HOW OPEN IS THE UK FOR THE MUSIC BUSINESS?
The Incorporated Society of Musicians is the UK’s oldest professional representative body for musicians, set up in 1882 to promote the art of music and to protect the interests of all those working in the music sector.

The ISM’s membership comprises approximately 10,000 members working in the music sector, including performers, composers, producers, conductors, agents, teachers, academics, advisers and sound technicians in the UK. We support our members with legal services and advice, insurances, professional development and guidance in their work as a musician.

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Report written by Dr Naomi Bath
INTRODUCTION

THE ISM HAS WRITTEN THIS REPORT TO PROVIDE INFORMATION ON HOW THE CURRENT UK IMMIGRATION SYSTEM HAS BEEN WORKING FOR NON-EEA MUSICIANS VISITING THE UK.

The well-documented cases of visa refusals and problems at the border for artists participating in WOMAD and Edinburgh Book Festival in 2018 were deeply concerning and led us to investigate how musicians from non-EEA countries (and those who represent them) navigate the visa system. In the summer of 2019, the ISM created a survey for musicians from non-EEA countries and artist managers, promoters and agents who arrange for such musicians to come to the UK so that we could better understand the situation.

Music plays a vital role in the UK’s soft power, which is currently ranked second in the Portland Soft Power 30 Index (2019). The UK boasts an impressive music scene that affords us a prominent cultural platform on the world stage. In an uncertain context of Brexit, changes to the UK immigration system, and the global pandemic Covid-19, the UK’s music scene must be protected.

Musicians from non-EEA countries are vital to the economic viability and success of UK festivals, concert venues, cultural organisations and more besides. Live music contributed £4.5 billion to the UK tourism industry in 2018 and 11.2 million music tourists enjoyed events in the UK in the same year (UK Music 2019). Musicians from non-EEA countries are integral to the cultural exchange that takes place at music events, without them, the UK would become culturally impoverished and the next generation would be deprived of access to live music from across the world.

The ISM represents musicians, music agents, sound technicians and others who use both the visitor system and the points-based system to bring musicians from outside the EU and EEA into the UK. Non-EEA musicians are frequently booked for concerts, gigs, festivals and other forms of performance and collaboration in the UK for which they typically use the Permitted Paid Engagement (PPE) route, the Standard Visitor route (for Permit-Free Festivals such as WOMAD, Glastonbury, Glyndebourne), and the Tier 5 Temporary Worker - Sporting and Creative route.

Non-EEA musicians visit the UK to undertake both paid and unpaid activities, including performing in concerts, gigs, at festivals and other cultural events; promoting music and branding; auditioning for jobs in orchestras or bands; collaborating with other musicians; recording music; and taking part in competitions. Musicians often travel with personal, technical, administrative or production staff who have to pursue similar routes to enter the UK.

Music agents, venues and event organisers can experience a high level of risk and uncertainty when booking musicians from non-EEA countries, particularly when dealing with visa nationals. The visitor or temporary worker visas may not be granted, and even when they are granted, musicians can be – and sometimes are – turned away at the UK border. It is increasingly difficult for non-EEA musicians to come to the UK, from a rise in visa refusals to an increase in cost and paperwork. The decline of intercultural exchange is already taking place.

The recent Policy Statement from the Home Office (February 2020) on the points-based immigration system outlines that the current system for non-EEA Nationals making short-term visits to the UK will apply to EU nationals from January 2021, and that EU nationals will be treated as non-visa nationals. It is therefore vitally important that we understand how the current system for short-term visits to the UK has been working – or indeed not working – for musicians, particularly from countries where citizens are non-visa nationals.

Given the stated intention of reciprocity between the UK and EU countries, the ISM is concerned about the future of mobility for musicians after the Brexit transition period (currently ending on 31 December 2020). The ISM has for a long time recommended that the current system of visitor visas and temporary work visas not be used as a model for post-Brexit mobility concerning EU creatives travelling to the UK, and UK creatives travelling to the EU. If the current system is applied to EU nationals, it will mean that EU musicians and promoters have to navigate the UK’s immigration system for the first time, encountering new costs and bureaucratic demands. Not only is this likely to disincentivise musicians and promoters from coming from the EU to the UK, but if reciprocal arrangements are applied to UK musicians travelling to the EU, our UK musicians will suffer similar hurdles and costs, adversely affecting their ability to work in the EU and thus putting their livelihoods at risk.

