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Home Affairs Committee

Student Visas

Seventh Report of Session 2010–11

Volume II

Additional written evidence

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The Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

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Written evidence

Written evidence submitted by St. Clare's, Oxford (SV1)

There are a number of points which I would like to make which I hope will inform the debate and make the position of St. Clare's and other similar educators clear.

1. St. Clare's is an international, sixth form college and has been since it was founded in 1953. It has been offering the International Baccalaureate Diploma since 1977, longer than any other school or college in England. Worldwide, there are only 14 other schools have been doing the Diploma longer than St. Clare's. The College has been awarded an Outstanding rating from Ofsted, achieved by less than 10% of schools and colleges in the UK. In addition to the IB programme, the College also operates a year-round English Language School, a University Foundation Course [UFC] and takes American undergraduate students for semester programmes. It is recognised by the International Baccalaureate Organisation as a provider of training courses for teachers.

2. Approximately 85% of revenues are generated by foreign students, ie the College earns c £10 million every year for the UK and is a net contributor to invisible earnings. It is a member of an industry which is highly regarded by foreign students who have made a deliberate decision to send their sons and daughters to be educated in this country. The College did not "take in" foreign students in order to compensate for lower numbers of students from the UK—it has always been an international college and its mission is "To advance international education and understanding". There are very few Colleges in the UK which are like St. Clare's in terms of the deliberate international composition of its student body and the range of courses which it offers, with Atlantic College—part of the United World Colleges movement—being our closest comparator.

3. The College has Highly Trusted Status [HTS], the highest level of registration which UKBA offers. It takes its responsibilities for issuing CAS letters very seriously indeed. It is the College's view that in line with the observations made in points 1 and 2 above, that institutions with HTS should be allowed to offer Level 3 courses and sponsor students under the GSV route.

4. Having read the Consultation document it would appear that:

- the arrangements for independent schools, where the majority of visas issued are Child Student Visas, are unlikely to change. Students are under 18 years of age, are not allowed to work or bring in family members and do not have a right to work once they have finished their secondary school education, ie they represent a minimal risk; and
- the Committee is not reviewing the position of students who come to this country and study for six months or less and who do not currently need a visa.

5. The Committee is, however, interested in the number of General Student Visas [generally students aged 18+] which are issued every year under Tier 4 arrangements and is looking to find ways to limit the number. There are a number of approaches which can be taken:

- cut the number of visas by a specific percentage;
- reduce the benefits associated with the granting of a GSV, notably the right to work, the right to bring in family members and the right to work in the country once a degree has been awarded; and
- review the level of courses for which visas are granted.

6. Whilst it possible for different parts of the education industry to have different views about how cuts should be made, from St. Clare's perspective, the greatest threat is to reviewing the level of courses for which visas are granted and for, specifically, the University Foundation Course [Level 3] which prepares foreign students for entry into British universities. Students who take the UFC at St. Clare's have been extremely successful in going on to very good British universities. Their English is strong enough to cope with the demands of a first degree, they have had a year to get used to life in the UK and they have adapted to the less didactic style of teaching in this country which often differs from their home country experience. This means that these students are much less likely to drop out of their first year of a degree programme and are more likely to complete a first degree successfully. We would, therefore, heartily concur with a view that colleges with HTS status should be allowed to offer UFC courses as they complement the work of universities. Furthermore, it was clear at the meeting on Monday 13 December at St. Anne's in Oxford that the universities themselves value the work of third-party providers like St. Clare's in "supplying" good quality students to their institutions.

7. Slashing the number of Tier 4 visas which are issued would represent a crude approach to the political problem which the Coalition faces—the promise to cut the number of immigrants to the UK to the "tens of thousands". The Committee can, however, reduce numbers by formally considering the suggestions which have already made by other organisations vis:

- Drawing a line under the UFC so that potential students will not be able to get Tier 4 visas for courses which are less than a Level 3 unless the institution has HTS;

- Removing the right for students who study Level 3 courses to bring any family members with them. [I would mention that at St. Clare's, no student on the UFC has brought a family member with them.]
- Restricting the right of students, and dependent family members, to work in the UK.

8. Anecdotally, and although the UKBA has done much to tighten up on rogue institutions, there are still some institutions which abuse the system. These organisations must be shut down and not allowed to reopen. Highly Trusted Status should mean that the institutions which gain that status are trusted to make decisions about the students who enrol on their courses.

9. The demonization of foreign students in the press is an irrational and unhelpful response but it should not prevent the government putting in place an intelligent [and responsive] approach to regulating the flow of immigrants into this country. The government should show leadership on this point and resist the temptation to be influenced by populist rhetoric.

I will conclude with a quotation from The Right Honourable Keith Vaz, Chair of the Home Affairs Committee, made with reference to the capping of immigrant numbers.

“We were particularly concerned about the potential effect on international students. Our evidence underlined their crucial importance to the cultural and intellectual life, as well as finances, of UK educational institutions. The government should direct its efforts to tackling those who abuse the system—bogus colleges and visa overstayers—rather than penalising legitimate students.”

I would heartily concur with his remarks.

December 2010

Written evidence submitted by Mr Rhodri Llewellyn (SV2)

1. SUMMARY OF MAIN POINTS

- Proposed restrictions based on course levels and longer term repercussions (a comparative example).
- PSW visa.

2. MY DETAILS

I have recently returned to the UK after migrating to Australia and working with my family in the development of a network of college campuses. I am now finalising discussions with a London based college for collaboration, to bring our operations back to the UK.

Our Australian college delivers programs both to the international market and to domestic students, and has a 14-year history. Our course offering ranges from Business and Management, through to technical and practical Engineering vocations, and we have relevant validations for delivery of such both at our campuses and in the workplace.

3. FACTUAL POINTS

Addressing the apparent concerns with the current state of immigration is best done in a more holistic fashion, and with a just and objective process. The risk the government (and the affected parties in the industry) faces is attempting to “meet its net migration target” through a knee-jerk reaction to broader policy (with potentially unaccounted for economic ramifications) simply because it has “run out of options”. By this, I mean that the government is on the verge grasping at straws to address a valid problem, when more informed foresight would provide for a more effective solution. I will attempt to illustrate this in my “Australia” example below.

The problem, as publicly stated by the government, is abuse of the student visa system through overstays and abuse of work rights. This, of course, is common to all levels of adult education. The issue unique to the private college sector, as stated by the government, is lack of compliance enforcement on the part of the government resulting in some colleges permitting students to run truant as general practice. Obviously this has an adverse effect and should be dealt with appropriately.

On the basis that the government’s oversight/monitoring of the industry has been insufficient, resulting in poor practice by some operators, it would be short-sighted to penalise the industry at large through a broad-brush approach to taking sub-degree courses out of the Tier 4 program, thereby “cutting everybody off at the knees”. By identifying the true problem, that is lack of monitoring in the industry, the most effective approach can be determined—even if this isn’t the easy route for the government, and will take longer to achieve their desired results. At least they will be sustainable results.

Another often overlooked factor in broader industry is the interconnectivity and established progression routes that have evolved over time. Whilst it is understood that many students follow the ELICOS FE/college HE pathways, it is often left unquantified, as was the case in Australia that has led to the current government’s u-turn.

4. RECOMMENDATIONS

I will jump straight to recommendations in an attempt to keep the submission brief but poignant. As per the “Australia” example mentioned above, a similar heavy-handed but poorly informed approach was taken to address the same problem over there. It has been more than a year now since the government stonewalled the private college sector, in an attempt to stem an influx of underqualified graduates remaining in the country post-study. At the time I remember thinking “at least the UK has this in hand, they use the PSW visa which is the most effective mechanism for controlling post-study mobility”. Australia had a route directly to permanent residency through study, which was more difficult to “tweak” when adjusting migration dynamics. Instead of managing this in a thoughtful and precise manner, they drastically hampered students’ abilities to obtain a visa, they imposed such astronomical costs for students to get a visa, and they made the process for getting a visa less clear—thereby making the international market suspicious of the Australian government and labelling it racist. Ironically, students and agents abroad showed continued support for the college sector in Australia (I met and spoke with these people regularly—and still do), though the Australian government has lost credibility in these circles.

The other irony, is that the government is now investing a lot of money (after losing vast amounts of tax revenues through damage of the industry and associated tourism income) to conduct an about face, in an attempt to promote the broader education sector (including ELICOS and FE/colleges), and repair the damage done to the reputation of education and the government in Australia. A key catalyst for this costly reversal was the realisation that the higher education sector they were striving to augment was much more reliant upon the private college sector than accounted for in the government’s estimations. The university sector in fact supported the strangling of the private sector, until around a year later when the usual flow of “pathway” students didn’t materialise, and there was a sudden and drastic reduction in the financial health of the HE sector. This was of course due to the fact that foreign students were finding it too difficult to get into colleges, and numerous quality colleges had been bankrupted by the rash changes. As universities in the UK face cuts to endowments, they rely more upon full fee paying students, a good proportion of which come through the college route. By losing this flow of students, in combination with facing a much tarnished “national reputation” such as Australia has faced, the longer term prospect is the problem and cost of repairing the country’s image, along with working out how to keep universities afloat in an already constricted economy.

As mentioned above, the UK has the unique position of already having mechanisms in place to better manage the industry. The PSW visa has been addressed in the current review, and better controlling this through stipulating students must find work within a certain timeframe in the industry they studied, for example, is certainly a good step in deterring “bogus” students. Adjusting working rights is also on the agenda, and perhaps halving the weekday allowance and opening up weekend work rights is a suitable change. Other ideas include requiring 100% of student fees to be paid upfront, and for international students to purchase their own insurance for their study duration. This aims straight at the heart of problematic students, and allows quality students to come and study at whatever level they are suited to.

The point to bear in mind is that if a sweeping cut to working rights is made, so the international market feels affronted by the actions of the UK government, it is safe to say that the UK will face the same loss-of-face that has caused the Australian government to reverse its actions, embarrassingly, and at much cost.

The other key mechanism the government already has in place, and can leverage without making rash costly changes, is its immigration framework. By implementing monitoring practices, to ensure compliance with immigration and Tier 4 rules particularly, the government can quickly identify where abuse is occurring, put a stop to the particular perpetrator, which will have the effect of illustrating the quality levels of the UK education sector—a decision the Australian government failed to take and is now paying the price for. Most of us agree that tighter control is required, and I support cracking down on universities and colleges that provide a means for abuse, but it’s looking forward to where problems will be caused by today’s rash actions, and addressing them now instead of at much cost once the damage has occurred through simple poor-planning.

Overall, I think the review can be very positive, if the outcome is to ensure that each level of educational framework is adequately managed to deliver a quality provision to genuine students. This doesn’t mean strangling particular sections of it, it means implementing quality controls at each level and accepting it is a long term commitment to see the overall industry cleansed, and a desirable, cohesive, interconnected system created for the future.

Written evidence submitted by University for the Creative Arts (SV4)

EXECUTIVE SUMMARY

This submission responds to the main points in the Home Affairs Committee Inquiry on the impact of the proposed restrictions on Tier 4 (student route) migration. This submission, presented by the University for the Creative Arts aims to outline briefly the main disadvantages for the UK higher education sector should the proposed restrictions be accepted. This submission argues that reducing numbers of non-economic migrants is not the way to respond to perceived abuse of this migration route. We believe rather that efforts should be focused on ensuring that UK providers of education (level 3 and above) to international students are well regulated and compliant with Tier 4 requirements and, that students who overstay their leave should be identified and pursued. This approach we believe is preferable to closing routes to genuine students and putting the future of *bona fide* UK organisations at risk.

The following paragraphs address the particular points the inquiry will focus on:

1. *Whether the cuts should be limited to certain types of courses (eg pre-degree level)*

1.1 International students pursue level 3 programmes in the UK by way of preparation for undergraduate study. Closing this route to undergraduate study for international students has the potential to depress numbers of international students able and willing to participate in long-term UK higher education. This will impact negatively on the UK economy, and will threaten the sustainability of genuine level 3 providers, including many Universities and other HEIs. It is a wholly inappropriate mechanism with which to tackle abuse of the immigration system.

2. *The impact different levels of cuts might have on the various sectors*

2.1 Denying the opportunity to offer particular categories of courses to any provider other than one with HTS status is problematic. There is a range of providers in the sector offering courses to meet students' needs across a variety of levels from pre-HE through to research degrees. Closing level 3 is likely to have an impact on both private and public providers of foundation and pathway programmes. Some organisations may have to close. The proposal to raise the minimum level of English course that an HEI may provide to C1 (equivalent to IELTS 7.0+), and to require all students wishing to study an English course to have a minimum level of B2 (equivalent to IELTS 5.0+), will also have a significant impact on the sector. We believe that such a proposal is perverse, and will cause immense damage to the English language training industry, an industry of which state funded HEIs form a significant part, and an industry which contributes significant sums to the UK economy. To permit only those students who already have a high level of English to come and study English clearly makes no sense at all. To prohibit genuine students from studying English at genuine institutions will do nothing to reduce abuse of the immigration system. However it will put a huge dent in the UK's export figures and will threaten the sustainability of a flourishing sector (one of the few current economic success stories), including a number of UK Universities.

2.2 In a context of unprecedented change, and unknown consequences, in the UK higher education sector as a result of the Browne Review, the sector has a serious need to protect itself through the diversification of income. Buoyant overseas recruitment will help to mitigate some of the effects of the changes to funding arrangements for home/EU students. The proposed restrictions put such recruitment at significant risk.

3. *The impact, if any, that reductions in student visas might have on the UK's standing in the world*

3.1 The risk here is the likely damage to the UK's reputation as the provider of a world-class education to all those able to benefit from it. A cap on immigration numbers, targeting some nationalities more than others, will demonstrate the UK's apparent unwillingness to engage with large parts of the global community. This is not an enviable subject position. Managing student immigration through effective mechanisms for checking qualifications, ability, financial means, potential and return home after study, in dialogue with well-regulated, complaint providers is a fairer and more defensible approach to immigration control.

3.2 It is possible that the reductions in available student visas will impact negatively on the UK's position as a global leader in the creative economy (highest contribution per capita to GDP, OECD figures). If UK higher education is unable to attract, educate, retain and benefit from the world's best creative talent, we will not maintain our position as the largest in creative economy in Europe.

4. *Whether cuts in student visas would have any effect on the decisions of highly qualified graduates to conduct research or take up teaching posts in the UK*

4.1 It is conceivable that some international graduates may choose not to pursue research or teaching positions in the UK. However, as these activities are more than likely covered by schemes other than Tier 4 (while PhD students may need a Tier 4 visa, those taking research or teaching posts will be covered by Tier 2), the impact here is likely to be considerably less significant than the impact that closing routes and capping numbers will have on student recruitment.

5. *Whether the post study route should be continued*

5.1 The current post-study work scheme does not require an applicant to have a job offer in hand to qualify for a two-year visa. This is inappropriate so the scheme as it currently exists should be discontinued. Applicants for employment are able to seek leave to remain through other means (Tier 2) which should cover any shortfall caused by the withdrawal of the current post-study route.

6. *The educational routes through which students come to the UK to study at degree level*

6.1 The main disadvantage of the proposals is the damage to the reputation of UK higher education as a world-class destination for international students looking for a high standard of education in a friendly and welcoming context. Using immigration rules to limit numbers coming into the UK in the hope that problems with the system will disappear as a result is unlikely to be successful. It is possible that the reputational damage caused by separating students and institutions into high-risk, low-risk, etc will do little for the UK other than to lead students to elect to pursue their education elsewhere.

6.2 Perhaps the most significant disadvantage is the potential lack of level 3 opportunities in the UK. The risk here is that such a policy is likely to propel students into other education markets resulting in them remaining in alternative locations other than the UK for the remainder of their educational career. The UKBA's own consultation document draws attention to the significant contribution that international students make to the UK economy; a contribution that is at serious risk if students are denied access to a major recruiting part of the sector.

6.3 The proposals do not take into account the large numbers of international students who travel to the UK, complete their course and return home without incident. They appear, as presented here, to be a blunt instrument to deal with particular and specific anxieties about high levels of immigration to the UK. The issue is not one of denying students access to courses or of forbidding particular elements of the sector the opportunity to deliver high-quality programmes, but rather it is an issue of the UK education industry being robust, well managed and compliant with immigration regulations. Changing the Tier 4 route to simply reduce overall numbers is not the way to proceed. We would urge the committee to ask itself what is, or should be, the objective of these proposals—is it simply to reduce student immigration (in order to meet overall net migration targets), or is it to reduce immigration by bogus students? If the former, then we believe that this would be a misguided objective, as student migrants are not economic migrants, and far from being a drain on the public funds they, as customers of an export product, actually contribute enormous sums to the UK economy. If the latter, then the objective will not be achieved through the proposals as outlined—this objective would best be met through greater focus on enforcement and compliance, rooting out the least reputable institutions. Whichever the intended objective, far greater transparency, honesty and clarity of thought are needed.

We would agree with Keith Vaz's view that, "We respect the fact that the Government wishes to tighten up the immigration system but feel that ... efforts would be far better directed towards tackling bogus colleges and those who overstay their visas in order to seek employment, than penalising legitimate students."

January 2011

Written evidence submitted by the University of Huddersfield (SV5)

EXECUTIVE SUMMARY

1. While it is recognised that robust control of the UK immigration system is a key aim of the coalition Government, there are concerns that the student route has been incorrectly identified as a major channel of immigration abuse. The restrictions that are being proposed could have a negative impact on the positioning of UK higher education in the international market and create significant damage for this important UK export sector.

2. Universities and other Higher Education Institutions (HEIs) were invited to contribute to the last review of Tier 4, which was initiated in 2009 under the previous Government and was largely inconclusive. Many of the current proposals were posited by and responded to in the earlier review, and we would question why the new consultation is not taking these responses into account.

3. Revenue from international student recruitment is needed to provide essential income diversification for public sector universities following significant reductions in public funding for teaching and research. It appears more than likely that the proposed changes will restrict planned growth and the essential development of alternative income streams, with a consequent risk to the viability of some departments or institutions.

4. UK Universities are rigorously inspected and have many years of experience in dealing with international students in a trustworthy manner.

- (i) We operate our own sub-degree programmes, in the form of English language programmes and foundation years, for our own students progressing to our own degree courses. This gives us a good chance of articulating with the many different education systems across the world and gives us control over entry standards to our degrees. Removal of the right would be catastrophic for us.
- (ii) Working and dependents rights for international students are essential to us if we are to maintain parity with our major recruitment competitors in the United States and Australia. There is little evidence that work rights are abused by University students and students with dependents would have no problem funding the costs of medical care and schooling for their dependents.

COMMENTS

The proposals which give greatest cause for concern are listed below.

- Changes to work opportunities: Work rights and the Post-Study Work Programme are important marketing tools for HEIs and give us an even playing field with many of our closest competitors. UK education is promoted for its quality, and is appreciated as such worldwide, but it is also recognised that it can be expensive in relation to the US and Australia. It is particularly important in price-sensitive markets (the majority of the countries from which we recruit) that we can offset or challenge this view by conferring limited work rights. There is no evidence that PSW participants displace UK nationals in graduate employment.
- If the provision of sub-degree programmes is restricted to HTS institutions this could undermine progression arrangements developed between HEIs and other education providers which are not HTS-rated. In most cases where these arrangements exist they are subject to stringent quality assurance procedures or the programmes involved are badged by professional education providers eg ACCA, NCC, ABE etc. However, we would strongly support an enhanced accreditation regime which integrates academic quality assessment with immigration compliance needs, approving only the largest and most professional providers.
- The proposal to require international students to return home before progressing to a new course of study would be disruptive and a strong deterrent to individuals planning to continue their taught studies or undertaking postgraduate research in the UK.
- The proposal to restrict permission to bring dependants into the UK causes concern over the disadvantages this would create for many students for both cultural and family reasons. The majority of students with dependants at the University of Huddersfield are from countries with which the UK is working to achieve political détente or co-operation and a move to restrict family transfers to the UK, in addition to affecting individuals and families adversely, may jeopardise high-level channels of co-operation.
- The proposed requirement for all non-EU students coming to the UK to have undertaken an approved secure English language test will jeopardise progression arrangements between many UK HEIs and overseas partners, which normally incorporate independent language testing activities. In addition, many countries are English speaking and students are brought up speaking English and taught in English. This proposal effectively removes the academic freedom and autonomy of universities to determine and operate independent entry requirements. Students coming to study English language in a University, prior to an academic course, should not need a secure test as we can assess them ourselves and subsequently ensure that they reach the correct level to begin academic study.

CONCLUSION

1. Several proposals in the consultation are welcome. These include the plan to reinforce accreditation procedures for private providers. The proposal to offer a fast track service to “low risk” applicants is cautiously welcomed; however, we do have reservations about the application of differential risk profiles and the possible introduction of subjectivity into what was always intended to be an objective system.

2. The proposals as a whole fail to acknowledge the economic importance of education exports from the UK as well as ignoring the international dimension in which universities and other educational organisations must work to maintain competitiveness in both teaching and research. At present, the higher education sector is facing an uncertain future and the expansion of international activities constitutes one of the few areas available for further development; if migration policy changes radically this will seriously undermine this potential channel for growth.

3. We believe that within an international context, the UK will lose the competitive advantage it has gained over the last few years owing in part to a liberalised student immigration regime and the overhaul of the visa application system. Of the UK’s major competitors in the international education market, Australia felt the effects of a student immigration review that led some of its universities to predict a fall of up to 25% in its

education export sector,¹ and a 1.4% decline in enrolments in the current year has now prompted another review of student visas.² The USA has a similar system to that of the UK, although it could be argued that the UK Tier 4 visa process is slightly more accessible and straightforward.

RECOMMENDATIONS

1. Appropriate transitional arrangements must be put in place for any changes made to the immigration system.
2. We would like to see HTS reserved for Universities only, or a special HTS* category created, so that it becomes easier to distinguish the rights that public funded and QAA inspected institutions can hold.
3. Post-Study Work to remain but to be limited to graduates of HTS institutions.
4. Dependants' rights to remain unchanged with HTS, but charges made for medical care and schooling.
5. No requirement for University applicants to English Language Programmes to undertake a Secure English Language Test.
6. The higher education sector should be closely consulted on issues such as differential risk assessment and to advise on the academic aspects of accreditation of private providers.
7. It is suggested that a more rigorous sponsor accreditation procedure is accompanied by greater benefits for HTS institutions and their students.

January 2011

Written evidence submitted by Nazarene Theological College (SV6)

INTRODUCTION AND OVERVIEW

Nazarene Theological College, founded in 1944, is a partner college of The University of Manchester. It has some 250 students, over 40% of whom are from outside the UK (not all of these are on student visas: some are from the EU, and more are part-time students or on student visas). These students are all on HE courses, from PhD to CertHE level.

The College has a world-wide reputation in the area of Wesley Studies, with some 50 PhD students studying at the college—most of whom are from outside the UK and EU.

Full time students and student visitors are finding it increasingly difficult to obtain the necessary visas in a timely and systematic manner. We are concerned that increased restrictions on Tier 4 migration will discourage students from attending here, and erode the high standing in which the college is held. These students bring significant income to the College, its University, and the economy at large, and it would be a disaster were they to be excluded or discouraged from coming here.

The focus of restrictions should be on “bogus institutions” and on “bogus students”; on ensuring that the UKBA tracks and acts on students whom institutions report as withdrawn or defaulted. We should not be targeting genuine students and genuine institutions. Private sector institutions whose HE courses are all validated by reputable British universities should be treated in line with their partner university institutions.

1. *Cuts to Visas for certain courses*

It is undeniable that the “student visa” route has been an easy way into the UK for students with no intention of pursuing studies. In recent years, “bogus colleges” with no academic standing have been allowed to flourish, and students have been granted visas to take up courses there. For this reason, we have welcomed a more rigorous assessment of institutions, and would want to ensure that all sponsoring institutions are genuinely academically validated. Not to do so would erode confidence in UK HE.

This might suggest that we would support restrictions of visas at sub-degree level. However, I would note that often students who wish to attend UK institutions need to be exposed to English language study, and this is almost always at sub-degree level. If a way can be found to ensure that the institutions which offer such programmes are reputable and of good standing, then we would support their continued ability to sponsor students, as they provide a valuable service to the HE sector. But we must be rigorous in denying sponsor status to institutions that do not meet these requirements.

I would also note that there are times when students are required to take pre-sessional studies, as foundations for their degree work. It would be counter-productive if students were barred from taking such preliminary studies, so long as they have firm offers of a place when their pre-sessional work is complete.

¹ *The Australian*, 6 November 2010.

² *The Age*, 17 December 2010.

2. Impact of cuts on sectors

The proposed cuts would hit HE very hard, as they bring much-needed income to the HE sector—particularly at postgraduate level. Some of the suggested restrictions (that students no longer be allowed to work 20 hours, or their spouses to work) would mean that students would be less inclined to choose the UK as a study location. Increasingly, only students who have state resources or significant private wealth will be able to come to the UK to study, thus virtually excluding many of those who have heretofore completed studies in the humanities, including theology.

This college would no longer be viable were non-EU students, as a result of visa restrictions, to choose to study elsewhere. Resourcing a global community is a key part of our educational mission; recruiting such students is a critical part of our institutional strategy and our fiscal viability. We are a small college, employing some thirty members of staff, but our story is replicated across the UK: we are outside the University sector, and therefore often unseen and voiceless, but our disappearance would be a loss to the diversity of HE and to the economy of the UK.

3. The UK's Standing in the World

NTC has developed a global reputation in its specialist area, and has built a strong partnership with its validating university, The University of Manchester. We draw students from over 30 countries, and they come to us because of the reputation of British Higher Education and because of the quality of the product we are able to deliver. It is also the diversity of scholars within UK HE that is particularly and uniquely attractive. Its loss would be both incalculable and irreplaceable. This institution is a microcosm of HE in the UK: it has taken generations to establish, especially in an increasingly competitive world-wide education system, but it could easily be lost.

If I might offer an illustration: we are part of a global network of 57 colleges and universities within our faith tradition. It is to this college, in Manchester, that these sister schools send their brightest and their best, because they recognise the quality of the research programme that we have developed and which we sustain. Our standards are recognised by our global partners, and funds are committed to this institution on the basis of that world-class research provision. This supports UK jobs and brings funds into the economy. Closing the doors to this would be to discard a long-nurtured treasure. Undoubtedly, these resources would then be channelled elsewhere, to more welcoming environments

4. Effect on the decisions of highly qualified graduates to conduct research or take up teaching posts in the UK

This is a key issue: without doubt, highly qualified graduates (those, for instance, seeking admission to our PhD programme) will be discouraged from applying if there are significant new restrictions applied. I include in this the removal of the right to work part time (or for spouse to work); access to health systems; the possibility of postgraduates to access post-study visas.

The right for dependents to enter the country and for spouses to work is essential for the well-being of the student and her or his family. The cost of living in the UK is high—and most students with families need to contribute to the household resources while resident in the UK. Denying spouses the right to work would be counter-intuitive on several fronts. First, the emotional health of research students would be adversely affected by any additional financial strain on students. Second, the health and stability of families would be adversely affected if spouses and dependents were not allowed entry. Similarly, denial of access to the health system may be catastrophic and inhumane for vulnerable people, and Visa students often fall into this category. Denial of access to the National Health Service would eliminate yet another competitive advantage that the UK has in welcoming visa students.

All of these things are significant. And, of course, if these research students go elsewhere, then they are less likely to see the UK as a place to seek teaching posts or employment, and this would impoverish the UK, diminishing our global reputation in HE.

5. The post-study route

This is an important option for highly-qualified individuals. We would not necessarily be opposed to this right being withdrawn for BA graduates. However, for those with the PhD (or M level qualifications) this provides a valuable means of gaining experience and “finding a place” in their profession. For those moving from M-level to PhD level, the post-study visa often offers a space during which time they can focus and form their research proposal, and work in the area, without having to dislocate family and home. It is not unusual for there to be a gap of some months or a year between the end of one set of studies and the start of the next, and the post-study route helps with this.

More significantly, it allows junior scholars to gain experience in an academic setting that often is invaluable, both for them and for the institutions for whom they work. In order for the UK to remain in the upper echelons of the world-wide HE market, it must be able to attract the best and brightest of scholars from wherever. And it must be able to retain some of those it has educated from around the world, not least in retaining the international character of the institutions. It would be a grievous loss were this to disappear.

Forcing graduates to return home in order to reapply for advanced degrees would discourage our best students from progressing to research study. Students often are encouraged to move from MA to PhD study, and to be forced to relocate one's family twice in order to do this is entirely counter-intuitive.

6. *International Comparisons*

We know that this government wishes the UK to continue to be a world-leader in higher education. If we close the doors to international students, then they will be welcomed elsewhere. Canada, for example, operates a more generous post-study policy than the UK, and has a similar policy on allowing students to work. Australia and New Zealand allow students and their spouses to work, and allows students to move to "work permit" status without returning home. At a time of economic concern, students bring resources to our country, and we must be looking for ways to encourage those resources to come to the UK.

The UK should be focussing on "bogus colleges" and "bogus students" rather than putting obstacles in the way of genuine institutions and genuine students. Eliminating institutions which take advantage of unwary students will reinforce the UK's reputation; creating more barriers for genuine students will encourage them to look elsewhere.

7. *Summary*

In summary:

- We strongly support the government's desire to eliminate "bogus colleges" and "bogus students".
- We urge the government to reject several of the proposals under discussion because they would have an adverse effect on the attractiveness of British higher education. Specifically, we would urge rejection of:
 - any proposal to prevent dependents from entering the UK, especially for courses lasting more than one year;
 - any proposal that would prevent spouses from legal employment while in the UK;
 - any proposal that would restrict access to health services beyond current restrictions;
 - any proposal to close the post-study scheme for M-level and post-doctoral graduates; and
 - any requirements that students leave the UK and re-apply for entry from outside when moving from BA to M-level or from M to doctoral level.

January 2011

Written evidence submitted Queensland College, London (SV7)

EXECUTIVE SUMMARY

Queensland College welcomes restrictions which contribute to a reduction in abuse of the student route, but is opposed to changes which deter genuine students, or damage legitimate, good quality colleges.

RECOMMENDATION

All Private Providers admitting international students should be required to have a College Council or Governing Body with external representation. This would enhance public confidence in the quality and standards of their educational provision and in their compliance with regulatory requirements.

COMMENTARY ON SPECIFIC POINTS

1. *Whether the cuts should be limited to certain types of courses (e.g. pre-degree level)*
 - Cuts should be limited to courses which can easily be found in the students' home countries.
 - The criteria for permitting a course to be accessible to overseas students should be based on the quality of the course, as decided by external adjudicating bodies, rather than by level.
2. *The impact different levels of cuts might have on the various sectors*
 - Cuts in some low level courses could help to remove some 'bogus' colleges, which would be welcome.
3. *The impact, if any, that reductions in student visas might have on the UK's standing in the world*
 - There is a long-standing tradition of international students coming to the UK for legitimate study. This has been of benefit to the UK as well as to the country of origin. An across-the-board reduction in student visas would certainly damage the UK's standing in the world.
 - The key point is that the education provided should be of the highest quality. We recommend the strengthening of BAC powers to ensure that this is the case.

4. *Whether cuts in student visas would have any effect on the decisions of highly qualified graduates to conduct research or take up teaching posts in the UK*

- This is difficult to quantify, but international graduates can certainly contribute greatly to standards of knowledge and education in the UK. It would be regrettable if well-qualified students were discouraged from coming to the UK, especially in cases where their skills could not be matched from the home student population.

5. *Whether the post study route should be continued.*

- The PSW route could continue, but should be explicitly controlled. The granting of a PSW visa should be linked to a specific job or sponsor, to ensure that the work done is relevant to the completed course of study.

6. *The educational routes through which students come to the UK to study at degree level*

- Colleges should only be permitted to use licensed agents from overseas.
- The educational level of prospective students should be properly assessed—sponsors should be expected to use NARIC to ensure thorough and accurate verification of overseas qualifications.

7. *International comparisons—no comment*

EXPLANATION OF RECOMMENDATION

The current BAC accreditation criteria do not specifically require Colleges to have a Governing Body or Council and there is currently variable practice on this. A requirement for Colleges to have such a body, with external members, would strengthen governance and thereby extend confidence across the sector.

CONCLUDING COMMENT

Study in the UK by legitimate students brings economic benefits and enhances the UK's cultural and political influence in the world. It is important that international students coming to study in the UK have an educational experience of high quality. Restrictions on the operation of private international students should be related to the quality, rather than the level, of their educational provision.

January 2011

Written evidence submitted by the London School of Hygiene and Tropical Medicine (SV8)

EXECUTIVE SUMMARY

This submission outlines specific concerns of the London School of Hygiene & Tropical Medicine on the UKBA's proposed reforms to the student immigration system. As a leading institution worldwide for research and education in global health, we believe the reforms would negatively impact on our greatest reputational asset—the cultural diversity of our students—and on our capacity to attract the highest quality international postgraduate students. Such students are key drivers of quality research and thus the reforms would impair the School's standing, the UK's leading position in global health and the UK's contribution to international development. Examples of the value of international students to the School, to the UK and to the wider global health community are presented.

1. The London School of Hygiene & Tropical Medicine is a leading institution worldwide for research and postgraduate education in global health. Part of the University of London, the School is the largest institution of its kind in Europe with a remarkable depth and breadth of expertise encompassing many disciplines. It is one of the highest-rated research institutions in the UK and has an outstanding reputation for its education and training programmes. At any point in time, students at the School come from over 100 countries and our alumni are present in 180 countries. The School is truly an international institution and the cultural diversity of its students and staff is one of its strongest reputational features for those who work and study here.

2. The School is therefore concerned at any changes to the student immigration system which would impair our ability to continue to attract the best students from around the world. We believe that the changes proposed, whilst in part addressing remaining areas of abuse and simplification of the current system, also threaten to deter genuine students from studying in the UK—both through the actual changes proposed and by creating a perception that the UK does not welcome or facilitate admission of international students. With the growing number of competitors elsewhere, even for specialist institutions such as the School, and the current economic circumstances which UK higher education is in, any actions which deter international students risk being very detrimental to the sector.

3. Of particular concern to the School among the proposed changes, which we believe will result in fewer international students coming to study with us in London, are:

- (i) The restrictions on dependants to only those studying for longer than 12 months—our taught Masters courses are of 51 weeks duration although international students are normally issued a visa for

approximately 15 months. The proposed restriction would thus be open to interpretation as to whether Masters students would qualify for bringing dependants or not. Many of our students, especially those from low and middle income countries, are mature mid-career students with dependants, thus restriction of dependants would have a negative impact on this significant group.

- (ii) The prohibition of work by dependants—we believe this will significantly deter international students with dependants from considering the UK for their studies as the cost of maintaining the family in the UK would be prohibitive. This would be especially true for postgraduate research students who spend three to four years in the UK.
- (iii) The restrictions on work by location and timing—this proposal appears to penalise all international students in an attempt to curb abuse of the current system. It is not clear that the proposal would address such abuse and yet the proposed restrictions are likely to lead to isolation of students from local communities—a particular concern for long-term students such as postgraduate research students. It also fails to recognise the nature and timing of postgraduate study, especially research degree study where study and employment timings can be considerably flexible.
- (iv) The 2-year Post Study Work visa is an attractive feature for international students and its proposed closure would serve to reinforce the negative message to international students that the UK sees little benefit of them beyond their study fees.
- (v) The proposal that students should return home to extend their visa—for example in progressing from Masters to a postgraduate research degree—would be a detriment to the ease of progression. It is both costly and time-consuming to return home to apply and could risk timely start or completion of their studies.

4. We put forward the following points on the value of international students to the School, to the UK and to the wider global health community.

- (a) Among our students attending courses in the UK, all of whom are postgraduate, 40% of our Masters and 45% of our research degree students are international, ie are from outside the EU. Demand for the School's courses continues to grow—international student numbers have risen from 291 in 2001–02 to 432 in 2010–11, an increase of 48%, as have those from within the EU (including the UK) such that the percentage of our students who are international has remained steady over this period. This growth in students attending courses in London has taken place alongside the establishment in 1998 of our distance learning (DL) programme. Sixty per cent of DL students are based outside the EU and numbers have grown from approx 400 in 2000–01 to 2800 in 2010–11, an increase of 600%. These figures highlight both the demand for the School's courses but also that the demand for studying in London is undiminished even when home-based alternatives are available.
- (b) The cultural diversity of the School's students and staff is one of its strongest reputational features, giving outstanding international networking and professional collaboration opportunities. Any changes to the student immigration system which damaged the School's international diversity would substantially impair our capacity to recruit students, not only internationally but also from the UK and other EU countries. The value of the international diversity is illustrated by the following comment from a UK student:

“The cultural melting pot that is LSHTM is perhaps the best and most fulfilling aspect of being at the School and one that I had not considered when applying. From the very first day there are opportunities to work with, learn from and make friends with people from across the globe. Sharing experiences, knowledge and cultural understanding has broadened my horizons far more than the academic course alone.”
- (c) The School has research collaborations in over 100 countries. Many of these were initiated through relationships developed during a student's time at the School, especially that of research degree students, and/or have a strong student presence in their current activity. These collaborations are vital to the School's maintenance of its leading research position, nationally and internationally, and bring access to a wide range of international research funding sources (especially critical in the current constrained UK economic climate). International students therefore contribute to the UK's research effort and competitiveness.
- (d) Most (>60%) of the School's international students are from low- and middle-income countries who return there, or to similar settings, to take up positions in government, NGOs, academic institutions etc. Furthermore, many of our other international students (most of whom are from north America), go on to careers which base them in low or middle income settings. That is, our international students come to the UK to study but pursue subsequent employment elsewhere. Although the DLHE survey does not cover international students, our own alumni tracing studies show very high employment or further study (>90%) with fewer than 1% classifying themselves as unemployed.
- (e) As an example of the value of international students to the wider UK community, our international students are significant contributors to the School's award-winning young scientists programme which offers work experience opportunities to school students, primarily from disadvantaged schools across London.³

³ Further information is available at www.lshtm.ac.uk/aboutus/volunteering/ysp/

- (f) The profile and employment destinations of our international student body also illustrate the significant capacity-strengthening role that the School has and our contribution to international development. This contribution is widely acknowledged in international agencies, national governments and academic institutions etc. The School, its students and its alumni thus act as strong ambassadors for the UK's efforts in the international development arena. An example of that recognition was the School being the first UK and the first academic institution to be awarded the Bill and Melinda Gates Award for Global Health in 2009.

January 2011

Written evidence submitted by the University of Sheffield Students' Union (SV9)

"I am currently studying in my third year of a degree course at the University of Sheffield. I am originally from South Korea and have lived three years in New Zealand and Australia prior to coming to the UK. I decided to study in this country due to its well-known reputation for welcoming open minds towards multiculturalism as well as its rich history and prestige of its universities. I have not yet regretted my decision of coming here as I enjoyed everything this country offered immensely. This experience even taught me to consider completing my PHD here if there will be any chance.

However, the recent radical change on the immigration policies proposed by the government rather shocked me. I am deeply concerned that this proposal will cause a lot of problems not only for the international students, but also the British public in general including the universities and employers. I now fear that if this proposal goes through, no one who is from outside of the UK will feel welcomed even to be in this country. This news rather forced me to reconsider all my future plans and once again, I do not believe this is a rational choice for the future of this country.

I sincerely hope that the government reconsiders and can come up with a more rational alternative that addresses the immigration issues in a way that is not so prejudice towards people who are coming here to learn."

Undergraduate student, South Korea

SUMMARY

1. The University of Sheffield Students' Union represents over 24,000 students of whom just under 5000 are international students from outside the European Economic Area and will be directly affected by the proposals to reform the Student Immigration System. Our international students come from over 137 countries round the world.

2. We agree with the need to tackle abuse in the student category and support any measures which achieve this. We understand that students at degree level and above are not the target of the proposed reforms but are concerned that some of the proposals will damage the student experience and future recruitment at this level.

3. We have consulted our current students and had over 130 direct responses from our international students to the proposals who are very worried about the impact of the proposed changes on their future study and work plans. In particular they are most aggrieved about the proposals to abolish the Post Study Work Scheme which allows students who have successfully completed a degree to stay in the UK to work for two years. Many students chose to come to the UK because of this scheme and now feel that their plans are about to be shattered by these proposals. There is no doubt that the way in which current students are treated by the Coalition government with respect to the PSW scheme will be pivotal in managing what could be a devastating "own goal" in terms of future student recruitment.

4. The majority of our international students study at degree level or above. About 12% study at undergraduate level, 44% at Masters level and 37% are doing PhDs. They all pay a higher rate of fee which ranges from around £10,940 for an Arts degree to just under £15000 for an Engineering degree. This fee income currently accounts for 12% of the University's total income which is vital within the context of the funding changes recently announced for the higher education sector. They also bring a significant amount of money into the local economy by paying for their accommodation and living expenses. They are not allowed to claim public funds and are not allowed to work more than 20 hours per week.

5. All students are being encouraged to develop their global awareness and we fear that these changes will deter international students from choosing the UK for their university education. This means an impoverished university experience for our home students who benefit hugely from our diverse international student body.

"I am a second year PhD student at the Department of Mechanical Engineering, and am from Iran. I came to UK about two and a half years ago, and completed a masters degree in Materials Engineering before starting a PhD.

I believe that the new rules are just disgraceful. Abolishing the post study work scheme and limiting the rights to work during term time can strongly affect my life and my future. [...].

I did not come to this country to increase the unemployment rate or to commit a crime. I came here for becoming a very successful scientist who may have a very tiny role in science and probably help this world to be a better world like lots of other ambitious scientists. United Kingdom could give many bright

international students the opportunity to use the facilities in some of the high-ranking universities in the world to reach their potential, and to help this country to develop more and more[...]. I wish I could have a voice to express my opinions and ask my questions from this government or those who approve having such rules in a developed country like UK.

PhD student, Iran

GENERAL PRINCIPLES

1. Many of our students support the aims of tackling abuse but do not see how restricting their rights will achieve anything other than reduce the flow of international students into British universities which will have a significant negative impact on the economy and the learning opportunities for all students. These measures make international students feel incredibly unwelcome in the UK. This is bad for the UK higher education sector and the wider economy as these students will take their money elsewhere to the US, Australia and New Zealand in the future.

“I have been to the UK for almost 5 years. I did start as an English student in a small English institution in London. Now I am doing a PhD in one of the top universities in the UK, I have also taken a MA and some courses on law in London. All this fully funded (sic) by non EU or UK institutions, neither TAX payers money from the EU.

I guess if there had been those rules, that the new government wants to implement, I would have had no chance to take those courses and rather studied in a more immigrant friendly country such as Australia, Singapore, Canada and even the US. Thanks God, I did before all these nonsense changes. By the way, I have no intention to remain in this country after I finish my PhD.”

PhD student, Colombia

2. We recognise the government’s commitment to reduce net migration but do not believe reducing international student numbers will achieve the desired policy goals. International students come to the UK to receive our excellent educational services. They are not permanent migrants and are not a drain on the UK economy. They pay full fees for their studies and have to bring sufficient funds to cover all their living costs for them and any dependants. If they do work part time as allowed under the current rules they will pay tax and national insurance like any other UK resident. In addition part of their visa fee already includes a surcharge of £50 as a contribution towards their use of public services.

3. We cannot imagine a policy which would support the reduction of the number of tourists to the UK as they are seen as a “good thing” as they bring vital income into the UK economy. International students are the same and much more.

“The immigration laws currently in place already make us feel undesired, unwelcome and in some ways inhuman; the new proposals are even worse and would put off many students and researchers from coming to the UK. The UK economy as whole, and not just universities, will be negatively affected on the long run especially if the Post Study Work scheme is closed given that some occupations where there is a shortage are mostly filled by international graduates.”

Undergraduate student, Morocco

ABOLITION OF POST STUDY WORK SCHEME

1. The vast majority of respondents were concerned about the possible abolition of the PSW scheme. Many had chosen to come to the UK precisely because of the offer of this scheme.

“I can still remember that when British Council held seminar in Pakistan on Studying in the UK, getting a PSW was highlighted as one of the main advantages of coming to UK. We were told that it will be a big advantage for our future career if we also get a UK work experience after completion of studies. Honestly, I prefer UK over USA only for this reason, realising the importance of gaining work experience as part of UK study experience.”

Masters student, Pakistan

These students were sold a package which promised them—come to the UK, get a great education and get some work experience before you return home. As one student succinctly puts it: “degree + work experience = world class education”. Our students now feel cheated by the UK government and worried about their futures.

“For an international student, studying in the UK is not just about a degree, but an international experience. Working for a short while at the end of one’s course is an integral part of that experience, and also provides practical context to the course studied.”

Masters student, India

2. We have evidence from students who already have job offers from companies such as National Grid, Jaguar Land Rover and Proctor and Gamble for their graduate trainee programmes to start in the summer of 2011. These offers were made on the basis that they would be eligible for the PSW. These students who were all were offered these jobs through a highly competitive recruitment process are now extremely worried about their future. The employers have limited room to manoeuvre as they cannot easily convert these prospective

employees into Tier 2 due to the cap. The abolition of PSW will adversely affect the operation of UK based global businesses who cannot always recruit the necessary skills from within the UK/EEA.

3. The PSW scheme is also vital to our Architecture students who typically study a three year BA degree in Architecture followed by a year of work experience before doing their MArch for two years. Up until this point they are covered under the Tier 4 provisions. Following this they must do a further 12 months work placement in the UK before they can take Part 3 of the Royal Institute of British Architects examination. It is only after successful completion of the Part 3 exam that a person can finally call themselves a registered architect. Currently the only way for any architecture student to do this final work placement is using the PSW scheme. There is no possibility of such work experience placements being covered under Tier 2. If students cannot meet the final requirements there is no doubt that British universities will not be able to recruit any international students to their courses.

“If an exception is not made for non-EU architectural students, we could study and still not be qualified. It is frustrating for us because we have spent many years in the UK and worked hard with the hope of being a qualified Architect only to suddenly find ourselves shortchanged by the clashes in regulations between the UK Border Agency and the RIBA. I believe British Schools of Architecture should be aware of this situation as it suggests all non-EU overseas students to stop applying to study RIBA-accredited Architecture courses in British Universities.”

MArch student, Malaysia

4. Recent UKBA research suggested that the vast majority of international students on the PSW scheme were not in highly skilled jobs. We do not think this research was sufficiently robust. For instance, it did not compare a cohort of UK/EEA recent graduates to see the numbers who actually had graduate level jobs on completion of their studies. Our international students value the PSW scheme highly as they see it as a way to add value to their degrees before they go home. They do not want to work in unskilled job but they have been encouraged to get any work experience rather than none at all.

RECOMMENDATIONS

1. We urge the government to consider the retention of the PSW scheme for students in skills shortage areas and courses where there is a mandatory requirement for work experience in the UK such as Architecture.

2. We also believe it is vital for the government to retain the PSW scheme for all existing international students who commenced courses before the publication of these proposals. This is particularly important for those students who are due to graduate this year as many of them have already formulated plans based on staying in the UK.

OTHER PROPOSALS

1. We also wish to comment on the potential negative impact of other proposals which while not being the direct concern of the inquiry will nonetheless have a devastating impact on our students and indirectly on future recruitment.

2. Rights to work during studies—all students are encouraged to gain work experience to enhance their overall academic experience. Currently all students on a degree course have the right to work up to a maximum of 20 hours per week for any employer. Under the new proposals, students will only be allowed to work on campus during the week in term time. They would be allowed to work off campus during weekends and vacations. We fear these proposals will make it even more confusing for employers and mean that fewer of our students are able to have this valuable work experience. Our Jobshop at the University has also reported that most jobs are available off campus during the week.

3. Dependants—Currently, students doing any course of more than six months can be accompanied by their dependants. The Government proposes to only allow students on courses of more than 12 months to bring dependants. This will impact on some of our students who come to do pre-sessional courses (particularly English language) of a duration of between six and 12 months. We are really concerned about the proposal to remove the rights to work for dependants and to only allow them to work if they qualify under Tier 2 or Tier 1 General (which is being largely abolished from April 2011). Put bluntly if our student dependants are not allowed to work it is very likely we will lose a significant number of research students who will go to other countries which have more family friendly immigration policies.

Most of the dependent are actually professional/skilled worker , however due to some restriction such as children care, they choose not to work professionally and choose to work part time (for example as cleaner which they can work out of office hours). That why it's not fair to ask them to apply for tier 2. If my dependent is not allow to work, I would say that I'll feel the stress financially.

PhD student, Malaysia

4. Requirement to return home to apply for visa for new courses—many of our students are very concerned about this proposal due to the additional cost and delay in getting visas from abroad. This may mean that some students are not able to proceed smoothly from their first degree to a PhD. We see no justification for this proposal as it penalises genuine students who are making progress.

5. No visas for degrees at same level—we cannot understand the logic behind this proposal. This would prevent our international students from taking another Masters degree if they decided they wanted to develop another career path or set of new skills if they already hold a UK degree.

January 2011

Written evidence submitted by Tilsley College, Motherwell (SV10)

EXECUTIVE SUMMARY

1. Tilsley College is a small (total annual intake of 15–18 students) but long-established private provider of further/higher education which is accredited through EEAA and BAC offering Certificate level (NQF 4/5) education in the niche market of the Christian services sector on an international scene. We are in the process of seeking HTS approval and have already incurred serious costs in the pursuit of this goal. We are essentially service-driven and are not commercially driven in our overall ethos and reason for existence, especially as regards receiving international students for training.

2. A key role for Tilsley College is to make provision of training for between one and three international non-EU students per annum as a service to the wider churches network they support. Legislation restricting our welcome of these students will hamper our service provision not our budget.

3. Having been registered on the previously existing register of Education Providers with the Ministry of Education, though not yet having received a sponsors' licence under UKBA, we are keen to establish the fact that colleges like ours are not “bogus” and our present lack of HTS status is through no lack of effort on our part. We want to affirm our *bona fide* status and full commitment to meeting legislative requirements.

4. The main concerns raised by Tilsley College focus on:

- (i) The fact that a restriction of the Tier 4 route to degree level courses only would effectively prevent Tilsley College from fulfilling part of its purpose in providing international and cross-cultural training experience for key leaders within a recognised international network of churches, in which academic degrees are not the primary measure of professional excellence.
- (ii) The proposed changes to legislation would have a negative impact on our own reputation as “a highly regarded college” and an education service provider and training facility for an international organisation (GLO) potentially ruining almost 40 years reputation within our own networks.
- (iii) The implications of new legislation that appears to assume “guilty” until proven innocent in the case of “sub-degree level” and “private” colleges when they are branded automatically along with bogus colleges as housing “the least compliant students”.
- (iv) The importance of maintaining opportunity for NQF 3, 4 and 5 provision to be made through small private *bona fide* colleges like Tilsley College within the required legislative process while at the same time not making the provision unduly difficult and, relative to student body size, very expensive for small institutions.

A. Our historical credibility and education provision

1. Tilsley College has grown up as the training wing of the work of Gospel Literature Outreach (GLO) in Europe (Scottish registered charity No SC007355). GLO itself is an international movement with bases in such countries as Australia, Korea, Malaysia, New Zealand, Peru, UK and Zambia. It aims to play a significant part in establishing, equipping and enabling the church of Jesus Christ throughout the world. GLO was launched in Australia in 1965 through the vision of Colin Tilsley and the base for GLO Europe was established in Motherwell, Scotland in 1974. It has developed into an international ministry and now has around 230 people in more than 20 countries worldwide engaged in various Christian ministries. GLO Europe currently has over 90 people working full time.

2. Tilsley College has grown steadily in the work of training since 1974. With close to 40 years experience as a small private college for higher education we have seen many students, national and international, equipped and sent out into Christian service. In the period 1975–2010 Tilsley College has seen 390 students graduate, 167 of whom entered Christian service. Presently 129 alumni continue their service in Christian ministry, 59 within GLO and 70 with other agencies spread over 24 different countries. The college is well known within its own networks and is highly regarded as an appropriate training ground for Christian workers and missionaries.

3. Tilsley College offers an accredited Certificate in Biblical Studies and Christian Mission on completion of our one year residential programme at our campus in Motherwell, Scotland. The course is rated at NQF 4 and includes both academic and vocational aspects of training. Vocational elements of the course are closely supervised by the college staff and lecturers who are all qualified in their fields of expertise (many to post graduate or PhD levels). Tilsley College also offers a second year internship programme which is certified by the college and an evening class programme for church leaders across central Scotland. We currently have 14 students on the full-time certificate course, three on the second year internship programme and 51 registered for evening classes. These courses are highly regarded on the international scene of which we are a part as well as enjoying recognition within the theological education sector here in UK.

4. Tilsley College is a *bona fide* college which is currently accredited through EEAA⁴ and BAC.⁵ We work within a niche market making provision of theological education and vocational training for persons expecting to be involved in Christian service. Tilsley College has been on the Register of Education Providers and has been actively seeking UKBA approval over the past three years. We have subjected ourselves to rigorous academic analysis and evaluation with a view to maintaining our previous high standards and in proving these to the necessary bodies in order to secure the award of Highly Trusted Sponsor with UKBA. Further reference to this ongoing process follows below, however it is worth highlighting that in all the years of training with a consistent number of international students being regularly part of the annual cohort there has never been any case of a student absconding or not meeting the immigration requirements in place at the time.

