

Saturday December 16, 106

VISA APPLICATIONS FROM ARTISTS AND ENTERTAINERS

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UNCLAS STATE 133398

E.O. 12958: N/A
TAGS: CVIS, CMGT
SUBJECT: VISA APPLICATIONS FROM ARTISTS AND ENTERTAINERS

1. The United States is a popular destination for artists and entertainers from all over the world. In FY 2004, we issued 32,040 P-category visas for performances in the United States.
2. Artists, performing groups and their managers and sponsors have the responsibility to make sure that visa applications to perform in the United States are submitted in a timely manner, well in advance of any scheduled performances. However, consular officers should also be sensitive to the needs of performers whose schedules may be disrupted by unforeseen events, and whenever possible, accommodate these groups through post's normal procedures for expediting visa applications. Consular officers should be especially alert to changes in a program or a group compelled by illness, injury or other emergencies.
3. In many cases, individual members of a performing group traveling together to the United States may not be able to appear at the same consulate at the same time. There is no requirement that individual group members apply for visas at the same time and place. Each member must, however, have a copy of the approved I-129 petition in order to apply, or evidence (such as an I-797) of notification from DHS or the Department that such a petition has been approved (see 9 FAM 41.56 N10.2).
4. An approved I-129 petition for a performer is prima facie evidence that the alien beneficiary meets the requirements for P classification. The large majority of petitions approved by DHS are valid, and involve bona fide establishments, relationships, and individual qualifications that conform to regulations in effect at the

time the petition was filed. The Department anticipates that the vast majority of visas based on these petitions can be issued without delay. However, the Department is aware of instances where the performer petition can be exploited by persons who are not entitled to this status. In such cases, performing groups and their representatives should be given the opportunity to establish their bona fides through evidence of past activity. In addition, business records of the group, especially focusing on intended performances in the United States, can be very helpful in this regard. In most cases, logistical arrangement, venues, and publicity will already be in place before the group travels.

5. Consular officers do not have the authority to question the approval of P petitions without specific evidence, unavailable to DHS at the time of petition approval, that the beneficiary may not be entitled to status. If such evidence is developed by the consular officer, the I-129 petition may be returned to DHS through the Kentucky Consular Center (KCC).

6. In the past consular officers have requested members of a group to actually perform in order to verify that all members of the group are actual performers. Consular officers should not make a routine practice of this, without indications that one or more of the performers is not a bona fide member of the group. This request is warranted only in rare cases, as part of an anti-fraud investigation.

7. Minimize considered.

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