If the UK wishes to protect its thriving economy - a considerable part of which is supported by the creative industries worth £111 billion per year - it is essential that the music and cultural scene is not impeded by an immigration system that is not fit for purpose. This has become even more vital in view of the disastrous impact of Covid-19 on the music sector. The pandemic has caused venues to close, festivals to be cancelled, work to disappear, and livelihoods to be lost. The music sector will need rebuilding so that musicians can work again and the sector can help to restore parts of the UK economy. In order for the music sector to withstand the simultaneous threats of Brexit and Covid-19, the immigration system for touring must be addressed. As this piece of research shows, the current system is not fit for purpose and must be overhauled.
The results from this survey reveal important insights about how the UK’s visa system is currently used by musicians and those who act on behalf of musicians, including:

- The ‘Tier 5 Temporary Worker – Creative and Sporting’ route is used more commonly than ‘Permitted Paid Engagement’ route because Certificates of Sponsorship (CoS) for Tier 5 are seen to be easier to acquire and more secure than the paperwork (and visa if necessary) required for PPE.

- Respondents view the CoS as more reliable than PPE paperwork because the role of the sponsor carries more weight with UKVI. PPE paperwork relies more on the individual applicant to vouch for themselves which is why it is viewed as a more risky option.

- For visa nationals, obtaining visas and paperwork for the PPE route is very difficult. The application process for PPE visas is viewed by many musicians, promoters and agents to be unfit for purpose.

- It has reportedly become more difficult to successfully obtain visas for the UK, particularly since policy changes in 2016. There is an increasing reluctance from agents and promoters to book non-EEA visa nationals for UK performances which is having a negative impact on booking choices and programming.

- Musicians from particular countries and regions appear to find it more difficult to successfully obtain a visa, especially African and Middle Eastern countries.

- There isn’t an effective option for visa nationals travelling to the UK at short-notice, as the outcome of visa applications take several weeks.

- The visitor rules and visa application requirements are difficult for many to understand (as recently evidenced by the Law Commission).

- There is a perceived lack of transparency regarding decision-making and application outcomes.

- The visa hotline is reportedly very expensive to use, and there are long waits to secure time with an operator.

- When asked to select from a list of common obstacles faced when applying for visas, 63% of respondents said the cost of obtaining the appropriate visa was too high; 35% of respondents said it was difficult to get the appropriate visa in a short space of time; 33% of respondents said they had difficulty providing sufficient paperwork and written evidence to get the visa approved; 29% of respondents said they had difficulty understanding what documents are required to apply for a visa; and 21% of respondents said that having to hand in their passport negatively affected their ability to undertake other work. Other obstacles selected included difficulty travelling to the relevant embassy or visa application centre, difficulty obtaining the appropriate visa for additional travellers; and difficulty or delays at the UK border.
KEY THEMES

HISTORICAL CONTEXT

The historical context is useful to understanding how immigration policy has affected musicians.

Several survey respondents were members of the Home Office working group in 2008 to advise on the implementation of the points-based system. However, the consensus from their comments is that their advice was not heeded and the current system is not fit for purpose:

‘Visa refusals occur for the flimsiest of reasons. This hardly ever happened before 2016. Since 2016, the Hostile Environment has been working against legitimate musicians from non EU countries, especially African countries, India, Pakistan and (less frequently) Jamaica.’

TOUR MANAGER

This policy shift has had an impact on whether non-EEA musicians want to come to the UK, and whether UK venues and festivals want to take on the hassle and cost of inviting them – and in many cases sponsoring them – in the first place.

‘It has become so expensive and difficult that we are about to stop coming in with our artists.’

ARTIST MANAGER

Respondents to our survey revealed that the increased difficulty obtaining visas for the UK is causing an increasing reluctance from agents and promoters to book non-EEA visa nationals for UK performances.

