

33.6 Reciprocal Exchange Artists and Entertainers (P-2).

(a) Petition Process

. A P-2 alien is an alien coming to the U. S. to perform as an artist or entertainer individually or as part of a group or to perform as an integral part of the performance of such group, and who seeks to perform under a reciprocal exchange program .

The petition used to apply for the P-2 classification is Form I-129 . Form I-129 will also accommodate a request for change of status if an alien is presently in the U. S. in another nonimmigrant classification. If the alien is already in the U. S. in a P-2 status, and a new employer wishes to petition for him/her, the I-129 will be used to request this and also to request an extension of stay for the alien. New employment requires the new employer to file a petition on behalf of the alien. P-2 petitions may be filed by either U. S. or foreign employers or by agents.

(b) Multiple Beneficiaries

. P-2 groups can be included on a single petition. Essential support aliens must be on a separate petition from the performers.

(c) Agents as Petitioners . A U.S. agent may file a P-2 petition in the case where the beneficiary is in an occupation where workers are generally self-employed, where workers use agents to arrange short-term employment with multiple employers, or where a foreign employer engages a U.S. agent to act in its behalf. See discussion in [8 CFR 214.2\(p\)\(2\)\(iv\)\(E\)](#) .

(d) Documentary Requirements

. Because there is no requirement that P-2 entertainers be of exceptional ability, supporting documents are limited to basic items: the consultation, a copy of the reciprocal agreement and evidence that the beneficiaries are subject to the reciprocal exchange. Evidence for essential support personnel is the same as that described in paragraph [33.5\(d\)](#) .

At the present time, three P-2 reciprocal agreements have been negotiated. There is one between the American Federation of Musicians (U. S.) and the American Federation of Musicians (Canada), one between Actor's Equity Association (U.S.) and the Canadian Actors' Equity Association and one between Actor's Equity Association (U.S.) and the British Actors' Equity Association. Contact Headquarters, Adjudications when a P-2 petition is submitted involving an agreement other than these three. Headquarters will examine the agreement to determine if it meets the regulatory standards regarding reciprocal agreements.

(e) Approval

. If the petition appears approvable from the evidence submitted, endorse the approval block and issue Form I-797 (through CLAIMS) showing the period of validity and the alien beneficiary's name and classification. If the petition is approved after the date the petitioner indicated services would begin, the approved petition will show a validity period commencing with the date of approval and ending with the date requested by the petitioner, not to exceed the period of time determined by the director to be necessary to complete the event or activity, and not to exceed one year.

If the petitioner filed Form I-129 to extend the validity of the original petition in order to continue or complete the same activities or events specified in the original petition, an extension of stay may be authorized in increments of up to

one year to continue or complete the same event or activity for which the beneficiary was admitted.

Any extension of stay or admission may be approved for ten days beyond the petition period.

Note:

The P-4 spouse and dependent (unmarried minor) children are subject to the same period of admission and limitations as the principal alien beneficiary. They are not allowed to accept employment unless they have been granted employment authorization. If the spouse or child is in the United States in another nonimmigrant classification, a separate I-539 application for change of status may be filed to request a change of status for that alien to P-4. Form I-539 will also be used if an extension of stay is requested based on the principal alien's stay being extended.

(f) Denial

. The petitioner will be notified of a denial on Form I-797, with attachments as necessary, which will set forth the reasons for the denial and the right to appeal the denial. A denied petition is appealable to the Commissioner (AAU). The appeal must be filed within 30 days on Form I-290B. There is no appeal from a decision to deny an extension of stay to the alien.

Note:

If the adjudicator decides to incorporate into the denial decision a negative advisory opinion which USCIS has obtained (separate from one submitted by the petitioner), he or she must provide a copy of the advisory opinion to the petitioner as a notice of intent to deny and give the petitioner an opportunity for rebuttal.

(g) Substitution of Beneficiaries

. A petitioner may request a substitution for one or more members of a group on an approved petition. Such a request may be by letter to a consular officer or immigration officer at a port of entry. New or additional support personnel must be requested through submission of a new petition. See [8 CFR 214.2\(p\)\(2\)\(iv\)\(H\)](#).