

**Artist Safety
Hosting**

A Guide to History, Ethics, & Practice

September 2019

**ARTISTIC
FREEDOM
INITIATIVE**

**artist
safety
.net**



Todd Lanier Lester
ArtistSafety.net

Ashley Tucker
Sofia Monterroso
Artistic Freedom Initiative

On behalf of the
New York City Artist
Safe Haven Residency
Program

Artist Safety Hosting: A Guide to History, Ethics, & Practice came about through a partnership between ArtistSafety.net and Artistic Freedom Initiative, in dialogue with a growing New York City Artist Safe Haven Residency Program coalition.

September 2019

© 2019 Artistic Freedom Initiative (AFI) and ArtistSafety.net (AS.net). All rights reserved.

Authors: Todd Lanier Lester, Ashley Tucker, and Sofia Monterroso.

ARTISTIC
FREEDOM
INITIATIVE

artist
safety
.net



RU
RESIDENCY UNLIMITED

arc
Artists
at Risk
Connection



Table of Contents

Forward	4
PART 1	
Artist Safety Hosting	9
Artist Safety Hosting	11
Collaboration	16
Making a Service to Fit the Need	19
Verification	22
Solidarity	24
Artist Safety Hosting: A Resource Map	26
PART 2	
Art, Law, & Building Safe Haven Residencies	29
Artistic Freedom: Laying the Groundwork	31
Art, Law, & Artists Under Threat	32
What Happens When an At-Risk Artist Relocates?	37
Synthesizing Solutions	39
Artist Residencies as Safe Havens: Where Art & Human Rights Intersect	39
A Coalition-Based Approach to Artist Safety Hosting in New York City	40
Operating Procedures of the New York City Artist Safe Haven Residency Program	41
Before Placement:	41
Intake & Selection, Legal Assistance	
Visa & Petitions	42
During Placement:	45
Creation, Cultivation, & Planning	
After Placement:	47
Exit Strategies in Motion & Moving Forward	
Conclusion	49
Acknowledgments	50

Cross-field learning and partnership are hallmarks of effective artist safety hosting.

Artist Safety Hosting is a guide that uses the city as context (or system) in which to facilitate the arrival and safety of artists-in-distress. Our premise is that the challenges experienced in hosting such artists in New York City are common to other cities. Host sites must stay abreast of developments on the international stage as well as national politics that directly inform immigration eligibility, affecting legal structures and processes as well as attitudes toward political asylees, refugees and other immigrants, be they artists or otherwise.

When the aforementioned macro conditions manifest as harsh and/or dangerous living conditions at the individual- or family-level—and especially at times when housing, accommodation and shelter are needed—the artist residency sector has historically offered critical respite by deploying its bedrooms and apartments for rapid-response safety hosting of artists and activists. freeDimensional was a ten-year artist-led project, started in 2003, that sought to provoke a ‘sea change’ in artist residency practice. Its beginning saw dire times on the horizon in the aftermath of 9/11. While artist safety hosting requires specific attention (to each person, case and present conditions), there are several examples to point to for which

lessons were learned that informed the field on an evolving and extremely nuanced practice. One such example is that of the Santa Fe Arts Institute (SFAI) that hosted artists affected by both 9/11 and Hurricane Katrina, from New York City and New Orleans respectively, as well as international artists-at-risk¹ nominated by freeDimensional (on whose board Diane Karp², the executive director of SFAI, served). The idea was to ‘help out’ at a time when intolerance was amped-up by recent world events (including natural disasters). **The time is also now.**

freeDimensional's direct service of ‘matchmaking’—termed Creative Safe Haven—and a ten-year focus on artist safety hosting were presented to both the Alliance of Artist Communities³ and ResArtis⁴, thus joining a critical hosting discussion that spanned both leading membership networks. At the time the Alliance (more US-focused) and ResArtis (international) had interlocking boards of directors, whereby the Alliance executive director was on the board of ResArtis. I launched freeDimensional shortly after attending a meeting of the Alliance of Artist communities at the Santa Fe Art Institute during a ResArtis general assembly in Berlin (2005) and site visit to Dak’Art (2006), the Dakar Biennial in Senegal’s capital. And in these discursive settings the conversation on artist safety hosting continued growing. A prior milestone in the history of the practice was on Valentine’s Day 1989 when a *fatwa* (or death threat) was reportedly issued by Iran’s

1. The term ‘artist at risk’ is used interchangeably with ‘artist in danger’ and ‘artist in distress’. It is also the official name of two organizations, the Artists at Risk Connection (ARC) (artistsatriskconnection.org) in New York City hosted by PEN America, and Artists-at-Risk (artistsatrisk.org), an organization initiated by Perpetuum Mobile (PM) with operations in Berlin, Helsinki, etc.

2. When asked about her response to 9/11, Diane Karp said “My new job at the Santa Fe Art Institute was to begin Saturday, Sept 15th, but the evening of Sept 11, 2001 was the start of a new aspect of the SFAI: Emergency Residencies for artists, writers and other creatives caught in danger or need. With the help of the Lower Manhattan Arts Council, the NYC local papers and newsletters and a few other organizations we got the word out that we could provide room and board, studio space and airfare (thanks to SWA) for month-long emergency residencies and during that first year (starting on October 1) we provided respite to 120 amazing people.”

3. Alliance of Artist Communities – The Alliance of Artists Communities is an international association of artist residencies — a diverse field of more than 1,500 programs worldwide that support artists of any discipline in the development of new creative work. Alliance’s mission is to advocate for and support artist communities, to advance the endeavors of artists. (<https://www.artistcommunities.org/about>)

4. ResArtis – An association of over 650 centers, organisations, and individuals in over 70 countries. Dedicated to offering artists, curators, and culture workers the essential time and place away from the pressures and habits of every-day life, an experience framed within a unique geographic and cultural context. (<http://www.resartis.org/en/>)

Ayatollah Khomeini for Salman Rushdie due to the publishing of his book, *The Satanic Verses*. Rushdie received support from residencies that hosted him in the beginning of his ordeal, and this case gave rise to the International Cities of Refuge Network (formerly called International Cities of Asylum network), originally launched by the International Parliament of Writers. These and many other moments over the past three decades accentuated the need for safe shelter encouraging artist residencies and universities around the world to open their doors to artists and academics in distress for the first time.

For the same ten years, freeDimensional was focused equally on the human rights field and discussions on the common ground and needs for those represented by the recently emerging category of *human rights defender* (1998 UN Declaration on Human Rights Defenders⁵), as well as academics- and artists-in-distress, in order to understand if the safety hosting practice of the art world and used by universities could benefit from emergency grants, legal aid and related services of a more advanced safety field. Cross-field learning and partnership are hallmarks of effective artist safety hosting.

ArtistSafety.net was formed as an experimental ‘advice bureau’ to support the ongoing artist safety conversation as freeDimensional’s ten-year period expired. ArtistSafety.net continues to work on some of the same themes, especially art space readiness for critical hosting. A conversation between ArtistSafety.net and the historic Westbeth Artists Housing evolved into an artist safety hosting prototype, specifically a coalition that quickly grew to include Residency Unlimited, Artistic Freedom Initiative, the Artists at Risk Connection (ARC), Fordham University and the Westbeth.

These organizations share responsibility in the initial planning, reception, orientation, hosting, professional development and post-hosting strategy phases for guests to the Westbeth initiative. Three of the six envisioned Westbeth

safety apartments are operational, already hosting artists from Iran, Syria, India and Nigeria. As the three-year prototype period ends, coalition leadership, resource development, and a commitment to share lessons learned are deepening. Similar initiatives occur in Dakar, Johannesburg, Berlin, Helsinki, London, Malmö and other cities. An artist safety placement in New York City (or anywhere) is patently an international process.

