

**RICHMOND  
CHAMBERS.**

immigration barristers

**IMMIGRATION  
ROUTES**

**FOR  
ARTISTS  
AND  
ENTERTAINERS**



# IMMIGRATION ROUTES FOR ARTISTS AND ENTERTAINERS

The UK is a world-leading hub for the creative industries. Whether you are an actor, musician, dancer or other performing artist, our immigration barristers in Covent Garden are well versed in the full range of UK visas available to artists and entertainers who wish to visit or work in the UK.

Our specialist immigration barristers work closely with creative and entertainment sector professionals, employers and event organisers across the film, television, music, performing arts and fashion industries to ensure that their immigration and visa requirements are met.

## General visa information

In order to undertake activities as an artist or entertainer in the UK, you will normally need to obtain a visa under one of the tiers of the points-based system. The points-based system has special categories and rules for those in the creative and entertainment industries. In most categories you will need to be sponsored by an employer. However, if you are going to be in the UK briefly, or for a single event or activity, one of the visitor visa categories may be more appropriate.

The main immigration routes available to artists and entertainers are:

- Visit (Standard) – Business Creative
- Permitted Paid Engagement
- Tier 1 (Exceptional Talent)
- Tier 2 (General)
- Tier 5 (Temporary Worker - Creative)

**Employers and event organisers:** if you are a UK organisation and are looking to employ an individual to work in the UK, you may need to sponsor them, unless they are only coming for a short period or they are eligible to come to the UK on a different basis which provides them with permission to work. To sponsor an employee, you will need to obtain a sponsor licence. If the individual will not actually be working for you then they may be eligible for one of the visitor visas mentioned below.

**Festivals and Cultural Events:** if you organise a festival or cultural event, it will be much easier and cheaper for your performers to enter the UK if your event is on the Home Office's list of permit free festivals. If your event is on the list then your performers will be able to enter the UK with a Visit (Standard) – Business Creative visa and you will not be required to sponsor them under the points based system. To be included on the list, your event must have been established for 3 years, have an audience of over 15,000 people and have 15 or more non-EEA national performers each year.

	Visit (Standard) Business Creative	Permitted Paid Engagement	Tier 1 (Exceptional Talent)	Tier 2 (General)	Tier 5 (Temporary Worker - Creative)
Maximum length of initial visa	6 months*	1 month	5 years	5 years	Initially 12 months, or length of engagement
Payment to migrant possible	X	✓	✓	✓	✓
Extension	X	X	Extensions of 5 years for an unlimited period	Up to 6 years in total	Up to 2 years in total
Settlement	X	X	✓	✓	X
Minimum salary requirement	X	X	X	£30,000 (£20,800 for some applicants) or occupation minimum	Trade Union minimum salary (unless model, musician or circus)
Restrictions	Permitted Entertainer or Business Visitor activities only	Permitted Paid Engagements only	Must be endorsed. No work as a doctor or dentist in training.	Must work for sponsoring employer	Must undertake role sponsored for
Dependants	X	X	✓	✓	✓

\* It is also possible to obtain a Visit (Standard) Business Creative visa for 1, 2, 5 or 10 years. However, each visit must last no more than 6 months.

## Visit (Standard) – Business Creative

The Visit (Standard) – Business Creative visa is designed for non-EEA nationals who wish to come to the UK for the purpose of undertaking creative business activities.

### What are the main eligibility requirements?

In order to be granted a Visit (Standard) – Business Creative visa, you will need to satisfy UK Visas and Immigration that you are a genuine visitor. This means that you:

- Will leave the UK at the end of your visit;
- Will not live in the UK for extended periods through frequent or successive visits, or make the UK your main home;
- Are genuinely seeking entry for a purpose that is permitted by the visitor routes and will not undertake any prohibited activities;
- Have sufficient funds to cover all reasonable costs in relation to your visit without working or accessing public funds

Visit (Standard) – Business Creative visa holders may undertake a wide range of creative activities in the UK, including but not limited to:

- An artist, entertainer or musician may give performances as an individual or as part of a group;
- Take part in competitions or auditions;
- Make personal appearances and take part in promotional activities;
- Take part in one or more cultural events or festivals on the list of permit free festivals.

Personal or technical staff or members of the production team of an artist, entertainer or musician may support the above-mentioned activities, providing they are attending the same event as the artist, entertainer or musician, and are employed to work for them outside of the UK. 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 that is produced and financed overseas.

### What else do I need to know?

Most visitors will need to make an application for a visit visa from their country of residence, before travelling. However, nationals of some countries are exempt from this requirement and can simply apply for leave to enter as a visitor at the UK border.

