

.63522830

doc  
CA1  
EA  
98C16  
ENG




# CANADIAN PERFORMERS

HOW TO ENTER  
THE UNITED STATES



Department of Foreign Affairs  
and International Trade

Ministère des Affaires étrangères  
et du Commerce international

Canada 

01011

## Canadian Performers How to Enter the United States

Dept. of Foreign Affairs  
Min. des Affaires étrangères

AOUT 6 2001  
AUG

Return to Departmental Library  
Retourner à la bibliothèque du Ministère

Published by the Department of Foreign Affairs and International Trade

The information in this booklet is in the public domain and can be reproduced without permission.

To obtain additional free copies of this booklet, write to:

**Inquiries Service**

Department of Foreign Affairs and International Trade

125 Sussex Drive

Ottawa, ON K1A 0G2

or call 1-800-267-8376 (in Canada) or (613) 944-4000.

This publication is available in alternative formats upon request.

The Department is on the Internet at: <http://www.dfait-maeci.gc.ca>

Ce document est aussi disponible en français.

© Department of Foreign Affairs and International Trade

June 1998

Cat. No.: E2-171/1998E

ISBN 0-662-26168-2

62167660

The Department of Foreign Affairs and International Trade (DFAIT) would like to thank the following companies and organizations for their assistance in publishing this booklet:

- The Cultural Affairs Section of the Canadian Consulate General, New York
- The Canadian Embassy, Washington, DC
- The law offices of Allen Kaye, New York
- The law offices of Howard Kushner, Niagara Falls, NY and Charlotte, NC
- The U.S. Immigration and Naturalization Service — Vermont Service Center
- Steven Ladik, Dallas, TX
- Jonathan Ginsberg, Washington, DC

## **Contents**

<b>Introduction</b>	<b>4</b>
<b>Where to Start</b>	<b>5</b>
<b>Support Documentation: Explanations and Helpful Hints</b>	<b>6</b>
<b>Visa Classifications for Performing Artists</b>	<b>7</b>
<b>Consultation Requirement</b>	<b>15</b>
<b>Specific Labour Unions</b>	<b>16</b>
<b>Basic and Supplementary Fees</b>	<b>20</b>
<b>Where to File Your Petition</b>	<b>21</b>
<b>Some Further Advice</b>	<b>22</b>
<b>Department of Foreign Affairs and International Trade Publications</b>	<b>23</b>
<b>Canadian Embassy and Consulates in the Unites States</b>	<b>24</b>
<b>Tables</b>	<b>26</b>

## **Introduction**

You are a Canadian performing artist or a member of a Canadian entertainment group in a creative field such as music, opera, dance or theatre, or you are a circus performer. You have just signed a contract with a U.S. employer for a single performance or a tour in the United States. Besides the travel and accommodation arrangements, you need a visa for temporary employment in the United States. So now what do you do?

This booklet outlines the major provisions applicable to foreign performers under the U.S. Immigration Act of 1990 and its amendments and regulations as of July 1997. The entry requirements listed here only summarize basic legal provisions. For a more definitive interpretation of U.S. immigration law and regulations, contact the closest United States Immigration and Naturalization Service (USINS) District Office or Regional Service Center or a U.S. consulate in Canada.

Although every effort has been made to provide current and accurate information in this booklet, changes do and will occur. You and your presenter are encouraged to contact the nearest USINS office or U.S. consulate in Canada for up-to-date information. The USINS Service Center in Vermont has a public information service that you can call at (802) 527-3160.

We would like to receive your comments on this booklet. Was it helpful? Write to DFAIT at the address given on page 1 and let us know what you think.

## Where to Start

You cannot file a "petition" (visa application) on your own behalf. This task must be done by your "presenter" (called your "petitioner" in the Act), that is, your employer, agent or sponsor located in the United States — a person, corporation or entity with a U.S. address and an IRS tax number.

It is up to you, the artist, to furnish your petitioner with the documents required to establish to the satisfaction of U.S. Immigration officials that:

1. you will, in fact, perform in the United States;
2. you meet the standards that apply to the visa classification you are requesting; and
3. your performance is of "distinction" or "recognized internationally" as "culturally unique." With this in mind, as soon as your performance or tour is confirmed, you and your U.S. presenter should begin immediately to put together a file that includes:
  - all documents showing the nature and terms of your performance, including a copy of the contract, the itinerary with exact dates and locations (venues), local advertisements for the performance(s), etc.;
  - all documents that provide evidence that you meet the applicable standards (see "Visa Classifications for Performing Artists," below); and
  - personal information, including your date and place of birth, citizenship status, current residence, and passport number and expiry date.

With this documentation, your presenter should be able to handle the remainder of the petitioning process. This includes obtaining:

- a written advisory opinion from a U.S. labour union (see "Consultation Requirement," below); and
- a Petition for a Nonimmigrant Worker (Form I-129) with related O and P Supplement from the nearest regional USINS Center in the United States (see addresses in "Where to File Your Petition," below).

