The Big Chill: Performers and Athletes Received a Cold Reception after 9/11--But are Things Getting Warmer?*

by Wendi S. Lazar **

The summer of 2002—the first summer after the tragic terrorist attacks of September 11—might well have been an occasion to celebrate the ability of artistic and athletic endeavors to unite peoples from all geographic locales, from all walks of life, and religious beliefs. Unfortunately, just when such a cultural balm was exactly what the United States needed to help heal the wounds left by the terrorists' acts, those very same acts led to increased security measures that prevented numerous artists and athletes from entering the United States.

As chronicled by newspapers across the nation, artistic venues and musical festivals were forced to find replacement performers, and, in some instances, to cancel performances altogether when visa petitions were caught in the INS (now known as the U.S. Citizenship and Immigration Services or CIS) backlogs or visa applications were delayed overseas by onerous consular security checks. In some cases, applicants were denied visas outright.[1]

Played as a backdrop against the delays had been the lingering suspicion that the Premium Processing Service (PPS), instituted in June 2001, as an elitist cure for the ills of processing visas for talent may have been a contributing factor to the backlogs and delays of normal processing.[2] Since September 11, 2001, this suspicion has been confirmed with non profit groups and less commercial arts organizations confronting long waits and great uncertainty in the visa process. As a result, PPS has become the norm for nearly all processing of talent in commercial ventures and regular processing left for those with limited resources. Unfortunately, with regular processing delays ongoing, many foreigners who can't afford the added cost of PPS and fear breaching their contractual commitments are staying home.

This article will explore the ways in which PPS and security delays have impacted American arts and athletic venues since the summer of 2002, and will take a look forward at what might be expected for the summer of 2007 and beyond.

Dashed Expectations

Back in 1989—what seems like an eternity ago in immigration law—Congress was debating the merits of a new category for the arts and another for athletes, removing them from the confines of the H-1B program.[3] At the time, there was talk of foreign artists and athletes acting as ambassadors - vessels of good will between America and the rest of the world. The economic benefits of the presence of foreign-born talent to the U.S. were emphasized as well.[4]

In his statement before Congress in 1989, Walter Swanson, speaking on behalf of the Motion Picture Association of America, Inc., said:

> Protectionist measures that would unreasonably eliminate foreign talent and filmmakers would hinder continued expansion of the entertainment industry, particularly in the important foreign markets. Worse, such measures could eliminate rather than create jobs for American workers by driving future production offshore.[5]

In short, creation of the O and P categories would help ensure that America would not be an isolated cultural or athletic island.[6]

Given the unique, performance-driven, and hence, time-sensitive nature of O and P petitions, timely adjudications would be vital. Moreover, to prevent the INS from becoming inundated with amended petitions (*i.e.*, due to change in performance venue and/or dates), the regulations instituted a six-month advance limitation on when an O or P petition could be filed.[7]

Thus, when President George Herbert Walker Bush signed the Immigration Act of 1990 (IMMACT 90)[8] in November of 1991, everything was in place: a congressional commitment to the free-flow exchange of artists, performers, and athletes between America and the rest of the world, and an INS willing to process Os and Ps swiftly in exchange for contracts and itineraries.[9]

For close to 10 years, foreign-born artists and athletes enjoyed a relative period of efficiency, and the stadiums and venues that hosted these artists and athletes could depend on their timely arrival. In 2001, two developments dramatically altered the landscape for American arts and athletic venues: premium processing and programs aimed at enhancing our national security.

Premium Processing: Friend or Foe?

The first event to have a negative impact on many Os and Ps was the June 1, 2001, implementation of PPS and the simultaneous elimination of traditional expedited processing for all petitioners save non-profits.[10] Heralded by its proponents, the $1,000 PPS fee was seen as a small price to pay for increased CIS efficiency and a much-needed fundraiser for a cash-strapped INS. To be sure, though, PPS had its opponents from the beginning.[11] The concern, voiced loudly by groups representing foreign artists and performers, was that there would, henceforth, be three classes of petitioners: those for-profit petitioners able to pay the $1,000 PPS fee in addition to the regular filing fee, those non-profit petitioners who could not afford the fee but could try their luck at a traditional expedite,[12] and everyone else.

