

## VISITING ARTISTS AND ACADEMICS PETITION

A Manifesto Club dossier to mark the submission of the Visiting Artists and Academics Petition to 10 Downing Street, 17 March 2010

[www.manifestoclub.com/visitingartists](http://www.manifestoclub.com/visitingartists)

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**JAMES LINGWOOD AND MICHAEL MORRIS** Directors, Artangel  
**JEREMY DELLER** Artist  
**JENNI LOMAX** Director, Camden Arts Centre  
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**RAYMOND TALLIS**, Emeritus Professor of Geriatric Medicine  
**TACITA DEAN** Artist  
**LORD TIM CLEMENT-JONES**  
**FABIO ROSSI** Director, Rossi & Rossi Gallery  
**STELARC** Chair in Performance Art, Brunel University  
**RAIMI GBADAMOSI** Artist  
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**TOPHER CAMPBELL** Artistic Director, The Red Room  
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**ZINEB SEDIRA** Artist  
**SONIA BOYCE MBE** Artist  
**MICHAEL BOGDANOV** Theatre Director  
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**MORIS FARHI MBE**  
**DAVID KNOPFLER** Recording Artist  
**ANNE FINE OBE FRSL** Writer  
**ARTHUR BROWN** God of Hellfire  
**CHARLIE GILLET** BBC Radio Presenter & Programmer  
**MATTHEW SLOTOVER** Director, Frieze Art Fair

... AND 10,000 OTHERS

*We, the undersigned, believe that these Home Office restrictions discriminate against our overseas colleagues on the grounds of their nationality and financial resources, and will be particularly detrimental to artists from developing countries, and those with low income. Such restrictions will damage the vital contribution made by global artists and scholars to cultural, intellectual and civic life in the UK.*

**DEPORTED:**  
**ARTISTS AND ACADEMICS BARRED**  
**FROM THE UK**

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A Manifesto Club dossier

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Manifesto Club  
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## Foreword

This dossier marks the submission of the Manifesto Club petition against the points-based visa system to Downing Street on 17 March 2010. Here, we publish the most striking cases submitted to us over the past year, of the artists, musicians, dancers, writers and academics who have been shut out of the UK by these suspicious and closed-minded rules.

Many of these testimonies were posted on the petition or our Facebook page, or in one case emailed to us at 1am by a frantic artist-curator who had heard that his invited artist had been locked up at Heathrow and was about to be sent home.

This is an account of talent and ability stopped at our borders, which has left the country all the poorer. The Chinese artist, Huang Xu, was refused a Visa to attend the opening of his exhibition at London's October Gallery; the South African illustrator, Nikhil Singh, was unable to attend his own book launch; Cristina Winsor, a New York artist, was deported for the crime of carrying a couple of small paintings under her arm.

The points-based system has hampered the classical arts, with English National Opera losing Iranian film director Abbas Kiarostami, and the Royal Festival Hall losing Russian Classical pianist Grigory Sokolov. Ballet Russe, the Swansea-based ballet company, was brought to ruin when its dancers were not allowed back in the country after their holidays in Russia. But the points-based system particularly affects emerging and more unusual collaborations: the Pakistani pipe band refused a visa to play at the World Pipe Band Championships in Glasgow; the US hop-hop artist unable to give a talk at a UK university.

Many of the artists included in this dossier were treated very shabbily indeed, locked up for hours in airport interrogation rooms before being deported, often at great personal expense. Many were deported on a bureaucratic error or pedantry, or because their lack of a masters degree deemed them 'insufficiently educated'. Many, unsurprisingly, say that they do not ever want to return. This is a dossier of shame for the UK Home Office.

Yet this is only a small selection of the thousands who have had to endure the absurd stringencies of the UK Border Agency since the points-based visa system was introduced. We call not for special treatment for these individuals, but the overturning of the points-based visa system as a whole, and its replacement with a more humane system that recognises the value and richness brought by visitors to these shores.

This dossier also includes a selection of the 10,000-plus people who have signed the Manifesto Club Visiting Artists petition over the past year. This list includes teachers and academics, directors and music lovers, artists and taxi drivers, art promoters and students. Together, the petition stands as a collective cacophony of outrage against these procedures, and a collective affirmation of the value of international exchange in ideas and in art.

That so many British citizens are prepared to stand up against the management and surveillance of international visitors is ultimately a sign of hope. We say to our state that the regulation of visitors – supposedly done in our name and for our safety – does not have our support. Ultimately, perhaps, we seek to replace the hostility of bureaucratic checks and biometric fingerprints with a somewhat different message: 'welcome'.

Manifesto Club Visiting Artists and Academics Campaign

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## VISUAL ARTS/FILM

### ABBAS KIAROSTAMI, IRAN, FILM DIRECTOR

Abbas Kiarostami cancelled his trip to direct *Così fan tutte* for English National Opera, after his treatment by UK border officials. His paperwork was deemed correct, and he gave fingerprints. "A visa was duly granted. A few hours later it was withdrawn and I was asked to resubmit my application. I did so immediately and was asked for a second set of prints. When I pointed out my prints were unlikely to have changed ... I was told this method had been used to catch over 5,000 criminals worldwide." He decided to withdraw.

