

FOLK ALLIANCE INTERNATIONAL

October 30, 2019

To Whom It May Concern:

This letter serves as recognition that the bearer is attending the 32th annual Folk Alliance International conference **January 22-26, 2020** as an unpaid industry delegate.

The conference takes place at:

The Sheraton New Orleans Hotel, 500 Canal Street, New Orleans, Louisiana, 70130.

The conference is a networking, professional development, and showcase event for over 2900 artists, agents, managers, labels, presenters, and music industry representatives from 45 countries. Only accredited industry may attend. The event is not a festival or open to the public.

It is our understanding that delegates entering the U.S. with the sole professional purpose of attending the conference, do not need employment-based visas (P or O class), but may enter under the Visa Waiver Act, or using a B1 visa, as per 9 FAM 41.31 N8 ("to engage in commercial transactions, which do not involve gainful employment in the United States (such as a merchant who takes orders for goods manufactured abroad;" and to "participate in professional, or business conventions, conferences, or seminars") as articulated in Matter of Hira (11 I&N Dec. 824 (BIA 1965, 1966)."

The full schedule is available online at www.folk.org/schedule.

All music industry delegates are required to be registered to attend the conference and are responsible for their own flights, meals, and accommodation expenses.

The Folk Alliance International Conference is the world's largest gathering of the Folk music industry and community (including Appalachian, Americana, Blues, Bluegrass, Celtic, Cajun, Indigenous, Latin, Global Roots, Traditional, and Singer-Songwriter).

Folk Alliance International (FAI) is a registered not-for-profit 501(c)3 membership organization with over 3,000 members worldwide. FAI's mission is to serve, strengthen, and engage the global folk music community through preservation, presentation, and promotion.

Sincerely,



Aengus Finnan
Executive Director
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Overview of Visa and Access Requirements to Attend Folk Alliance International

DO I NEED A VISA TO PERFORM AT FAI?

As a rule, foreign artists performing in the U.S. must secure an employment visa (usually a P or O visa) prior to entering the U.S. This is required regardless of how long you'll be in the U.S., how much you're getting paid, or even if you are performing for no pay... you still need a work visa. However, there are a few very narrow exceptions to this rule, and Folk Alliance is one. Because FAI is principally an industry-facing event, it is considered a "bona fide industry event," so most consular and border officials will understand that ESTA or a B-1 visa is sufficient if you are entering the U.S. only to perform at FAI. However, if you are doing any other performances in the U.S. while you're here, (whether paid or volunteer, public or private) you probably need a P or O visa. If you have any questions, contact tamizdat.org/avail for pro bono legal assistance.

I AM A CANADIAN. DO I NEED A VISA TO PERFORM AT FAI?

Canadians who are not doing any other professional performances (paid or not) while in the U.S. should not have a problem clearing immigration with their FAI invitation letter. As part of standard admission to the U.S. on business (not work), a B1 stamp will be added to your passport by the officer.

I AM FROM AN "ESTA" COUNTRY, SO I DON'T NEED A VISA TO PERFORM AT FAI, RIGHT? If you are from a "visa waiver" country you may legally perform at FAI without any visa if you are currently enrolled in the ESTA program. However, ESTA is a flakey system, and we strongly recommend that showcasing artists seek a B1 visa. A B1 visa is not legally required, and it costs \$190, but showcasing artists holding of B1 visas are less likely to encounter problems with US Customs and Border Protection officers upon arriving in the U.S. At your consular interview, make sure to explain to the consular officer that you are performing at a showcase event, and provide the official FAI invitation. (In years past, showcasing artists from the UK were excepted from this advice; recent improvement in the staff of the US consulate in London have resolved this concern, and we now recommend UK artists seek B1 visas for FAI.)

I AM NOT FROM AN "ESTA" COUNTRY. WHAT VISA DO I NEED?

If you are not from a "visa waiver" country, you'll need to seek a B1 visa through a US consulate, ideally a month or two before you travel.

WHAT IS THE VISA WAIVER PROGRAM, AND WHAT IS ESTA?

The Visa Waiver program is a treaty between the US and 38 countries that normally allows those countries' citizens to travel to the United States without a visa for stays of up to 90 days. Travelers must be eligible to use the VWP and they must have registered online through the Electronic System for Travel Authorization (ESTA) prior to travel. Due to increased scrutiny regarding showcase performances, it is advised that even if you are eligible to travel to the US on ESTA, showcasing artists should consider securing a B class visa in advance from a US Embassy. For more information about the Visas Waiver program, please see this link.

I WAS DENIED A VISA. MAY I USE ESTA?

A recent visa refusal for any reason will likely result in denial of ESTA authorization, additional review at the port of entry, or denial of admission to the United States. If you are uncertain if you qualify for VWP travel, you may choose to apply for a visa.

I'M CONFUSED. WHERE CAN I GET FREE HELP?

FAI provides more details at: <https://folkconference.org/information-for-non-us-attendees/>
The authoritative source for information about U.S. entry visas can be found at www.artistsfromabroad.org.
TamizdatAVAIL (<https://www.tamizdat.org/tamizdatavail/>) is a non-profit project that provides both urgent and long-term solutions to pervasive U.S. visa problems faced by the international performing arts community. TamizdatAVAIL is a free hotline that provides performing arts professionals with urgent legal assistance regarding U.S. visa issues. It is staffed by legal professionals. Their team of volunteer lawyers provides free advice to performing arts professionals who are experiencing a problem in a subsequent stage of the visa process. TamizdatAVAIL can be reached at 718-541-3641 or by email avail@tamizdat.org