



A GUIDE FOR SECURING P-1 AND O-1 VISAS AND GREEN CARDS FOR TOP COACHES AND ATHLETES

Giselle Carson, Esq.
Business Immigration and Compliance

Ph: 904-398-0900 · gcarson@marksgray.com · www.marksgray.com
1200 Riverplace Blvd., Suite 800, Jacksonville, Florida 32207




MarksGray
LAWYERS FOR ENTERPRISE

About Giselle Carson, Esq.



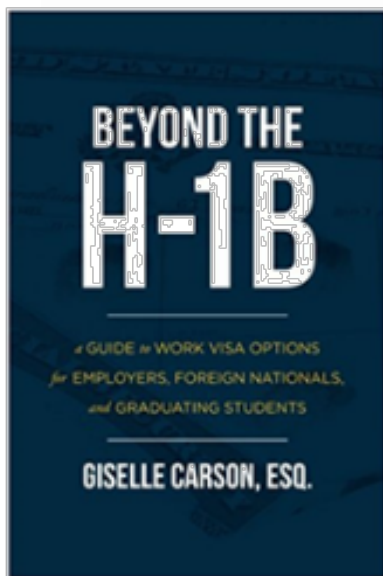
Immigration is not just one of my areas of practice - it is my *only* area of practice!

As a two-time immigrant, I have experienced the challenges and joy of immigration. My determination and passion are driven by my immigration experiences, an established practice and outstanding clients, and the satisfaction and benefits we all receive when petitions and applications are approved. Every approval is a step closer to crossing the finish line!

For over ten years, I have successfully helped employers obtain work visas and green cards for foreign nationals and helped immigrants from over sixty countries achieve their immigration dreams.

I am a published author and recognized speaker on immigration matters. I am passionate about health and fitness and believe that a fit lawyer is also your best lawyer. I am a 4x Ironman finisher and 15x marathon finisher.

In business and in life, I have crossed many finishing lines. I look forward to helping you cross your finish line.



TOP RATED LAWYERS





With solid roots in Jacksonville, Marks Gray is one of Northeast Florida's leading and most established business law firms.

We are in our second century of service to our clients and community. Our team of client focused attorneys endeavor to work with clients during every step of the process to not only meet, but exceed expectations. We are committed to excellence by handling each matter with unparalleled customer service, efficiency, and professionalism.

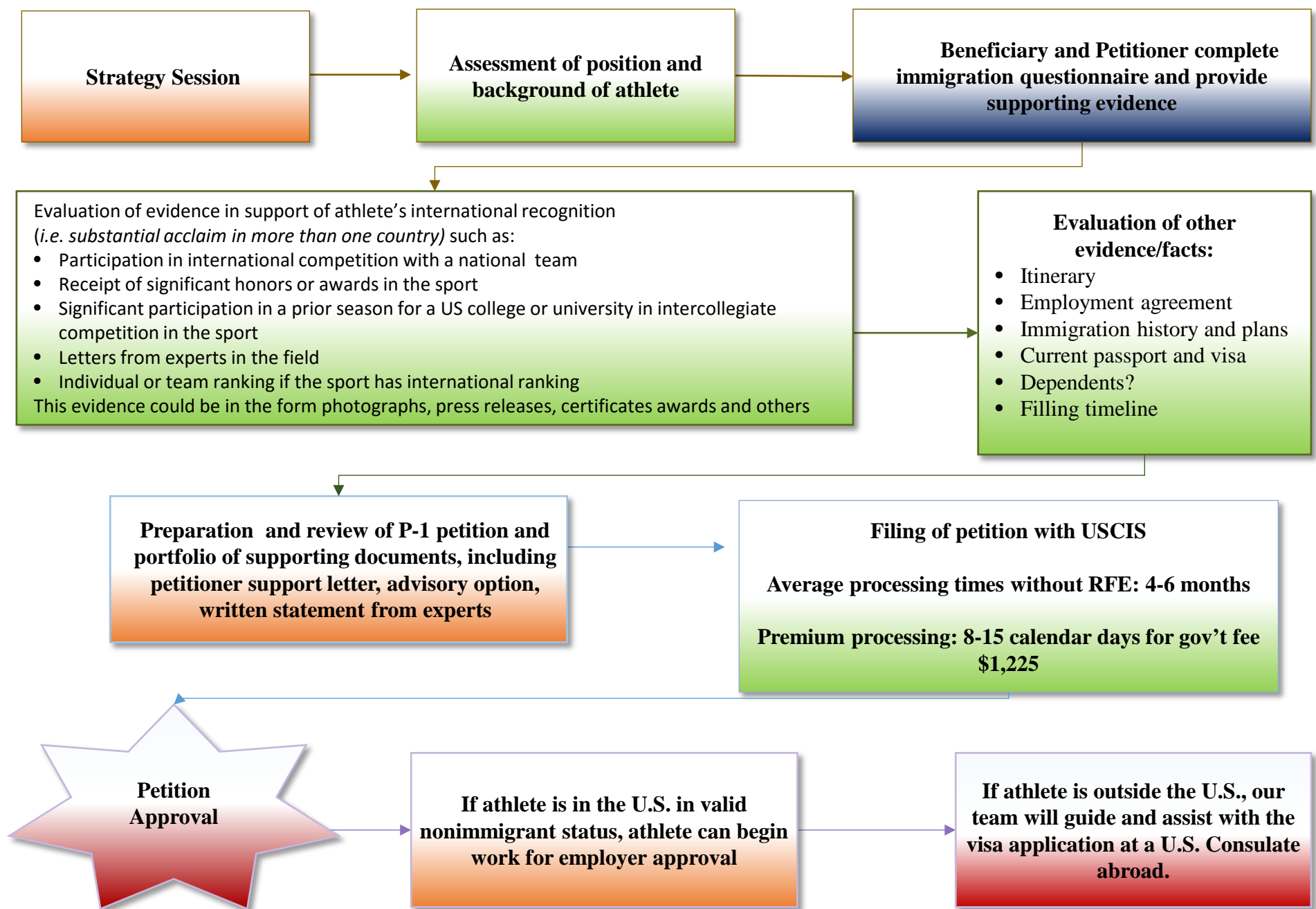
Our clients, community leaders, and legal peers value us because they trust in our ability to serve a diverse set of clients with a unique set of business needs. Marks Gray is able to add value to a client's business by serving as a key partner while helping them navigate the myriad opportunities and varied challenges inherent in today's ever changing business landscape.

