

The statutory authorities are section 101(a)(15)(H), (P), (Q) and (R), 214(a) and 214(c)(1) of the Immigration and Nationality Act (INA); 8 U.S.C. 1101(a)(15)(H), (P), (Q) and (R), 1184(a) and 1184(c)(1), and the COMPETE Act of 2006 (Pub. L. 109-463).

101(a)(15)(H)

§1101. Definitions

(a) As used in this chapter-

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens-

(H) an alien (i) [(a) Repealed. [Pub. L. 106-95, §2\(c\), Nov. 12, 1999, 113 Stat. 1316](#)] (b) subject to [section 1182\(j\)\(2\) of this title](#), who is coming temporarily to the United States to perform services (other than services described in subclause (a) during the period in which such subclause applies and other than services described in subclause (ii)(a) or in subparagraph (O) or (P)) in a specialty occupation described in [section 1184\(i\)\(1\) of this title](#) or as a fashion model, who meets the requirements for the occupation specified in [section 1184\(i\)\(2\) of this title](#) or, in the case of a fashion model, is of distinguished merit and ability, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application under [section 1182\(n\)\(1\) of this title](#), or (b1) who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in [section 1184\(g\)\(8\)\(A\) of this title](#), who is engaged in a specialty occupation described in [section 1184\(i\)\(3\) of this title](#), and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under [section 1182\(t\)\(1\) of this title](#), or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in [section 1182\(m\)\(1\) of this title](#), and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under [section 1182\(m\)\(2\) of this title](#) for the facility (as defined in [section 1182\(m\)\(6\) of this title](#)) for which the alien will perform the services; or (ii)(a) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in [section 3121\(g\) of title 26](#), agriculture as defined in [section 203\(f\) of title 29](#), and the pressing of apples for cider on a farm, of a temporary or seasonal nature, or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession; or (iii) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States as a trainee, other than to receive graduate medical education or training, in a training program that is not designed primarily to provide productive employment; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him;

101(a)(15)(P)

§1101. Definitions

(a) As used in this chapter-

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens-

(P) an alien having a foreign residence which the alien has no intention of abandoning who-

(i)(a) is described in [section 1184\(c\)\(4\)\(A\) of this title](#) (relating to athletes), or (b) is described in [section 1184\(c\)\(4\)\(B\) of this title](#) (relating to entertainment groups);

(ii)(I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program which is between an organization or organizations in the United States and an organization or organizations in one or more foreign states and which provides for the temporary exchange of artists and entertainers, or groups of artists and entertainers;

(iii)(I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely to perform, teach, or coach as such an artist or entertainer or with such a group under a commercial or noncommercial program that is culturally unique; or

(iv) is the spouse or child of an alien described in clause (i), (ii), or (iii) and is accompanying, or following to join, the alien;

101(a)(15)(Q)

§1101. Definitions

(a) As used in this chapter-

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens-

(Q) an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Secretary of Homeland Security for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers;

101(a)(15)(R)

§1101. Definitions

(a) As used in this chapter-

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens-

(R) an alien, and the spouse and children of the alien if accompanying or following to join the alien, who-

(i) for the 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States; and

(ii) seeks to enter the United States for a period not to exceed 5 years to perform the work described in subclause (I), (II), or (III) of paragraph (27)(C)(ii);

214(a)

§1184. Admission of nonimmigrants

(a) Regulations

(1) The admission to the United States of any alien as a nonimmigrant shall be for such time and under such conditions as the Attorney General may by regulations prescribe, including when he deems necessary the giving of a bond with sufficient surety in such sum and containing such conditions as the Attorney General shall prescribe, to insure that at the expiration of such time or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under [section 1258 of this title](#), such alien will depart from the United States. No alien admitted to Guam or the Commonwealth of the Northern Mariana Islands without a visa pursuant to [section 1182\(I\) of this title](#) may be authorized to enter or stay in the United States other than in Guam or the Commonwealth of the Northern Mariana Islands or to remain in Guam or the Commonwealth of the Northern Mariana Islands for a period exceeding 45 days from date of admission to Guam or the Commonwealth of the Northern Mariana Islands. No alien admitted to the United States without a visa pursuant to [section 1187 of this title](#) may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission.

(2)(A) The period of authorized status as a nonimmigrant described in [section 1101\(a\)\(15\)\(O\) of this title](#) shall be for such period as the Attorney General may specify in order to provide for the event (or events) for which the nonimmigrant is admitted.

(B) The period of authorized status as a nonimmigrant described in [section 1101\(a\)\(15\)\(P\) of this title](#) shall be for such period as the Attorney General may specify in order to provide for the competition, event, or performance for which the nonimmigrant is admitted. In the case of nonimmigrants admitted as individual athletes under [section 1101\(a\)\(15\)\(P\) of this title](#), the period of authorized status may be for an initial period (not to exceed 5 years) during which the nonimmigrant will perform as an athlete and such period may be extended by the Attorney General for an additional period of up to 5 years.

