

# Freelance Visa

Securing the future workforce of the  
UK's creative industries



In October 2017, we published a Global Talent Report<sup>1</sup> outlining recommendations for the UK's post-Brexit immigration system. One of the report's central proposals was a Freelance Visa,<sup>2</sup> which was supported across our membership including creative and tech sectors.

Below is an overview of how a Freelance Visa (FV) might work. We have taken our original proposal and adapted it to apply across all UK industry sectors, in line with the Home Office's steer that there can be no sector specific exceptions and in keeping with government's position and the MAC recommendations on highly skilled workers.

The FV harnesses neither the blunt instrument of the salary threshold nor opens the system up to abuse. We recommend a model which is specifically designed for skilled - short of exceptional - freelancers, and in which their economic and cultural value is assessed by accredited, independent bodies. This is an adaptation of an already existing, working model in the UK's non-EU immigration system and meets government's commitment to support UK business.

The FV is essential to the UK economy and will ensure industry sectors such as the creative industries continue to be world-leading. It ensures these sectors have quick and easy access to the best and brightest freelancers from across the globe, which is likely to become even more difficult once the UK leaves the EU.

## THE FREELANCE VISA (FV)

- **WHAT IS IT:** A visa for international, skilled - short of exceptional - freelancers looking to work in the UK long-term and provide services to UK business. The FV would sit alongside the tier 1 'exceptional talent' visa and would adapt the current 'designated competent body' model, but with greater flexibility.
- **SAFEGUARDS:**
  - > We recognise that all visa systems must be resistant to abuse and believe adopting a structure similar to Tier 1 will help mitigate against improper use.
  - > The visa could be subject to a cap which would be agreed in consultation with the sector to ensure it meets UK industries' demands for freelancers.
  - > Freelancers will be required to demonstrate: (1) a history of work in the sector, and (2) a viable business plan for acquiring work whilst they are in the UK.

<sup>1</sup> "Global Talent Report: Why the UK's world-leading creative industries need international workers and how to attract them." Creative Industries Federation. October 2017: [https://www.creativeindustriesfederation.com/sites/default/files/2017-11/GlobalTalent\\_v16.pdf](https://www.creativeindustriesfederation.com/sites/default/files/2017-11/GlobalTalent_v16.pdf)

<sup>2</sup> "Global Talent Report" Creative Industries Federation p.49

- Arms-length bodies working in industry sectors, which are accredited by UKVI, can support freelancers' visa applications by attesting to their authenticity, cultural contribution and value. This proposal is already supported by bodies such as the British Film Institute, British Fashion Council, Tech London Advocates, Crafts Council, One Dance UK and Radio Independents Group.
- The FV will be granted for an initial period of 24 months (shorter than the 'exceptional talent' visa) with an option to renew if the applicant demonstrates a satisfactory level of employment during the initial visa period.
- **QUICK ACCESS:**
  - The role of accredited arms-length bodies in authenticating visa applications will speed up the process and alleviate the administrative burden on UKVI.
  - A quick and easy digital system for applicants should be put in place which allows for applications to be approved quickly.
- **FLEXIBILITY:**
  - There should be no limitations on the number of projects a freelancer can undertake in the initial period of 24 months.
  - Freelancers would also have the ability to switch into employer-sponsored visas at the point of renewal, should they secure a full-time job in the UK.

## WHY IS A FREELANCE VISA NEEDED?

- There were around 2 million freelancers working in the UK in 2016, according to IPSE. These freelancers contributed £119bn to the UK economy and freelance work is the fastest growing occupation.<sup>3</sup> In London alone, 748,000 jobs are held by EEA workers and 27% of these are self-employed.<sup>4</sup>
- The creative industries are the fastest growing sector of the UK economy, contributing to 1 in 11 jobs. Of the creative workers in the sector, 35% are self-employed, compared with 15% across the workforce as whole. Freelancers make up a significant portion of self-employed workers in the creative industries, many of which are non-UK citizens.
- Freelancers are essential to the UK economy particularly for small businesses.<sup>5</sup> Freelancers allow these businesses to broaden their set of skills, rather than relying on the significant costs of bringing in permanent workers.<sup>6</sup>

<sup>3</sup> "Exploring the UK freelance workforce in 2016." IPSE

[https://www.ipse.co.uk/resource/exploring\\_the\\_uk\\_freelance\\_workforce\\_in\\_2016.html](https://www.ipse.co.uk/resource/exploring_the_uk_freelance_workforce_in_2016.html)

<sup>4</sup> "EEA workers in the London labour market." GLA Economics p.10 <https://www.london.gov.uk/sites/default/files/eea-workers-in-london-cin-56.pdf>

<sup>5</sup> "2017 Methodology" Tech Nation: <https://technation.techcityuk.com/methodology/>

<sup>6</sup> Almost 95% of creative industries businesses are micro-businesses (less than 10 employees).

- However, the current non-EU immigration system offers few opportunities for international freelancers looking to work and provide services in the UK on a long-term basis. The ‘exceptional talent’ visa operates on too small a scale and does not address skilled - short of ‘exceptional’ - freelancers. Short-term visas often involve significant administration and costs, are not granted quickly enough, and restrict the number of jobs a non-UK worker can take.
- It is essential that UK government introduces a new route for international freelancers post-Brexit. Without this route, and if EEA citizens fall under the current non-EU system, businesses’ access to freelancers will be significantly diminished with consequences for the UK economy, innovation and culture.