He said: "I want to be absolutely clear that my decision was based solely on the disgraceful treatment to which I was subjected. I travel regularly to France and Italy and am no stranger to the bureaucratic dances we Iranians need to perform to obtain visas. However, the actions of the (British) embassy were of a wholly different order."

### CRISTINA WINSOR, USA, ARTIST



Cristina Winsor, a US citizen and talented artist from the downtown East Village New York scene arrived in London on Sunday 6 September 2009 to visit friends and take part in a free five-day art festival in the respected east London venue The Foundry, only to be detained for seven hours in a detention centre at Heathrow airport and escorted on an outbound plane back to New York by security guards. Her crime? Carrying two small paintings under her arm, which she wished to exhibit at the festival and with a bit of luck, sell for a few hundred dollars.



Statement from Cristina Winsor: "The immigration officials told me that selling my work was illegal without a business visa, and took me to the detention centre for further questioning. I told them I wouldn't sell my paintings if it was against the law, and even offered to leave them at the airport so that I could at least stay in the country and see my friends, and pick them up on my way out. They said they couldn't trust me to have changed my mind so fast, and that they couldn't show me favouritism by holding my paintings until my return flight four days later. I then sat in the immigration detention centre for seven hours and was escorted to an outbound NYC flight by security. They only gave me back my passport once I disembarked in JFK airport in NY. I opened my passport to see a little 'barred entry' symbol."

### ADAM FELDMETH, USA, ARTIST

David Mabb, an academic at Goldsmiths, University of London, reported the case of a young US artist Adam Feldmeth travelling for leisure to UK, who had accepted to do a day's tutorials at Goldsmiths whilst in London. When passing through UK border control at Heathrow and answering questions on the purpose of his visit, he mentioned the tutorials. As he could not provide the adequate visa, he was searched, locked in a cell overnight and deported back to Los Angeles the next day. Mabb reported that spontaneous teaching has now been made impossible because of the complexity and costs of the visa process. Mabb consequently found out that to get a visa for a visiting academic/artist is a long and costly process where the university has to sponsor the academic, fill in online forms, visit Croydon to fill in more forms and pay a fee six weeks in advance. This acts against any fluidity of academic exchange on a short-term basis, which is

the very essence of academic dialogue. Universities have been cosmopolitan institutions; these new bureaucratic measures have the effect of homogenising and Europeanising them.<sup>1</sup>

#### **MELATI SURYODARMO, INDONESIA, ARTIST**

Testimony from petition signatory, Robert Persson, artist: "In July 2009 I attended Marina Abramovic presents during the Manchester International Festival. This was undoubtedly one of the most important performance art events to occur in Britain for many years, and there was an empty space where there should have been an artist from Indonesia (Melati Suryodarmo). The organisers had to explain that the artist had run into visa trouble. Thousands of people attended this event. This means that another several thousand people now see the Border Agency, and the whole policing and population control infrastructure of the United Kingdom, as mean and ridiculous."

#### **M P LANDIS, USA, PAINTER**

Brooklyn-based painter MP Landis was supposed to be in Dufftown Scotland over the summer of 2009 on an artist's residency at the prestigious Glenfiddich Distillery. Landis, his wife and five-month daughter were to be living on the distillery grounds with seven other international artists. But the new points-based system prevented Landis and his family from taking up this opportunity. The stringent rules required Landis and his family to show they had at least \$1,400 of savings, and each artist's sponsor – in this case, Glenfiddich – were obliged to provide additional financial support and constantly monitor the artists to ensure they didn't abscond during their stay. Lacking the necessary certificate of sponsorship, Landis and his family were detained and deported from London's Heathrow Airport on a US-bound plane shortly after they arrived.



Statement from MP Landis: "After my treatment resulting in my deportation from the UK I have little desire to ever return."<sup>2</sup>

#### **TENZING RIGDOL, TIBET, VISUAL ARTIST**

Tenzing Rigdol had his first European solo show at the commercial Mayfair gallery Rossi & Rossi, which opened on 11 February 2009. Tenzing Rigdol was born in 1982 in Kathmandu and studied art and art history at the University of Colorado, USA. He has extensively studied Tibetan sand painting, butter sculpture and Buddhist philosophy in Kathmandu, Nepal, gained a degree in Tibetan traditional thangka painting and is a published poet. In 2002, he and his family were granted political asylum in the USA and they now live in the Bronx, New York City. He applied for a visa to attend his exhibition, which he was not being paid for and the gallery confirmed that he would be hosted as a guest for the period of his short stay. He was refused a visa by UKBA, stating the following reasons:

