Instructions to Complete the AFM P2 Work Permit Application

Read the instructions carefully to complete the application properly. All application forms, fees and documentation must be submitted at the same time. **Applications sent by email or fax are not accepted**.

WHAT IS A P2 or P2-S U.S. TEMPORARY WORK PERMIT?

A **P2** Work Permit is for a non-U.S. citizen entering the U.S. to perform as an artist or entertainer, individually or as part of a group, under a USCIS-recognized Reciprocal Exchange Program. The P2 can be valid for a maximum of one (1) year upon the submission of proof of confirmed engagements occurring once every 45 calendar days, or proof of regular, ongoing, professional activity within the United States over the course of one (1) year. Evidence of engagement/activity may be submitted by contract, letter of engagement, or other confirmation of performance, and a covering itinerary when performing for more than one venue.

A **P2-S** Work Permit is for essential support workers (i.e. technical crew, road managers, etc.) who are integral to the performance of the musician(s). A P2-S essential support petition must be accompanied by a primary P2 (musician) petition.

HOW LONG DOES IT TAKE?

You can choose between Regular Processing and Premium Processing:

- Regular Processing can take up to **110 calendar days**
- Premium Processing can take up to **30 calendar days**

NOTE: It is USCIS policy to process all artist petitions within 14 days after receipt; the above filing times reflect the time required by AFM to review the application(s), prepare the petition(s), send the petition to U.S. Immigration for processing and await confirmation of Approval. However, it should also be noted that while USCIS policy states that petitions should be processed within 14 days, this is unfortunately not always the case due to unforeseen backlogs or other circumstances at their end. Therefore, it is always best to allow as much time as possible for processing.

HOW MUCH DOES IT COST?

There are two (2) fees – one for the **Department of Homeland Security** and an administration fee for the **AFM**:

1. Department of Homeland Security fee:

Payee: "**DEPARTMENT OF HOMELAND SECURITY**". Money orders must be from a major Canadian or American bank. Canada Post or Canadian credit union money orders are not accepted by USCIS. Please ensure that the bank does not make any spelling errors on the money order and that it is countersigned by the bank teller.

Musicians only:

Regular Processing: 1 USD money order for **$325**
Premium Processing: 1 USD money order for **$325** *PLUS* 1 USD money order for **$1,225**

Musicians PLUS Technicians/Crew: *All fees double when adding Technicians/Crew to the band.*

Regular Processing: 2 USD money orders, each for **$325**
Premium Processing: 2 USD money orders, each for **$325** *PLUS* 2 USD money orders, each for **$1,225**

2. AFM administration fee:

This fee is payable to "**AFM**" by money order, certified cheque or cash for both the P2 (Musicians) and P2-S (Essential Support).

The fee is $100 CDN for one musician/technician or the first musician/technician, PLUS $20 per additional musician/technician. ***Example****: A 4-piece band pays $160 for their P2 administration fee, and if this band has 3 techs, an additional $140 is payable to cover the administration fee for their P2-S. In this example, the total administration fee is $300.*

THE AFM P2 APPLICATION FORMS

Read over the application forms carefully and fill them out completely. Refer to the P2 Application Checklist as needed. If you require more space to complete an answer when filling out the forms, use a separate sheet of paper. Answer all questions by typing or clearly printing in the space provided.

PART 1 – Personal Information for Musician or Essential Support Worker

Each musician/member of the band and each essential support worker must complete Part 1 of the application package. Part 1 asks for the individual's name, sex, date of birth, contact information, passport and citizenship information, as well as disclosure of having been denied entry into the United States in the past.

PASSPORT INFORMATION

The Passport Number can be found on the top right corner of your passport biometric page (photo page).

The expiry date can be found at the bottom of your passport photo page.

NOTE: A photocopy of each individual's passport photo page must be included in your application package.

U.S. Visa and/or Work Permit History

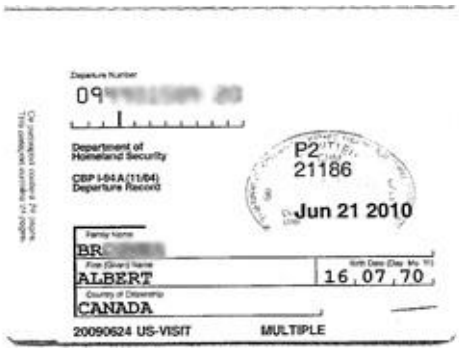
USCIS requires all applicants to declare if they have ever held a P2 or P2-S Work Permit, a Student & Exchange Visitor Visa (SEVIS#), Employment Authorization (EAD #), or a J1/J2 Exchange Visa. Please indicate all applicable classification numbers on Part 1 of the application if you have held any of these classifications of U.S. permits/visas previously.