The completion of the Westbeth prototype phase offers us a moment of reflection on what we’ve learned in New York City and in relation to a growing field. One of the goals of the guide is to help illuminate examples of practice in order to promote field learning and readiness, and to further ‘activate’ an intuition on legal, shelter and critical hosting practice by a diverse range of art and urban professionals⁶. Similarly, the guide is used to highlight an implicit cross-field collaboration—human rights, free expression advocacy, arts administration, the law and so forth—required to make effective artist safety placements in general. The guide reflects the work of a wide range of diverse ‘actors’ (connectors and intermediaries) needed to successfully implement a comprehensive artist safety placement. Specific cases, historical references, and definition of terms are offered to these ends. Our aspiration is to share strategies with other initiatives in New York City, the U.S. and internationally in order to further prepare the field for ongoing risks experienced by artists globally.

—Todd Lanier Lester (for ArtistSafety.net)

5. Elaboration of the Declaration on human rights defenders began in 1984 and ended with the adoption of the text by the General Assembly in 1998, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights. (<https://www.ohchr.org/en/issues/srhdefenders/pages/declaration.aspx>)

6. The guide is for art and urban professionals, e.g. arts administrators; artists; policymakers; grantmakers; caseworkers; managers, coordinators and program officers from foundations and institutions that work with freedom of expression and artist hosting.

PART 1

Artist Safety Hosting

Todd Lanier Lester

ArtistSafety.net



Artist Safety Hosting

New York City is a natural place to engender a discussion on artist safety hosting, and indeed one of the most compelling places in the world for making connections: an international art center where diplomatic and visa processes can be attended to, and importantly alternate plans can be made to remain and enter political asylum (if necessary for safety), or move to a third location for continued respite. Safety placements are easier in states that have signed the 1951 Refugee Convention⁷. While this is not always feasible, it helps out a lot. The present US administration has defanged its participation in the Convention with the travel ban. Conversely, our great city is host to the United Nations, many consulates and embassies, and importantly many free expression advocacy and human rights defender support organizations (such as Artistic Freedom Initiative).

The idea of the guide is to advance a discussion on the practice of artist safety hosting. The discussion has historically 'spiked' after an urgent case, such as: Salman Rushdie's hosting, the political assassinations of Ken Saro-Wiwa and Juliano Mer-Khamis, Ai Weiwei's imprisonment, and more recently, the

Artist: Hadi Nasiri

7. The Convention Relating to the Status of Refugees, also known as the 1951 Refugee Convention, is a United Nations multilateral treaty that defines who a refugee is, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum (<https://www.unhcr.org/1951-refugee-convention.html>).

persecution of Pussy Riot. At these times the art world helps demonstrate a need by stepping up and offering safe haven and symbolic residencies, as well as convening thematic meetings, trainings, publications and research efforts.

It was eight years ago, June 2011 when Residency Unlimited⁸, the Goethe-Institut⁹ and freeDimensional co-convened a meeting on 'Artist Residencies in Conflict Areas'¹⁰ in New York City. Cuban artist Tania Bruguera was one of the speakers on this broad global theme. Fast forward to 2015 when Bruguera attempted to restage the performance *Tatlin's Whisper #6* (2009) in Havana's Revolution Square. She was detained and had her passport confiscated, at which time the Department of Cultural Affairs (DCA) worked with the New York City Mayor's Office of Immigrant Affairs to create a residency for Bruguera upon her release. By stating that the project would advance either way (whether she was promptly released or not) New York City authorities took a political stance that helped bring attention to Bruguera's situation in the media. And now several New York City agencies have year-long residencies for artists who have practices related to the agency's focus. To understand more about this unique moment, see Jose Serrano's informative piece on 'Artist Residencies in New York City'¹¹ in the World Policy Journal.

Eight years ago, a guide on artist safety hosting would have had much less to say on the availability of legal aid services for artists in distress in New York City, and there would not have been a multi-unit apartment prototype at the historic Westbeth Artist Community to speak of. These developments reflect work over decades by many actors to develop

tailored services and responses for artists at risk. Formerly freeDimensional would maintain and call on an evolving list of pro bono lawyers to help its artist placement clients (and depending on where they were coming from in the world). The work of organizations like the Artistic Freedom Initiative and Avant-Garde Lawyers¹² is immensely important in the present international political climate, and especially in the US due to Executive Order 13769, also known as the 'Trump travel ban'.

Artist safety hosting—practiced for decades—has received heightened attention and further developed as a field in the past ten years. While safety mobility is sometimes availed via general travel grants (e.g. ArtMovesAfrica, the Prince Claus Fund's Movement Fund) and literary awards (e.g. PEN) as well as emergency travel grants from human rights-side evacuation and wellness resources (e.g. Protect Defenders, Women's Urgent Action Fund) and journalism watchdog organizations (e.g. Rory Peck Trust, Committee to Protect Journalists, Reporters Sans Frontières¹³), the creation of both the Artist Protection Fund (US) and Martin Roth Initiative (Germany) reflect an expansion of artist-tailored, free expression resources internationally. There is a rather long history of safety hosting by cities through the International Cities of Asylum Network (ICORN), freeDimensional, Freemuse, Cartoon Rights Network International and more recently Safemuse, Shelter City and developments in the sister field of support to scholars at risk, such as the Scholars at Risk University Network¹⁴ (e.g. New York University, Harvard) and the Scholar Rescue Fund, after which the Artist Protection Fund was modeled. While some of these organizations operate at a direct service (placement and hosting) level, others focus on advocacy and policy-change¹⁵ levels. In tandem, work at these different levels has given the artist safety hosting conversation and resulting field its momentum.

8. Residency Unlimited—a non-profit art organization that supports the creation, presentation and dissemination of contemporary art through its unique residency program and year-round public programs. (<http://www.residencyunlimited.org/about/>)

9. Goethe-Institut – The Federal Republic of Germany's cultural institute, active worldwide. Promotes the study of German abroad and encourages international cultural exchange. (www.goethe.de)

10. Artist Residencies & Conflict Areas – event initiated by Residency Unlimited, and co-organized by freeDimensional, The Creative Resistance Fund, and independent researcher Gaby Ron. Supported by the Goethe-Institut New York. Engaged artists, independent arts organizations, residency programmers, and community initiatives on specific areas and conceptions of conflict including mobility, community outreach, and exchange of knowledge through the broadly-interpreted artist residency model. (<http://www.residencyunlimited.org/programs/artist-residencies-conflict-areas-goethe-institut-wyoming-building/>)

11. 'Artist Residencies in New York City', <https://worldpolicy.org/2016/02/11/artist-residencies-in-new-york-city/>

12. Avant-Garde Lawyers – an international collective of lawyers committed to protecting and promoting respect for freedom of artistic expression. (<https://avantgardelawyers.org/mission/>)

13. Reporters sans Frontières is a party to the EU Instrument on Democracy and Human Rights' emergency fund called ProtectDefenders (protectdefenders.eu).

14. Some universities make similar programs outside of networks, such as Bard College hosting Chinua Achebe in his later years living outside of Nigeria.

15. Cultural, Immigration, UN-level, e.g. UNESCO, UNHCR



Arriving from Nigeria, Kanchana Ugbabe was the program's first writer at risk in residence. Her residency centered on a teaching fellowship in the English Department at Fordham University. This visiting faculty position was developed in partnership between PEN America's Artists at Risk Connection (ARC) and Fordham University, with support from the residency program's coalition.