"You have never previously visited UK and have now applied for entry clearance as a business visitor for a period of 1 month. In support of this application you have submitted a letter of support from Rossi & Rossi, which states that you will be travelling to the UK for the installation and opening night of your solo art exhibition at The Rossi & Rossi Gallery in London. However, I note that the letter does not specify your exact proposed

<sup>1</sup> Email to Manifesto Club, 6 March 2009

<sup>2</sup> Petition signatory 9484



activities and whether it would constitute employment. In light of this, I cannot be satisfied that you do not intend to take employment in the UK which does not require a work permit issued by Work Permits UK. Moreover, I am not satisfied that you do not intend to produce goods or provide services within the UK, including the selling of goods or services direct to members of the public or that you are genuinely seeking entry as a visitor for a limited period as stated, not exceeding 6 months.

You have stated you are currently a self-employed artist, however you have provided no evidence to support this claim. Whilst I accept that the letter provided from Rossi & Rossi states that they will be responsible for your expenses while in the UK, no evidence of their available funds have been provided to show their ability to do so. In addition, you have chosen not to submit any evidence that you have the funds available to support yourself whilst in the UK, and ... you have not supplied any evidence of your UK sponsor's financial outlay. Consequently, I am not satisfied that you will maintain and accommodate yourself without recourse to public funds or by taking employment or that you will be maintained and accommodated adequately by relatives or friends or that you can meet the cost of your return or onward journey.

On the evidence available to me, I am not satisfied that the activities you propose to undertake in the UK are permitted as a visitor. I therefore refuse your application."<sup>3</sup>

#### **ANIRBAN MITRA, INDIA, VISUAL ARTIST**

Indian artist Anirban Mitra was refused a visa for a summer residency opportunity at Glenfiddich Distillery, after waiting for four months for a decision, at great expense.

Statement from Anirban Mitra: "This system will stop cultural exchange programmes."<sup>4</sup>

#### **WIWIK S WULANDARI, INDONESIA, ARTIST**

Wiwik S Wulandari was invited to undertake a three-month residency at Blackburn Museum and Art Gallery (BMAG) as part of plAAy, their 2 year Contemporary Asian Art Programme. The residency was due to run from mid-January – March 2009 and the initial invitation was issued in August 2008. In the period between Aug – Nov 2008, Ms Wulandari attempted to apply for an Artist Visa from the British Embassy in Indonesia, however time after time they issued her with the incorrect application form, first for an entertainer's visa, then actor's visa etc. When they finally came to place her in the correct category as a visual artist the new laws had come into effect. Due to the lack of time by that point for BMAG to register as a sponsor and be able to issue a certificate of sponsorship the museum had no choice but to cancel her residency. Subsequently, due to the cost of the partial refund on already booked flights for Ms Wulandari and now the unforeseen costs of sponsor registration and sponsorship fees, BMAG have had no choice but to cancel Ms Wulandari's residency indefinitely. BMAG have for many years worked previously with international artists from across the Asia Diaspora (including Indonesia) and all artists in the past were able to undertake residencies with an easily obtained Artist Visa. As well as this residency the rest of plAAy

<sup>3</sup> Testimony submitted to Visiting Artists Campaign

<sup>4</sup> Petition signatory 6843

programme will certainly be impacted, with residencies and an exhibition planned with artists from Japan, China and Thailand among many others.<sup>5</sup>

#### **HUANG XU, CHINA, VISUAL ARTIST**

Huang Xu was refused a visa to attend his exhibition at London's October Gallery.

Statement from the artist and his translator: "An Artist from Beijing and his translator were both refused a visa to attend the artist's private view at The October Gallery which opened in February 2009.

Since all the visa applications in Beijing must be submitted through Visa Application Center (VAC) not British Embassy, the officer at VAC couldn't advise us what type of visa we should apply. So based on our previous experiences, we chose to apply for a visa as business visitors from a range of 'General visitor, Family visitor, Business visitor, Student visitor, Academic visitor, Marriage visitor, Medical treatment visitor, Visitor in transit, Sports visitor and Entertainer visitor'.

The artist and I both have very good visa records on other countries, and have never been refused by any countries. The artist has been to Canada, Australia and Spain in recent years. And I even have a valid visa to the US while I applied for UK visa this time and have been in UK for more than two years from 2002-04.

What the refusal letter said was: 'As you will effectively be engaging in business in the UK, I am not satisfied you are a genuine business visitor.' In a word, they are suspicious that the artist will be selling his works during his period in UK. But it is the gallery that sells the works to the public, not the artist. So it's not right to say that we will be engaging in business in the UK."<sup>6</sup>

#### **NIKHIL SINGH, SOUTH AFRICA, ILLUSTRATOR**

Nikhil Singh was denied entry into the UK after the Home Office rejected his application for the renewal of his visa. Singh is the illustrator of the newly-launched graphic gothic-fantasy novel *Salem Brownstone: All Along the Watchtowers* which has been receiving rave reviews in the media. He was advised that he had been denied leave to remain in the UK because he did not qualify for a 'highly skilled' migrant visa due to 'lack of education'.

