



Entry and Residence Conditions for Foreign Journalists

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Denmark, Norway, Sweden • Finland • France
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July 2004

LL File No. 2004-1068
LRA-D-PUB-000367

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ANDORRA

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

Foreign journalists are not given a different visa than other foreigners in order to enter and work in Andorra. If their stay is only to provide media coverage for one event, a work permit and its corresponding visa is required.¹ If the visit requires a stay of less than fifteen days, a work permit is not required; however, a formal notification to the Immigration Service reporting the activities to be performed are enough.²

If the work to be performed is for a longer period of time, either as an independent foreign journalist or as a correspondent of a foreign employer, a temporary immigration visa is required. This visa may not exceed twelve consecutive months and allows the holder only to work on the specific assignment for which the visa was issued; this visa may not be extended.³ Holders of a temporary immigrant visa are required to have health coverage in case of work-related accidents.⁴

If the work is permanent, the journalist needs to obtain a permanent resident visa that would allow him to reside and work legally in Andorra for an unlimited period of time.⁵

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July 2004

¹ LLEI QUALIFICADA D'IMMIGRACIO of May 14, 2002 in LEGISLACIO I JURISPRUDENCIA CONSTITUCIONAL DEL PRINCIPAT D'ANDORRA, Set Claus, 2nd Edition, Andorra La Vella, 2003, arts. 20.2. & 20.3.

² *Id.* art. 28.9.

³ *Id.* art. 27

⁴ *Id.* art. 28.

⁵ *Id.* art. 29.

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AUSTRIA

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

In the admittance of foreign journalists to Austria, there is a difference in the treatment between those who are stationed for a longer period and those who come to cover a single event.¹

Journalists who intend to stay in Austria for at least one year may apply for an accreditation with the Federal Press Service, an office that is subordinated to the Federal Chancellery.² A journalist who obtains this accreditation is exempt from the work permit requirement that is generally imposed on aliens.³ Journalists who intend to establish a residence in Austria require a residence permit that is to be granted by the local administrative authorities. Journalist can obtain a residence permit under more favorable circumstance than other immigrants, because they are not subject to the immigrant quotas that would otherwise apply.⁴

In the absence of any special provisions, the admittance of journalists to cover a single event is governed by the generally prevailing entry and visa requirements.⁵ It would appear that in the case of journalists the Austrian authorities make such decisions under observance of the Freedom of Information Guarantees of article 10 of the European Human Rights Convention⁶ and of article 19 of the International Covenant on Civil and Political Rights.⁷

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¹ Information obtained in part from the Consular Section of the Austrian Embassy in Washington, D.C.

² An accreditation information sheet of the Federal Press Service, *available at* <http://www.austria.gv.at> is included as an *Appendix*.

³ Ausländerbeschäftigungsgesetz, Mar. 20, 1975, BUNDESGESETZBLATT [BGBl, official law gazette of Austria] I no. /1975/218, as amended.

⁴ FremdenG [FremdenG]1997, BGBl I no. 1997/75, as amended, § 19 ¶2, no. 1.

⁵ FremdenG §§ 6 - 18.

⁶ Convention for the Protection of Human Rights and Fundamental Freedoms, signed Nov. 4, 1950, EUROPEAN TREATY SERIES No. 5, ratified by Austria Aug. 5, 1958, BGBl no.1958/ 210.

⁷ Adopted by the United Nations General Assembly Dec. 16, 1966, 16 INTERNATIONAL LEGAL MATERIALS 368 (1967), ratified by Austria, Dec. 7, 1978, BGBl no. 1978/591.

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BELGIUM

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

A journalist whose assignment does not exceed three months does not need a short-stay visa to enter Belgium, unless he is a national of a state for which Belgium requires short-stay visas as a general rule.¹ A journalist whose assignment exceeds three months needs to contact the Belgium diplomatic authorities closest to his place of residence and obtain a long-stay visa. To this effect, he must provide a birth certificate, a medical certificate, a certificate of good conduct, and evidence of remuneration.²

He is required to prove his status as a professional journalist. He first must show that he is at least twenty-one years old. In addition, he must show that journalism is his principal profession. He may do so with a declaration signed by his employer, if he is a salaried journalist. The employer must state that the interested party has practiced journalism for at least two years.³

A self-employed, freelance journalist must bring bank statements covering a sufficiently lengthy period, showing that he has been paid for his professional activity, and copies of several articles published during the period in question. In both cases, he must show that he has been a professional journalist for at least two years and has not left the profession for more than two years. Finally, he must declare that he is not engaged in any commercial activities, and more specifically in any advertising activities.⁴

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¹ Telephone conversations with the Belgium Embassy in Washington DC & the Press Service of the Federal Public Service Foreign Affairs on 07/16/2004.

² Federal Public Service Foreign Affairs at <http://diplomatie.be/fr/travel>.

³ *Id.*

⁴ *Id.*

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BRUNEI

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

The law of immigration controls and regulates the entry of foreigners into the Sultanate of Brunei.¹ The Act prohibits entry of non-Brunei citizens, unless exempt from compliance with its provisions, except in accordance with the terms of a valid visa issued to him/her and endorsed on the passport.²

The Act does not appear to distinguish between press reporters and others in the matter of issuance of a visa or compliance with requirements of visa regulations. Nationals of the following countries are exempt from the requirement of obtaining an entry visa for stay up to the period stated:

United States	ninety days
U.K., Germany	thirty days
Belgium, Denmark, France,)	
Italy, Spain, Netherlands)	fourteen days
Canada, Japan, Korea (Rep.)	

However, a return ticket is necessary for visa-free entry trips, and visitors must possess sufficient funds to support themselves while in the country. A yellow fever certificate would also be required if they have traveled to an infected or endemic area in the last six days. In addition, they must have a passport which is valid for six months when entering Brunei.³

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¹ The Immigration Act, v. 1 Laws of Brunei, c. 17 (Rev. Ed. 2001).

² *Id.* §§ 6-7.

³ <http://www.travel-guide.com/data/brn/brn040.asp>.

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DENMARK, NORWAY, SWEDEN

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

Because the Law Library of Congress currently has no staff member with expertise in the laws of the Scandinavian countries or control of the relevant languages, the information set out below is based on English-language secondary sources or unofficial translations of legal instruments.

The three major Nordic countries, Denmark, Norway, and Sweden, share a similar approach to regulating the entry and employment of foreign nationals. Their laws and regulations on foreigners distinguish *entry*, regulated by visas; *employment*, regulated by work permits; and *residence*, regulated by residence permits. Norway's regulations on foreign nationals explicitly exempt foreign journalists from some requirements for work permits.

Denmark

The entry and employment of aliens are regulated by the Aliens (Consolidation) Act, No. 685 of July 24, 2003.¹ With the exception of citizens of the four other Nordic countries, Finland, Iceland, Norway and Sweden, who may freely enter Denmark, stay, and work, all aliens require a visa. The requirement to apply for a visa beforehand may be waived as a result of the visa provisions of a multinational treaty, such as that establishing the European Union (EU) or the Schengen region, or of a bilateral agreement. The law sets up four categories of countries: 1. Nordic countries; 2. Members of the European Union and the European Economic Area; 3. Countries, such as the United States, with reciprocal visa exemption agreements; 4. Countries whose citizens must obtain a visa before entering Denmark.² A visa entitles the alien to stay in Denmark for up to three months. A visa does not entitle the alien to take paid employment, be self-employed, or provide a service.

