

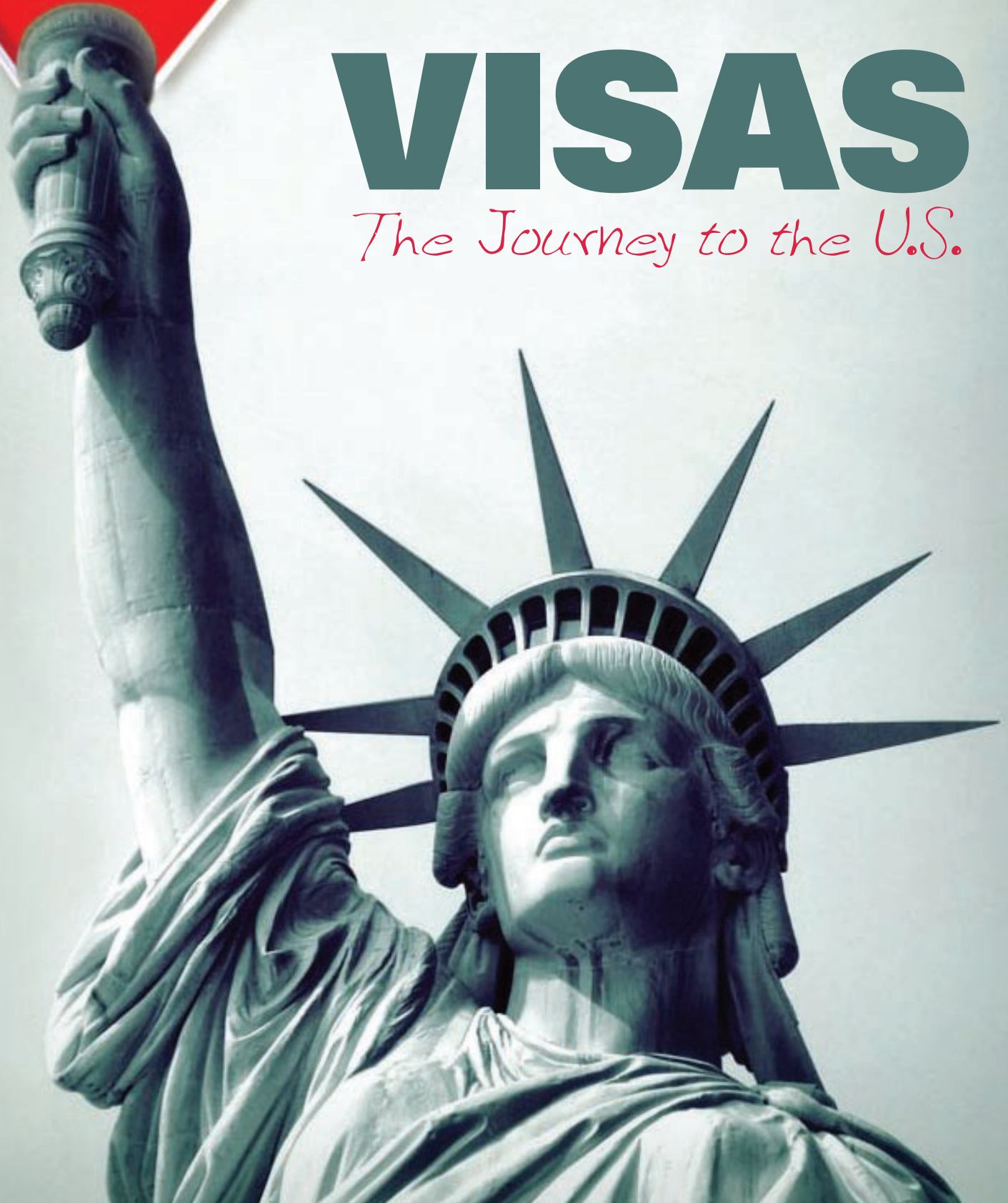


musical  
america  
SPECIAL REPORTS

October 2012

# VISAS

*The Journey to the U.S.*



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Each article in issue is also found on our website, MusicalAmerica.com, in the [Special Reports](#) section.

## Introduction

We've all heard the countless visa "horror stories" about the cancelled performance, the artist left at the airport, the clueless official who hasn't heard of the venue called the Metropolitan Opera House. It's as if the process of securing visas for foreign artists to perform on these shores is overseen by Mr. Murphy himself, carefully insuring his famous law that "everything that can go wrong, will go wrong."



Seeking a way to defeat him, we have gathered the experts. Attorney Brian Goldstein, one of a handful of national authorities on the subject, digs out some [Tales from the Crypt](#) and explains precisely what went wrong in each case: a typo on the application? An arrest 25 years ago for disturbing the peace as a teenager? A consulate interview appointment scheduled for after the plane takes off?

Goldstein also enlightens us with answers to our [No Stupid Questions](#). And for those in search of a quick overview of the process (which is anything but quick), we offer a [Vastly Oversimplified Guide](#), countered by the more reality-based [Visa Processing Countdowns](#). Since several articles are sprinkled with terms such as "RFE" and "form I-129," we have a list of [Visa Definitions](#), as well as a description of the United States Citizen and Immigration Services (USCIS) [Processing Centers](#) and tips on how and when interact with them.

In *It's About Time*, [Parts I](#) and [II](#), representatives from the State Department and USCIS lend practical advice on moving smoothly through the channels they oversee. Six case studies examine how your colleagues handle the visa process, ranging from the [Lincoln Center Festival](#), which uses almost exclusively foreign talent and does everything in-house, to Michigan's [University Musical Society](#), which has outside counsel handle their visa issues.

Since he helped draft its provisions himself, attorney Jonathan Ginsburg is well-equipped to tell [The Story of O \(and P\)](#), a description of how the current visa laws for performing artists evolved over time. It's a fun and enlightening read.

In fact we hope the entire issue is just that.

Regards,

Susan Elliott  
Editor, Special Reports


# 10 Steps to a *Foreign Artist* VISA *A Vastly Oversimplified Guide*

(**WARNING!** Do not use these steps as the final word; every case is different. Always start by consulting [ArtistsfromAbroad.](#))


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**Scenario:** A small performing arts center in a small city and state wants to hire French violinist Jolliette to perform. Jolliette will need an O-1 visa. The performing arts center will serve as her "Petitioner." (For a more detailed Visa Processing Timeline, see [Visa Processing Countdowns.](#))

---

- 1) Petitioner prepares a visa petition (including all required forms and extensive supporting evidence).
- 2) Petitioner submits draft petition and fee of \$250 to American Federation of Musicians (the appropriate union in this scenario) for a [consultation letter](#) indicating whether the union has any objection to the petition.
- 3) Petitioner submits the official petition, the AFM consultation letter, and a filing fee of \$325 to United States Citizenship and Immigration Services (USCIS) California Service Center (the appropriate service center in this scenario; see [USCIS Service Center Tips, Jurisdictions and Contact.](#)
- 4) USCIS reviews petition. Petitioner waits, typically about four or five weeks, perhaps more.
- 5) USCIS sends approval notice (or rejection/request for more information, delaying things further) to Petitioner.
- 6) Assuming approval by USCIS, French violinist schedules [interview at U.S. Consulate](#) in Paris, completes and submits visa application forms to the consulate, and pays visa application fee. (Consulate fees vary; in Paris it is \$190.)
- 7) Artist is interviewed at U.S. Consulate in Paris and surrenders passport.
- 8) Artist waits two to five days (or longer, depending on the time of year and the artist's background).
- 9) Artist returns to U.S. Consulate and picks up passport and visa.
- 10) Artist travels to U.S. 





# Vadim Repin

Photo: © Kassara/DG

*“Simply the best, the most perfect violinist I have ever heard.”*

—Yehudi Menuhin

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**CAMI**  
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# VISA PROCESSING countdowns

## I. For regular visa processing\*

(Recommended for those who plan ahead and don't wish to spend an extra \$1,225 for **premium processing**.)

### 180 days

File petition via air courier, with return air courier mailer.

### 150-170 days

Filing receipt should be in hand.

### 120 days

Check [consular post web site](#) and contact post if necessary to find out what the lead time is for making appointments.

Ask the post how far in advance it is willing to issue the relevant **visa**, in light of the artist's scheduled travel time to the U.S. **Consular** practice varies in this regard, though posts have been encouraged to issue as far in advance as possible. Bear in mind that lead times stretch during the summer travel months and high holiday periods, and that all U.S. consular posts are closed on U.S. and host country national holidays.

### 90 days

Again check the **USCIS** current processing times for your **I-129 Petition**. If a petition filed through the regular filing process exceeds 14 days in processing times, immediately call the National Customer Service Center (**NCSC**) at 800-375-5283 to initiate an inquiry into the status of your case.

Consider making the visa appointment, if dealing with a consular post with lengthy delays. Make the appointment for 60 days hence. Many posts will claim the petition must be approved before you can make the appointment. Let's just say that unless the post asks for a copy of the approval notice, it is unlikely to check

whether the petition is approved at that point, though it can ask for the file number, which you have.

### 60 days

Again check the USCIS current processing times for your I-129 petition. If they have slipped and you have not received a response from NCSC, contact them again and consider converting to premium processing! Why so early, when premium processing should only take up to 15 days? If you get an **RFE** instead of an approval, or if premium processing makes an error of some sort, those 60 days will evaporate in no time!

If the artist has not made the visa appointment at the U.S. consulate, urge him/her to do so, depending on what you've learned about consular lead times.

Double-check to be sure there have been no changes in consular procedure.

Have the artist complete the necessary consular processing forms and obtain the photograph. The artist can wait to pay the fee until you are certain USCIS has approved the petition.

### Final Preparation

Once you receive the original approval notice, contact the visa applicant and reconfirm that the visa appointment has been made and that there still is sufficient time to ship the approval notice and a full copy of the petition to the applicant before the appointment. If need be, cancel the old appointment and make a new one, again bearing in mind that some posts will not issue the visa until fairly close to the scheduled travel time.

*continued on p. 6*

## II. For premium visa processing

(Recommended for those who either can't, won't, or don't plan ahead and can spend the extra \$1,225 to speed up the process.)

If you plan to follow the premium process, do all the initial steps listed above except for checking the regular processing times before your anticipated filing date. Bear in mind that premium processing is supposed to respond within 15 days, with an approval, denial, request for evidence, or referral to the fraud unit. This means you cannot count on receiving an approval within the 15 days, just a response. For that matter, the premium processing units are staffed by humans! Occasionally they will make mistakes. If you can help it, don't cut your timing so fine that you have no flexibility left. Note that given USCIS assurances about improving efficiency, regular processing might be more viable than it once was, but petitioners will still get better customer service with PPS.

### 120 days

Check the consular post web site, and contact the post if necessary to find out what the lead time is for making appointments.

