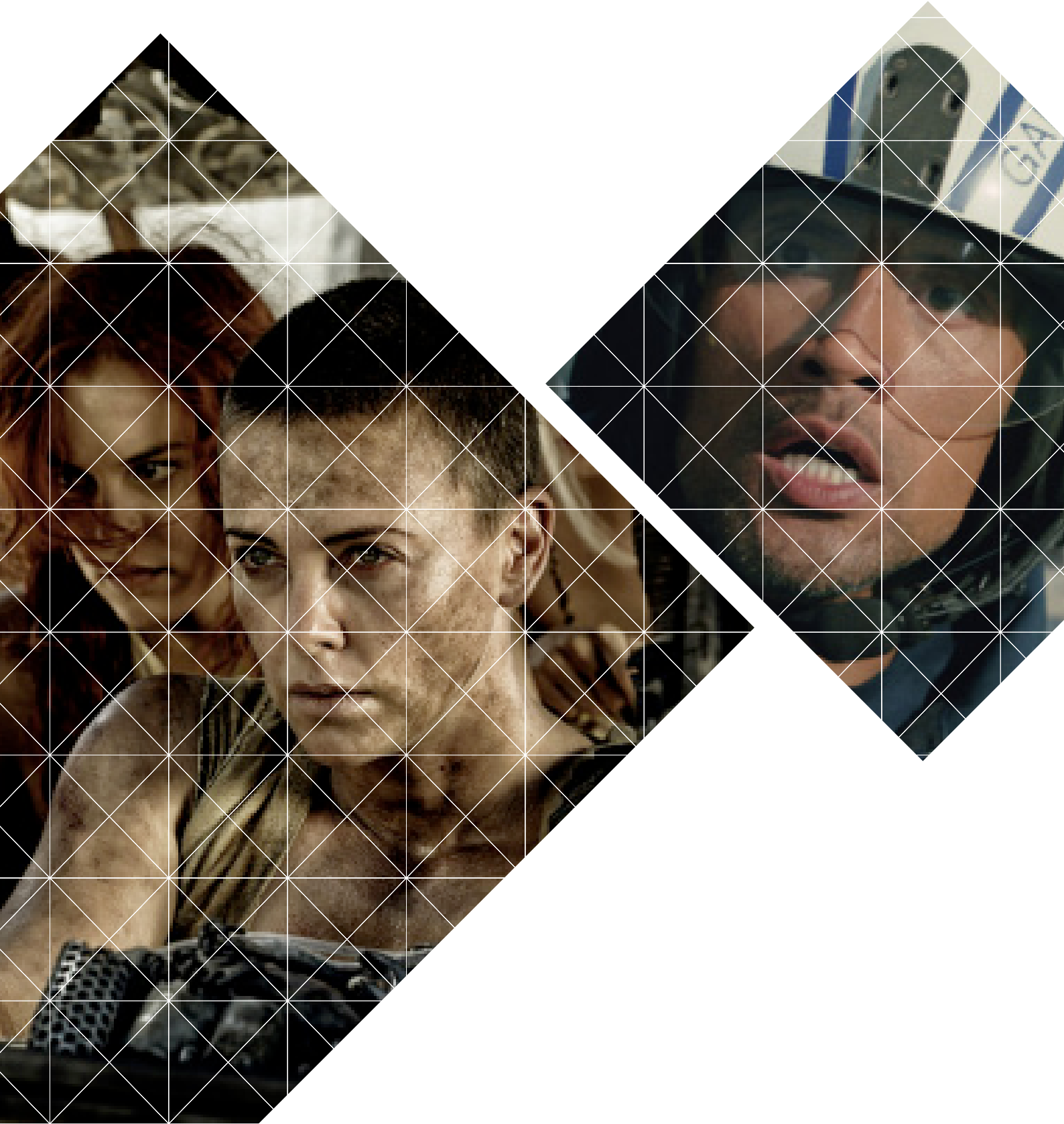




AUSFILM

ENTERTAINMENT WORK VISAS IN AUSTRALIA



ENTERTAINMENT WORK VISAS QUICK FACTS

AUSFILM - CONNECTING FILMMAKERS WORLDWIDE TO AUSTRALIA

Ausfilm promotes Australia's incentive schemes, locations and capabilities worldwide to assist international screen producers to make their productions in Australia. Ausfilm is an Australian industry-government partnership. It comprises Australia's federal and state governments, the major studios, leading post and visual effects facilities and production service providers.