Generally, aliens working in Denmark require a residence and work permit. Citizens of the Nordic countries and those from other EU countries who are eligible under the EU rules covering free movement within the Union are exempt. In addition, foreign individuals in a number of categories may work without a work permit, as long as they stay no longer than three months. The categories include scientists and lecturers, artists and entertainers, athletes, and representatives on business trips for foreign firms which do not have branch offices in Denmark.³

Thus, all foreign journalists, except for those from Nordic countries, would require either a visa for a stay of up to three months or a work and residence permit for a longer, but still limited stay. If they were working for a news organization with an established office in Denmark, that office would sponsor their stay, and they would be entitled to work for as long as their work and residence permit stipulated, usually three years. If they were working for an organization that did not have an office in Denmark, or were freelancers, they could enter and stay for up to three months.

¹ Denmark, Aliens (Consolidation) Act No. 685 of July 24, 2003, English version available on the Internet site of the Ministry of Refugee, Immigration and Integration Affairs, <http://www.inm.dk/Index/mainstart.asp?o=2&n=3&s=5>.

² A complete list is available from the Danish Immigration Service, Udlændingestyrelsen, at <http://www.udlst.dk/english/default.htm>.

³ *Id.* Work in Denmark, available at <http://www.udlst.dk/english/Work+and+Study/Work/Default.htm>.

Norway

The entry of foreign nationals to Norway is regulated by the Act Concerning the Entry of Foreign Nationals into the Kingdom of Norway and their Presence in the Realm, as amended through July 28, 2000. (Law No. 64 of June 24, 1988)⁴ Detailed provisions are set out in the associated Regulations Concerning the Entry of Foreign Nationals into the Kingdom of Norway and their Presence in the Realm (Regulation No. 1028 of December 21, 1990).⁵

Except for citizens of the other Nordic countries, who may freely enter Norway, reside, and work, all foreign nationals require a visa to enter the country. A visa entitles the foreign national to remain in Norway for up to three months, but not to work. The requirement to obtain a visa prior to arrival in Norway may be waived, as for citizens of the European Economic Area (the 25 Member nations of the European Union, plus Iceland and Liechtenstein) or nations, such as the United States, with which Norway has a bilateral agreement on visa waivers. A complete list of visa requirements for each nation is available from the website of the Directorate of Immigration.⁶

The Regulations contain special provisions for foreign journalists. Section Eight, Exemption from the Requirement Concerning Work Permits or Residence Permits for a period not Exceeding Three Months, in subsection (g) lists “journalists or other personnel working for any foreign newspaper, radio station or television station, when they are in the service of and remunerated by a foreign employer.”⁷ Section 4a of the Regulations sets out conditions for work permits which may not constitute a basis for a settlement permit. Such permits may be issued for a period of up to four years and may be renewed. Subsection (f) of Section 4a lists “a journalist or other personnel working for a foreign newspaper, radio station or television station, when the applicant is employed and paid by a foreign employer.”

Depending on which country they came from, a foreign journalist might or might not be required to apply for a visa before entering Norway. As long as they could demonstrate that they were employed and paid by a foreign news organization, they could work in Norway for a period of up to three months. If they were staying in Norway for a longer period, they could apply for a work permit valid for up to four years and which could be renewed.

Sweden

The basic legislation on the entry and residence of foreign nations is the Aliens Law of 1989 (SFS 1989:529) and its associated Alien Regulations (SFS 1989:547).⁸ No English translation of these instruments has been located. As with Denmark and Norway, all foreign nationals except those from the other Nordic nations require a visa. Those from the nations that are parties to the Schengen Agreement

⁴ Unofficial English translation from the Internet site of the University of Oslo, Faculty of Law Library, *available at* <http://www.ub.uio.no/ujur/ulov/english.html>.

⁵ *Id.*

⁶ Norway, Directorate of Immigration (Utlendingsdirektoratet), *available at* <http://www.udi.no>.

⁷ *Supra* note 5.

⁸ Magnus Brorsson, *Sweden*, in D. Campbell and J. Fisher, *eds.* INTERNATIONAL IMMIGRATION AND NATIONALITY LAW (Dordrecht, Boston, London: Martinus Nijhoff, circa 1995) SWE-I-1; Consulate General of Sweden, New York, General Information About Visas, *available at* http://www.swedenabroad.com/pages/general_13393.asp.

and those nations that have bilateral visa waiver agreements with Sweden need not apply for a visa before arriving in Sweden. Visas permit a stay of up to three months but do not permit the visa holder to work.

Foreigners from outside the European Union intending to work in Sweden and reside there for more than three months must apply for a work permit and a residence permit before arriving in Sweden. However, a foreigner working in Sweden as a representative of a foreign company does not need a work permit.⁹ The website of the Swedish Consulate-General in New York provides information on applying for a business visa for Sweden. Among the materials that must be supplied are proof of health insurance coverage, a letter from a U.S. company, and an invitation from a Swedish company stating who will cover the expenses.¹⁰ The website of the Foreign Press Association of Sweden, last updated in June 1999, refers questions about work permits and residence permits to the Swedish Migration Board, but claims that freelancers “usually don’t need a working permit, whereas journalists employed by a media company usually need a working permit. To avoid later problems, it is best just to apply for both permits at the same time at the nearest Swedish embassy or consulate.”¹¹

On the basis of the information available, it is not possible to determine the exact requirements for entry and residence of foreign journalists. Those from the other Nordic countries or the European Union would presumably be able to enter and work with little difficulty. It is clear from Swedish government websites explaining the general system of work and residence permits that a major concern is that foreign citizens do not take jobs that could be done by Swedish citizens or become a burden on the Swedish health and welfare system. Even in the absence of explicit regulations exempting foreign journalists from requirements for work and residence permits, as Norway does, it would appear likely that a foreign journalist who is self-supporting or an employee of a foreign news organization would face few barriers to entering Sweden on a short-term basis. Those intending to remain for longer than three months would have to apply for residence and work permits.

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⁹ *Id.* Brorsson, VII -2.

¹⁰ *Supra* note 8. Consulate General of Sweden, Visiting Sweden for Business or Conference.

¹¹ JustGo - Journalists Useful Stockholm Guide and Orientation - Visa, Residence and Work Permits, available at <http://www.jmk.su.se/global99/index.html>.

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FINLAND

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

Because the Law Library of Congress currently has no staff member with expertise in the laws of the Scandinavian countries or control of the relevant languages, the information set out below is based on English-language secondary sources or unofficial translations of legal instruments. The major law governing entry and exit of foreigners in Finland is the Aliens Act. A new Aliens Act (301/2004) entered into force on May 1, 2004, and an English translation will not be available until the end of July-early August.¹

Finland is a party to the Schengen Agreement² and is also a member of the European Union (EU). Those who do not need a visa, an entry permit for a short-term and temporary residence of up to ninety days, to enter Finland include citizens of the other Nordic countries, citizens of Schengen area countries, citizens of EU Member States, and citizens from certain other countries, including the United States.³

Foreign professionals employed by foreign mass media in Finland for a short period (less than three months) can work in the country without a residence permit.⁴ Moreover, if a journalist or mass media professional comes to Finland for a short-term visit (less than three months), he does not need a visa when coming from a “visa-waived” country.⁵

Aliens who entered Finland either with a visa or visa-free who intend to work in the country and who are not EU citizens or the equivalent must obtain a residence permit. The permit can be granted on the basis of either temporary work or continuous work.⁶ However, foreign professionals working continuously in Finland for mass media that do not have an office in Finland need only a residence permit, not a residence permit for an employed or a self-employed person.⁷

It may be noted that Finland has established an international press center to provide working

¹ FINLEX Data Bank, available at <http://www.finlex.fi>. The Act was promulgated by the Ministry of Interior and repeals Act 378 of 1991.

² The Schengen *Acquis* is referred to in art. 1(2) of Council Decision 1999/435/EC of 20 May 1999, in OJ [Official Journal of the European Communities] L 176, 10.7.1999, 1. For an English text of the *Acquis*, see Europa - Gateway to the European Union website (the portal site of the European Union), at http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/l_239/l_23920000922en00010473.pdf. The fifteen Schengen area countries are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, and Sweden. The Agreement on the Accession of the Republic of Finland to the Convention Implementing the Schengen Agreement of June 14, 1985 on the Gradual Abolition of Checks at the Common Borders was signed at Schengen on June 19, 1990.

