# BAM! Complete Guide to Entering the United States to Perform

by Robert Baird



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A step-by-step guide for foreign artists

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# BAM! Complete Guide to Entering the United States to Perform

### A Step by Step Guide for Foreign Artists

You've obtained a contract to perform in the United States and now you need to know what steps to take to get into the country to perform your contractual obligations. Entering the United States to perform is a lengthy and complicated process with many steps along the way and many hurdles to overcome. In the eyes of the American bureaucracy, you are a non-resident alien (NRA) and you need to prove your qualifications to be allowed to enter the country to perform as a foreigner who is supplanting American artists. The good news is that the process can be successful with the assistance of a U.S.-based petitioner who can take all the necessary steps to ensure that the application to work in the United States, along with the necessary evidence, is submitted appropriately in a timely manner.

Step 1

### **Understanding Basic Procedures**

A non-resident of the United States (referred to as an NRA or Non-Resident Alien) is required to obtain a work-related nonimmigrant visa, usually an O or a P visa. Applications for these visas are filed via a petition form (I-129) by a U.S. petitioner at one of two USCIS Service Centers with approval taking up to four months (Regular Processing) or 15 days (Premium Processing). Separate visa applications are required for support personnel and/or dependents accompanying the NRA. Once the visa is approved, the NRA must apply for a visa at a U.S. Consulate abroad (except for Canadians) and this process can take weeks. Finally, with visa in hand the NRA is eligible to seek admission to the United States at a border point and admission at that time, despite any documentation acquired, is at the discretion of Customs and Border Protection personnel.

### Step 2

### Finding a Petitioner

Any non-U.S.-based individual or group is specifically barred from filing a work-related non-immigrant visa such as an O or P visa. Only U.S.-based employers (including any presenter), U.S. Sponsoring organizations, a U.S. individual or company in business as an agent (artist agent or manager) or a foreign employer through a U.S. agent are eligible to file I-129 petitions for the O and P visas. The petitioner is required to sign the I-129 petition confirming the contents as true, append the required evidence, obtain and append the required labor consultation, and file all in duplicate at the correct USCIS Service Center in a timely manner, along with the required fee.

There is no requirement that the NRA and the petitioner be associated in any way. Any petitioner may file a petition as long as the petitioner has been authorized to act on behalf of the artist and/or the presenter(s) (as in the case where the artist embarks on a U.S. tour with many different presenters involved.) For a tour, the petitioner is authorized by each venue on the tour only to act as agent for the limited purpose of filing the I-129 petition.

In short, the petitioner might be the actual U.S.-based contractor of the artist, such as a venue, festival, other presenter or sponsoring organization, the actual U.S.-based agent or manager of the artist, or a U.S.-based individual or organization authorized by a U.S.-based presenter to file the petition on its behalf.

### Step 3

### **Deciding on the Right Petition**

NRAs hoping to come to the United States to perform must file as a beneficiary or beneficiaries for one of the following classifications:

### O-1B Non-Immigrant Visa

The O-1B classification is for aliens coming to the United States temporarily who have extraordinary ability in the arts or extraordinary achievement in the motion picture or television industry.

The petition must be filed with:

**1.** A written consultation from a peer group (which could be a person with expertise in the beneficiary's field), a labor, and/or a management organization (see **Getting a Labor Consultation below**). If the petition is based on the beneficiary's extraordinary achievement in the motion picture or television industry, separate consultations are required from the relevant labor

and management organizations;

- **2.** A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed;
- **3.** Evidence that the beneficiary has received or been nominated for significant national or international awards or prizes in the field, such as an Academy Award, Emmy, Grammy, or Director's Guild Award, or at least **three** of the following:
  - **a.** Evidence that the beneficiary has performed and will perform as a lead or starring participant in productions or events that have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications contracts, or endorsements;
  - **b.** Evidence that the beneficiary has achieved national or international recognition for achievements in the field as evidenced by critical reviews or other published materials by or about the individual in major newspapers, trade journals, magazines, or other publications;

- **c.** Evidence that the beneficiary has a record of major commercial or critically acclaimed successes, as evidenced by title, rating, standing in the field, box office receipts, and other occupational achievements reported in publications;
- **d.** Evidence that the beneficiary has received significant recognition from organizations, critics, government agencies, or other recognized experts;
- **e.** Evidence that the beneficiary commands or will command a high salary or other remuneration for services in relation to others in the field; or
- **f.** Evidence that the beneficiary has performed and will perform in a lead or starring role for organizations that have a distinguished reputation.

