

INA Section 212(a)(5)

(5)--Labor Certification and Qualifications for Certain Immigrants

(A)--Labor Certification

(i)--In General

Any alien who seeks to enter the United States for the purpose of performing skilled or unskilled labor is inadmissible, unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that--

(I)--

there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of an alien described in clause (ii)) and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled or unskilled labor, and

(II)--

the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(ii)--Certain Aliens Subject to Special Rule

For purposes of clause (i)(I), an alien described in this clause is an alien who--

(I)--

is a member of the teaching profession, or

(II)--

has exceptional ability in the sciences or the arts.

(iii)--Professional Athletes

(I)--In General

A certification made under clause (i) with respect to a professional athlete shall remain valid with respect to the athlete after the athlete changes employer, if the new employer is a team in the same sport as the team which employed the athlete when the athlete first applied for the certification.

(II)--Definition

For purposes of subclause (I), the term "professional athlete" means an individual who is employed as an athlete by--

(aa) 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

(bb) any minor league team that is affiliated with such an association.