

## **Universities UK response to Migration Advisory Committee consultation**

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 between Universities UK and the UK Border Agency (UKBA). Member institutions have also submitted responses directly to UKBA.

Universities UK has 133 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 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. These links may involve research collaborations, the provision of academic programmes, knowledge exchange and consultancy.

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.

### **Key points**

Universities are the largest volume users of the new points-based immigration system with activity across all tiers of the system, except the currently suspended Tier 3.

Universities are not a high risk part of the system and it is vital that their needs are considered in considering any changes to the system and in this case changes to the employment parts of the new system.

Universities do not wish to see any further changes to Tier 1, universities do not wish to see any restriction of Tier 2 to shortage occupations only or any restrictions on the economic activities available to the dependents of migrants.

Restricting Tier 2 to shortage occupations, as the shortage occupations are currently identified, will damage not just the UK's higher education sector but also the UK's long term competitiveness and attractiveness to inward investment.

International academics make a vital contribution to the UK higher education sector. They make a critical contribution across a wide range of subject areas but also importantly in a number of key strategic subject areas including sciences and technology.

The success of the UK higher education depends on their input. The significant number of international staff in UK HEIs is a very positive indication of the attractiveness of the UK sector.

International staff recruitment is also helping the UK to overcome issues around an ageing academic workforce as international staff tend to be younger than UK staff.

The higher education sector's contribution to the UK economy is significant and growing at a time when many other business sectors are contracting. For continued growth and an increasing contribution to the UK economy international mobility is vital.

The UK Government has a commitment to international collaboration and excellence in higher education. For the sector to remain excellent and respond to the Government's wish for increased international collaboration the sector needs academic and student mobility.

Universities UK's report on the economic impact of higher education institutions reported that in 2003/04 both direct and secondary or multiplier effects from the UK higher education sector generated over £45 billion of output and over 581,00 full time equivalent jobs throughout the UK economy.

Universities are competing in an extremely competitive and international environment for academic staff. There is increasing competition for highly talented academic staff from traditional competitors such as the USA, Australia and Canada but also from the rest of Europe, Singapore, Malaysia, China and India.

Any further restrictions to the mobility of international staff into the UK would be likely to reduce the reciprocal opportunities for UK academics to work overseas and this would cause damage to the UK's higher education sector.

Academic careers are inherently international. UK academics often seek to spend time overseas as part of their career and the UK's universities reciprocates by offering international staff opportunities to spend time in the UK. If the UK restricts the mobility of international staff it is likely to lead to restricted opportunities for UK staff to move overseas.

Restricting the ability of international staff to bring their dependants to the UK and restricting the rights of dependants would diminish the attractiveness of the UK as a destination for international staff. If any institutions can provide information on the contribution of dependants to the UK that would be very useful.

## Statistics

In their responses institutions have provided information on their international staff. At a national level it is useful to consider the following evidence based on the 2007/08 Higher Education Statistics Agency (HESA) staff record.

There were 18,410 non-EU academic staff in UK HEIs in 2007/08 compared to 15,650 in 2005/06 a 17.6% increase over this period. In 2007/08 Non-EU academic staff made up 10.5% of all academic staff at UK higher education institutions.

The age profile of Non-EU academic staff is generally younger than UK academic staff and similar to Other-EU staff. In 2007/08 21.2% of Non-EU academic staff were younger than 31 years of age compared to 23.8% for Other-EU and 11.3% for UK academic staff.

The major countries of origin for all non-EU academic staff working in UK higher education institutions in 2007/08 were, United States (3,000 or 16.3% of all Non-EU academic staff), China (2,760 or 15%), India (1,640 or 9%), Australia (1,400 or 7.6%) and Canada (1,110 or 6%).