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TOUR MANAGER

‘It is getting progressively more and more difficult.’

ENSEMBLE ADMINISTRATOR

Policy changes and legislation, particularly the Immigration Act 2016, have had a significant impact on musicians’ mobility. Numerous artist managers and promoters who responded to the survey noted a shift in attitude and process since 2016 – making it harder for non-EEA musicians to come to the UK.

GEOGRAPHICAL CONTEXT

Responses to the survey show that musicians from some countries experience more difficulty than others when attempting to visit the UK to work.

The first distinction to draw is between visa nationals and non-visa nationals, the crucial difference being that non-visa nationals in most cases do not need a visa to visit the UK to work. The main exception to this is when they use the Tier 5 Temporary Worker route for longer than 3 months (up to 12 months). Non-visa national countries include the USA, Canada, Japan, Israel, Argentina, Australia, New Zealand, among others. Visa national countries include most of those in Africa, Asia and parts of South America, among others.

Figure 1: Visa Policy of the United Kingdom.

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Figure 1: Visa Policy of the United Kingdom. Source: Wikipedia
EXISTING ROUTES INTO THE UK

Whilst the distinction between needing/not needing a visa is a substantial one, there are obstacles common to all applicants when pursuing routes to visit the UK. Musicians from non-EEA countries coming to the UK to work on a short-term basis, i.e. from a few days to up to 12 months, typically pursue Tier 5 Temporary Worker, Permitted Paid Engagement, and Standard Visitor – Permit Free Festival routes.

REQUIREMENTS FOR EACH ROUTE

TIER 5 – TEMPORARY WORKER (Sporting or Creative)
Requires a Certificate of Sponsorship (CoS) from a UK sponsor such as a venue, employer, or agent. A CoS costs the sponsor £21 to issue, but if an individual is paying for it via an agent or third party company the cost will be higher (typically £100-200). A CoS can be issued for up to 12 months. If the CoS is for a non-visa national, it can be issued for up to 3 months without a visa (Concession). If the CoS is issued for over 3 months for a non-visa national, or for a visa national for any permitted length of time, a visa will be required too.

PERMITTED PAID ENGAGEMENT (PPE)
Valid for up to 30 days. PPE requires from all applicants a Letter of Invitation from a UK-based venue, festival or organisation, as well as proof of professional status that relates to the engagement in the UK, and proof of onward travel after 30 days. For visa nationals, a visa will be required too which costs £95.

STANDARD VISITOR – INCLUDING PERMIT FREE FESTIVAL
The Standard Visitor route can be granted for up to 6 months but mostly permits unpaid activities such as auditions and competitions. The exception for paid work is the list of Permit Free Festivals. Standard Visitor route requires from all applicants a Letter of Invitation from a UK-based venue, festival or organisation, as well as confirmation that the applicant will or won’t receive payment, and evidence of the applicant’s financial circumstances in their home country. For visa nationals, a visa will be required too which costs £95.

VISA DIFFICULTIES AND REFUSALS

RESPONDENTS TO OUR SURVEY REPORTED DIFFICULTIES OBTAINING VISAS AND AN INCREASE IN THE NUMBER OF VISA REFUSALS.

The most common difficulty cited was cost, followed by obtaining the appropriate visa in a short space of time, and then problems understanding and providing required documents to support the visa application. Other difficulties cited by respondents, as illustrated in Figure 2, included having to hand in their passport (which impacted their ability to undertake other work), travelling to the relevant embassy or visa application centre in their region, obtaining appropriate visas for additional travellers (e.g. crew), and difficulty or delays at the UK border.

