



SXSW's immigration clauses are 'not standard,' lawyers say

BY **ELIZABETH FLOCK** March 3, 2017 at 2:20 PM EST



An artists performs at the 2016 SXSW Music, Film + Interactive Festival in Austin, Texas. Photo by Brian Feinzimer/Getty Images

Musicians are protesting the annual music, film and media festival South by Southwest after it was discovered that the festival reserved the right to alert U.S. immigration authorities about international artists if they violated their performance agreement.

Artist Felix Walworth of the band Told Slant, who first noticed the language in the agreement, [posted a photo](#) of the contract Thursday on Twitter, saying he was canceling the band's performance at the festival. Later that day, more than 40 artists published an [open letter](#) saying they were "outraged,"

especially “in light of the recent attacks on immigrant communities.” They also called on SXSW to immediately remove the language from the contract.

In a statement emailed to the PBS NewsHour, SXSW CEO and Co-Founder Roland Swenson said the clauses had been in the contract for years, and that the festival had never reported an international artists to immigration authorities. Swenson also said the language was meant to protect both SXSW and performing artists.

Entertainment and immigration lawyers, however, say that doesn't hold up.

Brian Goldstein, a partner at entertainment law firm Goldstein & Guilliams, who has handled immigration law for artists for more than 20 years, said the contract's language seemed “more oblivious than nefarious.”

“It's not common. It's not standard. And it goes far beyond what is necessary,” he said.

The first clause in question reads that if an artist gives SXSW trouble, the festival may alert immigration authorities:

If SXSW determines, in its sole discretion, that Artist or its representatives have acted in ways that

- *adversely affect the viability of Artist's official SXSW showcase, the following actions are available to SXSW:*
- *Artist will be removed from their official SXSW showcase*
- *and, at SXSW's sole option, replaced.*
- *Any hotels booked via SXSW Housing will be canceled.*
- *Artist's credentials will be canceled.*
- *SXSW will notify the appropriate U.S. immigration*
- *authorities of the above actions.*

Swenson defended the clause in his statement as being a “safeguard” for SXSW in case a band or artist “does something truly egregious, such as disobeying our rules about pyrotechnics on stage, starting a brawl in a club, or causing serious safety issues.”

But Goldstein said the notion that the festival would alert immigration authorities over a problematic act doesn't make sense. “The most you will see is a contract that says artists should take care of all visa issues, and that they can cancel performances if you don't. But this goes way beyond that,” he said.

New York-based entertainment lawyer Deborah Hrbek agrees with Goldstein. She said there was no legal obligation for an event or organizer to report misbehaving, or even law-breaking, musicians to immigration authorities. “That is far beyond what they as a citizen or company would be obliged to do,” she said.

Austin, Texas, where the annual festival takes place, is a sanctuary city, meaning the city generally does not hand over undocumented immigrants for deportation.

[**READ MORE: The teens caught in the middle of Austin's Sanctuary City debate**](#)

Last month, the state senate passed a bill that requires towns, cities and college campuses across the state to comply with requests from federal immigration officers. But the legislation must still pass the House, which means for now, Austin can keep its sanctuary city status.

While there's plenty of opposition to the bill in Austin, it has strong support in the rest of the state — and much of the country. A recent Harvard-Harris poll showed 80 percent of voters thought towns and cities should be “reporting illegal immigrants they come into contact with to federal agents.”

Anastasia Tonello, a managing partner of immigration firm Laura Devine Attorneys, said it was normal for music organizations to require paid performers to have proper authorization, but even then, to alert authorities would be above and beyond standard practice. “I'm stretching my mind to find a parallel” to the SXSW contract's language in contracts she'd seen, she said, and could not find one.

A second clause in the performer contract provides artists with information about the visas required to perform, and says a lack of proper paperwork could result in deportation:

1.4. Foreign Artists

entering the country through the Visa Waiver Program (VWP), B visa or any non-work visa may not perform at any public or unofficial shows, DAY OR NIGHT, in Austin from March 10-19, 2017. Accepting and performing at unofficial events (including unofficial events aside from SXSW Music dates during their visit to the United States) may result in immediate deportation, revoked passport and denied entry by US Customs Border Patrol at US ports of entry. For more information, please visit these pages:

1.4.1. (B Visa / ESTA) <http://travel.state.gov/content/visas/en/business.html>

1.4.2. (Work Visas) <http://travel.state.gov/content/visas/en/employment/temporary.html>

1.4.3. SXSW general visa

FAQ: <http://www.sxsw.com/travel/visa-faq>

Swenson defended this clause in his statement as intended to inform artists “that the U.S. immigration authorities have mechanisms to create trouble for artists who ignore U.S. immigration laws.”

But Goldstein said this language, too, is highly unusual — and actually “legally incorrect and misleading.”

