



**ZONE  
FRANCHE**  
A  
PRACTICAL  
GUIDE  
TO VISAS

# Table of contents

---

|   |      |
|---|------|
| EDITORIAL   | # 05 |
| LEGAL DEVELOPMENTS IN FRANCE                          | # 06 |
| TYPES OF VISAS<br>AND RESIDENCY PERMITS               | # 07 |
| VISA APPLICATION TIMELINE                             | # 12 |
| DOCUMENTS TO PROVIDE<br>WHEN APPLYING FOR A VISA      | # 14 |
| VISAS AND CONSULAR SERVICES                           | # 16 |
| CASE STUDIES  | # 16 |
| WHAT CAN BE DONE IF A VISA<br>APPLICATION IS STALLED? | # 17 |
| OTHER PROCEDURES:<br>SOCIAL SECURITY, TAXATION, ETC.  | # 19 |



## EDITORIAL

At a time when migration and free movement are often perceived as threats, supporting the mobility of artists through cultural exchanges is an important opportunity to highlight the positive aspects of globalisation.

This rationale is the driving force behind the **Artists Visas Committee**, launched in 2009 at the instigation of a number of music sector organisations to assist foreign artists and professionals facing difficulties in obtaining visas.

Under the management of Zone Franche, this informal and flexible body has helped resolve hundreds of visa difficulties over the past seven years by dealing directly with the relevant Ministries. Based on analysis of the cases processed and feedback from the ground, we presented our recommendations for legislative and regulatory change to the visa application process.

In this context, Zone Franche decided to draw up a **Practical guide to visas** for arts and culture professionals. The guide takes stock of recent legislative and regulatory improvements linked to the adoption of the Law of 7 March 2016 on the rights of foreign nationals in France and the decrees published on 28 October 2016. The new law seeks to improve France's economic attractiveness, as well as international mobility, and includes measures to simplify formalities, with a direct impact on professional practices for those working with foreign artists. The simplification of the procedure to grant visas, as recommended by Zone Franche during the parliamentary debates is a major improvement for all those working on the front line to help foreign artists break through and develop a career in France. We will monitor the concrete implementation of the law closely and regularly update this guide on the basis of feedback from the ground.

**Thomas Laou-Hap**

*Head of Zone Franche, the world music network*

## RECENT LEGAL DEVELOPMENTS IN FRANCE

Although administrative difficulties can arise when hosting foreign artists and technicians in France, the recent changes in the law makes the application procedure easier.

### # Temporary work permit exemption

Since 28 October 2016, performing artists and technicians coming to France to work as employees for 3 months or less are **no longer required to obtain a temporary work permit**<sup>1</sup>.

The law of 7 March 2016 on the rights of foreign nationals in France includes an “exemption from the requirement to obtain a work permit for foreign nationals coming to France to practise a salaried professional activity for less than 3 months in defined sectors”.

These sectors are specified in the decree of 28 October 2016<sup>2</sup> (2016-1461):

- Cultural and artistic performances and events,
- Colloquia, seminars and trade fairs,
- Film, audiovisual, performing arts and record production, distribution and touring.

#### *Particular situation for minors*

Employers of any foreign artist under the age of 16 must provide an authorisation from the competent Direction départementale de la cohésion sociale (DDCS - children’s performing arts commission), applied for by the performance venue or venues<sup>3</sup>.

### # The “Passeport Talent”: a new residency permit

The law also provides for a “**Passeport talent**”, a residency permit valid for up to 4 years, as the single residency permit dedicated to artists, along with investors, researchers and qualified workers. The importance of “making France more attractive by facilitating the mobility of international talent” is affirmed and stated as an objective.

1. This exemption does not apply to foreign nationals already residing in France.

2. Loi n° 2016-274 du 7 mars 2016 relative au droit des étrangers en France and décret n° 2016-1461 du 28 octobre 2016 pris pour l'application de l'article L. 5221-2-1 du code du travail et fixant la liste des domaines pour lesquels l'étranger qui entre en France afin d'y exercer une activité salariée pour une durée inférieure ou égale à trois mois est dispensé d'autorisation de travail, available for consultation (in French) online: <https://www.legifrance.gouv.fr>.

3. The Labour Code prohibits night work by children (from 8 pm to 6 am for children under 16 and from 10 pm to 6 am for children under 18), the organiser must apply to the labour inspectorate (“*inspection du travail*”) beforehand for an exceptional exemption for night-time performances (Articles L3163-1 and 3163-2 of the Labour Code).

