



The cover letter should request an advisory opinion for the mentioned artist/group (or support personnel) with a brief description of the artist/group and the performance/tour it will be presenting. When seeking an advisory opinion for support personnel, a section of the petition should contain a one-page description of the essentiality of the support personnel to the production and brief biographies of each.

In all but the rarest of cases, the union will respond with a brief letter stating it has no objections to the petition for an O or P (or support O/P) approval. The labour consultation is supposed to address the type of work to be done and the artist's ability to carry out that work. Regardless of whether the union letter is positive or negative, it is not considered binding on the INS. If a union does have an objection, it is usually because low wages are being paid to the beneficiary, because there are U.S. workers available to do the job or because the beneficiary does not meet the standards of the visa classification being sought. It is for this reason that you should eliminate unnecessary support personnel for P support personnel petitions.

TIP

When submitting the petition to a union, do not pressure them to expedite your request, and do not call them requesting a status report on your request. They do not react well to this type of pressure.

If you receive a negative consultation, seek the expert opinion of a "non-labour" source that can back up your claim and rebut the union's opinion. Then file the petition with the INS. Non-labour sources include Opera America, American Symphony Orchestra League, Arts Presenters, Chamber Music America, and Dance/USA (addresses follow).

If you are unclear as to which union to obtain a consultation from, call them up. It is advisable to call the union anyway to check what their current procedures are and what materials should be included. Some have their own form to submit together with the other petition materials.

If there is no appropriate union, submit a letter with your petition explaining the situation and requesting a waiver of the labour consultation requirement. In this request for a waiver you must demonstrate that in your opinion, based on your long experience in the field, there is no appropriate labour organization from which to seek an advisory opinion. Attach any non-labour consultation(s) to your letter.

There may also be instances where more than one union must be consulted for the same petition. For example, an O-2 petition (support personnel for an accompanying O-1) may have musicians that fall under the American Federation of Musicians and dancers that fall under the American Guild of Musical Artists.

TIP

Union consultations for O-1 and O-2 petitions are good for two years. Keep the original and submit copies with the INS petitions.

Union response times vary from 1 to 10 days. Some will fax you the consultation letter the day they receive your request; you can then copy the letter, attach it to the INS petition and send the petition off immediately. Others will send a hard copy in a week or so.

Canadian musicians and actors can work directly with the Canadian branches of the American Federation of Musicians and Actors' Equity for consultations.