Photo credit: Kanchana Ugbabe

Over the past decade, the further development of artist safety hosting as a practice has to do with several factors, including the art world's "social turn" that was elicited (in part) by a severe distortion of the banking sector and global real estate market, which is now known as the 2007-10 'subprime crisis'. This, in turn, influenced cutbacks in US (and US-based) cultural philanthropy with the recalibration of reduced endowments toward urgent grantmaking needs, and the arts, in general, were 'cut' or received reduced amounts in the following period. In its aftermath, the concept of 'social [art] practice' flourished; at times a radical response to the destructive neoliberal marketplace, and at others an ostensible 'lean-in' to market terms, such as adopting the language of deliverables and scale. In the same period there was the growth of related frameworks and concepts, such as "creative placemaking," a concept that is topically close to the 'real estate' issues of the subprime crisis era—the built environment—and which often includes the hosting of nonlocal artists in 'artist residency'. The Pittsburgh

City of Asylum¹⁶ offers an example of an urban safety residency for which a consistent community involvement approach has resulted in 'creative placemaking' acclaim for the public program planned in support of its longstanding artist safety hosting program. The economic crisis set off a discussion in the arts in North America and Europe (where the economic crisis was first felt) that would necessarily need to include global artists in distress in order to remain relevant.

Just as the real estate rental market affects which cities and neighborhoods artists can afford to live in, it is a major factor for arts organizations renting exhibition, office and artist residency space. Stated differently, urban art professionals usually have their eye on the real estate market in order to maintain sustainable office, exhibition and artist residency space rental strategies in relation to annual budgets, popular grantmaking themes and organizational strategies. It is therefore likely that urban artist safety hosting programs will re-use or repurpose preexisting 'artist residency' real estate. In a large city like Paris, we see how the institutional (and space) capacity of an older arts organization like Cité internationale des arts¹⁷ (est. 1965; ICORN member) can effectively adopt artist safety hosting practice by using preexisting, dedicated 'real estate'. Whereas a smaller city or rural community might join the International Cities of Refuge Network¹⁸ (ICORN) with a new idea for using a vacant house owned by the municipality or county (administrative area). There are of course many exceptions in the rapidly growing artist safety hosting field.

For the remainder of the section, I will consider the themes of collaboration, service design, verification and solidarity. There is no way to go deep on each without taking them altogether, and in my opinion their joint consideration is essential. They

16. In addition to its writer-in-exile residency, the Pittsburgh City of Asylum offers a broad range of literary programs in a variety of community settings to encourage cross-cultural exchange. Pittsburgh maintains 'City of Asylum', a reference to the Cities of Asylum network that preceded the International Cities of Refuge Network. (<https://cityofasylum.org>)

17. Cité internationale des arts – Parisian artist residency for all disciplines. With the support of over 135 international organizations, hosts more than 300 artists a month. (<https://www.citedesartsparis.net>)

18. International Cities of Refuge Network – an independent organisation of cities and regions offering shelter to writers and artists at risk, advancing freedom of expression, defending democratic values and promoting international solidarity. (<https://www.icorn.org/>)

may be summed up however, with a simple provocation, which is that we put aside our curatorial and presenting desires. Artists in distress need first to be helped out of a bind. These predicaments are typically due to something they have already made, wrote, said, performed, and therefore, and we know from experience that these threats can be life-threatening. An artist safety placement should not be offered to eligible artists as *quid pro quo* for new work. While that may happen during the residency period, the prospect of new work in relation to an art organization's programmatic remit takes 'backseat' to preparation for hosting the artist in safe conditions. This argument urges psycho-social health and wellness considerations as part of the overall safety hosting equation.

Providing conditions for individual safety and security as a top priority does not discount the potential of artistic, aesthetic or intellectual engagement during the period a guest artist is hosted. And as soon as is appropriate, the guest artist can be engaged in setting professional goals with a designated mentor from the host organization. Indeed curating and presenting the artist's work is normal, and at this point of the discussion—between artist and host organization—the host organization will be responsible for helping the artist understand and negotiate 'fair pay' terms specific to the new host location. Artist safety hosting helps move people out of danger; helps them mentally 'regroup' (with psycho-social care on offer¹⁹) when danger or other harsh conditions have derailed their lives; allows time for writing, thinking and making as reflection on the difficult period; and during this time a plan is ultimately made for their future mobility.

Collaboration

The guide examples a 'coalition approach' for making effective artist safety placements. Fundamentally, artist safety hosting logic is used for relieving urgent or harsh conditions experienced by an activist, an area of expertise for the human rights, shelter and free expression fields. It builds on artist

19. Similar to legal aid and healthcare, local wellness and psycho-social professionals can join a pro bono roster for when the need arises.

Rashwan Abdelbaki is a Syrian visual artist based in New York, and the second visual artist in residence with the New York City Artist Safe Haven Residency Program. His work explores questions of racism, religion, and politics. He is a former Artist Protection Fund fellow.



Photo credit: Joshua Carrigan

residency practice but also requires a swift relation to evolving access variables, e.g. visa types, travel restrictions, laws and conventions. It is possible for a single residency to act alone in hosting an artist-in-danger, but experience shows that this is usually feasible for older or bigger institutions (with international exchange experience), and typically those that have been active in membership associations and networks where different forms of practice are showcased.

This is also relevant because there can be international funding support to an otherwise 'local' placement. While an organization may pay for the costs of artist safety hosting from their present budgets and funders (US and otherwise), it is feasible to ask a fund such as ProtectDefenders (the emergency granting arm of the EU Instrument on Democracy and Human Rights based in Brussels) or the Martin Roth Initiative (an emergency grant for artists supported by the German Ministry of Foreign Affairs) to support an eligible international placement in New York City.

“Artist safety hosting helps move people out of danger; helps them mentally ‘regroup’ when danger or other harsh conditions have derailed their lives; allows time for writing, thinking and making as reflection on the difficult period; and during this time a plan is ultimately made for their future mobility.”

Implicit cross-field collaboration means that there exists a range of design options and partnerships for sharing responsibility. Historically membership associations, training programs and networks (e.g. Alliance of Artist Communities, ResArtis, ICORN Assemblies and more recently the annual Malmö Safe Havens Meeting and ArtsRightsJustice Academy) have accommodated thematic discussions and informal ‘sub-networks’ of artist safety practitioners who have experimented and reported back on approaches such as ‘twinning’ with other cities (or locations) to support a single artist for a safety program. For example, a single artist needing a longer placement might split time between two urban locations. Or a partnership can exist between an urban and rural residency whereby each guest artist is availed the ‘art connections’ of the city as well as the ‘peace and quiet’ of nature, planned as one comprehensive placement.

The validation or verification of individual case details is usually facilitated through partnerships between organizations with artist residency hosting capacity partner and those ‘watchdog’ organizations working to assess risks experienced by human rights defenders and artists-at-risk. Some such free

expression organizations have internal legal aid services that can provide a ‘case’ already vetted for visa eligibility. Others, such as the Norway-based International Cities of Refuge Network’s partnership with PEN International (London), outsource case verification to a third party. The Al Mawred ‘Be With Art’ program, based in Beirut has a remit to support Middle East artists needing to travel within or outside the region for safety. We know that some Middle East countries are disqualified by the current US travel ban, but (a) this does not exclude all countries in the ‘Be With Art’ remit, and (b) artists from the ‘banned’ countries who may already be living in the US (or another location outside their country/region). Some arts organizations that have historically managed exchange programs will have direct diplomatic or consular relations in both the US and the country of origin for the artist, which is also factored into the overall hosting, travel and/or relocation plan.

In the second part of the guide, the Artistic Freedom Initiative will discuss its services and share a general timeline for when legal services are applied during the artist placement process.

