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Scottish Affairs Committee

The Student Immigration System in Scotland

Fifth Report of Session 2010–12

Volume I

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The Scottish Affairs Committee

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1 Student immigration

Background

1. Since March 2009, there have been five routes, described as ‘Tiers’, for non EU immigration into the UK. Students from outside the EU, who wish to study in the UK, have to apply for a visa through Tier 4.¹ (See Annex 1 for more information on the points based immigration system.) Students and their dependants now represent the largest proportion of non-EU net migration to the UK, and in 2009 accounted for approximately 139,000 out of the total net migration figure of 184,000, which is 76% of total net migration.² The Government has said that it wished to reduce net migration to “the tens of thousands rather than the hundreds of thousands”.³ The Government has introduced a cap on the number of non-EU economic migrants able to enter the UK for work, and announced that further measures would be introduced in order to reduce the number of migrants entering the UK as students.⁴

Definition of an immigrant

2. It is arguable that the easiest way to remove this considerable proportion from the immigration statistics would be to not consider students as migrants; particularly as they are the least likely to wish to stay permanently and least likely to bring dependents.⁵ The Minister for Immigration, Damian Green MP, noted that the UK use an internationally agreed UN definition of immigrant—someone who stays for 12 months or more⁶—and as such could not change it:

[...] the idea that any Government could say "We've solved the serious problem of immigration simply by redefining what immigrants are" would have no credibility. It would clearly be an absurd thing to do. We have to keep using the internationally agreed figures that are always used.⁷

3. We have some sympathy with the view that students should be considered temporary visitors rather than migrants as their visa is time limited and there is an expectation that they will return to their home country. The Government should distinguish between those students who are here on a temporary basis and those who seek and secure permanent settlement, and publish both datasets.⁸

1 See www.ukba.homeoffice.gov.uk/ for more information on the system for immigration to the UK. We use the phrase international students to describe those from outside the EU.

2 HC Deb 8 February 2011, col 278.

3 For example, *David Cameron immigration speech*, 14 April 2011, www.bbc.co.uk/news/uk-politics-13083781

4 HM Government, *The Coalition: our programme for government*, Ch.17 Immigration, page 21

5 Home Office, *The Migrant Journey*, September 2010

6 Home Office and UKBA, *The Student Immigration System, A Consultation*, December 2010, para 2.7

7 HC Deb 8 February 2011, Col 278

8 See also Home Affairs Committee, Seventh Report of Session 2010-11, *Student Visas*, 17 March 2011

The Government's proposals

4. In December 2010 the Home Office published a consultation paper on student immigration, which had two stated aims: first, to introduce measures to reduce abuse of the immigration system, and secondly, to significantly reduce the number of international students, and thus the number of migrants, coming to the UK. At the same time, the Home Secretary said: “we do not want genuine, high quality students to be deterred by visa procedures”.⁹ The consultation included proposals to:

- raise the level of courses that students can study;
- introduce tougher entry criteria for students;
- ensure students return overseas after their course;
- limit entitlement for students to work and sponsor dependents;
- ease the procedure for checking low risk applications; and
- introduce stricter accreditation procedure for private education providers.¹⁰

5. Following the publication of the consultation, we met with Universities Scotland and representatives from several Scottish universities who expressed concerns in relation to the Government's proposals. We announced our inquiry in March 2011 and took oral evidence from the National Union of Students, University and College Union Scotland, the Scottish Trade Union Congress, The University of Aberdeen, Robert Gordon University, Edinburgh Napier University and Universities Scotland in Aberdeen, and from Damian Green MP, Minister for Immigration, Home Office, and the UK Border Agency (UKBA) in London.

6. The Government received over 31,000 responses to its consultation and, as a result, has amended some of the proposals.¹¹ In addition, the Minister conceded that because of the complexity of the issues, some changes would be rolled out over a couple of years, and even those “finally nailed down next April [2012] may well still be slightly fuzzy round the edges”.¹²

7. We welcome the willingness of the Government to engage with the higher education sector, this Committee, and others in Scotland on this matter. We look forward to further concrete proposals designed to address the fears and concerns expressed to us in relation to the proposed changes to the student immigration system, and urge the Government to monitor these proposals to assess what impact they are having upon the world class education currently provided in Scotland.

9 Home Office and UKBA, *The Student Immigration System, A Consultation*, December 2010

10 Home Office and UKBA, *The Student Immigration System, A Consultation*, December 2010

11 Q 78. See also changes to the Immigration Rules announced on 22 March www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2011/june/17-t4-changes

12 Q 79

2 Student immigration in Scotland

International students in Scotland

8. Scotland has over 24,000 non EU students, 11% of its total student population.¹³ The actual proportion varies between institutions: from 8.5% at Glasgow Caledonian University up to 30% at the University of St Andrews.¹⁴ The proportion of international students, used in this context to mean those from outside the EU, is generally higher on post-graduate courses: this averages 36.7% in Scotland¹⁵ and is as high as 48% at Heriot-Watt University.¹⁶ 20% of university staff in Scotland are from “outside the UK”.¹⁷

9. A common theme in our evidence was that international students make a positive financial contribution to universities and the wider economy of Scotland. International students pay their own fees, pay rent, spend money in the local economy, and make minimum demands on public services.¹⁸ The University of Strathclyde estimated that international students contribute £188 million directly to universities in Scotland directly, and a further £321 million to the wider economy of Scotland.¹⁹ Heriot-Watt told us they received £19 million in student fees from international students in 2010/11,²⁰ while St Andrews described international students as “absolutely vital” to their long term financial sustainability.²¹ The income derived from international students, who pay higher fees than domestic students, is not only a valuable source of funding in itself, but is also used to cross-subsidise less economically viable courses.²² We were told that some courses would be put at risk if the number of international students was reduced.²³

10. International students contribute also to the postgraduate research and academic teaching staff. There is value in an established world-wide network of former students who, alongside the Scottish diaspora, provide a considerable amount of good will, trade and repeat tourism to Scotland. International students who spend time in Scotland invariably take a positive impression of Scotland back to their home country.²⁴

11. International students provide important financial support to both the university sector and to the wider economy of Scotland. They also contribute culturally to the universities and communities where they study, and can act as ambassadors for

13 Ev 34

14 Ev w30 [Glasgow Caledonian University] and Ev w15 [University of St Andrews].

15 Q 15 [Note, the witness did not specify if this figure included individuals from within the EU]

16 Ev w12

17 Q 51

18 For example, see the written evidence from the Scottish Executive Ev w33

19 For example, see Ev 35. The Home Office/UKBA consultation paper noted that international students paid £2.2 billion in tuition fees in 2008/09 across the UK

20 Ev w12

21 Ev w15

22 Ev w20

23 Ev w25

24 For example, see Q 3 [Robin Parker] or Ev w19. See also Homes Affairs Committee, Seventh Report of Session 2010–11, *Student Visas*, HC 773, paras 18–20

Scotland on return to their home country. They make an overwhelmingly positive contribution to Scottish society.

