

FESTIVALS EDINBURGH RESPONSES TO UK GOVERNMENT IMMIGRATION WHITE PAPER 31 MAY 2019

WHITE PAPER CHAPTER 5 – COMING TO THE UK TO VISIT	FESTIVALS EDINBURGH COMMENTARY & RECOMMENDATIONS
<p>5.3 The Government intends to maintain the current already generous arrangements as described above. However, we would welcome a dialogue with business about the scope of permitted business activities that could be carried out as a visitor to the UK.</p>	<p>We welcome the commitment to a dialogue with business about the scope of permitted business activities that could be carried out as a visitor to the UK.</p>
<p>5.8 As part of our Mobility Framework, we will seek to negotiate with the EU reciprocal provisions for short-term business visitors arriving after the end of the Implementation Period. In due course, similar arrangements could be made available to other countries with whom the UK concludes trade deals, which may go beyond what is currently allowed in the visitor rules.</p>	<p>We support the following call in the House of Lords report on Brexit: Movement of People in the Cultural Sector on reciprocal preferential arrangements for movement of people between the UK and EU post-Brexit, recognising that any restrictions on EU citizens wishing to enter the UK may be matched by restrictions on UK citizens wishing to enter the EU.</p>
WHITE PAPER CHAPTER 6 - COMING TO THE UK TO WORK	
<p>6.24 We agree with the MAC’s view that the salary thresholds should ensure that migrants are raising the level of productivity in the UK, making a positive contribution to public finances and are not putting downward pressure on earnings [...] However, before confirming the level of a future salary threshold we will want to engage extensively with businesses and employers, consider wider evidence of the impact on the economy, and take into account current pay levels in the UK economy. We will ask the MAC to keep this under review, given that we would expect the threshold to change over time in response to economic conditions.</p>	<p>The workforce dynamics of the UK Creative Industries are driven by cultural as well as economic value. UK Government policy should recognise that salaries are not an appropriate proxy indicator for talent in this sector, as it operates across both market and non-market segments. If global cultural workers are excluded due to adoption of the MAC’s recommendation, the UK stands to lose the flows of talent, ideas, and investment across and between the UK Cultural and Creative Industries, in addition to their UK GVA output and contribution to tourism and trade through their impact on the UK’s global reputation.</p> <p>Labour market dynamics for music, performing and visual arts mean that a £30,000 salary threshold would impair the ability of leading UK cultural organisations to draw on an essential pool of internationally recognised talent – for example, orchestral ensemble players and corps de ballet. To sustain UK cultural value and creative reputation, we call for the skilled workers route to enable creative workers to achieve sufficient points even if their salary does not reach the £30,000 level. To this end, we support the call by the Creative Industries Federation to update the UK immigration regulations to take account of industry averages by amending them to £30,000 per year or the appropriate rate, “whichever is lower”.</p>

<p>6.3 We will also be operating routes adapted from the current system for:</p> <ul style="list-style-type: none"> • Innovators. For experienced business people who want to set up a business in the UK that is innovative, scalable and viable. We intend to launch a new Start-Up visa route in Spring 2019, for those at an early stage of their career with an innovative business idea, who can then move into the Innovator route. • Exceptional Talent. A flexible route for highly skilled individuals in the creative, arts and humanities, science, research and engineering, and digital technology sectors, who wish to work in the UK. • Investors. For those who make a substantial financial contribution to the UK. • Other temporary workers. Alongside the new temporary short-term worker route, we will continue to operate other temporary routes such as our Youth Mobility Schemes, routes for sportspeople, those in the creative sector and charity workers. We are piloting a scheme to assist the agricultural sector. <p>Self-employment</p> <p>6.71 For those wishing to base themselves in the UK to work on a self-employed or freelance basis, the most talented will continue to be able to do so where they are able to qualify under the Tier 1 (Exceptional Talent) route, and those coming to establish their own business may be able to do so where they meet the requirements of the Tier 1 (Entrepreneur) route.</p>	<p>Collaboration between specialist UK and globally mobile freelance talent is fundamental to innovation in the UK Creative and Cultural Industries. We support the following call by the Creative Industries Federation for a Freelance Visa: Freelancers will be required to demonstrate a history of work in the sector, and a viable business plan for acquiring work whilst they are in the UK. Arms-length bodies working in industry sectors, which are accredited by UKVI, can support freelancers' visa applications by attesting to their authenticity, cultural contribution and value. The visa will be granted for an initial period of 24 months with an option to renew if the applicant demonstrates a satisfactory level of employment during the initial visa period.</p> <p>We note the new Start-Up Visa for self-employed entrepreneurs endorsed by an authorised body in higher education or business. We call for UK Government to explore the Start-Up Visa as a model that could be expanded and adapted to embrace the principles of the freelance visa, including a version suitable for short-term freelance creative workers where evidential requirements are proportionately light-touch and backed by the assurance of endorsement by an authorised body in the creative industries such as one of the Edinburgh Festivals.</p>
<p>Assurance/sponsorship</p> <p>6.37 We will explore different risk-based models, e.g. the use of umbrella organisations to act as sponsors, where it may be appropriate for specific sectors of the economy, and how we can introduce a lighter-touch regime for trusted employers.</p> <p>6.38 We understand that many organisations have little to no experience of the existing sponsorship system and the prospect of using it may be daunting. As part of this, we may look to introduce a 'tiered' system of sponsorship, offering a sponsor licence to those organisations who seek one to meet their recruitment needs, while introducing a transactional system for those who do not need a licence or have a small number of vacancies to fill.</p>	<p>See comments under paras 6.3/6.71 above</p>

