

INTRO

(The following is read by Laura Colby over jazz music composed by Manual Cinema)

Hi, I'm Laura Colby and this is The Middle Woman, a roadmap to managing the performing arts. I'll be sharing personal anecdotes from my 30 years in the field, exploring the nitty gritty and the technicalities of this job. I'll tell you the story of how I got here and what it's taken for me to work in the industry of the performing arts.

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EPIISODE 22

LAURA COLBY: Hello. This is Laura Colby, founder and president of Elsie Management. Today, we are going to be talking about U.S. work visas, quite specifically, and I am overjoyed to have Elsie's visa department in the house, that would be Elsie's Vice President, Anna Amadei, and Elsie's Contract Manager, Jimena Alviar.

And we do like to joke about the fact that we have a visa department, but when more than half of your roster is comprised of internationally based artists and you are a U.S. based artist representative primarily touring these companies into the U.S. You have to know about this. No, you don't have to be the one filing for the U.S. work visas and the name of that paperwork is called petitions. So no, I don't have to be the petitioner for these visas. However, we made an internal decision a good 15 years ago that we wanted to have some sense of control over our petitions, our visa applications. And the way to do that was for us to file them ourselves. Now, granted 15 years ago, somehow this was a little bit simpler and the process, which I say in air quotes has become incredibly cumbersome and exhausting and expensive. So maybe 15 years ago, if I'd seen that coming, I would have made a different decision.

But in any case, here we are today. We file our petitions for the companies we represent, from overseas to bring them into the U. S., primarily so that we can oversee the process, we can adjust any fixes or make any corrections on mistakes that we may have made, but most importantly, so that we understand what's going on out there with the visa process, as opposed to paying somebody else to tell us what is going on out there.

We file visas at this rate, basically at a minimum of every other month. And in that way, because we do that, we are very, very practiced in all of the landmines, in all

of the mistakes, and in all of the troubleshooting. In this way, we oversee our petitions and are able to stay on top of them. Sometimes it literally gets down to the last 48 hours. And when you are the one who filed the petition, you ultimately have control over that petition.

We are not lawyers. We are arts workers who are practiced in the process of filing for U.S. work visas. We are here today to share with you what we have learned in 20 years of doing this work, and the foundations of how to, that we work with within Elsie to ensure success with our visas.

We also learn from our colleagues. We are so grateful for the entertainment lawyers who are in our lives, including GG Artslaw and Tamizdat and all of those names and websites will be in the glossary that accompanies this podcast.

We are recording this podcast on May 17th, 2024. Everything is guaranteed to change within four weeks, definitely within six months. If you're not listening to this with us today in this room while we record it, please know that the most up to date information is found online at the artists from abroad website. And that's just like it sounds. [Artistsfromabroad.org](https://artistsfromabroad.org). And again, that web link will be in our glossary.

I'm just going to repeat. This is all we know today. And we're also not going to bore you to death with minutia. We're going to try to stay on the bigger picture and the foundation from which we work and what we've learned to be able to file successful U.S. work visas.

We are going to start this session by having Anna and Jimena answer the question, when do you need to file a U.S. work visa for your artist to come into the United States? And which visa? Because yes, there's a menu of them. Which visa needs to be filed?

ANNA AMADEI: Hello, this is Anna speaking. I just wanted to start saying that I'm only a member of the visa department of Elsie management because I had done many, many visas in the past. Currently, our visa department is comprised by Jimena Alviar only because she does the whole heavy lifting. I'm only the second and final review of all of the four pounds of paperwork that she puts together every time we have to send out an application.

To answer the question, and then I'm sure Jimena will have more to say about this, but to answer the question, when is that we need to file a work visa to come into the United States and work? Every time you have an artist that has an engagement in the United States, whether this engagement is paid, only enough to pay for the airfares or is paid a full fee that the company will actually bring home. Yes, you will need to file a work visa. You need a work visa whether you come from

a country that can actually travel to the U. S. without filing a visa to enter like the European Union. There's no way to get around the fact that you must file a work visa every time you come into the U. S. for work reasons and you receive a payment.

LAURA: And I'll just add, it doesn't matter if you're getting paid \$5.

ANNA: Correct.

LAURA: Or \$5,000.

ANNA: Correct.

LAURA: If you're getting paid. You need a U. S. work visa.

ANNA: Yes.

LAURA: If you choose to come into this country not with a U. S. work visa, first place, there's this thing called the internet these days and they can find you. And we have recently had experiences at Passport Control at Pick Your Favorite Airport to enter the U. S. where the agents at Passport Control will pull open their computer and find an artist performing at Pick Your Venue in the United States. So they can look you up. And even if you're not doing a performance, say you're coming to do a choreographic residency at a university. Bingo! You still need a work visa.

So, you need a different kind of work visa because you're not performing. But if you are earning money in this country, in the U.S., you must have a U.S. work visa. And if you risk getting caught, You will be put on a blacklist, basically, for 10 years, and you will not be able to enter this country as a tourist, let alone as a worker. So you don't want to play around with this. This is not a joke, and anybody who tells you, yeah, you don't need a work visa, get another opinion.

JIMENA ALVIAR: Hi, this is Jimena. So which visa do we need to file? It all depends on who is coming and what they are doing. So, you're gonna find a graphic we created, based on the information that USCIS website provides as of today. So you can compare it also and understand what we're going to talk about.

We have different options as for artists to come into the country as a group and that is the P-1 visa or the P-3 visa. They're different and we will explain a little bit of how they're different. They can both include the support personnel to that group of artists.

