

# IMPROVING THE VISA PROCESS FOR FOREIGN GUEST ARTISTS AT U.S. CITIZENSHIP AND IMMIGRATION SERVICES

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## ACTION NEEDED

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We urge Congress to

- **Enact the Arts Require Timely Service (ARTS) Act, 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.**
- **We further call on Congress and the administration to persuade USCIS to take ongoing immediate administrative action to improve the artist visa process.**

## TALKING POINTS

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- **Immediate assistance is needed to improve the artist visa process.** Passage of the Arts Require Timely Service (ARTS) Act would ensure USCIS action. The proposed timeframe for processing O and P visas—the categories used by artists—is eminently reasonable and consistent with security concerns. Congress recognized the time-sensitive nature of arts events when writing the 1991 federal law regarding O and P visas, in which the USCIS is instructed to process O and P arts visas in 14 days. Although USCIS has made efforts in recent years to observe this timeframe, the mandate has not been consistently implemented and the agency can, under its current authority, 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 that 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 to make 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 Act has strong, bipartisan support and has been found by the by the Congressional Budget Office (CBO) to come at no cost to the federal government.** Key House and Senate Judiciary Committee members have signaled bipartisan support for improving the artist visa process, and a provision was included in the 2006 and 2007 comprehensive Senate immigration reform bills. The full House approved a stand-alone version of the measure, H.R. 1312, in April 2008, the bill was reintroduced in both the House and Senate in 2009, and was reintroduced in 2011. On November 7, 2007, the Congressional Budget Office issued a cost estimate for the ARTS Act, stating that the bill would have no significant cost to the federal government.
- **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.

## TALKING POINTS (CONTINUED)

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- **Global cultural exchange is important now more than ever.** American nonprofit arts organizations provide an important public service 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. 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.

## BACKGROUND

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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, American artists scheduled to work alongside international guest artists lose important employment opportunities, and 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, guaranteeing processing within 15 calendar days at an unaffordable cost for most nonprofit arts organizations—\$1,225 per petition. 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.

We ask Congress to include enactment of the Arts Require Timely Service (ARTS) Act in any immigration reform effort. The ARTS Act, as passed by the House in 2008, would reduce the total processing times for O and P arts-related visa petitions. USCIS would be required to treat any arts-related O and P visa petition that it fails to adjudicate within the statutory timeframe as a Premium Processing case (15-day turn around), free of additional charge. Previous versions of the ARTS Act has had strong bipartisan support and has been found by the Congressional Budget Office to come at no cost to the federal government.