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Visas and Green Cards for Artists, Musicians and Performers

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Submitted by Rajiv S. Khanna on Feb 26th 2009

Immigrant VISA:

EB-1 Classification:

Generally, the following person(s) may qualify for EB-1 classification:

1. Foreign nationals with extraordinary ability in the sciences, arts, education, business or athletics that has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation.
2. Foreign nationals who are outstanding professors or researchers, recognized internationally for their academic achievements in a particular field. They must also have three years? experience in teaching or research in that academic area.
3. Foreign nationals who are managers and executives subject to international transfer to the United States.

Artists and entertainers seeking to immigrate under this category must have risen to the very top of their field or endeavor and must aim to continue working in the field in which they possess extraordinary ability. It is imperative that an artist or entertainer entering the U.S. under this category must substantially and prospectively benefit the U.S.. A Labor Certification is not required for an artist and entertainer seeking to immigrate under this classification. They may self-petition, if they do not have a specific job offer. Those who have received a major internationally recognized award, such as a Nobel Prize, may qualify for EB-1 classification. Recipients of other awards may also qualify, if it can be shown that the award(s) is/are significant and internationally recognized. A petitioning artist or entertainer must follow the EB-1 regulations that call for 3 of 10 rule (i.e. classification based on at least three of the types of evidence outlined below, is permitted). An artist or entertainer may submit other

comparable evidence, if the following types of evidence are unavailable:

1. Documentation of the artist's or entertainer's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
2. Documentation of the artist's or entertainer's membership in associations that demand outstanding achievement of their members, as judged by internationally recognized experts, in the discipline or field for which classification is sought.;
3. Published material about the artist or entertainer in professional or major trade publications or other major media;
4. Evidence that the artist or entertainer has judged the work of others, either individually or on a panel;
5. Evidence of the artist's or entertainer's original scholarly, artistic, or business-related contributions of major significance to the field;
6. Evidence of the artist's or entertainer's authorship of scholarly articles in professional or major trade publications or other major media;
7. Evidence that the artist's or entertainer's work has been displayed at artistic exhibitions or showcases;
8. Evidence that the artist or entertainer performed a leading or critical role in distinguished organizations;
9. Evidence that the artist or entertainer commands a high salary or other significantly high remuneration in relation to others in the field; and
10. Evidence of commercial successes in the performing arts.

Artists or entertainers seeking immigration under this category may submit any of the following specific types of evidence to USCIS:

1. Media coverage of the artist's work (press releases, advertisement of movie premier, coverage on success of movie highlighting the artists part, newspaper articles, critic's overview, industry publications etc.;
2. Copies of articles written about the individual in trade magazines ? publications in the movie industry highlighting upcoming films featuring the artist;
3. Any stage work (plays) ? playbill or similar publication noting the artist's participation and previous successes in the field;
4. Expert advisory opinions obtained from industry associations.
5. Copies of work ? DVD's, posters advertising movie, etc.;
6. Evidence from producers of work showing box office sales, and/or ratings in the industry;
7. Proof of high remuneration for parts in comparison to others in the industry;
8. Film industry reviews of work (film release and subsequent feedback from critics and the general public); and
9. Any awards received for roles played ? copies of certificates or award letters along with documentation to show award criteria and reputation/significance of the awarding body.

Expert testimonials may also be submitted to USCIS to show that the petitioning artist or entertainer is one of those few who have risen to the top of the practiced vocation.

Nonimmigrant Visas:

[O-1 Visa](#) ^[2]

[P Visa](#) ^[3]

Profession/Occupation:

Artists, Musicians, Performers [4]

Green Card:

EB1 Green Card [5]

National Interest Waiver [6]

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