The P-1 visa is going to be just for a group, not individuals. And the P-1S means P 1 support, support personnel to that group. They need to be filed together or related one to the other. The P-1S can only be approved if a P1 visa is approved.

P3, it could be for one person or a group, but it's a culturally specific visa. This one can also be filed with a P3S, the P3 support personnel. But in that one, it's also depending on the P3 approval. We have other kind of visas for outstanding artists when we're trying to file as individuals, and that will be the O-1, O for outstanding.

P1 visas can also be filed for athletes and other kind of groups of entertainment groups. But as we are just thinking about artists, just think about the P 1B for artist visas, groups, companies that are coming to the U. S. to perform

LAURA: So What's the internal decision at Elsie when we decide not to file a P-3 for a culturally specific company? Because we have culturally specific companies. Why would we file that as opposed to filing a P-1 or vice versa? Why would we file a P1 instead of culturally specific P-3?

ANNA: Hi, it's Anna again. I think the main decision comes down to how can we build our case. So it really depends on, um, the kind of engagement that the company is coming to the U. S. for. And, if the company comes into the country to do a regular tour that is not particularly attached to culturally specific festivals or that is not particularly attached to the fact that they are culturally unique, ensemble, then we just, go with the regular P1 because then we don't have to prove also that they are culturally specific ensemble.

So we try to solve internally and make the decision based on the amount of paperwork that they will have to provide to make the case. Now, in some occasions, because of the festivals that invite the company or because the company is so culturally specific than the way to prove that they are outstanding and recognized. It's easier to go on the route of proving that they are culturally specific.

Let's say we have a group that is really rooted in traditional dances, but it's not an internationally recognized group, and it's not a group that has toured to Washington or Rome or Los Angeles and so we don't have press to provide for example for this ensemble, then the decision internally will be, you know what, it's easier to prove that they are culturally specific and therefore the importance of their presence in the country is more attached to what they bring to share rather than who they are as a recognized troop.

LAURA: Okay. Great. I also want to go back to the S's, the P1S. So, I just want to define that support personnel could be the artistic director, especially when the artistic director is not performing on stage. It's the technical crew. It's your stage manager, your tour manager, your company manager, it's everybody who's basically not actually performing on the stage.

ANNA: Correct.

LAURA: P1 is reserved for strictly performers, that's one petition, the P1S is a secondary application that can only be submitted with the P1, but the P1S is for everybody else who's not on stage.

ANNA: If you're a company and you have to tour to the US and you're creating the list of your support personnel, we suggest that you stick to strictly technical support personnel.

The reason for that is we have to request letter of support from peer organization and unions and the unions will only cover the roles that are actually assigned to the technical crew, basically. They will not cover their letter the support for a babysitter if you need to tour with a babysitter.

LAURA: One of the things we're trying to reveal here is what causes a petition to receive an RFE. Which is a request for evidence and with every RFE you receive in the process of filing your petition, you slow down. The entire process and the trick here is not to get an RFE. So that maybe maybe maybe maybe you'll actually get an approval 10 12 weeks after your filing date. If you're lucky that's kind of a miracle these days. So don't put people on your petition list unless they are absolutely critical to the execution and delivery of your show.

And a reader of a petition is going to look at first place, you're not going to get the union letter to support the babysitter. Okay, so there's that, but let's pretend you did. The reader of the visa application, that's something is going to see a staff person in there to babysit and they're going to be like, that is not a critical role to the delivery of this performance.

Big red X, out comes the request for evidence, boom, your visa gets slowed down by three, four, sometimes six weeks, while you have to then fix it. Supply them the evidence they're demanding and you're still going to lose that argument. You're going to lose that babysit argument. So now you have to start all over again and reapply without the babysitter. So just don't do it. This is one of the lessons we've learned. Don't put someone in your petition unless they are absolutely critical to the delivery and execution of your show.

JIMENA: As well as people that cannot be replaced by someone in the U. S. or an American citizen.

LAURA: Yes.

JIMENA: I want to add something to your example about the artistic director and which petition to include this person in. If your artistic director is also a performer, that means they are performing on stage. That means that person is going into the P1 petition, even though they have both roles, but if they are only being the artistic director and not performing on stage, they need to be included in the P-1S as support.

LAURA: And to clarify, these letters of support right now, for the P1S's, for the technical crew, are coming from IATSE, IATSE being the union for theater technicians, and then the letters of support we are receiving for the performers for the P1 petitions are coming from AGMA, and AGMA being the union for performers.

ANNA: The O-1 and O-2 are for outstanding artists, individual. So the O1 is a visa that you apply when you have one artist traveling and it's a solo artist basically providing the services and the performances.

The O-2 would be the assistant or the, collaborator, but also like the support artistic personnel of the O-1. So the O-2 is really the person that travels with the O-1 to make sure that the services that the O-1 has to deliver are provided. So the O-1 is basically the same application as the P. It just requires that you prove the extraordinary ability or achievement of the person in question, of the beneficiary. When we have to prove the extraordinary abilities, we have found that the most effective ways to show these extraordinary abilities are letters of support from recognized people in the field, which again could be other artists, could be directors of festivals and, and theaters. All these people do not have to have anything to do with the actual itinerary of the artist in question. They just have to be recognized people in the field.

And then the other thing that we have proved that serves the purpose of proving the extraordinary ability of the person is the press, of course, and awards. If the individuals have won awards, both internationally or nationally or regionally, that helps an incredible amount to prove the extraordinary ability of the award.

