

DIAC DIAC on
union committee

DIAC advice re
process to amend Migration Regulations

Sircar, Sanjay

From: Richards, Stephen
Sent: Friday, 19 June 2009 1:58 PM
To: Glenn, Raelene; Sircar, Sanjay
Subject: DIAC process for regulatory amendments [SEC=UNCLASSIFIED]

Categories: UNCLASSIFIED

Paul Murray (DIAC, Specialist Entry Section, Education and Tourism Branch, Migration and Visa Policy Division, 6264 3591) called to outline DIAC protocols for regulatory amendments.

I indicated an "action arising" from the 15 May meeting of our guidelines review working group, which included 2 DIAC officers, was that DIAC would provide DEWHA with advice on DIAC's process for amending regulation.

Re DIAC's process, Paul advised:

- DIAC regularly reviews and amends the Migration Regulations - it effectively takes forward 1-2 omnibus amendment packages each year.
- The process can take up to 12 months. For example:
 - To have amendments go forward for incorporation in omnibus package that is scheduled to come into effect in March-April 2010, the proposed start of the formal amendment process within DIAC starts on 10 July with submission of proposal for consideration for inclusion in omnibus package of amendments. Internal process culminates lodgement of package of amendments for Ministerial approval in November with Ministerial approval expect within one calendar month. For amendments involving systems or IT changes the internal process can be even longer.
 - More routine amendments can be delayed if higher priority amendments require urgent action - any amendment to the foreign actor/entertainment visa regulations were likely to be considered lesser priority amendments
 - Prior to internal consideration, any proposal from an external agency/stakeholder would need to be discussed and agreed with DIAC in the first instance. This process might reasonably take a further 2-4 months.
 - Manner of such approach, most likely initially direct with relevant DIAC action officers, but for other Commonwealth agencies there may be a need for relevant Minister to write to Immigration Minister raising issue/seeking consideration of amendment. DIAC and relevant agency can discuss best way of getting it formally on DIAC agenda on case by case basis.

I advised Paul we were not at the stage of seeking regulatory amendments - we hoped to be able to address stakeholder issues through amendments to the guidelines - but if it was considered necessary to do so, we would engage with DIAC as soon as possible. In the meantime I indicated to DIAC we would keep them in the loop on how things were progressing through the working group we'd set up with industry stakeholders to review the guidelines.

heers

Stephen

s22

Stephen Richards
Manager - Film Incentives & International
tel: 61-2-62759645
fax: 61-2-62759659

s47F

e-mail: stephen.richards@environment.gov.au
web: www.arts.gov.au

Sircar, Sanjay

From: Richards, Stephen
Sent: Tuesday, 16 June 2009 6:02 PM
To: 'paul.murray@immi.gov.au'
Cc: 'james.rea@immi.gov.au'; Glenn, Raelene; Sircar, Sanjay
Subject: Review of foreign actor certification guidelines - opportunity to discuss process involved in amending Migration Regulations [SEC=UNCLASSIFIED]

Importance: High

Categories: UNCLASSIFIED
Attachments: Meeting Outcomes - May 2009.doc

Paul

As discussed earlier this afternoon, I'd like to talk to you about the process DIAC would need to follow if it were proposed to amend the Migration Regulations.

The foreign actor certifications are administered by DEWHA. They give effect to Migration Regulations 420.222(2) and (3). We are reviewing them to provide further clarity and transparency to industry stakeholders about what they cover and how they operate. The draft record of a meeting with stakeholders to discuss possible amendments to the guidelines sets this out in further detail. Your colleagues James Rae and Colleen Santinon attended this meeting. I am contacting you as Colleen identified you as the DIAC action officer on this issue in her absence.

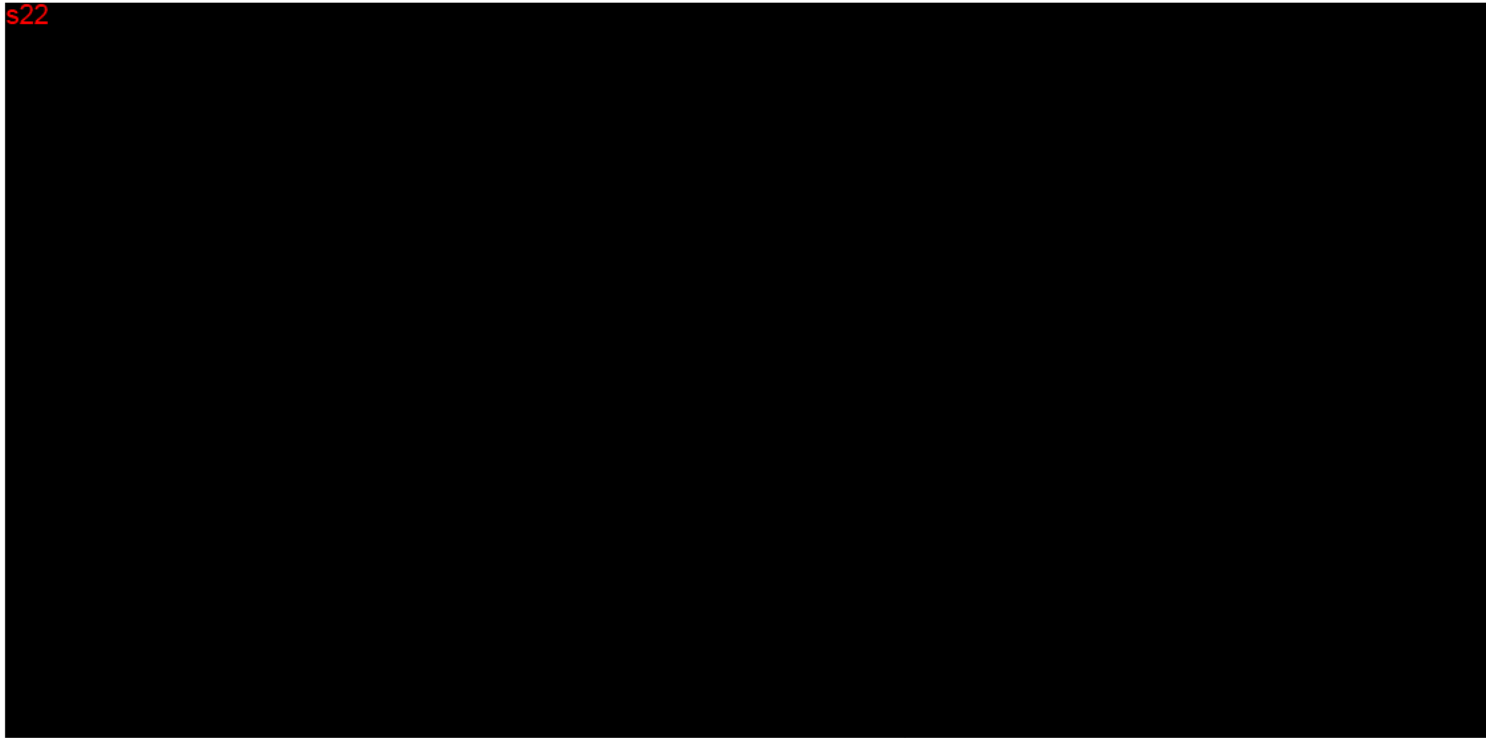
We are mindful that DIAC is the responsible agency for the Migration Regulations and any potential regulatory amendments. We are not necessarily proposing any amendments to the Migration Regulations - we hope all issues raised by our review can be addressed by amendment of our guidelines rather than the Migration Regulations. However, we would like to understand what is involved in the process from a DIAC perspective in case industry stakeholders involved in our review of foreign actor guidelines identify options to address issues that involve possible amendment of the Migration Regulations. The action arising item under issue 1 of the attached record indicates this is something we'd like to discuss with you, and was something James and Colleen agreed DEWHA and DIAC should discuss bilaterally in the first instance.

I understand you are out of the office today, but would appreciate the opportunity to discuss this matter with you later in the week.

Cheers

Stephen

s22



Sircar, Sanjay

From: Richards, Stephen
Sent: Wednesday, 17 June 2009 3:39 PM
To: 'paul.murray@immi.gov.au'
Cc: kathryn.wilkin@immi.gov.au; Sircar, Sanjay; Glenn, Raelene
Subject: RE: Review of foreign actor certification guidelines - opportunity to discuss process involved in amending Migration Regulations [SEC=UNCLASSIFIED]

Categories: UNCLASSIFIED
Attachments: foreign-actors-guidelines-june09.pdf

Paul - our guidelines are attached. You can also find them on the following link
http://www.arts.gov.au/film/film_foreign_actors_for_film_or_television. Cheers - Stephen



foreign-actors-
guidelines-june..

-----Original Message-----

From: paul.murray@immi.gov.au [mailto:paul.murray@immi.gov.au]

Sent: Wednesday, 17 June 2009 3:06 PM

To: Richards, Stephen

Cc: kathryn.wilkin@immi.gov.au

Subject: Re: Review of foreign actor certification guidelines - opportunity to discuss process involved in amending Migration Regulations [SEC=UNCLASSIFIED]

Hi Richard,

Is it possible to get a copy of the guidelines you currently use?