B. *Our commitment to government legislation*

Tilsley College is fully committed to meeting the requirements of government legislation. This has been clearly demonstrated by our willingness to pursue the necessary agreements and awards which will allow us to operate within our field of training expertise as we have in the past without the constraints of having international students dis-barred from our courses through immigration law. We have over recent years invested considerable time and resources into meeting the requirements of the Points Based System previously introduced by seeking to attain appropriate recognition with UKBA.

Tilsley College works within a sector where the moral obligation to keep the law is extremely high. As a Christian organisation our ethos and training is firmly focused upon doing what is right. The international network which we serve within GLO is similarly committed to these standards. All the students, including international students which the College would receive at Tilsley, are vetted and screened by personnel within the organisation who have selected the proposed candidates for the very purpose of equipping them for a career in Christian vocational ministries. The moral fibre of these candidates is key to their acceptance for training and offers Tilsley College great confidence that international students will willingly uphold the law of the land in all aspects, including immigration.

Several concerns arise for Tilsley College in regard to the present proposals for amendment to current legislation:

1. *Restriction of international students*

The College would wish to reiterate the view of the Chair of the Committee in his comment “that any arbitrary decision to restrict the number of international students will be of grave danger to the UK economy and reputation”. Furthermore, accepting that Tilsley College international student cohort’s absence would make little impact on the UK economy, nevertheless Tilsley would be keen to maintain their reputation on the international scene of GLO with the constituent church networks in which we currently operate.

2. *Bogus colleges*

The college would want to strongly affirm the government in the rooting out of bogus colleges. However, Tilsley is NOT a bogus college. We are deeply concerned that legislation be suitably tailored to deal with the problem and not have a detrimental effect on small genuine colleges like Tilsley College which are seeking to make education provision for our own sector of the market. We recall the words of the Chair again and strongly concur: “we hope to ensure that any restrictions proposed by the Government do not disadvantage a vibrant and successful industry”. The prospect of Tilsley College no longer having international students would seriously hamper our current training programme and gravely undermine the work of our organisation on the international scene. Our exhortation would remain again with the Chair when he says: “...efforts would be far better directed towards tackling bogus colleges and those who overstay their visas in order to seek employment, than penalising legitimate students”.

3. *Being overlooked in the big picture of national government policy*

Tilsley College is concerned that our current status as a genuine *bona fide* college will be seriously undermined as a result of the broad brush approach to immigration currently being proposed. Paragraph 11, of the Bogus Colleges paper (pg 4–5) makes the case in point for Tilsley College and the Minister for State and Immigration’s warning is accurate in our case. As a small college we have already invested some £12,000 in the pursuit of accreditations from EEAA and BAC with a view to securing the Tier 4 approval from UKBA. Our annual turnover from fees will be around £50,000. The impending proposals for changes to the legislation would leave Tilsley shocked and in serious financial loss if the broad application of granting visas to international students only on degree level programmes was to be applied. Tilsley College reiterates its readiness and willingness to attempt to meet the criteria for Highly Trusted Sponsor but we remain concerned that in the pursuit of that goal the door may be closed to us. As a small college, Tilsley is well placed to closely supervise and monitor ALL the students we train (typically 15–20 per year), whether international or not, and to ensure that all legal requirements are maintained.

⁴ European Evangelical Accrediting Association, www.eeaa.org

⁵ British Accreditation Council, www.the-bac.org

C. Our contribution to the present Tier 4 dialogue

Finally, Tilsley College would like to lodge the following points as engagement with the present dialogue. These points are drawn from the proposals of UKBA in their Tier 4 consultation documentation.

1. *Sub-degree level study*

Tilsley College would want to lodge an objection to the implication that because a college enrolls “sub-degree level” students they are automatically grouped with “the least compliant students”. Clearly, non-compliant students will be found even in graduate and post-graduate programmes. Tilsley College is also a private college and similar implications are being made that this in some way makes us suspect. The bogus college phenomenon has largely been created by spurious English Language training facilities and we object to being gathered up with them.

2. *Some courses below degree level merit inclusion within Tier 4*

Tilsley College would want to be included in this category. Our call for caution is so that the intention to restrict only HTS institutions to offering courses of study below degree level (i.e. NQF 3, 4 and 5) should not disqualify colleges like us who are presently in the process of seeking that award. Any new legislation should be so delineated as to allow small private colleges like us to continue to seek HTS status. Tilsley College would strongly object to the concept of only current HTSs being granted approval to offer below degree level courses if the requirements imposed for HTS status are effectively eliminating small private colleges such as us. As noted above Tilsley has already invested considerable resources of personnel, time and money into progressing the application to UKBA for approval—we call for that channel to remain open to us.

3. *UKBA “consultation”*

Tilsley College would like to make the following representation as a response to the consultation questions offered by UKBA survey. We note however that the questions are worded in such a way as to closely shepherd and direct responses to what appears to be the “thrust of new policy” rather than a “consultation” as to how immigration problems may be resolved in the context of student immigration.

(a) Question 1, answer: We do not think that raising the minimum level of study offered under Tier 4 to degree level will be an effective way of reducing abuse of Tier 4 route. It is certainly a way of “increasing selectivity” and perhaps “simplifying the current rules” but it is strongly discriminatory against small private colleges like Tilsley who are offering a bona fide service in a niche market to an international clientele. Furthermore, as highlighted above, restricting to degree level and above is no guarantee of eliminating abuse since moral duty does not always go hand in hand with higher education among students.

(b) Question 2, answer: Yes, we do accept that only HTSs should be permitted to offer study below degree level at NQF 3, 4 and 5 in the Tier 4 route provided that colleges currently pursuing such status are not dis-barred from continuing to do so in the foreseeable future. HTS award should continue to be made available to bona fide colleges, like Tilsley College, with appropriate measures put in place to monitor their international student cohort.

(c) Question 3, answer: Yes, we think these changes should be phased in over a period not less than two years. At Tilsley we have experienced many hurdles and obstacles on the way to seeking HTS award, not least the massive financial implications for a small college like ours, and the lack of clarity around the process and its implementation have been an ongoing frustration for us. Time is essential to make the transition effectively—immediate changes would be hugely restrictive to our education provision.

(d) Question 5, answer: Appropriate English language testing should be required but we feel that decisions as to levels and types of test should be left within the education sector and not become an immigration requirement. The course that Tilsley College offers to international students does require a high degree of English language proficiency however owing to the nature of our college we are able to put appropriate provision in place for those who are needing to improve their English—indeed sometimes this is part of the learning experience for our students. We agree that appropriate standards of English should be maintained, but we disagree that they should be an immigration requirement, rather an educational discretion when appropriate.

(e) Question 7, Question 8, answer: Genuine students who come to the UK for education within the broader education sector and having graduated from their programme should not be required to go home if applying for another course of study; neither should they be required to show evidence of “progression”. In our situation we have had students who, having completed a Science degree for example, wish to seek a short course in theological study before returning to their home country. We would like to be able to assist them in offering such opportunity.

(f) Question 12, answer: We have no objection to imposing limitations on students in working. We believe that international students come to study and we should encourage them to focus on that as a priority.

(g) Question 13, answer: Owing to the nature of the Christian service training we provide it is to our advantage to have the provision for immediate family members being allowed to accompany a student. Mostly this proves to be two students (husband and wife) and occasionally with siblings. We have the accommodation for such requests and would normally encourage the family to come for study together.

January 2011

Written evidence submitted by International Students of Forth Valley College, Falkirk (SV11)

Most respectfully, we want to bring very important information to your attention, which a majority of genuine International students will suffer soon because of the newly brought proposals by abolishing the Post Study Work (PSW) Visa, which was actually promised before we started our studies in United Kingdom. Now in the middle of our study, the rules are being changed after we have already spent thousands of pounds here. Just to bring in your attention the reasons PSW is preferable for us rather than Tier 2 (work permit).

1. Most of PSW candidates are willing to be self employed and start a business rather than look for a job to qualify for a Tier 2 visa.
2. Even for a good professional job, employers always want to see a right to work documents first before offering any position, means no PSW no job offer.
3. Plus it's impossible to secure the job in the last remaining 4 months of visa because most of employers want to see the full degrees not just transcripts and degrees normally awarded at the end of visa/stay.

Therefore ending PSW all of sudden means the scheme that have attracted thousands of students was a con, which we don't expect from the fair justice system of Great Britain. All we want is a fair transitional period which covers all the genuine students who started their study probably in September 2010 by the understanding of PSW.

We acknowledge Government is doing what is best for country, but we are the ambassadors of our countries and don't want to have a bad impression of UK in our countries. Therefore, we thought to represent 100's of international students and show their concern regarding this serious matter. We hope you will look at our problem and do something reasonable according to your power for the reputation of Britain; we will be much obliged.

January 2011

Written evidence submitted The Northern Consortium (SV12)

1. THE NORTHERN CONSORTIUM (NCUK)

1.1 This paper is submitted by The Northern Consortium (NCUK). NCUK was created in 1987 by 11 British universities to facilitate their collaboration in establishing and running off-shore foundation courses for international students. Building on its achievements and experience over 23 years, NCUK is a highly successful education organisation working in an expanding number of countries. It provides a range of cost-effective pathway programmes that prepare international students for part or all of their university study in the UK. Essentially we do this by providing some of the necessary education inputs needed to obtain a UK degree in the students' home countries before they transfer to the UK. This is known in the sector as Transnational Education (TNE) and it is the fastest growing segment of the international education market. As an education organisation owned by 11 UK universities that operates in TNE we have a unique insight to bring to the issues being considered by the committee. NCUK now has programmes running in 10 countries (China, Kenya, South Korea, Ireland, Japan, Nigeria, Sri Lanka, Morocco, Pakistan and the UK). To date more than 15,000 students have progressed to degree studies from NCUK programmes generating £335 million in fees for NCUK universities; the additional income generated to local economies through accommodation and day-to-day living is estimated at £225 million.

1.2 The 11 universities that came together to set up NCUK and which still own the Northern Consortium today are:

Bradford
Huddersfield
Leeds Metropolitan
Leeds
Liverpool John Moores
Liverpool Manchester
Manchester Metropolitan
Salford
Sheffield Hallam
Sheffield

2.3 Many other UK universities welcome NCUK qualifications, not just its founding universities and currently some 20 English universities receive our students on an annual basis. More than 20% of international students studying in England choose to study at these 20 universities and this background of excellence in international education underpins our policies and procedures. In addition, NCUK qualifications are recognised in Australia and the Republic of Ireland.

2. SUMMARY OF KEY POINTS

2.1 The essential concern for NCUK and its UK universities is that any move to limit student visas to public universities and related institutions for degree-level study only, will seriously damage the UK's standing in world education and put at risk a vital income stream. International (non-EU) students who legitimately enter the UK to study at university and/or to undertake courses to prepare for degree studies do so because of the quality of UK education, not because of the job opportunities or welfare benefits the UK has to offer. The Points Based System (PBS) was introduced to tie students into registered sponsoring institutions (a move welcomed by universities) which now issue Certificates of Acceptance to Study (CAS) and are required to meet specific tracking requirements. We argue that the provisions of the new PBS are more than adequate to sift out bogus students and institutions. There is no evidence that PBS is not working and needs further refinement.

2.2 Any move to require a Secure English Language Test (SELT) for a study visa will also cause serious problems for UK universities in general, and will undermine the work NCUK has spent 23 years building up. If universities could register their own programmes as SELTs and prove their security (as NCUK would) this would not be an issue. However, recent guidelines make it impossible for even relatively large testing units such as ours to meet the requirements (eg evidence of secure testing in over 40 countries).

2.3 NCUK contends that UKBA's focus should be on bogus institutions and not on intervening on academic judgements made by UK universities. The UKBA report *Overseas Students in the Immigration System: Types of Institution and Levels of Study* (Dec 2010) analyses types of course studied by non-EEA students and the rate of compliance/non compliance by sector. The 2% non-compliance rate for the university sector (table 4) is strong evidence that students who have gone to public universities have been highly compliant regardless of what qualifications and routes were used for admission. This demonstrates there is nothing essentially wrong with the current system for public universities.

3. COMMENTS ON PROPOSALS

3.1 NCUK's own universities and related organisations are making comments and recommendations in their own submissions that echo NCUK's thoughts on the general areas on which the committee has invited comments. NCUK is therefore focusing our comments on the areas most directly related to our business.

3.2 *The impact different levels of cuts might have on the various sectors*

3.2.1 The rule changes are allegedly not intended to "cut" recruitment of well-qualified students to UK Universities yet they will have exactly that impact. The vast majority of students who enter the UK for sub-degree (i.e. "FE") courses at public and private institutions with HTS status at 16-plus do so to prepare for degree/HE study. Changes which directly or indirectly (via e.g. SELT requirements and the proposal that students will need to return to their home country to apply for a new visa to progress to a higher level of study) will place unnecessary barriers for well-qualified students from this sector and will severely undermine recruitment to UK Universities. Any restriction on student visas for genuine students aiming to study at bona fide institutions at any level will have a very serious detrimental impact on the UK economy. The international education industry is second only to Financial Services in the level of "export" earnings it produces for the UK's service sector.

3.2.2 Using our own operations as an example, NCUK is currently preparing over 2,200 students to enter UK universities in September 2011, (worth £45 million in tuition fees alone) and proposals by UKBA to use a narrow range of SELTs to implement cuts will put at risk at least part of that income—possibly as much as 50%. Some of our students will fail to get a visa for no other reason than they will be unable access a SELT in time. Requiring a SELT will not only add an unnecessary layer of complexity to visa applications for NCUK students, it will also seriously undermine the quality of the student experience and the value of the NCUK English for Academic Purposes (EAP) programme (see 3.3.7).

3.3 *The educational routes through which students come to the UK to study at degree level*

3.3.1 NCUK has been involved in TNE pathway programmes for international students for over 23 years; that is, we have designed and managed programmes which help international students to qualify for entry to UK Universities for over two decades. Typically, these programmes are foundation programmes which prepare students in terms of English language skills, study skills and subject-specific knowledge that allow them to qualify for and excel in their chosen degree. Currently we have a foundation programme for undergraduate degrees (IFY), and Masters level (Grad Dip and PMP).

3.3.2 NCUK also offer programmes which enable students to study the first part of their undergraduate degree in their own country., The NCUK International Diploma (Int Dip) is the equivalent of the first year of

a degree at one of our owner universities and is often delivered as year-2 of a “2+2” programme; that is one year for IFY, one year for Int Dip, with the final two years at one of our UK owner universities.

3.3.3 NCUK programmes are administered and awards made using stringent quality assurance procedures. Examinations and assessments are externally set by NCUK, and our pool of external examiners comprises academic staff from NCUK universities with those universities being the ultimate guarantors of the quality of our programmes. Certificates are printed and given to students using stringent security checks; all NCUK owner and associate universities receive student results directly from NCUK, and any attempt by students to use a certificate fraudulently can immediately be highlighted and rejected.

3.3.4 Our experience shows that students on NCUK’s and other TNE programmes present virtually a zero risk of non visa compliance. This is because the students will be very committed to genuine study in the UK having completed up to two years of direct study in their home countries. Those seeking an easy route into the UK will not choose TNE programmes; note that all NCUK students are individually well known to the TNE providers and their partners.

3.3.5 Because of NCUK’s relationship with bona fide organisations overseas, we are able to provide a flow of well-qualified, “genuine” students. The partnership we have with these organisations is entered into only after rigorous due diligence checks, including liaison with local British Council offices and intelligence from our owner universities. No partners would risk sanction by NCUK or UKBA by knowingly providing access to students who do not intend to follow their studies in the UK.

3.3.6 There are many valuable benefits of having the first year (or more) of a degree studied overseas. The grades awarded mean that only students who are committed to an international education qualify to come to the UK; the process naturally filters out (either at the entrance or exit stage) students who are not capable of engaging in degree-level study in the UK.

3.3.7 These benefits extend to the UK as a study destination and TNE is on the rise. A report produced by the UK Council for International Student Affairs (UKISA) in 2009 (“Transnational Education and the Student Experience: a PMI Student Experience project report) estimates that “it is likely that, for the UK at least, by 2010 the numbers of students registering on HE TNE programmes will be greater than those coming to the UK programmes from overseas by traditional recruitment”. Many of these programmes have integrated English programmes as a core activity and do not rely on the current SELT exams as students transfer to the UK, partly because the need to take a SELT would disrupt their programming. NCUK programmes integrate tuition and testing of English for Academic Purposes using the same rigorous philosophy.

3.3.8 In the UK, NCUK only works to deliver its pathway programmes with a very limited number of organisations who have proved themselves leaders in the field of quality international education. The INTO Manchester and INTO Queens University Partnerships (both of which have UKBA HTS status) started as a collaboration with a local FE college, and our other partnership in Walsall is with an established (HTS) FE provider. These organisations, through their entrepreneurial attitude to education, have combined a commitment to quality in international education with careful market positioning.

3.3.9 All NCUK programmes rely heavily on English language training, focusing on English for Academic Purposes (EAP). Students who start NCUK programmes anywhere in the world need to demonstrate that their general English language ability is at an intermediate standard (effectively just below CEFR B2) on entry. Although NCUK is not involved in courses below the intermediate level, we are conscious of the fact that general English language training in the UK, both private and public, provides an important flow of students into our programmes. For this reason, any directive to remove this flow of students will have serious ramifications for NCUK programmes delivered in the UK with the concomitant serious impact on our owner and partner universities.

3.3.10 Of serious concern for all NCUK stakeholders is the proposal that a SELT with prescribed tests—such as IELTS and TOEFL—will be the only tool in deciding on the appropriateness of individual students’ language proficiency for UK HE study. For any student wanting to enrol on a pathway programme (such as those offered by NCUK) this undermines the value of the programme. Particularly for NCUK, where English for Academic Purposes language training (EAP) is imbedded with subject study, our programmes will be seriously damaged; the pedagogic arguments are difficult to explain in a short paper such as this, but a focus on a SELT, which is a snapshot proficiency exam, will be very much to the detriment of a programme that covers a much broader (and necessary) set of academic language skills and study skills. Added to this, the practicalities of very large numbers of students typically needing a local SELT at peak times coupled with the staff and hardware requirements for SELTs will inevitably mean missed deadlines for visas and a reduced student flow.

3.3.11 NCUK also believes that this is fundamentally an issue of freedom of choice. The government is currently seeking to extend greater choice and autonomy to institutions and learners in many areas of the UK education system, yet they are seeking to effectively limit the admissions procedures used by UK universities for non-EEA students. Mindful of their HTS status and how non-compliance can affect them, universities will want to be free to use all tried and tested routes to admit students, not just those dictated by a SELT list. International students seeking to invest thousands in a UK education should be able to choose the routes that they feel best prepare them for their experience. There is no evidence to suggest that genuine students preparing

for degree level study (in the UK or off-shore) and their receiving universities have misused or abused the choices now open to them, so we do not believe it is desirable or appropriate to restrict those choices.

3.4 International comparisons

3.4.1 Few would doubt that recent changes in immigration policy in Australia have had a disastrous impact on genuine student recruitment from countries such as China and India even though it was designed to deter only those looking to abuse the system. The Australian government is reviewing those policies as their sudden and far reaching implementation led many to believe that the “Australian government was giving overseas students the impression that it was not ‘open for business’, with the result that students were heading for competitor countries such as the US, Canada and the UK” (*Times Higher* 23 December 2010).

3.4.2 Conversely, UK policies on international students and immigration have until now been seen as tough but open and contributing to international student mobility. The UKBA proposals would change this perception and reality irrevocably. We believe it is no coincidence that the three licenses issued by the Chinese government to date to establish full TNE campuses (including full foreign degree delivery) have all been issued to UK projects, including one in Shanghai in which NCUK plays a pivotal role.

4. RECOMMENDATIONS

4.1 UK Universities are operating in a highly competitive international education export industry. Current UK university recruitment channels, which rely on visas being issued to genuine students for study at pre-degree level at bona fide UK institutions, are reliable and flexible, and give the UK a unique standing over its rivals in this field. We recommend:

- 4.1.1 There should be no restriction on Tier 4 visas based on level/type of study alone. It is bogus institutions who admit bogus students at all levels of study that pose a threat to immigration security. Efforts should be focused on stopping recruitment to bogus institutions.
- 4.1.2 English language levels should be assessed, as they currently are, by the universities and other HTSs and not by a SELT otherwise it would seriously undermine the market position of the UK’s HTSs. Imposing a SELT would not discriminate between bogus and bona fide students since it would merely fuel dubious test-preparation courses which encourage cramming to pass the test rather than the development of language skills.
- 4.1.3 The proposal that would force students to return to their home country to apply for a new visa to progress to a higher level of study should be rejected.

January 2011

Written evidence submitted by Study Group UK (SV13)

A 2007 report by our government stated that in 2003–04, the Education and Training export sector was worth £27.7 billion. In 2010, we estimate this to be nearly £40 billion and thus the UK’s second biggest contributor to our net balance of payments, after financial services.

International students contribute £10 billion in tuition fees and living costs to the UK economy each year.

Independently audited research shows that the international students prepared by Study Group for higher education at UK Universities will spend around £120,000 each, over an average six year period, as they prepare for and then undertake Bachelor degrees, and Masters programmes. This figure covers tuition and living costs only (based on UKBA requirements).

Universities UK states that 46% of all international students admitted to UK universities come from sub-degree preparation courses. Any reduction in international students as a result of visa constraints would have a severe financial impact on a HE sector already under threat from funding cuts.

There will be major job losses in the public and private sector as a result of a cap on international students; we estimate 20,000 at sub-degree level alone.

These job losses will be concentrated in areas such as the South Coast of England where there are large numbers of private educational establishments in mainly Conservative constituencies, and in university towns and cities which are predominantly Liberal Democrat constituencies.

The Australian government has just acknowledged the negative material impact on GDP that its recent tightening of visa restrictions for international students has had. Job losses in the sector are expected to be in the thousands, including university staff.⁶

The global education sector is the largest industry sector in the world after healthcare, and one in which the UK has a pre-eminent advantage with our language and the gold standard quality of our education system.

⁶ See www.abc.net.au/lateline/content/2010/s3068304.htm

International students can legitimately stay in the UK to study for up to eight years, as many enter the UK to study GCSEs followed by A-levels, in order to win places at UK universities.

The government's own data (from the Home Office's publication *The Migrant Journey*) shows that international students are not immigrants. Of the 186,500 students granted visas in 2004, only 5,568 later gained settlement rights—ie only 3%. They have a minimal effect on net migration as there are roughly the same number of students leaving the UK each year as there are entering it.

The reason many international students have to undertake preparation programmes prior to entry to a UK university is because many countries have a 12-year secondary system (in contrast to the UK's 13 years), and often both English language and study skills need to be improved.

Unlike EU students, who study at UK universities under subsidy from the taxpayer, international students provide valuable full fee income, which subsidises domestic students' places and helps to sustain the quality of research and teaching in our world-class university sector.

International students not only enrich the learning environment for domestic students and provide substantial economic support to universities, but also act as valuable ambassadors for future commercial, diplomatic and cultural ties that benefit the UK. Note David Cameron's recent trips to India and China in which he emphasised, "...how much we [the UK] want to welcome international students to Britain".

Every other developed country with a significant HE sector is trying to attract increasing numbers of international students, as they understand the benefits.

As international students are in fact "education tourists" and make such an important economic contribution to the UK, why on earth is our government intent on keeping them out?

January 2011

Written evidence submitted by Flying Time Aviation (SV15)

1. SUMMARY

1.1 The proposed restrictions on Tier 4 migration will impact unfairly on small, specialised training schools such as those for student pilot training.

1.2 Pilot training courses should be exempt from the restriction of Tier 4 to degree-level courses and the requirement of providers of below degree level courses to be Highly Trusted Sponsors.

1.3 Any cuts in the number of student pilots being able to enter the UK will have a huge impact on the viability of individual flight schools and ultimately the economy of the UK.

1.4 If the UK is to retain its place in world pilot training then any new restrictions or procedures for Tier 4 must not result in making it more difficult for student pilots to train in the UK.

2. INTRODUCTION

2.1 Flying Time Aviation is a small company established in 2006 for the purpose of pilot training. Starting from a club-like business mainly involved in private pilot licence training and self-fly hire, the owners have invested heavily and expanded to offer the full range of courses (Private Pilot Licence, Night Qualification, Hour Building, Airline Transport Pilot Licence, Commercial Pilot Licence, Instrument Rating and Multi-Crew Co-operation) leading to the industry standard Frozen ATPL (fATPL) qualification. The fATPL is necessary for anyone hoping to fly as a career and is the entry point qualification for all commercial airlines.

2.2 As Flying Time Aviation expanded and our reputation spread we started receiving enquiries from international students who wished to train in the UK. Without a licence from UKBA we could not take any non-EU students. Therefore, in 2009, Flying Time Aviation started the long and costly licensing process by firstly gaining accreditation from the BAC (British Accreditation Council) before obtaining the licence from UKBA in June 2010. Since then we have substantially increased our enquiries from international students and currently have two visa students on our courses with another due to join us in the next couple of weeks. We are also in the process of securing a contract to train at least 10 Chinese student pilots and this contract, together with our other visa student income, will be worth nearly a million pounds in revenue to us this year. In 2011 we expect around half of our revenue to come from non-EU students. In addition, we expect to employ up to eight more flying instructors during the year.

3. INFORMATION

3.1 The UK is chosen by many student pilots for their training for a number of reasons. English is the international aviation language so by training in the UK students will be trained and become proficient in their professional language. The UK has challenging weather conditions and also complex and congested airspace which ensures a more thorough training in all conditions. The UK has a reputation for the high standards required by the examining body (the Civil Aviation Authority) along with one of the best aviation safety

records in the world. Thus a student trained in the UK will have undergone one of the most comprehensive training programmes in the world.

3.2 The comments below relate to the main points of the enquiry which are of direct relevance to student pilot training.

Whether cuts should be limited to certain types of courses (eg pre-degree level)

3.3 Our courses are classed as NQF level 4, which is below that of degree level (NQF level 6). The proposal to restrict Tier 4 to degree level courses with only Highly Trusted Sponsors being permitted to offer courses below degree level, would, therefore, affect us greatly. We would be unable to accept any non-EU students unless we obtained Highly Trusted Sponsor (HTS) status. Although we should be able to obtain HTS status, this cannot be applied for until at least one year after obtaining a licence (so precludes any new flight schools being able to take visa students) and there is no guarantee that UKBA will award the HTS status. If we should be unable to obtain HTS status then we would lose around half of our yearly revenue and be forced to reduce the number of staff employed. The student visitor visa route is no use to us as the full course of training for a FATPL takes between 18 and 24 months.

The impact different levels of cuts might have on the various sectors

3.4 Whilst the number of student pilots may be small compared to the overall number of students coming to the UK, any cuts in the number of student pilots being able to enter the UK will have a huge impact on the viability of individual flight schools and ultimately the economy of the UK.

If flying schools lose the ability to train visa students then arguably many could have to close with a resulting loss of jobs and businesses in the private sector. Ultimately facilities for UK students could be reduced with those considering a commercial flying career having to train abroad.

The impact, if any, that reductions in student visas might have on the UK's standing in the world

3.5 The UK currently enjoys a worldwide reputation for excellent pilot training and is one of a few countries which an international student would consider for their training. A licence gained in the UK is valued as being accepted by commercial airlines worldwide. If student pilots can no longer obtain visas for the UK then they will most likely train in the USA, the Philippines, Australia or Spain and the UK will lose its reputation as one of the leading countries in the aviation world.

4. RECOMMENDATIONS

4.1 Pilot training courses should be exempt from the restriction of Tier 4 to degree-level courses and the requirement of providers to be Highly Trusted Sponsors.

4.2 If the UK is to retain its place in world pilot training then any new restrictions or procedures for Tier 4 must not result in making it more difficult for student pilots to train in the UK. Professional pilot training should be considered as a special student category and not subject to the same rules as pre-degree, degree and post-graduate degree level students and English language students.

January 2011

Written evidence submitted by The University of Warwick (SV18)

1. EXECUTIVE SUMMARY

1.1 The University of Warwick is concerned that the proposed measures to curb net migration by restricting the student route, as set out in the UKBA's document *The Student Immigration System: A Consultation (December 2010)*, are disproportionate to the risk posed by Tier 4 students on university courses, particularly those provided by Highly Trusted Sponsors (HTS).

1.2 Proposals to raise accreditation and inspection standards for private institutions are very welcome as this is where most abuse of Tier 4 of the Points Based System occurs. However, the majority of proposals in the UKBA document are wholly unnecessary in relation to Highly Trusted Sponsors such as the University of Warwick, who have a proven track record in responsible international student recruitment and preparation of students for graduate employment.

1.3 The University of Warwick would argue that HTS institutions should be exempt from the majority of proposals in this document given that they have already demonstrated their trustworthiness to the UKBA through the HTS application process.

1.4 Were HTS institutions not to be made exempt from these proposals, then there would be severe consequences for the whole of the UK higher education sector. In 2010–11, the University of Warwick welcomed an intake of 3,147 new international students from outside the EU. This represents 33% of the total undergraduate and postgraduate intake for 2010–11.

1.5 International students are vital to the UK's prosperity, not just for the estimated £2.5 billion income each year they bring in tuition and accommodation fees or the £2.5 billion they spend off-campus in local communities, but for the culturally diverse perspectives they bring to our classrooms, enhancing both our UK students' learning experience and employability as global graduates. Furthermore, the UK's soft power is greatly enhanced by its growing base of international alumni in positions of influence overseas furthering the diplomatic, trade and cultural interests of the UK.

1.6 The proposals to ensure students return overseas after their courses, in particular the proposal to curtail Post Study Work is of particular concern, given that it is regarded by international students as a key element of the UK higher education offer in order for them to gain professional experience before returning to their home country and not as a route to longer-term settlement. Removing this opportunity, especially for those students already recruited on the understanding that PSW would be available, would cause long-term damage to the reputation of UK higher education and provide a significant boost to our competitors.

1.7 Coupled to the proposals to limit students' entitlements to work and sponsor dependants, the image portrayed overseas would be one of a higher education system that does not value international students except as a cash cow to replace lost funding. This image will undoubtedly deter many of the brightest and the best students from choosing the UK.

2. THE IMPACT ON UNDERGRADUATE RECRUITMENT

2.1 The proposal to restrict Tier 4 to degree-level students only will have a significant impact on universities' ability to recruit the brightest and best undergraduate students. The pipeline from UK further education colleges, language schools and foundation course providers is a vital part of universities' international student recruitment as these students have had an opportunity to adapt academically, socially and culturally to the UK.

2.2 In 2010, 42% of Warwick's new international undergraduate intake had previously studied in the UK at sub-degree level. 101 of these were students who had successfully completed Warwick's own Higher Education Foundation Programme (NQF level 3). There was a 96% pass rate on this foundation programme and all successful candidates were placed at Warwick or other top UK universities.

2.3 Although recently extended to 11 months for English language courses only, the student visitor route does not offer a useful alternative for other sub-degree level programmes, as it is limited to six months' study with no extensions or switching allowed. Consequently, many credible nine-month foundation programmes, which serve as strong feeder institutions, will have to shut down.

2.4 The University of Warwick would therefore argue that only Highly Trusted Sponsors should be permitted to offer study at below degree level as this should ensure only genuine students are able to attend genuine institutions.

2.5 Language proficiency is an academic judgement that should remain within the institution's control, especially if that institution is "Highly Trusted". Therefore, HTS institutions should be exempt from the requirement to take a Secure English Language Test, particularly as non-acceptance of certain qualifications, such as the International GCSE in English Language is problematic and discriminates against international students.

2.6 The University of Warwick does not agree with the proposals to restrict further the amount of work students at HTS institutions should be allowed to undertake while studying. HTS institutions should be exempt from this requirement given their "Highly Trusted" status. Graduate employers the world over want students to have gained some work experience in addition to their studies. The proposed changes would make international students less attractive to commercial employers due to the inflexibility of not being able to work during the week.

2.7 The University of Warwick's campus employment agency, Unitemps, has confirmed that for the key sectors they recruit into (Events Work, Social Care, Education Research and Languages Support), the new proposals would exclude international students from this work. Unitemps supplies international students as interpreters to the NHS for doctor's appointments. These take place off-campus during the week, meaning the NHS would suffer if this supply were to be cut. Weekend events work at the NEC in Birmingham, such as Crufts, invariably begins on a Thursday or Friday with the set up, making international students ineligible. International students act as buddies to people with brain injuries in the social care system. This would be curtailed as would Unitemps' practice of recruiting Warwick students to work on other nearby university campuses in the week.

2.8 Raising the minimum ratio of study to work placement to 66:33 would have a negative impact on a number of strategic partnerships. Hong Kong City University has confirmed it would cancel the six-week voluntary placement programme it runs with Warwick on a 50:50 study to work ratio. Medical Schools in the UK would also suffer. In the latter years of a medical degree, the vast majority (80–90%) of the course is undertaken through clinical placements. Restricting this to 33% would make it very difficult for students to learn about "being a doctor".

2.9 The UKBA's use of the term "work placement" appears to mean experience in a work setting that might prevent someone else from getting employment. In both examples above, this is not the case. Clinical

placements, for example, are very different as the student is “observing practice” rather than actually undertaking a job. Therefore, such placements should be exempt.

3. THE IMPACT ON GRADUATE RECRUITMENT

3.1 The University of Warwick is concerned about the UKBA’s proposals to ensure students return overseas after their courses. The requirements to show evidence of progression and to return home to apply for a visa for a new course should only apply to non-HTS institutions, as the problem appears to lie with low-level programmes offered by private institutions.

3.2 Forcing all students to apply overseas for a new visa would significantly increase the UK’s carbon footprint, largely for symbolic reasons. In his oral statement to Parliament on 13 December 2010 on the outcomes of the Cancun Climate Conference, the Secretary of State for Energy and Climate Change welcomed the Spanish government’s support for a 30% reduction in EU carbon emissions by 2020. In the context of moving towards a low carbon economy within Europe, requiring all international students to incur two additional flights in order to apply for a new visa overseas rather than extend in the UK cannot be justified. Furthermore, the additional costs and practical difficulties with issues such as housing contracts will lead to fewer of the brightest and the best progressing from undergraduate to postgraduate courses at the University of Warwick. This would mean our investment in these students with a proven track record of achievement in UK higher education could be jeopardized and their value to the UK as future researchers, academics and loyal alumni could be lost to competitor countries.

3.3 The University of Warwick is also concerned about the proposals to restrict work opportunities after studies. Tier 1 Post Study Work (PSW) is an extremely valuable route for international graduates to build upon their academic experience with a period of work and provides a competitive advantage for UK universities competing for the top global talent. For university graduates it is not seen as a route to gain longer-term settlement in the UK. In the International Student Barometer Summer Wave 2010 survey, a survey of international student opinion run by the independent research company i-graduate, only 1% of Warwick’s 764 respondents said their plans after study were migration or permanent residence.

3.4 PSW applicants are looking to develop their professional experience in order to return to their own countries with a good professional standing to enter senior management positions. This then means they are able to affect positive change in the relationship between their countries and the UK. Any changes, particularly those affecting current students recruited on the understanding that PSW would be available on graduation, would be received very negatively by current and prospective students and would damage the UK’s reputation for years to come. University Careers Services are not currently set up to assist international students seeking employment in their home countries meaning transitional arrangements would be required.

3.5 PSW is currently used by international doctors with a UK Primary Medical Qualification (PMQ) moving from the Foundation Programme into specialty training. The proposal to close PSW would mean that international doctors holding a UK PMQ looking to pursue specialty training would need to apply through Tier 2, making them subject to resident labour market tests. This would make it very difficult for international doctors to pursue specialty training in the UK.

3.6 The UKBA’s consultation document claims that (skilled) employment rates amongst international graduates using the current Tier 1 route are disappointing. Global data from the Higher Education Careers Services Unit (HECSU) for EEA nationals follows a similar pattern to the data quoted for international graduates—only 59.2% were employed. This is a feature of the current economic context rather than an argument that universities are not admitting the “brightest and best”.

3.7 The UKBA’s consultation document also claims that international graduates are still able to enter as Tier 2 sponsored migrants and indeed that the process for employers has been made easier. This is misleading: the capping of Tier 2 visas at 20,700 sends a clear signal that working in the UK post-completion will not be an option for the vast majority of graduates. Inevitably this will impact upon international student recruitment.

3.8 The University of Warwick recommends that transitional arrangements are in place to allow undergraduates and postgraduates who began their courses in or before the current academic year to continue to benefit from the scheme in its current iteration. This is based on the premise that they were sold a UK higher education experience, of which for many a highly valued feature was the opportunity to remain in the UK for work upon graduation.

3.9 Longer-term, PSW should be restricted to HTS institutions only and to graduates from degree-level and above programmes. Currently, students from 700 institutions with a range of qualifications are eligible for PSW. Limiting this to university graduates from HTS institutions would reduce numbers and increase the quality of employment opportunities secured.

4. THE IMPACT ON RESEARCH

4.1 The closure of PSW would have a negative impact on the quality of research carried out at UK universities. Research-led universities need to recruit the brightest and the best international talent to stay at the cutting edge of their research discipline and a university’s own PhD graduates are often best placed to

continue to support the work of leading academics in Post Doctoral positions as they have been trained and supervised by those particular academics in that particular specialised area of research. If PSW is closed, universities would be forced to appoint candidates from the UK/EU who they had not trained over their own international PhD graduates. This undermines universities' ability to be global leaders in research and development and could lead to the best UK researchers moving their research groups overseas where they would be free from immigration restrictions when recruiting the best global talent.

4.2 Given the higher proportion of research students wishing to bring their dependants with them to the UK, the University of Warwick is concerned about the impact on research of the UKBA's proposals to limit the entitlements of students to sponsor dependants.

4.3 The proposal to refuse dependant visas where the main applicant is on a course of less than 12 months could be problematic and subject to a challenge under Article 8 of the Human Rights Act given there may be cultural and family reasons why some are accompanied. This could discriminate against students from certain countries and, in particular, against female students and project an unnecessarily harsh and unwelcoming image of the UK to prospective students.

4.4 The complete restriction on dependants working in the UK is also likely to cause problems, particularly for postgraduate research students, who may be more likely to have dependants and who are here for a longer period. Given the current rules on employment prohibition cover unpaid and voluntary work, it is not clear how dependants would usefully spend their time in the UK. This could act as a strong disincentive for the brightest and the best who happen to have dependants to choose the UK.

4.5 This will particularly impact the recruitment of PhD students, a key strategic priority for the University of Warwick. Warwick has recently invested £1.5 million in PhD scholarships for international students in order to attract the brightest and the best who would otherwise choose the USA. This proposal would appear at odds with our target to double PhD numbers.

4.6 Losing out on top PhD students would have a direct impact on the reputation of the UK's research-led institutions. For example, The Times Higher Education World University Rankings uses the ratio of PhD to Bachelor's degrees awarded as a performance indicator of teaching quality, so a drop in PhD student numbers could have an impact on the global league table positions of the UK's universities. The fact that there is a global shortage of research talent, particularly in science and technology, needs to be considered: the UK is already in competition for these students and additional barriers such as work restrictions on dependants will only serve to stymie efforts to recruit the top research talent.

4.7 The University of Warwick would therefore recommend that this restriction should not apply to the dependants of students who are studying at HTS institutions.

January 2011

Written evidence submitted by University of Cambridge ESOL Examinations (SV19)

EXECUTIVE SUMMARY

1. University of Cambridge ESOL Examinations (Cambridge ESOL) recommends that in looking at the impact of the proposed restrictions on Tier 4 migration, the Select Committee also needs to question the actual quality of the assessment instruments used to regulate the scheme. This applies particularly to the proposals in the current Home Office consultation to introduce tougher entry criteria for students. We believe it is possible to have a secure student immigration system if it is based on a qualifications system which ensures security, fairness, reliability, and where the tests are fit for purpose. By ensuring that the system abides by such criteria, it is possible to achieve a robust and rigorous system, without taking further measures which are likely to have a detrimental impact on the UK education industry.

RESPONSE

2. Cambridge ESOL is one of the three examination boards which make up Cambridge Assessment, the University of Cambridge's International Examinations Group. Cambridge ESOL examinations are the world's leading qualifications for learners and teachers of English. Each year over 3 million people in 135 countries take our examinations. More than 11,500 of universities, employers and governments rely on Cambridge ESOL certificates as proof of English language ability. In the UK, we have more than 350 examination centres, with over 300,000 candidates a year. We produce and deliver high-quality, flexible and secure English language assessments for high and low level speakers, geared to the requirements of the Points Based System.

3. Our experience includes working closely with the Department of Immigration and Citizenship (DIAC) in Australia. Cambridge ESOL examinations and IELTS (the International English Language Testing System) are designed to meet these requirements. The case for a constructive, supportive yet well regulated student visa system is well demonstrated in the success which Australia has achieved, retaining a well recognised control of its borders while still benefiting from 18% growth in English language student numbers in 2007–08.

4. We support the view that overseas students are vitally important to language schools, colleges and universities in the UK. As well as the financial contribution they make, they bring cultural diversity and a wealth of different experiences that enrich education in this country. Their experiences here enhance our reputation worldwide and many of them go on to leading roles in business, education or government, taking with them a positive view of the UK.

5. Cambridge ESOL is committed to making a positive contribution to a fair, effective system for managing student migration so that bona fide students are able to gain visas while bogus applicants are excluded. We fully support the idea of a Tier 4 which is rigorously monitored and controlled and prevents people coming to live and work in the UK by pretending to be students, but which does not discriminate against legitimate students and allows the UK to benefit from the global industry in international education.

6. Whilst we welcome the Committee's inquiry into the impact of the Government's proposed restrictions on Tier 4 migration, we would suggest that before looking at the impact, the Select Committee also needs to ask the Government about the actual quality of the restrictions themselves. This applies particularly to the proposals in the current Home Office consultation to introduce tougher entry criteria for students.

7. We believe it is possible to have a secure student immigration system if it is based on a qualifications system which is designed to ensure security, fairness, reliability, and where the tests are fit for purpose. By ensuring that the system abides by such criteria, it is possible to achieve a robust and rigorous system for monitoring immigrants on student visas, without taking measures which are likely to have a detrimental impact on an industry which contributes considerable value to the UK economy.

8. These potentially detrimental measures include current proposals to raise the minimum level of qualification that can be studied under Tier 4, and to place limits on the progression of students on courses up the qualifications scale without returning to their home countries. We question whether either will tighten up the Tier 4 route. For example, in the latter case, if students admitted initially have already been processed through a secure route, the measure will not tighten up the route in terms of preventing the entry of bogus students, but would have a negative impact on the UK education industry.

9. Current proposals also introduce tougher entry criteria for students, requiring that all Tier 4 students should be competent at B2 standard of the Common European Framework of Reference for languages (CEFR). However, focusing on the level of qualification that students entering through the Tier 4 route need to hold will not necessarily bring about the introduction of a fair and effective system. In fact, the important question is not so much the level at which the qualification required for entry should be set, but more the criteria introduced to ensure that students are sitting the right, secure tests. With the right, secure test students at different levels could enter the UK with identity, country of origin and school attendance securely recorded. It is vital that in order to introduce a secure system which is also fair to legitimate students, the Home Office ensures only tried and tested qualifications with high levels of security and quality control are recognised for this purpose.

10. We outline below the criteria which we think any proposals on language testing for entry into the UK need to include:

- Security: Any test recognised for immigration purposes needs to be delivered through a secure network of examination centres, subject to extensive quality control procedures and backed by proven systems to detect and manage malpractice. A robust system must be in place to confirm candidates' identities and to allow immigration authorities to verify the results quickly and easily. We are well known for the rigorous supervision of our centres, and we have already provided advice to the UKBA on the potential for breaches of exam security.
- Reliability: Tests must be demonstrably reliable and backed by evidence that they accurately assess language skills at the appropriate level and are consistent over time, regardless of where and when they are taken. Cambridge ESOL's uniquely rigorous approach to the quality, validity and reliability of its exams is publicly documented in the publication *Principles of Good Practice: quality management and validation in language assessment*.
- Fairness: A fair test is one in which the ability being tested is the primary focus and where all irrelevant barriers to candidate performance have been removed. So, for example, in terms of test delivery, as students will be required to demonstrate their skills before they arrive in the UK, tests must be available worldwide and throughout the year.
- Fitness for purpose: Tests need to be based on communication skills, rather than abstract knowledge of language, to ensure that the skills they cover are relevant to the contexts in which the student will need to use them. Applicants need access to a range of qualifications so that they are able to select one that closely matches their own needs and that of the institutions where they will be studying or working.

Written evidence submitted by Cambridge University Students' Union (SV20)

INTRODUCTION

1. Cambridge University Students' Union (CUSU), the Cambridge University's Graduate Union (GU), the CUSU International Campaign and the CUSU Women's Campaign are extremely concerned about the Government's plans to restrict Tier 4 migration (student route), and the effects that these could have on our current and future international membership. This evidence outlines our main concerns about some of the government's key proposals in this area, and the way that we believe they will negatively affect both the makeup of the UK's national student body and, particularly, the students at our own institution.

EXECUTIVE SUMMARY

- The closure of the post study work route will have enormously damaging consequences. It would have significantly negative effects on our ability to recruit the best international students in the perception it creates of the UK's attitude towards international students, in the attractiveness for the best international students of coming to the UK to study, and in our ability to recruit top researchers and academics over the long term.
- The closure will damage our ability to hire the best international students for post doctoral researcher posts, which will compromise our ability to maintain and build successful research teams.
- We will have invested considerable resources and time in training and developing the skills of international students, only for them to be forced to take these skills and abilities out of the country.
- The proposal that students leave the country to reapply for a visa before progressing to a higher course of study will incur potentially substantial cost for the student, for no perceivable benefit and would, if implemented, further damage our ability to recruit effectively.
- The proposed limitations for working whilst a student will limit our graduate students' ability not only to use their skills at other higher education institutions, but also potentially at their own.
- The proposals on limiting dependents' entry and right to work seem to us unnecessary, and could further damage our ability to recruit.
- We welcome delineation between "high risk" and "low risk" students in principle, if such a distinction is made on the basis of the trusted status of the institution, rather than on the basis of nationality.

ENSURING THAT STUDENTS RETURN OVERSEAS

Post study work route

2. Many of our international students have expressed worry about the government's plans to close the post study work route in its entirety. We believe that all our graduates, *whatever their nationality*, have a great deal to contribute to the social and economic life of this country. We reject the government's limited conception of the student visa route only existing for the purpose of students studying here. Many of our international students come to consider this country a home or a place that they would like to spend a greater period of time in, and wish to continue to contribute their skills. It would be foolish to close the post study work visa, as we would be bringing in talented international students, devoting considerable resources to training them and developing their skills and abilities, only to send this talent away.

3. We also have significant worries about the damage this will do to Cambridge University's ability to recruit international students. This is in part an issue that is caused by the perception of the government's plans and the message they send regarding how welcome international students are in this country. Successive immigration reforms have increased the perception of the UK for potential international students as a place that does not welcome the talents and skills that non EEC national can bring to our universities and our workplaces. We believe that this latest reform will dramatically and damagingly add to this perception. There is increased competition from other countries in the international student market, particularly from the United States, but also increasingly from China and India. Any damage to the perception of the UK as anything other than a country where international students are welcome will do enormous damage to our institution's (and the country's) ability to recruit the best international talent and minds. The immense value that our current competitive ability to recruit the best international students is something which, judging by the proposals as they currently stand, the government does not sufficiently appreciate.

4. It will also damage our ability to recruit international students in other ways. As outlined in 2, much of the attraction for studying at Cambridge University for the best international students may well be the idea of completing a course of study here and continuing to work here after completing that course of study. In a similar way, as outlined above, this has the potential to do great damage to our ability to recruit the finest international students (both as an institution, but also as a country as a whole).

5. Our ability to recruit international students being curtailed also has negative consequences beyond the immediacy of losing our share in the international student market. There is a high retention rate of people who are students in Cambridge (or in the wider higher education sector) continuing as academics at Cambridge (or

in the wider higher education sector). If we, in the long term, lose our current share of the best international students, we run a very serious risk of losing our share of the best international (or of international origin) academics. And this would be enormously damaging to the quality of education and research that Cambridge, or the wider higher education sector, can offer.

6. One specific concern we have is regarding international PhD students who, having completed their PhD, remain on for post doctoral research (as “post-docs”). They move from being students to employees, but do not have the same employment status as permanent or tenured academic staff. They are often continuing extremely specialised research in the area that they completed their PhD in. Though post doctoral researchers do not have the same level of qualifications as the permanent academics we recruit, they are often essential to the success of the entire research group. If we are to maintain our research at a world leading level and maintain the vibrancy of our research community, we must make provision for universities being able to recruit international students to these posts. We are extremely concerned that if the post study work route is closed, we will not be able to recruit the best individuals to these positions.

7. The effect that this will have on the graduate and post-doctoral communities in Cambridge is particularly problematic if we are to maintain a world-leading research community. Currently, Cambridge is able to recruit the world’s leading researchers. Part of our appeal is that researchers can pick students to become (as post-docs) part of a research group, a decision that they are uniquely placed to make. We worry that the closure of the post study work route will limit researchers’ ability to do this, and thus increase the likelihood that top researchers will choose to work in countries where such free selection is possible.

Progressing through different courses

8. The consultation documents seems to suggest that students, upon completing one course, should be required to leave the UK and reapply for another visa when embarking on a higher course is a particularly problematic one. The apparent reasoning behind this, that this would mark the fact that their initial visa has expired, seems to us to be completely arbitrary and pointless. If a student has an offer for a higher level course at degree level or above, that student should not be required to go through a laborious bureaucratic mechanism to gain a visa that the government already accepts the student is entitled to. This would incur potentially large costs for the student for no perceivable benefit.

9. We also have recruitment concerns relating to this proposal. When deciding which country to pursue postgraduate study in after completing a degree, the best international students can often have different promised levels of financial support from different countries (and often the best packages of international support are offered from other countries, such as America). We believe that introducing this proposal would provide further disincentives for those international students who we have recruited remaining in the UK higher education system for postgraduate study.

Working whilst studying

10. The proposals suggest that international students will, during the week, only be allowed to work for their own institution. PhD students often work for higher education institutions (teaching seminars, tutorials and lectures) other than their own, and under any proposals, we would be very concerned that this valuable opportunity for inter-institutional collaboration could be made illegal. We also have more general concerns for the planned restrictions on international students’ ability to work, as they unfairly discriminate between UK and international students.

Dependents

11. Many of our current Master’s students (the majority of whom follow one year courses) may bring families with them when they are studying at Cambridge. Under the current proposals, they would be prevented from bringing any dependents with them. Not only would this damage our ability to recruit, but it also seems an unnecessary restriction in general. We question the rationale behind requiring those who are here for a twelve month period or less not be accompanied by their families.

12. Similarly, we are concerned that for courses that last over 12 months, international students will be able to bring their dependents but their dependents will not be permitted to work (unless they qualify under Tiers 1 or 2 in their own right). This also seems to be an unnecessary restriction, and would damage our ability to recruit the best international students, who we believe would be put off studying in this country if restrictions were imposed about whether their dependents could work or not.

Low Risk and High Risk Students

13. We welcome, in principle, the proposal to differentiate between “high risk” and “low risk” students on the basis of whether the institution they are applying to is a Highly Trusted Sponsor, as to the evidential requirements they will have to meet for visa purposes. Currently, the difficulty of obtaining a visa is an enormous cause of concern for many of our international students, and we would be encouraged by an attempt to address that.

14. However, we would be more concerned if the differentiation between “high risk” and “low risk” students was on the basis of nationality. Our international student body comes from all over the world, and we believe it would be in principle very difficult to justify holding them to different evidential requirements on the basis of what country they are from. It would also be, in practice, problematic to institute a system which discriminated between nationalities in such a way.

CONCLUSION

15. We find the government’s current proposals deeply worrying and damaging, both to our own institution, but also to the wider higher education and further education sector. It would be severely harmful to our own and the country’s ability to recruit the best international students, would unfairly penalise international students, in many different ways, who we have trained and who wish to contribute to our economy and our society, and would damage our ability to build and maintain successful, world leading research communities. We urge the Home Affairs Select Committee to incorporate the concerns we have raised in its report to the government on these proposals.

January 2011

Written evidence submitted by the London School of Business and Finance (SV22)

EXECUTIVE SUMMARY

The London School of Business and Finance (LSBF) is pleased to assist the Home Affairs Committee in its inquiry. In this submission, we make the following points:

Now is the time to introduce a single regulatory body governing both public and private educational institutions, focusing on establishing and maintaining high academic, administrative and regulatory standards. The new higher education funding environment has significantly reduced real differences between public and private organisations, and a new holistic, unifying regulatory regime could bring consistent standards across the entire educational system. In terms of student visa issues, the new system would facilitate cooperative, effective, efficient relationships between the sponsors and the authorities.