We want to remind everybody that the people who reviewed these applications are not artists themselves, or they're not necessarily knowledgeable about the arts field at all. So, for them to see an award is like to see that you won a medal of some

sort, and so they will recognize this award as the proof of your extraordinary ability. We understand that not every artist, especially in the artistic field, is not easy to win an award or it's not common and we have artists of extraordinary abilities that have not won awards, but we know that that helps a whole lot.

JIMENA: Also, if you are providing proof of those awards, we need to provide extensive proof and a description of what kind of award that is. We've had RFEs in the past questioning an award. What is that? Why is that relevant to the, this person, this beneficiary and specifically to a tour or to this company?

I'm giving an example of getting an academic award, but it's not a recognition of you as an artist, more of a recognition of you as a scholar, right? So it's different, but we'll have to create the link of why that award is important. Only in the case of an O-1 or O-2, maybe that award showing that you're an scholar could help you - or could create another question from them. So it is about how you present it or how we as agents managers present it in a way so the person reviewing all these documents is capable to understand how all these things are connected and linked and enough proof of you.

ANNA: Of your extraordinary ability. Yeah, absolutely.

LAURA: Where do we start with this process of filing this paperwork?

ANNA: Well, we can apply for a visa one year before the engagement actually happens. Because of how long visas are taking right now to be approved, and we're talking about regular processing, not premium processing, which is expedite. We're talking about regular processing. Right now, to have the chance to get a visa approved in a timely manner for a tour to happen, we have to apply at least six months before.

JIMENA: We're going to include those links as part of our resource guide links to AGMA, IATSE, all the information we have from artists from abroad, like our lawyers.

There is a website from USCIS that will tell you the wait times are in processing times, both. So processing times at a USCIS meaning the U. S. service center that process all the petitions. Right now it's taking no less than six weeks without any problems, any delays, anything. I would say that six weeks is being very, very lucky. What we're seeing now is at least seven, eight weeks processing time and that is being on the good side.

So why don't we just go through the whole process and to answer your question, Laura, where does it start? I think for me it starts with the two of you giving me confirmation of terms.

LAURA: Right.

JIMENA: And letting me know what the actual tour dates are so I can start counting backwards to go to the six months.

LAURA: I just wanted to clarify, counting backwards from the engagement date.

JIMENA: Correct.

LAURA: From the arrival of the company into the country, counting backwards from there. And again, I'll repeat, the earliest we are permitted to file a petition is one year out. Internally, our threshold is at the latest six months out.

JIMENA: For me it all starts with when one of you give me confirmation of terms and I have a tour date. We send the company a list of materials we need from them and for us to be able to start our work.

LAURA: I'm also just going to take a second to say, listeners, there's a great graphic for you that's a great visual on this timeline that Jimena is going to dig into right now. And I would suggest that you have that nearby so you can follow along.

JIMENA: Yeah. And if you happen to have already a tour date that you were thinking about, put it in there and you're going to be able to fill in the blanks so you can do the exercise while I walk you through it. Collecting documents for a company who hasn't done this before can take at least 30 days. I ask companies that we worked together, in the past for documents to be delivered to me quickly, because I know that they kind of already know what I'm asking for, but if it's the first time, I really need to take into consideration that this is all new to them. As it could be to you as a listener right now, and it's a long list of things and you might need to start digging into your own archives to be able to provide all documentation and proof of what you as a company have done in the past, your own history, your touring history, your press articles, which we'll get into in a moment.

Then those materials get to me and I start organizing them in a way, so we can request these union letters we were talking about. If we're requesting the union letters as regular timing or regular processing, this is going to take from one to two weeks to get these union letters back.

Some of these organizations have expedited processing as well, just in case you're in a time crunch and you really need the union letters as soon as possible.

As soon as we have our big petition packet together, we send it to USCIS. So you're going to start counting four months to be able to let the service center do their work and start with sending you a receipt notice with a case number. Two very important things for you so you can follow up on the case and you can have an idea and confirmation that the packet was received and is being processed.

So the case number, write it down, keep it somewhere safe because you will be able to check the status of this case online with that case number only. Yes, there is a phone number that you can call, but it's a nightmare. I have to say it like that because now it's just a machine answering the call. You will not be able to get to a human and a lot of the things that they tell you that they can help you with they're gonna direct you to do it online on your own by yourself.

ANNA: I want to just make sure that we know that we're talking about regular processing visas. Now if you are paying For the incredible amount of money that they're asking right now to file premium processing which is expedite. You will actually be able to speak to a human on the phone Which is one of the perks of applying premium processing aside from the speed of the processing time.

LAURA: So with regular filing, there's no human, people. You are out in the desert on your own waiting it out and what you're waiting for, ideally, is that approval notice to come in snail mail. You would think all of this stuff could happen online. If you are filing regular, dear listener, you have to just wait it out in the desert that is the processing of your petition to get that approval notice via snail mail.

JIMENA: The receipt notice is also coming to you that way. Only if you're filing premium processing, you will get an email with that receipt notice and case number. But if it's a regular processing, you have to wait for that letter coming in the mail. So ideally, we're looking at we don't know how many, weeks to get the approval, which it might be a long wait and it might be like, oh, what's going on? That's when you will go online and check if there's anything else happening or you can get any kind of update.