Regards

Paul Murray
Specialist Entry Section
Education and Tourism Branch
Migration and Visa Policy Division
Department of Immigration and Citizenship
Ph: 02 6264 3591
Fax: 02 6264 2632

"Richards,
Stephen"
<Stephen.Richards
@environment.gov.
au>

16/06/2009 06:01
PM

To
paul.murray@immi.gov.au
cc
james.rea@immi.gov.au, "Glenn,
Raelene"
<Raelene.Glenn@environment.gov
.au>, "Sircar, Sanjay"
<Sanjay.Sircar@environment.gov
.au>

Subject
Review of foreign actor
certification guidelines -
opportunity to discuss process
involved in amending Migration
Regulations [SEC=UNCLASSIFIED]
Protective Mark

Paul

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The foreign actor certifications are administered by DEWHA. They give effect to Migration Regulations 420.222(2) and (3). We are reviewing them to provide further clarity and transparency to industry stakeholders about what they cover and how they operate. The draft record of a meeting with stakeholders to discuss possible amendments to the guidelines sets this out in further detail. Your colleagues James Rae and Colleen Santinon attended this meeting. I am contacting you as Colleen identified you as the DIAC action officer on this issue in her absence.

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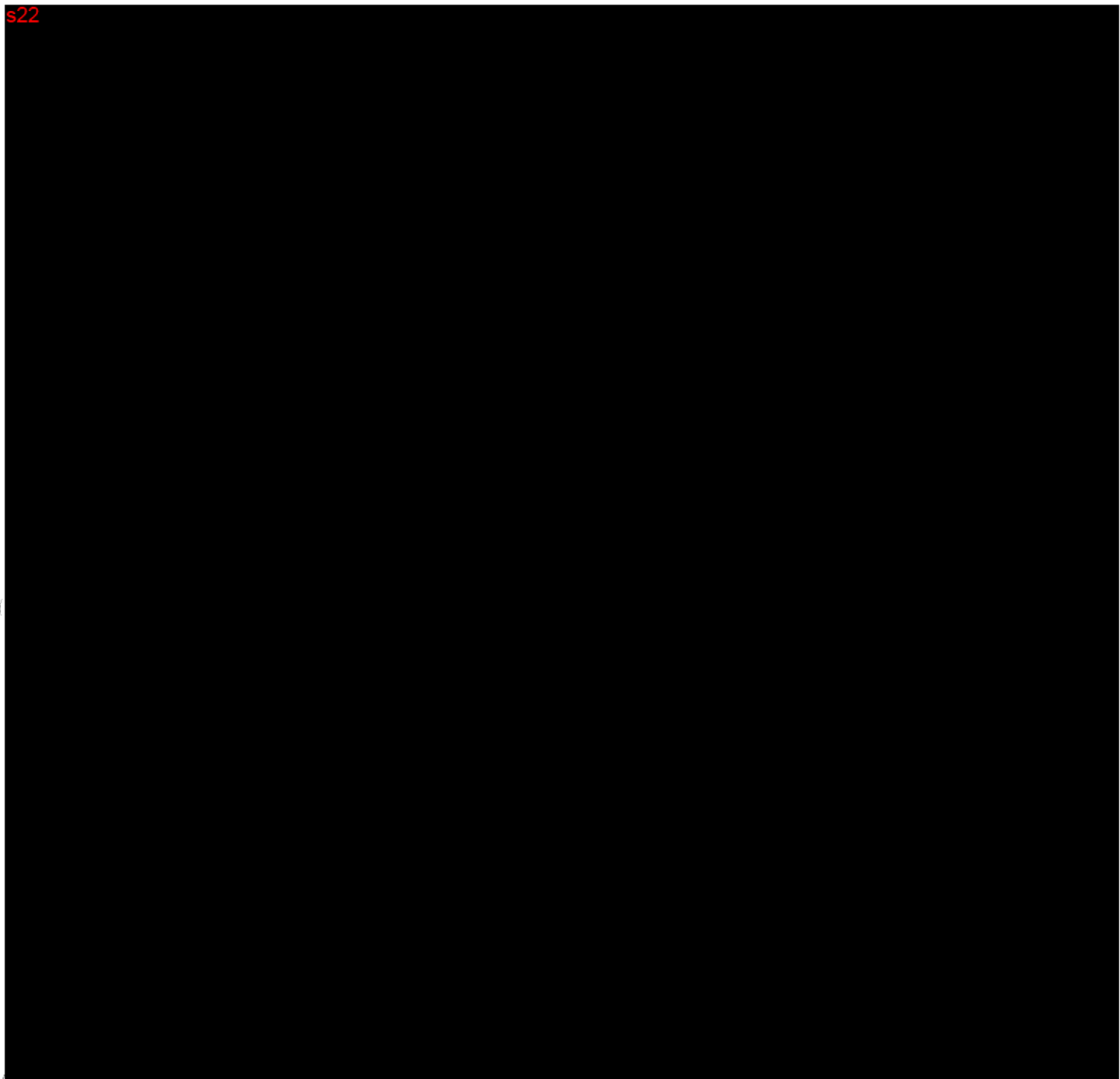
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Cheers

Stephen

s22





Sircar, Sanjay

From: Richards, Stephen
Sent: Friday, 26 June 2009 1:51 PM
To: 'bethwyn@spaa.org.au'
Cc: Glenn, Raelene; Sircar, Sanjay
Subject: FW: Canadian and New Zealand immigration reference points [SEC=UNCLASSIFIED]
Categories: UNCLASSIFIED
Attachments: 20090506145255958.pdf; ATT6103227.htm; 20090506145247220.pdf; ATT6103228.htm

Bethwyn - Thanks for these. These are the same NZ and Canada documents we have been working from. When you see the drafts next month, particularly the one setting out the options for flexibility/exceptional circumstances under which Australia could allow foreign actors to enter, you'll see we are trying to include these sorts of elements from the NZ and Canadian systems (and the UK system you sent through earlier). And also as discussed, when we circulate the draft on genres covered by the guidelines we'll be asking SPAA and other working group members for comments on the preliminary work arising as a result of DEWHA's discussions with MEAA on this issue. Cheers s22 - Stephen

From: Bethwyn Serow [mailto:bethwyn@spaa.org.au]
Sent: Friday, 26 June 2009 12:59 PM
To: Richards, Stephen
Subject: Canadian and New Zealand immigration reference points

Hi Stephen,

I note you are reviewing the NZ Canadian processes to..

This the the New Zealand reference website you're working form :

<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/requirements/specificpurpose/performingartistsfilmindustry.htm>

Performing artists, entertainers and film industry personnel – requirements

We have specific evidence requirements for:

- * entertainers, performing artists and support people
- * film and video production and post-production crews, producers and directors.

If you work in one of these fields, your employer needs to prove to us that:

- * you are of international distinction or merit or
- * you are of an ethnicity significant to the work or
- * you are otherwise essential to the event.

Your employer (or New Zealand promoter, agent or producer) must provide this evidence to us at least 10 days before the event, with:

- * your personal details – full names, nationality, date and place of birth and
- * evidence your employment will not put at risk the employment of New Zealand entertainers or

29/06/2009

professionals in equivalent work, unless the wider benefits to New Zealand of employing you outweigh the loss of job opportunities and

- * evidence they have considered employing appropriately qualified or experienced New Zealanders and

- * a written guarantee that your accommodation needs will be met, and that the cost of travel back to your home country will be met if necessary.

You will also need to show that your employer has provided the information above to the relevant New Zealand performer's union or professional association at the same time it is provided to us. The unions or associations have three working days to notify us if they object to your employment. If there is no objection we may then grant you a work visa or permit.

If there is an objection, we will consult with the parties involved to attempt to resolve the disagreement as soon as possible.

Find out which unions and associations may be involved with your application.

Canadian web link we've worked through is:

http://www.rhdcc-hrsc.gc.ca/eng/workplaceskills/foreign_workers/entertainment.shtml

Also, attached is a copy of the criteria for obtaining a foreign work permit, in a condensed and simplified form, from the Ontario Media Development Corporation (OMDC) 2009 Production Guide.

And finally, attached is a sample foreign worker permit application form completed with generic answers as to what HRSDC is accustomed to receiving from our industry.

ACTORS EQITY NZ procedures:

Information for Sponsors of Non-New Zealand Entertainers and Performers

(at: <http://www.actorsequity.org.nz/importing-performers>)

Tuesday, 02 September 2008 16:40

All overseas entertainers and performing artists (except Australian citizens or residents) who intend to engage in any form of private or public performance in NZ or work on any film, television or video production in NZ must apply for a work visa. Before you apply for a work visa though, your promoter, agent or producer will need to provide Immigration NZ (Te Ratonga Manene) <<http://www.immigration.govt.nz>> with evidence that the agreement of the appropriate NZ union or professional association has been obtained for your entry.