Ask the post how far in advance it is willing to issue the relevant visa, in light of the artist's scheduled travel time to the U.S. Consular practice varies in this regard, though posts have been encouraged to issue as far in advance as possible. Bear in mind that lead times stretch during the summer travel months and high holiday periods, and that all U.S. consular posts are closed on U.S. and host country national holidays.

### 90 days

Consider making the visa appointment, if dealing with a consular post with lengthy delays. Make the appointment for 60 days hence. Many posts will claim the petition must be approved before you can make the appointment. Let's just say that posts do not check to determine whether the petition is approved at that point, but they can ask for the file number, which you have.

File the premium processing petition with USCIS via air courier, with return air courier mailer.

### 85-88 days

Email receipt should be received.

### 75 days

Email approval should be in hand. If not, and you have not received a faxed RFE, contact the premium processing unit by email or phone, ask for the status, and plan to ask for a refund of the premium processing fee after the case is resolved, by again contacting the premium processing unit. You are entitled to a refund if you do not receive a response within 15 days of the filing date of your petition.

### 70-74 days

If you included an air courier return mailer with your filing, you should have the approval notice in hand. Otherwise, it could take a few more days.

Confirm that the artist has made a visa appointment at the consular post.

### Final Preparation

Once you receive the original approval notice, contact the visa applicant and reconfirm that the visa appointment has been made and that there still is sufficient time to ship the approval notice and a full copy of the petition to the applicant before the appointment. If need be, cancel the old appointment and make a new one, again bearing in mind that some posts will not issue the visa until fairly close to the scheduled travel time. 

\*Please see [Visa Definitions and Acronyms](#)

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# NO such thing as a stupid QUESTION

A conversation with an attorney who specializes in performing arts visas

Whether you're an agent, manager, presenter, or other arts professional, it is possible to file for and secure visas for foreign artists to perform in the U.S. without having to hire an attorney or, you'll pardon the expression, cancel a performance. But first you need to accept from the outset that there are no shortcuts, no easy answers, and no simple tricks. Here's an imagined conversation that breaks the process down.

## When is an artist required to have a work visa?

Almost always. One pervasive myth is that a work visa is not necessary unless an artist is being paid. Not true. U.S. law defines "work" as any performance, regardless of whether an artist receives payment. So even artists who perform for free or receive payment outside of the U.S. must get work visas.

## So if an artist comes in as a visitor and then performs, that's illegal?

Yes. And it's even illegal to advise them otherwise.

## But what if the artist is performing for a nonprofit? Or is only getting a small fee? Or just expenses? There must be exceptions for nonprofits!

Sorry. It doesn't matter. Every artist who performs, regardless of who they perform for or how much they get paid, still needs a work visa. (There are actually a few very narrow, very rare exceptions, but for our purposes it's best to not dwell on them.)

### BRIAN TAYLOR GOLDSTEIN



*Named one of Washington, DC's top Entertainment Attorneys by Washingtonian Magazine, Brian Taylor Goldstein is a partner in the law firm of Goldstein & Guilliams PLC (GG Arts Law) and a managing director of artist management agency GoldsteinGuilliams International. In addition to being the legal advisor to NAPAMA and IAMA, Mr. Goldstein is a frequent speaker at national and regional arts conferences and serves as an adjunct professor of arts management at George Mason University.*

## That stinks.

Yes it does. And Congress is unlikely to change the rules anytime soon.

## Ok...[sigh]...are there special work visas for artists?

Yes. Work visas for artists fall into two broad categories, "O" and "P," and there are different kinds of Os and Ps

- O-1** Individual Artists of Extraordinary Ability
- O-2** Support Personnel for the O-1 (i.e., accompanists, back-up singers, musicians, tech crew, or any performer or non-performer who is necessary for the O-1's performance)
- P-1** Internationally Recognized Groups
- P-1S** Support Personnel for the P-1 (i.e., tech crew or other non-performers)
- P-2** Reciprocal Exchange Visas That Are Arranged Between Artist Unions
- P-3** Culturally Unique Individuals or Groups
- P-3S** Support Personnel for the P-3 (i.e., tech crew or other non-performers)

## So, how does a foreign artist get one of these work visas?

The process involves three steps:

1. A U.S.-based petitioner—for instance, a presenter seeking to engage a foreign group—must file a petition for visa approval on behalf of the artist with United States Citizenship and Immigration Services (USCIS). The filing fee is \$325. The petition will be reviewed by a USCIS examiner and either approved, returned for more evidence or forms, or denied.
2. Once the petition is approved, the artist or group must appear

*continued on p. 8*

personally at a U.S. consulate and apply for the visa itself. . . and pay more fees.

3. Upon entering the U.S., each individual will need to present his/her visa to a Customs and Border Patrol (CBP) officer for inspection.

### Who can be a petitioner?

Any U.S. citizen, organization, or permanent resident (“green card holder”) can file a visa petition. A presenter or an agent/manager can serve as the petitioner; so can an American ensemble engaging a foreign artist.

### What if the artist will be performing at more than one place, like on a tour? Does each venue or presenter have to file a separate petition?

No. If an artist will be touring, then a U.S. agent or manager can file a petition listing all of the artist’s presenters, venues, and engagements on the same petition. Alternatively, any one of the presenters or employers on the artist’s tour can be the petitioner on behalf of itself and all of the other presenters. The only requirement is that each presenter on the tour submit a signed form or other written confirmation showing that it has authorized the petitioner to include his engagement on the petition.

### Is the petition just a form? What else needs to be given to USCIS?

The petition consists of completed forms as well as evidence establishing that the artist or group meets the specific requirements for the specific visa he or she needs. For example, if the petition seeks an O-1 visa, then the petition must include evidence that the artist is internationally distinguished for his or her achievements or abilities; or, if the petition seeks a P-1 visa, then there must be evidence that at least 75 percent of the members of the group have been working together for at least a year and that the group is internationally recognized for its achievements.

### Good grief.

There’s more. Each petition must include a “consultation letter” from an appropriate performing arts union stating whether or not it agrees that the artist or group meets the requirements.

### Wait! What? What if this isn’t a union performance?

It doesn’t matter. If you’re hiring a musician, you’ll need a consultation letter from the American Federation of Musicians. If you’re hiring

a singer, you’ll need a consultation letter from the American Guild of Musical Artists. An actor? Actors Equity. A lighting designer or stage technician? The International Alliance of Theatrical and Stage Employees, and so on.

### So what kind of “evidence” does the USCIS need to prove that the artist is “internationally distinguished for his or her achievements or abilities”?

It depends on the artist or group as well as the type of visa they need, but, for the most part, the evidence will consist of written documentation that the artist or group has performed at prestigious venues, received significant awards, garnered critical acclaim, released successful recordings, or received the praise of experts. You’ll need to submit things like copies of programs, copies of newspapers articles and reviews, lists of awards, liner notes from CDs or DVDs, and letters from experts familiar with the artist or group.

### Are the petitions and the accompanying materials reviewed by a USCIS examiner who is familiar with the arts? Will they recognize who is significant and what is prestigious?

Hardly. Most USCIS examiners are utterly unfamiliar with the performing arts. (Once, when the Metropolitan Opera applied on behalf of a singer, a USCIS examiner famously argued that the petition didn’t specify where it was located or provide evidence that it was a distinguished venue!)

Far too many petitions are denied because the petitioner didn’t submit enough material. It is not enough to merely list an artist’s accomplishments; you must also explain—often in excruciating detail—the significance of each. If an artist has won an award, explain why the award is significant. If the group has performed at a prestigious festival or concert hall, explain that only distinguished artists perform there. If necessary, include letters from experts in the field supporting your arguments. *The artist’s biography and a handful of newspaper articles printed from a website will rarely be enough.*

### How much time will all this take?

In exchange for the \$325 filing fee, USCIS usually takes 30 to 45 days to review a visa petition. If you want a guaranteed review in 15 days or less, you will need to pay a premium processing fee of \$1,225, in addition to the basic filing fee.

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After its review, USCIS will either respond with an Approval Notice or a Request for Evidence (RFE), asking for more materials to justify the petition. If you get an RFE, you will be given time to submit additional evidence that USCIS will then review, but this can add an additional 60 to 90 days to the process. After the re-review, USCIS will either approve or deny the petition.

### **Assuming it's approved, how long with the visa be good for?**

Visa petitions are approved for specific lengths of time—called “classification periods”—during which the artist or group will be permitted to enter the U.S. and perform. The length of the classification period depends on the number of engagements and the type of visa. A petition can be submitted for a visa to cover a single engagement or a tour of multiple engagements—up to three years for an O visa and one year for a P visa. The petition must include an itinerary that lists and identifies each engagement, as well as a written confirmation of each engagement.

### **We hate contracts and never use them. Does USICS require a signed contract for each engagement?**

While signed contracts are preferable, you can also use emails, letters of interest, holds, deal memos, a cocktail napkin, or confirming memorandums. Anything in writing will work.

### **Do the engagements all have to be back-to-back? Can an artist enter, perform some engagements, leave, and then re-enter on the same visa?**

It depends. If there are significant gaps between engagements (usually more than 60 to 90 days), USCIS may not approve the full classification period requested. If the group has a series of engagements in September and no other dates until March, the approved classification period will probably cover only the September dates. A new and separate petition would then have to be submitted for the March dates, requiring another trip to the consulate [see next question] for new visas. An artist or group can, however, add or delete engagements throughout the classification period.

### **Are we done? When does the artist get the actual visa?**

Not yet. Once the petition is approved, each and every artist listed on the visa approval—whether it's the four members of

a string quartet or 80 members of an orchestra—will need to schedule an interview appointment at a U.S. consulate, fill out an application form, pay a visa application fee to the consulate, be interviewed, wait for a security check, and have their visa stamped into their passport.

### **How does an artist make an appointment at a consulate? Is this something I can do for them?**

Each consulate has its own procedures and policies for making appointments, paying fees, and submitting applications, but these are all generally done through the consulate's web site. Depending on the consulate, and on the time of year, a visa appointment may be available in as little as three days or it can take up to three months. The application form demands extensive, sometimes invasive personal information: parents' and siblings' names, professional affiliations, social clubs and groups, dates of military service, criminal records, medical conditions, prior visits to the U.S., etc. The specific procedures, fees, and forms for each consulate, including approximate wait times for appointments, can be found on the [State Department's web site](#).

### **Which consulate can the artist go to?**

The artist or group can schedule their interviews in any country or city in which the United States has a consulate.

### **Are there U.S. consulates in the United States?**

No. U.S. consulates only exist outside of the U.S.