## TYPES OF VISAS AND RESIDENCY PERMITS

### # Visas

There are two types of visas:

- **Short-stay visas** (“Schengen visa”), for one or more stays in the Schengen Area<sup>4</sup> for a maximum total duration of 90 days within any period of 180 days (about 3 months over the course of 6 months),
- **Long-stay visas**, required when the length of stay (or cumulative stays) in the Schengen Area exceeds 90 days per 180 day period.

### # Short-stay visas - specific rules:

#### Multiple entry visas

Multiple entry visas entitle the holder to leave and re-enter the Schengen Area. Be sure to check this, for example before starting a tour with a date outside the Schengen Area with some dates in the Schengen Area.

We advise you to mention all the intended destinations to the consulate when applying for a visa. For example, different rules may apply if the holder plans to go to French overseas territories, which are not in the Schengen Area.

#### Circulation visa

Circulation visas allow short stays (not more than 90 days per period of 180 days in one or more trips) within their period of validity, up to 5 years. They can usually be obtained from consulate of the country of residence after several trips have been made smoothly. Be careful to note down carefully the dates of the different trips to avoid exceeding the authorised stay.

4. The Schengen Area is composed of the 26 following countries: 22 European Union Member States: Germany, Belgium, France, Luxembourg, the Netherlands, Austria, Sweden, Finland, Spain, Portugal, Italy, Greece, Denmark, Estonia, Latvia, Lithuania, Hungary, Poland, Czech Republic, Slovenia, Slovakia and Malta; and 4 associated states: Iceland, Norway, Switzerland, Liechtenstein.

## Exemptions

Citizens of a European Union Member State, of the European Economic Area, of Monaco, Andorra or the Swiss Confederation are exempt from visa requirements.

They do not need a visa or a residence permit to stay in France, regardless of the length of the stay.

### Citizens from other countries

For a short stay, check whether the artist needs a visa to come to France. It depends on their nationality, the duration of their stay and type of activity undertaken.

You can consult the page “Foreign nationals holding ordinary passports exempt from visa requirements” of the Ministry of Foreign Affairs and International Development website or ask the artist residency consulate (see directory of embassies and consulates).

If the planned stay exceeds 90 days per period of 180 days, a long-stay visa will be needed for non-European citizens.

At the end of this period, an application for a residency permit must be submitted, unless the stay is shorter than 12 months (see below).

N.B.: Even if the artist is not required to apply for a visa to come to France, check the validity of their passport - it must have been delivered in the last 10 years and be valid for 3 months after the planned return trip date.

The artist must be in a position to provide evidence of the purpose and conditions of their stay. In case of an inspection, they must be able to produce the employment contract or any document attesting to the employment relationship and its duration/supporting documents proving exemption from the work permit requirement (any document proving the reality of the activity and direct participation to the event). They must also be able to demonstrate sufficient resources for the duration of their stay and the return trip, or that they are able to acquire such resources by legal means<sup>5</sup>.

## Residency permits

As of 1 November 2016, artists staying longer than 3 months in France must apply for the new residency permit, the “**Passeport talent**”, which replaces the “Profession artistique et culturelle” and “Compétences et Talents” residency permits.

5. Cf. “Information du 2 novembre 2016 relative à la dispense d'autorisation de travail pour les séjours inférieurs ou égaux à 3 mois, pour les étrangers, ressortissants de pays tiers, venant sur le territoire français en vue d'y exercer une activité professionnelle salariée.”

## Applying for a “Passeport talent”: criteria and required documents

Multi-annual “Passeport talent” residency permits may be granted to:

➔ CASE N°1: “Foreign nationals working as performing artists... or authors of literary or artistic works...”

Who hold an employment contract with one or more businesses whose principal activity is the creation or exploitation of works of art. The total minimum duration of the contract(s) required to obtain the residency permit is **3 months over a one year period**<sup>6</sup>.

The artist must provide “all supporting documents on earnings, mainly from their work, for the planned period of stay, **for an amount at least equivalent to 70% of the gross monthly minimum wage** for full-time employment, demonstrating that they have sufficient resources, excluding unemployment benefit.”