<p>6.56 The UK currently has youth mobility arrangements with Australia, Canada, Hong Kong, Japan, Monaco, New Zealand, South Korea and Taiwan. These schemes allow people aged 18-30 to come to the UK for two years, during which period they can work or study.</p> <p>6.58 We have proposed a UK-EU YMS as part of our Mobility Framework to ensure that young people can continue to enjoy the social, cultural and educational benefits of living in the EU and the UK.</p> <p>6.74 In addition, those admitted temporarily under any future Youth Mobility Scheme agreed with the EU or other key partners would be permitted to work on self-employed terms.</p>	<p>We welcome the proposal to expand the Youth Mobility Scheme to include EEA.</p> <p>We support the following call by Culture Counts Scotland: To expand the Youth Mobility Scheme to countries who lead in areas where the UK have an industrial skills shortage including in the Creative Industries. This will improve innovation in the UK; increase peer to peer learning and will provide opportunities for young UK cultural entrepreneurs; who will benefit from reciprocal agreements.</p>
<p>6.67 Artists, musicians, entertainers and sportspeople make the UK a more interesting, vibrant and rich society in which to live. They contribute to both our culture and our economy and the Government recognises that international collaboration is a vital part of this.</p> <p>6.68 The UK already attracts world class performers in these fields and we will continue to do so in the future. The UK’s existing rules permit artists, entertainers and musicians to perform at events and take part in competitions and auditions for up to six months. They can receive payment for appearances at certain festivals or for up to a month for a specific engagement, without the need for formal sponsorship or a work visa.</p> <p>6.69 The current Tier 5 (Creative and Sporting) route caters for creative workers, such as musicians, actors or artists, who are working and touring in the UK. Some nationals can benefit from visa-free travel to the UK for stays of up to three months, if they first obtain a certificate of sponsorship (their visa application is considered at the UK border). A 12-month working visa is also available.</p>	<p>We welcome the useful practical guidance in the UKVI Guide for UK Creative Event Managers published in March 2019. We call for:</p> <ul style="list-style-type: none"> • The Permit Free Festivals route to be secured and eligibility widened to enable smaller festivals to benefit – we support the call by Culture Counts to reduce the number of non-EEA performers to 5, and reduce eligible festival audience numbers to 10,000 • Permitted Paid Engagement visa to be extended to three months and to cover emerging and young artists – we welcome the recent feedback that the Home Office are considering an extension to three months, and recommend action on emerging and young artists • Passports to be passed back to applicants free of charge while visa processing takes place – we welcome the recent commitment from Home Office officials to identify visa centres where passport passback is practised and recommend that this approach is made standard • UK border guards trained to ensure that non-visa nationals can secure the duration of stay their visit requires, when they are issued visas at their point of UK entry – we recommend Home Office issue timely guidance on the Edinburgh Festivals to border staff at London airports in July, just ahead of participants arriving for peak season • UK Government to recognise the urgent case for reviewing evidential requirements for visitor visas for short term business purposes, as the current approach is disproportionate and damaging to the UK’s global outlook – see comments under 6.71 above, we urge the adaptation of current routes to enable a light-touch regime backed by the assurance of endorsement by an authorised body

<p>6.66 We will also look to consolidate Government Authorised Exchange schemes and rebrand where necessary to promote the wide-ranging opportunities available....Government Authorised Exchange [is] for people coming to the UK through approved schemes to share knowledge, experience and best practice or to undertake work-based training or research in specific fields for up to two years.</p>	<p>We call for:</p> <ul style="list-style-type: none"> UK Government to opt in to prospective EU artists' mobility scheme proposed to EU Parliament Culture & Education Committee and currently being piloted by the Creative Europe programme, to sustain the UK's attractiveness as a creative partner of choice
<p>Mobility</p> <p>6.73 The UK has existing "Mode 4" commitments under bilateral free trade agreements concluded between the EU and third countries (for example, the EUCanada CETA), which provide for the admission of self-employed professionals where they are coming to supply a service to a UK client under a contract. These commitments, which we expect the UK to continue to be bound by following the UK's exit from the EU, are currently catered for in the UK immigration system. Entry is limited to six months and these commitments are limited to specific sectors. The Government expects to negotiate similar arrangements with the EU as part of a deal on a future economic relationship.</p>	<p>We support the following call by Culture Counts: Secure the ability of <u>Cultural Services Specialists</u> to move around between the UK, the EU and internationally within any Mode Four GATS agreements. Self-employed cultural entrepreneurs require access to provide services in a similar way to specialist lawyers and accountants.</p>
<p>WHITE PAPER CHAPTER 9 – DIGITAL DELIVERY</p>	
<p>Better customer journey</p> <p>9.3 Nearly all applications for individuals seeking to visit, work or study in the UK are now made online and the application is simple and straightforward to complete. We want to simplify the process further so that all users understand what they need to do and what they are entitled to do in order that they can navigate the system as effectively and efficiently as possible.</p>	<p>Distinguishing between 'high-risk' and 'low-risk' nationalities is overly simplistic. A data-driven approach to risk assessment of individuals will be important to target resources on high-risk visitors, and avoid reducing the productivity of UK SMEs through added overheads. We call for data analysis of the flight risk for creative workers from visa countries as a priority, to inform a proportionate level of checks being applied to future applications of individuals including taking account of their compliance with previous visa conditions.</p> <p>We call for real time online updates on progress of visa applications and early opportunities to answer any questions that arise.</p> <p>Travel to visa centres can be a substantial deterrent for prospective short-term creative business visitors based beyond larger countries and cities, and so we welcome plans to digitise application processes further.</p>