

NCAA Compensation Reforms Leave International Athletes in Limbo

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Whether you are a NCAA sports fanatic or not, you may have noticed the groundswell of support for college student athletes (#NotNCAAProperty) getting a piece of the billions in revenue earned by the NCAA and its member colleges.

What's Happening?

In recent years, [several states](#) have passed laws allowing college athletes to earn endorsement money from their name, image, and likeness (NIL). In perhaps an even more important development, the US Supreme Court [unanimously ruled](#) that the NCAA could not bar colleges from offering modest payments to athletes, a decision that threatens to upend the existing structure of collegiate athletics and could even open the door to future litigation that may entrench student athletes' rights to endorsement money.

What Does this Mean for International Athletes?

While there has been a sea change in attitudes surrounding college athletes, existing immigration regulations mean that international athletes may be left behind. Because most international student athletes come to the US to become full-time students, they require F-1 nonimmigrant visas. An [F-1 visa](#) allows international students to study at any accredited American educational institution, so long as their program or course of study culminates in some form of degree, diploma, or other certification. Unfortunately for international athletes, F-1 visas prohibit foreign nationals from working off-campus save for a few narrow exceptions. Under current immigration law, it is unlikely that most NIL activities would be permitted for F-1 students.

Are There any Alternatives to Pursuing an F-1 Visa?

As a result of these restrictions, some incoming college recruits may think to opt for an employment based, P-1A visa instead, like many professional athletes. While the P-1 visa does permit paid employment in the US as an athlete, the visa category would not allow the athlete to be a full-time student and is therefore not a viable alternative.

What Does the Future Hold?

For this reason, colleges are currently urging international athletes to proceed with caution, lest they jeopardize their immigration status. While advocacy groups are [currently lobbying](#) for a more forgiving delineation between students and professionals, progress has been slow and there has been little indication that the federal government is inclined to substantially shift immigration prerogatives in this regard.

Stay tuned for more in this developing story from the Moodys immigration team.




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