



## ARTS &amp; CULTURE

# Trump's 'Extreme Vetting' Hurts the Arts, Discourages Cultural Exchange, Experts Say

By [Nastia Voynovskaya](#)  Jun 20, 2019

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Kronos Quartet performs with Trio Da Kali. The singer, Hawa Kasse Mady Diabate, recently was unable to join the ensemble for a concert at SFJAZZ due to visa delays. (Lenny Gonzalez)

Last month, the members of Kronos Quartet found themselves scrambling to change their festival's itinerary after a headliner's visa was unexpectedly delayed.

For their annual Kronos Festival, the string ensemble was set to premiere *Tegere Tulon*, a new work they commissioned from Malian composer Hawa Kassé Mady Diabaté. Diabaté had been

approved to come to the United States to perform and record in previous years, and Kronos Quartet expected her smooth arrival in San Francisco to premiere the piece at SFJAZZ on June 1.

But on May 22, State Department officials unexpectedly summoned Diabaté for additional questioning at the U.S. embassy in Bamako, Mali. She was asked to fill out a DS-5535, a form known to delay applications indefinitely. She had to miss the concert even though Kronos Quartet already paid for her travel and marketed the event using her name.

Hawa Kassé Mady Diabaté - Tegere Tulon: Handclappi...



Arts presenters and legal experts say delays in artist visas are becoming more common under the Trump administration's "**extreme vetting**" policies, which they argue hurt the performing arts and have chilling consequences for free speech. Indeed, the administration now requires nearly all visa applicants to answer detailed **questions about their social media activity**, raising alarms among the **ACLU** and other advocacy groups, who say these questions cause visa applicants to censor their online speech out of fear. Lawyers and talent bookers say the visa application process for international artists is opaque, arbitrary and inconsistent, and discourages much-needed cultural exchange at a time of anti-immigrant sentiment in the United States.

"The worry is that promoters, presenters and festival organizers will be worried about this happening and therefore will decide not to engage with certain kinds of artists," says Janet

Cowperthwaite, managing director of the Kronos Performing Arts Association. "There's a whole domino effect that can take place, really upsetting the ecosystem of our field."

## **Artists from the Global South hit with delays**

Musician and lawyer **Matthew Covey**, whose firm represents at least 4,000 international artists a year, including Diabaté, says that visa delays like the one Diabaté experienced have become more frequent over the last six months as State Department officials ramp up the use of the DS-5535 form for artists from African nations President Trump once derided as "shithole countries."

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## **Lawyers and talent bookers say the visa application process for international artists is opaque, arbitrary and inconsistent, and discourages much-needed cultural exchange at a time of anti-immigrant sentiment in the United States.**

Typically, Covey says, the application for an O or P visa for visiting entertainers, athletes and scholars takes several weeks to get approved by U.S. Citizenship and Immigration Services and the State Department. But because it's difficult to predict whether an artist will be asked to fill out a DS-5535 form, arts presenters have been running into unexpected visa delays that set off a chain reaction of lost revenue. When a show is abruptly canceled due to a visa delay, the concert presenter loses the money they invested in the artist's visa application, legal fees and travel. The venue often sits empty, losing money from refunded concert tickets, with no ability to book another act to fill seats at short notice.

"When you see consistently artists from the Global South, the Middle East, from Latin America, from Africa are the ones who are principally running into these problems, the easiest way for arts presenters to minimize that risk is to not book artists from those parts of the world," says Covey. "While it's understandable, I think it's tragic, because these are exactly the voices we need to be hearing in America culturally right now."





Hawa Kasse Mady Diabate (left) of Trio Da Kali missed her June 1 performance with the Kronos Quartet due to an unexpected visa delay. Arts presenters say these are becoming more common under the Trump administration's "extreme vetting" policy. (Courtesy of Trio Da Kali)

Covey says that the U.S. government's two main concerns in implementing the DS-5535—screening people who are likely to pose a security risk or overstay their visas and immigrate to the U.S. illegally—are often enforced in racially biased ways.

"It's racism, and it's economics, and it's demographics," says Covey, adding that artists from Africa and Latin America are seen as likelier to immigrate illegally, and Middle Eastern artists are stereotyped as potential terrorists. "The overlap of those Venn diagrams is enormous, and that's why it's hard to unravel this problem."