Figure 2

- Difficulty understanding what documents are required to apply for a visa
- Cost of obtaining the appropriate visa
- Difficulty providing sufficient paperwork and written evidence (e.g. bank statements, qualifications) to get the visa approved
- Obtaining the appropriate visa in a short space of time
- Having to hand in your passport (which impacts on your ability to undertake other work)
- Difficulty travelling to the relevant embassy, government department or visa facility where you live
- Difficulty and/or delays getting through security at the UK border
- Difficulty obtaining the appropriate visas for additional travellers (e.g. crew)
- Difficulty getting the same type of visa because you have previously obtained one in the past (some visas do not allow for repeat use)
- Other

If the CoS is for a non-visa national, it can be issued for up to 3 months without a visa (Concession). If the CoS is issued for over 3 months for a non-visa national, or for a visa national for any permitted length of time, a visa will be required too.

‘I am an Artist Manager applying for UK (and elsewhere) visas on behalf of classical singers to perform at opera houses/opera festivals. Most of these artists are Russian/ Non-EU citizens, who face extensive difficulties obtaining visas due to wait times for visa meetings and biometric appointments at the relevant consulates, errors on the part of promoters and/or Visa Application Centre employees, the cost of a visa application (which can be upwards of £50 in some circumstances), comprehension of the visa process and paperwork required, and similar issues.’

ARTIST MANAGER
'Different engagements require different visas which is not always clear to border patrol and promoters. Various issues have included the artist being stopped at the border at Luton airport due to their type of visa, problems with the initial certificate of sponsorship (CoS) which has then impacted the outcome of their visa (Tier 5), a lack of information online as to what to do when a visa comes back incorrect, a lack of contact details to talk directly with a visa issuing entity, a wait time to hear back from visa helplines, the cost of calling a visa helpline, lack of support from the UK consulates once the Visa has been issued, and more.'

ARTIST MANAGER

Musicians from particular countries and regions appear to find it more difficult to successfully obtain a visa for the UK, particularly African countries. There is a concerning logistical problem with access to consulates and visa application centres (VACs) in parts of Africa, requiring musicians to travel extensively to attend visa interviews and submit documentation.

For artists from non-EEA countries it is often difficult to get a visa, especially in a short amount of time. They then pay priority service, but that service is not guaranteed and often leaves people without their passport and without a visa, unable to travel and not giving them any information when the passport will be ready to collect. For me as the promoter it is very frustrating because we have to wait often for artists who can’t arrive in time for rehearsals because they are still waiting for their visa.'

PROMOTER

'African countries with UK Visa is something really hard to get especially for some people whom never been to any country in Europe or US but for me I have been to Europe several times but still I come from African countries it’s always hard for us.

We once wanted to go to UK for a dancing performance of my project called ‘kutana’ which means ‘meeting’ in Swahili language. The project was about of bringing peace in the region of the grand lake but then they denied for the project it was like a proposal to them to come to perform in England. It is required to have an invitation paper, insurance, proof of accommodation, visa price and flight price.’

FREELANCE MUSICIAN

Visa refusals occur for myriad reasons, often with very little explanation from UKVI (and with an untimely review process and no right to appeal). Some refusals can be attributed to mistakes made by the applicant, for example, giving different answers in the visa interview to what’s stated on their CoS. Some respondents to the survey believe that refusals can be for “petty” reasons due to minor discrepancies in the paperwork, often stemming from language difficulties.

One tour manager based in the UK summarised examples of reasons for refusal:

• Someone saying they are playing three concerts a week at 3 hours per concert when they’ve said they are playing 8 hours a week in the CoS.
• Someone having their passport retained for 8 weeks and then being turned down because their dates have gone past,
• Someone being told that since there is no code of practice for musicians, musician is not a creative industry;
• Someone’s fees and expenses being added up incorrectly by the ECO (Entry Clearance Officer), but by the time you’ve asked for a review their dates have gone past;
• Migrants being interviewed in Urdu by a non-native Urdu speaker and on asking for a review the UKVI says ‘She has a level two qualification in Urdu which should be sufficient.’ (It obviously wasn’t);
• One incorrect answer in the exact name of a venue being cut and pasted to 11 members of the same group as if they have all made exactly the same mistake in the same words despite being interviewed separately and at different times.

UKVI

UK VISAS AND IMMIGRATION (UKVI) IS THE DIVISION OF THE HOME OFFICE RESPONSIBLE FOR MAKING DECISIONS ON VISAS.