³ Finnish Directorate of Immigration website, at <http://www.uvi.fi/netcomm/content.asp?path=8,2471>.

⁴ ¶ 81 of the Aliens Act (301/2004) provides this right to work in Finland for short-term periods for certain categories of workers, without explicitly mentioning mass media professionals, but the paragraph applies to them as well, according to an e-mail message received July 20, 2004, from the Deputy Consul General of the Consulate General of Finland, New York City.

⁵ Consulate General of Finland e-mail message, *id.*

⁶ *Id.* at <http://www.uvi.fi/netcomm/content.asp?path=8,2473,2500>.

⁷ Art. 79, *inter alia*, Aliens Act (301/2004), according to an e-mail message received July 20, 2004, from the Deputy Consul General of the Consulate General of Finland, New York City.

facilities for journalists accredited with the Ministry for Foreign Affairs and for journalists visiting Finland. It affords the use of personal computers, electronic mail, the Internet, telefax, photocopiers, and telephones, as well as international newspapers and news services of the Finnish News Agency and Reuters. Accreditation involves completion of a form and appending it to a letter from the Editor-in-Chief or Managing Editor and provision of samples of writings or tape recordings (or work samples, in the case of photographers), a copy of the passport and visa, and a photograph. The press card is valid for two years.⁸

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⁸ See Ministry for Foreign Affairs of Finland, at <http://formin.finland.fi/doc/eng/services/press/presscenter.html>.

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FRANCE

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

As a general rule, the entry of foreign journalists, who are not nationals of the European Union, into France is regulated by the general legislation on immigration. A journalist on a specific assignment must obtain a short-stay visa to enter France. He must submit an application form, a valid passport, and a cover letter from the news organization where he works, stating his assignment to the competent French consulate.¹ The processing time to obtain such a visa is very short, a day or two.²

A journalist who wants to reside in France as a permanent foreign press correspondent must enter France with a valid passport, a long-stay visa, and a letter from the news organization, appointing the journalist as a permanent correspondent in France and specifying his functions and salary.³ The average processing time for a long-stay visa is about two months.⁴ Once in France, the journalist needs to apply for his resident card as any other foreigner would.

In addition, France delivers accreditation cards to permanent foreign press correspondents. This document is delivered by the accreditation office of the Ministry of Foreign Affairs. Application are first sent to the Interior Ministry. The applicant is asked to come to the Interior Ministry for an interview. The card will then be issued to the journalist, by appointment, at the accreditation office of the Ministry of Foreign Affairs. On average this procedure takes three months from the date the application is sent to the Interior Ministry. Accredited journalists have the same rights and obligations as their French colleagues. Possession of a permanent press card is incompatible with any salaried employment, professional, commercial, or industrial activity and with possession of diplomatic or consular status or the equivalent.⁵

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¹ Consulat General de France in Washington, DC at <http://www.consulfrance-washington.org/visas/visasen.htm> & Centre d'accueil de la presse étrangère at <http://www.capefrance.com/mae/anglais.doc>.

² Telephone conversation with the French General Consulate in Washington on 07/15/2004.

³ *Supra* note 1.

⁴ *Supra* note 2.

⁵ Centre d'accueil de la presse étrangère at <http://www.capefrance.com/mae/anglais.doc>.

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GERMANY

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

German practice significantly differentiates between the treatment of journalists who intend to be stationed in Germany for at least a year and those who merely wish to enter the country to cover a specific event.¹

Journalists, who intend to be stationed for some length of time in Germany and who work for their employer abroad, should obtain an accreditation from the Press and Information Office of the federal government, which is initially granted for one year. If they obtain this permit, they do not require a German work permit,² and this makes it easier for them to obtain a residence permit.³

Journalists who wish to enter Germany to cover a special event are subject to the general provisions on entry and visitation.⁴ Whether such journalists require a visa for entering Germany depends on the country of origin. The nationals of more than 50 countries, including those of the United States, may enter Germany as visitors without a visa and remain there for up to three months.⁵

Germany is a member of the European Human Rights Convention⁶ and of the International Covenant on Civil and Political Rights,⁷ and it may be safe to assume that the freedom of information guarantees of those instruments would be observed in the granting of entry and residence permits for journalists.

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¹ Information obtained in part from the Press and Information Office of the Federal Government, in Berlin, which is the accrediting agency for foreign journalists.

² Arbeitsgenehmigungsverordnung, repromulgated Sept. 17, 1998, BUNDESGESETZBLATT [BGBl, official law gazette of the Federal Republic of Germany] I at 2899, as amended, § 9, ¶ 11.

³ Ausländergesetz [AuslG], Jul. 9, 1990, BGBl I at 1354, as amended, § 10; G. Renner, AUSLÄNDERRECHT 64 (München, 1999).

⁴ AuslG § 3.

⁵ Verordnung zur Durchführung des Ausländergesetzes, Dec. 18, 1990, BGBl I at 2983, as amended, § 1.

⁶ Convention for the Protection of Human Rights and Fundamental Freedoms, signed Nov. 4, 1950, EUROPEAN TREATY SERIES No. 5, ratified by Germany Aug. 7, 1952, BGBl II at 685, art. 10.

⁷ Adopted by the United Nations General Assembly Dec. 16, 1966, 16 INTERNATIONAL LEGAL MATERIALS 368 (1967), ratified by Germany Nov. 15, 1973, BGBl II at 1533, art. 19.

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ICELAND

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

The Icelandic Directorate of Immigration is the governing body that examines applications of foreigners who wish to enter or reside in Iceland.¹ There are no special provisions relating to journalists. A valid passport is necessary for visitors to Iceland, except for citizens of the Nordic countries which include Denmark, Finland, Norway, and Sweden.² Journalists from the European Economic Area (comprising the EU, Switzerland, and Liechtenstein), the United States, Canada, Australia, and New Zealand may enter Iceland using national identity cards, in place of passports, issued by the competent authorities in their countries of origin.³ Passports must be valid for three months beyond the visitor's planned date of arrival.⁴ Journalists from countries not previously listed must possess medical travel insurance and apply for visas at specific embassies or consulates in their home countries.⁵

Journalists traveling together in a group and arriving in Iceland for a short stay may use a collective travel document. The collective travel document must be issued by a competent authority, affixed with that authority's stamp or seal, and be valid for a visit to Iceland.⁶ It must contain only the names of the nationals of the country of the issuing authority who have the right to travel to Iceland using a regular passport without an entry visa.⁷ While there is no time limit on a journalist's length of stay in Iceland, foreigners must provide their identity documents when requested by police, so that their identity and the lawfulness of their stay in Iceland may be ascertained.⁸

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¹ Icelandic Directorate of Immigration at <http://www.utl.is/index.php?bId= 80> and the Icelandic Ministry of Foreign Affairs at www.mfa.is.

² *Id.* at <http://www.utl.is/index.php?bId= 89> and <http://www.utl.is/index.php?bId= 90>.

³ Regulation on Foreigners 53/2003 at <http://eng.domsmalaraduneyti.is/laws-and-regulations/nr/860>.

⁴ *Id.*

⁵ See Act on Foreigners, No. 96/2002, Appendix 2, Foreigners to Whom the Agreement on the European Economic Area (the EEA Agreement) Applies at <http://eng.domsmalaraduneyti.is/laws-and-regulations/nr/105>.

⁶ Telephone conversation with the Icelandic Consulate in Washington, D.C. on Jul. 16, 2004.

⁷ *Id.*

⁸ *Supra* note 5, art. 53. The Duty of Foreigners to Provide Information, and to Report at a Certain Place.

