United States Senate
WASHINGTON, DC 20510-3203

December 3, 2021

Ms. Ur Mendoza Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20588

Dear Ms. Jaddou:

The Major Arena Soccer League (MASL) touches all corners of the United States and the international community, including Maryland and New York. With 12 teams across the United States and Mexico, the MASL is the premier international league for indoor soccer, also referred to as arena soccer. The Utica City Football Club and Baltimore Blast have brought much-needed commercial activity and an enthusiastic fan base to communities we represent. Given the league's competitive nature and high stature, it requires internationally recognized talent to maintain sponsorships and fan engagement around the globe.

Unfortunately, U.S. Citizenship and Immigration Services (USCIS) has been completely inconsistent in its approval process for P-1 visas for many of the league's most talented international players. In approving some and denying others, USCIS has failed to demonstrate a fair and consistent standard for considering visa applications. Even worse, USCIS has failed to provide compelling reasoning to justify its denial of several of the league's recent visa requests.

In recent denials to Utica City FC and Baltimore Blast, USCIS has determined that MASL is not a major U.S. sport league and that it does not have a distinguished reputation which requires the participation of internationally recognized talent. We strongly disagree and believe this judgement has been made in error. USCIS has justified its decisions to deny players visas on the basis that MASL teams host open tryouts— yet this completely fails to recognize that this is a practice common across other widely recognized leagues like Major League Baseball (MLB) and the National Basketball Association (NBA). This has been the sole justification provided for denying many of the P-1 visa applications, despite numerous letters of support for the league provided by distinguished figures in the sphere of American and international soccer, including the head coach of the United States Women's National Soccer Team.

After considering the facts of recently denied and revoked P-1 petitions by MASL teams, it is clear that MASL constitutes a legitimate major sports league as well as a league with a distinguished international reputation such that it requires the participation of internationally recognized players. Failure to recognize this and overturn the rulings on denied or revoked P-1 visa applications for players could result in millions of dollars of economic damages for our communities in New York and Maryland. We strongly urge you to reconsider your decisions and

look forward to your prompt attention to this matter as soon as possible as the season is set to open in early December.

Sincerely,

Charles E. Schumer
United States Senator

Benjamin L. Cardin
United States Senator

**U.S. Department of Homeland Security**
U.S. Citizenship and Immigration Services
*Office of the Director (MS 2000)*
Camp Springs, MD 20588-0009

**U.S. Citizenship and Immigration Services**

January 10, 2022

The Honorable Charles E. Schumer
United States Senate
Washington, DC 20510

Dear Senator Schumer:

Thank you for your December 3, 2021 letter explaining your concerns about the U.S Citizenship and Immigration Services (USCIS) adjudication of P-1A petitions from teams in the Major Arena Soccer League (MASL).

The P-1A nonimmigrant classification is available to an individual who performs as an athlete, either individually or as part of a group or team, at an "internationally recognized" level of performance. According to 8 CFR 214.2(p)(4)(i)(A), a P-1A internationally recognized athlete or team must be coming to the United States to participate in an athletic competition which has a distinguished reputation, and which requires participation of an athlete or athletic team with an international reputation.

Beyond the "internationally recognized" category of P-1 athletes, which Congress first created in 1990, Congress later expanded the classification to include additional categories of athletes, such as "professional athletes" and certain amateur athletes and coaches. *See* Public Law 109-463, Creating Opportunities for Minor League Professional, Entertainers, and Teams through Legal Entry Act of 2006 (COMPETE Act of 2006). An individual may qualify for P-1A classification as a professional athlete under the COMPETE Act of 2006 if working as an athlete for a team that is a member of an association (including a league) of six or more professional sports teams whose total combined revenues exceed $10 million per year, and the association of the league governs the conduct of its members and regulates the contests and exhibitions in which the teams regularly engage. *See* 8 U.S.C. §§ 1184(c)(4)(A)(i)(II) and 1154(i)(2).

In addition, in order to promote transparent and consistent adjudications, USCIS issued policy guidance in the USCIS Policy Manual on March 26, 2021, pertaining to the adjudication of P-1A petitions for internationally recognized athletes. The guidance clarifies the regulatory phrase "major United States sports leagues," as used in the regulation at 8 CFR 214.2(p)(4)(ii)(B); describes non-exhaustive examples of information and evidence relevant to evaluating whether an entity is a "major United States sports league or team"; and explains how USCIS evaluates whether events or competitions have a distinguished reputation and are at an

internationally recognized level of performance. This policy guidance was publicly disseminated to provide interested stakeholders with this updated clarification.

In your letter, you have expressed concern about potential inconsistency in USCIS determinations that the petitioning MASL team did not provide sufficient evidence to establish that MASL is a "major United States sports league" and that their competitions have a distinguished reputation and require internationally recognized athletes. Although an organization may at one point in time meet the legal standard to be considered a "major United States sports league or team" and, as a result, receive petition approvals, the organization may change or have different revenue that does not meet the requirements under the law and could, therefore, begin to see denials. If the documentary evidence does not establish eligibility for the classification sought, USCIS will request additional evidence to provide the petitioner the opportunity to address the deficiencies noted before rendering a decision. Each petition filing is a separate proceeding with a separate record. Despite any previously approved petitions, the petitioner bears the burden to establish eligibility for each petition submitted, and an immigration benefit cannot be granted when the petitioner fails to meet its burden of proof. If, however, the petitioner believes the decision was incorrect, they may file a motion to reopen or reconsider or an appeal consistent with 8 CFR 103.3 or 103.5, as applicable.

Additional information about USCIS's interpretation of the statutory and regulatory requirements for P-1A classification are in the USCIS Policy Manual: https://www.uscis.gov/policy-manual/volume-2-part-n-chapter-2.

Thank you again for your letter and interest in this important issue. A separate, identical response has been sent to Senator Benjamin Cardin. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

Ur M. Jaddou
Director