NZ Equity is the appropriate union with regards to all performing artists (except for performers who solely play musical instruments and support personnel) including: singers; singer/musicians; actors; stunt performers, puppeteers, dancers; models; any performer appearing on screen; comedians and magicians. NZ Equity is also the appropriate union with regards to the support personal for live performance (except for support personnel for performers who solely play musical instruments). For other categories see list below:

- For all performing artists go to 1. Process for Performing Artists
- For models go to 2. Process for Models
- For performers who solely play musical instruments and support personnel see:

Divisional Head

Musicians Branch of the Service and Food Workers Union

Private Bag 68-914, Newton, Auckland 1032

Phone: (Bus Hrs): +64 9 375 2683 (ext 830)

Phone: (After Hrs): +64 9 834 3382

Mobile: +64 025 793 644

Fax (Bus Hrs): +64 9 375 2681

Fax (After Hrs): +64 9 834 5997

Email: peter@sfwu.org.nz

- For film and television production crew except producers and directors see:

The Administrator

The New Zealand Film and Video Technicians Guild Inc

PO Box 68 294, Newton, Auckland, New Zealand

Phone: +64 9 3022 022

National Freephone: 0800 832 467

Fax: +64 9 3022 025

Email: info@nztecho.com

Web: <http://www.nztecho.com/>

- For screen producers see:

The Executive Director
Screen Producers and Directors Association of New Zealand
PO Box 9567
Te Aro
Wellington
Phone: +64 4 802 4577
Fax: +64 4 385 8755
Email: Info@spada.co.nz

- For screen directors see:
The Executive Director
Screen Directors Guild of New Zealand
PO Box 47-294
Auckland 1034
New Zealand
Phone: +64 9 360 2102
Fax: +64 9 360 2107
Email: info@sdgnz.co.nz
Web: www.sdgnz.co.nz
- For those wishing to enter New Zealand for scouting purposes you will need a Visitor Visa: <http://www.immigration.govt.nz/migrant/stream/visit/>

Australian citizens and residents – Australian citizens are able to work without a work permit in New Zealand under Immigration New Zealand Law.

Consultation Fee for NZ Equity – See consultation fees on the appropriate page

Confidentiality – Provision of all information to NZ Equity is treated with strict confidentiality.

1. Process for Performing Artists

Applications for visas are made to Immigration New Zealand, either in a New Zealand office, or through the nearest embassy or High Commission.

a. Immigration New Zealand

- The correct visa for all overseas entertainers, performing artists, film and video production crew, and associated support personnel, who intend to engage in any form of private or public performance in NZ or work on any film, television or video production in NZ is a temporary work visa:
<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/>
- Information regarding steps to applying with Immigration New Zealand can be found at:
<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/howdoiapply/>;
- Performers fall within the Specific Purpose or Event Policy at:
<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/howdoiapply/specificpurposeorevent/>
- The special evidence requirements for entertainers and performing artists are here:
<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/requirements/specificpurpose/performingsrtistsfilmindustry.htm>

- If you are overseas, your application must be made and approved before you travel to New Zealand:
<http://www.immigration.govt.nz/migrant/stream/work/skilledmigrant/LinkAdministration/ToolboxLinks/officeandfeescalculator.htm>
- If you are in New Zealand, you must send your application to your nearest Immigration New Zealand Branch:
<http://www.immigration.govt.nz/migrant/general/aboutnzs/contactus/default.htm>.
- All Immigration New Zealand enquiries should be directed to Immigration New Zealand at:
 - Outside of New Zealand: +64 9 914 4100
 - Within New Zealand but outside of Auckland: 0508 558 855
 - From Auckland: 09 914 4100

b. New Zealand Equity

- In order to show that your application meets the requirements of the NZ Government in Respect to Overseas Performers you will need a letter from NZ Actors' Equity saying that Equity does not object to the overseas national being given a work visa;
- It is advisable to commence discussions with Equity as early as possible, NZ Equity is given 10 working days to process the application.
- If the performance includes performers who play musical instruments, you must get a letter from the Musicians' Union (contact details are here <Page 1>) stating they have no objection to these musicians being given a work visa. However all singers and singer/musicians must consult with NZ Equity;
- NZ Immigration policy states that:

Employers, promoters, agents or producers must provide, and visa and immigration officers must be satisfied with, the following evidence and information:

- adequate evidence that the applicant is of international distinction or merit, or particular ethnic significance, or is manifestly essential to the presentation or production; and
- adequate evidence that the applicant's employment does not put at risk the employment of New Zealand entertainers or professionals in equivalent work unless the wider benefits to be obtained from the applicant's employment outweigh the loss of job opportunities for New Zealanders; and
- adequate evidence that they have given appropriate consideration to employing available New Zealand entertainers or professionals;
- To facilitate the consultation process it is necessary to provide NZ Equity with the following information:
 - A letter outlining the reason for importing the overseas performer including:
 - Full name of the performer applying as completed on your Immigration NZ Application to Work In New Zealand Form;
 - The applicants role in the production;

- The expected dates of arrival and departure in New Zealand as completed on your Immigration NZ Application to Work In New Zealand Form;
 - Names of all cast being brought in from overseas;
 - Names of cast to be engaged locally;
 - In the case of performers filling roles with specific ethnic characteristics: A script showing that there are specific ethnic characteristics required for the acting role. NB: There are a number of US and UK accented actors and actors competent in performing with those accents in New Zealand, so accent requirements are not necessarily sufficient grounds for bringing in an overseas performer;
 - In the case of claims that there will be an overall benefit to the New Zealand industry: you must give details of the significance of the opportunities offered to locals;
 - In the case of feature films, telemovies and information regarding the size of the foreign investment on the production – note that all information provided to NZ Equity will be treated with the strictest of confidence; Any further evidence that the applicant's employment does not put at risk the employment of NZ performers.
- A copy of the overseas performer resume/cv;
 - If the application is being made on the basis of inability to cast the role with a New Zealand performer: details of the casting process which has been unsuccessful in finding suitable qualified New Zealanders including:
 - Casting Director's name;
 - the character breakdown sent to agents;
 - List of agents contacted;
 - List of agents suggestions;
 - List of those auditioned
 - Reasons why each audition participant not cast
- Contact details for NZ Equity to send all information and all work visa enquiries and consultations:
 Tel: +64 (0)9 360 1980
 Fax: +64 (0)9 360 1970
 Email: < members@actorsequity.org.nz >
 - NZ Equity will advise in writing whether, in its view, the application complies with Immigration Regulations.
 - Where NZ Equity objects to an application, best endeavours are made to resolve the dispute with the sponsor. If resolution cannot be reached Immigration NZ will then attempt to mediate the dispute or refer the dispute to the Minister of Immigration.

Australian citizens and residents – Australian citizens are able to work without a work permit in New Zealand under Immigration New Zealand Law.

Consultation Fee for NZ Equity – Overseas performers are subject to a processing fee payable of NZ\$40.00 plus GST

Where a producer seeks a letter of non-objection urgently, the fee payable is NZ\$160 plus GST.

Confidentiality – Provision of all information to NZ Equity is treated with strict confidentiality.

Last Updated (Monday, 09 March 2009 17:06)

MAIN MENU

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Web Links
Importing Performers



NZ Actors' Equity is a fully-funded autonomous part of the Media, Entertainment & Arts Alliance.

SPIF PETITION

NZ Actors' Equity has raised serious concerns that New Zealand performers have not been considered in the development of the new Screen Production Incentive Fund.

[Download our submission to the Ministry of Culture and Heritage here.](#)

FROM THE MAGAZINE

Conartist
No Place Like Downstage

Home ► Importing Performers

Information for Sponsors of Non-New Zealand Entertainers and Performers

Tuesday, 02 September 2008 16:40

All overseas entertainers and performing artists (except Australian citizens or residents) who intend to engage in any form of private or public performance in NZ or work on any film, television or video production in NZ must apply for a work visa. Before you apply for a work visa though, your promoter, agent or producer will need to provide Immigration NZ (Te Rālonga Manene) <<http://www.immigration.govt.nz>> with evidence that the agreement of the appropriate NZ union or professional association has been obtained for your entry.

NZ Equity is the appropriate union with regards to all performing artists (except for performers who solely play musical instruments and support personnel) including: singers; singer/musicians; actors; stunt performers; puppeteers; dancers; models; any performer appearing on screen; comedians and magicians. NZ Equity is also the appropriate union with regards to the support personnel for live performance (except for support personnel for performers who solely play musical instruments). For other categories see list below:

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For models go to 2. Process for Models

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Divisional Head
Musicians Branch of the Service and Food Workers Union
Private Bag 68-914, Newton, Auckland 1032
Phone: (Bus Hrs): +64 9 375 2683 (ext 830)
Phone: (After Hrs): +64 9 834 3382
Mobile: +64 025 793 644
Fax (Bus Hrs): +64 9 375 2681
Fax (After Hrs): +64 9 834 5997
Email: peter@sfwu.org.nz

For film and television production crew except producers and directors see:

The Administrator
The New Zealand Film and Video Technicians Guild Inc
PO Box 68 294, Newton, Auckland, New Zealand
Phone: +64 9 3022 022
National Freephone: 0800 832 467
Fax: +64 9 3022 025
Email: info@nztecho.com
Web: <http://www.nztecho.com/>

For screen producers see:

The Executive Director
Screen Producers and Directors Association of New Zealand
PO Box 9567
Te Aro
Wellington
Phone: +64 4 802 4577
Fax: +64 4 385 8755
Email: info@spada.co.nz

For screen directors see:

The Executive Director
Screen Directors Guild of New Zealand
PO Box 47-294
Auckland 1034
New Zealand
Phone: +64 9 360 2102
Fax: +64 9 360 2107
Email: info@sdgnz.co.nz
Web: www.sdgnz.co.nz

For those wishing to enter New Zealand for scouting purposes you will need a Visitor Visa:
<http://www.immigration.govt.nz/migrant/stream/visiv>

Australian citizens and residents
Australian citizens are able to work without a work permit in New Zealand under Immigration New Zealand Law.

