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OVERVIEW



- Introduction
- *Artists from Abroad* and the visa process
- COVID-19 Travel Restrictions
- Policy Considerations/Next Steps

OUR PARTNERS



- American Association of Independent Music
- Chamber Music America
- Dance/USA
- Folk Alliance International
- National Performance Network
- North American Performing Arts Managers and Agents
- OPERA America
- Performing Arts Managers and Agents Coalition
- Theatre Communications Group

INTRODUCTION & ADVANCING EQUITY



- Today's goals:
 - Support global opportunities for international cultural activities
 - Provide up-to-the minute information
- Topics include:
 - O and P requirements
 - Legacy of travel bans
 - COVID-19 travel restrictions
 - Lack of transparency and predictability
 - Barriers to equity in U.S. visa process

U.S. GUEST ARTIST VISA PROCESS



- Visa process and U.S. agencies:
 - U.S. Citizenship & Immigration Services (USCIS)
 - U.S. Department of State (DOS or State)
 - U.S. Customs & Border Protection (CBP)
- Primary classifications:
 - [O-1B/O-2](#)
 - [P-1B](#), [P-2](#), [P-3](#), [P support](#)



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Artists *from* Abroad

Complete guide to immigration
and tax requirements

[Go](#)[Immigration Procedures](#)[Tax Requirements](#)

International cultural engagement fuels creativity, supports diplomacy, and enriches artistic offerings in the United States and abroad. Navigating the process of obtaining nonimmigrant visas and understanding U.S. tax regulations can be challenging, but with the right information and careful planning, you can successfully present artists from abroad to American audiences.

LATEST NEWS:

ALERT: COVID-19 Visa and

The [League of American Orchestras](#) and [Association of Performing Arts Professionals](#) (formerly the Association for Performing Arts Presenters) have consulted with nationally-recognized experts to create Artists from Abroad - the most complete and up-to-date online

ARTISTSFROMABROAD.ORG



- [Immigration Procedures Appendix](#)
- [Filing fees](#)
- [Step by step guidance](#)
- [News updates](#)



Essentials and Basics	▼
When to File an O or P Petition	▼
Selecting Who Will File the Petition	▼
Choosing the Right Visa Category	▼
Determining Length of Stay	▼
Where and How to File the Petition	▼
Filing Fees	▼
Completing the Forms	▼
Required Evidence	▼
Responses from USCIS	▼
Communication from USCIS to Consulates	▼
Visa Processing Abroad	▼
Entering and Staying in U.S.	▼
Employer Responsibilities and Final Thoughts	▼
Appendix	▼

[Home](#) > [Immigration Procedures](#) > [Appendix](#)

Appendix

Contact Info and Useful Resources

- [Filing Timeline](#)
- [USCIS Service Center Tips and Contact Information](#)
- [Filing Tips for Form I-129 by USCIS \(09/15/17\)](#)
- [Useful Web Links](#)
- [Consultation Contact List \(Labor and Non-Labor\)](#)
- [AFM Labor Consultation Frequently Asked Questions](#)

Blank Forms

- [Blank Form I-129 Petition for Nonimmigrant Worker](#) (always download latest version each time)
- [Blank Form I-907 Request for Premium Processing](#)
- [Blank Form I-539 with Supplement](#)

Sample Petitions and Forms

- [Sample O-1B Petition](#)
- [Sample O-2 Petition \(Accompanying Personnel\)](#)
- [Sample P-1B Petition](#)

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LATEST NEWS:
COVID-19 Visa and
Travel Status Update

LATEST NEWS ALERT:
State Department
Grants Extended
Validity for National
Interest Exceptions
(NIE) - (07/15/21)

LATEST NEWS ALERT:
New Mailing Address for
Vermont Service Center
- (06/14/21)

LATEST NEWS ALERT:
New USCIS Policies
Aim to Improve Visa
Process - (06/09/21)

All News Items

LATEST NEWS: COVID-19 Visa and Travel Status Update

A summary of what we know about the overall visa and NIE process to date

LATEST NEWS ALERT: State Department Grants Extended Validity for National Interest Exceptions (NIE) - (07/15/21)

Late last month, the U.S. Department of State announced an extended validity period for National Interest Exceptions (NIE)...

LATEST NEWS ALERT: New Mailing Address for Vermont Service Center - (06/14/21)

Effective immediately all petitions sent to the Vermont Service Center should be sent to a new mailing address.

