

### **A consultation on a new charging regime for immigration and nationality fees**

1. Universities UK welcomes the opportunity to respond to the consultation on a new charging regime for immigration and nationality fees.
2. 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. Universities UK has 129 members from across the UK. The President of Universities UK is Professor Drummond Bone, Vice-Chancellor of the University of Liverpool, and the Chief Executive is Diana Warwick.
3. Universities UK has taken an active role in discussions on immigration issues over the last two years including participation in the Joint Education Taskforce and associated work streams.
4. These issues are important to HEIs as major recruiters of international students, as major employers of international staff and hosts for many thousands of international academic visitors and researchers. Competition for international students and staff is increasingly fierce as many countries recognise the contribution of international students and staff to higher education and are seeking to attract these highly talented people to their countries.
5. There is a critical need to ensure there is a holistic approach to immigration that links policies across all areas of Government – immigration, education, science and innovation, trade and industry and diplomacy - and recognises the vital contribution that migrants, whether students, staff or temporary visitors make to the UK higher education system and wider UK society.

### **UK HEIs**

6. UK higher education institutions (HEIs) are international organisations. 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 at least £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.
7. In 2004/05 there were 218,395 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.
8. HEIs are major employers of international staff and also welcome many thousands of academic colleagues from around the world to the UK on a temporary basis each year. Around 18 per cent of academic staff in UK HEIs are non-UK nationals with significant numbers from non-EU countries such as Russia, China and India.

## Key points

9. 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.
10. Many of the principles outlined for the proposed points-based immigration system are very positive and welcomed by HEIs. The move towards a more objective and transparent decision-making process, visas linked to study or employment at a specific HEI, improved immigration service management information and greater information exchange between HEIs and the immigration service should provide significant improvements in the operation of the immigration system. It is important that the charging regime for the new immigration system is reviewed and consulted upon as the current charging system contains a number of elements that are excessive and/or illogical.
11. However, many of the propositions outlined in the consultation are too vague or too general to enable HEIs to comment on them effectively. HEIs will need to be consulted on more detailed information on charging before the new charging system is implemented. It is very difficult to answer specific questions on pricing options until much clearer information has been made available as to what actual costs will be incurred due to the cost of the new points-based immigration system and its associated programmes such as identity management and biometrics. Once information on the costs of the new system is available then a more informed consultation can take place around how these costs may be shared between taxpayers, 'sponsors' and migrants. Currently, HEIs have been given no indication as to the level of charges that might eventually be incurred, either by the migrant, in whatever tier – student, employee or temporary visitor - or by the 'sponsor'.
12. There has been no prior consultation with HEIs on the proposals around visa fees being linked to costs for the 'sponsor' register or the suggestion that there would be a fee for the certificates of 'sponsorship'. The proposal that there will be a fee for the 'sponsor' register and also per certificate of 'sponsorship' issued is very concerning. In effect the Home Office is proposing a tax on HEIs in order to have the privilege of issuing their own confirmations/acceptances/employment contracts to applicants. As HEIs already issue these documents to migrants it is unclear and unjustifiable as to why there should be a charge made per certificate of 'sponsorship'.
13. HEIs are keen to ensure there is clarity around the timescales for implementing the new system. If the system is introduced as currently scheduled, with Tier 1 by April 2008 followed by other Tiers and finally Tier 4 by April 2009, HEIs will need to have the information on the requirements for operating the new system in time to enable necessary changes to institutional systems. With regard to Tier 4 and international students the information on requirements for students and their HEIs will be required by the end of 2007 to ensure prospectuses and other information resources for student entry in 2009/10 can be finalised.

