

# 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, H.R. 1785 and S.1409, 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 to a maximum of 45 days.**
- **We further call on Congress and the administration to persuade USCIS to take 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. Meanwhile, the agency's current authority permits immediate policy changes that will improve the artist visa process. USCIS can make immediate changes to the artist visa process to remedy the delays, cost, and uncertainty that is currently a barrier to international cultural exchange. Improvements at USCIS—including shortening processing times and improving the accuracy of the petition process—can make an instant, measurable impact on improving the climate for international cultural activity.
- **The ineffectiveness 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 along side 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 now takes too long for arts organizations to accommodate, directly impacting their bottom line.
- **The ARTS Act has strong, bipartisan support and has been scored a “zero” by the Congressional Budget Office (CBO).** 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, and the bill was reintroduced in both the House and Senate last year as H.R. 1785 and S.1409. On November 7, 2007 the Congressional Budget Office (CBO) issued a cost estimate for the ARTS Act, stating that the bill would have no significant cost to the federal government.
- **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. This mandate has never been implemented by USCIS.

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## TALKING POINTS (CONTINUED)

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- **Nonprofit arts organizations of all sizes cannot afford the \$1,000 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 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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Delays by U.S. Citizenship and Immigration Services (USCIS) are making it increasingly difficult for international artists to appear in the United States. Nonprofit arts organizations confront long waits and uncertainty in gaining approval for visa petitions for foreign guest artists. These delays began in June of 2001 (prior to September 11), when USCIS adopted a Premium Processing Service, guaranteeing processing within 15 calendar days at an **unaffordable cost** for most nonprofit arts organizations—**\$1,000 per petition**.

Prior to creation of the Premium Processing Service, regular O and P visa processing took an average of **45 days**. The O category is used by individual foreign artists, and the P category is used by groups of foreign artists, reciprocal exchange programs, and culturally unique artists. For those unable to pay the \$1,000 premium processing fee, regular processing times have varied between **45 days–six months**. In addition to lengthy processing times, inconsistent policies in processing artist visa petitions result in delays, expense, and unwarranted requests for further evidence.

**Under the Arts Require Timely Service (ARTS) Act, the total processing times for O and P arts-related visa petitions would be reduced to a maximum of 45 days by requiring USCIS to treat as a Premium Processing case (15-day turn around), free of additional charge, any arts-related O and P visa petition that it fails to adjudicate within 30 days.**

In both 2006 and 2007, the Senate approved the above provision as part of their Comprehensive Immigration Reform Act bills and on April 1, 2008, the full House approved the Arts Require Timely Service (ARTS) Act. The Arts Require Timely Service Act, S. 1409, has been re-introduced in 2009 by Sens. John Kerry (D-MA) and Orrin Hatch (R-UT). Rep. Howard Berman (D-CA), and eight other bipartisan co-sponsors have introduced the Act in the House, HR. 1785. Congress must now commit to passage of the artist visa provision.

Numerous members of Congress, including members of the House and Senate Judiciary Committees, have already gone on record urging USCIS to improve the visa process for foreign guest artists. The following members of the Senate and House are leading congressional efforts to improve the artist visa process:

### Senators

Dianne Feinstein (D-CA)  
Orrin Hatch (R-UT)  
Patrick Leahy (D-VT)  
John Kerry (D-MA)  
Charles Schumer (D-NY)  
Arlen Specter (R-PA)  
Sheldon Whitehouse (D-RI)

### Representatives

Howard Berman (D-CA)  
Marsha Blackburn (R-TN)  
Howard Coble (R-NC)  
John Conyers (D-MI)  
Louie Gohmert (R-TX)  
Luis Gutierrez (D-IL)  
Zoe Lofgren (D-CA)  
Dan Lungren (R-CA)

Michael McCaul (R-TX)  
Jerrold Nadler (D-NY)  
Linda Sanchez (D-CA)  
Adam Schiff (D-CA)  
James Sensenbrenner (R-WI)  
Lamar Smith (R-TX)  
Maxine Waters (D-CA)  
Anthony Weiner (D-NY)