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**MICHAEL WILDES** is the managing partner with the immigration law firm of Wildes and Weinberg P.C. in New York City, Miami and New Jersey. He is a former federal prosecutor with the United States Attorney's Office in Brooklyn (1989-1993) with clients including soccer legend 'Pele', recording artist Sarah Brightman, Miss Universe 2008, 2009 and 2010, as well as the newly resurrected New York Cosmos. Mr. Wildes also served two terms as the mayor of Englewood, New Jersey.  
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**DENISE STOKES** loves words and has a passion for finding, pitching and writing about the many different stories that tell others what Frisco and working with the Frisco CVB is really all about. She can't do it on her own and works closely with local, regional and national media. For her, it's all about keeping the eyeballs and ears of an audience and driving the message: Frisco is Just My Kind of City. She has a couple of degrees, has been a radio personality and television news writer, teaches and really wants to get a Golden Retriever puppy, too. Denise is a movie buff who waits for everything to come on cable and refuses to play Words With Friends on her mobile phone because she wants to keep her job.  
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**TOM BERKMAN** is president/CEO of the THS Company, a nationally known housing service based in Flemington, New Jersey, that handles the housing for 100 annual tournaments per year. Tom has a BS in Hotel Management from the University of Houston and has been in the sports housing industry since 1994. Prior to that, Tom was in hotel operations with various hotel and management companies.  
www.THSSweb.com.





**MIKE GUSWILER** was named executive director of the West Michigan Sports Commission in 2007 when the commission was established, leading all operations of the organization since its inception. Under his leadership, the commission has booked nearly 300 sporting events generating \$100 million in visitor spending. Mike was recently promoted to president to serve in an expanded role overseeing WMSC operations, the signature Meijer State Games of Michigan, and construction and operation of the Art Van Sports Complex opening in 2015.  
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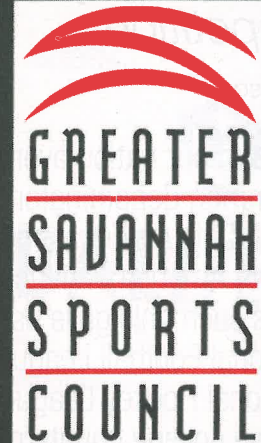


**JULIE FABSIK-SWARTZ** is the executive director of USA Synchro, the NGB for synchronized swimming. She previously worked as the director of development and marketing for EducationWorks in Lawrenceville, Georgia, and has served as the development and marketing manager for an \$11 million organization. She holds a master's degree in sports management from the University of Massachusetts at Amherst. Her sports experience includes participating in synchronized swimming and gymnastics, and she holds a National Level judges rating with USA Gymnastics.  
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# “Can I Play?”

*Legal Documentation Necessary for International Competition*

By Michael Wildes, Esq.

**DESPITE THE CURRENT CONFLICTS** in our nation over foreign policy, equal rights and immigration, a common denominator has always been our love for a scoreboard. Four of the Americas' five most popular team sports were developed in North America: American football, baseball, basketball and ice hockey. As such, this gave rise to the National Basketball Association (NBA), National Football League (NFL), Major League Baseball (MLB), and the National Hockey League (NHL), which, together with their equally impressive college counterparts, all enjoy massive media exposure and are considered the preeminent competitions in their respective sports in the world.