Interestingly, a November 2001 memorandum from Fujie Ohata, Associate Commissioner, Service Center Operations, Immigration Services Division at INS Headquarters,[13] seems, upon first reading, to indicate that one has three options for being

granted expedited treatment: (1) pay the $1,000 PPS fee; (2) be a non-profit petitioner; (3) meet one of the seven expedite criteria listed in the memorandum.[14] In other words, one could arguably read the November 2001 memorandum to mean that anyone who could meet one of the listed criteria could qualify for traditional expedite treatment, regardless of whether the petitioner was a non-profit. However, in June 1, 2001 PPS regulations, INS implicitly states that the petitioner must either pay the $1,000 fee or be a non-profit in order to receive expedite treatment.[15] As a result, for the vast majority of practitioners, the introduction of PPS has meant the end of the traditional expedite. Various INS memoranda have stated that once a nonimmigrant classification becomes eligible for PPS, the traditional expedite will no longer be available.[16]

In any event, almost immediately upon the heels of the June 2001 PPS implementation, delays began to build in non-PPS cases at the service centers.[17] With most traditional expedites eliminated, non-PPS cases appear to have been relegated to the bottom of the processing heap.

CIS's Attempts at Addressing the Issue

To the frustration of many, it appears that the mere existence of PPS has made it possible for the extreme delays in non-PPS to go unresolved. CIS seems to be saying, "If you, petitioner, are not happy with the delay, then simply pay the $1,000 PPS fee." In short, the presence of PPS seems to serve as a disincentive to the CIS to address the severe backlogs in non-PPS cases. And, again, with traditional expedites all but gone, there is no safety net for the emergent case.

To be fair, at an October 7, 2002, meeting of the New York Chapter of AILA, the Vermont Service Center's (VSC) Supervisory Center Adjudications Officer, Keith Canney, did his best to debunk the perception that the increased delay in the processing of non-PPS cases is directly attributable to PPS.[18] According to Canney, PPS was paying for itself[19] and its staff of 40 officers brought on specifically to process PPS cases were also able to work on adjudicating non-PPS cases once their PPS caseloads were done for the day.[20] In other words, a win-win situation—or at least that was the official CIS view. This did not, however, account for the continuing delays in the adjudication of non-PPS cases.

By way of brief background, the pre-June 2001 traditional expedite provided arts and athletic petitioners with a means to vigorously state their case in emergent circumstances. It was not unheard of for a talent agent's petition, filed on behalf of an opera diva, to be approved within two days when a replacement singer was urgently needed.

But the pre-PPS era was not nirvana either, because each service center maintained its own guidelines, limiting how and when an expedite request would be granted and there was often a sense of arbitrariness in the decision-making. For many, the beauty of PPS was that for a $1,000 fee, one was assured of fast track processing, without the need to plead one's case.[21] Nevertheless, as imperfect as it was, the pre-PPS traditional expedite

system provided a sense of security to artistic and athletic venues unable to anticipate last-minute changes in performance line-ups and unable to pay the PPS fee.

On April 1, 2006, CIS attempted to resolve non-PPS adjudication backlogs by implementing a "bi-specialized filing system" to centralize caseloads. On March 24, 2006, CIS announced that starting April 1, 2006, CIS was changing its filing procedure for all I-129 and I-140 petitions. Specifically, all I-129 petitions were to be filed directly with the Vermont Service Center, which would later forward some cases to the California Service Center for processing. On May 25, 2006, CIS provided updated instructions on the filing of I-129 petitions with Vermont and California. All initial and extension petitions for O-1, P-1 and P-1S classifications for major league sports, both athletes and support personnel (umpires, coaches, trainers, broadcasters, referees, linesmen and interpreters) were filed directly with the Vermont Service Center. All initial and extension petitions for O-1, except for major league sports, O-2, P-1 and P-1S for entertainment groups, P-2 and P-2S for support personnel, and for P-3 and P-3S support personnel classifications were filed directly with the California Service Center.[22]

Five months after the implementation of this bi-specialized filing system, the adjudication delays remain the same as those experienced in 2002. That is, the Vermont Service Center is currently taking approximately three months to adjudicate O and P petitions while the California Service Center is currently taking two months.

Although implemented as part of the CIS plan to streamline adjudications, the bi - specialized filing program has done nothing to improve adjudication delays. To date, without PPS, there is no guarantee of expeditious and timely processing. Unfortunately, because CIS controls whether and when a case gets to the appropriate U.S. consulate, a non-PPS case can still take anywhere from two to five months to process at the service centers, assuming nothing else goes awry.[23] Whatever the cause, the end result is that for non-PPS cases, the delay at the service centers is adding on a minimum of two months, or roughly one-third of the six-month lead-time allowed before the O or P beneficiary's services are needed.

