

Mobility:



5-point plan of the working group *Visa, residence, employment*

Result of the Symposium "Mobilität: Privilege and Problem"

The barriers in the area of visas, employment and residence for artists and cultural workers from EU third countries, and in particular from the so called Global South, are numerous. Time, administrative and high financial costs are barriers for both organisers and arts and cultural workers. Even for medium- and long-term stays, the conditions are restrictive, combined with a lot of bureaucracy, delays and requirements perceived as harassment. The 5-point plan is the result of the working group "Visa, Residence and Employment", which took place in the framework of the symposium "Mobility: Privilege and Problem" on May 4, 2023 in Vienna. At the invitation of the organizers (IG Bildende Kunst, Institute for Cultural Management and Gender Studies MDW and the Austrian Commission for UNESCO), experts developed a 5-point plan with concrete recommendations for the removal of mobility barriers. The 5-point plan is an essential roadmap for improving the situation of EU third-country nationals and will serve as a basis for further work.

Further information on the entire symposium can be found here: www.unesco.at

Context UNESCO

The UNESCO Convention on the Diversity of Cultural Expressions (2005) is an instrument of international law that clearly commits to counteracting the existing imbalance between North and South. The UNESCO Convention (keyword: preferential treatment, Article 16 of the Convention) calls upon the contracting states to take measures to facilitate the mobility of art and cultural actors. In Articles 14 and 16, States Parties are encouraged to take measures to grant preferential treatment within the appropriate framework. With the ratification of the Convention by Austria in 2006, the obligation also applies here.

The implementation guidelines for Article 16 of the 2005 Convention call on States Parties to take measures to facilitate the mobility of arts and cultural actors, including, for example, capacity-building, especially through training, exchanges (e.g. residencies for arts and cultural actors) to help them integrate into professional networks; simplification of procedures for issuing visas for entry, stay and temporary travel; lower costs for visas.

Privilege

1) Adapt the requirements to the working reality in the arts and culture sector.

On average, art and cultural actors earn 5000 euros net per year from artistic activities in Austria (BKA study 2018). Against the backdrop of working realities, high requirements for art and cultural actors from EU third countries often prevent the successful issuance of visas or residence permits. The required evidence for the assessment of a secure re-entry (proof of integration in the country of residence and economic circumstances, including real estate ownership, bank statements, employment) contradicts the artistic realities of life.

For an artist's work permit, a large part of the income must come from artistic work. This is often not realistic because the income is too low - "side jobs are reality". Problem: Conceptualisation - self-employed artists must have an activity that consists "predominantly of artistic creation" - is not clearly defined and assumes the long-term commitment that only exists at the international top level. Often music teaching is classified as a "craft" rather than an artistic activity and thus not accepted as part of artistic activity.

Concrete recommendations

- Make use of the facilitations provided by the EU Visa Code:
 - Consideration of the specifics of artistic employment realities when requesting/checking/assessing the required documents.
 - Crediting of fee, salary or scholarship commitments during the planned residency as proof of own resources & proof of own resources not higher than a realistic amount to cover the living.
 - Non-discrimination of young artists at the beginning of their career in the assessment of secured re-entry.
 - Consideration of the "status artist" in the "connection to the country of origin" or suspension of the requirement for the evaluation of the secured re-entry.
- Waiver of the proof of own resources for students.
- Introduction of a uniform title for self-employed/non-self-employed artists, if necessary with the obligation to notify the AMS of non-self-employment.
- To adjust earnings limit proof from self-employed artistic activity in accordance to the working and earnings conditions in art and culture.
- In case of employment permit for artist, self-employed, allow/include income from other non-artistic sources.
- Carrying out a study that depicts the realities of life of EU third country nationals, as well as of the organisers/employers who (want to) invite/hire persons from EU third countries - multilingual!

2) Reduce bureaucratic hurdles

Long journeys and waiting times at the authorities, travel costs to the respective competent authority, obtaining/translating the necessary documents, sometimes required booking confirmation of flight tickets - time-consuming, organisational and high financial costs represent a barrier for both organisers and art and cultural actors. Small(er) organisations in particular often do not have the necessary resources. In addition, there are delays due to sometimes formal errors in the application process, or technical barriers that can drag out or bring a visa procedure to a standstill. These hurdles also influence the willingness of organisers to invite or employ arts and cultural actors.

Concrete recommendations

- Waiver of visa fee or fees only upon collection and refund.
- Use of the possibility to favour bona fide applicants.
- Creation of a list of recognised art and cultural organisers to simplify the procedure, following the French example.
- Facilitate the application process by allowing applicants to apply for a visa in their country of residence or waive the general obligation to apply in person if the required biometric data is available.
- Consider setting up an application portal for online visa applications to simplify the procedure (example: Ireland).

3) Ensure information flow: sufficient and multilingual

Another barrier is the lack of an understandable flow of information on the application process and possibilities of support, especially regarding specifics for artistic working and living realities. Online services and websites provide necessary information on requirements and steps for visa applications or residence permits, but more resources are needed to strengthen these services. The aim must also be to improve accessibility to the information and services provided. Another aspect of the lack of information concerns the non-justification of visa refusals.

Concrete recommendations

- Establish an „Fremdenrechtsforums“ for the arts and culture sector in Austria, modelled on the „Fremdenrechtsforums“ of the Universities Conference (Uniko).
- Detailed reasons in case of refusal to grant visas.
- Strengthening & expanding the information and counselling services, multilingual, transparent & barrier-free.

Problem

4) Provide funding and resources for exchanges or for arts and cultural operators from EU third countries.

Concrete recommendations

- Establishment of AiR programmes as well as mobility support programmes by the federal government explicitly for artists and cultural workers from EU third countries, especially the Global South, in order to fulfill the obligation of "preferential treatment".
- Consider non-linear biographies and issue residence permits for more than 1 year, e.g. for three years, which is the minimum period of residence with main residence (Hauptwohnsitz), in order to be allowed to apply for all public scholarships and grants (possibly in the opposite direction, abolish exactly this requirement and strive for equality with Austrian citizens!

5) Combate Structural Discrimination & Racism

Concrete recommendations

- Education, training and awareness-raising for public officials and police.
- Strengthen public awareness of the status quo and of the necessary changes.
- Establish an effective complaints body.

"Freiheit der Kunst - freedom of art is guaranteed by the constitution. But not for the third-country nationals, because the law sees the art as economic activity.

The visa is tied to the purpose of coming to Austria. When you look at the general criteria, and specific criteria as an artist, there are following differences: The general criteria just require sufficient means to support yourself or to have an employer. If you require the visa as an artist, the means has to come from this specific type of work. Law sees art as economic, and the law is not clear because of these contradictions between the general criteria and the criteria for artists."... "When it serves the state, the artists are treated as entrepreneurs, and when it does not serve the state - they are artists."

[Saverina Ditzow/Miglana Hofer, Austria for Beginners](#)

Vienna, 2023

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A big thank you to all participants of the working group for their input and expertise.