### **Will the consulate issue the visa right away?**

No. After the interview, the artist will be sent away to await a determination. If all goes well, a visa may be issued the next day or in a few days. However, like everything else, processing times vary greatly from consulate to consulate. And any element that arouses the consular officer's suspicion—past arrests, visits to any country deemed a terrorist threat—can delay the process, usually by 30 days or more. This is where past indiscretions can jump up and bite, such as a prior arrest, even for a minor offence or prior performances in the U.S. on a visitor visa! Ultimately, regardless of whether or not USCIS has approved the visa petition, the consulate has broad and unfettered authority to deny a visa for any reason—or no reason—and while the artist can reapply, the decision and whims of the consulate are not appealable.

*continued on p. 10*

**Oh, my God! Are you saying that I can go through the entire petition process, pay the fees, submit the petition, get it approved, and the consulate can still refuse to issue the visa?**


Yes. It doesn't happen often, but it happens often enough.

**But once the consulate issues the visa, that's the last hurdle?**

Not quite. There's one more. Even after USCIS approves the visa petition, and even after the consulate issues the visa, the decision whether to admit an artist into the U.S. is made at the discretion of the CBP officer at the point of entry. It is unusual for a CBP officer to refuse entry. But it can happen if an artist says something inconsistent with the visa category or classification period. For example, a member of a chamber ensemble was once denied entry when he told the CBP officer that, in addition to performing with his group, he had been engaged

to perform as a soloist: solo performances are not allowed on a P visa.

**I'm overwhelmed. Please tell me that this is everything I need to know!**

The bad news is that this conversation only covers the tip of the iceberg. There are a lot of important nuances and details. In fact, the tiniest mistake—such as signing a form in black ink, as opposed to the required blue ink—can lead to a rejected visa. However, the good news is the web site [Artists from Abroad](http://Artists from Abroad), which is maintained by the League of American Orchestras and Association of Performing Arts Presenters. The site is a definitive, exhaustive, step-by-step guide to the entire visa process, including filing instructions, tips, strategies, FAQs, sample forms and petitions, timelines, fees, and links to consulates. It even goes into a topic we haven't even discussed yet—tax requirements for foreign artists who perform in the United States, which can be even more confusing. 

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# CASE STUDY 1

when the

# GOING gets TOUGH

By Nancy Malitz

## University Musical Society

*U.S. arts organizations of all sizes and shapes share the challenge of securing visas for foreign artists. But each has its own particular challenges and its own internal mechanisms to cope with them. What follows is practical advice about when to seek counsel, how to think like an immigration official, how joint applications can save money and effort, why a point person in house is helpful, and why it's worth pursuing a visa, even when time runs out.*

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**Their visa challenge:** Hiring artists from the Arab world

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**Organization:** Based in Ann Arbor, MI, UMS is one of the oldest performing arts presenters in the country, now in its 134th season. UMS rents performing facilities at the University of Michigan, but it is a separate organization with its own board and budget.

**Size and scope:** Typically 65–75 performances involving 45 different presentations each season, about half from abroad.

**Visa challenge:** Over the last decade, at roughly two-year intervals, UMS has based part of its programming on culture from a non-European part of the globe, according to Michael J. Kondziolka, director of programming for the last 18 years. “We have focused on Africa, on South America, on Asia very broadly defined, and on the 22 countries that self-identify as the Arab world,” he says.



**Close calls:** Among UMS's toughest hurdles was the 2008–09 Arab-themed season, when a singer and group called [Farida and the Iraqi Maqam Ensemble](#) were scheduled to appear. “They were living in Amsterdam as exiles from Baghdad,” recalls Kondziolka.

“They had lost all of their national status. I mean, they didn't even have passports. I just looked at everyone and said, “Well. How are we going to do this?””

The effort prevailed, he says, “But I spent a lot of time on that one.”

**Another case that same season was not so lucky:** An ensemble of Fez musicians managed to make it, “but a few of its members had to stay behind,” says Kondziolka.

**Mission impact:** “We have never allowed potential visa problems to impact our decision making,” says Kondziolka. “The visa challenge is just another element imposed onto the situation of producing important cultural exchange.”

**Their process:** Each summer, Kondziolka sits down with his programming and production teams to analyze the upcoming season for specific responsibilities and risks. His associate programming manager Liz Stover then works with outside attorney



**NANCY MALITZ**

*Nancy Malitz has been writing about the intersection of the arts and technology for most of her career. She developed some of Gannett Media's first newspaper web sites and worked on strategic projects for media change.*

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Farida and the Iraqi Maqam Ensemble. Photo: WOMADelaide 2006.


Jonathan Ginsberg at [Fettmann, Tolchin & Majors](#) to assemble the visa petitions, file them, and stay on track. “We’re in a privileged position,” says Kondziolka, “in that I can put a budget together that accounts for expert legal advice and administration in doing this work. A lot of my colleagues do it themselves.”

**Recent visa activity:** Three groups of performers needed UMS to initiate their visa applications for 2012–13: [The Suzhou Kun Opera Theater of Jiangsu Province](#) (which practices a 600-year-old form of Chinese opera); [Propeller](#), a highly physical, all-male Shakespeare company from the U.K.; and a relatively new British company called [1927](#), whose show UMS describes as a “wickedly twisted” tale with live performers, film, and animation.

**Recommendations:** Kondziolka said he has never had a visa petition fall apart completely, but that it is prudent to consider the possibility: “I have begun to change the language in some contracts to address how we will deal with outlaid expenses, and

what are the terms under which we can walk away, so that it is clear to everyone.”

Kondziolka also warned that busy ensembles reporting to consulates in large urban capitals need to allow plenty of lead time in setting up their interviews. “The backlog on getting people in can sometimes prohibit an entire company from getting into the country,” he says.

Still, he has noticed some visa procedures improving: “When the Royal Shakespeare Company came in, the U.S. consulate in London experimented with going to the group for the interviews. They went up to Stratford and interviewed everybody there.” A few actors did not make the cut, but overall the headaches and travel costs were eased for many artists. “I thought it was a very interesting approach,” says Kondziolka. “The regulations are what they are. But I think the officials involved have been trying to make things as efficient as humanly possible, or at least to listen to our industry’s concerns.” 



# the Story of O (and P)

By Jonathan Ginsburg

As a sleepy associate at a D.C. law firm one morning 21 years ago, I'd been unable to duck an assignment involving "immigration law," whatever that was. I soon discovered the topic involved a set of rules so obscure that I needed a real immigration lawyer (a rare species at the time) to help interpret. I found one, and began a dizzying descent into the morass that U.S. immigration law was, even then.

Not long after, Cathy French, then-president of what is now the League of American Orchestras, asked the League's general counsel, Lee R. Marks, a partner of mine, whether the new O and P visa classifications in the Immigration Act of 1990 (IMMACT90, enacted November 29, 1990) really meant what they said. Previously, artists were required to be of "distinguished merit and ability." Now, they had to be of "extraordinary ability . . . demonstrated by sustained national or international acclaim." If the base line standard for qualifying for an O visa was that stringent, French suggested, the U.S. had abruptly raised daunting barriers to all but the most famous artists from entering the U.S., thereby eviscerating the vibrant international cultural exchange it had previously had enjoyed.

## The Lonely Goatherd

Within a few weeks, I found myself as immigration counsel to a growing coalition of distraught arts-related organizations, from the League to the International Society of Performing Artists, to the Big Apple Circus to assorted artist managers, who understood the danger they faced and the need for a unified stance to lobby Congress to change it. Still, they had never before had to organize so broadly, and they knew precious little about the topic of immigration.



I was no great expert myself. Up till then, the U.S. immigration process had been informal, with problems resolved in phone calls

or meetings between the petitioning entity and immigration personnel. Similarly, U.S. consulates were far more approachable than they are now. Guided by French and Marc Scorca, still president and CEO of OPERA America, and ably assisted by Rick Swartz, a professional strategist on public policy issues, including immigration, I went to work untangling the knots and double knots our government had wrought.

## A Meeting with the Senator's Office

I arranged for a meeting with Jerry Tinker (then majority staff director for the Senate Subcommittee on Immigration and Refugee Affairs), acting for Senator Ted Kennedy (the Subcommittee's chairman, and friend to organized labor and the arts). We also met with Jack Golodner, then president of the AFL-CIO's Department for Professional Employees. I explained the problem the new law (IMMACT90) posed, and that I'd been unable to find anyone in the House of Representatives, which had originated the provisions in question, willing to take responsibility for them. Asked by Tinker for his reaction to this state of affairs, Golodner responded with a shrug, saying, "I really have no idea how they got there."

I was skeptical about that response: Immigration and Naturalization Service (legacy INS, now USCIS) had by 1990 begun consulting with organized labor—the Hollywood unions in particular—on whether particular foreign performers were indeed of distinguished merit and ability. I suspected that Congress had

## JONATHAN GINSBURG



*Jonathan Ginsburg, of Fettmann Ginsburg PC, in Fairfax, VA, a full-time immigration lawyer, specializes in arts- and entertainment-related immigration, including temporary work-related O and P visas, permanent residence, and related consular matters. Author of the immigration-related portion of [Artists from Abroad](#), he may be*

*reached at [jginsburg@fettmannjginsburg.com](mailto:jginsburg@fettmannjginsburg.com).*

*continued on p. 14*

passed the new law in response to organized labor's request. Still, Tinker knew that the unions would have to be part of the solution, lest they prevent one altogether.

Tinker then confessed that neither he nor the Senator had been aware of the O and P provisions before the Senate passed the new law, but, he said, he had a simple plan: Golodner and I were to walk out the door and return only when we had a deal acceptable to all concerned, at which point the Senator would make sure the deal became law.

### Two Coalitions Too Many

Coalition politics are whatever the opposite of fun is, and I had two coalitions to deal with: the arts-related groups on one side, and organized labor—American Federation of Musicians, International Alliance of Theatrical Stage Employees, American Federation of Television and Radio Artists, etc.—on the other. Organized labor wasn't really very "organized," since it too was a coalition, with all the complications that entails. Still, I think Golodner had the easier time of it, as AGMA and IATSE have a lot more in common than, say, Dance/USA and the Big Apple Circus.

Nine months of meetings and negotiations followed, and I spent more time herding my arts-related cats than meeting with Golodner. The former had two very understandable problems: they knew virtually nothing about immigration law and procedure, and they distrusted organized labor. This meant that, while I was bringing the arts-related coalition up to speed on immigration law, I had to negotiate with Golodner simply to come up with concepts and talking points I could use to illustrate the problems and possible solutions to my own coalition members. I suspect Golodner was doing the same on his side.

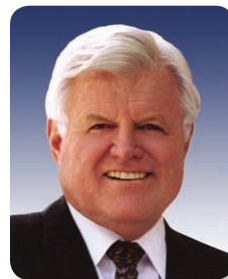
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Until the Immigration Act of 1990,  
the U.S. immigration  
process had been informal,  
with problems resolved in  
phone calls or meetings  
between the petitioning entity and  
immigration personnel.

