

House of Commons Home Affairs Committee inquiry into developing an effective immigration policy

January 2017

Response from the Universities and Colleges Employers Association (UCEA)

Introduction:

- This is the response from the Universities and Colleges Employers Association (UCEA) to the House of Commons Home Affairs Committee inquiry into developing an effective immigration policy.
- UCEA's response focuses on employment issues for higher education institutions (HEIs); therefore it does not consider issues relating to students.
- UCEA has worked closely with groups in the research sector to develop this response.

About UCEA and its members:

- UCEA is a membership body funded by subscriptions from 163 HEIs in the UK (in addition to 9 sector associate members). Our purpose is to support our member organisations in delivering excellent and world-leading higher education (HE) and research by representing their interests as employers and facilitating their work in delivering effective employment and workforce strategies.
- HEIs employ over 410,000 staff and have a high proportion of international workers. Almost a third (29%, 58,265 staff) of academic staff are not from the UK.¹ 17% (33,735 staff) are from other EU countries and 12% (24,530) are from outside the EU. For professional services staff, 9% (20,350 staff) are not from the UK, of which 12,490 are from other EU countries. These staff bring valuable specialist skills, knowledge which are essential to the success of UK HEIs.

Summary of key points and recommendations

- International collaboration is a fundamental feature of UK HE which we would wish to see protected and supported by the immigration system.
- In order to ensure the continued success of the UK's HE sector, we need the immigration system to support the retention, access and movement of academics, researchers, technicians and other specialist professional services staff.
- The ability for these staff to bring their dependants with them if they plan on living and working in the UK on a long-term basis is important in order to maintain the attractiveness of the UK as a destination for academic research.
- We would wish to see any new immigration system bringing significantly lower costs and administrative burdens for HE than the current points-based system.
- The rights of currently employed EU staff and their dependants to live and work in the UK should be unambiguously guaranteed as soon as possible.
- To ensure public confidence in the immigration system, there should be reliable and transparent reporting of migrant numbers and characteristics, and transparent entry requirements.

¹ HESA, *Staff by region of nationality, 2015/16*, <https://www.hesa.ac.uk/data-and-analysis/staff>

1. Introduction

Future restrictions on the rights of EU nationals to work in the UK will mean that the immigration system is likely to require extensive reform. This reform should be used as an opportunity to ensure that the UK continues to thrive as a chosen destination for academic study and research. A successful and internationally competitive HE sector provides the UK with significant economic and wider benefits which go well beyond the direct financial benefits of research funding and income from tuition fees for international students. This paper sets out the principles which UCEA believes will enable employers within the HE sector to continue to deliver significant economic benefits to the UK and maintain its position as an international destination of choice for researchers, academics and students.

2. Responses to the questions raised by the inquiry

What approach should the Government take to different kinds of migration – for example skilled, unskilled, family migration, students and refugees?

Overall principles of the system:

The immigration system should be founded on the following key principles:

- **Simple and proportionate administrative principles and processes for both individuals and their employers.** Tier 2 of the current points-based system is seen by many HEIs as administratively burdensome, adding unnecessary time and cost to the recruitment process. For example, the need to advertise certain roles for a specified period is unnecessary in cases where the individual being recruited is a known world-leading specialist.
- **The system should be supported by clear guidance on eligibility and use of the system, delivering minimal bureaucracy and costs.** Academics and HR professionals in UK HEIs need to be certain of rules on eligibility, to enable effective workforce planning.
- **Applications should be processed in a timely and consistent manner.** Delays in the application process can cause wider delays in important research programmes or course delivery. Delays returning passports or travel documentation to applicants can prevent academics from travelling to conferences or for important fieldwork.
- **To ensure public and employer confidence in the system, there should be reliable and transparent reporting of migrant numbers and characteristics.** Evidence shows the public are supportive of skilled migration, with 88% expressing support in a recent survey for the same or greater levels of highly skilled migration². By allowing the public to see that migration is controlled and only skilled migration is taking place, public support in the system can be encouraged. In addition, better sources of migrant numbers are needed to increase public trust. The current International Passenger Survey has a number of limitations and fails to accurately capture length of stay³. Better data will also facilitate evidence-based decisions on immigration policy and allow it to be more responsive and more nuanced in the future.

