

Tennis, Global Talent, Immigrant Stories, and Texas

By Michael Cataliotti

In this edition of Sports and Entertainment Immigration, we will look at some matters that are flatly non-U.S. based, like Novak Djokovic's issues with Australia; others that are quasi-U.S. based, like the UK's fast-track visa offering to Oscar and Grammy winners; and those that are staunchly American, like "Telling Authentic Immigrant Stories: A Reference Guide for the Entertainment Industry," issued by Define American, and, because we are all lawyers who geek out over the law, Texas's "Operation Lone Star," which seems a bit . . . shallow . . . in its purpose.

The Tennis Star Who Dislikes Germy Interlopers

It has been reported that Novak Djokovic, the internationally renowned, *crème de la crème* of tennis champion, has said that "he was 'curious about wellbeing and how we can empower our metabolism to be in the best shape to defend against imposters like COVID-19.'"¹ It has also been reported that "during an Instagram live, he claimed that positive thought could 'cleanse' polluted water, adding that 'scientists have proven that molecules in water react to our emotions.'"²

Nope. No, they have not. At least, no seemingly respectable scientist is claiming that our emotions can clean polluted water.

Quite strange, really. However, what is not strange is that, in light of this, Djokovic has stated that he "'wouldn't want to be forced by someone to take a vaccine' to travel or compete in tournaments," and that he wants to "have 'an option to choose what's best for [his] body.'"³

That's fine. It is even fair. Unfortunately for Djokovic, that also means choosing between playing tennis in some countries, or cities, or towns, and getting a COVID-19 vaccine, right?

Not exactly: Apparently, Djokovic's position is that he had applied for, and was "given the impression" that he qualified for and was issued, a medical exemption.⁴ The grounds of that exemption are that he had contracted COVID-19 in December 2021.⁵ The presiding Justice Kelly stated:

Here a professor and an eminently qualified physician have produced and provided to the applicant a medical exemption. Now, further to that medical exemption and the basis on which it was given was separately given by a further independent

expert specialist panel established by the Victorian State Government. And that document was in the hands of the delegate. The point I'm somewhat agitated about is, what more could this man have done?⁶

Well, this seems messy, but there is more! "The government's legal defense, meanwhile, argued that authorities have a low bar to canceling visas, and that even the possibility of a risk to Australians' health was reason enough."⁷

Ultimately, Djokovic won, at least, temporarily:

1. The government's decision to cancel his visa is quashed [...].
2. The government must pay Djokovic's costs as agreed or assessed.
3. The government must "take all necessary steps" to immediately release Djokovic from detention, which must happen no more than 30 minutes after the decision was made.
4. Djokovic's passport and all other personal effects must be returned to him.

His reasoning: After announcing his decision, Judge Anthony Kelly explained that Djokovic had not been given sufficient notice of his visa cancellation, or enough time by the government to prepare materials.⁸

Despite this, Djokovic's visa to Australia was canceled.

The United Kingdom, Having Ostracized Itself From Europe, Tries To Get People To Come Back

As the impact of Brexit continues, the good folks in the UK administration have decided to try and recover some of their potential brain drain. From the BBC: "The Home Office has announced its decision to 'fast track' the process for those winning coveted arts awards. It is part of the government's bid to attract the 'best and brightest' from around the world."⁹ Although this sounds logical, is it really that straight-forward?

Previously the visa application process, known as the Global Talent route, meant artists and producers had to receive an

endorsement from one of six bodies. But from Wednesday, new post-Brexit rules allow people who hold a qualifying prize to make a simpler single visa application.¹⁰

It is. Surely, however, the list of awards must be extremely limited and restrictive, right? Perhaps only a Nobel, or Pulitzer, Grammy, Oscar, or other nearly identical award would be accepted, just like in the U.S., right? . . . right?

Wrong.