State Department officials, however, contend that they implement the DS-5535 form on a case-by-case basis due to a variety of factors, not just an artist's country of origin. "Many factors can trigger the need for additional processing, including when concerns are raised after the applicant's biographic or biometric information is processed through national security

screening tools, consular screening tools, or at the discretion of the interviewing officer," a State Department official told KQED via email.

## Seemingly arbitrary visa denials

Covey says his clients, the Tanzanian electronic musicians **Duke** and MCZO, were denied artist visas in May because couldn't sufficiently prove that they weren't planning to immigrate to the United States illegally. Covey argues that Duke and MCZO have no incentive to immigrate: the two run a record label in their home country, where they regularly sell out stadium shows and have a much larger following than they do in the United States.

"In the end, NOTHING could prove that we did not intend to run away illegally once checked in at our Holiday Inn," the artists wrote at the time in a **statement on Facebook**.

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"The scenario has really changed in the past year. Things that were completely predictable, would routinely be approved, are now being called into question for reasons that—to me—are apparent and not necessarily written into law," says talent booker Bill Smith of **Riot Artists**, who has been putting on U.S. tours for international artists for over 20 years. "Certainly people with Arabic names are unduly singled out—and frankly, they're not necessarily applying the law. I think they're applying the unspoken will of the administration."

**Bill Martinez**, a concert presenter and lawyer representing international artists, says that he has encountered visa issues with recent clients of his, including the Indian dance troupe **Sumeet Nagdev Dance Arts**. Martinez says the U.S. government denied their visa because it determined that the dancers did not have enough money to support themselves during a short trip to Seattle. However, Martinez submitted evidence that the event presenter planned to pay for travel, room and board; a "per diem" allowance for food and expenses; plus an honorarium to compensate for the performance.

MCZO Show Mbagala



"It doesn't make sense," says Martinez. "But it's exactly the frustrating reality we're coping with. It causes consternation, doubts among the presenters who lose money doing the filings [for the artists' visa applications]."

Still, despite recent difficulties in obtaining artist visas, some arts presenters aren't deterred. SFJAZZ founder and executive artistic director Randall Kline says he's determined to continue booking international artists from Africa and Latin America in particular as part of his organization's mission to promote music from the African diaspora. He says the process has always been difficult during his 30 years as a concert presenter.

"The United States has never been easy with work visas for artists. While the climate is difficult now, it's never been easy," he says, adding that arts presenters must now allow for much more lead time when booking a concert to accommodate surprise visa delays. "It isn't the plague descending on us right now."

## **'Chilling' consequences for free speech**

Arts presenters and legal experts also raise red flags about the addition of extensive questions about visiting artists' (and scholars and athletes') social media presence on visa applications. While State Department officials say that the U.S. government doesn't deny visas based on political beliefs, critics argue that these questions can encourage self-censorship because of fear that what someone posts online can affect their application.

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"We're not discounting the need for security, but that need needs to be balanced with freedom to express our thoughts, including criticism of the government," says Martinez.

However, the State Department maintains that it's not denying visas based on political beliefs. "Consular officers cannot deny visas based on applicants' race, religion, ethnicity, national origin, political views, gender, or sexual orientation," an official wrote via email. "The collection of social media identifiers is consistent with this."

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—Bill Smith, talent booker at Riot Artists

"Regardless of whether, when looking at social media, they make decisions based on what they see there, it clearly has to have a kind of chilling effect on freedom of expression by any artist planning to come to the U.S.," says Covey. "Even if I'm a Norwegian opera singer, I'm going to think twice before going on my Facebook account and saying what I think about climate change because I don't want to screw up my tour."

He and other experts say that the U.S. government's visa policies prevent cultural exchange, fueling the country's xenophobic climate amid an anti-immigrant administration. "Nothing benefits from shutting doors," says Martinez. "If you don't have communication—which culture is—you don't have these cultural exchanges, there is no hope."



**Correction:** This article incorrectly stated that the application for an O or P visa for visiting entertainers, athletes and scholars takes a week to ten days to get approved by U.S. Citizenship and Immigration Services and the State Department. In fact, it takes several weeks.

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