

### Basic Requirements

Getting a visa to perform in the United States is a 4-step process:

- Obtain an advisory opinion from an appropriate labor organization;
- Get approval of a visa Petition for a Non-immigrant Worker (Form I-129) from USCIS;
- Attend at a U.S. Consulate to obtain the actual visa
- Enter the U.S. to perform

### U.S. Employment

An artist can work in the U.S. if they have evidence of employment:

- signed contract(s)
- deal memos or
- an email trail confirming work

Note that an artist is permitted to perform at specific engagements as per the itinerary; freelancing is not allowed. Performance is defined as U.S. employment even for no fee such as charitable events.

### Timetable

Such employment requires a work permit or (work) **visa**, valid only for the period of employment, whether for one booking or for several, as in a tour. For visas for extended periods, such as a tour, the rule of thumb is a confirmed booking every 30-45 days.

### Maximum Period Allowed

An O-1 visa can be obtained for up to 3 years; a P-1 visa for up to 1 year with evidence of employment. Note: a **sole and exclusive** U.S. agent can function as an employer for the maximum P-1 visa 1-year term and/or the O-1 visa 3-year term (See note in Itinerary)

### Adding Dates

Dates can be added only within the approved period of a visa if:

- a) activities are of a similar nature &
- b) for the same employer

### What Kind of Visa?

There are 4 categories of work & associated visas: **O-1, P-1, P-2, P-3:**

**O-1B** for internationally-renowned individual artists with extraordinary ability.

Qualification criteria is of a high standard: recipient of a major national or international award or 3 of the following:

lead/starring roles, performances at major venues, press from major publications, recommendation letters from recognized experts, major commercial success, command of high salary.

**O-2** for essential support staff associated with an O-1 applicant

**O-3** for spouse and dependent children under age 21

**P-1B** for internationally-recognized groups of 2 or more persons.

Qualification criteria is the same as for the O-1 but not as high a standard.

**P1-S** for essential support services which cannot be readily performed by a U.S. worker

**P-2** for individuals or groups under a reciprocal agreement between a foreign country and the U.S.

**P2-S** for essential support services which cannot be readily performed by a U.S. worker

**P-3** for individuals or groups considered as “culturally unique”. Evidence as to cultural uniqueness of artist and performance is required.

**P3-S** for essential support services which cannot be readily performed by a U.S. worker

**P-4** is available for spouse and dependents of P-1, P2 and P3

**NOTE:** O-2, O-3, P-1S, P2-S, P3-S, P4 require separate visa, same contents as principal petition with added evidence of essentiality and bios/training.

### When to File?

Up to a year in advance. Processing can take 15-90+ days.

### Who will file?

The U.S. employer of the artist, a U.S. agent, representing either the employer, the artist or both, or a U.S.-based person or entity authorized by a foreign employer as its agent may file the petition. For a tour with multiple venues (employers) one of the above may file for everyone through an Appointment of Agent form from each venue. Artists need to do an Appointment of Agent by Artist form if petition is being filed by other than their employer.

### Types of Filings

**Regular Processing:** USD\$460

Takes 90+ days for a response from USCIS. No access to USCIS other than through mail or courier.

**Premium Processing:** An additional USD\$2500, so USD\$2960 in total. Takes 15 days for a response from USCIS. Access to USCIS via email and dedicated phone. (1-866-315-5718)

### Where to File

If petitioner is in AK, AZ, CA, CO, CNMI, FL, GA, Guam, HI, ID, IL, IN, KS, MI, MN, MS, MT, NE, NV, NC, ND, OH, OR, SD, TX, UT, WA, WI, WY:

**For regular processing via USPS:**

USCIS California Service Center  
Attn: I-129 “O” or “P”  
P.O. Box 10129  
Laguna Niguel, CA 92607-1012

**For regular processing visa courier:**

USCIS California Service Center  
Attn: I-129 “O” or “P”  
24000 Avila Road  
2nd Floor, Room 2312  
Laguna Niguel, CA 92677

**For Premium Processing via mail:**

Premium Processing Service  
USCIS California Service Center  
Attn: I-129 “O” or “P”  
P.O. Box 10825  
Laguna Niguel, CA 92607

**For Premium Processing via courier:**

USCIS California Service Center  
Attn: I-129 “O” or “P”  
24000 Avila Road  
2nd Floor, Room 2312  
Laguna Niguel, CA 92677

**Premium processing email:**

[csc-premium.processing@dhs.gov](mailto:csc-premium.processing@dhs.gov)

If petitioner is in AL, AK, CT, DE, DC, KY, LA, ME, MD, MA, MS, NH, NJ, NM, NY, OK, PA, PR, RI, SC, TN, U.S. Virgin Islands, VT, VA, WV:

**For regular processing via USPS or courier:**

USCIS Vermont Service Center  
Attn: I-129 “O” or “P”  
75 Lower Welden Street  
St. Albans, VT 05479-0001

**For Premium Processing via mail or courier:**

USCIS Vermont Service Center  
Attn: I-129 “O” or “P”  
30 Houghton Street  
St. Albans, VT 05478-2399

**Premium processing email:**

[vsc-premium.processing@dhs.gov](mailto:vsc-premium.processing@dhs.gov)

### Types of Responses

A Notice of Action form (I-797) with a Receipt Number will be sent to the petitioner via mail or courier (if you provided a courier return envelope), followed by one of three responses within 15 days (Premium Processing) or 90+ days (Regular Processing):

**An approval:** Premium Processing petitioners will be emailed confirmation of approval and then sent the Approved I-797 by mail or courier; Regular Processing petitioners will receive the Approved I-797 by mail only.

**A Request For Evidence (RFE):** USCIS may ask for more evidence to corroborate the petition. NOTE: An RFE resets the time for a USCIS response.

**A denial:** You may appeal or simply re-apply with a new, improved petition.

(What to File - See other side)

### Substitutions

Personnel may be substituted on P-1, P-2 and P-3 visas. A letter to the Consulate from the petitioner with substitute's birthdate, nationality and qualifications is required. Include a passport scan. Support personnel CANNOT be substituted.

### USCIS to Consulates

Approved petitions are copied to the PIMS system and must be available to a Consulate before a visa can be issued. This usually takes 72 hours.

### Getting the Actual Visa

To obtain the actual visa to enter the U.S. requires completing the online DS-160 form, supplying a passport photo, paying a fee and making a Consular appointment. (Canadians excepted).

Check with the U.S. Consulate in your country for specific instructions, appointment wait times and time for visa issuance. Once you have the I-797 receipt number you can complete the DS-160 and make a tentative Consular appointment for after the expected approval date. Bring approved I-797 and copy of I-129 to interview.

NOTE: Consular appointments can be made at any U.S. Consulate; passports are surrendered at interview, picked up later with visa.

### Extension of Stay

You can enter the country 10 days before the approved petition period and remain 10 days after the approved petition period but cannot work during that time. Confirm your exit date with the border official when you enter the United States.

### Criminality

If any persons on a petition have ever been arrested/convicted, this must be dealt with before trying to enter the U.S.

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BAM! Pocket Guide to  
U.S. Visas for Artists  
by Robert Baird

### Contact Information

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