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REPUBLIC OF IRELAND

RULES GOVERNING THE ADMITTANCE OF FOREIGN JOURNALISTS

I. Introduction

The Regulations governing the admittance of members of the foreign press into the Republic of Ireland are detailed in the Immigration Act.¹ These regulations do not have any provisions that specifically apply to foreign journalists. They have a broad interpretation and apply to many professions seeking to enter to the Republic of Ireland.

II. Requirements for Work Permits

A judgment in the case of *Osheku*² makes it clear that the control of non-nationals is in the first instance a matter for the Executive. By virtue of the Aliens (Visas) Order 2002,³ non-European Economic Area⁴ nationals who want to work in Ireland must have a work permit issued by the Department of Enterprise, Trade and Employment before they can apply for any necessary visa for entry into the country.⁵ The individuals' prospective employers must apply for the work permits on their behalf after a proven attempt has been made to fill the positions with individuals from Ireland and the European Union.

If a work permit is approved then the applicant can be registered as a legal alien,⁶ and he will be allowed to work in Ireland for a set period, which is usually one year. Work permits are generally granted in certain cases, for example, where it is established that the prospective employee is an "entertainer who is coming to perform for a specific event and this would include back up crews and all film and television crews."⁷

III. Admitting Foreign Journalists To Cover Specific Events

In the instance of admitting a foreign journalist to Ireland for the coverage of a particular event, the regulations differ slightly. Depending on the nationality of the journalist wishing to be admitted, the Irish State will need written clarification that the individual has been cleared by their domestic state

¹ Immigration Act 2003, no. 26, 2003, available at: http://www.bailii.org/ie/legis/num_act/2003/2003-26.html. (Last accessed Jul. 19, 2004).

² *Osheku v Ireland* [1986] IR at 476.

³ Aliens (Visas) Order 2002 SI 178/2002. See also Brian Ingoldsby, *Regular Migration to Ireland* (May. 14, 2002), at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XTLYA-en/\\$File/regularmigrationtoireland.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XTLYA-en/$File/regularmigrationtoireland.pdf). (Last accessed Jul. 19, 2004).

⁴ The European Economic Area consists of European Union Member States together with Norway, Iceland, and Liechtenstein.

⁵ Department of Enterprise, Trade and Employment, *Work Permits Section Guidelines and Procedures* (Jul. 6, 2004) at <http://www.entemp.ie/labour/workpermits/guidelines.htm>. (Last accessed Jul. 19, 2004). More general guidance is available at Oasis, *Working in Ireland* at http://www.oasis.gov.ie/moving_country/moving_to_ireland/working_in_ireland.html. (Last accessed Jul. 19, 2004).

⁶ In this context, the word alien means a person who is not a citizen of the Republic of Ireland.

⁷ See www.gov.ie.

department before security clearance will be granted to them. In instances where the stay is for a specific purpose, no work permit is necessary, but a press visa, issued by the regulating authority, is required.⁸

IV. Situations Where Work Permits Are Not Required

Non-Nationals do not need a work permit if they are an individual who:

- is an EEA / SWISS citizen or the spouse or dependant children of such a person;
- has been granted refugee status, whether through the normal process or as a program refugee;
- is a postgraduate student where the work is an integral part of the course of study being undertaken;
- has been used refugee status, but has been given leave to remain on humanitarian grounds;
- is coming to Ireland from an overseas company for a maximum period of three years for training, whether or not it entails paid work, at an Irish-based company.

V. Visas

When it is necessary, a person applies for a visa to the Department of Foreign Affairs, usually at an Irish Diplomatic or Consular Post. The primary factors involved when a visa application is being considered include whether the person:

- has sufficient funds to ensure that the State is not burdened with the proposed stay;
- is likely to return home after the purpose of the stay has been fulfilled; and
- has proper documentation to support or authorize the proposed activity during the stay.

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⁸ Usually the Department for Enterprise, Trade and Employment.

LAW LIBRARY OF CONGRESS

ITALY

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

Because the Law Library of Congress currently has no staff member with expertise in the laws of Italy or control of its language, the information set out below is based on English-language secondary sources or unofficial translations of legal instruments. Italy is a party to the Schengen Agreement.¹ European Union (EU) citizens do not need visas for any of the fifteen countries that make up the Schengen area, and citizens from certain other countries, including the United States, do not require a visa when visiting Schengen area countries for purposes of tourism or official or business stays of ninety days or less.² Citizens of all other countries need a visa to enter Italy if it is their sole destination, if they intend to visit Italy and other Schengen countries, or if they have no main destination but plan to visit two or more Schengen countries and Italy is their first port of entry.

Members of the foreign press are among the special categories of workers who do not require a work visa to work in Italy. If they are working for government media or are traveling to Italy to participate in conventions or other authorized events, journalists can obtain a conference visa. In exceptional circumstances, for events that do not fall into the conference visa category, they can obtain a business visa. In either case, within eight days of arriving in Italy, holders of these visas must appear before the local police authority to obtain a "Residency Permit" (*permesso di soggiorno*), and they must also show proof of health insurance.³

Upon arriving in Italy, foreign journalists must be presented to the Ministry of Foreign Affairs by a letter signed by the director of the media outlet they represent and by a Verbal Note from the embassy in Rome that represents the media outlet (regardless of the nationality of the journalist).⁴ The letter is necessary as proof of the work relationship between the journalist and the media outlet. Once the Press and Information Office of the Ministry has received the Verbal Note, the accreditation process must be completed through the provision of additional documentation. Accreditation is valid for two years. Upon its expiration, the journalist must repeat the accreditation process.

Once accreditation has been obtained, journalists who are EU citizens can obtain residency papers for Italy; non-EU citizens can obtain a residency permit valid for two years and renewable upon the date of expiry. Accreditation Office of the Press and Information Office communicates to the Ministry of

¹ The Schengen *Acquis* is referred to in art. 1(2) of Council Decision 1999/435/EC of 20 May 1999, in OJ [Official Journal of the European Communities] L 176, 10.7.1999, p. 1. For an English text of the *Acquis*, see Europa - Gateway to the European Union website (the portal site of the European Union), at http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/l_239/l_23920000922en00010473.pdf. The fifteen Schengen area countries are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, and Sweden. The Agreement of the Accession of the Italian Republic to the Convention Implementing the Schengen Agreement of 14 June 1985 Between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at Their Common Borders was signed at Schengen on June 19, 1990.

² Embassy of Italy website, *Visti/Visas*, at <http://www.italyemb.org/Visti.htm>. The other countries whose citizens do not require visas for visits of up to 90 days are: Andorra, Argentina, Australia, Bolivia, Brazil, Brunei, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, El Salvador, Estonia, Guatemala, Honduras, Hungary, Israel, Japan, Latvia, Liechtenstein, Lithuania, Malaysia, Malta, Mexico, Monaco, New Zealand, Nicaragua, Panama, Paraguay, Poland, Romania, San Marino, Singapore, Slovakia, Slovenia, South Korea, Switzerland, Uruguay, Vatican City, and Venezuela.

³ *Id.*

⁴ For additional details, see Ministry of Foreign Affairs, *Foreign Press Handbook*, at http://www.esteri.it/engn/6_40_196.asp.

Interior and to the Police Headquarters that accreditation has been completed and requests residency permits for the journalist. Upon obtaining a residency permit, the foreign journalist can be registered in City Hall upon presentation of a permit that is valid for at least one year and a valid passport. Foreign correspondents who have had a residency permit in Italy for at least six years can request a residency card (*carta di soggiorno*) without an expiry date from the local Police Headquarters.⁵

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⁵ *Id.*

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JAPAN

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

There is a difference in visa and immigration status for journalists who come for a short time to Japan and those who are stationed there.

