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CANADIAN PERFORMERS

How to Enter the United States QUICK REFERENCE GUIDE

The following is designed for those already familiar with U.S. INS procedures. It is the intention of this guide to provide a checklist for INS visa classifications, procedures, required materials and deadlines related to individual Canadian performing artists as well as theatre, dance, circus and musical groups based in Canada, but not necessarily employing solely Canadians.

If you wish to obtain a copy of the complete guide, contact:
Enquiries Service, Department of Foreign Affairs and International Trade
125 Sussex Drive, Ottawa, ON K1A 0G2
Tel.: 1-800-267-8376 (in Canada) or (613) 944-4000

Both versions are also available on-line: www.voyage.gc.ca

THE INS TIMELINE

- Book performance date/tour; determine INS classification; gather materials needed for INS petition.
- Designate petitioner (must be U.S.-based).
- Prepare the INS petition package.
- Send copy of INS petition to labour union(s) for consultation letter(s).
- Receive labour consultation(s) (2-10 days); make copies for petition.
- Petitioner sends petition (in duplicate) to INS service center.
- Send copy of petition to artist.
- Artist contacts U.S. embassy or consulate to obtain forms and instructions for visa application (non-Canadians only).
- Petitioner receives Notice of Receipt from the INS (2-3 weeks).
- Petitioner receives I-797 Approval Notice (15-120 days, depending on whether Premium Processing Service is used).
- Petitioner sends original of I-797 to artist.
- If applicable, artist makes appointment with U.S. embassy or consulate to apply for and obtain visas (Canadian nationals need only present I-797 at port of entry or pre-flight inspection).

NON-IMMIGRANT VISA CLASSIFICATIONS

O-1
For an individual (one person only on the petition) of extraordinary ability in the sciences, arts, education, business, athletics, or extraordinary achievements in the motion picture and television fields. An O-1 visa is approved for a maximum of three years for a specific performance, film shoot or tour.

O-2
For essential support personnel (including performers) accompanying the O-1. Submit documented evidence demonstrating that the support personnel possess "critical skills and experience" based on a long-standing working relationship with the O-1 artist. An O-2 visa is approved for the same length of time as the accompanying O-1.



P-1

Members of an internationally recognized entertainment group (music ensembles, dance and theatre companies, circus troupes). It is the reputation of the group that must be demonstrated, not the individual achievements of its members. Seventy-five percent of the group's members must have been with the group for at least one year. A P-1 visa is approved for a maximum of one year for a specific performance or tour.

P-2

Participant(s) in a reciprocal exchange program. You qualify for a P-2 if you are entering the United States temporarily to perform as an artist or entertainer, individually or as part of a group, under a reciprocal exchange program between an organization in the United States and an organization in another country. The petition must be filed by the sponsoring organization or employer in the United States.

P-3

Culturally unique performers, performing groups, teachers or coaches. You qualify for a P-3 visa if you are a "culturally unique" individual performing artist or entertainment group entering the United States to perform, teach or coach under a commercial or non-commercial "culturally unique" program. For the P-3 classification, there is no specific time the members have to have been together.

P Support Personnel

Essential support personnel for P-1, P-2 or P-3 groups petition separately from the corresponding petition for the performers. The INS designates support petitions as P-1S, P-2S or P-3S respectively. P support petitions cannot be submitted in advance of the main petition; they should be sent to the INS at the same time as the corresponding performer petition. Submit documented evidence establishing the "essential role, critical skills and experience" of the support person(s) to the group.

H-2B

If you are a musician and are going to perform within 80 km (50 miles) of the Canada-U.S. border, you have the option of applying under the H-2B classification.

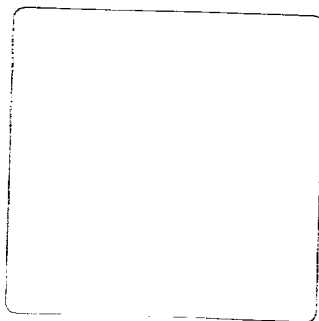
Spouses and Dependents

The spouse and unmarried children accompanying an O-1, O-2, P-1, P-2 or P-3 performing artist or essential support person may qualify for a corresponding O-3 or P-4 visa. DO NOT include spouse or dependents on the principal beneficiary's INS Form I-129. If the spouse/dependent(s) are Canadian citizens, presenting proof of relationship, together with the principal beneficiary's I-797, suffices at a port of entry or pre-flight inspection.

