

## Tier 4 Visa Route

Securing the future workforce of the UK economy



The UK's immigration system should attract highly talented creative individuals from around the world to benefit from our internationally renowned higher education, develop their skills and contribute even more to the sector's £101.5bn economic output. We support government's ambition to ensure a stronger flow of international students to the UK, and welcome the commitment that there will be no cap on numbers. In 2016/17, 19% (442,375) of higher education students at UK institutions were from outside the UK, and of these 30,220 were studying creative arts and design courses.

However, the UK economy is failing to benefit fully from international students undertaking such courses due to the administrative burdens and limitations that both students and institutions currently face with the UK's immigration system.

For example, although a third of workers in the creative industries are self-employed, the Tier 4 visa route does not enable students to undertake freelance work or business activities that would equip them for this line of work. There are also restrictions on working in entertainment, which is highly problematic for those seeking certain careers in the creative industries, and risks preventing new talent from emerging. The current maximum working hours for students (20 hours a week during term-time) additionally lacks sufficient flexibility to allow students to undertake certain time-limited projects, such as performances, and therefore does not reflect the way in which much of the creative industries operate.

For institutions, on top of existing administrative burdens, supporting students' professional development and ensuring that they comply with visa requirements will be even more challenging once we leave the EU. Given this context and these weaknesses, we recommend the following changes:

- Increase the flexibility around the types and length of work that Tier 4 visa holders are able to undertake in order to cultivate emerging talent and work-ready individuals.
- Streamline Tier 4 visa applications and monitoring, and ensure HE institutions are sufficiently resourced to manage the significantly increased workload of processing EEA visa applications post-Brexit.
- Reinstatement of the 24 month post-study work visa to enable students enough time to gain employment after they complete their studies.

These changes should be implemented alongside our recommendations on the Tier 2 and temporary movement routes. These position papers are available on request.

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## Tier 4 Flexibility

- 1. Allow for more types of work to be permitted within Tier 4:** The Tier 4 restrictions preventing students from working as ‘entertainers’, being ‘self-employed’ or ‘engaging in business activity’ are particularly detrimental to creative performance and entrepreneurship. UK Theatre has stressed that preventing students from gaining valuable experience in the performing arts as ‘entertainers’ is limiting industry’s access to talent and students’ ability to gain relevant work experience. Similarly, students are unable to sell artwork and designs they produce due to the restrictions on being ‘self-employed’, and students considering applying for a Tier 1 start-up visa are unable to develop their businesses until they submit a Tier 1 application. These restrictions needlessly stifle students’ creative capabilities, more so than for other sectors due to restrictions on being an ‘entertainer’, and should therefore be lifted.
- 2. Increase the permitted working hours of Tier 4 student visas to be flexible to different institutions and students’ needs:** If a HE institution believes that students studying a particular subject would benefit from working more than 20 hours a week at certain times of the year (such as when a performance is coming up), then they should be permitted to do so. The London Philharmonic Orchestra has experienced difficulty in booking talented student musicians for tours due to hours restrictions and Monteverdi Orchestras note that the time needed for rehearsing as well as performing impacts their ability to utilise talented students. At the very least, hours should be counted across an entire month to allow for particularly busy performance weeks, rather than across each week.
- 3. Enable employers to directly contract Tier 4 students for work placements involving professional performances:** Employers should be able to directly arrange contracts with music, dance and drama students who have an exemption to undertake work placements involving professional performances. Not being able to do so has led to complications with employers needing to pay students via universities, an issue impacting Live Music Now Scotland, and complications over employers’ tax obligations. Monteverdi Orchestras note that they struggle with changing how much they pay students at different points during their contract and ensuring they are paid properly due to institutions struggling with contract related admin.
- 4. Enable Tier 4 undergraduates to bring dependents:** We must ensure that we make our education system fully accessible, allowing the brightest and best to develop their creative talent and contribute to the UK economy, regardless of family circumstances. Many people choose to undertake degree level education later in life and it is unreasonable to expect a parent to leave a child with others while they look to pursue the best higher education internationally.

## Tier 4 Administration

- 1. Make Tier 4 visa compliance monitoring more efficient for institutions:** Attendance monitoring is particularly challenging for creative courses where teaching follows a less formal structure, such as workshops and drop-in sessions, and there are more opportunities for students to work on projects independently. There should not be a requirement for institutions to prove that a certain number of contact points have been made on a course, as has been proposed by the Home Office. It can also be challenging for universities to prove that a students' suitability for a course was properly assessed. For example, one university has noted a particular difficulty in retaining recordings of auditions for certain subject applications as proof of assessment. The Basic compliance assessment for universities also considers the number of rejections a university issues which should not be a criteria for determining the strength of their processes.
- 2. Reform Tier 4 Academic Progression rules:** We should allow students to easily change between courses where the new institution is happy to accept them and deems them suitably qualified. University of the Arts London (UAL) has found that many international students have wished to join them after being pushed to study more traditional subjects by family but then find themselves to be more creatively inclined once they begin studying. If Tier 4 students are only to be allowed to move to a higher level course after completing a previous one, HE institutions should be the ones to determine academic progress and approve the move rather than the Home Office. The HE sector will have the best knowledge of the content of their courses to make the right decisions and should be supported if they are willing to sponsor a student.
- 3. Create a more user-friendly Sponsor Management System:** Improvements in digitising and speeding up visa applications, as has been recommended for Tier 2, should be applied to Tier 4 also. It would additionally be highly beneficial to more easily monitor and provide information about students' status online at any given time. There should not need to be situations where institutions are being asked to provide again information they have already submitted to the Home Office several years ago, with London Film School being asked to provide data from students who studied with them 9 years ago on occasion. Such information should be stored by the Home Office if required. Accurate retention of data is particularly important given it is the institution that is ultimately liable if they cannot prove that their students had the right to remain.
- 4. Ensure institutions are adequately equipped to manage EEA students requiring Tier 4 visas post-Brexit:** The existing compliance burden on institutions will be significantly heightened if these checks will then have to be applied to EEA students post-Brexit. There will also be an increased challenge in assisting students with their visa applications and an increased cost of providing more Certificates of Acceptance. Universities UK estimate that the current cost of Tier 4 compliance for the sector to be £40m and that this would increase by £12.3m if EEA students were included under Tier 4. Further, the European Temporary Leave to Remain (the transitional 3 year visa in a no-deal scenario) will not provide sufficient coverage for institutions offering 4 year courses, which includes many Scottish universities. The Home Office should amend this and ensure that institutions are fully supported during this challenging transition.

## Tier 4 and Post-Study Work Visas

- 1. Allow Tier 4 visa holders 24 months to find work after the successful completion of their course:** We urge government to support the amendment to the Immigration Bill calling for post-study work visas to be reinstated for a 24 month period. Such a visa should be an unsponsored route to ensure graduates are able to work across the full-range of the creative industries. It is crucial that the considerable work put into developing students' creative talent is not lost from the UK economy to competitor economies where there are more welcoming provisions for graduates to remain and find work. Federation members in Scotland report that the Scottish economy is in particular vulnerable to losing graduate talent and suffering from a brain drain, in part because their population is ageing 70% faster than the rest of the UK.

Many creative sectors, such as the games, animation and visual and special effects (VFX/SFX) industries, hire very few graduates over the summer while students are waiting for degree results to be announced. The proposed 6 month post-study period in the White Paper is welcome but is still too short to enable the sector to retain access to the most talented students, who will then have to return home and be lost from the UK economy. The sector is also constrained in providing these students with jobs due to the barrier of the salary threshold which does not adequately account for highly skilled labour in less well paid positions.