

AGENT PETITIONER AGREEMENT

PARTIES.

Los Angeles Talent Management, LLC (referred to as “Agent Petitioner”) is hereby agreeing with the undersigned (referred to as “Beneficiary”), to serve as the “agent petitioner” that files the O-1 Visa petition on behalf of Beneficiary.

LIMITED SCOPE.

Agent Petitioner intends to limit the scope of its services solely for the purpose of acting as a U.S. agent solely for the purpose of applying for an O-1 Visa on behalf of Beneficiary who intends to be working for more than one employer within the subject time period, and therefore Agent Petitioner may also be filing on behalf of multiple employers. Agent Petitioner is not in the business of procuring employment as that term is legally interpreted and shall not be considered an agent pursuant to any codes, regulations, or laws, including the California Talent Agency Act.

EXTRAORDINARY.

Beneficiary acknowledges and represents to Agent Petitioner that Beneficiary qualifies for the O visa program. The O visa program is available to non-immigrants with extraordinary ability in the sciences, arts, education, business or athletics, or in the motion picture and television field. O-1 petitions may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent. When it comes to extraordinary individuals, the United States Customs and Immigration Services (USCIS) states:

O-1B: This subcategory is for those that have achieved the extraordinary in art, film, or theater. You can qualify by showing that you have at least three of the following achievements.

- The lead or starring role in a production or project
- A large salary that shows your achievement
- Having received national or international recognition for your achievements
- The lead or starring role in a well-known organization
- Published reviews of your work or work you were involved in that demonstrate your success
- Recognition for your achievements from reputable organizations in your industry

Agent Petitioner acknowledges that there is a need for evidence of at least three of the criteria to qualify for the visa. Beneficiary hereby represents to Agent Petitioner that Beneficiary can and will provide evidence of three of the listed criteria.

AGENT PETITIONER QUALIFICATION.

United States Customs and Immigration Services (USCIS) outline a number of individuals or groups that can serve as an individual’s agent petitioner. In addition to the beneficiary’s employer, or individuals that represent said employer, an entity performing the function of an employer can serve as the agent petitioner, meaning that an individual (not an employer) that exercises some form of control or exclusivity over the beneficiary’s services, an agent or a manager for instance, is permissible. The parties hereto this Agreement agree that all interpretation of this Agreement shall be made in order to permit Agent Petitioner to properly serve its role. Pursuant to 8 C.F.R. § 214.2(o)(2), a U.S. employer or agent, an appointed agent, or a foreign employer through a U.S. agent may file an O-1 petition. A U.S. agent may file a petition on behalf of a beneficiary in the field where workers are traditionally self-employed or where workers use agents to arrange short-term employment on their behalf with numerous employers, and in cases where a foreign employer authorizes the agent to act on its behalf. A U.S. agent may be the beneficiary's actual employer, the representative of both the employer and the beneficiary, or a person or entity authorized by the employer to act for, or in place of, the employer as its agent. Note that a petition filed by an agent is subject to additional evidentiary requirements under 8 C.F.R. § 214.2(iv)(E). A copy of the contract or written summary of the terms of employment (including compensation details) between the parties should be included as supporting documentation, as should an itinerary of all of the performances and engagements for which O-1

employment authorization is sought. Moreover, nothing in this Agreement shall be interpreted to characterize Agent Petitioner to be in the business of procuring employment as that term is legally interpreted and shall not be considered an agent in violation to any codes, regulations, or laws, including the California Talent Agency Act. Agent Petitioner intends to limit the scope of its services solely for the purpose of acting as Beneficiary's U.S. agent for the purpose of applying for an O-1 Visa on behalf of Beneficiary.

COMPENSATION.

Evidence of any sort of compensation may help to establish that the petitioner is authorized to act as an agent. The compensation is considered earned upon receipt and is non-refundable. Pursuant to this Agreement, Beneficiary agrees to pay Agent Petitioner an advanced up front fixed fee of \$2,500.00 in order to serve as the agent petitioner for the sole purpose of filing the O-1 Visa for the first year; \$2,000.00 for the second year; and \$1,500.00 for the third year. Thereafter, a separate agreement is required. Attorney fees and legal costs will be charged directly from the independent legal counsel for Beneficiary. Additional disclosed charges to Agent Petitioner may be required in addition to the fixed fee amount due if Agent Petitioner chooses to pay by credit card, paypal, wire transfer, or other similar third party method. Furthermore, Beneficiary will be responsible for any out of pocket costs, including but not limited to postage costs, incurred by Agent Petitioner.

DURATION.

Agent Petitioner will serve in this role throughout the duration of the Beneficiary's visa for good measure up to three years. Thereafter, a separate agreement is required.. If Beneficiary's O-1 petition is approved, then Beneficiary may be granted an initial period of stay of three years with the opportunity to extend indefinitely until Beneficiary's project(s) in the U.S. have been completed.

REQUIREMENT OF PETITIONER.

Beneficiary agrees and acknowledges that LATM is not its employer, and no employment relationship shall exist between the parties. O-1 nonimmigrants require a U.S. petitioner, which means that the petitioner must have a federal tax identification number and an address. In the case of performing or fine artists, an agent may act as the U.S. employer and petition for all performances scheduled for a thirty-six consecutive month period, the maximum approval period for an initial petition. Even though the O-1 is technically an employment-based visa, the Beneficiary's sponsor does not necessarily have to be the Beneficiary's employer. Beneficiary's sponsor can also be an O-1 visa agent, which is defined as the following:

- Beneficiary's actual employer
- Someone who professionally represents Beneficiary and Beneficiary's employer(s)
- Someone who can act on behalf of Beneficiary's employer(s)

ENTERTAINMENT INDUSTRY STANDARDS.