For academic staff at the researcher grade the major Non-EU countries of origin in 2007/08 were, China (1,710 or 23%), India (750 or 10.1%), United States (700 or 9.5%), Australia (460 or 6.2%) and Russia (350 or 4.8%). For academic staff at the lecturer grade the major Non-EU countries of origin in 2007/08 were, United States (855 or 17.7%), China (525 or 10.8%), India (425 or 8.8%), Australia (345 or 7.1%) and Canada (330 or 6.8%). For academic staff at the Professor grade the major Non-EU countries of origin in 2007/08 were, the United States (485 or 34.8%), Australia (220 or 15.8%), Canada (115 or 8.2%), Russia (70 or 5.1%) and India (70 or 5%).

Non-EU academic staff working at UK higher education institutions in 2007/08 were concentrated in the following academic disciplines, Biological Sciences (11.8%), Physical Sciences (10.9%), Engineering (10.7%), Social studies (9.2%), Mathematical and Computer Sciences (8.8%). Academic disciplines with a high proportion of Non-EU academic staff include Engineering (22% of academic staff were Non-EU), Mathematical and Computer Sciences (14.6%), Physical Sciences (13.4%), Eastern, Asiatic, African, American and Australasian Languages, Literature and related subjects (12.3%) and Technologies (11.6%).

In 2007/08 the highest qualification held by Non-EU academic staff at UK higher education institutions were doctorates (56% of Non-EU academic staff), Other higher degrees (18%) and First degrees (6%). Non-EU academic staff at UK higher education institutions showed a similar pattern to Other-EU academic staff with both groups having a higher proportion of staff with Doctorates compared to UK academic staff (56% of Non-EU and 57% of Other-EU academic staff held doctorates compared to 43% of UK academic staff).

## Selected statistics

### Total number of academic staff at UK HEIs by nationality, 2005/06 - 2007/08

Nationality	2005/06		2007/08		Change between 2005/06 and 2007/08
	Number	%	Number	%	
Non EU	15,650	9.5%	18,405	10.5%	17.6%
Other EU	15,810	9.6%	19,825	11.3%	25.4%
Stateless	15	0.0%	10	0.0%	-23.1%
UK	121,840	73.9%	126,910	72.5%	4.2%
Unknown	11,565	7.0%	9,795	5.6%	-15.3%
<b>Total</b>	<b>164,880</b>	<b>100.0%</b>	<b>174,945</b>	<b>100.0%</b>	<b>6.1%</b>

### Academic staff by age group 2007/08

Nationality	<31 years	31-40 years	41-50 years	51-60 years	61+
Non EU	21.2%	41.7%	23.4%	10.8%	2.9%
Other EU	23.8%	45.4%	21.8%	7.4%	1.6%
UK	11.3%	23.0%	29.3%	27.8%	8.6%
Total	13.9%	27.8%	27.7%	23.4%	7.1%

### Academic staff – highest qualifications held by academic staff 2007/08

Highest qualification held	Non EU	Other EU	UK
Doctorate	56%	57%	43%
Other Higher Degree	18%	19%	23%
First Degree	6%	7%	14%
Other Postgraduate qualification (including professional)	3%	4%	5%
PGCE	0%	1%	2%
Other qualification	4%	1%	1%
Diploma of HE	0%	1%	1%
Other qualifications at first-degree level (including professional)	0%	0%	1%
Other undergraduate qualification (including professional)	0%	0%	0%
First Degree with Qualified Teacher Status (QTS)	0%	0%	0%
HND/HNC	0%	0%	0%
A level, Scottish Higher or equivalent (NVQ/SVQ Level 3)	0%	0%	0%
No qualifications	0%	0%	0%
O level/GCSE or equivalent (NVQ/SVQ Level 2)	0%	0%	0%
Unknown	10%	10%	8%
Total	100%	100%	100%

HESA staff record 2007/08 (Absolute figures in the tables conform to HESA's conventions for published data and are rounded to the nearest five.)