Statement from Nikhil Singh: "I lodged an appeal for my Tier One visa. When that was refused I attempted to obtain a short-term holiday visa so that I could attend my book launch and then return to South Africa to put together documents for a more long-term visa. The problem is compounded by the Immigration Office wanting only original documents. This was not helped by the fact that they managed to lose all my original documents from my previous appeal – documents which included my original publishing contract, which to date has not been returned. When the short-term visa was refused, my girlfriend discovered that I was eligible for a common-law unmarried partnership visa, which necessitates living together for a period of two years. We gathered together evidence but this visa was refused because the months we have been separated due to my previous refusals mean that we have not 'spent the last two years together'. I am planning a possible reapplication for

<sup>5</sup> Testimony, Amy Cham, Blackburn

<sup>6</sup> Testimony submitted to Visiting Artists Campaign

this visa with more detailed evidence, but all these applications are extremely costly and I shall have to weigh the practicalities carefully.”<sup>7</sup>

Update statement from Nikhil Singh, 6 March 2010: “I am still unable to enter the UK – and have taken a break from reapplying to reconsider my options as the constant reapplication and potential lawyers fees might become too expensive for me. I have secured a 90 day Shengen visa recently and will be travelling to Europe so that I can be closer to my girlfriend. I had no problem whatsoever obtaining a Shengen visa and hope to travel to the US later in the year to attend the American launch of my book.”<sup>8</sup>

Statement from Simon Davis, CEO: “How it’s possible that a published author/illustrator cannot attend their own book launch, even when they are published by a British publisher and have had reams of support is beyond belief. It just goes to show how far removed from reality government policy is.”<sup>9</sup>

### **POSHYA KAKL, IRAQ, ARTIST**

London based Visiting Arts in partnership with London based The Delfina Foundation initiated and launched a scheme called Artist-to-Artist International 2009. The 2009 scheme has a specific geographic focus by inviting artists from across the Middle East and North Africa. The programme provides an opportunity to bring together artists to initiate dialogues across international borders, enabling pairs of artists to enter into new working relationships on an open-ended and informal basis. Professional, practising UK-based artists applied to invite an artist of their choice from the Middle East and North Africa to visit them in the UK for one week.

The selected overseas artist would have spent a week with the UK artists from 23–29th March 2009 to visit their studio, meet contacts, network and discuss ideas. Artsadmin Artist Anne Bean was one of the British artists selected for the scheme and she invited Poshya Kakl, a young 19-year-old female Kurdish-Iraqi artist.

The Iraqi artist was refused a visa one week before she was due to be in the UK for the following reasons: “You state that you are a student and are unemployed. You have no assets or financial dependents. You have stated in ... your application form that you do not receive any income from family or friends. You have failed to provide any evidence of your personal financial circumstances here in Beirut or Iraq, your home address. Given the above I am not satisfied that you have demonstrated sufficient ties to Beirut or Iraq. This means I am not satisfied that your intentions are as stated and therefore I am not satisfied that you are genuinely seeking entry as a business visitor and that you intend to leave the UK at the end of your visit as required.”

The Iraqi artist had to travel nearly 900km to Beirut with her father to get her Biometric ID, and to submit her application in person, and had to stay in Beirut for over 3 weeks to await a decision regarding her visa application, at her family’s own personal expense.

<sup>7</sup> Interview with Caribbean Book Blog

<sup>8</sup> Email to Manifesto Club, 6 March 2010

<sup>9</sup> Petition signatory 9157

## MUSIC

### **MEKAAL HASAN, PAKISTAN, ROCK MUSICIAN**

Mekaal Hasan was forced to cancel his trip to the UK, after a month-long wait for a visa. The costly visa application fees were non-refundable, and he was unable to get a refund on his air ticket. "Once you submit your papers and passport, along with the visa fee - which is by the way non-refundable and ridiculously priced - there's normally a 15-working day period after which you are called back to pick up your passport and your visa which you may or may not get". Mr Hasan said that while his visit to London was "primarily to catch up with friends" he was also due to hold talks with the Institute of Contemporary Music Performance in London. "I hope to chalk out plans for a proposed tour in 2010 where my music and band would have featured at the International Guitar Festival due to be held at the Royal Albert Hall. But now all that has been thrown into doubt."<sup>10</sup>

### **GABRIEL TEODROS, USA, HIP-HOP ARTIST**

Statement from Gabriel Teodros: "I was invited to the UK by a university to perform and participate in an academic conference, and was detained for eight hours at London-Heathrow before being sent back to the States, for reasons that were unclear. This has personally cost me thousands, ruined months of plans, and your own border agents could not even answer questions regarding your laws. I may tour the entire world but will never fly back into London. These laws are a wall so many artists & educators can not find a way around, the arts and culture in your country will suffer."<sup>11</sup>

### **GRIGORY SOKOLOV, RUSSIA, CLASSICAL PIANIST**

There have been two cancellations of high-profile concerts by Grigory Sokolov, a regular performer in the UK. His show at the Barbican was cancelled because of the necessity for the new biometric visa. For years Sokolov was able to apply for his visa by proxy, but the new regulations meant he would have had to personally travel from Verona, where he lives, to Rome, to provide fingerprints. His replacement show, scheduled for April 2009 at the Royal Festival Hall also had to be cancelled, after he lost a year-long battle to agree a mobile visa solution.

