

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

STATEMENT OF CONCERN

Delays and inconsistencies by U.S. Citizenship and Immigration Services (USCIS) have made it difficult in the past for international artists to obtain the visas required for entry into the United States. The USCIS is authorized to make immediate policy changes to the artist visa process to remedy the delays, cost, and uncertainty that present a barrier to international cultural exchange. While promising improvements have been made, such improvements are not yet reliable and are subject to the discretion of USCIS leadership.

We urge the Administration to see that the artist visa process continues to improve. 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 to no more than 45 days. USCIS would be required to treat any arts-related O and P visa petition that it fails to adjudicate within 30 days as a Premium Processing case (15-day turn around), free of additional charge. 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. The proposed timeframe for processing O and P visas is eminently reasonable, consistent with security concerns, and would greatly improve the climate for international cultural activity.

BACKGROUND

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.

Nonprofit arts organizations confront uncertainty in gaining approval for visa petitions due to lengthy 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. Prior to the creation of PPS, regular O and P visa processing took an average of 45 days, but since then processing has varied widely, ranging from 45 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 be underway as the agency undergoes a major effort to revise its policy and training programs. While these statements are encouraging, only ongoing support from USCIS and legislative action can ensure full and consistent implementation of improvements to the artist visa process.