Consultation Fee for NZ Equity
See consultation fees on the appropriate page

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YOUR ELECTED
EQUITY COMMITTEEARTS & THEATRE
NEWS

A splash of colour at
Fieldays
Brian Rudman: Let public
rule on whether to remove
Aotea Square fountain
Review: Liederabend at
Auckland Town Hall
Wendyl Nissen: If hubby
has his way, it'll be curtains
for us
Aussie artist's teen nudes
on display

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Applications for visas are made to Immigration New Zealand, either in a New Zealand office, or through the nearest embassy or High Commission.

a. Immigration New Zealand

The correct visa for all overseas entertainers, performing artists, film and video production crew, and associated support personnel, who intend to engage in any form of private or public performance in NZ or work on any film, television or video production in NZ is a temporary work visa: <http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/>

Information regarding steps to applying with Immigration New Zealand can be found at:

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Performers fall within the Specific Purpose or Event Policy at:

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The special evidence requirements for entertainers and performing artists are here:

<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/requirements/specificpurpose/performingartists/filmindustry.htm>

If you are overseas, your application must be made and approved before you travel to New Zealand:

<http://www.immigration.govt.nz/migrant/stream/work/skilledmigrant/LinkAdministration/Tocibox/Links/officeandfeescalculator.htm>

If you are in New Zealand, you must send your application to your nearest Immigration New Zealand Branch:

<http://www.immigration.govt.nz/migrant/general/aboutnzis/contactus/default.htm> .

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Within New Zealand but outside of Auckland: 0508 558 855

From Auckland: 09 914 4100

b. New Zealand Equity

In order to show that your application meets the requirements of the NZ Government in

Respect to Overseas Performers you will need a letter from NZ Actors' Equity saying that

Equity does not object to the overseas national being given a work visa;

It is advisable to commence discussions with Equity as early as possible. NZ Equity is given 10 working days to process the application.

If the performance includes performers who play musical instruments, you must get a letter from the Musicians' Union (contact details are here <Page 1>) stating they have no objection to these musicians being given a work visa. However all singers and singer/musicians must consult with NZ Equity;

NZ Immigration policy states that:

Employers, promoters, agents or producers must provide, and visa and immigration officers must be satisfied with, the following evidence and information:

adequate evidence that the applicant is of international distinction or merit, or particular ethnic significance, or is manifestly essential to the presentation or production; and

adequate evidence that the applicant's employment does not put at risk the employment of New Zealand entertainers or professionals in equivalent work unless the wider benefits to be obtained from the applicant's employment outweigh the loss of job opportunities for New Zealanders; and

adequate evidence that they have given appropriate consideration to employing available New Zealand entertainers or professionals;

To facilitate the consultation process it is necessary to provide NZ Equity with the following information:

A letter outlining the reason for importing the overseas performer including:

Full name of the performer applying as completed on your Immigration NZ Application to Work In New Zealand Form;

The applicants role in the production;

The expected dates of arrival and departure in New Zealand as completed on your Immigration NZ Application to Work In New Zealand Form;

Names of all cast being brought in from overseas;

Names of cast to be engaged locally;

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NB: There are a number of US and UK accented actors and actors competent in performing with those accents in New Zealand, so accent requirements are not necessarily sufficient grounds for bringing in an overseas performer;

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Equity will be treated with the strictest of confidence; Any further evidence that the applicant's employment does not put at risk the employment of NZ performers.

A copy of the overseas performer resume/cv;

If the application is being made on the basis of inability to cast the role with a New Zealand performer: details of the casting process which has been unsuccessful in finding suitable qualified New Zealanders including:

Casting Director's name;
the character breakdown sent to agents;
List of agents contacted;
List of agents suggestions;
List of those auditioned
Reasons why each audition participant not cast

Contact details for NZ Equity to send all information and all work visa enquiries and consultations:

Tel: +64 (0)9 360 1980

Fax: +64 (0)9 360 1970

Email: < members@actorsequity.org.nz >

NZ Equity will advise in writing whether, in its view, the application complies with Immigration Regulations.

Where NZ Equity objects to an application, best endeavours are made to resolve the dispute with the sponsor. If resolution cannot be reached Immigration NZ will then attempt to mediate the dispute or refer the dispute to the Minister of Immigration.

Australian citizens and residents

Australian citizens are able to work without a work permit in New Zealand under Immigration New Zealand Law.

Consultation Fee for NZ Equity

Overseas performers are subject to a processing fee payable of NZ\$40.00 plus GST
Where a producer seeks a letter of non-objection urgently, the fee payable is NZ\$160 plus GST.

Confidentiality

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2. Process for Models

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<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/howdoiapply/specilicpurposeorevent/>

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<http://www.immigration.govt.nz/migrant/general/aboutnzis/contactus/default.htm>

All Immigration New Zealand enquiries should be directed to Immigration New Zealand at:

Outside of New Zealand: +64 9 914 4100

Within New Zealand but outside of Auckland: 0508 558 855

From Auckland: 09 914 4100

b. New Zealand Equity

In order to show that your application meets the requirements of the NZ Government in Respect to Overseas Performers you will need a letter from NZ Actors' Equity saying that Equity does not object to the overseas national being given a work visa;

It is advisable to commence discussions with Equity as early as possible, NZ Equity is given 10 working days to process the application.

If the performance includes performers who play musical instruments, you must get a letter from the Musicians' Union (contact details above) stating they have no objection to these musicians being given a work visa. However all singers and singer/musicians must consult with

NZ Equity;

NZ Immigration policy states that:

Employers, promoters, agents or producers must provide, and visa and immigration officers must be satisfied with, the following evidence and information:

adequate evidence that the applicant is of international distinction or merit, or particular ethnic significance, or is manifestly essential to the presentation or production; and
adequate evidence that the applicant's employment does not put at risk the employment of New Zealand entertainers or professionals in equivalent work unless the wider benefits to be obtained from the applicant's employment outweigh the loss of job opportunities for New Zealanders; and
adequate evidence that they have given appropriate consideration to employing available New Zealand entertainers or professionals.

To facilitate the consultation process it is necessary to provide NZ Equity with the following information:

A letter outlining the reason for importing the overseas performer including:

Full name of the performer applying as completed on your Immigration NZ

Application to Work In New Zealand Form;

The expected dates of arrival and departure in New Zealand as completed on your Immigration NZ Application to Work In New Zealand Form;

Evidence of International Distinction or Merit: Adequate evidence that the applicant is of international distinction or merit by providing 5 tearsheets and a cv;

Letter of invitation from NZ Agent;

Proof of Repatriation;

Reciprocity Agreement:

That there is an actual placement of a NZ model with the International agent within 12 months unless there is a good reason for this not to occur eg a model can not afford to pay for the trip, the agency is of such a size or location, that there is no benefit to the model, the models health or safety is put at risk due to health epidemics etc

Letter of agreement from overseas agent.

Proof of One Confirmed Booking.

Contact details for NZ Equity to send all information and all work visa enquiries and consultations:

Tel: +64 (0)9 360 1980

Fax: +64 (0)9 360 1970

Email: <members@actorsequity.org.nz>

NZ Equity will advise in writing whether, in its view, the application complies with Immigration Regulations.

Where NZ Equity objects to an application, best endeavours are made to resolve the dispute with the sponsor. If resolution cannot be reached Immigration NZ will then attempt to mediate the dispute or refer the dispute to the Minister of Immigration.

Australian citizens and residents

Australian citizens are able to work without a work permit in New Zealand under Immigration New Zealand Law.

Consultation Fee for NZ Equity

Overseas models are subject to a processing fee payable of NZ\$60.00 plus GST

Confidentiality

Provision of all information to NZ Equity is treated with strict confidentiality.

Last Updated (Monday, 09 March 2009 17:06)

NZ Equity;

NZ Immigration policy states that:

Employers, promoters, agents or producers must provide, and visa and immigration officers must be satisfied with, the following evidence and information:

adequate evidence that the applicant is of international distinction or merit, or particular ethnic significance, or is manifestly essential to the presentation or production; and
adequate evidence that the applicant's employment does not put at risk the employment of New Zealand entertainers or professionals in equivalent work unless the wider benefits to be obtained from the applicant's employment outweigh the loss of job opportunities for New Zealanders; and
adequate evidence that they have given appropriate consideration to employing available New Zealand entertainers or professionals.

To facilitate the consultation process it is necessary to provide NZ Equity with the following information:

A letter outlining the reason for importing the overseas performer including:

Full name of the performer applying as completed on your Immigration NZ Application to Work In New Zealand Form;
The expected dates of arrival and departure in New Zealand as completed on your Immigration NZ Application to Work In New Zealand Form;

Evidence of International Distinction or Merit: Adequate evidence that the applicant is of international distinction or merit by providing 5 lettersheets and a cv;

Letter of invitation from NZ Agent;

Proof of Repatriation;

Reciprocity Agreement:

That there is an actual placement of a NZ model with the International agent within 12 months unless there is a good reason for this not to occur eg a model can not afford to pay for the trip, the agency is of such a size or location, that there is no benefit to the model, the models health or safety is put at risk due to health epidemics etc

Letter of agreement from overseas agent.

Proof of One Confirmed Booking.

Contact details for NZ Equity to send all information and all work visa enquiries and consultations:

Tel: +64 (0)9 360 1980

Fax: +64 (0)9 360 1970

Email: < members@actorsequity.org.nz >

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Confidentiality

Provision of all information to NZ Equity is treated with strict confidentiality.

Last Updated (Monday, 09 March 2009 17:06)

Equity will be treated with the strictest of confidence. Any further evidence that the applicant's employment does not put at risk the employment of NZ performers.