Impact of the proposals upon Scotland

Highly Trusted Sponsor

12. Since April 2010, education institutions that want to bring international students into the UK for longer than twelve months have to apply to the UKBA for a Highly Trusted Sponsor (HTS) licence. To receive and retain a licence, the institution must have a proven track record of visa compliance and meet targets around the proportion of students who drop out during the course.²⁵

13. Retaining the HTS licence pushes the responsibility on to the education provider to only take international students whom they believe are committed, and able to fulfil their course requirements. This may mean giving undue consideration to non-academic factors—such as a student’s ability to make a financial commitment rather than their ability to speak English.²⁶ The University of Stirling raised several concerns around how some institutions might struggle to retain HTS status through no fault of their own, such as when a student breaches immigration rules outside the knowledge of the institution, and whether education institutions can be reasonably expected to vet non-academic credentials.²⁷ Institutions with small student bodies might be vulnerable to one or two drop-outs,²⁸ and those with satellite campuses might face difficulties in monitoring attendance.²⁹ Anticipating potential drop outs would require academic and support staff to take an active role in policing and monitoring attendance, which Lesley McIntosh, President of the University and College Union Scotland, argued could cause tension in the relationship between staff and students.³⁰

14. However, in general, the evidence we received appreciated the value of the HTS scheme. Alastair Sim, Director of Universities Scotland, told us:

I think there is a huge amount of premium involved in being a highly trusted sponsor because you are basically not able to compete in the international market if you cannot retain that. If you cannot demonstrate that you are supporting and retaining your international students and you can actually vouch for the fact that they are still there and still progressing in their studies, then you are out of the market.³¹

15. Professor Diamond, Principal, University of Aberdeen, said he was proud of the policies Aberdeen had in place to monitor the attendance of students regardless of where

25 Ev w31

26 Ev w23

27 Ev w19

28 Ev w31

29 Q 3

30 Q 3

31 Q 46

they came from, but suggested that attendance was a greater problem among domestic rather than international students.³²

16. *Bona fide* education institutions clearly have a reputational and economic stake in retaining their HTS status—as can be demonstrated by the example of Glasgow Caledonian University, which recently had its HTS licence suspended after 135 international nursing students were found to be spending only two days a month at the university, and otherwise working in private care homes throughout the UK—in one case at least, for up to 100 hours a week. It is not apparent that Glasgow Caledonian University would have picked up on the matter itself as suspicions were only raised when one of the students applied to bring a dependant to Scotland and provided wage slips as evidence of their ability to support them.³³ Damian Green observed that once the Government suspended its licence, Glasgow Caledonian University acted very swiftly, allowed UKBA to interview all the students, changed the course requirements so that more time is spent on campus and generally did what was necessary to remedy the problem. As a result, the Minister said: “we have very swiftly reinstated their licence. This seems to me to be the regulatory system working absolutely as it should do.”³⁴

17. We were also informed that this problem was not limited to Glasgow Caledonian University, that the UKBA were carrying out investigations elsewhere in the UK,³⁵ and it was hoped that the incident would serve as a warning to other universities that they should not be complacent in relation to their monitoring systems.³⁶

18. Highly Trusted Sponsor status is of great value to the reputation of any education provider that wants to attract international students. However, without effective systems in place, abuse may go undetected, and the university or college will find their reputation at risk. Education providers who wish to attract international students will have to spend some time and money on a system to monitor attendance and anticipate those students who may be in danger of leaving the course.

Four year degrees

19. We received evidence expressing concern that the proposal to impose a maximum five year limit on any student visa would have a disproportionate effect on Scottish universities because the standard Scottish undergraduate honours degree is four years, compared to three years in England. In addition, a five year limit would have implications for students studying an undergraduate course with an element abroad or on work placement, or a five year integrated masters programmes (e.g. MChem, MSci, MPhys.), or any post-graduate course that is longer than 12 months. It would also reduce the flexibility for legitimate extensions. It was suggested to us that a student visa for Scotland should have a maximum six year limit.³⁷

32 Q 43

33 Qq 130–142

34 Qq 130–131

35 Q 140

36 Q 142

37 Ev 44

20. While the Minister conceded that a decision had not been taken as to whether a different rule could apply in Scotland, allowing for a possible six year visa,³⁸ he remained unconvinced the issue was unique to Scotland because there are four year degrees in England,³⁹ and he doubted whether any differential rules could be enforced across the domestic border between Scotland and England. However, Canada was cited as an example where it had been demonstrated that it was possible to operate different immigration systems in different parts of the same State.⁴⁰

21. The five year visa limit appears to be based on adding two years to a standard English three year degree. Logic would suggest that if the visa limit is based on ‘the length of a standard degree plus two years’ and a standard degree in Scotland is four years, then there is a strong argument for a visa limit of six years for international students studying on a conventional four year degree in Scotland.

22. We understand that the Minister is wary of creating a potential loophole which may be exploited by a few. We believe that, if monitored properly, a six year visa limit for international students studying in Scotland, or on longer courses in England and Wales, should be permitted in exceptional circumstances.

