

## **Universities UK response to Border and Immigration Agency Visitors Consultation**

### **Universities UK**

This response on behalf of Universities UK, the representative body for universities in the UK, draws on responses to the consultation submitted by our member institutions and discussions held in the Joint Education Taskforce and other associated meetings. Member institutions have also submitted responses directly to the Border and Immigration Agency (BIA). This response is supported by an annex containing information collected from HEIs on their academic visitors.

Universities UK has 132 member institutions across the UK. The President of Universities UK is Professor Richard Trainor, Principal of King's College London, and the Chief Executive is Diana Warwick.

### **UK higher education sector**

UK higher education institutions (HEIs) are international organisations that operate through the international exchange of ideas and research. They have significant and growing numbers of international staff and students and links with higher education institutions around the world, overseas governments and international agencies. International activities are a core element of UK HEIs activities and provide an important contribution to the economic growth and cultural richness of the UK. It is estimated that UK higher education exports earn over £5 billion per year for the UK economy. International students, staff and visitors to the UK's HEIs contribute academically, economically and culturally to wider UK society.

In 2005/06 there were 223,855 international (non-EU) students in UK HEIs. Students from over 150 countries are currently studying in the UK. At the postgraduate level international students make a vital contribution to the UK's research base, as 43 per cent of postgraduate research students in the UK are international students.

In 2005/06 there were 31,477 non-UK academic staff in UK HEIs including significant numbers from outside the EU. Each year UK HEIs also welcome many thousands of international visiting staff to HEIs who provide a valuable contribution to the sector during their time in the UK and also in future years.

Alongside the points-based system for managed migration there also need to be appropriate visitor provisions to enable international visiting staff to come to the UK for appropriate periods. There are no national statistics on the number of international visiting staff who come to the UK's HEIs each year but based on sampling activity among HEIs the overall number could be around 50,000 each year.

To support all these activities UK HEIs require an efficient, customer-focused, transparent and competitively priced immigration system that facilitates the entry of the highly skilled migrants that UK HEIs wish to bring into the UK. We hope that the new points-based immigration system and visitor route will, if implemented appropriately, deliver these requirements.

## Key consultation issues

Academic work is by its nature an international enterprise. Research collaborators are just as likely to be based in Boston or Beijing as in Birmingham or Bristol. The academic visitor route is highly valued by HEIs as it provides a route for colleagues from around the world to spend time at UK HEIs to use UK facilities and interact with UK academic staff. These academic visitors provide a significant contribution to our research base through collaboration, knowledge transfer and exchange during their time in the UK. The opportunities we offer to academic visitors from overseas are often reciprocated and our academic staff are invited to undertake periods of work overseas.

Many Government agendas also support the mobility of academics. Research Councils UK, the collective body that represents the UK's Research Councils, have developed an international strategy that includes a specific focus to 'promote the movement of researchers to and from the UK.'<sup>1</sup> The Foreign and Commonwealth Office's priorities include the objective to 'help ensure the UK remains at the cutting edge of world science, uses science and innovation for sustainable development and to promote UK influence'.<sup>2</sup> The Prime Minister's Initiative on international education focuses on strengthening and increasing the involvement of UK HEIs in international partnerships and by their nature international partnerships require mobility both to and from the UK.<sup>3</sup>

## Length of leave (paragraph 3.11 and 3.12)

It is vital for the UK higher education sector that the academic visitor route is retained and that the maximum period of leave allowed for this group of visitors remains at twelve months. Twelve months is a key timescale for HEIs as international visiting staff are often on year long sabbaticals from their duties at their home HEI. During this sabbatical they wish to come to the UK for an entire academic year to engage with their collaborators, develop the specific work they are in the UK to do and participate in the academic life cycle of the HEI for that year.

Many UK HEIs offer year-long visiting positions to international staff that confer them with a particular status in the HEI and they may be asked to contribute to the UK HEI by the delivery of a lecture series or seminar programme. Although they might hold a title such as 'Visiting Professor' or 'Visiting Fellow' the holders of these posts do not become employees of the HEI. A number of UK HEIs are actively considering expanding these opportunities to further enhance the attractiveness of the UK as a destination for academic visits and thereby secure significant benefits for the UK higher education sector.

Reducing the maximum length of leave from twelve months to six or three months would be inappropriate and deter academic visitors as these shorter periods of time would be insufficient to

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<sup>1</sup> <http://www.rcuk.ac.uk/cmsweb/downloads/rcuk/publications/international.pdf>

<sup>2</sup> <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394293>

<sup>3</sup> <http://www.britishcouncil.org/eumd-pmi-about.htm>

facilitate their work and contribution to the UK HEI. It would be unnecessary and bureaucratic to expect this group of visitors to interrupt their work in the UK to return to their home country to apply for a further period of leave to visit the UK to continue their work.

### **Academic work (paragraph 3.27)**

Academic visitors engage in a variety of activities. They will undertake research work often in collaboration with academics based in the UK. They will use HEI facilities such as laboratories and libraries. They will often present guest lectures, seminars and conference papers during their time in the UK at the HEI at which they are based and at other HEIs around the UK. They may undertake fieldwork in the UK. All these dimensions of academic work should be permitted within the arrangements for the academic visitor route.