Many respondents to the survey shared examples of mistakes made by UKVI which had caused them frustration and incurred additional cost and delays. Many cited difficulties contacting UKVI when they encountered problems, the telephone line is reportedly expensive and unsatisfactory.

We have also had problems with the wrong visa being issued despite a correct application form (recently a Standard Visitor visa came back valid for 2 years, even though it was only necessary for 3 months, thus causing confusion when a note was printed on the visa saying the artist had to register with police within 7 days of arriving, something that is only necessary when the visa is needed for longer than 6 months. The passport and Biometrics Residence Permit then had to be sent back to the Visa Errors centre in Sheffield to be redone, causing distress to the artist and obviously she had to give up her passport to be sent away again.)

ARTIST MANAGER
WHICH CENTRE AROUND PROCESS, OUTLINED ABOVE, MANY OF OUR SURVEY RESULTS HAVE INCOMPATIBILITY WITH THE DIFFICULTIES REGARDING VISAS REVEALED NUMEROUS LOGISTICS, INCONSISTENCY AND HOW OPEN IS THE UK FOR THE MUSIC BUSINESS? April 2020

LOGISTICAL LIMITATIONS OF THE CURRENT SYSTEM

OUR SURVEY RESULTS HAVE REVEALED NUMEROUS LIMITATIONS TO THE CURRENT SYSTEM IN ADDITION TO THE DIFFICULTIES REGARDING VISAS OUTLINED ABOVE, MANY OF WHICH CENTRE AROUND PROCESS, LOGISTICS, INCONSISTENCY AND INCOMPATIBILITY WITH THE REALITIES OF MUSICIANS’ LIVES.

Many agents, promoters, and artist managers reported a lack of expertise in the music and entertainment industry across UKVI and the Home Office. This means that not only is the design of the current system inadequate but its unsatisfactory implementation makes the system not fit for purpose.

Musicians arriving in the UK with a Certificate of Sponsorship (CoS) must get their passports stamped upon arrival and departure. However, many respondents reported that it is common for people to be ushered through the e-gates, thus not obtaining their stamps and invalidating the requirements of the CoS. Relatedly, for musicians who need to be in the UK longer than their original CoS – for example a non-visa national who needs to work beyond the 3-month concession such as an opera singer – they have reported obtaining a second CoS to follow on immediately from the previous one, which means they have to leave the country for an afternoon to get the exit stamp, before returning again for an entry stamp on their second CoS.

It can also be difficult to make multiple visits to the UK on the same CoS because a gap between visits must not exceed 14 days. This can be impractical for musicians who start and end their European tours in the UK with European countries in the middle. In addition, conditions of the CoS are often impractical for artists who pay members of their entourage in cash. A visa expert to the music industry explained that the contracted artist is likely to be paid into a bank account by the booking agent, but the entourage is likely to paid in cash, which invalidates the requirements of the CoS. However, the PPE route is not a viable alternative for crew or entourage as they are not eligible for PPE.

Frustration was expressed by artist managers and musicians alike about the cost of visas and Certificates of Sponsorship. Due to the nature of a CoS that require it to be issued by a sponsor and third party, individuals cannot buy them for the relatively affordable cost of £21. Instead, musicians have to pay a higher charge to sponsors and agents, often several hundred pounds.

For the Canadian bands I manage, it’s a pain to find a sponsor and they will charge you £££ to process your visa. I wish you could just pay the £21 it actually costs to get the UK visa and do it directly. The UK pays the lowest amount for guarantees/performances so every band is already losing money just travelling to the UK to perform, then to add visa charges is ridiculous.

UK pays the lowest fees, has the worst hospitality and treats bands the worst out of any European country. It’s a complete money loser for musicians/bands, but everyone still tours there because of the cultural significance.

Regulatory procedures are cumbersome. The outsourcing of the process adds costs and logistical hurdles. The classification of festival venues as either tax approved or not creates another layer of fee earning obscurity and paperwork filings. One must add to the already swollen tour budget the expense of a tax accountant with the Visa application process.