The list of awards that allow an individual to move more seamlessly through U.K. immigration are available on the Home Office’s website¹¹ and are organized by category. Compared to the subjective and inconclusive options available to us in the U.S., this author is officially, jelly, as they say:

Global Talent: Architecture Prizes¹²

Qualifying Prize	Name of Awarding Body
Pritzker Prize	Hyatt Foundation
Royal Gold Medal	Royal Institute of British Architects

Global Talent: Arts and Culture Prizes¹³

Qualifying Prize	Name of Awarding Body
Bessie – Outstanding Performer	The New York Dance and Performance Awards (The Bessie Awards)
Booker Prize	The Booker Prizes
Brit Awards – International Female	British Phonographic Industry
Brit Awards – International Male	British Phonographic Industry
Critics Circle Award – Best Male	Critics’ Circle National Dance Awards
Critics Circle Award – Best Female	Critics’ Circle National Dance Awards
Dorothy and Lillian Gish Prize	JP Morgan Chase
Hugo Boss Prize	Guggenheim Foundation
ICMA – Artist of the year	International Classical Music Awards
ICMA – Lifetime Achievement Award	International Classical Music Awards
International Booker Prize	The Booker Prizes
International Chopin Piano Competition – First place	Fryderyk Chopin Institute of Warsaw
International Dublin Literary Award	International Dublin Literary Award
MOBO – Best International Act	MOBO Organisation
Olivier Award – Best Play Author	Society of London Theatre

Olivier Award – Best Actor	Society of London Theatre
Olivier Award – Best Actress	Society of London Theatre
Olivier Award – Outstanding Achievement in Dance	Society of London Theatre
Olivier Award – Best Director	Society of London Theatre
Olivier Award – Outstanding Achievement in Opera	Society of London Theatre
Olivier Award – Outstanding Achievement in Music	Society of London Theatre
Olivier Award – Best Theatre Choreographer	Society of London Theatre
Queen Elisabeth Competition – Cello – First Prize	Queen Elisabeth Competition
Queen Elisabeth Competition – Piano – First Prize	Queen Elisabeth Competition
Queen Elisabeth Competition – Violin – First Prize	Queen Elisabeth Competition
Queen Elisabeth Competition – Voice – First Prize	Queen Elisabeth Competition
Tchaikovsky Prize – Grand Prix	International Tchaikovsky Competition
Tony Award – Best Play Author	The American Theatre Wing and The Broadway League
Tony Award – Best Performance by an Actor in a Leading Role in a Play	The American Theatre Wing and The Broadway League
Tony Award – Best Performance by an Actress in a Leading Role in a Play	The American Theatre Wing and The Broadway League
Tony Award – Best Performance by an Actor in a Leading Role in a Musical	The American Theatre Wing and The Broadway League
Tony Award – Best Performance by an Actress in a Leading Role in a Musical	The American Theatre Wing and The Broadway League
Tony Award – Best Direction of a Play	The American Theatre Wing and The Broadway League
Tony Award – Best Direction of a Musical	The American Theatre Wing and The Broadway League
Tony Award – Best Choreography	The American Theatre Wing and The Broadway League
Tony Award – Special Tony Award for Lifetime Achievement in the Theatre	The American Theatre Wing and The Broadway League
Van Cliburn International Piano Competition – Gold Medallist	Van Cliburn Foundation
Wihuri Sibelius Prize	Wihuri Foundation
WOMEX – Artist Award	World Music Expo Award (WOMEX)

Global Talent: Digital Technology Prizes¹⁴

Qualifying Prize	Name of Awarding Body
ACM Prize in Computing	Association for Computing Machinery (ACM)

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Global Talent: Fashion Design Industry Prizes¹⁵

Qualifying Prize	Name of Awarding Body
Fashion Award – Accessories Designer of the Year	The Fashion Awards – British Fashion Council
Fashion Award – Designer of the Year	The Fashion Awards – British Fashion Council
Fashion Award – Outstanding Achievement	The Fashion Awards – British Fashion Council