Many academic visitors will remain as salaried employees of their home HEI or are self-funded during their time in the UK but it should also be noted that some may receive allowances or grants from a variety of UK bodies. These may include the UK Research Councils, the Learned Societies, the Leverhulme Trust, the Wellcome Trust and others. While most of these allowances will be fairly limited it would be very unfortunate if any UK funding to academic visitors was restricted if it was judged to above the level of 'reasonable expenses' (paragraph 3.6).

Universities UK also supports the inclusion of clinical attachments, dental observers and doctors taking the Professional and Linguistic Assessment Board (PLAB) within the list of permitted activities for business/special visitors to the UK (paragraph 3.27).

### **Academic visitor category (paragraph 3.4 and 3.31)**

It would be helpful if the title 'academic visitor' could be retained within the new visitor arrangements as it is a recognised term that is well-understood in the UK and overseas. It appears sensible to position the category of academic visitor alongside other types of business/special visitors as different to 'tourist visitors' as long this categorisation allows the maximum length of leave to remain at twelve months. It will be vital for the BIA and other relevant organisations overseas to provide clear communications about the visitor route including the business/special visitor category once the new arrangements have been finalised.

### **Flexible travel (paragraph 3.13)**

While many academic visitors will come for a certain period of time in one particular year many academic visitors are frequent travellers to the UK. For this group of frequent travellers it would be helpful if longer-term multiple entry visas were available and also that they have the opportunity to participate in the Registered Traveller scheme.

### **Low risk**

Universities UK recognises the general concerns about maintaining the integrity of the immigration system and reducing risk but it must be highlighted that academic visitors are a very low risk group.

They visit the UK while still employed by their home HEI and would lose their job if they did not return. Universities UK undertook a survey among member institutions to gather information on academic visitors and the information received indicated that all the academic visitors received by the responding institutions had returned to their home country with the exception of one person who had been offered a permanent post in the UK and another who had travelled to the US to undertake further research. It is clear that the academic visitor route is not a route being used as a way to gain employment in the UK.

### **Academic visitors and sponsored researchers**

Currently, there are two main routes through which international visiting staff can come to the UK - academic visitors and sponsored researchers. Academic visitors can come to the UK for up to twelve months whereas sponsored researchers can come for longer periods as the sponsored researcher route is linked to the work permit route. Undoubtedly there is some overlap between the two categories at the moment, as indeed the sponsored researchers category was created several years ago due to the need for a longer maximum length of leave than the twelve months allowed under the academic visitor concession. The key fact remains that neither academic visitors nor sponsored researchers are employees of the UK HEI where they are based.

There are probably some broad generalisations that can be made about the type of people who may come to the UK as academic visitors and the type of people who may come to the UK as sponsored researchers.

Academic visitors are likely to be senior academics with salaried posts in their home country at an HEI. They often come to the UK for an entire academic year as they are entitled to year long sabbaticals from their own HEI after a certain period of employment. Their home HEI will continue to pay their salary during their sabbatical. Their sabbatical year may involve research collaboration with UK partners, contributing to teaching and learning through lectures or seminars and further networking in the UK and probably the rest of Europe.

Sponsored researchers are more junior academic staff seeking to develop their research interests through a period of two years or more in the UK. They may be funded in part by their home HEI and combine this with grants or savings. Their time in the UK will have specific objectives to enable them to develop their research careers.

It is important for the continued success and competitiveness of the UK higher education sector that both these types of people can continue to come to UK HEIs for appropriate periods to develop and strengthen relationships between our HEIs and HEIs around the world.

### **Potential overlap between visitor route and Tier 5 of points-based system**

A major concern for HEIs is that there is potential overlap between the visitor route and the type of people likely to come into the UK through Tier 5 of the new points-based immigration system. As those who currently enter as academic visitors and sponsored researchers are not employees they may

need to use the Tier 5 'exchange' sub-category to enter the UK, Tier 5 is designed to allow 'temporary workers' to come to the UK. This group will be unable to enter through Tier 2 as they are not filling specific jobs.

The available information about Tier 5 is limited which makes a full response to the visitor consultation difficult. Considering the information available on the draft proposals for Tier 5 Universities UK is concerned about the proposals that sponsorship in Tier 5 for the 'exchange' sub-category could not be undertaken by an individual organisation but would need to be provided by a third party organisation. Academic mobility is generally not part of any formal 'scheme' but individual academics or departments invite international collaborators to the UK to exchange ideas and discuss research.

HEIs will already be on the sponsor register as employers of international staff and recruiters of international students so it appears very strange, and against the principles underpinning the points-based system, that HEIs cannot be sponsors for the Tier 5 'exchange' sub-category. It is also strange that employers will be able to act as sponsors for the other sub-categories of Tier 5 such as sporting, voluntary, religious and international agreements. It will be less secure and more risky for a third party organisation to act as the sponsor as they will not be based where the migrants are based so monitoring and record-keeping will be difficult for them and could lead to unnecessary duplication of activity as HEIs and the third party organisation trade information backwards and forwards.

