

Navigating artist visas



## Some definitions Visa v. Status

- Passport: Issued by Country of Citizenship
- Visa Stamp: A Stamp in the
   Passport Used for Entry in the U.S.
- I-94 Record: Record Indicates
   Status (Activity/Purpose & Length of Authorized Stay)

- Visa: Permission to Enter
  - Visa is a stamp in the
     passport with information
     about window of time a
     person can enter the U.S.,
     how many times (one-entry
     or multiple), and visa
     category
- Permission to Stay How Long and for What Purpose
  - I-94 Record indicates status





Athletes, entertainers, performers and artists



Extraordinary Ability Means: sustained national or international acclaim



Three-year visa

One-year extensions
Can include family

## O-1B Extraordinary ability in Arts

#### Time Frame:

- For event which includes entire project, conference, convention, lecture series, tour, exhibit, academic year.
- Can file up to one year in advance

#### Limitation

- Must work in area of extraordinary ability
- No freelance work (must be tied to event)
- Can include "short" vacation incidental to events
- No foreign employers must use US agents

- Travel in and our of US allowed in O status
- Can bring family and assistants (O-2)

#### – Procedure:

- Advisory opinion/ peer group consult letters
- O petition (I-129 with supporting evidence)
- Approval sent to American Consulate abroad
- Artist obtains visa at Consulate



### Supporting Evidence

Evidence the individual has been nominated for or has been a recipient of significant nation or international awards or prizes in the particular field

#### 3 of the following

- Has or will perform a lead or starring role in productions or events
- Has achieved nation or international recognition
- Has performed a lead or critical role for organizations and establishments that have a distinguished reputation
- Has a record of major commercial or critically acclaimed success
- Has received significant recognition for achievements from organizations, critics, government agencies or experts in the field
- Has commanded or now commands a high salary
- Other comparable evidence

## P Visas



P1: Internationally recognized athletes OR entertainment groups performing at specific events

Five-year visa with five-year extension



P2: artist involved in reciprocal exchange programs

One-year visa with one-year extensions



P3: Culturally unique artist or entertainers One-year visa with one- year extensions



### P visas

#### - Time Frame

- Depends on time necessary for event or performance, up to one year
- Controlled by I-94
- Can be filed up to one year in advance

#### Limitations

- Must work for event.
- No freelance work (must be tied to event)
- Can include "short" vacation incidental to events

- Cannot bring assistants but can bring family (P4)
- Procedure
  - Advisory opinion/ peer group consult letters
  - P petition (I-129 with supporting evidence)
  - Approval sent to American Consulate abroad
  - Artist obtains visa at Consulate

# P-1B (Entertainment groups) P-2 (Artists or Entertainers / Exchange) P-3 (Culturally Unique artists)

#### P-1B

- Given to entertainment groups
- The group must have been internationally recognized as outstanding in the discipline for a sustained and substantial period of time
- 75% of the members of the group must have had a relationship with the group for at least one year

#### P-2 - Exchange

- Copy of reciprocal agreement between US organization and foreign organization
- Must be similar in terms of caliber of artists, length of time and number of artists

#### P-3- Culturally Unique

Must be coming to the US to perform, teach or coach in culturally unique events

- Must submit evidence that the performance is culturally unique
- Culturally unique means: a style of artistic expression, methodology or medium which is unique to a particular country, nation, society, class, ethnicity, religion, tribe or other group of persons



## Temporary Business (b1 Visa)

- Up to six-month permit
- Can request on extension
- Entering to engage in commercial transactions not involving gainful employment
- Cannot earn income

- Examples of what you can do:
  - Speak at a conference
  - Attend gallery /exhibit openings
  - Negotiate contracts
  - Consult (so long as no income is earned)

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