

MEMORANDUM

TO: UK Music
FROM: U.S. Embassy London
RE: UK Music Meeting of 19-OCTOBER-2012 and Outcomes

Recently, a delegation headed by UK Music, which included several representatives from the UK Music Industry and an interested Member of Parliament, meet at the U.S. Embassy to discuss opportunities to improve our visa services for musicians, managers and their support staff who wish to travel to the United States. The meeting was extremely useful and resulted in several recommendations that we have implemented, or will consider for implementation in the near future.

We recognize that for UK musicians, there is a two step process for obtaining a visa to perform in the United States. The first is obtaining a petition from the United States Citizenship and Immigration Service (USCIS). At the request of the UK Music delegation, we have agreed to conduct a series of meetings and outreach through various media with our USCIS colleagues to explain this process. We hope this is beneficial to musicians, managers and promoters.

The second step involves our visa services here in London at the U.S. Embassy. We discussed several options to assist individual performers obtain visas quickly and efficiently. At the request of the UK Music delegation, the Embassy has agreed to open visa appointment times between 7:30AM and noon (previously 7:30 to 8:30 AM) to facilitate travelers from outside the greater London area. If you want a later interview time, please state so when you make an appointment.

We are also examining the feasibility of establishing a courier drop off service for anyone who has a current petition, who has had an "O" or "P" visa that has expired within the last 12 months, and who has already provided electronic fingerprints. Performers who meet these criteria should be able to submit their passports to us through a drop off window for a visa issuance without having to come to the U.S. Embassy for a personal interview. We are looking at ways to expedite the processing of these re-use visa applications so they can be returned quickly.

At the request of the delegation members, we have designated a single officer in the Embassy as a point of contact for UK Music to identify and attempt to resolve procedural issues that might inhibit the travel of UK musicians going to the United States to perform.

A final recommendation by the delegation was for the Embassy to provide some guidance to assist visa applicants understand how their visa request is being processed. That information is below for your review and reuse within the UK Music community.

In short; at the conclusion of every interview the interviewing officer will explain what the result of the interview is. Here are the possible decisions our consular officers will deliver to applicants.

What does a visa denial under Immigration and Nationality Act (INA) section 214(b) mean?

It means the decision is not to issue a visa.

Section 214(b) of the United States Immigration and Nationality Act (“INA”) requires that Consular Officers must assume that every visa applicant intends to leave his or her home country and immigrate to the United States. The applicant must convey during the interview that this presumption of immigrant intent is not true.

The Consular Officer must be convinced that the applicant:

Has a home outside the United States that they will not abandon;
Is visiting the United States temporarily and will leave when the stated purpose of travel is complete;
Is able to pay for the trip; and
Meets the requirements of the visa type for which they are applying, and/or that planned activities in the U.S. are allowed by that category.

Is a refusal under section 214(b) permanent?

No. A refusal under section 214(b) is for that specific application. Once a case is closed the consular section cannot take any further action. There is no appeal process. If you feel there is additional information that should be considered related to the visa decision, or there are significant changes in your circumstances since your last application you may reapply for a visa. To reapply, you must complete a new application form, pay the application fee, and schedule an appointment for a new interview. Review the website of the U.S. embassy or consulate where you plan to reapply to learn about any reapplication procedures.

What does a visa denial under INA section 221(g) mean?

A visa denial under section 221(g) of the INA means that the consular officer did not have all of the information required to determine if you are eligible to receive a visa. This means you are not eligible for the visa now, but your case is pending further action for one of the following reasons:

- Your application is incomplete and/or further documentation is required;
- Administrative processing

Is there something I can do about a refusal under section 221(g)?

If your application was denied because documentation or information is missing, you can provide the missing documents or information as soon as possible. The interviewing officer will explain how to forward further documents to us for review.

Administrative Processing Information

Some visa applications require further administrative processing, which takes additional time after the visa applicant's interview by a Consular Officer. Applicants are advised of this requirement when they apply. Most administrative processing is resolved within 60 days of the visa interview. When administrative processing is required, the timing will vary based on individual circumstances of each case. Visa applicants are reminded to apply early for their visa, well in advance of the anticipated travel date.

Information about nonimmigrant visa wait times for interviews and visa processing time frames are shown on this website, as well as on U.S. Embassy and Consulate websites worldwide.

PLEASE NOTE: The Embassy cannot waive this processing or influence the amount of time this processing may take. Please do not contact the Embassy while your application is being processed as we will not be able to assist you.

If you are not refused under INA 214(b), or INA 221(g) your visa should be ready within three to five days. Currently, more than 92 percent of all O and P visas are issued within three to five days.

DHS TRIP (Traveler Redress Inquiry Program): once you have a visa can you expedite customs clearance when you arrive in the United States? Yes, you can.

The United States Department of Homeland Security Traveler Redress Inquiry Program is a single point of contact for individuals who have inquiries or seek resolution regarding difficulties they experience during their travel: <http://www.dhs.gov/dhs-trip>.

By registering with DHS TRIP, individuals will be given a unique identification number that can be presented to boarder control officer on entry to facilitate their clearances.

We appreciate the importance of a robust cultural exchange between our countries, and look forward to working with UK Music and industry representatives to improve and facilitate this important exchange.