Foreign journalists who aim to engage in news coverage and other journalistic activities conducted on the basis of a contract with a foreign-based media organization can obtain a working visa.¹ The status of residence (immigration status) is “journalist.”² Freelance journalists are included, but the contract between the journalist and a foreign-based media organization must be continual.³ Journalistic activities include those carried out by newspaper journalists, magazine journalists, report writers, editorial chiefs, editors, media photographers, television, and radio announcers.⁴ The period of stay for a journalist is one year or three years.⁵

If a journalist comes to Japan for a short time, a “temporary visitor” visa is required. For example, a journalist who only covers a famous person’s visit to Japan will not have a working visa, but a temporary visitor visa.⁶ If a journalist is a citizen of a country that has a visa exemption agreement with Japan, the temporary visa is exempted. The status of residence (immigration status) for such a journalist is “temporary visitor.” The period of stay for a temporary visitor is fifteen days or ninety days.⁷

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¹ Ministry of Foreign Affairs, A Guide to Japanese Visas, IV, available at http://www.mofa.go.jp/j_info/visit/visa/04.html.

² The Immigration Control and Refugee Recognition Act, Order No. 319 of 1951, as amended, art. 2-2, Appendix 1, 1.

³ HIDENORI SAKANAKA AND TOSHIO SAITO, SHUTSUNYUKOKU KANRI OYOBI NANMIN NINTEIHO CHIKUJO KAISETSU (THE IMMIGRATION CONTROL AND REFUGEE RECOGNITION ACT ARTICLE-BY-ARTICLE COMMENTARY), 110 (1997).

⁴ Ministry of Foreign Affairs, *supra* note 1.

⁵ The Immigration Control and Refugee Recognition Act, *supra* note 1, art. 2-2; The Immigration Control and Refugee Recognition Act Enforcement Ordinance, Ministry of Justice Ordinance No. 54 of 1981, as amended, Appendix 2.

⁶ MAEDA OSAMI ET AL., GAIKOKUJIN NO NYUKOKU ZAIRYU TETSUZUKI (PROCEDURES OF ENTRY AND STAY FOR FOREIGNERS), 42 (2000).

⁷ The Immigration Control and Refugee Recognition Act, *supra* note 1, art. 2-2; The Immigration Control and Refugee Recognition Act Enforcement Ordinance, *supra* note 4, Appendix 2.

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LIECHTENSTEIN

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

In terms of the visa regulations for Liechtenstein, the same regulations apply to foreign nationals who are planning on entering Switzerland, as well as Liechtenstein.¹ Switzerland's regulations may be consulted for additional assistance. The following section on Journalists on Short Term Assignments details briefly the visa requirements for up to ninety days, and the next section discusses Journalists Stationed in Liechtenstein.

I. Journalists on Short Term Assignments

For assignments that are up to ninety days, a visa is generally not required for a tourist or business stay.² A valid passport is required.³ If a visitor is going to be traveling to Liechtenstein on a regular basis, but stay less than three months each time, it is necessary to apply for a permit visa if the total stay will be greater than six months within a twelve-month period.⁴

For more information on requirements for a short term visa, please visit the Swiss Embassy website at http://www.eda.admin.ch/washington_emb/e/home/consular/visas.html (click on "do I need a visa").⁵ The Embassy of the Principality of Liechtenstein can be reached at 1300 Eye St., NW Suite 550W, Washington, DC 20005 (202/215-0460) or the Embassy of Switzerland, 2900 Cathedral Ave., NW, Washington, DC 20008 (202/745-7900) (visa@was.rep.admin.ch) or the nearest Swiss Consulate General: CA (310/575-1145 or 415/788-2272), GA (404/870-2000), IL (312/915-0061), NY (212/599-5700), or TX (713/650-0000).⁶

II. Journalists Stationed in Liechtenstein

If a journalist is to be stationed in Liechtenstein for a period exceeding three months, a visa request must be made for a work visa.⁷ The request must be submitted to the competent authorities in

¹ E-mail from Sabine Angara, Embassy of Switzerland in Washington, D.C., to Andrew Weber, Attorney-Advisor, Law Library of Congress (Jul 15, 2004, 02:19 PM EST) (on file with the recipient).

² Foreign Entry Requirements, at <http://travel.state.gov/foreignentryreqs/americansabroad.html>.

³ *Id.*

⁴ *Step 2: What type of visa must I apply for and what are the requirements?*, http://www.eda.admin.ch/washington_emb/e/home/consular/visas/vistyp.html.

⁵ E-mail from Sabine Angara, Embassy of Switzerland in Washington, D.C., to Andrew Weber, Attorney-Advisor, Law Library of Congress (Jul 15, 2004, 02:19 PM EST) (on file with the recipient).

⁶ *Supra* note 2.

⁷ *Supra* note 1.

Switzerland for approval.⁸ This should take approximately six to eight weeks.⁹ Depending on the length of stay and the permanent nature of the position, the journalist should apply for either a non immigrant visa, a visa for business or an immigrant visa, or a work visa. If the journalist is hired for a permanent position in Liechtenstein, then an immigrant visa may be the more appropriate choice. If the journalist is just to be stationed temporarily in Liechtenstein for a few years, then the non immigrant visa may be better suited for the situation.

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⁸ *Id.*

⁹ *Id.*

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LUXEMBOURG

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

Nationals of the European Union and of a group of approximately thirty-five other countries, including the United States, may enter Luxembourg and stay up to three months without a visa. Nationals of other countries require a short stay visa or a Schengen visa. A journalist on a short term assignment who is a national of the first category of countries is not required to obtain a visa.¹

A longer stay requires that both a provisional residence permit, issued by the Ministry of Justice, and a work permit, issued by the Ministry of Labor, be obtained before entering the country.²

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¹ Telephone conversation with the Luxembourg Embassy in Washington , DC on 07/19/2004.

² Voyages, visas et passeports, Ministère des Affaires Etrangères, at <http://www.mae.>,

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MONACO

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

Ordinance 3153, setting forth the conditions required for entry and residence in the Principality of Monaco,¹ provides that foreign nationals who wish to enter Monegasque territory and remain there for a period not exceeding three months or establish residence there, must have the documents and visas required for entry into French territory.² In 1963, France and Monaco signed a Neighborhood Convention under which Monaco agreed to keep its legislation on entry and residence of foreigners in harmony with the French legislation.³

Therefore, a journalist on a short term assignment will need to obtain a short-stay visa as required by the French authorities. No visa, however, is required for the citizens of the European Union and Liechtenstein. A journalist appointed as permanent correspondent will need a long-stay visa. Once in possession of this visa, he is required under the above Ordinance to request a resident's card within eight days of his arrival in the Principality from the Foreigners' Section of the Directorate of the Police.⁴

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¹ Ordinance 3153 of Mar. 19, 1964 as amended, Codes et Lois de la Principauté de Monaco, fascicule 11.63, (ed. du Juris-Classeur). See also the website of the Monaco Consulate in the United States at http://www.monaco-consulate.com/faq_visas.htm

² *Id.* art 1.

³ Ordinance 3039 of Aug. 19, 1963 rendering enforceable the Neighborhood Convention signed in Paris on May 18, 1963, Codes et Lois de la Principauté de Monaco, fascicule 7: 091, (ed. du Juris-Classeur)

⁴ *Supra* note 1, art 3.

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THE NETHERLANDS

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

Citizens of most countries, including the United States, do not need a visa for entry into The Netherlands. The stay of all foreign nationals is governed by the Law on Aliens.¹ For those visitors who visit for less than ninety days no permits are required. If the stay is for more than ninety days, a residence permit is required and may be obtained at the local Immigration Police in the municipality where the foreigner will be staying. In general, a residence permit does not allow for employment. In order to be authorized for an employment, an employment permit is required in addition to the resident permit. The Law on the Employment of Aliens (the Law) deals with employment permits.²

The Law provides that an employer is not authorized to employ someone without a valid work permit.³ However, this prohibition does not apply to certain categories of workers. This includes self employed foreigners.⁴ For these cases, a special note must be made about the self employment in the residence permit. These provisions can be applied, for example, to freelance journalists.