The completed petition, support documentation and appropriate fees (see "Visa Classifications for Performing Artists" and "Basic and Supplementary Fees," below) should be filed by your presenter up to six months, and never less than 45 days, before the scheduled date of the performance. It will be filed at the USINS Center with jurisdiction over the location of your event.

In the case of a tour involving performances in more than one location, the petition must be submitted to the USINS Center with jurisdiction over the location of your presenter. Be sure that your presenter files your petition as early as possible. Even cases involving only routine processing require anywhere from 15 to 30 days (or longer) to be approved.

After receiving the USINS approval notice from your U.S. presenter, as a Canadian citizen you may simply apply at the U.S. port of entry, armed with the I-797 Notice of Approval from the USINS and proof of your Canadian citizenship. It may also be possible for you to obtain an O or P visa at the U.S. consulate if you wish. A duplicate of the approved petition is sent directly to the particular U.S. port of entry or consulate; your presenter must specify the port of entry on the petition when dealing with Immigration.

### **Support Documentation: Explanations and Helpful Hints**

Keep in mind that, beyond demonstrating to U.S. Immigration officials that you will be legitimately employed in the United States, you are also trying to reassure them of your qualifications. To do this, it is necessary to submit, along with your petition, documented evidence of your accomplishments and artistic ability.

The visa classifications for performing artists listed below indicate the customary types of evidence required for foreigners who wish to perform in the United States. Be sure to provide evidence of your credentials as specified under the visa classification applicable to you. Additional, unlisted evidence may also be submitted, if you feel such evidence demonstrates your accomplishments and artistic ability and is comparable to the types of proof specified.

As are all governments, the United States government is responsible for ensuring and protecting jobs for its work force. United States Immigration law requires that your past performances meet specific regulatory criteria to qualify for the various visa classifications available to performers.

Immigration officials must make sure that you meet the standards that apply to the visa classification you seek. In cases where there is a strike or a lockout in the United States involving artists in your category, there may be a stoppage of visas for foreign replacements.

To assist them in evaluating the merit of your performance and its impact on working conditions, U.S. Immigration officers are required to obtain the opinions of U.S. labour unions (e.g., the American Federation of Musicians (AFM), the Screen Actors Guild, the Directors Guild, etc.). Clearly, this requirement is to your disadvantage (as it was intended to be) unless you are renowned in your particular field. Do not be overly concerned, however, since these opinions are only advisory and visa applications can be approved without the support of labour unions provided that you supply countervailing documentation. When a motion picture or television production is involved, a second consultation from a management association is required.



Remember that you can enhance your application and offset the potential impact of an adverse union opinion if you submit "favourable" opinions (i.e., letters of recommendation) from recognized professional U.S. arts associations, management organizations or individual experts in your particular artistic field. Written advisory opinions from such non-labour sources assist U.S. Immigration officers, who are not always artistically inclined, to evaluate the merit of your ability.

When requesting an advisory opinion, don't be modest. Flaunt your accomplishments and artistic qualities. If you are relatively unknown to American audiences, focus on enhancing your petition by submitting local reviews, articles or other materials that attest to your talent and the quality of your performances. Furthermore, if you belong to an established Canadian entertainment group and have yet to enter the American market due to certain factors that you feel are beyond your control, you may consider requesting a special waiver that relaxes the entrance requirements applicable to your group (see "Waiver from International Recognition Requirement" "P-1 Member of an Internationally Recognized Entertainment Group" and "Essential Support Personnel," below).

Finally, if you are an unknown, but Canadian, musician, you can take advantage of a special provision that virtually pre-certifies your visa approval if you perform within 50 miles of the Canadian border (see "H-2B Musicians to be Employed Within 50 Miles of the Canadian Border," below).

## **Visa Classifications for Performing Artists**

The visa classifications listed here apply to individual performing artists and entertainment groups, as well as their accompanying performers and essential support personnel. Separate petitions are required for each classification.

A completed petition must:

1. indicate the specific visa classification you are requesting;
2. include the related O and P Supplement to Form I-129;
3. be accompanied by a written advisory opinion; and
4. include documented evidence of your, or your group's, credentials and other information as indicated under your particular classification.

- O-1** Individual Artist or Entertainer with a Demonstrated Record of Extraordinary Ability (Distinction) or Achievement.
- O-2** Performer(s) or Essential Support Personnel Accompanying the O-1 Performer of Extraordinary Ability or Achievement.
- P-1** Member of an Internationally Recognized Entertainment Group and Essential Support Personnel.
- P-2** Participant in a Reciprocal Exchange Program Between a Canadian and U.S. Organization and its (or their) Essential Support Personnel from the American Federation of Musicians or Actors Equity.
- P-3** Culturally Unique Performers, Performing Groups, Teachers or Coaches and Essential Support Personnel.
- O-3 and P-4** Accompanying Dependents.
- H-2B** Musicians to be Employed Within 50 Miles of the Canadian Border.