**NOTE:** If you are applying for O-1B in the Arts and the preceding forms of evidence do not readily apply to the beneficiary's field of endeavor, you may submit other comparable evidence.

### O-2 Non-Immigrant Visa

The O-2 classification is for aliens coming to the United States temporarily and solely to assist in the performance of an O-1 artist or athlete because he or she performs support services that are integral to the successful performance of the O-1. No test of the U.S. labor market is required. The alien must have critical skills and experience with the O-1 which must not be of a general nature or possessed by U.S. workers.

# The O-2 petition must be filed in conjunction with an O-1 petition and filed with:

- 1. A written consultation (see Getting a Labor Consultation below);
  - a. If it is for support of an alien with extraordinary ability in the arts, the consultation must be from an appropriate labor organization; or
  - b. If it is for support of an alien with extraordinary achievement in motion pictures or television, the consultation must be from an appropriate labor organization and management organization.
- **2.** Evidence of the current essentiality, critical skills, and experience of the O-2 with the O-1 and evidence that the alien has substantial experience performing the critical skills and essential support services for the O-1 alien.

In the case of a specific motion picture or television production, the evidence must establish that significant production has taken place outside the United States, and will take place inside the United States, and that the continuing participation of the alien is essential to the successful completion of the production.

### P-1B Entertainer or Entertainment Group Non-Immigrant Visa

The P-1B classification is for aliens coming to the United States temporarily to perform as a member of an entertainment group that has been recognized internationally as outstanding in the discipline for a substantial period of time, and who has had a sustained relationship with the group (ordinarily for at least 1 year).

The petition must be filed with:

- 1. A written consultation (see Getting a Labor Consultation below);
- **2.** Evidence that the beneficiary or group is internationally recognized in the discipline as demonstrated by the submission of evidence of the group's receipt of or nomination for significant international awards or prizes for outstanding achievement, or evidence of at least **two** of the following:
  - a. The beneficiary or group has performed, and will perform as a starring or leading group in productions or events with a distinguished reputation;
  - b. The beneficiary or group has achieved international recognition and acclaim for outstanding achievement in the field;
  - c. The group has performed, and will perform, services as a star or leading group for organizations and establishments that have a distinguished reputation;
  - d. The beneficiary or group has a record of major commercial or critically acclaimed success;
  - e. The beneficiary or group has received significant recognition for achievements from critics, organizations, government agencies, or other recognized experts in the field; or
  - f. The beneficiary or group commands a high salary or other substantial remuneration for services compared to other similarly situated in the field.

3. Evidence that 75 percent of the members of the group have had a sustained and substantial relationship with the group for at least 1 year. Provide a list of the alien's functions which are integral to the group's performance. By filing for a P-1 group, the petitioner certifies that at least 75 percent of the group members have been performing regularly together for at least 1 year. (The date of joining the group is included in the Beneficiary List). The 1-year requirement does not apply to circus groups coming to perform with nationally recognized circuses.

Attach a separate statement to the form to request a waiver of:

- 1. The 1-year relationship requirement due to exigent circumstances;
- or **2.** The international recognition requirement **(1)** due to emergent circumstances, or **(2)** because the group has been nationally recognized as outstanding in its discipline for a sustained and substantial period of time.

### P-2 Non-Immigrant Visa

The P-2 classification is for aliens coming to the United States temporarily to perform as an artist or entertainer, individually or as part of a group, under a reciprocal exchange program between an organization in the United States and an organization in another country.