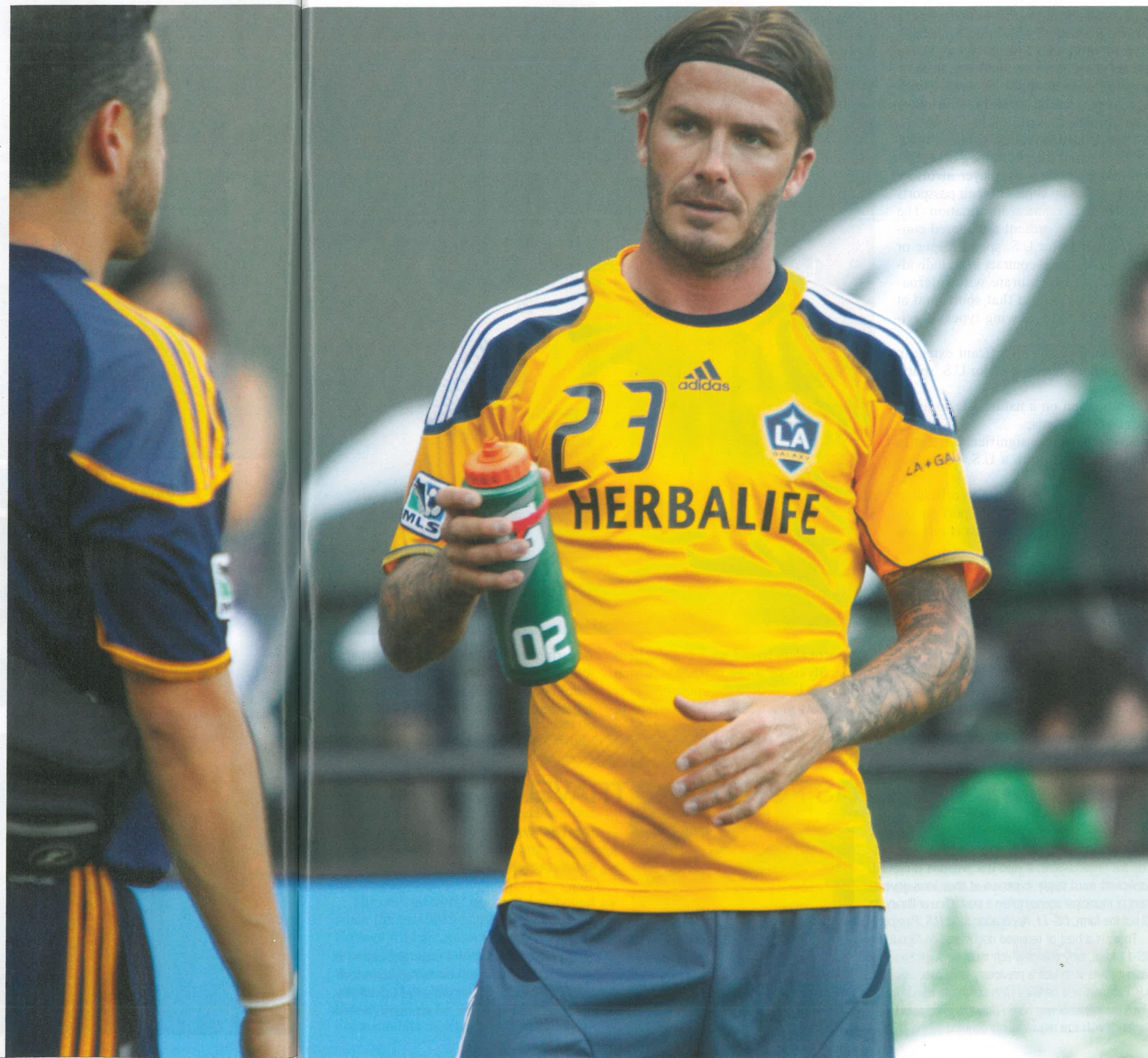
With increased globalization, Americans are seeing the appeal of international stars more than ever. Regardless of their local origins, every competition, from the NBA Finals to intramural slow-pitch softball leagues, are heavily influenced by the dramatic increases in international athlete participation—up more than 1,000 percent over the last 10 years.

This exponential increase of players and cultures into the once exclusively ‘American’ domain has cast a net so wide on the available talent that more than 180 countries have joined our local leagues, colleges and professional arenas. As a result, we have been witness to greatness with the likes of David Beckham, Albert Pujols and Dirk Nowitzki, who have wildly increased international appeal in American sports

with their spectacular performances.

Since it is a modern rarity today for professional sport franchises to have “local products,” our government has facilitated the ebb and flow to foreign athletes into our stadiums through the establishment of the P visa. The P visa is available for individual or team players who have gained international recognition and seek to enter the United States to compete in a competitive sporting event. Individual athletes may be admitted for up to five years initially.

One extension of up to five years is allowed. There are no travel restrictions on a P-1 visa, allowing an athlete to enter and leave the country as they please. Group athletes can be admitted entry to compete for a maximum (CONTINUED ON PAGE 12)



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of one-year, with respect to their sport's particular season, with one year extension increments. Similarly, we have opened our doors even wider to accommodate essential support personnel, such as coaches, scouts, trainers and other team officials as well.

The application process is highly regulated, requiring the petitioning organization to document every player involved, supplemented by copies of their passports and other biographical information. The petitioner must present a tendered contract with a major U.S. sports league or team or a tendered contract in an individual sport commensurate with international recognition in that sport, and at least two of the following types of evidence:

- Participation to a significant extent in a prior season with a major U.S. sports league;
- Participation on a national team at international events;
- Participation to a significant extent in a prior season with a U.S. collegiate team;
- A written statement from an official in the governing body of the sport outlining how the athlete or team is internationally recognized;
- A written statement from a member of the sports media or other recognized expert outlining how the athlete or team is internationally recognized;
- Evidence that the alien is highly ranked if the sport uses a ranking system; and
- Evidence that the alien or team has received a significant award for performance.



Approval is based on a comprehensive analysis of these materials, which makes the burden on the sponsoring organization practically non-existent in

ensuring that their players are in valid status. Under the circumstances, it would be extraordinarily rare for any allegations of immigration fraud to hold

water at the professional level.