**O-1 *Individual Artist or Entertainer with a Demonstrated Record of Extraordinary Ability or Achievement***

You qualify for an O-1 visa if you have received or been nominated for a significant national or international award such as an Academy Award, an Emmy, a Grammy or a Directors Guild Award, or if you have documented evidence (critical reviews, publication releases, playbills, contracts, etc.) of at least three of the following accomplishments. You have:

1. performed, or will perform, a lead or starring role in a production or event having a distinguished reputation;
2. achieved national or international recognition;
3. performed a lead, starring or critical role for organizations that have a distinguished reputation;
4. achieved major commercial or critical success;
5. received significant recognition for achievements from organizations, critics, government agencies or other recognized experts in the field; or
6. commanded, or now command, a high salary or other substantial remuneration for services in relation to others in the field.

Note that O-1 visas are not only for principal creators and performers, but also for other essential persons who have significant creative input or responsibilities, such as directors; set, lighting and sound designers; choreographers; choreologists; conductors; orchestrators; musical language or other coaches; arrangers; musical supervisors; costume designers; make-up artists; and animal trainers.

An O-1 visa is approved for up to a maximum of three years for a specific performance, film shoot or tour. Extensions for continuing or completing the same activity must be requested on a new I-129 Form and may be approved in one-year increments.

Moreover, there is a special exception for work involving motion picture or television production, where significant production work (including pre- and post-production) is both inside and outside the United States.

**O-2 *Performer(s) or Essential Support Personnel Accompanying the O-1 Performer of Extraordinary Ability or Achievement***

You qualify for an O-2 visa if you do not have a lead, starring or critical creative role, but are nonetheless an integral part of the performance, motion picture or television production. You may also be "essential support personnel" of the O-1 alien performer. You must submit documented evidence demonstrating that you possess "critical skills and experience" based on a long-standing working relationship with the O-1 artist or perform an essential role that cannot be readily performed by other persons.

Note that personnel accompanying performers include back-stage assistants, or essential support personnel such as stage technicians and others who may not qualify for O-1 visas individually.

An O-2 visa petition may include more than one name. The application must be made on a separate petition form from the one used to request the O-1 visa, and it must be submitted to USINS in conjunction with the O-1 visa. The duration of the visa is up to a maximum of three years for the event, specific performance, film shoot or tour. Extensions for continuing or completing the same activity must be requested on a new I-129 Form and may be approved in one-year increments.

**P-1 *Member of an Internationally Recognized Entertainment Group and Essential Support Personnel***

You qualify for a P-1 visa if you are a member of an entertainment group that has received international recognition. You must submit documented evidence that demonstrates "international recognition" along the same lines used to demonstrate extraordinary ability (distinction) or achievement for O-1 individual performers (i.e., documented evidence of at least three significant accomplishments).

You must also submit a written statement listing all the members in your entertainment group and the exact dates during which each member has been employed by the group on a regular basis. As a general rule, 75 percent of your members must have been with the group for at least one year (see "One-Year Relationship Requirement" in the paragraph on special rules, below).

If you are an essential support person to the P-1 or P-3 entertainment group, you must submit a separate petition, together with documented evidence establishing your "essential role, critical skills and experience" in association with the group.

Note that essential support visas must be requested separately from the visas for the main performer(s), but can be approved only in conjunction with the visas for the

main performer(s). There is less of an emphasis on the long-standing relationship between supporter and performer than in the O-2 context.

There are some special rules applicable to P-1 entry.

**Waiver from International Recognition Requirement** You can request a waiver if your group has an outstanding national reputation, and you can demonstrate that certain factors, such as limited access to the news media or geography, have hindered the attainment of recognition outside Canada. This provision is of specific benefit to Canadian performers.

**One-Year Relationship Requirement** You must provide evidence that your entertainment group has been established with 75 percent of its current members for at least one year. However, this requirement may be waived for members who:

1. replace an essential member of the group due to illness or other unanticipated and exigent circumstances;
2. augment the group by performing a critical role; or
3. enter the United States to perform in an integral and essential role as part of a nationally recognized circus act.

When requesting a waiver from either the international recognition or one-year relationship requirement, be sure to support your claim with documented evidence, even written expert opinions if necessary.

A P-1 visa is approved for up to a maximum of one year for a specific performance or tour. Extensions for continuing or completing the same activity must be requested on a new I-129 Form and may be approved in one-year increments.

**P-2 *Participant in a Reciprocal Exchange Program Between a Canadian and U.S. Organization and its (or their) Essential Support Personnel from the American Federation of Musicians or Actors Equity***

You qualify for a P-2 visa if you are an individual performing artist or member of an entertainment group participating in a temporary exchange program between a Canadian and U.S. organization for artists and entertainers (e.g., the American Federation of Musicians and the Actors Equity Association exchange between Canadian and American chapters). The American Federation of Musicians will be the petitioner, and you should contact the Toronto office for details. Actors Equity will provide the necessary exchange documentation for your presenter to submit. You must submit the following documentation:

1. a copy of the formal reciprocal exchange agreement between the U.S. and Canadian organizations;
2. a statement from your particular U.S. sponsoring organization describing the nature of the exchange;
3. evidence that the appropriate U.S. labour organization was informed or has concurred with the reciprocal exchange of U.S. and Canadian artists (see "Consultation Requirement," below); and
4. evidence that the artists and entertainers subject to the exchange agreement possess comparable skills and that the terms and conditions of employment are similar.