Making a Service to Fit the Need

Cities big and small are great locations for safety hosting, especially if the artist in question is ready to dive back into her/his/their work and to support themselves in an urban context. Non-urban sites are great also, and at times a mixture of the two are feasible. On five occasions freeDimensional and Art Omi²⁰ partnered on short ‘critical dialogues’ for which we paired international artists in distress staying elsewhere in the Northeast with other NYC-based artists or service organizations. For example the National Coalition Against Censorship met with the Belarus Free Theatre for a weekend strategy retreat. These short ‘strategy session’ residencies were supported by the Francis Greenburger Initiative, an internal program within Art Omi, an artistic residency in the Hudson Valley just outside New York City. On another occasion an

20. The longstanding artist safety hosting at Art Omi, similar to that of Akademie Schloss Solitude (<http://www.akademie-solitude.de/en/>) near Stuttgart, Germany is fueled by the network of artists and art professionals who’ve visited or been in residence.

Afghani V-jay stayed at the Flux Factory in Queens (New York) for only a week in order to make a presentation at the United Nations.

Organizations that do this work will necessarily have a 'menu of support' that they can offer guest artists. The typical duration of an artist safety placement ranges from 3-6 months for a visual artist and 1-2 years for a literary artist. These type stays are meant to allow the artist a period of respite and reorganization—and only sometimes, employment—for which durations are determined by the types of visas and job opportunities that may exist²¹ and which are planned before arrival, as is the case with our second guest at the Westbeth who teaches at Fordham University. Some invitations allow the guest to work and be paid formally, and others allow specific expenses to be paid on the guest's behalf by the host or sponsoring organization. The former 'package' is usually associated with a big institution such as a university or museum. These various services and scenarios can be managed in a coalition, which also creates the context for independent art spaces and big institutions to join together in a joint project.

With the 'longer' duration residency as a more established form of hosting, several variations (on it) are possible, such as:

- Stay at second residency in another city or in a rural area. Diversifying the experience with multiple locations. This allows for a longer total stay (sometimes) and can also help the artist to meet diverse professionals they will benefit from during time outside of their home country;
- Short strategic stays (a week or so) for a specific meeting or encounter (talk, exhibit, performance, etc.)
- These shorter stays may be geared toward 'wellness' concerns; meetings with other people engaged on the same themes, from the same regions/places, and who speak the same language all help when someone is forced to leave work, family and home;

- Symbolic, institutional or government agency residencies are not new to the artist residency field. Just as Laurie Anderson did not sleep at NASA when she was its artist-in-residence, awarding the honorary position as artist-in-residence at New York City's Office of Immigrant Affairs to Tania Bruguera in 2016 was not related to physical hosting but an advocacy approach.

It is useful to consider some of the variations on residency practice as we plan for the future of artist safety hosting in New York City. Moreover there are some foundations that own retreat, conference facilities and even artist residences. For example the Pocantico estate in upstate New York (Rockefeller Brothers Fund), Bellagio on Lake Como, Italy (Rockefeller Foundation), and Wasan Island in Ontario (Breuninger Foundation). The Joan Mitchell Foundation has a residency in New Orleans. And, at the Clinton Global Initiative in 2009, Francis Greenburger offered support for visual art and literary placements at Art Omi where artists' and writers' work mitigates religious or ethnic conflict.

When freeDimensional began, some 15 years ago, it was hard to make placements in New York City due to the price of real estate. We heard from free expression organizations and foundations that the idea for a collective/group housing situation for artists, activists, scholars, journalists and human rights defenders fleeing to New York City for repression at home had been considered over the years. In the end, our new organization that matched artists in danger with participating artist residencies did most of its work abroad yet made quite a few safety placements in the US Northeast. Often these are available at universities or in university towns, but this places a limiting condition on who is eligible. This is a further argument for a diversification of spaces that can host artists in distress in a variety of 'professional modes', not all of them needing to be academics or well-known artists in order to justify safe haven.

21. A residency for a visual artist in distress tends to be the same duration of other visual art residencies even if we may also see a trend towards one year (up to double the duration of normal visual art residencies), and the difference experienced by writers is to some extent due to job opportunities that are more common (in universities) that allow them to teach, but are also dependent on special visas that are usually different than those for visual artists. In fact, it is not uncommon for a visual artist to travel on a tourist visa for artist residency.



Hadi Nasiri is an Iranian multidisciplinary artist and activist whose work involves painting, sculpture, film, graphic design, performance, and political protest. Hadi was the first artist to participate in the New York City Artist Safe Haven Residency Program.

Photo credit: Koroush Sotoodeh

Verification

The word may seem stiff, but the ‘verification’ (and its implicit categorization) of fellow humans is a heavy reality that happenstances like the Trump travel ban, the wall on the Mexican border and the present conservative ‘turn’ globally keep in our daily headlines. In such ‘media blitz’ moments—when political ideologies are in competition—there is often an unchecked misuse of terms. The artist is a ‘refugee’ if they have refugee status determination, and this is known before arrival. Arts organizations will not be hosting refugees normally. By the time someone who has refugee status determination is in the US, that person (or family) usually has a destination and support organizations dedicated to their orientation or early-stage ‘refugee mentoring’. This is very different from ‘political asylum’ status, a category that is usually discerned outside of an artist’s home country, and can be lobbied for while an artist is already in residency if it is not safe for her/him/them to return home e.g. case of Burmese artist Chaw ei Thein²².

22. Chaw ei Thein – Internationally acclaimed Burmese multimedia and performance artist, living in exile in New York. (<http://chaweithein.blogspot.com/>); <https://vimeo.com/channels/framingthecause/33326600>

Initial verification determines if the candidate is eligible for a hosting program. If it is an art space for example, ‘Does it also accept activists in urgent situations?’, for example. Must the candidate be a writer or do other practices qualify (visual artist, citizen journalism, etc.)? This process also determines the veracity of a danger or distress claim, and finally the travel/evacuation options based on location and nationality of the candidate. This process will likely specify any categories that apply to the artist in question, such as refugee status determination, political asylum eligibility, etc.

This is particularly important in the case of artist residencies that have an open call to regions/states in conflict whereby the ‘visa attaining’ infrastructure (navigation of mobility levers including contacts at embassies) is in place before the targeted open call. While these might be varied in duration, there is always the chance that the person will need to stay longer due to political shifts back home. The Prince Claus Fund and British Council have focused on areas in conflict (countries or entire regions) such as Syria with this approach.



Artist: Rashwan Abdelbaki / Title: Last Supper...First Wall / Photo credit: Michael Wilson

One example of a successful implementation specific to New York City was the hosting of a Jamaican entertainer and media personality Lawman Lynch²³ at the Flux Factory in Queens that hosts long-term tenants and short-term residencies, from which we needed a six-month stay and active engagement internally and in its public programming. The guest thrived on such engagement, creating a radio program while in residency at Flux. The six-month period was also long enough for him to transition to his own apartment and employment, a process that was supported by the Rory Peck Trust (UK) since his danger stemmed from citizen journalism reporting, specifically a statement he made during a guest appearance on a TV news show. The guest in question arrived on a transit visa from Jamaica and presently holds a U.S. Green Card. On a couple occasions—both a writer and visual artist—received the Immigrant Artist Fellowship offered by New York Foundation for the Arts (NYFA) due to coordinated efforts of application and nomination. Professional development support to the artist begins after an orientation period of varied length.

In dialogue with legal aid, host organizations will consider the strategic usage of transit, student, artist or specialist/teacher visas when working together to keep an artist in danger out of harm's way. At times there will be consideration on whether a guest artist needs to apply for political asylum in order to prolong their stay. There are artists already in the US who are eligible for artist safety hosting (and related resources), so the host organization is not always a part of the artist's arrival/evacuation plan from the country where they are experiencing difficulties. Similarly, the host organization is not always involved in the departure plan from the US.