Our mission is to provide each client with the wealth of knowledge and experience our attorneys bring to Marks Gray.

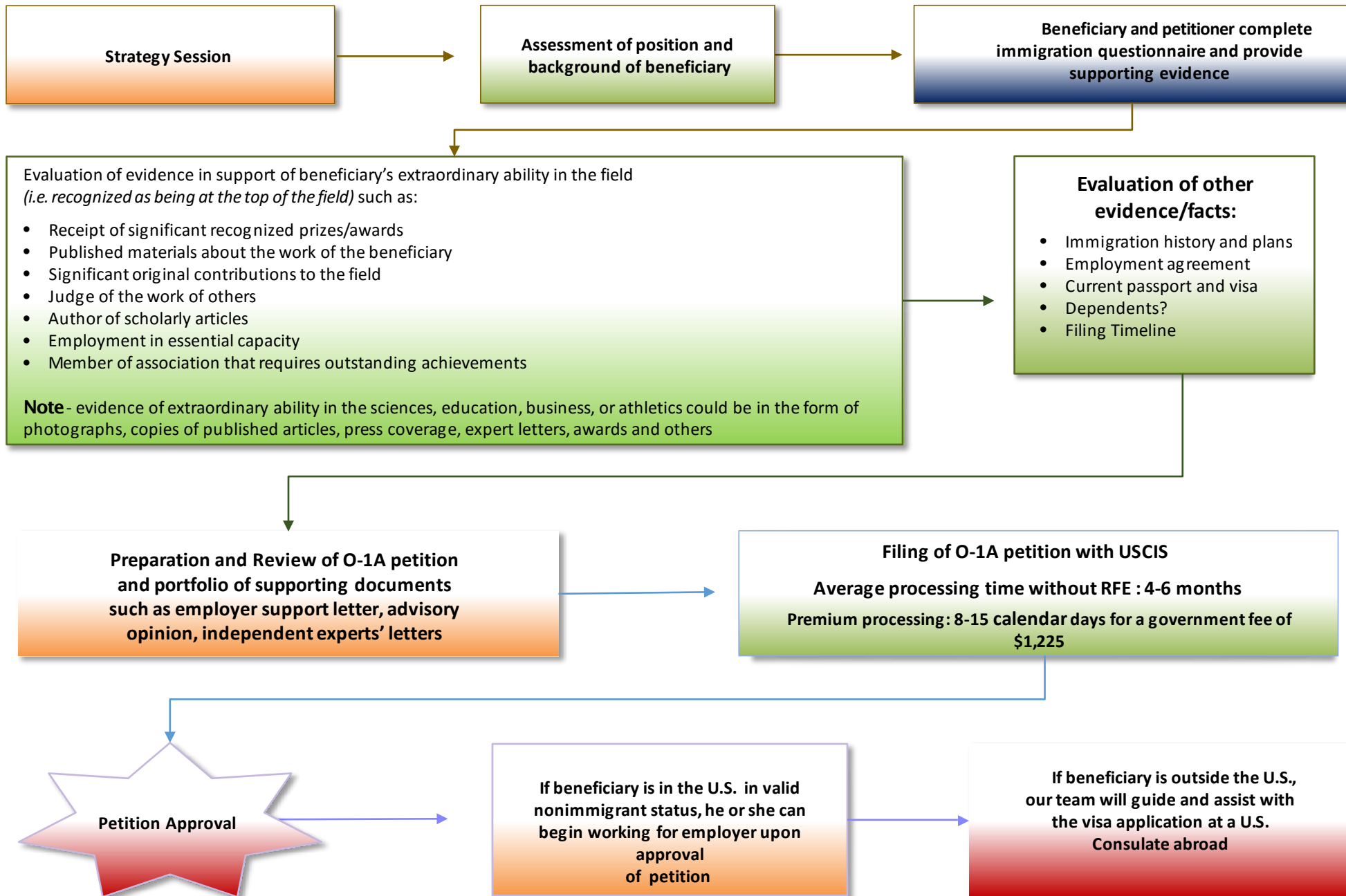
We pride ourselves on providing comprehensive legal service to our clients and working across practice areas to meet their unique legal needs.

