



May 9, 2019

AFM PA-2019-03

## Policy Alert (AFM)

**SUBJECT:** Initial Period of Authorized Stay for P-1S Nonimmigrant Individual Athlete's Essential Support Personnel

### **Purpose**

U.S. Citizenship and Immigration Services (USCIS) is updating the Adjudicator's Field Manual (AFM) to emphasize that the period of initial authorized stay for individual athletes (P-1A) and their essential support personnel (P-1S) differ under existing Department of Homeland Security (DHS) regulation. The initial authorized stay for individual athletes (P-1A) may be longer than the initial authorized stay for their essential support personnel (P-1S). This update ensures that the initial authorized stay for P-1S nonimmigrants is applied consistently, such that a P-1S petition approval for an initial authorized stay may be valid for a period necessary to complete the event, but does not exceed one year.

### **Background**

Current DHS regulations, included in 8 CFR 214.2(p) via notice-and-comment rulemaking, provide that an approved P-1 petition for an individual athlete (also known as a P-1A) "shall be valid for a period of up to 5 years."<sup>1</sup> The general rule for the approval period of a P-1 petition for essential support personnel (also known as P-1S), however, states that the approved petition "shall only be valid for a period of time determined by the Director to be necessary to complete the event...for which the [P-1] is admitted, not to exceed 1 year."<sup>2</sup> The exception to that general rule is the period for an extension of stay to continue or complete the same event or activity for essential support personnel of a P-1A individual athlete, which may be approved for a period of up to 5 years, for a total period of stay not to exceed 10 years.<sup>3</sup> USCIS interprets 8 CFR 214.2(p)(14) consistent with its plain language, such that the 5-year extension of stay for a P-1S for an individual athlete is only available when the petition extension requests an extension of stay to continue or complete the same event or activity (and not consulate notification) for a beneficiary who is in the United States in P-1S status at the time the petition extension is

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<sup>1</sup> See 8 CFR 214.2(p)(8)(iii)(A).

<sup>2</sup> See 8 CFR 214.2(p)(8)(iii)(E). See also Donald Neufeld, "Procedures for Applying the Period of Authorized Stay for P-1S Nonimmigrant Individual Athletes Essential Support Personnel," PM HQ 70/6.2.19 p. 2, n.1, July 14, 2009, available at [https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static\\_Files\\_Memoranda/2009/p-1s\\_14jul09.pdf](https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static_Files_Memoranda/2009/p-1s_14jul09.pdf) (July 2009 Neufeld Memo).

<sup>3</sup> See 8 CFR 214.2(p)(14)(ii)(A); 59 Fed. Reg. 41,818 (Aug 15, 1994).

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properly filed, and the extension of stay request is approved.<sup>4</sup> Therefore, while the initial validity period of a P-1 petition for essential support personnel is limited to 1 year or less, the validity period of an extension of stay of essential support personnel of a P-1A individual athlete may thereafter exceed one year, provided (1) the purpose is to continue or complete the same event or activity for which they were admitted, and (2) it does not exceed the period of time necessary to complete the event, not to exceed 5 years, or a total period of stay of 10 years.

USCIS' publicly-available documents<sup>5</sup> also track the regulatory language at 8 CFR 214.2(p)(8)(iii)(E), emphasizing that the initial authorized period of stay for all P-1S petitions is limited to one year or less. Accordingly, USCIS officers should ensure that the existing DHS regulation is applied correctly and consistently.<sup>6</sup>

### Policy Highlights

- All P-1S petition approvals for an initial authorized stay must be limited to the period of time necessary to complete the event, not to exceed one year, regardless of the initial authorized stay approved for the related P-1A nonimmigrant.

### Citation

[AFM Chapter 33.5, International Recognized Athletes and Entertainers \(P-1\)](#)

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<sup>4</sup> See 8 CFR 214.2(p)(14)(i), which requires a petitioner seeking an extension to file both an extension of the petition and an extension of stay, and also states that the nonimmigrant applies for a visa at a consular office abroad if the nonimmigrant leaves the United States while the extension requests are pending .

<sup>5</sup> See e.g., July 2009 Neufeld Memo at 2, n. 1 and the USCIS website, P-1A Internationally Recognized Athlete, <https://www.uscis.gov/working-united-states/temporary-workers/p-1a-internationally-recognized-athlete> (last viewed April 11, 2019).

<sup>6</sup> USCIS practice pertaining to initial P-1S validity periods has been inconsistent, and some P-1S petitions have been approved with initial periods of stay that exceed 1 year. This update intends to ensure that the initial periods of stay for P-1S nonimmigrants are consistent with the plain language of DHS regulations.