14. The international activities of UK HEIs, with all their benefits, could be severely jeopardised by the implementation of a crude, shortsighted charging system that did not recognise the contribution of the highly skilled migrants that UK HEIs wish to bring into the UK. Undoubtedly there are significant costs associated with the new system but in seeking to balance costs between the taxpayer, 'sponsors' and migrants the charging system must recognise the different circumstances of different groups of migrants and the contributions that they make to the UK. The new system should also enable considerable efficiency gains to be made by the Home Office and UK Visas if more robust and objective decision-making criteria and streamlined processes are in operation.
15. The tone of the consultation is unfortunate, as it appears to suggest that 'sponsors' contributing to the operation of the immigration service is a new approach. It must be recognised by the Home Office that HEIs already make a considerable contribution by the provision of immigration services to students and staff that save the Home Office considerable resources each year. In particular, the operation of the Student Batch Scheme by many HEIs relieves the Home Office of much work and cost in checking further leave to remain applications.
16. In conclusion, until there is much clearer information on the parameters for the new charges and the processes involved many institutions are unable to comment fully on the proposals. The new system is only viable and acceptable to 'sponsors' and migrants if costs are reasonable. HEIs seek further consultation and discussion with the Home Office on the detail of the charging system for the new immigration service. HEIs also urge the Home Office to recognise the significant contribution to the UK made by the highly skilled migrants whom HEIs attract and to reflect this in the charging approach. HEIs remain concerned about the impact of the charging system and the wider immigration system on the regulatory burden faced by HEIs and will be seeking to raise these issues with the Higher Education Regulation Review Group (HERRG) that reports to the Secretary of State for Education and Skills.

## Consultation questions

### **Question 1 – Do you think that we should set prices flexibly to take into account wider policy objectives such as attracting international students and people on business?**

The majority of HEIs indicated that prices should be set flexibly to take into account wider policy objectives for the UK. Currently, HEIs and Government are investing considerable resources in trying to attract international students to the UK (e.g. Prime Minister's Initiative) and to encourage them to stay in the UK after graduation to contribute to the economy and reverse population decline (e.g. Fresh Talent Initiative and Science and Engineering Graduates Scheme). HEIs are also competing to attract international staff and international academic visitors and researchers to the UK.

With regard to international students HEIs emphasised the fact that students come to the UK to study. Their primary objective is the award of a higher education qualification that will contribute to their personal and professional development and provide them with long-term benefits. The majority of international students in UK HEIs are privately funded students drawing on savings made by themselves or their families that are being invested in their future. International students do not come to the UK with the primary objective of short-term economic gain and the majority have limited resources. In addition, student status does not lead to settlement status unlike some other entry routes to the UK.

International students make a significant academic, cultural and financial contribution to UK HEIs and wider UK society by their decision to come to study in the UK. International students become graduates who provide a long-term network that the UK can draw on for academic, diplomatic, business and cultural relations. The UK is a highly attractive destination for international students but the UK operates in a highly volatile, aggressive and price sensitive market with an increasing number of competitors for international students. Anything that will impact negatively on this activity will have serious financial implications for the UK economy as a whole.

Immigration charges, and the ease of the visa process, are factors that are considered by international students when deciding on their study destination. Students in higher education are a low risk in terms of compliance, this was clearly demonstrated by the Joint Notifications Project, and the charges for legitimate migrants should not be priced to cover elements of the system on which they are not a significant drain but are required for those seeking to abuse the immigration system such as compliance, appeals, enforcement and removals. The elements required to combat fraud and abuse should be paid for by UK taxpayers as it is entirely appropriate that UK citizens contribute to the maintenance of robust immigration control as UK citizens and the UK economy derives considerable benefits from migration. For students the elements to consider are a combination of recovering the reasonable costs of application administration and a competitive pricing outlook.

It must be emphasised that HEIs are already absorbing a number of immigration costs through the provision of specialist immigration advice to their international students, staff and academic visitors and the operation of the Student Batch Scheme that removes considerable work and cost from the Home Office.

Any changes to pricing should also take into account the fact that UK initial visa fees and extension fees have been increased significantly in recent years and that additional increases will further compromise the UK's attractiveness to international students. During the last couple of years the sizeable increases in visa charges have left international students feeling less welcome in the UK, exploited financially and suspicious of the formulae used for calculating immigration charges. Further price changes should be treated with appropriate sensitivity.

The consultation on charging carried out in Autumn 2004 indicated that the UK would be putting itself at the upper end of the charging range in comparison with the UK's chief competitors by introducing the proposed charges. We presume this is still the case and any further substantial increase would presumably place the UK firmly at the top of the range. In three years, the UK has gone from a situation where there was no fee for extending leave to remain to one where £250 or £500 for an in-person application is payable and where a further rise is being proposed for April 2007. Against the background of Phase 2 of the PMI to encourage more international students to study here and the USA's recent relaxing of visa application procedures, any increases in immigration charges will be unwelcome and ill timed.