The employer must provide the following documents:

- The appropriate CERFA form corresponding to the personal situation of the foreign national, including the position held and the amount of remuneration,
- An up-to-date K bis (company registration) document, for legal entities,
- Proof of payment of social contributions to the competent authorities, particularly for *congés spectacle* (paid annual leave for performing artists),
- The supporting documents demonstrating the employee's qualifications and experience for the position (copies of diplomas, curriculum vitae, certificates of professional experience),
- The performing arts entrepreneurship licence; for occasional self-employed performing artists, copy of the 14885-01 or 11783-04 CERFA declaration submitted to the DRAC (*direction régionale des affaires culturelles*),
- If the employment contract relates to a minor over the age of 16, the employer must provide a copy of the work permit application submitted to the prefect of the *département* where the employer is established,
- If applicable, the proxy form under which a legal entity or person established in France is authorised to complete the administrative formalities on behalf of the employer<sup>7</sup>.

6. On this point and subsequent points, cf. Article R. 313-67 of the “décret n° 2016-1456 du 28 octobre 2016 pris pour l'application de la loi n° 2016-274 du 7 mars 2016 et portant diverses dispositions relatives à l'entrée, au séjour et au travail des étrangers en France.”

7. Cf. “Arrêté du 28 octobre 2016 fixant la liste des pièces à fournir pour l'exercice, par un ressortissant étranger, d'une activité professionnelle salariée”. Titre II : “Liste des pièces à fournir par l'employeur à l'appui de la demande de titre de séjour déposée par un étranger souhaitant exercer une activité professionnelle salariée sur le fondement du 1°, 2°, 3° et 9° de l'article L. 313-20 du Code de l'entrée et du séjour des étrangers et du droit d'asile”, article 8.”

→ CASE N°2: “Foreign nationals of national or international renown coming to practice a scientific, literary, artistic, intellectual, educational or sports activity in France.”

The applicant must present<sup>8</sup>:

- Any document in support of their notoriety... and attesting to their reputation in their professional field,
- Any document establishing the nature, purpose and duration of their work planned in France,
- Evidence of sufficient resources to meet their needs and if necessary the needs of family members during their stay, independently of any social welfare payments (revenu de solidarité active, allocation de solidarité spécifique and allocation temporaire d’attente).

#### Period of validity and scope of the “Passeport talent”:

The period of validity of the “Passeport talent” residency permit is determined in light of the reasons for the stay and work planned by the artist. If needed, it may be adapted to fit the duration of the employment contract. The maximum duration is 4 years.

**No work permit is required** in either case for the employment activity in respect of which the residency permit is granted to artists according to the criteria set out above.

Performing artists who hold a multi-annual “Passeport talent” may only practice the professional activity for which the permit was granted.

Artists with a national or international reputation holding the “Passeport talent” residency permit are entitled to work in any field.

#### Procedure for issuing the “Passeport talent”<sup>9</sup>:

##### For artists not resident in France

The decision to grant a residency permit is taken by the consulate to which the artist submitted the long stay visa application.

- When the planned stay is shorter than 12 months, a long-term visa equivalent to a Residence Permit (VLS-TS - *visa de long séjour valant titre de séjour*)<sup>10</sup> is granted and marked as a “Passeport talent”. In such cases, the artist is not required to apply to the Prefecture.

- When the artist plans to stay for 12 months or more, a long stay visa designated as a “Passeport talent - 9° (*for a performing artist*) or 10° (*for an artist of international renown*) of Article L. 313-20” is granted.

After arrival in France, the artist must bring their visa to the Prefecture in their place of residence to obtain their residency permit.

##### If the artist already resides in France

The decision is taken by the Prefecture under the “change of status” procedure.

##### Residency permit: general rules and renewal

Once the residency permit has been granted, the holder may travel within the Schengen Area and complete other formalities as a resident in France: opening a bank account, social security registration, registration to *Pôle emploi*, etc.

The application for renewal of the residency permit must be submitted to the Prefecture of their place of residence no later than two months before the VLS-TS or the previous residency permit expires. Renewal is subject to fulfillment of the criteria required for delivery of the initial residency permit.

**N.B.:** Performing arts technicians are not entitled to apply for a “Passeport talent”. They are still covered by the “temporary worker” residency permit (“*travailleur temporaire*”). However, the temporary work permit exemption for contracts of 3 months or less also applies to them.