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### The Consensus, the Bill, the Law

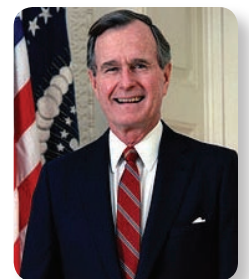
With the able assistance of Mr. Swartz, a seasoned coalition expert who knew how to bang heads, a lot of back and forth with Golodner, and some interesting meetings with Golodner's coalition members, we eventually found common ground. Organized labor, as it turns out, understood that it could not be perceived as a stumbling block to international cultural exchange. Rather, it wanted in effect to be able to monitor the influx of foreign artists, and it wanted protection from cheap labor. Meanwhile, the goal of the arts-related coalition was simply to lower the barriers to vigorous international cultural exchange as much as possible, while ceding as little leverage as possible to organized labor.



Senator Ted Kennedy at the time

True to his word, Senator Kennedy introduced a bill containing the compromise the two coalitions had wrought. The bill did something exceedingly unusual by today's sorry standards: it attracted the support of a large majority of both political parties. Before it could become law though, the bill itself had to be stitched word by word, line by line, into the existing Immigration and Nationality Act. For that purpose, a marvelous staff attorney and technician on the House side and I spent hours on the phone late at night going line by line through the language, trying to ensure that the technical effects of the bill would be as the two coalitions—and Congress—intended.

On December 12, 1991, President Bush signed into law the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, containing the O and P provisions as we now know them. The essential compromise was that the revised law required only that artists have "distinction," a defined term that effectively reinstated the lower "distinguished merit and ability" standard of the old law. Also, the new standards for performance groups and culturally unique performers and groups were adjusted, primarily to discourage importation of foreign productions not associated with a particular group.



President George H.W. Bush, 1989 official portrait

In return, organized labor got a seat at the table, so that it would have a chance to see and opine with respect to most arts-related

*continued on p. 16*



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petitions. Little did we anticipate then that, whatever else they may have gained, the arts-related unions also gained the potential for a revenue stream. While none of the unions initially charged for the newly required “advisory opinions,” today it can cost as much as \$500 simply to obtain a letter stating that the union does not object to the petition!

The next step, too, went relatively smoothly, in that the U.S. Immigration and Naturalization Service (legacy INS, now USCIS) reached out to the coalition members, solicited their views, then produced a workable set of interim regulations on April 9, 1992, just after the current O and P provisions took effect. I range from sentimental to maudlin as I recall that all this happened without anti-immigrant sentiment or the intervention of PACs, super PACs, 501(c)(4)s, or Las Vegas billionaires.

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The bill did something exceedingly unusual by today’s sorry standards: it attracted the support of a large majority of both political parties.

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### Off the Page and Into the Fray

I filed my first O and P petitions on behalf of foreign artists soon after. One of the earliest petitions I remember involved a small New York City agency that had booked a tour of an Italian opera company. It had filed the initial petition on its own, and legacy INS had responded by asking for “an advisory opinion from a peer group (or other person or persons of [petitioner’s] choosing, which may include a labor organization) with expertise in the specific field involved.” Yes, this is the statutory language and, yes, its imprecision reveals the political compromise between the unions and the arts organizations that lies beneath.

The agency/petitioner responded entirely logically: the agency’s head got the head of another agency in the adjacent office to write a letter singing the praises of the opera company in question. Why not? After all, the statute seemed to say that the advisory opinion could come from a union, so that meant it did not have to come from a union, right? “Wrong,” said legacy INS. The tour was to begin the following week; I got the call on a Tuesday evening.

It happens that I had been planning to go to New York City the next day anyway, so I told the frantic client I would be at his



The Vatican.

office first thing in the morning. We spent several hours redoing the petition, we obtained an advisory opinion from AGMA that afternoon, I took the papers the next day to my own local legacy INS office, and filed them using an emergency procedure no longer available. Friday morning, after I spent some time on the phone with an officer from the Vermont Service Center, Vermont cabled its approval to the U.S. Embassy in Rome. By then, my client had contacted the Vatican, which had contacted the Embassy, which, in turn, sent a consular officer to the company’s dress rehearsal, where he issued the visas. The company members flew to the U.S. that Sunday, rehearsed Monday and began performing Tuesday. Now that was close.

### In Orbit

I have since concentrated on arts- and entertainment-related U.S. immigration matters—petitions to USCIS, visa applications to U.S. Consular Sections or Consulates abroad, entry-related problems with what is now U.S. Customs and Border Protection (CBP), and permanent residence issues. The compromises reached by the coalitions back then remain largely intact, but the environment has deteriorated, at times badly, such that the process of bringing foreign artists and entertainers into the U.S. is more complicated and costly than it should be.

If you need to bring an artist in from abroad, my best advice to you is to visit [Artists from Abroad](#) and plan as far ahead as possible. This way, if and when you encounter the inconsistencies and occasional outrages perpetrated by USCIS and, once in a while, the Department of State, you might at least have some time to deal with the problem. ■



## when the GOING gets TOUGH

### Chicago Opera Theater

**Their visa challenge:** hiring new artists who don't by nature have a full résumé of "evidence."

**Organization:** In its 39th season, COT specializes in doing what it calls "timeless opera with a modern attitude." Much smaller than the Lyric Opera of Chicago, COT focuses on works of the 17th, 18th, and 20th centuries and is known for its innovative productions.

**Size and scope:** Typically 12 performances per season (four each of three productions) in the 1,525-seat Harris Theater for Music and Dance in Chicago's Millennium Park.

**Visa challenge:** COT has made it a point of pride to introduce singers on the brink of stardom who are still largely unknown to the U.S. "Our model," says General Manager Jerry Tietz, "has been to provide the first interesting showcase roles for singers on the cusp of major careers." Problem is, the relatively low fees these newly emerging singers earn, coupled with their lack of Grammys, big-circulation reviews, and other obvious proofs of prestige, can fail to impress visa processors.

**Close calls:** Such was the case with the production of *The Magic Flute* that opened the season on Sept. 15. In his final coup as general director of 13 years, Brian Dickie in June hired the cast and creative team for a new English-language version by Jeremy Sams, directed by Michael Gieleta, and designed by James Macnamara. It had been conceived

in classic Dickie style as an American debut showcase for Irish soprano Claudia Boyle as Queen of the Night.

"We applied for Claudia's visa back in March, which was near the six-month mark and very standard," as Tietz recalls it. "Approval of her visa application came from the USCIS in May. When you get that I-797C approval notice, it's a big sigh of relief. In the past we've been held up at that point by requests for further evidence (RFE), which we would then have to provide, but Claudia's application was not held up—it was hooray and move forward.

"So we blithely went through the summer, while Claudia was in Italy and elsewhere. She ultimately made her appointment at the Dublin consulate for her in-person interview and it was at that point she was told, 'Don't book your flight—we're going to re-review your application.'"

Boyle found out the consulate was inclined to send her application back to the USCIS and request revocation because the reviews were not good enough, the awards weren't international enough, and the artist was too provincial. Boyle's visa ultimately came through after a flood of additional paperwork and pleas, but not in time to save her American debut.



Soprano Ashleigh Semkiw, who played Vava in COT's 2012 spring production of Shostakovich's *Moscow, Cheryomushki* with Jerry Tietz, general manager of COT.

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**Mission impact:** “I guarantee you that every opera company in this country looks first and foremost locally,” says Tietz. “It’s cheaper, it’s easier, and no company tries to put itself out of unnecessary dollars and time. But what we are trying to do is to come up with the best possible product, and only as long as we keep doing that will we thrive.

“There are two priorities,” he continues. “The first is to protect the integrity of our own production and immediately start trying to find an available substitute if time is running short. But also, for the artist’s sake, this is perhaps going to be their first U.S. work visa, their first debut. If there is a denial it’s a black mark on their record. We have to think in terms of helping that artist’s career for the good of all of us.”

**Their process:** Tietz already had visa experience when he was hired by COT in 2010 as director of artistic operations.




**Sophie Gordeladze as Lusya and Dominic Armstrong as Sergei in *Moscow, Cheryomushki*. Chicago Opera Theater. Photo: Liz Lauren.**

Soon promoted to general manager, Tietz kept visas as his responsibility, partly because COT’s festival model allowed for only a skeletal administrative team in the off-season. To date, Tietz has processed 18 visa applications for a variety of international singers, conductors, directors, and Baroque instrumentalists. International flight costs are factored into the budget, in addition to about \$500 for each standard visa application and applicable fees, copying, and mailing. Tietz brainstorms regularly with a network of colleagues including Vincent J. Madonna at New York City Opera, Cory Lippiello at Virginia’s Wolf Trap Opera, and Carrol Anne Curry of Dean Artists Management in Canada. “But COT can’t afford an attorney to do this work,” says Tietz. “Each visa requires dozens of man hours. It’s thankless, time-consuming, and expensive, and that’s when it all goes right.”

**Recent visa activity:** COT wanted to bring in Canadian baritone Adrian Kramer, who was schooled in the U.S., to sing in Shostakovich’s *Moscow, Cheryomushki* earlier this year. But as a young artist with mostly minor roles to his credit, Kramer’s application was held up with an RFE. Tietz then switched to a different type of visa procedure that takes advantage of U.S.-Canada reciprocity mechanisms maintained by the American Federation of Musicians. “Adrian had to pay another union fee, but then the burden of proof was done with,” Tietz said.

Georgian soprano Sophie Gordeladze, who was cast with Kramer in the Shostakovich, was also held up with an RFE. But in that case, Tietz says he is confident that Gordeladze’s “diligent and relentless” pursuit of advice, inquiry, and support in her own country kept the application on a timely track. “Each visa is a little bit different,” he says. “But when an application doesn’t go as planned you can count on doubling the time involved if you want to salvage it.”

**Recommendations:** Tietz strongly defends the need to “make the Hail Mary pass” on behalf of an artist, even if time has run out. Boyle’s approval did not come through in time for COT’s *Flute*, for example. But there was a bright side: “Even though we lost all that money on the application and Claudia lost all that work, she will not have a revocation,” says Tietz. “To my mind, that will make any subsequent request on her behalf that much easier.” 

# MALES FROM THE CRYPT

## HORROR STORIES AND LESSONS LEARNED

By Brian Taylor Goldstein

Securing visas for foreign artists to perform in the United States is a labyrinthine nightmare rife with horror stories: prominent ensembles arbitrarily denied, artists harassed at consulates, outrageous fees, cancelled performances. One prominent European orchestra announced it would no longer tour the U.S. due to the expense and hassle of securing U.S. visas. [Peter Stein withdrew from directing](#) the Metropolitan Opera's *Boris Godunov* after having been hassled at the U.S. consulate in Berlin. It's enough to make anyone want to bolt the shutters and stay home.

