
REGGAE AND VISAS FOR WORK IN THE UNITED STATES – A REALITY CHECK

By Lloyd Stanbury

The U.S. music market is the largest in the world, with live music revenues more than triple, and recorded music revenues almost double, the revenues of any other country. I often hear the suggestion that foreign reggae artists who represent Rastafari should look to other markets to travel and work as performers, because the U.S. music industry is representative of the “Babylon System.” There may, however, be additional reasons encouraging foreign reggae artists to look to other markets for employment. The economic and political dynamics of the American reggae festival scene make the above statements even more interesting.

Over the past 10 years, the reggae festival circuit in the U.S. has grown with the emergence of several new and successful events. **Reggae On The Mountain** was started in Topanga, CA, in 2009, **California Roots** was started in Monterey, CA, in 2010, **Reggae Rise Up** in St. Petersburg, FL, in 2015 and the Marley Brothers staged the first **Kaya Fest** in Miami in 2017. Along with older events such as **Reggae on the River** (now run by High Times Media), the **Sierra Nevada World Music Festival** and the **Austin Reggae Festival**, the U.S. market is clearly demonstrating increased demand for live reggae performers.

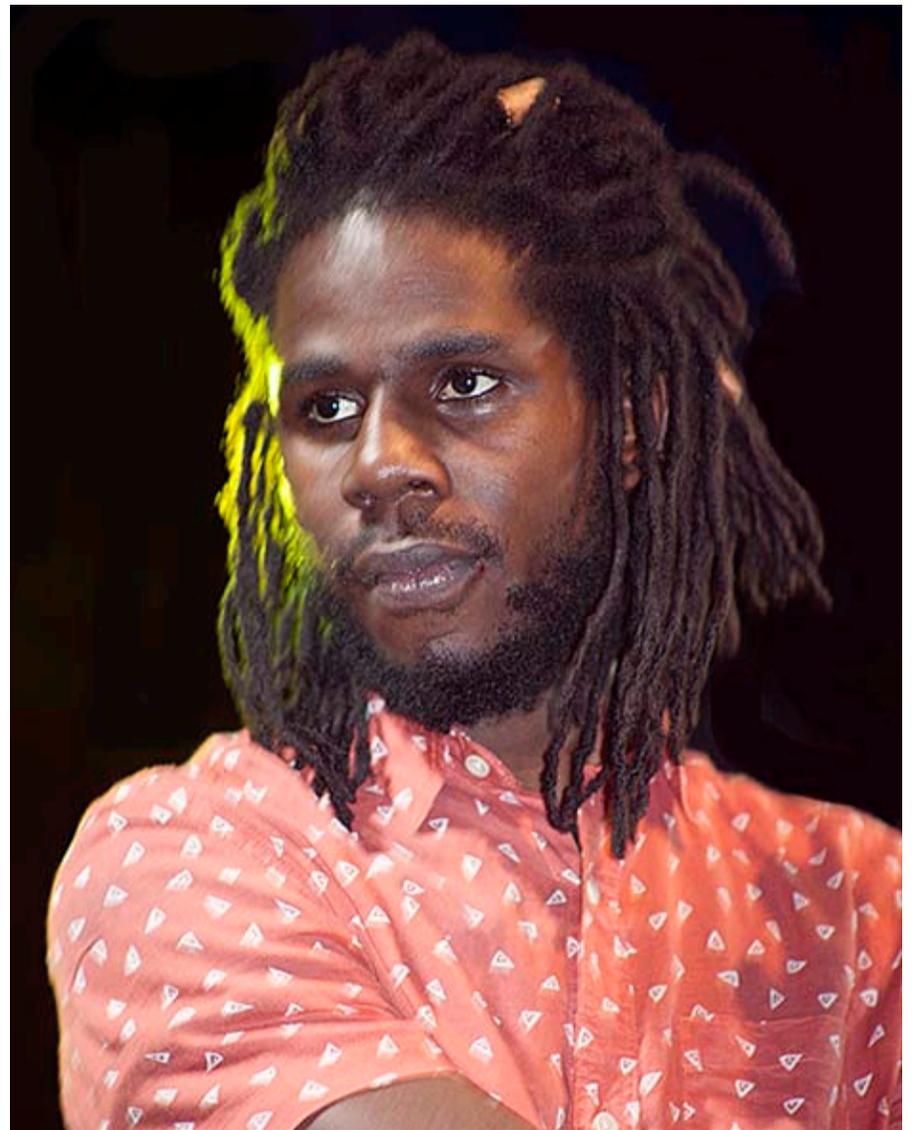
The laws of America require foreign artists and entertainers who intend to work in the U.S. to apply through the office of the United States Citizenship and Immigration Services. Foreign guest artists must normally obtain one of the following types of work visas:

- O-1 or O-2 Visas for Individuals with Extraordinary Ability or Achievement;
- P-1B Visa for a Member of an Internationally Recognized Entertainment Group;
- P-2 Visa for an Individual Performer or Part of a Group Entering to Perform Under a Reciprocal Exchange Program; or
- P-3 Visa for an Artist or Entertainer Coming to be Part of a Culturally Unique Program.

Each of these temporary work visas is appropriate in different situations and filing for the wrong type of visa can significantly delay an entertainer’s entrance into the country.

Despite a long tradition of live performances and touring in the U.S. by Jamaican and other foreign reggae artists, some performers, artist managers, booking agents and event promoters remain unaware when it comes to compliance with the law that governs foreign entertainment workers. In order to secure a U.S. work visa, performers must be able to qualify under one of the four categories mentioned.

The application process typically originates inside the U.S. and is normally initiated by a U.S.-based booking agency or promoter. The booking agent or promoter is required to file an application which includes documentary proof of performance engagement commitments, as well as the foreign performer's eligibility under one of the above stated visa categories. The application process can take as long as 10 to 12 weeks, unless additional expedition fees are paid upon filing. Fees and costs for each application can easily run into several thousand dollars, which is prohibitive for most foreign performers. There is also the need for professional expert representation of both the foreign performer and the U.S.-based booking agent or promoter in order to secure work visas in a timely manner.



Artist Chronixx is identified with the Reggae Revival out of Jamaica. Photo by © 2015 Sista Irie Photography



Matisyahu, a pioneer of American live reggae touring. Photo by © 2015 Sista Irie Photography

The upsurge in American reggae music festivals in the past 10 years is a welcomed sign. In my opinion, one of the key factors contributing to the growth of the U.S. reggae festival market is the rising popularity of several very successful homegrown American bands that play reggae, whose singers and musicians are U.S. citizens. Bands such as **Matisyahu**, **SOJA**, **Rebelution**, **Tribal Seeds**, **Iration**, **J Boog**, **The Green** and **Slightly Stoopid** are regularly featured at reggae festivals in the United States. Proficiency and popularity as a live reggae performer is no longer exclusive to Jamaicans and other foreigners. American citizens who play reggae, and do not require work visas to perform and tour in the U.S., now make up a significant percentage of the artists playing at U.S. reggae festivals. Another very important factor contributing to the growth of the reggae festival



Australian artist Nattali Rize. Photo by © 2018 Sista Irie Photography

market in America is the often misunderstood and criticized “Reggae Revival” movement that introduced artists like **Chronixx**, **Raging Fyah**, **Protoje**, **Jesse Royal**, **Jah9**, **Kabaka Pyramid** and others to new American audiences. The impact of foreign reggae artists – such as Europe’s Alborosie, Gentleman and Mellow Mood, and Australian musician and singer Nattali Rize – on the U.S. reggae festival circuit should also be taken into consideration.

Ignorance about the legal requirements and implications for foreign artists working in the U.S. and the expense involved in appropriately preparing visa applications have resulted in many foreign artists performing illegally in the United States. Entering and operating inside the U.S. in breach of immigration law is a major risk under “normal conditions,” but even more so risky today in light of the policies of the current American government administration. The topic of immigration to the U.S. has always been one to cause heated debates and the expression of diverse opinions. American immigration policy under Donald Trump has taken an extreme

nationalistic tone, where the emphasis, according to Trump, is to put America first and protect American workers. In Donald Trump’s America, the American live reggae performer is a protected species. It should therefore not be surprising to find that as the reggae festival circuit grows in the U.S., there will be more and more homegrown reggae bands performing. While opportunities for foreign reggae performers increase in a growing festival market, the ability of foreign artists to take advantage of these opportunities may diminish.