If we're not as lucky, we might be getting an RFE as Laura mentioned before, it's a request for additional evidence and that could be anything from you missed to check a box to missing a signature to saying no the evidence you provided is not enough and you need to prove X, Y, and Z or anything that you can think of.

Those RFEs are ways to get more and more information. And it will stop the clock.

I want to talk about premium processing a little bit so we understand the difference. So as we were saying, regular processing can take at least six, eight weeks to get an approval or an RFE. Premium processing is now 15 business days for you to get some kind of notice.

LAURA: Because you're paying this extraordinary additional fee, you are guaranteed to get a response within 15 business days.

JIMENA: But it's not guaranteed that you're getting the approval in those 15 business days. So it might happen that you get an RFE, the clock stops and as once you answer the RFE, the clock starts again. So another 15 business days are counted for them to give you another notice.

So let's go back to regular processing. And let's say we got the RFE and we're trying to respond, but it all depends on what they're asking for that is going to determine how long it takes us to answer that RFE. If it was just checking a box that we missed, it's pretty easy and we get it out in 24, 48 hours. But if it's requiring more and more evidence, you have to take into account that and it might take you two weeks or who knows how long. So that is delaying getting an approval and you're getting closer to your tour dates and that could be stressful to say the least. We answer the RFE and we finally got our approval notice and we're very very happy. This is not it.

LAURA: Well meaning this is not the end. This is-

JIMENA: Of the process.

LAURA: No.

JIMENA: Correct.

ANNA: Because when you have an approval, You do not have a visa yet. The approval is the approval to your request for a visa and for a work permit, but it does not grant you already, yet, a visa stamped on your passport. The visa is actually that document gets attached to one of your passport pages, which happens to a consulate or embassy in your own country.

JIMENA: So once we get the approval or even a little bit before and I explain how the next step is going to be an interview in person most of the times, an interview at a US Embassy or consulate. You need to make an appointment in order to do that. It's not just showing up at the embassy or consulate saying, Hey, I'm here for

my visa. If you haven't had the experience, yes, you need to plan this out with time. Depending on the country, it's going to take longer to be able to schedule this appointment for the interview, the in-person interview.

So as soon as we receive a case number we will look it up online with another link we're including for you to understand how long is taking to get those appointments in your own city or country? You may need to travel to a different city because there is not a US Embassy or consulate in your own In order to get this done

ANNA: The visa appointment can be scheduled and should be scheduled as early as possible. And to do that, you will need your case number. The same case number that is on your receipt notice and that will be the same of your approval notice. So the case number doesn't change from the receipt notice to the approval. So, technically, as soon as you receive the receipt notice, you can actually schedule the appointment at the consulate or the embassy. Now, we have seen, out of our experience, but of course, in every single country, it's gonna be a different story and a different version. So you should always check, what we have seen is that you can actually go to an appointment to a visa interview even before receiving your approval notice. It's better if you have your approval notice on hand because that will shorten the amount of time that they will hold your passport at the embassy or the consulate to process your actual visa.

LAURA: And this is where the interview process and getting those appointments is part of the big, big, big puzzle. You as a company manager need to know where your people are on the planet because as Anna pointed out, yes, you have to relinquish your passport. You have to leave your passport. So if that performer has an engagement out of the country next week, they can't make an appointment for that week. Maybe the city they're traveling to has a U. S. embassy or consulate and that performer can have their interview there while they're at that other city for that other engagement. But again, if your people are moving quickly three days here, four days in another country, three days in another country, and they can't just give up their passport for two weeks there's a problem. And, this is one of the challenges that we've had recently quite specifically with our circus company that's moving people very quickly around the planet. So again, something to keep your eye on and also why you need more time because the visa is not over once you get the approval. You've got to get through the relinquishing of your passports to get the visa stamp into that passport.

JIMENA: Also going along with the idea of requesting those appointments as soon as possible. It's because just like we needed to collect documents for that application and to submit the petition to USCIS, you're going to need to fill out another form before you can even request the appointment. That form is called

DS-160 and it's all about personal information and it does not take five minutes to fill out.

ANNA: No.

JIMENA: It is a very long form with a lot of questions that you may not have answers to as like how many trips you've taken in the last five years with a specific dates and your work and different jobs than you've had in the past.

ANNA: All of your past home addresses, residency addresses.

JIMENA: Correct. So again, you need to add that time in terms of when do I need to start doing this? And as a company manager, you need to start requesting your performers and company members to fill out these forms as early as possible.

The DS 160. You fill it out online. You have to keep saving it over and over again. It disconnects and if you didn't save, you're going to have to start all over again. And just as a tip, always write down the number in red that you're going to see at the beginning and the security questions you're asked as soon as you start that application form. So you can always retrieve it or go back to it anytime you need or want. You can always save it and keep working on it later.

ANNA: Once it's submitted, folks, it's submitted. It's out of your hands. You cannot go in and change it. Your answers are done. If you have made a mistake and and you know you've made a mistake, you will have to fill out another DS 160 and start from the beginning.

JIMENA: Yes, and this form DS 160 may sound familiar if you have ever applied for a tourist visa. It is the same form, when you face a question of like the reason for you to travel, that is when you will select the category of visa that you have been approved for and enter the case number. That is why you will need the case number to be able to fill it out for this purpose before you can schedule the interview to get your P 1, P 3, O 1 visas that we've been talking about.

LAURA: The DS 160 is the form that also asks if you have a criminal record, correct?

JIMENA: Yes.