- The government’s proposed changes to the student visa system could have significant adverse implications for the British higher education industry and UK plc more generally. We believe that an economic impact assessment must be conducted before proceeding.
- The government needs to stay focused on the fact that the problem is the *abuse* of the existing visa system. The system itself is not necessarily the problem; what we need is smart enforcement of it across all routes, with the UKBA being given proper resources.
- The Minister for Higher Education Rt Hon David Willetts MP has called for an open market in higher education, without prejudice to whether the institution is public or for-profit. The proposals put forward by the UKBA, however, would make the market *less* open. Indeed, while the Department for Business, Innovation and Skills wishes to encourage a flourishing private sector, these proposals serve as a massive disincentive for growth.
- Every effort should be made to ensure that the UK higher education system attracts the world’s ‘brightest and best’. The consultation paper published by the UKBA seems to assume that those individuals coming to the UK for sub-degree courses are not the “rightest and best” However, the “rightest and best” must start somewhere. Albert Einstein was once a patents office clerk. They should be positively incentivised to come to the UK system early in their academic careers, before they opt to pursue studies and then remain elsewhere.
- UK plc needs access to the best talent; but closing down the Post Study Work route pushes that talent away. For the brightest and best, the world is their classroom and their office. If they do not see employment prospects in the UK, they may opt to study in other, very grateful, countries.

INTRODUCTION

1. The London School of Business and Finance (LSBF) is a privately financed, global leader in high performance learning solutions. We are the fastest-growing business school in Europe, with 16,000 students and over 20 offices worldwide. Students come from over 150 countries to study in Manchester, Birmingham, and London. About 80% of our students come from abroad, mostly from non-EU countries.

LSBF programmes

2. LSBF is a market leader in developing learning solutions that meet the needs of students and employers. LSBF takes a problem-solving approach to education, identifying skills shortages and gaps in the market and developing the most up-to-date and relevant courses for students and trainees. We provide a unique bridge between the formal education system and the ever-changing financial industry, working with three of the ‘Big

Four' accountancy firms and some of the world's top 10 banks to develop bespoke training solutions. LSBF's educational programmes range from professional qualifications to undergraduate and postgraduate degrees.⁷

3. In October 2010 we launched the groundbreaking LSBF Global MBA™, which gives people anywhere in the world access to high-quality academic material at no cost, via a Facebook portal.

Highly Trusted Sponsor status

4. LSBF has been awarded Highly Trusted Sponsor (HTS) status by the UKBA, and therefore we would be less affected by the UKBA's proposed changes than would many other private providers. Indeed, the increased importance that the proposals would place on having HTS status would actually work to our competitive advantage. Nonetheless, we feel it important to highlight the significant negative impacts the proposals could have on the British educational system and indeed all of UK plc.

The student visa system

5. We urge the government to stay focused on the fact that the problem is the abuse of the existing visa system. What we in the UK need is smart enforcement across all routes, with the UKBA being given proper resources.

6. The government's proposed changes to the student visa system could have significant adverse implications for the British higher education industry and UK plc more generally. We believe that an economic impact assessment must be conducted before proceeding.

POTENTIAL IMPACT OF THE GOVERNMENT'S PROPOSALS

Impact on the British educational brand

7. The UKBA's main focus is on reducing net migration. However, to pursue that by reducing the numbers of student visas may affect perceptions of the entire UK educational sector.

8. It is well known that the UK's educational brand is among the most respected in the world. According to the Times Higher Education World University Rankings, the UK is home to five of the top ten universities in Europe, and three of the top ten universities globally.⁸

9. However, the message being sent out by the government's proposals is that it does not see the value that many foreign students bring, and this message harms the reputation of the British brand generally. The "brightest and best" will increasingly choose to pursue their studies in more welcoming countries, such as Canada or the US. Ireland, for example, has set itself a goal of *increasing* the number of foreign students by 50% in the short term, recognising that the country will see a return on its investment in becoming an international centre of educational excellence.

10. The UK should consider the experience of Australia, whose \$17 billion education sector is experiencing a crisis resulting from a number of developments, including stricter immigration controls (for financial and English-capability standards). Enrolments of Chinese students, worth about \$5 billion to the Australian economy, are down 10–20%.⁹

11. Throughout the business world, the UK accountancy and other professional qualifications are well respected. One can commence the qualification in the UK and complete it anywhere in the world. But if immigration rules make it more difficult for individuals to conduct at least part of their coursework in the UK, it may damage the excellent reputation that British accountancy and other professional qualifications currently have.

Quality of the British education experience

12. Foreign students make a huge contribution to the *quality* of higher education in the UK. They bring different perspectives and innovative approaches. They bring energy and passion for learning that is often lacking within the British institutions, thereby introducing healthy academic competition. They bring diversity, and help ensure that the British system does not regress into a white, middle-class, Anglo-Saxon model. Therefore, reducing the number of foreign students would make the UK education sector less vibrant and competitive.

Impact on public services

13. One of the overarching rationales for the government's commitment to reduce net migration to the tens of thousands is based on the need to ensure that public services are not over-stretched. Indeed, some pressure groups have been vociferous in sounding alarms about the cost of migration to state-provided services. However, the consultation paper does not present any evidence that foreign students who enter and remain in

⁷ More information about LSBF's programmes is available at www.lsbfg.org.uk/

⁸ www.timeshighereducation.co.uk/world-university-rankings/2010-2011/europe.html
www.timeshighereducation.co.uk/world-university-rankings/2010-2011/top-200.html

⁹ Sainsbury, Michael, 'Decline in China numbers to Persist', *The Australian*, 15.12.10.

the country legally have a negative net impact on public services. The points-based system's requirement for students to have adequate funds for maintenance is designed to minimise any negative impact on public services, and this requirement needs to be enforced. LSBF's students are predominantly young and healthy, making significant investment in the communities where they work through rent and living costs.

Impact on UK plc

14. Higher education is one of the UK's most highly respected industries; any negative impact on it will have drawbacks for all of UK plc. Business education institutions, in particular, serve as seedbeds for entrepreneurship and innovation, and by providing essential skills to the working population they are engines for economic growth. Changes to the student visa system must consider broader economic impact.

15. We are surprised that no economic impact assessment has been conducted on the UKBA's current proposals.

16. Foreign students educated in the UK go back to their country of origin familiar not only with our culture and our system but also UK brands. These transnational relationships not only boost trade and enterprise opportunities for British companies, but also serve to solidify diplomatic relations.

KEY ISSUES RAISED BY THE GOVERNMENT'S PROPOSALS

Differential treatment of private providers

17. Based on "indicative" figures, the government has suggested that most abuses of the student visa system take place with private sector institutions, and accordingly, the proposed guidelines would impose greater restrictions on all private providers. Notwithstanding the greater freedoms granted for those private institutions with Highly Trusted Sponsor status, there is still a differential treatment that effectively tars all private providers with the same brush.

18. The government needs to stay focused on the fact that the problem is the abuse of the existing visa system. The system itself is not necessarily the problem; what we need is smart enforcement of it across all routes, with the UKBA being given proper resources.

19. LSBF does have Highly Trusted Sponsor status. And as such, the proposed policy would allow it to continue to offer most courses as it does currently. However, the principle that private providers can be treated differently from publicly-funded ones is troublesome. Essentially, the government's proposals would *require* many private schools to gain Highly Trusted Sponsor status—a very burdensome administrative process—or go out of business.

20. As David Willetts MP said in his speech on 9 September 2010, "The acid test for HE providers is whether they offer excellent teaching and a high-quality experience for students. If they can do that, at a fair price, then it doesn't matter whether they are old universities or new ones; for profit or not for profit. They have something to contribute and should have the chance to do so. That is the case for a more open market."

21. The proposals put forward by the UKBA, however, would make the market *less* open. Indeed, while the Department for Business, Innovation and Skills wishes to encourage a flourishing private sector—expanding more into areas such as under-graduate degrees—these proposals serve as a massive disincentive for growth.

22. Accordingly, LSBF offers this solution:

- (a) Now is the time to introduce a single regulatory body governing both public and private institutions, focusing on establishing and maintaining high academic standards. The new higher education funding environment has significantly reduced real differences between public and private organisations, so the previous rationale for maintaining two different regulatory schemes is no longer valid.
- (b) But the current situation with regard to student visas demonstrates that there is a need to hold all academic institutions to the same high standards. A valuable paper by Universities UK¹⁰ notes that there is already substantial agreement by publicly funded universities as well as private institutions around convergence of the existing regulatory schemes. This entails improving the sharing of information across regulators, regular consultation between government and the private sector, conducting a strategic overview of developments, and monitoring of national and international trends.

Impact on Innovation

23. Driven by the competitive need to meet the needs of students and their future employers, indeed in order to stay afloat, private institutions must innovate and respond rapidly to changing economic circumstances.

24. There is a symbiosis and cross-fertilisation between public and private education providers, with private schools creating innovative learning solutions and complementary course offerings. For example, private providers have worked with the public institutions in developing sub-degree courses that help prepare British students for University. These courses, generally at the NQF 5 level, are offered mainly in essential fields such as mathematics, business, engineering and nursing. They are an essential bridge for many young people to

¹⁰ www.universitiesuk.ac.uk/Publications/Pages/Privateandforprofitproviders.aspx

reach university. And yet if private providers are not able to offer them to the foreign student market, the courses would not be financially viable for British students.

Limits on courses for which Tier 4 visas are available

25. In its attempt to restrict Tier 4 visas to the “brightest and best”, the UKBA recommends raising the level of courses Tier 4 students can study, placing restrictions on sub-degree level study for those who do not have Highly Trusted Sponsor status. There are numerous issues with this.

26. The professional qualifications offered by LSBF and other private schools map to a wide range of NQF levels. Many students come in at an NQF level below the threshold permitted for non-HTS schools but subsequently advance. Would the proposals mean that students could pursue the sub-degree courses if they booked a course of study taking them through NQF 5 (eg, papers 1–8 of ACCA)?

27. The consultation paper published by the UKBA seems to assume that those individuals coming to the UK for sub-degree courses are not the “brightest and best”. There is no data (in fact, no *logic*) to support this. The brightest and best must progress through the various levels of study, just like anyone. They, too, take sub-degree courses. Should we not make a special effort to attract the ‘brightest and best’ specifically at the sub-degree level, and encourage them to remain through the duration of their studies?

28. There is no mention of the need to positively incentivise bringing the ‘brightest and best’ to the UK. The way to do this is not to impose restrictions, but to continue to build the attractiveness of the UK educational system so that it competes effectively for those individuals it wishes to attract. Indeed, Canada, New Zealand and the United States are already picking off Australia’s market share with their strong incentives.¹¹

Post Study Work Route

29. There are numerous problems entailed in restricting (not to mention *eliminating*) the Post Study Work Route (PSWR). Eliminating the PSWR tells potential employers that they will not have access to the best talent coming through our schools. UK plc needs access to the best talent; but closing down the PSWR pushes that talent away.

30. For the ‘brightest and best’, the world is their classroom and their office. They choose where they pursue their education based on a holistic assessment, taking into consideration (a) the quality of the educational programme itself, (b) the benefits of being in the particular location, and (c) prospects for employment. By damaging this last criterion, the balance is significantly tipped towards other, very grateful, countries.

31. The UKBA paper considers whether an exception may be made for those obtaining PhDs in UK schools. If so, an exception should be made for other terminal degrees, such as the MBA.

32. More analysis of the potential effects of eliminating the PSWR should be done to evaluate these potential effects.

CONCLUSION

33. LSBF would be keen to discuss the points we have made in our submission further with the committee.

34. Our recommendation for the creation of a single regulatory regime across private and public sector educational institutions goes beyond the topic of student visas (and therefore the committee’s scope of inquiry), but the challenges of immigration policy are broad and cover the full gamut of government policy.

35. We recommend that the Home Affairs Committee work alongside its other colleagues in Parliament—such as the select committees on Education, Foreign Affairs, and Business—to take a cross-departmental approach.

January 2011

Written evidence submitted by The Association of Business Executives (SV23)

EXECUTIVE SUMMARY

- ABE is an awarding body and membership organisation founded in 1973, based in New Malden, employing 35 staff, with 50,000 registered students and a turnover of more than £6 million.
- It is accredited by Ofqual and its qualifications are on the Qualifications and Credit Framework (QCF).
- ABE offers Diplomas at Levels 4, 5 and 6 in four subjects: Business Management; Human Resource Management; Travel, Tourism and Hospitality Management; and Marketing Management.

¹¹ “Indian students ditching Australian education plans”, Hodge, Amanda, *The Australian*, 29.11.10.

- ABE qualifications are taught by a network of 534, mainly private, accredited colleges worldwide of which 190 are in the UK. ABE will only accredit a college to teach its qualifications in the UK if the college has in turn been independently accredited by Ofsted, BAC, ASIC or Accreditation UK. ABE does not directly teach its qualifications, students are taught by the colleges who are also responsible for recruiting them and for supporting their visa application.
- ABE has progression agreements with 75 universities worldwide, of which 41 are in the UK. These universities accept ABE qualifications for entry at different stages from first up to the final year of Honours degree level courses and for exemptions on Masters Degrees and MBAs.
- Individuals study ABE qualifications for a variety of reasons. The most important reason given by students is that they lead to university (25% of ABE students). The second reason why students study ABE is that they are professional business qualifications (22%), but the third most important reason is that they are British qualifications (15%).
- ABE wants to have only genuine students studying its qualifications at genuine colleges who return to their home country (if studying abroad) after completing their studies. It therefore supports the Government's objective to clamp down on bogus students and bogus colleges and is happy to make its data available to UKBA to support this objective. ABE has no evidence that students studying its qualifications are anything other than genuine. For example, attendance at its examinations is within industry standards.
- The Government proposes restricting Tier 4 applications to degree level courses (apart from Highly Trusted Sponsors). However, the documentation does not make it clear what exactly is meant by degree level and the definition is of critical importance to ABE.
- ABE currently recruits about 7,300 students a year who want to study in the UK at Level 4 and 5 at colleges that are not Highly Trusted Sponsors (HTS). These students pay on average £183 a year in exam and registration fees, and so ABE is facing a potential £1.34 million loss of revenue. Such a loss of around one fifth of ABE's income could not be absorbed without redundancies and other associated financial cutbacks, and even with them, it could threaten the survival of the organisation.
- Concerns over what appears to be a tiny proportion of individuals who are abusing the system look like they will lead to restrictions which severely damage, if not destroy, a significant proportion of a business where Britain is internationally successful. There will also be a knock on loss of business to couriers, printers, accommodation providers and others. ABE is one of these success stories with a threefold increase in exam entries and student membership over a period of 10 years. Many of ABE's ex-students hold senior positions in business, industry and government in their own countries.
- British education is one of the country's economic successes. However, it is an inter-connected system with the colleges feeding students to the universities. There is no doubt that any restrictions, or perceived restrictions, will damage the country's reputation as an educational provider.
- Treat Level 4, 5 and 6 qualifications as degree level. Failing that, treat all Level 5 and 6 qualifications as degree level for the purposes of student visas and not just those delivered by universities.

1. INTRODUCTION

1.1 The Association of Business Executives (ABE) is an awarding body and membership organisation. ABE is accredited by Ofqual and provides a range of business and management qualifications which are on the Qualifications and Credit Framework (QCF).

1.2 It was founded in 1973 as a company limited by guarantee and now has a turnover of more than £6 million. It is based in New Malden, has 35 permanent employees along with contracted examiners and other support staff. More than 50,000 people worldwide are registered as students studying for ABE qualifications. The President is 'lateral thinker' Professor Edward de Bono, its Chairman Dato Dr Tan Tiong Hong is a former government Minister in Malaysia, and its ruling Council includes a former High Commissioner and Ambassador, and university academics from several different countries.

1.3 ABE's mission is to educate people in business and management skills for the benefit of their country and themselves. The majority of its students are in the less economically developed Commonwealth countries in sub-Saharan Africa, Asia and the Caribbean. It is particularly strong in countries such as Botswana, Zambia, Tanzania, Malawi, Kenya, Trinidad and Tobago, Sri Lanka, Mauritius and Malaysia.

1.4 ABE currently offers Certificate (Level 3), Diploma (Level 5), Advanced Diploma (Level 6) and Postgraduate Diploma (Level 7) qualifications based on the National Qualifications Framework (NQF). With effect from the December 2011 examinations, all ABE qualifications will be based on QCF and it will offer Diplomas at Level 4, Level 5 and Level 6 in:

- Business Management;
- Human Resource Management;
- Marketing Management; and
- Travel, Tourism and Hospitality Management.

In addition a Diploma in Business Management will be offered at Level 7. The qualifications share some common units and so are very flexible. The prices for ABE's qualifications are always kept as low as possible in order to maintain their attraction.

1.5 These qualifications are taught by a network of 534, mainly private, accredited colleges worldwide of which 190 are in the UK. ABE will only accredit a college to teach its qualifications in the UK if the college has in turn been independently accredited by Ofsted, BAC, ASIC or Accreditation UK. ABE does not directly teach its qualifications, students are taught by the colleges who are also responsible for recruiting them and for supporting their visa application. ABE designs the qualifications, provides the syllabuses, provides study guides and other support material for students and lecturers, manages the examinations and marking, and publishes the results.

1.6 ABE has progression agreements with 75 universities worldwide, of which 41 are in the UK. These universities accept ABE qualifications for entry at different stages. Thus the Certificate entitles students to start Honours Degrees at year one, the Diploma in year two, the Advanced Diploma in year three and the Postgraduate Diploma provides exemptions to part of Masters or MBA level degrees.

1.7 Individuals study ABE qualifications for a variety of reasons. The most important reason given by students is that they lead to university (25% of ABE students). The second reason why students study ABE is that they are professional business qualifications (22%), but the third most important reason is that they are British qualifications (15%).

2. GENERAL POINTS

2.1 ABE simply wants to have genuine students studying its qualifications at genuine colleges who return to their home country (if studying abroad) after completing their studies. It therefore supports the Government's objective to clamp down on bogus students and bogus colleges. ABE would be happy to make its data available to UKBA in support of this objective. The organisation's Founder Chairman, Lyndon Jones, has an honourable history of campaigning against bogus qualifications. ABE has no evidence that students studying its qualifications are anything other than genuine. For example, attendance at its examinations is within industry standards.

2.2 The Government proposes restricting Tier 4 applications to degree level courses (apart from Highly Trusted Sponsors). However, the documentation does not make it clear what exactly is meant by "degree level" courses and the definition is of critical importance to ABE. ABE would contend that as Level 3 is "A" Level, then Level 4 should be considered as degree level and indeed students with an ABE Level 5 qualification receive exemption from the first year of the Honours degrees provided by ABE partner universities.

2.3 A literal interpretation that only a Level 6 qualification can be considered a degree level, or even more literally that only a degree taught at a university is considered a degree level qualification, would have a devastating effect on ABE. ABE currently recruits about 7,300 students a year who want to study in the UK at Level 4 and 5 at colleges that are not Highly Trusted Sponsors (HTS). These students pay on average £183 a year in exam and registration fees, and so ABE is facing a potential £1.34 million loss of revenue. Such a loss of around one fifth of ABE's income could not be absorbed without redundancies and other associated financial cutbacks, and even with them, it could threaten the survival of the organisation. In addition ABE students usually progress up through the levels and so if ABE was only able to offer Level 6 in isolation it is unlikely that it would continue to recruit the current numbers (which would have further negative financial and employment impacts).

3. RESPONSES TO AREAS RAISED BY THE COMMITTEE

Whether the cuts should be limited to certain types of courses (e.g. pre-degree level)

3.1 The answer to this question depends on the definition of degree level. Does the question mean degrees offered at universities, or any Level 6 qualification, or qualifications at Levels 4 and above as ABE would suggest. It is important to understand that the current system is a progression where one level of qualification is a feeder to the next higher level. It will be too big a step for many students to go straight to Level 6 without having studied at lower levels. In addition many ABE students study for a Level 5 qualification in order to enter the second year of university because they can save money as both the total time needed and the overall cost is lower. Therefore if all lower level qualifications were restricted there would be fewer applications for degree level qualifications, with the resulting loss of income for the degree providers and the economy as a whole. Furthermore students who want a business qualification in its own right to help them in their career, as opposed to an entry route to university, would also no longer be able to come to the UK to study.

The impact different levels of cuts might have on the various sectors

3.2 As explained, in paragraph 2.3, ABE could lose £1.34 million depending on what definition of degree level is applied. ABE qualifications are taught by private sector colleges. While all could offer Level 6 qualifications, and those who are Highly Trusted Sponsors (HTS) could continue to offer the full range of ABE qualifications, the loss of a major part of their business would undoubtedly lead to college closures. There will also be a knock on loss of business to couriers, printers, accommodation providers and others. College closures

will lead to the direct loss of teaching and administration jobs (with the resulting impact on local spending, taxation etc) and loss of business to a wide range of suppliers. Moreover the closure of colleges will lead to the loss of the feed of students to universities, with a resultant loss of valuable international students. Thus concerns over what appears to be a tiny proportion of individuals who are abusing the system look like they will lead to restrictions which severely damage, if not destroy, a significant proportion of a business where Britain is internationally successful. ABE is one of these success stories with a threefold increase in exam entries and student membership over a period of 10 years.

The impact, if any, that reductions in student visas might have on the UK's standing in the world

3.3 British education is one of the country's economic successes. However, it is an inter-connected system with the colleges feeding students to the universities. There is no doubt that any restrictions, or perceived restrictions, will damage the country's reputation as an educational provider. The direct and indirect economic benefits to the country are well understood. The reputational damage is less easy to quantify, but is real. For example, many important individuals in business and politics worldwide hold ABE qualifications (such as government Ministers in Namibia, Malawi and Tanzania). These individuals are in favour of British qualifications (as is the President of ABE's new Africa Division who is the Prime Minister of Namibia) and they obviously think better of Britain as a result.

Whether cuts in student visas would have any effect on the decisions of highly qualified graduates to conduct research or take up teaching posts in the UK

3.4 This is not an issue that is relevant to ABE.

Whether the post study route should be continued

3.5 ABE supports the value of students studying business in another country because it broadens their knowledge, but believes that they should return to their home country after their studies have been completed. We appreciate that this is an important element in the overall package offered for a Masters degree but, whilst students take ABE qualifications as part of their progression towards a Masters degree, we do not have an opinion on this issue.

The educational routes through which students come to the UK to study at degree level

3.6 ABE's qualifications provide an important route for international students to study at degree level in the UK. ABE students frequently start at the lowest level and then work their way up through the levels before going on to a university which they then join the first, second or third year (depending on the level of ABE qualification they obtain).

International comparisons

3.7 Other countries, such as Malaysia, have a policy to attract as many overseas students as possible so any restrictions will result in a loss to the UK of financial, wealth, prestige and business development opportunities which will be picked up by other countries.

4. RECOMMENDATIONS

4.1 Treat Level 4, 5 and 6 qualifications as degree level. Failing that treat all Level 5 and 6 qualifications as degree level for the purposes of student visas and not just those delivered by universities.

January 2011

Written evidence submitted by the University of Manchester Students' Union (SV24)

1. EXECUTIVE SUMMARY

1.1 In response to the proposed changes to student visas the University of Manchester Students' Union (UMSU) surveyed international students currently studying at the University of Manchester between 20 December 2010 and 11 January 2011. Our aim was to investigate how changes in the current system of visas may have affected their choice to study in the UK and collate qualitative evidence around this issue. We particularly focused on the Tier 1 Visa as this strongly affects our students, but a general theme about changes in the immigration laws came out in the responses which negatively affects.

1.2 Section 2 outlines why, in order to maintain a competitive University system and economy, being attractive to international students is extremely important. It also lays out the benefit which having international students in our job market provides.

1.3 Section 3 lays out a sample of the findings if our survey in relation to the Tier 1 Post Study Work Visa. We have included a series of quotes to illustrate the themes which our survey pulled out.

1.4 Section 4 includes some brief responses to some of the proposals which have been made in relation to international students. We have also included an Appendix of the questions we asked in the survey.

1.5 Finally it seems important to note there is a strong feeling from the international community in the University of Manchester on this issue. In the space of three weeks in a holiday period nearly 1000 students responded to an online survey with no prize draw purely because they felt it was important their voice was heard on this issue.

2. THE IMPORTANCE OF INTERNATIONAL STUDENTS TO THE UK ECONOMY AND UNIVERSITY SYSTEM

2.1 International students provide Universities with a large amount of revenue which will be increasingly important in light of ongoing cuts to Higher Education. They also help home students gain global competencies which make them more competitive in the international job market. In the 2010 CBI Education and skills survey, businesses identify graduates' foreign language skills and international cultural awareness as key skills and two of the bottom four skills they are least satisfied with..

2.2 Based on the assumption that international students are an intrinsic element to the continuation of a healthy University system and UK economy. It is important for the UK to remain competitive in attracting strong international students in order to maintain its status as having some of the best Universities in the world. Therefore we surveyed students on issues which would affect their decisions to study in the UK.

3. THE IMPACT OF REMOVING THE TIER I POST STUDY WORK VISA

3.0.1 The responses of international students show two clear trends in the reasons for why cancelling the PSW would be detrimental.

3.0.2 Firstly, on a practical level it is harder to apply for post graduate and postdoc work without a post study visa and increases the likelihood that students will apply to Universities in other countries. It is also harder for companies to employ international students as there is a reliance on the PSW as not all companies can be sponsors.

3.0.3 Secondly, these impracticalities have a strong impact on the perception of the UK being a bad choice for international students gaining reputation of being unwelcoming to foreign talent. It is also harder for Universities to attract the strongest international students as being able to work with a degree qualification is seen as part of a package for paying higher fees and coming to another country. This impacts the flow of future applications and in turn feeds into the first issue. Currently the market for international students is extremely competitive and areas such as visas are a strong factor in prospective students choices. In our survey 86.1% of students said that the PSW was a factor in their decision to study in the UK with 87.3% classing it as either an Important or Very Important factor.

3.0.4 Many students talk about their desire to use their experience to help improve both the British system and that of their home country. There should be no doubt that these people are future leaders and have the potential to be advocates for the UK in their chosen career paths as this Venezuelan student suggests:

3.0.5 "The opportunity of working outside my country represents not only the possibility of expand experiences as a professional together with the education already acquired but also the possibility of repaying to this country what I have got in educational experience...having the chance of working temporarily in the UK would have invaluable repercussions in my self-fulfilment both as a person and a professional."

3.0.6 This section is split into different areas of potential impact which our students identified if the PSW was removed:

- the impact on Universities;
- the effect on British companies;
- the value PSW adds to the appeal of a UK University experience; and
- recommendations of the UK.

3.1 *The impact on Universities*

3.1.1 38.8% of those who answered the question "were you planning to conduct research or teach in the UK?" responded "Yes" with 23.6% "Undecided". 97% of these students said that the changes to PSW would affect their decision.

3.1.2 Below are some of the responses students gave when asked how losing the PSW would affect their decision:

3.1.3 "It would make finding an academic post in a British university almost impossible" PhD in Education

3.1.4 "I am a Post Graduate student of Computer Science and had plans of taking up research in my area of study. The UK universities are a great place for academics. I was really looking forward to being able to stay here for some time and do some good work. Students like me, who are here to actually study and serve the community are the ones who will suffer if the Tier 1 PSW is cancelled." PhD Computer Science

3.1.5 “I will not consider doing my Masters or PhD in the UK in future.” BSc Biomedical Sciences

3.1.6 “I was planning to work with the University for developing a new course for the new master’s programme. It will be difficult to get a work sponsorship right after I finish my PhD. Post study visa would have given me the time to process and develop.”

3.2 *The effect on British companies*

3.2.1 Currently not all British companies can be sponsors for the Tier 2 Visa and therefore the PSW is essential for them to employ talented international students, who not only bring their academic qualifications with them, but also the ability to make British companies more internationally competitive. This is particularly likely to be the case for smaller companies and those expanding, preferring to issue certificates of sponsorship to international staff at a higher level.

3.2.2 “It can potentially prevent me from accepting a full time work offer already received from a British company.” MBA student

3.2.3 “Virtually no employers in my chosen field of work can sponsor a Tier 2 work permit due to their (typically) small size.” BA International Business, Finance and Economics

3.2.4 “I was planning to stay in the United Kingdom, the place with the best legal system, and provide my services in betterment of the system.” BA Law

3.3 *The value PSW adds to the appeal of a UK University experience*

3.3.1 Many students feel that although British degrees are valuable in themselves, it is the package of work experience which makes them competitive especially as often they do not view the skills gained in a degree as directly mapping across to their chosen career. There is a strong feeling amongst international students that as they have been educated in the UK they can provide valuable talent and skills to the UK economy and also their home countries. This seems like a legitimate fear as many students raised the issue that this would make them: “*less competitive after going back to [their] home country*” (MSc in Marketing). If this perception continues to be widespread then it will be a significant challenge for UK institutions to present themselves as competitive in relation to other countries which are offering more generous visas.

3.3.2 “The work experience here is almost as important as the Master degree I will get.” MSc Marketing student

3.3.3 “One of the main reasons I chose UK for my masters was the PSW visa. I want to gain experience and apply the theoretical knowledge gained into real life situations.” Msc Management of Projects

3.3.4 “My long term desire might be to go and work in high education in Rwanda but i would value at least a 2 years experience before that!” PhD Religion and Theology

3.3.5 “Would make my education incomplete since the work experience is a major part of what you would want to take away from your training in UK and hopefully apply it to make a change for the better back home.” PhD Biotechnology

3.3.6 “Without this [work experience], the UK seems less attractive. It is rather appalling at the age of globalisation and attracting the best talents regardless of origin, the UK is choosing a step backward.” PhD Law

3.4 *Desire to recommendations the UK*

3.4.1 80.2% of students said that the cancellation of PSW would significantly affect their recommendation of the UK to potential students and as we have laid out future international students are an important source of income and talent to UK Universities. Word of mouth recommendations are crucial to recruitment of international students and this reflects trends of feelings towards any changes in making it harder to become into the UK.

3.4.2 “After spending such a significant time of my life in the UK, at an age where I feel my contribution to society and my spending as a consumer is quite significant, I somewhat expect to be facilitated access to employment market in one way or another. Otherwise, it would become a case where the UK is charging very high tuition fees for international students, on a long period, without giving any advantages to students in return. Would the best and brightest students still want to come study in the UK? I’m afraid not.” PhD in Business Administration

3.4.3 “I will stop recommending anybody to come and study in the UK.” PhD Engineering and Physical Sciences

3.4.4 “As I see it, these measures would be a significant step backwards for the UK in every sense other than perhaps the most short-term financial considerations. This would certainly not bode well for the UK’s image as a cosmopolitan nation.” BA Chinese and Japanese Studies

3.4.5 “Scrapping this gives the impression that international students are not wanted in the country.” MSc Advanced Chemical Process Design

3.4.6 “It disappoints me... the reputation of UK universities are going down because of these changes.” BA International Business, Finance, Economics

4. PROPOSALS

4.1 *Importance of maintaining PSW for current students*

4.1.1 There was a very real concern amongst the students surveyed about whether the PSW would be cancelled for them and a feeling not only of betrayal but extreme worry about what this might mean for the future of themselves and their dependents.

4.1.2 “It will interrupt my every decisions such as looking future for my career. It will seriously hamper the academic life of my daughters . Specially we had a plan that my elder will attend her GCSE exam in 2013. I am afraid she might not be able to attend her exam if the new rules take action.” PhD in Drama

4.1.3 The possibility of losing this route is “making my decision complicated and frustrating” PhD in Medicine.

4.1.4 “I would feel deceived if this act comes into place during the middle of my course.”

4.1.5 “I understand that it is important to set a limit to the number of immigrants or non-EU students coming into the country. But, I believe it is very unfair to international students with the necessary credentials, promised a temporary post study visa to have a chance of finding a job in the UK after they graduate while they were applying for a study visa.” MEng Engineering

4.2 *Applying for another course from overseas*

4.2.1 The suggestion that students would have to apply for another course from their home country was an area which does not seem to benefit either the UK or the individual students as it will be timely and costly for, individuals, Universities and the boarder agency.

On the whole the response from students was one of confusion about how this could be of a benefit for anyone and would increase the potential for strong students to apply for different countries for their PhD rather than retaining loyalty to the UK. These were some of the responses when asked how they would feel about

4.2.2 “My suggestion is: for students deciding to change course AND stay at the same institution where they initially applied, the procedure could be done from WITHIN UK. For students deciding to change course AND university, the procedure should be done overseas.” PhD in Business Administration

4.2.3 “will have negative effect on the number of international students” BA Econ (Economics and politics)

4.2.4 “it is a waste of time and money and forces the students to start over again in terms of looking for housing and resettling in the UK.” M.Eng Civil Engineering

4.2.5 “it will make students think twice before applying to further education in the UK.” Msc Innovation Management and Entrepreneurship

4.2.6 “If this happens, I think I will go to the USA to do my PhD because both countries need a re-application.” PhD Computer Science

4.3 *Need to show evidence of academic progression*

4.3.1 The majority of international students who responded felt this wouldn’t be a problem, although it was felt that what “academic progression” was defined as would need to be clearly laid out. It should be remembered that to be accepted onto a Masters or PhD programme students have to already show clear evidence of progression.

4.3.2 Potentially this is an additional piece of admin for institutions they will have to perform for international students. It seems important that Universities should not be allowed to use this as an excuse for extra costs to international students.

4.4 *Ability to work restricted to only on campus during the week*

4.4.1 There were mixed feelings about this suggestion, however for those where work is necessary for them to study their concerns were similar to this student’s views:

4.4.2 “There isn’t enough jobs on campus. If you work off campus, organizations have some expectations from you. You won’t be able to fulfil their weekday requirements so ultimately there is a large possibility for the student not getting a job off campus.” PhD Textile Technology

4.4.3 There was also a feeling that the current rule of 20 hours a week allowed flexibility whilst not flooding the job market.

APPENDIX

QUESTIONS FROM THE SURVEY "IMMIGRATION CHANGES: YOUR VIEW" RUN BY UMSU 20 DECEMBER 2010 TO 11 JANUARY 2011

About You

1. What is your stage of study?
2. What is the name of your Faculty?
3. What is the name of your Course/Programme?

Tier 1 Post Study Visa

1. Without the PSWV, would you still have chosen to study in the UK?
2. Was the Tier 1 post study visa a factor in your decision to study in the UK?
3. How important a factor was it in your decision?
4. Were you planning on using the Tier 1 Post study Visa after graduating?
5. How would the cancellation of the Tier 1 Post study Visa affect your plans in the UK?
6. Assuming the PSWV was cancelled; would this affect your recommendation of the UK to potential students?

General Questions

1. Have you studied at another education provider in the UK (language programmes, sixth form, Undergrad etc)?
2. Were you planning to conduct research or teach in the UK?
3. If you answered yes or undecided to question 2, would the proposed changes affect your decision?
4. The UK Borders Agency (UKBA) is also considering whether students should be required to leave the UK and re-apply for another course from overseas. What is your view about this proposed change?
5. Students wishing to remain in the UK to extend their studies after having completed their initial course will have to show clear evidence of academic progression. Will this be a problem?
6. Under the new proposals, students will only be allowed to work on campus during the week in term time. You would be allowed to work off campus during weekends and vacations. Do you perceive any difficulties with this?
7. Remove right of dependants to work in the UK unless they get permission under Tier 2 or Tier 1. If your dependant is not allowed to work what impact would this have on you?
8. Why are you studying in the UK?
9. Any other comments you would like to air? Eg alternatives to the government's plans or why the government shouldn't scrap PSWV.

January 2011

Written evidence submitted by the Student Welfare Officer, Middlesex Academy of Business and Management (SV25)

Tier 4 courses should not be restricted only to Highly Trusted Sponsors (HTS)

Every Institution starts at a lower level before acquiring the HTS status. Therefore by this restriction, other Private Institutions which have invested in the sector will be deprived of doing admissions. All institutions should be allowed to offer the required courses for the Tier 4 level, if they meet the criteria. Students are known to have climbed the academic ladder starting from the certificate level to PHD. That is what is unique with the UK system of education and that is why many people would like to come and study here.

Secure English Test

Should be established at all the posts where visas are obtained. In that way, you can ensure the candidates level of English.

Students to return to their home to apply for visa extension

This is not a fair proposal. The Home Office is the competent body to issue visa. A student who is already in the UK is right at the source of the decision making body. It will rather impose a financial burden on the student if he or she has to return home to apply for the extension of his visa to come back to the UK.

Dependants should be allowed to work

The cost of education is already very high for foreign students, in addition, they are being restricted from work during the week. By allowing the spouse to work, may compensate for the other partner not working. When the entire family is in this country for studies, they are learning something of the English culture also. It will be good to revisit this decision on humanitarian grounds.

Work

Placements are advantageous to both students and the establishments they serve. While students are doing work as part of their study program, the establishment stand to gain from their input as they are paid lower wages. Secondly, students make a huge contribution to the industry. The area of Health Care is largely sustained by this type of arrangement. It should be pointed out the students are caring for UK citizens who are in need of love and tender care.

There should not be too much focus on student migrants who have a lot to contribute to the economy, while closing the eye on the real economic migrants. Student migrants do not have recourse to public funds, but they rather contribute to the economy (only last economic year the contribution from the overseas students was over £10 billion).

January 2011

Written evidence submitted by the Association of Independent Higher Education Providers (SV26)

I am writing to you in my capacity as Chair of the Association of Independent Higher Education Providers (AIHEP) to express my deep concern about the implications of the above proposals. Our Association, incorporating London School of Commerce, The University of Buckingham, Holborn College, Bellerbys College, School of Technology and Management, Greenwich School of Management and Kensington College of Business, has developed a highly successful reputation for delivering Undergraduate and Postgraduate University courses for International students in recent years—and has become a major export industry in the UK. The eight member colleges enrol some 15,000 International students from over 100 countries and the total revenue that they generate for the UK is over 250 million pounds per year. As an example, one member, London School of Commerce, which is the Associate College of the University of Wales Institute, Cardiff, has over 5,000 students from over 120 countries at its central London campuses and currently has Europe's largest MBA course, with over 2,500 students.

The proposed package of restrictions on Tier 4 Migration, as they stand, will have a profound and severe detrimental effect on this industry. These restrictions are clearly designed to reduce student numbers, and the effect will generally be indiscriminate and will deter genuine and committed students from studying in the United Kingdom. This could seriously damage a vital export industry and produce a considerable reduction in export earnings and tax revenue in the UK, as well as increasing unemployment and the demand on public spending.

I would like to point out that International students are not immigrants, in that they attend our member institutions for the period of their course of study and then are required to return to their home country. Our members have strict measures to ensure that we admit only genuine students, under the UKBA's Highly Trusted Status, and each student's progress and attendance is carefully monitored and is subject to Home Office inspection and review. Therefore, I am very concerned that measures that purport to reduce illegal immigration could, in fact, diminish or destroy a growth sector that is currently making a great contribution to the UK's prosperity and global reputation. We would, therefore, like to make some constructive suggestions that could minimize the detrimental implications of the proposals, but not damage any positive effect on reducing illegal immigration.

In particular, with regard to a number of measures proposed, we would suggest that:

1. With regard to limiting the part time work system, that students chose the UK as a study destination for a complete "whole learning" situation and a limited exposure to a work placement or employment, particularly in London, is beneficial and we suggest that this should not be abolished or restricted to weekends or campus employment but perhaps be reduced from 20 hours per week to 10–12 hours per week. Furthermore that this should only be for students who are enrolled at institutions who have the UKBA Highly Trusted Status.
2. On the Post Study Work, system, this should perhaps be restricted only to students who successfully complete a postgraduate degree, as these can make a real contribution to the economy in a highly skilled capacity and could perhaps then meet the requirements to become a Highly Skilled Migrant.

This would also encourage talented undergraduates to progress on to postgraduate courses in the UK. We also propose that this be restricted to students at 'Highly Trusted Status' institutions.

3. Asking current students to return home to apply for a new visa to progress on to a new course, and limiting student visa extensions, will all have the effect of seriously discouraging genuine, highly intelligent and pro-British students from applying for courses in the United Kingdom. We would suggest that it is not a practical proposal and would prefer to continue the present system of visas being renewed in the UK, but that the number of renewals in the UK be limited to two for each student.

We have evidence that these proposals, as they stand, have already received major press coverage abroad and have been criticised by prospective students, their families and by friendly Foreign Governments, and we would suggest that our above suggested amendments would be effective in allaying some of these fears.

I am sure that the Committee understands that the AIHEP colleges represent the voice of high quality Higher Education in the UK. One of our members, the University of Buckingham is a fully recognised University and another, London School of Commerce has submitted an application for Degree Awarding powers to the Privy Council. We have a close relationship with David Willetts MP, the Minister with responsibility for Universities and we have been invited for discussions with him regarding interim solutions to the future funding crisis in higher education. We are seeking, in all current issues and particularly with regard to these proposals, a "level playing field" with the same recognition as the UK universities and the same standards being applied. We recognise that there are abuses to the Immigration regulations in both sectors and that solutions must be found that are acceptable, and are equal, in the state and private sector.

On behalf of our members, I would like to point out that your proposals, as they stand, will be welcomed by our International competitors—particularly Australia, where International Education is their third largest export industry and where International students are not included in their Immigration statistics. Apart from the economic implications for the UK, we fear for the damage that will be done to Britain's reputation abroad, in that we have always been the natural choice as the destination for future major decision makers, and future world leaders, to experience a high quality education—and this cultural and developmental experience will now probably be denied to a high proportion of prospective students.

I seriously urge the committee to review and amend these damaging proposals, as they will have a negligible effect on reducing illegal immigration, but will have a significantly adverse effect on the future success of the Association of Independent Higher Education Providers.

January 2011

Written evidence submitted by INTO University Partnerships (SV27)

SUMMARY OF KEY POINTS AND OBSERVATIONS.

- INTO University Partnerships is concerned that changes to the Tier 4 component of the Points Based System could do unintentional and irrevocable damage to one of the UK's most successful export industries—jeopardising UK jobs and revenue at a time when the country most needs them.
- International students are temporary migrants, wealth generators and not resource consumers. With no recourse to public funds and no settlement rights attached to their visa. They bring £10 billion to the UK economy and our estimates suggest up to 15,000 jobs are connected to their revenue.
- The figures used to justify the UKBA recommendations lack statistical rigour and are based on an inappropriate methodology. The real impact of students on our net migration figures ought to be calculated on the basis of the volume of students coming in minus those leaving from study in the UK combined with those leaving to study.
- We support the use of the Highly Trusted Sponsor programme as a mechanism to provide quality control to the Tier 4 system. It has been operational for less than one year and has already been subject to major revision.
- There is a large and vibrant pathway sector at NQF 3, 4 and 5 which should be classified as Pre Degree rather than sub degree—and afforded the same visa privileges as NQF 6 higher education delivered by HTS.
- Secure English Language Tests are neither an appropriate nor accurate discriminator of student intent to abuse. We would recommend that HTS are afforded the autonomy to make their own academic judgements on a student's suitability for study.
- Raising the English Language entry level to CEFR B2 has the potential to deliver a fatal blow to the pathway element of higher education.
- Students ought to be allowed to extend and renew their visas in the UK under a Highly Trusted Sponsor without having to return to their home country. Students on Student Visitor Visas ought to be allowed to transfer to a Highly Trusted Sponsor in the UK so long as they hold an unconditional offer.
- The removal of post study working privileges will undermine the UK's competitiveness in the international student market.

- We endorse the UKBA’s proposals to introduce simpler procedures based on the level of risk a student or demographic presents. In particular we would recommend the introduction of stringent financial measures—including large deposits.
- INTO also supports the tightening up of accreditation processes but believes standards should be applied evenly across all education sectors and with the involvement of the accrediting bodies.

ABOUT INTO UNIVERSITY PARTNERSHIPS

1. INTO University Partnerships are 50/50 legally binding long term joint ventures with leading internationally focused universities. The joint ventures operate large-scale high quality NQF Level 3, 4 and 5 level programmes to support university international student recruitment—a core element of the internationalisation strategy of partner universities. We have welcomed and educated almost 21,000 students from more than 138 countries and territories to the UK and provide direct employment for close to 1,000 people in the UK alone. Universities retain control over quality standards and academic matters whereas INTO delivers investment in overseas marketing infrastructure, investment in facilities and oversight of day-to-day operational matters.

1.1 The INTO partnership model combines the best of public and private sector skills to provide the highest levels of quality assurance, delivers investment in world-class provision and resources to manage international recruitment networks. It has the following features:

- Full sponsorship of all students for PBS by partner universities—and Highly Trusted Sponsor status for our centre in Manchester.
- Students on programmes are students of the University.
- £250 million investment programme in infrastructure to create world class international on campus centres—completed at the University of East Anglia—Norwich and London, Queen’s University Belfast, the University of Exeter and underway at Newcastle University.
- 50+ in-market staff monitoring and quality assuring the performance of sales agents.
- University quality assurance of all academic matters.
- Highly developed student tracking systems to monitor and respond to student attendance issues.
- According to HESA, our pathways were responsible for 200%+ student growth between 2005 and 2008 entering the Universities of East Anglia, Exeter, Newcastle alone.

INTO and our university partners fully support the on-going review of immigration and visa policies to ensure that economic and other forms of abuse are eliminated.¹² Appropriately targeted measures thoughtfully implemented can enhance the current visa regime and contribute to significant reductions in net migration without risking the viability of our international education industry—an industry that currently represents the UK’s 8th largest export business and supports approximately 150,000 jobs across the national economy. International higher education related business is a major economic contributor in many university towns and cities already struggling with the effects of the recession. INTO does not support policies, aimed at reducing net migration of high quality employment generating international students, studying at Highly Trusted Sponsors. These students have no recourse to public funds, no settlement rights and pose a low risk of system abuse. There is little evidence of public or even pressure group support for measures targeting reductions of high quality international students.¹³

2. *The value of international students and our operations to the UK economy*

2.1 International students bring approximately £10billion to the UK economy. At the University of Exeter alone they are responsible for the injection of £57.6 million into the wider economy and for 2,100 jobs.¹⁴ A recent University of Strathclyde study estimates that for every £1 million in HE revenue a further £1.38 million is generated for the wider economy. As important, each job created in the sector as a result of international student income creates and supports a further 1.27 jobs in the wider economy.

2.2 UK education is widely regarded as the UK’s 8th largest export industry. Implementation of measures which restrict this flow of the “brightest and the best” into the UK will undermine the UK’s economic recovery and threatens much needed jobs and export revenue.

2.3 UUK estimate that upwards of 40% of all international students in higher education have come through a pathway programme such as those offered by our own centres. Within the INTO network alone—more than 7,000 student commencements in 2009/10 and 4,000 students progressed to partner universities.

¹² *INTO university partners: City University London, The University of East Anglia, The University of Exeter, Glasgow Caledonian University, The University of Manchester, Newcastle University, Queen’s University, Belfast. INTO also runs pathway programmes on behalf of the Northern Consortium group of 11 universities.*

¹³ *“The number of non-EU students given leave to enter the UK in 2009 was 274,000 This is a huge number but it is important to realise that genuine students are not an immigration problem; most return at the end of their courses (to be replaced by others).” Source www.migrationwatch.org—accessed 10 January 2011.*

¹⁴ www.exeter.ac.uk/media/universityofexeter/internationalexeter/pdfs/Int%20Ex%20Oxford%20Report.pdf

COMMENTS ON THE UKBA CONSULTATION

3. *Students and Net Migration*

3.1 International students are rarely economic migrants and certainly do not fall within definitions of Long Term International Migrants. While we accept that longer-term students have access to the NHS, they are employment and wealth generating and not resource consuming. Immigration policy should support economic recovery and wealth generation and the country would be better served by a policy focus seeking to control economic migration rather than net migration. This policy focus on net migration is much wider than, and runs contrary to, statements made within the Coalition Commitment of May 2010.

3.2 A more appropriate methodology would be to calculate the total number of students entering the UK for study and subtract those leaving or returning from study—something which at present can only be guessed at. This would more accurately reflect the reality of the situation. International students generally leave the UK to return home/take up careers and not to pursue further studies. It is our view and widely accepted, that the current statistical methodology distorts dramatically the impact of students on net migration.

3.3 The data used to support the assertions made in the consultation document draws from conflicting data sets. UKBA estimates of student impact on net migration figures need to be justified by making unscientific assumptions where data is missing. Migration experts themselves express little confidence in the data and especially the International Passenger Survey. We support therefore, measures aimed at enabling the UKBA to record and report accurate figures that would better inform policy formulation by reflecting the true position.

4. *The Highly Trusted Sponsor Scheme—A quality control and abuse monitoring mechanism already in place*

4.1 We broadly support the robust implementation of the HTS scheme as the key mechanism for controlling the quality of students coming into the UK to study without risking the viability of an export industry worth up to £10billion to the UK economy.

The Scheme has been operational for less than a year—and has already been reviewed and revised on three occasions. It has already resulted in the removal of 2,000 colleges from the Register of Sponsors. The Sponsor Management System introduced in March 2010 enables much greater levels of control and the HTS (especially at University levels) operates at less than 2% non compliance rates—according to the UKBA’s own research. We believe it should have a full operational cycle before we review and implement yet more changes to an over-stretched and under resourced UKBA.

5. *Pre-Degrees—a discrete category within Sub-Degree*

5.1 Universities UK identify that 40% of international students enter higher education via a pathway programme. This is a strategically vital pipeline to our universities. It is critical that we protect this if the country is to maintain its position as a world leader in attracting the brightest and the best. Within the NQF 3, 4 and 5 sub-degree category, there is a large, vibrant and strategically vital pre-degree pathway element—which could more appropriately be defined within a higher education framework.

5.2 The UK operates a 13-year schooling system, which contrasts with the more widely adopted American model of 12 years. This together with the requirement to improve language competence creates a need for pre degree pathway courses that facilitate the transfer of students between the different systems.

UUK estimates 46% of all international students in higher education have come through a pathway. other estimates put this figure as high as 70%. Pathway operations are the largest single source of international students to the UK university sector and high quality officially designated programmes need to be afforded special status.

5.3 Approximately 50% of pathway provision is operated by five organisations in partnership with Universities.¹⁵

Defining pre-degree pathway courses

5.4 A course of pre university study up to 18 months duration, (but only 11 months if on a Student Visitor Visa), including English and other academic study, either formally validated or otherwise officially recognised by a partner university, which, on successful completion and attainment of prescribed grades, provides a student assured progression to a specific university course at the ‘recognising or validating’ partner institution.

6. *English Language— The use of SELT tests*

6.1 The evidence on visa abuse and the submission of fraudulent documentation outlined in the consultation document demonstrates clearly that English Language competence is not a reliable indicator of students’ intentions.¹⁶ SELT should not be compulsory for HTS and there is little rational justification for its introduction elsewhere either. We understand the Government is committed to reducing unnecessary bureaucracy and wishes to preserve the academic independence and autonomy of our universities.

¹⁵ INTO, Study Group, Kaplan International Colleges, Navitas and the Cambridge Education Group.

¹⁶ *Table 1 and 2 of The Student Immigration System: A consultation—December 2010 identify high-risk missions and nationalities.*

The current availability of SELT is restricted in key markets—including China and India. If blanket SELT is introduced, our direct experience from key source markets is that it will need to be accompanied by a commensurate increase in availability of SELT testing and a wider range of acceptable tests.

A SELT may not only be inappropriate but its implementation could distort unhelpfully the focus of pathway and pre-session courses delivered in the UK. They will become test-prep activities rather than courses preparing students for university study.

7. *Raising the English Language entry level to B2 on the Common European Framework*

7.1 The UKBA proposal to raise the entry level to CEFR B2 would have a disastrous effect on the pathway industry and concomitant impact on jobs and downstream revenue for our universities. We estimate that up to 70% of our current students would have been denied access under new proposals.

Further, given that IELTS is not even benchmarked against the CEFR. We do not understand how the UKBA believe this can be achieved

8. *Requiring student to return home to renew/extend their visas*

8.1 The obligation to return home, while engineering an artificial drop in net migration figures, will be a competitive disadvantage for the UK and deter many students from commencing and continuing their studies in the UK—at precisely the time that our major competitors in the United States, Canada, Ireland and elsewhere are making strenuous efforts to welcome students.

8.2 So long as students remain under the sponsorship of a Highly Trusted Sponsor—they ought to be able to renew their visa in the UK. There is often little time between courses—as little as four weeks. It would be impractical and unnecessarily expensive.

8.3 We would further recommend that students on 11 month Student Visitor Visas should also be allowed to transfer to Tier 4 within the UK—so long as they remain under the sponsorship of an HTS.

8.4 As is the case in Australia, we recommend that students on Pre-Degree pathway programmes are awarded a visa for the duration of their study plan (eg Foundation plus degree).

