

# US-CANADIAN CROSS BORDER ISSUE RELATING TO P2 VISAS



Every year, the American Federation of Musicians of the United States and Canada (AFM) petitions on behalf of more than 4,000 Canadian musicians. Delayed processing for visa petitioners with fully executed performance contracts has meant missing gigs because approval to work in the US came after the performance date passed. The loss of regular processing and of follow-up premium processing fees paid in advance have led to hundreds of thousands of dollars in unused, unreimbursed fees.

Combined with the rash of 2020 COVID-related border crossing job cancellations, this predicament requires an investigation into the apparent lack of efficiency and ineffective management in USCIS centers resulting in the unacceptable loss of fees submitted by petitioners. We urge USCIS to promptly streamline processing for AFM Canadian members and adjust its processing practices accordingly.

## WHO WE ARE:

Founded in 1896, the American Federation of Musicians of the United States and Canada (AFM) is recognized as the largest union of musicians in the world and the oldest international trade union in the arts and entertainment industry. Our membership is comprised of more than 80,000 professional musicians who perform in symphony, opera and ballet orchestras, in live concerts, awards shows, on Broadway and in pit orchestras, on film soundtracks and live television as well as in every type of media content production. AFM members perform every type of music, including jazz, classical, blues, folk, R&B, hip-hop, and country music and are affiliated with some 200 local union jurisdictions throughout the United States and Canada.

The international aspect of the AFM is recognized by the US Department of Labor as having active members both in the United States and Canada. The AFM is also recognized by USCIS as a petitioner of the P2 Visa, and is a peer consultative organization for all other classifications of musical artist visas.

In Canada, the AFM is also known as the Canadian Federation of Musicians (CFM). AFM affairs are focused on matters of concern to AFM's Canadian membership and administered throughout Canada by AFM's Vice President from Canada under the direct supervision of the AFM's International President.

## BACKGROUND ISSUES/TALKING POINTS:

- ◆ Since 2019 approximately 1,244 Canadian musical groups have applied to the USCIS for P2 visas. That represents approximately 3,210 individual professional musicians.
- ◆ In addition approximately 276 P2S Essential Support Personnel have also made application.
- ◆ Nonimmigrant Canadian members of the American Federation of Musicians have over the years been the victim of delayed visa-petition processing and subsequent unreimbursed 14-day Premium processing fee inefficiencies that have led to lost contracted engagements and lost remuneration from US bookers/employers.

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- ◆ Delayed processing for these visa petitioners with fully executed performance contracts has meant missing gigs because approval to work in the United States came after the performance date passed.
- ◆ Prior to June 2001, all P2/P2S petitions were processed within the 14-day requirement in compliance with section 214(c)(6)(D) of the Immigration and Nationality Act (INA).
- ◆ The loss of regular processing and of follow-up premium processing fees paid in advance have led to hundreds of thousands of dollars in unused, unreimbursed fees.
- ◆ Combine this with the rash of 2020 COVID related canceled border crossings, this predicament literally requires investigation and policy readjustment into why USCIS centers so inefficiently mismanage petition completions while keeping hard earned fees submitted by legal petitioners.
- ◆ To complicate matters even more, US consulates have engaged in shifting protocols inconsistently granting National Interest Exception (NEI) to artists requesting entrance into the United States.
- ◆ This has further delayed and in some cases prevented qualified artists entry into the United States to consummate legally negotiated contracts with US employers.
- ◆ For those visas processed in time but canceled due to COVID-19 restrictions on border crossings, many international P2 artist performers are afforded no guarantee of future employment and have been prevented from rebooking or rescheduling engagements due to high cost of recurrent/duplicate fees required by USCIS.

## THE SOLUTION:

- ◆ We urge USCIS to look for ways to streamline processing for Canadian members of AFM, and reinstitute its processing practices to fall in line with the provisions under INA S. 214(c)(6)(D).
- ◆ We also strongly suggest that USCIS use funds acquired under HR 8337 the Emergency Stopgap USCIS Stabilization Act to increase USCIS adjudicator staffing.
- ◆ We also urge that when processing delays result in P2 petitions being approved after the performance date, USCIS refund fees or apply the fees to subsequent P2 reciprocal exchange visa petitions.
- ◆ To offer replacement/amended validity dates to those beneficiaries who were unable to validate their permits due to COVID related cancellations, when those affected beneficiaries being are rebooked.



[www.AFM.ORG](http://www.AFM.ORG)

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