The petition must be filed by the sponsoring organization or U.S. employer with:

- 1. A written consultation;
- 2. A copy of the reciprocal exchange program agreement;
- **3.** A statement from the sponsoring organization describing the reciprocal agreement as it relates to the petition;
- **4.** Evidence that the beneficiary and the U.S. artist or group have comparable skills and that the terms of employment are similar; and
- **5.** Evidence that an appropriate labor organization in the United States was involved in negotiating or concurred with the exchange.

### P-3 Non-Immigrant Visa

The P-3 classification is for aliens coming to the United States temporarily to perform, teach, or coach, individually or as part of a group, in the arts or entertainment fields in a program that is culturally unique and which will

### further the understanding or development of the art form.

The petition must be filed with:

- 1. A written consultation (see Getting a Labor Consultation below);
- **2.** Evidence that all performances will be culturally unique events; and **either** 
  - **a.** Affidavits, testimonials, or letters from recognized experts attesting to the authenticity of the beneficiary's or group's skills in performing, presenting, coaching, or teaching art forms; **or**
  - **b.** Documentation that the performance of the beneficiary or group is culturally unique as evidenced by actual reviews in newspapers, journals, or other published material.

### Essential Support Personnel Non-Immigrant Visa

The P-1S, P-2S, or P-3S classifications are for aliens coming to the United States temporarily as essential and integral parts of the competition or performance of a principal P-1 entertainment group, P-2, or P-3 entertainer or entertainment group, because they perform support services which cannot be readily performed by a U.S. worker and which are essential to the successful performance or services of the principal P-1, P-2, or P-3.

The accompanying personnel must have appropriate qualifications, prior experience and critical knowledge of the specific services to be performed by the principal P-1, P-2, or P-3 petition.

The petition must be filed with:

- 1. A written consultation (see Getting a Labor Consultation below);
- 2. Evidence of the beneficiary's qualifications to perform the services, if any;
- **3.** A statement describing the beneficiary's critical knowledge of the specific services to be performed and prior experience with the principal P-1, P-2, or P-3;
- **4.** Statements or affidavits from persons with first-hand knowledge that the beneficiary has had experience performing the critical skills and essential support services for the principal P-1, P-2, or P-3; and

**5.** A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed.

Step 4

### **Applying for Dependents**

If an O or P visa applicant wants a spouse or unmarried children under the age of 21 to also come to the United States then such dependents can use the approved I-797 notice of the successful O or P visa applicant to get their visa directly from a U.S. Consulate abroad. Parents or significant others cannot utilize this means of entering the U.S. but can travel on a visitor's visa. In all cases, dependents are prevented from working in the United States unless they have their own approved non-immigrant work visa.

Step 5

# Completing the Itinerary (Petition Activities and Validity Period)

An O visa can be approved for up to a 3-year period and a P visa for up to a year. A non-immigrant visa can be approved for a single event (a concert) or for a series of events in an itinerary (O and P visas) or for a multi-year contract (O visas only). The event or events must be confirmed on an attached itinerary or contracts. Itineraries should include the dates of load-in, rehearsals, services, name and address of the venue and/or employer. Contracts should ideally be signed by at least one of the parties, but letters of intent, deal memos or an email trail which confirms the engagement can be used as well.

A beneficiary may be admitted to the United States for the validity period of the petition, plus a period of up to 10 days before the validity period begins and 10 days after the validity period ends. The beneficiary may engage in employment only during the validity period of the petition and can add activities within the period of validity, as long as they are similar to the approved activities and performed by the same beneficiary or group of beneficiaries.

Your itinerary can contain gaps of 45-60 days without question since there is no set USCIS policy regarding the allowable gap between engagements. Any related activities can appear on an itinerary, including a . . . conference, convention, lecture series, tour, exhibit . . . or engagement. Such activity may include short vacations, promotional appearances, and stopovers that are incidental and/or related to the event. If there is a break in between events in the United States and the petitioner indicates the beneficiary will be returning abroad to engage in activities which are incidental and /or related to the work performed in the United States it does not necessarily interrupt the original "event." The burden is on the petitioner to demonstrate that the activities listed on the itinerary are related to the event despite gaps in which the beneficiary may travel abroad and return to the United States.

