

IMPROVING THE VISA PROCESS FOR INTERNATIONAL GUEST ARTISTS

ACTION NEEDED

We urge Congress to:

- Direct USCIS and the State Department to adopt immediate policy changes to make artist visa processing more accessible, reliable, and affordable. Any future fee increases must be proportional and fair, and policy improvements must be implemented.
 - Reintroduce and 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, arts-related organizations.
-

TALKING POINTS

- American arts organizations and artists provide an important public service and advance cultural diplomacy by presenting international guest artists in highly valued performances, educational events, and cultural programs in communities large and small throughout the United States. International cultural exchange uniquely supports a diversity of viewpoints and contributes to international peace and mutual understanding. The United States should be easing—not increasing—the visa burden for arts organizations engaging international guest artists so that U.S. audiences can enjoy artistry from across the globe.
- The USCIS and State Department can take immediate action under current law to address the extreme inconsistency of the U.S. visa process for guest artists.
 - Under their current statutory authority, the agencies can make immediate changes to remedy unreasonable delays, cost, and uncertainty, such as improving the accuracy of the petition process and reducing wait times. For years, U.S. stakeholders have provided USCIS with detailed plans for feasible improvements to USCIS processing of I-129 petitions for O and P visas, as outlined in our [Recommendations for Performing Arts Visa Policy](#).
 - **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, American artists who were scheduled to work alongside the guest artist lose a valuable source of income and artistic promotion. Furthermore, there can also be long-lasting harmful reciprocal effects on the ability of U.S. artists to tour, perform, and create art abroad.
 - **Delays and unpredictability create high economic risks for U.S. arts organizations and their local economies.** Arts organizations and presenters frequently sell tickets in advance, creating a financial obligation to their audiences. When visa delays stretch to weeks and months, despite careful advance planning, the bottom line of U.S. arts employers is directly impacted.
 - **When guest artists are unable to come to the United States for advertised engagements, the American public is denied the opportunity to experience international artistry.** Marketing highly sought-after guest artists prepares U.S. audiences to experience extraordinary artistic and cultural talent at home that they could not otherwise enjoy. When these pre-scheduled engagements are upended, U.S. audiences lose out on unique opportunities.
- The ARTS provision has a long history of strong, bipartisan support. 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, the ARTS provision would require

USCIS to process O and P arts-related visa petitions within a total of 29 days—*twice* the current statutory requirement, which in itself is eminently reasonable and consistent with security concerns. Both the House and Senate have signaled bipartisan support for improving the artist visa process. The ARTS provision was included and passed in the 2013 Senate comprehensive immigration reform bill, the 2006 and 2007 comprehensive Senate immigration reform bills, and the full House approved a stand-alone version of the measure in April 2008.

- **The latest fee and policy changes threaten to harm international artistic engagement.** The Department of Homeland Security implemented on April 1, 2024 a staggeringly disproportionate fee increase for some petitioners who file O and P petitions at effectively more than triple the cost. What used to cost \$460 will now cost anywhere from \$510 up to \$1,655 per petition, depending on the petitioner's filing status and which classification is being sought. While nonprofit and small-business petitioners are facing smaller fee increases, *all* petitioners are nonetheless facing higher fees for an already expensive process in dire need of improvement. Moreover, a new limit on the number of beneficiaries on a single petition will exponentially increase the fees and burden for anyone engaging large ensembles. This illogical change of policy will create more work and confusion for all parties. Such changes threaten the ability of many arts organizations to engage guest artists, not only due to cost but also in the face of USCIS action and decisions to proceed with ill-advised policies that effectively discourage international engagement and deprive U.S. employers, fellow artists, and audiences.
- **Arts organizations of all sizes cannot afford the \$2,805 premium processing fee, leaving them to await the unpredictability of regular visa processing, which in itself is increasingly unaffordable.** The Premium Processing fee has increased in 2018, 2019, 2020, and 2024 to its present cost of \$2,805, which makes the financial prospect of engaging international artists untenable for many arts organizations. USCIS has also now lengthened the timeline for PPS from 15 calendar days to 15 federal working days, which devalues a service that has steeply escalated in cost. No arts organization can afford to risk paying high fees for a visa that might not be approved at all or on time.

BACKGROUND

Engaging guest artists to perform in the U.S. requires obtaining an O or P visa, which is a multi-step process. Visa approval must be granted by USCIS before artists interview to obtain their visas at State Department consular locations and then enter the country to perform. Artists and U.S. arts organizations have confronted uncertainty due to any number of possible delays at USCIS as well as inconsistent policies abroad relating to consular processing.

Visa processing times have varied widely, from 30 days to six months or more. In 2010, USCIS pledged to meet the statutory 14-day regular processing time and promised public stakeholders that significant improvements would be made to the quality of artist visa processing. For several years, petitioners experienced incremental improvements, only to encounter at-times lengthy and highly unpredictable delays and seemingly time-stalling Requests for Evidence for material already in the original filing. These delays, combined with inconsistent procedures, result in petitioners upgrading to PPS or being forced to make drastic changes to published programs. USCIS continually promises to improve services and increases its fees, yet fails to demonstrate consistent progress or show the system to be reliable.

Congress can make enduring improvements to the visa process and urge DHS to treat arts petitioners more fairly; any immigration reform effort should include the ARTS provision. 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, free of charge. This legislation would hold USCIS to a reasonable timeframe, restore the recognition that cultural interests are valued in this country, and impart sorely needed reliability to a process that affects U.S. arts employers, international guest artists, U.S. accompanying artists, and U.S. audiences.

This Issue Brief was prepared by the Performing Arts Visa Working Group and Cultural Advocacy Group, a collaboration of arts and culture stakeholders working collectively to advance federal policy.