

Temporary Movement

Tier 5, Visitor Visas and Permitted Paid Engagement



The temporary movement of diverse, global talent into the UK is vital to the economic success of the UK's creative industries (worth £101.5bn in GVA) and enhancing the creative output of our world-leading sector. The majority (95%) of creative businesses employ 1 – 4 people and operate on a project-by-project basis, relying on specialist temporary workers and top performers for their work to succeed. These workers include casts for productions, artists at festivals, stylists for fashion campaigns, and more, and are often required at short notice due to the fast-paced and innovative nature of our sector. Cultural diversity additionally gives creative businesses access to a broader range of skill sets, ideas and experiences enabling them to produce the highest quality work.

These needs are currently met, outside of EEA free-movement, through the sector's use of Tier 5 Temporary Creative Worker Visas alongside Standard Visitor Visas and Permitted Paid Engagements (PPEs) where appropriate. The members of Festivals Edinburgh (including the Edinburgh International Festival, Edinburgh Festival Fringe and Edinburgh International Film Festival), for example, use these routes to bring over 8,000 non-UK artists whose participation helps to attract a cumulative annual audience of 4.7 million and generates over £300m in cultural tourism every year.

While the existing Tier 5 system is currently enabling many creative workers to fulfil temporary engagements in the UK, it requires urgent reform to ensure it is accessible to organisations of all sizes, levels of resource and levels of need for international talent. Currently, due to the administration and significant costs associated with Tier 5, many creative organisations have been forced to use Standard Visitor Visas or PPEs instead, despite their preference for the security of the sponsored Tier 5 system.

To support the high economic and creative value provided by temporary workers, government should:

- Reduce the administration and costs of issuing Tier 5 certificates of sponsorship and visas for organisations bringing in temporary workers.
- Enable creative professionals to undertake multiple engagements with different organisations during temporary stays in the UK.
- Reduce the high burden of evidence needed to meet visitor visa and PPE criteria as part of creating a streamlined application process with clear guidance.

It is crucial that improvements to our own system are met with reciprocal arrangements with both EU member states and other countries for the temporary movement of UK artists. The sector's ability to visit, tour, exhibit, perform and deliver services on a temporary basis around the world has been a major contributor to the significant £40bn of exports in goods and services that the UK's creative industries deliver.

For further information, or any queries, please contact:

**Director of Policy and Programmes, Caroline Julian at caroline@creativeindustriesfederation.com or
Policy and Events Officer, Hari Prabu at hari@creativeindustriesfederation.com.**

Both can also be reached on 020 3771 0350.

TIER 5

This is the route most commonly used by the creative industries to bring in temporary workers. It allows workers - including performers, freelance designers, fashion models, and more - to fulfil engagements for organisations lasting up to 12 months with the potential to renew for a further 12 months. It is particularly useful for non-visa nationals who are provided with a concession to enter under Tier 5 for up to 3 months without applying for a visa in advance.

- 1. Enable more creative organisations to take advantage of the Tier 5 sponsored route:** The Tier 5 route is a secure way of ensuring that international talent is able to work in the UK on a temporary basis. However, the costs and administration of becoming a sponsor (£536 for a 4 year licence) and issuing certificates of sponsorship (CoS) and visas presents a significant burden for many across the creative industries. While it is possible to bring non-visa nationals into the UK using just a CoS at £21 per certificate, there is a much higher cost for visa nationals of £244 per visa on top of the CoS cost. For small businesses bringing in just a few acts, these costs are disproportionate. For large music or theatre companies whose performances bring hundreds of artists to the UK in a short period, these costs can easily multiply to become unmanageable. **We therefore recommend that the cost of issuing a Tier 5 visa is significantly reduced, and that organisations bringing over many temporary workers for only a set series of performances are provided with a discounted and streamlined sponsorship process.**
- 2. Extend the time permitted between different paid engagements from 14 to 28 days:** Those on Tier 5 creative visas are required to ensure that they have no more than a 14 day gap between each of their engagements. This short duration means that fashion models, for example, do not have the time in between particular shows/projects to hold meetings necessary to secure future bookings - models are required by designers to be physically present for interview. Moreover, given the international nature of the modelling industry, models are unable to take on work for more than 14 days in other major cities, such as Paris and Milan, without needing a new Tier 5 visa to return to the UK, which entails additional costs and administration. As a sector which thrives on international collaboration and is often based around projects and performances, this lack of flexibility has a particularly severe impact on the creative industries.
- 3. Allow for multiple engagements with multiple organisations:** Both the Tier 5 route and PPEs restrict individuals to fulfilling engagements for a particular creative organisation and are therefore unsuitable for the nature of much creative work which can involve multiple engagements for different organisations over a short period of time. For example, classical musicians or dance artists may be asked at short notice to deliver a masterclass for students, or take part in an education project in a school, in addition to their booked performance. Multiple engagements are often also booked in advance, such as performers at particular festivals who may take another performance elsewhere to make their overall visit to the UK viable. More broadly, the creative industries rely heavily on freelance workers with specialist skills and experience - multiple creative organisations should be able to benefit from such workers, particularly where certain skills are in shortage. A separate briefing note and position paper on creative freelancers and the UK's immigration system is available on request.