### **ALLISON CROWE, CANADA, SINGER-SONGWRITER**

Allison Crowe is an up-and-coming roots and soul singer, who has performed several times in the UK. The band was about to embark on a month-long European tour of small venues, when they were detained at Gatwick in May 2009, then deported and told not to re-enter the country. Crowe and her two band mates were fingerprinted and had their passports confiscated shortly after flying into London. She said they were shut in a room where they were denied contact with the outside world for six hours and that she was told she would never perform in Europe again once her passports had been stamped by the UK Border Authority as 'barred from entry'. Neither of the venues Crowe was scheduled to play knew about the new visa rules. The new legislation requires the venue to obtain a certificate of sponsorship from the Home Office, which can cost hundreds of pounds. Crowe's manager Adrian du Plessis said: "That's no problem for the big mainstream acts but it prevents independent musicians from playing smaller gigs - it's hard enough to find a piano."

<sup>10</sup> Reporting from BBC South Asia, 29 July 2009

<sup>11</sup> Petition signatory 9366



Recent statement from Adrian du Plessis: "In spite of what she was told by a UK immigration officer, it is not true that Allison is barred from Europe, since Germany, Austria, France, the Netherlands, etc, have all welcomed her with open arms. We do not know if she is barred from the UK. The passport itself has no words stamped in it. Instead there is a red ink line running across what should be the stamp for entry into the UK. We do not know what this means, nor do we know what may be recorded in the UKBA or Home Office database. The abusive, heavy-handed, treatment experienced last Spring at Gatwick has resulted in Allison being discouraged from returning to perform in the UK. Much as she greatly loves the people and places in the UK, it's a choice between going where you are treated decently, or possibly facing more rough treatment by UK officials. It's a simple decision."

### **THE PIPE BAND, PAKISTAN, PIPE MUSICIANS**

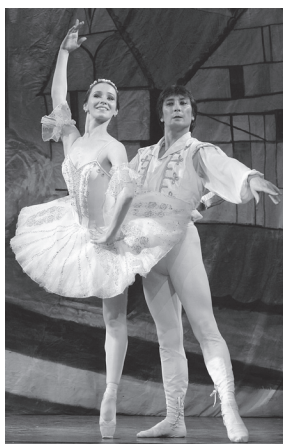
Members of the Pakistani pipe band – due to perform at the World Pipe Band Championships in Glasgow – were unable to attend when their visa applications were rejected. The World Pipe Band Championships at Glasgow Green is said to be worth an estimated £7 million to the city economy. SNP MSP for Glasgow Anne McLaughlin called on the UK government and Border Agency to reverse their decision. "The Pipe Band are international ambassadors and Glasgow's Pipe Band Championships is an international celebration. This kind of decision gives Scotland a bad name and shows up the shambles within the UK Border Agency."<sup>12</sup>

### **MARINA DE ITA, MEXICO, MUSICIAN**

Statement from Marina de Ita: "Before being denied, I was treated really bad, under investigation for around 12 hours, enclosed in a room with people considered suspicious. We were all just from Latinoamerica, Africa or Asia."<sup>13</sup>

## **THEATRE/DANCE**

### **DENIS MURUEV & TATIANA VDOVICHEVA, EVGENY TRUPOSKIADI & LUIZA GARIEVA, AKZHOL MUSSAKHANOV & EKATERINA BORTYAKOVA, RUSSIA, CLASSICAL BALLET DANCERS**



The Swansea based classical dance company Ballet Russe was founded in 1998 by dancers principally from Russia, staying and performing in the UK for 10 months of the year on a salary, until the points-based system forced company members to re-apply under tier 2 (skilled workers with a job offer to fill gaps in the UK labour force) in 2008. Ballet Russe were unable to afford the required fee to become a licensed sponsor, and the dancers, who were all soloists or Principals, were unable to meet the financial or academic requirements to stay in the UK. The issues raised by the Home Office included that the company was not paying the dancers the same going rate as London-based ballet dancers. Ballet Russe tried to reason that Swansea is cheaper to live than London, that the dancers' package included good flats and they worked less than 36 hours per week. The dancers also held degree equivalent qualifications, but these were not recognised. Their rigorous and excellent training in Russia went beyond classical ballet, most of them were accomplished musicians and spoke other European languages, but the bureaucratic rigidity of the points-based system would make no allowances – if they couldn't tick the right boxes, they didn't score the points. The points-

<sup>12</sup> Reporting from Scotsman,

<sup>11</sup> August 2009

<sup>13</sup> Petition signatory 2743

based system led to the death of the company as they were forced to disband. While on holiday in Russia the dancers were not allowed back to the UK. Swansea is now without a premiere ballet company which took ballet to local audiences as well as proudly touring across the UK and Europe.

