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USCIS Issues Precedent Appeals Decision on P-3 Nonimmigrant Visa Petition

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Issuance Based on 2009 Petition by Los Angeles-based Skirball Cultural Center

Released May 15, 2012

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) Administrative Appeals Office (AAO) today issued a binding precedent decision addressing the term “culturally unique” and its significance in the adjudication of petitions for performing artists and entertainers.

In the case at issue, the Skirball Cultural Center filed a P-3 nonimmigrant petition on behalf of a musical group from Argentina that was denied a performing artists’ visa for failing to establish that the group’s performance was “culturally unique” as required for this visa classification. Due to the unusually complex and novel issue and the likelihood that the same issue could arise in future decisions, the decision was recommended for review.

USCIS’s AAO approved the petition after its review of the entire record, which included expert written testimony and corroborating evidence on behalf of the musical group. The regulatory definition of “culturally unique” requires USCIS to make a case-by-case factual determination. The decision clarifies that a “culturally unique” style of art or entertainment is not limited to traditional art forms, but may include artistic expression that is deemed to be a hybrid or fusion of more than one culture or region.

Precedent decisions support USCIS's commitment to consistency in the administration of immigration benefits. This is the third precedent decision issued since late 2010. Selected and designated as precedent by the Secretary of the Department of Homeland Security (DHS), with the Attorney General's concurrence, precedent decisions are administrative decisions that are legally binding on DHS components responsible for enforcing immigration laws in all proceedings involving the same issue.

The Department of Justice's Executive Office for Immigration Review ^[2](EOIR) publishes precedent decisions in bound volumes titled, "Administrative Decisions Under Immigration and Nationality Laws of the United States."

Nonimmigrant Visas:

P Visa ^[3]

Agency:

USCIS ^[4]

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[3] <https://immigration.com/visa/nonimmigrant-visas/p-visa>

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