But as real and disturbing as these nightmares sound, many of them could have been avoided, had someone bothered to read the fine print. Without question, poorly trained and overworked U.S. Citizen and Immigration Service (USCIS) examiners, consular officers, and immigration officials make egregious mistakes. It's also without question that the process itself is unnecessarily convoluted and riddled with pitfalls for the unwary.

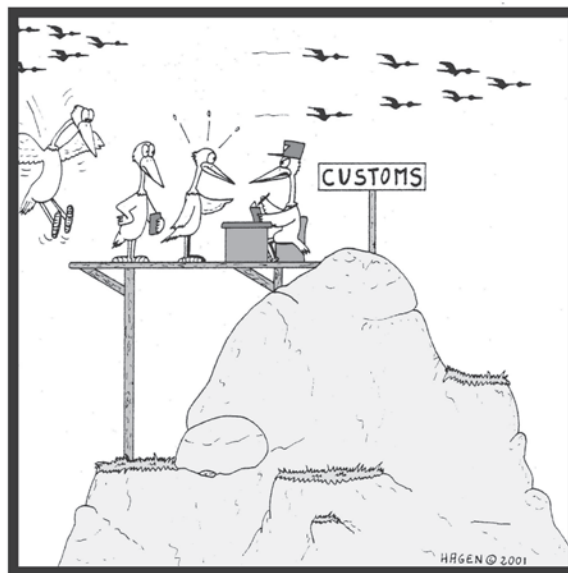
But those factors needn't keep foreign artists from performing here, or American presenters from booking them. All too often, a denied visa or cancelled engagement is the fault of the artist, presenter, or manager who didn't take the time to learn the process, attempted a shortcut, or relied on anecdotal information rather than facts.

### BRIAN TAYLOR GOLDSTEIN



*Named one of Washington, DC's top Entertainment Attorneys by Washingtonian Magazine, Brian Taylor Goldstein is a partner in the law firm of Goldstein & Guilliams PLC (GG Arts Law) and a managing director of artist management agency GoldsteinGuilliams International. In addition to being the legal advisor to NAPAMA and IAMA, Mr. Goldstein is a frequent*

*speaker at national and regional arts conferences and serves as an adjunct professor of arts management at George Mason University.*



**You've got only a three-month visa,  
but I suspect you intend to stay six months!**

Following are a few examples of popular visa nightmares and what really happened to cause them. They are real stories.

### The World Music Ensemble

*An eagerly anticipated U.S. tour by a world-music ensemble from Africa had to be canceled when group members were unable to obtain their visas in time.*

In this particular case, the group members' visa petitions were, in fact, approved by both USCIS and the U.S. consulate. However, when they went to the consulate to claim their visas, they did not have enough pages left in their passports for the visas to be placed. The government of the group's own country was unable to issue the artists new passports in time.

**Lesson learned:** The U.S. consulate requires a blank page in each person's passport onto which the visa may physically be pasted.

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## The Diva

*An opera singer of some renown, who had held previous O-1 visas, was denied entry even after having been approved for a new one.*

While it's true that the opera singer was approved for an O-1 visa by USCIS, she neglected to take the next step: schedule an interview with the U.S. consulate to receive a new visa. It was not entirely her fault: Her manager had advised her just to board the plane as a visitor, enter the U.S., and show her visa approval notice to the immigration officer when she arrived. This wound up being very bad advice. It is within the discretion of an immigration officer to admit an artist who has been approved for a visa, but who, due to an emergency, is unable to pick up an actual visa at the consulate. But such circumstances require advanced notice to U.S. immigration officials at the arrival airport. Plus, there was no emergency in this case.

**Lesson learned:** You can never just "show up" at the border without all the proper paperwork in order, even under extenuating circumstances.

## Luck of the Irish

*Members of a traditional Celtic group from Ireland were denied visas because they were not considered to be "culturally unique."*

This time, neither the artists nor their petitioner (presenter/manager) were at fault. It occurred during a brief period of time when the California Service Center unilaterally decided to reduce the number of P-3 (culturally unique) groups entering the U.S.; a poorly supervised USCIS examiner was simply following orders in denying approval. The good news is that the California Service Center was admonished and the group members were able to re-file their petitions, which this time were approved and their visas were issued.

**Lesson learned:** While you cannot plan for governmental ineptitude, you certainly can anticipate it by filing visa petitions as far in advance as possible. Never presume that the process will be automatic. On the contrary: Assume that the likelihood of something going wrong will be in direct proportion to the lack of time you allow for the process.

## The Artist Manager

*A prominent artist management company reacted in shock and indignation when one of its petitions was returned with a Request for Evidence.*

While the company had provided the necessary forms, engagements dates, signed contracts, and even a lovely biography of the group, its only supporting evidence of the artist's "extraordinary ability" was three newspaper reviews (in Dutch).

**Lesson learned:** Provide as many programs, reviews, articles, and supporting materials as available. Make sure they are either in English or accompanied by a translation.

## Where is that Metropolitan Opera House?

*A visa petition for a singer to perform at the Metropolitan Opera was rejected because the USCIS wanted more evidence that the Met was "a distinguished international venue."*

Here is another (common) example of a visa petition being rejected for lack of sufficient supporting materials, background information, and explanation. Petitioners make the assumption that USCIS officers are familiar with all of the notable venues, competitions, presenters, and denizens of the performing arts world. While some are, most are not.

**Lesson learned:** Know your audience: If a ten-year-old child raised by wolves wouldn't conclude from your petition that your artist or group is one of "extraordinary ability," don't assume that a USCIS examiner will either! Help them help you.

## Beware the crazy teen years

*An Australian actor was denied a visa due to a past arrest for disorderly conduct.*

While visa issuance times can vary from consulate to consulate, most visas can be issued in three to four working days. But a past criminal arrest, even for a minor offense and where there was no conviction or the charges were dropped, can add a considerable delay. In this case, the actor's visa was held up in processing for several months when a routine background check revealed that, when he was 18, he climbed a water tower and dropped his pants in front of a crowd of people. That he failed to mention this in his application only added to the number of red flags that went up when this was discovered.

*continued on p. 21*



**Lesson learned:** Inquire ahead of time as to whether any of your artists have ever had a criminal arrest and plan accordingly.

## Look out for typos

*A member of a French string quartet was denied a visa due to a typo.*

Sad but true: even the smallest error can result in a visa denial. In this case, the petitioner listed the artist's birthdate on the visa petition in the MMDDYY format. Accordingly, that was the birthdate listed on the visa approval notice issued by USCIS. When the artist went to apply for his visa, the birthdate on his passport was written in the DDMMYY format, and as that didn't match the birthdate written on the approval notice, the visa was denied. While it was within the discretion of a consulate officer to resolve the inconsistency, the officer wasn't feeling particularly discretionary on this particular day.

**Lesson learned:** Check all information on all forms several times for accuracy, consistency, and completeness. Once a visa petition is submitted, there is no opportunity to correct errors without filing an entirely new one.

**Related lesson learned:** Do not assign the visa petition process to the lowest staff person in your office. It deserves the attention of the best you have available.

## Tell the truth...

*A Canadian jazz musician was denied entry when he tried to sneak in as a visitor.*

This artist had managed to avoid the time, hassle, and expense of the process by performing on a visitor visa for many years. An immigration officer got suspicious when he claimed to be entering the U.S. to visit friends, but was traveling with his instrument. Before letting him through, the officer Googled him, found all of his upcoming U.S. gigs, and sent him back. In this case, the artist just lost out on his bookings. But others have been barred from the U.S. for three to five years or longer.

**Lesson learned:** Never attempt a short cut; file for the proper O or P visa.

## ...or your sins will come back to haunt you

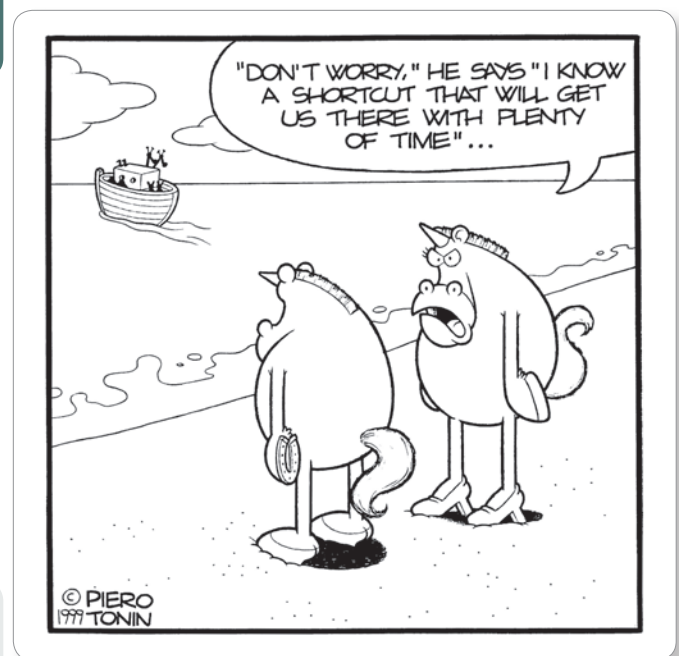
*A German cellist was prevented from playing with an American group because of prior illegal performances.*

In support of his application for an O-1 visa, the German cellist's petitioner provided some wonderful reviews of his previous performances in the U.S. The trouble was that, according to the petition, he had never held a prior work visa. It didn't take USCIS long to figure out that those wonderful performances were all on visitor visas.

**Lesson learned:** Do not attempt a short cut by advising an artist to enter and perform as a visitor. It's illegal and it will come back to haunt you.

While we are unlikely ever to see the day when visas are delivered to foreign artists by unicorns dancing upon rainbow clouds, the process is also not beset with orcs and trolls whose sole purpose is to thwart artistic plans and deny American audiences access to the rich tapestry of the world's culture. Rather, for every artist or ensemble denied a visa and for every engagement that is cancelled, thousands of artists do, in fact, get their visas.

If we are to keep the doors of international artistic collaboration open, we must be vigilant and stick to the facts.



# CASE STUDY 3

when the

# GOING gets TOUGH

## Barrett Vantage Artists

**Their visa challenge:** Managing foreign artists with multiple U.S. bookings

**Organization:** Two years after legendary arts impresario and artist manager Herbert Barrett died in 2007, his former company Herbert Barrett Management merged with the five-year-old Brooklyn-based Vantage Artists Management Inc. to create BVA.

**Size and scope:** BVA's combined roster includes more than 100 musicians and ensembles, such as Frankfurt-based Serbian baritone Zeljko Lucic, Italian chamber orchestra I Musici di Roma, and Japanese violinist Mayuko Kamio.

