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Attachment #3

March 14<sup>th</sup>, 2023

Arts & Cultural Affairs Committee  
Meeting Minutes

## TamizdatAVAIL

TamizdatAVAIL provides *pro bono* legal assistance to the members of the international performing arts community when they encounter problems with issues related to **live streaming**, and **the U.S. visa and immigration systems**. The program serves international performing artists and arts professionals who do not already have the representation of a lawyer. The program was launched in 2017 with a grant from the National Endowment for the Arts.

**Live Streaming:** As the performing arts are rapidly transformed by the COVID-19 pandemic, artists and arts professionals are pivoting to new media to stay connected with audiences and with each other. But as we turn to technology to fill a void left by shuttered venues, it can be hard to figure out what is an opportunity, and what is a risk. TamizdatAVAIL is responding by expanding the scope of its pro bono legal assistance program to cover questions artists and arts professionals may have about live streaming performing arts content. If you have general legal questions about live streaming rights, royalties, reporting, takedowns, or clearances, TamizdatAVAIL's volunteer attorneys are here to help. The scope of TamizdatAVAIL's program is limited. Limitations include working only with clients who do not have access to an attorney, questions that do not require an analysis of state, non-U.S. or international law, and issues that do not require written work.

**Artist Visa Issues:** If you are an international performing artist who is trying to come to the U.S. to perform, or if you are trying to bring a foreign performing artist into the U.S., we can help with three kinds of immigration and visa issues:

- If you don't know whether or not the artist needs an employment visa, we can help you figure that out.
- If you filed an I-129 petition, but something has gone wrong, we can help solve your problem.
- If something has gone wrong with the consular process, we can help you figure out how to solve what's gone wrong.

**Public Charge Issues no longer supported:** In response to the U.S. government's expanded "public charge" rules in 2019, TamizdatAVAIL helped international artists who were in the U.S. and who had questions about whether or not receiving U.S. government benefits would impact their

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petitions and applications of certain foreign nationals whom they thought likely to become reliant on public benefits in the U.S. The risk to international artists of receiving the “public charge” designation increased in the face of the COVID-19 pandemic, as artists who were in the U.S. for long term engagements that were canceled for the foreseeable future sought out healthcare, unemployment, and other public benefits. The Biden/ Harris administration rolled back the Public Charge rules in early 2021, and TamizdatAVAIL discontinued this service.

**Contact us for *pro bono* (free!) legal assistance:**

email: [avail@tamizdat.org](mailto:avail@tamizdat.org)

phone: at +1-718-541-3641

## FAQs

### What is TamizdatAVAIL?

Since the early 90s, the costs of securing U.S. visas for foreign artists have increased more than 2000%. While government and union fees have increased substantially, the largest factor in this increase has been the cost of hiring lawyers to oversee the visa process. The increasingly complex and unpredictable process has left many U.S. arts institution feeling like they have no option but to hire lawyers. TamizdatAVAIL was created to provide assistance to arts professionals who continue to manage the process without legal assistance. TamizdatAVAIL is intended to provide case specific assistance that [artistsfromabroad.org](http://artistsfromabroad.org)'s website can't provide. Tamizdat is a legal safety-net for arts organization who continue to handle their own artist visas.

### What *can't* TamizdatAVAIL do?

Unfortunately, we can't prepare your petition for you, we can't review your petition, and we can't review your response to a Request for Evidence.

### I want to report a problem with the U.S. artist visa system that I have encountered.

If you experienced a major problem during the visa process, we need to know so we can try to make sure that problem doesn't happen again! If you have a “visa problem” story, whether the visa was

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### **I would like to contact TamizdatAVAIL, but I'm concerned about confidentiality.**

TamizdatAVAIL maintains rigorous compliance with the New York Code of Professional Conduct, the code of professional ethics that governs the legal profession. As required by NYCPC Rule 6.5, our staff secures clients' informed consent to the limited scope of the representation prior to the exchange of information. This consent will either be communicated orally over the phone or, if you are referred to a *pro bono* attorney, it will be part of the engagement agreement that is submitted prior to the consultation. TamizdatAVAIL uses clients' case information to help identify trends and systemic problems in the visa process. It aggregates data from numerous sources, and the data and research findings based on this data may be used for research. However, all clients' identity will be held in strict confidentiality. In compliance with NYCPC Rule 1.6, no client data that could compromise client confidentiality is published without the client's informed, written consent. TamizdatAVAIL does not assist clients who are already represented by counsel. Additionally, TamizdatAVAIL staff and volunteer attorneys make every effort to identify potential conflicts of interest in compliance with NYCPC Rule 1.7.

### **Where can I get help preparing an I-129 petition?**

If you have not yet filed an I-129 with USCIS, you should refer to this very helpful website: [www.artistsfromabroad.org](http://www.artistsfromabroad.org). Unfortunately, we cannot help you prepare your I-129.

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