With the government on notice with every petition filed, the petitioning athletics organizations are responsible for ensuring that the foreign beneficiaries do not overstay their visas, as they would then be liable for the unlawful employment of an alien worker. Overall, the penalties are swift and significant, thus prompting the sponsoring organizations in most cases to hire competent legal counsel as well as implementing a "ticker" system in most cases to ensure that they are always in compliance.

The college world is similarly situated since the establishment of the National College Athletic Association (NCAA) to monitor immigration compliance with its student athletes. In particular, the NCAA established the Eligibility Center to check the credentials of its incoming international student athletes which must be ap-

proved before they are matriculated into their respective collegiate teams under a valid F-1 student visa.

Moreover, the International Student Records Committee was established nearly 25 years ago, which developed a set of international academic and regulatory standards for each of the 180 different countries. These standards are

continually updated as education and immigration policies evolve to ensure the integrity of the collegiate athletic world and the booming influx of student athletes who must be in strict compliance with Federal Regulations.

Notably, as part of a recent change in administration, prospective student athletes are now asked to

(CONTINUED ON PAGE 14)

## PASSPORTS AND VISAS FOR TEAMS TRAVELING ABROAD

For teams including American citizens, namely minors (those under the age of 16), who will be traveling outside the United States, a valid U.S. passport is needed. Applicants must apply in person at their local government or municipal agency (often a post office or library) to fill out the form, *DS-11, Application for a U.S. Passport*.

There is a host of required documents to fill out the *DS-11* form, only one of which must be furnished. The easiest route is to use a previously issued, undamaged U.S. Passport or a certified birth certificate issued by the city, county or state in which the individual was born. Additionally, one would need a passport photo in accordance with size requirements denoted on the *DS-11* form.



Those born outside the U.S. may provide one of the following:

- a Consular Report of Birth Abroad or Certification of Birth;
- a Naturalization Certificate;
- Certificate of Citizenship.

Specific requirements govern these applications as well. Note that all travel documentation applications require 6-8 weeks processing time. Whether team members are all U.S. citizens, or whether some athletes come from other countries, the application process should start in the off-season.



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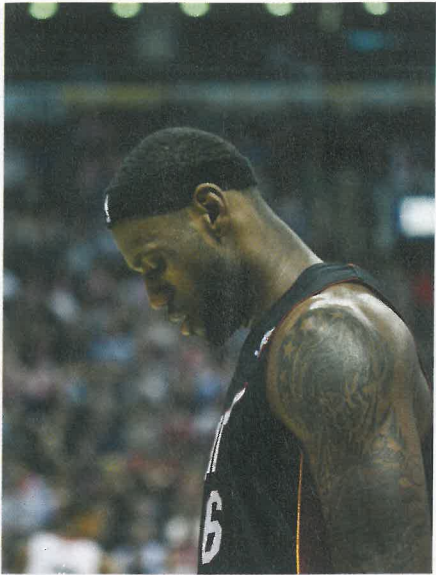




answer several questions designed to find out if they violated any international playing rules in their career. Shockingly, almost 90 percent were found to have committed some kind of violation by the NCAA Eligibility Center—all of which must be appropriately disclosed to Immigration in advance of enrollment and admittance onto the team roster.

For the rest of us, the myriad intramural organizations across the country welcome participants of all ages and nationalities. At this level, athletics are not viewed as a “business” to strictly regulate. Rather, they tend to take on a much more social element, with individuals simply looking to stay active and try their best to mimic what they see on television

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(See “Lebron James - Chalk Toss” and/or “Tebowing”). Playing for nothing more than the love of the game and matching t-shirts, the policing of these leagues is relatively minimal—most often only requiring its participants to pay nominal membership fees, sign waivers against liability for injuries and to be of a certain age given the usual post-game activities.

For example, in NYC Social Sports Club, one of New York’s largest intramural organizations for people of all ages, the response to inquiries regarding illegal immigrants was, “So?” (We could ask, “But why?”). With a mission statement of creating a fun, positive social atmosphere and staying active, the emphasis for NYC Social Sports Club and many other like it is on fitness and community building, rather than stringent regulation of sporting events. The key issue here is that the people joining these teams are not “employees” seeking to derive financial benefit.

As a result, our nation’s immigration laws are virtually inapplicable in this situation, as liability only exists for those entities which have “hired” foreigners for financial gain. Thus, since no American workers are being displaced, the freedom to play remains untouched. However, should a disgruntled player or parent be wary of another’s immigration status, the responsibility lies exclusively with the federal governing authorities like Immigration and Customs Enforcement to investigate the issue further.

Until then, play ball! **SDM**

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