It would therefore seem appropriate that immigration charges should reflect these factors. Charges for international students should be set at a lower rate to cover only cost recovery for administering the application service to students. Immigration charges for students should not cover wider immigration costs such as compliance, appeals, enforcement and removals that should either be covered by the UK taxpayer or other categories of migrants. Moderate prices will also act to encourage efficiency gains in UK Visas and IND.

HEIs are major employers of international staff and also receive many thousands of academic colleagues from around the world every year, enhancing the quality and reputation of the UK higher education sector. Visiting scholars and academics play an important role in the academic community. Their contribution is essential to the UK's research strength and competitiveness. In this area too there is significant competition from other countries. Academic budgets tend to be tight so, as with students, high visa prices could act as a disincentive. Too many different charges may cause confusion for migrants and 'sponsors' including HEIs as major employers and hosts of international staff.

In conclusion, it is extremely difficult to respond to this consultation without any indicative figures as to the fee levels proposed.

**Question 2 – Should prices reflect a range of factors, or only those that are of value to the migrant?**

The view of UK HEIs is that a range of factors should be taken into account when the prices of immigration services under the new system are developed. Pricing policy should take into account factors of value to the migrant, the UK and the receiving institutions/organisations. If broader issues are not considered when setting fees it will undermine and contradict the UK's competitiveness in higher education and other initiatives such as the Prime Minister's Initiative that aim to support our international activities.

With regard to HEIs it is important that those factors that are relevant to the UK remaining an attractive destination for the highly skilled migrants that HEIs wish to attract to the UK are considered.

The UK is part of a competitive global economy and the migrants attracted to the UK by HEIs contribute significantly to UK GDP. The benefits that these migrants bring to UK higher education and to wider UK society – economic, cultural, diplomatic and academic benefits – have been clearly demonstrated and acknowledged at the highest levels by the Prime Minister and Chancellor. In addition, the IND's new strategic objectives include one focused on 'Boosting Britain's economy', which clearly fits with the migrants HEIs wish to attract to the UK.

International students contribute academically, financially and culturally to UK HEIs and wider UK society. The Governments of many other countries have recognised the benefits of attracting international students as can be seen from the significant investment in national marketing initiatives. The UK is competing with many other countries to attract students and we need to ensure our immigration policies and systems facilitate entry to the UK by genuine students and do not act as a deterrent, either on the grounds of costs or the limited range of entitlements that may be linked to visas. HEIs have dedicated significant resources to promoting the UK as a study destination, against fierce competition from other countries. If the Government and HEIs are to work together effectively to achieve the Government's ambitious recruitment targets, it is important that the UK immigration service does all it can to facilitate the smooth arrival of genuine students and their families to the UK and is sensitive to the detrimental effect that high prices and cumbersome immigration procedures can have on the UK's reputation amongst prospective students and their sponsors.

The vast majority of students are self-supporting or supported by family and friends. International students are faced with a broad range of options for their study destination and they make decisions as to where to study based on a package of elements and benefits including value for money. The ability to gain entry through a simple and transparent system is important in this mix. Equally influential in the prospective student perception of value is the ability to work part time during study and future entitlements to work in the UK after graduation. The new immigration system should attempt to provide a strong UK proposition that stands competitively against other country systems and can be perceived as delivering value for money by its customers.

The price and ease of obtaining visa should not deter. Cost comparison across several countries on a number of factors is very easy for well-informed students through web sites and educational agents and consultants. HEIs have developed, and are constantly reviewing, a range of incentive schemes such as bursaries and scholarships to attract and retain students. This work can easily be undone by a further steep rise in visa charges and the UK does not have good recent record on visa charges.

Immigration services for students should only cover administrative costs of processing applications and not pay for wider elements of the immigration service such as appeals, enforcement or removals that are not brought to bear on students in higher education. It would be deeply unfortunate if the Home Office sought to move beyond administrative cost recovery and seek to raise revenue from students.

The points-based immigration system aims to move the immigration system towards a more objective and transparent decision-making process with applicants required to demonstrate eligibility, 'sponsors' taking on more responsibility for migrants and greater use of technology. In these circumstances prices should be lower to reflect the fact that costs will be lower as caseworkers will be required to carry out assessment more efficiently than they do currently.

Within the current system there is excellent work undertaken by the Student Batch Scheme but there are some immediate steps that the IND could take to improve the operation of the system e.g.:

- clearer wording of entry clearance and residence permit vignettes to clarify the holder's immigration status and their rights and restrictions regarding taking employment;
- clarify their legal status while their application for further leave is pending.

