



LOCKED OUT

IN A POST-9/11 WORLD,
THE INTERNATIONAL SHOW
DOESN'T ALWAYS GO ON

BY LARS BRANDLE ILLUSTRATION BY MIRKO ILIĆ

IN AUGUST, British authorities foiled a terrorist plot to smuggle explosive liquids onto flights and detonate a series of mid-flight explosions. The breakthrough was a victory, of course, for mankind, but a massive setback for those hoping to fly with shampoo—or a musical instrument. Touring musicians were once again set back in the name of international security. ★ Several concerts and tours were canceled as a result, including a number of events at the Edinburgh International Festival that month, while British rock act Snow Patrol was forced to pull two U.S. dates after flight delays meant band members could not get to the concerts. ★ New York's 100-member Orchestra of St. Luke's was forced—after two years of planning—to abandon an appearance at the BBC Proms in London, while Russian-born trumpet player Valery Ponomarev broke his arm during an altercation with security at Paris' Charles de Gaulle International Airport, after he was prevented from carrying his valuable instrument onboard. >>>



The flurry of (in)activity was only the latest challenge in a series of logistical hurdles that have sprung up in the five years since Sept. 11, 2001. The music business—and specifically touring—has been affected by a global climate of fear, with international acts seeking to tour the United States coming under particular scrutiny. Yusuf Islam may have been the most high-profile artist to fall foul of this increased attention, when he was denied access to the States in 2004, but musicians across the board have found themselves affected.

Most travel challenges for musicians begin and end with the work visa.

Historically, work visas for foreign artists wishing to tour the United States came under the auspices of the Immigration and Naturalization Service. On March 1, 2003, service and benefit functions of the INS transitioned into the Department of Homeland Security as the U.S. Citizenship and Immigration Services.

Since then, obtaining the proper work visas has become a more involved process for foreign artists touring the States and for U.S. artists wishing to tour internationally. "Security clearance on both ends is definitely a more significant part of the process," says Jeff Gabel, chief counsel for Traffic Control Group (TCG), a New York-based firm that helps streamline the visa process for international entertainers.

Since 2002, visa processing delays have caused the proportion of U.S. artistic groups using foreign performers to drop from 75% to 60%; the risk is simply too great that foreign artists will be denied visas causing show cancellations, Assn. of Performing Arts Presenters chief executive Sandra Gibson told the Financial Times earlier this year.

Cellist Yo-Yo Ma testified before the House Committee on Government Reform in April to plead a similar case. He said barriers to foreign musicians "have become extraordinarily high." In particular, he singled out the plight of two Iranian musicians, Siamak Aghaei and Siamak Jahangiri; the two are members of Ma's Silk Road Project, an ensemble of Central Asian and Middle Eastern musicians. Thanks to post-Sept. 11 changes in the visa process, artists must now present themselves in per-

son at their consulate to apply for entrance into the United States. The two Iranian artists had to fly to Dubai for the interview, and fly back to pick up their passports. Ma said they actually had to make the trip a third time because the visa printer was malfunctioning; all told the process cost \$5,000.

The in-person requirement has been a particular challenge for large groups, such as orchestras. Earlier this year, the Halle symphony orchestra from Manchester, England, pulled the plug on a U.S. tour after it estimated the costs and travel involved in obtaining visas would top £45,000 (\$85,000). Halle CEO John Summers says, "We think this would have taken two days out of our tour schedule, and the whole palaver involved was mind-blowing."

The expense of applying for a visa doesn't have to be so great. If bands live close enough to a consulate, the only two required fees are \$190 for the filing and \$200-\$350 for the appropriate U.S. union—for bands, that's usually the American Federation of Musicians. But expenses can add up quickly. For starters, those fees are per visa petition; travel with a crew and that's a separate petition.

The bigger fees come in when you need a visa fast—and "fast" by U.S. bureaucratic standards means less than three months, the amount of time most interviewed by Billboard said one needed to allow to have a visa approved. Before Sept. 11, in June 2001, the INS put in place its Premium Processing Service, intended to assist large corporations and others that wished to transfer executive staff to positions in their American operations. The service guaranteed a 15-day turnaround on applications in return for the payment of \$1,000 per application, on top of the standard processing fees.