Note that visas can be extended as long as the extension is applied for before the expiry date of the approved visa.

Step 6

### **Choosing Processing Option**

Applications for O and P visas can be made via Regular Processing or Premium Processing. Regular Processing is less expensive (See **Preparing Filing Fees** below) but takes more time (See **Check Processing Times and Case Status** below). Premium Processing is more costly (See **Preparing Filing Fees** below) but ensures a response within 15 calendar days.

Step 7

### **Preparing Filing Fees**

Regular Processing costs USD\$460; Premium Processing costs an additional USD\$1225. Fees must be paid via bank drafts, cashier's checks, certified checks, personal checks or money orders drawn on U.S. financial institutions and payable in U.S. funds to **U.S. Department of Homeland Security** (not "USDHS" or "DHS"). Fee payments are attached to each petition.

Step 8

### **Getting a Labor Consultation**

A Labor Consultation from an appropriate U.S. peer group, labor and/or management organization must accompany every O and P Petition. Courier a cover letter to the appropriate organization, along with a copy of the completed I-129, information on the artist or group, and contracts(s). The response is normally a letter of no objection to the petition.

Petitions for technical personnel require a separate Labor Consultation.

Note that a new Labor Consultation is not required for an O-1B Petition if the beneficiary is returning to the U.S. within two years of the original Labor Consultation letter. Include a copy of the original Labor Consultation with your petition and note in your Cover Letter a request for a waiver of the Labor Consultation requirement.

See the following for more information on Labor Consultations:

http://www.artistsfromabroad.org/files/5014/8424/4218/Labor Consultation Contacts.pdf

https://www.uscis.gov/sites/default/files/USCIS/Outreach/Upcoming%20National%20Engagements/National%20Engagement%20Pages/2011%20Events/August%202011/AFM%20Consultation%20Index\_June2011.pdf

Step 9

### **Preparing Your Filing**

Form I-129 is used to apply for O and P visas and extensions thereof. Be sure to use the latest I-129 form available at <a href="https://www.uscis.gov/i-129">https://www.uscis.gov/i-129</a> where you will also find instructions for Form I-129. If you are requesting Premium Processing you will file a Form I-907 <a href="https://www.uscis.gov/i-907">https://www.uscis.gov/i-907</a>. Additional documentation must be attached to the I-129 Petition (and be sure to include your fee payment), including:

- 1. A Cover Letter outlining the Petition being requested, the type of processing required, an index of what is included in the petition, special considerations (such as a waiver of the Labor Consultation for an O-1B Petition, itinerary gaps, etc.), a discussion of the evidence attached to the petition supporting the beneficiary's qualifications for the requested visa.
- 2. A Beneficiary List containing the name (Last, First) of everyone in the group (note that single artists are noted in the I-129 Form and do not need a beneficiary list), Date of Birth (MM/DD/YY), Country of Birth, Passport Number, Passport Expiration Date, Country of Passport Issue, Job Title of Beneficiary, Starting Date with group (P-1 only), previous Visa Approval #s.
- 3. A Passport Photo Page for each beneficiary to facilitate security checks. If any beneficiary does not have a passport at the time of filing, indicate this on the beneficiary list and include a copy of another suitable ID document (driver's license, etc.)
- 4. Labor Consultation Letter (See **Getting a Labor Consultation** above)
- 5. Information on Artist/Group:
  - a complete biography and resume of the artists
  - history of the group
  - list of achievements (awards, honors)
  - testimonials from prominent references
  - list of notable performances
  - samples of programs
  - background information on notable venues
  - interviews, press reviews or articles from newspapers, magazines or online sources, clearly showing the name of the publication or website, along with circulation or web-traffic data. Note that all such material MUST be in English or provided with an English translation along with a Certificate of Translation Accuracy.
  - List of CD/DVDs, covers, liner notes, sales data
- 6. Copies of all contracts for U.S. performances
- 7. Agent Authorization (See Finding a Petitioner above)
- 8. I-907 Form (if requesting Premium Processing)

9. Copies of prior approved I-797 and/or visas

### **NOTES:**

- 1. All documentation must be filed in DUPLICATE.
- 2. Each petition must be originally signed (use blue ink).
- 3. Each petition must be accompanied by the appropriate filing fees.
- 4. ALL evidence for a petition must be submitted with the petition.