8. Article R. 313-70 of the previously mentioned decree.

9. Cf. Circulaire du Ministre de l’intérieur en date du 2 novembre 2016, portant sur l’application de la loi relative au droit des étrangers en France - dispositions applicables à compter des 1<sup>er</sup> novembre 2016 et 1<sup>er</sup> janvier 2017.

10. According to point 2° of Article L311-1 du Code de l’entrée et du séjour des étrangers et du droit d’asile.

## VISA APPLICATION TIMELINE

It is advisable to submit visa applications as early as possible and make an appointment **approximately 2 months in advance**. Once the application is complete (contract, plane tickets, confirmation that living expenses are covered for the duration of the stay, etc. - see below), an appointment must be made with the French consulate or external service provider in the artist's country of residence.

### *External consular service providers*

*In many countries, an external service provider (TLS contact in most countries) takes care of appointments and reviews applications. Visa applicants must first be invited by the call centre to the appointment with the consulate.*

### **Peak application times**

Please take care around holiday periods, for example for summer tours: it may take longer to secure a meeting during these peak application periods.

For short stay visas, certain nationalities are subject to the "consultation" procedure: the consulate processing the Schengen visa application must consult the other Schengen Area states before granting a visa. Citizens from these countries are therefore subject to an irreducible 15 day wait before obtaining a visa.

Once back in their country of residence, artists may apply for another visa. However, if a second short stay visa is requested, it is important to check that the cumulative length of stay does not exceed the authorised stay for a short-stay visa (less than 90 days per 6 month period).

## CLARIFICATIONS SPECIFIC TO TOURING

For tours in the Schengen Area, to which consulate should we submit the visa application?

- The competent consulate is that in the Schengen state that will be your main destination (the longest planned stay),
- If the stays in the different Schengen states are of equal length of time, the application should be submitted to the embassy or consulate of the Schengen state of first arrival.

If some tour dates are outside the Schengen Area:

- If the date outside Schengen fall in-between others in the Schengen Area, always apply for a "multiple entry" visa,
- Also check whether visas are required for the countries outside the Schengen Area, especially for non-EU artists.

## DOCUMENTS REQUIRED WHEN APPLYING FOR A VISA

The visa application must be submitted by the applicant in their country of residence (one application per applicant). Their presence in the country is particularly important for a first visa application, as biometric data are used. Fingerprints can then be reused for any further applications over the next five years.

For groups and particularly in countries with fewer IT resources, a single contact person should compile all the required documents.

Check the list of documents required for visa applications with each French embassy (usually through their website), as the documents required may vary from one country to another.

For information purposes only, here are the usual documents required<sup>11</sup>:

- ▶ Short or long stay visa application form.
- ▶ Documents related to the purpose of the trip:
  - For cultural and artistic performances:
    - Any document attesting to the reality of the performance including the venue, dates, length, organisers, main characteristics of the event: organiser's declaration, invitation letter, posters and advertisements, etc.
    - Any documents attesting to the applicant's direct participation in the event: employment contract, etc.
  - For performing arts and record publication, production and distribution:
    - Any document attesting to the reality of the activity, including the nature of the artistic work, number of working weeks in France, work locations.
    - Any document attesting to the applicant's direct participation in the event: employment contract or any document demonstrating a professional relationship (letter of appointment, written/email exchanges with the organisers, etc.).
- ▶ A copy of the performing arts entrepreneurship licence or proof of submission of the application to the direction régionale des affaires culturelles (DRAC) or performing arts activity declaration submitted by the employer to the DRAC of the first tour date.
- ▶ Accommodation certificate or evidence of sufficient resources to cover accommodation expenses.

- ▶ Documents demonstrating that the applicant has sufficient resources for their stay.
- ▶ Documents on the basis of which an assessment can be made of the applicant's intention to leave the Schengen Area at the end of the planned stay.
  - ▶ Repatriation and travel insurance.
  - ▶ Return airline ticket.
  - ▶ Standard photo(s).
  - ▶ The amount of the application fee.

### # Passport

Passports are left with the consulate at the time the visa application is filed. Take care if submitting applications for assessment at the same time as another tour is organised outside the artist's country of residence and to coordinate if several visa applications are needed for international tours. Artists must be physically present in their countries of residence during the visa application process. If different organisations are managing tours for the same artists, proper coordination will be needed.

The validity of the passport should also be checked: it must expire 3 (or even 6) months after to the expiry date of the visa requested. The passport must also contain enough (2 to 3) blank pages for the visa to be stamped.

