



Crossing the US Border to Perform, Tour and Sell Your Music

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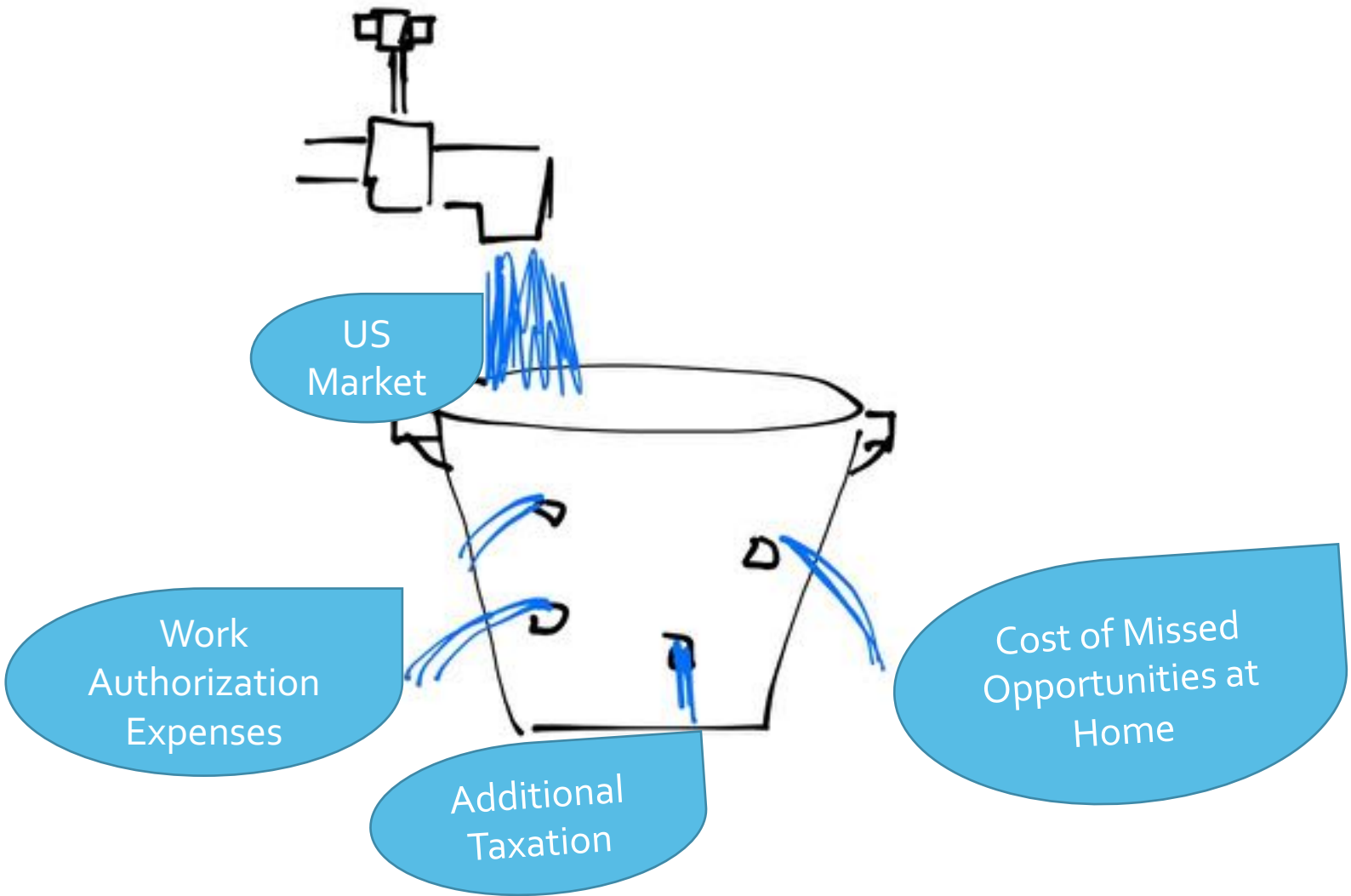
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Considerations

- Work Authorization
- Taxation
- Musical Instruments, Gear and Merchandise
- Planning for Emergencies and Current Covid-19 Impacts



Work Authorization

Visas and Entry Requirements

Authorization to work in the USA

- Immigration Act of 1990
 - Balance interest in foreign performers with interest of American performers
 - Hence the involvement of Arts Unions
- To perform in USA must obtain a Visa
 - “O” Visas for those with “Extraordinary Ability”
 - “P” Visas for “internationally recognized entertainment groups” or “Culturally Unique Programs”

Steps to entry	
1	Petition filed with United States Citizenship and Immigration Services
2	Interview and visa determination
3	Appear for inspection with valid passport

Step 1: File Petition with USCIS

- For P2 Visas Go Through A US Based Arts Union
 - This includes CFM / AFM for all members
 - All travelling musicians must be members in good standing through the dates of the tour
 - Full application including itineraries (up to 364 days with proof of regular activity), contracts, passports, other items
 - Current Costs
 - USCIS Processing Fee
 - Regular: \$460 per petition (whole band)
 - Premium: \$1,870 per petition (whole band)
 - Double if you are including crew
 - AFM Administration Fee
 - All cases: \$120 for first musician, \$25 per additional musician or crew member
 - Current timeline
 - Regular: Submission of application 60 days before first performance
 - Premium: Submission of application 30 days before first performance
 - Will receive a Approval Notice (Form I-797B)
- For O and P1 and P3 Visas – Must be filed by a US Agent or US Sponsoring Organization (P1 and P3 only)
 - Still requires opinion letter from US Based arts union – free for AFM/CFM members

