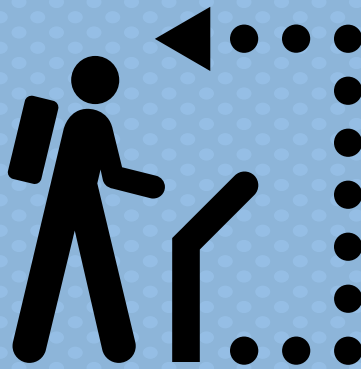


BAM! Primer: The U.S. Visa Process for Foreign Artists

by Robert Baird



#24

A guide for non-U.S. artists

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The U.S. Visa Process for Foreign Artists

Introduction

It takes time and preparation to apply for a non-immigrant work permit to enter the United States. Six months is not too soon to apply for the visa and given the many stages of the process and the possibility of delays, it is prudent to think well ahead of the projected itinerary and get the required paperwork in hand well in advance for your own peace of mind and the knowledge that your work in the United States will actually take place.

Step 1

Confirm Work in the United States

In order to apply for a non-immigrant work permit (an O or P visa), an artist will need to have confirmed work in the United States. Evidence of this can be:

- Signed contracts
- Deal memos
- Letters of Intent
- Emails or other documentation confirming that the artist will be hired and that a contract will be forthcoming.

Note that a petition can ONLY be approved for the time period you have confirmed dates in the United States. You CANNOT add dates after or before the approved petition dates; however, it may be possible to add dates within the approved petition time frame.

Step 2

Decide Who will Petition for the Visa

A foreign artist CANNOT apply for a nonimmigrant work visa but must have a petitioner resident in the United States. The petitioner could be a U.S.-based employer, (e.g. a venue, festival, etc.) agent, manager, sponsor, presenter, organization and/or professional (e.g. lawyer, accountant, etc.) appointed by the foreign artist. (Appointment of Agent by Artist) Note that each venue employing a foreign artist must appoint the agent as well, especially if a tour is planned. (Appointment of Agent by Employer) The petitioner will decide upon the appropriate non-immigrant work permit (visa) class, gather required information, prepare and sign the necessary forms, arrange for the appropriate Labor Consultation Letter and present required evidence to attach to the petition, as well as preparing a Cover Letter for the petition package. In addition, the petitioner will send the application in duplicate to the correct USCIS (United States Citizenship and Immigration Services) processing center, along with the filing fee on a timetable that will allow for an approval of the petition and subsequent steps in the process.

NOTE that a separate petition is required for any and all support staff accompanying the performing artists. This will typically double your costs.

Step 3

Supply Petitioner with required information and documentation

VISA INFORMATION (for each member of the group)

1. Name of group/artist:
2. Name of each member artist as it appears in passport:
3. Stage name, if any:
4. Date of Birth:
5. Place of Birth with Country:
6. Passport number:
7. Date of Issue of the Passport:
8. Date of Expiration of the Passport:

NOTE: Passports must be valid for at least 6 months after the travel date to the United States. Please check the passports. You also need a blank page for the visa.

9. Place of issue of passport:
10. Country of issue:
11. Home address:
12. Occupation: Specify artistic contribution (instrument played) or Technical expertise

13. Date started with group
14. Within the past 7 years have you entered the United States on an O or P visa? Please provide type of visa and the Visa number if possible, example: EAC or WAC# Have you received an O 1, O 2, P1, P1S or P3, PS3 visa. If so, please indicate when if possible.
15. **Copy of the face page of your passport. This is very important. PLEASE SCAN IN COLOR and send by EMAIL.**
16. Social Security number, if any (either a US social security number or equivalent in your country)
17. Do you intend to stay longer in the United States once the engagement has ended for vacation, etc. Please give date of departure from the US:
18. Proposed date of entry into United States:
19. A complete résumé and biography, including training, performance dates, etc. – as complete as possible – not just a paragraph.
20. A selection of articles and reviews of the work, articles on the company, etc. and past press reviews of any productions or performances. If there is foreign press, I need several excellent quotes from reviews translated into English. PLEASE MAKE SURE THE COPIES ARE LEGIBLE. You can send links to the press or press packet online.
21. Copies of performance programs (in English). SCAN and send.
22. Any Letters of Recommendation you might have from well-known authorities.
23. Tour Itinerary
24. The city and country where you will have your visa interview at the US consulate abroad.
25. If you will be on tour prior to leaving for the US, please give all cities you will be in prior to the entry into the US.
26. Copies of all performing contracts in the United States.