The Law further provides that no work permit is required for special categories of persons, as determined by General Administrative Measure. According to this Royal Decree, no work permit is required of those persons who have their main residence outside the Netherlands and who temporarily work in the Netherlands, if that period does not exceed four weeks.⁵ This provision can be applied to journalists working on a certain project. Certain other categories of work that is not temporary have been excluded from the obligation to obtain a work permit in this Royal Decree, including correspondents who work for a "publicity medium" whose main seat is outside of the Netherlands.⁶

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¹ Law of Nov. 23, 200, STAATSBLAD (official law gazette of the Netherlands, Stb.) 495, as amended.

² Law of Dec. 21, 1994, Stb. 959, as amended.

³ *Id.* art. 2.

⁴ *Id.* art. 3.

⁵ Decree of Aug. 23, 1995, Stb. 406, as amended, art. 1, § a.

⁶ *Id.* art. 1, § e.

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NEW ZEALAND

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

New Zealand's Immigration Act¹ and Immigration Regulations² do not contain special exemptions for journalists. Thus, journalists who are to be stationed in the country are generally required to obtain work permits. However, journalists who wish to enter the country to cover an event and who plan to remain in the country for less than three months are generally permitted to enter the country as visitors.³ The United States and New Zealand have a visa waiver program. Under this program, visitors from the United States are not required to obtain visas to visit New Zealand. A journalist who wished to work for a New Zealand employer would be required to obtain a work permit for that purpose.

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¹ Immigration Act, 1987, 1987 N.Z. Stat. No. 74, as amended.

² Immigration Regulations, 1999, No. 284.

³ Information obtained from the Embassy of New Zealand, July 19, 2004.

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PORTUGAL

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

According to Portuguese Immigration Law,¹ in general, visas for foreign journalists are no different than for other foreigners. If a journalist is entering Portugal to cover one event, he only needs a temporary visa or a short term visa,² which may be issued for a duration of up to one year with multiple entries.

If the journalist is staying for a more prolonged stay as a permanent correspondent for a foreign press entity or as an independent journalist, a work visa must be issued. Either a work visa type III, if the activities are performed as an independent journalist,³ or Type IV, if the journalist is a correspondent of a foreign company, is required.⁴

There are two exceptions to this general rule. Journalists, who are citizens of and hold valid passports from Member countries of the Community of Portuguese Speaking Countries (*Comunidade dos Paises de Lingua Portuguesa CPLP*)⁵ are authorized to multiple entries for a minimum of one year.⁶ Members of the European Union are allowed entrance and stay in Portuguese territory with only a valid passport or identity card.⁷

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July 2004

¹ REGIME JURIDICO DA ENTRADA, PERMANENCIA, SAIDA E AFASTAMENTO DE ESTRANGEIROS DO TERRITORIO NACIONAL, Decree-Law 244/98 of Aug. 8, 1998 in *Diario da Republica* (D.R) Aug. 8, 1998.

² *Id.* art. 33.

³ *Id.* art. 37.C

⁴ *Id.* art. 37.D

⁵ The Community of Portuguese Speaking Countries includes Angola, Brazil, Cape Verde, Guinea Bissau, Mozambique, Macau, and Sao Tome e Principe.

⁶ Decree 34/2003 of July 30, 2003 in D.R July 30, 2003, art. 1.

⁷ Decree-Law 60/93 of Mar. 3, 1993 in D.R. Mar. 3, 1993.

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REPUBLIC OF SAN MARINO

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

On March 22, 1862, San Marino concluded a treaty of friendship and cooperation with Italy, which also included a *de facto* customs union. This treaty preserves San Marino's independence, and maintains an open border and legislative reciprocity between it and Italy.¹ The treaty was renewed in 1939² and revised with several amendments in 1968³ and 1971.⁴

Since the establishment of official relations between San Marino and the European Union in 1983, EU citizens, including journalists, are required to have either a passport or an identification card in order to stay or work in San Marino.⁵ Journalists from other countries, including the United States, Canada, Australia, New Zealand, Israel, Switzerland, and Japan, do not need a visa, but are required to have their passports stamped upon entry.⁶ Persons entering San Marino as tourists may stay for up to three months and are not required to have their passports stamped.⁷ Journalists are required to register with a "questura" (police station) if they take up residence for more than ten days and obtain a "*permesso di soggiorno*" (permission to remain for a nominated period) from the nearest San Marino or Italian embassy or consulate.⁸

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¹ Treaty of Friendship and Co-operation, Mar. 22, 1862, 0 Rapporti Bilateralmente con Stati ed Organizzazioni Internazionali [hereinafter SMRB]0.

² *Id.* Mar. 31, 1939, 0 SMRB 0.

³ *Id.* Mar. 6, 1968, 1970, ITGU 155.

⁴ *Id.* Sep. 10, 1971, 1972 ITGU 336.

⁵ See Aide Memorie and Co-operation and Customs Union Agreement between the European Community and San Marino at http://europa.eu.int/comm/external_relations/sanmarino/doc/index.htm.

⁶ Telephone conversation with the Consulate of San Marino in Elmont, NY on 7/16/04. See also the official San Marino website at <http://www.omniway.sm>.

⁷ *Id.*

⁸ *Id.*

LAW LIBRARY OF CONGRESS

SINGAPORE ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

The Immigration Act¹ of the Republic of Singapore does not impose separate visa requirements on foreign journalists. It sets forth certain general requirements regarding entry permits and passes. The Act prescribes that no person other than a Singaporean citizen may enter Singapore unless he is in possession of a valid entry permit lawfully issued to him under the Act; his name is endorsed upon a valid entry permit and he is in the company of the holder; he is in possession of a valid pass (*see below*) lawfully issued to him to enter Singapore; or he is exempted from such requirements by virtue of a ministerial order.² Any person who is not entitled to enter the country either as a Singaporean citizen or by virtue of a valid entry pass³ issued to him or who seeks to remain in Singapore after the expiration of such a pass may apply for entry to the Controller of Immigration (or a surrogate appointed by him). Upon submission of the application and payment of the prescribed fees, the applicant may be issued an entry permit. If, based on the requirements of laws in force in Singapore relating to passports, the applicant must have a visa to enter the country, the Controller will issue a visa to the person upon his production of his passport or other travel document and payment of the prescribed fee. The visa will remain valid until the expiry or cancellation of the entry permit.⁴

Certain categories of foreign professionals need a Professional Visit Pass (PVP) for short-term professional assignments in Singapore. These include foreign journalists, reporters, or accompanying crew members who are not supported by any Singaporean government agency to cover an event or write a story in Singapore. However, foreign journalists supported by the Singaporean government to carry out such activities are exempted from this requirement. They may complete their assignments within the validity period of a Social Visit Pass granted upon their arrival at Singapore points of entry. Nevertheless, they must still seek the approval of the relevant authorities concerned. The Social Visit Pass is for foreigners who require a longer stay when visiting Singapore for the purpose of a social visit or to attend brief business negotiations and discussions.⁵

Foreign journalists who require a stay of more than three months' duration must apply for a work pass from the Employment Pass Department of the Ministry of Manpower. In general, an Employment Pass (EP) is for work stays of longer than one month in Singapore and may be obtained by foreign professionals who seek employment provided that they are not prohibited immigrants or work permit holders, that their basic salary exceeds S\$2,000 per month (about US\$1,172), and that they possess recognized academic or professional qualifications at the tertiary level. EPs include, among others, P and Q1 passes. The P pass is for foreigners holding acceptable degrees, qualifications, or specialist skills who seek professional, administrative, executive, or managerial jobs. It is subdivided according to the

¹ Ch. 133, as last amended in 2003, *Singapore Statutes Online*, available at <http://statutes.agc.gov.sg>.

