

Trump's Call For 'Heightened Vetting' May Be Affecting International Artists, Lawyers Say 05:09

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By [Maria Garcia](#) 



Immigration lawyers believe the State Department has been denying more artist visas after President Trump ordered heightened vetting for all visa applications earlier this year.

In a March 6 memo, released after Trump issued his second executive order on immigration, the president directed "immediate implementation of additional heightened screening and vetting protocols and procedures for issuing visas." The memo, according to some prominent attorneys who specialize in artist travel, has further complicated the subjective process international artists must navigate to perform in the U.S., and in some cases, impacted programming for local arts organizations.

Programmers at the Boston Early Music Festival (BEMF), a Grammy-winning event that caters to Renaissance and Baroque music enthusiasts, were surprised and dismayed in May, when, for the first time, U.S. immigration services denied four of the 26 visa applications BEMF applied for. The visas were for the four young women of the German group, Boreas Quartett Bremen. The group, who plays handmade recorders, had to cancel their performance in Boston.



German group Boreas Quartett Bremen. (Courtesy Alasdair Jardine)

"I was rather shocked. Our audience has really missed out on a unique and beautiful performance," said Shannon Canavin, the festival's visa specialist. Canavin has been filing artists' applications for more than 20 years and had not encountered a denial until this year.

In 2016, the U.S. issued more than 63,866 O and P visas, which enable athletes, entertainment groups or other people with extraordinary abilities in the sciences or business and those traveling with them to visit the U.S. for short term contractual employment and performances. In March and April of this year, the only months the State Department has released data for, the U.S issued only 697 of those visas. (Monthly tallies for visas issued in 2016 are not available.) A State Department spokesperson said the government released information on the number of visas issued in March and April after the president ordered the department to "quantify the national security work of our consular operations around the world."

"We have to call it what it is, which is a problem," said Brian Goldstein, a leading immigration attorney and co-founder GG Arts Law, a New York City firm that represents arts organizations throughout the country, including in Boston. "There's no conspiracy. There's no one out there saying we're going to

stop artists. It's basically much broader than that and artists they consider collateral damage."

The State Department did not respond to a request seeking comment on the concerns of visa denials at U.S. embassies and consular posts, but a spokesperson wrote in an email that "all visa applications are subject to screening that protects the security of U.S. borders."

To bring international artists here, arts groups must file a petition with the U.S. Citizenship and Immigration Services. The organization must prove the artist will have contractual employment in the U.S. and that the artist is renowned — but that's subjective. This is where federal authorities denied Boreas Quartett entry, saying the group wasn't renowned enough, despite the quartet's favorable reviews and performance with Han Tol, a Dutch director and one of the biggest names in the Early Music world.

Boreas Quartett Bremen - The Golden Age



"[The Boreas Quartett] are definitely one of the rising stars in the field. Each visa application is at the discretion of the officer looking at it and some are kind of really giving it an extremely critical eye," said Canavin.

Once U.S. immigration approves the artist's petition, it goes to the U.S. embassy where the artist resides, to evaluate if there's a risk the artist would stay in the U.S. after the visa runs out.

"What we're seeing right now is an awful lot more skepticism from officers," said Matthew Covey, an immigration lawyer and the co-founder of Tamizdat, a nonprofit that advises and advocates for traveling artists. "The delays that you're going to be experiencing in getting those visas are longer than they would have been a year ago... What is a broader effect, I think, is that there is a pervasive sense in the international community that the U.S. is becoming a hostile environment for performing artists."

In Boston, David Dower, the co-artistic director at ArtsEmerson, hopes his audience doesn't miss out on any international artists. His organization has already applied for 76 visas for the upcoming theater season, which includes a play by Sulayman Al Bassam about the Arab Spring, with an audio director from Syria.

Syria is one of the six countries included in Trump's travel ban, parts of which the Supreme Court allowed to go into effect last week. The ban still permits people from those countries with ties to the U.S., like employment, to enter. That would mean artists with an employment contract would still be allowed, but the artists would have to pass heightened vetting.

Because of the intensified scrutiny and a multiple-year backlog in artist visa processing, ArtsEmerson and many other arts groups across the country are spending thousands of dollars on visa consultants and specialized immigration lawyers.

"We know how to fill out the paperwork. We know how to get the right letters of support. We know how to work with the other side and the other nations. We do that all the time, but in moments of strain like this, expeditors have better access to speedy processes," Dower said.

Even with the increasing complexity in visa applications, Dower said he won't allow political tensions or fear of rejection influence the kinds of artists ArtsEmerson invites to the U.S., from the countries included in Trump's executive order or not.

"We're not naive about the fact that it may cause us challenges ahead," he said. "But the larger challenge would be to start to walk away from our own values and what we know to be important in our community."

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