

# USCIS Proposed Visa Fee Increase

## Fact Sheet

(2/22/2023)

### How significant is this increase? What does it consist of?

- The Department of Homeland Security is proposing increases of varying amounts across many of their visa categories, but the classifications used by the arts are facing among the highest increases – **more than tripling the current cost** to file a visa petition.
  - O petitions would cost \$1,655. P petitions would cost \$1,615. Both currently cost \$460.
  - Example: An arts organization that engages 8 international artists in a season pays \$3,680 in filing fees. At the new rate, this would cost \$13,240—nearly \$10,000 more. This does not include the likelihood that some of those petitions would need to be expedited at an additional cost of \$2,500 per petition due to persistent delays at USCIS.
- **Arts petitioners are not alone in facing these drastic fee hikes:** the O classification is used for individuals in the arts, sciences, education, business, and athletics; the P classification is used for artists or entertainment groups, including ensembles, athletic coaches or trainers.

### Why the fee increase?

- USCIS (Citizenship & Immigration Services) is primarily a **fee-funded agency** rather than one that receives funding from Congress. They are severely under-budgeted and have technology and staffing needs they say cannot be addressed by their current funding projections. They also have case processing backlogs, despite a dip in activity during the pandemic.
- The **increased fees include a \$600 Asylum Program Fee**, which is being assessed to all filers of two forms that are employment-based. USCIS has deemed that employers who can afford to file a visa petition can also afford to pay a surcharge each time a petition is filed to fund the asylum program. The addition of this fee is not exclusively directed to the arts sector, but the fee proposal openly acknowledges the universe of petitioners who will be affected includes arts, non-profit, small businesses, and that some may not be able to afford this increase. This is not an optional fee, according to this fee proposal.

### Why does this matter? What's at risk?

- **The arts sector and audiences need a reliable and affordable visa process.** USCIS says it is striving for a more equitable immigration system, but fee increases of this magnitude will make an already expensive process out of reach for countless organizations, artists, and businesses. This may also greatly reduce the scope of artists presented to U.S. audiences, given the expense and risk.
- **Arts stakeholders in all parts of the U.S. engage international artists and do not have the ability to pay these proposed fees.** Each time an artist performs in the U.S. whether for a single performance, short series of events, tour, or a position within a U.S. ensemble, an O or P nonimmigrant work visa approval must be in place. A U.S.-based entity applies to USCIS to obtain the approval, and the artist uses the approval notice to obtain the visa at a U.S. consulate.

# USCIS Proposed Visa Fee Increase

## Fact Sheet

(2/22/2023)

- **Drastic fee increases will stifle international cultural activity, put U.S.-based jobs at risk, and have a negative economic ripple effect on communities supported by arts events.**
  - No matter who bears the initial cost of increased fees, the arts ecosystem is highly interdependent and complex; there is already great concern about how such costs will be absorbed. The arts sector is still recovering from the effects of the pandemic.
  - For festivals and venues presenting culturally unique international art, this fee increase would pose a tremendous risk. This would harm not only the festivals, artists, and employees, but all related tourism.
  - U.S. artists count on the ability to perform alongside international artists. There is also concern about the reciprocal effect on the opportunities for U.S. artists to tour abroad.
- **Delays in processing are already forcing some petitioners to pay the unaffordable Premium fee (\$2,500), or else forgo engaging international artists.** Increasing the base filing fee provides no promise of improved service, given that previous increases have failed to deliver on improvements. That means most arts petitioners would be facing not simply an increase from \$460 to \$1,655 but an additional \$2,500 for a grand total of \$4,155 to engage a single artist.

### What else is in the proposal? Are there other concerns?

- **There is a highly damaging proposal to limit the number of workers on certain petitions, including O and P visas, to no more than 25.** As an example, if a performing arts venue seeks to present an international orchestra with 100 musicians, instead of filing a single P-1B petition at a current cost of \$460, it would need to file four petitions at the new P-1B cost of \$1,615 for a total of \$6,460. **To engage one ensemble would cost \$6,000 more.** This also poses the very real risk that the petitions could be divided among different USCIS staff, reviewed at different times and by different subjective standards. If even one petition is delayed or denied, the entire ensemble would be put at risk.
- **USCIS plans to change the window of time for its Premium Processing Service so that instead of providing a reply within 15 calendar days, it would be 15 federal working days** – this would exclude from the 15 day count weekends, federal holidays, and federal closures due to inclement weather or other reasons. This exorbitant **fee was raised by more than \$1,000 to the current cost of \$2,500 in 2020** with very little notice to the public during the pandemic, with the justification that USCIS needed additional funding to reduce its backlogs.

### What does the arts sector want?

- This unprecedented fee increase reveals USCIS greatly misunderstands the arts ecosystem and its ability to pay for a highly unreliable service. Presenting dynamic artistry and fostering

# USCIS Proposed Visa Fee Increase Fact Sheet (2/22/2023)

international cultural exchange is at the core of the mission of arts organizations. These fees are barriers to delivering on that mission.

- USCIS can **take immediate action to improve the speed and quality of the visa process**, instead of increasing the barriers to international cultural exchange with a disproportionate fee hike. National arts stakeholders have formally submitted [detailed recommendations for improvements](#) across the agencies involved in the artist visa process.

## Suggestions for composing your comments:

### For artists:

- **What would be at stake - financially, artistically/programmatically, operationally?**
  - Describe how international activity supports your artistry, career
  - Describe the impact that increased costs will have on performance opportunities, particularly given ongoing recovery from the pandemic

### For organizations/agent/venues:

- **What kinds of artists do you engage?**
- **What would be at stake - financially, artistically/programmatically, operationally?**
  - **Would entire performances be cancelled if you had to file fewer or no visas at all in a season? What would that cost?**
  - **What does it cost when an already-planned program has to be cancelled, rescheduled, or a last-minute substitution be made due to unresolved visa snafus?**
- **How much \$ do you budget for filing fees and occasionally engaging legal assistance for filing visa petitions?**
  - **What percent of your overall artistic budget does this represent and what percent is this compared to your overall operating budget?**
  - **USCIS is asking for feedback on their assumptions around our ability to pay - what kind of data can you provide that would refute their calculations, which look at total budget or sales revenue?**

**USCIS Proposed Visa Fee Increase  
Fact Sheet  
(2/22/2023)**

- **What are the enduring financial and programmatic impacts of COVID-19 on your organization or business? USCIS has detailed its own impacts and cuts to justify increasing fees. What can you share in return?**