The current lack of clarity causes confusion for banks and employers and results in bank accounts being closed prematurely and employment being curtailed. The higher the visa fee, the more students and their advisers will resent having to face these difficulties.

In conclusion, as Tier 4 is not to be introduced until spring 2009, any change in pricing for students from April 2007 is unreasonable, as these students will not gain from the proposed benefits of the new system and as such should not bear any additional costs.

**Question 3 – Do you think that applications for citizenship should be priced according to value or the costs of processing the application?**

This question is probably not directly relevant to HEIs and the overwhelming number of HEIs expressed no views in response to this question.

**Question 4 – With which of the following statements do you agree:**

- a) Fees should be set to help the UK as a competitive destination
  - b) Fees should be set according to the same principles, but might vary between the UK and overseas
  - c) Fees for the same service should be the same in the UK and overseas
- (You may choose more than one option)**

The view of many HEIs is that fees should be set to assist the UK to be a competitive destination for migrants. Many HEIs also considered that fees for immigration services in the UK and overseas should be set according to the same principles but might vary between the UK and overseas. A smaller number of HEIs considered that fees for the same service should be the same in the UK and overseas.

It is difficult to comment upon and assess the impact of a revision of in-country or overseas visa application charges without knowing the level of fee proposed. HEIs understand that the fee model is to be set in February 2007 and HEIs would welcome the opportunity to comment on the likely impact once this fee model is available. Information on the proposed costs of immigration services compared

to the immigration services provided by competitor countries should also be made available at this time.

HEIs are opposed to any significant increases in the initial visa fee but urge the Home Office to review and reduce the fee for further leave to remain applications as this is currently out of balance with the initial visa fee. Immigration charges for students should not be used to cross-subsidise costs of other immigration services to non-students bearing in mind that students offer very significant financial and other benefits to the UK, not just to the individual HEI they attend.

In the area of international student recruitment students have many choices for their study destinations so visas need to be competitive in price, efficient in process and in the package of benefits they offer. It is essential that UK HEIs remain attractive in a competitive world market and the cost of initial applications overseas is part of this competition. As such, it may be appropriate to keep initial applications lower than in country applications in order to influence first time students towards choosing the UK as their destination. It must be noted that more applicants require initial visas than require visa extensions.

It is also important to note that the perception and image of the UK is damaged when processes are perceived as difficult or costly. The recent increased visa renewal costs have had a significant impact on perceptions of the UK among students already studying here and are likely to have influenced prospective students. Sponsors, in the higher education sector understanding and use of the term, such as embassies and overseas government ministries have also expressed concern about the perceived high costs of simple visa extensions.

In some countries, the rate of student visa refusal is very high. It could be argued that a higher visa application fee will provide a disincentive to 'bogus' students but in reality higher visas will not deter fraudulent applicants, who will apply anyway if they are determined to gain entry to the UK. However, it will inevitably cause many genuine applicants to consider studying in our competitor countries.

There is a clear difference between the work carried out by entry clearance officers when a visa is issued overseas and when IND in the UK issues an extension. Currently, the difference in price between £85 overseas and £250 (£500 for an in-person application) in the UK is difficult to comprehend when most of the risk assessment and judgement is carried out at the initial application stage overseas. As well as the difference in fee the service levels and processing techniques vary considerably between posts overseas and the UK. Within the UK service varies between the excellent Student Batch Scheme and other parts of IND that do not provide such a good service.

When the initial fee was introduced in the UK for visa extensions in 2003, and subsequently increased in 2005, it was argued that this was to cover generic enforcement and compliance costs for all migrants. However, students are not a high-risk category once in the UK and the vast majority of visa extension applications by students are genuine and straightforward with many HEIs reporting 100 per cent success rates on extension applications submitted through the Batch Scheme. Student extensions represent a very low risk and this should be reflected in the fees with compliance, appeals, enforcement and removal elements removed accordingly.

Many HEIs use the Student Batch Scheme that involves HEIs staff checking applications before they are sent to the IND. This requires a significant amount of time throughout the year by dedicated staff in HEIs who carefully check and prepare students' visa extension applications to be sent through the Student Batch Scheme. This enables the Home Office caseworker to grant the extension in a matter of minutes and information received from caseworkers indicates that Student Batch Scheme applications require on average only twenty to thirty minutes processing time at IND due to the checking undertaken by HEIs before the applications are sent to the Home Office. This has greatly reduced the time spent by the IND in processing student visa extensions and it would therefore seem fair that students should be charged a substantially reduced rate. A large element of the success of the Student Batch Scheme is the amount of time and resources put in by education institutions and this role should be taken into account when setting fees for 'sponsors'.