If you are an essential support person for the P-2 performer or group, you must submit documented evidence establishing your "essential role, critical skills and experience" in association with the main performer or group (see the section regarding 0-2 accompanying performers, above).

Note that requests for support personnel visas must be filed on a separate form, but submitted in conjunction with the visa(s) for the main performer(s).

A P-2 visa is approved for up to a maximum of one year for a specific performance or tour. Extensions for completing the same activity must be requested on a new I-129 Form and may be approved in one-year increments. Note that the U.S. union may act as the petitioner in P-2 cases.

**P-3 *Culturally Unique Performers, Performing Groups, Teachers or Coaches and Essential Support Personnel***

You qualify for a P-3 visa if you are an individual performing artist or member of an entertainment group coming to perform, teach or coach under a commercial or non-commercial "culturally unique" program. You must submit documented evidence to confirm that you (or your group):

1. have authentic skills in performing, teaching or coaching a unique or traditional art form, as shown by testimonials from recognized experts; or
2. perform culturally unique programs, as shown by published reviews; and
3. will participate only in culturally unique events; and
4. have an appropriate consultation from a labour source.

If you are an essential support person to the P-3 performer or group, you must submit documented evidence establishing your "essential role, critical skills and experience" in association with the main performer or group (see the section regarding O-2 accompanying performers, above).

Note that essential support visas must be requested separately from visas for the main performer(s) but can be approved only in conjunction with the visas for the main performer(s)

A P-3 visa is approved for up to a maximum of one year for a specific performance or tour. Extensions for continuing or completing the same activity must be requested on a new I-129 Form and may be approved in one-year increments.

### **O-3 and P-4 *Accompanying Dependents***

The spouse or child accompanying an O-1, O-2, P-1, P-2 or P-3 performing artist or essential support person qualifies for an O-3 or P-4 visa (depending on the related performer's visa classification). Accompanying dependents need only provide evidence of their relationship to the principal performer at the time of application for the artist's status or visa. (If your dependents are not Canadian citizens and require visas to enter the United States, application should be made to the U.S. Embassy or U.S. consulates in Canada.)

The initial O-3 or P-4 approval period corresponds to that of the principal. However, until further notice, extensions must be requested on an I-539 Form (not an I-129 Form) and may be approved in one-year increments, in conjunction with the extension granted to the related performer.

### **H-2B *Musicians to be Employed Within 50 Miles of the Canadian Border***

If you are going to perform within 50 miles of the Canada-U.S. border, you have the option of applying under a less stringent visa classification rather than under the various O and P categories. The H-2B classification is intended for temporary workers entering the United States "to engage in non-agricultural employment which is seasonal, intermittent, to meet a peak load or need, or a one-time occurrence."

However, the U.S. Department of Labor made special allowances for Canadian musicians by pre-certifying that qualified persons are unavailable along the Canada-U.S. border, and that the admission of Canadian musicians would not adversely affect the wages and working conditions of Americans who are similarly employed. Just as for the other visa classifications, the petition must be filed by your

presenter in the United States using Form I-129 and must be accompanied by documented evidence of your standing as a musician. Your presenter should:

1. complete and clearly indicate on the I-129 Form that you are requesting the H-2B classification;
2. fill out and include the related H supplement; and
3. submit documented evidence (that you should furnish to your presenter) along with your petition outlining your, or your group's, credentials and all other pertinent information (e.g., copy of the contract, itinerary, advertisements, list of band members, etc.).

No consultation is required for this H-2B category.

The H-2B classification is ideal for promising Canadian musicians (including essential support personnel) who wish to showcase their talent in the United States but do not yet qualify for O or P entry.

Note, however, that only 66,000 individual H-2B visas are granted per fiscal year, so you should apply as early as possible. Furthermore, H-2B admission is limited to 30 days. If your services are required for a longer period, your employer must file with the U.S. Department of Labor for the required labour certification before filing the petition.



## **Consultation Requirement**

For reasons mentioned earlier (see "Support Documentation," above), before approving any visa for a foreign performing artist or entertainment group, the USINS consults with American labour unions representing your occupational peers.

To fulfil the consultation requirement and speed up the processing time for your visa, your presenter should submit with all O and P visa petitions a written opinion or no-objection letter from the appropriate U.S. union. The only exceptions are as follows:

- The consultation requirement is waived for O-1 visas if, for the rendering of similar services, you have already submitted a written advisory opinion or if prior consultation has taken place within the last two years.
- If you are applying for an O-1 or O-2 visa to work on a motion picture or television production, you will need a written advisory opinion from an American labour union and from the Alliance of Motion Picture and Television Producers (AMPTP).
- If it is established that no such labour union exists, the USINS will render a decision based on the evidence already on record.

In dire emergency only, and one not of your own doing, you might consider requesting the involved USINS Service Center to obtain the necessary labour consultations. The Vermont Service Center may be reached in advance by telephone; the Northern and California Service Centers require you to take your chances by mail. Do not rely on this procedure if at all possible.