Step 10

### **Submitting Your Petition**

Petitions should be sent to either the California Service Center or Vermont Service Center, depending on where the artist is working. Each service center has jurisdiction over specific states. When the temporary employment or training will be in different locations, the state where the petitioner's primary office is located will determine where you should send your Form I-129 package, regardless of where in the United States the various worksites are located.

### California Service Center:

File with the CSC if the beneficiary is or will be employed temporarily in

Alaska	Idaho	Nevada
Arizona	Illinois	North Dakota
California	Indiana	Ohio
Colorado	Iowa	Oregon
Commonwealth of	Kansas	South Dakota
the Northern	Michigan	Utah
Mariana Islands (CNMI)	Minnesota	Washington
Guam	Missouri	Wisconsin
Hawaii	Montana	Wyoming
1 law all	Nebraska	

### Vermont Service Center

File with the VSC if the beneficiary is or will be employed temporarily in:

Alabama	Maine	Pennsylvania
Arkansas	Maryland	Puerto Rico
Connecticut	Massachusetts	Rhode Island
Delaware	Mississippi	South Carolina
District of	New Hampshire	Tennessee
Columbia	New Jersey	Texas
Florida	New Mexico	U.S. Virgin Islands
Georgia	New York	Vermont
Kentucky	North Carolina	Virginia
Louisiana	Oklahoma	West Virginia

### Mailing/Courier Addresses

# California Service Center – Regular Processing

### **USPS:**

USCIS California Service Center

Attn: I-129 [Insert Visa Category]

P.O. Box 10129

Laguna Niguel, CA 92607-1012

## California Service Center – Premium Processing

### **USPS:**

Premium Processing Service

USCIS California Service Center

Attn: I-129 [Insert Visa Category]

P.O. Box 10825

Laguna Niguel, CA 92607

### California Service Center – All Courier Deliveries

USCIS California Service Center

Attn: I-129 [Insert Visa Category]

24000 Avila Road

2nd Floor, Room 2312

Laguna Niguel, CA 92677

# **Vermont Service Center – Regular Processing USPS/Courier:**

**USCIS Vermont Service Center** 

Attn: I-129 [Insert Visa Category]

75 Lower Welden Street

St. Albans, VT 05479-0001

# **Vermont Service Center – Premium Processing USPS/Courier:**

Premium Processing Service

**USCIS Vermont Service Center** 

Attn: I-129 [Insert Visa Category]

30 Houghton Street

St. Albans, VT 05478-2399

### **GENERAL GUIDELINES:**

- Use of a COURIER is highly recommended. Package can be tracked and it will be delivered quickly.
- Mark Type of Petition and Processing Requested in red on outside of envelope
- When filing petitions that are related (P1 + P1S, for example) rubber band them together with a sheet indicating "Related Cases: Do Not Separate in Mailroom."

Step 11

### **Check Processing Time and Case Status**

Once you have submitted your petition (you can track its delivery via your courier service) you will eventually receive a Notice of Action – Form I-797C - letting you know that it has been received by USCIS and is in process. The I-797C contains your case number (EAC or WAC plus 10 numbers). The case number identifies your petition and is used to make an appointment at a Consulate (See **Obtain a Visa at a Consulate** below). If you have opted for Premium Processing then you will receive an email confirming receipt/processing and the I-797C will follow in the mail as well. Check the beneficiary list included for any errors – inform USCIS by phone (866) 315-5718 if there are any errors.