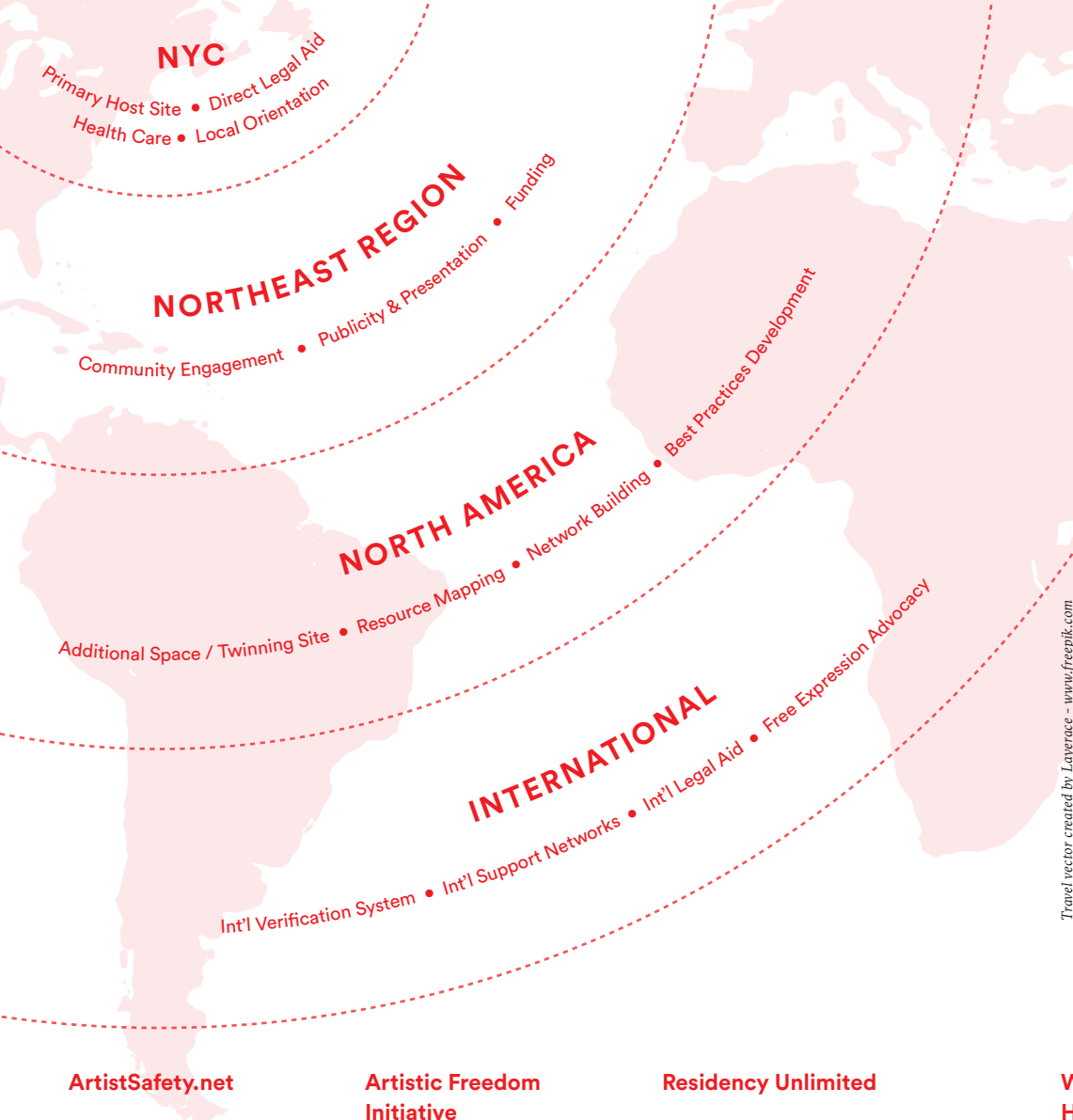
Solidarity

When we speak of care and shelter availed to artists at risk, endangered or in distress, we are speaking of fellow humans first and foremost. In effect we cannot 'curate' these encounters; we can only 'present' their situations in transparent, practical

ways that do not fetishize or instrumentalize the artist's experience or create unintended consequences for their safety. We have heard time and again from artists who have received these services that they do not wish to be rescued, 'saved' or mislabeled as a 'refugee' ... we have heard time and again that to have the stable conditions to work allows guest artists the agency to say for themselves what they've been through and 'what's next'.

There are many ways to form a coalition, and this is often begun with voluntary resources and motivations due to the urgency involved. At some point financial resources are needed in order to stabilize the work and plan for its continuation and growth to appropriate scale (for the given location). An artist safety hosting coalition can include artists, immigration lawyers, free expression and human rights organizations, housing resources, healthcare professionals, educational resources (e.g. library access and language training), arts administrators, curators, independent art spaces, omnibus or area-specific arts organizations (e.g. New York Foundation for the Arts), concerned community members (from activists to philanthropists), local refugee and mobility assistance organizations, major art institutions (e.g. museums, theatre companies and festivals), vocational networks (e.g. healthcare professionals), geography-specific cultural support initiatives and emergency funds with local offices and working with partners abroad (e.g. Asian Arts Council), and city agencies dealing with international network affiliation (Mayor's Office), cultural policy (Department of Cultural Affairs) and at times municipal housing authorities. Having all these forces working together on artist safety generates new ideas and innovations, and suggests a feasible path forward to hosting artists guests in a dignified manner, no matter what troubles they've had or danger experienced before arrival to New York City.

23. Lawman Lynch – Exiled Jamaican journalist, political asylee living in New York; <https://vimeo.com/channels/framingthecause/33579010>



New York City Artist Safe Haven Residency Program

A few years ago, the historic Westbeth Artists Housing community in New York City's West Village offered a block of apartments for safety hosting. A group of arts and free expression advocacy organizations formed a coalition around these apartments, creating a prototype for urban, artist safety hosting that would share lessons learned at the end of a three-year period. The coalition now includes ArtistSafety.net, Artistic Freedom Initiative, Residency Unlimited, Artists at Risk Connection (ARC), Fordham University, and Westbeth.

Through this coalition, an essential housing resource is coupled with legal aid, professional development, advocacy and other services. This guide is intended to share both the model of a growing New York City coalition and best practices for how one might replicate our collaborative approach in other cities. There are a variety of ways that hosting sites in the same city or country can collaborate, and yet the process of artist safety hosting is always an inherently international one. Here is a snapshot of the safety hosting “resource map,” addressing forms of necessary support at the local, regional, national, and international levels.

ArtistSafety.net

ArtistSafety.net is a hybrid consultancy and volunteer network that provides case management for artists and culture workers at risk due to their work, as well as information services to projects and organisations in the arts, free expression, journalism, and human rights fields.

Artistic Freedom Initiative

Led by immigration and human rights attorneys, Artistic Freedom Initiative (AFI) facilitates pro bono immigration representation and provides resettlement assistance for international artists at risk.

Residency Unlimited

Residency Unlimited (RU) is a non-profit art organization based in New York City that supports the creation, presentation, and dissemination of contemporary art through its unique residency program and year-round public programs.

Westbeth Artists Housing

Westbeth provides affordable live-work space for nearly 400 artists and their families. Westbeth is home to the Martha Graham Center of Contemporary Dance, The New School for Drama graduate program, the School for Poetic Computation and other arts nonprofits.

PEN America's Artists At Risk Connection

The Artists at Risk Connection (ARC) connects persecuted artists to a network of over 600 organizations that provide direct support, enhances connections among supporters of artistic freedom, and raises awareness about threats to artistic freedom.

Fordham University

Fordham University, the Jesuit University of New York, is committed to the discovery of Wisdom and the transmission of Learning, through research and through undergraduate, graduate and professional education of the highest quality.

