

“P-3” Cultural Entertainer / Artist Visas

The “P-3” non-immigrant visa is a somewhat underutilized temporary U.S. visa, for persons who perform as an artist or entertainer (as an individual or in a group), and wish to enter the U.S. to participate in a “culturally unique” program. This is a temporary visa – for the time period that the visa-holder will actively participate in the “culturally diverse” event/ performance. But, at any time while within the U.S., certain foreign nationals may seek to change status to another appropriate temporary visa, or to apply for U.S. lawful permanent residency (for example: through PERM labor certification).

A few examples of “culturally unique” programs may include, but are *not* limited to, the following:

- i. native Russian folkdance performances;
- ii. exhibitions promoting the art of Filipino stick fighting;
- iii. traditional Indian Hindustani musical performances; or
- iv. classical Japanese Kabuki theatrical events.

A sponsoring organization or a U.S. employer must file a P-3 visa petition for the benefit of the person(s) seeking to enter the U.S. to participate in such a "culturally unique" program.

Generally, a “culturally unique” program is one wherein (1) the artist or entertainer has achieved excellence in developing, interpreting, representing, coaching or teaching a unique or traditional ethnic, folk, cultural, musical, theatrical or artistic performance; and (2) the artist or entertainer is traveling to the U.S. to promote and facilitate that “culturally unique” art form.

Both of these two criteria must be met in order to secure P-3 visa status. The P-3 visa petition must prove that the person seeking the visa has achieved excellence in his/her field. Additionally, the sole purpose of the applicant’s travel to the U.S. must be to promote his/ her art form. In order to satisfy these two criteria, the P-3 visa petition and supporting documents must establish or include the following:

- A. the P-3 visa applicant must have been involved in the “culturally unique” art form for a substantial time period;
- B. the person, or group, has achieved national or international recognition or acclaim;
- C. letters and affidavits authored by experts and leaders in the field, attesting to the authenticity and exceptional quality of the applicant person’s (or group’s) skills and abilities;
- D. articles and other third-party publications attesting to the uniqueness of the program; and
- E. the performances themselves are “culturally unique” – though the actual sponsoring event may not be.

Oftentimes, foreigners are not aware that visas such as the P-3 visa exist. While careful analysis of an individual's (or group's) qualifications must be conducted in order to determine whether the P-3 visa would be appropriate, many foreigner entertainers and artists find that the P-3 visa is not only a wonderful way to enter and perform their art in the U.S., but it may also be the "stepping stone" toward U.S. lawful permanent residency and/ or U.S. citizenship.

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