Summary of Visas most used for Athletes and Coaches

VISA	O-1A EXTRAORDINARY ABILITY INDIVIDUALS	P-1 INTERNATIONALLY RECOGNIZED ATHLETE
Description	Very valuable for those with a significant record of achievement in the sciences, education, business or athletics.	Designed for those coming to perform in distinguished athletic competitions.
Duration	Up to 3 years or duration of event. Unlimited one year extensions as long as fulfilling the requirements of the category.	Up to 5 years or duration of event, with one extension for up to 5 years.
Requirements	<p>Must show recognition and renown through at least 3 of following:</p> <ul style="list-style-type: none"> • Prizes/awards; • Published material about applicant; • Contributions of significance to field; • Membership in prestigious organizations; • Judge of work of others; • Significant publications; and • Employment in essential capacity. <p>Advisory letter required</p>	<p>Must show international acclaim in the sport and at least 2 of following:</p> <ul style="list-style-type: none"> • Honors/awards; • Participation with major U.S. sports league; • International competition with national team; • U.S. college inter college competition; • Expert opinions; and • International ranking. <p>Advisory letter required</p>
Spouse	Spouse can apply for O-3 status but might not work in this status.	Spouse can apply for P-4 status but might not work in this status.



*This material is not intended to substitute as legal advice.



*This material is only a general overview of the O-1A process and is not intended to substitute as legal advice.

FAQ about O-1 and P-1 Visas

When it comes to bringing an athlete or a coach to the U.S., we have two main options: the P-1 visa for internationally recognized athletes and the O-1 visa for those with top talent in athletics. Below, we answer some of the most FAQ about these visa categories.

Can the P-1 visa be used for all athletes and coaches?

No. The P-1 visa is designed for internationally recognized athletes to compete in the U.S. in their sport. However, the P-1S for essential support personnel can be issued to a person who will assist the athletic performance of a P-1 alien, such as a coach. To qualify for the P-1S, the coach must be highly skilled and an integral part of the event or performance. The services of P-1S support personnel cannot be readily available in the U.S. workforce. The P-1S cannot work independently from the P principal.

The preferred visa for top coaches is the O-1 visa. To qualify, the coach must show sustained national or international acclaim and recognition for extraordinary success as a coach. It is not enough to show the coach's top talent as an athlete.

Does the league or team revenue play a part in the successful adjudication of a petition?

USCIS is required to look at the totality of the record not just the revenue, size or reputation of the petitioner. However, in practice, the revenue and reputation of the petitioner play a role in the adjudication. USCIS should also consider the reasonable needs of the organization, the role, and background of the athlete, the petitioner's organizational structure, and general staffing levels.