Remember that leaving the USINS with the task of consulting the union can delay the processing time of your visa. It also limits the control you have over the profile of your application. Obtaining the consultation yourself, in advance, enables you to rebut any negative opinions from the union by providing more favourable opinions from distinguished experts or non-union organizations.

## **Specific Labour Unions**

### *For instrumental musicians:*

#### *American Federation of Musicians*

1501 Broadway

Suite 600

New York, NY 10036

Tel.: (212) 869-1330

Fax: (212) 764-6134

#### *American Federation of Musicians of the U.S. and Canada*

75 The Donway West

Suite 1010

Don Mills, ON M3C 2E9

Tel.: (416) 391-5161

Fax: (416) 391-5165

### *For performers in opera, classical concerts, choral concerts, dance and ballet:*

#### *The American Guild of Musical Artists (AFL-CIO)*

1727 Broadway

New York, NY 10019-5284

Tel.: (212) 265-3687

Fax: (212) 262-9088

### *For performers and stage managers in live format presentations:*

#### *Actors Equity Association*

165 West 46th Street

New York, NY 10036

Tel.: (212) 869-8530

Fax: (212) 719-9815

#### *Canadian Actors Equity Association*

44 Victoria Street

12th Floor

Toronto, ON M5C 3C4

Tel.: (416) 867-9165

Fax: (416) 867-9246

*For performers in the film and audio/visual electronic media:*

*Alliance of Canadian Cinema, Television & Radio Artists*

2239 Yonge Street  
Toronto, ON M4S 2B5  
Tel.: (416) 489-1311  
Fax: (416) 489-1435

*Screen Actors Guild*

5757 Wilshire Blvd.  
Los Angeles, CA 90036  
Tel.: (213) 954-1600  
Fax: (213) 549-6801

*American Federation of Television & Radio Artists*

260 Madison Avenue  
New York, NY 10016  
Tel.: (212) 532-0800  
Fax: (212) 532-2242

*Screen Actors Guild*

1515 Broadway  
New York, NY 10036  
Tel.: (212) 944-1030  
Fax: (212) 944-6774

*For directors of cinematography, technical and craft personnel:*

*Association of Canadian Film Craftspeople*

65 Heward Avenue  
Suite 105  
Toronto, ON M4M 2T5  
Tel.: (416) 462-0211  
Fax: (416) 462-3248

*International Alliance of Theatrical Stage Employees & Moving Picture Machine Operators*

1515 Broadway  
New York, NY 10036  
Tel.: (212) 730-1770  
Fax: (212) 921-7699 or  
(212) 730-7809

*International Alliance of Theatrical Stage Employees & Moving Picture Machine Operators*  
7715 Sunset Blvd.  
Hollywood, CA 90046  
Tel.: (213) 876-4770  
Fax: (213) 876-0861

*International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators  
of the United States and Canada*  
c/o CLC Office  
258 Adelaide Street East  
Suite 403  
Toronto, ON M5A 1N1  
Tel.: (416) 362-3569  
Fax: (416) 362-3483

*International Brotherhood of Electrical Workers*  
1125 15th Street, N.W. Washington, DC 20005  
Tel.: (202) 833-700  
Fax: (202) 467-6316

*International Brotherhood of Electrical Workers*  
45 Sheppard Avenue East  
Suite 401  
Willowdale, ON M2N 5Y1  
Tel.: (416) 226-5155  
Fax: (416) 226-1492

*National Association of Broadcast Employees & Technicians*  
7101 Wisconsin Avenue  
Bethesda, MA 20814

*For writers in the film and audio/visual electronic media:*

1) *For productions east of the Mississippi River:*

*Writers Guild of America-East*  
555 West 57th Street  
Suite 1230  
New York, NY 10019  
Tel.: (212) 757-7800  
Fax: (212) 582-1909

**2) For productions west of the Mississippi River:**

*Writers Guild of America-West*

8955 Beverly Blvd. West

Hollywood, CA 90048

Tel.: (310) 550-1000

Fax: (310) 550-8185

***For management consultations for motion picture and television productions:***

*Alliance of Motion Picture and Television Producers*

15503 Ventura Blvd.

Encino, CA 91436

Tel.: (818) 995-3600

Fax: (818) 382-1793

## **Basic and Supplementary Fees (as of December 1994)**

The cost of filing your visa application varies according to the number of accompanying performers and essential support personnel included on your petition(s). There are additional fees for extending your stay and, when applicable, for notifying U.S. consulates abroad or U.S. ports of entry. The total cost of your visa application or extension of stay is determined according to the following basic and supplementary fees (in U.S. dollars):

- A \$75 fee for processing the basic application (on the I-129 Form), plus an additional \$10 per worker on the petition to notify a U.S. consulate or a U.S. port of entry that you are approved for a visa.
- A \$75 fee, plus an additional \$50 fee per worker on the petition, if you request an extension of stay (on an I-129 Form).
- A \$75 fee for an extension of stay for family members (on an I-539 Form), plus an additional \$10 per family member beyond the first family member. (Only related family members may be included on one I-539.) Note that there is no charge for the admission of family members on the original petition.
- If you are in the United States with a valid non-immigrant status that you have maintained, a \$75 fee plus an additional \$80 fee per worker on the petition if you require a change of status.
- A \$30 fee is charged if you request that notification be sent to an additional U.S. port of entry or a U.S. consulate after the initial petition has been filed.