Population and skill needs

23. Scotland has a population that is declining in number and gradually getting older—the number of births is projected to fall from 60,000 in 2008 to 53,600 in 2033,⁴¹ while the projected increase in population over the age of 75 years is set to rise by 84%.⁴² Ayr College told us that 26% of their local population will be 65-70 years old by 2015, while those aged 16-18 will have decreased by 12%.⁴³ In addition, Scotland has skills gaps in certain industries and professions. According to the Alliance of Sector Skills Councils, Scotland will need thousands of skilled engineers, managers, and technicians to fill future opportunities in expanding industries such as the creative industries, energy, financial & business services, food & drink, life sciences and tourism.⁴⁴ This is not just a problem on the far horizon: the Alliance said it was proving difficult to fill 55% of all current vacancies in the energy and utilities sector in Scotland.⁴⁵

24. Many international students who choose to study in Scotland do so with the aim of acquiring skills that are both in demand in Scotland and in demand by employers who operate globally. In 2009-10, the intake for the Institute for Petroleum Engineering at Heriot-Watt University totalled 181 students, 109 of which were non-EU.⁴⁶ In the UK

38 Q 87

39 Qq 82–84, and Q 92

40 Q 93

41 Ev w12

42 Ev 35

43 Ev w14. See also Ev w33

44 Ev w27

45 Ev w27

46 Ev w12

context, 39% of international students study science and technology subjects, precisely the subjects that the UK knowledge economy needs.⁴⁷

25. In contrast, the Minister thought it was unwise to rely upon immigration to address skills gaps as it did not incentivise employers or government to provide the necessary training at a time when Scotland has a large number of unemployed young people:

If your first response as an economy to having any kind of pressure is to bring in more people from around the world, one of the dangers is that you let employers off the hook of training and you let governments off the hook of proper education and training. That is what has happened to a large extent, overall, in the UK labour market in the last 10 or 15 years.⁴⁸

26. International students had previously been allowed to study in Scotland and remain, short term, for two years afterwards through the Fresh Talent scheme,⁴⁹ hoping they would study in Scotland then graduate, acquire experience with Scottish employers and contribute to the Scottish economy.⁵⁰ However, Phil Taylor, UKBA, quoted research on where the Fresh Talent students had ended up after one year:

About 50% were no longer in Scotland. [...] About 25% appeared to be working in low-level jobs in bars and restaurants as waiters. Possibly, at best, around 25% were working in what you might call graduate work where you could arguably say they were adding to the value of their degree⁵¹

27. We accept the Minister's view that mass immigration will not solve problems around skills shortages in Scotland. In addition, we recognise there was a flaw in the Fresh Talent initiative as only a quarter of those who took part appeared to have found employment where graduate level skills were required after one year. **While attracting international students may not be the answer to the long term demographic and skill needs of Scotland, we do believe they can, in the short term, help ensure that business and industry has access to skills in those sectors of most value to Scotland.**

28. There is a risk that the immigration proposals may damage some of the relationships between universities and industry. Scotland could lose its attractiveness to multinational companies.⁵² In turn, this may affect those sectors where Scottish Universities are strong, research and innovation is strong, and there is potential for future sustained economic development, such as energy.⁵³ **We do not think that initiatives such as Fresh Talent are targeted enough to meet the specialist skill needs of many global industries. If the opportunity to gain work experience is as valuable as the universities suggest, we believe they should do more to integrate the relevant work experience into the course. If**

47 Home Affairs Committee, Seventh Report of Session 2010–11, *Student Visas*, HC 773, Q 66

48 Q 97

49 For example, see Ev w6

50 Q 2

51 Q 98

52 Ev w12

53 For example see *Scots Chinese deal as Vice Premier Li Keqiang visits UK*, BBC News Scotland, 9 January 2011

industry wants to ensure certain skills are available, then it should be more closely involved with both higher and further education sectors.

Post-Study Work

29. Fresh Talent was replaced by the Post Study Work (PSW) scheme, which allowed students two years to seek employment after their course ended. This is now being closed and replaced by a system allowing students to move from a Tier 4 student visa onto a visa under Tier 2 as a skilled worker if they find, first, a graduate level job and a sponsoring employer, and second, apply for a Tier 2 visa within four months of their course ending.⁵⁴ They will not be subject to the resident market test⁵⁵ and there will not be a limit on the number of individuals who can switch from Tier 4 to Tier 2. However, there will be an annual cap on the total number of Tier 2 visas available—20,700 places for 2011/12.⁵⁶

30. Closing the PSW route would significantly reduce the attractiveness of Scotland as a destination to study and, unsurprisingly, the majority of evidence we received supported retaining the PSW visa. We note that most of the evidence to the Home Affairs Committee inquiry into Student Visas also supported the retention of the PSW.⁵⁷ The University of Strathclyde said their students, in particular those from India, expect to be able to work on graduation, and that they fully expected numbers to decline once PSW was removed after April 2012.⁵⁸ Stow College Glasgow said that, in their experience, many international students were keen to return to their home countries with both a UK education and some immediate post-study work experience.⁵⁹

31. Joy Elliot, International Students Representative, NUS, said that in a survey of 9,000 international students in the UK, 75% felt that the post-study work visa was vitally important to their decision to come to the UK.⁶⁰ There is an undoubted attraction to studying in Scotland and gaining experience in the Scottish workplace, particularly if the employment is with a company that operates both in Scotland and their home country.⁶¹

32. There were fears that switching from Tier 4 to Tier 2 has the potential to put off sponsoring employers because at the time of the application, the student would have to tick the ‘Not eligible to work in the UK’ box.⁶² However, the Minister wanted to get away from a system where students come to Scotland because “there is a work visa attached at the end of it, or an even more generous ‘come here and stay and look for a job for up to two years’ visa.”⁶³ Phil Taylor, UKBA, said the new system will allow for those students who want to

54 Q 109

55 The resident market test would normally require the employer to justify that the domestic job market cannot provide someone to fill the post. See UKBA Summary of the new student policy. www.ukba.homeoffice.gov.uk

56 www.ukba.homeoffice.gov.uk

57 Seventh Report from the Home Affairs Committee, Session 2010–11, *Student Visas*, HC 773, paras 52–53

58 Ev w25

59 Ev w8

60 Q 33

61 Q 39

62 Q 36. See also Ev 46

63 Qq 93–94

gain work experience, either through an element of work experience as part of the course, or by securing graduate level work afterwards and switching to a Tier 2 visa.⁶⁴

33. It is clear that the Post Study Work route provided an attractive incentive for students to study in Scotland. It filled a particular need in Scotland, to enable graduates to gain experience with Scottish employers at the same time as Scottish employers benefitted from their knowledge and skills. However, we recognise that some of those who took part in the Fresh Talent scheme took jobs that did not require a degree.

34. Removing the Post Study Work route should reduce the number of international students who do stay on in Scotland and take jobs that do not require a degree. However, we are concerned that this might be at the expense of international students who would seek graduate level jobs, because they will have been deterred from applying to study in Scotland.