LAURA: And so if the answer to that question is yes, people, that person is not going to get into the United States unless they have an extraordinary amount of

support letters attesting to their character from national figures or global figures because we do have rarity examples of that happening.

As a company manager, one of the things you must consider, maybe you've never had this conversation with your personnel. Well, if you are considering certain people to come into the United States, you're going to have to ask them that very personal question. And again, this is where time can be a good thing. If you have time to scrub a record or purge a record of a criminal offense that maybe happened when they were 14, because they got caught shoplifting when they were 14, but that's still showing up on their record 20 years later. This is your opportunity as a company manager to get that scrubbed. This is a question to ask your personnel as a company manager, way in advance so you don't get snagged at the interview appointment.

ANNA: The visas are both a group process and a group scan. And a very, very, very personal scan.

So, the visa, ultimately, it's personal. It's given to the individual. So, the first part of the process that Jimena does over here, gathering all of the information, has these two layers. Like, she has to prove that the troop, the group, the company, is internationally renowned, that has this kind of press that has been working for this amount of years, but also she has to put down the list of the beneficiaries of these visas and the beneficiaries are individuals. And that's why the letter of support has all the names. So what happens to the embassy at the level of the visa interview at the embassy, it's a very individual and personal scan. So through this first step of filling out the DS 160, they will do a first scan on the person and then there will be the interview.

So ultimately, yes, it's a risk because you might have a group that it's approved a visa and then one or two individuals as part of that group that will not get the visa.

LAURA: And that is why one of the things we've learned is we highly recommend that you add extra people into your petitions. So in your P1 for performers, you've got a couple of extra performers on that petition.

In your P1-S, your support - team petition. You have a couple of extra technicians in there. Because, dear listeners, there's no substitutes. Once this is done and done, if the name wasn't on the original petition, there is no substitute when Suzy Q blows her kneecap off, and you need to replace her, and you don't have her replacement on your performer petition. There's no substitutes. So when you load up extra names on your petition, that's a protection mechanism. In case someone does get hurt, shit happens in life. People can't make trips. How are you going to

manage that with the construct of this visa process? You're going to put extra people into your petitions.

And yes, that can be very difficult. We hear back from company managers all the time. Well, I don't want to ask them because we didn't cast them in this show. You know, it's like, I get it, but this, you can't not have backup available to you.

ANNA: Or the other point is, well, I can't do all this work to gather all the information, or I can't ask the performer to do all the work to go to the embassy if they're not going to come on the tour. Well, that is the part of making business in the U. S. and touring in the U. S. that's actually, you know, yes, the cost and the risk. Because of the amount of information that they request about every single person.

We suggest to include a few extra people that you will actually need in case of, you know somebody not being granted a visa or somebody not being able to travel. But don't overload yourself with work that you don't actually need.

JIMENA: The other thing that you really want to consider is that yes, you may be doing extra work at this point, but you really want to make sure that the tour happens. So it is absolutely worth it to include a couple of people to reassure yourself that the company will be able to travel and show up and perform as was planned instead of having to call a force majeure due to visas.

LAURA: Right, especially since some of our venues don't consider lack of visa a force majeure. Exactly.

So, Jimena, we've got our approval. We've gone into our interview. We've had our interview. We're fine now, right? Right.

JIMENA: The embassy or consulate are going to give you a paper saying visa approved or not. And then you will leave and you will say, okay, great. I get my passport back, I check and I make sure that everything in that stamp is correct before I travel.

ANNA: The embassies are made of people. People make mistakes and typos. So sometimes it has happened that the embassy, consulate, had a typo in one of the artist's visas. So the artist had to go back for another appointment. So please check your passports.

JIMENA: The same way that we check approval notices, receipt notices, because the ones with the mistakes or typos from those documents can be corrected during

the time that we're waiting to get the approval. But for sure, if we're getting closer to the tour dates, and it's the visa stamp typo, it's going to create additional stress. So yes, please always check even if the person who was filing as petitioner just sent you the documents saying like here's the approval, everything is great. It's on you as a company to always check that everyone's name is correct. Everyone's date of birth is correct. The country of citizenship is correct. So you're not going to face any problems either at the consulate, the embassy, or the next stop, which is you are at the airport, you travel, and this is the last stop of checking that everything is correct. It's a point of entry to the country. That's when they will check your visa, they will ask you questions, and only once you have passed this clearance, you are good.

LAURA: Right. So what I always say to our artists is, this thing is not over until you are through passport control at LAX, JFK, pick your major entry point, Miami, from international entry point. And this is the thing, all that USCIS, all that Homeland Security wants to know about you, dear international performer, is that you're going to go home. That you are not going to stay in the U. S., that you do not have family here, they do not want to know that your aunt lives in Tucson. Like don't volunteer that. That's not helpful in this situation. They want to know that you are here on business, you have a work visa, you're going to go do your job at the theater, and you're going to get the hell home. That's what they want to know.

So, our advice to artists in the process of interviewing. As well as getting through passport control, is keep it simple, do not get chatty, don't volunteer nothing, you're here to work, it's very simple. And because you never know, Joe Passport Control might just pull open his computer and start googling you, because that happens. So this is the part about volunteering too much information. Don't do that. Just don't, don't do it. Keep it simple. Keep to your job.

JIMENA: And, even if you were on a red eye flight or after a 14 hour flight, you need to know the exact date when you're leaving the country. That is a question that you might be asked and you need to be absolutely sure, for how long you are going to be in the country. And, when and how you're leaving. They may ask you if the group is leaving together or it's just you, we don't know, but you need to be able to not hesitate about this question.

