

# Handy Guide to US Visas for SXSW 2010

## Why do I need a Visa?

Except in very specific circumstances<sup>1</sup> all performance in the U.S. require a visa, regardless of whether you are being paid or not.

Although we hear stories every year of people traveling without the correct documentation and getting away with it, some are not so lucky and, if caught, the penalties are severe.

1. You will never be able to travel to the U.S. again without a Visa
2. Processing times for your visa will be far longer than normal
3. You may face a 1, 5 or 10 year ban from being issued a visa for the U.S.

## What is the process?

### Step 1 – Filing an I129 Petition

This is usually done by an attorney on behalf of a U.S. Company representing a band or performer.

If the band/performer have no U.S. representative company we recommend that they contact Tamizdat (details below) who are able to act as the petitioner on behalf of these acts.

### Step 2 – Applying for the Visa in the U.K.

All visa applicants are required to attend an interview at the U.S. Embassy in London or Belfast<sup>2</sup>. Generally TCG assist artists in preparing their applications, booking the appointments, and liaising with the Embassy for the return of the passports.

We charge an administrative fee for this, based on the number of applicants, the lead time given and if there are any applicants with arrest histories. With the discount we give for SXSW this works out at around £45 per applicant.

Of course, you do not have to use a visa agent, if you are familiar with the process, or feel confident that you can do it yourself, information can be obtained by calling 090 424 50100 at a cost of £1.20 per minute.

---

<sup>1</sup> A professional entertainer requires an O or P Visa to perform in the U.S. regardless of the amount or source of compensation, or whether the services will involve a public appearance. However, a professional entertainer may be eligible for visa free travel under the following circumstance:

- a. The entertainer is participating in a cultural program sponsored by the sending country, s/he will be performing for a non-paying audience, and ALL expenses will be paid by the member's government
- b. The entertainer is participating in a competition for which there is no remuneration other than a prize and expenses.

<sup>2</sup> Except if they are under 14 years of age or over 80.

### **How much will it cost?**

Each band or solo performer constitutes one I129 petition. Should the band have crew, or the solo performer backing musicians and/or crew, they count as a second petition.

The cost in the U.S. is per petition. While costs for immigration professionals vary and can be as much as \$3500+, in the example below we are using Tamizdat who charge SXSW applicants \$680 per petition.

U.K. costs are per person, for visas fees, calls to book appointments, return of passports and fees for companies like TCG.

Example - band with 4 members, leaving 4 months for processing

#### U.S. Costs

Government Filing Fee - \$320.00

Union advisory letter - \$250.00

Tamizdat fees and expenses - \$680.00

TOTAL - \$1250.00

**IF THE VISAS ARE NEEDED IN LESS THAN 4 MONTHS, THE U.S. GOVERNMENT OPERATES A 10-15 DAY PETITION PROCESS AT AN ADDITIONAL COST OF \$1000.**

#### U.K. Costs

Embassy fees for 4 U.S. visas - £340.00 (this figure changes with exchange rates)

Calls to the Appointment line @ £1.20 per minute - £24.00

TCG Fees - £180.00

VAT – £27.00

Return of passports by SMS - £15.00

TOTAL - £586.00

### **How long will the visa last?**

The length of the visa depends on the category and how long the petitioner requests the visas be valid.

O visas for solo artists can be for up to 3 years, P visas are valid for up to 1 Year.

To make the visas as cost effective as possible, and take advantage of any offers you might receive off the back of your SXSW performance, it is best to get as long a period as you can.

If you go through Tamizdat, you should put together an itinerary of proposed gigs spaced across the year, and Matthew or Pam will do the rest for you.

## **Arrest History/Convictions/Overstays and Turnarounds**

Anyone who has ever been arrested (even if never charged) must obtain a visa before travelling to the U.S.. The same is true for anyone who has been denied Entry to or has overstayed in the U.S..

The rehabilitation of offenders act is not recognized under U.S. Immigration law.

Processing time for the visa can be much longer for those you have any of the above problems with entry into the U.S., and previous visa issuance may have no bearing on the time scale for each new visa application.

All applicants with any kind of arrest history will have to obtain an ACPO certificate, which must be less than 6 months old when attending the Embassy appointment. Information available at <http://www.acpo.police.uk/certificates.asp>

Depending on the reason for your arrest, you may be sent for a medical to ascertain that you have no ongoing dependency or health problems.

If you were arrested in the U.S. you will also need to get your court files from <http://www.uscourts.gov/links.html>. Court documents must be obtained for convictions anywhere else in the world.

If your were denied entry you must take your turnaround report from U.S Customs and Border Protection, Form I-877 - You may be able to obtain a copy of the report from U.S. Customs and Border Protection. Please visit their website at [www.cbp.gov](http://www.cbp.gov) for further information.

It is strongly recommended to contact Katie Ray at TCG as soon as possible to discuss the case, if any of this section applies to you.

### **Primary Contacts**

#### **Traffic Control Group (TCG)**

Contact – Katie Ray  
Suite 602 Albany House  
324-6 Regent Street  
London W1B 3BL  
Tel – 020 7637 3450 Fax – 020 7637 3452  
e-mail – [katie@trafficcontrolgroup.com](mailto:katie@trafficcontrolgroup.com)

#### **Tamizdat**

Contact – Matthew Covey  
PO Box 20618, New York, NY 10009  
Tel - + 1 212.260.8444  
Fax - + 1 413 513 1157  
e-mail – [matthew@tamizdat.org](mailto:matthew@tamizdat.org)

If you have a representative company in the U.S. they may have their own immigration attorneys to file the petition. If not the 2 companies below are highly experienced in filing entertainment petitions.

TCG World Service  
Contact – David King  
Empire State Building, #2723  
New York NY1018  
T - +1 212 431 3700  
F - +1 212 431 7107  
e- mail – [david@tcgworld.com](mailto:david@tcgworld.com)

Kushner & Kushner  
Contact – Laya Kushner  
6739 Fairview Road  
Charlotte NC 28210  
T - +1 704 362 1106  
F - +1 704 362 1706  
e- mail – [laya@kushnerlaw.com](mailto:laya@kushnerlaw.com)