#### **AN INDIAN ACTRESS WHO HAS ASKED TO BE ANONYMOUS**

The actress applied for a tier 1 visa, having previously performed in previous UK/International productions. She applied twice for a tier 1 visa and was rejected on both occasions.

Statement from the actress: "I am totally devastated and angry. Everything went fine except they haven't considered my earnings from last year as something I earned in India and hence have awarded less points. As you must be aware the money earned is converted into pounds and if it is earned in India then it gets multiplied by 5.3 which would have put me in top most bracket, earning maximum points. But luck has it otherwise. So where I should have got 40 I got only 10 and did not gain the points required for the visa! I have contacted my advisor in London to look into it. I may apply for a review. But I am losing hope. I do not have the money and energy to go through it one more time and in any case since the rules have changed recently I do not even qualify to re-apply (not having a Masters degree or equivalent). All this year (2009) has gone only in trying to get this visa. What a waste! And again I am left wondering ... DAMN! Why should they have so much authority over my life?"

#### **TAISHA PAGGETT, USA, DANCER AND CHOREOGRAPHER**

A member of collective Ultra-red, visiting the UK to participate in a workshop (legally a 'business visitor'), was advised by another member who had become aware of confusing new legislation, not to say she was an artist. She followed her fellow member's advice, but Immigration became suspicious. Searching her luggage, they found a copy of the email with the fellow member's advice printed out, and deported her from the UK for deception with no right to return for ten years.

#### **AMELIA CAVALLO, USA, THEATRE PRACTITIONER**

Statement from Amelia Cavallo: "I had recently had been living in London and working as an artist for small theatre companies. This changed very quickly once the changes to the Home Office regulations went through. I am currently sitting in limbo in the States waiting for the Home Office to sort out how to give me a visa that they've told me I qualify for! Along with this, one of the companies I work for has talked about sponsoring me after this year is up. They have looked into it and have started the arduous process of trying to get a license. They, like many others, are having difficulty with it. They are a small company, they don't have a lot of money, but they have often sponsored international performers in the past. They had plans in the future for artists like myself and others outside of the EU to come and work for both long- and short-term projects, which are now put into question."<sup>14</sup>

## ACADEMICS/WRITERS

### **ADNAN A MADANI, PAKISTAN, ACADEMIC**

Statement from Adnan A Madani: "I did an MA in Visual Cultures at Goldsmiths in 2006. I decided to do the PhD in the same Department last year, and was awarded excellent bursaries and the possibility of part-time teaching. What I thought would be a routine procedure of getting a visa, given my career profile, academic record and history of studying in London, became a nightmare. After a long delay, during which I was forced to ask Goldsmiths for extension after extension, I was refused on the most absurd grounds, including a charge of having submitted forged bank documents. Needless to say, I have no idea why they would think this and neither does my Bank.

I asked for an official review and deferred my place and bursaries till January, sadly having to pass on the teaching positions. The response is supposed to be within 28 days; it is now more than 90 days and I have no idea what they are doing with my case.

I don't understand how people's reputations and careers can be so easily harmed by tangled bureaucracy, with no accountability or consequences. At many points I have been tempted to give up entirely, and to simply refuse to have anything to do with the UK anymore; but the decency and support of colleagues in Britain and elsewhere keeps me hoping that this peculiar situation does not reflect the direction the world will irrevocably take in the next few years, and that academics and artists can move around with the ease and welcome they require to make their work worthwhile."

### **EVGENI TSYMBAL, RUSSIA, BAFTA-WINNING FILM DIRECTOR**

Evgeni Tsybmal was denied a visa to visit the UK to give university lectures.

"Evgeni Tsybmal was a regular visiting lecturer at Queen Mary, University of London for over five years, has been visiting British universities for brief periods for a number of years, contributing much for student understanding of culture, filmmaking etc. I'm at a loss to explain the denial of work permit."<sup>15</sup>

### **DR NHAMO MHIRIPIRI, ZIMBABWE, ACADEMIC AND WRITER**

Statement from Dr Nhamo Mhiripiri: "This year I was personally a victim of the visa system when Oxford University invited me to a conference where they were paying for my accommodation and transport. The poverty of my country (Zimbabwe) was the major reason I was denied a visa."<sup>16</sup>

