Who is considered to be a visiting ‘Creative Artist’?

Definition of a ‘Creative Artist’ for immigration/visit visa purposes is taken from guidance published by the Home Office:–

“An artist can include anyone coming to the UK to undertake an activity that is connected to the arts (literature, performing arts, visual arts, culinary arts). There is no restriction on amateur or professional artists doing permitted activities. Examples include:–

● poets
● film crew
● photographers
● designers
● artists
● musicians
● writers
● conductors

Entertainers can include anyone coming to the UK to undertake an activity that is connected to the performing arts, for example dancers, comedians, members of circus acts or members of film crew.

Personal or technical staff who are attending the same event can accompany the artist, entertainer or musician to the UK, provided they are employed to work for them overseas. Examples include, but are not restricted to:

● choreographers
● stage managers
● make-up artists
● personal bodyguards
● press officers...

Is the Artist a visa national and non-visa national?

These terms differentiate those who need to obtain a visit visa before entering the UK (visa nationals); and those who do not (non-visa nationals). Those who do not require a visit visa before their visit are required to make their applications to visit the UK in person at the UK border point.

Visa nationals: are citizens of countries which do require a visit visa to come to the UK. A list of these countries can be found here. Note that EEA citizens are mentioned here but they will be non-visa nationals (see below).

Link to the online application form can be found here.

Some non-visa nationals may enter the UK as ‘standard’ visitors using the e-gates, being nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the United States of America (Immigration (Leave to Enter and Remain) Order 2000 (as amended), section 8B).
It is important to note, as mentioned below, that even where an artist is a ‘non-visa’ national, they should nevertheless be prepared to provide evidence of their activities and circumstances at the border point.

**UPDATE - EU National Creative Visitors to the UK**

**Visa or Non-Visa Nationals?**

As anticipated, EU nationals will now enter the UK under the Immigration Rules applicable to non-EEA citizens. They are now ‘non-visa’ nationals. Therefore if creative artists who are EU nationals wish to visit the UK to pursue creative activities, they will visit either as Standard visitors or as visitors who will engage in Permitted Paid Engagements. In the guidance set out for [EU nationals](#) who wish to work in the the UK, the following is stated:-

“You can continue to visit the UK for up to 6 months without applying for a visa and may participate in a wide range of activities, including tourism, visiting family and friends, short term study and business-related activities, such as events and conferences.”

The Home Office website relating to EU nationals can be found [here](#). Under the heading ‘Business travel to the UK’ links are given to the Immigration Rules set out in the following discussion (Standard and Permitted Paid Engagement).

It is important to note that even where an artist is a ‘non-visa’ national, they should nevertheless be prepared to provide evidence of their activities and circumstances at the border point - this is set out below.

**What work is a foreign artist permitted to do in the UK on a visit visa? Paid or unpaid? Duration? What UK visit visa is appropriate for an artist or entertainer? ‘Standard’ visitor visa or ‘Permitted Paid Engagement’ visitor visa?**

Most of the activities which a foreign artist would be engaged for are actually permissible under the terms of a visit visa to the UK.

**Paid or Unpaid?**

An artist entering for a short unpaid engagement should be able to enter on a ‘Standard’ visitor visa. Artists entering for a short paid engagement may be able to obtain a ‘Permitted Paid Engagement’ visitor visa.
Permitted activities

‘Standard’ visitor visa

Artists entering the UK as ‘Standard’ visitors should not be paid for their engagements. They may, however, be compensated for their reasonable expenses, which would include ‘per diem’ expense payments. Payments for expenses should be ‘reasonable’, both in scope and in respect of the amounts paid.

Permitted activities as a ‘Standard’ visitor are as follows (from the Immigration Rules):

Creative (‘Standard’ visitors)

PA 14.1. An artist, entertainer, or musician may:
(a) give performances as an individual or as part of a group; and
(b) take part in competitions or auditions; and
(c) make personal appearances and take part in promotional activities; and
(d) take part in one or more cultural events or festivals on the list of permit free festivals in Appendix Visitor: Permit Free Festival List.