Consular Delays

Adding to the woes of O and P petitioners unable to afford the $1,000 PPS fee, the September 11, 2001, terrorist attacks ushered in a new world that continues to have a severe impact on consular processing. Although, most consulates since 2001 have made an effort, given the increased security measures to expedite consular processing if and when an emergency need arises, they have not done enough to meet the demands of foreign artists, entertainers and athletes and their performance schedules.

It became clear in 2002 that the imposition of new security measures introduced after September 11, as well as the renewed implementation of existing measures, would have a dramatic effect on all visa processing. In fact, the second half of 2002 saw visa issuance

taking up to two months as a result of stringent security measures put in place after September 11, 2001. Certain checks resulted from the Enhanced Border Security and Visa Entry Reform Act of 2002,[24] while others resulted from increased checks of long-standing security systems, including Visas Condor.[25]

In addition, as part of the new security measures each applicant for a visa, even if part of an orchestra or performance group, was required to be interviewed and have fingerprints taken.[26] Rather than allowing the individual artists or sports talent to choose the consulate closest to their locations at any given time, the Department of State ("DOS") insisted that the interviews take place at one consulate for the entire group. This resulted in tremendous expenses for an artistic group whose members do not live in the same country. At year-end, DOS was advising that applicants for visas could experience waits as long as two months.

Five years later, these new measures have resulted in serious delays, causing hardship to the international arts and entertainment community. The travel costs to consulates for interviews have seriously eaten away at the gross revenues of many groups and the uncertainty of getting visas on time has also produced financial losses.[27]

For example, the Halle Orchestra from England cancelled its American tour due in large part to DOS visa policies after spending $80,000 on the visa process.[28] In 2003, several Cuban artists who received Latin Grammy awards were not issued the required visas in time to enter the United States to attend the Latin Grammys because their security clearances were not completed in time. As Cuba is listed as one of the State Sponsors for Terrorism, the security clearances for Cuban nationals takes approximately six to eight weeks to complete.[29]

DOS has made efforts to improve the situation, particularly in emergent situations.[30] In the aftermath of Hurricane Katrina, DOS expedited the visa applications of many large musical groups – adjudicating them in less than three days - in order to allow the groups to play a benefit for Hurricane victims. In fiscal year 2005, DOS issued almost 44,000 visas for entertainers and artists, and they say many of them were issued in an expedited way to accommodate performance schedules.[31] While DOS has expressed optimism that the backlog in cases at the consular level has receded,[32] they seem focused on dealing with emergencies and highly commercial performers rather than solving the overall problems associated with the non-profit and smaller artist groups and organizations that make up a significant amount of foreign artists and performers seeking to enter the U.S.[33]

What Practitioners Can Do

Don't throw the baby out with the bathwater! Many petitioners prefer to pay the additional PPS fees to have a "quick" response. This gives them the extra time to finalize a personnel list and future dates in order to avoid the cost and aggravation of filing additional or extension petitions (which often end up requiring the PPS fee due to the lateness of the change). Sometimes they file Premium just because the event is worth

more either in recognition or money than the cost of the $1,000 PPS fee.

As practitioners, we should play a role in bridging the gap between the idyllic world of shared cultural experiences that was envisioned by IMMACT 90 and the reality that Americans— traumatized by September 11— are demanding ever greater measures by DOS and CIS officials in the name of security. As a result there are a n umber of things we can do:

1. File Petitions Early

Legal counsel to artists, managers, and arts/athletic institutions unable or unwilling to pay the $1,000 PPS fee need to encourage petitioners to file as close to the six-month advance limitation as possible. If a non-PPS case is taking from three to six months at the service center, and—in the case of a "Visas Condor" hit or a Security Advisory Opinion—up to two months at the consulate, then the reality of a five-month wait for an O or P visa must be factored into every artistic or athletic event plan. What this means for artistic and athletic events scheduled for summer 2007 (*i.e.*, June through August) is that the relevant O and P petitions should have been filed between December 2006 and February 2007 to ensure timely adjudication and DOS visa issuance.

2. Educate and Prepare

Practitioners are encouraged to educate and prepare petitioners and beneficiary artists and athletes for the realities of visa processing at U.S. consulates. Well known artists and athletes often assume because they are "celebrities," the U.S. government will make an exception and push their cases through. Many of us know that this is not the case; the government will subject the visa application of international celebrities to the same scrutiny as all others. Therefore, it makes sense for all beneficiaries to contact their respective consular posts early and often. Throughout the petition adjudication process at the service centers, beneficiaries are well advised to stay abreast of any delays in visa processing at the relevant posts so that their travel plans may be adjusted accordingly.