A copy of the overseas performer resume/cv;
If the application is being made on the basis of inability to cast the role with a New Zealand performer: details of the casting process which has been unsuccessful in finding suitable qualified New Zealanders including:

- Casting Director's name;
- the character breakdown sent to agents;
- List of agents contacted;
- List of agents suggestions;
- List of those auditioned
- Reasons why each audition participant not cast

Contact details for NZ Equity to send all information and all work visa enquiries and consultations:

Tel: +64 (0)9 360 1980

Fax: +64 (0)9 360 1970

Email: < members@actorsequity.org.nz >

NZ Equity will advise in writing whether, in its view, the application complies with Immigration Regulations.

Where NZ Equity objects to an application, best endeavours are made to resolve the dispute with the sponsor. If resolution cannot be reached Immigration NZ will then attempt to mediate the dispute or refer the dispute to the Minister of Immigration.

Australian citizens and residents

Australian citizens are able to work without a work permit in New Zealand under Immigration New Zealand Law.

Consultation Fee for NZ Equity

Overseas performers are subject to a processing fee payable of NZ\$40.00 plus GST

Where a producer seeks a letter of non-objection urgently, the fee payable is NZ\$160 plus GST.

Confidentiality

Provision of all information to NZ Equity is treated with strict confidentiality.

2. Process for Models

Applications for visas are made to Immigration New Zealand, either in a New Zealand office, or through the nearest embassy or High Commission.

a. Immigration New Zealand

The correct visa for all overseas entertainers, performing artists, film and video production crew, and associated support personnel, who intend to engage in any form of private or public performance in NZ or work on any film, television or video production in NZ is a temporary work visa: <http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/>

Information regarding steps to applying with Immigration New Zealand can be found at:

<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/howdoiapply/>;

Performers fall within the Specific Purpose or Event Policy at:

<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/howdoiapply/specificpurposeorevent/>

The special evidence requirements for entertainers and performing artists are here:

<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/requirements/specificpurpose/performingartists/filmindustry.htm>

If you are overseas, your application must be made and approved before you travel to New Zealand:

<http://www.immigration.govt.nz/migrant/stream/work/skilledmigrant/LinkAdministration/ToolboxLinks/officeandfeescalculator.htm>

If you are in New Zealand, you must send your application to your nearest Immigration New Zealand Branch:

<http://www.immigration.govt.nz/migrant/general/aboutnzis/contactus/default.htm>

All Immigration New Zealand enquiries should be directed to Immigration New Zealand at:

Outside of New Zealand: +64 9 914 4100

Within New Zealand but outside of Auckland: 0508 558 855

From Auckland: 09 914 4100

b. New Zealand Equity

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It is advisable to commence discussions with Equity as early as possible. NZ Equity is given 10 working days to process the application.

If the performance includes performers who play musical instruments, you must get a letter from the Musicians' Union (contact details above) stating they have no objection to these musicians being given a work visa. However all singers and singer/musicians must consult with



Live | Work | Invest | Study | Visit

You are here: Home > Apply and Settle > Work > Temporary Work > Requirements > Specific Purpose or Event

Online Help

Temporary Work

Requirements

Essential Skills

Family Stream

Specific Purpose or Event

Performing artists and film industry personnel

Students and Trainees

Study to Work

Work exchange schemes

Special arrangements

China Skilled Workers Policy

China Special Work policy

Examples

Apply

Performing artists, entertainers and film industry personnel – requirements

We have specific evidence requirements for:

- entertainers, performing artists and support people
- film and video production and post-production crews, producers and directors.

If you work in one of these fields, your employer needs to prove to us that:

- you are of international distinction or merit **or**
- you are of an ethnicity significant to the work **or**
- you are otherwise essential to the event.

Your employer (or New Zealand promoter, agent or producer) must provide this evidence to us at least 10 days before the event, with:

- your personal details – full names, nationality, date and place of birth **and**
- evidence your employment will not put at risk the employment of New Zealand entertainers or professionals in equivalent work, unless the wider benefits to New Zealand of employing you outweigh the loss of job opportunities **and**
- evidence they have considered employing appropriately qualified or experienced New Zealanders **and**
- a written guarantee that your accommodation needs will be met, and that the cost of travel back to your home country will be met if necessary.

You will also need to show that your employer has provided the information above to the relevant New Zealand performer's union or professional association at the same time it is provided to us. The unions or associations have three working days to notify us if they object to your employment. If there is no objection we may then grant you a work visa or permit.

If there is an objection, we will consult with the parties involved to attempt to resolve the disagreement as soon as possible.

Find out which unions and associations may be involved with your application.

SEARCH:

I WANT TO

be a Skilled Migrant

TOOLBOX

Office and fees finder

Panel Doctors

Essential Skills in Demand Lists

FORMS AND GUIDES

Work Visa/Permit Application

Work Visa/Permit Guide

Application for Residence

Form for partners supporting partnership-based temporary entry applications

More forms and guides...

RESOURCES

Tour of regional quick facts

Tour of regional work opportunities

LIVING IN NZ



Page Last Updated: 13 Dec 2006

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NZ IMMIGRATION - TEMPORARY ENTRY OF SCREEN PERFORMERS:

Following are extracts from Immigration New Zealand and Actors Equity New Zealand website setting out arrangements currently applying in NZ.

They seem to apply to all screen performers, but they also seem to be more akin to the UK procedures SPAA sent through yesterday.

| NB the paras marked with a line in the left margin.

Specific Purpose or Event Policy – steps to apply for a visa or permit (at:

<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/howdoiapply/specificpurposeorevent/>)

To help you make sure you have everything you need to apply, please use our checklist and follow the steps to apply.

Complete the form

Print and complete the form Work Visa/Permit Application (INZ 1015) PDF [182KB].

Also available is the Work Visa/Permit Guide (INZ 1016) PDF [216KB], which will help you to apply.

If you cannot print the form and guide, they are available from your nearest Immigration New Zealand branch.

Submit the fee and the evidence we require

You must submit everything listed at the front of the application form:

- your completed (and signed) application form
- the correct fee
- your passport or travel document (this must be valid for at least three months after the date you plan to leave New Zealand)
- a recent passport size photograph attached to the form at the section indicated.

If you do not submit the required information with your application we cannot accept it for processing. This is the only evidence for which you need to provide original documents. For all other evidence, please supply photocopies only, as the documents will not be returned to you.

Submit evidence of your job offer

You must provide us with:

- proof of the length of time you need to work in New Zealand

- the job offer, invitation or schedule of events that describe your intended employment (a visa or immigration officer may also ask you to provide evidence proving you have international merit or distinction)
- a letter or agreement from your sponsor guaranteeing your accommodation and living costs are covered during your stay.

Submit evidence that you intend to leave New Zealand

You must provide evidence that you intend to leave New Zealand when your employment is completed. For example, you can provide:

- evidence that you have outward tickets or the money to buy them, or
- a letter from a New Zealand employer guaranteeing that they will meet the cost of your travel back to your home country if necessary.

Special requirements for performing artists, entertainers and film industry personnel

There are special evidence requirements for entertainers, performing artists and associated support personnel, film and video production and post-production crew, producers, and directors. See the [requirements pages](#) for details.

Page Last Updated: 02 Sep 2008

Specific Purpose or Event Policy requirements (at:

<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/requirements/specificpurpose/default.htm>)

You may be eligible for a work visa or permit if you are coming to New Zealand for a specific purpose or event for which your skills, attributes or expertise will benefit New Zealand.

People who can apply under this policy

You can apply under this category if you are:

- **A senior or specialist businessperson** on short-term secondment with an offer of employment in either a substantial New Zealand company or a New Zealand subsidiary of an overseas company. If approved, your work permit will be for the length of your secondment up to a maximum of 12 months.
- **A sports referee** with a written invitation or schedule of events invited to referee sports events in New Zealand. If approved, your work permit will be for the length of your engagement and not usually for more than six months.
- **A judge of a show, display or exhibition**, with a written invitation or schedule of events, invited to judge shows, displays, or exhibitions. If approved, your work permit will be for the length of your engagement and not usually for more than six months.
- **A dance or music examiner** of a recognised international teaching institution with a written invitation or offer of employment to conduct examinations in New Zealand. If approved, your work permit will be for the length of the examinations and not usually for more than six months.

- **A pastor or lay missionary** with a written guarantee of accommodation, maintenance and repatriation from a sponsoring body in New Zealand. If approved, your work permit will be for the length of your ministry or engagement, up to three years.
- **An installer or servicer of specialised equipment or machinery** who can show that installing or servicing the equipment is a condition of purchase. If approved, your work permit will be for the length of time required, up to three months
- **An entertainer, performing artist, film or video crew or support personnel.** If approved, your work permit will be for the length of time requested. There are special requirements for these applicants.
- **A business investor** whose residence application has been approved in principle and who is coming to New Zealand to investigate investment opportunities. Your work permit will be for 12 months from the date of the approval in principle of your residence application.
- **A chief executive or senior staff member of a multinational company** for which similar applications have been approved. If approved, your work permit will be for the length of your secondment up to three years, though further work permits may be possible after that time.
- **A sports player, a referee or professional coach** with a written offer of employment from a New Zealand sports club. If approved, your work permit will be for the duration of the employment offer up to 12 months, or up to a maximum of three years for regional or national level coaches.

Other specific purposes or events

If you want a work visa or permit for some other specific purpose or event, you will need to satisfy us that:

- you need to work in New Zealand for the period of time you're requesting, **and**
- you're qualified or skilled in areas relevant to the purpose or event, **and**
- your skills, attributes or expertise will benefit New Zealand.