WORKING IN THE ENTERTAINMENT INDUSTRY

All persons working in Australia's entertainment industry (including film, television or live performances), who are not Australian citizens or permanent residents, need a temporary work visa for the duration of their stay. Until 19 November 2016 that was the Temporary Work (Entertainment) (subclass 420) visa. This visa is no longer being issued. The appropriate visa is now the Temporary Activity (subclass 408) visa.

Whilst the most appropriate visa for persons wishing to work in Australia in a role related to the entertainment industry will be the (subclass 408) visa, there are limited circumstances where one of the following visas may be available:

- Visitor (subclass 600);
- Electronic Travel Authority (subclass 601); and
- eVisitor (subclass 651).

Please note:

- Visa fees will apply (except for eVisitor visas);
- Visa applications may take up to 3 months to process;
- Health and character requirements apply;
- You may need to demonstrate you have adequate means to support yourself while in Australia; and
- You may need to demonstrate that you have incentive to return to your usual place of residence when your Australian visa expires.

DISCLAIMER

This fact sheet provides a brief overview of the Australian visa requirements for media and entertainment industry personnel. You should engage a local production services company to assist with your Australian production including immigration processes. You may also need to seek advice from a qualified entertainment industry immigration specialist.

Immigration requirements may vary depending on the nature of the work to be performed in Australia. For more detailed information contact: The Department of Immigration and Border Protection (DIBP)



AUSFILM AUSTRALIA
Sydney
T +61 2 9383 4192
info@ausfilm.com.au

AUSFILM USA
Los Angeles
T +1 (310) 229 2362
AusfilmUSA@ausfilm.com



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TEMPORARY ACTIVITY (SUBCLASS 408) VISA

This visa is the most common visa for international productions filming in Australia.

ELIGIBILITY

The subclass 408 visa is for temporary work in Australia in the entertainment industry including work in film, television or live productions. Requirements differ for the following categories:

- A) Performers in film or television productions that are subsidised by a government in Australia;
- B) Performers in film or television productions that are not subsidised by a government in Australia;
- C) Performers not in film or television (i.e. live performances);
- D) Production roles other than as a performer (e.g. director, camera crew etc.);
- E) Support staff for an entertainer or group of entertainers (e.g. makeup artists, hairdressers, stylists etc.);
- F) Non-profit engagements; and
- G) Documentaries and commercials made for a market outside Australia.

Some explanation of the requirements for each category of subclass 408 visa is set out below. If in doubt about your eligibility you should make enquiries via email to a qualified immigration adviser or the Department of Immigration and Border Protection (DIBP) (see useful contacts on last page of this document).

WHAT THIS VISA ALLOWS YOU TO DO

With this visa an individual or a group can:

- Stay and work in the entertainment industry in Australia for an extended period;
- Undertake the work or activity specified in the visa application; and
- Bring family members (eligible additional applicants) to Australia. (Note: additional applicants attract an increased fee).

More detailed information about this visa can be found on DIBP's website: www.border.gov.au/trav/visa-1/408-

WHAT STEPS ARE INVOLVED IN APPLYING FOR A TEMPORARY ACTIVITY VISA?

The following is an overview of the main steps involved in applying for an Temporary Activity visa. The process for the grant of an Temporary Activity visa involves:

- Having a person or Australian entity become an approved sponsor if the stay is no more than three months;
- Consulting with, in most cases, the Media, Entertainment and Arts Alliance, or the Australian Directors Guild (categories A-E, inclusive);
- Making an application to the Department of Communications and the Arts (a government agency) for the importation of foreign performers (categories A & B);
- Having the approved sponsor nominate the entertainment personnel if the stay is more than three months; and
- Having the entertainment personnel lodge a visa application.