ANNA: So in the case of companies coming into the U. S. and having a cast or crew that does not speak English, what we have done in the past is provide the company a letter, explaining what the company is here for. It's a letter that says where the company is going to stay. Who's going to pick them up. Who's going to provide for their transportation.

It's a simple letter, but it's, and we can also provide it in the tools and documents that we put on our website. But it's a simple letter that helps during the passport control process for artists and members of your crew that are not necessarily be able to answer the questions of the officer.

JIMENA: And you will have to travel with a copy of your approval notice, even if you have the stamp on your passport. So, you can go with the letter and the approval notice and your visa stamp to go to that passport control and be able to have the answers right there, not talking a lot, but just having the answers and documents that prove the reason why you're coming into the country.

LAURA: So I want to go back to the RFEs and talk about some RFEs that tripped us up. Historically speaking, one threshold change was when the first RFE we got requiring us to provide, yes, people, the circulation number of the publications for any of the press that we submitted to prove that our company was an internationally renowned company.

So yes, we had to let them know, for example, what the circulation was of the New York Times. So whenever we submit press, now we know that's a guaranteed RFE we got snagged once on it. We've never been snagged again. So we changed our entire protocol and to always include, for example, circulation of a publisher.

The one that just happened to us last week was checks. So the USCIS changed this, you know, we're giving them a lot of money, and their language regarding how the checks have to be written out. And that they all have to be separate checks because they've hit us with some new fees. One is an asylum fee. Now we know we have to actually issue separate checks. But we literally got an RFE back on that as of other, of our colleagues. And we all shared that information very quickly. And again, we'll never get snagged on it again because now we know.

I know in the past our colleagues have gotten RFEs saying, Oh, even though you said this person performed at Carnegie Hall and oh, the Kennedy Center and the LA Music Center, what makes them internationally renowned? You know, so, sometimes the RFEs are enough to make you want to pull all your hair out. And, you know, you don't necessarily always have a review from the L.A. Times, a review from the New York Times. So, what steps have we been doing to get over that challenge of proving that our companies are of international renown?

ANNA: Here is where you have to get a little creative and you have to, you know, pull out of your pockets all of the contacts that you have. In the past, I would say, even if we had provided enough press, even if we had provided the awards, even if we had provided letters from peers in the field, we have received an RFE because

we have to give more evidence of the internationally renowned, and what we have done is going to get more letters of support and just slam the USCIS with 10 letters more from recognized people in the field.

Sometimes when we request those letter of support, which are basically letters from directors of festivals and theaters or other agents or other artists that are internationally renowned, what we do is that we include that letter of support that basically says, *I'm not involved with this tour, but I do know these artists and they're internationally renowned. And I absolutely recommend that they get this visa because they're great.* We also attach a paragraph to the letter that explains who the person that is writing the letter is. And also, we slam the USCIS with a bunch of press about the person that is writing the letter. So the trick here is to really give them material to read and to review that will prove that the people who are writing the support and writing about the company that you're applying for are renown.

JIMENA: As part of our list of things that we will get into as general requirements, we've learned the lesson of what else we can provide to, include all of these things or some of these things to an extent so we are one step ahead of what an RFE could be.

Another example of an RFE that we've gotten for the support petitions is that we need to provide approval for the P-1, for example, or the main petition. Thank you So, that RFE can just be that, that they will be asking you to send proof of the approval. Yes, we know it's inside the same organization, the USCIS, but because these petitions get separated, we may need to provide that approval, so the P-1S, it's approved as well.

ANNA: Every time we get an RFE people, we put that RFE in the list of things that we have to provide for the next visa, right Jime?

JIMENA: Yes. So, Anna, why don't we just go together through all of these general requirements that you will find in the USCIS website for sure, explained in a different way, so we're going to try to list them and talk about them in words that we can all understand and follow.

So, the main form that goes along with all of these visas is the form I-129. This requires you to fill out basic information and specific information about the company, but also each beneficiary included in the petition, and the information about the petitioner.

ANNA: I wanted to add to that the form I-129 is the general filing form that you need for all visas. This form, when you look at it, will have all of these attachments for all of the types of visas. Now, you do not need to submit the entire form when you submit your application for a P-1 or an O-1 or a P-2 or an O-2 or a P-3, you only have to submit the first pages, which provides with the general information and then the attachment specific to your visa application.

So there is the P and O attachment, which are actually the same, are the attachments that we provide referring to and that we use for all of our visa application.

JIMENA: There is no way to save all of your 10 beneficiaries in one form. It's only two pages. You will just have to re save this form several times with two people at a time In terms of what you need for beneficiaries, you're going to need to provide that page that is called "attachment one" with the personal information for this person. You're going to have to include a passport scan of that personal information, the biographical information, where you see the photo, the date of birth, when is your passport expiring and when it was issued, that exact page. You're going to include any past visas in the same category that you're applying for, for example, P-1 visas, any old P-1 visas that you have, please scan those and include them. And at some point in the form, I-129, they ask you if you've had J-1 visas. We're not going to get into the details about what a J-1 visa is, but usually it's an exchange or a student visa, kind of category visa. The person who has had one, they will know. That's all you need to understand.

You're going to include a resume or a CV and you've got to show in there how long you've worked with this company specifically, or your artist has been part of your company. And you're going to include a contract or engagement letter showing how you're engaging this specific beneficiary to be part of this tour, you're paying the person, for how long, who's taking care of any kind of insurance, per diem, as many details as you can include as like a job agreement.