Switching from Tier 4 to Tier 2

35. From summer 2011, students on a Tier 4 visa will only be able to bring their dependent family members with them if studying on a course at least 12 months long, which is either a post graduate course or is government sponsored.⁶⁵ Persons switching from Tier 4 to Tier 2, following what would be the new PSW route, will be subject to different rules from those entering via a Tier 2 visa. Those moving from Tier 4 will not be able to bring in any new dependants and, if they did, would have to do so from the Tier 2 general category and be subject to the overall cap on Tier 2 visas.⁶⁶ A common cause of mature students not finishing their course is because they miss their families.⁶⁷ This may inhibit privately funded postgraduates with family dependants from coming to the UK.⁶⁸

£20,000

36. The Government has said that graduates can switch from Tier 4 to Tier 2 from inside the UK, if they can find an offer of a skilled, graduate level job that meets the minimum salary requirement of at least £20,000 a year. However, many professional careers start on a lower salary than £20,000, and there is significant variation between professions. We were told that graduate placement programmes generally provide a salary of around £14,000, the Law Society recommends trainee lawyers receive £15,000 in their first year, and design professionals, such as web designers, achieve an average starting salary of £17,829.⁶⁹

37. There are many circumstances where it is unrealistic to expect a starting salary of £20,000. It is an advantage for Scottish universities to advertise the potential for work, for a limited period of time, in Scotland after graduation. A minimum starting salary of £20,000 will create a barrier to international students finding work and reduce the attraction of

64 Q 100

65 Home Office & UKBA, *Student Visas, Statement of Intent and Transitional Measures*, March 2011

66 Q 151

67 Ev w35

68 Ev w25 and Ev 37

69 Ev 46

applying to study in Scotland. There is clearly variety between professions and regional variety throughout the UK. **We are concerned that the Government are using a salary to define a graduate level job, and seek further clarification in relation to the definition of “graduate level employment”. We recommend that the Government consider a lower starting salary for those wishing to transfer from Tier 4 to Tier 2 in those circumstances where it can be demonstrated that the starting salary for the relevant profession is below or above £20,000.**

Bogus colleges

38. There was a general consensus in our evidence that a problem existed around students gaining entry to the UK to attend so called ‘bogus colleges’ (the stereotypical language school above the chip shop), and students gaining entry to study on courses below degree level. Most of our evidence supported initiatives to identify and close bogus colleges, and the SCDI told us the reason for the student visa system falling into disrepute was because of a small minority of such bogus institutions.⁷⁰

39. It is not clear to us that there is a problem with international students at well-established Universities. Compared to the other avenues open for immigration to the UK, students are least likely to be accompanied by dependants and least likely to move to settlement.⁷¹ Among students, problems of non compliance in the university sector are not comparable with those faced by further education colleges. The Home Office consultation paper quoted research that found only 39% of students at private further and higher education institutions were enrolled and continuing to study, compared to 84% of university students.⁷² The UKBA’s own research found that non-compliance with visa requirements at universities was around 2%, compared to 14% amongst language school students and 26% in private institutions.⁷³

40. We received evidence from a group of ‘pathway colleges’ who prepare international students for study in the UK, through English language courses and research methods course. The colleges pointed out that there are five accreditation agencies, so that anyone who wanted to set up a new college can go ‘accreditation shopping’ until they were successful.⁷⁴ The Government has said it believed that this system could be strengthened, yet the consultation merely asked if “more should be done to raise accreditation and inspection standards”.⁷⁵ The further and higher education sector has been tainted by the problem of bogus colleges. The Government’s own figures show that most of the abuse is with bogus colleges providing sub-degree courses. This is an issue that should be addressed first, and would bring the most effective and speedy reduction in numbers. Reducing the number of bodies that allow someone wishing to set up a college to shop for accreditation, would appear to be an obvious place to start.

70 For example see Ev w6

71 Home Office, *The Migrant Journey*, September 2010

72 Home Office and UKBA, *The Student Immigration System, A Consultation*, December 2010, para 9.2

73 Home Office and UKBA, *The Student Immigration System: A Consultation*, December 2010, para 4.3

74 Ev w23

75 Home Office and UKBA, *The Student Immigration System, A Consultation*, December 2010, Q 18

41. A broad policy solution is being inflicted upon all education providers, no matter the level of risk of their students absconding. The UK Council for International Student Affairs summarised their view:

We would have argued that if eradicating abuse is the main objective, priority should be given to further efforts to minimise remaining areas of abuse through tighter inspection, enforcement and compliance of those institutions at the margins, where real risk exists, rather than yet more technical rule changes enforced on all.⁷⁶

The Minister agreed:

The rules that we set won't adversely affect genuine students studying at genuine universities. [...] As I have said once, but will repeat again, the vast bulk of the effect of our changes, particularly in terms of reducing net migration, which is the Government's overall target, will affect people who are coming here to study courses at below degree level.⁷⁷

42. The UKBA had closed or suspended the licences of near 71 such colleges across the UK in the past 12 months.⁷⁸ However, we were told that bogus colleges did not appear to be a large problem in Scotland—the Minister conceded that, to date, only 11 such colleges had been found in Scotland.⁷⁹

43. We recognise that bogus colleges are a problem throughout the UK, and understand the Government's desire to clamp down on such institutions. However, it is not enough for the Government to simply say that its policy is aimed at bogus colleges, when the policy will clearly have consequences for reputable institutions, and has thereby created a high degree of anxiety among the higher education sector in Scotland. The Government and UKBA need to do more: to explain the policy; explain what they are doing to specifically address the issue of accreditation of bogus colleges; reassure bona fide international students and respected educational institutions and make sure that this policy does not have detrimental and unintended consequences for these institutions.

Reputational damage in a global market

44. Five Scottish universities currently feature in the Times Higher Education World University Rankings top 200: the University of Edinburgh (40th), the University of St Andrews (103rd), the University of Glasgow (128th), the University of Dundee (140th) and the University of Aberdeen (149th).⁸⁰ We were repeatedly told that Scottish universities operated in a global marketplace for international students, and that there existed genuine concern that the measures proposed could deter international students from coming to

76 Ev w1

77 Q 117

78 Q 128

79 Q 31, Qq 116–117

80 Ev w20. England, with a population approximately ten times that of Scotland, has 24 universities in the top 200. www.timeshighereducation.co.uk/world-university-rankings/

Scotland, particularly when competitor countries—Canada, New Zealand and Australia—are making their visa process easier and cheaper in order to attract international students.⁸¹

45. Several universities told us that the proposals were being perceived negatively overseas and had received adverse press coverage in some key markets, such as India and China.⁸² Professor Ian Diamond, University of Aberdeen, reiterated this point:

[...] what we have to do, and I believe it may be too late for entries this year, but what we are absolutely going to have to do as the full nature of the proposals works out is go on a major PR campaign. [...] we are, if you like, playing catch-up here while some of our main competitors, for example Australia and Canada, are out on the front foot making things easier. We are going to have to work very hard to maintain our competitive position and we know that.⁸³

