

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

ACTION NEEDED

We urge Congress to

- **Enact the Arts Require Timely Service (ARTS) Act, H.R. 1785 and S.1409, which will require U.S. Citizenship and Immigration Services (USCIS) to reduce the total processing time for petitions filed by, or on behalf of, nonprofit arts-related organizations to a maximum of 45 days.**
- **We further call on Congress and the administration to persuade USCIS to take immediate administrative action to improve the artist visa process.**

TALKING POINTS

- **Immediate assistance is needed to improve the artist visa process.** Passage of the Arts Require Timely Service (ARTS) Act would ensure USCIS action. Meanwhile, the agency's current authority permits immediate policy changes that will improve the artist visa process. USCIS can make immediate changes to the artist visa process to remedy the delays, cost, and uncertainty that is currently a barrier to international cultural exchange. Improvements at USCIS—including shortening processing times and improving the accuracy of the petition process—can make an instant, measurable impact on improving the climate for international cultural activity.
- **The ineffectiveness of the U.S. visa process for foreign artists has extremely harmful results.**
 - *When foreign artists are unable to come to the United States, the American public is denied the opportunity to experience international artistry.* Performances and other cultural events are date-, time-, and location-specific. 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.
 - *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, then the many American artists who were scheduled to work along side the guest artist may lose a valuable and much-needed source of income and exposure.
 - *Delays and unpredictability in the visa process create high economic risks for nonprofit arts institutions and the local economies they support.* Nonprofit arts groups must sell tickets in advance, creating a financial obligation to their audiences. Regular visa processing now takes too long for arts organizations to accommodate, directly impacting their bottom line.
- **The ARTS Act has strong, bipartisan support and has been scored a “zero” by the Congressional Budget Office (CBO).** Key House and Senate Judiciary Committee members have signaled bipartisan support for improving the artist visa process, and a provision was included in the 2006 and 2007 comprehensive Senate immigration reform bills. The full House approved a stand-alone version of the measure, H.R. 1312, in April 2008, and the bill was reintroduced in both the House and Senate last year as H.R. 1785 and S.1409. On November 7, 2007 the Congressional Budget Office (CBO) issued a cost estimate for the ARTS Act, stating that the bill would have no significant cost to the federal government.
- **The proposed timeframe for processing O and P visas—the categories used by artists—is eminently reasonable and consistent with security concerns.** Congress recognized the time-sensitive nature of arts events when writing the 1991 federal law regarding O and P visas, in which the USCIS is instructed to process O and P arts visas in 14 days. This mandate has never been implemented by USCIS.

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TALKING POINTS (CONTINUED)

- **Nonprofit arts organizations of all sizes cannot afford the \$1,000 premium processing fee, leaving them to await the unpredictability of regular visa processing.** Nonprofit arts organizations from all regions of the country and in communities of all sizes engage foreign guest artists. The premium processing fee reduces the amount of money available for a production/performance and represents a significant portion of an organization's operating budget and costs.
- **Global cultural exchange is important now more than ever.** American nonprofit arts organizations provide an important public service by presenting foreign guest artists in performances, educational events, and cultural programs in communities across the country. The United States should be **easing the visa burden** for foreign guest artists, not increasing it. The 2009 report from New York University's John Brademas Center for the Study of Congress, "Moving Forward: A Renewed Role for American Arts and Artists in the Global Age," calls for passage of the ARTS Act.

BACKGROUND

Delays by U.S. Citizenship and Immigration Services (USCIS) are making it increasingly difficult for international artists to appear in the United States. Nonprofit arts organizations confront long waits and uncertainty in gaining approval for visa petitions for foreign guest artists. These delays began in June of 2001 (prior to September 11), when USCIS adopted a Premium Processing Service, guaranteeing processing within 15 calendar days at an **unaffordable cost** for most nonprofit arts organizations—**\$1,000 per petition**.

Prior to creation of the Premium Processing Service, regular O and P visa processing took an average of **45 days**. The O category is used by individual foreign artists, and the P category is used by groups of foreign artists, reciprocal exchange programs, and culturally unique artists. For those unable to pay the \$1,000 premium processing fee, regular processing times have varied between **45 days–six months**. In addition to lengthy processing times, inconsistent policies in processing artist visa petitions result in delays, expense, and unwarranted requests for further evidence.