Requirements

In addition to meeting our good health and good character requirements, you need to:

- prove to us you need a work visa or permit for the length of time requested
- show us the job offer, invitation or schedule of events that describe your intended employment in New Zealand (a visa or immigration officer may also ask you to provide evidence that you have international merit or distinction)
- show that you have qualifications or experience relevant to the position or event
- show how you will meet your living costs (for example, evidence that you will be receiving a salary, or a letter or agreement from your sponsor guaranteeing your accommodation and living costs during your stay)
- show that you intend to leave New Zealand when your employment is completed (for example, return tickets or a letter from a New Zealand employer guaranteeing that they will meet the cost of your travel back to your home country, if necessary).

Before we grant a work visa or permit we will ensure that:

- your employment will not limit employment opportunities for New Zealanders, unless the benefits of employing you outweigh the loss of job opportunities **and**

- your employer shows that they have considered employing New Zealanders, where appropriate.

Page Last Updated: 13 Dec 2006

Performing artists, entertainers and film industry personnel – requirements (at:

<http://www.immigration.govt.nz/migrant/stream/work/worktemporarily/requirements/specificpurpose/performingsrtistsfilmindustry.htm>)

We have specific evidence requirements for:

- entertainers, performing artists and support people
- film and video production and post-production crews, producers and directors.

If you work in one of these fields, your employer needs to prove to us that:

- you are of international distinction or merit **or**
- you are of an ethnicity significant to the work **or**
- you are otherwise essential to the event.

Your employer (or New Zealand promoter, agent or producer) must provide this evidence to us at least 10 days before the event, with:

- your personal details – full names, nationality, date and place of birth **and**
- evidence your employment will not put at risk the employment of New Zealand entertainers or professionals in equivalent work, unless the wider benefits to New Zealand of employing you outweigh the loss of job opportunities **and**
- evidence they have considered employing appropriately qualified or experienced New Zealanders **and**
- a written guarantee that your accommodation needs will be met, and that the cost of travel back to your home country will be met if necessary.

You will also need to show that your employer has provided the information above to the relevant New Zealand performer's union or professional association at the same time it is provided to us. The unions or associations have three working days to notify us if they object to your employment. If there is no objection we may then grant you a work visa or permit.

If there is an objection, we will consult with the parties involved to attempt to resolve the disagreement as soon as possible.

Find out which unions and associations may be involved with your application.

Page Last Updated: 13 Dec 2006



Human Resources and Skills Development Canada / Ressources humaines et Développement des compétences Canada

Please Print

PROTECTED WHEN COMPLETED - B

FOREIGN WORKER APPLICATION
Application for a Labour Market Opinion

'SAMPLE'

EMPLOYER INFORMATION									
1 Employer ID # (if applicable) *	2 Canada Revenue Agency (CRA) Business Number *		3 Employer Name (name of business) Production Company						
4 Business Telephone Number * () -	5 Address: Number / Street / PO Box# Production office Address			6 City *	7 Province/State BC				
8 Country Canada	9 Postal/Zip Code *	10 Date business started (yyyy-mm-dd) *		11 Website (if available)					
12 Describe the principal business activity: Film & Entertainment									
13 Contact Name First & Last Name		14 Job Title eg. Production Coordinator		15 Preferred Official Language of Correspondence <input checked="" type="checkbox"/> English <input type="checkbox"/> French		16 Contact Telephone Number- Extension * () -			
17 Fax Number * () -		18 E-mail (if available)		19 Number of Canadians/permanent residents employed in Canada. # of cast & crew eg. 100					
20 Number of foreign workers currently employed in Canada (neither Canadian citizens nor permanent residents). *		21 Were any employees laid off in the past 12 months? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, how many? Reason(s) for layoff(s) and occupations affected: eg. 10							
* THIRD PARTY INFORMATION (if applicable)									
22 Company Name (only fill in if Applicable)				23 Third Party Representative authorized to act for employer					
24 Preferred Official Language of Correspondence <input type="checkbox"/> English <input type="checkbox"/> French		25 Address: Number / Street / PO Box #							
26 City		27 Province/State		28 Country		29 Postal/Zip Code			
30 Telephone Number Extension		31 Fax Number		32 E-mail					
If you are a third party representative acting on behalf of an employer, written authorization from the employer to act on his/her behalf is required. Employers who wish to have third party representation should fill out the "Appointment of Representative" sheet attached to this form. HRSDC reserves the right to contact the employer directly if necessary.									
DETAILS OF JOB OFFER									
Use a separate sheet for each additional job offer. If you are requesting a Labour Market Opinion for identical job offers, provide the information only once.									
33 Job title eg. Actor, Director, Production Designer		34 Is the job temporary with intent to permanent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		35 Number of foreign workers you are requesting under this job title (same wage, job description, location, etc)? eg. 1 or more					
36 Expected duration of employment (fill in one box) days weeks months years				37 Expected start date of employment, if any (yyyy-mm-dd) *					
38 Location of job: Number and Street Various locations, Lower Mainland		39 City Primary city or main office		40 Province BC					

DETAILS ON JOB OFFER (continued)

41 Main duties of the job

eg. - ACTING
- DIRECTING
- Director of Photography
- Production Designer

42 Educational requirements of the job:

- ☐ Doctorate/PhD ☐ Master's degree ☐ Bachelor's degree
☐ College level diploma/certificate ☐ Apprenticeship diploma/certificate ☐ Trade diploma/certificate
☐ Secondary school ☐ Vocational school diploma/certificate ☒ No formal education requirement

Additional information:

Use this area to explain if they learned trade through apprenticeship, ie: if they are requested by studio/distributor, or if they have experience in the field and how many years of experience they have.

43 Experience/skills requirements of the job:

Explain what specific credits they have, requested by studio or if they have experience in this job.

44 Language requirements: Indicate exactly the language requirement that is needed for this position. If you indicate a language that the foreign worker does not speak, a CIC officer will refuse the application, even if the worker is suitable for the position.

Oral: ☒ English ☐ French ☐ Other ☐ None Written: ☒ English ☐ French ☐ Other ☐ None

If "Other", please explain.

[eg. \$759+/per day]

45 Salary (in Canadian dollars) Scale dollar amount/best estimate
per hour per day per month per year Other Number of hours per day Number of hours per week Total number of hours per month
\$ \$ \$ \$ \$

46 Benefits:

☐ disability insurance ☐ medical insurance ☐ dental insurance ☐ pension ☐ Number of paid vacation days eg. 3AG

47 Other benefits: 'per collective agreement' / if non-union, 'included in flat rate'

48 Are there provincial/territorial/federal certification, licensing or registration requirements of the job?

* ☐ No ☐ Yes → If yes, what is the name of the certifying/licensing/registering body?

(if applicable)

Please note: Citizenship and Immigration Canada will check to ensure the foreign worker holds the required certification, licensing or registration requirements when processing the work permit application.

DETAILS ON JOB OFFER (continued)

49 Is the position part of a union?

☐ No ☐ Yes → If yes, what is the name of the union?

insert the applicable BC Union ie. IATSE 891

Has the union been consulted about the hiring of a foreign worker?

☐ No ☐ Yes → If yes, what is the position of the union? Provide details. Attach documentation, if available.

Compliance with the Collective Agreement + union response

50 Is there a labour dispute in progress?

☐ No ☐ Yes → If yes, please provide details.

only answer yes if a strike is going on

51 Have you attempted to recruit Canadians / permanent residents for this job?

☐ Yes → If yes, provide details of your recruitment efforts and the results.

(Attach supporting documentation such as advertisements in local and national newspapers, recognized INTERNET job banks, job-specific and professional publications, recruitment drives, job fairs, etc.)

☐ No → If no, please explain:

if studio requested key creative personnel or cast per financing

62 What are the potential benefits to the labour market in Canada that will occur as a result of employing the foreign worker?

☐ filling a labour shortage

☐ transfer of new skills or knowledge to Canadians/permanent residents

☒ direct job creation or retention of Canadians/permanent residents

☐ other

Provide details:

State number of BC crew employed on production, etc.

53 Do you plan to train Canadians / permanent residents for the position to be filled by the foreign worker?

☐ No ☐ Yes → If yes, provide a brief description of the training plan.

FOREIGN WORKER INFORMATION

Please provide information on a separate sheet for each foreign worker coming into Canada.

54 Name of Foreign Worker - Family Name

Last Name

55 Given Name(s)

First Name

56 ☒ Male ☐ Female

57 Date of birth (yyyy-mm-dd)

58 Country of Residence (where worker currently lives)

59 Citizenship

60 If the foreign worker is currently in Canada, please indicate the immigration status:

☐ visitor

☐ foreign worker

☐ refugee claimant

☐ student

61 Title of job offered to the foreign worker

** eg. ACTOR, Director, Production Designer, etc.*

ENTERTAINMENT REQUEST (if applicable)

62 Name of the Production

63 Total number of people involved in the Production

(average)

eg. 100

64 Type of Production

eg. Feature, MOW, Series, Pilot, Commercial, DOC

65 A copy of the contract between the employer and the foreign entertainer must be attached with this application form, except for film and TV requests.

Contract included with application?

☐ Yes

*** ☐ No

DECLARATION OF EMPLOYER

I understand the information contained on this form and on any sheet attached thereto, including information that qualifies as personal information within the meaning of the *Privacy Act*, as well as any other information and personal information collected by Human Resources and Skills Development Canada (HRSDC) for the purpose of providing a labour market opinion pursuant to the *Immigration and Refugee Protection Regulations* shall be used by HRSDC and shared with Citizenship and Immigration Canada (CIC) solely for that purpose. I understand that this information may also be shared with federal, provincial, and/or territorial departments or agencies as well as with municipal governments, unions, associations and other appropriate organizations for the same purpose. Finally, I understand that this information may also be used by HRSDC and shared with CIC for policy analysis, research and/or evaluation in relation to the entry and hiring of foreign workers to Canada or the *Immigration and Refugee Protection Act*.