² Katwala, S., Rutter J. and Ballinger S. (2016), *What next after Brexit: Immigration and integration in a post referendum Britain*, British Future

³ The Migration Observatory, Oxford University, *Data Sources and Limitations: The International Passenger Survey*, <http://www.migrationobservatory.ox.ac.uk/about/data-sources-limitations/international-passenger-survey/>

For skilled migration:

Researchers and academics are highly skilled individuals. In order to successfully attract the best and brightest academics, HE employers need access to a system that allows entry to the UK for these workers and their dependants.

The current resident labour market test (RLMT) applied to Tier 2 of the existing points based system is unhelpfully prescriptive for the HE sector as it relies upon a concept of “skills shortage” that is not easily applicable to many roles in HE where specialism will be the key issue. Skill-shortage vacancies in research are not directly comparable to shortages in other professional occupations such as nursing, management consultancy and accountancy where there is a high degree of skill but not necessarily a high degree of specialisation. Although researchers will possess a number of transferable skills their selection is primarily dependent on the relevance of their knowledge in highly specific areas. In some cases there may be very few people globally who possess the required level of knowledge and their work cannot be substituted by another academic outside the same area of specialism. The need to advertise posts and fulfil the requirements of the RLMT in such cases therefore serves no purpose and can introduce unnecessary delays and bureaucracy into the recruitment process. The RLMT does make some provision for HEIs to appoint the most suitable candidate for PhD level roles, which is helpful. This prioritisation of PhD level roles would be vital for HEIs in any future immigration system.

Although some academics are eligible for Tier 1 visas, (the RLMT does not apply to Tier 1), the Tier 1 application process is led by the individual applicant and not the employer which discourages its use. Applicants typically prefer prospective employers to deal with the visa application process, often seeing it as the administrative responsibility of the HR team within an HEI. Eligibility criteria are also unclear for some individuals under Tier 1. A limited range of fellowships are generally eligible for these visas, but these are not widely known and are concentrated in the life and physical sciences. This means Tier 1 visas are comparatively underused.

The work of senior researchers and academics is frequently supported by specialist technicians. For physical and life sciences in particular, the specialist support such technicians supply is essential to the success of research projects. These workers are also highly skilled (many technicians are educated to PhD level) and require similar access to the UK's labour market. If a new system is to be developed to replace the current points-based system, then the £30,000 salary threshold to be introduced for experienced workers in skilled roles should be reviewed. This would avoid an unaffordable rise in pay for early career researchers when transitioning to the “experienced” level. Employers within HE are subject to collective bargaining agreements and funding constraints and have limited scope to raise pay for workers at this level. In any case, salary thresholds alone are not an effective proxy for the skill level and specialisation needed for research and teaching roles within HEIs.

For dependants (family migration):

In order to attract the most valuable migrant talent, it is essential to allow the dependants of highly skilled and specialist workers to live and work in the UK. The HE sector does not favour restrictions on dependants as these individuals bring significant human capital into the UK in addition to the principal visa holder / migrant. Evidence submitted to the Migration

Advisory Committee by UCEA in 2015⁴ shows that the vast majority of dependant partners in the current Tier 2 category hold at least a Masters qualification and a third hold a PhD level qualification. The overwhelming majority (four fifths) are working in managerial or professional occupations and we believe it is in the interests of the UK to enable such individuals to be active in the labour market and contribute to the economy. A new immigration system should continue to encourage this and should not risk promoting economic inactivity for dependants.

Restrictions on the rights of dependants to work in the UK would also inevitably deter international academics from making the UK their location of choice for research. In a survey carried out by the Permits Foundation in 2015, over 80% of Tier 2 HE staff polled said they would probably (40%) or definitely (41%) not have accepted their current assignment if their spouse or partner did not have the right to work in the UK.⁵ This would have a number of negative consequences including; damage to the UK's reputation as an international research destination of excellence, the loss of the research funding that such workers may bring with them to the UK, the loss of specialist knowledge, and potentially, the loss of employment opportunities for UK nationals supporting the work of these academics.

