
EU & International Working Group Notes

1.30-4.30pm, Tuesday 5 June 2018

Sadler's Wells Theatre, Rosebery Avenue, Clerkenwell, London, EC1R 4TN

Update from the Home Office

- The UK and EU have reached an agreement regarding citizens currently living in the UK and entering during the implementation period.
- The Home Office shared details of the EU Exit Settlement Scheme for EU citizens residing in the UK before 31 December 2020. More information is available [here](#).
- To achieve settled status, EU citizens will need to demonstrate five years continuous residence in the UK. Successful applications will be granted indefinite leave to remain with the same rights and access to benefits, education and healthcare as those who have acquired it under current UK Immigration Rules, with some exceptions outlined in the Withdrawal Agreement.
- Those who do not have five years and enter the UK before the end of the implementation period will be granted temporary leave to remain in order to make up the five years. They will be required to register with the Home Office after three months residence in the UK.
- The Home Office is aiming to make the application process a lot easier. If there are gaps in evidence to demonstrate five years continuous residence in the UK then the applicant will not be rejected but contacted to provide the necessary documents.
- The Home Office wants to raise as much awareness as possible and is working with external stakeholders to achieve this. They are also engaging with stakeholders such as the Creative Industries Federation in the Employers Representative Group.
- The Home Office said that people will not be sent back when they arrive after 31 December 2020.

Presentation from the Federation

- The Federation has made progress raising the profile of the creative industries in the Brexit debate and there appears to be recognition of the challenges across government.
- The [Prime Minister's Road to Brexit speech](#) included creative industries specific issues such as market access for broadcasting services and participation in EU cultural and educational funding programmes.
- In February, the Federation held a headline making [event with Sir John Major](#) on Brexit at Somerset House. In March, they organised a [Brexit Conference](#) at which DExEU Minister Suella Braverman highlighted the importance of the creative industries. In May, they convened a [roundtable with Sir Keir Starmer](#) to shape the Opposition's position.
- They have also made progress in Parliament with MPs and Lords who have voiced the sector's concerns. The Federation has plugged the sector's Brexit challenges in the press such as a recent [BBC News article](#).

- One of the Federation's three strategic priorities for 2018/19 is [EU and International](#). This will include continuing to influence Brexit as well as taking a more international outlook such as inputting into the UK's future non-EU trade deals. The working group has been rebranded as the EU and International Working Group to feed into this work.
- The Federation outlined its draft EU and international strategy for the coming months, which focuses mainly on immigration. The strategy is based on consultation with members across the UK, members of the Federation's UK Council and Board, and its Brexit Conference.
- The draft strategy includes the following three elements:
 1. Continue to hold government to account at the highest level on the single market and customs union, and the ease of movement of international talent;
 2. Continue to promote the creative industries' goals in all areas that members have identified as a priority, from intellectual property and VAT to the country of origin principle;
 3. Focus in on three specific goals identified as priorities by Federation members: access to freelancers, temporary/short-term movement and participation in the Creative Europe programme.
- The Federation highlighted that it would intensify activities around these three specific goals. This includes doing more to raise the profiles of these three goals and strengthening their evidence base.
- The Federation concluded by emphasising that members will be at the heart of shaping this strategy and they are looking forward to gathering feedback during the working group.

Main takeaways from the breakout groups

- Members were consulted in breakout groups on the following questions:
 - Do you have any particular feedback on the broad strategy and the priorities we have outlined? Where do you think we could add the most value? What opportunities are there to plug into what you are doing?
 - What do we mean by "temporary movement" and what examples, data and stories can we use? How can we effectively construct an overall picture of temporary movement in the creative industries and the potential costs involved?
 - What examples, data and stories can we use to demonstrate the life of a freelancer and their different types of movement? How can we more effectively illustrate their importance to the creative industries and the need for a solution?
 - What communication tools and channels can we use to communicate these stories beyond traditional press releases and comment pieces? What communications platforms do members have that we could exploit?
- Members outlined the following priorities:
 - General strategy and goals
 - The Federation should be the voice of the sector on EU and international. Its role should be to hold government to account publicly as well as behind the scenes with relevant government departments.
 - Some members were in favour of the Federation supporting a second referendum. However, the majority felt the Federation should not take a political stance and focus instead on ensuring the best possible deal with the EU.
 - Members emphasised that the Federation should take an international perspective. The UK's strength is that it is an international hub. For example, on

ease of movement the Federation should look broadly at ease of movement of international talent, not just the movement of EEA talent.