### **JOEL PARTHMORE, USA, PHD STUDENT (UNIVERSITY OF SUSSEX)**

Statement from Joel Parthemore, DPHil in cognitive science and philosophy: "Thanks to this wonderful points-based system, and some official's (mis?) reading of the letter I provided from my US-based student loan company, I can't re-enter the country at the moment to submit and defend the doctoral thesis I've been working on for four-and-a-half years now. I'm stuck in Sweden (where I've been writing up my thesis) till I get this sorted out. I've been told by my university and by the UK Border Agency not to try entering the country even on a short-term basis until this is resolved. The latest is that I've been waiting a full four weeks now for a response to my request for an administrative review, just to try to find out why my visa extension request

<sup>15</sup> Statement from Brian Neve, Senior Lecturer in Politics, University of Bath, petition signatory 9487

<sup>16</sup> Petition signatory 8387

got rejected in the first place. (The rejection notice said only that I had failed to present a letter from my student loan agency meeting all the necessary points, but I'm equally clear that the letter did. Were they unhappy with how the letter was formatted? Who knows.)"<sup>17</sup>

#### **DOROTHEA ROSA HERLIANY, INDONESIA, POET**

One of the most important poets writing in Indonesia today was due to appear at Ledbury Poetry Festival on Saturday 4 July. Herliany has published eight volumes of poetry. Many of her poems are personal, with a decidedly feminist edge. Others have grown out of the rapid political and social changes that Indonesia has undergone during the last five years. Borders officials refused her entry into the country based on the following: "You have provided an invitation to participate in the Ledbury Poetry Festival in the UK, however you have failed to provide any documents showing the funds available to you or demonstrating your current circumstances in Germany. I note that you only arrived in Germany in April 09, and have limited leave to remain until 30/07/09. I am therefore not satisfied on the balance of probabilities that you are genuine visitor, that you intend to leave the UK at the end of your visit, that you do not intend to take employment or produce goods or provide services, that you can maintain and accommodate yourself without taking employment or resources to public funds or that you can pay for your return or onward journey as required by Paragraphs 41 (i), (ii), (iii), iv vi vii of HC 395. I therefore refuse your application."<sup>18</sup>

#### **MARA GOLDWYN, USA, WRITER/ARTIST**

Jonathan Kemp, a UK writer/artist curated a six-day project, commencing on 15 February 2010 at the grassroots east London space E:vent Gallery, called *exquisite\_code*, an experimental event involving eight international writers working eight hours a day for five days. All the writers lived in Europe or the UK, and the project was innovative enough to be awarded an Arts Council England (ACE) grant. However, Berlin based writer Mara Goldwyn happened to be a US national and did not have a licensed sponsor or a tier 5 certificate of sponsorship.



Jonathan emailed Manick Govinda on 12 February 2010 at 01:00hrs: '... have a guest artist/writer at Gatwick now (I am Friday morning) refused entrance for a one-week collaborative writing project starting on Monday – she'll be sent back at 6am to Berlin where she lives. The project received £5k from the Arts Council England but no advice was given re: non-EU artists and I was unaware. Is there a way you know of to fast track the Tier 5 certificate of sponsorship requirement for her entry via the Arts Council England as sponsor? Or anyone there I should talk to there in particular?'

Jonathan contacted Arts Council England who referred him contact the British Council in Wales who 'would be best placed to advise', but unfortunately he was unable to get through.

Statement from Mara Goldwyn: "I was put on a plane back to Berlin – but only after having been held in a windowless holding room at Gatwick, separated from my documents and belongings for seven hours. I commented to the guards who escorted me through the airport to the plane that I had 'never been deported before'. They said that I wasn't being deported, that

<sup>17</sup> Posted on Manifesto Club facebook page, 6 March 2010

<sup>18</sup> Press release, Ledbury poetry festival, 9 July 2009



I was just denied entry, otherwise I would have been in handcuffs ... I had no idea about the regulations or the situation. (I was) caught unawares in a rather absurd, Orwellian situation. I'm simply what you might call an 'emerging artist' participating in a small, collective, experimental project. This illustrates how especially detrimental the regulations are for grassroots endeavours of a collaborative, exploratory nature."

#### **DMITRY VILENSKY, RUSSIA, ARTIST AND ACADEMIC**

Dmitry Vilensky was invited by The Showroom Gallery and Afterall Journal in London to give a seminar on his work on 17 January 2009. The gallery was forced to cancel the seminar when Vilensky's visa application was rejected, on the grounds that he was not allowed to be paid a fee for participating in the seminar. A further appeal, with the proviso that he was not to be paid, was also rejected. Vilensky had never faced such restrictions on his many professional visits to other European countries.

#### **DAVID ZINDER, ISRAEL, PROFESSOR EMERITUS IN THEATRE ARTS AT TEL AVIV UNIVERSITY**

"For a number of years I have been a regular visiting teacher at the drama department of Exeter University, and until two years ago my course had become a regular part of the curriculum – a two week intensive workshop for which the students were graded by me.