### # Border police

When crossing the Schengen Area border, the border police may ask for the documents submitted for the visa application. Travellers must have the original or at least a set of copies of the documents at hand. If it is the artist's first trip to France, some producers send someone to pick them up as a precaution, and provide some change in euros, or send a pre-paid mobile phones in order to be immediately alerted should any problems arise.

### *Professional card*

*An increasing number of consulates ask for artists to be affiliated to a professional local organisation proving their status as an artist. However, in some countries these organisations may not be trustworthy or selective. In such cases, it is worth informing the consulate.*

<sup>11</sup>. Cf Annex 1 "Pièces à fournir à l'appui de la demande de visa en cas de séjour professionnel inférieur ou égal à trois mois relevant de la dispense d'autorisation de travail" of the "Information du 2 novembre 2016 relative à la dispense d'autorisation de travail pour les séjours inférieurs ou égaux à 3 mois, pour les étrangers, ressortissants de pays tiers, venant sur le territoire français en vue d'y exercer une activité professionnelle salariée."



## VISAS AND CONSULAR SERVICES

### # “Migration risk”

Since 2011, consulates are required to inform applicants of the reasons why their visa application has been refused. In zones where migration tensions are highest, the most frequently given reasons are the migration risk and lack of evidence of sufficient resources. In such contexts it is advised to be all the more vigilant regarding the visa application processing times.

### # Recommendation

Before submitting a visa application, it can be helpful to introduce the artistic project to the cultural section of the embassy and to the local *Institut Français*.

## CASE STUDIES

### **A one month tour of Malian artists in mainland France**

Retro-planning:

- 6 months before arrival: ask the artist to scan their passport, check previous stays in the Schengen Area and all the planned dates in Europe and elsewhere,
- 3 months before arrival: gather all required documents for the visa application (see “Documents to provide when applying for a visa”),
- 2 months before arrival (but no earlier than 3 months before): make an appointment with TLS contact.

Once the appointment has been confirmed, agree with the artist that they will be present at the consulate to submit the applications and make sure they have all the necessary documents and information.

### **An international tour shorter than 3 months in mainland France and French Overseas Territories of artists of different nationalities: German, British, Colombian, Brazilian**

- The German and British artists will not need any visa,
- The Brazilian artist will need a visa if going to French Guiana,
- The Colombian artist will not need a visa for mainland France but will need one for French Overseas Territories.

For tours longer than 3 months, the Colombian and Brazilian artists would need a long stay visa and then must apply for a residency permit at the Prefecture unless their stay is shorter than 12 months (see above).

## WHAT CAN BE DONE IF A VISA APPLICATION IS STALLED?

Various difficulties may arise. Sometimes, the appointment date given for the visa application is later than the planned departure date for the beginning of a tour or on the day of expected delivery, the artists are informed that they will have to come back later, with the risk of not being able to collect their visas before departure. Hence the importance of applying early, in order to resolve any problems by contacting Zone Franche as soon as possible (see below).

If the authorities refuse to grant a visa, several avenues for appeal are open for a period of 2 months after the decision:

- Appeal for reconsideration to the consulate within 2 months of the refusal. A letter setting out the grounds for appeal and all supporting documents should be included. The absence of an answer within 2 months constitutes implicit rejection,
- Hierarchic appeal (addressed to the next higher administrative level), to be submitted to the Ministry of Interior visas section (*sous-direction des visas du ministère de l’Intérieur*),
- Pre-litigation appeal to the *Commission de recours contre les Refus de visa (CRRV)*<sup>12</sup>. This is a compulsory preliminary administrative appeal before referring the case to the Nantes Administrative Court. This does not replace the other avenues of appeal mentioned above, which remain open to applicants<sup>13</sup>.

If you find that a visa application is not progressing normally, we would also invite you to contact the Artists Visas Committee.

<sup>12</sup>. Source: Ministry for the Interior, visas section - Immigration department.

<sup>13</sup>. Applicants are required to set out the grounds for appeal and provide all evidence which may be useful to the Commission in assessing their situation and the reason for their stay. Appeals will be examined by the Commission which may either to reject them or make a recommendation to the Immigration Minister to grant the visa. The Commission is required to take a decision within two months of receipt of the application for appeal.

