

# Sports and Entertainment Immigration: E-sports! We're Talking Only About E-sports. And Immigration, of Course

By Michael Cataliotti

In this edition of *Sports and Entertainment Immigration*, I want to focus on sports, specifically, a novel industry within sports: e-sports. That is, electronic sports or video games.

Some of you may be saying, “Finally!” Others may be thinking, “. . . Right . . .” However, all of us should be aware of this lesser-known, or at a minimum, less-recognized, area of the sports industry. To me, I focus on the even lesser-known or thought-about aspect of e-sports: its players and from where they hail. Therefore, in this edition of *Sports and Entertainment Immigration*, we will be laser focused on e-sports players, and specifically, look at how immigration intersects with the industry and impacts America’s position within the e-sports realm.

## What’s Next, A New E-Sports?

E-sports, also known as “Esports,” “electronic sports,” and “eSports,” consist of “organized multiplayer video game competitions.”<sup>1</sup> If you are anything like I am, you might be thinking about the old days of connect-

ing multiple consoles and playing in a group setting among friends, playing online multiplayer games with individuals worldwide in a “friendly” atmosphere,<sup>2</sup> or playing console-based multiplayer games with individuals and friends nationwide in a “friendly” atmosphere—likewise, this was not always so friendly. These are all examples of e-sports, but at an amateur or recreational level. Professional e-sports consist of these types of competitions at a level that sells out arenas like Madison Square Garden,<sup>3</sup> and feature competitors from around the globe vying for multi-million-dollar championship prize[s].<sup>4</sup>

Video games are not easy and require immense hand-eye coordination at a rapid pace, quick thought, great



skill, and flexibility in performing. Though it may not be the most physical of games, neither is chess, pool, bowling, nor, dare I say, golf, but we consider those competitions at a professional level to be sporting events, and so, why should e-sports be any different?<sup>5</sup>

## A Brief History of E-Sports

It is worth understanding that e-sports are not exactly new.

Owen Good's 2012 article, "Today is the 40th Anniversary of the World's First Known Video Gaming Tournament," stated:

The earliest known video game competition took place on 19 October 1972 at Stanford University for the game *Spacewar*. Stanford students were invited to an 'Intergalactic spacewar olympics' whose grand prize was a year's subscription for *Rolling Stone*, with Bruce Baumgart winning the five-man-free-for-all tournament and Tovar and Robert E. Maas winning the team competition.<sup>6</sup>

Fast forward to 1978, when *Space Invaders* was released, followed by *Asteroids*. As many of us may recall, getting the high score was always a thing of prestige and great competition.<sup>7</sup> Countless hours would be spent trying to obtain a high score at various games, but it was with *Space Invaders* and *Asteroids* that these public competitions and the competitive mentality in video gaming began. Then, in 1980, Atari held the "Space Invaders Championship," which "was the earliest large scale video game competition, attracting more than 10,000 participants across the United States, establishing competitive gaming as a mainstream hobby."<sup>8</sup>

## The Video Game and Modern Popular Entertainment

The most common video game genres associated with e-sports "range from popular, team-oriented multiplayer online battle arenas (MOBAs), to single player first person shooters, to survival battle royales, to virtual reconstructions of physical sports."<sup>9</sup> Popular e-sport franchises include *League of Legends*, *Dota 2*, *Call of Duty*, *Overwatch*, *Street Fighter*, *Super Smash Bros.* and *StarCraft*, *Tekken*, and many more.<sup>10</sup>

For our purposes, we are going to be looking at *League of Legends*.

## League of Legends in Asia: Making of the Game

What, exactly, is *League of Legends*? It is a 2009 multiplayer online battle arena video game developed and published by Riot Games. Inspired by *Defense of the Ancients*, a custom map for *Warcraft III*, Riot's founders sought to develop a stand-alone game in the same genre.<sup>11</sup>

As evidence about the size of this genre, for example, with *League of Legends*:

The game is often cited as the world's largest e-sport, with an international competitive scene composed of 12 leagues. The domestic leagues culminate in the annual *League of Legends World Championship*. The 2019 championship had over 100 million unique viewers, peaking at a concurrent viewership of 44 million. Domestic and international events have been broadcast on livestreaming websites such as Twitch, YouTube, Bilibili, as well as cable television sports channel ESPN.<sup>12</sup>

Remarkable.

It does not end there. As the stakes are so high in competitions and because the competitiveness at these competitions is palpable, the atmosphere has created professionals who are truly at the top of their games.

As per Kellen Browning of *The New York Times*:

Crimson lights flashed and announcers yelled in shock as a star athlete pulled off a miraculous feat: leading his team to an upset victory in the semifinals of a world championship tournament.

