

## **U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements Comments**

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P8265

### Introduction

Pearle\*-Live Performance Europe is the European employers and trade federation regrouping through its members over 10,000 organisations and companies in the music, performing arts and live event sector from across Europe.

Cultural exchanges between the EU and US are part of the daily practice between the two trading partners.

In trade terms, the export of 'personal, cultural and recreational services' to US amounted to 19,4 billion Euros and import from US was as high as 22,8 billion Euros in 2021<sup>1</sup>.

Pearle\* has taken note of the proposed DHS Fee schedule with great concern.

### Comments to the DHS proposed rule on U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements

Touring by live performance organizations of all kinds (orchestras, music groups, theatre and dance companies, ballet, opera companies, bands, actors, musicians, and accompanying supporting staff) to the USA is a costly and administrative burdensome process.

For many years this has been addressed by the host organizations (festivals, arts venues, theatres, promoters, producers) in the US and by the arts organizations touring from Europe.

The newly proposed rule imposes steep increases to some of its filing fees, including for O and P artist visas applications filed by U.S. petitioners. It would mean that:

- Filing fees for regularly-processed O visa petitions would increase by 260% from \$460 to \$1,655 per petition (this would include a \$600 surcharge to fund the Asylum Program Fee).

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<sup>1</sup> Source: Eurostat "Highest levels of international trade for services, selected countries", 2021

- Filing fees for regularly-processed P visa petitions would increase by 251% from \$460 to \$1,615 per petition (this would include a \$600 surcharge to fund the Asylum Program Fee).
- The total number of individuals on a single petition, including O and P arts petitions, would be capped at 25 beneficiaries. This would require numerous petitions for larger ensembles and groups. For example, a visiting ballet company comprising 110 dancers (or orchestra comprising 110 musicians), plus a handful of accompanying support staff would require 6 visa petitions rather than 2.
- The Premium Processing Service (which is already unaffordable to most organizations at a current cost of \$2,500) would take longer with USCIS redefining the timeframe from 15 calendar days to 15 business days (federal working days) in order to complete processing. It's been that this fee was very recently increased, and with the new proposal the processing times would lengthen and fail to provide improvements after this additional funding has been realized.

The proposed rule, would cause serious economic impact on the cultural business and exchange between US and Europe. A reduced cultural activity, would have a negative economic impact on jobs and the income derived from programming European live arts on both sides of the Atlantic. Neither the US arts stakeholders or the European based companies have the ability to pay these proposed fees, especially as the live performance sector is still recovering from the pandemic.

It is also noted that the proposed rule would not mean any benefit or improvement on the visa processing or visa rules for European companies invited to perform in US based venues and festivals. Already, it is noted that USCIS has historically failed to routinely process I-129 petitions within the statutorily required 14-day limit.

On this basis, Pearle\*-Live Performance Europe calls to withdraw the fee schedule proposal and to improve the visa processing by reducing administrative burdens and simplifying the rules.