Based on these fees, it would cost \$250 to file a visa application for a Canadian solo performer (on an I-129 Form) that includes three family members other than the performer and a nine-member support crew (i.e.,  $\$75 + \$10 = \$85$  for processing the O-1 petition and  $\$75 + \$10 \times 9 = \$165$  for the O-2 form covering the nine support workers). There is no charge for the admission of the family members travelling under O-3 visas.

While still in the United States — and, therefore, without having to notify a U.S. consulate in Canada — it would cost \$745 to extend that same solo performer's stay and the stay of the family members and support crew (i.e.,  $\$75 + \$50 = \$125$  to extend the performer's O-1 stay,  $\$75 + \$450$  to extend the nine support workers, and  $\$75 + \$20$  to extend the three dependents).

Note that all fees must be submitted in the exact amount and cannot be refunded. Furthermore, all cheques and money orders must be made payable to the **United States Immigration and Naturalization Service** in U.S. dollars. Also, be sure to check periodically with the USINS or a U.S. consulate, because the fees can change. There will be changes to the fee structure for I-129 petitions and extensions involving one worker and dependents.

## **Where to File Your Petition**

If your performance is to be held in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, the Virgin Islands, Virginia or West Virginia, your petition should be mailed (with the appropriate fee) to:

**USINS VERMONT SERVICE CENTER**  
75 Lower Welden Street  
St. Albans, VT 05479.

If it is to be held in Arizona, California, Guam, Hawaii or Nevada, your petition should be mailed (with the appropriate fee) to:

**USINS CALIFORNIA  
SERVICE CENTER**  
24000 Avila Road  
Laguna Niguel, CA 92677.

If it is to be held in Alaska, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming, your petition should be mailed (with the appropriate fee) to:

**USINS NORTHERN  
SERVICE CENTER**  
850 "S" Street  
Lincoln, NE 68508.

If it is to be held in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee or Texas, your petition should be mailed (with the appropriate fee) to:

**USINS TEXAS SERVICE CENTER**  
P.O. Box 152122  
Irving, TX 75015-2122.

Always use a courier service.

## **Some Further Advice**

**Language** If you are presenting documents in any language other than English, make sure all documents are translated.

**Originals and Copies** Keep a copy of the petition and all supporting documents. Originals are not required except for original signatures on the petitions. Petitions and all supporting documents must be submitted in duplicate. This does not apply to I-539 applications.

**Tracking the Application** Your employer in the United States will receive a receipt from the USINS acknowledging the application for a visa. It will include telephone numbers and a reference file number, which can be used if you need to know when the documentation is to arrive at the port of entry.

**Medical Coverage** It is highly recommended that you carry health insurance while visiting the United States, as medical services can be very costly. Suitable travel insurance packages are available for various time periods from most major insurance companies and a large number of financial institutions.

**Customs Clearance** Going through Customs will be a lot easier if you list all the items you will be temporarily exporting on an ATA Carnet. Details can be obtained from the Canadian Chamber of Commerce, 1080 Beaver Hall Hill, Suite 1630, Montreal, QC H2Z 1T2; tel.: (514) 866-4334.

**A Word of Caution** Minor criminal convictions, certain health problems, as well as certain types of past and present political activity, may result in your being denied entry to the United States. If you think you may have a skeleton in your closet, check with a U.S. consulate in Canada first so you are prepared at the border. In many circumstances, you will be able to obtain a Waiver of Excludability (Form I-192) from the nearest office of the USINS. The waiver can take up to six months to process. If you need to cross the border frequently to perform, ask for a border crossing card along with your waiver. And remember, Canadian pardons do not pardon any conviction for U.S. Immigration purposes.



## Department of Foreign Affairs and International Trade Publications

DFAIT produces a number of free publications on safe travel. To order copies, call 1-800-267-8376 in Canada or (613) 944-4000, or access them on the Internet (<http://www.dfait-maeci.gc.ca>).

*Bon Voyage But... Information for the Canadian Traveller* This booklet explains what precautions travellers should take before they travel and where to find the nearest mission if they are in need of assistance.

*Crossing the 49th* This booklet is an invaluable source of travel tips specifically aimed at Canadians travelling to the United States. It also includes important telephone numbers and the addresses of Canadian missions in the United States.

*Her Own Way: Advice for the Woman Traveller* This publication offers practical advice specifically for women travellers. Its prime objective is to provide information that will encourage Canadian women to travel safely and wisely.

*A Guide for Canadians Imprisoned Abroad* This booklet provides information to help Canadian citizens who are imprisoned abroad, as well as families and friends, by outlining the assistance the Government of Canada provides through its consular services.

*Hong Kong: A Guide for Visiting and Resident Canadians* This booklet contains current information, as well as advice and guidance, to assist Canadians in understanding the changes that have occurred since Hong Kong reverted to Chinese sovereignty.

*International Child Abductions: A Manual for Parents* This manual provides useful information to help parents whose children have been abducted to another country.

