

Coming to America: Preparing for the 2010 World Equestrian Games
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With the 2008 Olympics behind us, the world's elite riders have begun to set their sights on the 2010 World Equestrian Games in Lexington, Kentucky. While most of those who will compete in the Games will travel to the U.S. closer to the actual start date, some may prefer to come to the U.S. much earlier in order to begin training and to take advantage of several opportunities for high-level competition.

The question we are most often asked is whether it is possible to come to the U.S. as early as 2009 to train and compete until the Games in 2010? The answer is a resounding "yes." What you need is an athlete's visa, which would be either the O-1 (valid initially for up to 3 years) or the P-1 (valid initially for up to 5 years). And what about your grooms? They, too, can come as your "essential support personnel", provided the requisite relationship exists between rider and groom.

To qualify for either of these visas, you need a sponsor (which does not necessarily have to be an employer) and a reasonably detailed competition and training itinerary. You must also be able to establish that you are either at the top of your sport in your country, or that you are internationally recognized in your sport.

O-1 Visa

To qualify for O-1 status, you must establish that you are *one of a small percentage who has "risen to the very top" of your field of endeavor*,¹ which must be supported by showing at least **three** of the following²:

- Receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
- Membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields;
- Published material in professional or major trade publications or other major media about you;
- Participation, either individually or on a panel, as a judge of the work of others;
- Original scientific, scholarly, artistic, athletic or business-related contributions of major significance in the field;
- Authorship of scholarly articles in the field, in professional or major trade publications or other major media;
- Employment in a critical or essential capacity for organizations and establishments that have a distinguished reputation;

¹ [8 C.F.R. §214.2(o)(3)(ii)]

² [8 C.F.R. §214.2(o)(3)(iii)]

- High salary or other significantly high remuneration for services, in relation to others in the field; or
- Other comparable evidence.

P-1 Visa

The key to qualifying for P-1 status is establishing that you are “internationally recognized” in your field, which means *a high level of achievement, evidenced by a degree of skill and recognition substantially above that ordinarily encountered so that the achievement is renowned or well known in more than one country.*³ Such international recognition must be supported by showing at least **two** of the following⁴:

- International ranking;
- Significant honors/awards in the sport;
- Written statement from the sports media or a recognized expert;
- Written statement from a major US sports league or official of the sport’s governing body;
- Participation in international competition with a national team;
- Significant participation in a prior US major league season.

In conclusion, there are options available for equestrian athletes who desire time to train and compete in the U.S. on a long-term basis. Whether you are a rider seeking to come to prepare for the 2010 World Equestrian Games, or whether you simply enjoy competing in the U.S., an athlete’s visa may be the solution if you can meet the qualifications listed above.

This Article is not intended to provide or replace specific legal advice, and we encourage you to obtain legal advice.

Fennemore Craig's Equine Law Practice combines attorneys with experience in unique aspects of the equine industry, many of whom own horses and participate in various equine disciplines, together with the legal services needed by today's equine businesses. Matt Martinez has extensive experience representing employers and athletes in the equine industry, including companies and individuals involved in thoroughbred horse racing, equestrian competition, and equine transport.

If Fennemore Craig, P.C. is able to assist you, our website address is www.fclaw.com/equine-law/.

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³ [8 C.F.R. §214.2(p)(3)]

⁴ [8 C.F.R. §214.2(p)(4)(ii)]