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### BUSINESS

# How U.S. Immigration Policy Is Complicating Touring for Foreign Acts

3/13/2020 by [Steve Knopper](#)

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Gonzales/Christian Larsen/Avalon/ZUMA Press

Wind Rose in Copenhagen in 2018.

[Wind Rose](#), an Italian black-metal band that sings about Tolkien lore, isn't exactly poised to become the next [U2](#). But it did have a music video that racked up 2.5 million YouTube views, so when the like-minded Russian band **Arkona** invited the group to open last year's Pagan Rebellion club tour in the Midwest, Wind Rose was thrilled to try to jump to the next level.

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work in America for a year, costs roughly \$3,000 to \$5,000 and has always been a "pain in the ass," says veteran agent **Tom Windish**. But since President Donald Trump took office in 2017, agents, managers and attorneys say the process has become more complicated and costly. In response to Wind Rose's application, for example, USCIS made so many "requests for evidence" - objective metrics of success, such as awards, chart activity and sales -- that the group finally decided to give up and stayed home.

"They have no history of touring here, and they have no significant press because they have no album distributed in the U.S.," says band co-manager **Stephan Mellul**. "It's mind-boggling."

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USCIS officials say the criteria for allowing foreign working musicians into the country hasn't changed. (They won't comment on individual cases.) Spokesman **Matthew Bourke** says the agency approved more O visas (for artists) and P visas (for groups) in 2017, 2018 and 2019 than in the previous year and that approval rates are generally up and processing times down for foreign musicians and other workers who've applied for EB-1 visas for permanent employment. But the government data he provides suggests that while the number of O and P visas granted has indeed risen under the Trump administration, the percent of requests approved has actually declined.

That means immigration attorneys say they have no choice but to take on fewer clients. "The types of cases I would've accepted five years ago, I just don't entertain anymore," says **Rita Sostrin**, a Los Angeles immigration attorney who represents many musicians. "I don't want to give potential clients false hope."

"Is it harder these days? Absolutely. Are things taking longer? Yes, they are," adds **Jeff Gabel**, an attorney for Traffic Control Group, a New York service that helps foreign artists obtain documentation for touring. "I can't unequivocally pinpoint that any of this is related to the current administration, but immigration seems to be scrutinizing everything at a much stricter level."

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In a Perplexing World of Visas, a Glimmer of Hope for Artists

Some in the international touring business have noticed that it has become more difficult for artists to tour in many countries. **Eric Herman**, who manages **Bombino**, **Antibalas** and others, attributes the trend to "this nationalist xenophobia that's becoming epidemic." But he says the red tape can be worth it because "the U.S. is so big and important for an artist's career that you



**Peter Coquillard**, Milk and Honey Management's head of international. "That's a shame."

Wind Rose tried to tour the United States again in April 2020, only to hear from its attorneys that another tough request for evidence might be forthcoming, so the band canceled its plans and decided to seek high-paying festival gigs in other countries. "Instead of starting another petition, we just stopped everything then and there," says Mellul. "We said, 'OK, maybe the band needs to do a second record.'"

*This article originally appeared in the March 14, 2020 issue of Billboard.*

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