I understand that I have no obligation to complete and sign this application, but that failure to do so may prevent HRSDC from providing a labour market opinion as required by the *Immigration and Refugee Protection Regulations*.

Authority to collect the information contained on this form and on any sheet attached thereto, including any information that qualifies as personal information within the meaning of the *Privacy Act*, as well as any other information and personal information collected by HRSDC for the purposes described above is provided under the *Department of Human Resources Development Act* and the *Immigration and Refugee Protection Act*. Once under the control of HRSDC, the information contained in this form and on any sheet attached thereto that qualifies as personal information within the meaning of the *Privacy Act*, as well as any other personal information collected by HRSDC for these purposes is administered in accordance with the *Privacy Act*. The *Privacy Act* gives individuals the right to access their personal information under the control of a federal government institution. Instructions for making formal requests are outlined in the publication *Info Source*, copies of which are located at all Human Resources Centres of Canada or at the following internet address: <http://infosource.gc.ca> The personal information collected by HRSDC for the purposes described above will be retained in Personal Information Bank "HRDC PPU 440".

I certify that the information provided in this application is true and accurate.

eg. signing authority for Production Company

Signature of Employer

K

Name of Employer (Please Print)

Title of Employer

Date

SIGNATURE OF THIRD PARTY (if applicable)

I certify that the information provided in this application is true and accurate to the best of my knowledge.

** only if applicable (per box 22)*

Signature of Third Party Representative

Name of Third Party Representative (Please Print)

Date

INFORMATION FOR EMPLOYERS

Please forward this application to the HRSDC office responsible for processing foreign worker applications.

For the list of appropriate HRSDC offices consult the National Foreign Worker website at:

http://www.hrsdc.gc.ca/en/gateways/where_you_live/menu.shtml

or

consult the blue pages of your telephone directory under Government of Canada.

Once an Officer assesses this application, the employer will be notified of the decision.

* Only Fill in if applicable (Box 22) ^{per}

APPOINTMENT OF REPRESENTATIVE

To Human Resources and Skills Development Canada:

FOR THE PURPOSES OF AN APPLICATION FOR A LABOUR MARKET OPINION

I, _____, residing at
(name of employer)

(full address)

Telephone Number: () - -

Fax Number: () - -

hereby appoint _____
(name of representative)

of _____
(full address)

Telephone Number: () - -

Fax Number: () - -

as my representative to act on my behalf in relation to obtaining from Human Resources and Skills Development Canada a temporary employment confirmation of an offer of employment for

[name of person acting on behalf of Parent Company
ie: local Producer, Production Manager / or lawyer]
(name of individual to whom employment has been offered)

I hereby agree to ratify and confirm all that my representative shall do or cause to be done by virtue of this appointment.

This appointment shall remain in full force and effect until _____ unless due notice in writing of its revocation has been given to HRSDC.
(yyyy-mm-dd)

(signature of employer)

date (yyyy-mm-dd)

(print name of employer)

Personal Information is administered in accordance with the Privacy Act. It will be retained in Personal Information Bank HRDC PPU 440. Individuals have the right to access their personal information. For instructions, please consult the government publication Info Source found in Human Resources Centres and available at the web site: <http://infosource.gc.ca>

GOVERNMENT

IMMIGRATION

Procedures for Obtaining Employment Authorization

It is the policy of the Government of Canada that Canadian citizens and permanent residents be given first opportunity to fill positions in Canada. Only persons who have obtained a work permit from Citizenship and Immigration are entitled to work in Canada. These authorizations are often issued at ports of entry when workers are citizens of visa-exempt countries, or at a Canadian visa office abroad.

Letter of Introduction

As far as possible in advance of specific requests for work permits, the employer should provide by mail or fax to the Service Canada Foreign Worker Office a letter of introduction, signed by the Production Manager (or an official representative of the production company), supplying the following information:

- Name, address, phone and fax number of the production company (employer);
- If applicable, the name, address, phone and fax number of the employer's representative;
- A brief description of the production;
- The approximate number of foreign workers requested and their occupations;
- The approximate number of Canadians to be hired;
- The duration of stay;
- Any filming locations outside Toronto (e.g. Mississauga, Hamilton, Niagara Falls);
- The economic benefits to Canada (e.g. numbers of Canadians to be hired, portion of budget to be left in the country);
- An outline of consultations held with the appropriate unions/guilds regarding the availability of Canadian personnel.

If the request is of an urgent nature, or the timeframe involved is limited, the letter of introduction may be submitted at the same time as your first application for a work permit (Labour Market Opinion—see below).

Request for a Labour Market Opinion

Once details are available regarding a specific foreign worker or workers, the work authorization process begins with a "Foreign Worker Application" (application for a Labour Market Opinion). The form can be found at the following link: <http://www1.servicecanada.gc.ca/en/epb/lmd/fw/emp5239e.pdf>

This form must be completed in its entirety (with the exception of the "appointment of representative" page which is only used if a third party such as a law firm or immigration consultant is used) and should be faxed to: (416) 954-3107.

The three individuals listed on the following page will be happy to assist or answer questions about the form.

Please note: You may wish to consult the relevant unions(s) for information on the availability of Canadians for your job, or to give them the courtesy of letting them know of your project. Although permission and/or concurrence from unions is not a mandatory condition of obtaining a Labour Market Opinion, you may wish to include a copy of a letter of non-objection if you have one or a copy of an ACTRA permit.

Once you receive a Confirmation Letter ("Positive Labour Market Opinion") from the Service Canada Foreign Worker Office, you should forward a copy of it to the prospective foreign worker(s). You should advise the workers to take that copy to the point of entry (border crossing or airport) along with their personal identification and any contract, agreement or other documentation they may have. Many workers are able to apply for their work permit directly at entry points. These are people from visa-exempt countries which include the United States, United Kingdom, most of Western Europe, Scandinavia, Japan, Australia and many other countries. For a full listing see the following link: <http://www.cic.gc.ca/english/visit/visas.html#exemptions>

There is an immigration processing fee of \$150 (Canadian) for a work permit payable upon the issuance of the work permit to the foreign worker. Payment can be made in cash (Canadian or US), Visa or MasterCard credit cards. American Express is not accepted.

Please note that any person with a criminal record of any kind, no matter how long ago incurred, should check with the Canadian Embassy, High Commission or Consulate outside Canada to ask whether a "temporary resident's visa" is required.

Producers (acting on their own behalf or representing a company) arriving in Canada for filming must clarify their status with an Immigration Officer at the port of entry. It is essential that producers submit correspondence from their company providing information pertaining to the film production and the length of time the producer will be required to stay in Canada.

Foreign producers entering Canada to check on their investment (Canadian-based, Canadian or foreign film) are exempt from needing a work permit.

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Temporary Visitors

During scouting, personnel may be allowed to enter temporarily without a work permit. Producers, production executives and internal auditors should have a letter from the company they work for outlining their position with the company, their responsibilities and the purpose and nature of their trip to Canada. They should have this letter and their passport with them at the time of their arrival. When they wish to remain in, or return to, Canada for production purposes, they will be required to make an application following the procedures outlined.

For additional information or assistance, please contact the following:

Ontario

Foreign Worker Programs—Operations

Services Canada

PO BOX 6500, Toronto, L.C.D., Downsview A

Toronto, ON M3M 3K4

Film Industry Contacts:

Michelle Bellino, (416) 952-0909

Wendy Holas, (416) 952-6904

(1-866) 555-5518

F(416) 954-3107 (1-866) 720-6094

Courier Address

Foreign Worker Programs—Operations

Services Canada

2800 Keele St., Toronto, ON M3M 3K4

For verification that the authorization has reached the port of entry prior to the arrival of the foreign worker, contact the Citizenship and Immigration Shift Supervisor at:

Lester B. Pearson International Airport, Toronto

Terminal 1 (905) 676-3911 F(905) 676-3144

Terminal 2 (905) 676-3690 F(905) 676-3698

Terminal 3 (905) 676-5316 F(905) 676-5236

Macdonald-Cartier International Airport, Ottawa

(613) 248-4341

A Prod Offset cert + FACs
Screen Australia

Sircar, Sanjay

From: Richards, Stephen
Sent: Friday, 19 June 2009 6:21 PM
To: Elizabeth Grinston; 'Catherine Griff'
Cc: 'Alex Sangston'; Glenn, Raelene; Sircar, Sanjay
Subject: Foreign actor review - possible x-referencing of links between foreign actor certification process and Producer Offset certification [SEC=UNCLASSIFIED]

Importance: High

Categories: UNCLASSIFIED

Attachments: foreign-actors-guidelines-june09.pdf; revised Australian content Criteria & budgets-19 june.doc

Elizabeth
 Catherine

Thanks for your time this morning. It was a useful discussion.

As discussed, I'm seeking your views on two issues.

Firstly, we are looking to assure industry stakeholders that a high standard will be applied when assessing whether foreign actors seeking to enter Australia to take part in film and television productions subsidised by government (ie in receipt of direct financial support from either Federal or state/territory governments) should be issued with visas. Visa are issued by the Department of Immigration and Citizenship, but foreign actors must also obtain a foreign actor certificate (FAC) from the Arts Minister or his delegate first.