ANNA: This is really your employee agreement, basically.

JIMENA: Correct.

ANNA: Your employer employee agreement when you hire your crew and cast. To go on. So basically we will have to include in the application the exact itinerary of the tour. So the tour, whether the tour includes one date or whether the tour includes 15 dates. You would have to include the exact itinerary, so the dates of the shows for every single engagement. And attached to that, we will have to provide agreements, so contracts, engagement contracts. For each engagement, we will

have to have signed a binding document that is either a deal memo or an actual contract with the venue. And that has both signatures of the venue and either the petitioner, the agent or the company.

On top of all this, because we as agents apply for the visas for our artists, we provide also the representation agreement, which is the agreement that we make with our artists saying all of the details of how our representation works.

JIMENA: Depending on the kind of visa, we're going to have to include union letters, as we were talking about those. If we have requested it to AGMA, Fractured Atlas, IATSE, or any other service organization, you will include the specific one for performers or support personnel. And in the case of the P-1S or any support personnel visa, for sure you have to include letters of recommendation for each beneficiary from an expert that has worked with them, or they have known them for a while, explaining how or why they're experts in the field and how they know this person is key and critical to this specific tour.

ANNA: I'm going to add to that that the letters of recommendation are also very, very, very important in the case of O-1 and O-2 visas. The O-1 is for individual with extraordinary ability. The letter of of recommendation on that particular petition are one of the most important pieces of information you want to include.

JIMENA: Yes, and also as part of your packet, Anna, we need to include press, articles, anything coming from major publishing organizations, institutions, media that can show where you have performed, your touring history, that you've been part of that festival, ideally international festivals, international press. And yes, national press is good and yes, local press works. But again, what we are trying to prove here is that you are internationally recognized. If you haven't been on an international tour, meaning going out of your own country, we need to provide more and more proof that you have been recognized and you're well known just outside of your backyard.

ANNA: Now, we live in a time where we're lucky enough that Google translates most of the articles that are found online. If the press that you have available comes from media, or maybe you have them on paper, and so you have to provide copies of those and so they're not already translated, you will have to translate the articles.

In the past, we have highlighted the parts of the articles that were really important and talking about the extraordinary ability and the international recognition of the company and we have translated those sections. But all the documentation that you provide will have to be translated into English.

JIMENA: And if you're providing press in a different language that is not English, you have to provide both. The original one and the translation which is very important so they can prove or they can check that you are not making it up and it's real. What we've been doing is like we we create a list of these press articles and awards we're providing. We add a short description of what kind of press or media this is and their circulation numbers. Sometimes, if we can't include proof of that circulation, so again, we're not making anything up, we have a way to show that this is all real because they are interested in knowing how many people were aware or have read this piece of news article, or have listened to these radio interview or have seen this TV segment or something like that it is the best way to prove this.

If you haven't started collecting any press articles that you've been part of, this is the time to get your hands on them, and have a file, and scan them, because, yes, you're going to need them if you're trying to work and travel and tour in the U.S. or any other country.

ANNA: Just a side note, if most of the press that you have is television press and video-based press, you will have to provide screenshots and a transcript of what is being said because all of the proof that you can provide is on old-school paper as you cannot provide anything that is digital or a link or a video.

By experience, we know that when we submit the paperwork, the four pounds of paperwork that we sent to the USCIS, we want to be as organized as possible so that the officer that reviews your application doesn't have to scramble to go through the paperwork. So, what you want to do is to put a package together that has all of the documentation, in line and that has a cover letter that describes the content of your package. Start a cover letter saying, Hi, this is the application for this company or this group. Here's what you're going to find in this package, the I 129, the check, the union letter, the press, the contract. So when you list all of the content of your package, just make sure that this list corresponds to the order your paper is in.

When you write a check to the USCIS and you put it on top of your package, we suggest that you enclose this check in an envelope that is not sealed. You write on top of the envelope check enclosed so that they know that they're gonna find a check in there and that they have to look for the check in there.

It's a rule, you cannot staple any paperwork, but you can use paperclips. So, to keep the contracts together, for example, to keep the press together, we suggest that you just put everything in order and you paperclip it. Do not staple anything.

If you have to file two petitions together, P-1 and P-1S, we suggest that you separate those two packages. You include two cover letters that you separate and you put on top of the checks in two different envelopes, but that you send and ship those two applications in the same FedEx package. You really want to make sure that you send them both at the same time, but that they are enough separated for the USCIS to know that there are two different applications.

JIMENA: We use paperclips, we use rubber bands to separate these two packets from one another. And we label each of those. So it's clear which one is, for example, a P-1 and which one is a P-1S. We track this envelope, FedEx envelope, to make sure when it was delivered because it help us keep track of that clock and to know, Oh, we haven't gotten a receipt notice, It's been four weeks... Hmm, What happened? Or, It is time for us to understand that our 15 business days of premium processing are up. We should have gotten some kind of notice from them.

We do not recommend sending it regular mail, No, always certified mail that is going to tell you when it was delivered because this is confidential information about you and your beneficiaries, and sensitive information and you need it to get approved so just be on the safe side and yes pay a little extra but it's totally worth it.