Step 4

Obtaining a Labor Consultation

The petitioner must obtain an advisory opinion from an appropriate labor organization in the United States to accompany the petition documentation. The labor organizations charge for supplying this Labor Consultation.

Step 5

Decide on Processing

Depending upon your time constraints, you may be able to opt for Regular Processing (USD\$460) or you may have to pay an additional USD\$2500 for Premium Processing. Regular processing may take months for a petition approval; Premium Processing will take only 15 business days. Keep in mind that USCIS can ask for additional evidence (RFE) during both the regular or the premium processing and this can delay petition approval.

Step 6

Petition Receipt

Once a petition is received by USCIS, it will be assigned a Petition Receipt Number, usually three letters followed by 10 numbers, e.g. EAC1618226532. This

is the reference number for your petition. This number is needed to make a visa appointment at a U.S. Consulate and to apply for a visa on Form DS-160 (see below.)

Step 7

Complete the Online Nonimmigrant Visa Application (Form DS-160)

With this number you can make a visa appointment at the appropriate U.S. Consulate through the DS-160 process (see Step 8). You should make the appointment for a time when you estimate that you will receive the approved Form 797. (The appointment can always be rescheduled.) Note that all U.S. Consulates have a wait time for getting a visa appointment [U.S. Consulate Visa Appointment Wait Times](#) and a processing time of 3-4 days generally. You can check [specific consular websites](#) for more details.

Complete the application for a visa at [Online Nonimmigrant Visa Application](#). Print and keep the DS-160 barcode page and take this with you to the Consular visa appointment. Be sure you pay the visa application processing fee and bring proof of payment with you as well. Note that each U.S. Consulate has country-specific instructions for paying this fee.

The DS-160 form is quite long and you will need to fill out personal information, passport information, purpose of your trip, information on your itinerary, information on past travel to the United States, contact information while in the United States, family and parental information, information on employment and education, security and background questions, and more.

Step 8

Receipt of Approved Petition (I-797)

Once the petition is approved, the petitioner will receive an Approved Form I-797. You should get a copy from the petitioner.

Step 9

Go to the Consulate for the visa interview

You can confirm the visa appointment once you have the approved I-797. Note that the Consulate needs to have electronic access to the form on the Petition

Information Management System (PIMS) through the Kentucky Consular Center (KCC) and, once approved, it can take a few days for USCIS to have your petition approval downloaded into the system. At the interview, be prepared to answer questions on your work and itinerary in the United States. Be polite and respectful of all consular officials. Note that it takes a few days to get the visa from the Consulate once you have passed the interview. The visa can be picked up or sent to you.

Step 10

Travel to the United States

Note that you can enter the U.S. 10 days before the actual work period applied for on your petition and remain in the United States for 10 days after the time period (but note that this extended time period must be granted at the point of entry when you arrive in the United States and for neither period are you allowed to “work” in the United States.)

Step 11

Border Protocol

The first person you meet on arrival will be an officer of Customs and Border Protection, or CBP. Entry into the United States, even with a visa, is entirely at the discretion of this officer. The officer will inspect your passport and documents, especially your visa. CBP officers are primarily concerned with security and your name will be checked against various computer databases. Be prepared to answer questions (and do so politely, calmly and succinctly) such as why are you visiting the United States, where will you be staying, how long will you be staying, where you will be going in the United States (your itinerary), how much money are you bringing into the country, have you ever visited the United States before, how often, etc. A border patrol officer has leeway in which questions to ask. Be prepared for a luggage search. Once you have passed questioning and inspection, your passport will be stamped with your entry date and date of departure and you are on your way.

If you have any questions or need more information on any of these steps, feel free to contact me:

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01-705-424-6507 (Office)

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NOTE: Refer to the BAM Guide #16: **BAM! Complete Guide to Entering the United States to Perform: A step-by-step Guide for Foreign Artists** for more details on the visa process.

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Consulting website: www.bairdartists.com



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 received the Arts Northwest Coyote Award and the Performing Arts Exchange Mary Beth Treen Award in 2012. He is Chair of Team Agent Network (TAN) and APAP Showcase Coordinator.

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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