

## Science, Engineering, and the Immigration Cap – Updated Briefing

2<sup>nd</sup> December 2010

CaSE continues to reject the idea of imposing limits on the number of talented scientists and engineers who can enter the UK. It seems that the Government has yet to accept the notion that the UK needs international talent more than international talent needs the UK.

However, within that context, CaSE feels that the Government proposals for reforming the immigration system are now moving in the right direction. If done correctly, we may be able to maintain the status quo, or even fulfil the Home Secretary's promise of bringing more scientists into the country.

Around one in seven science and engineering academics in the Higher Education sector alone are from outside the EU (Universities UK analysis). It is critical for our academic and research base, and for our commercial competitiveness, that the UK can continue to be a global hub for science and engineering.

### Summary:

The Government will impose an annual limit of 21,700 for non-EU economic migrants coming into the UK. This includes people coming in to work in science and engineering occupations.

Ministers of religion, footballers, entrepreneurs, investors, anyone commanding a salary of more than £150,000, and people being brought in from abroad by multi-national companies, won't be counted under the cap.

The resulting message is that the UK does not wish to limit the number of such individuals arriving in the UK, but does wish to limit the number of scientists and engineers. CaSE finds this deeply unfortunate.

The absolute cap of 21,700 is a down roughly a fifth on the number of migrants that came into the UK last year. It should be borne in mind that 2009 was a recession year, when economic migration was already reduced. However, under the new immigration rules, nobody without a degree-level qualification (and a job that requires it) will be considered for entry to the UK – unless they are considered 'exceptional talent', and don't need a job offer.

CaSE understands that this will eliminate roughly a third of the applicants for skilled worker visas. Therefore if the rules are correctly calibrated, we hope that enough scientists and engineers will be able to enter to the UK to meet the sector's needs. A UK Border Agency (UKBA) official said:

"We will be working with CaSE and other expert bodies over the next few months and will publish the detail of our plans in early 2011."

The new system will come into force in April 2011.

For scientists and engineers, skilled worker visas will be split into Tier 1 (Exceptional Talent), Tier 2 (General), and Tier 2 (Intra-company transfers, or 'ICTs')

### Tier 1:

The new Tier 1 (Exceptional Talent) category will be limited to 1,000 people, annually. As well as top scientists and engineers, the Government also envisages exceptionally talented individual from other fields – such as the arts – coming in via this route. Individuals who are awarded Tier 1 visas do not need a job offer in order to enter the country.

Having spoken to the UK Border Agency (UKBA), we understand that they will look to identify ‘competent bodies’ which would be able to identify individuals who have exceptional talent. Although the consultation process is ongoing, these bodies could include Research Councils, National Academies, or the Arts Council.

CaSE has made representations to say that as well as scientists and engineers who have already attained international prestige, ‘exceptional talent’ must be taken to include early-career researchers who show exceptional promise. Criteria to be used in such decisions should include highly competitive funding awards and/or fellowships.

It would be counterproductive and damaging to the UK’s interests to limit the number of elite scientists and engineers entering the UK under Tier 1. We therefore argue that they should be exempted from the Tier 1 limit of 1000, in the same way that investors and entrepreneurs are.

If the cap of 1000 remains for these individuals then the UKBA faces the challenge of how to divide those places between different sectors. For instance, do they allocate 700 places to Academia, 200 to the Arts, and 100 to everything else? If so, on what basis are those decisions made? It is difficult to see how such allocations could be anything but arbitrary, especially given the timescale for the decisions.

Alternatively, they could devise a system which applies equally to all sectors. This presents its own difficulties – how do you compare a scientific Nobel laureate to a world-famous ballet dancer? Would it simply be done on a first-come-first-served basis?

The announcement of a category specifically targeted to include elite researchers may partly be a response to CaSE’s high-profile letter to the Times, which was signed by eight Nobel prizewinning scientists. The letter was featured in an article on the front page of the newspaper alongside a photo of David Cameron’s ‘Kitchener moment’, the day after his speech at the Conservative Party conference.

However, it’s not clear that the solution was fully fleshed out before being announced. We look forward to working with the UKBA as it tries to put the Government’s proposals into practice. If done correctly, it could mean the non-EU migrant cap doesn’t damage the UK’s ability to attract the world’s best and most promising researchers.

## **Tier 2 (General)**

Applicants for Tier 2 must have a job offer in order to enter the country. Potential workers who are granted a certificate of sponsorship from their employer have three months in which to apply for their Tier 2 visa. Candidates must have at least a degree-level qualification and an offer of employment which requires that qualification to be permitted entry. The minimum level of English language competency has also been raised – from ‘basic’, to ‘intermediate’ level (B1 on the Common European Framework of Reference).

There will be 20,700 visas available over the year. We understand that this will likely be split into 1,700 visas being available each month. At the end of every month, all successful applicants are given a visa. In the event of under-subscription, the remaining quota would be rolled over into the next month.

In the event of over-subscription, individuals will be rated based on the quality of their application. It is important that this rating process adequately rewards those who have devoted their careers to science and engineering.

The likely criteria for this rating include:

- whether the applicant's job is on the Shortage Occupation List (includes biologists, physicists, chemical engineers, and a number of other science and engineering professions);
- whether the applicant has a PhD-level qualification or not;
- the applicant's salary in their new job.

It is important that the balance between these second two criteria is calibrated correctly. Many scientists and engineers command lower salaries than people with equivalent skill levels in other fields, purely due to the way this sector works. We must not continue with a system where researchers are discriminated against because they choose a relatively low-paying career; instead, they should be selected on the basis of their ability to contribute to the UK.

The UKBA have said that they will "apply a premium to occupations which require a PhD, including scientists". CaSE will be making further representations to the UKBA and to Government to ensure that this premium is sufficient to offset the salary discount.

Tier 2 visas last for three years, after which they can be extended by a further two years, providing there have been no irregularities. When the visas are extended, this will not count towards the cap in that year.

Should someone with a Tier 2 visa lose their job or become redundant, they will have a period of time – likely to be one or two months – in which to find a new sponsor, or leave the country.

### **Tier 2 (Intra-Company Transfers):**

Intra-Company Transfers, or ICTs, are the mechanism by which multi-national companies can transfer their employees into the UK. If the employees earn more than £40,000 they can stay for up to five years. If the staff earn between £24,000 and £39,999, they can stay for up to one year. CaSE will be consulting its industry members and stakeholders to see if this meets the needs of private-sector R&D in the UK.

ICTs do not count towards the overall annual cap of 21,700.

### **Tiers 4 (Study) and 5 (Youth mobility and short-term):**

Non-EU graduate and postgraduate students come into the UK under Tier 4 visas, while Tier 5 visas are used by scientists and engineers here for short-term placements (e.g. sabbaticals and fellowships).

The UKBA will be consulting on both of these Tiers over the next few months, and CaSE will respond. It is important that both of them continue to allow scientists and engineers to the country. Tier 4 is a particular concern – many universities rely financially on foreign students, and it is clearly good for the UK if aspiring researchers begin their careers in the UK by doing their PhDs here.

CaSE will also continue to urge the UKBA to improve its data collection and release it on an ongoing basis so that once the new system is in place, it is possible to rapidly assess its impact.