# **CESSERVICES** PERMITS & PAPERWORK GUIDE 2020

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BY

© 2020 GDA FILMS SERVICES ALL RIGHTS RESERVED India is an astounding, ever-changing, chaotic melting pot of ideas, religions, landscapes and history that contribute to its mind-boggling diversity. Perhaps this is why so many creative minds have been attracted to the sub-continent over the years? It's impossible to run out of inspiration. This guide will arm you with information and advice to help get you started with the paperwork to make your production in India happen.

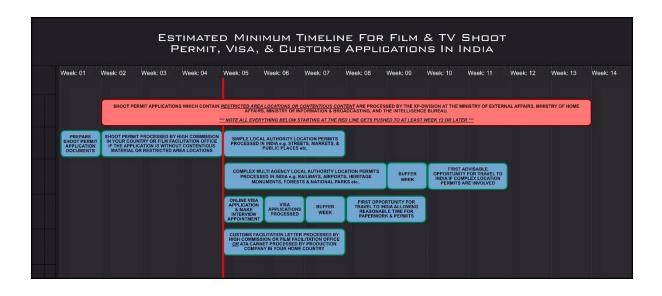
#### \*\* The following advice applies to normal circumstances. The situation regarding travel restrictions, visas, and Standard Operating Procedures for Film & TV shoots in India remains fluid during the Covid pandemic. Please seek up-to-date advice from a local Producer or Fixer before planning your productions. \*\*

It's important to note that if you are travelling to India to shoot content, you cannot apply for a visa until you have permission for your shoot from the Indian government.

There are different procedures to follow depending on your type of production. Documentaries, TV Commercials, Photographic Shoots, and Corporate Videos are grouped together under J-Visas via the Ministry of External Affairs. Feature Films, Reality TV, and Scripted TV/Web Series Drama are grouped together under F-Visas via The Ministry of Information & Broadcasting. Each process is dealt with separately below, so you don't need to read the entire guide unless you want to. You can read the Permission Application process for your production type and then the Visa Application section. After reading the guide you can <u>contact us</u> for further free consultation and advice. We are happy to answer your questions and help with your enquiries.

Before we get into the essential details of the whole process I'd like to address the first questions everyone asks, 'How long does the whole process take?', or, 'When will we be able to travel to India'. This timeline graphic will hopefully illustrate my answer to both questions, 'Well, it depends...'. You might like to refer back to this as you read the guide.

If you are reading this and connected you can find a <u>high-resolution</u> <u>version</u> that's easy to zoom in on by clicking on the image below. If you are offline a larger version can be found on the last page of this guide. There are compromises and grey areas we can use to condense this timeline which we can discuss if necessary.



#### FILM PERMISSION APPLICATIONS FOR FEATURE FILMS, SCRIPTED DRAMA, & REALITY TV IN INDIA

An online application should be filed directly with the Film Facilitation Office (FFO) in Delhi. You can either <u>register</u> and file this yourself or use the guidance and support of a Producer in India who has previous experience. The FFO will push your application through the Ministry of Information & Broadcasting and have your cast and crew cleared by the Ministry of Home Affairs.

This process takes 21 working days, meaning Monday to Friday (excluding public holidays). Major Indian festivals such as Diwali in October/November, have quite a few holidays associated with them so you should allow extra time if your application clashes with one.



You will need to pay a non-refundable Indian Rupee (INR) equivalent of USD225 to complete the online application. Every producer will need to upload the synopsis and script (or detailed concept if applying for Reality TV), passport details for all the cast and crew travelling to

India, a schedule showing all your locations, and a list of all the equipment that you require a customs exemption letter for.

A script which depicts a living personality will also need a 'No Objection Letter' from them. If your production is a co-production with an Indian company, you will need to upload the contract. To avoid delays you should ensure that nothing is missing from your application. Each of these documents should be printed on your Production Company letterhead and signed/dated by the Producer. You can find a step-bystep <u>guide from the Film Facilitation Office here</u>.

If your locations include any restricted areas such as Jammu and Kashmir, Sikkim and many of the far North Eastern states then you should allow a lot of extra time for your application. It's better to avoid restricted areas all together unless absolutely unavoidable. Here is a list of the <u>Restricted Areas</u> from the Bureau of Immigration.

If your script contains any contentious content about religion, politics, poverty, or 'anything that shows India in a bad light', you might encounter severe delays or your application might not ever see the light of day. All scripts are scrutinised by a 'panel of experts' before your permission is issued.

If Aerial filming is mentioned on the application documents this will also have a drastic effect on the processing time.

Once you have filed your application online, and couriered original signed documents, you should follow up with a phone call and even try to arrange a face-to-face meeting for you and/or your local Producer. This will ensure that your application is not overlooked.

