

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

ACTION NEEDED

We urge Congress to enact legislation that will reduce the total processing times for O and P petitions filed by, or on behalf of, nonprofit arts-related organizations to a maximum of 45 days.

TALKING POINTS

- *Congress has already indicated strong, bipartisan support for this provision.* Key House and Senate Judiciary Committee members have signaled bipartisan support for this measure, and the provision was included in the 2006 comprehensive Senate immigration reform bill. It is time to enact this non-controversial improvement to the artist visa process.
- *The proposed time-frame for processing O and P visas is eminently reasonable and consistent with security concerns.* Congress recognized the time-sensitive nature of the arts 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.
- *Most nonprofit arts organizations cannot afford the \$1,000 Premium Processing fee, leaving them to await the unpredictability of the regular visa processing.*
- *Delays and unpredictability in artist visa processing:*
 - *deny the American public 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.
 - *cost 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.
 - *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.
- *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. When Secretary Michael Chertoff announced the U.S. Department of Homeland Security's agenda on July 13, 2005, he said, "Our heritage and our national character inspire us to create a more welcoming society for those who lawfully come to our shores to work, learn, and visit."

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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 11th), 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 to six months**. Inconsistent policies in processing artist visa petitions result in delays, expense, and unwarranted requests for further evidence. Current USCIS policy dictates that nonprofit arts organizations are **not allowed to file earlier than six months** before an artist's events, leaving a very small window for visa approval.

There is a continuing risk that foreign guest artists will be unable to enter the United States in time for their engagements, causing financial burdens on nonprofit arts organizations, the international artist, and the local artists that were scheduled to perform alongside the international guest.

The total processing times for O and P arts-related visa petitions should 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.

On May 25, 2006, the Senate approved the above provision as part of their Comprehensive Immigration Reform Act, S. 2611. The artist visa provision was included in a larger package of amendments to the Senate immigration bill (so there is no up-or-down voting record on the specific artist provision). This relief for artist visas found overwhelming bi-partisan support, and several Senators noted below provided crucial leadership that led to success. While debate over the overall immigration reform measure stalled in 2006, 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 Patrick Leahy (D-VT), Edward Kennedy (D-MA), Dianne Feinstein (D-CA), John Kerry (D-MA), Arlen Specter (R-PA), Orrin Hatch (R-UT), John Cornyn (R-TX), and Saxby Chambliss (R-GA); and Representatives John Conyers (D-MI), Zoe Lofgren (D-CA), Howard Berman (D-CA), Lamar Smith (R-TX), James Sensenbrenner (R-WI), Dan Lungren (R-CA), and Louie Gohmert (R-TX).

HOUSE COMMITTEE ON THE JUDICIARY

United States House of Representatives
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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

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Jerrold Nadler (New York-8)
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Zoe Lofgren (California-16)
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Maxine Waters (California-35)
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Steve Cohen (Tennessee-9)
Hank Johnson (Georgia-4)
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Vacancy

Republicans (17):

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Trent Franks (Arizona-2)
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SENATE COMMITTEE ON THE JUDICIARY

United States Senate
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<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 (10):

Patrick J. Leahy (Vermont), Chair

Edward M. Kennedy (Massachusetts)
Joseph R. Biden Jr. (Delaware)
Herb Kohl (Wisconsin)
Dianne Feinstein (California)
Russ Feingold (Wisconsin)
Charles E. Schumer (New York)
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Benjamin L. Cardin (Maryland)
Sheldon Whitehouse (Rhode Island)

Republicans (9):

Arlen Specter (Pennsylvania), Ranking Member

Orrin G. Hatch (Utah)
Charles E. Grassley (Iowa)
Jon Kyl (Arizona)
Jeff Sessions (Alabama)
Lindsey Graham (South Carolina)
John Cornyn (Texas)
Sam Brownback (Kansas)
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 FY08 State and Foreign Operations appropriations bill. This increase should be designated for the Professional Exchanges and Cultural Grant Program, currently funded at about \$4 million.