**Visa challenge:** For artists on the roster who live overseas and get multiple bookings Stateside, Director of Operations Alice R. Griffin tries to make it easy for the artist by doing a single visa application on behalf of all presenters. One presenter wanted to do its own application for Lucic, currently in the U.S. doing a two-year string of Rigolettos (with the L.A. Philharmonic,

San Francisco Opera, Metropolitan Opera, and Chicago's Lyric Opera). Griffin took over: "I said it was too much for him to be constantly running back to the consulate in Frankfurt to get his visa stamped.

"You can do these applications for up to three years," she continued," provided you assemble all the letters of agreement, the full itinerary including when rehearsals start, the performing dates, venues, the presenters, and what the artist is singing or playing—the more information the better. If the engagements are split by more than a year, that will sometimes throw up a flag, but for example if you have rehearsals and performances at one place in September, and then somewhere else in the early summer, then that is fine. There is also an option with the visa to add in additional engagements, so it is much better for the artist when you can get a two- or three-year approval."

**Close calls:** When Griffin first started at HB in 2003, the roster included Ensemble Kaboul, a group of Geneva-based Afghan expatriates who were determined to keep their traditional music alive after it was banned by the Taliban. Griffin's predecessor, from whom she had been learning the ropes, submitted a visa application on Ensemble Kaboul's behalf that was held up in repeated requests for more information. Says Griffin: "That was the hardest group for her to work with at the time, because of where the ensemble was originally from. She succeeded once if not more than once, but they weren't on the roster for very long."

Substitutions within groups are all but inevitable, and the visa process allows for a few of those, Griffin said. But when former client (Romani violinist) Roby Lokatos replaced three out of the five members of his ensemble at the last minute, Griffin became



Serbian baritone Zeljko Lucic as Rigoletto and Francesco Demuro as The Duke in Verdi's *Rigoletto* at San Francisco Opera September 2012. Photo Cory Weaver.

continued on p. 23



**Ensemble Kaboul:** Khaled Arman, rubab, arrangements, and composition; Hossein Arman, song and composition; Osman Arman, tula (bamboo traverse flute); Siar Hachimi, Tabla; and Mashal Arman, flute

concerned. "I called various authorities on the subject and they advised re-applying with premium processing. I had to tell these musicians, 'Look, if you want to come here and get paid, you have to do this.' Fortunately the timetable allowed it, but it was at their expense and it was down to the wire."

**Mission impact:** The company considers the visa issue seriously when taking on new artists. "We kind of stick to individual artists and smaller groups," says Senior Vice President Mary Lynn Fixler. "Would I take a foreign artist without a green card? Certainly. But



**Alice R. Griffin, Director of Operations,**  
Barrett Vantage Artists

if there are two artists of equal brilliance, and one is American or has a green card, and the other will need to come in on visas, I probably would opt for the first one.


"That said, we do feel our artists are worth it, or we

wouldn't have them on the roster. And once an artist has a history of coming into the U.S., doing his work, and going back to his country on time, it becomes a little easier next time. The immigration people want to know that you're not hanging around."

**Their process:** Griffin handles all visa work for foreign artists, along with other support work such as the formatting of their program pages, travel booking, and hotel arrangements. Once the company signs up an artist or new group, she has them fill out a detailed information sheet: "Full name as it appears on the passport, street address, literally every piece of information I can possibly have for them as individuals, whether they are part of a group or not," she says, "whatever I will need to facilitate visas or travel."

Griffin works from her own custom checklist and sets her projects up on a separate table so that she can keep track of everything, as she puts it, "from Page One, Moment One to the end."

**Recent visa activity:** Griffin has been working on a three-year visa for Russian-born, London-based pianist Yevgeny Sudbin, who opened the Utah Symphony season in September, intermingling subsequent performances in Japan, Europe, Australia, and New Zealand with dates in New York City, Atlanta, Minneapolis, and Santa Cruz. Griffin is also developing visa strategies for artists who are booked as far ahead as 2015.

**Recommendations:** Griffin is always double-checking her own work for errors, but she says it's also important to check for human error in the forms that come back from USCIS: "Once the USCIS notified me it had sent an approval notice, and although it said in the computer that everything had been approved, the detachable part of the actual document that arrived in the mail said 'VOID VOID VOID VOID' all across it. It took me longer to get the corrected version than it took me to get the original." 



# IT'S ABOUT TIME

## PART I

Or, why planning, persistence, and patience are essential for securing a U.S. visa for foreign performing artists.

### A Conversation with the U.S. Citizenship and Immigration Services (USCIS)

Following is an interview with the USCIS by Heather Noonan, VP for Advocacy for the League of American Orchestras, representing the field of performing arts. Noonan—who directs her questions to USCIS Public Affairs Officer Claire Nicholson and Press Secretary Christopher Bentley—is the field's expert in navigating the tricky waters of the visa process. She was also instrumental in creating [ArtistsfromAbroad](#), an indispensable tool for U.S. presenters, managers, agents, etc. seeking to bring foreign artists to these shores.

Heather Noonan,  
VP for Advocacy,  
League of  
American Orchestras



Claire Nicholson,  
Public Affairs Officer,  
USCIS



**Heather Noonan:** USCIS has made a public commitment to improve the time frame for processing O and P visa petitions, with a target of 14 days. Without the premium processing fee of \$1,225, what are the average processing times now, and how can petitioners stay informed of the time frame they should be prepared to accommodate?

**Claire Nicholson:** Both of our service centers, Vermont and California, are reporting 14-day processing times, but that is contingent on information from the petitioner being complete. Requests for evidence [further proof of an artist's extraordinary ability, e.g.] may need to be sent out. That may cause a little bit of delay. **[Editor's note: Processing times have decreased dramatically in the last two years—it used to take 90 days and longer to secure an O or P visa. While USCIS makes claim to a 14-day turnaround, we hear from the field that it often takes longer, in some cases 90 days.]**

### IT'S ABOUT TIME PRIMER

Performing artists, from super models to clowns to world-class violinists, fall under the category of O or P visas. Securing an O or P visa for a foreign artist to come to the U.S. begins with:

1. Filing an I-129 petition, or application, with the USCIS on behalf of the artist. Once the petition is approved—a process that can take anywhere from 14 to 90 days—the artist and his/her petitioner are alerted to:
2. Set up an interview with the U.S. consulate in his or her home country. If all is then determined to be in order, the artist can travel to the U.S. (see also [Ten Steps to a Foreign Artist Visa](#)).

continued on p. 25

**Noonan:** It's encouraging to hear you say that, Claire. Don't processing times fluctuate based on the volume of petitions received at the service centers? For most petitioners, the simplest way to get a grasp on those processing times is to go to the USCIS web site where you post the [average processing times](#). We've seen that the times posted are sometimes two or three months out of date, especially toward the end of the year, when there's always a time crunch. So what can folks do to get the best sense of timing since there is some fluctuation?

**Nicholson:** Their best bet to enable a 14-day time frame is to make sure their application is complete.

**Noonan:** Once a petitioner files to Vermont or California; if they have questions they're directed to your [customer service center](#). Often their questions have to do with the time frame. They might call and the 14 days have expired. Can you just walk us through the appropriate steps?

**Nicholson:** If you're unable to get answers to your questions from the web site, you can call our **national service center line: (800) 375-5283**. It's set up like a phone tree with an audio recording, 24/7. We also have customer service representatives who can walk you through the process. They are trained to answer your questions. If you don't receive a response in 30 days, you can actually email the appropriate center for help. If there's a time crunch, I recommend emailing.

**Noonan:** Some petitioners have found that when they contact the customer service line, the customer service reps are not able to look at their case and intervene unless it has exceeded the current average processing time [posted on the web site]. If the web site says they're currently averaging 14-day processing times for O and P petitions, and that time hasn't yet passed, the customer service reps usually say, "We can't look at that case until you're outside that 14-day time frame."

In other words, the information they get is only the same as what they can get online: and that is that their case has been received or approved. The customer service rep can't go any farther than that until the 14-day time frame is exceeded. That's even part of the phone tree dialog.

**Christopher Bentley:** The protocol is, if you exceed the 14-day period, that's when the reps can take a good hard look at the case

and answer specific questions. They deal with some six million cases a year; we don't have the resources to [process petitions] any faster than 14 days. But as a general rule of thumb, if your case has been pending longer than that, give us a holler because we want to be able to tell you where that case is.

We can't reiterate this enough: the application must be complete. Take enough lead time to ensure that and to provide all the information requested.

**Noonan:** Do you have any inside tips?

**Nicholson:** Yes. Make sure the application is complete and allow plenty of time.

**Noonan:** What are some of the most common errors?

**Nicholson:** Forgetting a signature, not having the right fees, leaving a field blank. It's more human error than anything—and not just with O and P applications; across the board.

**Bentley:** And watch out for acronyms. We don't know the arts and entertainment field like you do. What may be a common venue or common event in your industry would be something our adjudicators might look at and not have a clue as to its significance. We need evidence of the importance of that event or venue to make sure it meets the criteria to be classified as an O or P. A person looking at your application is the same person looking at a heart and lung specialist or microbiology researcher, or an athlete of extraordinary ability, for instance. It's a wide range of people.

**Noonan:** Perhaps the best way for people to provide that kind of detail is in the cover letter to their petition. Here, the petitioner can put things into context, as opposed to just filling in the blanks.

**Bentley:** Yes, and more is always better than less. The more information that helps establish the eligibility of both the beneficiary and the petitioner, the better.

**Noonan:** The line and the judgments that are made about who qualifies for O and P status can be very blurry. What artists are typically



**Christopher Bentley,**  
Press Secretary, USCIS



engaged in the U.S. and how can they best make their case in the petition process?

**Bentley:** The word “typically” is irrelevant. For instance, just because something was eligible once or seems to fit a pattern similar to what was approved at one point in time doesn’t guarantee it will be approved again. It’s always a case by case. We have to focus laser vision on the petition that’s in front of us, on the venue that’s asking, on the particular individual being petitioned for. The final decision is based on all the evidence provided under immigration law. That is what determines what can or cannot be approved from our side of the house and is then passed on to consular affairs.

There really are no typicals when it comes to immigration. Everything is very specific.

**Noonan:** The dream of the arts community is that there could be some kind of “frequent traveler” plan for navigating both USCIS and consular processing for artists. As it stands, we have to start at square one each and every time we go through the process[es].

**Bentley:** If you are a venue that is frequently petitioning for O or P visas for individuals to come into the U.S. and perform in your venue, you’re going to have an established track record of what has worked in the past.

**Noonan:** So you’re saying that petitioners can expect a certain level of consistency in the response that they receive from USCIS Service Centers?