When you receive your permission letter from the Film Facilitation Office you can use this to start your <u>Film Visa</u> applications for your cast and crew. You can find details on how to apply in the Visa Application section below.

### PERMITS & PERMISSIONS APPLICATIONS FOR DOCUMENTARIES, TV PRODUCTIONS, COMMERCIALS, & CORPORATES IN INDIA

Documentaries, TV Commercials, Photographic Shoots, and Corporate Video applications are routed through the High Commission of India or Indian Consulate in your home country. There is usually a Secretary in the Press and Information wing responsible for handling 'Documentary Shooting' applications. If your production doesn't include any contentious content the embassy can clear your application locally, and relatively quickly, in approximately 15 to 28 days. If your script contains any content about religion, politics, poverty, or 'anything that shows India in a bad light', you might encounter severe



delays as your application will be referred to the XP Division of the Ministry of External Affairs in Delhi who quote 'not less than 10 weeks' to process. Your application will also be referred to Delhi if your locations include any restricted areas such as Jammu and Kashmir, Sikkim and many of the far North Eastern states. It's better to avoid restricted areas all together unless absolutely unavoidable. Here is a list of the <u>Restricted</u> <u>Areas</u> from the Bureau of Immigration.

Every producer will need to upload a cover letter, application, company profile including past work, a bio of your presenter, Journalist Visa undertaking, synopsis, passport details for all the talent and crew travelling to India, a schedule showing all your locations, and a list of all the equipment that you require a customs exemption letter for. To avoid delays you should ensure that nothing is missing from your application. Each of these documents should be printed on your Production Company letterhead and signed/dated by the Producer. It is not essential, but definitely advantageous, to include a letter of support from the local Producer or Fixer that you are working with in India. The MEA guidelines can be found here.

Once you have emailed your application documents and couriered original signed documents, you should follow up with a phone call and even try to arrange a face-to-face meeting. This will ensure that your application is not overlooked. India is 'old school' when it comes to etiquette so if you meet the responsible Secretary, please be respectful and address them as Sir or Madam and wait to be seated.

When you receive your permission letter from the High Commission or Consulate you can use this to start your Journalist Visa applications for your talent and crew. You can find details on how to apply in the Visa Application section below.

#### VISA APPLICATIONS FOR FILM & TV PRODUCTIONS IN INDIA

Once the Film Facilitation Office or High Commission issue the official Film Shoot Permission letter for your shoot in India the real work can begin. You should immediately apply for all your cast and crew visas; your Customs Facilitation Letter or ATA Carnet; and share the Permission Letter with your local Producer or Fixer in India so that they can begin the local authority location permit applications.



The only time you should consider not applying for visas immediately is if you have managed to get your permission letter far ahead of your shoot schedule – although this is very unlikely in practice. India visas are valid from the time of

issue, not the time of arrival in the country, so you might need to delay your applications to ensure you have enough validity to complete your shoot schedule. Journalist Visas are valid for one to three months (usually three), single entry, and cannot be extended. Film Visas are valid to accommodate the schedule submitted with your permission application or twelve months, whichever is less, and can be extended in India under certain circumstances.

In most countries, Visa applications have been outsourced to companies that handle the paperwork such as VFS Global and Cox & Kings. For country specific advice regarding fees, processing times and procedure, please check the visa section on the embassy or high commission web site in your home country.

#### It's important to note that cast and crew must visit the application centre in person for an interview and to have biometric information collected.

An appointment should be made, as part of your online visa application, after your shoot permission letter is issued.

It is also worth noting that visa expediting companies often do not have the required experience to handle film permission applications and can often really screw things up. If you intend to use such a company, always cross reference their advice with your local Producer or Fixer in India.

If your permission letter is granted by your local High Commission or Consulate you will need to apply for a Journalist Visa (J-Visa). If your permission letter is issued by the Film Facilitation Office, you will need to apply for a Film Visa (F-Visa). The application process is almost the same as follows:

- Get photos taken which fulfil the <u>strict guidelines</u>. You will need to upload this photo and physically attach one to your printed application, so you will need both hard and soft copies. Unfortunately, the process to upload the photo is far from simple. Here is a <u>guide provided by the Indian government</u>.
- 2) Log in to the Indian Government website and fill in the online application <u>https://indianvisaonline.gov.in/visa/index.html</u>. Care should be taken to only use the official site and to select the correct visa type.
- 3) After filling in your personal details and passport information you will arrive at the document upload page where you will need to upload your photo, the official permission letter for your shoot in India, employer's letter from the Production Company, a support letter from your Producer or Fixer in India, and a signed undertaking or declaration letter in the specified format downloaded from your local application centre website these differ quite a lot so make sure you download the correct format, from your application centre, then print it on letterhead and sign it.
- 4) When you have finished uploading the documents download a pdf of your completed application and take a colour print out.
- 5) Make payment online and make an appointment to visit the application centre to submit your application in person. Each member of cast and crew must visit in person. Take a printout of the payment receipt and appointment confirmation. It is worth noting that the fees are non-refundable under any circumstances. If you are uncertain that any member of cast or crew is confirmed for the production, you can choose to pay on the day of your appointment at the application centre. Just be sure to have the correct method of payment. Cash is safest but most centres accept Visa & Mastercard Debit Cards. Many do not accept Credit Cards,