VISITOR VISAS

A Standard Visitor Visa permits stays in the UK for up to 6 months and also enables visitors to undertake certain business activities. In the creative industries, those using Visitor Visas could include personal or technical staff employed by organisations overseas who form part of an international performer's entourage, such as a choreographer or stage manager, or a leading industry figure providing a masterclass or undertaking a meeting with a UK organisation to discuss collaboration. Permit-free festivals are a particularly valuable resource for the creative industries as they enable payment to artists without the need for formal sponsorship.

- 1. Allow EU citizens visa free visitor access:** The EU has legislated to allow 90 day visa-free visit access for UK citizens on a reciprocal basis, and the UK should as a minimum reciprocate this for EU citizens to ensure easy continued mobility for key business visitors, artists and tourists. For example, EEA scientific visitors to the Natural History Museum (NHM) spend thousands of days each year at the Museum and therefore rely on being able to visit easily to collaborate on research projects, share expertise and improve its collections. NHM's ability to produce high-quality scientific research is key to its international reputation, enabling it to welcome more than 5 million visitors a year - the most visited natural history museum in Europe and the top science attraction in the UK.
- 2. Allow for alternative evidence, such as statements from host organisations, to be put forward in support of visitor visa applications for visa nationals lacking digital and paper data:** Many talented performers from outside of the EEA, particularly developing countries, find it challenging to produce documentation showing earnings and time dedicated to a profession. At WOMAD (a festival celebrating the "World of Music, Arts and Dance") last year (2018), three internationally-renowned musicians from Tunisia, Mozambique and Niger who were scheduled to perform were declined visitor visas. Musicians from India had problems with their visas at the border resulting in a delayed arrival to the festival by 24 hours, thereby missing their performance slot. More communication between UK Visas and Immigration and the sector would help to alleviate some of these issues. **There is a need for greater geographical sensitivity in the awarding of visitor visas and a focus on the individual rather than on a country's political circumstances.**
- 3. Provide clearer guidance on the types of activities that are permitted and not permitted under Standard Visitor Visas:** Standard Visitor Visas are additionally used for business purposes that are not directly performance related, such as specialist choreographers and workshop facilitators in theatre. Creative professionals also often need to bring with them a wider support team, including technical and administrative staff, to deliver their projects or performances. The guidance available on what activities are permitted needs to be clearer through naming more specific activities that can and cannot be undertaken. This should be communicated effectively to industry. **We recommend that visa guidance should be updated at least once a year to ensure permitted activities accurately reflect the needs of industry.**
- 4. Adopt a more streamlined approach to awarding standard visitor visas:** Currently, visa nationals applying for visitor visas have to hand over their passports for approval, which are then held by the Home Office for a significant period of time. This delay can result in applicants losing out on further work. For example, visa nationals who perform at permit-free festivals are required to obtain entry clearance in advance of each festival causing significant cost and delay. **We recommend that the issuance of a standard visitor takes a maximum of 2-3 weeks and uses a digitised system with as many automated checks as possible.**

PERMITTED PAID ENGAGEMENTS (PPEs)

PPEs enable established full-time professionals to fulfil paid engagements for up to 1 month at the invitation of a UK organisation or client without needing to be sponsored. Where it is not necessary for a creative organisation to meet the costs and administrative burden of issuing Tier 5 visas, and where they do not have the benefits of being a permit-free festival, PPEs are often used.

However, because of the cost and administration associated with the Tier 5 route, many creative organisations are forced to use PPEs in situations that are not always appropriate. These organisations are then limited by the maximum 30-day stay, which is too short for many creative engagements. Rehearsals and concert performances for musicians are often spread out over several months for regional tours. PPEs additionally exclude part-time and up-and-coming talent from entering into the UK - they are only open to those who can prove that the engagement they are being invited for links to their full-time profession and that they are an established professional.

We therefore recommend that as a priority the Tier 5 route is reformed in line with the recommendations outlined above, which would resolve these challenges. For festivals, we recommend that the permit-free criteria is expanded to enable festivals with smaller numbers of performers and attendees to also benefit. If these changes are not possible, government must act to ensure PPEs are much more flexible by, for example, extending the permitted engagement to 90 days.