

Migration Advisory Committee – Review of Tier 2

GuildHE Consultation Response

GuildHE is one of the two formally-recognised representative bodies for higher education in the UK (along with Universities UK). Our members reflect the diversity of the higher education (HE) sector: including multi-faculty universities as well as smaller, specialist, vocationally-focused or ethos-led universities and colleges. Our membership includes traditional ‘publicly-funded’ universities and colleges, as well as a number of private HE providers – including those which already possess Taught Degree Awarding Powers and University Title, and those which are seeking these powers. Some of our members are also large ‘mixed economy’ Further Education Colleges with significant HE provision.

Overview

- i. We agree that the proposed reforms will have the intended aims of “significantly reducing economic migration to the UK” restricting Tier 2 to “genuine skills shortages” and “highly specialist experts only”, however we would challenge the premise of the question.
- ii. The UK benefits enormously from the skilled migrants that it attracts, and international students are a significant element of this, generating almost £11bn in export earnings for the UK and almost 140,000 jobs. The further reduction of routes through Tier 2 will be seen by students as a further restriction on their ability to remain and work in the UK post study.
- iii. A key aspect cited by international students in their decision to study in the UK is their ability to work in the UK after graduation, and the UK economy benefits from these highly skilled graduates remaining in the UK. Evidence from our members suggests that students from major markets are increasingly choosing to remain in their own country, whilst others are electing to study in the United States or Australia (particularly in the Singaporean and South Korean markets) where post study employment is perceived to be a more realistic opportunity and where the visa process is less intimidating.
- iv. We would also highlight the key role played by many non-EEA staff within universities, particularly the high proportions in strategically important and vulnerable subjects and would argue that PhD-level jobs should be considered “highly specialised” for the purposes of Tier 2.

Shortage occupations list

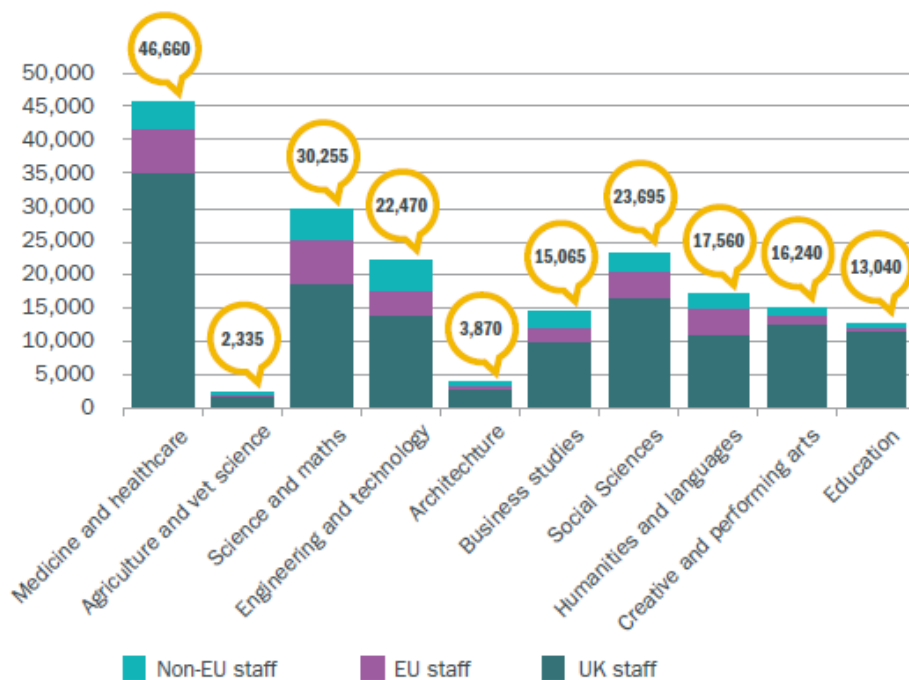
- v. The chart below¹ show the proportion of staff in different subject disciplines. It is important to note the high proportion of non-EEA staff in key subject disciplines and particularly those described as “Strategically Important” and “Vulnerable”. The table shows STEM subjects Science and Maths and Engineering and Technology having significant proportions of non-EEA staff, as do other key areas including Medicine and healthcare and languages.