It is very difficult to explain to students why the cost to extend their visa in the UK is three times higher than the cost to apply for the initial visa in their home country, when Entry Clearance Officers should be making more in-depth risk assessments before granting an initial visa. The current charges for extensions demand considerable sums from an essentially captive group who have no choice and this has provoked considerable resentment within the international student population.

International staff in HEIs require work permits and also leave to remain. HEIs pay for the work permit and it is the responsibility of the individual to pay for leave to remain. This also applies to extensions of work permits and further leave to remain (FLR). The introduction of the FLR charges had a significant impact on individuals and continues to do so, especially if an individual applies in person. The FLR process is a protracted process that has led to more administration for HEIs and increasingly is delaying the confirmation of individuals in post due to the length of time taken to receive approval. It is difficult to see how either HEIs or individuals benefit from increases in price, as the provision of the service has not been streamlined. In respect of work permit extensions and linked FLR it would be more appropriate for the fees to be much lower than the initial application fees. With the difference between overseas and in-country charges for workers it is often considered cheaper and quicker for a potential employee already based in the UK to return home to make their visa application. As employers, HEIs find that this process is inconvenient and impacts on the employee's ability to commence employment in a timely manner.

Fees could be lower at posts overseas on the basis that, particularly in less economically developed countries, when they are converted into local currency they are hugely expensive for many potential applicants. Official sponsors, again in the higher education sector understanding and use of the term, are operating on a fixed budget and are trying to spread their resources across as many sponsored students as possible. They will consider carefully the visa fees being charged by different countries and may well look elsewhere if fees rise further. The UK needs to consider the impact of higher fees for immigration services on those migrants seeking to enter the UK on limited resources such as scholarships or from developing countries.

**Question 5 – Should employers and educational institutions be able to include payment of visa fees within sponsorship and certificate fees for international employees and students?**

The overwhelming majority of HEIs consider that it would not be appropriate for HEIs to include visa fees within other proposed fees for international students. The responsibility for the payment of visa fees should rest with the individual involved and forms part of the transaction between the individual and the immigration service and not the HEI and the individual. It is important that this direct link between the applicant and immigration service is maintained to provide accountability for applicants and encourage the delivery of a high quality service by the immigration service. It also represents an indication of the student's commitment and good faith. For international staff and temporary visitors different arrangements may be considered by HEIs as currently the work permit is paid for by the employer but without further detail on the arrangements and costs for the other tiers it is difficult to provide a response.

It remains unclear what is meant by 'sponsorship', (for HEIs the Home Office use of the term 'sponsorship' is deeply misleading and is likely to be confusing to prospective applicants), and what is meant by 'certificate fees'. There is also limited information on what the responsibilities of 'sponsorship' will entail and how the process of issuing 'certificates of sponsorship' will operate. HEIs do not know the scale of likely future costs and charges and therefore cannot assess the financial implications of this option.

There has been no prior consultation with HEIs on the proposals around visa fees being linked to costs for the 'sponsor' register or the suggestion that there would be a fee for the certificates of 'sponsorship'. The proposal that there will be a fee for inclusion on the 'sponsor' register and perhaps also per certificate of 'sponsorship' is very concerning. In effect the Home Office is proposing a tax on HEIs in order to have the privilege to issue their own confirmations/acceptances/employment contracts to international applicants. As HEIs already routinely issue these documents to migrants it is unclear why there should be a charge made per certificate of 'sponsorship'.

It is recognised that there needs to be some process in place to prevent bogus organisations joining the new register of education and training providers but it is unfair to place additional costs on genuine education providers who are already subject to extensive quality assurance and other regulatory requirements.

'Sponsors' should not be made to pay twice for the new system so there should not be a fee for registering as a 'sponsor' as well as a fee per certificate. As HEIs bring in significant numbers of international students, employees and visiting staff to the UK each year there is significant concern about the fees that HEIs could face if the proposals on charging for 'sponsor' registration and 'certificates of sponsorship' are implemented. HEIs are organisations established to provide education and research services and are partially publicly funded. They are not for-profit organisations. If they are charged significant fees by the Home Office this will have a detrimental impact not just on international activities but on all activities undertaken by HEIs. It would be rather perverse for the policies pursued by one part of Government to damage a highly successful UK sector and undermine policies advocated and funding provided by other parts of Government.