What are the benefits and problems with different kinds and levels of migration, for the economy and society?

The international movement of academics contributes to knowledge exchange, international collaboration and understanding, and the advancement of research. The migration of other skilled workers, such as specialist technicians or skilled professional services staff within universities is equally important in supporting the above. HEIs may often select a candidate with international experience for a non-academic role precisely because it will benefit the institution. The globally competitive nature of HE and its increasingly transnational delivery means that HEIs must take an international outlook, and their staffing needs reflect this.

Within the HE sector, international working is the norm, and there is an expectation for many academics that high quality academic work will involve spending time overseas. This can range from a short, one or two day visit for a conference, a lecture or external examining, to several weeks to support the delivery of a particular programme, to a permanent or long-term stay to fulfil a particular post. This circulation of talent is an essential feature of the HE landscape that provides a benefit to the UK in its prestige and influence. For example, researchers may need to collaborate urgently in the short term in response to a disease outbreak, sharing knowledge and expertise on epidemiology, public health and international clinical trials. Longer-term projects, such as the JET (Joint European Torus) project based in the UK will also require frequent international exchange of academic staff. The JET project is an internationally significant research project on the future of nuclear fusion energy, and the project attracts researchers from around the world⁶.

Economically, international academic mobility creates a more attractive environment for foreign students, themselves generating an important source of fee income for UK HEIs and

⁴ UCEA, 2015, *Response to Migration Advisory Committee Call for Evidence of the Review of Tier 2*

⁵ Extract from survey by the Permits Foundation, 2015, on *the mobility and social impacts of restricting the rights of dependants of Tier 2 visa holders to work in the UK*.

⁶ Culham Centre for Fusion Energy, *Research Collaborations- About*
<http://www.ccfec.ac.uk/Collaborations.aspx>

an estimated £10.7bn to the wider UK economy⁷. Leading researchers and academics attract international research funding, which in turn brings investment to local regions. Such staff also require a local research and support team, creating employment opportunities in the UK.

The delivery of transnational education (TNE) is a significant and positive UK export which needs the support of an immigration policy which facilitates the movement of academic and professional services staff. It delivers £496bn of revenue to UK HEIs⁸, international prestige for UK HE, and acts as a positive cultural and educational exchange mechanism. This may be put at risk if UK-based HE staff lose any of the current mobility that underpins the delivery of TNE.

One HEI summarised their concerns as follows

“A restriction in UK universities being able to recruit world-class talent will directly affect their ability to contribute back to the UK economy and will result in the UK economy falling behind by reducing its ability to:

- 1) *Educate a world-class workforce to meet the UK’s future needs.*
- 2) *Conduct leading research to keep the UK at the forefront of innovation.*
- 3) *Transfer knowledge to business to give them competitive advantage against competitors across the world.”⁹*

What approach should be taken to EU migration as part of the Brexit negotiations – for example, points-based systems, or work permits; and geographical variations?

An early priority of the Government with regard to EU migration should be to guarantee the status of existing EU staff in the UK.

As far as possible, the rights of EU staff and their dependants to live and work in the UK, especially for those staff currently in the UK, should be protected. This would allow HEIs to reassure existing staff and to plan better for future staffing. We are concerned that changes to this principle would entail significant costs, risks and disruption to the diverse and internationally focussed workforces currently within UK HEIs.

The rights of staff who have not yet gained “treaty rights” for permanent residence should also be clarified, and ideally guaranteed. Many of these requirements (such as the requirement to hold private health insurance) were not widely known or understood and should not be used to penalise those workers who have been contributing to the UK’s economy for several years. This would significantly assist HEIs with their shorter-term recruitment and retention concerns.