So, yes, the United States has the largest market in the world for live music, but live reggae is also in demand in a wide range of other countries around the world. Many countries have restrictive immigration laws and regulations regarding the entry of foreign performers for work. The U.K. and European countries such as Germany, France and the Netherlands have their own rules and guidelines regarding entry of foreign artists to work. Countries in Africa, the Caribbean and Latin America – where demand for live reggae is also on the rise – are far less stringent with their visa entry requirements for foreign performers. The reality is that both American reggae fans and foreign reggae performers who can’t meet stringent work visa requirements may have to explore other options to present and enjoy live reggae music. How about a **Love & Harmony Cruise** or **Welcome to Jamrock Reggae Cruise** in the Caribbean? Big ships sailing on the ocean... we don’t need no commotion.

One Love,

Lloyd Stanbury

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and Music Business Consultant



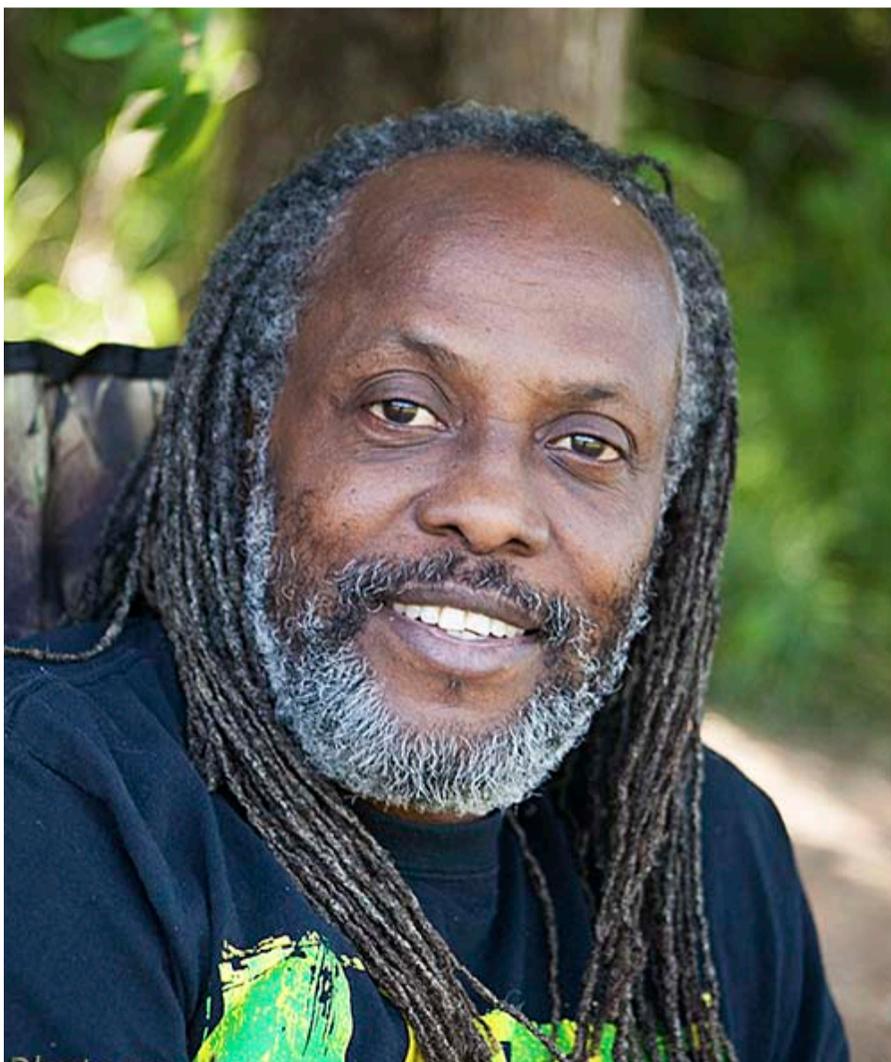
Lloyd Stanbury is a music industry professional whose expertise includes the practice of entertainment law, creative industries development consulting, training, artist management, music production and event promotion. His journey in the business of music started as a concert promoter in Jamaica, and he was instrumental in the establishment of the world's first all-reggae radio station, IRIE FM. He has represented artists such as Chronixx, Protoje, Agent Sasco a.k.a. Assassin, Half Pint, Steely & Cleve and I-Taweh, and provided services to several international agencies involved in the cultural industries and intellectual property rights management. Stanbury is the author of the book **REGGAE ROADBLOCKS, A Music Business Development Perspective**. In August 2017, he was awarded the Order of Distinction by the Government of Jamaica for service to the music entertainment and media industries.



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Author Lloyd Stanbury, an entertainment attorney and music business consultant, has a unique insight into the industry.
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