## Questions

*For Tier 1 the Government has asked us “What further changes to Tier 1 of the Points Based System should there be in 2010/11, given the changing economic circumstances?” We therefore ask:*

**General route:** *How, if at all, should the points and/or leave to enter or remain entitlements be adjusted or changed in 2010/11 to respond to current and future changes in economic and labour market conditions?*

**Investors and/or entrepreneur routes:** *How, if at all, should the points and/or leave to enter or remain entitlements be adjusted or changed in 2010/11 to respond to current and future changes in economic and labour market conditions?*

**Post-study route:** *How, if at all, should the points and/or leave to enter or remain entitlements be adjusted or changed in 2010/11 to respond to current and future changes in economic and labour market conditions?*

*In what sectors do Tier 1 workers who have entered through the General and Post-Study Work routes work and why?*

## Response

Increasingly Tier 1 is becoming a key route for appointing academics, almost without exception for professorial appointments and even for lecturers with specialist and scarce knowledge requirements. Universities would be very concerned if any changes to Tier 1 restricted the ability of universities to recruit specialists from a global labour market. Any changes that made it harder to achieve entry through this route would be counter-productive as these employees contribute greatly to academic research and to the UK economy. As relatively small numbers of staff come through this route it would suggest that the criteria are already restrictive enough.

These people are all highly skilled and will be contributing not only to the UK's research base but more widely the higher education sector and the UK economy. Reducing the opportunities for UK universities to employ these people would not lead to increased employment opportunities for EEA nationals as in a number of cases it would mean UK universities could not participate in international programmes and research will not take place in the UK. There appears to be no rationale for restricting this category further.

In addition there are a number of international agreements in which universities participate where researchers are offered prestigious awards and are allowed to consider all offers before making a decision. This means that the timescales for the issue of a Certificate of Sponsorship are exceeded and Tier 1 is the only possible route.

The maintenance requirements for Tier 1 cause problems for academics coming from overseas, particularly from less developed countries, as they may not be able to meet the financial requirements. The ability to recruit highly qualified academics should not be linked to earnings, it might be appropriate in the private sector but not for higher education.

Universities would not wish to see any reduction in the maximum initial visa period of three years for Tier 1. Universities were used to being able to recruit people on the previous work permit arrangements for up to five years and universities hope that once the initial years of the points-based system are over this longer period can be re-instated.

Considering the number of changes to the system in the last year and the problems that poses for applicants, employers and UKBA staff it would be helpful if no further changes could be made in the next few months to allow the system time to settle in and understanding to develop.

### **Post Study Work**

Universities have welcomed the recognition of the value of international graduates to the UK through the creation of the Post Study Work route and its approach has been copied by a number of other countries. We recognise the changes in the UK labour market since the route was launched but would urge caution when considering any further changes.

The route evolved from a number of previous schemes – Science and Engineering Graduates Scheme, International Graduates Scheme, Working in Scotland – that changed their requirements on an almost yearly basis. The new route has had less than a year to operate and further changes will mean further confusion for international students and an impact on the attractiveness of the UK to international students. The Post Study Work route is a significant factor in the recruitment of international students to the UK.

### **Questions**

*For Tier 2 the Government has asked us “Is there an economic case for restricting Tier 2 to shortage occupations only?” We therefore ask:*

*Does the current allocation of points by entry route achieve the right balance between the relative difficulties of entering the UK via each route?*

*Should the current length of leave to enter or remain entitlement by entry route be altered to reflect relative shortages, and their likely duration, by occupation?*

*For relevant routes, should points and/or leave to enter or remain be changed to respond to current and future changes in economic and labour market conditions? Are the points thresholds too low given the current economic conditions?*

**Shortage occupations:** *If the ICT and/or general Tier 2 points are changed, or the routes are suspended, what does this imply for future policy on, or analysis of, shortage occupations?*

*Alternatively, is there a case in the current economic climate for suspending the shortage occupation route and requiring all Tier 2 sponsors to carry out a RLMT?*

**Resident Labour Market Test (RLMT) route:** *What evidence is there of the potential impact on the UK economy and labour market of suspending this route until further notice? Is there evidence of displacement of domestic workers under this route? Is the route operating effectively: for instance, should the required advertising time be longer than one or two weeks?*

***Intra-company transfer (ICT):*** What evidence is there of the potential impact on the UK economy and labour market of suspending this route until further notice? Is there any evidence of displacement of domestic workers or undercutting? Do workers gaining entry through the ICT route complement the skills of the domestic workforce? Do such workers fill roles that genuinely require a current company employee?