Getting a Visa with a CoS is the real issue. It’s costly, time consuming, and the reasons for any rejection can be very difficult to understand or even ascertain. Border Agency hides behind expensive phone calls and a lack of real people who understand our business.

‘The most annoying thing is that we can’t get any information about the expected time frame when the visa will be ready. There is only one phone helpline which is really expensive and then they can’t help you anyway. The standard answer is always: “Well, the artist just has to wait until he/she gets notified when the passport is ready to collect.” That is not helpful to us who have to plan rehearsals if we don’t know when the artist can travel. It is not possible to email or speak to one dedicated person. It is only an unhelpful helpline where the staff does not make an effort trying to solve the problem. All very frustrating.’

Many agents, promoters, and artist managers reported a lack of expertise in the music and entertainment industry across UKVI and the Home Office. This means that not only is the design of the current system inadequate but its unsatisfactory implementation makes the system not fit for purpose.

PROFESSIONAL MUSICIAN

‘The previous year we applied for tier 5, when we got the passports back, some CoS number of some members that were on the issued visas, where actually switched, totally a mistake of the UKVI. Many priority application we have made took more time than they should. On some tours we had to give up some musicians because they did not get the visa, and rearrange the music for fewer musicians! Sometimes we have got last minutes offers from great festivals in the UK but we could not take it because of the visa process and mainly because we were on tour and could not give away our passports away!’

MUSIC AGENT & PROMOTER

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PROMOTER

I’m very concerned that in a post-Brexit scenario, EU citizens will also require a CoS to perform in the UK.

CONSULTANT AND FORMER BOOKING AGENT

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ARTIST MANAGER

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ARTIST MANAGER
The visa system does not seem to make allowances for musicians who have successfully gone through the process of applying for visas or submitting paperwork several times before. Many musicians expressed frustration that they had to start from scratch each time, particularly when they were well-known artists.

There is also no viable option for visa nationals to work in the UK at short notice because of the time taken to apply for a visa, even taking into account the priority service. Last minute jumps are currently common practice within the EU, for example when a soloist or opera singer is sick. However, this option is not available to a visa national.

‘It is difficult and lengthy for non-EU citizens to work in the UK and sometimes work has to be turned down (if offered last minute) as the necessary visa would not be procured in time.’

ARTIST MANAGER

‘The amount of paperwork. The mailing to the UK to the tax and visa office from the US. The long wait. Never knowing if paperwork is in order because of the wait period.’

ARTIST MANAGER

The application process can also take many weeks, which is difficult to factor into the calendar of a busy artist, and involves sometimes unnecessary travel to different cities during busy periods of work. Another issue is, due to different types of visas being necessary for different engagements, it is sometimes necessary to get two visas to cover one lengthy period in the UK if the artist is working at two theatres/Festivals in a row, and sometimes requires the artist to leave the UK for an afternoon, just so they can get a stamp on their second visa for it to be validated. This is also difficult to factor into the calendar of a busy artist.

PROFESSIONAL MUSICIAN

‘For touring musicians who are there for less than 5 days, it’s too much paperwork. We are not trying to emigrate to your country. We are global musicians on tour. There must be a way to make exceptions.’

PROFESSIONAL MUSICIAN

The UK system that musicians use for short-term or temporary work in the UK appears to be vulnerable to interpretation at various stages of the process. Applications for the visas themselves are subject to interpretation of entry clearance officers, and the paperwork presented at the UK border can be interpreted differently by border officers. The Permitted Paid Engagement route (PPE) is particularly risky for visa nationals because the documentation required (Letter of Invitation, proof of professional status, proof of onward travel) is not issued by an approved UK-based sponsor, and as such carries much less weight than a Certificate of Sponsorship from a sponsor.

From the perspective of UKVI, Certificates of Sponsorship enable them to hold the sponsor to account for the payment and onward travel of the musician, whereas with PPE visas the responsibility is on the musician themselves to leave the UK after their permitted work, thus carrying more risk to UKVI. Artist managers and promoters therefore typically find CoS much more suitable and risk averse for musicians entering the UK and habitually issue them for short periods of time including 30 days (which PPEs were originally intended for). This discrepancy between how Tier 5 and PPE were intended to be used, compared to the reality is another example of how the current system is not fit for purpose.