“They say they’re providing immigration information, but it’s only semi-accurate and they’re cherry picking issues . . . as if someone has read the statute and doesn’t understand what it is,” he said.

By contrast, Goldstein said top theaters sometimes provide international artists with a fact sheet containing immigration information, or direct them to the website [Artists From Abroad](#). “But they don’t put [that information] in the contract,” he said. “That’s just weird.”

Both Goldstein and Hrbek said providing immigration information in another format might have been welcomed by artists. “In light of the heightened risk of deportation, warning people that that’s a risk, that they could be deported by ICE as a result of any public performances is fair and appropriate,” Hrbek said.

But she echoed the sentiment that the idea that the festival would alert immigration authorities was extremely uncommon.

[READ MORE: Immigration ban reveals a nation divided](#)

SXSW had [previously spoken out](#) against President Donald Trump's since-suspended executive order banning travel from seven Muslim-majority countries. And in his statement, Swenson said the festival was also building “a coalition of attorneys to assist artists with issues at U.S. ports of entry during the event.” An event at SXSW, called “[ContraBanned: #MusicUnites](#),” will also showcase performers from the seven nations affected by the ban.

But this did not seem to pacify the artist community. On Thursday, Liz Pelly, who does programming for the New York-based art incubation space The Silent Barn, [tweeted](#): “Artists and labels really need to organize thoughtful + rigorous sxsw boycott next year. destroy exploitative systems” [and](#) “stop supporting venues with bad politics.”

SXSW senior public relations manager Elizabeth Derczo told the NewsHour by email that the festival would be “reviewing and revising the language” of the contract after 2017's festival was over.

Below, read the tweets of musician Felix Walworth of the band Told Slant over boycotting the festival.

by NewsHour 7 hours ago

Told Slant cancels SXSW appearance over contract's immigration stipulation

If SXSW determines, in its sole discretion, that showcasing acts or their representatives have acted in ways that adversely affect the viability of their official SXSW showcase, the following actions are available to SXSW:

- Artist will be removed from their official showcase and, at SXSW's sole option, replaced.
- Any hotels booked via SXSW Housing will be canceled.
- Artist credentials will be canceled.
- SXSW will notify the appropriate U.S. immigration authorities of the above actions.

International Artists entering the country through the Visa Waiver Program (VWP), B visa or any non-work visa may not perform at any public or non-sanctioned SXSW Music Festival DAY OR NIGHT shows in Austin from March 13-19, 2017. Accepting and performing unofficial events may result in immediate deportation, revoked passport and denied entry by US Customs Border Patrol at US ports of entry. For



Told Slant
@Felixixix666

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After looking through this contract sent to me by sxsw I have decided to cancel Told Slant's performance at the festival

2:38 PM - 2 Mar 2017

  3,594  6,183



Told Slant
@Felixixix666

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@Felixixix666 I'm not interested in aligning myself with an institution that interacts with immigration authorities as a means of...

2:40 PM - 2 Mar 2017

285 1,708



Told Slant
@Felixixix666

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@Felixixix666 ...controlling where art is shared and performed, and who makes money off of it.

2:41 PM - 2 Mar 2017

263 1,611



Told Slant
@Felixixix666

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@Felixixix666 this festival uses an imperialist model and prioritizes centralizing and packaging culture over communities & people's safety

2:42 PM - 2 Mar 2017

188 1,191



Told Slant
@Felixixix666

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@Felixixix666 it's no secret that sxsw has played a huge role in the process austin's rapid gentrification. the whole festival exists...

2:45 PM - 2 Mar 2017

173 956



Told Slant
@Felixixix666

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@Felixixix666 ...to the detriment of working class people & people of color in Austin. that they're willing to threaten deportation...

2:48 PM - 2 Mar 2017

161 941



Told Slant
@Felixixix666

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@Felixixix666 is enough evidence for me that they don't care about anyone including the artists that lend them their legitimacy

2:49 PM - 2 Mar 2017

128 906



Told Slant
@Felixixix666

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@Felixixix666 when we allow our alignment with institutions like this to be our metric for success as artists we are seriously failing

2:51 PM - 2 Mar 2017

100 874



Told Slant
@Felixixix666

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@Felixixix666 I'd like to add that all artists received this contract. It's the standard sxsw official showcase contract. did y'all read it?

