



Artists from Abroad

Complete guide to immigration
and tax requirements

www.artistsfromabroad.org

Filing Timelines

This timeline is really common sense. It applies to all I-129 petitions for O and P classification, distinguishing only between premium processed petitions and regularly processed ones. Some of the actions below will, of necessity, be taken care of by the artist, not the petitioner.

One of the reasons to act as far in advance as we recommend is the risk, however small, that the visa applicant will encounter a clearance problem at the consular post. These take, on average, 14-21 days to resolve, and cannot be expedited. If there is a clearance issue of some sort, the 60-day buffer zone left at the end of the timelines below will shrink at a truly alarming rate... Furthermore, given that all consulates have been instructed to take more time with vetting across all classifications and that wait times to secure an interview can be unpredictable, there is even more reason to allow plenty of time for the consular processing step after securing USCIS visa approval.

Regularly Processing Petitions

As of May 16, 2007 visa petitioners may submit I-129 applications for O or P visas up to a maximum of one year in advance of their need for the foreign artist's services. Previously, the earliest petitioners could file was only up to 6 months in advance of a performance. Extending the earliest filing date from 6 to 12 months may provide relief for those petitioners prepared to file far in advance of a performance. Remember—file petitions as early as possible to be spared the [Premium Processing](#) fee and to allow more time for [consular processing](#) to be completed.

Consider that you may accomplish the following *before* the one-year clock begins to run:

- Confirm who is responsible for filing the petition!
- Check current processing times at <https://egov.uscis.gov/cris/Dashboard.do>;
- Gather all required supporting documentation and evidence, complete the forms in draft;
- Obtain a labor consultation, if required, bearing in mind that for [O-1B petitions, a new labor consultation](#) is unnecessary if the artist is re-entering the U.S. to perform similar services within two years of the date of the previous O-1B labor consultations;
- Identify the target [consular post](#).

Before committing to regular processing, remember that obtaining petition approval is only the first hurdle. The second is making sure that the artist has enough time to obtain the visa once she/he receives the approval notice (or the consular post is otherwise notified). For this, someone must contact the consular post as well. In short, you must be sure at the outset that the estimated regular processing time, plus the time it will take for the artist to interview for and obtain the visa, is sufficiently *less* than one year to account for other contingencies that can occur, especially [Requests for Evidence](#) (RFEs) that may take time to respond to. Keep all of these factors in mind when checking the [USCIS service center processing times](#), which are only an estimate and cannot always be relied upon to provide real-time estimates.” Here is a suggested timeline, starting six months before the anticipated date of entry:

Regular Processing Timeline

180 days

- File petition via air courier, with return air courier mailer.

150-170 days

- Filing receipt should be in hand. Make a note of the receipt number, in order to track the [case status](#) and/or create an account online with USCIS to receive updates.

120 days

- Check consular post web site, and contact post if necessary to find out what the lead time is for making appointments. Try to get a sense of how long it takes the consular post to issue a visa: sometimes it's same-day, often it will be a week or more before the post will return the passport. These are details the artist should know well in advance in order to plan travel accordingly and select the most convenient visa-issuing post. In most cases, even if the I-129 petition noted a particular consulate, the artist can change this to another location without issue.
- Ask the post how far in advance it is willing to issue the relevant visa, in light of the artist's scheduled travel time to the U.S. Consular practice varies in this regard, though posts have been encouraged to issue as far in advance as possible. Bear in mind that lead times stretch during the summer travel months and high holiday periods, and that all U.S. consular posts are closed on U.S. and host country national holidays. Also, check the Artists from Abroad [News section](#) to see if there are consular closures or other security concerns that might delay consular processing.

90 days

- Again check the USCIS current processing times for your I-129 petition. If a petition filed through the regular filing process exceeds 14 days in processing times, check the [processing times website](#) to see if there are reported delays for O and P processing. If your petition exceeds the estimated time range, immediately call the [National Customer Service Center \(NCSC\)](#) at 800-375-5283 to initiate an inquiry into the status of your case. If your [receipt date](#) is before the "Receipt date for a case inquiry", you can submit an "outside normal processing time" service request [online](#).
- Consider making the visa appointment, if dealing with a consular post with lengthy delays. Make the appointment for 60 days hence. Some posts will claim the petition must be approved before you can make the appointment, but unless the post asks for a copy of the approval notice, it is unlikely to check whether the petition is approved at that point, though it can ask for the file (receipt) number, which you have.