PETITION MATERIALS

The petitioner will need the beneficiary information listed below. Passports must be valid for SIX MONTHS after the expiration date of the visa.

- Full name (LAST, first, middle initial)
- Date of birth (mm/dd/yy)
- Country of birth
- Passport number
- Country where passport was issued
- Passport expiration date (mm/dd/yy)
- Job title
- Date started with group (mm/yy)





Following is a list of the items, and their order, that are common to most Form I-129 O and P classification petitions. Generally, the same content is required for union consultation(s). When providing dates to the INS, list them as mm/dd/yy. Type or print clearly using CAPITAL letters. If a question does not apply to you write "N/A"; if the answer is none write "NONE." List beneficiary information in alphabetical order and maintain this order with any addendum.

1. Cover letter to the INS with cheque in the amount of \$110 per petition. Letter to include: classification, beneficiary, petitioner, dates of employment, brief description of artist and intended activities, brief description of petitioner
2. If used, Form I-907 for Premium Processing Service (PPS) with separate cheque in the amount of \$1,000 per petition
3. Labour union consultation letter(s)
4. INS Form I-129
5. INS Supplement to Form I-129 (only if more than one beneficiary)
6. INS Supplement to Form I-129, O and P Classifications
7. If applicable, any addendum to questions on Form I-129 (Resubmissions, tour itinerary, etc.); each addendum should be on a separate page with petition identification details
8. Performance contracts
9. Letters of support from presenters
10. Authorization letter between artist/manager and petitioner (or Form G-28 if an attorney)
11. Artist press materials — keep it simple. Include biography, one-page press excerpts, list of awards and honours, one-page recent tour history, three or four full performance reviews. All materials must be in English or be accompanied by a certified translation.

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If petitioning for support personnel, include, after item 7, a one-page statement about the support personnel and their importance to the production or tour. Attach brief biographies of the support personnel.

To download INS forms: www.ins.usdoj.gov/graphics/formsfee/forms/index.htm

A NOTE REGARDING PPS

June 1, 2001: The INS introduced the Premium Processing Service (PPS). As a result, the turnaround time for the four INS service centers can no longer be counted on to fall within the traditional 30-60 days. There are now two tiers of adjudication:

WITH the PPS: The INS guarantees adjudication of a petition within 15 calendar days. The fee is US\$1,000 per petition. If they fail to adjudicate in 15 days, they return your fee and the petition is placed in the general pool of "standard processing" petitions.

WITHOUT the PPS: It is advisable at this time to plan on 120 days, regardless of the service center used.

Clarification...

Many have interpreted the INS rulings on the PPS to mean that petitioners that are non-profit organizations are exempt from the PPS fee. While non-profit petitioners are indeed exempt from the \$1,000 fee, this does not mean they can file a Form I-907 and receive its benefits. They can, however, pursue the traditional expedite process, based on five criteria: severe financial loss to a company or individual; extreme emergent situation; humanitarian situation; Department of Defense or national interest situation; INS error.



POST-APPROVAL CHECKLIST

- Make copy of I-797 Approval Notice(s).
- Send original I-797 to artist.
- If artist is a Canadian national, present original I-797 at pre-flight inspection or port of entry. Canadians are not issued an actual visa, but must give proof of INS approval nonetheless.
- If artist is not a Canadian national, he/she must apply for a visa at a U.S. embassy or consulate:
 - completed Form OF-156 (issued by the consulate);
 - valid passport that extends at least six months beyond the end of tour (with at least two blank pages available);
 - one passport-type photo that shows the full face on a light-coloured background;
 - the original I-797 Approval Notice(s);
 - copy of the petition(s) sent to the INS;
 - US\$45 visa application fee per beneficiary;
 - visa issuance fee if applicable.

For a complete table of the visa reciprocity fees, visit the State Department Web site:

www.travel.state.gov/reciprocity/index.htm

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© Department of Foreign Affairs and International Trade, February 2002

Cat. No.: E2-171/2002-1E

ISBN 0-662-31268-6