

Your P2 Work Permit Has Been Approved!

The accompanying document is your Approval Notice (*Form I-797B*). It is not your Work Permit (*I-94 Departure Record*), which you will obtain when you first enter the United States. Keep the Approval Notice handy during your travels in the United States, and retain it for your records.

Read on for information on crossing the border and obtaining your P2 Work Permit.



ENTERING THE UNITED STATES BY LAND

On your Date of Entry into the United States, arrive at the Port of Entry early with your Approval Notice and your valid passport (*your passport should be valid for at least six months after your P2 will expire*). An Officer will review these documents and, if satisfied, will issue your P2 Work Permit, represented by an **I-94 Departure Record**, which is stapled into your passport. **You must exit the United States on or before the departure date listed on the I-94 Departure Record.**

You will be charged a fee at the border for the issuing of the I-94 (*\$6 - \$15 USD per person*).

The I-94 card will remain in your passport for the duration of your P2 Work Permit validity. Do not relinquish the I-94 Departure Record until your final exit date. When you are leaving the United States for the final time, **you must relinquish your I-94 Departure Record.**

ENTERING THE UNITED STATES BY AIR OR SEA

Arrive at the airport or terminal early with your Approval Notice and your valid passport (*your passport should be valid for at least six months after your P2 will expire*). These documents will be reviewed by an Officer, who will issue your P2 Work Permit if satisfied. At air and sea ports, you will no longer be issued a paper **I-94 Departure Record**. Instead, you will receive an admission stamp in your passport which indicates your visa classification and the date by which you must depart the United States.

After entering the United States, you must obtain your I-94 information via an online portal: www.cbp.gov/I94. It is strongly recommended that you print out your I-94 information and keep it with you.

You must exit the United States on or before the departure date on the admission stamp. The carrier will report your departure to U.S. Customs and Border Protection.

MEDICAL INSURANCE

The AFM offers access to Emergency Medical Travel Insurance at preferred rates. Members under 55 may purchase an 18-day multi-trip annual plan for \$90.00 CDN on a guaranteed-issue basis. This program is administered by CanAm Insurance in collaboration with HUB International. Coverage is underwritten by Manulife Financial. Please call **(877) 292-0081** to make inquiries and to purchase a plan.

CROSSING THE BORDER WITH INSTRUMENTS/GEAR

Musicians crossing the border with instruments and gear are encouraged to apply for an ATA Carnet, a document which enables professionals to bring the tools of their trade across borders easily and without hassle, duties or border fees. Learn more about the ATA Carnet from the Canadian Chamber of Commerce: www.chamber.ca/carnet

In the absence of a Carnet, please prepare a manifest (list) of all instruments and gear, including serial numbers and make/model of instruments. If your instrument was purchased outside of Canada, bring the original bill of sale or include the following information on the manifest: the city, state/province, and country where the instrument was purchased.

WITHHOLDING TAX

1. Canadian musicians are required to have either a U.S. Individual Tax Identification Number (ITIN) or a Social Security Number (SSN) when working/performing in the United States. If you do not have either number, then you/all musicians in the group will need to apply for an SSN within five (5) days of entering the US – or by the time of the 5th date of entry into the US under the current, multi-entry permit.

2. Unless all musicians in the group have a [individual] Central Withholding Agreement (CWA) which to avoid Directed Withholding, the proper process is for the engager to withhold 30% toward U.S. taxes. In most situations, musicians will receive a 100% return of all taxes withheld, provided they have not earned more than \$15,000 USD, being the individual earning exemption amount for Canadian foreign workers. The 30% is withheld from the gross amount of earnings, not from each individuals share of the compensation. Musicians must ensure they are provided official notification/receipt from the engager when tax has been withheld by the engager. It is deemed illegal if the appropriate taxes are not withheld – in the absence of a CWA. Other forms which were once, but, no longer, applicable to foreign artists, athletes and entertainers are the W8BEN and 8233 – no matter how much an engager may insist.

3. Musicians are required to file a US tax return (the 1040NR or 1040NRS) as soon as they earn income in the U.S. These forms are very easy to complete, but you may want to have the first one done for you professionally (suggested referral below). If you have not filed for return of withholding previously, you are able to file for previous years returns as well. Tax returns are only required for years in which there was work/earnings in the US – so just because you file in one year doesn't mean you have to file throughout your lifetime especially when there is no income to claim/report.

One company that can assist you with this is CWA Management: <http://www.cwamanagement.com/> To learn more about U.S. taxes and withholding for your situation, contact your purchaser/employer or a tax attorney who specializes in U.S. taxes. For general information about tax withholding, visit:

<http://www.artistsfromabroad.org/tax-requirements/>

BRINGING MERCHANDISE INTO THE UNITED STATES

If you are planning to sell or distribute merchandise in the United States, the easiest way to go about it is to have the merchandise produced and paid for within the United States. If you are bringing merchandise into the United States from Canada, you must declare the items and an inspector will determine the amount of duty owed, then refer you to the cashier to make payment by cash, certified cheque, or, at larger airports by credit card.

Procedures for bringing merchandise into the United States differ depending on the value and quantity of the goods. Merchandise valued \$2,500 or less (retail) can be processed at your Port of Entry when you enter the U.S. (*informal entry of merchandise*): https://help.cbp.gov/app/answers/detail/a_id/535/~/requirements-for-clearing-goods-brought-by-an-individual-for-commercial-purposes. However, CBP cautions travelers that may require any item being imported for commercial purposes to be entered as a formal entry. For merchandise valued at over \$2,500, you will need to engage a U.S. broker to help you import the goods into the United States.

In all cases, merchandise must be clearly labeled with a description of the goods, the quantity in each box, the cost per item and your selling price. You should also bring a comprehensive list of all items; indicating what your wholesale costs, your planned retail (selling) price, material(s) the products are made from, where the products were produced and by whom. It is also a good idea to bring the receipts or invoices for the production of the merchandise. Do not seal boxes of merchandise, as Border Officials may want to inspect their contents.

When bringing in product for promotional distribution, please ensure that you clearly label each item: “**for promotional distribution only/not for resale**”. Promotional items should be kept to a maximum of 1,000 pieces of product.

Contact your specific Port of Entry for more information on bringing merchandise across the border. Phone numbers for the various Ports of Entry can be found here: www.cbp.gov/contact/ports

Updated June 2017