² *Id.*, §6 (1). The power to exempt from provisions of the Act is set forth in §56. "Entry permit" is a permit to enter or remain in Singapore under §10 of the Act, on entry permits. *Id.* §2, "Interpretation," under "entry permit."

³ A "pass" means a pass issued under the regulations entitling the holder thereof to enter and remain temporarily in Singapore. *Id.* §2, "Interpretation," under "pass."

⁴ *Id.*, §10 (1-2).

⁵ Singapore Immigration & Checkpoints Authority (ICA), *Professional Visit Pass Application*, at http://app.ica.gov.sg/serv_visitor/professional_visit/prof_visit_application.asp, and *Social Visit Pass Application*, at http://app.ica.gov.sg/serv_visitor/social_visit/social_visit_app.asp.

applicant's basic monthly salary into the categories of P1 (more than S\$7,000/month) (about US\$4,102) and P2 (more than S\$3,500 and up to S\$7,000) (about US\$2,051 to \$4,102). The Q1 pass is for foreigners whose basic monthly salary is more than S\$2,500 (about US\$1,465) and who possess acceptable degrees, professional qualifications, or specialist skills.⁶

To become a Singapore Permanent Resident, non-Singaporeans must obtain an Entry Permit; application for the latter is an application for the former. Holders of P or Q class EP holders are eligible to apply, through the submission of certain specified forms.⁷

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July 2004

⁶ Information available from the Ministry of Manpower website, at <http://www.mom.gov.sg/MOM/CDA/0,1858,1276-----5716----,00.html>.

⁷ ICA, at http://app.ica.gov.sg/serv_pr/per_res/app_for_pr.asp.

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SLOVENIA

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

Journalists on Short Term Assignments

A passport is required for most visitors from outside the European Union (EU) traveling to Slovenia.¹ For assignments that are up to ninety days, a visa is not required for a business or tourist stay.²

Since Slovenia recently entered the EU, their visa requirements will change to reflect the Schengen Agreement during the transition period over the next two years.³ Citizens from EU countries, Croatia, and Switzerland may cross the border into Slovenia with just a valid personal identity document; however, this visit may not be longer than thirty days.⁴

Journalists Stationed in Slovenia

For journalists that are stationed in Slovenia for more than ninety days, a temporary residence permit must be obtained before travel if arriving from a country outside the EU.⁵ After the transition to full membership to the EU is completed and the changes needed to reflect the Schengen Agreement have been made, a visa will not be necessary for traveling to Slovenia for citizens of EU countries, Iceland, Liechtenstein, Norway, or Switzerland.⁶

For individuals from countries outside the EU, a temporary residence permit will still be required. This permit is usually issued for the time of work permitted.⁷ It does not exceed one year, but can be renewed.⁸ Employment in Slovenia for a foreigner is strictly regulated and is possible only with a work permit.⁹ There are three types of work permits: permits for employment, personal work permits, and permits for work.¹⁰

The *permit for work* appears to be the most applicable for foreign journalists stationed in Slovenia for more than three months. One aspect of this permit is that it allows for “workers of foreign companies

¹ *Foreign Entry Requirements*, at <http://travel.state.gov/foreignentryreqs/americansabroad.html>.

² *Id.*

³ *Slovenia – Official Travel Guide: Border Formalities*, at http://www.slovenia-tourism.si/?border_formalities=0&lng=2.

⁴ *Id.*

⁵ *Supra* note 1.

⁶ *Europa – Traveling in Europe – Documents You Will Need*, at http://europa.eu.int/abc/travel/doc/index_en.htm.

⁷ *Working in Slovenia, Entry, Residence, and Work Permits*, at <http://www.ess.gov.si/English/html/Nrcvg/Work/wislovtu.doc>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

who are practicing some activities in Slovenia.”¹¹ The employer should send the work permit to the employee, who can then take it to the Slovenian Embassy in the employee’s home country to obtain the temporary residence permit before leaving for Slovenia.¹²

An exception to this visa requirement would be if the journalist already had a visa for another Schengen country, which includes any European Union country (except Ireland and the United Kingdom) or for Iceland or Norway.¹³ Then the visa for the other EU country would be valid for use in Slovenia in place of a Slovenian visa.¹⁴

Additional information can be obtained from the Embassy of the Republic of Slovenia, 1525 New Hampshire Ave., NW, Washington, DC 20036 (202) 667-5363.¹⁵

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July 2004

¹¹ *Id.*

¹² *Id.*

¹³ *Supra* note 6.

¹⁴ *Id.*

¹⁵ *Supra* note 1.

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SPAIN

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

Under Spanish Immigration Law,¹ foreign journalists do not have a special type of visa different than other foreigners. If a journalist is entering Spain to cover only one event, he only needs a temporary visa or a short term visa,² which allows for stays of up to three months within the same semester.³

Foreign journalists who must travel frequently to Spain for professional reasons may be issued a visa for multiple travel, which allows multiple stays that may not exceed three months per semester for one year and that may be extended for several years, in exceptional cases.⁴

A special visa may be issued for work for a length that may not exceed the term granted up to a maximum of six months. This type of visa may be issued by the Ministry of Foreign Affairs under an expedited process.⁵

The entrance, residence, and work of foreign journalists who are nationals of European Union (EU) Member countries are governed by the rules established in the Schengen Agreement, which was ratified by Spain on June 26, 1992.⁶ It allows EU nationals to enter Spain only with a valid ID or passport if the stay is shorter than three months.⁷ If it is longer than three months but less than one year, a temporary residence card will be issued for that period of time.⁸

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July 2004

¹ ORGANIC LAW 4/2000 ON RIGHTS AND FREEDOMS OF FOREIGNERS IN SPAIN AND THEIR SOCIAL INSERTION of January 11, 2000 in *Boletín Oficial del Estado* (B.O.E.) January 12, 2000.

² ROYAL DECREE 864/2001 ON THE REGULATION OF ORGANIC LAW 4/2000, of July 20, 2000 in B.O.E. July 21, 2001, art. 7.a.

³ *Id.*

⁴ *Id.* art. 7.b.

⁵ *Id.* arts. 7.c and 89.6.

⁶ ROYAL DECREE 766/92 of June 26, 1992 in B.O.E. June 30, 1992.

⁷ *Id.* art. 6.1.

⁸ *Id.* art. 6.2.

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SWITZERLAND

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

Swiss practice differentiates between the admittance of foreign journalists who intend to stay in Switzerland for longer than three months and those who enter Switzerland for the purpose of covering a single event.¹

Journalists who intend to work in Switzerland for longer than three months should obtain an accreditation either from the Swiss Department of Foreign Affairs in Berne or from the United Nations Office in Geneva, and this exempts the journalist from the otherwise prevailing requirement for a work permit² and also makes it easier for him to obtain a residence permit.³

Journalists who come to Switzerland for short periods to cover a particular event, generally require a visa of entry,⁴ which specifies the purpose of entry and the duration of the visa.⁵ However, the nationals of more than 50 countries may visit Switzerland for three months at a time without a visa, included among these are the citizens of the United States.⁶

In assessing Swiss practice, it must be taken into consideration that the federal provisions on the entry and sojourn of aliens are administered by the cantons and that this may lead to some variances.⁷ However, Switzerland is a member of the European Human Rights Convention and of the International Convention on Civil and Political rights, and it may be safe to assume that the Swiss authorities are mindful of the guarantees of freedom of information that are embodied in these instruments.⁸

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July 2004

¹ Information obtained from the Swiss Embassy in Washington, D.C.

