UK artists' visa refusals highlight tightened legislation against migrants

Paul Bond
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Stories continue to emerge of artists and cultural professionals being denied visas to the UK, highlighting the worsening situation for migrants. Immigration experts have also noted how the government has changed its implementation of the Control of Entry Through Ireland Order 1972, long ignored in practice, to deny access to artists.

In recent weeks musicians booked to appear at the WOMAD festival and authors scheduled to speak at the Edinburgh Book Festival have been denied visas. Now applications have been rejected from three Egyptian museum curators, invited to speak at an international museum conference.

The three researchers had received grants from the International Council of Museums (Icom) to attend their annual conference for Egyptology curators and scholars at Swansea's Egypt Centre. These grants were to cover transport, accommodation and living expenses during the trip. Copies of their grant letters were included in their applications, but the visas were rejected on the grounds of low income.

One of the three is Abdelrahman Othman, employed by the Egyptian Ministry of Antiquities and a curator at the National Museum of Egyptian Civilisation. The Home Office said it was "unable to verify as genuine" his grant letter from Icom, which this year awarded him a Best Practice Award.

Othman, who has attended conferences around the world without other visa concerns, said he was "surprised" at the decision. He said the Home Office had overlooked his savings in their financial decision, but "[t]his is my salary, what can I do? I earn 1,700 Egyptian pounds [£75] every month—this is a regular salary in Egypt."

Carolyn Graves-Brown, curator of the Egypt Centre, said, "We … can hardly have a conference on Egyptology museums without Egyptian colleagues being there," and spoke of her "embarrassment and dismay" at the denials.

Home Office figures show that 28 percent of visa applications from North Africa are rejected. The worldwide average is 13 percent.

Graves-Brown is standing as sponsor for renewed applications for the three researchers. She said that the rejection "does not bode well for the future," and museums and universities will suffer.

Alistair Brown of the Museums Association called for "work to maintain the UK's standing as a place of free academic and cultural exchange in the face of strict enforcement of immigration rules."

Other representatives of arts and cultural institutions have warned of the potential impact of a no-deal Brexit. Bernard Donoghue, director of the Association of Leading Visitor Attractions, warned that museums could lose access to "a network of workers, curators or programmers."

Arts Council England said two-thirds of their funded bodies work internationally and would confront a "range of issues includ[ing] staff and artists requiring visas; equipment needing carnets and exhibitions needing licences to tour; in addition to increased costs relating to working or touring overseas."

Donoghue's concern is primarily access to the EU's cultural funding, but points to the cultural devastation at work. He has asked the Department for Digital, Culture, Media and Sport (DCMS) about the loss of current EU funding. They told him "It is their intention [to replace funding] but they haven't set sums as to what that might be."

Donoghue warned of the possible effect on visitor attractions in Northern Ireland in the event of a hard border, as 40 percent of visitors come from Ireland. The cross-border Irish Tourism Industry Confederation has called no-deal Brexit a "doomsday scenario."

The tightening of hostile immigration legislation is revealing in this respect. Under the terms of the Control of Entry Through Ireland Order 1972—introduced by the Conservative Heath government before Britain joined the European Union—anyone, of any nationality, coming to the UK through Ireland to work had to have a full visa. It also allowed the Home Secretary of the day to exclude any

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individual's entry "to the United Kingdom on the ground that his exclusion is conducive to the public good."

This Order was not rescinded in 2008, when Gordon Brown's Labour government introduced its points-based migration system. Continued application of the Order, however, was partial. Universities, who were made responsible for the UK Border Agency's campus policing under threat of funding cuts, continued to advise that the Order could cause problems for overseas students arriving for the first time.

The situation for artists was different. Steve Richard of T&S Immigration Services, a company specialising in visa applications for musicians, has explained that in 2009 the Home Office specifically advised the entertainment sector on acts coming through Ireland without needing visas.

Under the new system, visiting acts required a Certificate of Sponsorship (CoS) from an agency or promoter. The music industry has been the single biggest user of the CoS system, employing some 30,000 annually. In May 2009, the UK Visas and Immigration (UKVI) division of the Home Office stated that touring acts needed only get their CoS activated and obtain UK entry stamps when coming via Ireland.

Richard writes, "Those instructions were a deliberate and clear statement that visas were NOT necessary for acts using this route to start their UK tour."

At a Home Office-chaired meeting of The Arts and Entertainment Taskforce in July 2009, and in an email, they acknowledged that some border officers had been applying "old rules"—believed to mean the 1972 Order—but that "henceforth their officers would honour CoS."

This Taskforce was disbanded in 2012. Those arrangements continued in the absence of any official policy liaison body, and there has been no official statement that they have been superseded.

Even where the paperwork did not work exactly according to this plan (e.g., acts not managing to get their passports stamped and CoS activated), tours were allowed to proceed without hindrance.

Late last year, Richard heard anecdotally that Belfast border officials were now no longer recognising the 2009 arrangements. This May two CoS-carrying American musicians were stopped at Dublin because they were travelling to the UK without full visas. The musicians were reportedly detained in a cell overnight before being allowed to fly to France, from where they were able to enter Britain quite legally with their existing paperwork.

Richard said it seemed Border Force "is no longer honouring the procedure they'd set out in 2009, and is pointing to the Control Order." At a UKVI meeting in June, the Home Office told him the Control Order had been in effect all along, as if no other arrangements had been used in the meantime. At this meeting officials told Richard that Brexit negotiations had brought Irish border legislation into "sharper focus."

Implementation of the Control Order was confirmed in operational guidance to border staff last month.

It seems that the Home Office now also describes its instructions of 2009—acted on for nearly a decade—as "bogus." August 2015 Home Office advice leaflets on entry routes for artists made no mention of Ireland. An advice leaflet for CoS sponsors, published the week before the new border staff operational guidance, also does not mention the Control Order.

Publicly the Home Office insists there has been no change in "legislation or operational approach." This, says Richard, "is simply not true."

In November last year the government boasted that it was doubling the number of Tier 1 ("High-Value Migrant") visas for artists. The majority of visiting artists work on Tier 5 ("Temporary Worker") visas.

Their higher profile has served to highlight the generally repressive character of the government's "hostile environment." Richard has criticised the new "needlessly intrusive" visa forms, which demand applicants give details of *all* recent travel, information about their parents, spouse and children (even if they are not travelling), and *all* addresses where they will stay on the trip.

The outsourced Visa Application Centres (VACs) also create problems. There have been long delays while VACs sit on original documents, which had to be sent to Britain for processing. Processing times were 1-2 weeks, but it is now reported that applicants are being warned of 8-week delays unless they pay premium processing rates. Richard, wondering how such fees are divided between the VAC and the Home Office, calls this "profiteering."

The cost of visa applications can range from £100 to more than £600 per person, with, as Richard notes, "the UK sponsor, and the applicant themselves … putting far more time and effort into this than the UKVI."

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