*México: ¿Qué pasa?* This booklet provides information on the preparation required for doing business in the Mexican market, as well as tips for a safe and healthy trip.

*Working Abroad: Unravelling the Maze* This booklet covers the ABCs of working in a foreign country. It includes straightforward advice and tips to make the working adventure safe and successful.

*Country Travel Reports* Country travel reports offer travellers current information on conditions in over 170 countries, including safety, health and passport requirements. They are available via telephone at 1-800-267-6788 in Canada or (613) 944-6788; a FaxCall system at 1-800-575-2500 in Canada or (613) 944-2500; or the Travel section at DFAIT's Internet site (<http://www.dfait-maeci.gc.ca>). These services are available 24 hours a day, seven days a week.

## **Canadian Embassy and Consulates in the United States of America**

### ***Washington***

Canadian Embassy, 501 Pennsylvania Avenue, North West, Washington, D.C.  
20001, U.S.A.

Tel.: 1 (202) 682-1740

Fax: 1 (202) 682-7726

### ***Atlanta***

Consulate General of Canada, 1175 Peachtree Street N.E., 100 Colony Square,  
Suite 1700, Atlanta, Georgia 30361-6205, U.S.A.

Tel.: 1 (404) 532-2000

Fax: 1 (404) 532-2050

### ***Boston***

Consulate General of Canada, 3 Copley Place, Suite 400, Boston,  
Massachusetts 02116, U.S.A.

Tel.: 1 (617) 262-3760

Fax: 1 (617) 262-3415

### ***Buffalo***

Consulate General of Canada, 1 Marine Midland Center, Suite 3000, Buffalo,  
New York 14203-2884, U.S.A.

Tel.: 1 (716) 858-9500

Fax: 1 (716) 852-4340

### ***Chicago***

Consulate General of Canada, Two Prudential Plaza, 180 North Stetson  
Avenue, Suite 2400, Chicago, Illinois 60601, U.S.A.

Tel.: 1 (312) 616-1860

Fax: 1 (312) 616-1877

### ***Dallas***

Consulate General of Canada, St. Paul Place, 750 North St. Paul Street,  
Suite 1700, Dallas, Texas 75201-3247, U.S.A.

Tel.: 1 (214) 922-9806

Fax: 1 (214) 922-9815

### ***Detroit***

Consulate General of Canada, 600 Renaissance Center, Suite 1100, Detroit,  
Michigan 48243-1798, U.S.A.

Tel.: 1 (313) 567-2340

Fax: 1 (313) 567-2164

***Honolulu***

Australian Consulate General, Penthouse Suite, 1000 Bishop Street,  
Honolulu, Hawaii 96813-4299, U.S.A.  
Tel.: 1 (808) 524-5050/5054  
Fax: 1 (808) 531-5142

***Los Angeles***

Consulate General of Canada, 550 South Hope Street, 9th Floor, Los Angeles,  
California 90071-2627, U.S.A.  
Tel.: 1 (213) 346-2700  
Fax: 1 (213) 620-8827

***Miami***

Consulate of Canada, 200 South Biscayne Boulevard, Suite 1600, Miami,  
Florida 33131, U.S.A.  
Tel.: 1 (305) 579-1600  
Fax: 1 (305) 374-6674

***Minneapolis***

Consulate General of Canada, 701 Fourth Avenue South, Suite 900,  
Minneapolis, Minnesota 55415-1899, U.S.A.  
Tel.: 1 (612) 333-4641  
Fax: 1 (612) 332-4061

***New York***

Consulate General of Canada, 1251 Avenue of the Americas, Concourse Level,  
New York, New York 10020-1175, U.S.A.  
Tel.: 1 (212) 596-1600  
Fax: 1 (212) 596-1666

***Puerto Rico***

Consulate of Canada, 107 Cereipo Street, Alt. De Sta. Maria, Guaynabo,  
Puerto Rico 00969  
Tel.: 1 (787) 790-2210  
Fax: 1 (787) 790-2205

***Seattle***

Consulate General of Canada, 412 Plaza 600, Sixth Avenue and Stewart  
Street, Seattle, Washington 98101-1286, U.S.A.  
Tel.: 1 (206) 443-1777  
Fax: 1 (206) 443-9662



**U.S. Immigration and Naturalization Service Offices  
(for Canadians in need of waivers to enter the United States)**

<b>Location</b>	<b>Telephone Number</b>
Halifax	(207) 454-2546
Quebec City or Montreal	(514) 631-2097 or if you have questions: (716) 849-6760 (Buffalo, NY)
Ottawa	(613) 523-2105 or if you have questions: (716) 849-6760 (Buffalo, NY)
Toronto	(905) 676-2563
Winnipeg	(204) 783-2340
Calgary	(403) 221-1730
Edmonton	(403) 890-4486
Vancouver	A-L (360) 354-6661 M-Z (360) 945-5211