9. *Working in the UK and post-study work privileges*

9.1 Our own research clearly indicates that international students choose the UK as much for the experience as for the international qualification—as this enhances their employability on their return to their home country.¹⁷ Further surveys of employers conducted by AGCAS *et al* regularly identify the value of international experience as well as internationally recognised qualifications among their graduate hires.

9.2 Competitor countries all offer this option to students. The removal of this asset to international students will have a negligible impact on job displacement but will deliver a major blow to the attractiveness of the UK as a premier overseas study destination.

Restrictions to working in the UK while studying were introduced in March 2010. We see no need to introduce further restriction. In particular the suggestion restrict students to on-campus working strikes us as unenforceable.

10. *Introducing differential processes according to risk level*

10.1 We support the introduction of differential mechanisms based on the level of risk a student or particular nationality presents. In particular we would favour the use of financial mechanisms such as the introduction of full advance fee payment obligations, large pre-visa course deposits or surety bonds recoverable on departure.

10.2 We would also support, as we have stated elsewhere in this submission, the use of the Highly Trusted Sponsor mechanism to control and monitor abuse. In order for this to work most effectively, HTS should also be provided with visa usage data allowing them to work constructively with the UKBA in supporting the elimination of abuse.

11. *Raising accreditation standards*

We support more robust accreditation standards. However, instances of poor practice are by no means limited to the private sector. Compliance standards and sanctions should be applied evenly throughout the sector.

¹⁷ www.intohigher.com/footer/corporate/into-knowledge/market-research.aspx?sc_lang=en

Written evidence submitted by the Institute of Administrative Management (SV30)

I am the chief executive officer of the Institute of Administrative Management. We have close to 5,000 international students every year and I wish to contribute to the inquiry on proposals to restrict student visas, particularly for qualifications tiered below degree level.

I will focus on the capacity of professional institutes to regulate international students and propose the following solutions:

- Professional institutes are smaller than a usual awarding organisation, so they can monitor students and their achievements more closely.
- They prioritise their reputation of excellence above all else. They are likely to stop irregularities even when it may be against their financial interest to do so.
- Institutes, like ours, assess students with written examinations. Non-examination assessment methods are used far less. Supervised examinations guarantee that students complete their own work and that their time is spent studying instead of working illegally.
- Examination results are an excellent indicator on how much time a student spends studying. Examinations, managed by professional institutes, are very demanding as demonstrated by pass rates being lower than other bodies.
- The UKBA could restrict the number of times students are allowed to re-take examinations.
- Students who repeatedly fail demonstrate that they are not spending enough time studying. Institutes concentrate on a small number of students and can identify, and deal with these irregularities effectively. In this way, concerns over illegal work can be addressed, using resources already in place.

I hope you consider these points in your inquiry.

January 2011

Written evidence submitted by NHS Employers (SV32)

EXECUTIVE SUMMARY

We fully support the drive for successful implementation of a managed migration strategy which enhances the ability of healthcare providers to deliver high quality patient care.

It is important that any changes to the immigration system do not deter healthcare professionals who are considering the UK as a place to come and practice. Global competition for people with these skills is increasing. These people are essential to the continued provision of health services as demand from patients continues to increase.

NHS Employers' recommendations

- Overseas doctors who train as medical students in the UK should retain Tier 4 status to undertake their two-year foundation training programme after receiving an undergraduate medical degree.
- Courses that are undertaken at below degree level should be removed from Tier 4, as long as nursing is classified as degree or equivalent during the transition of nurse education in England to an all degree profession.
- A solution should be found to retain the flexibility which has allowed and encouraged individuals to base themselves in the UK to undertake advanced health research and drive innovation in the field.
- If the post-study route is curbed, it is essential that an alternative method is identified to enable the movement from highly skilled education to highly skilled employment in the UK so that valuable healthcare professionals trained by the NHS are not lost from the UK. An alternative to the post-study work visa would be a suitable period of time at the end of the Tier 4 student visa to allow the opportunity to secure employment and move into another immigration category. Employers have suggested that, in most cases, a suitable period of time for trained healthcare professionals would be six months.

BACKGROUND

1. NHS Employers represents NHS trusts in England on workforce issues and helps employers to ensure the NHS is a place where people want to work. NHS Employers is part of the NHS Confederation.

2. Our role is to provide employers with practical advice and information on changes on the recruitment and training of the workforce in order to improve the quality of patient care. We work with employers to facilitate networking opportunities and ensure their views are represented at the highest levels as key policies are developed and decisions taken.

3. NHS Employers is at the heart of the discussions on the immigration system because the migration of individuals to the UK health system forms an important supply route of skilled and highly skilled professionals to support the delivery of health services to patients. Our work on immigration focuses on:

- ensuring a system exists to provide employers with the ability to recruit the right numbers of appropriately skilled healthcare professionals to meet demand and patients' needs;
- ensuring that employers are proactive in working to reduce the risk of employing illegal workers in the health sector; and¹⁸
- ensuring the immigration system does not disadvantage developing nations in producing a clinical workforce to support their local health needs.

4. We fully support the drive for successful implementation of a managed migration strategy which enhances the ability of healthcare providers to deliver high quality patient care and we welcome the Home Affairs Committee's involvement at this critical stage. We are pleased to have the opportunity to submit evidence to this inquiry.

THE NHS AND TIER 4

5. The NHS is not only a major employer of migrant labour but also trains the future generation of healthcare workers. Individual health sector employers share the responsibility to deliver education and training with academic institutions. Employers are responsible for delivering the practical "hands on" education and training which comprises a significant proportion of undergraduate healthcare courses. The practical learning for which employers are responsible can be as much as 50% of some clinical professional undergraduate courses, such as nursing.

6. Overseas doctors who train as medical students in the UK currently hold Tier 4 status to undertake their two-year foundation training programme after receiving an undergraduate medical degree.

Should the cuts be limited to certain types of courses?

7. We believe the focus should be on the type of qualification gained upon completion of the course. To ensure this entry route is used to provide international students with a high level educational qualification, our view is that courses that are undertaken at below degree level could be removed from this route.

8. We would caveat this statement with the need to ensure that nursing is classified as degree or equivalent during the transition of nurse education in England to an all degree profession, due to its status with the professional regulator, the Nursing and Midwifery Council. All new entrants to nursing courses will be studying at degree level by 2013.

The impact different levels of cuts might have on the health sector

9. Currently the majority of individuals in the NHS who hold a Tier 4 visa are undertaking foundation medical training although there are other clinical professional trainees in pharmacy and nursing amongst others. Individuals choose the UK as their destination to train as undergraduates and continue training in their field of practice whilst in employment. These highly skilled professionals are critical in providing health sector employers with the ability to meet the rising level of patient demand.

The impact, if any, that reductions in student visas might have on the UK's standing in the world

10. Increased global competition for skilled healthcare professionals must be recognised when reviewing this tier and others within the points-based system.

11. During 2010, the Canadian Government waived the need to have an employment offer for many clinical occupations. The long-term implications of reducing educational, training and employment opportunities in the UK must not be underestimated when re-designing the UK system within the context of an increasingly competitive global market for clinical skills.

12. Protecting the international reputation of the UK education and health sectors is also of primary importance to NHS Employers and providers of healthcare. It is notable that the Australian health service launched in 2010 a specific marketing campaign seeking medical staff and qualified nurses alongside their existing long-running campaigns to attract healthcare professionals to support their activities in the regions.

Will cuts in student visas have any effect on the decisions of highly qualified graduates to conduct research or take up teaching posts in the UK

13. Our immigration system has traditionally allowed and encouraged individuals to base themselves in the UK to undertake advanced health research and drive innovation in the field. This has placed the UK as a leading force in these areas. This not only enhances our international reputation and attracts additional funds

¹⁸ As an example of the practical support we provide, NHS Employers has produced a set of six Employment Check Standards, including the right to work check standard, to assist with pre and post employment checking systems.

to support the developments but also provides the UK population with access to leading edge services and interventions.

14. There is little evidence to submit to the Committee in this area but we can refer to the previous changes to the permit-free element of the immigration system in 2007, pre-points-based system. The closure of one route of the system brought about an immediate reduction in applications from overseas doctors. This change in policy co-incided with changes in the medical training system and other health policy initiatives and therefore cannot be viewed in isolation. It met the immediate desired objective, to curb an over-subscribed market. However, as a result of definite and strong messages around the availability of opportunities in the UK, individuals sought opportunities elsewhere and many NHS organisations found they had gaps in the workforce.¹⁹

15. Changes to immigration systems in other developed nations have protected the flexibility in the system to ensure those seeking to enter higher levels of study or research can obtain access.

Should the post study route be continued?

16. It is critical that any decision on the continued existence or eligibility criteria for the Tier 1, post-study work visa should be taken within the context of changes to the Tier 1 and Tier 2 (General) parts of the system.

17. In health, this route is used to support a range of clinical professionals in the transition from undergraduate study to employment which includes continued training, often in occupations in which the UK has a skills shortage. For example, overseas students completing medical, dentistry, pharmacy and other health care professional courses enter this route.

18. There are approximately 500 medical trainees per annum eligible for this route. Other professional groups are not counted centrally but will not exceed 500.

19. Though these numbers may appear small, these healthcare professionals are essential to the continued provision of health services to patients. Employers in the NHS have invested time and resources to support the training of these people with a view to this leading to employment at the end of the course in most cases, and it is important that health services see the benefit from this investment.

20. Employers can see the value in removing this route to curb proven abuse within the system. However it is essential that an alternative method is identified to enable the movement from highly skilled education to highly skilled employment in the UK so that valuable healthcare professionals trained by the NHS are not lost from the UK.

21. An alternative to the post-study work visa would be a suitable period of time at the end of the Tier 4 student visa to allow the opportunity to secure employment and move into another immigration category. Employers have suggested that in most cases a suitable period of time for trained healthcare professionals would be six months.

January 2011

Written evidence submitted by the Immigration Law Practitioners' Association (ILPA) (SV33)

1. The Immigration Law Practitioners' Association (ILPA) is a professional association with some 900 members (individuals and organisations), the majority of whom are barristers, solicitors and advocates practising in all aspects of immigration, asylum and nationality law. Academics, non-governmental organisations and individuals with an interest in the law are also members. Established over 25 years ago, ILPA exists to promote and improve advice and representation in immigration, asylum and nationality law, through an extensive programme of training and disseminating information and by providing evidence-based research and opinion. ILPA is represented on numerous Government, including UK Border Agency, and other, advisory groups and has given written and oral evidence to the Home Affairs Committee on many occasions, most recently for the enquiry into the immigration cap.

THE TARGET OF REDUCING NET MIGRATION

2. The Coalition Agreement makes reference to reducing the numbers of non-EU economic migrants.²⁰ It makes no mention of students in the context of a cap; it does refer to student migration in the context of reducing abuse.²¹ The Home Secretary said in a statement to the House of Commons:

“It is this government’s aim to reduce the level of net migration back down to the levels of the 1990s—tens of thousands each year, not hundreds of thousands.”²²

¹⁹ NHS Employers published two guides *Managing gaps in medical staff cover* and *Working and training in the NHS* to support employers and individuals which are available on the NHS Employers website.

²⁰ Paragraph 17, page 21, see www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_187876.pdf

²¹ *Ibid.*

²² The Home Secretary, Rt Hon Ms Theresa May MP, Hansard HC 28 June 2010 Col 585.

3. Net migration (those entering the UK for more than one year minus those leaving the UK) is affected by the number of British nationals/settled persons who leave the UK each year and also by the number of persons who migrate from within the EU. Both are outside the Government's control.²³ Those who come to the UK seeking protection or to join family members are able to assert a right to stay on the basis of the UK's international obligations and thus the Government's ability to stop such migration is circumscribed. That leaves the Government the options of cutting migration for work, or cutting student numbers. Students are a numerically larger group of migrants than those migrating for work and thus cutting student migration can be perceived as central to the Government's aspiration to show any progress toward its aim of reducing net migration.

4. It is unclear how numerical caps will generate the "confidence in the [immigration] system" that the Coalition Programme²⁴ describes as the reason for introducing them if it is perceived that the caps are not having the effect of reducing net migration or if they are seen as being imposed on particular groups simply to meet the numerical target. It would be useful for the Home Affairs Committee to explore in this enquiry the extent to which attempts to meet the cap by cutting student migration will allow the Government to achieve the broader range of objectives on immigration that it describes in the Coalition Programme, or indeed to achieve the broader objectives therein described.

5. The contribution that cutting student migration from outside the European Union might make toward meeting the target is largely illusory. A student who enters the UK, stays for two years and then leaves, contributes to raising the net migration figure by one in the year they arrive, and to lowering it by one in the year that they leave. Years spent in the UK as a student do not count toward an individual's applying for settlement, save where a discretionary application under the long residence rule is made if a person has had continuous leave in the UK for 10 years or more.²⁵ Such persons may in any event have powerful cases for being allowed to remain based on Article 8 of the European Convention on Human Rights (the right to private and family life). Students who stay after their studies do so because they have met the requirements to switch into another category of the immigration rules altogether; for example they have married or formed a civil partnership, or have met the criteria to be allowed to remain in the UK to work.

6. Student visas are granted for a specific purpose, for a limited period. Students are not allowed, under the conditions of their stay, to have recourse to public funds and public housing while studying in the UK. They must prove that they can cover the full costs of maintaining themselves before they are allowed to come to the UK for to study. They pay fees to the institutions where they are studying and meet their own costs of living. They can work for no more than 20 hours a week, with a prohibition on filling permanent vacancies. Those institutions employ British nationals and settled persons, including in areas where there are few other major employers. Estimates of the value of international students to the UK range from £8.5 billion to £12.5 billion.²⁶ The benefits of the links forged by being able to study in the UK, both for the individuals concerned and others in the countries from which they come, can be examined as to their economical, social and political effects.²⁷ For these reasons it would appear appropriate for the Home Affairs Committee to examine the target of reducing net migration and the immigration and broader commitments in the coalition programme, in commenting on the proposals for students.

MANAGEMENT OF THE SYSTEM

7. The UK Border Agency, like many other Government departments, faces significant cuts in its budget. It would be useful for the Home Affairs Committee to examine how the resource implications of the proposals.

8. The Highly Trusted Sponsor scheme depends for its success on adequate resourcing of work to determine whether an institution qualifies and continues to qualify for this status, and for this status, and if the benefits to an institution of such status are to be made a reality. It would be helpful for the Committee to explore the extent to which these resources are available, for example by questioning the Agency on the extent to which resources would allow it to implement specific measures recommended in the Committee's Eleventh report of 2008–2009.²⁸

9. In this regard, it is important to be aware that the current system of dealing with student applications has been running since late February 2010 when the system moved to being wholly one based on the issuing of secure online Certificates of Acceptance for Studies, together with mandatory reporting by educational

²³ See *Estimating International Migration: An exploration of the definitional differences between the Labour Force Survey, Annual Population Survey, International Passenger Survey and Long-Term International Migration*, Office for National Statistics, undated, available at www.statistics.gov.uk/downloads/theme_population/International_migration_data_differences.pdf

²⁴ *Op cit*, paragraph 17, page 21.

²⁵ See HC 395, Immigration Rules, as amended, paragraphs 276A to 276D.

²⁶ For estimates of the value of international students to the UK economy see the British Council's 2007 Study *Global Value* available at www.britishcouncil.org/eumd-information-research-global-value.htm and see e.g. oral evidence of Tony Millns, English UK, to the Home Affairs Committee, 2 June 2009, q 17, published in the Committee's 11th report of session 2008–09 *Bogus Colleges*, HC 595, available at www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/595/59502.htm

²⁷ *Global Value*, *op cit* and HC 595 *op cit*.

²⁸ *Bogus Colleges*, HC 595, available at www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/595/59502.htm

institutions on students' arrival and attendance. Since then there have been further changes, establishing the Highly Trusted Sponsor Scheme, providing for mandatory English language tests, changing English language requirements, imposing new restrictions on student's bringing dependants and on the number of hours certain students can work. The Committee might usefully consider the extent to which these changes have addressed concerns about the integrity of the student immigration systems, or indeed whether any research has been carried out to understand what the effects of these changes have been.

10. The question of resources is also pertinent to other aspects of the proposals. It is proposed that the students return home between courses (question 8 in the UK Border Agency consultation paper). This has the potential to generate large numbers of applications to posts, requiring a quick turnaround, and peaking at particular times of year. Secure English language tests showing a level of B2 across all four components (questions 5 and 6 of the UK Border Agency consultation paper) would also appear to require of the UK Border Agency that it is able to produce and administer a scheme for mapping International English Language Testing System scores onto Common European Framework of reference for Languages. This would appear to be resource intensive and, based on experience to date, something that institutions are better placed to do than the Agency.

11. It is unclear that the authors of the UK Border Agency consultation paper have sufficient knowledge of the routes by which overseas students come to study at UK universities. In ILPA members' experience, a significant percentage of clients go to university in the UK following study in the UK on courses that are not at degree level. Any suggestion in the consultation paper that one can remove those courses and leave universities unscathed should be examined with scepticism.

POTENTIAL DISCRIMINATION

12. Proposals to restrict dependants' ability to work have the potential to give rise to discrimination against women. Of the 489,000 students entering the UK in 2009, 198,000 were student visitors coming for less than six months, who are not entitled to bring their dependants with them.²⁹ In 2009, 21,130 visas were granted for dependants of students, making students the category of migrants least likely to bring dependants with them.³⁰ The research available indicates that more accompanying spouses of workers are women than men.³¹ If this is also the case for students, and ILPA has not seen any statistics that break down student applications by gender—these could usefully be requested, then the proposals risk discriminating against women. However, there may also be risks of discrimination against women in not allowing the spouses of women students to work. When a couple makes a decision to come to another country so that one of them can study there, one consideration for many couples is whether the other spouse is being asked to put his/her career on hold. In many societies, it remains less acceptable for a man to do so for his wife than vice versa. Similarly, there remain many cultures where the prospect of a married woman being permitted to live overseas without her husband for an extended period would not be acceptable.

13. As to discrimination on the grounds of race, this question is relevant to the question of "risk profiling". As indicated by the recent Chief Inspector of the UK Border Agency's report on visa services in Abu Dhabi and Islamabad, there may be situations in which risk profiling on the basis of national origin becomes discrimination on that basis.³² The less objective evidence for the risk profile that there is; the greater the risk of discrimination. There are also risks of direct discrimination in differential treatment of those from non-"majority English speaking countries" where an affected individual is fluent in English or has the ability rapidly to become so and in the construction of the list non-'majority English speaking countries.³³

POST STUDY WORK CATEGORY

14. In ILPA members' experience the possibility of work experience in the UK following study here is a factor in many persons' decisions to come to the UK for degree and post-graduate level study. Any removal of the post-study work category thus appears likely primarily to deter those who have the greatest range of immigration options, and have the option of studying in other countries. The UK's institutions are competing with others internationally for these students and the Committee may wish to consider the benefit to academic development in the UK (as well as wider economic benefits) of such high calibre students choosing the UK. It is worth recalling that precursors of the Post-Study work category, the Science and Engineering Graduates Scheme and the Fresh Talent Working in Scotland Scheme, were designed to attract students who would then

²⁹ The category was introduced in 2007, prior to which there was no separate category of student visitor and the vast majority of those coming for less than six months to study were counted in the visitor category. This is acknowledged in the UK Border Agency consultation document in a footnote.

³⁰ All figures from the Home Office Research and Statistics *Control of Immigration statistics* from 2009, the last complete year for which figures are available, see rds.homeoffice.gov.uk/rds/pdfs10/hosb1510.pdf

³¹ See Migration Advisory Committee Tier 2 and dependants, August 2009, Section 7, especially 7.6 Equality Issues and the evidence cited therein.

³² An Inspection of Entry Clearance in Abu Dhabi and Islamabad, Inspection January to May 2010, published 4 November 2010, paragraph 6.18, see icinspector.independent.gov.uk/wp-content/uploads/2010/03/An-inspection-of-entry-clearance-in-Abu-Dhabi-and-Islamabad.pdf

³³ See the ILPA briefing for the House of Commons Debate on the Points-Based System of 24 April 2008, available from the Briefings page of www.ilpa.org.uk for a detailed discussion of this.

fill gaps in the UK labour market, whether in particular specialisms, as with science and engineering, or in a part of the UK, as in the Fresh Talent Working in Scotland Scheme, because those workers were difficult to attract. The Post-Study Work category is a temporary category. If those working in this category are to stay longer in the UK then this is because they have met the requirements for other categories of the immigration rules, such as Tier 2, now subject to a cap.

15. We recall that the Migration Advisory Committee in its December 2009 study *Analysis of the Points Based System* stated:

“Post-Study Work Route (PSWR)”

We considered the options of recommending closure of the PSWR and reducing the granted leave to remain. We considered both the effects on university funding and graduate unemployment through labour market displacement.

We saw no evidence of displacement...and found that the effect of PSWR closure on current levels of university funding was likely to be comparatively small in relation to overall university budgets, but significant, and likely to impact on some courses and institutions harder than others. On balance, we recommend retaining the PSWR and the current leave entitlement of two years.³⁴

STUDENTS BEING ABLE TO WORK

16. That students can work for 20 hours per week is not in itself a matter of complexity, although it was made more complicated when the rules were changed so that some students can work 10 hours per week and others 20. Complexity could be reduced by making it simpler for an employer to verify whether a student has permission to work, by identifying clearly which documents will be acceptable, and if the permission to remain vignette states that the person has been granted permission as a student. Insofar as there is complexity in the current system it arises where students work for more than one employer and no one employer is in a position to know whether they are working elsewhere. It may also be difficult for an employer to know whether a particular week is term time, when the 20 hour limit applies, or vacation, when it does not. This problem would not be cured by limiting students to working “on campus” during the week and elsewhere at weekends. It cannot be assumed that there is work available on campus, nor that students study during the week and take weekends off. Electronic access to research papers etc. and weekend access to laboratories etc. allows for more flexible working patterns. What matters is that information about what work a student can do is easy for students and employers to understand, its application in a particular case easy to verify, and that such information is widely known. It is unclear that proposals would assist in meeting these needs.

17. ILPA would be happy to assist the Committee by providing further information if this would be useful.

January 2011

Written evidence submitted by the Aldwych Group (SV34)

The Aldwych Group is the collective name for the Students’ Unions of the Russell Group of Universities in the United Kingdom. It was established in 1994, as a watchdog in response to the creation of the Russell Group. Our members include the Students’ Unions of:

- University of Birmingham
- University of Bristol
- University of Cambridge
- Cardiff University
- University of Edinburgh
- University of Glasgow
- Imperial College London
- King's College London
- University of Leeds
- University of Liverpool
- London School of Economics & Political Science
- University of Manchester
- Newcastle University
- University of Nottingham
- University of Oxford
- Queen's University Belfast
- University of Sheffield
- University of Southampton
- University College London
- University of Warwick

Much of our report is adapted from a document that we authored and circulated to the Russell Group on the 24 September 2010 in response to a speech made by Damian Green. We have attached this report as

³⁴ See www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/mac/pbsanalysis-09/041209/mac-december-09?view=Binary

supplementary material.³⁵ We hope that our submission demonstrates that the student movement is vehemently opposed to these changes and sides with the views of the Russell Group. We also hope that the Home Office can create a fair system that does not punish our students harshly and continues to make the Russell Group attractive to the best and brightest students regardless of nationality.

1.0 EXECUTIVE SUMMARY

1.1 The Aldwych Group is the group of the 20 Students' Unions of the members of the Russell Group Universities in the United Kingdom. Our institutions have some of the highest proportion of non-EU students in the UK. For example, more than 40% of the student population of LSE are from non-EU countries, whilst Imperial has more than 35%. Therefore, our institutions will be significantly impacted by these changes.

1.2 The proposed changes are of major concern since international students bring immense benefits to all students, our institutions and our local economies. International students contribute upward to £8 billion in tuition fees alone and more in additional expenditure to local economies for food, accommodation, travel and entertainment. (The most recent estimate is a total contribution of £12.5 billion) In addition, they bring cultural diversity, broaden the experience of British students, provide returns in terms of economic and diplomatic ties and help produce world-class research for the UK. The additional income from overseas tuition fees allows our institutions to recruit more home/EU students and provides additional investment in the facilities available for all students. Therefore, they are net contributors.

1.3 The desire to curb net migration, in its recommended form, directly contradicts the strategy of the Russell Group to attract the best students regardless of nationality and to become the leading international institutions of Higher Education. Potential changes, both in reality and in their uncertainty, will have both direct and indirect damaging impacts on international students and the international reputation of the UK Higher Education sector as a whole.

1.4 We, as elected representatives of our respective student bodies, are therefore against the current proposals. They risk destroying the global diversity of our respective universities, the economic position of the UK and the international competitiveness of UK Universities.

1.5 We believe that illegitimate immigration through the student route should be tackled. However- it is not known why the government is currently targeting legitimate immigration harshly within its proposals, especially since the Russell Group, as Highly Trusted Sponsors, have consistently shown to legitimately recruit the best and brightest international students to study in the United Kingdom. The Russell Group should be exempt from the majority of these proposals given how complex and thorough the visa system for international students wishing to study at our institutions currently is.

1.6 In particular, the proposal to remove the Post-Study Work Visa is causing a great deal of stress for our current international student populations and has already been causing problems for future recruitment. The PSWV is vital for the reputation of the UK Higher Education industry and for its ability to compete in the international market. As a minimum, current international students should not be affected and the PSWV should still exist in some form or transitional measures should be put in place. We note that there is no evidence of international students taking jobs from UK students and such a change has no economic rationale.

2.0 THE CURRENT VISA SYSTEM

2.1 The committee should note that between 2007 and 2010, various measures have been added to the wide-range of measures already in place in the UK visa system. This has made it increasingly complex and difficult for international students wishing to study in UK Universities.

2.2 The administration fees for international students applying to the UK have risen substantially between 2007 and 2010. In 2007, Biometrics were introduced and must now be taken at both visa and visa extension stages. International students are now issued with an identification card. In 2009, the Points based system was introduced, resulting in a much longer and complex application process.

2.3 In 2009, institutions were now required to monitor international students and report any illegal activity. In 2010, measures were introduced where applicants "were required to speak English near-GCSE level, and those on short courses were no longer allowed to bring dependants." At one point, student visas from certain regions were suspended and Russell Group institutions continue to have issues securing visas for legitimate students from certain countries.

2.4 There is now a more rigorously-vetted list of approved education providers, "which aimed to prevent bogus colleges." International Students already have to prove that they can maintain themselves financially here in the UK as well as register with the police on arrival, on receiving their identification card and upon change of address.

³⁵ Not printed.

2.5 These changes have already brought concern from the international student community as to how welcome they are in the United Kingdom given the already substantially high fees they pay. It also questions as to how the system could be tightened further. A recent UKCISA report found that the visa system was becoming increasingly complex resulting in “overwhelming negative feedback” which could have a “negative impact on the UK’s reputation.” Juxtaposing the current system with the proposed system, there is no doubt that this will have an impact on recruitment and the “UK’s standing in the world.”

2.6 These measures, coupled with public attitude toward immigration- have created an alarming attitude towards international students. We would like to caution the Government about the message it is likely to send with these changes and the rhetoric it uses, as there may be both direct and indirect consequences of these actions which may jeopardise the welfare of our students. The misconceptions and misinformation of international students has contributed heavily towards public perception and little has done to educate the public of the aforementioned benefits they currently provide.

3.0 THE IMPACT THAT REDUCTIONS IN STUDENT VISAS MIGHT HAVE ON THE UK’S STANDING IN THE WORLD

3.1 The proposed changes directly and indirectly have an impact for the international demand of UK further and Higher Education and will undoubtedly undermine the UK as a “world leader in Higher Education.” This is not to mention the impact for the international competitiveness of UK industry.

3.2 The UK is already in “danger of seeing its market share slip” as other countries have begun to penetrate the international market and recruit more international students. This has not been “helped by the recent tightening of its border controls.” There is a serious risk that further measures will exacerbate the international standing of a UK education and discourage international students from choosing to come to the UK.

3.3 Striking parallels can be drawn with the current situation in Australia. Australia recently tightened its “visa rules.” The recent changes have been found to be “too heavy-handed and are hitting legitimate students.” It also had an “election campaign in which international students were caught up in the political debate over cutting overseas migration.” The Group of Eight leading universities has recently warned “that a crippling downturn in international student numbers would imperil them.”

3.4 The results of the government changes have been staggering and have thrown the Australian education industry into crisis. Commencements “across the sector have been down 7.4% for the year” and “could approach 15% by year’s end” with incredible drops in numbers applying from China and India. Enrolment in language courses has fallen by 20% and could drop to 40% which is “alarming for universities since English language courses are a pathway to higher education.” Moreover, visas granted to students “applying from overseas has fallen by 25% between 2009 and 2010.” This could cause a potential £7 billion collapse in university revenues by 2015. Tony Pollock, the head of the international student recruitment agency in Australia said “it is government policy that is making the difference and that is to do with the visa restrictions, the tightening of the skilled migration environment and the way in which the story between international student activity and net migration has got confused in the public debate.” The UK is at risk at following the same footsteps with the current government’s tone.

3.5 In addition, the UK will likely lose a huge part of its market share to its competitors, who are attempting to attract additional international students via incentives. Canada offers its skilled international graduates permanent residence after a single year of work. New Zealand is reforming its immigration system to be able to attract more international students. Europe and Asia are looking to penetrate the market. Caution must be given because any changes made are likely to be more difficult to reverse and will have a long-term impact with no short-term solutions.

3.6 There is already evidence on the internet and various other forms of digital media of international students recommending for their peers to apply to other countries due to the Home Office’s proposed changes. The affect of these changes on recruitment should not be underestimated given that simply the uncertainty has been off-putting. In addition, some of our Students’ Unions have conducted surveys in which they asked whether the PSW was a factor in their application to the UK- with incredibly strong results indicating that it most definitely was.

4.0 WHETHER THE POST STUDY ROUTE SHOULD BE CONTINUED

4.1 We believe that the Post Study route should be continued. Firstly, the MAC found no evidence that foreign students are taking jobs from UK students. In fact, international students fill many of the countries’ skill gaps and help boost the UK’s international competitiveness. Therefore, we argue that the removal of the Post-Study route will actually lead to further job losses both in the immediate and long term.

4.2 In addition, a potential change to the post-study work visa may send a message to international students that they were not welcome in the UK. This contradicts sharply with the PMI which wanted to make it easier for “talented international students to combine work and study here.” The PSW Visa has been and continues to be the backbone for the scale of international recruitment that universities maintain. Any change will make the UK significantly less attractive in the international market for education.

4.3 As a minimum, students already studying in the United Kingdom should not be impacted. These students have already invested heavily in their choice to study in the United Kingdom and it would be both unfair for their welfare and damaging to the international reputation of the United Kingdom to make any changes with such short-notice.

5.0 OUR RECOMMENDATIONS

5.1 Overall, we believe that the HTS scheme has worked robustly for our institutions and these far-reaching changes should not apply to students at Russell Group institutions. As mentioned before, such changes that broadly target all students would certainly undermine the international competitiveness and research-output of the UK's leading universities.

5.2 In addition, the Russell Group attract a significant amount of international students from private sub-degree institutions within the UK. We would once again caution the approach of the Home Office to have proposals that are broad and would instead opt for proposals which target specific institutions and students prone to illegitimate behaviour.

5.3 We are against the proposal of the SELT. We do not believe that the UKBA should advise on academic issues, especially for the Russell Group. Furthermore, the UKBA has showed no evidence that students are lacking in English proficiency.

5.4 We do not believe that evidence should be shown of academic progression as we find this proposal unnecessarily harsh- especially for students who wish to switch particular subjects or disciplines.

5.5 We believe that the proposal that students must return home for any extension is incredibly harsh, would have a huge environmental impact in terms of increased carbon emissions and sets an unfair precedent for international students.

5.6 We have made our view of the removal of the PSWV quite clear. As a minimum, there should be a transition period for those already studying in the UK, but we advise against its removal- given the negative impact it will likely have on recruitment and its long-term economic impact.

5.7 The proposal to limit student's entitlements to work and sponsor dependents also seems exceptionally harsh- given that many of our doctoral and MBA students come to the UK with their families.

January 2011

Written evidence submitted by the Migrants' Rights Network (MRN) (SV35)

MIGRANTS' RIGHTS NETWORK (MRN)

1. The Migrants' Rights Network (MRN) was established in December 2006. We work to support migrant community organisations and organisations working with migrants, on issues related to employment, the community, access to public services, and on other matters which have consequences for migrants' rights and social justice. We work within a framework of discussion, sharing of experiences, promotion of research, policy analysis and lobbying and campaign activities. Currently over 2000 organisations and individuals participate in MRN's policy discussion and information exchanges.

INTRODUCTION AND SUMMARY OF SUBMISSION

2. The recent set of proposals regarding international students released by the coalition government in December 2010 is situated within a broader objective—to significantly reduce the level of net immigration to the UK by 2015. International students make up the highest proportion of non-EU inflows into the UK, meaning that they are now a key target for restrictions. As with the cap on economic immigration to the UK, the prospect of turning this objective into practical policy changes has generated concern among those sectors likely to be most affected, as well as among migrant communities.

3. If introduced, the measures proposed by the government in its latest consultation document would be significant; the majority of these proposals potentially affecting all international students coming to the UK by increasing the requirements for entry and restricting their rights when here. The importance of the current routes for international students for the UK economy, skills and research base and for international students themselves means that a strong evidence base should be offered up in order to support and guide these proposals. Currently, this evidence base simply does not exist. Instead the government has accompanied its new proposals with broad analysis of data in this area.³⁶ Although this analysis does provide some general information about international students in the UK, it is wholly inadequate support for the proposals which have been put forward.

4. The proposed measures have additionally been accompanied by a growing distinction between “desirable” and “undesirable” international students, following on from government targeting of “abuse” in the student system. Below degree-level students are increasingly presented as undesirable and prone to abuse the system—

³⁶ See www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/pbs-tier-4/overseas-students-report.pdf?view=Binary and rds.homeoffice.gov.uk/rds/pdfs10/horr43c.pdf

this characterisation appears to enable the government to substantially restrict their numbers as an easy means of moving towards its goal of reducing overall net immigration. We think that, as yet, the government has not adequately made the case that students studying courses below degree-level, are in and of themselves more inclined towards breaking the immigration rules in the UK than those studying at degree-level—or that these courses are less important to the UK economy.

5. The home office's own data indicates that incidents of "abuse" of the system are likely to be connected with a relatively small number of cases—we think often related to exploitative practices among some private institutions. As such, it would neither benefit British institutions or migrants themselves to prevent below degree-level study in the UK by making it the subject of overly severe restrictions. The focus of reforms would better be on tighter regulation of the educational sphere, leading to improved conduct by colleges themselves towards foreign students.

We address some of the specific concerns of the HASC inquiry below:

Whether the cuts should be limited to certain types of courses (eg pre-degree level)

6. The latest Home Office proposals particularly target below degree-level students—judged by the government to be at "higher risk of abusing" Tier 4 than further education students. The majority of below degree-level students find opportunities for study at public and privately funded institutions rather than universities. If implemented, the government's proposed measures would mean that most adults would no longer be able to apply to take below-degree level courses of more than six months in the UK under Tier 4—with the exception of those applying to courses run by a small number of institutions rated as "Highly Trusted Sponsors".

7. There are substantial problems with presenting the majority of below degree-level students as undesirable. Below degree-level students are estimated by the home office to make up two-fifths of all adult foreign students, coming to the UK for a wide range of educational pursuits ranging from study in nursing, social care and other vocational courses, as well as professional diplomas, HND and technical qualifications. The indications are that there is substantial financial gain from these students to the education sector (although this data is generally not separated out from figures accounting for both degree and pre degree-level courses). The group representing the interests of leading colleges in the Further Education sector in the UK, the 157 Group has set out its findings that the 66,500 international students on technical courses in FE colleges in England contribute £42 million to college budgets from fees alone.³⁷

8. Wider benefits are accrued from these courses, both for the UK and for students themselves. Below degree-level course qualifications gained in the UK are often well-regarded overseas, promoting the reputation of UK education abroad. Moreover, they play an important role in feeding students into the further education system in the UK. As such below degree-level courses often operate as a way for potential further education students to acclimatise to a new educational system, to improve their English or to gain foundation-level training before enrolling on degree-level courses in the UK. This is reported by some working in further education to have benefits for both the students and colleges, with foreign degree-level students able to perform and adapt to demands of degree-level study with greater ease.

9. Despite the value of below degree-level students, the rationale behind potential restrictions is increasingly based on the perceived risk of "abuse" of the system among this group. However, existing data about the outcomes of migration for below degree-level students presented by the home office has not provided adequate support for this conclusion. Although the recent home office study "Overseas students in the immigration system" was used to demonstrate that they are more likely to break the rules when here than those coming to study at degree-level,³⁸ these findings fell far short of being conclusive. The report offered up estimates for numbers of foreign students viewed as "potentially non-compliant"—this figure actually referred to those students who could not be accounted for in other categories in the study. The actual figures relating to students who had broken the terms of their leave in the UK, and the circumstances in which this may have happened (ie was non-compliance intentional) remain unknown.

10. We think that it is certainly likely that, in particular, some private colleges, under-regulated by the government, have engaged in exploitative practices which have led to migrants falling foul of the rules. Accounts we have received from, for example, within the Filipino community, indicate that there has been significant abuse of individual students coming to the UK by private colleges in order to study for below degree-level qualifications in Health and Social Care. Individuals entering the UK, having paid fees and with the full intention of studying here have reported then finding that their college is either not legitimately operational or has changed the rules, fees or requirements in order to exploit them. In order to build a more accurate and nuanced picture of the outcomes of below degree-level study for international students, there is a need for better data collection supplemented by wider qualitative research.

11. In terms of the policy response, instead of preventing the majority of genuine students from taking below degree-level courses in the UK, serious steps should be taken to regulate private education institutions, and clamp down on the potential exploitation of international students. Although this has been referred to by the

³⁷ www.157group.co.uk/files/colleges_international_contribution.pdf

³⁸ www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/pbs-tier-4/overseas-students-report.pdf?view=Binary

government in its current consultation, the lack of concrete steps that will be taken to regulate the sector do not reassure that this is a major focus for the government.

The impact, if any, that reductions in student visas might have on the UK's standing in the world

12. In addition to the direct revenue gained from foreign students to the UK, (estimates of the value of international students to the UK economy range from £8.5 billion and £12.5 billion), there are much wider implications of reducing student visas for the UK. The openness of the UK higher and further education systems for global business has undoubtedly been important in maintaining its position as a significant global player. Research from the Work Foundation in 2008³⁹ points out the importance of international students in building the UK's position in the global knowledge economy—for which there is considerable competition among OECD countries.

13. Recent research from the New Economics Foundation supports this, pointing out that, although the UK is currently in a relatively privileged position as regards its international reputation for education, global trends are constantly in flux. NEF points out that, currently, 49 of the world's top 100 universities are identified as in the UK or USA.⁴⁰ The position of these universities within global rankings is highly competitive, and strongly related to the capacity of these countries to attract the strongest international students and research talent. In this regard, it is critical that countries can compete by offering favourable conditions for foreign students, including providing the possibility for further work at the end of their studies.

14. The UK's wider economic relationships are also linked to its intake of foreign students, indicated by their key countries of origin. The latest figures from the UKCISA⁴¹ indicate that the top countries of origin for international students to the UK are rapidly changing. In 1998 the top five countries of origin for students were Greece, Ireland, Germany, France and Malaysia. In 2007 the picture was quite different, with China, India, Ireland, the USA and Germany making up the top five countries of origin for international students—all countries with which the UK has an interest in maintaining a mutually beneficial relationship. The negative impacts of changes to the UK immigration system on international relations were demonstrated in late 2010, when the Indian government made its concern clear around the prospect of a UK cap on economic immigration.

15. In addition to lucrative and high profile further education courses, it is important that below degree-level courses are not viewed as insignificant in terms of the UK's international standing. As outlined earlier, these courses are also likely to play a significant role in supporting the position of the UK internationally—both acting as a gateway for students into degree-level study, and by enabling people from a broad range of countries to engage with the UK educational system, and return with these skills to their country of origin.

Whether the post study route should be continued

16. In addition to the direct revenue gained from foreign students to the UK, (estimates of the value of international students to the UK economy range from £8.5 billion and £12.5 billion), there are much wider implications of reducing student visas for the UK. The openness of the UK higher and further education systems for global business has undoubtedly been important in maintaining its position as a significant global player. Research from the Work Foundation in 2008 points out the importance of international students in building the UK's position in the global knowledge economy—for which there is considerable competition among OECD countries.⁴²

17. Recent research from the New Economics Foundation warn that, although the UK is currently in a relatively privileged position as regards its international reputation for education, the government should be careful not to jeopardise this through overly restrictive immigration policies. NEF points out that, currently, 49 of the world's top 100 universities are identified as in the UK or USA.⁴³ The position of these universities within global rankings is highly competitive, and strongly related to the capacity of these countries to attract the strongest international students and research talent. In this regard, it is critical that the UK can continue to compete with other global players by offering favourable conditions for foreign students coming to the UK.

18. Wider economic relationships are also linked to the UK's intake of foreign students, indicated by the key countries of origin for foreign students. The latest figures from the UKCISA⁴⁴ indicate that the top countries of origin for international students to the UK are rapidly changing. In 1998 the top five countries of origin for students were Greece, Ireland, Germany, France and Malaysia. In 2007 the picture was quite different, with China, India, Ireland, the USA and Germany making up the top five countries of origin for international students—all countries with which the UK would wish to maintain a mutually beneficial relationship. The negative impacts of changes to the UK immigration system on international relations were demonstrated in late 2010, when the Indian government made its concern clear around the prospect of a UK cap on economic immigration.

³⁹ www.theworkfoundation.com/assets/docs/publications/30_globalisation.pdf

⁴⁰ Figure attained by NEF from Times Education World University Rankings, available at: www.timeshighereducation.co.uk/hybrid.asp?typeCode=438

⁴¹ www.ukcisa.org.uk/about/statistics_he.php

⁴² www.theworkfoundation.com/assets/docs/publications/30_globalisation.pdf

⁴³ Figure attained by NEF from Times Education World University Rankings, available at: www.timeshighereducation.co.uk/hybrid.asp?typeCode=438

⁴⁴ www.ukcisa.org.uk/about/statistics_he.php

19. In addition to lucrative and high profile further education courses, it is important that below degree-level courses are not viewed as insignificant in terms of the UK's international standing. As outlined earlier, these courses are also likely to play a significant role in supporting the position of the UK internationally—both acting as a gateway for students into degree-level study, and by enabling people from a broad range of countries to engage with the UK educational system, and return with these skills to their country of origin.

FURTHER COMMENTS

20. Overall, we are disturbed by the proposed major changes to current policy, which remain unsupported by adequate evidence, and in pursuit of an overall reduction in net immigration to the UK. This goal is, in itself, aimed at reducing long-term immigration to the UK, with wider concerns about population growth vocalised by advocates of this goal. There is a case to be made that, if the government's primary concern is with long-term settlement, it is inappropriate to include international students in this calculation. The recent home office research paper "The Migrant Journey" found that only 3% of those entering the UK in 2004 as students later applied for settlement. This may be viewed as undermining the inclusion of student's in the government consideration of net immigration.

January 2011

Written evidence submitted by Navitas (UK) (SV36)

1. Executive Summary

1.1 Navitas understands the Government's parallel objectives of eradicating abuse of the migration system, including any element of abuse via the student visa route, whilst ensuring that the UK's education system continues to attract the brightest and the best students from across the globe. It is very much in the interests of the sustainability of not only the UK's education exports services industry but also Navitas' UK College network that the UK remains a top priority destination for legitimate non-EU students; however it is imperative that policy be based on empirically sound data derived from comprehensive consultation and analysis as opposed to driving policy from less than robust data sources.

1.2 The education export services industry in the UK is complex and dynamic comprised of public and private providers. Regulation is welcomed by all bona fide providers; however any regulatory regime must be equitable across both the public and private sectors in order that Government applies the same standards of transparency and accountability across all providers regardless of their funding base.

1.3 Ireland, New Zealand and the USA have recently come out strongly in support of the economic and cultural importance of the education exports services industry. The Australian Government for example has recently recognised the negative impact on GDP of recent visa tightening measures.⁴⁵

1.4 International students contribute to their local economies, providing a very significant income stream for the UK economy. The 2009 Universities UK report on the impact of universities on the UK economy indicated that in 2007–08 off-campus expenditure by international students was c £2.3 billion.

1.5 The UK is sending mixed messages to the world. Government words are signalling that the UK is keen to enhance its global engagement and welcomes international students as part of that engagement; however, Government action through the current proposals is signalling to the world that the UK does not want international students.

1.6 International student mobility is a very successful activity for the UK and contributes to the success of HE sector, the UK economy and international positioning. It should be considered as an export success and not as an immigration problem.

1.7 Government is focusing on net migration when setting targets; it should be focusing on settlement and, making it more difficult to transfer from temporary (ie students) to permanent migrant routes.

1.8 International students are "educational tourists" not immigrants; they may indeed be in the UK for longer than 12 months but this is because of the nature of their education programmes; they are not in the UK for economic reasons; their time in the UK on a student visa does not earn points towards applications for settlement and they have no recourse to public funds. Further, if students wish to progress onto further study or take up employment, they must apply to the Home Office for another visa; this is an inbuilt and existing control mechanism.

1.9 The potential to inflict profound, long-term damage on the HE and English language sectors for no discernible gain looms large if the proposals currently on the table are taken forward. The UK will not recover from this damage as trust and market-share once lost are impossible to regain.

1.10 "Whole-of-course" visas will enhance the UK's competitiveness as well as retention, progression and completion rates. Forcing students to apply overseas for a new visa between components of study pathway/

⁴⁵ See www.abc.net.au/lateline/content/2010/s3068304.htm; New Zealand: New Zealand to make student immigration easier—Work Permit.com; US: U.S. Voters Support International Education, Poll Finds—The Chronicle.

programmes will have a negative impact on retention rates and student progression as well as create practical difficulties in terms of costs and accommodation.

1.11 International students/graduates play a key role as diplomatic/trade/cultural assets for the UK—“soft power” as it is known.

1.12 The Government endorsed and encouraged private/public interface between education providers in the UK could be undermined by these proposals thus in turn undermining the Government’s need for private enterprise to take a more dominant role in the provision of employment opportunities and education costs as part of the rebalancing of the UK economy.

1.13 The sector should work with the Government to develop equitable and transparent accreditation and licensing procedures for providers and this will enhance credibility and establish acceptable standardised benchmarks for quality provision within the HE sector.

2. NAVITAS LIMITED—AN INTRODUCTION

2.1 Navitas Limited is a diversified global education provider that offers an extensive range of educational services for students and professionals including university programmes, language training, work-force education and student recruitment. Navitas Limited is a public listed company on the Australian Securities Exchange (ASX) and is known as a world leader in the development and provision of educational services and learning solutions. Navitas Limited had a market capitalisation of approximately AUD\$ 1.4 billion as at June 2010. Navitas consists of four operating divisions: University Programmes (the largest Division with operations in Australia, the UK, the USA, Canada, Singapore, Sri Lanka, Kenya, and Indonesia); English; Work-force; and Recruitment, all of which report to the corporate headquarters located in Perth, Western Australia.

2.2 Navitas University Programmes Division UK’s Colleges are located on university campuses in Aberdeen (Robert Gordon University opening in October 2011), Cambridge (Anglia Ruskin University), Edinburgh (Edinburgh Napier University opening in June 2011), Hertfordshire (University of Hertfordshire), Plymouth (University of Plymouth), Portsmouth (University of Portsmouth), Swansea (Swansea University) and West London (Brunel University), locations which enable students to experience the UK city, climate, culture and lifestyle of their choice. Navitas’ partner universities are internationally renowned for their teaching and research.

2.3 Navitas understands that students coming from all over the world have different English language, academic and career levels and aspirations, so Navitas Colleges in collaboration with their respective Host Universities provide a range of degree pathways inclusive of flexible programme intake start dates to suit students’ pedagogical and personal needs. By studying with Navitas, students join supportive, educationally focused communities that help them to integrate into the UK culture, develop personally, maintain balanced lifestyles and achieve their academic and career potential before returning home armed with strong emotional, linguistic and economic ties to the UK.

3. FACTUAL INFORMATION

3.1 The Navitas Colleges in the UK, under their legally enforceable Recognition and Articulation Agreements, provide significant third stream revenue to their respective Host Universities via the direct royalty paid per head each semester (three semesters in one calendar year) as well as “pipeline” income as students move through the articulation process and pay the full University fees directly to the Host University for the remainder (usually a minimum of two academic years) of their degree programme. In the period from September 2000 to December 2010 Navitas UK:

- has paid direct royalties to six Host Universities totalling GBP £13,241,295.00;
- facilitated access to university education for c 16,400 students who would otherwise have been denied access to a UK University degree and a UK cultural experience; and
- facilitated Host Universities’ access to c GBP £220 million in pipeline income ie that income derived from students progressing through the articulation agreement from a Navitas College to their respective Host University in order to complete their degree studies.

Indeed in the current financial year (2010–11) alone our Host Universities will receive over GBP£6 million in royalties and c GBP £27 million in pipeline revenue.

3.2 Any reduction in international students as a result of visa constraints would have a severe financial impact on a HE sector already under threat from funding cuts.⁴⁶

3.3 Non-EU students from degree-preparation courses are a significantly critical source of students for UK universities. Universities UK (UUK) has estimated that 46% of all non-EU students admitted to UK universities come via preparatory programmes inclusive of those entering via formal, on-campus articulation and recognition agreements. 37% of Navitas UK’s annual revenue is derived from its degree preparation route, a

⁴⁶ www.compas.ox.ac.uk/fileadmin/files/pdfs/Non_WP_pdfs/Events_2010/COMPAS%20Breakfast%20Briefing%20Summary%20October%2008%20Ursula%20Kelly.pdf

loss of this revenue would jeopardise some 300 positions across the UK and would impact significantly on both the direct royalty payments and pipeline income for our Host Universities.

3.4 The regulatory regime should also be consistent and equitable across both public and private providers; prohibiting institutions from offering NQF Level 3 may well raise legal issues such as restraint of trade.

3.5 Non-EU students make a significant contribution to UK universities to the tune of between 10–30% of total income,⁴⁷ the substantial contribution via full fees i.e. cost recovery, ensures the enviable breadth of courses available in the UK is protected.

3.6 Non-EU (International Students) have been incorrectly categorised as an immigration risk, when in fact they are “Education Tourists” who make an extremely important economic contribution to the UK. These students main domicile is outside of the UK and they return home on a regular basis for holiday periods, so Government’s intention to restrict an invaluable export earning industry in this way does not match the need to rebuild the economy and engage private industry to a greater extent. The Government’s own data illustrates that of the 186,500 students granted visas in 2004, only 5,568 later gained settlement rights—ie only 3%.⁴⁸ Overall international students have a minimal effect on net migration as there are approximately the same numbers of students leaving the UK each year as there are entering it. It is also arguable that the UK should be welcoming of UK-educated, highly skilled workers who will make an above-average contribution to the UK’s economic future and also make excellent ambassadors for this country. The Government should be targeting reductions in settlement rather than using the student cum Education Tourist route to reduce net migration, given that the Government’s own data illustrates that this is the group contributing the least to the net migration problem.

3.7 A 2007 British Council Report stated that in 2003–04, the Education and Training export sector was worth £27.7 billion.⁴⁹ In 2010, the sector estimates this to be closer to £40 billion and thus the UK’s second biggest contributor to our net balance of payments, after financial services.

3.8 International students’ contribution in tuition fees and living costs to the UK economy each year qualifies them as “wealth generators” for the UK economy. In addition to the full cost recovery course fees paid to a Navitas College for example, our students (all of whom are non-EU), and staff (we focus on employing from the local community) bring significant income to the local as well as the national economy through their spend on accommodation, food, transport (rail, bus, taxis, air and the purchase of motor vehicles), communication, clothing, leisure and social activities. This translates to a conservative estimate of economic impact for the 2009–10 student cohort’s academic year of c GBP £27 million from students in the Navitas UK College network. Given the diversity of locations of our Colleges this is an important regional economic impact. Students are also visited regularly by family and friends further adding to the economic value add element.

3.9 There will be major job losses in the public and private sector as a result of a cap on international students. These job losses may well be concentrated in areas where there are large numbers of private and public educational establishments which are the key employers in those regions.

3.10 The negative material impact on GDP of unnecessarily tightened visa restrictions for non-EU students at a time when the UK needs thriving export industries and harbours an expectation that the private sector will pick up the shortfall in government spending, will be considerable. The Australian government for instance has just acknowledged the negative material impact on GDP that its recent tightening of visa restrictions for international students has had. Job losses in the sector are expected to be in the thousands, including university staff.⁵⁰

3.11 The global education sector is the largest industry sector in the world after healthcare, and an industry in which the UK has a pre-eminent advantage with “our” language and the gold standard quality of our education system.