46. Shona Cormack, Vice-Principal and Pro Vice-Chancellor, Robert Gordon University, also pointed out that it would take time to assess fully the impact, particularly for postgraduate courses, because it was too early to know how many applications would convert into students enrolling at the University.⁸⁴ The Minister, however, denied the measures would punish universities:

This is not going to make the university sector uncompetitive. You will be pleased to hear that my next engagement very shortly is to talk to all our ambassadors who are over here this week, who are in many cases the front line. They will be the people out of whose offices our visa sections will operate. They are very concerned about this and I am going to talk to them about that in a few minutes.⁸⁵

47. The Minister wrote to us subsequently and repeated his claim:

The US, Australia and New Zealand have arrangements that allow students to stay on after graduation where they have a job offer. Those arrangements are not dissimilar to our plans to allow people to switch from student to worker status from next April. Canada has a relatively new Post Graduation Work Permit Programme. [...] It is very difficult to draw any firm conclusions from these comparisons because the basis of decision-making is different, and the application of rules and procedures can vary according to local practice. Some students will of course consider visa policy before choosing a place of study. But I believe that for most serious students the decision will and indeed should ultimately rest on the quality of the education available.⁸⁶

48. We find the Minister's reply to be unduly complacent in the context of the concerns expressed by the universities. There appear to be well founded concerns that the consultation has affected the reputation of Scotland as a destination for international

81 Ev 34. See also Annex 2 [visa regime in comparative countries from Universities Scotland]

82 Q 54. See also Ev w3 and Ev w12

83 Q 55

84 Q 54

85 Q 163

86 Ev 46

students. While it may be too soon to demonstrate how the Government's proposals have affected Scottish universities, media coverage has been unfavourable in important markets such as India and China—where the proposals are being interpreted as a sign that the UK does not welcome international students.

3 Conclusion

49. The university and higher education sector is of great importance and contributes near £0.5 billion in export income to Scotland.⁸⁷ The Minister emphasised that universities would not be unduly affected by the current immigration proposals.⁸⁸ The universities disagreed. The proposals were intended to address bogus colleges, bogus students and those exploiting a student visa to remain in inappropriate work. While bogus colleges are not a significant problem in Scotland, we have heard evidence to suggest that the other two issues need to be addressed.

50. The Government's agenda is to root out abuse in the system and to pursue its policy objective of reducing net migration to "the tens of thousands rather than the hundreds of thousands".⁸⁹ This is not simple, particularly in light of the ability of EU citizens to freely enter the UK, and is further complicated by the debate around what defines an immigrant—whether students are here on a temporary basis or seeking permanent settlement.

51. It has been suggested to us that students are an easy target—they constitute large numbers, so any reduction will have an impact. As the UK Council for International Student Affairs said: "The majority of the proposals are, we fear, as likely to discourage well qualified students from coming to Scotland (the 'brightest and the best') as they are to discourage abuse".⁹⁰ Some of the proposed measures appear to disproportionately affect universities, considering the Home Office's own data shows that international students are the least likely to be non-compliant with their visa requirements.⁹¹

52. On 1 June 2011, the Home Office published its Impact Assessment into the Reform of the Points Based Student Immigration System. The Assessment identified that the proposals would result in a reduction of around 46,000 fewer students a year compared to the original forecast of an 80,000 reduction. It continued:

Loss of student tuition fees to institutions (£170 million); reduced output from students and their dependents who can no longer come to the UK and reduced output from a change in student work entitlements (£2.0 billion); reduced output from Post Study workers (£1.2 billion); and reduced visa and CAS fee income for the UK Border Agency (£160 million).⁹²

53. The Home Office has estimated that the plans could cost the UK economy between £2.2 and £4.8 billion, mainly due to fewer students arriving and working in the UK, either during or after their course, and the loss of fees to educational institutions.⁹³

87 Ev w15

88 Q 80

89 For example, *David Cameron immigration speech*, 14 April 2011, www.bbc.co.uk/news/uk-politics-13083781

90 Ev w1

91 See also paragraph 4.

92 Home Office, *Reform of the Points Based Student (PBS) Immigration System Impact Assessment*, 1 June 2011

93 "Student migration curbs could cost UK £2.4bn", BBC News online, 13 June 2011

54. The Government's own analysis has concluded that these policies, and their financial impact on the higher education sector, will have a detrimental impact on the UK economy as a whole. Furthermore, these proposals will have a disproportionate effect in Scotland both because of the disproportionate size of the sector in Scotland, and as they are primarily designed to address a problem which is largely insignificant in Scotland. In doing so, these proposals risk compromising and diminishing not only the high standard of education provided by higher education institutions in Scotland, but also threaten the valuable contribution of the international students, who study at these institutions, to Scottish society.

55. We accept the Government's desire to reduce the number of immigrants to the UK, and understand the Government's attention to student immigration because of the sheer number who abuse the student route. There are outstanding concerns in this area, and we urge the Government to address and consider the following as a matter of urgency:

- the necessity of distinguishing students within the definition of immigrant;
- the adverse impact that these proposals will have upon the economy of Scotland;
- the disproportionate impact that these proposals will have on a Scottish higher education sector that punches above its weight internationally;
- the adjustment of UK criteria to accommodate Scottish circumstances; and
- the lack of focus in the proposals to target bogus colleges rather than reputable education institutions that have a proven track record in minimal non-compliance.

We will continue to monitor these issues closely.

Conclusions and recommendations

The Government's proposals

1. We welcome the willingness of the Government to engage with the higher education sector, this Committee, and others in Scotland on this matter. We look forward to further concrete proposals designed to address the fears and concerns expressed to us in relation to the proposed changes to the student immigration system, and urge the Government to monitor these proposals to assess what impact they are having upon the world class education currently provided in Scotland. (Paragraph 7)

International students in Scotland

2. International students provide important financial support to both the university sector and to the wider economy of Scotland. They also contribute culturally to the universities and communities where they study, and can act as ambassadors for Scotland on return to their home country. They make an overwhelmingly positive contribution to Scottish society. (Paragraph 11)

Highly Trusted Sponsor

3. Highly Trusted Sponsor status is of great value to the reputation of any education provider that wants to attract international students. However, without effective systems in place, abuse may go undetected, and the university or college will find their reputation at risk. Education providers who wish to attract international students will have to spend some time and money on a system to monitor attendance and anticipate those students who may be in danger of leaving the course. (Paragraph 18)

