

PREFACE

Most readers are likely familiar with the joke in which the tourist asks the New Yorker, “How do you get to Broadway?” and the response is, “Practice, practice, practice.” As you attempt to get your foreign national client to Broadway or any other U.S. entertainment venue by means of U.S. immigration law, the method of getting there is the same. This handbook has been crafted to guide you along that path, whether your immigration practice is at a beginning or advanced level.

Theodor Geisel (a/k/a “Dr. Seuss”) said, “I like nonsense, it wakes up the brain cells.” He would have been invigorated by U.S. immigration law. To help readers make sense of the relevant laws and procedures, this handbook provides an updated overview of the “O” and “P” nonimmigrant visa categories and related processing issues, such as how bi-specialization has affected O-1 processing; creative applications of the O and Schedule A, Group II categories for assistance in handling challenging cases; insight into the post-9/11 reception of foreign national performers and athletes as they attempt to live and work in the United States; consular processing issues for artists and entertainers to assist practitioners in preparing clients for their encounter with government officials prior to entering the United States; and, finally, for those responsible for verifying the employment eligibility of employees, helpful guidance on the IRCA laws and worksite enforcement operations.

When he opined that “[s]ports serve society by providing vivid examples of excellence,” George F. Will may not have been writing a statement in support of an athlete’s visa petition, but if he were to do so, he would benefit from the athlete-specific guidance in this publication. For instance, amateur athletes and coaches now can obtain temporary work visas under the COMPETE Act of 2006, and this handbook explains those requirements. In addition, the appendix section highlights the contributions of immigrant athletes to baseball, long hailed as “America’s Game.”

Oscar Wilde observed that “[a] work of art is the unique result of a unique temperament.” Readers facing the negative immigration consequences of a client’s negative temperament will appreciate the guidance provided in an easy-to-read article covering the often difficult-to-understand issues involving inadmissibility and deportability.

This handbook even has something for those who want to be rich and famous but may be reflecting on comedian Bill Murray’s advice: “Try being rich first. See if that doesn’t cover most of it. There’s not much downside to being rich, other than paying taxes and having your relatives ask you for money.” In an article presenting the financial realities of the profession, readers will find guidance on the U.S. tax requirements for foreign guest artists. Also, a review of investor visas for entertainers, artists, and production companies provides creative visa options for professionals who seek both fame and fortune in their artistic pursuits.

Final scene: Editor’s Law Office

Handbook Editor

(Rising from chair and clapping wildly)

“Bravo, bravo to the contributors who graciously gave their time and considerable talent to this endeavor. Special thanks to my associate editor, Dagmar Butte, for offering extra support to the editorial efforts while I temporarily departed to focus on a new production of my own, entitled “Isabelle.” Tatia L. Gordon-Troy also should be lauded for her creative advice and composure during our composition of this publication.

Leigh N. Ganchan
February 2007