



March 14, 2019



The Honorable L. Francis Cissna  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Ave., NW  
Washington, DC 20001



Dear Director Cissna,



I write to invite you to a follow-up meeting with representatives from DPE's affiliate unions that represent professionals in the arts and entertainment industries regarding the O and P visa adjudication process.



DPE and our affiliate unions want to hear from you about what USCIS has learned from its analysis of data collected during the first six months of direct union consultation in instances when unions are not providing a letter that is favorable to an O-1 or O-2 nonimmigrant visa petitioner. We also wish to discuss with you what USCIS is seeing with regard to P visa adjudications, since labor unions may also now submit unfavorable consultation letters for P-1, P-2, or P-3 nonimmigrant visa petitioners.



As you know, unions in the arts and entertainment industry take seriously their role as advisors in the O and P visa petition process. It is through their role as advisors in the petition process for both O and P visas that these unions can help safeguard the economic interests of all professionals working in the industry.



We appreciate your commitment to addressing serious fraud and abuse in both of these visa programs, and we hope our affiliate unions can continue to share their experiences as consultation advisors with you in order to inform further reforms that more fully address the misuse of the consultation process.



SAG-AFTRA

Sincerely,

Jennifer Dorning, President





**U.S. Citizenship  
and Immigration  
Services**

October 16, 2019

Ms. Jennifer Dorning  
President  
Department for Professional Employees, AFL-CIO  
815 16<sup>th</sup> Street, NW, 6<sup>th</sup> floor  
Washington, DC 20006

Dear Ms. Dorning:

Thank you for your March 14, 2019 letter regarding the O- and P-visa petition process. You expressed interest in learning about the outcomes of the O-visa Negative Consultation Program, specifically the first 6 months that ran from September 13, 2018 to March 14, 2019.

U.S. Citizenship and Immigration Services (USCIS) undertook several actions in order to address the concerns raised by labor organizations about negative advisory opinion letters they provide as part of the O-visa petition adjudication process. In August 2018, USCIS added a data field to its electronic systems to record and track the disposition of negative advisory opinion letters for all O and P petitions. In September 2018, USCIS established a mechanism for labor organizations to submit copies of negative advisory opinion letters directly to USCIS.

From September 13, 2018, to March 14, 2019, USCIS received copies of 43 negative advisory opinion letters directly from labor organizations related to 61 individuals. Two letters, however, were subsequently rescinded by the labor organization and changed to a no-objection letter. USCIS received 33 petitions for individuals listed in the copies of negative advisory opinion letters. Of those 33 filings, we approved 24 petitions, denied 7 petitions, and 2 petitions remain pending. Of the approved petitions, USCIS revoked 3 for ineligibility.

Less than one percent of O petitions filed within the study period contained a negative advisory opinion letter. An in-depth review of the petitions with negative advisory opinion letters revealed that all of these petitions included evidence in the filing that addressed the concerns raised by the labor organizations in their negative advisory opinion letters. The totality of the evidence in the petitions, including advisory opinion letters from appropriate labor and management organizations letters, was appropriately considered.

In light of the results of the program, USCIS has committed to taking additional steps to ensure the integrity of the O and P petitions and consultation process. A supervisor or senior officer now reviews all petitions that contain a negative advisory opinion letter before approval or denial. USCIS is committed to ensuring the integrity of the O and P nonimmigrant classifications and adjudication processes.

Ms. Jennifer Dorning  
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Thank you again for your letter and your interest in this important issue.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ken Cuccinelli II". The signature is stylized with a large "K" and "C", and a Roman numeral "II" at the end.

Ken Cuccinelli II  
Acting Director