A Visit (Standard) – Business Creative visa will allow you to stay in the UK for up to 6 months. Within the period for which your visit visa is valid, you may enter and leave the UK multiple times, unless the visit visa is endorsed as a single or dual-entry visa.

You can undertake other visitor activities in the UK such as visiting friends and family or general tourism.

You will not be permitted to work, receive payment from a UK source for any activities undertaken in the UK or undertake more than 30 days' non-incidental study in the UK.

You must have sufficient funds to cover all reasonable costs in relation to your visit without working or accessing public funds. This includes the cost of your return or onward journey, any costs relating to dependants, and the cost of planned activities.

## Permitted Paid Engagement

The Permitted Paid Engagement visa is for non-EEA nationals over the age of 18 who wish to come to the UK for a short paid engagement.

### What are the main eligibility requirements?

In order to qualify for a Permitted Paid Engagement visa you will need to satisfy UK Visas and Immigration that:

- You intend to undertake specific paid work;
- You will leave the UK at the end of your visit;
- You have been invited by a UK-based organisation or client;
- You have sufficient funds to maintain and accommodate yourself during your visit.
- The work relates to your area of expertise or occupation overseas;

### What else do I need to know?

The Permitted Paid Engagement visa category is open to artists and entertainers, including performing and creative artists such as poets, make-up artists, photographers and traditional artists.

You can be invited by any kind of arts related institution or company e.g. galleries, arts faculties or departments in universities, schools and venues involved in producing or staging of events. UK based agents and broadcasters can also invite individuals to undertake a paid engagement in the UK.

The engagement in the UK must be relevant to your expertise or employment overseas. UK Visas and Immigration will expect to see evidence confirming your publications and performances, awards, media coverage, existing work commitments outside of the UK and earnings in your field.

You will be allowed to stay in the UK for up to 1 month for one single visit.

## Tier 1 (Exceptional Talent)

The Tier 1 (Exceptional Talent) category is for non-EEA nationals who are internationally recognised as world leaders in their field (exceptional talent) or recognised as having the potential to become world leaders in the future (Exceptional Promise).

### What are the main eligibility requirements?

In order to apply for a Tier 1 (Exceptional Talent) visa in field of arts, you will first need to receive an endorsement from the Arts Council.

In order to make your application you will need to show:

- Three references from people who are able to confirm that you are exceptionally talented or exceptionally promising;
- Evidence of your performances/exhibitions or work over the last 5 years in internationally recognised contexts. This must be in at least two countries;
- Evidence of any international awards that you have received or been nominated for;
- Evidence of media coverage of your work.

If you wish to make your application in the fields of film, television, animation, post-production, or visual effects you may only apply for Exceptional Talent and are not eligible to be endorsed on the basis of Exceptional Promise.

### What else do I need to know?

Tier 1 (Exceptional Talent) visa applicants can decide how long they would like to stay in the UK for, up to a maximum of five years.

After spending five years in the UK as a Tier 1 (Exceptional Talent) visa holder you may be eligible to settle in the UK.

There is a limit on how many applications can be endorsed each year of 1000. This is split between the different endorsing bodies. The limit has never been reached.

As a Tier 1 (Exceptional Talent) visa holder you will have a full right to work - for an employer, as a director of a company or be self-employed.

Your partner and any children under the age of 18 may accompany or join you as your dependents.

## Tier 2 (General)

The Tier 2 (General) category is for individuals who have an offer of a skilled job in the UK from a licensed Tier 2 Sponsor. This category includes applicants coming to the UK to fill shortage occupations. You will need to have an offer of employment before applying for a visa.

### What are the main eligibility requirements?

In order to qualify for a Tier 2 (General) visa, you will need to satisfy UK Visas and Immigration that:

- You have a job offer in the UK from an employer that holds a Tier 2 Sponsor Licence;
- The job you are sponsored for is at least graduate level or a specified creative profession;
- The job is on the Home Office's list of skilled occupations;
- You will be paid a minimum salary of £30,000 (£20,800 for some applicants) or the minimum for the exact job you are doing, whichever is higher;
- The job offer is a genuine vacancy and you are appropriately qualified or registered to do the job.

Your Sponsor will need to show that there is no suitable settled worker to fill the role. In most cases, they will need to prove that they have undertaken a genuine 'Resident Labour Market Test'. This normally means that they have advertised the role for at least 28 days in two places and no suitable settled worker has applied.

A Resident Labour Market Test is not required in cases where the job is on the Shortage Occupation List, or if you will be a high earner (annual salary of £159,600 or more). If you are switching from a Tier 4 (General) Student visa then your employer will usually be exempt from the Resident Labour Market Test.