AUSTRALIAN SPONSORS AND SUPPORTERS

All activities for the Temporary Activity visa (subclass 408) require sponsorship where the visa applicant is outside Australia and intends to stay for three months or more or is in Australia at the time of the application.

If the stay is less than three months, the individual or organisation in Australia who is responsible for the events or activities, must meet the Support test.

To **sponsor** an entertainer you must be:

- an Australian organisation that is lawfully established and operating in Australia;
- an agency of the Australian Government or an Australian state or territory government; or
- a foreign government agency operating in Australia.

Please note:

- If you were approved before 19 November 2016 as an entertainment sponsor, you would be able to use this approval to sponsor a Subclass 408 Temporary Activity visa applicant during the transitional period to 19 May 2017 or until your approval ceases (whatever is earlier).

From 19 May 2017 you would need to apply online for approval as a temporary activities sponsor.

To be a temporary activities sponsor, you must lodge your application online. For information on how to do this go to www.border.gov.au/immiaccount

To **support** an entertainer you must be:

- an Australian organisation that is lawfully

- established and operating in Australia;
- an agency of the Australian Government or an Australian state or territory government;
- a foreign government agency operating in Australia; or
- an Australian citizen, Australian permanent resident or eligible New Zealand citizen who is usually resident in Australia.

To meet the support test, an individual or organisation must:

- have nothing adverse known about you or a person or organisation associated with you, unless it is reasonable to disregard that information; and
- provide a letter of invitation (if an organisation - on the organisation's letterhead) which identifies:
 - the visa applicant and any family members travelling with them
 - the event/s, activity or work in which the applicant will be involved
 - the duties in relation to event/s, activity or work the applicant will be involved
 - the date/s, location/s of the event/s activity or work.

You do not need to lodge an application to be a supporter. You must provide all the documents mentioned in the document checklist to the visa applicant to submit with their visa application, which they make online.

For information on how to do this go to www.border.gov.au/immiaaccount

CONSULTATION WITH THE UNION - CATEGORIES A-E, INCLUSIVE

A sponsor and supporter, must consult with the relevant Australian union in relation to the employment or engagement of overseas personnel. The relevant Australian unions are the Media, Entertainment & Arts Alliance (MEAA) for actors & crew; the Australian Directors Guild (ADG) for directors; and the Musician's Union of Australia for musicians & conductors.

Matters that the unions are concerned with include whether the overseas personnel will receive remuneration and be afforded working terms and conditions, including accommodation, travel and transport within Australia and per diems, no less favourable than those contained in the relevant Australian award/agreement.

MEAA and the ADG have published a schedule of fees and a requested list of documents.

You may wish to contact MEAA and the ADG to discuss the requirements, or contact Screen Producers

Australia, if you are a member of a similar industry association in your home country.

SPONSOR AND SUPPORTER MUST APPLY TO THE DEPARTMENT OF COMMUNICATIONS AND THE ARTS FOR A CERTIFICATE TO IMPORT FOREIGN ACTORS - CATEGORIES A & B

This requirement is to ensure relevant Australian content criteria have been met for Australian subsidised screen productions or that Australians have been given a reasonable opportunity to participate in all levels of the production for unsubsidised productions.

Foreign performer importation guidelines and application forms for certificates can be obtained at www.arts.gov.au/publications/guidelines-entry-australia-foreign-actors-purpose-employment-film-and-television-productions

Once a sponsor and supporter has received a written opinion from the union, they can apply to the Foreign Actor Certification Scheme Desk Officer (through the [Department of Communications and the Arts website](http://www.arts.gov.au)).

Where the union does not support the application (or has not provided a letter of opinion at all) within 14 days, the Department of Communications and the Arts may take this into consideration.

LOGGING AN APPLICATION

Visa applications must be made online. Applicants and agents can access online services by creating an *ImmiAccount*. For information on how to do this go to www.border.gov.au/immiaaccount

The applicant will need to provide documents to prove the claims made in the application.

