Twitter Thread by George Peretz QC

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A further thread on the EU/UK musicians/visa for paid work issue (the issue is paid work: travelling to sing or play at eg a charity event for free can be done without a visa).

> Disgraceful and shabby if true: not only ideologically blinkered, but ashamed to admit its ideological blinkers and their consequences. https://t.co/7PgOEogTlA
>
> — George Peretz QC (@GeorgePeretzQC) January 9, 2021

The position that we now have now (no relevant provisions under the TCA) is complicated. For EU musicians visiting the UK see https://t.co/Z6gRtynDNH

> See here a summary of what is permitted from U.K. POV. https://t.co/HkdRlubySr
>
> — Luke Piper (@Pipermigration) January 10, 2021

In essence the UK permits foreign (including EU) nationals to stay up to 30 days to carry out paid engagements, but they must (a) prove they are a professional musician and (b) be invited by an established UK business.

Either condition could be tricky for a young musician starting out and wanting to play gigs. And 30 days isn't long enough for a part in a show with a run.

Longer stays require a T5 visa - which generally requires you to be in a shortage occupation (play an instrument not played in the UK?) or to have an established international reputation.

For UK musicians visiting the EU, the answer is: it all depends where you are going. 26 different rules (Ireland is no problem because of the common travel area).

The current government tells us that the EU rejected its offer of visa-free travel for musicians under 30 days as part of the list of "Mode 4" permitted services.

Put shortly and simplifying, you find in Annex SERVIN-4 to the TCA a list of things independent professionals from the EU and UK can do in each other's territory - with qualifications.

The list of independent professionals is here - but note the final sentence, which directs you to a long list of reservations.

Music is not there.

As I understand the current government's case, the EU refused to add it.

But we do know what the EU did offer because it is in their draft agreement published in March.

What that would have done is set out a baseline position where EU and UK citizens could have done any paid work in each other's territories for up to 90 days in any 180 days. Music covered along with everything else.

NB though that any EU State could have imposed a visa requirement on UK citizens doing paid work (music, for example) in which case the UK could have reciprocated for that state's nationals.

One can see that that was lopsided: the UK could only impose visas on citizens of eg ■■ for work of a certain type if ■■ went first.

But the UK could have worked on it and obtained a wide ability to go and do temporary work in each other's territories - including musicians.

But no: that whole section has gone. And the current government doesn't, I think, deny that it killed it for ideological reasons: an end to freedom of movement must be seen to have been achieved. Despite this, from Johnson in 2016. https://t.co/0p35v5CKw1

Another bit of the killed section. Youth exchanges. And wider reciprocal residence and entry provisions.

All to maintain the dogma that the EU must be treated as "foreign" for immigration purposes in the same way as any other foreign state, despite its proximity and the closeness of our links.

That dogma is not, I believe, sustainable. In the medium term, we will need and want better mobility arrangements with our closest neighbours. For musicians, young people wanting short term bar jobs, for retired people wanting to spend the whole winter in Spain and so on.

To return to music: it may well be that the failure to add music to the Annex lists is down to the EU.

But, more profoundly, the UK music sector is here a casualty (among many) of the UK's refusal to engage with the EU's offer of a broader mobility framework.

An important task for the next government will be to reopen that discussion and negotiate the broader mobility framework that is in the interests of so many UK citizens, including musicians.