Certain professional athletes can apply for a P-1 visa under the Compete Act which requires that the professional athlete is employed by a team that is a member of an association of six or more professional sports teams, whose total combined revenues exceed \$10 million per year.

USCIS has begun denying petitions for internationally recognized athletes applying to play in lower-level tournaments. USCIS has decided these events do not qualify or require players with international reputations.

How does the O-1 visa relate to P-1?

The P-1 is the preferred visa for professional athletes coming to the U.S. to compete. As compared to the O-1, the P-1 requires a lower standard of proof; can be obtained for five years; and is faster to prepare.

The O-1 is the preferred visa for top athletes and coaches because it has a more secure path to a green card and provides greater employment flexibility.

Can professional athletes or coaches come to the U.S. to participate in tournaments or competitions using the visa waiver (if they come from a visa waiver country) or by using a B-1 visitor visa?

Athletes and coaches can use the visa waiver or B-1 visa to enter the U.S. as temporary visitors to participate in competitions but they cannot earn money in the U.S. other than prize money from tournaments. U.S. immigration laws treat a paid professional athlete or coach as a worker requiring a work visa such as a P-1 or O-1.

Athletes and coaches using the visa waiver or B-1 visa are expected to have a residence outside the U.S. that they do not intend to abandon. The visa waiver or B-1 is not appropriate if the athlete intends to live and work in the U.S. Using the visa waiver or B-1 is unreliable and admission is at the discretion of the CBP officer.

Can an athlete or coach self-sponsor for a nonimmigrant visa?

No. They must be sponsored by an employer or agent.

How can an athlete or coach obtain a “green card”?

The ultimate goal of many foreign athletes and coaches is to live, work and play in the U.S. To achieve this goal, they should consider obtaining lawful permanent residence (or “green card”).

Internationally recognized athletes and coaches benefit from the “EB-1” petition path to a green card. This petition can be filed through a sponsoring employer or as a self-petition. The petition must show that the athlete or coach plans to continue to work in their field of expertise and continue to be at the top of the field.

If they are married to a U.S. citizen, the U.S. citizen spouse could also petition for a green card for them.

Why Us?

Success Stories from our Clients

Green Card Approval for NASL Professional Soccer Player from Argentina

"Almost three years ago I landed with my wife at Jacksonville to start a new stage in my life as a professional soccer player. [...] We found the best advice possible with Giselle and her team at Marks Gray. The entire process was successful thanks to excellent teamwork. [...]"

Thank you Giselle for all your time invested in make our dreams of build a life here, come true."

P-1 Approval for Professional Tennis Player from Ireland followed by a successful Green Card

"I started working with Giselle and her immigration team about 5 years ago. I was referred to Giselle by a friend of mine who was another very happy client. [...] She successfully helped me, a professional athlete, and my sponsor obtain a P1 visa. [...] Giselle is also currently helping me with my green card process to become a permanent resident. Her Team are extremely experienced and dedicated to helping all clients meet their goals. The visa process can be complicated at times but Giselle and her team always takes the time to reply to any questions right away.

Cannot thank Giselle and her team enough for what they have done for me! They are amazing!"

I-140 Immigration Petition followed by a successful Green Card

Atty. Carson and her Immigration Team made us feel comfortable and welcome the very first minute we came to their office. [...] Her legal team is very organized, highly efficient, and truly dedicated in their work to get us our immigration documents processed and approved the fastest way possible. [...]Atty. Giselle and her team are a great blessing to us indeed. They are not only the best at what they do, but also -- and most importantly -- they treated us as family.

**We put in the hard work so your players and coaches can
focus on their game!
Contact us at immigrationteam@marksgray.com**

Why Us?

Experience.

Our team has more than 20 years of combined legal experience solely focusing on immigration matters. Our firm, Marks Gray, is in its second century of service. Founded in 1899, we deliver engaging, proactive and innovative legal solutions.

Determination.

We focus our resources toward a select number of clients that we know we can help with determination and partnership. We are selective about who we represent. We feel it is important to find the right fit between the client and their immigration lawyer.

Results Oriented.

Our team is committed to and driven by positive results. We consider the facts specific to your situation and design tailored solutions to help you achieve your goals. In immigration matters, there are often multiple ways to achieve a result. We value creativity and thinking outside the box to achieve your goals more efficiently.

Community Involvement.



We put in the hard work so your players and coaches can
focus on their game!

Contact us at immigrationteam@marksgray.com