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# Show Cancelled!

## *A Performing Artist's Immigration Nightmare*

**Y**our four-piece rock band has been performing at local venues and touring regionally for the last two years. Invitations to play in the US start coming in after your debut CD receives much acclaim. Elated by how charmed your local success has been, you decide it is time to start planning your first international tour. A series of US concerts is booked and local media is contacted for promotion and potential interviews.

You now turn your thoughts to the band's US visa applications. Based on your research, you understand that regardless of your length of stay in the US, a visa is required and applications could take a few weeks to several months to process. Twelve weeks later, you receive only three out of the four visas applied for. You discover your vocalist has a conviction for possession of marijuana and, consequently, her visa application has been refused. The tour can not go forward without her, so you begin to research the options to overcome this unforeseen obstacle.

You learn a US waiver is required and that these applications require an extensive amount of supporting documentation, taking four to nine months to process. You conclude it is unrealistic for your vocalist to obtain a waiver in time for the tour and you have no choice but to cancel the scheduled shows. You are devastated by the fact that you have burned bridges with the venues that took a chance on you and wished you had had more information and expert guidance on the immigration implications of planning a US tour.

Post 9/11, musicians cancelling shows due to "visa issues" has occurred with increased frequency even though non-immigrant entertainment visas – the O and P visa classes – have remained fundamentally the same. Issues may arise for entertainers due to criminal convictions, mistaken identity, or lengthy processing times. In any one of these scenarios, artists stand to lose a great deal because, in order to begin the US visa application process, you would have already had to schedule the show dates and started to sell tickets. Given

what is at stake, before booking a US tour, it is worthwhile to seek the advice of a professional who can guide you on the appropriate visa application given your unique needs and goals as well as how to overcome any challenges which could potentially arise.

In general terms, the O-1 visa is for individuals with "extraordinary ability in the arts" who have risen to the top of their field in the arts or motion picture and television production. Applicants must meet a number of very specific criteria in order to demonstrate their ability and reputation. O-1 visas are generally issued for the duration of the event or activity, with a maximum length of three years, and extensions granted in one-year increments.

P-1 visas are for entertainment groups (two or more performers) who are internationally-recognized and who seek entry to the US to perform at a specific event. Specific criteria concerning the length of time the group has been performing together, international achievements, and commercial success must be established. P-1 visas are generally issued for the duration needed to complete the event or performance and are not to exceed one year. Extensions may be granted for one year at a time in order to continue the activity for which one was originally admitted.

With all of these options, the challenge comes in interpreting the various visa categories and convincingly arguing their application in your particular case. There is often more than one way for performing artists to enter the US, so the key is to know which one is most likely to be successful. While music venues in the US want to keep their doors open to international acts, they have no control over whether artists have their immigration needs in place in a timely manner. This leads to stress and reluctance on the part of venues to book musicians without a track record of recent and successful entry. Hiring specialists to handle the complexities of entry into the US is a worthwhile investment benefiting artists, venues, promoters, and the fans.