If you are applying for an extension, indicate that on the application as well.

WHAT IS AN EXTENSION?

In some cases, it may be possible to get an extension of a previously-approved P2/P2-S Work Permit so that a performer/band/technician(s) may remain in the United States. A musician or band is eligible for an extension when they are working for the same employer as under the previously-approved P2 (or another single, steady engager). There cannot be a lapse in the status being extended. In other words, the requested extension period must begin the day after the current/previous P2/P2-S expires. Copies of the previous P2/P2-S Approval Notice(s) and copies of all musician/essential support worker I-94 Departure Record Cards (both front and back) must be included in the application package when applying for an extension. You must also provide your temporary U.S. address.

The costs of a P2 extension are the same as the costs of a new P2.



Example of an I-94 Departure Record

Membership Verification

All musicians must be members in good standing of the AFM in order for the AFM to petition on their behalf. Before you submit your application, your dues **must be paid up to the end of the quarter in which the P2 will expire**. You must submit verification of this with your application (e.g. email from your Local, copy of your membership card). Essential support personnel (technicians/crew) are not required to be AFM members.

NOTE: The AFM Immigration Department is not responsible for verifying membership on the applicant's behalf.

PART 2 – Travelling Information

Each musician/essential support worker must complete Part 2. It is necessary to know when and how each individual will be entering the United States prior to the first engagement. In addition, although the U.S. systems are now electronically linked, a port of entry (land/sea) or U.S. pre-flight inspection unit (airport) must still be named on the application. The I-94 Departure Record or admission stamp can be obtained through the port noted on your application, or at another location if travel plans should change; however, **please advise your contact person at the AFM/CFM office 48 hours in advance if your port of entry will change**.

After the very first entry under any new P2 approval, persons may enter at any land/sea port or airport for all subsequent trips to/from the U.S. during the approved validity period of the P2 Work Permit.

As of April 30, 2013, musicians who first enter the U.S. by air or sea will no longer receive a paper I-94 Departure Record. Instead, they will receive an admission stamp and may then access their I-94 information through an online portal. Musicians who enter through a land port will still receive a paper I-94 Departure Record. Please contact the office for more details.

REQUESTED DATE OF ENTRY: The date of entry should not be more than two (2) days prior to the first performance (or rehearsal) unless there is a valid reason, such as necessary driving time. This does ***not*** include vacationing. If planning a vacation prior to or immediately after touring please contact our office for further instruction.

REQUESTED DATE OF EXIT: The date of exit is the day immediately after the last scheduled performance, being the final time returning to Canada, after all performances under the present tour are completed. Therefore, the day after the last engagement should be noted, unless there is a reasonable explanation for requiring more time (such as necessary driving time or business-related meetings). This is also the date when U.S. Immigration will expect you to leave the United States and relinquish your I-94 Departure Record prior to reentry into Canada.

PRE-FLIGHT INSPECTION: If you are travelling to the U.S. by air, please indicate the airport where you will first be clearing customs. **Example: PEARSON AIRPORT – Toronto, ON**

PORT OF ENTRY: If you are travelling to the U.S. by land or sea, please indicate the port where you will be entering the United States. This is the location that U.S. Immigration will expect you to enter through and where your I-94 Departure Record will be issued. **Example: AMBASSADOR BRIDGE – Detroit, MI**

PART 3 – Policy of Indemnity

This section advises of the AFM's role as the Authorized Petitioner of your P2/P2-S Petition. It is important for all musicians/essential support and their representatives to thoroughly read all terms and conditions regarding the processing of the P2/P2-S. The authorized individual for the band (leader, manager, etc.) must sign one copy on behalf of the band.

AFM REQUIRES musician/band contact information: (a) in the event additional information is needed to complete the application; (b) if any problems arise; (c) when the P2/P2-S is approved, we need a contact name and valid address to send the notification(s) to.

PART 4 – Musician/Technician Listing

***** only required when applying for 2 or more musicians or essential support personnel *****
This page identifies everyone in the band/crew and the function of each person. *See example below:*

MUSICIAN NAME	INSTRUMENT PLAYED/VOCALIST
John Doe	Guitar/Bass
Pierre Jones	Drums
TECHICIAN/SUPPORT STAFF NAME	**TECHNICAL SUPPORT DESCRIPTION i.e. LIGHT/AUDIO/VIDEO/TOUR MANAGER**
Jane Doe	Audio – Sound Technician

PART 5 – Technician Employment Verification

***** only required for applications with essential support/technical crew *****

Part 5 is to be completed by the band's leader or authorized representative. State the band name under 'Band Known As'. State the name(s) of the essential support worker(s)/technician(s) and indicate the number of years they have been with the band. You must also provide a signature and contact information.