Global Talent: Film and Television Prizes¹⁶

Qualifying Prize	Name of Awarding Body
Academy Awards – Actor in a Leading Role	Academy of Motion Picture Arts and Sciences
Academy Awards – Actress in a Leading Role	Academy of Motion Picture Arts and Sciences
Academy Awards – Best Actor in a Supporting Role	Academy of Motion Picture Arts and Sciences
Academy Awards – Best Actress in a Supporting Role	Academy of Motion Picture Arts and Sciences
Academy Awards – Cinematography	Academy of Motion Picture Arts and Sciences
Academy Awards – Directing	Academy of Motion Picture Arts and Sciences
Academy Awards – Writing (Adapted Screenplay)	Academy of Motion Picture Arts and Sciences
Academy Awards – Writing (Original Screenplay)	Academy of Motion Picture Arts and Sciences
BAFTA – Best Actor in a Supporting Role	British Academy of Film and Televisions Arts
BAFTA – Best Actress in a Supporting Role	British Academy of Film and Televisions Arts
BAFTA – Best Film Actor	British Academy of Film and Televisions Arts
BAFTA – Best Film Actress	British Academy of Film and Televisions Arts
BAFTA – Film Director	British Academy of Film and Televisions Arts
Golden Globes – Best Actor in a Motion Picture	Hollywood Foreign Press Association
Golden Globes – Best Actor in a TV Motion Picture	Hollywood Foreign Press Association
Golden Globes – Best Actor Musical/Comedy	Hollywood Foreign Press Association
Golden Globes – Best Actress in a Motion Picture	Hollywood Foreign Press Association
Golden Globes – Best Actress in a TV Motion Picture	Hollywood Foreign Press Association
Golden Globes – Best Actress Musical/Comedy	Hollywood Foreign Press Association
Golden Globes – Best Director of a Motion Picture	Hollywood Foreign Press Association

Golden Globes – Best Screenplay of a Motion Picture	Hollywood Foreign Press Association
Golden Globes – Best Supporting Actor Motion Picture	Hollywood Foreign Press Association
Golden Globes – Best Supporting Actress Motion Picture	Hollywood Foreign Press Association
Golden Globes – Best Supporting Actor Television	Hollywood Foreign Press Association
Golden Globes – Best Supporting Actress Television	Hollywood Foreign Press Association
Golden Globes – Best TV Actor Drama	Hollywood Foreign Press Association
Golden Globes – Best TV Actor Musical/Comedy	Hollywood Foreign Press Association
Golden Globes – Best TV Actress Drama	Hollywood Foreign Press Association
Golden Globes – Best TV Actress Musical/Comedy	Hollywood Foreign Press Association
Golden Globes – Carol Burnett Award	Hollywood Foreign Press Association
Golden Globes – Cecil B. deMille Award	Hollywood Foreign Press Association
Grammy Award – Lifetime Achievement Award	The Recording Academy

Global Talent: Science, Engineering, Humanities and Medicine Prizes¹⁷

Qualifying Prize	Name of Awarding Body
Albert Lasker Basic Medical Research Award	Lasker Foundation
Balzan Prize	International Balzan Prize Foundation
Benjamin Franklin Medal	Franklin Institute
Berggruen Prize for Philosophy and Culture	Berggruen Institute
Blue Planet Prize	Asahi Glass Foundation
Cadman Award	Energy Institute
Centenary Prize	Royal Society of Chemistry
Charles Stark Draper Prize for Engineering	US National Academy of Engineering
Copley Medal	Royal Society
Crafoord Prize	Royal Swedish Academy of Sciences and Crafoord
Croonian Medal and Lecture	Royal Society
Davis Medal	IChemE
Distinguished Fellowship	British Computing Society
Faraday Medal	Institution of Engineering and Technology
Fritz J. and Dolores H. Russ Prize	National Academy of Engineering

Fields Medal	International Mathematical Union
Fyssen Internation Prize	Fondation Fyssen
Gold Medal	Institution of Civil Engineers
Honorary Membership	British Ecological Society
Holberg Prize	Holberg Committee
Humboldt Research Award	Alexander von Humboldt Foundation
IEEE Medal of Honor	Institute of Electrical and Electronics Engineers
INCOSE Pioneer Award	International Council on Systems Engineering
Individual Gold Medal	Royal Aeronautical Society
International Award	Biochemical Society
International Medal	Institution of Civil Engineers
Isaac Newton Medal and Award	Institute of Physics
IStructE Gold Medal	Institution of Structural Engineers
J J Thompson Medal for Electronics	Institution of Engineering and Technology
James Watt International Medal	Institution of Mechanical Engineering
Japan Prize	The Japan Prize Foundation
John W. Kluge Prize for Achievement in the Study of Humanity	John W. Kluge Centre
King Faisal Prize – Medicine	King Faisal International Fund
King Faisal Prize – Science	King Faisal International Fund
Kyoto Prize – Advanced Technology	Inamori Foundation
Kyoto Prize – Basic Science	Inamori Foundation
Kyoto Prize – Arts and Philosophy	Inamori Foundation
Lasker-Debakey Clinical Medical Research Award	Lasker Foundation
Lasker-Koshland Special Achievement Award in Medical Science	Lasker Foundation
Lasker-Bloomberg Public Service Award	Lasker Foundation
L’Oréal-UNESCO Award for Women in Science	L’Oréal-UNESCO
Louis-Jeantet Prize	The Louis-Jeantet Foundation
Lovelace Medal	British Computing Society
Melchett Award	Energy Institute
Mensforth Manufacturing Gold Medal	Institution of Engineering and Technology
Millennium Technology Prize	Technology Academy Finland
Mountbatten Medal	Institution of Engineering and Technology
Nine Dots Prize	Kadas Prize Foundation