3.12 International students can legitimately stay in the UK to study for up to eight years, as many enter the UK to study GCSEs followed by A-levels, in order to win places at UK universities and therefore it needs to be noted that students who are still in the UK after five years are more likely to be engaged in longer term study pathways than staying illegally.

3.13 The reason many international students have to undertake preparation programmes prior to entry to a UK university is because many countries have a 12-year secondary system (in contrast to the UK’s 13 years), and often both English language and study skills need to be improved. Pedagogically this is sound practice as our academic outcomes and success of our students when they transfer to the host university attest.

3.14 Unlike EU students, who study at UK universities under subsidy from the taxpayer, non-EU students provide valuable full fee income, which subsidises domestic students’ places, builds numbers in declining programmes of study and helps to sustain the quality of research and teaching in our world-class university sector.

⁴⁷ *International Students in the UK: facts, figure— and fiction*: September 2010 UKCISA.

⁴⁸ *The Migrant Journey*, Home Office, September 2010.

⁴⁹ *Global value: The value of UK education and training exports: an update*, British Council, Pamela Lenton, Dr of Economics, University of Sheffield, September 2007.

⁵⁰ www.abc.net.au/lateline/content/2010/s3068304.htm.

3.15 International students not only enrich the learning environment for domestic students and provide substantial economic support to universities, but also act as valuable ambassadors for future commercial, diplomatic and cultural ties that benefit the UK. We note here the Prime Minister's recent trips to India and China in which he emphasised, "...how much we [the UK] want to welcome international students to Britain". Proposed changes to the student visa regime do not support this statement.

3.16 In addition to the in-country economic value add of non-EU students to the UK, the UK also benefits from the global networks and links the education services export industry has established, particularly in key source countries such as India and China, which are also foreign policy priorities. Given the particularly high levels of satisfaction experienced in the UK by non-EU students during their study programme, it is sensible that the UK should capitalise on this potential for life-long advocacy for the UK.

3.17 English language competency does not equate to academic ability or capacity. The course accreditation process should determine what English language level is required to ensure success in an academic programme. Further, restricting the evidence base to a limited number of tests of English language will have significant implications for all institutions as this will dictate what English language tests can be used by institutions to assess students. It appears to entirely exclude the assessment and expertise offered not only by universities but also by the many bona-fide English language centres in the UK. Proposals related to English language may be viewed as intruding into institutional autonomy through setting particular requirements that have to be met before students can be admitted and so interfering in admissions decisions related to academic capability. It also appears at odds with the approach taken in the United States, where institutions are able to specify their own language requirements. The focus should be on encouraging non-English language speakers to learn the language in the UK in appropriately monitored and regulated English Language Centres thus ensuring the integrity of the language as well as earning important export income for the UK.

3.18 Recent increases (2008–09) in student visa applications are not a reliable and objective indicator of a concomitant increase in abuse. The declining value of the pound against many other currencies alone has made the UK a much more affordable study destination.

3.19 Non-EU students pay the full cost of their education in the UK; have to prove that they can cover the cost of their maintenance whilst in the UK; have very limited work rights and cannot fill a permanent vacancy; have no recourse to public funds and cannot claim any benefits related to housing or living costs; have no right to stay beyond the period set in their visa conditions. Given this, it is difficult to determine what benefits a reduction in their numbers will have for the UK.

4.0 RECOMMENDATIONS FOR ACTION

It is suggested that the following recommendations be considered:

4.1 Require non-EU students to obtain private health insurance or purchase National Health credits as part of their visa acquisition process thus reducing the potential for abuse of the student route to obtain medical services via the NHS.⁵¹

4.2 Impose a reasonable and agreed (with the export services industry) per-head (of non-EU students) levy on each institution to provide the UKBA with additional funding to resource comprehensive compliance measures.

4.3 Implement a risk-based approach on a country-by-country basis to enable streamlined visa processing procedures for lower risk countries.

4.4 Charge one higher education (possibly a new one) accrediting body with the responsibility for:

- accrediting private sector providers under new and enhanced accreditation requirements inclusive of a Quality Assurance Agency (QAA) audit; and
- reducing the number of least compliant institutions and removal of same from the Register of Sponsors.

4.5 Require students to pay all fees in advance for courses of up to six months duration and at least two-thirds of the first year fee for courses longer than six months duration.

4.6 Implement a tuition assurance scheme/insurance scheme to protect pre-paid fees in the event of a closure (either forced or voluntary).

4.7 Redefine students as "education tourists" and therefore "temporary" visitors as opposed to "immigrants".

4.8 Move the focus of regulation and statistical analysis related to students from net migration to settlement.

4.9 Implement a "whole-of-course" visa approach for those institutions in legally enforceable, collaborative partnerships designed around the provision of an education continuum. It would effectively lock students into an agreed study pathway. It is a system that would facilitate better tracking of students; enhance progression and completion rates and prevent unnecessary movement of students. In addition, such an approach would encapsulate processes for inter-institutional transfer for those students who need to/must transfer because of

⁵¹ See the Australian Government's requirement of Overseas Student Health Cover (OSHC) at www.studyinaustralia.gov.au/sia/en/studycosts/oshc.htm

the nature of their programme of study e.g. A Levels moving to HEI/FE; Foundation to HEI/FE; or English language moving to academic/vocational studies. It would also reduce the costs and inconvenience that students experience when moving from one institution to another, thus keeping the UK competitive and makes providers more accountable.

4.10 Make transfer from temporary e.g. the student route, to permanent migration routes much more difficult.

4.11 Classify all post-study work as “not leading to settlement” but maintain the current post-study work entitlements in order to ensure international competitiveness.

4.12 Restrict work rights for shorter courses ie those courses \leq 12 months in duration.

4.13 Remove the right to bring dependents if enrolling on shorter courses ie those courses \leq 12 months in duration.

4.14 Remove work rights for dependents of students on courses \leq 12 months in duration.

4.15 Continue to allow those visitors to the UK on business or tourist visas to undertake a short course of study/professional training at accredited and registered institutions.

4.16 Remain with the B1 level requirement for English language courses and allow institutions to determine the most appropriate method of determining English language levels and entry points to English language programmes.

4.17 Allow private institutions offering bona fide NQF Level 3 degree preparation programmes via legally enforceable articulation and recognition agreements with a nominated Host University to continue offering these validated programmes of study.

4.18 Agree with the sector, discrete definitions for sub-degree and pre-degree preparation programmes.

4.19 Adopt an agreed and generally accepted definition of “pre-sessional courses”.

4.20 Complete the current review and then leave the visa system unchanged for at least one year after which changes should only be introduced on one of two set dates each year eg 1 January and 1 July.

4.21 Establish appropriate consultancy mechanisms whereby all registered and accredited providers can provide feedback and input to future decision making processes related to this vitally important education services export industry.

4.22 Undertake a comprehensive but separate review of HTS in order to determine its real value-add particularly as it was introduced in great haste and without consultation.

January 2011

Written evidence submitted by the University of Exeter Students' Guild (SV37)

1. EXECUTIVE SUMMARY

1.1 University of Exeter Students' Guild (UESG) is the representative body of all students studying at the University of Exeter.

1.2 International students contribute a great deal to the financial and cultural economy at a local and national level.

1.3 Many of our students chose to study in the UK because of the opportunities afforded to them in the post study work route.

1.4 If this opportunity was not available, evidence suggests that many would choose to study in a different country.

1.5 UESG note the political pressure with regard to tackling migration, but recommend that bogus institutions are targeted, rather than honest students who contribute positively to the economy.

1.6 If the PSWV proposals go ahead, there would be negative consequences on the UK's standing in the educational and economic worlds. In making students return home on the completion of their course, the quality of research at UK universities will be adversely affected, as will the diversity of our higher education institutions.

2. INTRODUCTION

2.1 The Students' Guild is the collective voice of students studying at the University of Exeter, representing the 17,000 students who study at the University. This brief paper outlines some of the concerns we have as an organisation regarding the proposals of the UK Border Agency (henceforth referred to as UKBA), specifically with regard to the proposals to abolish the post-study work route, and to ensure that students return overseas on the completion of their course. Whilst there are issues with some of the other proposals too, for the purposes

of this submission to the Home Affairs Select Committee, only those with direct relevance to Tier 4 migration have been focussed upon.

3. BACKGROUND

3.1 There has been a steady increase in the number of International students studying at the University of Exeter, and the University has a strong Internationalisation agenda. Concerns have been raised about the proposals our representative channels. A survey into how students felt about the UKBA's proposals was completed by 173 international students, nine EU students and 15 UK students. There are students from 130 different nationalities at the University of Exeter, and the Students' Guild believes that this diversity contributes to the overall benefit of each and every student here, whether UK, EU or non-EU.

4. RESEARCH AND FINDINGS

4.1 *Abolishment of Post Study Work Visa (PSWV)*

4.1.1 90.8% of International students indicated that they chose to study in the UK because they hoped to work under this route.

Without this incentive, many students stated that they would have considered alternative countries for study opportunities. This is evidenced fully in Appendix 1.1.4,⁵² and characterised in the following quotes:

- “It was one of the most determining elements in my choice of studying in UK instead of other Western countries, because it sounds like a symbol of best socio-professional integration.”
- “If there is no post-study work scheme in the UK, I will choose to study in the United States.”
- “It was the most important factor for me [when choosing to study in the UK]. Post study work visa promise was the only reason I chose UK over other international education destination. In my opinion if the post study work visa is withdrawn then the international student number will get dramatically reduced”.

4.1.3 Many students indicated qualitatively that they considered paying to come to the UK an investment, because of the opportunities to gain experiences afforded to them by the PSWV and felt cheated by the proposal to abolish this route. Examples of this can be found in Appendix 1.1.3,⁵³ but particularly poignant are two responses highlighted below:

- “If I cannot work here in the UK, the only option I have is to go back home to the US. I came to the UK to study with the intention of gaining a couple of years of international work experience after graduation and now it looks like they're changing that. It would've been nice to know before I agreed to give them my international tuition that they were just going to cut me off.”
- “I came here only because its a one year MBA and the post study work visa is provided. I will definitely feel cheated if they take it out. They should have informed us prior to this years admissions.”

4.1.4 Also evidenced in Appendix 1.1.3 is the fact that abolishment of the PSWV would have severe implications for highly qualified graduates wanting to conduct research or take up teaching posts in the UK.⁵⁴ Two example responses are again given below:

- “I plan very much to stay on in the U.K. after my PhD and work with a private sector or university as a post-doctoral researcher. My boyfriend is British, and we don't want to be pushed into getting married just because I cannot find a way to stay in the country. It is very disappointing...I have certainly given a lot back to the University in terms of over a hundred hours of teaching/demonstrating a year, team development leading for first year undergrads, as well as the original research I produce which is significant enough to be funded by two different U.K. funding bodies.”
- “I'm planning to continue with an employed position for a PhD. For two reasons, I need founding [sic] for the PhD, and have a pending loan for the Masters I'm currently taking. If no work opportunities are provided, I won't be able to get a PhD and I will need to leave academia...”

4.1.5 International students contribute a huge amount to the UK economy. A recent report from the Nottingham Business School and the Association of Business Schools estimates that Business Schools in the UK (containing an extremely high proportion of international students)⁵⁵ generate £2 billion in direct income for the UK economy, with a direct impact of some £7.5 billion annually. The proposals put forward by the UKBA seemingly fail to account for the deficit that would be caused if they were to be enacted.

4.1.6 International students studying at the University of Exeter contribute over £57 million to Exeter's GDP at current prices and support over 2,100 jobs or 2.3% of all jobs in the city.⁵⁶

⁵² Not printed.

⁵³ Not printed.

⁵⁴ Not printed.

⁵⁵ Over half of international students who responded to the survey currently study in the Business School (51.8%).

⁵⁶ Source: Oxford Economics in, “Establishing a Global Standing: University of Exeter Internationalisation Strategy”.

4.1.7 Many students noted that they wanted to make use of the PSWV to gain essential skills and knowledge through working, before returning to their own country. This is a fundamentally important opportunity for many of our international students (see appendix 1.1.3):⁵⁷

- “I thought I could come to a developed country and study with the hope of getting an advanced working experience for the next two years, before returning to my home country. Right now, I will have to change the plan and return to my country or better still some other country with less stringent regulations as the UK”.
- “I did not have any plans to stay here after my studies when I was coming Exeter for my education. But from last year I started to realize that I should stay here for three to four years to get professional experience in my field of study. After these regulations, I am not very hopeful. In my country, we don’t have good labs to go back and learn more advancement. So, I was hoping to get more expertise here and then go back to introduce advance research tools in my field”.

4.2 Ensuring students return overseas after their course

4.2.1 Requiring students to return overseas at the end of their course to reapply, when they already have an offer to start a course next year makes continuing to study in the UK both complicated and expensive.

4.2.2 It is anticipated that instead of re-applying to the UK, students forced to return to their home country in order to apply for a new visa would direct their attentions towards alternative countries, depriving the UK of substantial skills, knowledge and research. See appendix for additional evidence,⁵⁸ but also note the following statements:

- “If forced to leave, I would not return...I can take a hint”.
- “UKBA, please ask yourselves this question; ‘If I were an international student, with skills that ‘society’ and industries deem ‘high’, ‘useful’, etc, would I finish my degree, go back home just to apply for a Masters, come back to the UK and then leave soon after I finish my Masters?’”

4.2.3 Ultimately, if this aspect of the proposals was to go through, there would be negative implications for universities, in terms of the UK’s standing in the world, and the level of research and skill currently afforded to the UK by international students.

5. RECOMMENDATIONS

5.1 The PSWV is not abolished

5.1.2 As evidenced above, the PSWV acts as a significant incentive for international students to come and study in the UK. The Students’ Guild believes that without this opportunity being afforded to International students, many of those hoping to study abroad would take their skills, and money, to alternative destinations, such as Australia and Canada. Diversity is a huge part of the University experience for our members, and it would be a mistake to abolish this attractive incentive.

5.2 Regardless of changes to the PSWV, it is available for application in its current format to any students who applied to study in the UK under the impression that this route would be available.

5.2.1 91.3% of international students who study here at Exeter (as indicated by our survey) came here intending to follow the post study work route upon finishing their course. These students considered the ability to work in the UK as a huge incentive to attend Exeter University. Abolishment of the PSWV would represent an extreme injustice, and betrayal of trust for these students.

5.2.2 Thus, if the PSWV is to be abolished, we recommend that it is phased out over a number of years. This should be a last resort (see section 5.1) and should not affect any students applying with the post study work route as an option.

5.3 Students are not required to return overseas after their course if they plan to extend their studies in the UK.

5.3.1 We view this as a bureaucratic and pointless exercise that would discourage highly qualified students from returning to the UK to further their studies.

6. CONCLUSION

The University of Exeter Students’ Guild understands that there is significant political pressure to tighten the current immigration system up. However, there was nothing in the Coalition Agreement announcing a policy of reducing international student numbers, but rather to introduce a limit on the number of non-EU migrants.

We oppose fully any measures aimed exclusively at reducing student numbers merely to contribute to migration targets, rather than to target areas of abuse. Whilst there does indeed exist a specific problem with regard to bogus institutions helping immigrants to stay in the UK illegally, it is these “institutions” that must

⁵⁷ Not printed.

⁵⁸ Not printed.

be targeted, and not innocent students, who are actually positively contributing to the UK economy. Moreover, many of these students wish to use the post study work route simply to gain valuable work experience before returning to their own country.

As an implication of this, we recommend that the post study work route remains an available option for international students in the UK, but note that if it is abolished, it is essential that it is phased out, rather than imposed retroactively on students currently studying here. Finally, we note that students should not be required to return overseas after their course if they plan to extend their studies in the UK.

January 2011

Written evidence submitted by Kaplan International Colleges (KIC) (SV38)

Kaplan International Colleges (KIC) supports the Government's goal of weeding out abuse of the student system. We also agree with the Home Office consultation document that any proposals should not deter genuine, high quality students from coming to the UK to study. We believe that a number of the proposals under consideration will not only deter these genuine students, but will put our higher education system at a competitive disadvantage and will seriously damage our universities and the UK's economy.

Further, while recognising the Government's commitment to reduce net migration, we would point out that students, as a group, make the least contribution to net migration. International students are, by definition, temporary students who fund their own expenses, have no recourse to public funds, and return home at the end of their studies. And, with the Government's top priority being to reduce the deficit, we question the wisdom of limiting growth opportunities in a sector that contributes between £5-£10 billion each year to our economy.

Compliance action should be targeted on areas of abuse, not colleges with good practice already established. KIC endorses the principles of the Highly Trusted Sponsor scheme but it is reviewed with a view to make it more practicable and less labour intensive for HTS sponsors. Accreditation arrangements should also be improved. This may result in a reduction in the number of international students, but that should not in itself be the primary policy objective.

We should not lose sight of the considerable progress over the last three years in tightening up the whole student visa system. There is, however, a need to let these measures take effect, and for there to be a period of stability before any further blanket measures or restrictions are introduced.

THE POLICY BACKGROUND

1. The Coalition Agreement stated that the Government would set an "annual limit on the number of non-EU economic migrants admitted into the UK to live and work". It further stated that the Government "will introduce new measures to minimize abuse of the immigration system, for example via student routes". We note that the document does not propose a limit on the number of international students, nor does it suggest that the number of international students should be reduced (except implicitly as a consequence of minimizing abuse). We support the objectives set out in the Coalition Agreement.

2. The current proposals, however, are set in the context of "reducing net migration". The policy objective of reducing net migration is in itself not particularly meaningful. It does not in fact matter if students enter the UK and remain here legitimately for more than a year on a course. What matters is whether they leave when they have completed the course, or whether they switch into a route leading to settlement. In other words, the ultimate and proper policy objectives are ensuring compliance with visa conditions, and reducing permanent migration, settlement and citizenship. The present proposals do not offer a particularly effective way of meeting these objectives and risk significant harm to one of our most valuable growth sectors.

3. There does not appear to be any modelling of what impact the different proposals would have, either separately or cumulatively. Nor does there appear to be any set timescale. Reducing net migration is taken as a sufficient objective in itself, yet there is no indication of by how much it should or will be reduced by these proposals, nor by when. This does not give confidence that the impact of the proposals has been fully considered and that their possible outcomes are known with any certainty. Our view is that if there are measures which should be taken for immigration control reasons, such as ensuring compliance, then those measures should be taken, and any reduction in net migration as a consequence is incidental, but that it is a mistake to set a reduction in net migration as the primary objective.

IMPACT OF THE CONSULTATION PROPOSALS

The main impact would be caused by raising the level of English required for a Tier 4 visa from CEFR level B1 to B2. This would have a severe impact on the numbers of students coming into the UK since UK universities recruit around half their international students from English language and other university preparatory or "pathway" courses. Pathway courses are pre-degree not sub degree courses and can be defined as courses of pre-university study up to 18 months duration, including English and other academic study, either formally validated or otherwise officially recognised by a partner university.

They include a Foundation course which, on successful completion, allows the student to enter an undergraduate programme (this should not be confused with Foundation Degrees), and Pre-Masters or Graduate Diploma courses which allow students on successful completion to enter a post graduate masters programme. Pathway programmes have three main objectives: (1) to improve students' command of English to the level required for university entry (which is around level B2 or IELTS 6.0–6.5); (2) to teach the skills of independent study, necessary because many other parts of the world hold to a more didactic style of pedagogy; and (3) to top up students' subject knowledge (and in the case of the Foundation course, to top up their academic level to the equivalent of our Year 13, the second year of A level, which is not a required in many countries, ensuring all students start a degree course with more or less the same level of UK curriculum).

KIC estimates that around 70% of our current students who eventually progress on to pathway programmes initially arrive in the UK with an English level of A2-B1. These students would not be able to gain T4 visas for pathway courses if the level required was raised to B2. Across all pre-university courses (pre-sessional English and pathway programmes) there would be a loss of 35–40% of international students going into universities. At a time when many universities rely on the higher fee income from international students to maintain course options and departments, this would have a serious impact and it is no exaggeration to say that the financial stability of some universities would be threatened. The level of English required should either be set at A2, meaning that students would have a year to go up two levels to achieve university entrance standard, or as an alternative, the extended 11-month Student Visitor visa should be given one entitlement, which is to be able to switch in the UK to a T4 visa for the purposes of going on to a degree (or degree equivalent, NQF level 6) course. This we feel should at least be considered as a more flexible approach for HTS sponsors who have already demonstrated a high level of compliance.

KIC support the suggestion to reduce the level of abuse and to raise the standards of compliance to the highest level by working within the framework of HTS (all KIC Colleges are already HTS status). We also commit to work with the education sector to streamline accreditation and to achieve consistency of standards. If the consultation decided to move to a review of the existing accreditation systems, it would be vital for a continuous and close liaison between the relevant government departments, accrediting bodies and educational specialists within each sector to ensure the changes and reforms were appropriate to each sector, type of institution, and courses being delivered.

Generally the Home Office and the current consultation do not take into account the progress which has been made in tightening up the student visa system over the last three years when there were over 4,000 colleges on the DIUS Register of Education and Training Providers. There are now fewer than 2,000 on the Register of Sponsors. Colleges are limited in their annual allocation of Confirmation of Acceptance of Studies, and without a CAS, a student cannot get a visa. The electronic Sponsor Management System gives UKBA a wholly new dimension of control and security. The SMS and CAS together have removed one whole area of visa fraud through forged enrolment letters. Students now have to give biometrics as part of their visa application, which cuts down on impersonation and other forms of identity fraud. Other control measures in the last year have been the Highly Trusted Sponsor scheme, the limiting of lower level courses to HTS colleges, and the introduction of Secure English language tests for non-degree students. We can see no good reason to expand SELT or increase restrictions as has been proposed which would only result in more resource and cost in applying for and processing visas and further delays.

Accredited HTS institutions, including KIC, have robust quality assurance assessment and monitoring systems in place. Many of these have been developed with, and approved by, prestigious university partners to demonstrate each student's progress and progression. To place further demands and insist on more record keeping and reporting would be unnecessarily time consuming and would remove trust from the HTS institution.

Equally, requirements that students needing a visa for a new course should return home to apply are likely to be highly discouraging and will act as a considerable disincentive to come to study in the UK in the first place. In our response to the consultation we shall be arguing that UKBA needs to consider much more specific, targeted and graduated action.

To conclude, the UK student visa system has been changed radically and almost continuously over the past three years. While most of the changes have led to greater control, the pace and unpredictability of change and the prospect of more is not helping to make the UK an attractive study destination and this will result in key markets losing confidence in UK study. KIC believes that the proposed changes discussed here do not have an adequate policy rationale and their impact could potentially be severe detrimental to the education sector. It would be preferable for UKBA to address any remaining areas of abuse in a more graduated and targeted way, which it has the powers to do.

Written evidence submitted by Goldsmiths Students' Union (SV39)

SUMMARY

These reforms may impact on international student numbers in the short term, but the lasting effects of these restrictions will be substantial and crippling to the UK. By reducing the entitlements that international students currently have and making it more difficult for them to stay on for further study and work, will diminish the attractiveness of UK Universities over others in the world. The estimated amount that international students bring to the UK economy ranges from £8.5 billion to £12.5 billion. £2.5 billion of that is generated through international students' fees. UK Universities are praised for their multicultural environments and these changes will also impact on the learning experience of Home and EU students. These changes will impact on the decisions of genuine students. The long-term damage to the UK education system must be weighed up as a critical factor hanging in the balance.

I'm the President of Goldsmiths Students' Union. My role is to represent students at Goldsmiths, and to ensure the best education and support for our current and future students.

KEY ISSUES

1. *Post-study work visa to be abolished*

From speaking to our International students,⁵⁹ it is clear that the current option of the Post-study work visa is an incentive to study in the UK. Not because they have the intention of attempting to indefinitely live and work in the UK but to broaden their experience. Goldsmiths is mainly an Arts and Humanities institution, and our programmes in the Arts heavily recruit international students. The Arts industry is global and to have the opportunity to work within this industry in UK would give graduates a wealth of experience and an international perspective of the workings of the industry and I am sure this would apply to many other industries. Abolishing this route would be detrimental to potential students choosing to study in the UK, loosing them to other countries with a better offering.

There are currently international students already studying in the UK with the view to apply for the PSW visas, it would be incredibly unfair to cut off this option to them midway through their courses after they have spent tens of thousands of pounds towards our universities already.

There were some international students that said these changes "would make them feel unwelcome" and they wouldn't choose to study in a country that would be happy to take their money but not want them there.

The closure of the Tier 1 Post Study Work route would contradict the 2009 conclusion of the independent Migration Advisory Committee that the Tier 1 Post Study Work route, used by approximately 10% of all international students coming to the UK, be retained.

2. *English language requirements to be raised*

Pre-sessional English language courses (which are offered by our institution) provide an exceptional route & induction/integration into higher education, and play an important part in enabling the HE sector to recruit international students. We believe on both this issue and on the issue of whether students should be allowed to apply at the same level we believe this is a case of UKBA encroaching onto decisions that should be purely academic, at the discretion of the University.

3. *Going home to reapply to study in the UK*

We believe that this proposal is wrong and will be financially/socially detrimental to students. Not only will students have to pay (and show that they can pay) the high prices of studying and living in the UK, they will also have to have enough money to travel back and forth to apply. This will definitely impact on the types of students that will want to continue to study in the UK. It will only be extremely wealthy students that will want or be able to.

4. *Dependents should only be allowed to come to the UK with students studying for more than one year*

Not allowing dependants to come to the UK unless the student is studying for more than a year will discourage student parents to apply to study here. This would put up barriers for them to choose to come and study here. They may want to study a pre-sessional or foundation course, which are usually nine months, but students on these courses mostly progress onto another course, pouring more money into the economy.

5. *Working hours*

We believe that the suggestion that students should only be allowed to work being employed by external employers at the weekend and only allowed to work on campus during the week is ludicrous and arbitrary. The cost of living particularly in London is very high, on top of that there are expenses that are course related, reading material, stationary, art material. It's hard to get a part-time job unless you are flexible, so this would

⁵⁹ 720 international students of a total of 7,800 students at Goldsmiths—HESA 08/09.

put international students at a disadvantage if applying to a part-time job, when there are other more flexible candidates. Many students, international and home/EU manage to balance work and study. If you regulate where and when students can work, it will make it harder for them to afford the additional costs of study. This would affect their grades or retention rates, which will impact on the reputation of HEI's and make it harder to recruit future students.

6. *The change in ratio of placements from 50:50 to 66: 33*

This is again encroaching onto academic territory and will disadvantage international students to their Home/EU counterparts.

7. *Whether admin procedures should be simplified for low risk students*

We think that admin procedures should be simplified for all students. We are concerned about the separation of nationalities as a way of defining who should get a simpler process. It is extremely discriminatory. It also means that if it is harder for students from particular countries to apply then there will be a less diverse range of countries, this will lead to a culturally impoverished studying environment. The multicultural studying environment is often what the UK HE system has been praised for.

8. *Should private institutions have tougher inspection/accreditation procedures*

We know from speaking to our students that inspecting international students in either a public or private institution will make them all feel like they are being treated as suspects. This would make them feel incredibly uncomfortable and unwelcome. We believe there should be tougher accreditation procedures for institutions rather than inspections on students.

9. *No more international students on courses below degree level*

Around half of foreign degree students actually begin their studies here on below degree-level courses. Pre-essional and foundation courses allow students to gain a broad knowledge base about their chosen subject area. Students are then offered places at degree level. Changing this, will not only have an impact on recruitment but also student retention. If a student is not familiar with relevant knowledge or terminology they will struggle to keep up with the course.

RECOMMENDATIONS FOR THE COMMITTEE TO INCLUDE IN THEIR REPORT

- For the Tier 1 Post Study Work route to be retained.
- English language requirements to be determined by University Academics.
- Students should not be required to leave the UK to re-apply
- Students should be allowed to be accompanied by their dependants if enrolled on a course of 6 months or longer (current regulation).
- International students should be able to work when they are able to around their studies.
- The ratio of placements to remain as they are and be reviewed by University Academics.
- Admin procedure should be that same for all and not discriminated against by their country of residence/origin.
- There should be tougher accreditation procedures for institutions rather than inspections on students.
- International students should be allowed to apply to courses below degree level.

January 2011

Written evidence submitted by The British Accreditation Council for Independent Further and Higher Education (BAC) (SV40)

THE BRITISH ACCREDITATION COUNCIL FOR INDEPENDENT FURTHER AND HIGHER EDUCATION (BAC)

BAC has for over 25 years been the principal accreditor of the independent further and higher education sectors beyond the English language schools. During this period (as an entirely voluntary accreditor until 2007 and thereafter in performing our quasi-regulatory duties under UKBA's approval mechanisms), we have developed considerable expertise regarding the independent education sector. We were an early member of UKBA's Joint Education Taskforce and were closely involved in the consultations around the design and implementation of Tier 4 of the Points Based System (PBS). Throughout our history, we have supported the wish to introduce greater regulation into the independent further and higher education sectors, as partly set out within the *Guidance for Tier 4 Sponsors*.⁶⁰ Although on occasion our advice has not been accepted by UKBA, we consider that the PBS has, and will continue to have, a positive impact on the sector overall. It is in this

⁶⁰ www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/guidancefrom31mar09/sponsor-app-guidance-t4.pdf?view=Binary

spirit that our submission to the Home Affairs Select Committee is made regarding the proposed restrictions to Tier 4.

We would be happy to give oral evidence to the Committee if invited to do so.

EXECUTIVE SUMMARY OF KEY POINTS

- The Government’s aim appears to be two-fold: to make changes to the Tier 4 route in order to eliminate abuse, and to reduce significantly the number of international students coming to the UK as a means of reducing net migration.
- BAC supports all efforts to minimise abuse of Tier 4 by any individuals who are not genuine or serious students, but does not support cuts to the number of international students and considers it inappropriate to equate them with permanent, economic migrants.
- UKBA’s research and analysis of data so far appears to be incomplete, inaccurate and misleading, raising the concern that proposals for changes to the current system are misinformed and hence will be both ineffective and damaging.
- BAC urges a renewed focus on educational quality and for this to be reflected within the Tier 4 rules.
- This quality can be found in further education below degree level as easily as in higher education and the intrinsic value of FE must be recognised.
- UK further education, particularly in the private sector, offers essential pathways to higher education, widening access to UK and international students.
- BAC strongly supports an in-depth review of approved Accreditation Bodies in order to improve the consistency and transparency of the system, helping better to safeguard educational quality.

IMMIGRATION AND INTERNATIONAL STUDENTS

1. In her statements to Parliament and in the foreword to UKBA’s December 2010 document *The Student Immigration System: A Consultation*⁶¹ the Home Secretary has articulated the Government’s intention to introduce new and more effective controls in pursuit of its overarching aim of reducing immigration. International students have been included in the Government’s strategy of reduction partly because of their large number relative to other immigration categories and partly because a “net migrant” is defined as being any individual still in the country after 12 months. It may be argued that *genuine* students should not be considered immigrants for the purpose of these reductions, as their objective is education not settlement and the Government’s own figures show that the overwhelming majority depart the UK after the completion of their studies. Given the 12-month measure’s limited usefulness as an indicator of long-term trends, the public interest might better be served by a focus on controlling the right to settle in the UK and taking effective action against those who overstay their leave, alongside minimising abuse in the existing system.

2. While it would be regrettable if genuine international students were to fall victim to any political impetus to be tough on immigration, some abuse of the student immigration system persists, and BAC strongly supports the efforts of Government and the education sector to minimise this abuse. BAC considers that the quality of the education provided to international students is of paramount importance, that the highest-quality institutions attract the most genuine students, and that these institutions with the support of UKBA are best placed to exclude any individuals whose main motivation for entering the UK is not educational. The key to giving only high-quality institutions the responsibility of sponsoring international students is a robust system of institutional accreditation and licensing. With this in place, there would be a far less pressing need to impose quantitative measures on educational institutions striving to be fully compliant, as is the case under the current system of Highly Trusted Sponsors. This implies a more rigorous approach to accreditation, based on common and consistent standards, than is sometimes achieved under the current arrangements for Tier 4.

THE NEED FOR RESEARCH AND EVIDENCE-BASED POLICY

3. While BAC very much supports one of the Tier 4 review’s primary objectives of reducing abuse within the system, we have some concerns with the consultation. For example, the leading nature of certain questions posed within the consultation document; the limited range of answers offered; the restricted ability respondents have to challenge some apparently tenuous assumptions within the document; and the limited detail accompanying a number of the proposals, which can make a definitive answer to the question difficult. In view of these concerns and of the accelerated timetable which will be required to implement changes by UKBA’s intended deadline of April, we must question how effective the consultation can be in informing policy decisions. These questions are compounded by a close reading of the expository paragraphs in the consultation document and its accompanying document *Overseas Students in the Immigration System: Types of Institutions and Levels of Study*,⁶² which present a number of assertions based on often incomplete statistical research, both the accuracy and rigour of which BAC has already challenged with UKBA.

⁶¹ www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/students/student-consultation.pdf?view=Binary

⁶² www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/pbs-tier-4/overseas-students-report.pdf?view=Binary

4. An example which highlights the misleading nature of the research is the “analysis of student compliance”, which uses two sample groups: universities with Highly Trusted Sponsor status (ie the “best” of the public sector), and privately funded FE/HE providers which have been investigated by UKBA “because there are concerns over suspected abuse” (ie the “worst” of the private sector). The document itself states that “the analysis for the university sample is not comparable with that of the non-university sample”, but yet goes on to draw such comparisons. UKBA represents this and other similarly inconsistent analyses as evidence within the main consultation document, seemingly allowing the misleading conclusions to inform its policy proposals and consultation questions. BAC suggests it may be prudent to request that UKBA or an independent body carry out further in-depth and objective research in order to provide a sound evidential base on which to make any changes to the current international student visa system, a system which has undergone a series of rapid changes, the last of which were implemented only a few months ago.

FOCUSING ON EDUCATIONAL QUALITY

5. In recent months the Government has expressed its desire to restrict student visas to only the “brightest and best” and its commitment to protecting the UK’s “world-class educational institutions”. BAC welcomes the renewed focus signified by these statements on the educational experience of international students and would support a gradual reorienting of immigration procedures to reflect more qualitative indicators of educational excellence in addition to quantitative indicators of immigration compliance. However, we must question whether the term “brightest and best” is any more than a political slogan, which excludes students with the potential to achieve academically who have perhaps not had the opportunity to succeed within an appropriately focused learning environment and who are working their way up the ladder of educational success in the more nurturing and supportive environment of British further and higher education. We consider that some of the specific proposals in UKBA’s consultation document would have a deleterious effect on both the UK’s ability to attract these students and on the viability of the institutions which offer them such opportunities, if implemented in full. BAC’s inspectors pay particular attention to the nature, appropriateness and quality of the support (both academic and pastoral) which colleges seeking accreditation give to their students. Provision for the “brightest and best” should not, in our view, simply remove the ladder for progression from the many international students who benefit from this.

6. UKBA’s consultation document makes extensive mention of bestowing further benefits on Highly Trusted Sponsors (HTS) and removing corresponding entitlements from standard, A-rated sponsors (for example, allowing only sponsors with HTS to run programmes at NQF/QCF levels 4 and 5). BAC would not support such a move before a comprehensive review of the existing arrangements for HTS has been completed, taking the views of UKBA’s corporate partners into account. While UKBA has previously assured stakeholders that a holistic approach would be adopted in considering HTS applications, BAC has evidence that so far this has not been the case, leading to a number of high-quality independent institutions being refused HTS status simply for marginally exceeding the specified 5% threshold for reporting absentee students and other purely quantitative measures. The review of HTS must consider whether existing criteria are appropriate, how to ensure transparency and consistency in UKBA’s decisions to award HTS, and whether, in addition to criteria focusing on immigration compliance, more academically focused measures could usefully be incorporated.

THE IMPORTANCE OF FURTHER EDUCATION AND VOCATIONAL TRAINING

7. A proper recognition of the objective and value of education is central to evaluating the UKBA proposal to remove or reduce access to sub-degree programmes. In our experience, the transferable knowledge and skills learned on a course at NQF/QCF 3 or 4 can be just as essential to today’s worker as the more intellectually rigorous pursuit of a Bachelor’s degree. Furthermore, students in some countries may have no opportunity to study an appropriate course at a lower level before completing their training in the UK, particularly within vocational and highly specialised fields and even more so in countries such as Japan with no equivalent to the UK’s Year 13. There are a variety of fields and subjects in which the UK is a world leader and which can be difficult to access elsewhere, such as health and safety, engineering, specialised diving training, aviation, etc.; thus, restricting educational visas to only degree-level courses and above would effectively bar students from large parts of the world from either taking their first steps into these fields or keeping their skills and knowledge up to date. UK vocational training enjoys an excellent international reputation which is founded upon sub-degree level courses, and the viability of many providers of such courses would be in question should the minimum level open to international students be indiscriminately raised.

8. While there is considerable intrinsic worth in much of the education being provided below degree level in the UK, we must also recognise the interdependent nature of the education sector, connecting further and higher education at public and private providers. The private further education sector in particular acts as an important “feeder” of international students into the public higher education sector, as explained in paragraph 10. Universities UK and the British Council estimate that around 40% of international students at UK universities were previously enrolled on a sub-degree level programme in a non-university institution in the UK. Our own figures suggest that at least 10% of all international students enrolled on UK university degrees are taking these at BAC-accredited institutions.

9. If major cuts in the number of student visas were to be achieved primarily by restricting access to sub-degree level programmes, there would be a disproportionate and severely negative impact on the private

further education sector: at BAC-accredited institutions, general visa students account for around 50% of their enrolments. Public FE colleges would also be badly hit. Much of the UK's most highly regarded specialised and vocational training takes place within private providers, most of it at sub-degree level, so cuts here would hurt the UK's growing reputation in this area as well as damaging some very successful businesses. As indicated above, the FE sector acts as a crucial pathway to higher education (BAC-accredited institutions alone are estimated to send 26,000 completing students on to an HE institution) and any reduction in its ability to do so would have a direct, negative impact on the intake of international students at UK universities. A 100% reduction in the issuing of visas for sub-degree courses could subsequently lead to a reduction of 40% of international students enrolling in UK universities. Therefore, we would suggest that the proposal to restrict study to degree level only should not be pursued and it would be prudent for UKBA to consider fully the implications of such a move, which would risk both the financial viability of specialised providers of high quality further education and the key pathways for international students into our universities, to which they contribute both crucial revenue and invaluable cultural enrichment.

HIGHER EDUCATION PATHWAYS IN THE PRIVATE SECTOR

10. The private post-16 sector which BAC has overseen since 1984 provides a variety of routes for international students to access higher education in the UK. Independent sixth form and tutorial colleges have for decades prepared domestic and international students for university entrance, guiding them successfully through GCSEs and A levels while also helping them to improve their English language ability and adapt generally to the requirements of education and life in the UK. More recently, BAC has inspected and accredited a growing number of "embedded colleges", operating from within university campuses. These can improve access to UK higher education for international students who benefit from a foundation year of mixed academic content, English language and study skills in order to get the most out of their degree courses. Because of their intensive study methods and their specialist focus, these "embedded colleges" have been seen by many universities as a more effective means of providing foundation studies for their international students than the alternative of supportive studies within the first year of a degree programme. BAC accredits four large groups of colleges embedded at over 30 different universities, including Sussex, Leicester, Liverpool, Glasgow and Westminster.

11. Independent providers also now present new opportunities to international students who wish to study for UK university degrees at a smaller institution which can offer time and cost-efficient modes of study in a supportive environment. Almost 200 BAC-accredited institutions teach full UK university degree programmes, while many more offer programmes which can be "topped up" by students progressing to the second or third year of a degree programme at the awarding university itself. This can be an especially attractive option to those who may initially struggle to meet the full fees charged to international students by UK universities or who may need additional assistance in adjusting to the UK education system from staff experienced in this transition. The route of a gradual progression towards a degree is to many students an attractive, more accessible and less intimidating alternative to enrolling directly on a Bachelor's degree programme, and many universities have now developed agreements with awarding bodies and chartered institutes to facilitate this. One example is Oxford Brookes University, which recognises the passing of professional exams from the Association of Chartered Certified Accountants as contributing towards its BSc in Applied Accounting. Another is the University of Northampton, which allows the topping up of a professional postgraduate diploma from the Chartered Institute of Marketing to its own MA in Marketing. Private and public sector colleges alike have substantial experience of progressing students from their HND programmes to a linked university degree via a top-up year. Such progression pathways proliferate especially in the private colleges accredited by BAC and would be under particular threat from enforced reductions to the number of visas issued, as international students typically need to apply for a new visa from UKBA after the completion of each stage. UKBA's current proposals may threaten such staged education.

POST-STUDY WORK AND INTERNATIONAL COMPETITION

12. Within its review of the student immigration system, UKBA has indicated that it might decide to close or severely restrict the Tier 1 (Post Study Work) route which allows students of certain higher level courses to stay and work in the UK for two years after they graduate. PSW is a clear benefit to choosing the UK as a higher education destination, attractive to many international students and an innovation successful enough to have been imitated by competitor countries including Canada. For this reason, PSW increases the UK's popularity to international students and would be expected to drive up the number of student visa applications. Rather than closing PSW entirely, there could be an argument for PSW becoming more discriminating in its eligibility criteria so that it becomes a route to employment for only the most valuable workers, e.g. graduates of higher level degrees or professional members of certain chartered institutes. Another option would be to reduce the period of leave granted under PSW from two years to one year. However the Government decides to act on PSW, it is vitally important that fair transitional arrangements are put in place so that the benefit is not seen to be snatched away from current students on PSW-eligible courses, a move which would inevitably engender significant bad feeling amongst those who have invested their future in the UK.

13. An increasingly globalised market in education sees the UK competing against other English-speaking countries, and in particular the USA, Canada and Australia. The flow of students between different countries brings with it recognised benefits to cultural exchange, international relations and the economy of host nations.

The ability of the UK to attract these international students depends largely on three factors: the opportunity for students to improve their English proficiency both through study and through daily interaction with native speakers; the reputation of UK education as being of high quality; and the perceived or actual barriers to being accepted for study in the UK. Any policy which aims to reduce the number of student visas issued will have an impact on this last factor. The effect of any specific new restrictions moreover will combine with the cumulative psychological impact on potential students of frequent rule changes, continuous tightening of eligibility criteria and negative public statements, perhaps giving the impression that, as far as education is concerned, the UK is “closed for business”.

THE ROLE OF APPROVED ACCREDITATION BODIES

14. The perceived high quality of British further and higher education could be significantly strengthened by UKBA taking forward the proposal within the current review to focus on the quality of the work of the accreditation bodies to ensure consistently high standards within all private sector providers, which was highlighted by the Committee’s Eleventh Report of Session 2008–09⁶³. Whilst BAC is confident in the rigour and transparency of its own operations, we can see much to be gained from a detailed review of all the approved accreditation bodies and the premises on which approval was awarded. We find it difficult to support the current situation in which colleges which are refused accreditation by BAC (or which have their accreditation withdrawn following our due process) can almost immediately be accredited by another body and thereby regain their Tier 4 sponsor licence. We have long pressed for greater clarity in the division of responsibility between UKBA and the accreditation bodies, for more consistency in the standards applied by the different accreditation bodies, and for closer engagement of the Department for Business, Innovation and Skills in this licensing system for private education. UKBA needs to be confident that accredited private providers are not only trusted sponsors of migrants but also high-quality educators of young people and adults alike. To be so, it must have confidence in the accreditation bodies that inspect and accredit these providers.

January 2011

Written evidence submitted University College London Union (SV41)

UCL Union welcomes the opportunity to feed in to the Home Affairs Select Committee Inquiry on student immigration. UCL Union is the representative body for students at University College London. UCL Union represents over 20,000 students; of whom 40% are postgraduate and 30% are from 130 countries outside the UK.

The below response is framed around the questions provided in the Home Office consultation document. Further evidence is available through our casework records upon request.

Do you think that all students using Tier 4 (General) category should have passed a secure English language test to demonstrate proficiency in English language to level B2 of the CEFR, in order to improve selectivity and to simplify the current system?

UCLU Response

We suggest that a student coming to do a degree course should be assessed solely by the Highly Trusted Sponsor as to whether they are suitable to do the course.

The Highly Trusted Sponsor, at degree level, is concerned with a variety of skills and attributes, including English language. The Border Agency ought to be able to trust HTS to assess the suitability of a particular individual.

We note that on page 9 of the UK Border Agency consultation document it states that only 2% of the sample were found to be non compliant. This implies that universities are well able to assess the suitability of a student to follow and participate in their studies.

Do you think that students from majority English-speaking countries, those who have been awarded a qualification equivalent to UK degree-level or above that was taught in English in a majority English-speaking country, and those who have recently studied in the UK as children should be exempt from any new language testing requirement?

UCLU Response

Yes.

⁶³ www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/595/59502.htm

Do you think that students wishing to study a new course of study should be required to show evidence of progression to study at a higher level?

UCLU Response

No.

A student may wish to do another course at the same or a similar level.

A student may wish to do a short course at a lower level to acquire a specific skill.

For instance, a skilled medical practitioner may wish to acquire an additional skill requiring a course of study at a level lower than their current academic qualification.

We do not think the Border Agency should determine whether a student can be permitted to do a particular course. This should be a matter of academic judgment.

There is already a three year time limit for courses below degree level.

Do you think that students wanting to study a new course should return home to apply from overseas?

UCLU Response

No.

In many cases there may be insufficient time between published examination results and the start of the new course for the majority of students to travel “home” and back to the UK. This will particularly affect students from countries where Entry Clearance applications are processed in a “hub” in another country. For example, Japan’s applications are processed in the Philippines.

Additionally, for those students wishing to move to university after completing A levels the time is less than six weeks.

What changes do you think we should make to the Tier 1 Post Study Work route?

UCLU Response

Other.

The table on page 14 of the consultation document shows that, with the exception of students from India, Pakistan and Nigeria, 75% of all students had left the UK within five years of starting their studies.

It is not clear which of those students who remain in the UK for more than five years are working, continuing their studies, or have switched to another immigration category.

The loss of the opportunities for students to gain professional qualifications and work experience will make the UK less attractive to potential university students. This will adversely affect the ability of UK universities to attract the best students. This in turn will tend to diminish the standing of world class universities such as UCL.

We are aware that some UCL students see the Post Study Work option as a part of the overall study package and use this option as a means to recoup some of the cost of obtaining a Degree. Without this option these students may be persuaded to seek a degree in another country.

The Tier 2 General option is less attractive than Tier 1 Post Study Work as it ties an individual to a specific employer and a specific role with that employer.

Do you think that we should restrict further the amount of work students should be allowed to undertake while studying?

UCLU Response

No.

The Immigration Rules refer to employment rather than just work; further, the Immigration Rules include restrictions on both paid and unpaid employment including voluntary work or employment.

The opportunity to work option, including unpaid work, can help universities “link” with their local communities. Many international students work part-time within their university and/or students’ union. The loss of this opportunity will tend to isolate international students. It will also prevent them from gaining other social and employability skills. We also believe that international students benefit from gaining experience of British culture in our communities.

If Tier 4 international students are able to work less, or differently, than UK/EEA/Swiss students this will create an additional administrative burden to constantly check the status of all students to ensure that none is working without the correct permission.

Do you think we should make it simpler for employers to understand the rules around student work, by limiting it to set times, except where they are working on campus?

UCLU Response

No.

We fear that many employers will find the administrative workload too great and simply discriminate against international students. We have seen signs that some employers are asking potential employees for documentary evidence that international students are not able to produce as quickly as home students.

We are also aware that different programmes and institutions have very different timetabling practices for classes which would make it impossible to define set times when students can undertake employment work.

Do you think that the minimum ratio of study to work placement permitted should be increased from the current 50:50 to 66:33, except where there is a statutory requirement that the placement should exceed one-third of the total course length?

UCLU Response

The phrase “work placement” is ambiguous. Does it refer to a placement that is essentially of a work nature with minimal assessment or does it include well supervised training to ensure the student can implement the formal academic tuition? For example, if a medical student spends time in a GP practice observing how to apply medical knowledge to patient diagnosis is this to be construed as “work” or tuition?

The Immigration Rules require a work placement must be an assessed part of the course.

A reduction in the ratio from 50:50 to 66:33 might adversely affect some dental, medical and Architectural courses.

For some specialist courses it may be desirable that the work placement exceeds 50% of the course. We would argue that Highly Trusted Sponsors should be permitted to accept international students for any course at or above Bachelor’s degree with a work placement totalling any percentage of the course.

The experience that our advice centre has gained in advising medical and dental students is that it can be very difficult to determine what a “work placement” is.

Do you think that only those studying for longer than 12 months should be permitted to bring their family members with them to the UK?

UCLU Response

There is no justification given for the concerns mentioned in the consultation document about family members. The number of family members coming to the UK is not as significant as the consultation implies. The 30,000 members quoted will include children as well as spouses.

There are human rights issues involved if international students are to be treated less favourably than a comparable UK/EEA student. Currently international students coming to the UK for more than six months can bring family members with them. Six months is a long time to be separated from immediate family.

The loss or interruption of family life will tend to make the UK less attractive to potential university students. This will adversely affect the ability of UK universities to attract the best students. This in turn will tend to diminish the standing of world class universities such as UCL.

Do you think that family members permitted to accompany the student should be prohibited from working?

UCLU Response

Currently employment is prohibited for family members if the student’s course is below degree level or if the student’s course is for less than a 12 months.

We see no reason to change these restrictions.

Do you agree that differential requirements for high and low risk students should be adopted?

UCLU Response

Whilst this might be acceptable if the basis of differentiation is between Highly Trusted Sponsors and other sponsors it would not be acceptable if nationality was used.

Do you believe that we should focus on the abuse of documentary evidence for maintenance and/or qualifications as the basis of differential treatment?

UCLU Response

No.

The solution to the real problem lies in better and more thorough verification of documents used in Entry Clearance applications.

Please see the next question below.

Do you believe that we should also, or alternatively look at the sponsor's rating as a basis for differential treatment?

UCLU Response

Yes.

We think it is reasonable for the Border Agency to place its trust in Highly Trusted Sponsors.

Perhaps the Tier 4 Sponsors' rating should be considered first and additional verification of documentary evidence can be done in circumstances where it is desirable.

Do you think that more should be done to raise accreditation and inspection standards to ensure the quality of education provision within private institutions of further and higher education for Tier 4 purposes?

UCLU Response

The consultation document is ambiguous about the meaning of the phrase "private institution". If by "private" the Border Agency means institutions that are not funded by Government then we are not able to comment.

In the light of the proposals described in this document, what do you think will be the main advantages/disadvantages, including any financial impacts, to you, your business or your sector?

UCLU Response

Some of the proposals may make the UK less attractive to the best of international students. This will tend to diminish the ability of UK universities, including UCL, to attract high calibre students. International students make an important contribution to the cultural diversity of the overall student experience; any further restrictions in international recruitment would have a detrimental effect on this diversity. This, in turn, may diminish the "world class" standing of the UK's top universities.

This, in turn, may diminish the UK's standing as a world class nation.

January 2011

Written evidence submitted by The University of Sheffield (SV42)

EXECUTIVE SUMMARY

1. The University of Sheffield population comprises over 24,000 students and just under 5,000 are international students from outside the European Economic Area. The University recruits students from over 137 countries globally. Consequently, the proposed restrictions on Tier 4 migration are of paramount importance to the institution.

2. We support measures to prevent abuse of the student immigration system. We appreciate that the government does not intend to negatively impact upon universities and that the focus of the proposed immigration changes is on sub-degree level programmes. However, we do not believe that these measures can work in isolation and are concerned about their subsequent impact on university recruitment and the student experience.

3. International students pay full tuition fees and their fee income accounts for 12% of the University's total income. In addition, international students, and any accompanying dependants, contribute to their local economy and the internationalisation of their institution.

4. The University of Sheffield's Union of Students has consulted the student population on the proposed immigration changes and to date, has received over 130 direct responses. The University and Union of Students are working together to address the proposed Tier 4 policy changes.

*Restricting provision of certain types of courses**The impact of such policy changes on the higher education sector**The educational routes through which students come to the UK to study at degree level*

5. The majority of students at the University of Sheffield study at degree level or above; approximately 12% study at undergraduate level, 44% at Masters level and 37% on PhD programmes.

6. However, the University of Sheffield believes that any restrictions on sub-degree programmes will directly affect international recruitment. The University has analysed the number of students entering the University and determined that at least 1 in 5 of commencing overseas students in 2010 were studying in the UK on either foundation programmes or English language programmes directly before commencing at the University. We also note that this proportion has been growing in recent years. Universities UK meanwhile estimates that across the UK as many as 46% of the sector's overseas commencements came via pathway or language programmes.

7. As such, severely restricting the number of UK-based organisations that can offer pathways into UK higher education is, in our view, likely to lead to a decline in the numbers of students on such pathways and thus to a decline in the number of overseas students at the University.

8. International students on language courses are permitted to enter the UK on a student visitor visa for up to 11 months. However, such students wishing to progress to degree level cannot remain in the UK to convert to a Tier 4 student visa; these students must return to their home country and apply for fresh entry clearance. There is a real risk that these students will either choose to study elsewhere in the world or be unable to return to the UK due to visa processing delays. Reliance on the student visitor route is undesirable for pre-degree language programmes.