PART 2

Art, Law, & Building Safe Haven Residencies

Ashley Tucker

Sofía Monterroso

Artistic Freedom Initiative

Artistic Freedom: Laying the Groundwork

Freedom of expression is a human right enshrined in international law and human rights doctrine. When we refer to artistic freedom, which is a component of the right to freedom of expression, what do we mean?

UNESCO defines artistic freedom as follows:

Artistic freedom is the freedom to imagine, create and distribute diverse cultural expressions free of governmental censorship, political interference or the pressures of non-state actors. It includes the right of all citizens to have access to these works and is essential for the well-being of societies. Artistic freedom embodies a bundle of rights protected under international law. These include:

- *The right to create without censorship or intimidation;*
- *The right to have artistic work supported, distributed and remunerated;*
- *The right to freedom of movement;*
- *The right to freedom of association;*
- *The right to the protection of social and economic rights;*
- *The right to participate in cultural life*

(“Reshaping Cultural Policies: Advancing Creativity for Development, 2005 Convention Global Report.” UNESCO, 2018)

Artist: Rashwan Abdelbaki / Title: Eve, Aged, 2015, Acrylic on canvas.



The protection of freedom of expression within the human rights framework originated with the Universal Declaration of Human Rights, the United Nations' historic document. Taken up in the first session of the General Assembly in 1946, Article 16 of the Universal Declaration of Human Rights reads: "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." The Universal Declaration of Human Rights, including the protections it extended in Article 16, laid the foundation for human rights law, creating language that would be incorporated into treaties and covenants at the international and regional levels. Of those, the most explicit protections of artistic freedom of expression are found in Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

Art, Law, & Artists Under Threat

Art's power to shift paradigms is well known to governments and others in positions of authority. Throughout history, political and religious monoliths have harnessed art to amplify their own messages, doctrines, and propaganda. The Sistine Chapel's ceiling commissioned by the Catholic Church, Soviet era murals created at the direction of the Russian government, and the CIA's clandestine support for international exhibitions of the abstract expressionist art movement, are a few examples. One of art's greatest powers, however, is its ability to spark dialogue, catalyze innovation, and inspire revolution. When these conversations, innovations, or revolutions begin to threaten governments or those with authority, the consequences are frequently manifested in the form of increased restrictions on the right to freedom of expression and the artists who exercise it.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 15

The States Parties to the present Covenant recognize the right of everyone:

- To take part in cultural life;
- To enjoy the benefits of scientific progress and its applications;
- To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author

International Covenant on Civil and Political Rights (ICCPR)

Article 19

Everyone shall have the right to hold opinions without interference.

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- For respect of the rights or reputations of others;
- For the protection of national security or of public order (ordre public), or of public health or morals.



In 2017, Artistic Freedom Initiative exhibited works by Rashwan Abdelbaki and Hadi Nasiri, who are current and former artists in residence with the New York City Artist Safe Haven Residency Program. This piece, featured in the exhibition and titled “Prayer Hands by Leonardo DaVinci” is by Hadi Nasiri.

Photo credit: Joshua Carrigan

Recent reports from Freemuse on the global state of artistic freedom consistently demonstrate that the tool most often utilized to restrict freedom of artistic expression is the law. Though the right to freedom of expression is enshrined in the United Nations’ International Covenant for Civil and Political Rights, international and regional courts rarely take up cases where a violation of the right to artistic freedom is the key legal issue. Even when those cases have been taken up, decisions are often handed down with judgments unfavorable to the persecuted or censored artist.

National laws explicitly regulating the general content and themes of art are on the rise, such as Cuba’s Decree 349, which prohibits all artists from operating in public or private spaces without prior approval from the Ministry of Culture. Further, artists are often targeted by legislation that can be used to frame individual acts of free expression as threats to the government. Artists who speak out against a government are threatened or convicted under laws that ban treason, immorality, blasphemy, and terrorism.

This is the case for many at-risk artists in Artistic Freedom Initiative’s network. For example, an outspoken dissident musician in Vietnam has been effectively banned from performing in her country. Her concerts have been raided repeatedly by police, she has been evicted from her home multiple times, and has been detained and interrogated by the police. As her fellow Vietnamese activists are jailed for defamation, she must flee the country each time she releases new music or makes headlines to avoid dangerous backlash and increased scrutiny.

In Iran, the legal code is based on both Islamic and civil law. Under these laws, it is illegal for a woman to sing in front of mixed-gender audiences. As such, many female Iranian musicians have been forced into exile simply because they pursued careers in music. In Russia, an amendment to existing child protection laws criminalizes what is referred to as “gay propaganda.” Under this amendment, artists who make work that openly explores issues of sexual orientation and gender identity are at risk of arrest and imprisonment by the government. One artist from Russia who identifies



Artists: ABJEEZ / Photo credit: Jonathan McPhail Photography

as LGBTQ was forced to flee his country as a result of this criminalization. To be open about his sexuality in his personal life or his creative practice meant potentially endangering his life.

Other laws that create significant obstacles to an artists' creative practice and the exercise of free expression are those intended to regulate the movement of specific groups of people. As an organization led by immigration and human rights attorneys, Artistic Freedom Initiative recognizes that freedom of artistic expression is inextricably linked to freedom of movement. Without the ability to move freely and share her work, an artist's opportunities are extremely limited, her reach is wildly diminished, and she is inhibited from becoming an integral part of the global creative community.

The 2017 federal "Travel Ban," implemented by the Trump administration in the United States, has had devastating effects on the careers of artists from banned countries. For example, an artist from Syria has refugee status in a European country. He has a European travel document but still holds a Syrian passport. Under the Travel Ban, this artist cannot enter the United States to take part in the creative collaborations he has been offered unless he secures a difficult to obtain travel waiver, or until the ban itself is lifted.

A revolutionary musician from Egypt, now living in exile, suffered serious repercussions when the Egyptian government refused to renew his passport, effectively revoking his Egyptian citizenship. Without his passport, he was unable to travel to perform his work. During the year it took to resolve this complex legal issue, he was forced to cancel concerts around the world. He lost not only a year's worth of wages as a working artist, but key opportunities to strengthen and sustain his career.

Across the globe, these artists have experienced the law as a tool of oppression and repression, restricting their creative practice. As immigration and human rights attorneys, Artistic Freedom Initiative's leadership stands between artists and the law, leveraging our legal expertise in the service of artists and in defense of artistic freedom. Since the organization's inception,

we have worked on over 200 artist cases, and facilitated over \$500,000 in pro bono legal services. In providing at-risk artists with pro bono immigration representation and resettlement assistance, AFI has identified the law as the most powerful tool to safeguard and promote artistic freedom of expression.

However, an at-risk artist fleeing dangerous circumstances at home has a series of needs that go beyond immigration representation alone. Housing and community are chief among these needs. As such, for a displaced artist who is relocating unexpectedly, the opportunity to participate in a Safe Haven Residency can be life altering.

What Happens When an At-Risk Artist Relocates?

An at-risk artist who experiences forced displacement and relocation typically arrives to a new city suddenly and unexpectedly, without resources, a plan of action, or a community to act as a safety net upon arrival. They have often experienced trauma in conjunction with their displacement. As a result, for most at-risk artists, it takes time to re-stabilize. This post-relocation "limbo" period can last months or even years, during which time artists often expend their financial, psychological, and emotional resources on meeting basic survival needs like managing their legal status and maintaining a roof over their heads. As a result, the artist has little stability from month to month, and little bandwidth to create art, or find and connect with a creative community that will help to support and nurture their artistic practice. Subsequently, the creative contributions they could potentially generate can easily be lost.