Also, male beneficiaries between the ages of 16 and 45, regardless of nationality, should be advised to collect the data requested on the DS-157 as soon as the I-129 is filed with the respective service center. It is also advised that practitioners query O and P beneficiaries on any arrests or criminal convictions.

Lastly, when preparing the O and P petitions, practitioners should include any manner in which the beneficiary's name has been spelled, and a copy of the passport ID page should be submitted with every petition to avoid misidentification.

Conclusion

As in any business, predictability and continuity are key ingredients for success. The businesses of the arts and athletics are no different. When performances or sports events

are cancelled due to visa backlogs, a sense of unease taints the artistic or athletic endeavor, which, in turn, runs the risk of casting aspersion on the entire O and P visa process.

While it has become abundantly clear since 2001 that there will not be a return anytime soon to pre-PPS days—when traditional expedite requests were seemingly granted or denied in an arbitrary manner—there is, nevertheless, the need for a system that will allow for the certainty of PPS as well as equity and fairness in the adjudication of non-PPS cases. This is particularly true when time is of the essence and the artist's budget is limited. In short, there is a need for an adjudications system that makes allowances for the often-emergent needs of America's arts and athletic communities.

In the meantime, we as practitioners can be of true value to our clients by presenting a picture of realistic time delays in petition adjudication and visa processing so that petitioners can plan their events, and beneficiaries their travel, accordingly. In that way, we can at least bring a measure of realism to an artistic and athletic environment that has recently seen too little certainty.

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[1] "Visa Delays Give Fits to Planners of Arts Festivals," Celestine Bohlen, *New York Times*, July 30, 2002; "One Visa Problem Costs a Festival Two Filmmakers," Celestine Bohlen, *New York Times*, October 1, 2002; "Travel Restrictions Keeping Foreign Artists from U.S. Music, Dance Festivals," Robert Weller, *New York Times*, September 1, 2002.

[2] On September 16, 2002, Backstage.com, the online performing arts journal, interviewed Jan Denton, Executive Director of the American Arts Alliance in Washington, D.C. Concerned that the INS is presently attempting to help facilitate the entrance of foreign artists whose hosts can afford the payment, Denton told Backstage.com that "those that cannot afford to pay are falling further and further behind. It used to take from about 60 to 90 days to try to get a visa petition approved. Since this new fee was made available, and since Sept. 11, some of our applicants are facing more than 120 days." "AGMA Imposes Visa Fee," Roger Armbrust, Backstage.com, *posted at www.backstage.com*, September 16, 2002.

[3] Immigration Act of 1989, Joint Hearings before the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, and the Immigration Task Force of the Committee on Education and Labor, House of Representatives, 101st Congress, 2nd Session on S. 358, H.R. 672, H.R. 2448, H.R. 2646, and H.R. 4165 (Feb./Mar. 1990).

[4] *Id.* at 334.

[5] *Id.* at 336–37.

[6] The statutory authority for the O-1, O-2, and O-3, as well as the P-1, P-2, P-3, and P-4 classifications, which amended the Immigration and Nationality Act of 1952 (INA) by §207 of the Immigration Act of 1990, Pub. L. 101-649, 104 Stat. 4978 as modified by §§204, 205, and 207 of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Pub. L. 102-232, 105 Stat. 1733, is located at INA §101(a)(15)(O), (P), and 8 USC §1101(a)(15)(O), (P). The O-1 classification is reserved for aliens of extraordinary ability in the sciences, arts, education, business, or athletics. The O-2 classification is reserved for those aliens accompanying O-1 aliens in the arts or athletics.

The P-1 classification is reserved for those foreign national athletes who seek to enter the United States either individually or as part of a team, or who are members of an entertainment group. The P-2 classification is reserved for foreign members of a cultural exchange program, while the P-3 classification is reserved for those artists and entertainers and members of a program that is culturally unique.

The INS and State Department regulations for the O and P classifications are found at 8 CFR §214.2(o) & (p), and 22 CFR §41.55 and §41.56, respectively. *See also* 9 Foreign Affairs Manual §41.55 and §41.56.