You can verify the processing time it will take to get a response (approval or Request for Evidence – RFE) via regular processing at: <a href="https://egov.uscis.gov/cris/processTimesDisplayInit.do">https://egov.uscis.gov/cris/processTimesDisplayInit.do</a>

You can check case status online or submit a case inquiry at: <a href="https://egov.uscis.gov/casestatus/landing.do">https://egov.uscis.gov/casestatus/landing.do</a>

Premium Processing guarantees an approval or response within 15 calendar days of receipt at USCIS.

The response from USCIS will be one of three: Approval, Request for Evidence (RFE) or Denial:

**Approval** is denoted by receipt of an I-797B Notice of Action – Approval Notice **Request for Evidence (RFE)** – Provide the requested additional materials in duplicate along with the RFE Cover Sheet as quickly as possible. A

Request for an RFE resets the processing time. **Denial** – All you can do is to try filing a new petition.

Remember that all petitions are part of a massive number of submissions which USCIS receives every day; the knowledge and attitude of the examiner looking at the petition undoubtedly affects the processing of any petition. I would strongly suggest that your petition be submitted in an organized fashion with all required evidence attached in order to make the examiner's job easier and make petition approval more likely.

Note that an approved petition is forwarded by USCIS to the Kentucky Consular Center and put into the Petition Information Management Service (PIMS). This process can take up to three days, but once in the system a beneficiary can apply at any Consulate abroad for a visa.

Step 12

### Obtain a Visa at a Consulate

Once you have received a Case Number for your petition you can make an appointment at a U.S. Consulate abroad to attend at the Consulate for an interview and obtaining the visa to get into the United States. Note that Canadians are exempt from having to attend at a Consulate but are processed directly at the U.S. border.

Visa Appointment and Processing wait times at a particular Consulate can be found at: <a href="https://travel.state.gov/content/visas/en/general/wait-times.html/">https://travel.state.gov/content/visas/en/general/wait-times.html/</a> You need to be aware of the times so you can make your appointment to coincide with the expected approval of a petition and the time it takes to get the approved petition into the system.

You can estimate the time you might expect to receive an approval (See Check Processing Time and Case Status above) and secure an appointment.

Appointments can always be changed.

The application for a Nonimmigrant Visa is a DS-160 Form. For more information on this form: <a href="https://travel.state.gov/content/visas/en/forms/ds-160--online-nonimmigrant-visa-application.html">https://travel.state.gov/content/visas/en/forms/ds-160--online-nonimmigrant-visa-application.html</a>

To apply for a Visa and Appointment go to: <a href="https://ceac.state.gov/genniv/">https://ceac.state.gov/genniv/</a>

On this website each beneficiary will choose the Consular location, fill out the DS-160 Form, pay the visa application processing fee (currently USD\$160), and make a Consular appointment. You can keep a copy of the DS-160 form for future reference but you MUST print out the DS-160 Barcode Page and bring it with you, along with your passport and a copy of the Approved I-797 to the Consular interview.

Step 13

# Deal with Merchandise and Instrument Restrictions and Prohibited or Restricted Items

If you are importing merchandise into the United States, be aware of the regulations and the paperwork required:

https://www.cbp.gov/sites/default/files/documents/Importing%20into%20the%20 U.S.pdf

If you are travelling with musical instruments, you should be aware of the various airline travel regulations:

http://www.americanorchestras.org/images/stories/adv\_gov\_pdf/FlyingwithMusical\_InstrumentsFinalHandbook.pdf

If your musical instrument contains any endangered species elements, then you should be aware of the regulations for getting your instrument into the country:

<a href="http://americanorchestras.org/advocacy-government/travel-with-">http://americanorchestras.org/advocacy-government/travel-with-</a>
instruments/endangered-species-material/protected-species-travel-tips.html

Some items are prohibited and are prevented from entering the United States. Prohibited means the item is forbidden by law to enter the United States. Examples of prohibited items are dangerous toys, cars that don't protect their occupants in a crash, bush meat, or illegal substances like absinthe and Rohypnol. Some items are restricted. Restricted means that special licenses or permits are required from a federal agency before the item is allowed to enter the United States. Examples of restricted items include firearms, certain fruits and vegetables, animal products, animal by products, and some animals.