Sponsors who responded to the survey believed that the burden of proof on the sponsor was too onerous. Becoming certified as a sponsor was described as being “financially invasive” and sponsors are subject to heavy regulation and regular auditing. If the paper trails particularly regarding payment are not correct, the sponsor’s licence can be revoked.

It can reportedly be difficult for sponsors to meet the conditions of the CoS because of the nature of the music industry. For example, the CoS guidelines suggest that the sponsor has daily contact with the musician and prohibits payment in cash – both of which are impractical for touring musicians. Several sponsors suggest that the Home Office mistakenly treats sponsors as employers of the acts they sponsor and that the system is designed for salaried jobs rather than touring musicians. This has in some cases led to sponsors losing their licences.

The consequences of a visa system that is not fit for purpose are harmful to the career of a musician. An immigration advisor responding to the survey estimated that at least 30% of applicants for Tier 5 or PPE can expect a refusal, or “bad handling” such that their UK concerts get cancelled. Delays frequently cause musicians to miss gigs, adversely affecting their income and international reputation.

WHilst most of this report demonstrates the difficulties encountered by musicians and artist managers/promoters using the UK’s visa system, it is important to remember the obligations and complications faced by sponsors in this process.
RECOMMENDATIONS FOR CHANGE

FOR NON-EEA MUSICIANS, ARTIST MANAGERS, PROMOTERS AND AGENTS NAVIGATING THE CURRENT UK VISA SYSTEM, DIFFICULTIES AND COMPLICATIONS ROUTINELY OBSTRUCT THE PROCESS OF SECURING AND DELIVERING PAID WORK, AS WELL AS PARTICIPATING IN INTERCULTURAL EXCHANGE.

The ISM strongly recommends that the current system is not applied wholesale to EU countries at the end of the transition period because post-Brexit arrangements are likely to be reciprocal. If the current system is applied to EU nationals, it will not only mean that EU musicians and promoters have to navigate the UK’s immigration system for the first time, encountering new costs and bureaucratic demands, but if reciprocal arrangements are applied to UK musicians travelling to the EU, our UK musicians will suffer similar hurdles and costs. Obstacles such as those outlined in this report will harm the ability of UK musicians to earn by working in the EU and threaten their livelihoods.

The UK must protect its valuable music scene and cultural platform as well as its soft power. The current situation is extremely fluid and the Government must take action to protect our musicians and cultural sector.

The UK’s music industry is worth £5.2 billion per year and the creative industries contribute £111.7 billion per year to the UK economy. These valuable assets depend in no small part on the success of UK festivals, events, venues and organisations, which need musicians from all over the world to come to the UK. It is already alarming that the UK has slipped from first to second place in the Portland Soft Power 30 Index (2019) due to Brexit and the UK’s diminishing global reputation. The UK must continue to attract musicians from all over the world by enabling them to visit using a suitable immigration system. Respondents to the survey made several suggestions of how the current system could be improved, which have informed our recommendations below. Based on the results of this survey and consultation with experts, the ISM believes that the current visa system is not fit for purpose.

FOR NON-EEA MUSICIANS, ARTIST MANAGERS, PROMOTERS AND AGENTS NAVIGATING THE CURRENT UK VISA SYSTEM, DIFFICULTIES AND COMPLICATIONS ROUTINELY OBSTRUCT THE PROCESS OF SECURING AND DELIVERING PAID WORK, AS WELL AS PARTICIPATING IN INTERCULTURAL EXCHANGE.

This is damaging to the UK’s music scene and cultural platform. The UK’s music industry is worth £5.2 billion per year and the creative industries contribute £111.7 billion per year to the UK economy. These valuable assets depend in no small part on the success of UK festivals, events, venues and organisations, which need musicians from all over the world to come to the UK. It is already alarming that the UK has slipped from first to second place in the Portland Soft Power 30 Index (2019) due to Brexit and the UK’s diminishing global reputation. The UK must continue to attract musicians from all over the world by enabling them to visit using a suitable immigration system. Respondents to the survey made several suggestions of how the current system could be improved, which have informed our recommendations below. Based on the results of this survey and consultation with experts, the ISM believes that the current visa system is not fit for purpose.