Nobel Prize – Chemistry	The Royal Swedish Academy of Sciences
Nobel Prize – Economic Science	The Royal Swedish Academy of Sciences
Nobel Prize – Literature	The Swedish Academy
Nobel Prize – Physics	The Royal Swedish Academy of Sciences
Nobel Prize – Medicine	Nobel Assembly at Karolinska Institute
President’s Award	Energy Institute
Prince Phillip Medal	Royal Academy of Engineering
Queen Elizabeth Prize for Engineering	The Queen Elizabeth Prize for Engineering Foundation
Rayleigh Medal	Institute of Acoustics
Robert Koch Medal and Award	Robert Koch Foundation
Royal Gold Medal	Royal Institute of British Architects
Silver Medal	Royal Academy of Engineering
Vane Medal	British Pharmacological Society
W H Pierce Prize	Society of Applied Microbiology
Wolf Prize – Agriculture	Wolf Foundation
Wolf Prize – Arts	Wolf Foundation
Wolf Prize – Chemistry	Wolf Foundation
Wolf Prize – Mathematics	Wolf Foundation
Wolf Prize – Medicine	Wolf Foundation
Wolf Prize - Physics	Wolf Foundation

This is so clear and concise.¹⁸ From a semi-informed perspective, and as a global migration practitioner, this is quite a nice bit of clarity that I hope will benefit many of our clients who need to travel through the U.K. in the coming months and years.

Immigrants on TV and in Film: Please Stop the Same Old Stories

From its website, Define American:

... is a culture change organization that uses the power of narrative to humanize conversations about immigrants. Our advocacy within news, entertainment, and digital media is creating an America where everyone belongs.

We’ve been recognized by *Fast Company* as one of the most innovative companies in the world for causing a stir by leveraging the power of television networks to make the world more equitable and for reshaping American public opinion. We

humanize the conversation on immigration through television consulting, original content development and production, media advocacy, and live events. Define American has consulted on more than 90 film and television projects, such as *Grey's Anatomy* and *Superstore*, spanning networks like ABC and NBC and streaming platforms such as Netflix and Hulu.¹⁹

As part of that mission, the organization has recently published a “‘best practices’ guide in telling immigrant stories, with a focus on film and television.”²⁰

In the words of *Variety*,

The guide is aimed at individual content creators, as well as production companies and studios at large, and it features detailed descriptions, definitions, historical timelines and dates, and other resources about specific communities. There is an emphasis on such still-evolving topics as DACA and, in partnership with Natural Resources Defense Council (NRDC) and International Refugee Assistance Project, global climate displacement.²¹

I am sure that some readers are thinking about this and wondering, “Why do we need a guide for this? What is the point? WOKENESS STRIKES AGAIN!” In any event, is the guide necessary? I believe so. Take, for instance, that the guide tries to emphasize the need for or value in having immigrants participate in the writing process, acting/

performing, and engaging with immigrant communities, in efforts to “empower[. . .] immigrant characters to control their own narratives (rather than telling tales of white saviorism, for example).”²²

Okay, okay. I know what you may be thinking: this all sounds super millennial and woke, right?

What about this:

The new guide also points out that not all immigrants are Latine, incorporating data and key findings from the organization’s 2020 television impact study, titled “Change the Narrative, Change the World” and published with USC Annenberg’s Norman Lear Center, to support this point. Through new partnerships with Asian Americans Advancing Justice (AAJC) and The UndocuBlack Network, the guide puts a spotlight on AAPI and Black immigrants, noting they are still grossly underrepresented on TV at the moment. AAPI immigrants, for example, comprise 12% of immigrants on TV even though the study shows they represent 26% of the U.S. immigrant population.²³

See, this is not just about some nonsensical sense of being too mushy, but rather, let us get down to practical representation—and dollars and cents—there is a vast group of people consuming American media who are not represented in that media.