***Elite Sportspeople and Ministers of religion:*** Do the requirements need to change to respond to current and future changes in economic and labour market conditions?

## **Response**

Universities are strongly opposed to the removal of the resident labour market test (RLMT) and a restriction to shortage occupations for entry to the UK through Tier 2. Universities already apply the RLMT to ensure no UK/EEA candidates are disadvantaged and there is no evidence that academic appointments through Tier 2 displace UK/EEA workers. Higher education demands highly specialised skills in specific areas of disciplines and these demands do not generally relate to changes in economic and labour market conditions.

As academia in terms of the teaching and research occupation codes is not currently a shortage occupation the restriction to shortage occupations would remove this option. This removal of this route would be disastrous for UK universities as they would not be able to compete internationally for talent and would reduce the quality and quantity of teaching and research carried out by UK universities. A number of academic programmes would have to close restricting choices for all students and diminishing the UK's academic expertise.

As the HESA data indicates many international academics are working in strategically important subject areas. Their contribution enables the UK to continue to support teaching and research in key areas where UK/EEA nationals are in declining numbers.

There appears to be no economic case for limiting Tier 2 migration to shortage occupations.

UK universities need to be able to recruit the best academics in the particular specialised field being sought and universities already use open, international competition to find the best candidates. There will not always be applicants with the required skills from within the EEA and high caliber candidates will not always meet the requirements of Tier 1. Universities need to retain this wide-ranging recruitment approach to ensure the best candidates are identified, considered and then appointed.

Areas of expertise and recruitment demands are constantly evolving as universities seek to develop new research and teaching paradigms, to build research teams, receive research funding in particular areas or respond to research developments. There would be considerable challenges due to this evolving situation in trying to identify shortage areas as each year would reveal new areas of recruitment depending on academic developments and staff movement. Any attempt at identifying shortage areas would also suffer from time lags between the collection of evidence and addition to any shortage list whereas the RLMT provides evidence of current market conditions.

Universities have well-established and successful systems for testing the job market and recruiting the appropriate staff using the RLMT and appropriate advertising.

If universities were unable to use Tier 2 to bring in international academic staff it is likely that the overall extent of UK research would diminish. Research funding would go to other countries and universities would reduce the scope of their research activities with the consequent impact on the higher education sector's success and more widely the UK.

A department at the University of Cambridge has commented that if the Tier 2 rules had been in place two years ago then a research grant of over £2 million would have been lost due to the existing restrictions of Tier 2 around age and salary. Any further restrictions would result in loss of further research funding.

Raising the points threshold would increase the difficulty to recruit in an occupation where it has already been demonstrated, through the RLMT, that there is no local resource and would not help universities meet their business needs. Increasing the time a position has to be advertised could have a detrimental effect on universities ability to meet their business needs rather than encourage the employment of domestic workers.

Universities would not wish to see any reduction in the maximum initial visa period of three years for Tier 2. Universities were used to being able to recruit people on the previous work permit arrangements for up to five years and universities hope that once the initial years of the points-based system are over this longer period can be re-instated.

The consultation document mentions changing the points systems for PhDs. An increase in points given for PhDs would be helpful but maintenance is a more problematic area. Any moves to link points to PhD subject area are likely to be rather bureaucratic and universities will already be requiring PhDs in specific areas for appointments.

One issue that international PhD graduates face is that during the final stages of completing their degree they are unable to obtain a visa until their PhD is awarded whereas UK/ EEA PhD graduates are able to work as Research Assistants despite their awards not being finalised. The HESA data indicates that in 2007/08 almost fifteen per cent of non-EU academics who had started work at UK HEIs in that year had previously been students in the UK.

Universities would welcome some clarification from the MAC about whether academics working in subject fields that are considered to be shortage areas such as veterinary medicine could be considered to be shortage occupations. Previous discussions with UKBA have indicated that they would not qualify as their primary occupation code in terms of the teaching/research role is not a shortage occupation.