In addition to Part 5, you must submit a letter (on band or management letterhead) written and signed by the leader or authorized representative for the band, outlining each essential support (crew) person's history with the band, their professional skills and the reasons why they are the best [and only] candidate(s) for the job.

PART 6 – Side Musician(s) Employment Verification

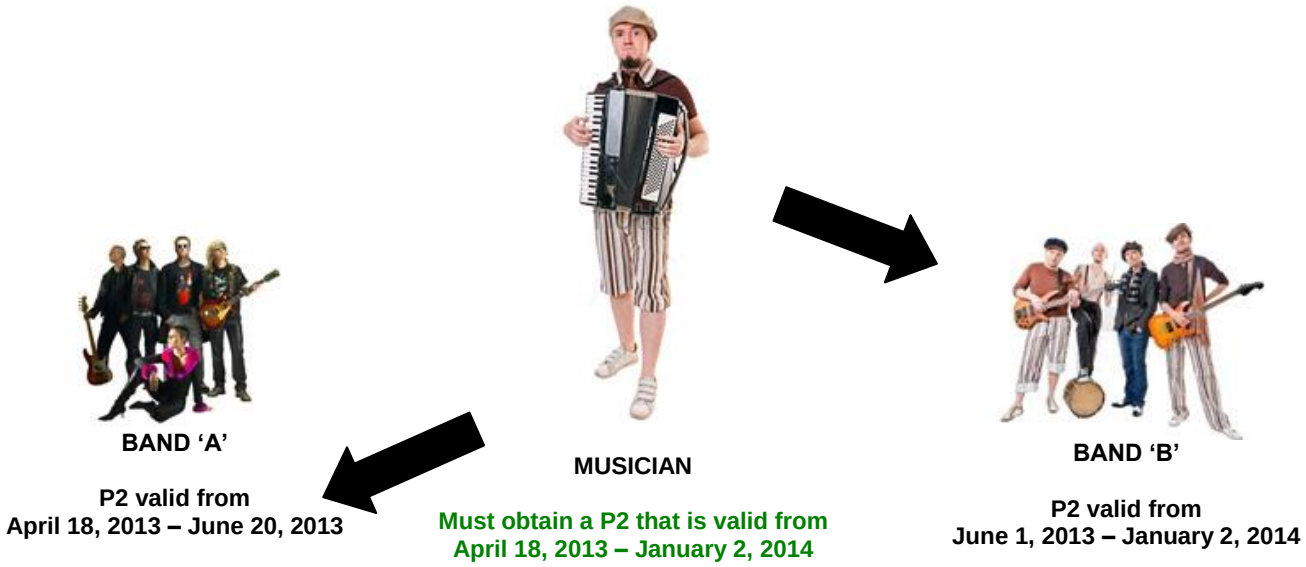
***** only applicable when the musician or band is being hired to tour by more than one Canadian band with U.S. shows and/or a U.S.-based band, or as a session/side musician, or as an opening act *****

For a freelance (individual) musician to be able to perform with more than one band during the time period of each band's P2 [when accompanying other Canadian bands under a P2 or other U.S. permit], the freelance musician must apply for and obtain his/her own individual P2 Work Permit. Each band (leader or authorized representative) must complete Part 6 for the individual musician and submit it along with copies of all contracts. An itinerary reflecting all of the musician's performances with all bands must be submitted. Part 6 should also be completed when a Canadian is engaged as a side musician with a U.S. band, to perform with that band within the U.S. – or when engaged by both a Canadian band and a U.S.-based band.

For completion by band leader or band's representative: state the band name under 'Band Known As'. State the names of the freelance musician(s). Indicate how much the musician(s) will be paid for each performance. It is imperative to provide a signature and contact information at the bottom.

Contracts or other written evidence of work in the United States must still be provided in these cases, in addition to the Part 6.

The example below illustrates the validity period of the P2 Work Permit that a musician must obtain when performing with two separate bands (who also have P2 Work Permits) in the United States.



ADDITIONAL DOCUMENTATION

In addition to the AFM P2/P2-S application forms, passport photo page copies, proof of membership and the applicable fees, the application package must contain the following:

Contracts for All U.S. Engagements

You must provide evidence of ongoing professional activity in the U.S. by way of fully-executed contracts, letters of invitation, or personal service/professional development agreements (on letterhead and **signed**) covering every engagement in the United States. The following information must be on the document(s):

- Venue name and full address
- Date(s) of engagement(s)
- All musicians' names
- Employer/purchaser contact information and signature
- Compensation: either a guaranteed fee **OR** a percentage of the door *(if a percentage of the door, provide venue capacity, ticket price and the percentage that the band will receive)*

You may use the AFM Travelling Engagement Contract (Form T2C) or your own contracts (or those of your U.S. engager) as long as they contain all the information listed above. However, when not using the T2C, Schedule 1 of that contract should be added as an addendum and initialled by both parties.

