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Border Crossings: Work Permits and Other Rules

by Corina Robidoux, Artist Immigration Administrator, AFM Canada

The AFM has been recognized by both the United States Citizenship and Immigration Services (USCIS) and Citizenship and Immigration Canada (CIC) as an authorized petitioner for temporary work permits on behalf of members.

Canadian members who wish to work in the US may be eligible for a Class P-2 nonimmigrant work permit, and American members who wish to work in Canada may be eligible under the Canadian Cultural Exchange Program.

Initiated by AFM and in accordance with USCIS and CIC, both categories are subject to a reciprocal exchange agreement. For this purpose, an agreement between AFM Canada and AFM USA has been accepted by USCIS and CIC, which recognizes the AFM as an authorized representative for AFM members in both countries and allows for the exchange of artists.

P-2 Work Permits

Even though AFM has been recognized in this industry as the leader regarding cross-border travel, with an approval rate at 98%, the past few years have brought many challenges for Canadian members who wish to obtain nonimmigrant work permits for the US.

Because of new safeguards and security checks put in place by the USCIS on all visa categories, processing times have fluctuated dramatically. The Canadian office saw an average of 90 days for processing P-2 work permits in 2005 with a handful of permits processed in less than 90 days.

Here are some reminders regarding P-2 work permits. Remember, some points have changed since 2005:

- AFM members applying for a P-2 work permit must be members in good standing and paid up for the period of time they are requesting access to the US for confirmed contacted engagements.
- Please be advised that a P-2 is not an open work permit. The P-2 is very specific to the engagements applied for. If there is a change in employer or you are offered new employment during the validity dates of your permit, please advise AFM Canada before accepting employment. To update an existing permit, additional USCIS fees apply. Any musician or technician accepting engagements not originally applied for, or not authorized by USCIS, is working those engagements illegally.

- When negotiating contracts, fees must be sufficient to ensure that each contracted musician is to receive minimum scale after deduction of agent's commissions but before any other expense deductions. It is now mandatory that every engagement be contracted utilizing the T2C Traveling Engagement Contract. The minimum scale for Traveling Engagements is currently US\$80 per side-musician and US\$120 for the leader. If a musician is working for less than minimum scale, they will not qualify under the P-2 category.
- If you or a member of your group is applying for a P-2 permit, and you have a criminal history of any kind, the entire petition will be held by USCIS for additional security checks. AFM Canada can advise members in this regard on a case-by-case basis if specific information regarding your case is shared with AFM Canada before you submit a request.
- All members working abroad must obtain a passport, and we strongly advise you purchase out-of-country health insurance. If you already have a passport, please be advised that your passport must be valid six months beyond the expiry date of your work permit.
- You may apply for a P-2 for a minimum of one day to a maximum of 365 days. USCIS will approve a petition and allow entry into the US before your actual engagement, providing it does not exceed two days and providing you indicate the earlier date on your application. Your permit is valid in accordance with the dates on your Approval Notice. Multiple engagements with multiple engagers may be covered by a single P-2 permit up to one year, providing you have at least one confirmed engagement for every 30 days applied for. If there is a gap of more than 30 days between engagements, additional applications must be filed with the required fee.
- AFM Canada levies a fee of Can\$20 per P-2 request or Can\$40 if technicians are required.

The Cultural Exchange Program

The Federation's Canadian Office has been designated as the sponsoring organization for a cultural exchange program, whereby AFM members will not require Department of Employment validation (form EMP-2151) from CIC prior to entering Canada for commercial engagements for a period up to three months.

In this regard AFM Canada helps facilitate entry for US Federation members wishing to work in Canada. This process is monitored exclusively by AFM Canada and does not involve collaboration with CIC.

To apply under this program, US members must fill out a short application form provided by AFM Canada, must have confirmed contracted employment, and must be working for minimum traveling scale wages. A criminal record could inhibit you from entering Canada legally. AFM Canada levies a fee of Can\$20 for each application.

Once the application and contract are reviewed by AFM Canada, the leader or musician will be forwarded a completed CE-AFM-2 form letter. This letter is presented to the Canadian immigration officer at the Canadian port of entry into Canada, along with any contracts you have.

At this time a form IMM-1102 Work Permit will be issued by the immigration officer and an administration fee will be charged. The single member fee is Can\$150, and for groups of three through 14 members traveling as one unit the fee is Can\$450. This fee is payable at the Canadian border by cash, money order (payable to Receiver General of Canada), or credit card.

Contact Artist Immigration Specialist Corina Robidoux at the Canadian office (416-391-5161 or corinar@afm.org) at least 15 days before your performance to determine your specific requirements. In some instances US performing artists may not have to pay a fee or require authorization to work in Canada as US citizens. Robidoux will have additional information in this regard.

Detailed information regarding P-2 work permits and the Cultural Exchange Program can be obtained by visiting the AFM website--www.afm.org--contacting your local, or contacting AFM Canada at 416-391-5161.

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