² Verordnung über die Begrenzung der Zahl der Ausländer, Oct. 6, 1986, as amended, SYSTEMATISCHE SAMMLUNG DES BUNDESRECHTS [SR] no. 142.201, art. 4, ¶ 1, letter f.

³ Bundesgesetz über Aufenthalt und Niederlassung der Ausländer, Mar. 26, 1931, as amended, SR 142.20, art. 2; Vollziehungsverordnung zum Bundesgesetz über Aufenthalt und Niederlassung, Mar. 1, 1949, as amended, SR 142.201, art.2, ¶ 5.

⁴ Verordnung über Einreise und Anmeldung von Ausländerinnen [VEA], Jan. 14, 1998, as amended, SR no. 142.211, earthward. 11, ¶ 1, letter h.

⁵ VEA, art. 9.

⁶ VEA, art. 4.

⁷ M. Specha, HANDBUCH ZUM AUSLÄNDERRECHT 41 (Bern, 1999).

⁸ Convention for the Protection of Human Rights and Fundamental Freedoms, signed Nov. 4, 1950, EUROPEAN TREATY SERIES NO. 5, ratified by Switzerland ct.3, 1974, Amtliche Sammlung des Bundesrechts [AS] 2148 (1974, art. 10; International Convention on Civil and Political Rights, adopted by the United Nations General Assembly Dec. 16, 1966. ratified by Switzerland Dec. 13, 1971, AS 747 (1993), art. 19.

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UNITED KINGDOM

ENTRY AND RESIDENCE CONDITIONS FOR FOREIGN JOURNALISTS

I. Introduction

The legislative and regulatory framework governing the admittance of foreign journalists into the United Kingdom of Great Britain and Northern Ireland is contained in the Immigration Act 1971¹ and the Immigration Rules.² The Immigration Rules are made by the Secretary of State, under the authority of the Immigration Act 1971 and are the practices that are followed in the administration of the 1971 Act.³ The Immigration Rules are not legislation or regulations per se, but are published as House of Commons Papers and are considered to be part of the law.⁴

II. Laws Applying to the Admittance of Foreign Journalists

The regulations governing the admittance of foreign journalists into the United Kingdom are contained in the Immigration Rules.⁵ There are specific Immigration Rules that apply solely to the admittance of representatives of overseas newspapers, news agencies, and broadcasting organizations (representatives) that exempt them from requiring a work permit, provided that certain criteria, listed below, are met.⁶

The term representative applies to journalists “directly involved in newsgathering for publication or broadcast abroad.”⁷ Producers, news cameramen, and those who work in front of the camera are considered to fall within this definition. It does not extend to secretaries and administrative staff, who require work permits.⁸ Workers entering the United Kingdom for a period of less than six months may be able to enter as a business visitor, provided the relevant criteria are met.⁹

¹ The Immigration Act 1971, c. 77 (as amended).

² Statement of Changes in Immigration Rules (1993-4) H.C. 395 (as amended) *available at* http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/immigration_rules.html. (Last accessed Jul. 15, 2004).

³ The Immigration Act 1971, c. 77, § 3(2).

⁴ *R v Chief Immigration Officer, Heathrow Airport, ex. p. Salamat Bibi* [1976] 3 All ER 843 (CA) per Roskill, LJ: “these rules are [not administrative practice and are] just as much delegated legislation as any other form of rule making activity ... which is empowered by an Act of Parliament. Furthermore, these rules are subject to a negative resolution and it is unheard of that something which is no more than an administrative circular stating what the Home Office considers to be good administrative practice should be subject to a negative resolution by both Houses of Parliament. These rules, to my mind, are just as much a part of the law of England as the 1971 Act itself.”

⁵ Statement of Changes in Immigration Rules (1993-4) H.C. 395 (as amended)

⁶ *See id.* part 5, § 2 at ¶ 136-143.

⁷ *See id.* part 5, § 2 at ¶ 139.

⁸ Immigration Directorates Instructions, c. 5, § 2 at ¶ 1 (Nov. 2000), *available at* http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/table_of_contents/chapter_5/section_2_-_representatives.html. (Last accessed Jul. 16, 2004).

⁹ Immigration Directorates Instructions, c. 5, § 2 at ¶ 1 (Nov. 2000).

The main requirements in the immigration rules for the admittance of a representative is that he must be entering the United Kingdom on a long-term, full-salaried basis and must:

- Have been engaged by the organization outside the United Kingdom and be being posted to the United Kingdom on assignment as a representative;
- Intend to work full times as a representative of the overseas news media or broadcasting organization;
- Maintain and accommodate himself and any dependents adequately without reliance on public funds;
- Hold a valid United Kingdom entry clearance¹⁰ for entry in this capacity;¹¹
- Not have any grounds for refusal for leave to enter based on medical grounds, restricted returnability, criminal records, nor be subject to a deportation order nor should his exclusion be conducive to the public good.¹²

III. Extension of Duration of Stay

Once in the United Kingdom, provided proper entry clearance was presented on arrival, the representative may remain for up to twelve months.¹³ This period may be extended for a maximum of three years,¹⁴ if Secretary of State is satisfied the criteria listed above are met and the representative:

- Is still engaged in the employment for which his entry clearance was granted; and
- Is still required for the employment in question, as certified by his employer.¹⁵

Foreign nationals from certain countries entering the United Kingdom that are staying for more than six months are required to register with police.¹⁶

IV. Permanent Residence

If the representative spends a continuous period working in the same employment for four years and continues to meet the above criteria, the representative may receive indefinite leave to remain in the United Kingdom, also known as permanent residence.¹⁷

¹⁰ The Immigration Act 1971, c. 77. An Entry clearance, which normally take the form of a visa for visa nationals, or an entry certificate for on-visa nationals that specifies the purpose of entry and either endorsed with any relevant conditions or a statement that it operates as indefinite leave to enter the United Kingdom. Once issued, an entry clearance typically allow unlimited entries into the United Kingdom. The Immigration (Leave to Enter and Remain) Order 2000, SI 2000/1161. Also see *id.* part I at ¶24.

¹¹ Statement of Changes in Immigration Rules (1993-4) H.C. 395 (as amended) at Part 1 ¶ 30A and Immigration Directorates Instructions, c. 5, § 2 at ¶ 1 (Nov. 2000).

¹² Immigration Directorates Instructions, c. 5, § 2 at ¶ 2.1 (Nov. 2000).

¹³ Statement of Changes in Immigration Rules (1993-4) H.C. 395 (as amended), part 5, § 1 at ¶ 137.

¹⁴ *See id.* part 5, § 1 at ¶ 140.

¹⁵ *See id.* part 5, §1 at ¶ 139.

¹⁶ *See id.* part 10 at ¶ 325. A list of countries whose nationals this condition applies to is in Appendix II, *available at* http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/immigration_rules/appendix_2.html? (Last accessed Jul. 16, 2004).

¹⁷ Statement of Changes in Immigration Rules (1993-4) H.C. 395, part 5, § 2 at ¶ 142-3.

V. Freelance Journalists

Freelance journalists are subject to different rules than those working as representatives, as they are classed as self-employed. Only freelance journalists who have established themselves as literary figures outside the United Kingdom and whose work has been published in book form can obtain entry clearance to either establish themselves in the United Kingdom or to exhibit or sell their work.¹⁸

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¹⁸See *id.* part 6, § 4 at ¶ 232 and the Immigration Directorates Instructions, annex J, § 2 at ¶ 2.2. (Nov. 2000). Available at: http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/table_of_contents/chapter_6/annexes/annex_j_guidance.html. (Last accessed Jul. 19, 2004). The instructions specify that the works can either be commissioned or the writer may seek to sell their finished products. The writer may work under a contract provided that they receive only a fee as payment.