Under the Arts Require Timely Service (ARTS) Act, the total processing times for O and P arts-related visa petitions would be reduced to a maximum of 45 days by requiring USCIS to treat as a Premium Processing case (15-day turn around), free of additional charge, any arts-related O and P visa petition that it fails to adjudicate within 30 days.

In both 2006 and 2007, the Senate approved the above provision as part of their Comprehensive Immigration Reform Act bills and on April 1, 2008, the full House approved the Arts Require Timely Service (ARTS) Act. The Arts Require Timely Service Act, S. 1409, has been re-introduced in 2009 by Sens. John Kerry (D-MA) and Orrin Hatch (R-UT). Rep. Howard Berman (D-CA), and eight other bipartisan co-sponsors have introduced the Act in the House, HR. 1785. Congress must now commit to passage of the artist visa provision.

Numerous members of Congress, including members of the House and Senate Judiciary Committees, have already gone on record urging USCIS to improve the visa process for foreign guest artists. The following members of the Senate and House are leading congressional efforts to improve the artist visa process:

Senators

Dianne Feinstein (D-CA)
Orrin Hatch (R-UT)
Patrick Leahy (D-VT)
John Kerry (D-MA)
Charles Schumer (D-NY)
Arlen Specter (R-PA)
Sheldon Whitehouse (D-RI)

Representatives

Howard Berman (D-CA)
Marsha Blackburn (R-TN)
Howard Coble (R-NC)
John Conyers (D-MI)
Louie Gohmert (R-TX)
Luis Gutierrez (D-IL)
Zoe Lofgren (D-CA)
Dan Lungren (R-CA)

Michael McCaul (R-TX)
Jerrold Nadler (D-NY)
Linda Sanchez (D-CA)
Adam Schiff (D-CA)
James Sensenbrenner (R-WI)
Lamar Smith (R-TX)
Maxine Waters (D-CA)
Anthony Weiner (D-NY)

HOUSE COMMITTEE ON THE JUDICIARY

United States House of Representatives
2138 Rayburn House Office Building, Washington, DC 20515
Tel: (202) 225-3951, Fax: (202) 225-7680
www.house.gov/judiciary

The House Committee on Judiciary has jurisdiction over all legislative matters relating to the administration of justice in Federal courts, administrative bodies, and law enforcement agencies, including U.S. Citizenship and Immigration Services (USCIS).

Democrats (23):

John Conyers Jr. (Michigan-14), Chair

Howard L. Berman (California-28)
Rick Boucher (Virginia-9)
Jerrold Nadler (New York-8)
Robert C. Scott (Virginia-3)
Melvin Watt (North Carolina-12)
Zoe Lofgren (California-16)
Sheila Jackson-Lee (Texas-18)
Maxine Waters (California-35)
Bill Delahunt (Massachusetts-10)
Stephen I. Cohen (Tennessee-9)
Hank Johnson (Georgia-4)
Pedro Pierluisi (Puerto Rico-AL)
Michael Quigley (Illinois -5)
Judy Chu (California-32)
Luis V. Gutierrez (Illinois-4)
Tammy Baldwin (Wisconsin-2)
Charles A. Gonzalez (Texas-20)
Anthony Weiner (New York-9)
Adam B. Schiff (California-29)
Linda Sanchez (California-39)
Debbie Wasserman-Schultz (Florida-20)
Dan Maffei (New York-25)

Republicans (16):

Lamar Smith (Texas-21), Ranking Member

F. James Sensenbrenner Jr. (Wisconsin-5)
Howard Coble (North Carolina-6)
Elton Gallegly (California-24)
Robert W. Goodlatte (Virginia-6)
Dan E. Lungren (California-3)
Darrell E. Issa (California-49)
J. Randy Forbes (Virginia-4)
Steve A. King (Iowa-5)
Trent Franks (Arizona-2)
Louie Gohmert (Texas-1)
James D. Jordan (Ohio-4)
Ted Poe (Texas-2)
Jason Chaffetz (Utah-3)
Tom Rooney (Florida-16)
Gregg Harper (Mississippi-3)

SENATE COMMITTEE ON THE JUDICIARY

United States Senate
224 Dirksen Senate Office Building, Washington, DC 20510
Tel: (202) 224-7703, Fax: (202) 224-9516
<http://judiciary.senate.gov>

The Senate Committee on Judiciary has jurisdiction over all legislative matters relating to the administration of justice in Federal courts, administrative bodies, and law enforcement agencies, including U.S. Citizenship and Immigration Services (USCIS).

