



Artists from Abroad

Complete guide to immigration
and tax requirements

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Sample Itinerary-Based Cover Letter

[Business Letterhead if available]

Date

VIA AIR COURIER

[Premium Processing Service, *if applicable*]
USCIS Texas Service Center
ATTN: I-129 [*include non-immigrant classification, such as "O-1B"*]
[street address]

Re: **I-129 Petition of [Organization] for O-1B Arts Classification for [Beneficiary]**

Dear Sir or Madam:

Enclosed is an I-129 petition for [Beneficiary] who has been contracted by [Organization] (as Petitioner/Agent) for the [*season date, performance dates, etc.*].

Best efforts have been made herein to give the most current ‘snapshot’ of Beneficiary’s itinerary, as of the date of this filing. However, per **8 CFR 214.2(o)(2)(iv)(D)**, this petition is **itinerary-based** and the petitioner may add additional engagements during the approval period. In accordance with **8 CFR 214.2(o)(2)(iv)(E)(3)**, [Organization] will act herein as Beneficiary’s Designated Agent for immigration purposes only, on behalf of itself and other organizations engaging the Beneficiary for the period listed on the petition.

I. Contents.

O-1B Petition: Enclosed, in duplicate, we submit the following:

1. I-907 with attached premium processing fee [if premium processing];
2. I-129 with attached [TBD] filing fee [*list the appropriate amount depending on petitioner status and classification being sought*];
3. Copy of petitioner’s IRS determination letter proving 501(c)(3) status or most recent IRS Form 941 or Employer’s Quarterly Federal Return [for petitioners seeking a reduced filing and/or Asylum Processing fee]

4. Per **CFR 8 § 214.2(o)(5)**, one or more consultation letters attesting to Beneficiary's stature as an O-1B alien of extraordinary ability in the performing arts, from the following expert service organizations and/or collective bargaining representatives: a) [organization] b) [organization] c) [organization]
5. Copy of Beneficiary's passport biographical data page;
6. Supporting documentation, beginning with an explanation as to which regulatory criteria for proving extraordinary ability we address and what evidence supports each criterion:

- Tab A. Background information on the petitioner;
- Tab B. Bio and discography of the beneficiary, with covers of some of his CD recordings and documentation of special awards, certificates, or commendations conferred upon the beneficiary, with explanations of their significance;
- Tab C. A selection of reviews of the beneficiary, including complete certified translations of any foreign language articles;
- Tab D. A selection of Playbills and other PR materials relating to the beneficiary;
- Tab E. Copies of the beneficiary's prior O-1B approval notices or prior O-1B visas;
- Tab F. A copy of the Beneficiary's intended contract(s) and/or letter agreement(s) for the engagement period, known as of the date of this filing, along with contracts/letter agreements from other organizations employing the Beneficiary. Copies of Agent Appointment forms signed by the Beneficiary and other employers designating [*Organization*] to act as lead petitioner are also included in Tab F.
- Tab G. A master itinerary of all engagements and travel for entire duration of requested classification period, including physical addresses for rehearsals and performances for all employers.

II. Special Considerations.

[In this section, raise any special issues you wish to draw to the attention of the USCIS examiner. First, and foremost, would be any timing considerations you wish to bring to the attention of the Premium Processing unit. Also, speak up here if you are relying on the O-1B exception to the requirement of a new labor consultation because you are providing one obtained for similar services within 2 years of the proposed entry date. Other issues you might wish to address here are waivers of the labor consultation requirement if there is no appropriate labor organization; gaps in the itinerary during which the beneficiary will be performing outside the U.S., or an explanation for why the requested validity dates may extend beyond the duration/term of the contract, etc. Recently, some petitioners are reiterating in this section if it is a nonprofit 501(c)(3) or small employer and thus eligible to access a reduced filing fee. For any petitioners that are doing so, be sure to include a physical copy of the necessary proof of either 501(c)(3) or small employer status as directed by USCIS]

III. Discussion.

The Lyric Opera of Tenafly, founded in 1978, organizes and presents each year an opera season generally consisting of four productions, four performances per production, at the Tenafly Opera Hall, in Tenafly, New Jersey. Additional background on our organization and current opera season is attached at Tab A. You will note that the season's brochure highlights the appearance of Mr. Clemenza, in the tenor role of Don Basilio, in *The Marriage of Figaro*.

The beneficiary, Mr. Clemenza, an Italian national, is an acclaimed tenor who sings principal roles in classical grand operas. At Tab B, please find an extensive bio of Mr. Clemenza, listing his many career credits to date on opera stages throughout the world. Tab B also contains his discography, followed by copies of the CD covers from his two most recent releases.

At Tab C, we attach a selection of media reviews of Mr. Clemenza, from various performances over the years. For instance, the *New York Times* said of Mr. Clemenza's performance as Don Ottavio, "his voice unmasked a great deal more than Don Giovanni." And, *The Times of London* said of his performance as Squeak in *Billy Budd*, "he hung on every phrase." We have provided certified, complete translations of any foreign language articles.

Tab D contains copies of various Playbills and other public relations materials relating to the performances of Mr. Clemenza over the past several years. An active performer who generally sings at least five leading roles in different opera productions each year, Mr. Clemenza is in demand throughout the opera world.

Tab E contains copies of O-1B approval notices received by Mr. Clemenza for prior performances in the U.S. Where we have been unable to obtain a copy of the prior I-797 notice, we include instead a copy of the associated O-1B visa.

Finally, at Tab F, we enclose a copy of our contract with Mr. Clemenza. It calls for him to receive a total of \$10,000 in compensation for the four performances and associated rehearsals. In addition, we will pay for his transportation, hotel and meals, at an estimated cost of \$4000. Also enclosed are copies of Mr. Clemenza's contract with [list each additional employer here], along with Agent Appointment forms completed by the beneficiary as well as the additional employer[s] on whose behalf the Lyric Opera is petitioning.

Please note that the start and end dates of the engagement period as listed on the I-129 may be adjusted from contracted dates to reflect travel, time zone adjustment, and preparation time for the artist.

Thank you for your time and attention.

Sincerely,

Encl