New Story

Chapter One



In the end, the guide is a useful tool to at least evoke a conversation among content creators and potentially inspire them to look outside their typical storylines. The guide also “includes a timeline of immigration law’s history and some other government and geography-based facts [that are] important pieces of the immigration narrative.”²⁴

Texas: 1/6 Immigrants,²⁵ 5/6 Nonsense

From Vanessa Croix, writing for the KENS5, a local CBS-affiliate: “As the race for state leadership heats up, Governor Greg Abbott continues to tout his crackdown on illegal immigration.”²⁶

Here we go...

Operation Lone Star authorizes state troopers to arrest migrants on state criminal trespass charges.

Officials said it’s an effort to keep communities safe and stop illegal border crossings.²⁷

That sounds reasonable enough: “keep communities safe and stop illegal border crossings.” Fair enough. Law enforcement, enforcing laws.

“It’s very dangerous to make that journey, especially in these areas here when you have no idea where you’re going and what the outcome is going to be,” said DPS Lt. Chris Olivares.

The high game fences and rough terrain in the areas of Kinney and Val Verde Counties, where the operation team is focused, can be difficult to navigate for both law enforcement and migrants.

Sounds quite risky. Perhaps there is something significant with respect to the local landowners and their property. According to Olivares, “Some of the landowners were voicing concerns that illegal immigrants were trespassing on their property, damaging their fences. They didn’t feel safe around their homes because of these illegal immigrants who were coming across,” [. . .] “They resist our law enforcement. There’s been several incidents where they throw rocks at our law enforcement personnel because again, they’re trying to avoid apprehension.”²⁸

. . . Right. Well, that is anticlimactic. While the need to feel safe in one’s own residence and on one’s own property is important, I am not sure that this is such a vastly successful program to “keep communities safe and stop illegal border crossings.”

Very few would object to arresting gang or cartel members, as that is most definitely keeping communities safe. Olivares claims that they have arrested some of those individuals. Those instances are definitive wins.

However, stopping illegal border crossings?

“Olivares said more than 1,800 migrants have been arrested since July in the area, and the initiative is becoming a deterrent to potential migrants. ‘We feel it’s been very effective. The message is getting out that if they do come to these areas, they will be arrested,’ said Olivares.”²⁹

I find this highly doubtful. For starters, most people who are trying to cross the border without inspection are doing so because they have not been able to apply for asylum at the border. However, our laws have prescribed methods to apply for asylum, which requires that an individual be present within the United States.

From the American Immigration Council:

1. **Affirmative Asylum:** A person who is not in removal proceedings may affirmatively apply for asylum through U.S. Citizenship and Immigration Services (USCIS), a division of the Department of Homeland Security (DHS). If the USCIS asylum officer does not grant the asylum application and the applicant does not have a lawful immigration status, he or she is referred to the immigration court for removal proceedings, where he or she may renew the request for asylum through the defensive process and appear before an immigration judge.

2. **Defensive Asylum:** A person who is in removal proceedings may apply for asylum defensively by filing the application with an immigration judge at the Executive Office for Immigration Review (EOIR) in the Department of Justice. In other words, asylum is applied for as a defense against removal from the U.S. Unlike the criminal court system, EOIR does not provide appointed counsel for individuals in immigration court, even if they are unable to retain an attorney on their own.³⁰

Therefore, “Asylum seekers who arrive at a U.S. port of entry or enter the United States without inspection generally must apply through the defensive asylum process.”³¹

So, there are individuals who are, generally, trying to apply for asylum, but because they cannot, they take the dangerous trek of trying to enter the U.S. anyhow, presumably, where they will eventually try to apply for asylum. What, then, about the criminal charge of trespassing? That should prevent these individuals from qualifying for asylum . . .

Not necessarily! Trespassing, on its own, does not necessarily give rise to what is known as a “crime involving moral turpitude.” From the USCIS Policy Manual, Volume 12, Part F, Chapter 5: