

PART 4:

AVOIDING BORDER WOES

Hiring foreign artists can be the easy part – ensuring that they can enter the country to perform can present challenges and this article will address some of the most common border woes. Touring requires preparation and organization and one aspect that demands much of both is border crossing. Crossing a border can be nerve-wracking and difficult if you are not prepared, but doing your homework in advance should ensure an easy border crossing and avoid border woes. Border woes usually involve work permit, entry visas, valid travel documents, criminality, equipment, and merchandise, among other issues.

The first consideration is that artists must have the temporary work visa required of every artist who performs in the United States. I highly recommend the P-2 visa available through the Canadian Federation of Musicians (<http://www.cfmusicians.org/services/work-permits>) for Canadian artists. Artists will need to carry the approved P-2 Petition (or a copy) with them. If band members are entering the country separately, everyone should have their own copy. If the foreign artist is from a country other than Canada, then they will need to acquire an O-1, P-1 or P-3 visa to perform in the United States. In addition to the required work permit an entry visa may have to be applied for through the U.S. State Department and relevant U.S. Consulate.

Make sure that all travel documents are in order. Passports must be valid at least beyond the last performance date and, if one is not travelling with a Canadian or U.S. passport, for 6 months beyond the final performance date. There is a requirement for an ESTA – Electronic System for Travel Authorization (<https://esta.cbp.dhs.gov/esta/esta.html>) if flying in. If crossing by land, there may be a need to show vehicle ownership; if travelling by air, a return ticket. Artists may be asked to show proof of accommodation and/or proof that they can support themselves while in a foreign country. If they are a parent travelling with a child, they will need written travel permission from a guardian or other parent.

Make sure that all group members qualify for entry: 75% of band members must have been with the group for at least one year and be sure to deal with any issues of criminality for anyone in the group: Any conviction, however minor, can cause problems at the border. There are ways of dealing with this issue well in advance (Waiver of Ineligibility, Criminal Rehabilitation). Understand the border restrictions in relation to prohibited goods or substances. What is legal in one country may not be legal in another country and federal and state laws may differ.

Once the personal issues are taken care of, there is always the matter of having to deal with equipment and merchandise. If travelling with gear, have a complete inventory with the group, including where possible a description (including serial

number), purchase date, location (case #) and value. If the gear is organized in numbered cases it will make the border crossing much easier when border officials need to check the gear.

There are restrictions on crossing a border with instruments containing endangered species: There's no point in trying to cross a border to perform when there's a danger that the instrument might be confiscated because it contains something from an endangered species. Check out the Musical Instrument Passport program <http://www.fws.gov/international/permits/by-activity/musical-instruments.html>. To deal with the problem of transporting instruments if you are flying, be sure to understand the regulations adopted by different airlines for transporting instruments. Unfortunately, instruments can be severely damaged if not handled properly.

If the group is carrying merchandise, it must be declared and properly labelled, or properly stickered (for promotional copies). Have the invoice of manufacture available. One always has the option of sending merchandise in advance via courier or mail, or having it manufactured in the country to which one will be touring. For a large quantity of merchandise, use a Customs Broker.

Finally, consider a strategy for dealing with the border crossing official. Appearances are important: Everyone needs to look and sound like a law-abiding, respectful-of-authority citizen at the border, posing absolutely no risk. One's demeanor and attitude need to send the right message to border crossing officials. Turn off the radio or iPad, remove ear buds and sunglasses. If crossing by land, one's vehicle should reflect this as well – neat and clean. Rehearse straightforward answers to the typical questions you might be asked. Coach everyone to be honest and forthright. Answer questions succinctly and do not volunteer information. Remember, even with all documents in order, etc., it is entirely at the discretion of the border official to grant entry.

With a little more knowledge about the regulations for performing in another country and a lot more common sense, border crossing woes can be avoided.

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