Check prohibited and restricted items: <a href="https://www.cbp.gov/travel/us-citizens/know-before-you-go/prohibited-and-restricted-items">https://www.cbp.gov/travel/us-citizens/know-before-you-go/prohibited-and-restricted-items</a>)

You may bring into or take out of the country, including by mail, as much money as you wish. However, if it is more than \$10,000, you will need to report it to CBP. Ask the CBP officer for the Currency Reporting Form (FinCen 105). The penalties for non-compliance can be severe.

Step 14

### **Enter the United States**

All persons arriving at a port-of-entry to the United States are subject to inspection by U.S. Custom and Border Protection (CBP) officers and must establish their admissibility to the satisfaction of the CBP officer. CBP officers have the discretion to admit or deny anyone. If you do not have the proper paperwork you can be denied entry and returned to your own country. If you misrepresent anything you can be denied future entry into the United States. You may be required to have a "secondary inspection" where you will be questioned further.

### **Border Protocol:**

- 1. Have your documents (passport, visa, etc.) ready for inspection.
- 2. Carry a copy of your Approved I-797.
- 3. Declare all items you are bringing in.
- 4. Answer questions directly and succinctly. Do not add any commentary. Be forthright and honest. Do not lie.
- 5. No matter what happens, stay relaxed.

Upon successful completion of screening, a CBP officer stamps the travel document of each arriving non-immigrant traveler with the admission date, the class of admission, and the date of exit.

If you are planning to take advantage of the 10-day extension period of the visa you must request it at the time of entry. Check that the visa classification and the departure date in your passport are correct.

### Welcome to the United States!

# Step 14

### **Extend or Change Your Visa**

Visa extensions can be granted for up to a year if filed by the same petitioner for the same visa category. They must be filed via the I-129 Form while the beneficiary or beneficiaries are in the United States before the expiry of their visa and work is allowed pending approval of the extension. (Note that during the validity period of a visa an alien is allowed to visit Canada or Mexico for up to 30 days). If they have exited the country for good, then they need to file a new petition.

If you wish to extend your stay in the United States beyond the 10-day grace period allowed, then you have to apply before your original visa expires for a Change of Status to a Visitor Visa. This can be done via an I-539 Petition (Note that there is a fee of USD\$370 currently):

https://www.uscis.gov/sites/default/files/files/form/i-539.pdf

Form Instructions: <a href="https://www.uscis.gov/sites/default/files/files/form/i-539instr.pdf">https://www.uscis.gov/sites/default/files/files/form/i-539instr.pdf</a>



### **Exiting the United States**

You MUST exit the United States on the date stamped in your passport unless you have filed for an Extension of Stay. The consequences of staying beyond this date are severe and can cause future complications in travelling to America.

### Check out the other titles in the

### **BAM! COMPLETE GUIDES SERIES**

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Robert Baird, President of Baird Artists Management, is now available for consultation and advice regarding Canadian and U.S. regulations and information for performers, agents/managers and performing arts venues. Mr. Baird has been in the performing arts for over fifty years and has had distinguished careers in education, publishing and musical theatre. He served on the Board of Directors (2008-2010) and was President (2011-2013) of the North American Performing Arts Managers and Agents (NAPAMA). He was Treasurer and Vice-President of Festivals and Events Ontario (FEO) and served on that Board on various committees (2010-2013). Mr. Baird

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Robert is a regular columnist in *International Musician: The Official Journal of the American Federation of Musicians of the United States and Canada* (Circulation 100,000+ Monthly) where he writes a monthly column entitled "Crossing Borders". The column focuses on what artists need to know to get into Canada or the United States. He also writes a monthly column entitled "Artist Manager's Toolkit" for *International Arts Manager*, based in London, England.

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