



Action Alert



USCIS Promises Major Visa Improvements

July 21, Washington, DC- According to U.S. Citizenship and Immigration Services (USCIS), processing times for regularly-filed artist visa petitions will not exceed 14 days. In a meeting with public stakeholders on July 20, the agency also promised that significant improvements to the quality of artist visa processing will soon be underway as the agency undergoes a major effort to revise its policy and training programs for the two service centers that process the O and P visas used by artists travelling to the United States for performances.

These comments come in response to requests from the nonprofit performing arts community and following significant intervention by leaders in the House, Senate, and the White House Domestic Policy Council. The Performing Arts Alliance (PAA) has been advocating for improvements in partnership with national colleagues in the Performing Arts Visa Working Group: American Federation of Musicians, Association of Performing Arts Presenters, Dance/USA, League of American Orchestras, North American Performing Arts Managers and Agents, OPERA America, and Theatre Communications Group, and the full range of national arts organizations co-sponsoring annual Arts Advocacy Day policy requests.

14-Day Regular Processing Promised

According to the USCIS, both the California and Vermont processing centers are currently processing regularly filed O and P visa petitions (without the \$1,000 Premium Processing Fee) within an average of 14 days. Since 2001, regular processing times have varied wildly - ranging up to 120 days for some petitions, despite a requirement in law to process O and P petitions within 14 days. USCIS now says they will strive to honor that 14-day requirement.

While this is a highly encouraging development, **petitioners should continue to file visa petitions as early as possible and carefully track the processing times for their petitions.** If processing times exceed 14 days, petitioners are advised to contact the USCIS National Customer Service Center at 1-800-375-5283. Given the inconsistent record of processing times, and the frequently ineffective response from the Customer Service Center, please track your visa's processing time and report the results to the government affairs director of your service organization. The PAA and our fellow national performing arts service organizations will be closely monitoring trends in processing times and the information you provide will help us ensure that USCIS fulfills its promise.

Efforts Underway to Improve Quality of Process

In addition to streamlining processing times, USCIS says it has formed an internal performing arts visa working group and is taking immediate steps to address the spike in erroneous visa denials and requests for evidence received by U.S. arts organizations over the past year.

- **New Policy Supports Complete Itinerary Approvals**

- o Yesterday, USCIS released a final policy memorandum advising visa processing centers to approve O petitions for the length of the validity period requested where the law and regulations permit and clarified that there is no policy limiting

What's At Stake

Delays in visa processing began in June of 2001, prior to implementation of post-September 11 security measures. At that time, USCIS adopted a Premium Processing Service, guaranteeing processing within 15 days upon payment of an additional \$1,000 fee per petition. This is unaffordable to most nonprofit arts organizations. For those unable to pay the \$1,000 Premium Processing fee, regular processing times have varied between 45 days to six months. In addition to the lengthy USCIS processing, visa issuance at U.S. consulates abroad is taking longer.

Current USCIS practice compounds the growing risk that foreign guest artists will be unable to enter the United States in time for their engagements, causing financial burdens on nonprofit arts organizations, and potentially denying the American public the opportunity to experience international artistry due to delays and cancellations.

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.

allowable gap between engagements to 45 days. The nonprofit performing arts community is pleased with this positive development and has requested that the policy formally be applied to P petitions.

- **RFE Project to Improve Visa Response**

- In response to voluminous cases of erroneous visa denials and requests for evidence, the USCIS is revising the training and templates used in adjudicating O and P visa cases. Draft policy documents will be posted online for public comment, and the PAA will inform the performing arts community of opportunities to weigh in.

- **Online Case Status**

- Petitioners must rely on the USCIS website for up-to-date information about the status of a visa petition in progress. USCIS reports that a new and improved case status site will soon be launched.

Continued Advocacy Needed

Following years of advocacy on this issue, we are extremely pleased with this week's breakthrough. That said, this is just one important step on the journey to consistent, reliable, and affordable arts visa processing. In partnership with the Performing Arts Visa Working Group, the PAA will continue to seek the promised improvements, in addition to weighing in with USCIS regarding the recently proposed fee increase, evidence requirements for O and P visas, and needed improvements to accessing emergency visa processing. Your examples of visa challenges are essential as we continue to communicate with USCIS headquarters. Report visa problems to the government affairs director of your national service organization as soon as you encounter them.

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Amy Fitterer, Dance/USA and OPERA America

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Prepare Perfect Petitions

In the wake of promised improvements by USCIS, it is more important than ever that artist visa petitioners do their part to submit complete and timely visa petitions. Visit the www.artistsfromabroad.org website for guidance and contact the government affairs director of your national service organization for assistance. Above all, remember to file your visa petition as early as possible. The promise of 14-day processing is encouraging but not a guarantee - and unexpected disruptions could put your performance in jeopardy. **File early and compile your best possible petition.** We will continue to update the Artists from Abroad website to reflect any new policy developments.