While internationally established acts are generally happy to eat the costs, the price tag can seem exorbitant—and negate potential earnings—for the tours of small acts. "If you paid them \$1,000, they moved you to the front of the queue," says English folk artist/poet Les Barker, who says he was forced to cancel his upcoming U.S. tour when one of the venues where he was due to appear was issued with a "notice of intent

'YOU'D BE APPALLED TO GET THAT TREATMENT FROM A CORRUPT CUSTOMS OFFICER IN THE REPUBLIC OF EQUATORIAL GUINEA. BUT IN THE U.S., IT'S OFFICIAL POLICY.'

—ENGLISH FOLK ARTIST/POET LES BARKER

to deny entry." "You'd be appalled to get that treatment from a corrupt customs officer in, say, the Republic of Equatorial Guinea," Barker says. "But in the U.S. it's official policy."

Finally, many acts pay someone else—an attorney, or a nonprofit group—to administer the wade through red tape. Such fees can range from \$600 for a nonprofit (New York-based Tamizdat charges \$560 per petition) to as much as \$2,500 for an attorney.

Still, things are in many ways better for artists than they were pre-Sept. 11. Tamizdat executive director Matthew Covey says, "Before 9-11 you had to perfectly balance your whining and pleading with immigration," he says. "Since 9-11, U.S. immigration has become much more static and predictable. If you get the checklist right, you get in."

Nigel McCune, music business official at the United Kingdom's Musicians Union, agrees that U.S. visa procedures are marginally better than they were, and are certainly no worse than in recent times. "But radical change is still needed," he says.

Stories abound of artists encountering problems entering the States. In mid-September, Sydney-based indie band the Beautiful Girls were stopped when entering the country from Canada, due to improper paperwork. The band's keyboardist Lachlan Doley and drummer Bruce Baybrooke were bann'd from returning to the States for 12 months, and their tour manager Matt Woo for 10 years.

"It's not necessarily harder to get into the U.S.," says Phil Tripp, Sydney-based Australian and New Zealand coordinator of the South by Southwest conference. "But the process has become so slow that it takes up to six months to get a visa."

Last year, 380 Australian acts applied to Tripp to perform at South by Southwest. Of the 26 that were accepted, three bands were not allowed to enter, Tripp notes.

Touring Indian musicians, particularly from the classical world, have also felt the rub. Renowned Delhi-based classical vocalist Shubha Mudgal explains that, although the visa application process begins months in advance of the planned departure date, the actual visa "is only issued about a week before your flight. What if a visa is re-



jected at that stage?" She adds, "If a visa is rejected for any one of my group members, then that means canceling the entire tour."

Artists can expect any past legal entanglements to surface when seeking to tour outside of their homeland. "If there's a criminal history of any sort, it's clearly going to be a bar or cause considerable delay in any visas being issued," TCG's Gabel says. "If we find that there's going to be a security hold on a group because of one of the members having a problem, we may suggest that this member not apply. It can hold up everything."

Having a Muslim name can also cause problems, Delhi-based sitar/sarangi player Murad Ali says. "I was once told by U.S. airport security officials that had my surname been Jones instead of Ali, they would not have gone through the hassle of conducting a detailed security check," he says.

Gabel declined to comment on whether residents of certain countries come under more scrutiny than others. "You've got to realize, security clearances can cover not only a criminal history, but just a name check may come up with a questionable security issue or concern," he says. "It may be nothing; it's just that the name may sound the same as someone else's."

Freemuse, the Danish-based international organization that campaigns for freedom of expression for musicians and composers across the globe, published a report in February on music and censorship in the United States post-Sept. 11.

In it, author Eric Nuzum argued that "newly tightened visa restrictions have affected musicians from around the world, making it difficult for them to perform in the United States simply because the process has become unwieldy and unpredictable."

It concluded that musicians from Iran, Iraq, Syria, Libya, Sudan and North Korea had been "especially burdened," but that Cuba was hit harder than anyone. "Since Sept. 11, no Cuban musician has been granted a visa to enter the United States," the document claimed.

Still, several employees of agencies who work to administer the visa process for foreign musicians say that "U.S. immigration takes the fall for a lot of stuff that isn't their fault," one such employee says. "I know major tours that have been canceled... it gets blamed on immigration, and it's really because the managers didn't apply for visas until a week before the tour."

The United States is not the only market whose borders can be tough for an artist to cross. Despite its laid-back image, Australia is becoming one such market, industry observers note.