*The impact that reductions in student visas might have on the UK's standing in the world**Whether cuts in student visas would have any effect on the decision of highly qualified graduates to conduct research or take up teaching posts in the UK*

9. The proposed policy changes are likely to have a negative impact on UK higher education in general. The UK may be regarded as an unattractive study destination that neither welcomes nor values the contribution made by international students. This sentiment is expressed in the student quotes that are included in the University of Sheffield's Union of Student's submission to the Home Affairs Select Committee.

10. The UK stands to lose both high calibre students and world class researchers and their associated projects. These are the highly skilled individuals who the higher education sector seeks to attract and who often contribute to ground breaking research in the UK, raising the UK's profile globally.

Whether the post-study route should be continued

11. The University is extremely concerned about the potential closure of the post-study work route and its impact on international student recruitment generally, and from certain markets in particular. If the post-study work route was abolished, the UK's 'offer' to students would be far less attractive.

12. UK work experience develops employability, gives students a competitive edge when applying for work in their home country and adds to the home student experience.

13. If the post-study work scheme was to change, we believe it imperative that existing conditions apply to those students who are currently in the UK and those who will commence a UK degree programme in the 2011–12 academic session, to ensure that the UK's pledge of a post study work scheme is honoured.

January 2011

Written evidence submitted by Cancer Research UK (SV43)

EXECUTIVE SUMMARY

- Cancer Research UK recruits post-graduate students from an international pool to ensure that we are working with the very best researchers, to produce the highest quality research.
- Cuts to Tier 4 could significantly restrict recruitment of non-EU PhD students.
- While our students are actively encouraged to move institutions following completion of their PhD, we believe the UK would benefit from the opportunity to retain promising students in British science.
- Science has an important role to play in UK growth. Restrictions to the recruitment of scientists and researchers from across the globe could damage the future of UK science.
- The impact of changes to the system of immigration needs to be considered in its entirety, rather than focusing on changes to individual Tiers in isolation.

ABOUT CANCER RESEARCH UK

1. Cancer Research UK⁶⁴ is leading the world in finding new ways to prevent, diagnose and treat cancer. We are the largest independent funder dedicated to cancer research in the world. Over half of all cancer research in the UK is carried out by our doctors and scientists.

2. Cancer Research UK's work is entirely funded by the public. We spend 80p in every pound we receive, from over 9 million supporters across the UK, on our work to beat cancer. In 2009–10 we spent £334 million on research, supporting the work of more than 4,000 scientists, doctors and nurses.

3. Cancer Research UK funds research into all aspects of cancer from exploratory biology to clinical trials of novel and existing drugs as well as epidemiological studies and prevention research. As such we support research in a variety of different environments, including university research groups, core funded Institutes, and Cancer Research UK Centres.

INTERNATIONAL RECRUITMENT

4. International mobility in research is vital to maintain high quality research, to share skills and training and to drive science forward.

5. Cancer Research UK is internationally renowned for conducting world-leading research. We recruit students from an international pool to ensure that we are working with the very best, to continue to produce the highest quality research.

6. Cancer Research UK has five core funded research institutes all of which host international scientists dedicated to cancer research. These include PhD students, early career post-doctoral research fellows and established group leaders. We firmly believe that this injection of international talent makes a vital contribution to our research.

7. International researchers also promote the success of UK-grown talent, who benefit both from the pressure of competition, and from the broader sharing of skills and training made available by working in UK laboratories with non-UK researchers.

8. The table below outlines the extent to which our institutes recruit PhD students from outside the EU. Sudden restriction of this sort of recruitment could be destabilising to UK science.

<i>Institute (year)</i>	<i>UK/EU</i>	<i>Non-EU</i>	<i>% non-EU</i>
Cambridge Research Institute, CRI (2010)	10	6	38%
Beatson Institute, Glasgow (2009)	7	3	30%
Paterson Institute, Manchester (2010)	5	3	37%
Gray Institute for Radiation Oncology and Biology, Oxford (2010)	12	3	20%
London Research Institute, LRI (2010)	25	3	11%

9. In responding to the Committee inquiry, we have addressed the points that we feel are most relevant to our experience.

The impact different levels of cuts might have on the various sectors, and the impact, if any, that reductions in student visas might have on the UK's standing in the world.

10. Cuts to Tier 4 could significantly restrict recruitment of non-EU PhD students. This could prevent us from recruiting the best, most capable students, whatever their background, which in turn would have significant bearing on our research. The potential impact of this is that the quality of research will be lowered, and the UK standing as an international competitor in cancer research could be jeopardised.

11. An immediate impact of changes to Tier 4 migration, coupled with the concomitant changes being made to Tiers 1 and 2, is that potential non-EU applicants will be deterred from applying to the UK, as the UK is perceived as a difficult country to enter. If the UK is an unattractive destination to international researchers it will greatly inhibit our research capabilities, and damage our position as a global player.

12. Any loss of skills that results from a limit to non-EU migration will have a significant effect on the future of the research base, and ultimately on the strength of the economy.

Whether the post study route should be continued

13. The UK benefits from high quality researchers. If we attract some of the best researchers from overseas, it would be beneficial to give them the opportunity to stay in the UK, and continue contributing to the UK research base. Therefore it might be appropriate to retain post-study work for those that have achieved a higher degree qualification.

⁶⁴ Registered charity no 1089464.

14. The system needs to allow for flexibility to encourage highly qualified people, who will go in to highly skilled jobs, to remain in the UK. We need to avoid making hasty decisions that appear to provide benefit in the short term, but that might limit opportunities in the future.

15. Our institutes actively encourage PhD students to go elsewhere after they've finished their course because experience of working in several different establishments is beneficial to their training. However, we would still like these people to have the opportunity to remain in the UK, to share their experience, to the benefit of both the researcher and UK science.

FURTHER COMMENTS

16. We recognise that the intention to reduce net migration to the UK was a central component of the coalition agreement. We are keen however, that during the process of reducing immigration, areas that have been identified as important by other departments within Government are given due consideration. Science has been recognised as having an important role to play in UK growth. Restrictions to the recruitment of the best scientists and researchers from across the globe could damage the future of UK science.

17. We would also like to highlight the value of considering the system of immigration in its entirety, rather than making changes to individual Tiers in isolation.

18. Recruitment of non-EU scientists and researchers relies on several different Tiers within the immigration system. Changes at one level could have significant consequences for the remaining Tiers, and might therefore provoke unintended consequences that prove to be even more restrictive.

19. Cancer Research UK is committed to conducting the highest quality research. Our PhD Programmes are formal programmes in conjunction with leading universities. They are highly competitive, with large numbers of applications. Overseas students are in direct competition with UK and EU students, all of whom undergo an extensive selection process, which usually includes a face-to-face interview and collection of references.

January 2011

Written evidence submitted by London School of Commerce (SV44)

I am pleased to be able to provide this written evidence to your enquiry in both my role as a central London MP and as Deputy Chair of the Advisory Board of the London School of Commerce (LSC) on which I have served in a non-executive role since 2005. We all recognise the importance of the government's urgent need to ensure eradication of abuse and the difficulty of maintaining a careful balance between the UK's security, immigration, economic, education and research interests. However my colleagues at the LSC and I are very much concerned that some of the measures currently under consideration would make the UK a far less attractive destination for legitimate international students and would undermine the UK's global success in this major export industry.

By way of an introduction to our institution, LSC is a wholly owned UK institution, it offers UK degrees validated by a selection of UK universities and is an Associate College of UWIC. We are successful in that we have about 5,000 students enrolled on our London Bridge campus over half following MBA programmes. We also have two functioning overseas campuses and a further three likely to open this year. All only offer UK degree programmes and all our programmes must meet in full the requirements of the UK's QAA. We have already submitted our case for securing our own Degree Awarding Powers and we understand that this is now with the Privy Council. We believe we represent the new innovative approach to higher education promoting access amongst the less affluent both in the UK and from overseas so strongly proposed by the Rt Hon David Willetts MP. Indeed we have met with him and been encouraged by his enthusiasm and commitment.

I have set out below those main areas that I wish to submit as Information and evidence and would be very willing to provide oral evidence if deemed to be useful. In summary the main points we wish to submit are:

- There is a need to ensure that the measures to reduce abuse do not undermine one of the UK's most important and successful exports; the result would only benefit our competitors in a key global professional services sector.
- It would be appropriate to categorise international students as "temporary residents" rather than longer term migrants, just as is done by our main competitor countries.
- UK private sector providers have proved to be very successful at winning business for the UK and it is vital not to consider all private colleges as offenders when it comes to visa abuse.
- It is extremely important to allow international students to access employment, both during studies and immediately post-study, to consolidate learning and build business networks. If any restrictions are to be applied we suggest that work should be limited to twelve hours per week during term time and, for post-study employment, to restrict to postgraduates. In both cases this should only be for institutions with "Highly Trusted Status".

- It is both Impractical and inappropriate to require students to return home to apply for visa extensions. We recommend that as a guideline extensions might be limited to two occasions per student, thereby facilitating a transition from foundation to undergraduate then to postgraduate.

BENEFIT TO THE UK

Several studies have clearly demonstrated that international students are of tremendous benefit to the UK, both in direct and indirect terms. Currently their presence is independently estimated as being worth between £8 billion and £10 billion per annum to the UK economy. The indirect benefit is even greater and in many different ways international students are potential lifelong ambassadors for the UK, enhancing our longer-term trade and commerce, our diplomatic and political relationships and our wider cultural, scientific and educational interests. Additionally providing education and research opportunities for international students is a very high value added activity; it is vital for enhancing the UK's innovative and research capabilities and helps grow our knowledge economy.

THE UK'S COMPETITORS

The UK and Australia are generally recognised as world leaders in the market for internationally mobile students. Many of our competitors want to win market-share at our expense; they are adopting our approaches and are investing heavily at national and institutional levels to do just this. Most other countries consider international students to be "temporary residents" and thus not included in their main immigration data.

NATIONAL AND INSTITUTIONAL STRATEGIES

For the last 10 years or so both the government and UK education institutions have invested strongly to grow the UK's international market position. This has been successful as is reflected in the large growth of student enrolments in the UK, including in relation to our competitors. National programmes such as the Prime Minister's Initiative (PMI) on International education and the Education@UK Brand (owned by the Secretary of State) have served to raise the profile of the UK globally and in ways that our competitors are now seeking to emulate.

While the government has invested considerably, UK institutions, both public and private, have Invested even more. The private sector depends entirely on student fees, as these are their only revenue source. We are only too aware of this latter at the LSC and have a carefully constructed approach to marketing and communications. This helps to ensure that we generate sufficient income for our survival but also, and importantly, that all our students are sufficiently qualified for UK degree programmes and meet fully all requirements of the UKBA. The proof is that we have extremely high pass and attendance rates and at levels at which most state universities are in envy.

PRIVATE SECTOR PROVISION IN THE UK

We have a major concern in that much of the discussion concerning private education provision mentioned in Home Office documents and presentations only serves to suggest that all private providers lack appropriate controls. Private sector providers are perceived as a class to be frequent offenders, in terms of visa abuse, whereas state providers are considered compliant. We would suggest that Home Office statistics and recent reports have on occasions been partial and sometimes misleading in this regard as they draw conclusions about the private sector by comparing a relatively small number of private colleges (and under close scrutiny) with Universities with Highly Trusted Status. This does not, I believe, provide a sound evidence base on which to make some of the wide-ranging changes proposed.

Additionally the data and studies would seem mainly to predate the major rule changes introduced last year, when the system was significantly tightened.

In our case, LSC has been at the forefront in the introduction of strict controls to ensure full compliance with UKBA requirements; we have "Highly Trusted Status", have established biometric monitoring procedures and have also volunteered our college (successfully I should add) as a pilot centre of UKBA from the very beginning of the new approaches.

At LSC we are proud that we have encouraged so many young people to come to study in London and we consider this has been of highly mutually beneficial. Ultimately, and unlike state providers, we are entirely dependent on fee revenue. Any significant changes to student visa procedures, and the associated negative international publicity, will very directly and adversely effect our operation—and the UK economy.

VISA EXTENSIONS

Returning home to re-apply for a visa extension is both very impractical and further suggests to students that the UK is not a welcoming destination for them. It is important to the UK to encourage those students that are sufficiently able to transfer through our system right from foundation programmes through undergraduate, Master's and to doctorates, as appropriate.

The proposal is also highly impractical, as it would force students to close their UK bank accounts, leave their accommodation and settle prematurely any other personal matters. Additionally they would then be required to again join the visa queue to their home country, with a good chance that they would miss the deadline for commencing their next programme in the UK. Ultimately it would merely result in both a large loss of business for the UK and put avoidable pressure on the UKBA staff overseas to process many new requests in a crowded summer period.

STUDENTS RIGHT TO WORK

The ability to access employment while in the UK by international students both part-time, during studies, and full-time for some period on completion of their studies is very much to the UK's advantage. It also provides students with a wider perspective on Britain, helps to reinforce their learning experiences and additionally encourages the growth of business links that they will ultimately take home with them.

The suggestion to restrict part-time work for the students to campus employment and only hours during the weekend would be both confusing to employers (for example both "campus" and "weekends" are difficult to define) while in no way reflecting the study patterns and needs of students and institutions. Some students need to study for long concentrated periods, for example to research and write-up projects and dissertations, and the weekend might be best for this. While we consider it preferable to retain the current rules of 20 hours per week we suggest if there are any restrictions to be applied then this amount might be reduced to twelve and only for those providers deemed to have Highly Trusted Status.

The suggested abolition of the post-study work programme is of concern. It is our experience that it is beneficial both to the student and to the UK to encourage international students to build on the value of their UK degrees through some form of employment. We note that the Migration Advisory Committee had previously observed that they had found "no evidence of Job displacement" of UK graduates.

If some form of amendment is necessary then we would suggest that post-study work might be restricted to those with postgraduate qualifications and from those provided with HTS. My colleagues at LSC and fellow members of the LSC Advisory Board trust that you will find these observations and suggestions helpful and constructive in your deliberations. Naturally we should be delighted. If you feel it appropriate, to appear before your committee to provide evidence We wish you success in your endeavours.

January 2011

Written evidence submitted by Professor Edward Acton, Chair of the Universities UK Working Group (SV45)

EXECUTIVE SUMMARY

There is mounting concern among universities over the changes to the Student Immigration System proposed by UKBA in its current Consultation. Universities UK asked me to chair a group to protect Higher Education interests in the matter.

The key question I pose here is whether the government intends to promote or reduce UK recruitment of bone fide non-EU students in Higher Education. The answer might seem obvious, so forthright are No 10, the Foreign Office and BIS on the matter and so vast are the economic, financial and cultural benefits to universities and the country. But close study of the consultation paper reveals that UKBA is set on a course which, if not altered, will savagely cut legitimate HE recruitment.

This is partially obscured by the Consultation's intermittent focus on visa abuse. But the proposals for tackling abuse will do much less to eliminate it than alternative proposals I put forward. On the other hand, what UKBA's proposals would do is drastically reduce thoroughly legitimate HE recruitment. Gravest would be the impact on pre-university pathway courses, costing universities c £1 billion in fee income alone. The measures would amount to a "hostile act" against Britain's universities.

If the goal is drastic cuts in sub-degree provision while protecting universities, it would be much more effective to frame policy explicitly in those terms and I suggest the steps to be taken.

UKBA's determination to cut non-EU student recruitment, I explain, is based on thoroughly unreliable data used in the Migration Advisory Committee's (MAC) November 2010 report, *Limits on Tier 1 and Tier 2*. MAC considered itself obliged by the Home Office to rely on data collected by the International Passenger Survey (IPS), even though MAC itself is deeply unflattering about the reliability of those figures. On that basis it arrived at the level of cuts it recommended to Tiers 1 and 2; the same logic applied to the student route points to cuts which would involve halving non-EU HE recruitment even if all other Tier 4 recruitment were banned.

MAC's disquiet over IPS's implausibly low outflow figures led it to make its own outflow estimates. These would reduce by half the overall non-EU net migration figure on which all MAC's (and UKBA's) visa-reduction recommendations are based. MAC's November report left unresolved whether the IPS or its own estimate of student outflow is more accurate and thus UKBA has continued to rely on IPS figures.

I indicate a way to establish beyond reasonable doubt which estimate is more accurate, using the meticulous data collected by the HE Statistical Agency, the Home Office's visa records, and eBorders passenger flight mandate data. If successful, the government will have developed a superior data source for policy in this area.

I end by outlining the dire consequences of leaving the discrepancy unchecked and allowing policy to continue on its current trajectory.

1. *To promote or restrict recruitment of legitimate international HE students?*

The key question for universities is whether the government intends to promote or restrict our recruitment of bone fide non-EU students in HE. On the need to root out remaining abuse, to eliminate all bogus use of Tier 4 and any illegal overstaying, we are at one. Indeed, UUK's own proposals on this are more rigorous than those of UKBA. But what is not clear is whether the government wishes to cut recruitment of thoroughly legitimate international HE students.

The answer might seem obvious. The Prime Minister has recently underlined Britain's welcome to legitimate overseas applicants, the Home Secretary appears to do so in her introduction to the Consultation, and both Vince Cable and David Willetts have been entirely supportive.

Anything else would certainly be surprising. Higher Education is now a major British export in a market set to grow rapidly. In 2008–09, as the Home Secretary points out, the combination of International fee income and personal off-campus expenditure by international HE students already approached £5 billion. This has become a vital income stream for universities and, indeed, for the wider economy. In a tricky funding period, most universities plan to expand international numbers in the immediate future. The ability to do so reflects and enhances the reputation of UK HE internationally: it is a Performance Indicator in international league tables. Culturally, the international student presence is a key to ensuring our Home students prepare for and excel in a global graduate market. In STEM (Science, Technology, Engineering and Mathematics) fields, many courses are only made viable by a substantial proportion of enrolments from outside the UK and EU. The UK's international alumni provide a healthy anglophile network among public and private decision-makers in every one of our trading partners.

2. *University unease*

A cursory reading of the Home Secretary's introduction and the Consultation's language might give the impression that where student migrants are concerned, all that is envisaged is the elimination of abuse. "We need to ensure that the number of international students coming to the UK is broadly in balance with the number leaving." (*Consultation*, 2.9) If this were the consistent approach it would follow that, provided they leave promptly, a strong flow of legitimate international students is thoroughly healthy. There would be active government support for education's rapid climb among Britain's export sectors and in particular for the magnetic power of our Higher Education, in which the UK punches vastly above its weight—only one in a hundred of the world's population but one in seven of the world's top 200 universities. While in the UK, non-EU students do not acquire any settlement rights; by law they have limited access to UK benefits; when their Tier 4 visa expires they are required to leave the country, bar that small proportion to whom UKBA deliberately chooses to grant an alternative visa; those in HE pay non-EU fees precisely on the grounds that their primary home is outside the EU. This common-sense approach lies four-square with the interests of British commerce, the balance of payments, an export-led recovery and, it seems, the aspirations of No 10, HMT, BIS and the Foreign Office. It encourages a continued rise in British recruitment of genuine students, unconcerned that when recruitment is on an upward trajectory there will be an increase in "net migration" of a distinctive and thoroughly desirable kind—just as there will be net emigration in years when recruitment drops. Visa compliant international students are, as it were, lifted out of "net migration" and warmly welcomed not least for lavishing foreign currency on British goods and services.

Even Migration Watch appears to endorse the value of genuine student migrants, remarking last month that "It is important to realise that genuine students are not an immigration problem; most return at the end of their courses (to be replaced by others)."

But close study of the Consultation's proposals shows that UKBA's approach to temporary student migrants precisely parallels non-student migrants—if their course keeps them in Britain for more than a year they are part of the problem. The underlying analysis on which UKBA is basing its policy indicates that the real purpose is to cut numbers as such, even if this means cutting recruitment of non-EU students who are thoroughly genuine and fully compliant.

3. *Tackling Abuse*

Given that the real purpose is to squeeze out abuse, the most effective measures would be (a) to stiffen sharply the accreditation rules so that all institutions sponsoring student visa applications bring their compliance record much closer to the standard of those granted Highly Trusted Sponsor (HTS) status and in particular to the standard of universities where, according to the UKBA's December paper on *Overseas Students*, noncompliance averages at most 2%; (b) to make significant deposits obligatory for Tier 4 visa applicants; (c) to consider seriously making private health insurance obligatory for all; and (d) to use improved UKBA systems (and

eBorders appears to have the capacity) to ensure that all sponsors are given swift data on when students they have sponsored enter the country, leave the country or are granted a non-Tier 4 visa. These steps would do more to eliminate abuse than the Consultation proposals. They would enable HTS to monitor with full precision the visa compliance of those they sponsor.

4. *Pre-University Pathway Courses*

Instead of effective steps to squeeze remaining abuse right out, the proposals in the Consultation would not only fail to address abuse from high-risk countries (predominant among which are countries where English is one of the official languages) but would also directly hit legitimate recruitment, including HE recruitment.

Indeed, if implemented in their current form, the changes proposed would amount to a hostile act against British universities, those “jewels in our economic crown” as Ministers so well describe them.

The greatest threat is the impact the UKBA’s proposals would have on pre-university pathway courses (a set of courses quite distinct from sub-degree awards), which provide pre-university preparation for large cohorts of international students who would not otherwise come to the UK. The issue is epitomised by the proposal to raise the minimum English language competence required for UK entry to study to a level known as B2. A B2 speaker of English is instantly recognisable to most British people: it is the level of English spoken by educated people in Northern Europe and by good high school graduates in some parts of the Commonwealth. It is more seldom achieved in Southern Europe and almost never in East Asia. To make this the minimum for entry to the UK is incompatible with the interests of Britain’s universities and Britain’s economy. Upwards of 40% of the international students at our universities come via a pre-university pathway course; upwards of 70% of recruits to those courses would be barred by this change. Implement it and HE fee income would swiftly fall by c£1 billion, and a great deal more when university income derived from pathway provision itself is added. Pre-university pathway courses, which are typically delivered on campus either by universities themselves or in close partnership with private providers, are a necessary link in the chain of university recruitment. This is especially true of undergraduate recruitment to the UK from non-Commonwealth countries, where the norm is to leave school only having completed the equivalent of AS level. For recruitment from countries where English is not one of the official languages, combining academic preparation with intensive English language tuition from native speakers is essential. Sever the link and the damage inflicted on our universities will be severe.

Almost as damaging in its present form is the proposal to shorten drastically the permitted length of pre-sessional courses. Only a little less harmful is the proposal to insist on English language testing by a short-list of “secure” English language Tests (SELTs), despite their unavailability in much of the market, the drawbacks to each of the testing systems available, the invasion of university autonomy involved and the apparent trampling over devolved powers.

There is a third set of proposals which, while less directly destructive, are deeply discouraging to British recruitment and guarantee competitive disadvantage—to end the recently introduced possibility of time-limited leave to seek post-study work after graduation, to limit the right of international students to take part-time jobs (an ugly taste of apartheid and not easily administered) and to restrict dependants accompanying Tier 4 students. The message of these unattractive proposals is that the UK’s attitude is unwelcoming even towards legitimate international students. Unsurprisingly, the British Council warns that the impact of the current Consultation (like those of the last government) is already proving grim.

5. *Protecting universities*

Looked at closely, the UKBA proposals turn out to be better designed to cut recruitment rather than abuse. Yet the government remains insistent that it does not wish to damage university recruitment. If that is the case, and the government’s wish is to effect drastic reductions in sub-degree provision but genuinely to protect universities, it would be much more effective to frame policy explicitly in those terms and take the following steps:

- (a) Exempt pre-university pathway programmes from the changes proposed, from the proposed B2 English language criteria, insistence on SELT testing, the curtailing of pre-sessional course length and as many of the other restrictions as feasible. Grant this exemption.

EITHER to a new category of strictly defined pre-university pathway course,

OR to those institutions on which the UKBA has accorded and continues to accord HTS status (or to a new HTS subset comprising HE institutions and the pre-university pathway providers they endorse and vouch for).

- (b) In doing so, actively demonstrate and publicise across the world that students recruited to British HE and pre-degree pathway courses by these carefully monitored and genuinely trusted HTS institutions are warmly welcome. That way, the current damage to HE recruitment efforts can be halted and reversed and the threat to the financial stability of UK universities removed. That way the Home Secretary’s express wish can be delivered for “a visa system which encourages the entry of genuine students coming to study legitimate courses.” (*Consultation*, 1.6)

The present proposals do no such thing. In contrast to the Coalition's May agreement, which focused specifically on reducing *economic* migration and said nothing of cutting genuine students, they treat students as no more attractive than worker migrants and send legitimate students a raft of deeply off-putting messages. Yet whereas the Migration Advisory Committee (MAC) was asked to undertake meticulous weighing of the economic and social pros and cons of economic migration, there has been no equivalent assessment of temporary student migration: perhaps because here the pros so obviously and massively predominate.

6. Does Parliament have confidence in the International Passenger Survey (IPS) as a robust guide to "Net Migration"?

In terms of the national interest, policy-making and due process, what makes the situation so disturbing is that the UKBA's determination to cut non-EU student recruitment is based on thoroughly unreliable data.

The detailed policy is based on the work of MAC, whose major report, *Limits on Tier 1 and Tier 2*, was published in November 2010. MAC has taken as its remit the aim of cutting "net migration" to "tens of thousands" during this parliament. It has taken it to be government policy that in assessing the scale and make-up of current net migration, and in identifying the steps needed to reduce future net migration to "tens of thousands", it is obliged to rely on the data collected by the International Passenger Survey (IPS). MAC's own opinion of this data is not flattering.

It notes that the IPS was not established to measure net migration. It notes that it has been known to significantly undercount outflows in the past, and strongly suggests this is continuing to happen. It regrets the very small sample used (1 in 500 passengers entering and leaving). It spells out graphically the very low level of confidence that can be placed in the accuracy of the net migration figures IPS yields. Its own estimate of non-EU outflow for 2008 (*Limit on Tier 1 and 2*, p.301), drawing on the UKBA's recent study *The Migrant Journey*, suggests a non-EU net migration figure less than half that of the IPS. It observes that the Annual Population Survey for 2009 puts net migration of non-EEA nationals at 53,000, a fraction of the IPS non-EU estimate of 184,000. It regrets that because IPS has never asked those departing their original reason for entry or the visa route that brought them to the UK, it does not provide the data needed to disaggregate the contribution made by the three migrant routes—work, study and dependants. Yet it is on this desperately fragile and in key respects, I suggest below, demonstrably false data that MAC has based the calculations which threaten to wreak such havoc.

MAC spelt out its approach when recommending the level of cuts to be made to inward migration via the work route. It took the IPS figure for total net migration in 2009 (196,000) and set as the target over the next 4 years that this be reduced to 50,000, i.e. a reduction of 146,000. Since 12,000 of the 196,000 are attributable to British, EU and other minor factors not susceptible to visa control, it concluded that the necessary 146,000 reduction must be borne by the three routes (work, study, dependants) responsible for the remaining 184,000. MAC then decided that the reduction to be borne by each of those routes should be in proportion to its contribution to net migration recorded by IPS. Because IPS outflow figures are so unsatisfactory, MAC decided it will have to assume that each route contributes to net migration in the same ratio as it contributes to inflow (however counter-intuitive, given that students typically stay markedly shorter than economic migrants).

The proportions given are:

Work	20%
Study	60% (Tier 4)
Family	20%, (13% of which are connected to Tier 4 migrants)

From this flowed MAC's recommendation last month that inflow via the work route should be cut by 20% of 146,000, ie 29,200, by the end of this parliament.

The direct corollary is that inflow via Tier 4 should be cut by 60% of 146,000, ie 88,000, by the end of this parliament. On 2009 IPS figures, this means cutting the inflow of non-EU students from 163,000 to 75,000.

According to the Higher Education Statistical Agency (HESA) figures for 2009–10, first year course enrolments of non-EU full-time students in HE alone were 140,000. I should emphasise that this includes some but not all pre-university pathway numbers and that a small percentage are graduates already in the UK progressing to a higher degree.

Thus even if recruitment at all other levels was banned outright, non-EU recruitment to HE would have to be slashed by almost 50% to meet UKBA'S target. If this juggernaut is left to run as programmed, it will smash into the UK's "economic crown jewels".

Every other country in the world is delighted to nurture and expand a trade surplus in HE. The US and Australia are currently vigorously nursing self-inflicted wounds arising from poorly targeted measures against abuse and negative perceptions by prospective international students. Both, of course, relish the prospect of Britain being misled by IPS into actively surrendering market share.

7. *An exercise to cross-check the IPS figures*

The stakes are sufficiently high for the country that I would urge careful cross-checking of IPS data.

In 2008, the IPS estimates that 126,000 non-EU students entered the country and just 34,000 previously occupied as students departed. This outflow figure seemed so implausibly low to MAC that it devoted much of its detailed Appendix B to the matter. Using conservative estimates of the average student stay, and making generous allowance for up to 10% securing a work visa after ending their studies, MAC estimated that the number of those who entered the country and departed in 2008 was 80,000, not 34,000.

Faced with the yawning gap between the two estimates, MAC identified only two possible explanations: “First, a proportion of students may be overstaying their legal right to stay in the UK, or second, the IPS may potentially undercount outflows of students.” (*Limits to Tier 1 and 2*, p 300) There the matter was left hanging and with it the good health of one of Britain’s major exports.

Which is the true explanation? A clear answer emerges from a study published last month by UKBA itself, *Overseas Students in the Immigration System*, based on a sample of 17,000 non-EU students sponsored for a visa. Using data from eBorders, flight mandate information supplied by airline carriers and incomparably more accurate than IPS, it was able to track these students with what is in relative terms pinpoint precision.

The analysis indicated that noncompliance by university students was at most 2% and the average among other education bodies at most 14%. It also indicated that universities are currently responsible for about 50% of students sponsored and rather more of those who enter the country, the remainder being sponsored by other educational institutions. It is possible to track the HE half of the cohort with some accuracy given the legendary precision of HESA. 102,000 non-EU students completed HE awards in 2009–10. Making allowance for those who may have secured a visa to work, or progressed to a higher degree, or been non-compliant with visa-expiry there remains a figure of c 80,000 who completed their degree, whose leave to remain expired, and who left the country. This HE figure is more than twice the total IPS outflow figure—and that is before adding those among the c 45% of non-EU students studying outside HE who also left the country.

The conclusion is that noncompliance cannot account for the yawning discrepancy between MAC’s estimate and the IPS figure. MAC’s analysis leaves only one explanation: the IPS (massively) undercounts ex-students leaving the country.

There is a conclusive way to test the relative veracity of the IPS and MAC estimates. HESA holds the names and dates of birth of the 102,000 non-EU completers of 2009–10. I would urge the Committee to ask the government to commission a brisk but careful analysis of these 102,000, taking due care with Data Protection. First, check their names and dates of birth against visa records to establish which among them had no valid reason to remain by the end of 2010. Second, take that list—c 80,000?—and use eBorders records to check how many duly left the country and how many did not. Having completed the exercise, attempt a similar exercise, as far as data permits, for non-EU students outside HE—or extrapolate from the HE exercise. Add the two figures and compare the sum to the 34,000 proposed by the IPS and the 80,000 proposed by MAC.

Should the MAC estimate prove superior—and it is likely it will itself prove an understatement—the government will, to its credit, have developed a much more accurate and authoritative method of measuring non-EU net migration to replace the IPS. UKBA has very courteously invited UUK to make a short-term secondment to work with the Agency in shaping the measures to follow the consultation. Might the Committee recommend the exercise I propose as part of that collaboration?

8. *The alternative*

If the government is determined to be guided by IPS data and to discourage international HE recruitment, we need certainty about the matter. We can then drastically curtail the considerable British resource being spent on seeking to attract international students by our embassies, by the British Council, by BIS and by every university. William Hague can rethink his announcement earlier in January that “as British Ministers fan out across the world in the months to come we will be promoting British education as well as our economy as a whole.” HMT can build the concomitant fall in export earnings into its forecasts. HEFCE can revise its list of “at risk” institutions. Universities can plan how to cope with the rapid loss of income, shedding of jobs and singularly ill-timed damage to university cities and regional economies that will follow.

Written evidence submitted by 1994 Group (SV46)

The 1994 Group welcomes the invitation from the Home Affairs Select Committee to submit evidence to its inquiry on the Impact of Proposed Restrictions on Tier 4 Migration. On behalf of our member institutions, we would like to highlight to the Committee our concerns with the government proposals. The 1994 Group is opposed to cuts to Tier 4 migration. Higher education is a highly valued and important export industry for the UK. According to the UUK report *The impact of universities on the UK economy*⁶⁵ it is one of the fastest growing sources of export earnings in Britain. Cutting international students to the UK will harm British universities and the British economy.

1. VISA RESTRICTIONS BY COURSE TYPE

1.1 We find the proposal to limit cuts to certain types of courses worrying and would oppose such a measure, particularly in relation to pre-degree level courses. For 1994 Group universities, pre-degree courses—both publicly and privately provided—play a very important role as a source of income and as a recruitment tool for international students onto degree programmes.

1.2 Pathway programmes, which are a type of pre-degree level course, are designed to equip overseas students with the academic, language and cultural knowledge to study at UK Higher Education Institutions (HEIs). All 1994 Group institutions run pathway programmes of one type or another. International pathway programmes are not remedial offerings for below-par students but are vital routes of transition for excellent students unfamiliar with UK education. Many secondary education systems around the world are not well-aligned to UK university entry in terms of academic level, age, or annual start-point and pathway programmes over a route for genuine, hard-working and talented overseas students to adjust to the UK system.

1.3 These types of pre-degree courses constitute a critical element of international recruitment strategies at research intensive UK universities. A recent internal survey by the 1994 Group suggests that roughly 60% of students on pathway programmes at 1994 Group institutions are recruited onto degree programmes at the same institution. As an indication of their importance one of our member institutions suggests that without pathway programmes their recruitment to undergraduate programmes in particular, would be 50% or less of the current level.

1.4 Visa restrictions on pre-degree programmes would therefore have a significant impact on UK HEIs, financially and otherwise. It would significantly damage recruitment to pathway programmes, and thus the recruitment of international students to degree programmes. An entire segment of market for degree students would be lost to our competitors in the US and Australia who provide pathway programmes for international students (the latter currently reviewing its visa system to reduce the barriers presented to incoming students, following sharp decline in enrolments). It could also mean a significant increase in the marketing and recruitment burden for UK universities when they have to source and train replacement students in other ways. A number of universities and private sector partners have also made huge investment in facilities, staff and infrastructure to deliver these programmes and would see massive reductions if the entry to those courses was restricted. International pre-degree students also have an impact outside of the institutions in which they study.

1.5 If there is a desire to target the cuts to Tier 4 migration, it should be focused on providers offering poor value propositions to students with high levels of non-compliance with visa requirements instead of targeting legitimate pre-degree level courses.

2. IMPACT OF PROPOSED RESTRICTIONS

2.1 The proposed UK Border Agency (UKBA) changes will have a negative impact on the higher education sector. International students are a key source of income for many HEIs without which it may not be possible to sustain the current breadth of subject provision and excellence at UK institutions.

2.2 Higher education is one of the biggest export industries in the UK Universities UK reported that “gross export earnings for the higher education sector in 2007–08 were estimated to be over £5.3 billion”.⁶⁶ This figure includes an estimated £2.3 billion of personal off-campus expenditure of international students indicating that losses will also be felt by the private sectors from a reduction in international student numbers. Providers in the English Language sector will also be damaged by the proposed changes as the UK becomes a less popular destination for English Language Study.

2.3 Reducing student visas will have a number of impacts on the UK’s global reputation. First, it will create the impression that the UK does not value international students. Second, competition to attract international students is high and competitors are likely to benefit. Third, international students returning to their home countries will look to the UK’s good and services again in future and increase the propensity of others to do so. Fourth, restrictions in student numbers send wider negative messages about how “friendly” the UK is to international workers and visitors.

⁶⁵ UUK (Nov 2009) *The impact of universities on the UK economy*
www.universitiesuk.ac.uk/Publications/Documents/EconomicImpact4Summary.pdf

⁶⁶ UUK (Nov 2009) *The impact of universities on the UK economy*
www.universitiesuk.ac.uk/Publications/Documents/EconomicImpact4Summary.pdf

3. ROLE OF THE POST STUDY WORK ROUTE

3.1 The Tier 1 Post Study Work route (T1 PSW) should be continued. The route has great significance as a recruitment tool and was originally introduced because the UK was demonstrably losing students to other countries that offered the prospect of PSW. Without the route UK universities' ability to recruit and retain international students would be affected and its removal could deter high quality international students from coming to the UK. T1 PSW offers genuine students the opportunity to contextualise their studies with UK work experience.

3.2 As T1 PSW is an important route to preserve, modifications and restrictions would be highly preferable to abolishment. Options include restrictions to employment that bears relevance to the course just completed; controls placed on the time allowed to find a job; or restricting the route to those who have studied at institutions who hold Highly Trusted Status.

3.3 Cuts in student visas will have a knock-on effect on the decisions of highly qualified graduates to conduct research or take up teaching posts in the UK. An impression that the UK is not welcoming to immigration could potentially have a deterring effect on some of the highly qualified academics UK universities need to attract in order to remain world leaders.

3.4 Tightened restrictions regarding dependents will deter students, researchers and teaching staff in favour of, other destination countries. For many PhD students—who are often mature students—it is not reasonable leaving their families for three or four years to undertake overseas study. The rules on dependents need to be reconsidered to accommodate this consistency.

3.5 International students can become the agents of active collaboration with the UK once they return to their home countries. To remove their exposure and affinity with UK HEI potentially limits the range and depth of future positive collaboration for both research and teaching activities.

3.6 Additionally, the announced restrictions on Tier 1 and Tier 2 (general) routes are likely, given 1994 Group members' recent experience of the temporary limits, to place UK universities in a position where they cannot bring highly qualified graduates to the UK to take up research or teaching posts.

4. CONCLUSION

The benefits international students bring are essential to the vitality of the UK higher education sector. In financial terms the income these students generate for both universities and the wider economy is key and non-financially international students contribute hugely to enriching the cultural life on campus. Competition for international students is high and increasingly not only from other English-speaking countries but from HEIs in non-majority English speaking countries which are offering course-provision in English. The 1994 Group views that changes to the Tier 4 migration system which restrict this route and send wider negative signals about the UK will be detrimental to the higher education sector and by extension to the UK economy.

January 2011

APPENDIX

The 1994 Group represents 19 of UK's leading student-focused research-intensive universities. It was established in 1994 to promote excellence in University research and teaching.

12 of the top 20 universities in the Guardian University Guide 2011 league tables published on the 8th June 2010 are 1994 Group members. In 17 major subject areas 1994 Group universities are the UK leaders achieving 1st place in their field (THE RAE subject rankings 2008). 57% of the 1994 Group's research is rated 4* "world-leading" or 3* "internationally excellent" (RAE 2008, HEFCE). 10 of the top 200 universities in the 2010–11 THE World University Rankings are 1994 Group members.

The 1994 Group represents: University of Bath, Birkbeck University of London, Durham University, University of East Anglia, University of Essex, University of Exeter, Goldsmiths University of London, Institute of Education University of London, Royal Holloway University of London, Lancaster University, University of Leicester, Loughborough University, Queen Mary University of London, University of Reading, University of St Andrews, School of Oriental and African Studies, University of Surrey, University of Sussex, University of York.

Written evidence submitted by the University of Oxford (SV21)

EXECUTIVE SUMMARY

Our response to the UK Border Agency proposals is outlined in the sections below. A summary of our main concerns is as follows:

1. Closing the Post-study work route will deny us the talents of young researchers whom we have trained as students. It could seriously undermine our international competitiveness as post-study work experience is often a determining factor for applicants when choosing a country where they wish to study.

1.1 The proposal to only permit on-campus employment during the week is impractical to administer and negatively affects community integration.

1.2 Removing the right to work for all dependants and not allowing them to accompany students if the course is less than 12 months makes financial and pastoral support for couples and families very problematic. These students may go instead to our competitors abroad who offer more child/family-friendly visa policies.

1.3 The introduction of the new points based system has made the visa application process more complex and confusing for students. In the summer of 2010 nearly 100 students coming to Oxford were refused visas, mostly on minor technicalities, and had to reapply. Further proposals that make the process even more complex could deter applicants from applying to Oxford and UK HEIs in general eg additional English language tests, tighter requirements for academic progress, and not allowing students to extend a visa within the UK.

1.4 Seeking assurance that students will still be able to gain a visa for A-Level or Foundation courses is important as they act as a crucial feeder route for our intake of undergraduate students.

INTRODUCTION

2. The University of Oxford is a world-class university with a strong international reputation. A key element for our success lies in attracting the best students from schools and universities worldwide. A third of our students and staff come from outside the UK. The University has nearly 5,000 non-EU students (ie those who may require a student visa) on course at any one time, which represents 24% of our total student population, and our students come from over 120 countries (including EU and non-EU countries). When we focus on the graduate student population within these figures, the non-EU percentage of the population is much higher at 41%. Nearly 60% of our graduate applications each year are from outside the EU.

2.1 Our international student and staff profile generate an exceptional diversity in our academic and cultural life. We are concerned that the proposals outlined may deter students from choosing Oxford or the UK as a study destination. There is a potential impact on our research activity if we are not able to attract the best students to work and study in highly specialised areas of research for which we cannot often recruit suitably qualified UK/EU candidates. These students will go to the US instead. With the introduction of higher fees for UK/EU undergraduate students in the near future following Lord Browne's report, we may see a shortfall in applications and it will therefore be increasingly important that we can recruit competitively internationally, to garner the most talented undergraduate students suited to our highly academic courses.

2.2 The forecast income for Oxford University for 2010–11 for non-EU students' fees is £72.5 million compared to the income from Home and EU students' fees of £54 million which is then supplemented with £68.8 million from HEFCE income. Whilst we do not seek to recruit overseas students to profit from the higher tuition fees it does demonstrate what a large undertaking of teaching the University provides. The fee income and corresponding daily expenditure by overseas students represents a significant injection of capital into the local economy from the overseas student body.

2.3 The University of Oxford is classed as a Highly Trusted Sponsor of students by the UKBA. The University should be classified as a very low risk institution because of our stringent admission procedures, very high English language requirements, a very low drop-out rate, and our systematic and accurate student data management system which readily identifies any absence or academic progress issues. However, when applying for a visa our students face the same bureaucratic obstacles and delays that students going to higher risk institutions also encounter.

2.4 The points-based system, while welcomed for its greater transparency and less subjectivity, has introduced more complexities into the visa application process for our students and generated considerable confusion and frustration. The requirements for documents have become much more specific and must be presented in the exact correct format. Over the summer of 2010 we had a large number of visa refusals, often on minor technicalities, which caused some students to arrive late or to even consider withdrawing from their course at Oxford.

UNIVERSITY OF OXFORD RESPONSE TO UK BORDER AGENCY PROPOSALS

Our response to the proposals is divided into five sections as outlined in the UK Border Agency consultation document.

Raising the level of courses students can study

3. Oxford only offers a few below-degree level courses so the proposal to restrict courses to degree level, or below degree level for Highly Trusted Sponsors would not be a detrimental change for Oxford. We are concerned that many of our international undergraduate students come to us via A-Level Colleges or Foundation courses in the UK. However, most reputable A-Level colleges and institutions offering foundation courses are already Highly Trusted Sponsors so the direct impact may be small, providing those institutions retain that status.

3.1 Data from our 2010 intake of non-EEA undergraduate students shows that many of them apply from within the UK to commence at Oxford. We received 2,905 applications of which 666 were already studying in the UK, i.e. 23% compared to a sector wide average of 33%. From these applications we made 388 offers and 102 of these students were already studying in the UK, i.e. 26%. This shows a high level of co-dependency with the FE sector. Any measures or policy statements that send a negative signal to potential applicants about the possibility to gain a visa for A-Level, Foundation courses or other below degree level courses could lead these students to avoid studying in the UK, and in turn, they may not apply to UK HEIs.

Introducing tougher entry criteria for students

4. At the moment universities are free to make their own assessment of a candidate's English language competency and it is not part of the visa application process. Our English language requirements are set very high at IELTS 7.0 for undergraduate study and IELTS 7.0 or 7.5 for postgraduate study compared to the proposed UKBA minimum B2 level which is equivalent to IELTS 5.5. Students are required to submit a test result by an approved examining body which already meets the UKBA list of approved examiners. The proposal to require English language test results as part of the visa process would therefore put an additional burden on our students and duplicate an academic condition which had already been ascertained by the university. This takes away the trust in universities to make their own capable academic decisions as Highly Trusted Sponsors.

Ensuring students return overseas after their course

5. The first proposal in this section states that students wishing to remain in the UK after their first course to start a new course would have to show evidence of academic progression to a higher level. This does not allow flexibility for students to take a second Master's if they had a change of career direction, or if they were seeking to pursue a doctoral degree at a later date and we were to recommend a second Master's as a basis/revision for the later doctoral study.

5.1 The second proposal to require such students to return to their home country and apply for a new visa would not only be a major bureaucratic inconvenience to the majority of students, but a considerable expense which they may not have the funds to meet. A large proportion of our student intake each year, an estimated 30%, are already in the UK taking another course of study and apply for a visa extension within the UK to start at Oxford. Returning home could be very problematic given the long processing times for visa applications in some countries, and the potential cost could be a factor in students deciding not to study at Oxford. Many students would find the timescale very difficult as with final papers and graduation ceremonies due over the summer or even until September, they may not have adequate time to return home and obtain a new visa.

5.2 Gaining Entry Clearance overseas offers no right of appeal if the application is rejected; this is in contrast to extending within the UK which does offer a right of appeal, so students are further disadvantaged by being required to return home. If the intention is to capture a small minority of students who might be seeking permanent settlement through long-term residency in the UK, or those not wishing to return home for other reasons, it seems disproportionate to penalise genuine students progressing through the UK education system. If this policy is implemented an exemption should be given to Highly Trusted Sponsors to allow students to extend within the UK.

5.3 The third proposal to close Post-study work is of very serious concern to us as with the closure of Tier 1 and a cap on Tier 2 there would be very limited opportunities for talented students to gain work experience in the UK. We are particularly concerned about opportunities for exceptionally talented students to stay on for highly specialised post-doctoral positions, for which most job-seekers in the UK would not be qualified to apply. If we cannot employ the graduate students we have so highly trained, we will deprive ourselves of a real asset to the research effort which sustains our leading international competitiveness.

5.4 Our internal findings through student surveys such as the Student Barometer⁶⁷ and research by our Careers Service show us that opportunities for work experience during and after study are seen as essential by prospective and current students. The UK currently performs badly in this area compared to our competitors overseas. Further restricting these possibilities to work will make it more difficult to attract the best students from overseas to study here.

5.5 We would strongly suggest that instead the Post-study work route should be refined. Possible options could include allowing students from a Highly Trusted Sponsor University to work for a Highly Trusted Sponsor Employer, a shorter length ie one year only, restricting it to specified subject areas, restriction by

⁶⁷ www.i-graduate.org

course level, or requiring a job offer at a certain salary level before Post-Study work is granted. We would suggest that such refinements should be the subject of future consultation with the sector.

Limiting the entitlements of students to work and sponsor dependants

6. The first proposal in this section to only allow work on campus during the week and off campus at the weekend or vacation periods would be very impractical to administer, or to explain to students and employers. It also isolates students from the local community and undermines integration efforts, especially as many UK Universities are not campus based and are located within cities or towns. As a collegiate university we would need an exact definition of what constituted work on campus. This proposal could exclude students from valuable opportunities to work part-time in our large number of independent spin-off or partner companies and institutions conducting ground breaking research in scientific areas. We do not understand the exact rationale behind this proposal and fear that it may also push home students out of on-campus employment opportunities.

6.1 The second proposal to remove permission for all dependants to work is again of serious concern for us, as for longer courses this could be a very negative factor that deters students from applying to Oxford. Undergraduate and graduate research students would find it very hard to support dependants if they were self-funded. Those coming from poorer countries would face a particularly great burden. Scholarships are usually only funded for the cost of one person so this could deter well qualified applicants from taking up prestigious awards such as our Rhodes and Clarendon scholarships. It also raises a pastoral care issue for universities and the student visa holder in finding an activity for the dependant to be engaged in for several years, if no work is permitted.

6.2 The third proposal to restrict students on courses of less than 12 months from bringing dependants would be seen as a very negative factor in students deciding whether or not to study in the UK. This would rule out our nine-month Master's and 12 month Master's course students (short of 12 months by a few weeks) from bringing their dependants. We also have a large number of students who come from the US as visiting students each year for a period of less than one year. We would strongly suggest that the current position, which is that dependants may only accompany students if the course is longer than six months, be maintained. Again, the risk is that these students will choose to study in the US instead.

Simpler procedures for checking low-risk applications

7. As a Highly Trusted Sponsor and an institution with robust admission requirements and stringent attendance and progress monitoring we would welcome this if it made the visa process easier for our students. However, we understand this could also be based on nationality which may make the visa process more complicated and confusing for students. Determining how low risk countries are to be identified and how it may vary over time seems controversial and it also removes the subjectivity that was a defining part of the new points based system. It could also be seen to be penalising exceptionally talented students from high-risk countries.

7.1 The second and third proposals in this section about stricter accreditation procedures do not apply to us directly as we already meet all the necessary requirements.

Recommendations for the Committee in its report

8 Recommend that alternative options be considered to closing the Post-study work route (as outlined above) and that exemptions should be offered for the current cohort of students if any changes are to be implemented in the near future.

8.1 Propose that students should still be allowed to bring dependants if the course is longer than six months, and that alternative options are considered to the proposal of restricting all dependants from working. Both of these proposals could seriously affect our ability to recruit the best students and postgraduate research students would be especially discouraged from coming to the UK.

8.2 Advocate dropping the proposal that students be restricted to campus employment during certain periods because of the complexity of trying to introduce such a requirement and the negative effect on community integration.

8.3 Recommend that (all) students, or at least those moving to a Highly Trusted Sponsor, be allowed to extend their visa within country when starting a new course.

8.4 Emphasise that the academic judgment of Highly Trusted Sponsors should be relied upon to assess a candidate's progress and English language ability. Further visa requirements will only contribute to a more bureaucratic and complex procedure and deter potential applicants.

Written evidence submitted by the University of East Anglia (UEA) (SV47)

1. KEY POINTS

- Genuine students coming to the UK are an essential multibillion pound source of overseas earnings. In 2008 universities alone generated some £5 billion of income through tuition fees and other spending by students in the local economies. On completing their courses and returning to their own countries, students spread the influence of the UK in both business and government sectors. Students are not economic migrants or a drain on UK resources. Reducing legitimate student inflows into the UK will do extensive damage to the economy with the loss of thousands of jobs.
- The statistical evidence for net migration taken from the International Passenger Survey is extremely unreliable. There is considerable evidence (including the Migration Advisory Committee's own report) that outflows of students are understated leading to exaggerations of both net migration and the contribution to that of those coming to study in the UK.
- Study at undergraduate and postgraduate levels are key attractors of overseas students (with over 50% of visas being issued to university students). It is of considerable importance that the pre-sessional courses which provide English language and academic preparation for degree programmes (pathway programmes) are protected. They are an essential market sector in the recruitment of overseas students, and could be materially damaged by UKBA proposals to raise the threshold for English competence for all Tier 4 students, and to limit pre-sessional courses to 3 months. Such programmes should be exempt from a language threshold, from insistence on secure English language testing and any curtailment of pre-sessional course length where provided by Highly Trusted Sponsors (particularly in the university sector) and the associate colleges for which they vouch.
- UKBA should seek to weed out abuse, but not at the expense of legitimate students coming to study. Providers with low standards of compliance should be targeted.

2. INTRODUCTION

UKBA has issued the Consultation document (The Student Migration System) which seeks *Inter alia* to:

- reduce net migration arising from Tier 4 (the study route); and
- reduce further abuse of the Tier 4 system.

We, of course, support the objective of minimising abuse of the system by those seeking employment, rather than genuinely coming to study, but measures taken should not discourage or impact upon legitimate students entering the UK. We have grave concerns about an approach which seeks to reduce net migration through limiting student inflows as this would significantly damage one of the UK's most important export earners.

3. NET MIGRATION

While many students may meet the definition of a migrant (those changing their country of residence for more than one year), they are not economic migrants, they contribute significant overseas earning to the UK economy, they are not a drain on UK resources and the vast majority return home at the end of their courses. In 2008/2009 international (ie non-EU) students in public sector higher education alone contributed some £2.2 billion in tuition fees and a further £2.8 billion in accommodation and other personal expenses (UUK report *The Impact of Universities on the UK Economy*). The UKBA Research Report 43 *The Migrant Journey*, shows that after five years only a small percentage (10%) of those who entered as students in 2004 remained in the country in work. Migration Watch UK which represents concerns over the scale of immigration, states in its own analysis that "it is important to realise that genuine students are not an immigration problem; most return at the end of their courses ...". With overseas students bringing so many benefits to the UK it is a market to be grown, and as such it is desirable that there are more overseas students entering the country in any year compared to those who have finished their courses exiting to return home.