USCIS regulations mandate that all contracts and itineraries be submitted in English.

NOTE: Faxed/photocopied/electronic/scanned signatures on contracts are acceptable, but digital signatures are not.

Itinerary

If you are performing at more than one venue in the United States, you must provide a signed itinerary listing all engagements in chronological order. There should not be **gaps of over 45 days** between engagements. If not all performance dates are confirmed, but you will have regular musical activity in the United States, contact our office for more information.

SUBMITTING THE P2 APPLICATION PACKAGE

Complete application packages should be submitted by courier or Xpresspost to the address below. You may also drop off your package in person. If you wish to come to our office personally to submit your completed application package and review it with an artist immigration administrator, please **email either Jill Léger** (jleger@afm.org) or **Michael White** (mwhite@afm.org) **to set up an appointment. We do not accept applications by email or fax.**

Please refer to the P2 Application Checklist to ensure that your application package is complete before submitting it. Do not submit any double-sided documents; all documents must be single-sided. Also, please ***do not staple*** any part of your application package.

We strive to submit all petitions to USCIS within three (3) business days of our receiving them. Processing will take longer if your application is not complete and we have to contact you for missing information or documents. Please note that we have no control over USCIS processing times.

Regular Processing: Submit your P2 package to CFM at least 110 days prior to first performance.
Premium Processing: Submit your P2 package to CFM at least 30 days prior to first performance.

Send Completed P2 Application packages to:

Attn: Artist Immigration Department
American Federation of Musicians
#202 - 150 Ferrand Drive
Toronto, ON M3C 3E5
Canada

OTHER IMPORTANT CONSIDERATIONS

Medical Insurance

The AFM offers access to Emergency Medical Travel Insurance at preferred rates. Members under 55 may purchase an 18-day multi-trip annual plan for $90.00 CDN on a guaranteed-issue basis. This program is administered by CanAm Insurance in collaboration with HUB International. Coverage is underwritten by Manulife Financial. Please call **(877) 292-0081** to make inquiries and to purchase a plan.

Withholding Tax

In accordance with U.S. tax laws, your purchaser may be directed by the I.R.S. to withhold a portion (30%) of your earnings as income tax. In situations where there is direct withholding by your purchaser, ask for confirmation/evidence that they have withheld money as tax. Some or all of this money may be recovered by filing a U.S. tax return. Alternately, your purchaser may ask you to fill out a form to avoid immediate withholding. If performing multiple engagements in the United States, or even with one engager for a year's time, it is recommended that you obtain a U.S. Central Withholding Agreement (CWA) in advance of your travel to and first performance in the United States. One company that can assist you with this is CWA Management: **http://www.cwamanagement.com/**

To learn more about U.S. taxes and withholding for your situation, contact your purchaser/employer or a tax attorney who specializes in U.S. taxes. For general information about tax withholding, visit: **http://www.artistsfromabroad.org/tax-requirements/**

Crossing the Border with Instruments/Gear

Musicians crossing the border with instruments and gear are encouraged to apply for an ATA Carnet, a document which enables professionals to bring the tools of their trade across borders easily and without hassle, duties or border fees.

Learn more about the ATA Carnet from the Canadian Chamber of Commerce: **http://www.chamber.ca/carnet/**

In the absence of a Carnet, please prepare a manifest (list) of all instruments and gear, including serial numbers and make/model of instruments. If your instrument was purchased outside of Canada, bring the original bill of sale or include the following information on the manifest: the city, state/province, and country where the instrument was purchased.

Bringing Merchandise into the United States

If you are planning to sell or distribute merchandise in the United States, the easiest way to go about it is to have the merchandise produced and paid for within the United States. If you are bringing merchandise into the United States from Canada, duties will apply.

Procedures for bringing merchandise into the United States differ depending on the value and quantity of the goods. Merchandise valued at less than $2,500 can be processed at your Port of Entry when you cross the border (informal entry of merchandise). For merchandise valued at over $2,500, you will need to engage a U.S. broker to help you import the goods into the United States.

In all cases, merchandise must be clearly labelled with a description of the goods, the quantity in each box, the cost per item and your selling price. You should also bring a comprehensive list of all items; it should indicate what you paid for them, what you plan to sell them for, what material they are made of, where they were produced and by whom. It is also a good idea to bring the receipts or invoices for the production of the merchandise. Do not seal boxes of merchandise, as Border Officials may want to inspect their contents.

Contact your specific Port of Entry for more information on bringing merchandise across the border. Phone numbers for the various Ports of Entry can be found here: **http://cbp.gov/xp/cgov/toolbox/contacts/ports/**