Under Migration Regulation 420.222(2) subsidised productions seeking to import foreign actors must comply with the Australian Content Criteria (ACC). The FAC guidelines administered by DEWHA set out the ACC for subsidised productions. A copy of the guidelines is attached. You can also find them at the following link:

http://www.arts.gov.au/film/film_foreign_actors_for_film_or_television



foreign-actors-
 guidelines-june..

Please note, we do not consider productions which access tax incentives alone to be "subsidised". This is because there is no guarantee at the time a FAC is sought as to whether a tax rebate will be paid to an applicant. The FAC process happens prior to commencement of production while final assessment of whether a production is certified to access the Producer Offset happens after completion of a production.

We would like to set up a system which demonstrates to industry that there is some consistency between the application of the FAC guidelines and other government policies and programs supporting the making of Australian films and TV programs.

We thought one way of doing this would be to incorporate some references into the ACC:

- to the Producer Offset provisional certification process for those productions that are eligible to apply for the Producer Offset, and
- some of the elements of the Australian Content Standard 2005 (which applies to television programs) for those productions not eligible to apply for the Producer Offset (ie do not meet minimum expenditure thresholds)

A draft revised ACC is attached for your consideration and comment. s22

s22



revised
ralian content c

s22

s22

s22

Should you wish to discuss any of the above in further detail, please give me a call.

Cheers

Stephen

Stephen Richards
Manager - Film Incentives & International
tel: 61-2-62759645
fax: 61-2-62759659

s47F

e-mail: stephen.richards@environment.gov.au
web: www.arts.gov.au

Genres – included and excluded from certification process: 5 June 2009

For purposes of certification, 'Film or television productions' covers productions for exhibition in cinemas, for broadcast and productions of a like nature intended for distribution beyond cinemas and television screens (e.g. mobile phones). The scope of the FAC Scheme is intended to apply primarily to performers in drama productions.

Genre	MEAA view	DEWHA view	Action/Comment
feature films other than official co-productions	Include b/c: o paid professional performers in film production o scripted performance	Include b/c: o paid professional performers in film drama production	
telemovies	Include b/c: o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard	Include b/c: o paid professional performers in TV drama production	
miniseries	Include b/c: o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard	Include b/c: o paid professional performers in TV drama production	
series and serials	Include b/c: o paid professional performers in TV production o if not paid performance, would be paid if a performing contract existed (ie not promotional work) o scripted performance o counts towards 55% Australian content quota for Australian Content Standard	Include b/c: o paid professional performers in TV drama production	
television comedy and sketch comedy programs	Include b/c: o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard	Include b/c: o paid professional performers in TV drama production	

Genre	MEAA view	DEWHA view	Action/Comment
live or delayed broadcast of "live" performance stand-up comedy programs	Include b/c: <ul style="list-style-type: none"> o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard 	Exclude b/c: <ul style="list-style-type: none"> o not TV drama production o primary purpose of visit to Australia is for appearance in live stage performances (appearance as part of TV program is incidental) o will already have secured entertainment visa for live stage performance 	MEAA: suggest codified rules for this genre may be an option NB – on further consideration, DEWHA suggests this sort of event is covered by the 'public events' category below
reality programs	Include b/c: <ul style="list-style-type: none"> o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard 	Exclude b/c: <ul style="list-style-type: none"> o not TV drama production 	MEAA: suggest codified rules for this genre may be an option
o host/presenter	Include b/c: <ul style="list-style-type: none"> o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard 	Exclude b/c: <ul style="list-style-type: none"> o not TV drama production 	MEAA: suggest codified rules for this genre may be an option
o judges	Include b/c: <ul style="list-style-type: none"> o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard 	Exclude b/c: <ul style="list-style-type: none"> o not TV drama production 	MEAA: suggest codified rules for this genre may be an option
o other non-contestants	Include b/c: <ul style="list-style-type: none"> o paid professional performers in TV production o scripted performance or "contrived" appearance to provoke reaction from contestants o counts towards 55% Australian content quota for Australian Content Standard 		MEAA: suggest codified rules for this genre may be an option
o contestants	Exclude b/c: <ul style="list-style-type: none"> o not in paid professional performances 	Exclude b/c: <ul style="list-style-type: none"> o not TV drama production 	
documentary programs [English language and other]	Include b/c: <ul style="list-style-type: none"> o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard 	Exclude b/c: <ul style="list-style-type: none"> o not TV drama production 	MEAA: suggest codified rules for this genre may be an option NB. documentaries filmed in Australia but produced exclusively for overseas release at present specifically covered by subclause 423.222(3)
o host/presenter			

Genre	MEAA view	DEWHA view	Action/Comment
documentary programs (cont)	Include b/c: <ul style="list-style-type: none"> o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard 	Include b/c: <ul style="list-style-type: none"> o paid professional performers in dramatised role 	MEAA: suggest codified rules for this genre may be an option NB: documentaries filmed in Australia but produced exclusively for overseas release at present specifically covered by subclause 423.222(3)
<ul style="list-style-type: none"> o actors performing dramatised roles o other participants (eg people & experts interviewed as part of production) 	Exclude b/c: <ul style="list-style-type: none"> o not paid professional performers o not scripted performance 	Exclude b/c: <ul style="list-style-type: none"> o not TV drama production 	NB: documentaries filmed in Australia but produced exclusively for overseas release at present specifically covered by subclause 423.222(3)
commercials – free to air TV, pay TV, internet, cinema release	Include b/c: <ul style="list-style-type: none"> o paid professional performers o scripted performance o can have “cultural” value 	Exclude b/c: <ul style="list-style-type: none"> o not drama production o already covered by Television Program Standard for Australian Content in Advertising (TPS23); duplication unnecessary o not “culture” as defined by Government (ie does not receive direct support from government arts/culture programs) 	MEAA: suggest codified rules for this genre may be an option DEWHA <ul style="list-style-type: none"> o to examine treatment of TVCs in other countries, e.g. Canada MEAA <ul style="list-style-type: none"> o to provide evidence of “cultural” value of TVCs
discussion programs <ul style="list-style-type: none"> o host/presenter o other “regular” support presenters 	Include b/c: <ul style="list-style-type: none"> o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard 	Exclude b/c: <ul style="list-style-type: none"> not TV drama production 	NB: offshore television commercials at present specifically covered by subclause 423.222(3) MEAA: suggest codified rules for this genre may be an option

Genre	MEAA view	DEWHA view	Action/Comment
discussion programs (cont)	Exclude when: o appearing for promotional reasons	Exclude b/c: o not TV drama production	MEAA: suggest codified rules for this genre may be an option MEAA o further consider position on guest participants
o participants (eg guests who are interviewed, etc)	Include when: o performing dramatic element (eg singing a song, etc) b/c scripted performance		
quiz programs o host/presenter o other "regular" support presenters	Include b/c: o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard	Exclude b/c: o not TV drama production	MEAA: suggest codified rules for this genre may be an option DEWHA o to examine treatment of quiz programs in other countries, e.g. Canada
o participants (eg guests who are interviewed, etc)	Exclude when: o appearing for promotional reasons Include when: o performing dramatic element (eg singing a song, etc) b/c scripted performance	Exclude b/c: o not TV drama production	MEAA: suggest codified rules for this genre may be an option MEAA o further consider position on guest participants
panel programs o host/presenter o other "regular" support presenters	Include b/c: o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard	Exclude b/c: o not TV drama production	MEAA: suggest codified rules for this genre may be an option
o participants (eg guests who are interviewed, etc)	Exclude when: o appearing for promotional reasons Include when: o performing dramatic element (eg singing a song, etc) b/c scripted performance	Exclude b/c: o not TV drama production	MEAA: suggest codified rules for this genre may be an option MEAA o further consider position on guest participants

Genre	MEAA view	DEWHA view	Action/Comment
variety programs o host/presenter o other "regular" support presenters o participants (eg guests who are interviewed, etc)	Include b/c: o paid professional performers in TV production o scripted performance o counts towards 55% Australian content quota for Australian Content Standard Exclude when: o appearing for promotional reasons Include when: o performing dramatic element (eg singing a song, etc) b/c scripted performance	Exclude b/c: o not TV drama production Exclude b/c: o not TV drama production	MEAA: suggest codified rules for this genre may be an option MEAA: o further consider position on guest participants
films of public events	Reserve position – uncertain of what is covered	Exclude b/c: o not TV drama production	DEWHA to provide MEAA with a definition of public event ("Olympics", "paid live performance", "Opera in the Park"?)
news or current affairs programs	Exclude b/c: o not genre relevant to FAC scheme Include b/c: o paid professional performers in TV production o scripted performance o can have "cultural" value	Exclude b/c: o not TV drama production Exclude b/c: o not TV drama production o not "culture" as defined by Government (ie does not receive direct support from government arts/culture programs)	
training films			
computer games	Include b/c: o paid professional performers in production (eg voice overs, use of physical appearance, etc) o scripted performance	Reserve position – uncertain of what is covered Include when: o paid professional performers in drama production	DEWHA: o further consider position on treatment of games
webisodes	Include b/c: o paid professional performers in production o scripted performance	Include when: o paid professional performers in drama production	
content for mobile phones	Include b/c: o paid professional performers in production o scripted performance	Include when: o paid professional performers in drama production	
official co-productions	Exclude b/c: o specifically covered by subclause 420.222(6)	Exclude b/c: o specifically covered by subclause 420.222(6)	

