

ITALIAN ARTIST ON ESTA DEPORTED FROM US

US authorities' crackdown on performers using ESTAs or B visas shows no signs of easing in 2018, as up-and-comer Damien McFly is blocked from showcasing in California

By Jon Chapple on 06 Feb 2018



In news that bodes ill for international acts hoping to play South by Southwest 2018 with ESTA or tourist visas, Italian singer Damien McFly was forced to cancel a planned appearance at the NAMM Show in Anaheim, California, after failing to gain entry to the US under the ESTA (Electronic System for Travel Authorisation) visa waiver programme.

Padua-based McFly (real name Damiano Ferrari) was booked to play a set at the NAMM Show, the world's biggest musical instrument/pro-audio industry conference, on Saturday 27 January, but found himself detained for 26 hours at LAX then sent back to Italy after authorities denied him entry.

He explains: "I left Venice thinking about the sense of freedom I feel every time I tour the US, performing in the land of folk, country, blues – all the music that inspires me. Unfortunately, this

time that was not the case. After passport control the Department of Homeland Security decided to further check my documents and the type of performance I had to attend at NAMM Show.

“ESTA is a very restrictive visa – actually I think it is not even a real visa. And my showcase was not officially sponsored by the Italian government. So they declared me inadmissible, seized my phone and baggage and kept me in a detention room until I could take the next flight home, 26 hours – and some regret – later.”

“THEY DECLARED ME INADMISSIBLE, SEIZED MY PHONE AND BAGGAGE AND KEPT ME IN A DETENTION ROOM UNTIL I COULD TAKE THE NEXT FLIGHT HOME”

The incident has echoes of South by Southwest 2017, when **at least ten artists were barred from entering the country after attempting to enter on ESTAs or tourist visas** – a previously common practice for showcases or other non-commercial shows.

Fees for performance (or “nonimmigrant worker”) visas for the US have skyrocketed in recent years, most recently **jumping a huge 42% at the end of 2016. Writing in IQ shortly after**, Tamizdat’s Matthew Covey, an immigration lawyer, explained that the increase in fees is “not the [only] problem with the US artist visa process. The problem is that the process is so slow that almost everyone has to pay the government’s \$1,225 ‘premium processing’ expediting fee, and it is so complex and unreliable that almost everyone has to hire a lawyer to get through it (costing anywhere from \$800 to \$8,000).”

Amid last year’s controversy, SXSW took the side of the performers, saying a tourist (‘B’) visa should be sufficient for playing unpaid showcases. Following the hike in visa fees, it is likely many artists decided to try their chances on B visas or ESTAs – although it remains to be seen how many foreign acts will risk doing so in 2018.