Step 2: Interview and Visa Determination

- Once you have received Approval Notice (Form I-797B)
 - For Canadian Citizens Step 2 happens simultaneously with step 3
 - For permanent residents / foreign nationals
 - Must appear at a US Consulate closest to your place of residence
 - Go through interview process
 - At conclusion if no concerns arise will receive I-94 Departure Record which includes the Visa

Step 3: Appear for Inspection

- First Port of Entry for Canadian Citizens
 - Present Approval Notice (Form I-797B)
 - Border officer will review these documents and if there are no concerns will issue a I-94 Departure Record which includes the Visa – Fee of \$6-\$15 charged for I-94
- For permanent residents and Canadian Citizens after first port of entry
 - Border Officer will review the I-94 Departure Record

Documents and Resources: <http://www.cfmusicians.org/services/work-permits>

Authorization to Enter USA for Business

- B1 Visa

- You can enter the United States to do business on a B-1 Visa where you will not be compensated to perform
 - Compensation includes gifts, wrist bands, per diem, meals, hotels, etc.
- Option 1: go directly to port of entry and provide own proof to officer
- Option 2: receive a letter of verification from AFM/CFM for \$45 and five days' lead time

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Taxation

Withholding Tax Options

You are Performing, Earning and Therefore you Owe Tax

- USA has tax treaties with many countries, including Canada, assures that you are not taxed in both countries
- Without other arrangements, engagers must withhold 30% tax from performance payment at source
- Musicians then file a US Tax Return
- If you earn below a certain threshold, currently approx. \$15,000, you get most or all back

Options for Avoiding Tax Withholding

W-8BEN

- An option for those earning less than \$10,000 per annum in US,
- Less complex form and process
- Questions about legitimacy
- Completed by each individual in band as long as each is a sole proprietor or partner, and will report all income to CRA
- Must have no office, branch or another place of business in the U.S.
- Once completed give to each engager
- Not filed with IRS but held on file in case IRS asks engager
- W-8BEN-E for corporations
- No SSN required, can use Canadian SIN
- Remember you still have to report the income in Canada

Central Withholding Agreement

- For those that plan on earning \$10,000 USD or more
- New abbreviated CWA for those earning \$10,000 or less
- Need to obtain U.S. Individual Tax Identification Number (ITIN) or a Social Security Number (SSN) within five days of entry or before fifth entry
- More legitimate
- One or more agents are designated to withhold and remit the appropriate amount of tax for a year or a tour
- Filed with the IRS
- File a US tax return for the year in which you tour, do not have to report the income in Canada.
- Include documentation in your Canadian return that you filed in the US.



Musical Instruments, Gear and Merchandise

Instrument Insurance, Carnet and Merchandise Handling

Musical Instruments & Gear

Insurance & Travelling with Instruments

- Travelling with instruments = instrument insurance
- AFM/CFM affiliated insurance through [Hub Insurance](#)
- Air Travel: [New Passenger bill of rights](#) =
 - Airlines must have published policy on musical instruments

Carnet

- Document recording list of instruments and gear
- Including any precious materials
- Allows for ease of entry
- One source ATA Carnet from the Canadian Chamber of Commerce: www.chamber.ca/carnet.

Merchandise

- Easiest: Get merchandise made in USA and pick it up after entry
- For made in Canada Merchandise
 - Label and list everything
 - Merchandise for sale under \$2,500 declare at port of entry and pay duties
 - Merchandise for sale over \$2,500 call ahead and arrange at port of entry
 - Promotional merchandise must be individually labeled, don't try and bring over 1,000 items

Coronavirus disease (COVID-19)



Planning for Emergencies and Current Covid-19 Impacts

Travel Insurance, Consulates and Embassies

Planning for Emergencies

- Get Travel Insurance to cover Emergency Medical and Dental
- Get contact information for Canadian Consulates and Embassies and share your itinerary
- Get contact information for supporting music organizations where you are going, AFM Locals, community organizations
- Carry and label more than enough of your important medications

Covid-19 Current Impact

- Canada / US Border closed to non-essential services
 - Trade of goods and services seen as essential for now
 - Because of other restrictions this has not been tested for music
- Local lockdowns in the United States vary by region
 - Almost complete cancellation of tours and performances until May 1
 - Almost as many until June 30
 - Some already until August 30
- USCIS has suspended premium processing of P2 Visas
- No response yet from US or Canadian Governments in our request for Visa reimbursement and/or extensions
www.savelivearts.ca
- Most embassies and consulates are suspending routine visa processing
 - Permanent Residents and Non-Residents of Canada will have great difficulty securing a visa
- Canadian Citizen P2 Petitioning – Regular Service – Still Open

Questions and Links

- <http://www.cfmusicians.org/services/work-permits>
- <https://www.artistsfromabroad.org/files/4515/7539/7248/ArtistsFromAbroadWebsite.pdf>

Feel Free to Reach Out and May we all be
back on tour soon



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