

Supporting Cultural Exchange and Visas for International Artists

Najeen Lee, League of American Orchestras

April 30, 2020

Cultural Exchanges through the U.S. Department of State

Background

The Bureau of Educational and Cultural Affairs (ECA) at the State Department is responsible for the public diplomacy activities of the United States, including international cultural exchange programs.

Within ECA, the Cultural Programs Division (CPD) focuses on cultural diplomacy, exchange, and collaboration by sharing the rich artistic traditions of the United States. The CPD provides grant opportunities to U.S. nonprofits for cultural exchange activities.

CULTURAL EXCHANGES THROUGH THE U.S. DEPARTMENT OF STATE
Policymakers Agree Cultural Exchange = Benefits

- Cultural exchange enhances international understanding.
- Increased funding and operational capacity for the Cultural Programs Division will strengthen exchange and collaboration in the arts and culture fields that build bridges among people of different countries, cultures, and faiths.
- Cultural exchange supports U.S. industry and employment.

CULTURAL EXCHANGES THROUGH THE U.S. DEPARTMENT OF STATE

Threats to the State Department

- The Administration's budget proposal has repeatedly included cuts to Educational and Cultural Affairs, such as a proposal to cut \$391M last year.
- Congress has shown bipartisan appropriations support in recent years; despite proposing cuts to the budget for exchanges, they have supported the programs through appropriations.

CULTURAL EXCHANGES THROUGH THE U.S. DEPARTMENT OF STATE

What we are requesting...

We urge Congress to:

- Appropriate \$115 million to the Office of Citizen Exchanges within the State Department's Bureau of Educational and Cultural Affairs within the FY 2021 State and Foreign Operations appropriations bill.
- Direct the State Department to dedicate increased resources to, and increase operational capacity within, the Cultural Programs Division to strengthen its ability to oversee grants and programs.
- Encourage the State Department to evaluate and publicly report on the impact, value, and success of arts diplomacy as part of its strategies to build cross-cultural understanding.

CULTURAL EXCHANGES THROUGH THE U.S. DEPARTMENT OF STATE

What are these programs?

Application-Based Exchange Programs

Funds U.S. nonprofit organizations, arts groups, and individuals for exchange programs in the arts, arts management, and arts education. Programs include American Music Abroad. Application details for each program are available on the State Department website.

Arts Envoy Program

Provides financial support to U.S. embassies to bring American arts professionals, including performing and visual artists, poets, playwrights, theatrical and film directors, curators, and others overseas to conduct workshops, give performances, and mentor young people.

Individuals and groups are selected by U.S. embassies in collaboration with the Bureau of Educational and Cultural Affairs.

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Chris Van Hollen (MD)

Improving the Visa Process for International Guest Artists at USCIS and the State Department

IMPROVING THE VISA PROCESS FOR GUEST ARTISTS

What we're asking...

We urge Congress to:

- Reintroduce and enact the Arts Require Timely Service (ARTS) provision, which would require U.S. Citizenship and Immigration Services (USCIS) to ensure timely processing for visa petitions filed by, or on behalf of, nonprofit arts-related organizations by simply ensuring enforcement of current statutory requirements.
- We further call ask Congress to take steps, in cooperation with the Administration, to make immediate improvements at USCIS and State Department so that artist visa processing will be accessible, reliable, and efficient.

IMPROVING THE VISA PROCESS FOR GUEST ARTISTS

Background

U.S.-based arts-related organizations must obtain the appropriate visas when engaging international guest artists (O & P classifications).

The visa process itself comprises three main steps:

1. U.S. Organization Sends Petition to U.S. Citizenship & Immigration Services (USCIS)
2. Guest Artist Visa Processing Abroad at U.S. consulates (U.S. Department of State)
3. Passing through U.S. Customs & Border Protection upon entry

IMPROVING THE VISA PROCESS FOR GUEST ARTISTS

Background (*continued*)

- Petitioners can file up to one year in advance.
- Why file so far ahead of time?
- Premium Processing Service (PPS)
 - Began in June 2001
 - Cost & effect on processing times

IMPROVING THE VISA PROCESS FOR GUEST ARTISTS

Congress and USCIS

- Congress' original mandate for visa processing was for 14 days.
- The arts community has met numerous times with USCIS
 - 2010: USCIS pledged to meet the 14-day goal and make significant improvements to the quality of artist visa processing. They have publicly affirmed this pledge several times since then.

IMPROVING THE VISA PROCESS FOR GUEST ARTISTS

Key Talking Points

- The ARTS provision has a strong history of bipartisan support!
- The inconsistency of the U.S. visa process for foreign artists has extremely harmful results for everyone:
 - The U.S. employer, the guest artist, U.S. artists who were to perform alongside the guest, and U.S. audiences.
- Immediate assistance is needed to improve the artist visa process. Congress recognized the time-sensitive nature of arts events when writing the 1991 federal law.

IMPROVING THE VISA PROCESS FOR GUEST ARTISTS

Recent and Current Progress

- The ARTS provision was last introduced two years ago by long-term champions Sens. Orrin Hatch (R-UT) and Patrick Leahy (D-VT). It was successfully included in three Senate comprehensive immigration reform bills and was passed as a standalone measure by the full House of Representatives in 2008.
- August 2012: USCIS extended P-1B eligibility for individual foreign guest artists performing as part of a U.S.-based group.
- July 2010: USCIS promised **processing times for regularly-filed artist visa petitions will not exceed 14 days** and that significant improvements to artist visa processing would soon be underway.