It is during this period that a Safe Haven Residency can be a critical form of support for an at-risk artist. However, few residency programs can be quickly accessed and activated when a displaced artist suddenly finds herself in need of emergency and/or longer-term housing and a place to connect with the creative community in a new city. Even fewer programs are

“As immigration and human rights attorneys, Artistic Freedom Initiative’s leadership stands between artists and the law, leveraging our legal expertise in the service of artists and in defense of artistic freedom.”

dedicated specifically to at-risk artists. As such, organizations like ArtistSafety.net, Artistic Freedom Initiative, and Artists at Risk Connection (ARC) work on an ad hoc basis in each artist’s case, reaching out to residency programs and organizations to look for support. Even when a match is made, most traditional residency programs and other potential hosts are not trained in best practices of Safety Hosting for displaced artists at-risk, and likely do not have access to the constellation of resources an at-risk artist needs.

As artists around the world face increasing persecution, censorship, forced displacement, and imprisonment, leaders in the fields of art, residencies, law, real estate, academia, human rights, and medicine are in a unique position to leverage their own resources and expertise to create more Safe Haven Residency spaces for international artists at risk. Together, there is an opportunity to further innovate and grow the field of Safety Hosting for at-risk artists.

Synthesizing Solutions

Artist Residencies as Safe Havens: Where Art & Human Rights Intersect

An Artist Safe Haven Residency is designed at the intersection of artist residencies and shelter, in response to the complex challenges inherent in supporting artists under threat. Responsibly addressing these challenges requires an understanding of the overarching needs common to many artists at risk, as well as a nuanced understanding of the unique needs born from each artist’s individual circumstances. Further, responsibly addressing these challenges requires a collective effort from a diverse range of organizations and individuals, including human rights activists, cultural producers, lawyers, community organizers, medical and social service professionals, and those who can provide housing space.

The organizations, institutions, and residency programs that currently provide safety hosting for at-risk artists implement their programs with these values in mind, using a variety of models. The International Cities of Refuge Network (ICORN) is a network of more than 70 cities around the world that offer shelter to artists at risk. The Institute of International Education’s (IIE) Artist Protection Fund makes fellowship grants to artists under threat, placing artists at host institutions in safe countries. Renowned artist residency programs like Art Omi and Vermont Studio Center offer placements and scholarships specifically for displaced artists within their currently existing residency programs. The New York City Artist Safe Haven Residency Program is built on innovative cross-sector collaboration, led by a group of organizations including Artistic Freedom Initiative, ArtistSafety.net, Residency Unlimited, Westbeth Artists Housing, PEN America’s Artists at Risk Connection (ARC), and Fordham University.

A Coalition-Based Approach to Artist Safety Hosting in New York City

The New York City Artist Safe Haven Residency Program takes a coalition-based approach to safety hosting for artists under threat. Within the coalition, responsibilities to and expectations of the program meet in our shared purpose—to offer international artists under threat an opportunity to relocate to New York City, thereby supporting important voices for free expression and international understanding.

Led by a team of organizations whose missions champion free expression, human rights, and the arts, each member organization commits to applying a unique skill set that leverages their expertise, experience, and resources. This includes providing housing, legal services, creative and professional development, access to psychosocial support, community engagement, and networking opportunities. The coalition is growing, and currently includes ArtistSafety.net, Artistic Freedom Initiative, Residency Unlimited, Westbeth Artists Housing, PEN America's Artists at Risk Connection (ARC), and Fordham University.

Though taking a coalition approach to this program is critical to its development and success, it is also complex. Building a strong, strategically constructed coalition necessarily takes time, as does the process of learning how to work together most effectively. This reality can sometimes be at odds with the time-sensitive nature of working with artists under threat, whose personal and professional needs are frequently urgent. For this reason, strong leadership within the coalition is vital.

Just as each coalition member shares resources, we likewise share the responsibility of fundraising to ensure the program's long-term sustainability. Since the program's inception two years ago, the coalition has received funding from the Shelley & Donald Rubin Foundation's Art and Social Justice Grant. This grant provides support for projects that center access to art for a broad audience, and art in the service of social justice, social change, and discourse.

Over the years, various foundations and donors have demonstrated their commitment to protecting at-risk artists and artistic freedom

by providing funding support for other New York-based artist safety hosting programs. For example, The Andrew W. Mellon Foundation sponsors IIE's Artist Protection Fund, and Francis Greenburger, philanthropist and founder of Art Omi as well as real estate development firm Time Equities, has sponsored Art Omi's placements of artists whose work “mitigates religious or ethnic conflict.”

Operating Procedures of the New York City Artist Safe Haven Residency Program

Before Placement: Intake & Selection, Legal Assistance

A genuine sense of rest and respite for artists under threat is facilitated through practices that are creative, thoughtful, adaptable, based on need, and ultimately grounded in fundamental human rights. To that end, the New York City Artist Safe Haven Residency Program has implemented an artist intake and selection process that considers a comprehensive range of factors, including but not limited to: the degree of threat faced by the artist; any past or recent trauma; the artist's immigration, marital, and family status; their language proficiency; their experience as an artist; the impact of their practice; the ideal duration of placement; and additional financial resources or support from organizations or individuals. Further, the coalition considers the artist's ability to engage with the host community, and whether the hosting site has the capacity to support the artist's practice. Placements within the program range from 3 months to one year, depending on the circumstances and needs of each artist.

When at-risk artists are moving through the selection process, whether they have recently relocated or are still in the process of doing so, some of the first obstacles they face are immigration-related legal challenges. When relocating to the United States, there are a number of visas and petitions that may be available to an at-risk artist, though eligibility, criteria, and lengths of stay are variable. AFI has worked with at-risk artists to secure entry, stay, and work authorizations in the United States across each of categories outlined below.

Visas & Petitions

What follows is for informational purposes only, and not for the purpose of providing legal advice. If you have immigration-related legal questions, please consult with an attorney.

B-1/B-2 Visas

B-1 Visa

- A B-1 visa allows a visitor to travel to the United States for the purposes of consulting with business associates; attending a scientific, educational, professional, or business convention or conference; or negotiating a contract.

B-2 Visa

- A B-2 visa allows a visitor to enter the United States for the purposes of tourism; vacation; a visit with family or friends; medical treatment; participation in social events hosted by social or service organizations; or enrollment in a short recreational course of study, not for credit toward a degree.

J-1 Visas

There are fifteen distinct categories under the J-1 visa program, which allows exchange visitors to study, teach, do research, share specialized skills, or participate in on-the-job training for anywhere from a few weeks up to several years.

Holders of J-1 visas are often young leaders and entrepreneurs, students, and emerging or seasoned professionals looking to sharpen their skills, improve their ability to speak English, engage with Americans and American culture.

Talent-based Visas

These visas are merit-based, meaning the artist must be able to demonstrate that she has achieved a high level of distinction in her field.

While there is no “catch-all” formula for who qualifies for these visas, generally artists of extraordinary or exceptional ability have won prestigious awards, performed or been exhibited internationally, been featured in a variety of publications, etc. Examples of talent-based visas include:

EB-1 Visa

- This is a merit-based, permanent residency visa. The artist is the petitioner, meaning that she is not required to have a sponsor (i.e. an employer or agent) in order to apply. She must meet 3 of the 10 criteria for “extraordinary ability.” With this visa, the artist receives a Green Card.

O-1B Visa

- O-1B visa is a merit-based, temporary residency visa geared towards artists. These visas are typically valid for anywhere from 1-3 years. This visa requires sponsorship from either a U.S. employer or agent, or a foreign employer through a U.S. agent. The artist must demonstrate sustained national or international acclaim, and be coming to the U.S. to continue work in the area of extraordinary ability.

Performance-based Visas

P-3 Visa

- The P-3 visa secures entry and temporary stay for artists coming to perform, teach, or coach a culturally unique program. These include traditional, ethnic or folk performances. .

