

Changes to freedom of movement after Brexit – implications for Wales

EAAL(5) FOM10
Evidence from Arts Council of Wales

Context:

1. This written evidence is submitted by the Arts Council of Wales. It is informed by the expertise and experience of the Arts Council's international arm, Wales Arts International. We have maintained an active engagement with European programmes and funding over the past ten years, including the being the only UK member of the international cultural mobility network On the Move.¹
2. We welcome this consultation by the External Affairs and Additional Legislation Committee. Since the EU referendum vote, we have undertaken a number of pieces of research to assess the potential impact of Brexit on the arts sector in Wales. We have also contributed to consultations held by the National Assembly for Wales (including to this Committee), the House of Commons and the House of Lords. These are all detailed on our website².
3. Of particular relevance to this consultation is the survey conducted in the summer of 2016, by Wales Arts International on behalf of Arts Council of Wales. The purpose of this survey was to understand the potential impacts of the EU referendum decision on the creative and cultural sector in Wales³, potential implications of reduced freedom of movement were a major concern and a key area of uncertainty for our sector.
4. Additionally, in January 2018 we submitted evidence to the House of Lords EU Home Affairs Sub-Committee inquiry *Brexit: movement of people in the cultural sector*⁴; and whilst that evidence pre-dates the UK Government's White Paper on a future immigration system, the concerns for our sector remain the same.

¹ <https://on-the-move.org/>

² <https://arts.wales/news-jobs-opportunities/briefing-note-on-brexit-for-arts-practitioners>

³ [The Arts in Wales and the potential impact of leaving the EU](#), survey by Arts Council of Wales / Wales Arts International, October 2016

⁴ House of Lords, EU Home Affairs Sub-Committee inquiry, [Brexit: movement of people in the cultural sector](#), July 2018

5. The creative industries, and the arts sector that we work with, rely on the constant flux and exchange of local, national and global participants. The strength, diversity and innovation of the arts depend on the free movement and exchange of ideas, talent and creativity – the so-called mobility of artists and creatives. This is essential for the creation and production of the high quality of work for which Wales and the UK is known.

6. Europe is an important source of specialist talent for a whole range of companies, from Welsh National Opera to National Dance Company Wales, with creative individuals employed both as part of the core team as well as contracted for specific productions. The easy two-way flow of this talent is currently part of the success of the creative industries as a powerful engine for growing economic activity in Wales.

7. A diverse workplace makes our companies competitive internationally. Attracting international talent and leaders offers a new perspective to our companies' culture. Alongside Welsh and British colleagues they transform the quality and nature of the arts experience, helping our companies to develop their capacity and reach. This in turn helps them to break into the new international markets that are so important in sustaining a viable business.

8. The creative sector thrives on innovative and specialist expertise and technologies. By their very nature, such skills are not widely available. Exceptional talent in the arts and creative industries is as vital to the success of the sector as other areas such as science and academia. European workers provide a steady stream of skills in areas where we currently lack capacity or expertise. Additionally, these workers help us better understand Europe, our biggest overseas market.

What is your assessment of the implications for Wales of the UK Government's White Paper proposals on immigration after Brexit?

9. There are implications for the arts sector in Wales of the UK Government's recent White Paper proposals on immigration after Brexit. In our opinion, the proposals do not do anywhere near enough to take into account the unique nature and needs of the highly mobile creative sector.

10. A recognition of this uniqueness of the creative sector is needed in order to enable the sector to continue to thrive. Many creative workers are self-employed or work on specific time limited contracts. The working patterns of the sector are atypical – a contract could be for a few hours, a day or longer term.

11. The current system for non-EU nationals and the proposed future immigration system for both EU and non-EU nationals offer visa options for creative workers. But there are limitations associated with these. For example, the Permitted Paid Engagement visa route is only valid for one month and for single entry, so it would need to be more flexible to the needs of the cultural sector, who may require different lengths of stay eg for tours.

For longer-term appointments, the current visa options (such as Tier 2 or Tier 5) require UK employers to first apply for a sponsor licence. For many small and

micro companies in the creative sector, the financial and administrative cost of becoming a Tier 5 visa sponsor (for short term contracts) will be prohibitive.