HEIs have no wish to cover the costs of international student visa applications for a number of reasons. The immigration service is provided by Government and is a service over which HEIs have no control as to the standards of service, the costs of that service or the policy decisions on charging levels. HEIs are responsible for the education services provided to international students but cannot be responsible for the immigration service they experience whose operation and cost is determined and incurred by Government. The operation and costs of the immigration service must be transparent and not hidden through seeking to charge 'sponsors' for activities that should be properly the responsibility of the UK Government. If visa fees are included within other fees then transparency will be lost.

It is vital for students and employees to recognise HEIs as being independent and autonomous institutions separate from Government and in particular the UK immigration service. It would seem to migrants that the HEI has much more involvement in the visa process than is the reality if they perceive that HEIs are taking their visa fees. It is essential that HE institutions maintain a separate relationship with international students to the relationship between students and the Home Office and UK Visas. To merge these functions could result in students receiving confusing messages about which services they are 'buying' and from whom. Seeking to put the responsibility for students coming into the UK directly onto the 'sponsors' and therefore taking away much of the decision-making role of entry clearance officers but then charging HEIs for this responsibility is totally unjustified.

If immigration costs and academic fees become blurred a lack of accountability will follow which would be counter to current government efforts to ensure transparency, responsiveness and quality. HEIs are also concerned that if fees were absorbed by HEIs and became less visible there would be little incentive for IND and UK Visas to increase efficiency gains and control costs.

HEIs are able to verify a student's academic ability and potential, and an employee's skills and potential, but it is impossible to verify their finances and therefore it would be inappropriate for HEIs to pay a fee for them to make an application that HEIs cannot completely corroborate. HEIs do not have access to the level of specialist and country specific expertise of immigration staff and are not in a position to undertake the level of checks currently carried out by immigration staff when assessing evidence of financial support. Nor do HEIs have the local knowledge required to assist in identifying fraudulent documents that may be specific to a particular region or city. The primary responsibility for this work must continue to be carried out by the immigration service and particularly in-country offices.

In addition, international student recruitment is a volatile market with high refusal rates in a number of countries that would result in many practical difficulties around payments/refusals/refunds/no-shows that would place significant administrative burdens on HEIs and divert resources from other higher education activities.

HEIs already contribute significant resources to immigration services and reduce the costs of IND through the provision of specialist immigration advice and operation of the Student Batch Scheme and should not have to incur additional costs. Rather, government policy in this area should take into account the needs of key stakeholders including HEIs and the highly skilled migrants they attract to the UK.

It is also worrying that, in addition to pushing costs onto institutions, there will also be a significant increase in the amount of administration institutions are expected to do with regard to applications under the new points based system. As stated earlier, evidence indicates that international students contribute significantly to the UK economy as a whole. It is therefore unnecessary to look to reclaim costs beyond administration of the application process from both students and institutions while at the same time increasing the burden of responsibility and work on them.

**Question 6 – What help would sponsors need to ensure that they are acting legally in bringing in particular migrants?**

This is a misleading and loosely worded question that does not make sense. If HEIs accept an applicant or offer a job after following their normal processes and making appropriate checks within their remit as to academic qualifications or previous experience then it is the role of the Home Office and UK Visas to determine whether the applicant is genuine or not on the basis of the evidence they present to support their application and the HEI should not be judged as to whether it has acted illegally or not.

The primary responsibility for the admission of genuine migrants and the prevention of the admission of non-genuine migrants lies with the Home Office and UK Visas and must remain with the Home Office and UK Visas under the new immigration system. HEIs do not have access to the level of specialist and country specific expertise of immigration staff and are not in a position to undertake the level of checks currently carried out by immigration staff when assessing evidence of financial support. Nor do HEIs have the local knowledge required to assist in identifying fraudulent application documents that may be specific to a particular region or city. The primary responsibility for this work must continue to be carried out by the immigration service and particularly in-country offices.

In addition to the recognition of the role in the visa process that must be played by the Home Office and UK Visas HEIs would welcome more feedback on trends in visa applications, problems and refusals including information on fraudulent activities to provide HEIs with a better understanding of risks in particular countries or at specific posts. Currently, HEIs receive very little feedback or guidance from posts that might assist them to filter out fraudulent applications. There are currently no clear channels for communication between HEIs and posts.