214(c)(1)

§1184. Admission of nonimmigrants

(c) Petition of importing employer

(1) The question of importing any alien as a nonimmigrant under subparagraph (H), (L), (O), or (P)(i) of [section 1101\(a\)\(15\) of this title](#) (excluding nonimmigrants under [section 1101\(a\)\(15\)\(H\)\(i\)\(b1\) of this title](#)) in any specific case or specific cases shall be determined by the Attorney General, after consultation with appropriate agencies of the Government, upon petition of the importing employer. Such petition,

shall be made and approved before the visa is granted. The petition shall be in such form and contain such information as the Attorney General shall prescribe. The approval of such a petition shall not, of itself, be construed as establishing that the alien is a nonimmigrant. For purposes of this subsection with respect to nonimmigrants described in [section 1101\(a\)\(15\)\(H\)\(ii\)\(a\) of this title](#), the term "appropriate agencies of Government" means the Department of Labor and includes the Department of Agriculture. The provisions of [section 1188 of this title](#) shall apply to the question of importing any alien as a nonimmigrant under [section 1101\(a\)\(15\)\(H\)\(ii\)\(a\) of this title](#).

The regulatory authority is 8 CFR 214.2(h), (p), (q) and (r).

Sec. 214.2 (h)

§ 214.2 Special requirements for admission, extension, and maintenance of status.

The general requirements in [§ 214.1](#) are modified for the following nonimmigrant classes:

(h) Temporary employees -

(1) Admission of temporary employees -

(i) General. Under section 101(a)(15)(H) of the [Act](#), an alien may be authorized to come to the [United States](#) temporarily to perform [services](#) or labor for, or to receive training from, an employer, if [petitioned](#) for by that employer. Under this nonimmigrant category, the alien may be classified as follows: under section 101(a)(15)(H)(i)(c) of the [Act](#) as a registered nurse; under section 101(a)(15)(H)(i)(b) of the [Act](#) as an alien who is coming to perform [services](#) in a [specialty occupation](#), [services](#) relating to a Department of Defense (DOD) cooperative research and development project or coproduction project, or [services](#) as a fashion model who is of distinguished merit and ability; under section 101(a)(15)(H)(ii)(a) of the [Act](#) as an alien who is coming to perform agricultural labor or [services](#) of a temporary or seasonal nature; under section 101(a)(15)(H)(ii)(b) of the [Act](#) as an alien coming to perform other temporary [services](#) or labor; or under section 101(a)(15)(H)(iii) of the [Act](#) as an alien who is coming as a trainee or as a participant in a special education exchange visitor program. These classifications are called H-1C, H-1B, H-2A, H-2B, and H-3, respectively. The employer must file a [petition](#) with the [Service](#) for review of the [services](#) or training and for determination of the alien's eligibility for classification as a temporary employee or trainee, before the alien may apply for a visa or seek admission to the [United States](#). This paragraph sets forth the standards and procedures applicable to these classifications.

Sec. 214.2(p)

§ 214.2 Special requirements for admission, extension, and maintenance of status.

The general requirements in [§ 214.1](#) are modified for the following nonimmigrant classes:

(p) Artists, athletes, and entertainers -

(1) Classifications -

(i) General. Under section 101(a)(15)(P) of the [Act](#), an alien having a residence in a foreign country which he or she has not intention or abandoning may be authorized to come to the [United States](#) temporarily to perform [services](#) for an employer or a [sponsor](#). Under the nonimmigrant category, the alien may be classified under section 101(a)(15)(P)(i) of the [Act](#) as an alien who is coming to the [United States](#) to perform [services](#) as an [internationally recognized](#) athlete, individually or as part of a [group](#) or [team](#), or member of an [internationally recognized](#) entertainment [group](#); under section 101(a)(15)(P)(ii) of the [Act](#), who is coming to perform as an artist or entertainer under a reciprocal exchange program; under section 101(a)(15)(P)(iii) of the [Act](#), as an alien who is coming solely to perform, teach, or coach under a program that is [culturally unique](#); or under section 101(a)(15)(P)(iv) of the [Act](#), as the spouse or [child](#) of an alien described in section 101(a)(15)(P) (i), (ii), or (iii) of the [Act](#) who is accompanying or following to join the alien. These classifications are called P-1, P-2, P-3, and P-4 respectively. The employer or [sponsor](#) must file a [petition](#) with the [Service](#) for review of the [services](#) to be performed and for determination of the alien's eligibility for P-1, P-2, or P-3 classification before the alien may apply for a visa or seek admission to the [United States](#). This paragraph sets forth the standards and procedures applicable to these classifications.

Sec. 214.2(q)

§ 214.2 Special requirements for admission, extension, and maintenance of status.

The general requirements in [§ 214.1](#) are modified for the following nonimmigrant classes:

(q) Cultural visitors - (1)(i) *International cultural exchange visitors program*. Paragraphs (q)(2) through (q)(11) of this section provide the rules governing nonimmigrant aliens who are visiting the [United States](#) temporarily in an [international cultural exchange visitors](#) program (Q-1).

Sec. 214.2(r)

§ 214.2 Special requirements for admission, extension, and maintenance of status.

The general requirements in [§ 214.1](#) are modified for the following nonimmigrant classes:

(r) Religious workers. This paragraph governs classification of an alien as a nonimmigrant [religious worker](#) (R-1).