The Consultation claims that, in 2009, the student route accounted for approximately 139,000 of a total net (non-EU) migration of 184,000. This is largely based on the International Passenger Survey (IPS) which surveys 0.2% of travellers, and is therefore subject to significant sampling errors as a consequence. Importantly, the Migration Advisory Committee Report "Limits on Migration" observes that the outflow of students completing their course and returning home as measured by the IPS is materially less than their own estimates. The statistical evidence is highly questionable and is likely to significantly over-state net migration and the contribution of the student route. However, if the logic of the Migration Advisory Committee Report is carried through in seeking to reduce net migration to "tens of thousands" you would reduce inflows of students by some 88,000 and prepare for extensive harm to the UK economy, to the financial security of all universities and for the loss of thousands of jobs. However, the Consultation itself leaves us in the dark on many of the issues with no clear assessment of the reductions being targeted, or of the costs, benefits and impacts of these proposals.

4. THE FOCUS OF THE INQUIRY

Whether the cuts should be limited to certain types of courses (e.g. pre-degree level). The education routes through which students come to the UK to study at degree level

From the standpoint of the economy, it is questionable whether reductions should be targeted at student migration at all. Rather, targeting those providers where a high level of non-compliance with visa regulations can be demonstrated would weed out abuse and impact on net migration.

However, if there are to be greater reductions, it is accepted by the government that undergraduate and postgraduate education are key sectors to protect. To this must be added the pre-degree courses (or pathway programmes) which are an important preparation for many students. Pathway programmes, which can be up to a year in length and provide both intensive academic English study and subject preparation for students who have come from education systems which provide one year less in formal education than the UK, enable students to reach a point where they can integrate effectively into study programmes with UK students at undergraduate or postgraduate level. It has been estimated that some 40% of the international entry to universities now comes through pathway programmes of various kinds, often provided by universities either directly or in partnership with others. These programmes will often bring students from a proficiency level in English below B2 up to the level generally required for degree programmes. Raising the English language threshold for student entry to B2 and limiting the length of pre-sessional courses to three months would exclude the UK from an entire segment of the market for degree students who will turn to our competitors in the US, Canada and Australia. A number of universities, including UEA, have made multi-million pound investments in the development of high quality facilities offering high quality teaching and pastoral care. Any damage to this market could prove catastrophic.

The impact different levels of cuts might have on the various sectors

The UKBA report *Students in the Immigration System* notes that 50% of confirmation of acceptance for studies at 31 August 2010, had been granted by universities. If reductions in inflows are targeted at levels higher than 50%, as widely reported following the publication of the Migration Advisory Committee Report, then clearly this sector would be damaged.

The impact, if any, that reductions in student visas might have on the UK standing in the world

Those who have successfully studied in the UK, and benefited from their experience, return to their own countries and often progress to senior roles in business or civic society and look to the UK as a supplier of products and services and extend the influence of the UK abroad. If students are either not allowed, or are deterred from coming to the UK as a consequence of changes to the visa system, that impact is diminished.

There is significant anecdotal evidence that prospective students are concerned that the complex and constant changing of visa rules (this is the second major review in just over 12 months), and the nature of the current consultation is beginning to paint a picture that (contrary to the Prime Minister's recent statements) the UK is *not* welcoming of overseas students. Prospective restrictions on part time work, requirements for securing English language testing (which can be costly and difficult to access) and having to return home to apply for visas to progress to further study, make it increasingly difficult for students to progress through UK higher education.

Whether cuts in student visas would have an effect on the decisions of highly qualified graduates to conduct research or to take up teaching posts in the UK

The overall impression in the UK is not "open for business" will undoubtedly deter some of the brightest and the best from undertaking postgraduate study in the UK, and subsequently research and teaching posts. However, it is difficult to assess the extent of any impact. It is certainly the case that recently announced restrictions on Tier 1 and Tier 2 (work) visas will reduce the opportunities for highly qualifying graduates to take up employment in the UK.

Whether the post study route should be continued

The post study work route was introduced to increase the competitiveness of the UK in attracting undergraduate and postgraduate students. It seems inevitable that withdrawing the route will have an adverse affect, though the extent is difficult to quantify. The UKBA study *The Migrant Journey* would suggest that the post study route provides the opportunity to gain valuable experience as a springboard for returning home, as the study showed only 10% of students in employment in the UK five years after commencing their courses.

5. ABUSE

Making a significant deposit obligatory for students coming to study in the UK and making private health insurance obligatory for all will achieve more than raising thresholds for secure testing of applicants to B2. As the UKBA consultation makes clear many of the concerns around abuse are centred on regions where standards of English are traditionally high and changing thresholds are likely to be ineffective. A significant improvement in the UKBA systems which ensure a swift flow of data between UK and sponsors so that there is clarity when

students enter the country, leave the country for a granted non-Tier 4 visa, would enable Highly Trusted Sponsors and UKBA to work together to ensure that abuse is rapidly identified and swiftly dealt with.

6. REFERENCES

- UKBA—the Student Migration System.
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www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/mac/mac-limits-t1-t2/report.pdf?view=Binary;
- UKBA—Overseas Students in the Migration System, Types of Institution and Levels of Study.
www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/pbs-tier-4/overseas-students-report.pdf?view=Binary;
- Home Office Research Report 43—The Migrant Journey
rds.homeoffice.gov.uk/rds/pdfs10/horr43c.pdf.

January 2011

Written evidence submitted by Newcastle University Students Union (SV48)

Newcastle University Students' Union believes that the proposed changes to the international student immigration rules would be damaging for the education sector of the United Kingdom. Not only would it fail to reduce the immigration problems that the country faces, but it would reduce the quality of the education for the future years. The government has a vision to reduce the number of international immigrants working in the UK, but alongside this they would reduce the number of highly skilled personnel in the country, dropping the efficiency of the companies and Industries in the UK when compared to the world. It would also reduce the amount of international investments into the British Economy, and would create a bad image and hostility for the Nation in the International community, and pass a wrong message about the United Kingdom to the World.

1. It is understood that there is great misuse of the migration system with the existence of the “Bogus” colleges and institutions leading to illegal immigration, which pose a threat to the whole system and forms a great reason for the Government to want to have cuts in the numbers. It is strongly believed that hence the new Immigration rules should not greatly affect students who are studying on degree level courses or higher. It is also believed that the New Visa Application system that has come into place does recognize the threat to Illegal immigration through this passage of bogus institutions and the new system of classifying the Institutions into “Trusted” and “highly-trusted” institutions could be further enhanced to stop illegal immigration which would help curb the issue.
2. The United Kingdom has over 100,000 Non-UK EU students and over 250,000 Non-EU Students, with a total number of international students resulting into over 350,000. There is no doubt that when a student comes to another country for education, it is not just education he deals with, but enters into a cultural exchange, and many of these international students, then become brand ambassadors of the United Kingdom when they return home. This greatly enhances the image of the United Kingdom in almost all the corners of the world where from these students come from.
3. Taking a step to restrict, curb or end this restricted, yet free passage of knowledge and cultural exchange would lead to a negative image of the United Kingdom to the World, and pass on a wrong image. We feel that the United Kingdom has a strong education sector, which should still be made accessible to the International Students. Out of the total international students, about 45,000 students are postgraduate research students, which make up over 40% of research postgraduates in the UK, from whom the universities benefit in their ongoing research, raising the standards of the UK Higher Education. International Students also make up over 40% of the postgraduate students and 10% of the first degree students.⁶⁸
4. Not only would all this lead to a negative image of the UK to the world, it would at the same time bring about a negative attitude in the industry, where in the highly qualified graduates might not want to work in the UK. The image that would come about would be of the UK “using” the highly qualified graduate just because they need them, and in due course of time, they might take a step further to cut down on their existent numbers because they've got their own. The sense of peacefulness would be replaced by the sense of instability and non- security.
5. The United Kingdom is able to attract this amount of international students because of what it offers to them, quality education, and a chance to explore a different and interesting culture, ability to interact with people from all over the world, all just by choosing to spend important years of their life in here. The decision to come to the UK is not easy for many from outside the European Union, due to the financial implications that it might put them up on. But again, in the package that the UK offers as a top education provider to these students also includes a two year Post Study World Visa (PSW) at the end of the degree. This further gives them a chance to experience working in the United Kingdom,

⁶⁸ UKCISA Higher Education Statistics—www.ukcisa.org.uk/about/statistics_he.php

but also makes them better employable when they return back to their respective countries. The committee should be aware of how the exchange rates work, and the direct implication cost to a student, for e.g. from China, for whom the implication is 10 times the cost in GBP, or from India, for whom the cost is 70 times the cost in his home currency. The Committee should also note that the two years extension allows the international student to earn back a part of what he is spending, which has huge international implications.

6. Not all students coming to the UK are well off, and often take loans to live a dream that the UK has promised them. Many people have been able to make the decision only and only because of the reason that the UK has promised to give them a PSW, and if they fail to do so, then there would not be much difference between the bogus institutions and the Honorary HM Government. Hence it is strongly felt that the PSW should continue to exist, and if the government does plan to cancel the PSW, it should still be made available to all the students who have been granted student visas which entitles them to a PSW as per the present rules, i.e. all the students who are on valid full time degree or higher level courses.
7. Also, it should be noted that the undergraduate or first degree international students, should in no way be penalized by the British Government for choosing the UK as the destination of their 1st degree. With average fees between £9,000–13,000, added to the high living costs in the UK, each of these students invest about £15,000–£20,000 per annum, amounting to £45,000–£60,000 (the highest amounts being for the Science and engineering related courses) in three years time, with no estimate of students spending on a four years integrated masters courses. It would not be fair that the UK asks these students to leave as soon as they complete education as for it will leave them under a heavy financial burden. Unlike the UK, other countries do not give student loans for lifetime, and often have time limits (up to 10 years maximum generally) to clear their debts. The HM Government must therefore understand the need of their support to these students, who have invested their career into the trust they have had had on the UK, and have come so far away from their homes with a hope to make a successful career. Hence it is urged that the Government do not take such steps, which might make these students feel that they committed the biggest mistakes of their life.
8. The UK would hence greatly damage its reputation worldwide, and this damage at this point of time would be irreparable with many countries starting to offer a quality education. It would eventually lead to deterioration of the education quality in the UK. Here the HM Government must understand that by taking these measures, it is damaging one of the strongest pillars that are supporting the nation. It should not be forgotten that the UK is not agriculture based, is not a manufacturing country, nor does it have a huge service sector. One of the strongest links it has is the Education sector, which in turn increases the income of the country as people who come to study contribute to the society. With this in mind it would be wrong to see international students as cash cows, and to kick them out once the government stops to earn from them.
9. The Government can however make free decision on the status of the PSW for students who would be coming after the change of regulations, and let the student decide if he wishes to come to the UK when he would no longer be given a PSW, it would be a matter of free will. However, as highlighted earlier, the Government should not take a hasty step and cancel the PSW for the students who have been given a visa under the present two year extension scheme.
10. The previously mentioned numbers should be noted by the committee, and if not sure should try to launch a study to find out how many of the students would have come here to study if there was no PSW, and should foresee those numbers as missing from the University records of their statistical and financial ledgers, and see for themselves where they would then stand in the world, and what part of the “Great Nation” image would be left in people’s minds.
11. With an expected fall in home student numbers following an increase in the fee, and the resultant loss of international students, it would end up being very difficult for such great universities and so many of these universities to be able to provide any kind of quality education at all. The Education sector in many countries is now becoming more attractive as their quality of education is getting better and better. This would result in a great shift of students to other countries. The choice for these students continue to increase and diverge as many non-English speaking countries are now starting to provide education in English, in the European Union, Germany, Russia, South America or China! These decisions would only lead to an end of the UK Education sector.
12. Newcastle University is currently a community of about 3,000 International Students from 110 Countries from a total student number of about 20,000, which is about 15% of the student body at the University, which plays an active role in promoting the university as a World Class Institution. At the moment, the University earns about 28% of the total revenue with 15% of the total student body, which shows the amount of impact that the international community creates in the whole system.⁶⁹

January 2011

⁶⁹ Newcastle University Financial Statements 2009–2010, page 10—Student Numbers, page 18—Income
www.ncl.ac.uk/documents/financialstatement10.pdf

Written evidence submitted by Association on MBAs (SV49)

EXECUTIVE SUMMARY

- Of significant concern to the business school sector is the proposal seeking to ensure that students return overseas upon completion of their courses.
- There is consensus among business schools that restrictions on the opportunity to work will impact enrolment figures, as prospective MBA students will be drawn to programmes in competitor countries with more favourable employment regimes.
- International MBA students are highly skilled, highly paid professionals who bring specialised global business knowledge to the UK.
- Alienating future global business leaders from UK business programmes poses a high risk of medium to long term consequences to the UK economy.
- Accredited business schools undergo intense scrutiny by the Association of MBAs in order to attain accreditation status; their high standards ensure confidence that only the most experienced and qualified students, and those least likely to abuse the Tier 4 system, are allowed to enroll.
- The MBA is an extremely expensive degree, both in terms of tuition fees and lost income resulting from students leaving lucrative jobs for the duration of their studies. Choosing to study in the UK represents a deep commitment on the part of the student, and this level of study should be differentiated from blanket definitions of student.

1. If the UK is sincere in its wish to attract the “brightest and best” to its universities, then this should be coupled with an awareness that international MBA students make significant contributions to the British economy due to their specialised skills, languages, knowledge and advanced education, as well as the revenues they create for UK universities and the wider economy with fees, housing and other living expenses.

2. The Association of MBAs accredits 47 MBA programmes in the UK. These business schools embrace the highest standards of education and undergo rigorous assessments of quality by teams of independent assessors. In 2008, they enrolled 4,406 students from outside the UK and Europe. This is a small, select cohort representing the most elite applicants from around the world. The impact of MBA enrolment on overall UK migration figures is small, and the Association requests that the government differentiate them as “highly skilled” or “preferred status” students.

3. UK business schools consistently rank among the best in the world, with 10 in the top 50 *Financial Times* Global MBA rankings for 2010. Maintaining this reputation for excellence is key for the continued success of our postgraduate business programmes, and requires the ability to attract and retain the highest quality business professionals to its programmes.

4. MBA students have no recourse to public funds for tuition fees, which range from £10,000 to £50,000 per year. This is a significant investment of resources which: (1) does not attract the type of migrants which the coalition government is seeking to deter from entering and abusing the student immigration system, and (2) nets a high level of income for UK universities at a time when they are struggling for funding. In a recent survey of 2,000 alumni conducted by the Association of MBAs, 50% of respondents self-funded their MBAs, 32% had company sponsorship, 10% used a bank loan, 1% used redundancy packages and 7% reported “other” or used a combination of the above. MBA students are a financially secure student population, and there is little to indicate in these figures that international MBA students pose a threat to public services or funds.

5. The average age of students graduating from Full Time MBA programmes in 2008 was 30; from Part Time programmes it was 35. Before embarking on an MBA, a sample of MBA graduates worldwide in 2010 reported that 16% were already employed as senior managers, 34% as middle managers and 27% as junior managers. 5% were at board level or above and an additional 5% were independent consultants or self-employed. These individuals were already on advanced career paths and studied on the MBA with a desire to learn and engage in global business education. Their network of employers and contacts are of tremendous value to the UK economy, especially considering that 73% report that they would consider starting their own company or entrepreneurial venture. International MBA students are of substantial value to the UK economy in the medium to long term and their loss would be a deterrent to potential future investment and enterprise. Far from being an immigration risk, international MBAs return to their countries in most cases as powerful ambassadors for the UK. If we lose this goodwill, the longer-term impact on the UK’s overall competitiveness will be considerable.

6. The Association of MBAs surveyed the 47 accredited business schools in the UK in early January 2011. Of the 34 who responded, 97% said that they believe continued restrictions on student visas are likely to impact their enrolment numbers in the future. Of these, 56% said that the impact was highly likely. This supports deep concerns voiced in focus groups among business schools that prospective students will look elsewhere to competitor countries including Canada, the United States and Australia. Additionally, English-language MBA provision is increasing in emerging markets worldwide, as is general MBA provision, particularly in India and China which are two of the UK’s biggest markets for international students. The UK must do all it can to remain competitive in the highly skilled business education sector; turning students away by restricting their access to post-study employment puts their reputations at stake and threatens future viability.

7. 82% of the accredited business schools in the UK who responded to our survey reported that international students form a significant part of their revenue. Schools estimated that in the last 12 months, their loss of revenue due to current visa restrictions ranged between £20,500 (one student) to £680,000. Given that there were 4,406 international MBA students in the UK in 2008, that represents an average of 94 international students per business school. The risk of dwindling numbers will have a devastating impact on UK universities and the industries they support.

In closing, the Association of MBAs is aware of and appreciates the government's need to assess the impacts of migration on the UK. However, the focus on student immigration and the blanket restriction of visas across the entire student population poses significant risks to the UK's ability to remain competitive in global education and business. We urge the government to recognise that there are different categories of international students. Each contributes something unique to the UK economy, and each also warrants different bureaucratic approaches when determining what level of work students and graduates are entitled to in the UK.

MBAs are a small, select, highly specialised and post-experience cohort. Given the enormous contribution that MBAs make to the British economy—both in the short term in fee income and contributions to the local economy, and in the long term as future partners for British industry and potential investors in the UK—we are sure that it is not the intention of government to introduce measures that could have a devastating impact on what is in effect a vibrant and valuable export industry.

January 2011

Written evidence submitted by Russell International Excellence Group (SV51)

The Russell Group represents 20 leading UK research-intensive universities.⁷⁰ The international mobility of staff and students is essential to the success of any world-class university. As such, the Russell Group is very much affected by changes in immigration policy. Moreover, at the current time, with direct public investment in universities set to fall dramatically over the coming years, fee income from international students has never been more important to the sector.

The Russell Group shares the Government's commitment to improving the public's confidence in the immigration system and its concerns about abuse of the student visa route. Universities have invested in professional staff and processes to ensure they are able to meet fully their obligations as Highly Trusted Sponsors (HTS) within the Points Based System (PBS), and are committed to working closely with UK Borders Agency (UKBA) to improve further the integrity and efficiency of the system in the future.

This document provides a summary of the importance of immigration to Russell Group universities, and comments on the Government's recent proposals for reform of the student immigration routes. We have some key concerns about the Government's proposals which can be summarised as follows:

- The opportunity for post-study work is important in attracting the best international students who contribute the most to the UK.
- High quality sub-degree provision, including preparatory courses, English language courses, school and FE provision are essential pathways from which many of the best international students progress to undergraduate and postgraduate degrees at leading universities.
- Raising English language requirements for all international students is unnecessary and could be counter-productive.
- Removal of the right for dependents to work in the UK could have a negative impact on recruitment of certain students, particularly postgraduate researchers.
- Reputation and perceptions are important. Perceived difficulties with visa applications and bureaucracy do influence international students in choosing their country of study. The UK should be projecting the message that it welcomes genuine international students.

1. *International mobility of staff and students is essential to the success of world-class universities*

1.1 The ability to attract the most talented students and staff from within the UK, the EU and internationally, is essential to the success of the UK's leading universities. There is a fierce global market for the best academic talent⁷¹, and our track record in attracting international staff and students has made a very important contribution to the considerable success of UK higher education to date.

⁷⁰ Members of the Russell Group are: University of Birmingham, University of Bristol, University of Cambridge, Cardiff University, University of Edinburgh, University of Glasgow, Imperial College London, King's College London, University of Leeds, University of Liverpool, London School of Economics & Political Science, University of Manchester, Newcastle University, University of Nottingham, University of Oxford, Queen's University Belfast, University of Sheffield, University of Southampton, University College London, University of Warwick.

⁷¹ For a discussion of the global nature of the market in recruitment of academic staff, see Terri Kim and William Locke (2010) "Transnational academic mobility and the academic profession" in *Higher Education and Society: A research report*, pp.27–34. CHERI, London.

1.2 The Russell Group accounts for nearly a third of all international (ie Non-EU) higher education students in this country.⁷² These students, nearly 60% of whom are postgraduates, make a vital contribution to the academic endeavour, and to the international standing of our leading universities.

1.3 Through their tuition fees and living expenditure, we estimate that non-UK students at higher education institutions in the UK bring investment of at least £5.8 billion to our economy annually.⁷³ Of all non-UK students, 68% are from outside the EU. Higher education is an excellent export industry for the UK.

1.4 International staff are equally important. Nearly a third of academic staff at Russell Group institutions are non-UK nationals. Of these, more than half (over 9,000 staff in total) are nationals of non-EU countries.⁷⁴ As world-class research universities, it is vital that we are able to attract the most talented academics, from early career researchers to eminent professors, able to contribute to maintaining the UK's status as a leading nation for science, research and innovation. As eight British-based Nobel prize-winners recently warned, the UK cannot afford to isolate itself from the increasingly globalised world of research—our success in science depends on it.⁷⁵ It is not realistic to expect UK universities to meet all their staff recruitment needs from within the EU. It takes a substantial amount of time to 'train' someone for an academic job and this relies on education throughout an individual's life.

1.5 Some subjects and disciplines are particularly dependent on international staff and students, including Engineering, Maths, Chemistry and Physics.

1.6 In addition, universities invite international academics to come to the UK as sponsored researchers, visiting academics, external examiners, conference speakers and other kinds of visitors. These visits support important collaboration and exchange between universities and academics in this country, and those around the world.

2. *Fee income from international students has never been more important to universities*

2.1 At a time when direct public investment in universities is being cut by billions of pounds, international student fees represent an absolutely critical income stream to universities. In 2009 the Russell Group received £847 million in international fee income, 39% of the sector total. Across the Russell Group this represents 8.3% of total income but for some individual institutions international fees make up as much as 30% of total income. If immigration policy were to reduce considerably the ability of universities to recruit international students and postgraduates, this would have a devastating impact on the financial sustainability of Russell Group institutions.

3. *Universities are highly trusted sponsors of international staff and students*

3.1 Universities have been very willing to accept the responsibilities placed on them within the Points-Based System to monitor international students and staff, and to work with UKBA to minimise abuse of the PBS system. They have invested in professional processes and staff to ensure that they are able to meet fully their obligations as Highly Trusted Sponsors under PBS.

3.2 The vast majority of international students are law abiding, and leave the UK after the completion of their studies, or when their visa expires. Home Office research has shown that only 20% of students remain in the UK for more than five years.⁷⁶ UKBA research found that only 2% of students in universities were non-compliant with the terms of their visa.⁷⁷

4. *The opportunity for post-study work is important in attracting the best international students who contribute the most to the UK*

4.1 The Government's consultation on the reform of the student immigration system, published on 07 December 2010, includes a proposal to close the Post Study Work (PSW) route. We have some serious concerns about this proposal:

- (a) It is likely to have a very negative impact on admissions, because many international students feel it is important to consolidate their studies with some work experience in the UK.⁷⁸ The UKBA is

⁷² The Russell Group accounted for 30 percent of the 251,330 international students in UK universities in 2008–09.

⁷³ The report *Global Value* by British Council estimated that in 2002–03 higher education attracted £2.1 billion of investment into the UK in the form of tuition fees paid by non-UK students and that students also accounted for £2.6 billion in other spending whilst in this country. Given that the total population of non-UK students in the UK increased by 23% between 2002–03 and 2008–09 (from 300,055 to 368,970), it is likely that tuition fees and living expenditure of all non-UK HE students now account for a minimum of £5.8 billion investment in the UK.

⁷⁴ Data is for 2008–09, HESA.

⁷⁵ *UK must not isolate itself from research world*, The Times, 7 October 2010 www.thetimes.co.uk/tto/opinion/letters/article2755952.ece

⁷⁶ The Home Office, *The Migrant Journey*, September 2010.

⁷⁷ *The Student Immigration System A Consultation*, UKBA, December 2010.

⁷⁸ International students were first given the opportunity for post-study work in 2004, through the Science and Engineering Graduates Scheme, which was later replaced by the International Graduates Scheme, and most recently by the Tier 1 (Post Study Work) route. It is worth noting that numbers of international students at Russell Group institutions increased by over 25% since 2004, when the SEGS was first introduced.

concerned that many PSW applicants do not enter skilled work. However, we do not believe this is a widespread problem for international graduates of Russell Group universities.

- (b) For some international students, a period of post-study work in the UK is essential to the financing of their studies here. For students from developing countries in particular the higher earnings they can secure in the UK after they graduate go some way towards making the higher university fees in this country affordable.
- (c) There are some professions (eg engineering, law) that require a period of work in the UK for qualification or registration. Without the opportunity to work here, the attractiveness of such courses for international students would be reduced.
- (d) Any introduction of this proposal must be carefully phased in. There are thousands of international students already at our universities who came here in the belief that PSW would be available to them after they complete their course. It would be very unfair to close the programme before current students have had the opportunity to apply.
- (e) The closure of the PSW route risks damaging businesses and the wider economy of the UK. Many of the innovative spin-out companies which emerge from Russell Group universities are established by entrepreneurial international graduates. Students who remain in the UK for a period of post-study work bring unique skills and experience to their employers here and many continue to generate economic benefit to the UK by maintaining their professional links with this country once they leave.
- (f) The PSW route is also important to universities as employers, because it enables us to offer post-doc opportunities to international students completing PhDs. Without the PSW route we would only be able to use Tier 2 (skilled workers) for such appointments. Given the other pressures on Tier 2, this would lead to a reduction in the international post-docs we could appoint.

4.2 The consultation document says that the Government recognises there are other options short of closing the PSW route entirely. One option mentioned is limiting PSW to graduates with higher level degrees. We would urge the Government to consider retaining the PSW route, at least for graduates of higher level degrees (such as Masters and PhD).

5. High quality sub-degree provision is an essential pathway to undergraduate and postgraduate study

5.1 A key proposal within the UKBA's consultation on the reform of the student immigration system is to raise the level of courses international students can study, with only Highly Trusted Sponsors (HTS) able to bring in international students to enter courses below degree level.

5.2 If this proposal is implemented, it would become absolutely essential for Russell Group universities to be confident of being able to retain their HTS status, which is still a relatively new category of sponsor. We hope UKBA will work closely with universities in the development of the HTS category in the future to ensure that universities are fully aware of any changes to the requirements for HTS status, and that maintaining HTS status does not place unreasonable costs or burdens on universities.

5.3 This proposal will directly affect the very wide range of education providers who bring students to the UK to study courses that are below degree level. It will also have an indirect impact on universities. A significant proportion of international students at Russell Group institutions are not recruited directly from overseas, but are already in the UK when they apply to the university. We understand that at some Russell Group institutions up to half of their international students at undergraduate level fall into this category. This includes students who study in the UK at independent schools, FE colleges, language schools and other private education providers.

5.4 For many international students, even very talented ones, it is difficult to enter a Russell Group institution directly from study in their home country. Some kind of additional English language or education preparation is necessary to prepare them for application and success at a leading UK university. Where such courses are provided by institutions which do not have HTS status, this proposal may mean that they can no longer recruit non-EU students. If high quality preparatory courses available in the UK are greatly reduced it will make it more difficult for universities to recruit good international students, particularly at undergraduate level.

5.5 Russell Group universities have developed a wide range of pathway programmes specifically designed for international students, which combine academic and English language preparation, at a sub-degree level, with the aim of preparing students for progression to degree and/or postgraduate study. In many cases these are provided in-house by the university, and since universities have HTS status, we do not anticipate that they will be affected by the proposed restrictions on sub-degree courses. (We are, however, concerned that these courses will be seriously threatened by the proposed raising of the English language requirements. See section 6).

5.6 In some cases, however, universities have established partnerships with colleges or private organisations to provide pathway programmes for international students below degree level. If the partner institution is unable to obtain or maintain HTS status, then such courses will be affected by this proposal. For example, University of Manchester provides pathway programmes in partnership with the private company INTO. If INTO were to be lose its HTS status this would have a very negative impact on University of Manchester.

5.7 We welcome the proposal not to make changes to the visa system for child students, as this should mean that the independent schools sector is able to continue to recruit talented students who are able to go on to become international students at Russell Group institutions.

6. Raising English language requirements across the board is unnecessary and could be counter-productive

6.1 The consultation recommends a further increase in the standard of English language required for all students to obtain a visa. All students, including those on English language courses, must be able to demonstrate that they have passed a secure English Language test showing proficiency at level B2 across all four components of Language testing.

6.2 This proposal will have a potentially very serious impact on Russell Group universities. Universities currently sponsor many students who do not have this level of English. Such students are very unlikely to be on degree programmes, but on English language programmes, or on pathway programmes, which include both language training and other academic preparation for degree programmes. Whilst there is an exemption for pre-sessional courses of up to three months, many students study on preparatory programmes for up to a year before embarking on an undergraduate or postgraduate degree programme. Such programmes, whether provided directly by a university, or by a partnership organisation risk being affected by the proposed changes to English language requirements. For example:

- (a) University of Glasgow runs a 12 month pre-sessional English course. This programme enables students to progress onto degree programmes with high standards of English.
- (b) University of Manchester has a range of preparatory courses for international students. Some of these programmes are sponsored by key partner organisations (e.g. the Saudi Government) and include programmes for students aiming to progress onto postgraduate research degrees, as well as postgraduate taught and undergraduate programmes.
- (c) University of Leeds offers a total of nine pathway programmes for international students, across a range of subjects including Arts, Dentistry, Engineering and Science. Many international sponsoring organisations and companies choose to place their sponsored students on the foundation year programme.
- (d) University of Warwick has a international foundation programme that was established in 1983, which is provided in partnership with two FE colleges, and recruits over 300 students annually.
- (e) Newcastle University has over 500 students enrolled on a range of pathway programmes provided in partnership with INTO Universities.

6.3 The introduction of the proposed English language requirements could have direct and significant financial consequences for Russell Group universities. Preparatory English courses and pathway programmes generate important income to universities. If they are forced to close or restrict such programmes, they will suffer considerable financial loss, in some cases several million pounds per year. Moreover, if preparatory courses provided by universities or their partners are not available this will remove an important pathway through which some of the best international students enter Russell Group universities.

6.4 There is a lack of detail in the consultation document about the rationale for the proposals in relation to English language proficiency, and the problems they are intended to address. We remain unconvinced that there is a need for a higher English language requirement across the board. Moreover, we have concerns that by setting such a requirement the UKBA is indirectly determining the entry requirements for degree programmes in the UK, which should more properly be an academic decision, to be taken by individual universities, particularly those with HTS status.

6.5 The consultation document says there will be a requirement for a 'secure' language test, and level B2 in 4 elements. It is unclear whether this requirement can be met by students taking any test other than IELTS. Universities currently accept a number of different language tests (eg TOEFL, IELTS, PTE), and it is important that the requirement of UKBA does not pose unnecessary restrictions on the choice of language tests available to students or to universities.

7. Removal of the right for dependents to work in the UK could have a negative impact on recruitment of some students

7.1 The proposal that dependents will lose the right to work in the UK is particularly worrying to the Russell Group. It is likely to have the biggest impact on postgraduate research students, who tend to be older and more likely to have a partner and/or a family. It is not realistic to expect a research student to support a family financially in the UK. Without the right for the spouse or partner to work, the UK may become significantly less attractive to postgraduate research students. The ability to attract the most talented postgraduate research students is essential to the research endeavour and the international competitiveness of Russell Group institutions.

7.2 If the proposals are implemented, students studying for less than 12 months will not be permitted to bring dependents with them to the UK. This may adversely impact on students from certain countries (eg Muslim women who may not be willing to travel to the UK without a male relative).

8. *Other comments on the Government's proposals for student immigration*

8.1 We welcome the proposal to reduce the requirements on documentary evidence from students who are judged to be "lower risk". However, further clarification is needed about the different requirements for different students, as there would appear to be some scope for confusion.

8.2 The proposal to raise accreditation and inspection standards within private providers is very welcome. Institutions offering poor quality courses, deceiving students or abusing the student immigration system damage the reputation of the UK as a world-leader in education. Recent UKBA research has demonstrated that significant levels of non-compliance occur in the private further and higher education sector.

8.3 We have some concerns about the proposed requirement that a student returns home and applies for a new visa between courses. This will create additional expense and difficulties for legitimate students and disrupt their studies. For students progressing from Masters to PhD programmes, there is almost no time between the two courses. It is not clear whether this proposal would extend to students who complete a pre-sessional English course, and then progress to a degree. Again, such students have only a very short amount of time between the two courses, and could not possibly return home and apply for another visa in the time available.

8.4 It is proposed that during their studies students should not be allowed to work during the week unless they do so "on campus". We have some concerns about how the university might be required to monitor their students in this respect.

9. *Reputation and perceptions are important*

9.1 It is crucial that the immigration system continues to support the efforts of our leading universities to attract talented people who have a legitimate interest in studying, working or carrying out research here.

9.2 Even before the introduction of PBS there was already evidence that visa and immigration issues were an area of concern for international students both before coming to the UK, and whilst here.⁷⁹ The difficulty (whether actual or perceived) of obtaining a visa is one of the most important factors in determining applications from international students.⁸⁰

9.3 The UK should be doing everything it can to project a message that it welcomes genuine international students and academics who choose to come here. There is a real risk that the UK begins to be seen as unwelcoming at a time when our key competitors such as the US are succeeding in projecting a much more positive image to international students and researchers.

January 2011

Written evidence submitted by Cambridge Education Group (SV 52)

1. EXECUTIVE SUMMARY

1.1 Cambridge Education Group employs more than 500 people, specialising in pre-university programmes and preparation for undergraduate and postgraduate entry, plus short and long-term English provision. Teaching more than 2000 full-time equivalent students per year, of whom 90% are successful in progressing to a UK university, we estimate this supplies universities with approximate revenue of circa £54 million (once a student completes a three-year degree).

1.2 Statistics on immigration misrepresent the intention and actual migration status of international students who have no recourse to public funds, the vast majority of whom return home after studying.

1.3 The impact of proposed changes will decimate a large and vibrant sector of private academic and English language providers, with a subsequent impact on the UK Higher Education sector, which is currently worth up to £40 billion to the UK economy.

1.4 Education providers are the experts in assessing the suitability of students for particular study plans, of varying lengths and composition, not the UK Border Agency (UKBA). Forcing students to return home or frequently renew visas within the UK means students will find the UK an unattractive, expensive and uncompetitive study destination and look to the USA, Australia, Canada and New Zealand as alternatives.

1.5 A sliding scale of ratings (A, B, Highly Trusted Sponsor) should be rewarded according to the level of compliance reached, and an enhanced model of accreditation, by a *new, independent and centrally appointed body* would be welcomed, if criteria and compliance are transparently and fair across the public and private sectors. These ratings should allow Highly Trusted Sponsor (HTS) institutions unfettered decision-making authority to accept students onto suitable programmes.

⁷⁹ *Broadening our Horizons: international students in UK universities and colleges*, UKCOSA, 2004.

⁸⁰ *What does the future hold? China country report: the outlook for international student mobility* A report by the Economist Intelligence Unit for the British Council, 2008, pp11.

2. STATUS OF TIER 4 STUDENTS

2.1 The UK's International Education sector unfairly suffers from an overriding lack of public understanding concerning the status of Tier 4 students, made more opaque by conflicting official statistics on net migration. The statistical methodology used by the government misrepresents the number of students in the UK at any one time and is impossible to calculate accurately in the absence of exit statistics. International students have a minor effect on net migration since there are approximately the same numbers of students leaving the UK each year as entering it.

2.2 Rather than focusing on *net* migration figures UK government would benefit instead by focusing on the more "reassuring" settlement statistics and the rigour of limited transfer from temporary to permanent migrant routes. According to the Home Office of the 186,500 students granted visas in 2004, only 5,568 (3%) obtained settlement rights.⁸¹ If the only reason students are counted as migrants is because the definition applies to all in the UK for more than 12 months, why are Student Visitors who, by definition, stay for less than 12 months, also included in the net migration figures?

2.3 Tier 4 students are not *immigrants*—they are domiciled abroad and often return home for summer or Christmas holidays; they do not come to the UK for economic reasons but rather to study; their time in the UK on a student visa does not contribute points towards any future application for settlement and, furthermore, *they have no recourse to public funds*. Like tourists, on completion of their visit, they exit the UK having contributed to the UK economy. If students wish to progress onto further study or take up employment, they must apply to the Home Office for a new visa—an inbuilt and existing control. That some students may legitimately undertake a programme for up to eight years, from GCSE through University, controlled by visa application and reapplication, simply serves to underline the potential contribution made by students towards the UK education sector and wider economy.

3. IMPACT OF CHANGES ON EDUCATION SECTOR

3.1 A 2007 British Council Report stated that in 2003–04, the Education and Training export sector was worth £27.7 billion.⁸² In 2010, the sector estimates this to be closer to £40 billion and thus the UK's second biggest contributor to net balance of payments, after financial services.

3.2 Universities UK (UUK) estimate that upwards of 40% of all international students in higher education have come through a pathway programme such as those offered by our own centres. Other estimates put this figure as high as 70%. Cambridge Education Group's Foundation Campus business pays a per capita "student service" fee each term to each of its partner Universities pre-degree in addition to the direct full-fee income as students progress to the university for three undergraduate years, or one postgraduate year.

3.3 The University of Strathclyde's study estimates that for every £1 million in HE revenue a further £1.38 million is generated for the wider economy through fees spent on accommodation, food, local travel, family visits, etc. Each job created in the sector as a result of international student income creates and supports a further 1.27 jobs.

3.4 Any reduction in international students as a result of visa constraints would have a severe financial impact on a HE sector already under threat from funding cuts.⁸³

3.5 There will be major job losses in the public and private sector as a result of a cap on international students. These are likely to be concentrated in areas where there are large numbers of private and public educational establishments which are the key employers in those regions—Cambridge, Brighton and London being the obvious areas. In particular:

- loss of 500 jobs at Cambridge Education Group;
- loss to UK universities of c 1,800 full-fee-paying international students per year (directly from Cambridge Education Group courses); and
- loss to UK universities of £54 million revenue per year after three years (typically international students spend >three years with universities with a three year bachelor programme and then many continue to Master's programmes).

3.6 For an overview of the potential negative impact on the UK's GDP, refer to what is happening in Australia as the direct result of international student visa restrictions.⁸⁴

4. RAISING THE LEVEL OF COURSES STUDENTS CAN STUDY

4.1 As pathway providers largely of pre-degree programmes at NQF levels 3–5, the potential threat to our sector is of grave concern. We are confident of our ability to comply with UKBA requirements and have achieved and maintained Highly Trusted Sponsor status for our standalone centres and those under the licences

⁸¹ Home Office, *The Migrant Journey* (September 2010).

⁸² globalhighered.files.wordpress.com/2007/09/britishcouncil.pdf

⁸³ www.compas.ox.ac.uk/fileadmin/files/pdfs/Non_WP_pdfs/Events_2010/COMPAS%20Breakfast%20Briefing%20Summary%20October%2008%20Ursula%20Kelly.pdf

⁸⁴ www.abc.net.au/lateline/content/2010/s3068304.htm

of our partner universities—investing heavily in systems, training and processes to maintain exemplary levels of compliance, far in excess of that employed by universities.

4.2 The same levels of scrutiny are not applied in practice to our public-sector colleagues. We insist that the same criteria to gain and maintain HTS status are applied consistently across public and private-sector providers if the UK education sector is to remain credible globally.

4.3 Academic justification for “pathway” programmes offered by Cambridge Education Group and our competitors is straightforward but often misunderstood when presented in the context of “risky” categories of students. Many international students have to undertake preparation programmes prior to entry to a UK university because their home countries have a 12-year secondary system (as opposed to the 13-year UK system). Often both English language and study skills need to be improved. Private “pathway” providers offer courses of pre-university study, usually between three and six academic terms, (but only 11 months if on a Student Visitor Visa), including English and other academic study, formally validated or officially recognised by a partner university, which on successful completion and attainment of required grades, provides a student assured progression to a specific university course at the partner institution.

4.4 Approximately 50% of pathway provision is operated by five organisations in partnership with universities: INTO, Study Group International, Kaplan International Colleges, Navitas and Cambridge Education Group.

4.5 We are reassured that the Tier 4 Child Student category is not set to change, and welcome the extension of the Temporary Visitor Visa from six months to 11 months of the Extended Student Visitor Visas (ESVV)—see also para 6.3.

5. INTRODUCING TOUGHER ENTRY CRITERIA FOR STUDENTS

5.1 The debate over whether to raise the level of English required from Common European Framework of Reference (CEFR) B1 to CEFR B2 is arguably the greatest risk to the UK English language teaching sector, pathway providers, universities and UK education as a whole.

5.2 A student’s ability to follow a course at the right level is vital from a pedagogical and moral standpoint. But that is *our* area of expertise. Our reputation (and that of colleagues in our sector) rests on the final academic outcome and progression to the satisfaction of the student themselves and their parents or fee payers. It is *our* responsibility to assess the student’s English level and academic capability and provide for them *the most appropriate course* for their needs. This is a fundamental premise and we could not operate for more than a few months if we systematically failed to get this right. We have maintained a strong reputation for successful placements at leading universities, demonstrating that we are the academic experts.

5.3 While the assessment and verification of a student’s English language needs cannot demonstrate a student’s academic potential, intention to study or complete a programme, nor should English level be regarded as a robust measure for the assessment of relative “risk” between one group of students and another. But this is what it has been put in place to do.

5.4 If students do not attain the required level to progress, the control is in place, through UKBA, to ensure that students leaving early are reported, or students needing more time request visa extensions. But it is our belief, that students assessed properly by trained staff, offered the most suitable study plan, and supported academically and pastorally can and do achieve their academic aims. More than 90% of our students progress to university successfully every year.

5.5 We would be prepared to agree that only HTS institutions should be allowed to judge the academic and English language levels of students joining programmes below degree level and to maintain the B1 level as the preferred entry point. The availability of Secure English Language Test (SELT) tests is limited in some key markets, and we would prefer the autonomy (within HTS) to utilise a wider range of English language tests appropriate to the academic course that a student has applied for.

5.6 The suggestion that only SELT tests may be used, and that only B2 entry will be allowed also puts at risk our School of English business. We should encourage non-English language speakers to learn the language in the UK in well monitored and regulated English Language Centres to ensure the integrity of the language as well as earning important income for the UK.

5.7 We request clarification and consistent advice on what is a pre-session course, and whether or not it requires a SELT. We received conflicting UKBA advice on what constitutes an English language or academic pre-session programme, when SELT is required whether it matters that the follow-on offer is conditional or unconditional, and whether the student needs to return home for visa extension.

5.8 We propose students are offered whole-course visas, eg making what is currently a pre-session programme level zero of the degree, and enabling a four-year visa to be issued (common practice in Australia). Despite not effecting a temporary drop in net migration rates, this would ensure clearer articulation between programmes, better progression and completion, curtail unnecessary movement, and reduce bureaucracy and cost for students, pathway providers, universities and UKBA processing outposts.

6. ENSURING STUDENTS RETURN OVERSEAS AFTER THEIR COURSE

6.1 If students are required to return home whenever they need to renew, extend or change their visa, this will make the UK a singularly unattractive destination for those legitimately progressing from one level to another. Home Office statistics (The Migrant Journey) prove that students *do* return home after their studies so the minimal risk of overstay cannot justify the associated burden of practical issues, high costs and bureaucracy.

6.2 Students should be allowed to progress from one HTS sponsor to another HTS sponsor in the UK to facilitate progression of academic students to university study from an independent school with A-levels, from pre-sessional courses, and from Undergraduate to Master's degrees.

6.3 We would further recommend that students on 11 months Extended Student Visitor Visas should be allowed to transfer to Tier 4 within the UK—as long as they remain under the sponsorship of an HTS, and that the 11 months Student Visitor Visa be extended to academic programmes as well as English language programmes, without the need for SELT.

7. LIMITING THE ENTITLEMENTS OF STUDENTS TO WORK AND TO SPONSOR DEPENDANTS

7.1 Although we support some of the restriction already in place on students' right to work during their study, work experience can play a valuable part in a person's education, and can help students support themselves during their studies. If students are allowed to work on campus, this ambassadorial role can help newly arrived international students settle in to their studies.

7.2 The Tier 1 Post Study Work (PSW) visa is an attractive feature of UK study and its restrictive parameters ensure that students may only transfer for a limited time and Tier 2 is not a viable alternative since this already restricts the competitiveness of UK business. It may be possible to restrict the Tier 1 PSW route to a specific group of graduates, such as those exiting at Master's level.

8. SIMPLER PROCEDURES FOR CHECKING LOW-RISK APPLICATIONS

8.1 This implies that stricter procedures will be applied to higher risk categories, and this is welcomed. Since the introduction of PBS (Points Based System) Tier 4, we have invested significant resource in training, compliance, accreditation and administration—a burden imposed by the UKBA on all educational institutions but formerly the responsibility of the government. This not insignificant cost to our business cannot be sustained as long as the government chooses to reduce the responsibilities of the UKBA and continues to cut public sector jobs.

8.2 This imposition means our overseas and UK-based recruitment staff are trained in assessing any risk from individual applicants and from specific regions. If there is to be any reward for this investment in compliance, we as holders of HTS are best placed to continue to assess relative "threat", at the risk of losing our HTS status, especially since the promised appointment of UKBA account managers has not materialised, and notwithstanding the difficulty of obtaining any useful statistics or feedback from UKBA on our students via the SMS.

8.3 Currently any new private provider has to operate for six months prior to applying for HTS status and to be allowed to recruit for pre-degrees. A probation system would iron out compliance queries collaboratively, under close scrutiny. In applying a sliding scale of responsibility by sponsor rating (A, B, HTS), the scheme's credibility can only be maintained through *transparent and fair* rules applied across the private and public sector.

8.4 Additional mechanisms, eg full-fee advance payment, pre-visa deposits or bonds, might also help assess students' intention to study, perhaps according to the length of their course, again if applied consistently.

9. STRICTER ACCREDITATION PROCEDURES FOR EDUCATION PROVIDERS IN THE PRIVATE SECTOR

9.1 To impose stricter accreditation on the private sector will only further compound the unfair and anti-competitive treatment of the private education sector.

9.2 We would support the establishment of a centralised independent inspectorate to standardise accountability, and support the view of the Independent Chief Inspector of the UKBA in his 2010 annual report.⁸⁵

9.3 Should the private sector fail, the public sector will, in turn, suffer through the loss of a vital revenue stream.

January 2011

⁸⁵ icinspector.independent.gov.uk/wpcontent/uploads/2010/03/Independent-Chief-Inspector_Annual-Report-2009_20102.pdf

Written evidence submitted by the British Medical Association (BMA) (SV53)

EXECUTIVE SUMMARY

1. The British Medical Association (BMA) is an independent trade union and voluntary professional association which represents doctors from all branches of medicine throughout the UK. It has a membership of over 141,000 doctors.
2. This response sets out points that the BMA would like to bring to the attention of the Home Affairs Committee in relation to the inquiry into the impact of proposed restrictions on tier 4 migration:
 - The BMA is concerned that closure of the Tier 1 Post Study Work Route will result in the NHS losing out on the benefits from its significant financial investment in doctors' training and that NHS service delivery will be compromised due to a shortfall of specialty trainees.
 - Non-EEA students studying for medical degrees at UK universities have made a significant financial commitment with the reasonable expectation of embarking upon specialty training. It would be morally unjust to remove this option whilst they are partway through their training by closing the Tier 1 Post Study Work Route.
 - Removing the opportunity to progress to specialty training may well force prospective international students to undertake medical studies in countries other than the UK. The BMA is concerned that the reduction in the funding stream that international students provide to UK medical schools could be a serious blow to the future provision of medical education.
 - Clinical placements are of vital importance in providing medical students with the skills to graduate and enter the Foundation Programme. The BMA has serious concerns about the government's proposals to change the ratio of study-work on courses including work placements from 50:50 to 66:33 and the potentially detrimental impact upon the quality of medical training in the UK.

WHETHER THE POST STUDY ROUTE SHOULD BE CONTINUED

3. One factor which should be taken into account when considering whether to close the Tier 1 Post Study Work Route is the investment made in doctors who have studied in the UK as international students. It costs in the region of £250,000 to train a newly qualified doctor in the UK and in addition to this the NHS makes a significant investment in terms of the salary paid to those who undertake the Foundation Programme.⁸⁶
4. According to the Medical Schools Council there are 3,000 non-EEA students studying clinical medicine in the UK. Attrition rates for students graduating from UK medical schools are extremely low and the vast majority of UK medical graduates proceed onto the Foundation Programme. Following completion of the Foundation Programme, they have the opportunity to apply for specialty training. If they are successful in securing a specialty training post, they would then transfer to the Tier 1 Post Study Work Route in order to take up their duties.
5. Given that the 3,000 non-EEA students referred to above have already been included in UK medical workforce planning, closure of the Post Study Work Route has the potential to undermine the provision of healthcare in the UK, even taking account of the scope for variation in medical workforce needs between devolved nations.
6. There is a real risk that some of the most competent and talented UK-trained doctors applying for specialty training will be lost to the NHS. The NHS could potentially lose out on some of the benefit of the investment made annually in Foundation Programme salaries (£39 million⁸⁷ at present)
7. Non-EEA students make up to 7.5% of those studying in programmes in clinical medicine at UK universities. Their tuition fees amount to more than £100 million annually. Such students make significant contributions to their local economies through living and accommodation expenses. It should also be recognised that these students have made these commitments with the wholly reasonable expectation of embarking upon specialty training. The BMA strongly feels that to remove this option whilst they are half-way through their training would be completely wrong and morally unjust.
8. The Medical Schools Council, in previous submissions to the UKBA, has highlighted that Transparent Approach to Costing (TRAC) methodology demonstrates that overseas students are a very profitable aspect of business for higher education institutions and help support teaching and research in other parts of institutions. Despite the recent increase in university tuition fees for UK nationals, the BMA is concerned that any reduction in the funding stream that international students provide to UK medical schools could have serious knock-on effects to both the provision of undergraduate medical training and to higher educational institutions in general. Prospective international students may well select other destinations to undertake their medical studies due to the limited opportunities now afforded to them in the UK beyond the Foundation Programme. The resulting decline in international medical students in the UK would mean a sharply reduced income for individual

⁸⁶ The Foundation Programme is a two-year postgraduate training programme, the first year of which is compulsory in order to gain full registration with the General Medical Council.

⁸⁷ Figure based on the 2009 calculation that trainees are paid an average of £74,200 over the two-year Foundation Programme multiplied by 525, the number of non-EEA doctors entering the Foundation Programme each year.

medical schools through the loss of the significant fees paid by this group of students (between £25,000 and £35,000 per year depending on the medical school).

THE IMPACT DIFFERENT LEVELS OF CUTS MIGHT HAVE ON THE VARIOUS SECTORS

9. Currently, medical degrees in the UK consist of an average of two years of pre-clinical training in an academic setting and three years of clinical training at a teaching hospital. There is considerable variation in the way in which medical schools integrate these two elements in their curricula. Courses also differ between schools, some emphasising problem-based learning, others favouring lecture-based teaching.

10. Clinical placements are vital for providing medical students with the requisite skills to graduate and enter the Foundation Programme. It is through these placements that students have the opportunity to interact with patients from a range of social, cultural, and ethnic backgrounds and with a range of illnesses or conditions. They also provide experiential learning in specialties such as medicine, obstetrics and gynaecology, paediatrics, surgery, psychiatry and general practice. The placements are designed to reflect the changing patterns of healthcare and provide experience in a variety of environments including hospitals, general practices and community medical services.

11. In the final year, the student must use practical and clinical skills, preparing for their eventual responsibilities as an F1 doctor. These include making recommendations for the prescription of drugs and managing acutely ill patients under the supervision of a qualified doctor. A student will assist a junior doctor and, under supervision, undertake most of the duties of an F1 doctor. There is also a “shadowing” period, allowing them to become familiar with the facilities available, the working environment, the working patterns expected of them, and to get to know their colleagues.

12. The BMA is therefore extremely concerned about the proposal to raise the minimum ratio of study to work from 50:50 to 66:33 and the potentially detrimental impact upon the quality of medical training in the UK. Whilst we recognise that the thinking behind it is to deter migrants seeking an easy route into employment, we would also point out that clinical placements are unpaid and are an educational component of the medical degree.

13. The BMA also notes that the consultation does not clarify if the study-work ratio would be applied to the whole course or individual years. This has major significance for medical training; the clinical experience described above takes place in years four and five.

14. Paragraph 7.4 of the UK Border Agency consultation document, *The Student Immigration System*, provides for an exemption from the 66:33 ratio, where there is a statutory requirement that the placement should not exceed one-third of the total length of the course. Whilst clinical training in the UK is not covered by such a requirement, it is governed by European law. European Directive 2005/36/EC allows European Union (EU) nationals who hold an EU PMQ or specialist qualification to practise as doctors anywhere in the EU. Article 24 of the Directive states that the period of basic medical training must be at least six years of study or 5,500 hours of theoretical and practical training provided by, or under the supervision of, a university. From the introduction of the licence to practise, “basic medical training” is the period leading up to full registration with a licence to practise.