The setting was Shanghai, and the championship was for *League of Legends*, a video game. The enraptured crowd of thousands treated the frantic mouse-clicking with the same gravitas given to a traditional sport.<sup>13</sup>

What happened next was that Hu Shuo-Chieh, "a decorated Taiwanese superstar" who was the star of the moment, made a drastic announcement: "he was leaving his base in China, the hub of global e-sports, for a backwater in the world of competitive *League of Legends*: the United States."<sup>14</sup> Wait a minute! The United States? A backwater? Although we are supreme in global sports, technically, "in *League of Legends*, the highest-profile video game played by professionals, U.S. teams lag far behind their counterparts in Asia, where e-sports are a way of life. In countries like China and South Korea, gamers start competing as children, and professionals train up to 18 hours a day."<sup>15</sup>

Well, this is a bit embarrassing? So, what, then, do U.S. teams do? The same thing any other developing sport does: it throws around lots of money, trying to acquire talent from other regions. "To keep up, U.S. teams have dangled increasingly large salaries in front of these superstars, akin to Major League Soccer's luring famous European footballers stateside. Aided by an influx of cash and big-name sponsors, these teams have recruited

at least 40 players from Asia since 2016, according to a New York Times analysis, and a similar number from Europe.”<sup>16</sup>

Each of those individuals would have required a visa to enter the United States and compete in a proper fashion. Moreover, each competitor who arrives on U.S. soil for an international competition most likely needs a visa prior to arriving.

Specifically, when players sign with teams and seek to enter the U.S. for a protracted period of time, to perform at a professional level, they must obtain employment authorization to perform their craft. As more and more individuals become weary of the culture in South Korea and China being “that of ‘working hard, grinding until you collapse’,” “putting in 18-hour practice days and even developing wrist injuries,” more are likely to see America as an open space for them to come to and enjoy a better work-life balance while being a heavyweight in the industry.

### Concluding Thoughts

E-sports are here to stay. In fact, they are here to grow. As a burgeoning industry, growing at a rapid pace year after year, it is imperative that the U.S. maintains its attractiveness within not only the League of Legends community, but the other franchises, like Tekken, as well. How can the U.S. remain attractive to industry investors, competitors, and audiences? By ensuring that global talent is able to enter the U.S. to compete, whether for or against the United States, and that this talent is welcomed. Ultimately, it is immigration that will make America competitive within the e-sports landscape.

### Endnote

1. <https://www.emerald.com/insight/content/doi/10.1108/IntR-04-2016-0085/full/html>; <https://hir.harvard.edu/esports-part-1-what-are-esports/>.
2. Many will tell you; these were not often friendly. Some of the games were *S* and *C n n C n :R A l*.
3. <https://www.insidehook.com/article/tech/how-video-gamers-took-over-madison-square-garden>.
4. <https://hir.harvard.edu/esports-part-1-what-are-esports/>.
5. Now, I know what you’re thinking, a lawyer talking down about golf, how can this be? What can I say? It is not my bag. If you have not had a chance to enjoy Robin Williams on the origin of golf, I highly recommend watching it at: <https://www.youtube.com/watch?v=14NQIq4SrmY>.
6. Owen Good (19 October 2012). “Today is the 40th Anniversary of the World’s First Known Video Gaming Tournament,” <https://kotaku.com/5953371/today-is-the-40th-anniversary-of-the-worlds-first-known-video-gaming-tournament>, Kotaku; and “The Rise of Esports,” <https://www.racergamingchairs.com/blogs/gaming/the-rise-of-esports>, Racer Gaming Chairs.
7. Worth noting, I wasn’t alive in 1978, but, I can confirm that in the 1990s and 2000s, high scores still came with bragging rights.

8. “Players Guide To Electronic Science Fiction Games,” [https://archive.org/stream/electronic-games-magazine-1982-03/Electronic\\_Games\\_Issue\\_02\\_Vol\\_01\\_02\\_1982\\_Mar#page/n35/mode/1up](https://archive.org/stream/electronic-games-magazine-1982-03/Electronic_Games_Issue_02_Vol_01_02_1982_Mar#page/n35/mode/1up), Electronic Games, 1 (2): 35–45 [36]. March 1982.
9. <https://hir.harvard.edu/esports-part-1-what-are-esports/>, 1.
10. <https://influencermarketinghub.com/biggest-esports-games/>, <https://www.forbes.com/sites/christinasettimi/2020/12/05/the-most-valuable-esports-companies-2020/?sh=4a54806d73d0>, <https://weplay.tv/news/why-street-fighter-remains-at-the-top-of-the-esports-scene-23190>, and <https://www.redbull.com/int-en/arslan-ash-pakistani-tekken-legend>.
11. <https://www.theloadout.com/biggest-esports-games/>, <https://www.nytimes.com/2014/10/12/technology/riot-games-league-of-legends-main-attraction-esports.html>.
12. I .
13. <https://www.nytimes.com/2021/01/30/technology/esports-league-of-legends-america.html>.
14. I .
15. I .
16. I .

**Michael Cataliotti is Senior Counsel, Immigration, at Greenspoon Marder. His clientele includes individuals and entities from such industries as sports, music, fashion, film, television, art, theatre, new media, and technology. Michael is a faculty member at Lawline CLE; a frequent speaker on the topics of business immigration, corporate transactions, and entrepreneurship; a member of the American Immigration Lawyers Association (AILA) where he is an active participant on several committees; was most recently recognized as one of Super Lawyers’ “Rising Stars” in 2021, and sits on the Legal Committee of Dance/NYC.**