60 days

- Again check the USCIS current processing times for your I-129 petition. If they have slipped and you have not received a response from NCSC, contact them again and consider converting to premium processing! Why so early, when premium processing should only take up to 15 days? If you get an RFE instead of an approval, or if premium processing makes an error of some sort, those 60 days will evaporate in no time!
- If the artist has not made the visa appointment at the U.S. consulate, urge him/her to do so, depending on what you've learned about consular lead times.
- Double-check to be sure there have been no changes in consular procedure.
- Have the artist complete the necessary [consular processing forms](#), and obtain the photograph. The artist can wait to pay the fee until you are certain USCIS has approved the petition.

Final Preparation

- Once you receive the original approval notice, first, double check that everything is accurate – the spelling of the artist’s name and *especially* the approval period for the visa. If USCIS has made an error, contact the service center ASAP to get a corrected approval notice issued. Once you are satisfied that the approval notice is accurate, contact the visa applicant and reconfirm that the visa appointment has been made and that there still is sufficient time to ship the approval notice and a full copy of the petition to the applicant before the appointment (while this is technically not required, it’s good practice to have it on hand because consular practice varies). If need be, cancel the old appointment and make a new one, again bearing in mind that some posts will not issue the visa until fairly closely to the scheduled travel time.

Premium Processing Petitions

If you plan to premium process, *do all the initial steps listed above except for checking the regular processing times before your anticipated filing date.* Bear in mind that premium processing is supposed to respond within 15 days, with an approval, denial, request for evidence or referral to the fraud unit. This means you cannot count on receiving an approval within the 15 days, just a response. For that matter, the premium processing units are staffed by humans! Occasionally they will make mistakes. If you can help it, don’t cut your timing so fine that you have no flexibility left and remember that there’s still consular processing to factor into your timeline after the USCIS approval stage. Note that given USCIS assurances about improving efficiency, regular processing might be more viable than it once was, but petitioners will still get better customer service with PPS.

Premium Processing Timeline

120 days

- Check consular post web site, and contact post if necessary to find out what the lead time is for making appointments. Try to get a sense of how long it takes the consular post to issue a visa: sometimes it’s same-day, often it will be a week or more before the post will return the passport. These are details the artist should know well in advance in order to plan travel accordingly and select the most convenient visa-issuing post. In most cases, even if the I-129 petition noted a particular consulate, the artist can change this to another location without issue.
- Ask the post how far in advance it is willing to issue the relevant visa, in light of the artist’s scheduled travel time to the U.S. Consular practice varies in this regard, though posts have been encouraged to issue as far in advance as possible. Bear in mind that lead times stretch during the summer travel months and high holiday periods, and that all U.S. consular posts are closed on U.S. and host country national holidays.

90 days

- Consider making the visa appointment, if dealing with a consular post with lengthy delays. Make the appointment for 60 days hence. Some posts will claim the petition must be approved before you can make the appointment, but posts usually do not check to determine whether the petition is approved at that point, although they can ask for the file (receipt) number, which you have.
- File the premium processing petition with USCIS via air courier, with return air courier mailer.

85-88 days

- Email receipt should be received. Make a note of the receipt number, in order to track the [case status](#) and/or create an account online with USCIS to receive updates

75 days

- Email approval should be in hand. If not, and you have not received a faxed RFE, contact the premium processing unit by email or phone call, ask for the status, and plan to ask for a refund of the premium processing fee after the case is resolved, by again contacting the premium processing unit. You are entitled to a refund if you do not receive a response within 15 days of the filing date of your petition.

70-74 days

- If you included an air courier return mailer with your filing, you should have the approval notice in hand. Otherwise, it could take a few more days.
- Confirm that artist has made a visa appointment at the consular post.

Final Preparation

Once you receive the original approval notice, first, double check that everything is accurate – the spelling of the artist's name and *especially* the approval period for the visa. If USCIS has made an error, contact the service center ASAP to get a corrected approval notice issued. Once you are satisfied that the approval notice is accurate, contact the visa applicant and reconfirm that the visa appointment has been made and that there still is sufficient time to ship the approval notice and a full copy of the petition to the applicant before the appointment (while this is technically not required, it's good practice to have it on hand because consular practice varies). If need be, cancel the old appointment and make a new one, again bearing in mind that some posts will not issue the visa until fairly closely to the scheduled travel time.