Four year degrees

4. The five year visa limit appears to be based on adding two years to a standard English three year degree. Logic would suggest that if the visa limit is based on 'the length of a standard degree plus two years' and a standard degree in Scotland is four years, then there is a strong argument for a visa limit of six years for international students studying on a conventional four year degree in Scotland. (Paragraph 21)
5. We understand that the Minister is wary of creating a potential loophole which may be exploited by a few. We believe that, if monitored properly, a six year visa limit for international students studying in Scotland, or on longer courses in England and Wales, should be permitted in exceptional circumstances. (Paragraph 22)

Population and skill needs

6. While attracting international students may not be the answer to the long term demographic and skill needs of Scotland, we do believe they can, in the short term, help ensure that business and industry has access to skills in those sectors of most value to Scotland. (Paragraph 27)

7. We do not think that initiatives such as Fresh Talent are targeted enough to meet the specialist skill needs of many global industries. If the opportunity to gain work experience is as valuable as the universities suggest, we believe they should do more to integrate the relevant work experience into the course. If industry wants to ensure certain skills are available, then it should be more closely involved with both higher and further education sectors. (Paragraph 28)

Post Study Work

8. It is clear that the Post Study Work route provided an attractive incentive for students to study in Scotland. It filled a particular need in Scotland, to enable graduates to gain experience with Scottish employers at the same time as Scottish employers benefitted from their knowledge and skills. However, we recognise that some of those who took part in the Fresh Talent scheme took jobs that did not require a degree. (Paragraph 33)
9. Removing the Post Study Work route should reduce the number of international students who do stay on in Scotland and take jobs that do not require a degree. However, we are concerned that this might be at the expense of international students who would seek graduate level jobs, because they will have been deterred from applying to study in Scotland. (Paragraph 34)

£20,000

10. We are concerned that the Government are using a salary to define a graduate level job, and seek further clarification in relation to the definition of “graduate level employment”. We recommend that the Government consider a lower starting salary for those wishing to transfer from Tier 4 to Tier 2 in those circumstances where it can be demonstrated that the starting salary for the relevant profession is below or above £20,000. (Paragraph 37)

Bogus colleges

11. We recognise that bogus colleges are a problem throughout the UK, and understand the Government’s desire to clamp down on such institutions. However, it is not enough for the Government to simply say that its policy is aimed at bogus colleges, when the policy will clearly have consequences for reputable institutions, and has thereby created a high degree of anxiety among the higher education sector in Scotland. The Government and UKBA need to do more: to explain the policy; explain what they are doing to specifically address the issue of accreditation of bogus colleges; reassure bona fide international students and respected educational institutions and make sure that this policy does not have detrimental and unintended consequences for these institutions. (Paragraph 43)

Reputational damage in a global market

12. We find the Minister’s reply to be unduly complacent in the context of the concerns expressed by the universities. There appear to be well founded concerns that the consultation has affected the reputation of Scotland as a destination for international

students. While it may be too soon to demonstrate how the Government's proposals have affected Scottish universities, media coverage has been unfavourable in important markets such as India and China—where the proposals are being interpreted as a sign that the UK does not welcome international students. (Paragraph 48)

Conclusion

13. The Government's own analysis has concluded that these policies, and their financial impact on the higher education sector, will have a detrimental impact on the UK economy as a whole. Furthermore, these proposals will have a disproportionate effect in Scotland both because of the disproportionate size of the sector in Scotland, and as they are primarily designed to address a problem which is largely insignificant in Scotland. In doing so, these proposals risk compromising and diminishing not only the high standard of education provided by higher education institutions in Scotland, but also threaten the valuable contribution of the international students, who study at these institutions, to Scottish society. (Paragraph 54)
14. We accept the Government's desire to reduce the number of immigrants to the UK, and understand the Government's attention to student immigration because of the sheer number who abuse the student route. There are outstanding concerns in this area, and we urge the Government to address and consider the following as a matter of urgency:
 - the necessity of distinguishing students within the definition of immigrant;
 - the adverse impact that these proposals will have upon the economy of Scotland;
 - the disproportionate impact that these proposals will have on a Scottish higher education sector that punches above its weight internationally;
 - the adjustment of national criteria to accommodate Scottish circumstances; and
 - the lack of focus in the proposals to target bogus colleges rather than reputable education institutions that have a proven track record in minimal non-compliance.

We will continue to monitor these issues closely. (Paragraph 55)

Annex 1: Five tier points-based immigration

The previous Government introduced a points-based system for economic and student immigration from outside the European Union in 2008.

The system has five tiers according to the reasons for someone wishing to enter the UK, each with different conditions and requirements:

- | | |
|--------|--|
| Tier 1 | Highly skilled individuals, entrepreneurs, investors and post-study workers; |
| Tier 2 | Sponsored skilled workers equivalent to NVQ level 3 or higher (with a job offer), Ministers of religion, sportspeople and intra-company transfers; |
| Tier 3 | Low skilled workers to fill specific temporary labour shortages; |
| Tier 4 | Students (allowed to work limited hours whilst studying). This replaced the UK student visa service; and |
| Tier 5 | Youth mobility and temporary workers (with job offer/sponsor) |

Annex 2: Immigration data from competitor countries

Policy Area	UKBA proposed	Australia	Canada	US	Germany
Basic entry criteria for students	Tougher language criteria for students	Proof of good character, good health, health insurance and not having outstanding debts, adequate financial support	Proof of ID, a valid offer, adequate funds	Proof of ID, a valid offer, adequate funds, English language proficiency, proof of a residence abroad and intention to return	Proof of ID, a valid offer, adequate funds, health insurance
Level of courses students for which study visas granted	Only Highly Trusted Sponsors able to offer courses below degree level to adults	Under-graduate and above	College, university or education institution	Under-graduate and above	Undergraduate and above (plus language courses).
Are students required to return overseas if they wish to extend their student visa for new course?	Yes	No such indication	No such indication	No such indication	No such indication
What entitlements do students have to work whilst studying?	On-campus part-time work only during the week, and full-time hours during holidays.	Up to 20hrs per week term time. Unlimited hours during vacation.	Required to obtain an off-campus work permit (also requires demonstration of hardship), 20 hours term time and full-time during vacation	20 hrs per week term time and full time during vacation. Off campus work allowed from 2nd year of study	90 full days or 180 half days (max. 4hrs/day) per annum. Exceptions may be made for those in hardship Can work year-round at a department in the university
Is post study working visa available?	No	Yes. 6 months following two years full time study in which to apply for a skilled work visa.	Yes. Apply for post study work permit. Visas are valid for less than the duration of study following conclusion of study	Yes. Apply for post study work permit. Visas are valid for the duration of study plus 60 days following conclusion of study	Yes. Up to 12 months.
Can students bring dependants?	Only students studying for more than 12 months	Yes	Yes (subject to demonstrating means of financial support)	Yes (subject to demonstrating means of financial support)	Yes (subject to demonstrating means of financial support)
Work entitlement of dependants.	None	Up to 20hrs per week	Work permit during study and open permit (no job offer required)	No.	Yes (in the case of spouses) same entitlements as student.