PA 14.2. Personal or technical staff or members of the production team of an artist, entertainer or musician may support the activities in PA 14.1. or Appendix V: Visitor at V13.3 (e) provided they are attending the same event as the artist, entertainer or musician, and are employed to work for them outside of the UK.

PA 14.3. Film crew (actor, producer, director or technician) employed by an overseas company may visit the UK to take part in a location shoot for a film or programme or other media content that is produced and financed overseas.

Evidence required and duration of ‘standard’ visit visa

Non-visa nationals may be able to enter the UK as ‘Standard’ visitors using the ‘e-gates’. However, they should be able to provide evidence of their engagements in the UK, and of their personal circumstances as they may be stopped by border officials and this may be requested.

‘Standard’ non-visa national visitors are usually permitted entry into the UK for six months.

A ‘Standard’ visitor who is a ‘visa national’ (and therefore must apply for entry clearance before coming to the UK) will need to provide evidence of their engagements and of their personal circumstances.

A ‘Standard’ visitor who is a ‘non-visa national’ may only be granted enough leave to attend the engagement before being required to return to their home country.
Permitted Paid Engagements

The requirements for creatives entering as visitors to undertake paid engagements (Permitted Paid Engagements/‘PPE’s) are as follows (from the Immigration Rules):

V13.1. An applicant as a permitted paid engagements visitor must be aged 18 or over on the date of application.

V 13.2. The applicant must intend to do one (or more) of the permitted paid engagements set out in V 13.3. which must be:
   (a) arranged before the applicant travels to the UK; and
   (b) declared as part of the application for entry clearance or permission to enter the UK; and
   (c) evidenced by a formal invitation; and
   (d) relate to the applicant’s area of expertise and occupation overseas.

V 13.3. The following are permitted paid engagements:
   (a) an academic who is highly qualified within their field of expertise, coming to examine students and/or participate in or chair selection panels, and have been invited by a UK higher education institution, or a UK-based research or arts organisation as part of that institution or organisation’s quality assurance processes; and
   (b) an expert coming to give lectures in their subject area, where they have been invited by a higher education institution; or a UK-based research or arts organisation, and this does not amount to filling a teaching position for the host organisation; and
   ...
   (e) a professional artist, entertainer, or musician coming to carry out an activity directly relating to their profession, where they have been invited by a creative (arts or entertainment) organisation, agent or broadcaster based in the UK; ...

Entry will only be granted for up to one month for Permitted Paid Engagement visitors.

Entering by ‘e-gate’ is not appropriate for non-visa national visitors in these circumstances; they should present themselves to Immigration Control with the evidence required for entry.

Festivals

There are particular festivals for which payment is permitted. The exhaustive list of these festivals can be found here. See also below, the requirements for applying to include a festival on this list.
What evidence should all visitors prepare to provide before entry?

All visitors to the UK must be able to evidence or demonstrate that they will meet the following requirements (from the Home Office website), that they are:-

**Eligibility**

You must show that:

- you’ll leave the UK at the end of your visit
- you’ll not live in the UK for extended periods through frequent or successive visits, or make the UK your main home
- you’re able to support yourself and your dependants during your trip (or have funding from someone else to support you)
- you’re able to pay for your return or onward journey (or have funding from someone else to pay for the journey)
- you have proof of any business or other activities you want to do in the UK, as allowed by the Visitor Rules

See also the visit visa guidance [here](#).

**Specific evidence to be provided, particularly for visitors who are coming to the UK for reasons connected to their work**

From the Home Office website:-

To visit the UK, you need to show that you’re a genuine visitor.

You can do this by providing evidence that:

- you’re coming to do a permitted activity – see Appendix Visitor: Permitted Activities
- you’ll leave the UK at the end of your visit
- you’re able to support yourself and any dependants for the duration of your trip
- you’re able to pay for your return or onward journey and any other costs relating to your visit

All documents, apart from passports, can be originals, scans or photocopies.

... 

1. **Travel document (passport)**

You must provide your current passport or other valid travel document with all applications and when travelling to the UK.

... 