Applicants for a visa to visit Australia must disclose military links and any criminal background, including

Showstoppers: BEAUTIFUL GIRLS, SHUBHA MUDGAL and SNOW PATROL (from left) each experienced schedule-threatening—and in some cases killing—visa issues.

serious speeding fines. "Some entertainers wanting to perform in Australia get extremely resentful, and let us know it," says Christine Verginis, Melbourne-based policy and research officer at Live Performance Australia, the trade body for the live and performing arts sectors. "When they're out of their home country on tour, it is extremely difficult for [artists] to get hold of court papers or other documents that Australian authorities need."

Israel's live music sector's struggle against terrorism predates Sept. 11, 2001. "Since October 2000, the effect of terror on the Israeli music industry has been enor-

mous because international acts refused to come here because of the outbreak of the Second Intifada—or because of media exposure of terrorist activity on media such as CNN," says Zev Eizik, managing director of Tel Aviv-based promoter Zev Eizik Productions.

The terror threat means that insurance is near impossible to obtain and the promoter is particularly exposed. "I take the risk because when you decide to become a promoter in the Middle East you decide to become a gambler—very different to my 16 years [working] in Australia," Eizik says.

All that musicians can do is persevere—and stay on top of their paperwork. Sometimes even bungling bureaucracies take steps to improve conditions.

In the United Kingdom this fall, after intensive lobbying from the Musicians Union, a breakthrough was reached regarding the issue of instruments on flights. At the end of September, Britain's Department of Transport relaxed restrictions to allow musical instruments in airplane cabins.

Problem solved? Not quite.

"Unfortunately," the union's McCune says, "it appears there is some difficulty in the message getting through to airport staff."

Additional reporting by Nyay Bushan in New Delhi, Christie Eliezer in Melbourne, Sasha Levy in Tel Aviv and Ray Waddell in Nashville.

LATIN LOGISTICS Some Groups' Largest Fan Bases Are Behind U.S. Borders

BY LEILA COBO

Obtaining a visa to perform in the United States is an occasional annoyance for most international artists. But for Latin acts in general, no visa means no access to the world's largest Latin music market. For Mexican and Dominican artists, for whom the United States is an extension of their home markets, having the right visa in place is essential.

But current, more stringent enforcement of immigration laws can lead to delays in visa applications if requirements aren't rigorously met.

"Since 9-11 the consulates are actually enforcing laws that have always been in the books," says Michael Felix, an immigration attorney in Santa Fe Springs, Calif., who specializes in obtaining visas for artists and has worked for years with Mexican and Central American acts. "They had never really enforced security checks. Now, they are really cracking down," he adds.



The crackdown can work both ways.

On the one hand, if all requirements are met, applications are actually being approved faster, says Kevin Tracy, an immigration attorney in Del Mar, Calif.

On the other hand, higher scrutiny means that once-overlooked details are now a major problem.

"What we're finding is many of the members of large groups have not been truthful about prior illegal entries," Felix says. If even one member of a group has any prior immigration issues, it can derail the visa application for the entire group. Knowing about the

problem on time, however, allows the group to get a substitute member for a particular trip.

There are generally three kinds of visas available to entertainers.

Acts that will actually be performing for money can apply for an O visa (for international solo acts of the highest caliber) or a P visa (for groups).

A third visa, the H2B, is for brand-new groups that have received limited press and are coming to the United States for the first time.

If an act is only coming on promotion only, it can apply for the easier to get H2B visa.

Most visas are doled out for anywhere between a year and three years, depending on the act's schedule of planned events.

Regardless, artists have to back up their applications with documents like schedules, itineraries and letters from promoters and labels. Some acts are even asked to perform at consulates when they go in for their visa interviews.

Post-Sept. 11, nationals from some countries definitely have a harder time with visas. In Colombia, for example, which has been designated a terrorist state, visas are issued out of a single location in Bogotá. This inevitably leads to delays, unless the artist has a good attorney and is willing to pay premium fees for faster processing.

Delays affect artists in different ways. There are numerous examples of newer groups that are unable to come to the States even as their music gains airplay. And while top-selling groups can find enough work to keep them busy in Mexico and other countries while they wait for their visas to be processed, that doesn't mean the process isn't a nuisance.

"I've worked in the United States for 15 years with my work visa," says José Angel Medina, leader of duranguense group Patrulla 81. "And I never had any problems at all. Now that we're a famous group, and we routinely sell 400,000 copies of each album, sometimes it takes us a year to get our visa."