**Bentley:** Yes. But it’s a case-by-case determination.

**Noonan:** But that hasn’t always been the experience of petitioners, because you’ve got real humans processing these cases, and their interpretations may vary. Two people may be looking at the same petition and come to a different conclusion.


**Bentley:** True enough. But don’t forget that there’s an appeal process.

**Noonan:** I see some of your applications can be done online. When will you expand that to O and P visas?

**Nicholson:** It is our goal to migrate the system into O and P but there is no schedule yet.

**Bentley:** That will add to efficiency. We’re also going to set up some kind of frequent usage system. A venue will be able to create an account through which all future inquiries can be processed. That will eliminate having to fill in the same information on the I-129 form over and over again. We have no time frame for that; we’re just looking into it at this point.

**Noonan:** It used to be that, once the petition was approved, the artist had to physically bring his or her original hard copy of the approval notice to the consular location where they were being interviewed, in order to get the visa stamped into their passport. We’ve been informed now that that is no longer necessary because the approvals are electronically communicated to the State Department. Can you tell us a little bit about how that communication happens between USCIS and the State Department? It seems as if some of it happens in the hard-copy, paper environment and that some of it is electronic. It’s a grey zone for a lot of petitioners, especially when it’s really close to the wire and they’re about to leave the country and have only a few days to navigate that consular process. Their question is, “I got my approval, when can we start the next step?”

**Bentley:** Typically, once the petition is approved by USCIS that information is shared with the National Visa Center, and from there the State Department takes over. And we can’t comment about that. That’s going to be a great question for your interview with the State Department. As to getting down to the wire, I know we sound like a broken record, but it’s so important to work ahead of time as much as humanly possible. 



# IT'S ABOUT TIME

## PART II

### A Conversation with the U.S. Department of State

Musical America's Susan Elliott met with Elizabeth (Beth) Finan, public affairs officer for the United States Department of State and Brandon Gryde, director of government affairs for Dance/USA and OPERA America to discuss the visa process that follows upon approval of the petition from the USCIS. [[See Part I, a Conversation with the USCIS.](#)].

As part of his duties, Gryde helps dance and opera companies attempting to bring artists from overseas into the U.S. Since he is Dance/USA and OPERA America's official liaison to the U.S. government in these matters, he knows the right questions to ask of the [State Department](#), which oversees all 272 U.S. consulates worldwide.



**Brandon Gryde:** How much time should an artist allow in scheduling an interview at their local U.S. consulate—from making an appointment to receiving a passport back with the visa attached?

**Beth Finan:** The total time varies by embassy or consulate. We post all of our wait times [individually by consulate](#) on our web site; they're current, up to the minute. It can vary from one day to 20 days, but applicants should call as early as possible, since some applications require additional processing time.

**Gryde:** What sort of additional processing?

**Finan:** Nothing major; we call it administrative processing.

**Musical America:** I don't understand. If the USCIS does the

*As per [No Such Thing as a Stupid Question](#), "The application form demands extensive, sometimes invasive personal information: parents' and siblings' names, professional affiliations, social clubs and groups, dates of military service, criminal records, medical conditions, prior visits to the U.S., etc." One or more of an applicant's responses might raise a red flag to the State Department and require further investigation. Keep in mind that the U.S. State Department falls under the jurisdiction of the Department of Homeland Security. To triple check, see [Security Related Issues](#) on the Artist from Abroad web site. —Ed.*

processing for the petition, then what more "processing" is involved? I thought all the consulates did was interview the applicant.

**Finan:** We can't really get into the details about that.

**Musical America:** How much time elapses between the end of the USCIS approval and the beginning of the State Department? And what is that mechanism? Does the approval go directly to the State Department and the petitioner, or does it go to a central holding place first?

**Finan:** As soon as the applicant receives notice from the USCIS that his/her petition has been approved, he/she is free to fill out the [DS-160 online application](#) and schedule the visa interview. Therefore, the time elapsed from USCIS approval to coming into the consulate depends on how quickly the applicant fills out the DS-160 and how soon the consulate can schedule an interview.

**Gryde:** We work a lot with groups that are applying for P [group] visas as well O [individual] visas. And, while the application is submitted at the same time for the whole group, can the whole group be interviewed as well?

**Finan:** Usually each individual should schedule a separate interview, since each application is reviewed separately. Different officers might ask different questions of the individual. Some consulates might be willing to see the whole group at once (see [Nancy Malitz Case Study No. 1](#)), but that's a decision that can be only be made locally, depending on workload and staffing.

**Gryde:** Are there any benefits to interviewing the entire group at once?

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**Finan:** All interviews and all visas are adjudicated on a case-by-case basis; the questions that we ask are based on U.S. law.

**Musical America:** Let's say the Mariinsky Theater is coming to the U.S. to perform at the Kennedy Center, as it often has in the past. Does that mean that each individual member of the orchestra and opera company has to have an individual interview?

**Finan:** Yes.

**Musical America:** Wow.

**Finan:** But if someone lives in Moscow and someone else lives in St. Petersburg, each can each go to his/her nearest consulate. Additionally, you can go to any U.S. consulate worldwide. If you're Russian but living in Vienna, you can apply at our embassy in Austria.

**Musical America:** What if you're in Austria performing and you suddenly get a call that you are needed to fill in for someone in an opera in Berlin?

**Finan:** Same thing. You can apply at any consulate or embassy abroad. But something I should mention is that it may be more difficult to qualify for the visa if you are appearing at a consular office outside of your country of permanent residence.

**Gryde:** Why?

**Finan:** One of the requirements for nonimmigrant visa applicants is that they need to demonstrate strong ties to their homeland; part of the interview is the applicant providing the burden of proof that he or she is not an intending immigrant. We want to make sure that he/she is intending to come to the U.S. as a nonimmigrant, on the proper O or P visa, and that the applicant intends to return to his/her home country at the end of the visa validity.

**Gryde:** What if they're constantly traveling? Doesn't that work against them, since they're not returning home between trips to the U.S.?

**Finan:** For someone who has come to the U.S. multiple times and always returned home in the end, that's a bonus. They can say, "Look at all these places I've been and I still return to my home country."

**Musical America:** What if they overstay their visa?

**Finan:** Then the next time they apply for another visa they will be

ineligible; depending on how long they overstay, it can mean a three-to ten-year ban to the U.S.

**Gryde:** How often does that happen?

**Finan:** We don't have any numbers on how many people overstay, because if they do, they become the responsibility of Homeland Security's Immigrations and Customs Enforcement.

**Musical America:** How long are O and P visas generally?

**Finan:** We generally issue them for the validity that is on the petition, although in some cases individual reciprocity schedules (which reflect the visa validities other countries afford U.S. citizens traveling for the same purpose) will dictate shorter validities.

**Gryde:** I do the peer consultation letters [letters to the unions requesting approval for foreign artists to work in the U.S.] for Dance/USA. Those typically range from a couple of months to three years.

**Musical America:** If you leave the U.S. and come back, how does that work?

**Finan:** If we give you a multiply entry visa for, say, that three-year period, you can use that same visa as many times as you want.

**Musical America:** Are those harder to get than onetime visas?

**Finan:** Everything is on a case-by-case basis.

**Gryde:** Once the interview been scheduled what should the artist bring to ensure the most efficient processing?

**Finan:** A printed copy of his/her appointment letter, the confirmation page from the application he/she has filled out online; a recent photo, taken in the last six months; a current passport and any expired one; the receipt from USCIS showing the petition has been approved. We also have access to the approval electronically from the USCIS [Editor's note: but it's a good idea to bring yours as well.]. Minors under 18 might need to bring an original birth certificate.

**Gryde:** Each consulate has this information on its web site.

**Finan:** There are also email addresses on the site, in case an applicant has questions. We have over 200 embassies and consulates worldwide.

**Gryde:** Is any part of the interview application ever going to be online? Do you see doing Skype interviews in the future?

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**Finan:** The application form is electronic, totally paperless. But right now the law requires individuals to appear in person.

**Musical America:** What if I only have a jpeg for a photo? Can I send that?

**Finan:** No.

**Gryde:** If the consulate officer challenges an approval by USCIS, then what?

**Finan:** Sometimes the consulate officer will find relevant information about the applicant that perhaps wasn't available to the USCIS.

**Musical America:** Such as?

**Finan:** During the interview, the consulate office might discover that the job does not require the specialized "extraordinary ability" that the USCIS thought it did, or that the artist overstayed his last visa, or that there are health- or criminal-related issues, such as being involved in prostitution in the last ten years.

These things wouldn't necessarily come out in the USCIS petition process. So the consulate would return the petition to the USCIS, indicating what the concerns are. USCIS would ask the petitioner to provide more documentation or evidence. But the large majority of petitions approved by the USCIS result in visas.

**Musical America:** How long is the typical interview?

**Finan:** Less than five minutes, unless there are questions that need to be pursued.

**Gryde:** What are the most common pitfalls in negotiating the visa process?

**Finan:** Artists and presenters sometimes wait too long to begin the application process. It's a long process.

**Gryde:** Is there a way to expedite the consulate interview?

**Finan:** Only in rare circumstances can you get an emergency visa appointment.

**Musical America:** And how do you do that?

**Finan:** You would email the consular section at which you're applying—the specific contact information for each post is shown on its individual web site.

**Gryde:** What are some of the suggestions you have for service organizations such as mine or Heather Noonan's at the League in helping our members navigate the process?

**Finan:** Make them aware that the process isn't going to happen overnight, that it's a multi-step process. Apply early and make sure all documents are in order when you come to your interview. Also, it would be helpful for the sponsoring organization to provide USCIS with a duplicate copy of the I-129 petition so that they can forward that to us at State once it is approved—this facilitates the electronic upload into our system.

**Musical America:** What is the worst-case scenario? If it can take up to 90 days for a petition to be approved by the USCIS, how long can it take to get a visa from a U.S. consulate?

**Finan:** The worst case might be that you have to wait 40 days to schedule an interview and then it takes 60 to 90 days for administrative processing. Best case: You get your interview the next day, and the day after that you pick up your visa.

**Gryde:** What are the busiest countries?

**Finan:** For the last several years they have been Brazil and China, as well as Mexico. In some cases, wait times [for an interview] were 100 days. But we've added staff and in most cases it's about a week. Mexico has been the busiest, however.

**Gryde:** We get a lot of folks in the dance community from the U.K. and Australia.

**Finan:** Right now, London is extremely busy. [Editor's note: The interview took place during the Olympic Games.] So it takes 20 days to get an interview appointment plus four days for processing, excluding administrative processing. Sydney wait time is four days, and processing is one day. Melbourne is one day for an interview and two days for processing. Berlin is 23 days for an interview, three days for processing; Munich is 22 days plus processing.