Under the current system, HEIs receive requests from missions overseas or from IND for information on specific students but they are not told why this information is being sought, how it will be used to ensure that migrants are acting legally and receive no feedback on any information they provide. Further, the requests are often made to a range of different staff instead of the most appropriate and responsible person. If HEIs are to take on more responsibility in the future as ‘sponsors’ of migrants, HEIs would value the establishment of a central mechanism for information gathering and dissemination including feedback on problems or concerns uncovered by immigration officials. HEIs would welcome more opportunities for regular feedback, experience sharing and guidance – perhaps through a higher education user panel. HEIs hope that the Home Office and UK Visas will treat HEIs as partners in the immigration process and be prepared to share sensitive information under a protocol agreed within the boundaries of the Data Protection Act and taking into account any matters of national security.

HEIs would welcome the provision of management information on visa applicants and the status of their applications through the visa process. The Joint Notifications Project that ran last year indicated a clear and rather urgent need for improvements in data collection and management by the Home Office and UK Visas. A more responsive attitude from posts overseas to queries from HEIs and a much more consistent level of service and response by posts would be helpful.

HEIs would welcome clearer guidance to applicants on the application process by the Home Office and UK Visas supported by appropriate training for entry clearance officers and immigration caseworkers on the UK higher education system.

HEIs would welcome clearer immigration documentation as the current documentation is often unclear and lacks consistency. The new system should provide migrants and their institutions/employers/other relevant agencies with clear information on their conditions of leave in the UK and their entitlements in the UK.

HEIs will need to understand more clearly the factors that will contribute to the points system, the precise meaning of 'sponsorship' and the responsibilities of the 'sponsor' and the criteria to be taken into account before issuing a certificate of 'sponsorship'. HEIs will also need to understand the institutional liabilities in relation to any migrants who default. There will also need to be recognition of the confidentiality of student and staff data and the framework within which higher education staff work and how this relates to requests for information with regard to migrants.

HEIs are concerned that large areas of detail about the new system are still to be determined such as the specifics of the points criteria, their weightings for prospective students, the process of becoming a sponsor and the costs of the new system. HEIs do not yet know whether they will need to carry out any additional checks over and above those included in usual admissions procedures.

The majority of international students are admitted on the basis of academic transcripts and references which HEIs check as far as possible using systems such as the IELTS verification web site and the experience of admissions staff in assessing whether documents are genuine. International students may also apply to UK HEIs as part of partnerships between UK HEIs and overseas HEIs. HEIs are only able to confirm that an individual has provided appropriate documentation to demonstrate that they meet the academic and language requirements for joining a programme.

For HEIs as employers there is a need for fewer and clearer stamps in passports and accessible help lines where the employer is able to discuss particular individuals and the advice received is consistent and correct. Currently the provision of advice differs between offices and individuals at Home Office and Work Permits UK. While the web site is more accessible it needs to be kept up-to-date. A prospective employer needs to be able to check an individual and be given specific answers to questions. A dedicated help line for HEIs as employers and hosts of international academic visitors/researchers would be helpful.

### **Question 7 – How might any impact on small and medium-sized business be minimised?**

The financial and resource implications of the new system could have a very significant impact upon HEIs as they recruit a large number of international students, international staff and welcome many temporary international academic visitors and researchers each year. Although HEIs are not SMEs, they are charitable, not for-profit organisations partially funded by the public with limited resources.

HEIs are concerned about the additional resource demands that the new processes will place on HEIs through general administrative requirements and the burden on specialist advisers as well as the direct financial implications of any charges for 'sponsors'. Any changes to the system, including the introduction of new charges, must be phased in gradually to allow HEIs to meet the administrative needs of the end-to-end process and should be accompanied by appropriate training opportunities.

In relation to international students there is a particular need for the Home Office to work with SMEs to encourage the employment of international graduates. The opportunity to stay in the UK for a period of employment after graduation is attractive for many international students as they consider that being able to combine their theoretical knowledge with practical experience will make them more attractive in the global workplace and this is used as a key marketing tool in certain countries. We need to ensure that SMEs are not deterred from employing international graduates through fear of bureaucracy, extra costs or contravening complex legislation. This mobility must be facilitated by clear and coherent routes from study into work in the new system for international students that are supported by good communications that ensure employers are able to understand these routes and the requirements employers will need to follow to recruit international graduates. A vital step forward would be to make the wording on conditions of stay on visa vignettes more comprehensible.