LATEST NEWS ALERT: New USCIS Policies Aim to Improve Visa Process - (06/09/21)

On June 9, 2021, U.S. Citizenship and Immigration Services (USCIS) announced policy changes that will support improved visa...

LATEST NEWS ALERT: State Department Revises COVID-19 Travel Ban Exception Requirements - (06/03/21)

The U.S. Department of State has updated the list of criteria that qualify travelers for a limited National Interest Exception...

LATEST NEWS ALERT: Biden Administration Extends COVID-19 Travel Ban – (01/26/21, UPDATED 05/13/21))

In light of several recent strains of the COVID-19 virus that are spreading quickly, President Biden



THE VERY LATEST NEWS

LATEST NEWS: COVID-19 Visa and Travel Status Update

As of 8/12/21: Throughout the COVID-19 pandemic, several U.S. presidential proclamations have been issued to suspend entry of all noncitizens who were physically present in any of 33 countries. These proclamations are still in place today, which requires a large number of international guest artists to obtain a National Interest Exception (NIE) waiver to enable them to enter the U.S. without first needing to quarantine elsewhere for 14 days. There have been reports of widely varying interpretations by consulates on the policy of issuing NIEs for artists and there is a lack of consistent guidance as to how best to seek a waiver. Below is a summary of what we know about the overall process to date:

- This standalone news item and ongoing *Artists from Abroad* COVID-19 guidance is informed by legal practitioners from Tamizdat, GG Arts Law, and Blue Skies Immigration, LLC

COVID-19 TRAVEL RESTRICTIONS



Who is impacted? Individuals who...

- Were physically present in certain 33 countries in the 14 days immediately prior to their arrival in the U.S.:
Austria, Belgium, Brazil, China, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, India, Iran, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, and United Kingdom
- Do not have a close family member (like a spouse or a child) who is a U.S. citizen, green card holder, or member of the U.S. Armed Forces.
- Note: this is not about the traveler's citizenship! It's about where they physically were prior to traveling to the U.S.

COVID-19 TRAVEL RESTRICTIONS



How do I get my artist to the U.S.?

If the artist currently has the appropriate P or O visa, there are two options:

- Go to a non-banned country for 14 days, then proceed to the U.S.
- Seek a National Interest Exception from the local U.S. consulate

If the artist does not currently have the appropriate P or O visa, they will need to schedule an interview at their local U.S. consulate, apply for a visa and request a National Interest Exception. This is easier said than done.



COVID-19 TRAVEL RESTRICTIONS

What does the State Department say about NIEs?

In June, the State Department slightly [expanded the NIE eligibility opportunities](#). In addition to the broad "national interest" category, and specifying that the somewhat complex [critical infrastructure criterion](#) applies beyond supply chains to all areas of critical infrastructure (including the [commercial facilities sector](#)), the opportunities for NIEs are reinstated for:

- travelers providing vital support or executive direction for significant economic activity in the United States

COVID-19 TRAVEL RESTRICTIONS



How does my artist get a National Interest Exception,
and how does it work?

The process and the outcome are very uncertain. Every consular post has different processing times, and timing is always changing. Every consular post has different procedures, which can usually be found by digging around on the consulate website.

COVID-19 TRAVEL RESTRICTIONS



Are there some basics to put together for an NIE?

There is no specific formula for success, but one must be able to connect economic impact to a specific artist's unique and necessary presence. Many petitioners are finding it helpful to obtain letters of support from their mayors, business leaders, and others who can speak to the value of the U.S. employer and of the specific arts event that requires the beneficiary seeking an NIE waiver.



COVID-19 TRAVEL RESTRICTIONS

What else do we need to know about the U.S. visa process right now, especially factors that impact artists who are not subject to the COVID-19 Travel Restrictions?

- a. Book artists from the Global South!
- b. Consulates are short staffed
- c. Consular staff is busy with the Afghanistan crisis
- d. “Extreme Vetting” is still a thing
- e. Airlines are freaked out

SELECTED PARTICIPANT QUESTIONS



GENERAL VISA QUESTIONS

- How early should the visa process be started? Is one month's notice too short? Is there someone who can help with this?
- We regularly file petitions for artists, often paying for premium processing. We've seen the fee go up regularly over the years. Is there anything that can be done to get these fees reduced, and why do we have to submit two applications and pay two fees? (artists vs support personnel)
- Can one Entertainment Company invite artists from two different countries under one single petition and for the same event in the USA?
- I've been in the U.S. on a student visa for many years and want to get a green card at some point. Do I need to get an artist visa first before I can apply for a green card?