Democrats (12):

Patrick J. Leahy (Vermont), Chair

Herb Kohl (Wisconsin)
Dianne Feinstein (California)
Russ Feingold (Wisconsin)
Charles E. Schumer (New York)
Richard J. Durbin (Illinois)
Benjamin L. Cardin (Maryland)
Sheldon Whitehouse (Rhode Island)
Amy Klobuchar (Minnesota)
Edward E. Kaufman (Delaware)
Arlen Specter (Pennsylvania)
Al Franken (Minnesota)

Republicans (7):

Jeff Sessions (Alabama), Ranking Member

Orrin G. Hatch (Utah)
Charles E. Grassley (Iowa)
Jon Kyl (Arizona)
Lindsey Graham (South Carolina)
John Cornyn (Texas)
Tom Coburn (Oklahoma)

CULTURAL EXCHANGES THROUGH THE U.S. DEPARTMENT OF STATE

STRENGTHENING TIES BETWEEN THE UNITED STATES AND THE WORLD

ACTION NEEDED

We urge Congress to:

- **Increase funding by \$10 million for the Cultural Programs Division of the State Department's Office of Citizen Exchanges in the FY 2011 State and Foreign Operations appropriations bill. This increase should be designated for the Professional Exchanges and Cultural Grant Program and the Performing Arts Initiative.**
- **Direct the State Department to increase operational capacity within the Cultural Programs Division to strengthen its ability to process and oversee grants and programs.**
- **Direct the State Department to: 1) make information on projects funded through these programs readily available to the public; 2) encourage broad participation in its grant program in support of artistic and cultural exchanges with an emphasis on simplifying the application process; and 3) recruit applicants widely to represent best the opportunities available for freedom of thought and expression in a democratic society.**

Annual Budget for Cultural Programs Division in Millions, FY 2003 to present

Fiscal Year	'03	'04	'05	'06	'07	'08	'09	'10
Cultural Programs Division	2.7	3	4.3	4.7	9.3	8.4	9.1	TBD

TALKING POINTS

- ***Policymakers agree that cultural exchange is critical to our security efforts around the world.***
 - President Barack Obama's arts policy platform states: "Opening America's doors to students and professional artists provides the kind of two-way cultural understanding that can break down the barriers that feed hatred and fear."
 - Secretary of State Hillary Clinton underscored the power of the arts in public diplomacy in a December 2009 speech by stating "I think that artists both individually and through their works can illustrate better than any speech I can give or any government policy we can promulgate that...the right to think and dream and expand our boundaries is not confined, no matter how hard they try, by any regime anywhere in the world. There is no way that you can deprive people from feeling those stirrings inside their soul. And artists can give voice to that."
 - U.S. Senate Foreign Relations Committee Ranking Member Sen. Richard Lugar (R-IN) called for increased cultural diplomacy in his February 2009 article in *Foreign Policy*: "As part of a broader overhaul of its public diplomacy effort, the United States should reinvigorate the old American Centers concept...[and] support active cultural programming...America's best players in public diplomacy have always been its people and its ideas."
 - Public diplomacy is among the Government Accountability Office's list of 13 urgent issues that require the attention of President Barack Obama.
 - Vice President Joe Biden has stated that "cultural exchanges can help erase borders of hostility and build a stronger foundation of broader and deeper understanding among peoples."
- ***Increased funding and operational capacity for the Cultural Programs Division will strengthen exchange and collaboration in the arts and cultural fields that build bridges among people of different countries, cultures, and faiths.***
 - A May 2006 evaluation of the State Department's Jazz Ambassadors Program found that more than 90 percent of embassy staff agreed that the program is effective in extending the reach of traditional diplomacy and providing alternative venues for policy dialogue.
 - A July 2005 assessment of U.S. state-based international exchange programs sponsored by the State Department revealed that among survey respondents, 98 percent of foreign exchange visitors gained a better understanding of the United States and its people. Similarly, 87 percent of foreign exchange hosts reported gaining knowledge about the country and culture of the foreign exchange visitor.
- ***Recent studies make a strong argument for strengthening cultural exchanges and cultural diplomacy efforts.***
 - A review of 29 studies on public diplomacy in 2005 identified the most popular recommendation for public diplomacy reform was to increase U.S. exchange programs. The studies were compiled by the nonpartisan Congressional Research Service.