IMPROVING THE VISA PROCESS FOR GUEST ARTISTS

Current Status

- In light of the COVID-19 pandemic, USCIS is still processing petitions but delays are exceeding six months at California Service Center and three months at Vermont Service Center.
- PPS has been temporarily suspended, and the USCIS webpage on Traditional Expedite was updated on May 10, 2019, revealing that three prior grounds for an expedite request were removed: “extreme emergencies,” **“nonprofit entities seeking to further the cultural and social interests of the U.S.”**, and “compelling interests of USCIS.”
- As of March 20, the Department of State posted news of temporarily suspending routine visa services at all U.S. Embassies and Consulates.

IMPROVING THE VISA PROCESS FOR GUEST ARTISTS

COVID-19 Asks

- That USCIS facilitate the amending the validity periods of currently pending O and P petitions for performing artists classifications; allow already-approved O and P petitions to amend validity dates due to tours and engagements forced to reschedule due to the pandemic; to resume PPS for O and P arts visas as soon as possible; and to commit to reinstating the “traditional expedite” for petitions filed on behalf of U.S. non-profit arts organizations.
- That the U.S. Department of State allow for adjustment of visa validity dates to accommodate rescheduled tours and engagements of O and P guest artists.
- That both USCIS and the State Department adopt immediate policy changes to make artist visa processing more accessible and reliable.

HOUSE COMMITTEE ON THE JUDICIARY

Democrats (24):

Jerry Nadler (NY-10), Chair

Mary Gay Scanlon (PA-5)

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Sheila Jackson Lee (TX-18)

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Hakeem Jeffries (NY-8)

David Cicilline (RI-1)

Eric Swalwell (CA-15)

Ted Lieu (CA-33)

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Pramila Jayapal (WA-7)

Val Demings (FL-10)

Luis Correa (CA-46)

Sylvia Garcia (TX-29)

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Jim Jordan (OH-4), Ranking Member

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Ken Buck (CO-4)

John Ratcliffe (TX-4)

Martha Roby (AL-2)

Matt Gaetz (FL-1)

Mike Johnson (LA-4)

Andy Biggs (AZ-5)

Tom McClintock (CA-4)

Debbie Lesko (AZ-8)

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Mike Crapo (ID)

John Kennedy (LA)

Marsha Blackburn (TN)

Democrats (10):

**Dianne Feinstein (CA),
Ranking Member**

Patrick Leahy (VT)

Richard J. Durbin (IL)

Sheldon Whitehouse (RI)

Amy Klobuchar (MN)

Chris Coons (DE)

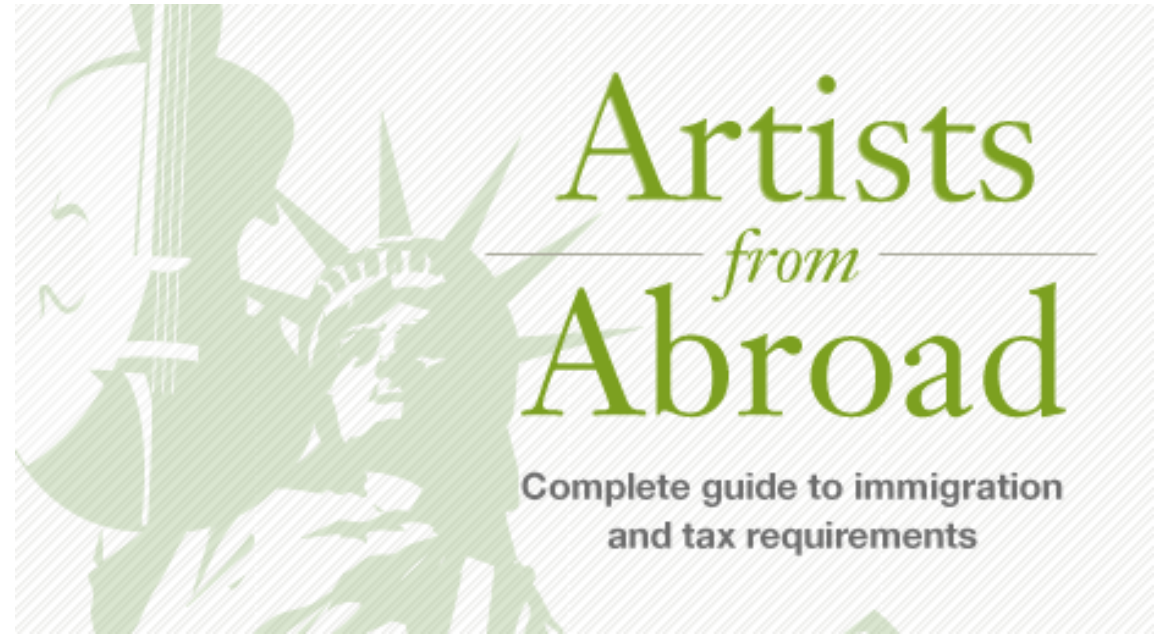
Richard Blumenthal (CT)

Mazie Hirono (HI)

Cory Booker (NJ)

Kamala Harris (CA)

For assistance with
the O and P process,
please visit:
artistsfromabroad.org



Questions?

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