Beyond this date, the absence of a decision by the Commission constitutes implicit refusal. Applicants may then refer the case to the Nantes Administrative Court as a litigation appeal within 2 months of implicit rejection by the Commission.

## # The role of the Artists Visas Committee

The Artists Visas Committee was established in 2009 to respond to increasing difficulties faced by music sector professionals working internationally in obtaining visas. Its aim is to support such professionals when they encounter problems getting visas and resolve stalled applications.

Its work encompasses all musical genres, and occasionally other performing arts disciplines. All sector professionals are represented in the Committee: artists, producers, labels, tour managers, and bookers (festivals, venues, local authorities).

## # The Artists Visas Committee:

- Liaison with the relevant Ministries in case of difficulties obtaining visas or stalled visa applications,
- Legislative and regulatory monitoring,
- Inventory and analysis of the most frequently encountered problems,
- Lobbying public authorities to improve visa procedures.

## # How to enlist the help of the Artists Visas Committee?

- A request may be submitted online, on the Zone Franche website, in the “Artists Visas Committee” section:  
<http://www.zonefranche.com/fr/comite-visas-artistes>.  
Click on “Formulaire” and provide as much information as possible.
- Zone Franche centralises the applications, analyses them and liaises with the Ministry contact persons if the visa application has already been completed correctly.

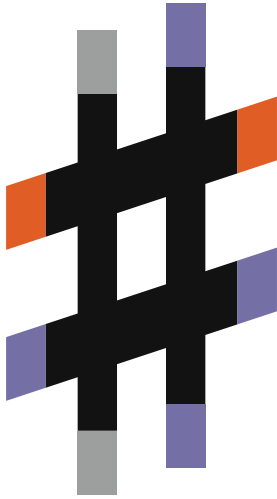
*Another visa application can be submitted at any time without delay.*

## OTHER PROCEDURES: SOCIAL SECURITY, TAXATION...

Other procedures must also be followed when hiring an artist or coming to France to work as an artist or technician. Take care to follow the appropriate formalities, depending on the type of contract (French organisation directly hiring or contracting with a foreign partner posting the artists).

### For more information:

- **MobiCulture**, resource centre specialised in helping artists and culture professionals with the administrative aspects of coming to France: [www.mobiculture.fr](http://www.mobiculture.fr)
- **Centre des Liaisons Européennes et Internationales de Sécurité Sociale** (French/foreign social security authorities liaison body): [www.cleiss.fr](http://www.cleiss.fr)
- **Direction générale des finances publiques** (French taxation authority): [www.impots.gouv.fr](http://www.impots.gouv.fr), “International” section.
- “**Mobilité internationale - L'accueil des artistes et techniciens étrangers en France**”, Pierre Renaud et Malika Séguineau, Prodiss, 2012.
- “**La Circulation internationale du spectacle**” Cendryne Roé, Irma éditions, 2014.
- **On the Move**, information network on artists and cultural professionals mobility (mobility opportunities: funding, residencies, call for projects, resource and toolkits, etc.: [www.on-the-move.org](http://www.on-the-move.org))



**CONTACT US:**

**ZONE FRANCHE**

21, rue du Borrégo 75020 Paris  
+33 (0)9 70 93 02 50 / 06 75 79 13 61

@ : [circulation@zonefranche.com](mailto:circulation@zonefranche.com)

[WWW.ZONEFRANCHE.COM](http://WWW.ZONEFRANCHE.COM)



[Reseau.ZoneFranche](https://www.facebook.com/Reseau.ZoneFranche)



[@ZoneFrancheWMN](https://twitter.com/ZoneFrancheWMN)



[ZoneFrancheWMN](https://www.instagram.com/ZoneFrancheWMN)

We wish to thank the members of the Artists Visas Committee for their commitment and the work accomplished within the committee: SFA-CGT, FNSAC-CGT, SNAM-CGT, UPFI, Prodiss, UFISC, De Concert!, MobiCulture, The International Organisation of La Francophonie, Institut français, The Ministry of Foreign Affairs and International Development, The Ministry for Culture and communication and the Ministry of the Interior.

We also wish to thank Anaïs Lukacs of MobiCulture for her work on drafting this guide.

Graphic work: Denis Brumaud / Photo crédit: Boris Wilensky

Members of the Artists Visas Committee who contributed to this publication:



SYNDICAT  
NATIONAL  
DU SPECTACLE  
MUSICAL  
ET DE VARIÉTÉ