and none accept cheques. Please check the accepted payment methods on your application centre's website.

6) Arrive at the application centre fifteen minutes before the appointed time. Most application centres are strict about timings so don't be late or you might have to make another appointment and return another day. You must bring with you hard copy printouts of the visa application form, 2x visa photos, your appointment confirmation, payment confirmation, *and hard copies of all the documents and letters you uploaded during your online application*.

Please note that each application centre publishes notes on the application process, and documents required, on their website. These should be read in conjunction with this guide. Where additional documents are specified you should ensure these are provided in addition to those mentioned above. Where documents specified in this guide are not mentioned you should still provide them. All letters, undertakings, and declarations must be addressed correctly to the High Commission or Consulate with jurisdiction over the issue of your visa. They must also be printed on company letterhead, signed, dated, and stamped (if you have one).

## Cast and crew not listed on your film permission application will not be successful getting their visas issued.

If you need to add or change members of cast or crew after your permission letter is issued you will need to inform the High Commission or Consulate, in writing, well in advance of their visa applications. It would also be advisable to get confirmation that the additions have been made successfully before going ahead with visa applications for these cast and crew members as fees paid are non-refundable.

The usual timeframe for J-Visas or F-Visas to be issued is five working days after the day of each crew member's appointment at the application centre. If the country you are applying in is not your home country then the process will take at least 10 working days as reference will be taken from your home country. These timings can vary and depend on a complete set of documents and correct information on the submitted application. Any errors or omissions will cause significant delays. It is therefore advisable to ensure a good buffer between the expected date of visa issue and the travel departure date.

If applying as a Pakistan passport holder, or someone with a family history in Pakistan, you should allow at least three months for your visa application. Unfortunately, even after three months, it is highly unlikely that you will be issued a J-Visa or F-Visa.

#### CUSTOMS & CARNETS FOR FILM & TV PRODUCTIONS IN INDIA

Many smaller productions opt to temporarily import the film and TV equipment for their shoot in India from their home country. This usually travels as excess baggage on the same flight as the crew to avoid complications with separate cargo shipments. There are two reasons that this makes sense, 1) Lack of availability of specialist items in many locations in India, 2) If you rent equipment in India it *always* comes with additional crew or attendants. These are not optional and can mean rapidly expanding crew sizes and expenses even for small shoots.

Larger narrative shoots normally rent equipment, and bite the bullet with larger crew sizes, as the temporary import of all the necessary heavy equipment is not really practical. Then we only temporarily import the equipment that is not available locally.

There are two options for the temporary import of film & TV equipment to India. Both require a detailed list of your equipment in a tabular format with the following headings: Item Name, Model Number, Serial Number, Country of Origin, and Replacement Value. Neither method allows for

the temporary import of consumables e.g. Hair & Makeup supplies and Camera, Sound, and Lighting consumables such as tape, gels, and disposable batteries. Consumables should not be listed, they should



be packed separately, and walked through customs on a separate trolley to your film and TV equipment. Both methods allow you to arrive at one

airport and depart from another although if using a Carnet both airports must have Carnet facilities.

#### **ATA Carnet:**

These are issued by a specialist film & TV Carnet agent, in your home country, well in advance of your travel date. You pay a bond to the agent which guarantees you will take the equipment home with you. If you fail to do so you forfeit the significant bond. You must ensure that the carnet documents are stamped and signed into and out of the country by Indian Customs. Not all international airports have carnet facilities. Those that do are Delhi, Mumbai, Chennai, Kolkata, Cochin, Bangalore, Hyderabad, Ahmedabad, Noida, Goa, and Jaipur.

At larger airports such as Mumbai and Delhi Carnet clearance is usually a reasonably efficient and painless process. Having said that you should add 30 – 60 mins to the expected airport clearance time for the process. At smaller airports such as Goa and Jaipur you might arrive to find that the only person qualified to process your carnet is off duty and must be called in specially to process your documents. If that is the case, you can expect to wait for hours. Ensure that you carry a copy of your Film Shoot Permission letter and that the crew presenting the Carnet are all on J-Visas or F-Visas.

