



Improving the Visa Process for Foreign Guest Artists at U.S. Citizenship and Immigration Services

ACTION NEEDED

We urge Congress to:

- **Enact the Arts Require Timely Service (ARTS) provision, which will require U.S. Citizenship and Immigration Services (USCIS) to reduce the total processing time for petitions filed by, or on behalf of, nonprofit arts-related organizations.**
- **Take steps, in cooperation with the Administration, to persuade USCIS to take ongoing immediate administrative action to improve the artist visa process.**

BACKGROUND

Foreign guest artists engaged by U.S. arts-related organizations are required to obtain an O visa for individual foreign artists, or a P visa for groups of foreign artists, reciprocal exchange programs, and culturally-unique artists. Artists and nonprofit arts organizations have confronted uncertainty in gaining approval for visa petitions due to lengthy and inconsistent processing times, inconsistent interpretation of statute and implementation of policies, expense, and unwarranted requests for further evidence. The nature of scheduling, booking, and confirming highly sought after guest soloists and performing groups requires that the timing of the visa process be efficient and reliable. Otherwise, the American public is denied the opportunity to experience international artistry and American artists scheduled to work alongside international guest artists lose important employment opportunities. Additionally, the bottom line is impacted for nonprofit arts groups that have a financial obligation to their audiences.

Delays began when USCIS adopted a Premium Processing Service (PPS) in June 2001. This service guaranteed processing within 15 calendar days at \$1,225 per petition, which is often an unaffordable cost for most nonprofit arts organizations. Following the creation of PPS, regular O and P visa processing has varied widely, ranging from 30 days to six months. In the summer of 2010, USCIS pledged to meet the statutory 14-day regular processing time and promised public stakeholders that significant improvements to the quality of artist visa processing would soon be underway as part of the agency's major effort to revise its policy and training programs. While these statements were encouraging, they have yet to be fully implemented, and absent legislative action, improvements to the artist visa process are subject to the discretion of USCIS leadership.

Comprehensive immigration reform provides an opportunity to make enduring improvements to the visa process, therefore we ask Congress to include enactment of the Arts Require Timely Service (ARTS) provision in any immigration reform effort. USCIS would be required to treat any arts-related O and P visa petition that it fails to adjudicate within the 14-day statutory timeframe as a Premium Processing case (additional 15-day turn around), free of additional charge. The ARTS provision has strong bipartisan support and was most recently passed by the Senate as part of its 2013 comprehensive immigration reform bill.

TALKING POINTS

- **Immediate assistance is needed to improve the artist visa process. Congress recognized the time-sensitive nature of arts events** when writing the 1991 federal law regarding O and P visas—the categories used by artists—in which the USCIS is instructed to process O and P arts visas in 14 days. In the event the 14-day timeframe is not met, passage of the Arts Require Timely Service (ARTS) provision would require USCIS to expedite its processing times for nonprofit O and P arts-related visa petitions. Processing would have to occur within 29 days—twice the current 14-day statutory requirement, which in itself is eminently reasonable and

consistent with security concerns. Although USCIS has made efforts in recent years to observe the statutory timeframe, the mandate has not been consistently implemented. Under its current authority, the agency can make other immediate changes to remedy delays, cost, and uncertainty, such as improving the accuracy of the petition process.

- **The inconsistency of the U.S. visa process for foreign artists has extremely harmful results.**
 - ***When foreign artists are unable to come to the United States, the American public is denied the opportunity to experience international artistry.*** Performances and other cultural events are date-, time-, and location-specific. The nature of scheduling, booking, and confirming highly sought after guest soloists and performing groups requires the timing of the visa process be efficient and reliable.
 - ***The absence of international guest artists costs American artists important employment opportunities.*** If an international guest artist cannot obtain a visa in time for a scheduled performance, then the many American artists who were scheduled to work alongside the guest artist may lose a valuable and much-needed source of income and exposure.
 - ***Delays and unpredictability in the visa process create high economic risks for nonprofit arts institutions and the local economies they support.*** Nonprofit arts groups must sell tickets in advance, creating a financial obligation to their audiences. Regular visa processing can take too long for arts organizations to accommodate, directly impacting their bottom line.
- **The ARTS provision has strong, bipartisan support.** The House and Senate have signaled bipartisan support for improving the artist visa process. Most recently, the 2013 Senate comprehensive immigration reform bill included the ARTS provision, which was introduced and supported by Sens. Patrick Leahy (D-VT) and Orrin Hatch (R-UT). Prior to that, a provision was included in the 2006 and 2007 comprehensive Senate immigration reform bills and the full House approved a stand-alone version of the measure, H.R. 1312, in April 2008.
- **Nonprofit arts organizations of all sizes cannot afford the \$1,225 premium processing fee, leaving them to await the unpredictability of regular visa processing.** Nonprofit arts organizations from all regions of the country and in communities of all sizes engage foreign guest artists. The premium processing fee reduces the amount of money available for a production/performance and represents a significant portion of an organization's operating budget and costs.
- **Global cultural exchange is important now more than ever.** American nonprofit arts organizations provide an important public service and boost international diplomacy by presenting foreign guest artists in performances, educational events, and cultural programs in communities across the country. The United States should be easing the visa burden for foreign guest artists, not increasing it; and only with steady improvements over time will confidence in the U.S. visa process continue to be rebuilt among U.S. petitioning organizations and foreign artists alike, greatly enhancing international cultural exchange. The 2009 report from New York University's John Brademas Center for the Study of Congress, *Moving Forward: A Renewed Role for American Arts and Artists in the Global Age*, calls for passage of the ARTS Act.