MATTER OF PEAK PRODUCTIONS, INC.

In Visa Petition Proceedings

NYC-N-17769

Decided by District Director June 30, 1965

Beneficiary, an internationally-known stage and film actor, whose services are desired as a panelist on a TV show, is accorded nonimmigrant classification under section 101(a)(15)(H)(i), Immigration and Nationality Act; since he is an actor of such renown that his name and reputation alone establish without question that he is of distinguished merit and ability as contemplated by the statute, it is neither necessary nor purposeful to seek an advisory opinion from any relating organization or association as to his merit and ability.

A petition by Peak Productions, Incorporated, 375 Park Avenue, New York, New York, was submitted on June 9, 1965, to accord Anthony Newley classification under section 101(a)(15)(H)(i) of the Immigration and Nationality Act. The company, established in December 1958, is engaged in the production of television programs. The services of the benficiary are sought as a panelist for the *Password* television show to be aired on August 5, 1965. The beneficiary is a 34-year-old male, native and citizen of England, reputed to be an internationally known stage and film actor. He has entered the United States on a number of occasions as a nonimmigrant temporary worker.

Evidence has been presented that the beneficiary co-authored, directed, and starred in a Broadway stage show, *Stop the World—I Want to Get Off*. This musical was a hit in Great Britain and enjoyed a very successful run in New York from October 1962 to February 1964. His performance therein brought him the London Critics' Prize and a "Tony" nomination in New York. The beneficiary is presently performing in the Broadway hit show *The Roar of the Greasepaint—The Smell of the Crowd*. He also wrote and serves as director of this show. David Merrick, who produced these shows, considers the beneficiary "A star of the first rank both here

and in England." Merrick is a well-known producer of successful plays and is therefore considered to be an expert in his field.

The beneficiary's acting career commenced in 1945. He has appeared in more than forty films, playing roles in *The Adventures of Dusty Bates*, *Oliver Twist*, *Don't Ever Leave Me*, *Vote for Huggett*. *A Boy, A Girl and A Bike*, *Top of the Form*, *Up To His Neck*, *Cockleshell Heroes*, *Idle on Parade*, *The Small World of Sammy Lee*, and others. He is a successful recording star with several of his songs having been prominently placed in record popularity rating charts. The beneficiary appeared on the West End stage in John Cranko's *Cranks* and was received so well that his name became established in the London theatre. He appeared on the nationally broadcast *Ed Sullivan* television show of May 30, 1965, and performed scenes from his current show.

The beneficiary is an entertainer of such renown that his name and reputation by itself establishes without any question that he is of distinguished merit and ability. Accordingly, it is not deemed necessary or purposeful to seek an advisory opinion from any relating organizations or associations as to whether he possesses the distinguished merit and ability contemplated by the statute. It is also recognized that a show such as *Password* must provide panelists of distinguished merit and ability in order to attract enough viewers to succeed in what is a very competitive market.

Since the beneficiary is a person of distinguished merit and ability and the petitioner desires him to perform temporary services of an exceptional nature requiring a person of such merit and ability, the petition will be approved.

ORDER: It is ordered that the petition submitted by Peak Productions, Incorporated, in behalf of Anthony Newley be and the same is hereby granted.