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THE PRIVATE BRIEF · ENTERTAINMENT

Artist Visa Timelines and Premium Processing

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IN BRIEF

- ◆ Premium processing is the one timing promise you can buy: USCIS will take action within 15 business days of a properly filed request or refund the fee, and O, P and E11 petitions are all eligible.
 - ◆ Action includes a request for evidence, and that stops and resets the clock, so premium processing shortens the wait for a first answer rather than guaranteeing an approval.
 - ◆ No O or P petition may be filed more than one year before the work is needed, USCIS advises filing an O-1 at least 45 days before employment, and the union letter and the consulate sit outside the premium clock.
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The contract is signed and the start date is in it: rehearsals begin on a Monday about four months from now. Your manager's first question is the one everyone asks. Can we pay to make the visa faster?

Partly. There is one timing promise you can buy from U.S. Citizenship and Immigration Services (USCIS, the agency that decides these petitions), and it is narrower than most people think. Everything else on an artist visa calendar is planning, not promise. This piece quotes no averages, because an average is not a commitment and your case is not the average.

What premium processing promises

Premium processing is an optional paid service. If you request it, USCIS guarantees that it will take action on the case within 15 business days for most classifications, or refund the premium processing fee. The classifications covered include O and P petitions on Form I-129 (O-1, O-2, P-1 and their support personnel among them) and extraordinary ability green card petitions (the category USCIS codes E11) on Form I-140.

Three details change how you should use it.

“Action” is broader than a decision. Within the period, USCIS will issue an approval, a denial, a notice of intent to deny (a warning that it plans to refuse the petition unless you answer), or a request for evidence (a letter asking for more proof), or open an investigation for fraud or misrepresentation. A request for evidence on day fourteen is USCIS keeping its promise.

The clock stops and resets. If the petition needs more evidence or a response to a notice of intent to deny, the 15-business-day period stops and resets, and a new period begins when USCIS receives your response. Premium processing speeds up the queue, not the file. A thin petition filed with premium processing simply reaches its request for evidence sooner.

The clock starts only on a properly completed request. The period begins when USCIS receives a properly completed Form I-907 (the premium processing request) at the correct filing address. “Properly completed” means the information the form instructions require, a valid signature and the correct fee.

What the government charges

The USCIS fee schedule (Form G-1055, edition 09/09/26) currently sets premium processing at \$2,965 for an O or P petition, and \$2,965 for an EB-1 green card petition, including E11. That fee is in addition to all other filing fees and must be paid separately. The base fee for the petition itself is \$1,055 for an O petition and \$1,015 for a P petition, reduced to \$530 and \$510 for a small employer or nonprofit petitioner, plus additional fees where they apply.

The firm handles artist visa petitions on a flat fee confirmed in writing before any work begins; the figures are published on the firm's artist visa page.

When a petition can go in

Two boundaries define the filing window.

- ◆ **Not too early.** For both O and P petitions, the regulation (8 CFR 214.2, in Title 8 of the Code of Federal Regulations) says the petition may not be filed more than one year before the artist's services are actually needed.
- ◆ **Not too late.** For the O-1, USCIS advises on its O-1 page that, to avoid delays, the employer or agent should file at least 45 days before the date of employment. USCIS's P-1B page gives no such figure. For a P petition, building in a similar margin is sound planning, not a published USCIS rule.

How long an approval lasts

- ◆ An O-1 petition may be approved for the time needed to accomplish the event or activity, up to three years, with extensions in increments of up to one year.
- ◆ A P-1 petition for an entertainment group is valid for the time needed to complete the performance or event, up to one year, with extensions in increments of one year.
- ◆ For both, you may be admitted up to 10 days before the approved period begins and stay up to 10 days after it ends, but you may work only during the approved period itself.

Those 10 days are travel margin, not working time. Plan the first rehearsal inside the approved dates, not in the margin.

The parts of the calendar USCIS does not control

Three stretches sit outside the agency's hands, and they often take more of the calendar than the decision does.

1. **Gathering the evidence.** Translations, contracts that were never countersigned, a sales report from a distributor who answers slowly. This is the phase artists most often underestimate.
2. **The consultation letter.** Both O and P petitions need a written advisory opinion from an appropriate organization (a union, peer group or similar body), filed with the petition. USCIS does not set how long the organization takes to write it. Asking in the first week rather than the fifth costs nothing. The firm coordinates the consultation with the appropriate union or guild as part of preparing the petition.
3. **The consulate.** If you are abroad, an approved petition lets you apply for the visa itself at a U.S. embassy or consulate, which is the Department of State's process, not USCIS's. Premium processing is a USCIS service; it does not reach this step.

*Premium processing speeds
up the queue, not the file.*

One timing rule you cannot use

Both consultation rules contain a mechanism that applies only when USCIS has decided a petition merits expeditious handling and the petitioner has not supplied a consultation. USCIS then contacts the organization itself, and the organization has 24 hours to respond.

The written opinion follows within 5 days of the request for an O petition, and within 5 working days for a P petition; the two rules are worded differently. If the organization does not respond within 24 hours, USCIS decides the petition without the opinion.

That is not a lever a petitioner can pull, and it is no substitute for getting the letter yourself. It is worth knowing only so you recognize it if it happens, and so nobody plans a filing around it.

A worked example

Take an actor coming in on an O-1B, with a U.S. production that starts sixteen weeks from today (a composite, not a client). Work backward, not forward.

The 45-day guidance means the petition should be filed no later than about six and a half weeks before the start. Aim earlier: file at week eight, with premium processing. USCIS then owes an action within 15 business days, roughly three working weeks, which lands around week eleven. If that action is an approval, there are about five weeks left for the consulate. If it is a request for evidence, the clock stops; once the response goes in, a new 15-business-day period starts, and the consular step still has to fit after that. One request for evidence can use up most of the margin, and no fee buys it back.

So the real calendar starts earlier still: the consultation request in about week four, the evidence from the first week. Whether the petition is approved, and when, is for USCIS to decide.

Where to start

This week, write your U.S. start date at the top of a page and count backward: time for the consulate, room for one request for evidence, the premium processing window, the filing margin, the consultation letter, and the evidence. If the page tells you the filing date has already passed, you have learned it at the cheapest possible moment. The firm scopes a realistic timeline for each situation in the initial consultation, including lead time for evidence and union consultations.

This is general information about artist visa timing, not legal advice about a particular filing. Nothing here is a promise about how or when any petition will be decided, and immigration rules and fees change; confirm current details before relying on them.

WRITTEN BY

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Anthony is the Managing Partner of Clemenza Law Group and serves as general counsel to a wide range of companies and philanthropic organizations. Nearly every essay here began as a real question from a real client: the contract that landed at 4 p.m., the board that meets on Thursday. He writes them the way he would answer you across the table, plainly and with care.

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