Source: Universities Scotland. (The information provided in the table comes from a variety of online sources and it is as accurate as to the best of our knowledge but it may subject to change and variation.)

Formal Minutes

Tuesday 19 July 2011

Members present:

Mr Ian Davidson, in the Chair

Mr Mike Freer

Cathy Jamieson

David Mowat

Fiona O'Donnell

Mr Alan Reid

Lindsay Roy

Dr Eilidh Whiteford

Draft Report (*The Student Immigration System in Scotland*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 55 read and agreed to.

Resolved, That the Report be the Fifth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report, together with written evidence reported and ordered to be published on 4 April 2011.

[Adjourned till Wednesday 14 September at 2.00pm .

Witnesses

Monday 4 April 2011

Page

Joy Elliot, NUS NEC, International Students Representative, **Robin Parker**, NUS President Elect, currently President of the University of Aberdeen's Student Association, **Lesley McIntosh**, President, University and College Union Scotland and **Helen Martin**, Assistant Secretary, STUC

Ev 1

Professor Ian Diamond, Principal, University of Aberdeen, **Shona Cormack**, Vice-Principal and Pro Vice-Chancellor (Student Experience and External Relations), Robert Gordon University, **Professor John Duffield**, Vice-Principal (Academic), Edinburgh Napier University and **Alastair Sim**, Director, Universities Scotland

Ev 10

Wednesday 11 May 2011

Damian Green MP, Minister of State for Immigration, Home Office, **Phil Taylor**, Regional Director, Scotland and Northern Ireland, UK Border Agency, and **Glyn Williams**, Director of Immigration Policy, UK Border Agency

Ev 18

List of printed written evidence

1	NUS Scotland	Ev 34
2	Edinburgh Napier University	Ev 35
3	Universities Scotland	Ev 37
4	Scottish Trades Union Congress (STUC)	Ev 41
5	Supplementary Evidence Universities Scotland	Ev 44
6	Further Evidence Universities Scotland	Ev 46
7	Damian Green MP, Minister of State for Immigration, Home Office	Ev 46

List of additional written evidence

(published in Volume II on the Committee's website www.parliament.uk/scotaffcom)

8	UK Council for International Student Affairs	Ev w1
9	University of Edinburgh	Ev w3
10	Scottish Council for Development and Industry (SCDI)	Ev w6
11	Stow College, Glasgow	Ev w8
12	Scotland's Colleges	Ev w10
13	Heriot-Watt University	Ev w12
14	Ayr College	Ev w14

15	University of St Andrews	Ev w15
16	Mr Shakir Mughal	Ev w18
17	University of Stirling	Ev w19
18	The Engineering Policy Group Scotland	Ev w20
19	Richard Speight	Ev w22
20	University of the West of Scotland	Ev w23
21	University Pathway Providers	Ev w23
22	University of Strathclyde	Ev w25
23	Alliance of Sector Skills Councils Scotland	Ev w27
24	Glasgow Caledonian University	Ev w30
25	Clydebank College	Ev w31
26	Michael Russell MSP, Scottish Executive	Ev w33
27	The Chippendale International School of Furniture	Ev w35

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report	Postal Services in Scotland	HC 669 (HC 884)
Second Report	Video Games Industry in Scotland	HC 500 (Cm 8076)
Third Report	UK Border Agency and Glasgow City Council	HC 733
Fourth Report	The Scotland Bill	HC 775

Oral evidence

Taken before the Scottish Affairs Committee on Monday 4 April 2011

Members present:

Mr Ian Davidson (Chair)

Fiona O'Donnell
Lindsay Roy

Dr Eilidh Whiteford

Examination of Witnesses

Witnesses: **Joy Elliot**, NUS NEC, International Students Representative, **Robin Parker**, NUS President Elect, currently President of the University of Aberdeen's Student Association, **Lesley McIntosh**, President, University and College Union Scotland, and **Helen Martin**, Assistant Secretary, STUC, gave evidence.

Q1 Chair: I welcome you to this meeting of the Scottish Affairs Select Committee. I apologise for being slightly late in starting. We have been off seeing a variety of people today during our time in Aberdeen. I am Ian Davidson. I am the Labour MP for—where am I—Glasgow South West. Sorry, this is Monday, it must be Aberdeen. We have been running about quite a bit. I am Chair of the Scottish Affairs Select Committee. I will ask my colleagues to introduce themselves.

Fiona O'Donnell: Hello. I am Fiona O'Donnell and I am the Labour Member of Parliament for East Lothian.

Lindsay Roy: Hello. I am the Labour Member of Parliament for Glenrothes in Central Fife, Lindsay Roy.

Fiona O'Donnell: Does anyone else feel like they are on "University Challenge"?

Dr Whiteford: I am Eilidh Whiteford. I am the SNP MP for Banff and Buchan.

Chair: Maybe you could just introduce yourselves. Start from this end.

Helen Martin: Hi, I am Helen Martin. I am an Assistant Secretary of the STUC.

Lesley McIntosh: Lesley McIntosh, President of UCU, University and College Union Scotland, and also a lecturer at Robert Gordon University.

Robin Parker: Robin Parker. I am the current President of the Student Association here at Aberdeen University, so a very warm welcome from myself. I am also the President Elect of NUS Scotland.

Joy Elliot: I am Joy Elliot, and I am the International Students Representative to the National Union of Students and a postgraduate student here at Aberdeen.

Q2 Chair: Fine. I wonder if we could start off by asking you about the latest Government proposals for overseas students. As you will know, when it was originally introduced there was a lot of feedback. Now Teresa May has come back with a new set of proposals. What we would like to hear from yourselves is your observations on what is now being suggested, and whether or not what is now being suggested overcomes the difficulties that were identified the first time around or whether or not there are any difficulties for universities and colleges in

Scotland particularly about the new proposals? Who wants to start? Helen?