SELECTED PARTICIPANT QUESTIONS



VISA CLASSIFICATION

- We're a nonprofit that wants to invite artists to perform in a concert with us next spring. Those artists won't be compensated other than travel costs – what is the best visa option for them?
- For a young musician who has played in numerous venues throughout Europe, is an O-1 Visa the way to go? Are there any other options involving less paperwork and financial commitments?
- What is your suggestion for an emerging and culturally unique talent who wants to perform in the USA but does not have much in the way of press articles etc.?
- We are a youth orchestra that had to pause a collaboration with an international student orchestra because of COVID. When we are able to resume – does the U.S. require student ensembles from abroad to obtain performing arts visas or can they travel on tourist visas? Does it matter if the concerts involve paid tickets or not?



SELECTED PARTICIPANT QUESTIONS

CONSULAR PROCESSING / NIE QUESTIONS

- Is there any way to expedite a consular interview? What, if anything, can be done to secure an earlier appointment?
- Can a spouse who resides in Europe travel to the U.S. with an artist who has an NIE?
- Are there better consulates than others to visit right now?
- I've been in the U.S. on a student visa for many years and want to get a green card at some point. Do I need to get an artist visa first before I can apply for a green card?
- What do the latest changes in terms of the EU dropping the U.S. from its safe list mean for the prospect of U.S. travel bans lifting any time soon? How does this impact the larger travel picture?



ADDITIONAL QUESTIONS



POLICY EFFORTS UNDERWAY

- *Long-term efforts* to make USCIS and consular processing more efficient, affordable, reliable, and accessible
- *Near-term requests* for COVID-19 visa processing at USCIS, improved consular processing, and creating new NIE arts options
 - [Artist Visa Stakeholder Comments – May 19, 2021](#)
 - [Artist Travel State Department letter – May 17, 2021](#)
 - [Signed Arts Request to DOS regarding COVID-19 – April 14, 2021](#)
 - [Request for Accommodation by USCIS in Response to the COVID-19 Pandemic – January 19, 2021](#)

POLICY AND NEXT STEPS



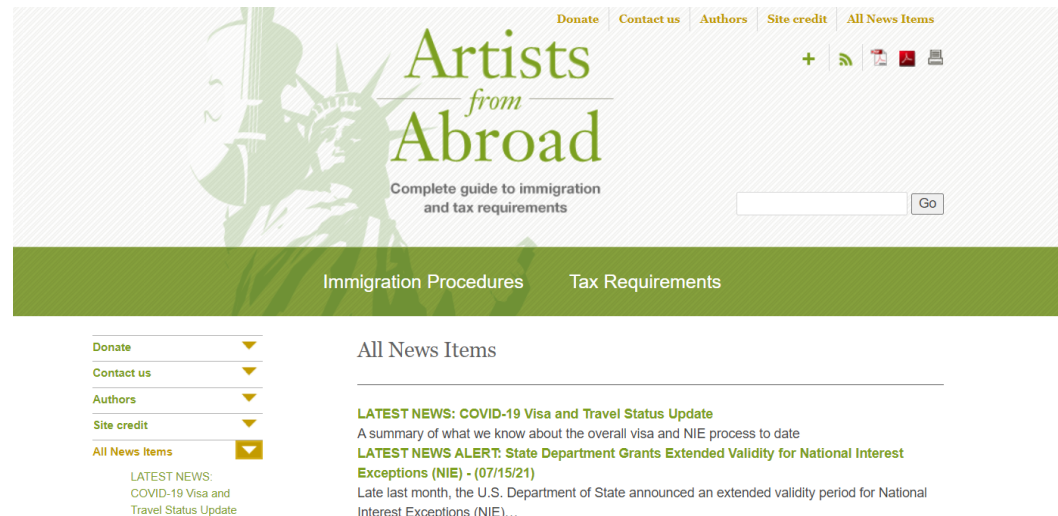
- Stay in touch and take action
 - Document visa difficulties and timeframes
 - Inform your members of the U.S. Congress
 - Inform your national service organizations
- Your compliance and experiences fuel policy action!

POLICY AND NEXT STEPS



- Stay informed

[Artists from Abroad news page](#)



- Stay tuned for news from your national service organization

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Cohosted by:

American Association of Independent Music, Chamber Music America, Dance/USA, Folk Alliance International, National Performance Network, North American Performing Arts Managers and Agents, OPERA America, Performing Arts Managers and Agents Coalition, and Theatre Communications Group



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