Last year I was invited to come in March to do my scheduled course and as a result of the strictures of the new UK Border Agency regulations I had to cancel my visit and my course, causing havoc to the year's curriculum. The reason I couldn't get to the UK was because I had to fill out reams of questions, provide notarised, fully translated documentation of my bank statements from three months prior to my entry into the UK, as well as fully translated, notarised copies of three months of my pension slips. Even if I had managed to complete all of that, and pass the scrutiny of Consulate officials, then this material plus my actual passport – not a photocopy – were to be sent to Istanbul, which is apparently the Middle East 'visa centre' and then it was supposed to take, according to the UK Consulate in Israel, anywhere between 'two weeks to two months' to get the visa – if all went well. No explanation was provided about what I would do if I needed my passport during that time (except for a Consulate official who told me that in that case I should go to Istanbul to try and expedite the matter – not realising that without a passport I could not get to Istanbul!).

Since indeed I was in need of my passport for professional and personal needs and could not relinquish it for two weeks to two months, I had no choice but to cancel my trip.

This year I was invited again, and despite a tight schedule of trips prior to my trip to Exeter I thought it might be possible. I was pleased to hear from Exeter that in fact I don't require a visa but that I do need to get a Certificate of Sponsorship from Exeter which requires a 'letter from an A-rated sponsor' confirming that they will maintain and accommodate me for the time I will be there. This requirement threw the university into a tailspin because – bureaucracy being what it is – they are an A-rated sponsor but cannot issue a letter confirming that they will maintain and accommodate me unless they

give me a loan – which they cannot do because I am not staying long enough (ten days) in the UK for them to give me a loan. This is bureaucratic absurdity raised to the level of art!

I am being paid by the university for my trip, my accommodations and a fee, all of which is more than what the UK Border Agency requires me to prove that I have in my account for the three months prior to my arrival, and yet they can't get it together to provide me with the letter.

What I am now required to do, apparently, is arrive in the UK with some sort of documentation of my bank balance and my salaries, etc. and show them on entry to the UK. I can only assume that the complexities of these arrangements are such that the passport control people will have no idea what I am talking about and ask me to turn around and return to Israel."

**RÉVÉRIEN RURANGWA, RWANDA, WRITER**

Révérien Rurangwa was unable to attend the UK launch of his book, *Genocide*: "Révérien was due in London last week for the launch of the English translation of his book, but an application to travel failed. So we are in Geneva, the home of the UN that once betrayed Révérien's country so badly."<sup>19</sup>

**HASSAN NAJMI AND OUIDAD BENMOUSSA, MOROCCO, POETS**

"I invited both Hassan Najmi and Ouidad Benmoussa 10–14 July 2009 for events at the Ledbury Poetry Festival and the London Review Bookshop. They both had official letters of invitation from Banipal, all expenses covered. We invited Hassan Najmi to the UK some years ago for readings, no problem. The new visa questions & requirements are outrageous, insulting and humiliating for all."<sup>20</sup>

<sup>19</sup> Reported in Guardian interview, 8 April 2009

<sup>20</sup> Statement from Margaret Obank, Publisher, Banipal magazine and Banipal Books, petition signatory 6534

### Appendix: Petition Against the Points-based System

The UK Home Office has introduced new bureaucratic procedures for organisations that wish to invite non-EU artists and academics to the UK. As professionals committed to the principles of internationalism and cultural exchange, we are dismayed by these new regulations - which will curb our invitations to non-EU artists and academics to visit the UK for talks, artist residencies, conferences and temporary exhibitions.

The system is costly to both the host organisation and to the visitor, and has already meant a number of cancelled exhibitions and concerts. All non-EU visitors now must apply for a visa in person, and supply biometric data, electronic fingerprint scans and a digital photograph. The Home Office's 158-page guideline document also outlines new controls over visitors' day-to-day activity: visitors must show that they have at least £800 pounds of personal savings, which have been held for at least three months prior to the date of their application; the host organisation must keep copies of the visitor's passport and their UK Biometric Card, and a history of their contact details; and if the visitor does not turn up to their studio or place of work, or their whereabouts is unknown, the organisation is legally obliged to inform the UK Border Agency.

### About the authors

Josie Appleton is convenor of the Manifesto Club. She oversees the club's campaigns on issues ranging from vetting to booze bans; edits and produces the club's reports; and writes about freedom issues of the day for a variety of publications.



Valerie Hartwich is a French-German writer and translator based in London. She is author of the Manifesto Club report, *Fortress Academy – The Points-Based Visa System and the Policing of International Students and Academics*.

[www.manifestoclub.com/fortressacademy](http://www.manifestoclub.com/fortressacademy)



Manick Govinda is head of artists' advisory services at Artsadmin. He coordinates the Manifesto Club Visiting Artists Campaign, and is co-author (with Josie Appleton) of the report, *UK Arts and Culture – Cancelled, by order of the Home Office*.

[www.manifestoclub.com/cancelledartsreport](http://www.manifestoclub.com/cancelledartsreport)



