

Drop Kick is a heavy metal band that has been performing together to small audiences at local bars dotted throughout the United Kingdom for close to a decade. Recently, a talent agent came across one of their performances and was incredibly impressed. After a whirlwind video shoot, instant fame fell upon them. From talk show appearances to industry magazine articles, the attention is percolating. The band is comprised of four members: three United Kingdom nationals and one Irish national. In order to capitalize on the success of the band, the agent arranged a short U.S. tour that will last approximately a month in duration. A petition for P-1B nonimmigrant classification was filed with the USCIS and approved. Right before the band members were headed off to the Embassy to apply for their visa stamps, the Irish national decided to quit, citing creative differences and a desire to start a solo project. The band was able to find a replacement, a Swedish national.

**Is Drop Kick still eligible for P-1B classification?**

**If so, can the Swedish national obtain a visa to travel and perform with the band in the United States?**

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A P-1B classification is used when the petition includes the entire group, the collective whole rather than singularly. The group meets this criteria. Drop Kick has performed for over a year regularly thus meeting the second criteria of performing regularly for an entire year. The next criteria that must be met is to have three of the list provided in the book as evidence of proof: (1) trade journal articles, (2) publicity release: video shot with instant fame, and (3) testimonials/distinguished reputational evidence: talk show appearance, considered noteworthy medium of success. All three are sufficient to meet this requirement. The next requirement of 75% of the total number of the established group performing together for a year is met. The final requirement of performing for a total for a month tour is well below the maximum of the one-year limitation. Drop Kick is eligible for the P-1B classification. The changed-out member of the group, the Swedish national, can travel and perform in the United States.

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According to how I understood the book, the Swedish national may travel and perform in the United States. There are a total of four members in the group, so this means that only three members of the group are needed to have the special provision for the P-B1 provision. I look forward in hearing what she says!

We agree! Because of the special provision, the Swedish national joining the group does not mean they will have to file a new petition.