[7] *See* 8 CFR §214.2(o)(2)(i) and 8 CFR §214.2(p)(2)(i). In many instances, and particularly with O petitions, amended petitions are required for adding or replacing essential personnel. *See* 8 CFR §214.2(o)(2)(iv)(D), which states, "[I]n the case of a petition filed for an artist or entertainer, a petitioner may add additional performances or engagements during the validity period of the petition without filing an amended petition, provided the additional performances or engagements require an alien of O-1 caliber; 8 CFR §214.2(p)(2)(iv)(D) states, "[A] petitioner may add additional,

similar or comparable performances, engagements, or competitions during the validity period of the petition without filing an amended petition." (Emphasis added.) These sections on amended petitions are to prevent the INS from becoming inundated with petitions. The problem with filing an O or P petition six months in advance is that most artists and entertainers are unable to finalize the required beneficiaries that far in advance. In many instances, and particularly with O petitions, amended petitions are required to add or replace essential personnel.

[8] Immigration Act of 1990, Pub. L. 101-649, 104 Stat. 4978.

[9] 8 CFR §214.2(o)(2)(iv)(E).

[10] 66 Fed. Reg. 29682 (June 1, 2001).

[11] On May 3, 2001, the American Symphony Orchestra League issued an Alert to all its members, cautioning that "[b]eginning this June [2001], petitions to the Immigration and Naturalization Service for visas for foreign artists may take up to 90 days to process." The League urged member orchestras to "complete your I-129 Petition and file it with the INS as early as possible," explaining that "Congress recently gave the INS authority to charge a $1,000 PPS fee. The INS originally said . . . that this fee would only apply to certain categories unrelated to the O and P visas generally used by artists. However, yesterday the INS 'unofficially' indicated that it may apply the PPS fee to the O and P categories, possibly beginning June 1, 2001. It is likely that the attention to the 'premium' cases will lengthen the processing times for regular petitions . . . We recognize how damaging and costly this new process could be for orchestras, especially considering the tenuous nature of booking foreign guest artists, and groups of artists . . ." Immigration for Foreign Artists Alert May 3, 2001, American Symphony Orchestra League, *www.symphony.org*.

[12] Unfortunately, in practice, even not-for-profit petitioners take a chance when trying to obtain expedited treatment. As was the case in the pre-PPS days, the INS continues to apply a subjective standard in deciding whether to grant an expedite request.

[13] INS Memorandum, "Service Center Guidance for Expedite Requests on Petitions and Applications" (November 30, 2001), *posted on* AILA InfoNet at Doc. No. 02011131 (January 11, 2002).

[14] According to the November 30, 2001, memorandum from Fujie O. Ohata, the seven criteria are as follows:

1. Severe financial loss to company or individual
2. Extreme emergent situation
3. Humanitarian situation
4. Nonprofit status of requesting organization in furtherance of the cultural and social interests of the United States
5. Department of Defense or National Interest Situation (Note: Request must come from official United States Government entity and state that delay will be detrimental to our government.)
6. Service error
7. Compelling interest of the Service

Id.

[15] In the Preamble to the PPS regulations, the INS states that it "will continue its existing policy and procedures for requesting expeditious processing, without any additional fee, of petitions that are filed by petitioners designated as non-profit by the Internal Revenue Service and for petitions and applications that are not designated for Premium Processing Service." 66 Fed. Reg. 29682, 29683 (June 1, 2001); *posted on* AILA InfoNet at Doc. No. 01060102 (June 1, 2001).

[16] "INS Plans Premium Processing Program-INS Premium Processing Program Summary of Current Plans as Indicated in 1/12/01 Focus Group Meeting," *posted on* AILA InfoNet at Doc. No. 01012607 (January 26, 2001); "Texas Service Center Expedite Criteria (Excerpt of December 14, 2001, e-mail from TSC to T. Douglas Stump, AILA/TSC Liaison Chair, Addressing Criteria for Expedited Adjudication)," *posted on* AILA InfoNet at Doc. No. 01121436 (December 14, 2001).

[17] For instance, the March 31, 2001, VSC Processing Times Report for the period ending March 31, 2001, indicated that the center was processing I-129s receipted in March 29, 2001 (*i.e.*, a three-day backlog). Three months later, after the June 11, 2001, introduction of PPS, the June 30, 2001, VSC Processing Times Report for the period ending June 30, 2001, indicated that the VSC was processing I-129s receipted in May 1, 2001 (*i.e.*, a one and one-half month's backlog).

[18] Minutes, AILA New York Chapter Monthly Meeting, Mon., October 7, 2002, *posted on* AILA InfoNet at Doc. No. 02103142 (hereinafter, "Minutes").