There are some arts related positions on the current shortage occupation list:

- Animator in visual effects and 2D/3D computer animation for the film, television or video games sectors;
- Skilled classical ballet dancers;
- Skilled contemporary dancers;
- Skilled orchestral musicians who are leaders, principals, sub-principals or numbered string positions;
- 2D supervisor;
- 3D supervisor;
- Compositing artist;
- Matte painter;
- Modeller rigger;
- Stereo artist;
- Texture artist.

You will need to be competent in the English language to at least CEFR Level B1 (equivalent to IELTS 4.0 in reading, writing, listening and speaking) and have enough additional money to support yourself without relying on public funds.

## What else do I need to know?

If your application for a Tier 2 (General) visa is approved then your first visa can be valid for a maximum period of 5 years and 14 days, or the time given on your Certificate of Sponsorship plus 1 month, whichever is shorter. Your stay must start no more than 14 days before the start date on your Certificate of Sponsorship.

Your partner and any children under the age of 18 may accompany you as your dependents.

You can apply to extend your stay for up to another 5 years, as long as your total stay is not more than 6 years.

You can settle permanently in the UK after being in the Tier 2 (General) category for five years, and if you have been in the UK in certain other immigration categories you may be able to combine the time spent to count towards settlement.

If you have had a Tier 2 visa in the last 12 months, you may be subject to a 'cooling off period'. You will not normally be able to apply to re-enter the UK in this category from overseas during this period.

You can switch into the Tier 2 (General) immigration category if you are already in the UK under Tier 1, 2, or 4 of the point-based system.

If you are currently in the UK as a Tier 2 Intra Company Transfer (ICT) migrant, you will only be able to switch into the Tier 2 General category if your Tier 2 ICT visa was granted before 6th April 2010 and you are applying to change sponsor, or you have leave under the Tier 2 ICT: Established staff category granted before 6th April 2011 and are applying to change sponsor.

If you are currently in the UK as a Tier 4 (General) Student, you will need to complete and pass your degree level course before you are eligible to switch into the Tier 2 (General) category.

You can include guaranteed allowances to demonstrate that you meet the minimum salary criteria, as long as they would also be paid to a settled worker.

You must not own more than 10% of the shares of the company sponsoring you, unless your gross salary is £159,600 or more.

In most cases you will only be able to work for your Sponsor, though you may be able to do some additional part time work in certain circumstances.



## Tier 5 (Temporary Worker - Creative)

The Tier 5 (Temporary Worker - Creative) category is for applicants in the creative sector who are entering the United Kingdom for short term contracts/engagements in the United Kingdom.

### What are the main eligibility requirements?

In order to qualify for a Tier 5 (Temporary Worker - Creative) visa you will need to have been offered work in the creative industry (for example, as an actor, dancer, musician or film crew member).

You will need to have a certificate of sponsorship from a licensed sponsor before you can apply for a Tier 5 (Temporary Worker - Creative) visa. Your sponsor might be an agent, venue, producer or promoter.

You will need to satisfy UK Visas and Immigration that you will make a unique contribution to the UK labour market, for example because you are internationally renowned or are required for continuity and that you will be paid the minimum salary as set by Equity, PACT or BECTU (except for models, musicians or circuses).

There are Codes of Practice for creative workers and their entourage operating in dance, theatre or film and television. These set out the steps that employers need to take before a migrant can be offered a sponsored position. In general, employers need to advertise the role in line with industry practice to see if there is someone in the settled population who can perform the role. However, there are a number of exceptions to this, for example where a person has worked in the role overseas and is needed for continuity, or the individual has international status or will be a featured guest. Employers will need to provide different evidence depending on how they intend to meet this requirement.

### What else do I need to know?

You will be able to stay in the UK for a maximum period of 12 months initially.

Artists and entertainers can also apply for an extension for a maximum of 12 months at a time up to a total of 24 months if they remain with the same sponsor

During your stay you will be permitted to work for your sponsor in the employment stated on your Certificate of Sponsorship.

You will be able to bring your entourage using a group Certificate of Sponsorship if you wish. An entourage can include people whose work is directly related to the employment of an entertainer, cultural artist or a dramatic production. The person should have proven technical or other specialist skills.

This category does not lead to settlement in the UK.

At Richmond Chambers LLP, our immigration barristers provide expert advice to the entertainment industry on UK visa and immigration requirements. We assist artists and entertainers, employers and event organisers with ensuring that talented creative sector professionals can visit or work in the UK.

For advice and assistance with applying for a UK artist or entertainer visa, contact our immigration barristers in Covent Garden, London on **020 3617 9173** or by email to **info@richmondchambers.com**.