HEIs are very willing to act as the sponsors for migrants coming in through Tier 5 and to meet the compliance requirements. HEIs are already heavily regulated by Government and this existing regulation could be used as a mechanism for handling Tier 5 mobility to HEIs differently to mobility to other organisations wishing to bring in migrants through Tier 5.

All those coming into HEIs under Tier 5 would have a specific purpose for coming to the UK including specific objectives around sharing their knowledge with UK partners, research using UK facilities, work on joint research projects and related activities. This information could be provided as part of their application to enter the UK and would be supported by the UK HEI. There can be very immediate benefits from visiting international academic staff as a new technique or approach is brought to the UK leading to improvements in our research and understanding as well as considerable longer-term benefits.

There are no existing national organisations that would be equipped to act as the third party organisation for academic mobility under Tier 5. There are no national statistics on visiting international academic staff coming to the UK but each year there could be around 50,000 people coming to the UK as academic visitors and sponsored researchers. It would be interference in institutional autonomy as well as needless bureaucracy to create a national organisation to oversee this form of mobility.

Concern also remains about the idea of mobility in the Tier 5 exchange sub-category linked to Government objectives. All research may ultimately contribute to Government interests in some way but much research is pure and its implications may not be visible for ten, twenty or fifty years, long after any objectives devised by today's Government have ceased to be meaningful. Placing restrictions on 'appropriate' research through alignment with Government objectives is very

concerning as it undermines institutional autonomy and academic freedom. It is also unclear how this provision would work across Whitehall department objectives and the objectives of the administrations in Scotland, Wales and Northern Ireland.

It would be very helpful if the Home Office would agree to re-consider the need for third party sponsors for people coming to HEIs under the Tier 5 'exchange' sub-category. HEIs are already extensively audited and accountable to Government so this existing regulation could be used as a justification for allowing HEIs to sponsor Tier 5 'exchange' migrants.

It would be helpful if the Government objective idea could be limited to an overarching UK Government objective, perhaps from the Treasury, to indicate that international academic mobility is a valuable activity and should be encouraged. Anything more detailed than that would be very problematic.

The key principles for international academic mobility, whatever final form the visitor and points-based immigration systems take, are that the systems are flexible and can allow mobility to the UK for appropriate periods of time by these highly-skilled people. The processes involved must be proportionate to the very low risk this group pose and not undermine academic freedom.

## **Students and the visitor consultation**

### **Short-term student visitors (paragraphs 4.1 – 4.3)**

The creation of the short-term student visitor category has been welcomed by HEIs as it has allowed students on short-term programmes or on short-term visits to come to the UK. However, it must be highlighted that there has been some confusion overseas about the difference between short-term student visitors coming for less than six months and visiting students who come for longer periods. Visiting students are undertaking a degree programme overseas but may wish to come to the UK as part of an exchange year as an undergraduate or to undertake specific research as a postgraduate.

There are also a number of programmes that require students to come to the UK for short periods every year for a number of years. It would be helpful if a multiple entry short-term student visitor visa could be available for this group of people.

### **Sponsored family visitors (paragraphs 5.1 – 5.25)**

The consultation includes proposals relating to family visitors to the UK. This has implications for HEIs as many international employees and students will wish to be visited during their time in the UK by members of their families. In particular the families of students often wish to visit to attend graduation ceremonies to celebrate the achievements of their relatives in gaining a degree in the UK.

The consultation seeks views on which relatives could be counted as 'family visitors' and also whether sponsors should only be people with a certain immigration status. From the perspective of UK HEIs it is important that people with limited leave to remain in the UK including those with student leave are able to 'sponsor' their relatives to come to the UK.

The consultation asks how the immigration authorities could seek appropriate assurances from sponsors about the intentions of their family visitors and to ensure compliance with the leave granted to their family visitors. From the perspective of UK HEIs there are concerns about the scope of assurances that students might be required to provide to enable their relatives to visit them in the UK. In particular, the provision of financial securities could be impossible for students who are often limited to small budgets. Students already provide various types of supporting documentation if their relatives wish to visit. It could be a further burden on students if additional documentation perhaps with official translations was required to support applications through the visitor route.

In some cultures it would be inappropriate for some international students and employees to be defined as the 'sponsors' of relatives, in particular senior family members such as parents.

It would be very unfortunate and short sighted if students were unable to receive visits from their relatives during their time in the UK. Receiving visits from family is essential for those who are spending several years away from their home country and it would have a negative impact on the UK experience of students if they were unable to see their families.

It would also be unfortunate if family visitors could not enter as family visitors due to the restrictions around that route and instead felt obliged to enter as tourist visitors and not disclose one of the key reasons for their visit to the UK. As well as being important to the students and their families it must also be recognised that these visitors often spend significant amounts of money in the UK as they often combine visiting family with tourist activities. These dual-purpose visits must be recognised within the guidance provided to those seeking to come to the UK as visitors.