[19] The Preamble to the PPS regulations also addressed the issue of PPS paying for itself. Under a section entitled "What Are the Benefits of the Premium Processing Service?" the Preamble includes the following response:

"The Premium Processing Service provides a benefit to all entities that file applications and petitions with the Service, and not just to those employers who are granted Premium Processing service. The fee revenue generated by Premium Processing Service will be deposited into the Immigration Examinations Fee Account and used by the Service to hire additional adjudicators, contact representatives, and support personnel to provide service to all its customers. The fee will also be used for infrastructure improvements." 66 Fed. Reg. 29682, 29683 (June 1, 2001).

[20] *See* footnote 18.

[21] An example of pre-PPS traditional expedite procedure can be gleaned from the CSC guidelines, which were the subject of a Q&A exchange in the May 23, 2000, CSC-AILA Liaison agenda. At the time, the CSC was receiving approximately three to 10 expedite requests per day for I-129s and I-140s. The CSC was accepting expedite requests for all applications and petitions based on the following criteria:

1. Severe financial loss to the company or individual
2. Extreme emergent situation
3. Humanitarian situation
4. Department of Defense or National Interest Situation
5. Service error

The inclusion of such subjective words as "severe" and "extreme" give a hint at how subjective the traditional expedite process was. "CSC-AILA Liaison Agenda for May 23, 2000," *posted on* AILA InfoNet at Doc. No. 00053105 (May 23, 2000).

[22] U.S. Citizenship & Immigration Services Fact Sheet, March 24, 2006 available at http://www.uscis.gov/graphics/publicaffairs/newsrels/BiSpecPh01_24Mar06PR.pdf. See also, "Practice Pointer on Filing I-129s under Bi-Specialization," AILA InfoNet Doc. 06052361.

[23] As of September 8, 2006, VSC was processing non-PPS Os and Ps receipted on June 24, 2006, which the CSC was processing non-PPS Os and Ps receipted on July 8, 2006.

[24] Enhanced Border Security and Visa Entry Reform Act of 2002, Pub. L. 107-173, 116 Stat. 543, Cong. Record, March 12, 2002, H-797-H-810.

[25] Visas Condor is a program under which consulates abroad submit names of visa applicants subject to further analysis by appropriate U.S. government agencies.

[26] 22 CFR Section 41.102(a). Although this regulation is 40 years old, it was not enforced until after September 11, 2001. The DOS published interim regulations at 68 FR 40127 on July 7, 2003 which became effective on August 1, 2003.

[27] Written statement of Sandra L.Gibson, President and CEO Association of Performing Arts Presenters, Government Reform Committee, U.S. House of Representatives, April 4, 2006.

[28] *Id.*

[29] AILA InfoNet Doc. No. 03090441 (September 4, 2003).

[30] U.S. Dept. of State, Media Note, "Facilitation of Visas for Entertainers," Office of the Spokesman, Washington DC, April 6, 2006 available at http://www.state.gov/r/pa/prs/ps/2006/64179.htm

[31] *See* footnote 30.

[32]On February 19, 2005, the Government Accounting Office (GAO) issued a report entitled, "Streamlined Visas Mantis Program Has Lowered Burden on Foreign Science Students and Scholars but Further Refinement Needed," which reported on specific policies and programs between the DOS and DHS that resulted in a significant reduction in visa processing times for applicants applying for nonimmigrant visas. As of February 19, 2005, the average visa processing times for Visa Mantis clearance was less than 14 days. Moreover, the DOS extended the validity period of Visa Mantis clearances, thereby reducing the number of repetitive clearances that a visa applicant was subjected to. See AILA InfoNet Doc. 05022267 (February 22, 2005); Also available at http://www.state.gov/r/pa/prs/ps/2005/42212.htm. Also, *See*,"State Department Completes Security Review on 10,000 Visas," Press Statement, Richard Boucher, Spokesman, U.S. Department of State, Washington, DC, Sept. 24, 2002, *posted at www.state.gov*. In a September 24, 2002, press briefing, State Department spokesman Richard Boucher credited "improved interagency and automated procedures" in announcing that "the Department of State last week sent authorization to consular posts worldwide to issue visas to more than 10,000 visa applicants following mandatory security reviews. Many foreign students, business people, and other travelers whose visa applications have been subject to the security procedure known as 'Visas Condor' will now see speedier visa adjudications."

[33] *See* footnote 27.