¹ UniversitiesUK 2015 Higher education in Facts and Figures
<http://www.universitiesuk.ac.uk/highereducation/Pages/Highereducationinfactsandfigures2015.aspx#.VfLz2dJ>
Viko

- vi. These key subject disciplines would struggle to continue to teach the number of students – or in some institutions to maintain a viable department - without the supply of non-EEA staff. Tier 2 is key to institutions as employers of highly skilled staff. There are significant volumes of non-EEA staff at HEIs and changes to Tier 2 are likely to negatively impact the capacity of institutions to recruit the best academics and researchers. This would have significant implications for the number of students being taught these key subjects and the future pipeline of qualified graduates in these areas central to the UK economy. There is a strong case to be made that academics are highly specialised in niche fields and the resident labour market test is sufficient assurance that there is no suitably qualified domestic worker.
- vii. We would be particularly concerned if the Home Office restricts Tier 2 just to shortage occupations and highly specialised roles without including many university academic roles within this definition. We would argue that PhD-level jobs should be classified as highly specialised as standard.

ACADEMIC STAFF BY NATIONALITY AND SUBJECT AREA, 2013-14

EU and international staff make up 37% of all academics employed in engineering and technology, and 35% of those employed in science and maths.



- viii. When looking at shortage occupation list there is value in reviewing this list periodically – say every five years - based on the current temporary shortages that there may be. This will ensure that it is a shortage rather than an anomaly requiring constant adjustment. This review should be based on current and future economic need rather than a desire to sunset a particular occupation just because it has been on the list for several years. If the need is there it should remain on the list.

- ix. It will, however, be necessary to continue to look at individual occupations in their own context, and so, for example, ensuring that salary levels are appropriate for their occupation rather than being based on more generic wider workforce levels.
- x. The consultation proposes a further restriction to those that are “highly specialised” without actually defining what we mean by this term and it should be noted that simply using salary level as a way of identifying increased levels of specialisms might end up being a fairly blunt tool. If the aim is to focus on the more highly specialised it will be necessary to define what we mean by this (qualifications, knowledge or others) to reflect this better in the criteria and there should continue to be points allocated for specific additional characteristics and attributes, rather than being solely based on salary level recognising that this route is skills-based.
- xi. We would have concerns about raising the salary level thresholds beyond the current levels. They are already set at appropriate levels for the highly skilled nature of the roles. However, if there is an approach of raising the salary level of different occupations on the list as a way of further restricting the route it will be important that this is done in an evidence-based way rather than arbitrarily raising the level. It will be necessary to consider the number of entrants through that route that are necessary for the economy and then looking at the proportion of employees within the salary distribution rates to help gauge the right level rather than simply increasing the salary level across each occupation from the 25th percentile to the 50th or even 75th percentile.
- xii. It should be noted that many careers in the performing and creative industries – one of the fastest growing parts of the UK economy estimated to contribute around £77bn – have portfolio careers, where they are often self-employed and doing several part-time roles at the same time and this should be better reflected in the points awarded and salary levels.
- xiii. There is also a question whether the shortage occupations list should only be based on those areas where there is a known shortage based on current demand or whether it should consider the potential future shortages of rapidly growing areas. For example whilst there may be a shortage of orchestral musicians and ballet and contemporary dancers at the moment, it is worth considering that the contemporary musician and commercial dancer part of the industry are growing much more rapidly and so adding them to the list will prevent having to retrospectively having to respond to a shortage in a couple of years.

Re-applying for visas

- xiv. The proposed change to make Tier 2 applicants return home before making an application will be seen for what it is by potential applicants, a measure to put off people from applying. Again, this fuels further the perception that suitably qualified postgraduates are not welcome. As it is intended to, it would act as the significant deterrent - and the loss of these students would have a corresponding negative impact on job-generation and prosperity in university localities.

Dependents work rights

- xv. The restriction or removal of a dependents work rights is likely to further restrict the attractiveness of working in the UK for those with families. Whilst this may seem attractive to the Government in terms of reducing overall numbers, if this is combined with further concentration on the “highly specialised” then we risk putting off the best and brightest that would be otherwise qualified under this route.

- xvi. It is worth noting that many dependent and spouses of highly specialised workers will themselves be highly specialised and so rather than a blanket ban on dependents working it might be worth considering restricting working rights to those doing NQF level 6 jobs.

Conclusion

- xvii. GuildHE is keen to emphasise the key role of international staff within UK higher education, the enhanced attractiveness of the UK to international students through a well-recognised and accessible route into the labour market, and allowing their dependents to be employed as skilled workers.