



U.S. Citizenship
and Immigration
Services

HQ 70/6.2.19

Interoffice Memorandum

To: Regional Directors
Service Center Directors
District Directors
National Benefits Center Director
National Security and Records Verification Directorate
Office of Policy and Strategy

From: Michael Aytes /s/
Associate Director of Domestic Operations

Date: December 28, 2006

Re: **“Creating Opportunities for Minor League Professional, Entertainers, and Teams through Legal Entry Act of 2006 (COMPETE Act of 2006)” – Admission as P-1 Nonimmigrant**

Public Law 109-463, Creating Opportunities for Minor League Professional, Entertainers, and Teams through Legal Entry Act of 2006 (COMPETE Act of 2006) expands the P-1 nonimmigrant visa classification to include certain athletes who were formerly admitted as H-2B nonimmigrants.

The following types of athletes and performers who seek admission for the purpose of performing in a competition or theatrical ice skating production fall under the P-1 nonimmigrant visa classification:

- An individual who performs as an athlete, individually or as part of a group, at an internationally recognized level of performance.
- A professional athlete employed by: (1) a team that is a member of an association of 6 or more professional sports teams whose total combined revenues exceed \$10,000,000 per year, if the association governs the conduct of its members and regulates the contests and exhibitions in which its member teams regularly engage, or (2) any minor league team that is affiliated with such an association.
- Individual coaches or athletes performing with teams or franchises located in the United States that are part of an international league or association of 15 or more amateur sports teams if: 1) the foreign league is operating at the highest level of amateur performance in the relevant foreign country, 2) participation in that foreign league renders the players ineligible, whether on temporary or permanent basis, to earn a scholarship or participate in the sport at a college or university in the United States under the rules of the National Collegiate Athletic Association;

and 3) where a significant number of players who play in the foreign leagues are drafted by major league or minor league affiliates of such sports leagues in the United States.

- Amateur or professional ice skaters who perform, individually or as part of a group, in theatrical ice skating productions or tours.

The COMPETE Act of 2006 excludes any alien athlete professional or amateur, or coach, from countries deemed state sponsors of international terrorism. Such countries are determined by the Secretary of State and applicable alien athletes or coaches will be subject of clearance procedures developed by the Department of State in conjunction with the Department of Homeland Security and other appropriate U.S. agencies.

Revised regulations will follow. Questions regarding this memorandum may be directed through appropriate channels to Service Center Operations' Business and Trade Services Branch.