2. **Demonstrating personal circumstances**

If you are intending to visit the UK you will need to show that you are a genuine visitor who is coming to the UK to undertake a permitted activity, that you will leave at the end of your visit and that you have sufficient funds to cover all reasonable costs in relation to your visit.
It is recommended that you provide information about your circumstances in your home country and details of the activity that you will be doing in the UK.

The following provides information about the types of documents that you might want to provide to help us consider your application against the Immigration Rules for Visitors (Appendix V: Visitor). This list is not exhaustive.

- if you are coming to the UK to do activities relating to your employment or study outside the UK (e.g. attending business meetings or performing as a musician, taking part in an educational exchange), you may want to provide documents detailing:
  - what you will be doing in the UK, the reason for your visit and whether any costs are being met, including any letters from inviting or sending organisations
  - circumstances in your home country, including documents that demonstrate your employment or student status, such as
    - a letter from your employer on company headed paper, detailing your role, salary and length of employment
    - a letter from your education provider, on headed paper, confirming your enrolment and leave of absence
    - business registration documents or recent invoices that confirm ongoing self-employment
- previous travel documents/passports, which show previous travel confirmation of legal residence, if you are not a national of the country in which you are applying or your right to reside there is not included in your passport
- financial documents showing that you have sufficient funds available. These must clearly show that you have access to the funds, such as:
  - bank statements
  - building society books
  - proof of earnings, such as a letter from employer confirming employment details (start date of employment, salary, role, company contact details)

4. If you have a sponsor
If someone else (your sponsor) is providing your travel, maintenance or accommodation you should provide evidence showing:

- what support is being provided and whether it extends to any dependent family
- how this support is being provided
- the relationship between you and the sponsor, for example if they’re your family member or your employer
- the person supporting you is legally in the UK (if applicable), for example if they have a British passport or residence document

5.2 Performers at one or more permit-free festivals
You may want to provide a letter of invitation from the organisers of each event, including the dates of your performances and details of any payments you’ll receive.

...
You'll need to provide an invitation letter showing why you're carrying out the engagement and how long it's for from a relevant UK-based organisation, such as:

- an organisation in the creative arts or entertainment industries
- a sports organisation, agent or broadcaster
- a research organisation

You should provide evidence of professional status in your home country or expertise, depending on the engagement.

5.7 Entertainers/artists/sports people
You can provide:

- dates and times of performances, screenings, concerts, talks, readings and exhibitions
- details of any awards you’ve received
- proof of recent performances

You may be asked to provide additional information by a decision maker.

Expenses - who is paying for the visit?

It is important to have an idea of what accommodation and maintenance expenses will be incurred and how they will be met.

Paid by Visitor

If self-supporting, the personal financial information the creative visitor provides will assure the Entry Clearance Officer/Border Official that the visitor will meet his expenses without recourse to public funds.

Paid by Inviting Organisation

The payment of ‘reasonable’ expenses is permitted for unpaid creative visitors. These should be clearly set out. The Rules say:-

V 4.6. The visitor must not receive payment from a UK source for any activities undertaken in the UK, except for the following:

(a) reasonable expenses to cover the cost of their travel and subsistence, including fees for directors attending board-level meetings; or

(b) prize money; or

(c) billing a UK client for their time in the UK, where the applicant’s overseas employer is contracted to provide services to a UK company, and the majority of the contract work is carried out overseas (payment must be lower than the amount of the
applicant's salary); or
(d) multi-national companies who, for administrative reasons, handle payment of their employees' salaries from the UK; or
(e) paid performances at a permit free festival as listed in Appendix Visitor: Permit Free Festivals, where the applicant is an artist, entertainer or musician; or
(f) Permitted Paid Engagements, where the requirements of V 13.1. to V 13.3. are met.

In more detail, where travel costs, accommodation, per diems etc are provided:-

V 4.3. In assessing whether an applicant has sufficient funds under V 4.2.(e), the applicant’s travel, maintenance and accommodation may be provided by a third party only if that third party:

(a) has a genuine professional or personal relationship with the applicant; and
(b) is not, or will not be, in breach of immigration laws at the time of the decision or the applicant's entry to the UK as a visitor; and
(c) can and will provide support to the applicant for the intended duration of the applicant's stay as a visitor.