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TALKING POINTS (CONTINUED)

- An October 2009 report by the John Brademas Center for the Study of Congress called for America to have a renewed role in cultural exchange and cultural diplomacy. “To these ends, [the] report recommends that international arts and cultural exchanges be integrated into the planning strategies of U.S. policymakers as a key element of public diplomacy. History has proven that a robust public diplomacy is essential to U.S. national security and the promotion of American interests around the globe. The arts community has observed first-hand the value of international artistic exchanges in promoting moderation and tolerance among widely diverse religious and cultural groups.”
- ***International cultural exchange carries an economic benefit.***
 - According to the report by the National Governors Association, “How States Are Using Arts and Culture to Strengthen Their Global Trade Development,” state governments find that incorporating arts and cultural exchanges in their international trade and business development serves to expand trading relationships with other nations and open markets abroad as a complement to more traditional efforts to generate exports.

BACKGROUND

Support for cultural exchange and cultural diplomacy has never recovered from the elimination of the former United States Information Agency (USIA) and the USIA’s Arts America Program. USIA was an independent government agency supporting U.S. foreign policy and interests abroad. Before USIA was dismantled, the agency administered educational and cultural exchanges; international radio, television, and film broadcasting; and extensive information programs.

The Educational and Cultural Affairs Bureau at the State Department is currently responsible for the public diplomacy activities of the United States, including international cultural exchange programs. The Cultural Programs Division is the principal Department of State element focused on cultural diplomacy. The Division’s activities include grant opportunities to U.S. nonprofits for cultural exchange activities; residency, mentoring, and training programs; programs that are carried out overseas by or under the sponsorship of U.S. Embassy public diplomacy offices; and presentations at major international visual arts exhibitions and cultural centers. The Professional Exchanges and Cultural Grant Program provides grants to U.S. nonprofit organizations to carry out exchange programs in the arts, arts management, and arts education. The Performing Arts Initiative provides financial support to U.S. Embassies for presentations of American performing art and artists.

2009 Grant Recipients

Academy for Educational Development

Sports, Cultural and Youth Visitor program

American Association of Museums

2009 Museums and Community Collaborations Abroad Program

Carnegie Hall Society

Emerging Cultural Leader Program

George Washington University

Documentary Filmmaker Fellowship Program

International Relief and Development (IRD)

2009 Fellowships in the Arts: Iraq Museum Residencies Program

Jazz at Lincoln Center, Inc.

The Rhythm Road- American Music Abroad Program

John F. Kennedy Center for the Performing Arts

Cultural Visitor & Fellows Mentoring Programs

Quest: Arts for Everyone, Inc.

One-Time Competition B-Professional, Cultural and Youth Programs

University Film and Video Association

American Documentaries Showcase

University of Iowa

International Writing Program (IWP)

HOUSE COMMITTEE ON APPROPRIATIONS

**SUBCOMMITTEE ON STATE, FOREIGN OPERATIONS,
AND RELATED PROGRAMS**

United States House of Representatives
HB-26 Capitol Building, Washington, DC 20515
Tel: (202) 225-2041

The Subcommittee on Commerce, Justice, State, and Judiciary has jurisdiction over the amount of funding provided to the U.S. Department of State.

Democrats (8):

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Adam B. Schiff (California-29)
Steve Israel (New York-2)
Ben Chandler (Kentucky-6)
Steven R. Rothman (New Jersey-9)
Barbara Lee (California-9)
Betty McCollum (Minnesota-4)

Republicans (4):

**Kay Granger (Texas-12),
Ranking Member**

Mark Steven Kirk (Illinois-10)
Ander Crenshaw (Florida-4)
Dennis R. Rehberg (Montana-AL)

SENATE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON STATE AND FOREIGN OPERATIONS

United States Senate
127 Dirksen Senate Building, Washington, DC 20510
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The Subcommittee on State and Foreign Operations has jurisdiction over the amount of funding provided to the U.S. Department of State.

Democrats (9):

Patrick Leahy (Vermont), Chair

Daniel Inouye (Hawaii)
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Barbara Mikulski (Maryland)
Richard Durbin (Illinois)
Tim Johnson (South Dakota)
Mary Landrieu (Louisiana)
Frank Lautenberg (New Jersey)
Arlen Specter (Pennsylvania)

Republicans (6):

Judd Gregg (New Hampshire), Ranking Member

Mitch McConnell (Kentucky)
Robert Bennett (Utah)
Christopher Bond (Missouri)
Sam Brownback (Kansas)
George V. Voinovich (Ohio)