15. The EU Directive 2005/36/EC also states that basic medical training must provide assurance that individuals acquire the following knowledge and skills:

- “Adequate knowledge of the sciences on which medicine is based and a good understanding of the scientific methods including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data.”
- “Sufficient understanding of the structure, functions and behaviour of healthy and sick persons, as well as relations between the state of health and physical and social surroundings of the human being.”
- “Adequate knowledge of clinical disciplines and practices, providing him with a coherent picture of mental and physical diseases, of medicine from the points of view of prophylaxis, diagnosis and therapy and of human reproduction.”
- “Suitable clinical experience in hospitals under appropriate supervision.”

CONCLUSION

16. The BMA is concerned that the proposed changes to tier 4, in conjunction with the changes to tier 1, will have an adverse impact on non-EEA students studying for a medical degree in the UK as well as workforce planning provision and NHS service delivery.

Written evidence submitted by Joint Council for the Welfare of Immigrants (JCWI) (SV54)

INTRODUCTION

Non-European Economic Area (EEA) students bring a range of cultural and economic benefits to the UK. In relation to the latter it should be noted that:

- (i) Education and training exports represent the second biggest contributor to the UK's net balance of payments. They are, according to the *Financial Times* worth £40 billion.⁸⁸
- (ii) According to the independent Migration Advisory Committee, for every one pound students generate for universities, a further 50 pence is generated for other industries.⁸⁹
- (iii) The independent Migration Advisory Committee found that non-EEA national students subsidise the educational system in the UK.⁹⁰ In fact they account for 37% of total university fee income.⁹¹
- (iv) Research shows that students bring knowledge of different countries, languages and cultures which are beneficial to UK businesses that wish to develop markets new markets.⁹²
- (v) Non-EEA national student graduates who remain in the UK contribute £1 billion per year to GDP (Gross Domestic Product).⁹³
- (vi) Non-EEA national students who remain in the UK after graduation contribute at least £100 million per year in fiscal benefits.⁹⁴
- (vii) The independent Migration Advisory Committee concluded following its recent examination of the Post Study Work route that there was no evidence that non-EEA nationals using the Post Study Work route displaced nationals in the labour market.⁹⁵
- (viii) Research from the US has shown that for every 1% increase in the share of immigrant university graduates in the US population, patents per capita are increased by 6%.⁹⁶ We expect similar trends to be prevalent in the UK.

By way of general observation, given the above, and given that statistics show that the British economy shrank by 0.5% in the last quarter, and that educational establishments including world class universities like Cambridge are already starting to shed jobs⁹⁷ (due to cuts of 25% and 40% to the further and higher education budgets) it is disingenuous to make the reduction of foreign students/graduates a general policy objective in itself. We go on to deal with the specific consultation questions below.

QUESTIONS

Question 1. *Do you think that raising the minimum level of study sponsors with a standard sponsor licence can offer under Tier 4 (General) to degree-level and above is an effective way of reducing abuse of Tier 4 (General) route, increasing selectivity and simplifying the current rules?*

No.

There seems to be no adequate policy justification for this. From the point of view of economic value, this will result in loss of fee revenue both for further, but also higher education institutions given that approximately half of all students recruited by universities start out on sub-degree courses.⁹⁸

So far as the underlying rationale goes—there is a higher rate of non-compliance amongst this group, the research on which this conclusion is based is unreliable given that the study is based on: (a) *potential* non-compliance,⁹⁹ (b) focuses only on an unrepresentative sample of organisations UKBA *already had concerns about* and (c) offers a “maximum potential estimate” only.

⁸⁸ Migrant cap could bar 88, 000 students, *Financial Times*, 18 November 2010

www.ft.com/cms/s/0/067938a8-f316-11df-9514-00144feab49a.html#axzz1Cc8IDy7E

⁸⁹ Analysis of the Points Based System, Migration Advisory Committee, December 2009, para. 4.34.

⁹⁰ The average fee for a non EEA student was £8,600.00 in comparison to £2,200.00 for a non EEA student.

⁹¹ Analysis of the Points Based System, Migration Advisory Committee, December 2009, para 7.14.

⁹² H Connor and R Brown, *Global Horizons: recruiting international students and graduates from UK Universities*, The Council for Industry and Higher Education, London.

⁹³ See research by Vickers and Bekharadnia (2007) referred to in Analysis of the Points Based System, Migration Advisory Committee, December 2009, para. 7.5–7.6.

⁹⁴ Analysis of the Points Based System, Migration Advisory Committee, December 2009, para 7.5.

⁹⁵ Analysis of the Points Based System, Migration Advisory Committee, December 2009, para 7.32.

⁹⁶ Analysis of the Points Based System, Migration Advisory Committee, December 2009, para 4.35.

⁹⁷ Cambridge and East Durham college have announced job cuts. See I, *Cambridge calls for voluntary redundancies*, Monday 31 January 2010, p 19.

⁹⁸ Immigration cap: argument within the coalition has only just begun, *Guardian*, 23.11.10.

⁹⁹ Sarah Mulley, Bogus students' aren't as big a problem as Migration Watch claims, *Guardian*, Comment is Free, 9 January 2011. See also response by the Immigration Law Practitioners Association, www.ilpa.org.uk

Question 2. *Do you think that only Highly Trusted Sponsors should be permitted to offer study below degree level to NQF levels 3, 4 and 5/SCQF levels 6, 7 and 8 in the Tier 4 (General) category?*

No.

See above comments. The current system which was only put in place in 2010 is adequate to deal with this.

Question 3. *Do you think that the changes discussed in this section should be phased in?*

Yes.

If the changes must be introduced they should be brought in over a 37 month plus time-frame as they will be disruptive for educational establishments and students.

Question 4. *Do you think that, in the light of the low risk of abuse amongst users of the Tier 4 (Child) route, there should be no changes to the route?*

Yes.

We have also had sight of the response by the Immigration Law Practitioners' Association¹⁰⁰ and agree with their further observation about the need for amendments to rule 56(a)(iii) of the Immigration Rules.

Question 5. *Do you think that all students using Tier 4 (General) category should have passed a secure English language test to demonstrate proficiency in English language to level B2 of the CEFR, in order to improve selectivity and to simplify the current system?*

No.

As the UK Council for International Student Affairs suggests, this is most likely to affect students from Korea, Japan, Taiwan and Saudi Arabia—all low risk countries, and could lead to the loss of somewhere in the region of £120 million for the UK.¹⁰¹

More generally, however, there is simply no sound policy justification for this. It is more appropriate for educational providers to make assessments about suitability for courses.

Question 6. *Do you think that students from majority English-speaking countries, those who have been awarded a qualification equivalent to UK degree-level or above that was taught in English in a majority English-speaking country, and those who have recently studied in the UK as children should be exempt from any new language testing requirement?*

Yes.

Additionally notwithstanding the above comments this should extend to:

- (i) Any degree taught in English—otherwise there is a risk that such provisions would be inconsistent with statutory race equality duties.
- (ii) Students who have obtained a qualification equivalent to A-Level or ILB through the medium of English.

Question 7. *Do you think that students wishing to study a new course of study should be required to show evidence of progression to study at a higher level?*

No.

Academic progression is not a mere evolution from undergraduate to Masters to Phd. A well rounded education may for example require studying two separate Masters degree courses. Indeed there are number of perfectly valid reasons that students may wish to study at different levels.

It should also be noted that Article 2 of Protocol 1 of the European Convention on Human Rights (ECHR) provides that no one should be denied the right to education. The former includes a right of access to existing educational institutions. When read with Article 14 ECHR and in the light of the justification advanced in the paper—the need to prevent students from staying in the UK indefinitely without making academic progress,¹⁰² there is a question about the extent this would be consistent with this. Furthermore given that Article 10 ECHR also encompasses the right to receive and impart information and ideas,¹⁰³ there is also a question mark as to the extent to which such as measure may potentially unlawfully interfere with ECHR rights.

¹⁰⁰ Response from the Immigration Law Practitioners' Association To The Student Immigration System: A Consultation, December 2010, www.ilpa.org.uk

¹⁰¹ Submission to the Home Affairs Select Committee Enquiry: Impact of proposed restrictions on Tier 4 migration, para 11, www.ukcisa.org.uk/

¹⁰² The Student Immigration System, A consultation, UK Border Agency, para6.5.

¹⁰³ *R (Naik) v SSHD* [2010] EWHC 2825, and *Cox v Turkey* App No 2933/03, 20 August 2010, para 43–44.

Question 8. *Do you think students wanting to study new courses should return home to apply from overseas?*

No. There is nothing in the evidence that would suggest that this would be desirable either from the perspective of educational establishments, students or immigration control. See also above point about Article 10 ECHR which may potentially also come into play.

Question 9. *What changes do you think we should make to the Tier 1 Post Study Work Route (PSWR)?*

Other.

The Independent Migration Advisory Committee examined this issue carefully recently in 2009 and concluded that the route should remain open because of the implications for fees for universities—PSWR has an influence in the decision to chose the UK as a place of study. It also concluded that there should be broad continuation of the current policy.¹⁰⁴

If the route is ultimately to be closed down, appropriate transitional arrangements will need to be put in place as those already in PSWR were given a legitimate expectation that they would be able to switch to Tiers one and two after a two year period.

We agree with Immigration Law Practitioners' Association (ILPA) that transitional arrangements should also extend to students who are already in the system given that their choice for their university of study may well have been based on the existence of the PSWR.

Question 10. *Do you think that we should restrict further the amount of work students should be allowed to undertake when studying?*

No. There are a range of perfectly valid reasons that students may need to work.

Importantly, Article 6(1) of the International Covenant on Economic, Social and Cultural Rights recognises the right to work which includes the right of everyone in the jurisdiction to the opportunity to gain work. The UK is bound by this obligation. Its reservation extends only to the purpose of protecting the employment opportunities in the UK/regions within it. This however is not the stated rationale of the proposal, nor is it supported by any evidence.

Question 11. *Do you think we should make it simpler for employers to understand the rules around student work by limiting it to set times except*

We agree with ILPA's comments in their response to this Consultation.¹⁰⁵

Question 12. *Do you think that the minimum ratio of study to work placement permitted should be increased from the current 50:50 to 66:33, except where there is a statutory requirement that the placement should exceed one- third of the total course length?*

No.

If courses are set up in this way it is because the course providers are of the view that this is the most effective way to acquire the relevant knowledge/expertise in question. There is no evidence put forward to justify putting foreign students a disadvantage in comparison to domestic students. Further it is unclear as to how this would practically operate.

Question 13. *Do you think that only those studying for longer than 12 months should be permitted to bring their family members to the UK?*

No.

This will of course deter people from studying in the UK. Furthermore, it is not consistent with internationally accepted human rights principles of family unity, and non-discrimination. These principles should be reflected in these proposals which are likely to have discriminatory effects for women. Women overwhelmingly assume child-care responsibilities and are subject to cultural norms which might make it unacceptable to travel alone.

Question 14. *Do you think that family members permitted to accompany the student should be prohibited from working?*

No.

Article 6 (1) of the 1966 International Covenant on Economic, Social and Cultural Rights recognises the right to work which includes the right of everyone to the opportunity to gain work. The rationale for the proposal is to limit access to public services and to limit unlawful work is not consistent with the terms of the

¹⁰⁴ Analysis of the Points Based System, Migration Advisory Committee, December 2009, para 7.7.

¹⁰⁵ Response from the Immigration Law Practitioners' Association to the Student Immigration System: A consultation, December 2010 www.ilpa.org.uk

UK's reservation. This permits interference only for the purpose of protecting employment opportunities in the UK/parts of the UK.

Question 15. *Do you agree that differential requirements for high and low risk students should be adopted?*

No.

We have several concerns about this. They are as follows:

- (i) Race equality exemptions have historically been problematic. A constant theme of the former Race Monitor's reports was that basing selections on previous adverse decisions meant that passengers were less likely to be given the benefit of the doubt. They were therefore more likely to be refused.¹⁰⁶
- (ii) This will discriminate against people from countries or regions where corruption, state failure or inefficiency plagues administrations and is likely to have greater impacts on developing countries.¹⁰⁷
- (iii) It is inherently unfair given that prospective applicants will be subject to more stringent testing simply on account of simply having "a risk profile" as opposed to anything they have said or done.

Question 16. *Do you believe that we should focus on the abuse of documentary evidence for maintenance and/or qualifications as the basis of differential treatment?*

No.

See above. We also agree with the comments made by the Immigration Law Practitioner's Association in their response¹⁰⁸—the figures are difficult to rely upon given that they could simply be representative of higher numbers of applicants applying from those countries, or representative of the fact that more rigorous checking procedures are in place in certain countries.

Question 17. *Do you believe that we should also, or alternatively look at the sponsors rating as a basis for differential treatment?*

No.

We agree with the comments by ILPA in their response to this consultation.

Question 18. *Do you think that more should be done to raise accreditation and inspection standards to ensure the quality of education provision within private institutions of further and higher education for Tier 4 purposes?*

No (not through the use of immigration law).

We do not believe that the question of regulation of educational standards is one for immigration law. This is better dealt with the context of education, and should be left to regulators in that field to determine.

Question 19. *In the light of the proposals described in this document, what do you think will be the main advantages/disadvantages, including any financial impacts, to you, your business or your sector*

We will not directly be affected however see the introduction to this paper for the potential economic impacts for the UK of reducing student numbers.

February 2011

Written evidence submitted by Pearson's Language Testing Division (SV55)

As some of the major representative bodies of both the public and private sector involved in pre-degree programmes, we welcome the continued review of the Tier 4 criteria. We support the focus on eliminating "bogus colleges" which facilitate inappropriate immigration into the UK. We acknowledge their existence and the damage they cause to the reputation of the sector. As outlined in previous correspondence, we want to work with you to crack down on them. We have submitted to this review earlier in the process and appreciate the reflection of some of our views in the most recent proposals issued.

As you enter the final phase of consultation on Tier 4, we want once again to remind you of the risks to restricting study below degree level and urge caution in using the blunt instrument of qualification level or public versus private provision as a means of containing immigration. Creating an arbitrary cut off at degree level risks harming legitimate and high quality provision, undermining an important source of income for colleges—which may increase costs for UK students. It will also damage the reputation of UK education overseas, where many of our colleges are looking to address current funding challenges by building business

¹⁰⁶ Annual Report 2004–05, paras 2.31–2.35.

¹⁰⁷ V Hartwich, Closing the Door on International Students in the UK
jcw.wordpress.com/2011/01/06/closing-the-door-on-international-students/

¹⁰⁸ www.ilpa.org.uk

opportunities. Pre-degree level qualifications—particularly vocational Higher Nationals—have a strong reputation with employers internationally, but they need championing at home if they are to retain this value.

We have made more specific comments on current plans in the attached and request to meet with you urgently to discuss in particular the route to Highly Trusted Status for private colleges and the impact of proposed changes to working entitlements on students studying in Further Education (FE).

The focus must be on checking the quality of institutions and of the candidates studying in them rather than on restricting the level of the qualifications. We want to work with UK Border Agency (UKBA) to address quality and legitimacy issues in a proactive and transparent way across the public and private sector. This includes developing a quality marks for colleges, raising the bar on testing quality of English and strengthening measures to ensure students return home after study. By working together we believe we can effect quick and effective change to the sector without harming legitimate provision and the status of UK education overseas.

Pearson's Language Testing Division has specific concerns, detailed below, relating to:

- The misalignment of English language test scores to the Common European Framework of Reference (CEFR).
- Proposal to increase the minimum English language proficiency from CEFR B1 level to B2 level for all students.

Edexcel, Pearson's awarding body, has also submitted its broader views, including concerns over college accreditation, in a separate submission to this consultation.

THE GOVERNMENT'S PROPOSALS ON INTRODUCING TOUGHER ENTRY CRITERIA FOR STUDENTS

Government proposal: *"We therefore propose that all students using the Tier 4 (General) must be able to demonstrate that they have passed a secure English language test showing proficiency at level CEFR B2 across all four components of language testing"*

As a provider of English language tests, including Pearson Test of English (PTE) Academic—one of the current approved UKBA tests, we have a specific interest in the proposal to use the CEFR to set minimum English language standards for all students.

Pearson supports the Government in its efforts to eradicate any abuse of the student visa route, with security being one of our key priorities to ensure reliable and robust English language test results. However we have two key concerns around the use of the CEFR which we are highlighting in this contribution to the consultation.

1. The misalignment of English language test scores to the Common European Framework of Reference

Firstly, we have concerns around some of the misunderstandings of how test scores relate to the CEFR—for example, in the Student Immigration System Consultation Document, in paragraph 5.5 it states: *"While education providers specify their own minimum language requirements for nationalities deemed to be lower risk, many universities require language proficiency at International English Language Tests System (IELTS) 6.5, which is approximately equivalent to C1 level."* Cambridge ESOL (one of the IELTS partners) has recently adjusted this and, according to information on their website, an IELTS 6.5 is a B2 level.

As outlined in previous correspondence to the Home Office over the course of the year, we have highlighted our concerns around the Common European Framework being open to misinterpretation by some English language test providers. Test providers are currently not required to produce empirical evidence, verifiable by independent peer review, of the relation between the results on their tests and the levels of the CEFR. If test providers are allowed to make unsubstantiated claims about the alignment of their test scores to the CEFR, then students will be tested to significantly different English language standards whilst being erroneously awarded the same required CEFR level.

Pearson urges that *independent* advice be given to the Government and UKBA on the Common European Framework by experts in the field of language testing, who can advise on setting the appropriate language levels and review language tests, with a particular focus on evidence for their claims regarding CEFR alignment.

We believe that this approach is the only way to ensure a fair and transparent system for students, sponsors and test providers.

2. Proposal to increase the minimum English language proficiency from CEFR B1 level to B2 level for all students

We believe that the proposed CEFR B2 level is too high for students applying for foundation and other non-degree level courses, which often includes English language improvement and support as part of the curriculum. Based on Pearson's rigorous CEFR alignment data, and score requirement data we have from universities, the minimum entry requirement for many university *degree-level* programmes is CEFR mid-B1.

We are therefore concerned that thousands of genuine students will have their visas rejected as a result of not being able to meet the proposed new level.

January 2011

Written evidence submitted by Edexcel (SV55a)

Edexcel, Pearson's awarding body, has previously put forward to the UK Border Agency (UKBA) and Home Office its view that any changes to the student immigration system through the Review of Tier 4 must take into account the following factors:

- The contribution of the legitimate private college sector to the UK education and economy.
- The importance of maintaining the credibility of British qualifications abroad, particularly as many of the larger UK colleges from both the private and public sector seek to develop their distance learning or franchised offer for students studying overseas, partly as a means of generating additional revenue to enhance their offer to UK students.
- The importance of qualifications at skill levels at above and below degree level in respect to the above.

We proposed that changes should not make a broad distinction between qualifications at degree level and above and those below it, but rather that greater rigour be exercised in:

- Checking the quality of the institutions offering places to overseas students.
- Assuring the quality of the qualifications being studied—their level, content and assessment methodology.

The letter attached, signed by Edexcel and leading private and public college representatives, underlines that the interests of colleges, awarding bodies and the Government are aligned on this matter. The reputation of UK education and qualifications internationally—in the education sector and in industry and business—depends on only the highest quality students gaining our awards, and that these students go onto champion those qualifications by working across the globe, not just in the UK.

We offered to work with Government, through our awarding body Edexcel, to ensure that centres offering Edexcel qualifications not only offered the highest standard of teaching and assessment to their students, but have the right provisions in place to ensure that students return home on completion of study.

We have also spoken in some detail to officials about the current imbalance in the treatment of Higher National Diplomas offered by the Scottish Qualifications Authority (SQA) versus those offered by Edexcel under Tier 4. This undermines the efficacy of current rules, as well as creating an anti-competitive distortion. We have been pleased to receive assurances that this will be resolved when new rules are finally announced.

THE GOVERNMENT'S PROPOSALS

We welcome the direction of travel, which favours a nuanced approach to the issue of pre-degree level study and recognises the need to protect legitimate international students at all skill levels, studying in a range of institutions.

However, we see two critical issues as being unresolved and potentially harmful to the interests of the reputation of the UK education sector as a whole, and the UK economy:

- (1) We must ensure that the legitimate private college sector, is given fair chance to access Highly Trusted Status (HTS) *before* the new rules come in.
- (2) Any changes to work placement and working arrangements must adequately recognise the needs of students studying vocational courses in non-traditional settings, and the possible impact on the offer to UK students.

RAISING THE LEVEL OF COURSES STUDENTS CAN STUDY

Of the alternatives offered, facilitating entry to study at below degree level through the use of the Highly Trusted Status badge is the most favourable in that it seeks to make the condition for entry the quality of provision and the student involved, rather than the level.

However:

- There needs in addition to be clarity on the process for new sponsors—specifically the private college sector—to attain HTS.
- Changes should be phased with those sponsors registering an interest to gaining HTS being allowed to continue to offer courses whilst applications are processed.
- There should be clear criteria through which private colleges can achieve HTS automatically. International colleges already have more inspections than the public sector. We believe that the suggested mechanisms below are more than enough to warrant HTS.

Private colleges could be eligible through either:

- Successful achievement of Integrated Quality and Enhancement Review (IQER)—the review method specially devised for higher education in further education colleges in England.

Or

- University validation.

Or, subject to development work with the UKBA:

- Approval from awarding bodies, approved by the Office of Qualifications and Examinations Regulation (Ofqual)—we would work with the UKBA to develop an Edexcel kite mark, and could include:
 - Specific evaluation of a college’s tracking of student whereabouts as part of the original centre approval process.
 - Conversion rate on qualifications (from registration to final certification), where if a centre falls below a certain percentage their endorsement from Edexcel would go on hold.

INTRODUCING TOUGHER ENTRY CRITERIA

Enhancing the requirement for English testing to level B2 is a valid means of checking the quality of candidates but not necessarily the best or only measure of determining fitness for a course. For many courses, especially more vocationally oriented study, the possession of other specialist skills is more important, and many institutions are able to support candidates to increase their level of skill in English through pre-course classes and support. Many candidates come into the UK with a standard of English below level B2 and still go on to achieve well.

There is an issue with the parity of approved English tests whatever level is determined as the entry requirement. On this issue, we refer officials to the evidence submitted by our English testing business, Pearson Test of English, which queries the current levelling of approved tests. This needs to be further explored and tightened in the context of this Review if new rules are to be effective.

ENSURING STUDENTS RETURN OVERSEAS AFTER THEIR COURSE

There should be some flexibility on the principle that student should be required to show progression when requesting additional leave to remain is sound, as some students may wish to study for a course in a new sector to enable a career change or to pursue a new interest.

We do not believe that students wishing to study at a higher level should be required to return home, provided that the sponsor can vouch for the increase in level, since there is a natural cap on the number of times that a student can do this.

To prevent abuse, students wishing to study for a new course at the same level could however be required to return home to seek a new visa, replicating the proposed arrangements for transitioning to a working visa after study.

As mentioned above, we recommend that the criteria for Highly Trusted Status in the private college sector include specific evaluation of a college’s tracking of student whereabouts.

LIMITING THE ENTITLEMENT OF STUDENTS TO WORK AND TO SPONSOR DEPENDENTS

Of critical importance here is the level playing field: qualifications of the same level and type must be subject to the same restrictions. The current rules, which give favourable conditions to the SQA Higher National (which can be studied across the UK, not just in Scotland) and foundation degrees over the Edexcel Higher National, create an anti-competitive market distortion and does not offer the best service or choice to students.

We call for the Edexcel Higher National to be recognised on the same terms as the SQA Higher National and the Foundation Degree.

In particular:

- We welcome the flexibility around weekend and vacation work—this will help students to support themselves without distracting from their course.
- The “on-campus” work rule is however focused on a view of study in a traditional university environment, which does not apply to many students studying at a college and so may disadvantage this group of learners. For this reason, we propose that institutions with Highly Trusted Status should have the option to make links to local employers who may employ students for a limited number of hours during the week.

- Changes to the ratio of work placement to study would risk damaging the value of certain vocationally focused qualifications for employers. For example, the Higher National Diploma is valued for the hands on experience it gives in often highly specialised skills. Since any moves in this direction would require revisions to curricula and syllabuses and would likely alter the nature of provision offered to UK as well as to international students, changes should be conducted very cautiously and in consultation with the end-users of qualifications, like employers, on their needs and expectations.
- Given that many work placements are unpaid, the logic that a work placement element disproportionately attracts economic migrants is unpersuasive, and even more so in the light of planned changes to the Post Work Study Visa.

STRICTER ACCREDITATION PROCEDURES FOR THE PRIVATE SECTOR

Legitimate private providers must have access to Highly Trusted Status. It is clear, however, that the reputation of legitimate private sector is undermined by a minority who do not adequately select or track their students.

Awarding bodies have a key role to play in building confidence in private provision at all levels. We want to work with you to develop an established route to HTS for private colleges.

In addition to this, we will enforce greater conditionality on the offer of our qualifications and introduce more inspection. We would establish an Edexcel kite mark to support this, as described above. We would also publish each year a review of the private sector colleges who offer our qualifications each year, including measures of:

- Date of approval.
- Number of registrations.
- Blocks on certification or approval.
- External verification grades by programme.
- Conversion rate (as above).

January 2011

Written evidence submitted by Oxford University Student Union (SV56)

Oxford students are seriously concerned that unless substantially revised, the package of proposed changes to the Tier 4 Visa system will harm the University's global academic standing, reduce our ability to attract top graduate students and cause serious disruption and distress to those international students who do attend Oxford. The Government has set itself a hugely ambitious and unprecedented target in reducing net migration to the UK in the lifetime of this Parliament, and is now proposing a raft of changes to the student visa system in order to achieve this target. Whilst the stated ambition of these reforms—to combat abuse of the Tier 4 visa route—are clearly to be applauded, there is a real and imminent danger that the changes as proposed will have a series of deeply negative and unintended consequences on Oxford and its students. We would urge the Home Affairs Select Committee to examine these potential consequences and to propose to the Government an alternative model of change which seeks to build on and strengthen the Highly Trusted Sponsor Status programme as a pathway to serious reform without seriously detrimental effects. Only in this way can our international reputation for educational excellence be maintained, to the immense social and economic benefit of the whole country.

1. DEPENDANTS' ABILITY TO WORK

Of paramount concern to Oxford students is the proposal to end the ability for students' dependants to work. Not only is there the serious moral element involved in splitting families or forcing people to exist in this country without a vocation, but it is inevitable that this measure will deter many talented students from coming to study at Oxford and contributing to our academic community and the British economy both during their time of study and afterwards. A sample of testimonies from current students amply demonstrates this prediction. One student wrote to the Student Union to say that:

My wife and I made the decision to move to the UK for the duration of my DPhil given that she would be able to work to support us both while I studied. If the visa process were changed to disallow her from working, we would not have been able to make financial ends meet, and would have accepted an offer from a non-UK institution.

Another stated that had these changes been brought in as they were applying:

It is highly likely I would have chosen a Doctoral post in a different country. This would have been a incredible waste of a scholarship to study at a renowned University, in a country that I love and to which I have strong ancestral ties myself.

Finally, another student explained their situation very simply—"I would have opted for programmes in the USA or in Germany, if my partner were not allowed to work". There can be no doubt, then, that forbidding dependents of international students from working will give other nations, and particularly the United States, a huge competitive advantage in attracting the top academic talent at a postgraduate level. For the relatively small number of dependents who come to Oxford and work this is a price which the Government cannot afford to pay at a time of funding cuts to Higher Education and increasing global competition for graduate students. We would urge at the very least that those institutions which have been accorded Highly Trusted Sponsor Status after a rigorous process of accreditation and inspection should be allowed an exemption from this punitive measure.

2. POST-STUDY WORK VISA

The proposals to end the post-study work route have been met with equal alarm. Many international students amass serious levels of debt in order to study at Oxford. The post-study work visa allows them to pay off this debt whilst contributing to the British economy, before returning to their country with a qualification that allows them to become leaders in their chosen field of work. Such a scenario is of enormous benefit to Oxford and the UK, not just in academic and economic terms but in the diplomatic and political capital amassed by teaching and serving as home to the world's future business, social and political leaders. Perhaps even more crucially, the post-study work route allows Oxford University to employ as post-doctoral workers those top students into whom it has invested years of training and resource. The idea that we would send such exceptional individuals back to their country or to other world-class institutions rather than retaining them in our own Universities is a very alarming one given the competition Oxford and other UK Universities now face to stay at the top of their intellectual fields. That such a scenario is unavoidable under the current proposals is again evidenced by individual testimony, with one student claiming that:

I chose the UK as my destination to study (three years ago) because of the flexibility it gave in knowing that I could have an opportunity to do post-study work. By abolishing this and also imposing more and more restrictions, I wouldn't even think about coming to Oxford, even though it's such a prestigious institution.

Another said that:

Part of the incentive of coming to the UK was the ability to continue in my field as a professional scientist. It seems rather short-sighted to remove immediately from the country all that expertise that has been invested into an individual through the course of education.

A third explained that:

I feel that the abolition of the post-study work visa is closing a door on the options that I have to remain and work in the UK...I will be looking for jobs all over the world, and one of the biggest considerations I will have when deciding on a job will be how much of a hassle it will be to get permission to work in that country. I believe that the UK is already lagging behind the US and Europe in this regard, and the new visa regulations will only make things worse.

Oxford students then would like to join the chorus of those across the country urging the Government to reconsider the closing of the post-study work route, and, if some restriction were deemed necessary, at least to retain the post-study work route for students from those institutions which are Highly Trusted and can therefore be relied upon to produce graduates of the highest academic ability.

3. RESTRICTION OF STUDENTS' PERMISSION TO WORK

The proposal to restrict students to solely on-campus work during the week would likewise have a deterrent effect on applications from the very kind of energetic, creative students which have contributed to the success of UK universities as training grounds of global leaders and innovators. One student explained how he had supported his doctoral studies by working remotely, via the internet, for a consultancy firm in London, putting the knowledge and skills which he had as a doctoral student to productive use in the British economy. Another explained how he researched and wrote articles on climate change economics for a firm in London while pursuing his Master's at Oxford. Clearly, whether "on-campus employment" is defined geographically or by the identity of the employer as a subsidiary of a university, this will prevent a 21st Century student to use 21st Century technology to make a productive contribution to the 21st Century economy of the UK, depriving the UK economy of the skills of internationally competitive students and dissuading internationally competitive students from applying to the UK—which would only benefit the UK's competitor countries which do not so restrict a student's ability to support themselves by work off-campus in complement to their academic studies.

We would therefore encourage the Government not to limit students from Highly Trusted Sponsor universities to solely on-campus work during the week, in order to avoid the unnecessary competitive disadvantage which this would impose upon such world-class universities and the counter-productive prevention of student contribution to the modern, digital UK economy.

4. REQUIREMENT TO LEAVE THE UK TO APPLY FOR VISA EXTENSION

The proposal that students would be forced to return home to extend their visa is another which has excited serious concern due to the significant cost, time and effort which this would demand of students in order to comply. It may be that students simply cannot afford flights home (which must, by definition, be far enough afield to be outside the EU) for what may only be a few weeks, and the time and effort it would take might convince them to study elsewhere. One student in Oxford on a Rhodes scholarship commented that:

When I arrived at Oxford, I was enrolled in an MSc. course, but I switched to the DPhil track after the first few weeks. My generous scholarship pays for me to be here, but it will not pay for me to fly back across the ocean simply to extend my visa. Put simply, then: to me it seems economically and ecologically inefficient for the British government to demand that students wishing to extend their visas must do so from their home countries.

Another noted that the restriction:

[would] come either at a time when I will be applying for jobs, or writing up my thesis. In either case, nothing could be less convenient than being away from my department, colleagues and supervisor. I fail to see why I should spend hundreds of pounds on a plane ticket in order to get to South Africa, so that I can hand in my application form to a representative of the UK government.

Clearly, although the symbolic nature of asking students to return home to apply for a new course may serve the Government's purpose of reinforcing the temporary nature of study visas, it would be seen by Oxford students as an indication that they are not valued or appreciated by the British Higher Education sector, and would dissuade them from applying for continued study at a UK university, taking with them to one of the UK's competitor countries all the labour, genius and invention which they would apply to their continued academic study.

There is also concern at the timing of applications; if students graduate in the summer months and have to return home, apply for a new visa, awaiting the processing of their application, and obtain their visa before taking up a course in October, there is a concern that any delays would prevent that student from starting their course on time and with other students. Given that Oxford terms are relatively short, any delays are particularly detrimental to students. For Oxford it is also unclear how this would affect students progressing from MPhil to DPhil courses, as this transfer (which is effectively instantaneous on the passing of an oral examination) would not allow time to return home and obtain a new visa. Once again, then, it would seem wise to allow Highly Trusted Sponsor institutions a full exemption from this measure in order to allow Oxford and other top UK Universities to create a pain-free system which would not put off top academic talent from applying and staying on in Britain.

5. REQUIREMENT TO SHOW "PROGRESS" BETWEEN DEGREE COURSES

A further proposal which we feel requires significant revision is the idea that international students should be asked to show clear "progression" from one level of study to another. In Oxford, many students who already hold Master's degrees may seek to take up a Master's course in a complementary subject, broadening their area of expertise in order to take up a higher research degree. Many wish to take a more practical Master's course such as an MBA after completing a DPhil. We believe that the restriction of only allowing students to study courses at a higher level than a previous course does not allow for flexibility or for the wide range of routes students at Oxford may take in order to start their careers. Many students do not take a linear route to studying a DPhil or to carrying out postdoctoral research. The concern is that "progressive" moves may not be as easily demonstrable as simply moving from an undergraduate degree to an MA, from an MA to an MPhil, and so on. There is a real danger that a student's individual assessment of a course as useful or essential to their academic development, or to the development of their career, will be unduly restricted by this measure.

6. REQUIREMENT FOR ADDITIONAL ENGLISH LANGUAGE TESTS

Finally, bringing in the proposed additional English language tests would, for Oxford University, singularly fail to improve selectivity and would greatly complicate the admissions system. Oxford's English language requirements are currently set well above level B2 of the CEFR, so any additional language requirements would be entirely superfluous.

Concerns were raised by students that taking CEFR examinations is often very expensive, and that students may need to travel a considerable distance in their home country in order to sit them. Placing this extra financial burden on students from non-English-speaking countries would create an unnecessary barrier in terms of access for students from non-majority English-speaking countries, particularly since they would have already convinced the University of their English language proficiency.

Furthermore, if it were the case that these examinations would have to be completed within a relatively short time frame (for instance, six months), students showed concern that they would have to go through a lengthy and expensive process more than once if complication arose with their applications. There could be no more unfriendly and off-putting symbol of unnecessary bureaucracy than a student travelling many miles at great cost to take an exam which *they had already passed* in order to come to Oxford. We therefore urge the Government to grant Highly Trusted Sponsors an exemption from this requirement.

CONCLUSION

Taken as a whole, the Government's proposed package of reforms would have a devastating impact upon Oxford's ability to attract and retain those international students who are crucial to our University's economic and intellectual future. As a high-level student from the Commonwealth put it:

an environment where spouses are denied entry, or forbidden to work, restrictions are placed on students' ability to work to support themselves during study, and there is no recourse to work immediately after study sounds like something I wouldn't bother with. As well-regarded as the UK's universities are, there are far friendlier places to study. This high regard will not last long without the input of international students.

The Home Affairs Select Committee should take such forceful testimony very seriously—unless a drastically different course of action is pursued which would grant considerable exemptions to Highly Trusted Sponsors, it will become common opinion that the UK is not in the market for top international student talent. Such a message would be devastating to the international competitiveness of our graduate courses, resounding to the detriment of all students British, EU and international who would seek to study at a world-class British university, and could put a huge dent in our Universities' abilities to survive the global recession and recent public funding cuts.

February 2011

Written evidence Memorandum submitted by million+ (SV57)

The international activities of UK universities represent an important success story. Universities across the UK higher education sector are engaged in a diverse range of successful and long-standing international activities. They currently teach over 350,000 international students in the UK and many more students studying in their home countries,¹⁰⁹ employ international staff who contribute to the knowledge and research base of the United Kingdom; work with international universities and business on collaborative research projects, work with overseas partners to transfer knowledge and expertise for financial benefit and to build capacity in developing countries. These activities are all parts of the UK's international education brand which has a strong reputation for quality around the world.

Universities and their international activities—including the teaching of international students—will play a key role in helping to deliver economic growth and UK's global competitiveness agendas. Income from teaching-related international activities alone represent one of the UK's fastest growing sources of export earnings and the contribution of international students to the UK economy via fees and living expenses was estimated at £5.3 billion in 2009. In turn this investment supports and generates significant employment and economic growth. The presence of international students makes some courses such as engineering and chemistry that have been identified as strategically important to the UK viable. International students also bring greater diversity and a broader range of experience to UK campuses and help foster the growth and development of links between the UK and overseas nations.

The Government has indicated that it is interested in the economic value of the international activities undertaken by UK universities. In September 2010, the Department for Business Innovation and Skills (BIS) commissioned London Economics to establish a comprehensive estimate of the current total value of overseas trade and investment due to the UK Higher and Further Education sectors (including teaching, research, English language training and other training for adults, as well as businesses providing services to these sectors) and an estimate of the total value of the foreign direct investment that those sectors attract. The Government recognises that these international activities increase the UK's influence on the world stage and provide opportunities to attract revenue from overseas.¹¹⁰

Yet the proposed Tier 4 immigration changes risk significantly endangering the vital flow of international students to UK universities and have the potential to damage UK export earnings and the UK's global competitiveness. This brief written submission addresses three of the Tier 4 related issues that Home Affairs Committee is considering: sub-degree level programmes; progression by international students; and the post-study work route.

1. *There should be no blanket restrictions on applications for programmes below degree level but sub-degree level courses should be restricted to Highly Trusted Sponsor (HTS) institutions*

A blanket restriction on applications for entry by international students to programmes below degree level would be highly undesirable. Many UK universities work with partner colleges to provide "sub-degree" level courses for international students that act as a stepping stone towards the successful completion of a full university degree. It is therefore vital that study "below degree" level continues to be permitted and that partnership institutions can continue to work with HTS institutions.

¹⁰⁹ In 2008–09, Million+ member institutions recruited over 54,000 students who study wholly outside the UK (21% in the EU) according to HESA data. They also recruited over 74,000 international students to study in the UK (including over 50,000 non-EU students).

¹¹⁰ BIS (2010) "Estimating the value to the UK of international education partnerships in higher and further education and research: call for expressions of interest". Department for Business, Innovation & Skills, 2010.

Restricting sub-degree level courses to HTS institutions would help ensure that genuine international students receive a quality education in the UK in institutions in which sound and consistent audit/inspection systems and publicly accountable quality assurance regimes are in place. The UK Border Agency should be more efficient and effective in processing of applications for HTS, the management of the HTS systems and the status and working of institutions in relation to HTS.

2. Students wishing to study a new course should not be required to return home and apply from overseas

The current practice which allows international students to progress from one programme to another within the UK should be retained. Any requirement for international students studying at HTS institutions to return home and apply from overseas would dramatically decrease the likelihood of highly qualified international students returning to the UK to study.

In order to prevent misuse of the system, this should be limited to particular circumstances:

- (i) Students who successfully complete one course and progress to a new course within a defined period of time, for example, a student completing an undergraduate course and progressing to a postgraduate degree commencing within four months of first degree completion.
- (ii) Students who are dissatisfied with their course and/or institution: a student who would like to study a different course in the same institution or another should be allowed to switch to another sponsor or the same rated licence or above.

3. The post-study work route should not be discontinued

The Post Study Work (PSW) route started with the Prime Minister's Initiative after 1998 and it has contributed to Britain becoming the second most attractive destination for international students after the USA. It is beneficial to business and the UK economy as a whole: graduates who have experienced working for UK businesses are more likely to regard UK business favourably and place orders or work with UK companies in the future.

Closure of PSW would also have a significant impact on the number of international students studying at UK universities and would put the UK at a disadvantage compared to its other HE competitors. Universities are already receiving reports from their Regional Offices that applicants are considering applying to universities in Canada and New Zealand for next year because they have adopted PSW policies. China Nursing Fund has advised that their members have started to consider countries other than UK as a result of the UK government's proposals to end PSW.

It would be much more effective if the Home Office/UKBA restricting the route to graduates from HTS institutions and considered how they could improve controls to ensure students leave the UK after completion of PSW rather than end the PSW route.

February 2011

Written evidence submitted by the University of Sunderland (SV58)

NATIONAL OVERVIEW

International students are vital to the health and strength both of the UK university sector, and the UK economy overall. The UK is a global leader in the recruitment of international students—second only to the US. This is a vital component of the UK's ability to compete effectively in the global knowledge economy, and to drive the economic growth that the UK needs.

The global growth opportunity in relation to international students is significant. If the UK is able to hold market share in a global market which is growing by 7% per year, by 2030 there could be more than one million additional international students in the UK. A conservative estimate suggests that this could be worth around £5 billion to the UK, with potentially 35,000 additional academic jobs, and 45,000 support staff jobs created.¹¹¹

The international activities of universities contribute around £5.3 billion to the UK economy. This includes the fees that are paid directly to universities from international students, as well as the additional spending from students and families which benefits the economy. In addition, it is estimated that international students generate around £3.26 billion knock-on output for the UK economy.¹¹² The potential exists to double the income from this source over the next 5–10 years, significantly improving the UK's overall balance of trade.

Universities have made plans to increase their numbers of international students over the five-year period from 2008–09 to 2012–13 (the latest years for which plans are available). These plans indicate a projected increase in full-time international students of around 38,000, or 23% over this period. Income from international students is projected to increase by £661 million over this period, an increase of around 37%. These projections

¹¹¹ Source: *From Austerity to Prosperity*, McKinsey Global Institute, November 2010.

¹¹² Source: *The impact of universities on the UK economy*, Universities UK, November 2009.

are likely to have been altered in the most recent forecasts, in the light of the increasing importance of international activities, and the changes to funding for UK and EU students.

Having a global network of alumni who studied at Britain's universities significantly increases our soft power and influence abroad. When combined with the economic impact, international student mobility becomes an extremely powerful tool to increase the UK's global reach and leverage.

DATA AND DATA DEFINITIONS

We do not believe that students should be counted as economic migrants. They are not in the UK for economic reasons, their time in the UK does not count towards any later application for settlement, unlike workers, and they have no recourse to public funds. This remains our overall policy goal.

The following points are important:

The International Passenger Survey (IPS) data on which the UK Border Agency's (UKBA) data estimates are based are unreliable. In particular, it is considered that they underestimate the outflow of emigrants from the UK.

Universities UK (UUK) will be working on sourcing alternative, more reliable data sources. These comprise data from Higher Education Statistics Agency, the Home Office's visa records, and eBorders passenger flight mandate data. It is very important that data can be shared between UUK and UKBA to support intelligent policy design.

The UK has some of the most internationalised universities among the Organisation for Economic Co-operation and Development (OECD) countries, with international students accounting for 14.7% of all higher education enrolments in 2008. For full-time postgraduate students, this figure rises to 44%. UK universities welcome students from over 190 countries.

There were 251,334 non-EU international students in UK Higher Education Institution's in 2008-09. Within this total, 144,784 were in the first year of study in 2008-09.

There were 95,995 students studying full-time at undergraduate level. There were 117,920 students studying full-time at postgraduate level.

POLICY OPTIONS

A number of policy options are being considered by the Government to address the issue of student immigration and perceived abuse of the existing Tier 4 route¹¹³. These include:

- Raising the level of courses students can study under Tier 4 largely to degree-level courses and child students. Only Highly Trusted Sponsors will be permitted to offer courses below degree level to adults.
- Introducing tougher entry criteria for students including raising the level of English language competence from level B1 to B2.
- Ensuring students return overseas after their course by i) closing Tier 1 Post Study Work and ii) requiring that students wishing to remain in the UK to complete further study after their initial course will have to show clear evidence of academic progression.

Important points to consider in respect of the proposals include:

Dealing with abuse of the system: there is very little of this in the university sector (estimated non-compliance in the university sector is around 2% of students) but we are committed to eliminating it.

Feeder colleges: there is a strong policy drive to restrict access for international students at institutions offering provision below university level. However, this ignores the complex partnership arrangements which universities have with a wide range of pathway providers. It is thus extremely important to differentiate between those students attending feeder colleges who intend to progress to a UK university, and those who have no such intention.

Highly-Trusted Sponsor (HTS): HTS status is a powerful policy tool which, if used appropriately, could potentially deal with a lot of the issues of concern to UKBA.

English language requirement: we believe that HTS institutions should be able to determine their own language requirements, since that is a matter of academic judgement. Between 30 and 50% of international students joining university programmes prepare for study by taking a range of preparatory programmes in the UK, run by universities or in partnership with other providers in the UK.

Post-study Work Route: we believe this route needs further analysis, as opposed to outright closure at this stage. It is a valuable route for international graduates to build on their academic experience with a period of work.

¹¹³ A full summary of the Tier 4 consultation proposals can be found on the UKBA website via the following link www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/students/

REGIONAL OVERVIEW (SUNDERLAND)

For the 2010–11 academic year the University of Sunderland has 2,100 international students studying on campus. These students bring an income to the University of £15 million in tuition fees and £1.5 million in accommodation fees. The students also have a major economic impact within the City where many students live in private rented accommodation and also spend on their daily living costs. It is estimated that the additional income to the city is around £10 million per year. The total income to the City as a whole is therefore over £25 million per year.

The proposals will not only impact on the University itself but will also impact on businesses within Sunderland such as retail, private accommodation etc.

The proposed changes to the Tier 4 student visa regime, which are currently under consideration, will severely harm the numbers of students wishing to come to study in Sunderland. The city, and cities across the whole of UK, will become less attractive as a chosen place of study. Students will instead chose to study in countries such as Australia, USA, Germany and other European nations.

In particular, the proposals do not allow visas for sub degree level programmes, where students then feed into degree programmes and the removal of the Post Study Work Visa are particularly harmful.

Although it is difficult to be precise, the new Tier 4 regime could result in a 25% reduction in the number of international students coming to study in Sunderland, with an annual economic impact on the city of around £6 million.

One of the key propositions of the proposal is that Tier 4 should make a contribution towards the reduction in migration to the UK. However, this migration is not permanent and this goes against the aim to grow the number of international students studying in the UK.

February 2011

Written evidence submitted by Cardiff University (SV59)

Although we share the Government's commitment to improving the public's confidence in the immigration system and its concerns about abuse of the student visa route (there is only 2% abuse of the visa system in the higher education sector), restricting the number of legitimate students who can study in the UK will have a number of unintended consequences.

Limiting international student mobility will cause academic, political and economic harm to universities. It will negatively impact the global standing of the UK and damage the wider economy. And as importantly, it will limit the significant role higher education plays in supporting the Government's commitment to delivering on the Millennium Development Goals and other strategic priorities.

UK higher education enjoys an excellent reputation overseas. Students from developing countries in particular look to the UK for the high quality of the education, which often cannot be found in their home countries. For example our Postgraduate Masters course in Public Health in our School of Medicine attracts 22 international students from seven countries, including Kenya, Nigeria, Pakistan and Saudi Arabia, who return to their home country to make a positive impact on their own health care systems. These students may be restricted from studying in the UK if these changes go ahead.

Our undergraduate course in Medicine only accepts international students from countries where there is inadequate medical education in their home country. Over time this leads to capacity building overseas and supports the medical infrastructure in these source countries. Many of these students undertake English Language training on our feeder course before embarking on that undergraduate medical course.

Cardiff University offers a wide range of postgraduate masters courses in health related disciplines. Currently we have students from 39 countries, including Sudan, Uganda, Ghana, Kuwait, Libya, Malawi and the Philippines studying here.

One particular student from The Republic of Namibia successfully completed her studies in our Department of Dermatology and Wound Healing, to later return home as the only qualified dermatologist in her country.

This practical development of higher level skills applies to many areas within the University. For example, masters programmes in Sustainable Development (Cardiff University's Welsh School of Architecture), International Journalism and Political Communication (School of Journalism, Media and Cultural Studies), International Planning and Development (School of City and Regional Planning), Human Resource Management (Cardiff University's Business School), or Civil Engineering. Again, these courses support capacity building overseas and align to the work of the Department of International Development.

Alongside many of the economic arguments for continuing to welcome international students to the UK, students are not economic migrants. Those who have studied in the UK, many of whom are sponsored by overseas governments, return home as ambassadors for the UK, and have an important role in fostering longstanding diplomatic and trade relations between the UK and their home country.

They are also part of developing an international education system. These systems have an important role to play in the development of global citizens—people that are aware of the wider world, who understand how it works economically, politically, socially, culturally, technologically and environmentally. It is also key to the UK and other developed knowledge economies, and as such should be seen as a significant element of advancing education systems of emerging economies.

Equally important is the benefit international students bring to our home students. They add enormously to the multi-culturalism, diversity and vibrancy of the University's learning and teaching environment which benefits everyone in the University, the city, and Wales.

It is vitally important that the government policy to reduce net migration is implemented in such a way as to minimise the damage to the university sector, and to the UK's role in a global society.

We would be very grateful if you would consider sharing this information with your colleagues on the Home Affairs Select Committee.

February 2011

Written evidence submitted by Business, Innovation and Skills Committee (SV60)

As your Committee is currently conducting an inquiry into student visas I thought you may be interested in my Committee's recent visit to China. Although I was unable to participate in the visit, those Members who did, reported back significant concerns from UK universities and businesses in China about the negative impact of the visa regime and proposed immigration cap on the UK economy.

My Committee met with a large number of companies and a significant proportion of them argued that the current visa regime and immigration cap were severely inhibiting their ability to transfer graduate staff between their offices in China and the UK. In terms of graduate training, this was having a serious impact on their ability to provide Chinese staff with practical training in the UK.

Of more relevance to your inquiry, Members of the British Chambers of Commerce in China argued that there was now a perception in China that Chinese students were "getting kicked out" of the UK. As a result, Chinese students were now looking to other countries to study including the USA, Sweden, Norway and Australia. This view was supported by Dulwich College, Queen Mary College London, Newcastle University and Manchester Business School, who all were deeply concerned about the impact of this on UK higher education. In particular, they believed that it was affecting their institutions in terms of both lost revenue and the ability of UK universities to retain their world class status. Furthermore, they all have had direct experience of great difficulties in obtaining visas for Chinese students studying under joint UK/Chinese university programmes.

My Committee intend to hold a one-off evidence session on the issue of visas which will inform our inquiries into Trade and Export and Higher Education reforms. I do not believe that the overlap between our two Committees on this issue will in any way detract from your inquiry and I am sure that we will draw on your findings when we publish our Reports.

I would be happy to discuss this with you in more detail should you wish to.

March 2011

Written evidence submitted by BioIndustry Association (BIA) (SV61)

I am writing on behalf of the BioIndustry Association (BIA), the voice for innovative healthcare focused bioscience companies in the UK, with regard to the impact of the proposed restrictions on Tier 4 migration and the Home Affairs Select Committee's inquiry.

The BIA understands that it might be helpful for the Committee to gain an industry perspective on one specific area under consideration—whether a policy for foreign students, where they were allowed to work off campus only on weekends, would be practical.

The majority of the BIA's members are SMEs (Small and Medium Enterprises) and many of them do take on work experience students and university placements, either on an ad hoc or regular basis. While the BIA has not engaged with its full membership on this specific question, there are industry examples relating to the practicality of this proposal which the Select Committee might find of use in its deliberations.

Specifically, this question was asked of Syntaxin, an Oxford based biopharmaceutical SME, which is developing a strong and unique biologics platform that delivers a pipeline of Targeted Secretion Inhibitors. Syntaxin has, over recent years, made use of students from a number of universities (such as Edinburgh, Bath, Sheffield, Leiden) which enables the company to leverage in additional support and workforce as required, or to acquire a specific skill set, in return for offering an element of practical, company-based work experience, training and/or study support. These students are typically with Syntaxin for three to six months, but they have also supported a number of PhD students who have been with the company on a part-time basis for the

duration of their studies (three years). Therefore, Syntaxin is well placed to provide an SME view on student placement issues.

On being asked how a policy regarding foreign students, where they were allowed to work off campus only on weekends, would be viewed, Syntaxin have informed us that such a policy would be impractical to operate and defeat the purpose of a student placement. These placements are only of use to industry and, therefore, only offered if they are available during normal working hours, given the nature of research and the need for supervision for safety and training reasons. A weekend-only availability would not satisfy these requirements, would offer little to a company and would, therefore, preclude these students from working at Syntaxin.

Student placements within industry are an important part of the skills development process, with short and long term benefits both for the students themselves and for industry, and others who rely on the provision of highly qualified and highly skilled researchers. The above example demonstrates the need for these placements to remain practical and flexible to industry's needs with, if possible, light touch policy and regulation.

If it was considered helpful, the BIA would be happy to engage with members further on this specific issue.

March 2011