**Musical America:** And we're still talking about O and P visas—from neuroscientists to violists to orchestras and opera singers.

**Gryde:** And clowns and supermodels.

**Finan:** Yes.



# Visa Definitions & Acronyms

**Alien:** An alien can be a beneficiary of a petition filed by a petitioner with U.S. Citizenship and Immigration Services (USCIS) for an immigration benefit or an applicant to USCIS for related benefits. An alien can also be an applicant to a U.S. consulate for a visa, and an applicant to U.S. Customs and Border Protection (CBP) for entry.

**AFM:** American Federation of Musicians

**AGMA:** American Guild of Musical Artists

**AGVA:** American Guild of Variety Artists

**CBP:** U.S. Customs and Border Protection, part of the Department of Homeland Security (DHS). CBP conducts inspections at all U.S. POEs and PFI and determines whether to admit aliens and, if so, in what status and for how long.

**Classification:** A nonimmigrant visa classification or status such as O or P, meaning a particular statutory category that permits an alien temporarily to engage in defined activities in the U.S. per USCIS regulations, as disclosed in an underlying petition to USCIS for classification in a particular status.

**Consular Section, Consular Post or Consulate:** Each U.S. embassy abroad has an independent consular section responsible for issuing visas, among other things. Consular posts, or consulates, perform the same functions but are located elsewhere than the Embassy. Collectively, it is simpler to refer to these as "posts."

**CPT:** Curricular Practical Training

**CSC:** California Service Center, one of two [U.S. Citizenship and Immigration Services \(USCIS\) Service Centers](#) that process I-129 petitions and I-539 applications.

**DOS:** U.S. Department of State

**DSO:** Designated School Official

**EAD:** Employment Authorization Document, issued by USCIS service centers

**ESTA:** Electronic System of Travel Authorization. Registration in ESTA is required before nationals of 36 countries may participate in the Visa Waiver Program.

**I-129 Petition:** Used to apply for the O and P work-related nonimmigrant classifications, among others.

**I-539 Application:** Used to extend the stay and/or change the status of spouses and dependents (unmarried children under age 21) of aliens already in the U.S. in a nonimmigrant status (such as O or P).

**I-797:** The document USCIS generates when it acts on a petition or application, such as by issuing a filing receipt, a Request for Evidence (RFE) or an approval or denial notice.

**I-94:** If CBP admits an alien, it generally will issue to that alien a small white card that states the visa classification and length of time for which the alien is admitted. This card is known as the I-94. Once in the U.S., the I-94 is far more important to the alien than the visa or I-797. Even if the I-797 classification period is longer than the departure date on the I-94, the I-94 governs. Even if the visa expires while the alien is in the U.S., the I-94 governs! CBP inspectors at POEs and PFI have discretion to ignore a prior approval by USCIS of a petition or issuance of a visa by a post if they suspect error, fraud, or misrepresentation. They must refuse entry unless the alien has a valid passport and an appropriate visa (except for [Canadians](#), cases involving waivers of one or another of the requirements, and other rare instances).

**IATSE:** International Alliance of Theatrical Stage Employees

**KCC:** Kentucky Consular Center, part of the DOS Visa Office to which USCIS service centers send their I-129 petition approvals and associated files for scanning and entry into PIMS.

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**Nonimmigrant:** An alien admitted to the U.S. temporarily, in either a work-related or non-work-related visa classification, or by way of the Visa Waiver Program, who does not intend to remain permanently. “Nonimmigrant intent” is an important consideration for all aliens seeking O-2 and any P status, and their dependents.

**NCSC:** National Call Service Center (part of USCIS), the toll-free number for most forms of assistance from USCIS, 1-800-375-5283. NCSC has live agents available Monday–Friday, 8 a.m. to 8 p.m. and Saturdays from 9 a.m. to 5 p.m. in each time zone.

**Petitioner:** The individual (U.S. citizen or permanent resident), entity, employer, presenter, agent, sponsor, or other party that files a petition on behalf of an alien for a particular nonimmigrant classification.

**PFI:** Pre-Flight Inspection facility, where aliens undergo inspection by CBP personnel prior to boarding flights to the U.S.

**PIMS:** The Petition Information Management Service is the secure Intranet KCC uses to make petition and application approval data available to consular posts abroad.

**POE:** Port of Entry (air, land, or sea)

**Premium Processing:** Procedure by which the U.S. Citizenship and Immigration Services (USCIS) promises visa processing within 15 calendar days in exchange for more money, specifically \$1,225 per petition, in addition to the standard processing fee of \$325 per petition.

**Regular or Standard Processing:** Procedure by which U.S. Citizenship and Immigration Services (USCIS) aims to process visas within 14 to 90 days for a fee of \$325 per petition.

**RFE:** Request for Evidence (see definition of I-797 above)


**USCIS:** U.S. Citizenship and Immigration Services, part of the Department of Homeland Security.

**Visa:** A physical item embossed in a passport that contains a biometric photo embedded with fingerprint and other data, including the nonimmigrant classification involved. Of itself, a visa does not impart status of any kind; rather, it simply is a travel document that enables the alien to present himself/herself at a POE or PFI for admission in a certain status. An alien can apply for entry at any point during the visa’s validity. That the visa may expire while the alien is in the U.S. is irrelevant. What matters is the expiration date on the I-94 CBP issued to the alien on entry. That departure date should be on, or no more than 10 days after, the expiration date of the underlying classification period, as it is to that date, not the visa expiration date, that CBP is supposed to admit the alien. In general, all aliens require visas to enter the U.S. The visa requirement is waived for certain aliens, including those entering in Visa Waiver Program and Canadian citizens.

**VO:** Visa Office of the Department of State

**VSC:** Vermont Service Center is one of two [U.S. Citizenship and Immigration Services \(USCIS\) Service Centers](#) that process I-129 petitions and I-539 applications.

**VWP:** [Visa Waiver Program](#), now in effect for nationals of 36 countries, whereby, by virtue of reciprocal agreements, citizens of the countries involved may travel by commercial air carrier to the other country as a tourist or business visitor without a visa, for up to 90 days.

**Work-related:** The category in question permits the alien to work in the U.S. Aliens in the U.S. on B visas or in VWP status cannot work in the U.S., except in very narrow circumstances. If authorized, those in F-1, M-1, and J-1 status may do so for any employer. Aliens in “employer-specific” classifications such as O and P (and H-3 and Q-1) may work only in accordance with the itinerary or activities specified in the petition though, in certain circumstances, they may render similar services not previously disclosed. 

# USCIS SERVICE CENTER

## Tips, JURISDICTIONS, & CONTACTS

Petitions should be sent to either the California Service Center or Vermont Service Center. If the artist is working/performing at a single address, file with the service center with jurisdiction over that address. If the artist is working/performing at more than one address (no matter how close they are to one another!), file with the service center with jurisdiction over the **petitioner's** address. For example, if the artist will work at two addresses in Phoenix, Arizona, and the petitioner is located in New York, the petition should be filed with the Vermont Service Center. Petitions filed to the incorrect address will be rejected and returned to the petitioner.

### California Service Center (CSC)

**Jurisdiction:** Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming.

The envelope must be clearly marked "Regular Processing" or "Premium Processing"

#### IF MAILING BY COURIER

For Regular or Premium Processing  
USCIS  
California Service Center  
ATTN: I-129  
24000 Avila Road  
2nd Floor, Room 2312  
Laguna Niguel, CA 92677

#### IF USING REGULAR MAIL SERVICE

For Regular Processing  
USCIS  
California Service Center  
ATTN: I-129  
P.O. Box 10129  
Laguna Niguel, CA 92607-1012

For Premium Processing  
Premium Processing Service  
USCIS  
California Service Center  
ATTN: I-129  
P.O. Box 10825  
Laguna Niguel, CA 92607-1012

#### Contact Information for the California Service Center (CSC)

Regular Processing for I-129s only: Ph: (800) 375-5283  
Premium Processing: Ph: (949) 831-8550 Fx: (949) 389-3460  
Email: [mcsc-premium.processing@dhs.gov](mailto:mcsc-premium.processing@dhs.gov)  
Traditional Expedites: Fx: (949) 389-3441

In an extreme emergency, the following phone numbers are provided for assistance  
Monday to Friday from 9:00 a.m. to 2:00 p.m.: (949) 389-3007; (949) 389-3252

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## Vermont Service Center (VSC)

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

### IF MAILING BY COURIER OR REGULAR MAIL SERVICE

#### For Regular Processing

USCIS  
Vermont Service Center  
ATTN: I-129  
75 Lower Welden Street  
St. Albans, VT 05479-0001  
Tel: (800) 375-5283

#### For Premium Processing

Premium Processing Service  
USCIS  
Vermont Service Center  
ATTN: I-129  
30 Houghton Street  
St. Albans, VT 05478-2399  
Tel: (866) 315-5718 Fax: (802) 527-4819  
Email: [mvc-premium.processing@dhs.gov](mailto:mvc-premium.processing@dhs.gov)

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### National Customer Service Center (NCSC)

(800) 375-5283

USCIS Office of Business Liaison: (800) 357-2099

NCSC TDD (hearing impaired): (800) 767-1833

**NOTE:** For the present, NCSC handles all calls relating to service center activities except for premium processing-related contacts. Additional information on NCSC capabilities is on the USCIS web site (see Useful Web Links appendix). Dealing with NCSC can be a frustrating experience.

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With the USCIS receipt number, you may [check the status of your case online](#). Bookmark this page! You can also check processing times from this link and set up an account so USCIS will automatically email you with any status updates on your case.

### FEES and GENERAL NOTES

Below are the fees required for petitions postmarked on or after November 23, 2010.

**Form I-129:** \$325 fee per petition, irrespective of group size or whether the petition is new, for an extension, or for a change of status. Use separate checks.

We strongly recommend that O and P petitions be sent by overnight delivery (Federal Express, UPS, etc.)

**Form I-539:** \$290 fee, irrespective of the number of beneficiaries.


**Form I-824:** \$405 fee per I-824.

**Form I-907:** (premium processing) \$1,225 per petition, payable by separate check.

Use business or personal check, money order or cashier's check, payable to "Department of Homeland Security."

**ALWAYS** mark the exterior of the envelope with the type of petition or application included, and for premium processing, if applicable.

For traditional expedites, mark the exterior envelope with red dots and "Expedite Requested" in big letters.

When filing more than one petition or application that are related, clip or rubber band them together under a sheet marked "Related Cases: Do Not Separate in Mailroom." 

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## In the Next Issue...

# RISING STARS in the PERFORMING ARTS

### Articles will include:

**Presenters**, including executives in orchestras, opera companies, CEOs, artistic administrators, the "unsung" heroes and heroines behind the scenes.

**Managers: Recording Executives**, either within an orchestra or separate recording company.

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