Tier 2 appears to be working reasonably well for the higher education sector as universities are only recruiting highly qualified and higher paid staff through Tier 2. The current allocation of points appears broadly appropriate in ensuring that staff have appropriate skills, qualifications and level of English. Universities do have concerns about the length of validity

for Certificates of Sponsorship and the RLMT. Many senior staff recruited have to provide twelve months notice which has meant that the tests are out of date so these appointments cannot proceed. It would be helpful if these time restrictions could be relaxed.

Universities do have some concerns about the maintenance requirements in Tier 2 as they demand significant personal resources from applicants, a number of whom may be coming from countries with much lower levels of economic development. The sponsor is confirming through the sponsorship process their support for the applicant and their agreement to pay the appropriate salary so it should be possible to recognise this within the process.

Any further changes are only likely to cause confusion, create additional complexity and lead to even less consistent advice from UKBA. Universities are already receiving feedback from UKBA staff that they receive no guidance on changes to policy in advance of changes which has created significant difficulties for their staff in trying to advise employers.

Within Tier 2 universities would also like to ensure that the exception for 'named researchers' to the RLMT requirement is continued. This exemption is vital to the successful award of research grants.

Universities are already concerned about the requirement to advertise all vacancies through Job Centre Plus. This is an unnecessary inconvenience for universities as it adds no value to the process for the vacancies that universities are seeking to fill and has had added a number of unsuitable applicants to recruitment processes being conducted by universities.

The requirements about maintaining documentation would also benefit from review as they place unnecessary administrative burdens on universities.

For academic posts requiring degree level and above qualifications it is not appropriate to use Job Centre Plus. Use of the existing advertising routes is well-established and provides an appropriate test of the RLMT.

Universities are reporting delays in Job Centre Plus handling advertisements which delays the recruitment process and makes the UK less attractive to international applicants. Job Centre Plus are also providing poor customer service to universities with an evident lack of understanding of the business needs of universities. Job Centre Plus is producing inaccurate advertisements, inconsistent information and does not appear to have sufficient capacity to handle the volume of vacancies it is now required to advertise. These issues have been fed back to both UKBA and Job Centre Plus but universities are not reporting any significant improvements in the service provided by Job Centre Plus.

## Questions

*For dependants the Government has asked us "What is your assessment of the economic contribution made by the dependants of Points Based System immigrants and their role in the labour market?" We therefore ask:*

*What is the current labour market contribution of dependants of PBS immigrants?*

*What evidence is there of the current economic contribution of dependants of PBS immigrants?*

*How do the economic and labour market impacts of dependants of PBS immigrants differ according to their own characteristics and those PBS immigrants they are accompanying?*

*What impact does policy on dependants have on the decision of principal immigrants to come to the UK to work?*

*Is there a case for linking the PBS points awarded to the main applicant positively to the skill levels of dependants?*

## Response

Universities would not wish to see any changes in the current arrangements for dependents. A number of academic staff would not take up appointments in the UK if their dependents were not able to access the labour market. Restrictions on dependents would limit the attractiveness of the UK to international academics.

Many appointments of international staff are on a long-term basis so it is likely that staff would wish to be accompanied by their dependents.

The UK is often competing with the USA for academics and in the USA it is expected that dependents will be able to work and indeed that US universities will assist the dependent in finding a role. UK universities need to be able to offer dependents access to the UK labour market otherwise academics will go elsewhere.

Universities do not have robust evidence on the numbers of dependents who accompany international staff as that is not an area within universities remit to collect data. Presumably UKBA has data on the number of people who have been granted visas who have been accompanied by their dependents either on initial entry to the UK or who join them at a later date.

Cardiff University has analysed its staff body and found that it has around 355 migrant workers. Within this number it understands around a third have been accompanied by dependents and 22 staff are dependents of migrants who are also working in the UK.

While anecdotally it appears many academics are also be accompanied by highly skilled dependents who will make an important contribution to the UK as well as the 'main' person it must be recognised that for cultural reasons dependents may not always be highly skilled and this dimension must also be recognised. Universities would therefore not wish to see any link between the points awarded to the main applicant and the skill levels of dependents due to the potential discrimination that would follow from this proposal.