Currently, many SMEs are not keen to employ international students or graduates due to the threat of criminal prosecution if they get the process wrong and employ someone illegally. There is widespread confusion about National Insurance numbers for international students. SMEs have concerns about the cost involved in applying for appropriate work permit for international graduates.

The impact on SMEs could be limited by minimising 'sponsorship' and other fees and minimising any bureaucracy associated with the introduction and maintenance of issuing 'sponsorship' certificates. The system could result in a lot of additional work and cost to organisations of all sizes and introduce a new burden on already stretched systems. This additional work might be minimised through a dedicated and well-resourced advice line, adequate training and constructive and timely feedback on inputs.

### **Question 8 – What special measures might be needed for cultural and specialist groups?**

A number of issues were raised by HEIs.

HEIs are concerned about the position of academic visitors and sponsored researchers under the new immigration system. These categories of migrants are very important to UK HEIs and wider UK society and currently appear to have no place within the new system. It is also essential that the cost of visas for these migrants reflects the normally short-term nature of their stay in the UK.

A clear awareness campaign to explain both the operation and values of the new system will be very important underpinned by transparent and consistent implementation of the new system.

HEIs would like to have the ability to inform the Home Office of agreements with specific institutions that involve groups of migrants travelling together. It might be desirable if this could be indicated on the 'sponsor' certificate. HEIs remain concerned about the impact of students not being able to switch into visitor leave in the UK.

HEIs would like to recommend that a procedure should be introduced to correct incorrect (usually short) leave given in the UK. The current correction scheme is only for leave granted abroad and there is no contact point or system for correcting leave issued in the UK.

In many cultures, family life is very important. Many students, particularly research students, have families and wish their families to join them to the UK. HEIs strongly urge the Home Office to make provisions so that a student who wishes to bring dependants does not have to pay two sets of visa fees. Most HEIs recommend that the student travels first and makes all the arrangements for the dependants, especially for accommodation, then the dependants follow on later and it would be very helpful if only one visa fee is charged in such cases.

**Question 9 – Do you think that any of the proposals would impact adversely upon community relations?**

Increased immigration costs and bureaucracy could deter temporary academic visitors and researchers from coming to the UK.

HEIs are key institutions in their communities and where those communities are ethnically and culturally diverse HEIs have a responsibility to promote harmony and mutual respect. HEIs are not aided in the task of developing community cohesion when some perceive the immigration regime as unnecessarily bureaucratic and in some instances discriminatory.

A further concern is that every time the visa extension fee increases, so does the possibility that some people will not apply for an extension and take the risk of remaining as overstayers. Such people are then more likely to work in the black market. Students who want to stay on for a few months to attend a graduation ceremony currently have to pay £335 for a visitor visa that forbids employment. This is already a disincentive to applying and will become more so if the fee rises further. We know that resentment against illegal immigrants is building and is exploited by racist organisations. The Government must think carefully about the consequences of making it more and more expensive to remain here legally and the added strain on the enforcement operation.

**Other issues**

HEIs would welcome a clear articulation of the service standards that migrants and 'sponsors' can expect from the Home Office and UK Visas in the operation of the immigration system. HEIs would welcome clarification of the following points:

- Will there be one process and one fee to join the list of approved sponsors or different processes and different fees for different tiers? This is important as HEIs will wish to bring in migrants in a number of the tiers – students, employees and academic visitors/researchers.
- Will ‘sponsor’ fees be linked to the volume of migrants an organisation brings into the UK? This is important for HEIs as adding together the number of international students, staff and academic visitors/researchers may mean that HEIs are some of the organisations that bring in the most migrants to the UK.

### **Statistical information**

Universities UK does not generally make applications to IND. Universities UK is a company limited by guarantee and a registered charity in the education sector with around seventy employees and offices in England, Scotland and Wales and activities which take place throughout the UK.

Universities UK  
Woburn House  
20 Tavistock Square  
London  
WC1H 9HQ

Consultation response provided by Catherine Marston, Policy Adviser

020 7419 5463 [catherine.marston@universitiesuk.ac.uk](mailto:catherine.marston@universitiesuk.ac.uk)