HOW OPEN IS THE UK FOR THE MUSIC BUSINESS?
Briefing by the Incorporated Society of Musicians:

• In April 2020 the Incorporated Society of Musicians (ISM) published a report ‘How Open is the UK for Music Business?’ to provide information on how the current UK immigration system has been working for Non-EEA musicians visiting the UK. This briefing summarises the key findings from the report and is structured as follows:

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1. Introduction

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.

Summary

• 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.

• The ISM is concerned about the future of mobility for musicians after the Brexit transition period (currently ending on 31 December 2020). 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.

• 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.
• 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, 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.**

• 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.**

2. Background

**Economic and cultural 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. The sector employs over three million people and generates significant value across supply chains.

• Music is key component of our fantastic creative industries, contributing £5.2 billion to the UK economy annually. Music also plays a vital role in the UK’s soft power and is currently ranked second in the Portland Soft Power 30 Index. 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. 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.

**Challenges for Non-EEA musicians visiting the UK to work**

• 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.

• However, as noted 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.

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3 https://www.ukmusic.org/research/music-by-numbers/
• 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.

• There is an increasing body of evidence which demonstrates that people from certain countries experience a more difficult process obtaining a visa and/or are more likely to have their visa refused. For example, a recent report from the APPG for Africa and the Royal African Society found that African applicants are over twice as likely to be refused a UK visa than applicants from any other part of the world. This finding was made using the Home Office’s own data on visa refusals.

ISM Research

• 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.

• Between June and December 2019, the ISM conducted a survey of the music sector to find out more about the experience of non-EEA musicians visiting the UK to work. We found that:
  - 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.

• 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.

3. Policy recommendations

- The UK must continue to attract musicians from all over the world post-Brexit by enabling them to visit using a suitable immigration system.

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

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.

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.

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.

5. UK Visas and Immigration (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.

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.

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.

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.

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.

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.

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