

# IMPROVE THE VISA PROCESS FOR ENGAGING INTERNATIONAL ARTISTS

## ACTION NEEDED

We urge Congress to:

- Direct U.S. Citizenship and Immigration Services (USCIS) to immediately eliminate extreme delays in processing times for petitions filed without a premium fee, and adhere to the statutorily-mandated 14-day timeframe for O and P I-129 nonimmigrant artist visa petitions.
- Direct USCIS and the State Department to adopt policy changes, achievable under current law, to make artist visa processing more accessible, reliable, and affordable. Fee increases must be proportional and fair, and result in promised policy improvements.
- Ensure that immigration reform includes provisions that will improve the artist visa process.

## TALKING POINTS

- Despite current statute requiring processing within 14 days, reported average USCIS processing times for petitions filed through regular channels now stretch to more than 10 months, forcing U.S. arts organizations to pay the nearly \$3,000 Premium Processing fee or forfeit the chance to engage international artists. The Premium Processing fee is unaffordable and has increased five times in the past eight years to a current additional fee of \$2,965. For those that risk paying the fee, the Premium Service is now exceeding its promised timeliness and is still subject to USCIS processing errors that nullify the benefit altogether. No arts organization can afford to risk paying such high fees for a visa that might not be approved at all or on time.
- American arts organizations and artists generate local economic activity and tourism, strengthen the arts and creative sector, and advance cultural diplomacy by presenting international guest artists in highly valued performances, educational events, and partnerships in communities throughout the United States.
  - ***Delays and unpredictability create high economic risks for U.S. arts organizations and their local economies.*** Selling tickets in advance creates a financial obligation to audiences and surrounding businesses that benefit from the economic ripple effects of vibrant arts activity and performances. Arts tourism supports U.S. jobs and generates expenditures on parking, dining, and other services. When visa delays stretch to weeks and months, despite careful advance planning, the bottom line of U.S. arts employers is directly impacted and resources are lost due to this increasingly uncertain process.
  - ***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.
  - ***When U.S. arts petitioners are denied the ability to deliver advertised guest artists, the American public is denied the opportunity to experience international artistry.*** Marketing highly sought-after guest artists attracts U.S. audiences to experience extraordinary artistic and cultural events at home that they could not otherwise enjoy. When these pre-scheduled engagements are upended, U.S. audiences lose out on unique opportunities and the reputations of U.S. arts organizations are harmed.

- **Fee increases harm U.S. petitioners.** 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. While nonprofit and small-business petitioners were provided some relief, the prior \$460 fee now costs from \$510 up to \$1,655 per petition, depending on the petitioner's filing status and classification sought. A new limit on the number of beneficiaries allowed on a single petition exponentially increased the fees and burden for engaging large ensembles. Adding Premium Processing fees to these costs can put the visa process completely out of reach.
  - As one example, if a U.S. nonprofit performing arts organization A schedules 18 international guest soloists for one artistic season, its fees should amount to \$530 per petition x 18 for a total of \$9,540. When Premium Processing is required for all of these petitions, **\$53,370 in additional fees are incurred**, for a total of \$62,910 – more than six times the original budget.
- **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 current statutory authority, the agencies can make immediate changes to remedy unreasonable delays, cost, and uncertainty by improving the accuracy of the petition process and reducing wait times. U.S. stakeholders have provided USCIS with detailed options 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](#).
- **Improvements to the artist visa process have 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. The Arts Require Timely Service (ARTS) provision, which would require U.S. Citizenship and Immigration Services (USCIS) to treat arts-related O and P visa petitions that it fails to adjudicate within the 14-day statutory timeframe as a Premium Processing case, free of charge, was included in the 2013 Senate comprehensive immigration reform bill, and the full House approved a stand-alone version of the measure in April 2008.

## BACKGROUND

Engaging guest artists to perform in the U.S. requires obtaining an O or P visa, which is a multi-step process initiated by a U.S.-based entity. 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 delays at USCIS inconsistent policies consular processing policies.

Over decades, visa processing times have varied widely, from 30 days to 11 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. Petitioners occasionally experience incremental improvements, only to encounter lengthy delays combined with inconsistent procedures.

Congress can make enduring improvements to the visa process by urging immediate action under current law and ensuring that any immigration reform effort includes meaningful policy improvements that will restore reliability to a process that is essential for U.S. arts employers, artists, and 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.*