The one last recommendation we're going to give you is be patient. Be detail oriented. Always have someone else to look at your work. There are human mistakes. It's always great to have a second set of eyes checking what you've done. Even if you have spent -tons of hours looking at the same document. It's always good to have someone reviewing it one last time- because this is going to save you time, money, and

ANNA: stress,

JIMENA: stress, yes for sure, and you will have accountability of all the stuff you've done and hopefully your approval is going to come sooner or at least it's not going to be delayed.

ANNA: Always sign every single visa document with a blue pen.

JIMENA: Yes, thank you. They still require signatures with ink and in blue to make sure they're real, they're not photocopied.

LAURA: There you have it people. That's a whole lot of stuff. So again, in the glossary there are some really good graphics and lists for you to refer to. I will say,

Oh my God, what is this cost? We're not even going to say it. We're going to point you to the Artists from Abroad website. But here's the thing about the cost. So at a minimum, if you're filing for kind of like your medium scale dance company coming over, you've got two petitions. You have to pay for each petition separately. One is for the performers, One is for the support crew. And then you have to pay for both of those union letters supporting everybody you put on that petition.

So there's filing fees for all of that. And then you have to pay the person who's filing your petitions. Because maybe that's not your representation. Maybe your representation said, Oh yeah, here are some names of people who all they do is file U.S. work visas. The minimum these days my understanding is \$5,000. It's probably upwards of six or seven again I'm speaking to you on May 17th 2024. You could hire a lawyer to file your visa petition. So yes, we're talking about thousands of dollars, and we haven't even talked about the costs on your end, because all of those interview appointments, they all cost money. Last we checked, most of the countries, for the companies we represent, that cost is about 200 to 300 dollars per interview appointment. And then what if you have to travel to the consulate and the embassy to have that interview? And then, you're not going to get the passport that day. The passport isn't going to be given to you with that visa for maybe two weeks. All of this adds up to money.

ANNA: And since we're talking about money, this really goes back to our previous conversation about making your budget and you really want to make sure that you have checked all of the visas fees before making up your budget and before making up and constructing your touring fees. Because your touring fees will have to cover all of this incredible amount of money that you will have to spend on visas, which are not just important, but essential part of your travel.

LAURA: This all goes back to the question, So you want to tour in the United States? All right, well, this is what it's going to cost. These are the costs of doing business in this country. And this is the part where when I'm asked to teach about international touring, that is honestly, one of the first questions I ask is, do you really want a tour in the United States? Because wow, it's going to cost you money. It's really not easy. It's not easy for us to get those tours, to get those contiguous dates in place. It's a lot of work for us to get you up to speed on everything Jimena needs to make the argument, to get that visa without any trouble. The time it takes, you've heard about the clock and the production schedule involved.

We're not saying it doesn't happen. We tour international artists into the U.S. every single year. It does happen. And it's a lot of work, and it's a lot of labor, and we wouldn't do it if we didn't love the work so much, and if we weren't ready to jump in front of trains for all of our artists and frankly the venues too, because the

presenters are living with this challenge as well, because when things start to go wrong in the visa process, we're on the phone with them saying, Oh, we got a problem here, Joe. And then they're suffering along with us. So this is hard work, not insurmountable. We get visa approvals every time, but as we say in the office, we age 10 years with every application we put in because it really does feel like that.

ANNA: I know we gave a lot of information. To summarize, there are two major parts of the visa application process. One happens on the petitioner's side, which happens in our case, in our office, here in the U. S. It is the filing process for a visa to the USCIS that is the first step of the process, which is all of the work that we have to do, filling the I 129 forms, providing all of the information about the beneficiaries, providing all of the information to prove the international visibility of a company, requesting the letter of support from the unions, and then dealing with the RFEs if we receive one.

Once we have the approval notice, then we go into the second major step of the visa application process, which is what the artist has to do in their own country, which is filling out every individual's DS-160 form to request a visa appointment to their consulates or embassy. As part of that process, there is the physical going to the embassy and having the interview at the consulate or embassy and leaving the passport for the amount of time that they need to get the visa actually stamped on your passport. As part of this major second step, of course, there's the travel and the going through the port of entry of the U.S.

JIMENA: All of the resources and links and everything that we created to include with this episode, you are going to find both in English and Spanish as resources and guides for you to be able to follow everything we've mentioned in a, hopefully in a language that might be easier for you to understand. Anna and I, we both speak Spanish, and I'm a Spanish native speaker, so we know the importance of understanding and we hope that this is helpful to you as well.

ANNA: Last but not least we have received in the past requests for consultations or for you know a chat on the phone about visa applications that are not from our roster of artists. We at Elsie have an incredible amount of work to do for our roster and we prioritize that, but if you are ever unsure whether you have enough material to be able to provide an application and make a case for yourself or your group or for your international group, we are happy to offer that kind of consultation, and to put a couple of extra eyes on the material just to let you know if you have enough material to make a case or you will have to work some more and do more research.

JIMENA: And to inquire about a fee for a consultation you can contact us via our website.

LAURA: Thank you so much for joining us. Please refer to the glossary for all the up to date information. If you're listening to this and it's not August of 24, this information is old, already. So please go to the websites you see in the glossary. We are not lawyers, did I say that? We're not lawyers, people. We're just arts workers who have been processing U.S. work visas for almost two decades. We've learned a couple of tricks along the way. We hope this is helpful for you as you even consider this.

You know what I'm going to say next, which is there's a show out there, dying for you to be in that audience. So go find yourself a ticket, go see a live show, drop me a line. Let me know what you thought. We'd love to hear from you. Until next time.

(Fade out with jazz music by Manual Cinema)