- More specifically, the Federation should not only highlight the challenges around temporary movement and access to freelancers, but also around bringing in permanent international staff. There are discrepancies around Tier 2 visas which should be addressed with equal weight.
- Members recommended connecting free movement of people with trade/movement of goods and services. The movement of people is essential to the delivery of architecture services. For sectors such as performing arts and music tours, this includes the movement of both goods and services.
- Members emphasised the importance of tying in our EU and International work with domestic policy priorities such as skills development, the industrial strategy, and growth.
- The Federation should give equal weight to Creative Europe, Horizon 2020 and access to private sources of finance and investment in the UK and internationally.
- The Federation should continue to be active on all the other areas identified by members, including country of origin and intellectual property.
- Specific points, examples, and data on immigration
 - The sector needs to communicate more effectively that people are already leaving and do not see the UK as a welcoming place to live, work or study. This could include using data demonstrating fewer EU27 students applying to come to UK universities.
 - Accessibility and flexibility are fundamental. For conferences, events and exhibitions, organisers may bring in people at short notice if someone drops out. It is not just a case of people going in and out but moving all the time.
 - The sector needs to make the case for those who enter the UK without a job or who do not have typical qualifications, such as fashion bloggers. The system should be based on reputation rather than qualifications.
 - Orchestras are a good example of the importance of temporary movement. They may perform in Paris on Monday and Berlin on Tuesday, and they need to move crews, musicians and equipment rapidly and with ease.
 - Examples should show the wider impact not just on creatives but on bar staff, box office workers etc. The Federation could use an example of an upcoming festival to paint this full picture.
 - The Federation could use popular examples such as Game of Thrones but focus in on one of the smaller companies supporting the production. For example, a craft company making the props.
 - It would be useful to show the quantitative and qualitative value of using freelancers/workers on a temporary basis. Every sector uses freelancers/contractors and they are a fundamental part of the creative business model.
 - Language and messaging should be chosen carefully. For example, the use of the word 'visa' has certain connotations attached. The Federation should also highlight that ease of movement is essential to attracting and promoting the creative talent of the future.
 - Government also needs to be aware of the tone of its messaging. At the moment, the tone from government can be interpreted as being not very welcoming or that

EU nationals residing in the UK should be grateful that they can stay. This is creating a disincentive to engage with the UK post-Brexit.

- Practical recommendations
 - The Home Office's presentation did not address a lot of the creative industries' key concerns on immigration. More work needs to be done and the Federation should continue to engage and educate them.
 - The Federation should target those who need to be convinced and tailor its communications accordingly. This includes educating MPs who lack an understanding of the challenges we face.
 - Members should develop case studies to share with the Federation. These should highlight the potential impacts and scenarios they are facing.
 - Members could also connect the Federation with freelancers who are non-members in order to help tell stories about their importance to the sector.
 - The Federation should look at new ways to communicate the journey of these freelancers such as by video, as well as backing it up with stats and figures.

Clarifications from the Home Office

- Following the working group meeting the Home Office sent the following clarifications:
 - **Frontier workers** - The UK will seek an agreement with the EU to ensure frontier worker's lives continue as normal after the implementation period. They define a frontier worker as a UK or EU citizen pursuing genuine and effective work as an employed or self-employed person in one or more host states, and who resides in another state, unless or until they no longer retain the status of a worker. The Federation is seeking further clarifications on this definition.
 - The agreement would only apply to workers classed as "frontier workers" before the end of the implementation period. These workers are not UK residents and would not automatically fall within the planned EU Exit Settlement Scheme.
 - **Continuous residence** - In the EU Exit Settlement Scheme, the UK will use the same definition of continuous residence as the Free Movement Directive. If a worker leaves the UK for less than six months in a year or for less than 12 months for an important reason such as pregnancy, childbirth, serious illness, study or for an overseas posting, continuity of residence is not broken.
 - The UK will set the evidence requirements for this but will not demand applicants account for every single trip outside of the UK. Once they gain settled status, absences of up to five years are permitted.