TALKING POINTS

- ***Policymakers agree that cultural exchange is critical to our security efforts around the world. It is time we dedicate increased funding to international cultural exchange.***
 - As Thomas Kean, Chairman of the 9/11 Commission noted, "The United States should rebuild the scholarship, exchange, and library programs that reach out to young people and offer them knowledge and hope."
 - Secretary of State Condoleezza Rice said in congressional testimony, "We need to do much more to confront hateful propaganda, dispel dangerous myths, and get out the truth. We will increase our exchanges with the rest of the world."
 - The Heritage Foundation noted, "Cultural exchanges are part of our first line of defense, helping to bridge ideological gaps and policy disagreements with person-to-person contact and close-up views of the United States. Such programs helped end the Cold War and could have reduced costly complications for America in the global war on terror."
 - Senate Foreign Relations Committee Chairman Joe Biden has stated, "Cultural exchanges can help erase borders of hostility and build a stronger foundation of broader and deeper understanding among peoples."
- ***Increased funding 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. Overall, the evaluation report found that this exchange program has been "enormously successful."
 - A July 2005 assessment of 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.
- ***A Congressional Research Service report declares exchanges are a key public diplomacy tool.***
 - In a September 2005 review of 29 studies on public diplomacy compiled by the nonpartisan Congressional Research Service, the most popular recommendation for public diplomacy reform was to increase U.S. exchange programs.
- ***International cultural exchange carries an economic benefit.***
 - According to a report by the National Governors Association, 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.

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BACKGROUND

State Department cultural exchange program funds are slowly climbing back from a low point of only \$2 million a few years ago, to an estimated \$4 million in FY07. However, funding for cultural exchange has never fully recovered from the elimination of the former United States Information Agency (USIA) and the USIA's Arts America Program. An increased appropriation would expand the State Department's ability to foster mutual understanding between the United States and other countries.

The President's FY08 budget requests an increase of \$61 million for the Bureau of Educational and Cultural Affairs (ECA) at the State Department, for a total of \$486.4 million. However, the budget request does not specify how much ECA should spend on cultural exchanges. Therefore, we ask Congress to direct an increase of \$10 million to the Cultural Programs Division of the State Department's Office of Citizen Exchanges, and substantially increase funding for the Professional Exchanges and Cultural Grant Program.

The ECA Bureau is responsible for the public diplomacy activities of the United States, including international cultural exchange programs. Authorized by the Fulbright-Hays Act, these programs support U.S. foreign policy objectives by assisting in the development of friendly relations with other countries. These programs initiate and maintain critical dialogue that develop and spread mutual understanding between nations. These programs also promote ties between private citizens and organizations in the United States and abroad by presenting U.S. history, society, arts, and culture in all of its diversity to overseas audiences.

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 division evaluates proposed programs and grants on the basis of their artistic merit, sound logistical and administrative measures, and the potential contribution of grant activities to the achievement of U.S. foreign policy objectives.

Recipients of Cultural Exchange Grants, 2004-2006

My Hero Project, Laguna Beach, CA 2006	John F. Kennedy Center for the Performing Arts, Washington, DC 2006	The Silk Road Project, Providence, RI 2005
Film Foundation, Los Angeles, CA 2006	University of Iowa Writing Program, Iowa City, IA 2005, 2006	Tribeca Film Institute, New York, NY 2005
Pegasus Players, Chicago, IL 2006	Appalshop, Whitesburg, KY 2005	UCLA Center for Intercultural Performance, Los Angeles, CA 2004, 2005
Quest: Arts for Everyone, Lanham, MD 2006	Apple Hill Center for Chamber Music, Sullivan, NH 2004, 2005	Intl. Visitors Council, Raleigh, NC 2004
Arts for Change, New York, NY 2006	Bond Street Theater, New York, NY 2005	Ohio Arts Council, Columbus, OH 2005
The AjA Project, San Diego, CA 2006	Brigham Young University, Provo, UT 2005	Institute for Training & Development, Amherst, MA 2005
Arab Community Center for Economic & Social Services, Dearborn, MI 2006	CEC Arts Link, New York, NY 2004, 2005	Jazz at Lincoln Center, New York, NY 2006
	Flushing Council on Culture and the Arts, Flushing, NY 2005	

HOUSE COMMITTEE ON APPROPRIATIONS

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

United States House of Representatives
H-B26 Capitol Building, Washington, DC 20515
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<http://appropriations.house.gov>

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

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Republicans (5):

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SENATE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON STATE AND FOREIGN OPERATIONS

United States Senate
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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 (8):

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Republicans (7):

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