### **WHO ARE CREATIVE FREELANCERS?**

- Creative freelancers are an essential part of the UK’s workforce. They are project workers and have been working in the UK’s creative sector for decades. They have fuelled the growth of a sector which is worth £92bn in GVA to the UK economy and which trades over £40bn in goods and services worldwide.
- Many creatives pursue independent careers, such as musicians, visual artists and craftspeople. Others have specific skills that businesses do not require full-time but hire in for certain projects, such as technological skills and knowledge of foreign markets. The homegrown workforce benefit from coming into contact with the best and brightest international freelancers.
- Employers often need to bring freelance workers in on a rapid turnaround. Freedom of movement has allowed us to complement the homegrown workforce with freelancers from the EEA so that work can be done as and when required. Creative enterprises will also bring in non-EEA freelancers although these freelancers face considerable barriers to entry into the UK both temporarily and on a long-term basis.
- The UK is a world-leading destination for creative freelancers. They are attracted to the UK by our highly successful creative industries, diversity of talent, intellectual property framework, and infrastructure. Many young international creatives study at our universities and enter the workforce in a freelance capacity afterwards. It is common for freelancers to undertake multiple jobs at the same time.
- We conducted a workforce survey of Federation members and more than 60% of respondents employed non-British freelancers. More than 70% said they would not be able to fill these jobs with British workers.<sup>7</sup> The Federation of Small Businesses has demonstrated that 72% of small businesses that employ EU staff have recruited them after they moved to the UK.

<sup>7</sup> “New Federation survey: UK creative industries employ high numbers of EU workers Brits cannot replace” Creative Industries Federation. June 2017.

## **INTERNATIONAL EXAMPLES OF CREATIVE INDUSTRIES FREELANCE VISAS**

The UK lags behind many countries in terms of their recognition of the value of freelancers. Below are several examples of countries and cities which provide visas for freelancers.

### **Berlin, Germany**

#### **Residence permit for the purpose of freelance or self-employment<sup>8</sup>**

Known as the “artists visa”, this visa allows academic, artistic, literary, teaching and educational freelancers to settle in Berlin from several months to more than one year, with an option to extend.

Freelancers must demonstrate a history of work and a long-term plan for supporting themselves whilst in Germany. They must submit a passport, portfolio of work, financing plan, bank statements, professional permit if required, a CV detailing education, employment, exhibitions and other cultural work, and a list of all future work such as performances and business meetings. The visa costs between €56 and €100 Euros, depending on technical skills.

Applicants from the US, Canada, Israel, South Korea, Japan, Australia and New Zealand can apply for this visa on arrival at a face-to-face meeting at the Ausländerbehörde (foreigners’ office).

### **Canada**

#### **Self-Employed Visa for Creative Activities and Athletics<sup>9</sup>**

Canada provides a self-employed visa for those undertaking cultural activities and athletics. This includes librarians, journalists, dancers, broadcast technicians, fashion designers, graphic designers, authors, cameramen, conductors, painters and performing artists.<sup>10</sup> A self-employed person is defined simply as “an immigrant admitted to Canada because they have relevant experience in working for himself or herself. The person must intend and be able to become self-employed in Canada in the arts or athletics.”

Applicants must demonstrate that they have taken part in cultural activities or athletics at a world-class level or have been self-employed in cultural activities and athletics for at least 2 years in the last 5 years. Applicants are also assessed on their education, age, language abilities and adaptability. No job offer is required and successful applicants are granted a permanent residence.

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<sup>8</sup> “Residence permit for the purpose of self-employment - Issuance” The Senate Chancellery of the Governing Mayor. <https://service.berlin.de/dienstleistung/305249/en/>

<sup>9</sup> “Self-employed person: Who can apply” Government of Canada. <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/self-employed/eligibility.html#experience;>

<sup>10</sup> “5 Occupations in art, culture, recreation and sport” Government of Canada. [http://noc.esdc.gc.ca/English/NOC/Occupations.aspx?val=5&ver=16&\\_ga=2.158764729.2066017009.1538582260-1388176262.1538582260](http://noc.esdc.gc.ca/English/NOC/Occupations.aspx?val=5&ver=16&_ga=2.158764729.2066017009.1538582260-1388176262.1538582260)

## **United Arab Emirates**

### **Creative Industries Freelance Visa - Entrepreneur Visa**

The United Arab Emirates' entrepreneur visa allows entrepreneurs to set up in the UAE's free zones without having a physical office. There are various free zones which administer the visas such as Abu Dhabi's Twofour54 media and entertainment free zone, Fujairah's Creative City or the Ajman Free Zone. Entrepreneurs are granted a trade license once they have established themselves in these free zones.

The Twofour54 media free zone includes 400 thriving media and entertainment businesses and recently introduced a freelance visa for the creative industries.<sup>11</sup> To operate out of this zone, freelancers must have a sole proprietor business license which is issued by the Media Zone Authority and lasts 6 to 12 months with the option of renewal. Freelancers are required to provide a CV, an overview of intended business activities and a business plan or letter of intent from the entities in the media free zone. Freelancers must also pay a license fee.

## **The Netherlands**

### **Self-Employed Visa<sup>12</sup>**

The Netherlands provides a self-employed visa for entrepreneurs who want to establish a start-up. The applicant must provide evidence of their education, work experience, entrepreneurship, and added value to the Netherlands as well as a business plan demonstrating that the applicant will earn sufficient independent and long-term income from their activities. For freelancers specifically, they must demonstrate one or more commissions in the Netherlands that they will carry out. The cost of the visa is around EUR 1,325.

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<sup>11</sup> "Twofour54 introduces new scheme to drive entrepreneurship and SME business." Twofour54 Abu Dhabi. <https://www.twofour54.com/en/media-centre/press-releases/2014-06-24-twofour54-introduces-new-scheme-to-drive-entrepreneurship-and-sme-businessnew-component/>

<sup>12</sup> "Self-employed person." Immigration and Naturalisation Service. Ministry of Justice and Security. <https://ind.nl/en/work/Pages/Self-employed-person.aspx>