

**TAMIZDAT Executive Summary:**  
***White Paper on Artist Mobility to the United States***  
(*White Paper - 2020 Annual Edition*)

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**In regard to U.S. Citizenship and Immigration Services, the *White Paper*:**

1. Recommends that in view of the COVID-19 pandemic, USCIS provide the petitioners of a limited set of petitions with a viable mechanism for seeking amended petition validity dates;
2. Recommends passage of the ARTS Act to guarantee 28-day petition processing for artists working with U.S. nonprofits;
3. Recommends reinstatement of the “traditional expedite” option for nonprofit entities;
4. Recommends establishing a cultural liaison to respond to the concerns of the performing arts industry;
5. Addresses delays caused by specific errors in CIS mail rooms;
6. Addresses persistent technical system-level difficulties, including with the PIMS system;
7. Recommends that posted processing times be accurate;
8. Addresses inappropriate demands for union consultations covering activities only incidentally related to the artist’s work;
9. Addresses errors of law relating to applying the standard of an artist’s U.S. renown while disregarding foreign renown;
10. Addresses the problematic application of the “future prong” to the “distinguished reputation of future employment” criteria;
11. Addresses the practice of inappropriately disregarding non-mainstream press presented as evidence;
12. Recommends clarification of the standard applicable to evaluating expert testimony;
13. Recommends that RFEs be drafted so as to more clearly indicate what additional evidence is mandatory;
14. Addresses the issuance of vague RFEs, and proposes a system for regular Ombudsman review of RFE templates;
15. Addresses unnecessary delays that occur with respect to support petitions when a principal petition is RFE’d;
16. Addresses unnecessary delays that occur when RFE’ed petitions are upgraded to Premium Processing;
17. Addresses unnecessary delays that occur in regards to typographical or clerical errors;
18. Addresses CIS’s use of RFEs to announce new practice and policy interpretations;
19. Addresses CIS delays in processing NOIRs received from DOS consular offices;

20. Addresses the practice of truncating requested petition durations without RFE'ing the petitions;
21. Addresses the practice of truncating requested petition durations when the Service perceives gaps in employment;
22. Addresses the practice of CIS challenging itineraries where an agent performs the function of an employer;
23. Recommends a system for streamlining the process for artists who have been previously approved;
24. Addresses the practice of demanding unnecessary "secondary evidence;"
25. Addresses the confusion around the regulations where an agent serves as the sponsor or petitioner;
26. Addresses the burdens created by the narrow definition of an artist's field;
27. Addresses confusion around whether certain professional activities allowed while in B-1 or B-2 status are permitted while in P-1B or O-1B status.
28. Addresses CIS's frequent rejection of new media and technology as acceptable evidence;
29. Addresses the problematic clause in the Federal Regulations, which states, contrary to legislative intent, that additional performances added to an O-1 petition must employ a person of "O-1 caliber;"
30. Proposes a workable system for O-1B "comparable evidence;"
31. Addresses the practice of incorrectly applying the P-1B standard of "international renown;"
32. Addresses the practice of unreasonably demanding evidence that all P-3 productions will be "culturally unique;"
33. Addresses the incorrect application of the standard of experience with respect to support personnel;
34. Addresses the problem of no status being available to foreign supporting performers and crew working for U.S. artists; and
35. Recommends that the Federal Regulations include the spouses of O and P artists among those spouses permitted to work in the U.S. (as is the case for the spouses of E and L workers).

**In regard to the Department of State, the *White Paper*:**

1. Recommends that in view of the COVID-19 pandemic, DOS provide a limited set of visa beneficiaries with a viable mechanism for amending visa validity periods;
2. Proposes a solution to "402 Exceptions" issues (including the "showcase," "cultural," and "academic" exceptions);
3. Addresses consulates routinely requiring that O-1B, O-2, and P applicants produce full I-129 petition at interviews;

4. Addresses consulates routinely requiring that O-1B, O-2, and P applicants produce copy of I-797 at interviews;
5. Addresses persistent technical system-level difficulties, including with the DS-160 and DOS's appointment scheduling system;
6. Addresses consulates' staffs inappropriately re-adjudicating O-1B, O-2, and P applicants' petitions;
7. Addresses consulates' inflexible procedures for receiving payment of fees;
8. Addresses consulates creating unduly burdensome procedures for resolving cases that have been 221(g)'ed;
9. Addresses consulates' staffs refusing to review documentation submitted by O-1B, O-2, and P applicants;
10. Addresses consulates' staffs disregarding some types of evidence submitted to overcome 214(b) presumptions;
11. Addresses consulates refusing to schedule emergency interviews except in "life or death" situations;
12. Addresses the issue of how 221(g) refusals caused by delays at Service Centers and KCC negatively impact applicants;
13. Addresses consulates refusing to schedule interviews for third-country nationals;
14. Addresses consulates incorrectly issuing O-1 visas for five-year validity periods;
15. Addresses consulates frequently failing to complete refusal documentation;
16. Recommends that consulates establish consular liaisons for the arts and entertainment industries;
17. Recommends that consulates provide more flexible appointment times;
18. Addresses the issue of traveling on a valid O-1 or P-1 visa while adjustment is pending;
19. Addresses consulates instructing applicants to bring original I-797B work authorization forms to CBP ports of entry;
20. Recommends that consulates establish procedures allowing for substitutions for P beneficiaries, where the original beneficiaries entered the U.S. but subsequently left the country;
21. Recommends that consulates allow for substitutions for O-2, P-1S, and P-3S beneficiaries when O-1B, P-1, and P-3 artists experience unavoidable personnel changes;
22. Addresses consulates frequently refusing to issue corresponding O-2 visas to the support personnel of O-1B artists who change or extend their status; and
23. Addresses the DS-160's requirement that applicants reveal social media information.

The *White Paper* has been endorsed by [numerous domestic and international arts organizations, NGOS, and private stakeholders.](#)