

## Immigration and Social Security Co-ordination (EU Withdrawal) Bill 2019-21

Second Reading on 18 May 2020

### Briefing by the Incorporated Society of Musicians

- This briefing has been prepared for the second reading of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill 2019-21 on 18 May 2020. A key purpose of the Bill is to repeal retained EU law relating to free movement. This will mean that EEA nationals (and their family members) will become subject to UK immigration laws after the end of the Brexit transition period.
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#### 1. About the ISM

- The Incorporated Society of Musicians (ISM) 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.

#### 2. Summary of the Bill

- If the Bill passes into law, EU law relating to free movement will be repealed. This will mean that EEA nationals (and their family members) will become subject to UK immigration laws after the end of the Brexit transition period. The Bill does not set out the future immigration system and Immigration Rules, which will apply to EU and non-EU citizens who come to the UK after the transition period.

#### 3. Key considerations

- **The end of freedom of movement after the transition period (currently 31 December 2020) will have a devastating impact on the musician profession.** Working in the EU/EEA – whether that involves performing, recording, teaching, collaborating or other activities – is an essential part of the profession's ability to earn. There is not enough work available in the UK for musicians to sustain their livelihoods so they must travel abroad, most commonly to the EU. This will become more difficult and uncertain, and cause considerable harm to the music profession.
- Without freedom of movement, and particularly if the UK leaves without a comprehensive arrangement in place, the music profession could overnight find themselves trying to navigate the entry requirements for each of the 27 EU countries. This is unviable and unnecessary and must be rectified.
- **The music sector must be able to continue touring in the EU after the end of freedom of movement. The ideal solution would be a multi-entry touring visa that is valid for two years and is EU-wide, covering all 27 Member States.**

#### 4. Impact of Brexit

- The ISM's 5<sup>th</sup> annual report, titled *Will Music Survive Brexit?*, revealed the damage that Brexit has already caused to the music sector. According to our research, **over half the music workforce has identified Brexit as having a negative impact on their professional work**. This represents a year-on-year increase since the EU referendum in 2016.
- Our research reveals a strong trend in EU promoters and venues no longer engaging UK passport holders in work and auditions because it is now too complicated and uncertain to book UK musicians compared to their EU counterparts. Our data also shows that **musicians have lost substantial amounts of work and earnings due to Brexit and their biggest concern is securing future work in the EU/EEA after the transition period**.
- Comments from respondents:

*'European opera houses have now categorically stated that they will no longer offer auditions to British artists not holding anything except a UK passport. Loss of Freedom of movement will be virtually career ending for myself and many of my friends and colleagues.'*

*'Reluctance on the part of EU groups to make long-term appointments of freelance musicians from UK. In the contract-less world of chamber orchestras, knowledge of future freedom of movement arrangements is crucial.'*

*'There is simply not enough work at a relevant level in the UK to sustain a career in music. Losing the European market will finish my career.'*

- Plans to negotiate free trade agreements with different parts of the world, including the EU, have been stopped in their tracks by the global Covid-19 pandemic. The impact of the outbreak has been disastrous for the music sector. Venues have closed, festivals have been cancelled, work has disappeared, and livelihoods have been lost. **The UK Government must recover some of the time lost to Covid-19 that would have been spent negotiating our future relationship with the EU by requesting an extension to the transition period.**

#### 5. Future immigration system

- The Bill does not set out the future immigration system, which will apply to EU and non-EU citizens who work in or move to the UK after the transition period. The future immigration system will be provided for in the Immigration Rules, which will require parliamentary approval.
- The Government intends to introduce the future points-based immigration system from January 2021. **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.**
- **The ISM is very concerned about the future of mobility for musicians after the Brexit transition period** (currently ending on 31 December 2020). **The UK's music scene requires an immigration system which supports musical and cultural exchange through touring**, enabling the sector to contribute to the UK economy. Essential is musicians' ability – and that of their crew, technical staff and entourage – to travel to the

UK for short periods of time, for example as part of a tour, series of festivals, as a one-off gig, or to perform in an opera season.

- 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 are sometimes 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.
- **If the current system for non-EEA nationals 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.** This is likely to act as a disincentive for musicians and promoters coming from the EU to the UK. Given the stated intention of reciprocity between the UK and EU countries, **UK musicians will suffer similar hurdles and costs, adversely affecting their ability to work in the EU and thus putting their livelihoods at risk.**
- **The UK must continue to attract musicians from all over the world by enabling them to visit using a suitable immigration system. Therefore, the UK should not apply the current visa system for short-term work and visits to EU nationals.**

## 6. Value of the UK's creative industries

- Creative industries are hugely successful, contributing more than £111bn to the UK economy in 2018 and growing more than five times faster than the national economy<sup>1</sup>. The sector employs over three million people and generates significant value across supply chains.<sup>2</sup>
- Music is key component of our fantastic creative industries, contributing £5.2 billion to the UK economy annually.<sup>3</sup> Music also plays a vital role in the UK's soft power and is currently ranked second in the Portland Soft Power 30 Index.<sup>4</sup> The UK boasts an impressive music scene that affords us a prominent cultural platform on the world stage.<sup>5</sup> 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.

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<sup>1</sup> <https://www.gov.uk/government/news/uks-creative-industries-contributes-almost-13-million-to-the-uk-economy-every-hour>

<sup>2</sup> <https://www.cbi.org.uk/articles/centre-stage-keeping-the-uk-s-creative-industries-in-the-spotlight/>

<sup>3</sup> <https://www.ukmusic.org/research/music-by-numbers/>

<sup>4</sup> <https://softpower30.com/wp-content/uploads/2019/10/The-Soft-Power-30-Report-2019-1.pdf>

<sup>5</sup> <https://softpower30.com/wp-content/uploads/2019/10/The-Soft-Power-30-Report-2019-1.pdf>