EU/EEA nationals who wish to apply for permanent residence would benefit from an administratively simple way of doing so. Regulation 21 of the Immigration (EEA) Regulations 2016, which comes into force in February 2017, will require applicants for permanent residency to use the Government’s prescribed form (EEA PR). This form runs to 80 pages and is regarded as overly burdensome with applicants often needing the support of their employer to complete it. The form also requires applicants to submit a greater range of

⁷ Universities UK, 2016, Parliamentary Briefing, *The effect of exiting the EU on Higher Education*

⁸ BIS, 2014- [The value of transnational education to the UK](#)

⁹ Anonymous comment from a HEI- from the UCEA response to the 2016 Education Select Committee inquiry into the impact of exiting the European Union.

evidence than is strictly required, for example for applicants to record all past absences from the UK over the last five years and their duration. Consideration could be given to continuing to allow applicants to submit evidence of their eligibility for permanent residence without using the form, as they can now. This would ensure that the bureaucracy of the procedure is not an additional risk to HEIs of losing existing EU/EEA staff who may have worked at an institution for several years.

UCEA recommends that any new immigration system in its application to HE retains freedom of movement as far as possible for existing EEA staff and, at least for a transitional period, costs and administrative burdens should also be kept as low as possible.

In any future immigration system, HEIs also wish to see appropriate reciprocal agreements with other countries on travel and visa requirements that facilitate academic collaboration and circulation. Reciprocal arrangements will also need to be established regarding the recognition of equivalent professional registrations in the future, such as medical or legal registrations or qualifications. If standards in these areas diverge in the future then this would further discourage international collaboration. We wish to see the Government working towards reciprocity in these rules with other nations, and ensuring that standards are kept closely aligned.

What steps should be taken to manage the impact of migration in communities?

HEIs already play an important role in the communities in which they are based, bringing investment, attracting students who will be living and working in the area and often being the largest employer in the local area. Any change to the immigration system which makes UK HEIs less competitive and less attractive may have negative consequences for the local and regional economies to which they contribute.

Is it possible to build greater consensus behind immigration policy? What steps would be needed to do so?

UCEA has worked with a range of bodies in the research sector to develop a set of principles which would ensure the UK remains a competitive destination for international research and collaboration. These principles are listed below:

- Simple and proportionate administrative principles and processes for both individuals and their employers.
- Processes should be supported by clear guidance on eligibility and use of the system, delivering minimal bureaucracy and costs.
- Applications should be processed in a timely and consistent manner.
- To ensure public and employer confidence in the system, there should be reliable and transparent reporting of migrant numbers and characteristics.

UCEA has also worked with other organisations such as the CBI which leads us to believe that wide consensus is achievable with a broad range of stakeholders. Communicating the positive impact that immigration plays in the UK's economic success in the HE sector among many others is an important way of achieving this.

How should trade-offs between immigration policy and economic policy be handled?

The UK's HEIs deliver world-class teaching and research, bringing significant economic and other benefits. This success can be maintained and enhanced by an agile, responsive and effective immigration system. Economic and immigration policy do not need to be in conflict;

rather than there being a need for a “trade-off” between the two policies, perhaps arising from limited public confidence, the aspiration should be one of mutually supporting policies. We already know that the lack of public confidence does not extend to highly skilled migrants, with 88% of the public supporting the same or greater levels of highly skilled migration¹⁰.

The UK’s exit from the European Union presents an opportunity to initiate a wholesale reform of the immigration system to deliver greater public confidence in, awareness of and support for the system. Government can develop policy that enables it to choose to maximise immigration flows that bring the most benefit to the UK and which as such will be supported by the public, and control those areas which it deems not to provide a benefit to the same extent. In tandem, transparent and reliable figures on migration flows would also help to build public confidence.

Reform of the system is a significant, but necessarily wide-ranging project. We are concerned that this important task does not come at the expense of limiting the ability of the UK HE sector to attract talent from around the world and maintain the UK’s reputation as an academic centre of excellence.

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¹⁰ Katwala, S., Rutter J. and Ballinger S. (2016), *What next after Brexit: Immigration and integration in a post referendum Britain*, British Future