- The individual(s) must demonstrate that the performance/ event in question “furthers the understanding or development” of the art form.
- The period of stay extends to the time needed to complete the itinerary, but must not exceed 1 year.
- Spouse and unmarried children under the age of 21 are eligible for accompaniment under this visa.

P-1B Visa

- The P-1B visa secures entry and temporary stay for “members of an internationally recognized entertainment group” with the intention of performing at a US-based event.
- The individual(s) must demonstrate “sustained international recognition” for over a year.
- The period of stay extends to the time needed to complete the itinerary, but must not exceed 1 year.
- Spouse and unmarried children under the age of 21 are eligible for accompaniment under this visa.

Asylum-based Petitions

- Individuals applying for asylum must generally do so within one year of having arrived to the United States.
- An individual applicant must demonstrate a well-founded fear of persecution upon return to their country of origin. The persecution can be based on race, religion, nationality, membership in a particular social group, or political opinion.
- An artist granted asylum status may not return to her country of origin until or unless they become a citizen of the United States.



Artistic Freedom Initiative exhibition at Queens Museum, titled *Executive (Dis)Order: Art, Displacement & the Ban*.
Photo credit: Michael Wilson

Lastly, when coordinating relocation of an at-risk artist, it is important to consider not only the political climate of the individual's home country, but that of the hosting site's country as well. For example, over the last several years, the political climate in the United States has become increasingly anti-immigrant, and nationalist movements around the world continue to gain momentum. In the United States, an artist can face increased difficulty securing visa or petition approval, and obstacles when attempting to expedite their entry into the United States. When evaluating available options for relocation in each artist's case, these factors must be considered and addressed accordingly.

During Placement: Creation, Cultivation, & Planning

Following an artist's placement in the residency program, the coalition implements practices that are based on the needs of each individual artist. Broadly, those practices are designed to provide the artist with a strong sense of community as well as personal, legal, and professional support. The coalition works

with selected artists to advance their practice, support their campaigns for social justice, and connect them with New York's artistic and diaspora communities. Coalition members commit to generating opportunities for artists to present exhibitions, performances, screenings, or workshops. Such opportunities enable the artists to more successfully support themselves through their craft.

Throughout the artist's placement, it is critical that coalition members ensure that the artist's well-being is prioritized. While each artist's needs and circumstances are unique, this approach requires centering socio-cultural sensitivity, transparency, an understanding of power dynamics and imbalances, and trauma-informed practice. Further, it requires being upfront about the capacity and limitations of the residency program, and maintaining sensible boundaries between coalition members and the artist. Building a coalition that includes at least one human rights-focused organization, for example, is helpful in this regard. Human rights workers often bring expertise in socio-cultural, political, and economic issues, and may have experience working with those who have survived violent conflict and trauma. Generally, creating a diverse coalition "front-loads" much of the work required to ensure the Artist Safe Haven Residency Program filters its perspectives and outputs through an intersectional, human rights-centric lens.

Finally, it is critical to begin assisting the artist early on in their placement with planning an exit strategy when their placement concludes.

To this end, some important considerations are as follows:

If it is an option for the artist resident to return home to their country of origin, what can the Artist Safe Haven Residency Program do during placement to make their return viable desirable?

- Establishing and maintaining lasting connections between artist and residency can be key to offering continued protection to artists returning home, i.e. maintaining awareness about the artist and their case at the international level can make grievous harm less likely, and

leaves the door open if emergency relocation is necessary again in the future.

- Building a robust support network/safety net consisting of individuals outside of residency program who can keep the lines of communication open with the artist. This should include individuals in the Safe Haven country, the artist's country of origin, and elsewhere.

If an artist will remain in the country or city they have relocated to, what can the Artist Safe Haven Residency Program do to facilitate future opportunities for the artist resident?

- Leveraging the coalition's connections and resources to assist the artist in their next steps post placement, whether it be in the search for residencies, fellowships, employment, academic programs, or housing, can be immensely helpful.

Building skills for self-sustainability post placement

- Professional development is essential to facilitating an artist's ability to sustain themselves financially in the long term.
- Assisting in the development of language skills, if needed, can also be critical.

Ultimately, the mission throughout placement is: to provide at-risk artist with a Safe Haven; rigorously support the development of their practice; amplify their voices so they can accomplish more when moving forward post-placement; and support others who find themselves in similar situations.

After Placement: Exit Strategies in Motion & Moving Forward

At the conclusion of an artist resident's placement, as they prepare to move forward in their lives and creative practices, ideally the artist has developed a plan that they are ready to execute. In reality, however, an at-risk artist may remain in uncertain circumstances for a much longer period of time than they initially expect. Though the placement is complete, it is often nearly impossible to expect that all loose ends will be

tied up. For example, the artist's immigration case may still be ongoing, or they may still be waiting for notification about acceptance into another residency or fellowship opportunity. Perhaps they plan to return home for a period of time but are unsure about what opportunities or risks await them there, or whether they will be able to return to the Safe Haven country in the future. While it is not the responsibility of the Artist Safe Haven Residency to resolve these uncertainties for artists, the program can support them in these next steps by ensuring that the safety net built throughout their residency placement is in place and ready to be activated when and if it is needed.

Finally, the residency program aims to provide artists with sufficient resources and guidance throughout their placement to be able to play an active role in a reciprocal relationship with the program going forward. As alumni of the program, they become resources for support and guidance for future at-risk artist residents, and strong, active members of the creative community.



Artist: Mai Khoi & the Dissidents / Photo credit: Nosrat Tarighi

Conclusion

As attorneys who work in immigration and human rights in the United States, we at Artistic Freedom Initiative bear witness to the ways law is used as a tool for persecution and censorship against artists. In response, AFI remains steadfastly committed to using our power as attorneys to harness the law as a tool to shield and empower artists at risk. Alongside our coalition partners, who together lead the New York City Artist Safe Haven Residency Program, we are further committed to leveraging our resources and expertise to create safety hosting spaces for threatened, displaced artists.

We encourage you to consider how you may leverage your own resources and expertise to strengthen the field of Artist Safety Hosting in New York City or elsewhere. This includes, but is not limited to, joining in coalition with others, creating space in a new or already existing residency program, providing funding, housing, studio or gallery space, access to professional development, legal services or psycho-social support.

Safe Haven spaces are designed, first and foremost, to help safeguard and empower individual artists at risk. Taken together, however, these spaces contribute in vital ways to the preservation and protection of art creation that is fundamental to artistic freedom at large. At a time when the creative voices of artists around the world are increasingly viewed as threats to those in power, it is more critical than ever that we rally together to zealously champion artistic freedom and the artists who exercise it. This guide is a call to action. How will you answer?

Thank You

The New York City Artist Safe Haven Residency Program wishes to thank the following groups for their generous support in the development and dissemination of our work:

- Shelley & Donald Rubin Foundation, Art and Social Justice Grant
- David Rockefeller Foundation
- Goethe-Institut
- SDK Foundation for Human Dignity
- Sethi & Mazaheri LLC

ArtistSafety.net and Artistic Freedom Initiative also wish to thank David Sledge for his assistance editing the content of this guide, and Francesca Campanella for her graphic design work.

To learn more about how you can support the New York City Artist Safe Haven Residency Program, please contact AFI's Director of Programs, Ashley Tucker, at ashley@artisticfreedominitiative.org.

Our Coalition Partners

ArtistSafety.net
artistsafety.net

Artistic Freedom Initiative
artisticfreedominitiative.org

Residency Unlimited
residencyunlimited.org

Westbeth Artists Housing
westbeth.nyc

Fordham University
fordham.edu

**PEN America's Artists
at Risk Connection**
artistsatriskconnection.org



ArtistSafety.net
ArtisticFreedomInitiative.org