RECOMMENDATIONS FOR CHANGE

Recommendation 1
The UK should not apply the current visa system for short-term work and visits to EU nationals.

Recommendation 2
The 3-month concession for non-visa nationals using the Tier 5 Temporary Worker – Creative or Sporting route should be extended to 6 months. The Tier 5 route should allow for multiple entries to the UK.

Recommendation 3
The Permitted Paid Engagement route should be extended from 30 days to 90 days to allow for longer tours and opera seasons. The PPE route should allow for multiple entries to the UK.

Recommendation 4
The Visitor Rules should be simplified so that applicants can easily understand which routes are available to them, and which documents are required for each route.

Recommendation 5
UKVI should reduce the time it takes to assess and issue a visa to allow for visa nationals to work in the UK at short notice. UKVI should create an ‘emergency’ or very short-term visa that could be procured for last-minute employment.

Recommendation 6
UKVI should make it possible for applicants for Certificates of Sponsorship (CoS) to pay the direct fee of £21 rather than higher charges made by third party companies.

Recommendation 7
The UK should provide more visa application centres (VACs) or consulates in areas where applicants have to travel extensively to access one, e.g. in Africa.

Recommendation 8
UKVI should introduce a mechanism for applicants who have previously secured several successful applications to make it easier for them to continue visiting the UK without having to start their applications from scratch each time.

Recommendation 9
UKVI and Border Force should provide clearer guidance, both in documentation and at the UK border itself, regarding requirements for stamps for Certificates of Sponsorship and visas, so that musicians are not ushered through e-gates in error.

Recommendation 10
UKVI, embassies and VACs should be more accessible to applicants and sponsors who have queries. The UKVI telephone hotline should be made cheaper and the wait time for an operator should be reduced.

Recommendation 11
The UK should set up a national mobility information point by an NGO or arms length body to offer clear information to applicants.

Respondents to the survey made several suggestions of how the current system could be improved, which have informed our recommendations below. Based on the results of this survey and consultation with experts, the ISM believes that the current visa system is not fit for purpose.
The most common purpose of respondents’ travel to the UK (69%) was for a specific paid performance opportunity such as part of an international tour or at a UK festival. Other paid purposes included promoting music, e.g. releasing a new album or appearing on the radio, (29%) and teaching opportunities (8%). Collaboration with other musicians and artists in an unpaid capacity (37%) and speculative work opportunities (23%) were also prominent.

Around two thirds of respondents were performers, a fifth were promoters/managers, and the remaining respondents were sound engineers, admin staff, composers and venue owners.

There were 150 responses to the survey.
71% of respondents were self-employed or freelance.
Respondents represented a cross-section of genres including classical, jazz, popular, rock, world and folk, film and gaming, religious, experimental, electronic, and many more.

Specific performance opportunity, e.g. as part of an international tour/a performance at a UK festival etc. (paid)
Promoting your music, e.g. new album release, radio appearance (paid)
Teaching opportunity (paid)
Collaboration with other musicians/artists (unpaid)
Speculative work opportunities (unpaid)
Other
The Incorporated Society of Musicians is the UK’s professional body for musicians and a nationally-recognised subject association for music. We were set up in 1882 to promote the art of music and to protect the interests and honour of all musicians. Today we support almost 9,500 members with unrivalled services and expert advice, from study up until retirement and beyond. We are a wholly independent, non-profit-making organisation.

Musicians who are members of the ISM have access to advice from experienced in-house employment lawyers by contacting the ISM legal team at legal@ism.org or by contacting our 24-hour advice line on 01275 376 038.

The Save Music campaign, launched in October 2018 by The Incorporated Society of Musicians, is calling for freedom of movement to be maintained for musicians after Brexit – or failing that, a two-year working visa which allows musicians to tour easily in EU and EEA.

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