

## VISA UPDATE

Gute Neuigkeiten - Regisseure, DoPs und Fotografen aus visumfreien Ländern müssen vor ihrer Ankunft in Südafrika kein Visum mehr beantragen.

Das südafrikanische Department of Home Affairs hat vereinbart, dass Regisseure, DoPs und Fotografen nun in die "Oversight" -Liste aufgenommen werden. Dies bedeutet, dass sie, sofern sie aus einem visumfreien Land stammen (z. B. Großbritannien, USA, Deutschland, Frankreich, Schweden usw.) ein FIVA \* Aufsichtsschreiben erhalten, das sie bei der Ankunft in Südafrika vorlegen. Sie müssen nicht mehr zur südafrikanischen Botschaft gehen und ein Visum im Voraus beantragen!

\* FIVA - Filmindustrie Visa Assistance

Visa werden wie üblich für alle Reisenden aus nicht visumsbefreiten Ländern sowie für Schauspieler und andere spezifische Besatzungsmitglieder benötigt, die immer noch als "Spezialisten" angesehen werden (wie ADs, Choreografen, Stylisten usw.).

Mehr dazu unter: <http://cpasa.tv/2324-2/>

Stand 2018



Thursday, 20 March, 2018

## **Changes to requirements for obtaining Visas**

As per the new directive, Directive 4 of 2018, the following additional waivers have been granted to applicants who apply with the CPA/SAASP/NAMA letter in hand:

### **1. Wording on Visas**

The Directive instructs missions to endorse s11.2 & s11.1.b.iv visas with the following wording: "To be Admitted for 90 days / 1095 days to conduct work in the Film/Modeling Industry" and to not list the specific company name on the visa.

Please note the provision here is that visa holders of these visas must obtain a letter from FIVA through a registered FIVA company for each travel and this letter must be presented at port of entry.

The Department allowed this concession only on the basis that Fiva will always be able to inform the Department when the applicant is in the Country and for which company he/she is working at that point.

This is a major concession as no other industry is afforded this waiver, if applicants are found to be abusing this waiver by subsequently working in SA without obtaining a Fiva letter for each travel they will be reported to the Department of Home Affairs with the request to consider revoking such a visa.

Please note should Model Agencies prefer to see their name on the Vis they need to request in writing to the relevant mission in a letter that accompanies the applicant that they prefer not to make use of this waiver and that the company name please be displayed on the Visa.



## 2. Place of Application

The Department has recognized that our applicants often find themselves outside their home Country and currently the Immigration regulations stipulate that you may not apply outside your home Country unless you can provide long term residence in the Country you find yourself in – or unless you can provide good cause why you are not applying in your home Country. The Good Cause clause is open for interpretation at the moment and has thus been hard to motivate to most embassies.

The Directive 4 of 2018 instructs embassies to apply the good cause principle if presented with a Fiva letter.

Please note however if your applicant is currently filming in the country they find themselves in illegally – i.e they don't have the correct visa type for that country, then the application will not be accepted. It is important to note here that you cannot for instance be a UK citizen filming in the USA on a normal business visa.

## 3. Additions to the Oversight Category

This point took much careful negotiation and was granted on the basis that a transfer of skills is taking place and that these three job categories will have a South African Assistant to which they can transfer their skill in most cases. Although it is not an absolute requirement, the fact that the assistants to these categories will need to obtain s11.2 work authorization will hopefully encourage both South African and International companies to opt for South African assistants to these categories.

Immigration Directive 4 of 2018 states that " by the nature of their functions the following additional designations to the categories are defined as Oversight Travelers: Director, Director of Photography and Photographers. In Line with Errata: Immigration Directive 30 of 2014 those categories previously listed as Oversight travelers remain in Place"



This means that for longform & commercial projects 90 days or shorter, Directors & Directors of Photography from Visa Exempt Countries will not need to obtain s11.2 work authorization and they may proceed directly to port of entry as long as they have a valid letter from FIVA.

They will be issued with s11.1.a visitors visas, but on the basis that they must present the FIVA letter at port of entry and that they have declared they are here to oversee a production. This waiver does naturally not apply to these categories without the FIVA letter and the waiver does also not apply to projects longer than 90 days.

The Same applies for Still Photographers working on Stills Productions.

Please note that if these categories are from Visa Non Exempt Countries they would still need to present in person to a South African Mission but could then just apply for a normal s11.1.a visitor's visa.

For stays longer than 90 days these applicants like all oversight travelers must apply for s11.1.b.iv visitors visas with work authorization in person at a South African Mission.

#### **4. S11.2 – S11.1.b.iv**

Please note, excluding oversight category, that the department has decided that if you have previously obtained an s11.2 work authorization – you will now be obliged to apply for s11.1.b.iv work authorization for your next trip to SA.

The clause reads: “ Please note that applicants who have been issued with Port of Entry visas before must be issued with Multiple entry visas for a period up to three years and may re apply for these visas multiple times once these have expired”

Note please that because of point 1 above these visas will be valid to work for any FIVA registered company within this period providing they obtain a FIVA letter for each trip to SA.



These visas however do carry the additional requirement of Medical report, Radiological Report & Police clearance.

## 5. Application timeframes

The embassies are still under immense pressure to handle the volumes of applications for s11.2 & s11.1.b.iv, the Department has thus included in Immigration Directive 4 of 2018 the following clause:

“Missions are encouraged to process applications accompanied by a CPA/SAASP/NAMA letter within 5 working days, but a maximum of 10 working days”

In essence what this means is that your s11.2 could be pushed up to 10 days max at certain missions – it also means however that the application period for s11.1.b.iv which currently in some countries is 30 working days, will be reduced to 10 working day maximum.

You will note however that we are with this directive moving away from regular issuing of s11.2 visas and these are only really going to become common place for people who only travel to South Africa as a once off.

With the introduction of Director DOP Photographer as Oversight however in addition to Client, Agency & International Production, the amount of crew you need to bring in on s11.2 or s11.1.b.iv has been greatly reduced.

Please feel free to contact our office should anything in this communication be unclear.

Sincerely

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Film Industry Visa Assistance NPC Reg. no: 2017/536130/08

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