

Date: October 22, 2021
To: U.S. Citizenship and Immigration Services
From: The undersigned arts organizations
Re: Proposed USCIS Rule - Public Charge Ground of Inadmissibility (86 FR 47025)

We submit the below response to USCIS's call for comment on the Proposed USCIS Rule - Public Charge Ground of Inadmissibility.

On behalf of the performing arts community, we applaud the current administration's rescission of the overly broad and confusing 2019 public charge rule (the "2019 Public Charge Rule") implemented by the Trump administration. The 2019 Public Charge Rule and its corresponding Form DS-5540 threatened to: (i) increase the difficulty and expense of an already extremely burdensome artist visa process, (ii) negatively impact artists from developing countries who choose to pursue their careers through long-term U.S. stay or residence, (iii) lead to more frequent denials of nonimmigrant visas to artists with insufficient wealth (negatively impacting many independent artists, non-commercial artists, and artists from developing economies), and (iv) endanger the health and well-being of artists who fear (even if incorrectly) that using public benefits such as healthcare might result in visa problems and so don't avail themselves of such benefits, even when those benefits are urgently needed, such as during a global pandemic. Overall, the Trump era public charge rule made the U.S. a less hospitable place for the development of international artists, and harmed the interests of the music and performing arts industries in the U.S. and abroad. The effective revocation of the 2019 Public Charge Rule is a good step forward.

As USCIS reformulates its approach to the public charge framework, and in view of the harmful legacy and confusion of the 2019 Public Charge Rule, we urge the government to draft a clear and definitive new rule that is appropriately limited in its applicability.

Signed:

American Association of Independent Music
AMP Concerts (New Mexico)
Association Of Performing Arts Professionals (APAP)
Bard College
Carnegie Hall
The Center for International Performance and Exhibition
Dance/USA
Fisher Center at Bard
globalFEST
League of American Orchestras
Live Sounds
Moss Arts Center, Virginia Tech
NYC Winter Jazzfest
OPERA America
Performing Arts Alliance
Tamizdat
Wisconsin Union Theater
Yerba Buena Gardens Festival