Typically, production companies, studios, networks, and other entertainment entities still prefer that an O-1 visa holder's petitioner is an actual talent agent, talent manager, or business manager. Within the entertainment industr(ies), talented musicians, artists and/or actors retain an Agent and/or Manager who can represent them for work in the U.S. The agent and/or manager can then sponsor Beneficiary's O-1 petition. No Labor Certification is required for O1 visas. Beneficiary acknowledges and consents that this agreement does not create a manager and/or agency relationship. Rather, this agreement is only for the purposes of filing the O-1 visa petition.

AGENT PETITIONER DUTIES.

If necessary, Agent Petitioner will provide, including but not limited to, the following information:

1. A copy of its federal tax ID number.
2. A signed contract between the Beneficiary and the Agent Petitioner outlining the terms of employment over the next 3 years (maximum time offered for an O-1 visa)
3. A copy of the company logo and signature for the O-1 petition

4. A copy of the company history and/or biography to include in the O-1 petition to the USCIS.

ITINERARY.

Beneficiary agrees to provide Agent Petitioner with a complete itinerary of planned gigs/events/activities to include with Beneficiary's petition to the USCIS.

FILING AS AGENT PETITIONER WITH THE USCIS.

Filing as an agent petitioner is not the same as filing as an employer. Beneficiary agrees to assist Agent Petitioner in presenting additional evidence to the USCIS in order to establish Agent Petitioner's legitimacy and its role as an agent petitioner for the sole purpose of filing the O-1 visa on behalf of Beneficiary.

PRESENTMENT OF AGREEMENT.

The parties consent to disclosure of this Agreement, and this Agreement will be presented if required by the proper authorities, including but not limited to legal documents such as Form I-129. This Agreement shall be interpreted in favor of its legitimacy in accordance with any review by legal authorities.

NON-EXCLUSIVE AGENT PETITIONER.

Agent Petitioner is permitted to represent multiple employers during the term of this Agreement. The parties acknowledge that Agent Petitioner does not need to be an established agent outside of this petition in order to qualify, for instance Agent Petitioner is not required to qualify as an agent as interpreted under other bodies of law, including but not limited to the California Talent Agency Act, and Agent Petitioner is not in the business of procuring employment but is merely serving as an "agent petitioner" for the sole purpose of the Beneficiary's O-1 Visa. It is acknowledged by Beneficiary that if Beneficiary will work concurrently for more than one employer within the same time period, each employer must file a separate petition with the Service Center that has jurisdiction over the area where the alien will perform services, unless a U.S. agent files the O-1 petition. Therefore, Agent Petitioner is hereby contracted by Beneficiary for the purposes of filing a single O-1 visa on behalf of Beneficiary. There is a clear advantage to using a U.S. agent rather than the direct employer if Beneficiary will be working for multiple employers during Beneficiary's stay. However, there are several conditions that are attached to petitions that are filed by acting agents rather than direct employers, particularly when filing while representing multiple employers, including:

- Agent Petitioner must include an itinerary that includes all of the events and activities that the Beneficiary will take part in while in the U.S.
- Agent Petitioner must include the names and addresses of all involved employers as well as all of the venues at which the events or activities will be performed.
- Agent Petitioner must provide the contracts that exist between Agent Petitioner and the Beneficiary as well as between the Beneficiary and his or her employer. Agent Petitioner will also need to explain the terms and conditions of these contracts.

INFORMATION SHARING WITH BENEFICIARY'S IMMIGRATION COUNSEL.

Agent Petitioner is hereby permitted by Beneficiary and is hereby entitled to know the outcome of any legal representation and the attorney's fees required. Therefore, Agent Petitioner is permitted to discuss confidential facts and is encouraged by Beneficiary to work with Beneficiary's legal counsel related to Beneficiary's immigration process. Agent Petitioner will keep such information confidential unless under court order to disclose the information. Beneficiary agrees to waive confidentiality with Beneficiary's legal counsel as it concerns Agent Petitioner. Beneficiary is informed of its right to consult with independent legal counsel as to the foregoing disclosure and resulting waiver, Beneficiary's knowing consent to the foregoing disclosure and resulting waiver, and Beneficiary's waiver of attorney-client confidentiality privilege.

NO GUARANTEE.

The O-1 visa is one of the most prestigious nonimmigrant visas available. Because of this, the USCIS evaluates each case under very stringent rules. If the evidence Beneficiary submits does not satisfy the evaluating officer, Beneficiary could experience a rejection, denial, or delay of its O-1 visa status.

JURISDICTION.

The parties agree that the jurisdiction concerning any dispute arising from this Agreement will be the Superior Court of Los Angeles.

SIGNATURES.

Electronic, scanned, or faxed signature, or signature via DocuSign shall have the same effect as the original.

AGREED TO AND ACCEPTED:

DATE: _____

BENEFICIARY PRINT NAME: _____

BENEFICIARY ADDRESS: _____

BENEFICIARY TELEPHONE: _____

BENEFICIARY EMAIL: _____

BENEFICIARY DATE OF BIRTH: _____

BENEFICIARY COUNTRY OF ORIGIN / PASSPORT: _____

BENEFICIARY SIGNATURE: _____

DATE: _____

SIGNATURE: _____

LOS ANGELES TALENT MANAGEMENT, LLC AUTHORIZED REPRESENTATIVE

Agreement will not be deemed to take effect until expressly signed by the Authorized Representative of Los Angeles Talent Management LLC. This Agreement is not binding on Los Angeles Talent Management LLC until signed by its Authorized Representative.