The disadvantage of using a Carnet is that they are expensive. The advantage is that you are in control of acquiring them prior to your departure. You do not have to wait for the Indian government to issue a clearance for your equipment.

The Federation of Indian Chambers of Commerce & Industry (FICCI) are the government agency responsible for the administration and guidelines for ATA Carnets in India. Their published <u>guidelines can be found here</u>.

#### **Government Issued Customs Facilitation Letter:**

As part of your film shoot permission application you are obliged to provide a list of the equipment you intend to bring to India. If you intend to use a Carnet to clear customs this can be a broad guess document to simply 'tick a box'. If you intend to get a free Customs Facilitation Letter from the Indian government to clear customs, then this list should be as accurate as possible. Once your Film Shoot Permission letter is issued you should immediately apply for the Customs Facilitation letter via your local High Commission or Consulate (Documentaries and Commercial) or the Film Facilitation Office (Scripted Drama and Reality TV). At this stage you should ensure that your Equipment List has all the details of each item correctly listed. You should add the port of entry and exit, flight numbers, airline, and arrival & departure times to your list. Since you are unlikely to have had all these details at the time you applied for your film shoot permission in India many of these details will have to be updated. You will need to apply at least three weeks prior to your departure. In addition to the Equipment List you should include your Film Shoot Permission letter and a correctly addressed cover letter from the producer requesting the issue of the Customs Facilitation Letter. As always, all the submitted documents will need to be on Production Company Letterhead and signed & dated.

When you travel to India you should carry your Film Shoot Permission letter, your Customs Facilitation Letter, and a copy of all the associated permission application documents (just in case you need them). You will also need an additional <u>undertaking letter in the same format as the</u> <u>sample here</u>. You should also carry some blank Production Company letterhead with you as it has been known for Customs officials to ask for some amendments and additions to this format according to their whims. Having the blank letterhead allows you to make a new handwritten undertaking on the spot if necessary.

While clearing Customs ensure that all crew walking the equipment through customs are on J-Visas or F-Visas. Two of the crew will have their passports endorsed to say that they are responsible for the export of all the listed equipment on the way out of the country. It is essential that these crew members are flying out at the same time as the equipment to avoid problems and delays with their departure.

The main advantage of using a Customs Facilitation Letter is cost. These are free of charge and issued for Production Companies with valid Indian government Shoot Permissions. Another advantage is that they can be used at any international airport whereas Carnets can only be used at eleven of them. The disadvantage is that you are reliant on Indian bureaucracy for them to be issued. You are not in control as you would be with a Carnet. Letters are routinely issued right at the last minute which can add to pre-departure stress. The Central Board of Indirect Taxes & Customs (CBIC) are the agency responsible for the guidelines associated with temporary import of Film & TV equipment via this route. The relevant <u>notification can be found here</u>.

### LOCAL AUTHORITY PERMITS & PERMISSIONS FOR FILM & TV PRODUCTIONS IN INDIA

When you apply for your Film Shoot Permission letter you are required to supply a schedule showing the intended shoot locations. You will find these locations listed on the Permission letter when it arrives. Location permits can only be obtained in a foreign Production Company's name if they are listed on the official Film Shoot Permission letter. The minute you receive this letter you should start applying for your local authority permissions in India. Simple location permits such as streets and markets will take approximately three weeks to acquire. Location permits involving multiple government agencies such as heritage monuments, forests & national parks, railways, airports, and highways can take at least one to two months to acquire.



You will need a local Producer or Fixer in India to apply for the location permits on your behalf. Where more than one state is involved you will need a local Producer or Fixer in each state. The number of agencies involved to acquire shoot permits in India, for even a

simple schedule, can be significant and you'll need someone with local experience and contacts to get the job done in time for your shoot.

For comprehensive advice, support, and assistance with writing your film and TV shoot permission application, visa applications, location permits in India and other formalities for your production please don't hesitate to <u>contact us</u>.

#### As the head of <u>Goa Film Services</u> and <u>Himalaya Film Services</u>, Tony Cordeaux has years of experience navigating India's production and locations industry. For more information about filming in India, you can contact Tony <u>here</u>.

#### This information is correct at the time of writing on 31st August 2020.

Please note Goa Film Services Pvt Ltd is not involved in the process of assessment of visa applications, or their grant or refusal. The assessment of visa and film permission applications is carried out by the High Commission of India or its Consulates, and the grant or refusal of India visas and film permissions is at their sole discretion.

The processing times for visas and film permission applications are estimates only. These are based on information and previous experience of the Indian High Commission, Consulates, and Ministries.

The processing of your application is subject to the procedures and timescales of the Indian High Commission, Consulates, and Ministries over which we have no control.