2:55 PM - 2 Mar 2017

91 770



Told Slant
@Felixixix666

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@Felixixix666 art friends: we don't need to offer up our work in service to sxsw or any larger institution. we need to set up alternatives

3:10 PM - 2 Mar 2017

79 622



Told Slant
@Felixixix666

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@Felixixix666 I'd like to urge everyone I'm close with to talk and think about this. Also it would be great if we all bailed on this at once

3:11 PM - 2 Mar 2017

54 548



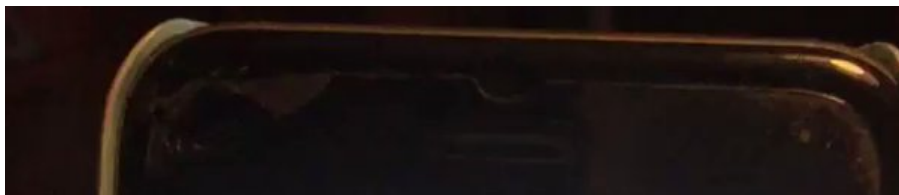
Told Slant
@Felixixix666

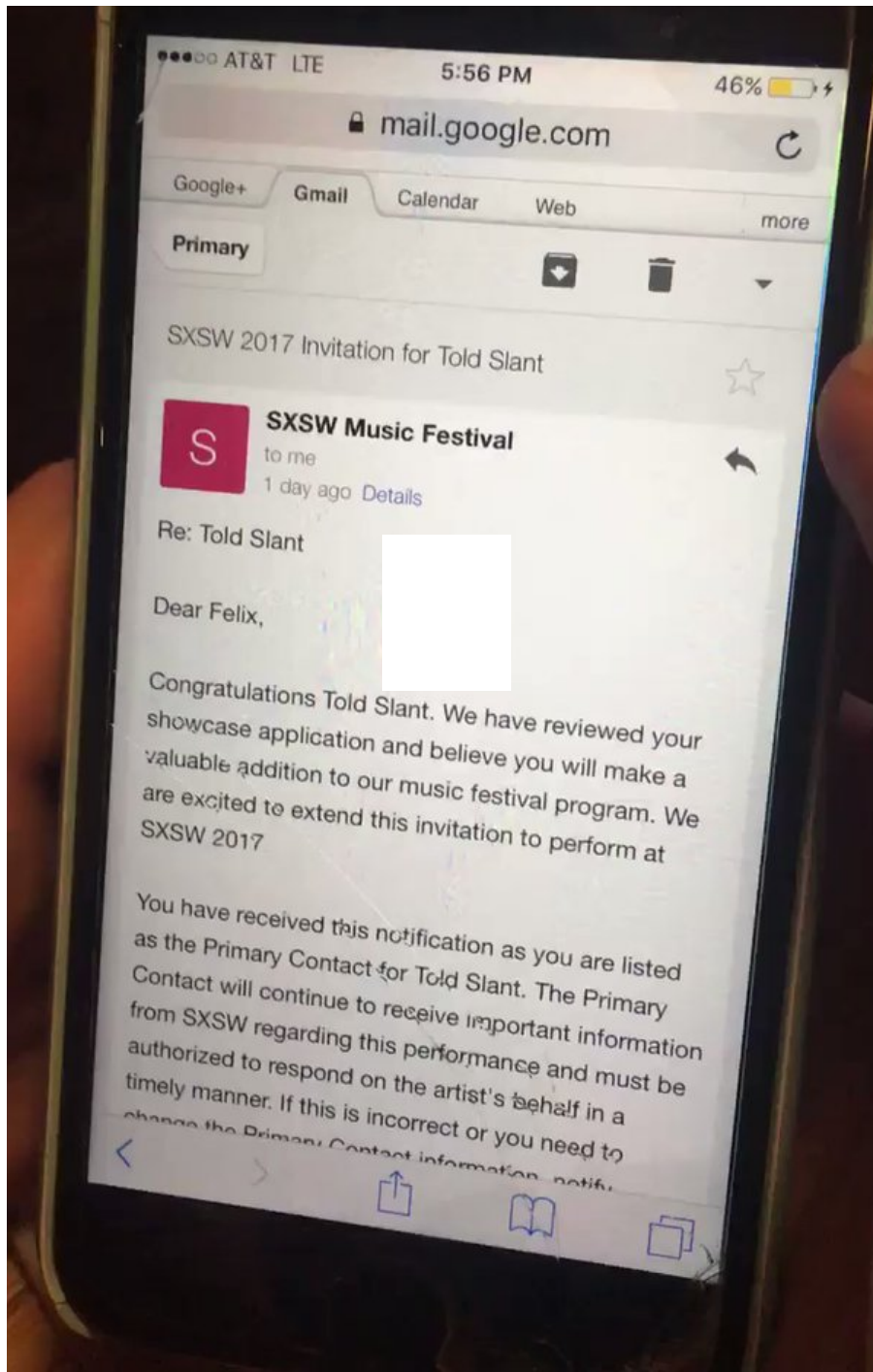
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Can our first step toward coalition as artists with radical politics be to cancel all our official showcases at sxsw? I'm serious just do it

3:14 PM - 2 Mar 2017

354 1,182





Told Slant
@Felixix666

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the managing director of sxsw accused me of pasting together two parts of the contract to make it sound worse than it is.

Here's a video:

6:16 PM - 2 Mar 2017

467 1,209



Elizabeth Flock

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