12. The implications for the arts sector in Wales are not necessarily different from those in other parts of the UK in the same sector. We share many similar concerns.

Is there a case for allowing the devolved nations to do things differently in relation to immigration policy after Brexit?

13. From the perspective of arts and culture, it is essential that the UK Government considers the full impact of leaving the EU on the UK sector overall as well as the many varied 'regional' implications – especially in areas such as culture which is a devolved responsibility.

14. One of the challenges that the arts sector in Wales could face, if there were to be limitations on the number of visas awarded each year, is how that might be reflected in the devolved nations and how to ensure that the awards have a fair geographical spread.

What are your views on the proposal for a Wales-specific Shortage Occupation List (“SOL”)?

15. The future mobility of highly trained artists and skilled workers is a key concern. There is currently a limited amount of creative industries (including arts) occupations on this list. We do not have sufficient information as to the implication for our sector to take a view on the proposal for a Wales-specific Shortage Occupation List at this point.

What are your views on the proposal to bring EU nationals into an expanded Tier 2, and ending any distinction between EU and non-EU workers?

16. Curtailing the easy two-way flow of talent currently enabled by EU freedom of movement could lead to a substantial loss of important skills to Wales and to the Welsh economy. Our main concern with the proposals for Tier 2 is that this can be a complex and somewhat limited route for needs of the arts sector. The cost and administrative burden may be prohibitive for many smaller companies.

17. The UK Government's White Paper setting out the future relationship between the UK and the EU⁵ proposes a cooperative accord in culture and education. It acknowledges that both the EU and the UK will need provisions that allow for mobility in relation to these accords, but at the moment there is no further detail on what or how this might be.

What are your views on the salary threshold of £30,000 for Tier 2 immigration and its implications for Wales?

18. High levels of technical skills do not always translate into high salaries. The nature of the arts sector and employment contracts – as well as the self-employed/freelance status of many creative professionals - mean that this threshold is too high and therefore would be prohibitive for many in the arts sector in Wales.

How well is the EU Settlement Scheme operating? Is there more that the Welsh Government could be doing to ensure that EU nationals resident in Wales are registering under the scheme?

19. As an organisation we do not have direct experience on the operation of this scheme and therefore we do not have a comment to make on this.

However, we support the case to safeguard the rights of EU nationals living and working in Wales and the UK, and to ensure they are welcomed.

Are there any other issues relating to immigration policy after Brexit that you would like to bring to the attention of the Committee?

20. Artist mobility is the foundation of artistic and creative development. Any changes to immigration regulations must be negotiated in ways that allow reasonable and appropriate mobility of creative workers. It must specifically avoid counter-productive barriers based exclusively on salary thresholds and quotas.

21. This view is supported by the National Assembly for Wales' Culture, Welsh Language and Communications Committee, who has made a series of recommendations in their report entitled Brexit: the arts sector, creative industries, heritage and the Welsh language⁶ including:

***“Recommendation 3.** The Welsh Government should ensure that any future arrangements for enabling European workers to come to Wales and vice versa will not be financially and administratively prohibitive for small employers. The arrangements should also take into account the fact that the arts sector is more likely to employ people on atypical work contracts. “*

22. We welcome and support the research and recommendations carried out by the Creative Industries Federation in their Global Talent Report⁷. We would like to see the introduction of visa free travel, or of a specific multi entry touring visa for creatives working between the UK and EU. We would also welcome a review of

⁶ [Report – Brexit, the arts sector, creative industries, heritage and the Welsh Language](#)

⁷ [Creative Industries Federation Global Talent Report 2017](#)

the options around the permit free festivals model and intermediary bodies providing certificates of sponsorship. All options should be explored with a view to minimise the bureaucratic burden and enable the creative, artistic and commercial success of a key sector.

23. As the UK member of the On the Move network, the Arts Council of Wales will support the development of an information network which researches and shares intelligence and of the establishment of an “information point” on artist mobility for the UK, based in Wales. It will focus working with the arts sector on visa, work permit and border issues as well as taxation issues.

Arts Council of Wales / Wales Arts International

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