11

Per

### Canadian Port of Entry and Corresponding U.S. Port of Entry - Land Border Ports

Canadian Port of Entry	U.S. Port of Entry	Telephone/Fax Numbers
St. Stephen, NB	Calais, ME	Tel.: (207) 297-2771 Fax: (207) 454-8319
Woodstock, NB	Houlton, ME	(207) 532-2906
Philipsburg, QC	Highgate Springs, VT	(802) 868-3349
Abercorn, QC	Richford, VT	(802) 848-7766
Blackpool, QC	Champlain, NY	Tel.: (518) 298-7900 Fax: (518) 298-7940
Lacolle, QC	Rouses Point, NY	(518) 297-7521
Cornwall, ON	Massena, NY	(315) 764-0310
Prescott, ON	Ogdensburg, NY	(315) 393-0770
Lansdowne, ON	Alexandria Bay, NY	(315) 482-2681
Fort Erie, ON	Buffalo, NY	(716) 885-3367
Niagara Falls, ON	Niagara Falls, NY	(716) 282-3141

Windsor, ON	Detroit, MI	Tunnel: Tel.: (313) 568-6019/6020 Fax: (313) 568-6021  Ambassador Bridge: Tel.: (313) 963-4400/4409  Airport: Tel.: (313) 955-6293 Fax: (313) 941-2245
Sault Ste. Marie, ON	Sault Ste. Marie, MI	(906) 632-8822
Sarnia, ON	Port Huron, MI	(810) 982-0493/0133
Emerson, MB	Pembina, ND	(701) 825-6722
Coutts, AB	Sweetgrass, MT	(406) 335-2911
Douglas, BC	Blaine, WA	(360) 332-8511



## U.S. Visas for Performing Artists

	0-1	P-1	P-2
<b>To whom applies:</b>	Individual	Group - Must be member of group for 1 year or meet exception	Individual or group
<b>Standard:</b>	Distinction - Sustained national or international acclaim	Recognized internationally as being outstanding for a sustained and substantial period of time	Reciprocal Exchange Program - Approved programs include Actors Equity and American Federation of Musicians
<b>Consultation required?</b>	Yes - If motion picture or television production, 2 consultations required (management and union)	Yes	Yes
<b>Filed with and approval issued by:</b>	USINS - Regional Adjudication Center	USINS - Regional Adjudication Center	USINS - Regional Adjudication Center (All AFM to Vermont Center)
<b>Labor Department involved?</b>	No	No	No
<b>Petition form and fee:</b>	I-129 O-1 * \$75 + \$10 per person	I-129 P-1 * \$75 + \$10 per person	I-129 P-2 * \$75 + \$10 per person

	<b>P-3</b>	<b>H-2B</b>	<b>H-2B</b> within 50 miles of the U.S. Border
<b>To whom applies:</b>	Individual or group	Individual or group including essential support personnel	Individual or group
<b>Standard:</b>	Culturally unique	Must meet requirements of Labor Certification	Must be Canadian musician
<b>Consultation required?</b>	Yes	No	No
<b>Filed with and approval issued by:</b>	USINS - Regional Adjudication Center	USINS - Regional Adjudication Center	USINS - Regional Adjudication Center
<b>Labor Department involved?</b>	No	Yes - ETA 750A Labor Certification or Denial - Appeal directly to USINS	No - Pre-certified OI-214.2h(7)(ii)
<b>Petition form and fee:</b>	I-129 P-3 * \$75 + \$10 per person	I-129 H-2B # \$75 + \$10 per person	I-129 H-2B # \$75 + \$10 per person

### J1 - Program terminated

\* Separate petitions, consultations and filing fees are required for essential support personnel except H-2B. Please note that O-1 Essential Support Petition status is O-2.

# Separate I-539 applications and filing fees are required for extension or change of status for spouse and/or child(ren), if they are in the United States at time of filing.

Howard L. Kushner, - Kushner, Kushner and Roscetti, P.C., 730 Main Street, Niagara Falls, NY, 14301.  
Tel.: (716) 282-1242.



## **P-2 Work Permit Process for Members of the American Federation of Musicians**

Determine if and how many support staff are required for your tour. A separate P-2 application and fee remittance is necessary for these people.

Ensure you and the band members are members-in-good-standing of the AFM union, up to and including the duration of your tour in the United States.

Complete P-2 application available at local AFM union office.

Cut cheque in U.S. funds payable to: United States Immigration and Naturalization Service (U.S. \$75 + \$10 per individual).

Cut cheque in Canadian funds payable to: AFM Canada (CAN \$15).

Assemble copies of all signed performance engagement contracts indicating your tour schedule. All payments must be union scale.

Draft an itinerary with exact dates and locations of performances for your U.S. tour.

As soon as possible but no later than 35 days prior to departure, submit your completed P-2 application form, cheques, contracts and itinerary to Canadian AFM office in Toronto.

Await approval of USINS

Pickup P-2 permit(s) at the border crossing(s) you designated on your application form. Each individual must have proof of Canadian citizenship, such as passport or Canadian birth certificate and picture ID (i.e., driver's licence).

LIBRARY E A/BIBLIOTHEQUE A E



3 5036 20096143 4

DOCS  
CA1 EA 98C16 ENG  
Canadian performers : how to enter  
the United States  
62167660