If the stay in Australia is for three months or less these are:

- A letter from the organisation or individual in Australia who is responsible for the events or activities the applicant will be undertaking (if an organisation – the letter must be on the organisation's letterhead) which identifies:
 - the visa applicant and any family members travelling with them;
 - the event/s, activity or work the applicant will be involved;
 - the duties in relation to event/s, activity or work the applicant will be involved; and
 - the date/s, location/s of the event/s activity or work.

If the stay is for more than three months these are:

- Evidence that the sponsorship application has been lodged or approved, such as:
 - sponsorship application ID number or sponsorship Transaction Reference Number (TRN); or
 - a sponsor approval letter.
- A written statement from the sponsor that they will meet the sponsorship obligations for all dependent family members included in the application.

Whether being supported or sponsored the following documentation will also be required:

- Copies of the deal memo/contract for each applicant;
- Evidence of consultation with the relevant union, where required;
- A Department of Communications and the Arts Certificate to Import Foreign Actors for a Film or Television Production (where required);
- Evidence that each applicant holds private health insurance;
- A copy of each applicant's curriculum vitae;
- A copy of each applicant's itinerary; and
- A copy of each applicant's biographical passport page.

Most applicants will have to pay the visa application charge when lodging their online application.

WHAT WILL IT COST?

Most stages of the visa process attract a fee. The cost of visas and sponsorship services will vary depending on the size of the production, the number of people you are importing and the complexity of the requirements for each person. Advice on current rates for DIBP fees can be found at www.border.gov.au/trav/visa/fees

HOW LONG WILL IT TAKE?

The following is a rough guide to the time required to process each stage of the visa application process (based on foreign actor application):

- MEAA consultation - 14 days for performers and 5 working days for other personnel
- Department of Communications and the Arts certificate - 5 working days

BUSINESS TRAVEL

There are three visas that you can apply for online to visit Australia for tourism or business visitor activities.

- Electronic Travel Authority (subclass 601)
- eVisitor (subclass 651)
- Visitor visa (subclass 600)

Tourism includes holidays, recreation and seeing family and / or friends.

Business visitor activities may include attending a conference, negotiation or an exploratory business visit.

ELECTRONIC TRAVEL AUTHORITY

This visa lets you visit Australia:

- to visit for business visitor purposes
- as many times as you want, for up to a year
- and stay up to three months for each visit

You might be able to apply for this visa if you are outside Australia and are a passport holder of a certain country. See www.border.gov.au/Trav/Visa-1/601-

E-VISITOR

This visa lets you visit Australia for visitor or business visitor purposes for up to three months in a 12 month period.

You might be able to apply for this visa if you are outside Australia and are a passport holder of a certain country. See www.border.gov.au/Trav/Visa-1/651-

VISITOR VISA

This visa lets you visit Australia for visitor, family visit or business visitor purposes for up to three, six or 12 months.

You might be able to apply online for this visa if you are outside Australia and are a passport holder of a certain country. If you cannot apply online you can lodge a paper application.

See www.border.gov.au/Trav/Visa-1/600-



USEFUL CONTACTS

GOVERNMENT

DEPARTMENT OF IMMIGRATION & BORDER PROTECTION

Australian Immigration Offices - International
For enquiries made from outside Australia go to
www.border.gov.au/about/contact/offices-locations

Australian Immigration Offices - within Australia
www.border.gov.au/about/contact/offices-locations/australia

DEPARTMENT OF COMMUNICATIONS & THE ARTS

www.arts.gov.au/what-we-do/screen

UNION

MEDIA, ENTERTAINMENT & ARTS ALLIANCE (MEAA)

+61 7 3846 0044
www.meaa.org/imports

AUSTRALIAN DIRECTORS GUILD (ADG)

+61 2 9555 7045
www.adg.org.au

SCREEN PRODUCERS AUSTRALIA (SPA)

+61 2 9360 8988
www.screenproducersaustralia.org.au

ENTERTAINMENT VISA ADVICE & PRODUCTION SUPPORT

FOX PRODUCTION SERVICES

+ 61 2 9383 4200
lynda.carruthers@foxaus.com
www.foxstudiosaustralia.com

DWA ENTERTAINMENT LAWYERS

+ 61 414 825 165
david.whealy@dwlaw.com.au
www.dwalaw.com.au