personnel of individual athletes:

- Are not subject to a lifetime admission limit of 10 years in the United States;
- May reapply for a new P-1S initial period of admission, based on an approved petition, 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 1 year.

Similar to section 214(a)(2)(B) of the Immigration and Nationality Act (INA) for *individual athletes*, section 214.2(p)(14)(ii)(A), Title 8, of the Code of Federal Regulations (CFR) provides that an extension of stay for a P-1 individual athlete's P-1S personnel may be authorized for a period up to 5 years for a total period of stay not to exceed 10 years. Based on a review of the pertinent regulations, USCIS has determined that it is appropriate to extend the policy set forth in the March 2009 memo regarding P-1 individual athletes to their P-1S essential support personnel. As set forth in that memo, neither INA 214(a)(2)(B) nor 8 CFR 214.2(p)(14)(ii)(A) create a *lifetime* limit of 10 years on admission as a P-1 nonimmigrant individual athlete; rather, these provisions merely prescribe the athlete's maximum period of authorized stay as a P-1 nonimmigrant before he or she must depart from the United States and again seek readmission, on the basis of an approved petition, in P-1 classification. Similarly, neither of these two provisions set forth a lifetime limit for P-1S personnel. As in the case of their P-1 athlete counterparts, P-1S essential support personnel who have been in the United States for 10 years are merely required to *depart the United States* at the end of the ten-year period and, based on an approved petition, reapply for admission as a P-1S nonimmigrant for a new initial period of stay.¹ Extending this policy to nonimmigrant P-1S personnel provides consistency by affording them the same maximum authorized period of stay as their P-1 individual athlete counterparts, before such essential support personnel must depart from this country and reapply for admission on the basis of a new initial petition.

Field Guidance

USCIS hereby clarifies that P-1S personnel of individual athletes are not subject to a lifetime admission period of 10 years. Persons admitted as P-1S essential personnel may not receive extensions of stay beyond the ten-year period ; however, they may reapply for a new P-1S initial period of admission, on the basis of an approved petition filed on their behalf, after they have been in the United States for such a 10-year period. As in the case of P-1 individual athletes, P-1S essential support personnel of such individual athletes must depart the United States after 10 years in order to be eligible for the new initial period of admission.

Aliens seeking nonimmigrant status as P-1S essential support personnel must still meet all of the substantive requirements for such classification, and are subject to the normal rules applicable to all nonimmigrants, including current visa validity and reciprocity periods as well as maintenance of status.

This guidance extends **only** to P-1 essential support personnel of nonimmigrant P-1 individual athletes, as defined in 8 CFR 214.2(p)(3), and **does not apply** to aliens serving in a P-1, P-2 or

¹ It should be noted that, although, under 8 CFR 214.2(p)(8)(iii)(A), an initial P-1 nonimmigrant petition filed on behalf of an individual athlete may be granted for a period of up to five years, the initial petition validity period essential support personnel may not exceed one year. See 8 CFR 214.2(p)(8)(iii)(E). Thereafter, in order to continue to provide such essential support to the P-1 individual athlete, a P-1S nonimmigrant may seek an extension of stay, based on an approved petition, for a period of up to five years, as well as further extensions of stay thereafter, if necessary, until the ten-year maximum period of stay allowed for P-1 individual athletes under 8 CFR 214.2(p)(14)(ii)(A) has been reached. Any such extension periods must be solely for the purpose of providing essential support to the P-1 individual athlete.

P-3 support capacity for aliens who were not admitted to the United States as nonimmigrant P-1 individual athletes, or the P-2 or P-3 category or derivatives.

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