

When and why you need a work authorization/visa to coach sports



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April 4, 2025 | **IMMIGRATION**

Many work-authorized athletes in the United States wish to supplement their income and/or their resumé by coaching — including coaching at camps, with local professional prep leagues or even at local high schools or colleges. However, most professional athletes in the United States who are work-authorized to play for a team are only work-authorized for their one employer, creating a potentially dangerous situation for the athlete, as they might be violating their authorized status if they work as a coach for anyone else.

While major league sports leagues such as the National Hockey League, National Football League and Major League Baseball pay hefty salaries to their athletes, many other leagues do not, making it difficult for players to support themselves without major endorsement or sponsorship deals. For younger or newer players, being able to supplement their athlete income is practically a necessity in order to be able to live.

Lacrosse is a perfect example of this. While seasoned players can make a living wage between their player salaries and endorsement or sponsorship deals, newer players sometimes make as little as \$12,000 to \$20,000 a season.

And the immigration status that will allow you to work as an athlete — P-1 or O-1, most commonly — will not permit you to work in any other field or for any unauthorized employer.

However, you can hold the same status (such as P-1 or O-1) to work for more than one employer at a time. Obtaining status to also work as a coach can provide a much-needed financial outlet to supplement the income of newer and seasoned athletes alike.

Before signing on to any coaching engagement, it is important to understand the potential immigration consequences of working without authorization. Violating the terms of your work-authorized status or visa can result in a revocation of that status or cancelation of that visa. So, by taking on unauthorized work, you are fundamentally putting your authorized status at risk. Also, there can be downstream consequences of working without authorization. Anyone who has engaged in unauthorized employment becomes ineligible to apply to adjust their status to a U.S. permanent resident from within the United States — meaning if you later qualify for a green card, you might have to wait years to complete the process through a U.S. embassy or consulate abroad.

The bottom line is that while some athletes may believe it to be common practice to coach without specific authorization to do so for a separate employer, the requirement under immigration law is to get work authorization before you engage in coaching. This is commonly achieved by applying for O-1 (extraordinary ability) status, if you can demonstrate sufficient notoriety in your sport. In some instances, one employer can act as agent for the other employers solely for the purpose of filing for immigration status — meaning that, for example, a pro team already sponsoring an athlete for O-1 status can also apply for O-1 status permitting the athlete/player to coach for a different business, such as a local high school or prep league.

Another option for more entrepreneurial athletes may be to create a business in the United States to provide coaching services. Many countries have treaties that permit athletes and others to start their own business in the United States if they are able to make a qualifying investment in a U.S. business — allowing them to obtain what is called an E-2 treaty investor visa. The investment entity can be a startup business or a purchase of an existing business.

Minimum investment threshold amounts vary depending on the country of the individual's nationality, but so long as the business is at least 50 per cent owned by individuals from the athlete's qualifying home country, a minimum investment is made, the business will hire U.S. workers in the future and will kick off enough revenue to support more than just the individual and his or her immediate family, this can be a viable and great option for athletes to parlay their skills and experience into a long-term business.

But be careful — if athletes have a different status to play in their sport than to coach in their sport, they will need to leave the country and re-enter each and every time they want to “activate” their player-related status versus their coaching-related status. This can be cumbersome and costly, and it may be possible for athletes who are still active as players to utilize a single status for both activities while in the United States.

Other visa options may exist, based on the unique circumstances of the athlete and his or her opportunities. The best way to find out how to maximize your opportunities is to reach out to a qualified immigration lawyer.

If you have questions or concerns about work-authorized athletics, please reach out to an immigration lawyer to determine what your risks and options are. Our Immigration Practice Team at Lippes Mathias LLP stands ready to

assist. Please contact Elizabeth M. Klarin (eklarin@lippes.com) or Eileen M. Martin (emartin@lippes.com) with any questions.

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