Other concerns for all visitors

Frequent Visitors

Frequent visitors to the UK should pay heed to the following (from the Immigration Rules):-

Genuine visitor requirement

V 4.2. The applicant must satisfy the decision maker that they are a genuine visitor, which means the applicant:

(a) will leave the UK at the end of their visit; and
(b) will not live in the UK for extended periods through frequent or successive visits, or make the UK their main home;...

If there have been frequent visits to the UK, the creative visitor should be aware that consideration will be given to their immigration history in deciding whether they are, in fact, a genuine visitor. The issue is whether through these visits the individual has in fact made the UK their ‘main home’.

However, from the Guidance:-

There is no specified maximum period, which an individual can spend in the UK in any period such as ‘6 months in 12 months’ (as long as each visit does not exceed the maximum period for that visit, normally 6 months). However, if it is clear from an applicant’s travel history that they are seeking to remain in the UK for extended periods or making the UK their home you should refuse their application.

The factors the Home Office will take into account are (from the Guidance to their decision-makers) as follows:-
- the purpose of the visit and intended length of stay stated
- the number of visits made over the past 12 months, including the length of stay on each occasion, the time elapsed since the last visit, and if this amounts to the individual spending more time in the UK than in their home country
- the purpose of return trips to the applicant’s home country or trips out of the CTA and if these are used only to seek re-entry to the UK
- the links they have with their home country or ordinary country of residence - consider especially any long-term commitments and where the applicant is registered for tax purposes
- evidence the UK is their main place of residence, for example:
  - if they have registered with a general practitioner (GP)
  - if they send their children to UK schools
- the history of previous applications, for example if the visitor has previously been refused under the Family Rules and subsequently wants to enter as a visitor you must assess if they are using the visitor route to avoid the Rules in place for family migrants joining British or settled persons in the UK

Permit Free Festivals

There is an exhaustive set list of ‘permit free’ festivals; the list is given in an appendix to the Immigration Rules. Performers from abroad participating in such festivals are permitted to be paid and can enter under the ‘Standard Visitor’ route.

On 11 December 2020 the Home Office published time limits on new applications for inclusion on the Permit Free Festival list, as follows:-

Festivals that wish to be included on the permit free festival list must send their applications for inclusion by 18 January 2021 if the festival is scheduled to start between 7 April 2021 and 6 April 2022.

Here is a link to how to apply to be included on the permit free festival list. The Home Office have set out the criteria which applies is as follows:-

2. Requirements for inclusion on the list of permit free festivals

Festivals and events which are not currently listed in Appendix Visitor: Permit Free Festival list of the Immigration Rules must have:

- been established for at least 3 years
- had an audience of at least 15,000 for each of the last 3 festivals
- an expected audience of at least 15,000 throughout the forthcoming event
- at least 15 non-European Economic Area (EEA) performers who have performed at each of the last 3 festivals
- at least 15 non-British or Irish performers who have been invited for 2021 to 2022
3. Documents required in support of an application

In support of an application you must have:

- copies of the event brochures or programmes for the last 3 years
- a letter from the Arts Council, or another such body if they support the event
- press cuttings relating to the event for the last 3 years
- confirmation of ticket sales and attendance details for the last 3 years
- a letter from the local police or licensing authority concerning the cultural event or festival
- the number of non-EEA performers and their nationalities for the last 3 years
- the number of non-British or Irish performers who have been invited for the forthcoming event
- other additional evidence if requested by the Home Office

What circumstances or paid engagements would require the artist to have a UK Licenced Sponsor?

Paid engagements for longer than 1 month will require a Sponsor (i.e. the UK entity employing or sponsoring the artist or entertainer during their stay in the UK). The Sponsor will need a specific Sponsor Licence in order to be able to issue a Certificate of Sponsorship to the foreign artist for the engagement. The conditions for the issuing of such visas vary, and depend on whether the engagement is for more than one year.