Helen Martin: Trade unionists are always talkative. From our point of view, I think there was improvement from where we started to where we are now, given Teresa May's comments, but it doesn't fully deal with all of the issues that we had. Fundamentally, we disagree with the aim of Teresa May's policy. This all seems to be about making student migration a more temporary form of migration, and I think for Scotland that fundamental aim does not match what we need as a nation. It is our view that Scotland should be seeking to encourage permanent migration as far as possible, given the issues that we have around an aging population, and high migration can serve to kind of rebalance that, and given the fact that it helps our economy to have migrant workers coming here and staying permanently.

One of the ways that we can get migrant workers to stay permanently is encouraging the students that attend Scottish institutions to stay on and work in Scotland, and they can then use their very highly skilled education that they have achieved in Scotland, with recognised Scottish qualifications, with Scottish employers and they can contribute to the Scottish economy. For us that would be a very positive result and one that is actively discouraged within this policy. The primary issue for us is that they have closed the post-study work route, and we see no reason for that work route to have been closed within Scotland.

We had a very good example in the past of the Fresh Talent Initiative, where the Westminster Government and the Scottish Government got together and they agreed to have a different requirement in Scotland than the rest of the UK. I think that worked very well to provide for the specific needs of Scotland within a UK-wide immigration system. Given that we have had that example in the past, I don't see why Teresa May's proposals this time round couldn't have dealt with the specific needs of Scotland, but instead they have done this blanket, "We will not have a post-study work route at all and they can only go in under tier 2 of the immigration system", which I think is quite limited and limits the opportunities that are there for students in Scotland. It is something that isn't really required and there is no real reason why you would need to

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ask them to do that, given the positive contribution that they were making in the past.

Q3 Chair: Maybe if I let you all have an introductory statement first and then we will come back. Lesley, do you want to—

Lesley McIntosh: Yes, just to say that the system, as it is still being proposed, still makes academic staff and support staff a sort of policing and monitoring system. As frontline staff who are dealing with students, we don't want to have that trust in the relationship between, say, the lecturer and the student being damaged by this constant policing and monitoring system, which I feel is very burdensome; apart from destroying the relationship, it is very onerous on the admin and academic staff involved. I think I will just leave it there at the moment.

Robin Parker: I think we welcome a lot of the concessions that are being made. We are pleased with the idea that, particularly, private colleges are being targeted because of the substandard educational experience that some of those provide, but I think it is still very much the case that we are not overall supportive of some of the real fundamental reasons that have been put forward for doing this. I think we see students as being unfairly targeted through this process as being an easy option for reducing the amount of immigration and whether that is even required. There is very little evidence to suggest that students are an issue and that the overall numbers are significant in terms of the contribution that they make. Some of the things that we still have significant concerns around in particular, as has been mentioned before, is the post-study work visa. That is both a major attraction for students in choosing to come to Scotland and also I think in the long term it is a real boost to the Scottish economy in terms of some of the high level skills that people who remain in the country provide. I think it is also important to note that it should be seen as a form of work experience that goes beyond the period of study, so it is really a time for people to build on their CV and the skills that they have received from their time at university or college. That is therefore an opportunity to get some of the practical skills that then allows them to go on, wherever that is in the world, in the global economy and take that forward.

I think it is also really important to note that role, that people who are graduates of the Scottish educational system, regardless of where they are from, can become ambassadors for the nation as a whole, wherever they go out into the wider world, whether that is just in terms of business and contacts that they carry but also for Scottish culture and society as well. I think that is really important.

We also have concerns around the limits that will be placed on the length of study. We think there are some real specific things to Scotland in that. I think another thing that is important to note is the role that colleges in Scotland play in terms of higher education and particularly making sure that is a real element, that colleges, for example, can access some of the Highly Trusted Status schemes and that they can also reflect the fact that a lot of students may be increasingly using articulation routes, and so on, and combined

programmes, both internationally and into universities but also through our colleges into universities. That needs to be reflected on as quite a specific Scottish thing.

Joy Elliot: So, a lot of the same concerns that Robin expressed. I think the key concerns for international students are around the maximum length of study. In Scotland it is a four-year degree, and there are a lot of four-year-plus ones, whereas in England, Wales and Northern Ireland there are more three-year degrees on average. For international students in Scotland there was a concern that with the maximum length being five years, if they only have five years to do their medicine degree and for whatever reason something happens and they need to take a sixth year, that eligibility would no longer be accessible for them.

Another major aspect is about the Highly Trusted scheme, and we were hoping that Teresa May would look very carefully at some of the criteria that were set out in the Highly Trusted scheme, particularly around issues such as the administration of the scheme at satellite campuses, which Scotland has a fair amount of them, and more regional institutions. Scotland has always had an education that is focused on its regional availability, in allowing students from different parts of Scotland to participate in education near to home. Those institutions would have quite a significant burden under the current Highly Trusted scheme. We were looking for concessions from the UK Government in how that scheme worked and how the UKBA supported and assisted students and staff at the different institutions to make sure that they were eligible for that Highly Trusted scheme and that they were carrying out that Highly Trusted scheme, and that wasn't given. There was no indication that the UKBA would be under any more obligation to look at regional institutions and to look at smaller institutions, in particular, with satellite campuses.

Q4 Chair: I wonder if I could pick up some of the points that were made and ask for further observations on them. I think there is quite clearly a position that the Government has adopted that it wants to restrict immigration, and I think we are all aware that there have been in the past, certainly, bogus colleges and bogus students. The Government's view is—and I think it is supported by the overwhelming majority in the country—that we want to have immigration but we want to have it controlled in some way, according to how we decide rather than people deciding themselves that they just simply want to come here. I think in these circumstances I want to pick up with you, if I could, the question of the trusted sponsor status. I understand, Ms McIntosh, your reservations about having it policed by staff working in the establishments, and I think Ms Elliot said this as well. We either have a system where we know that people coming in are genuine students and are remaining as students or we don't, and if we don't then the restrictions on people coming in are likely to be far tighter. I am not quite sure what alternative there is to a system of establishing trusted institutions that we, to some extent, delegate responsibility to to assess people's qualifications and then check whether or not they are on the courses that they have said they have

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been on. In the past, as you will be aware, one of the abuses has been people coming in without the qualifications that they claimed, not attending the course, and then not going back at the end. The Government wants to stop all that and the award of most trusted status is obviously designed to almost subcontract this and to trust the educational establishments to do this.

If we don't go down that route I am not quite sure how else we can do it, and if you are unhappy about the burden do you have an alternative?

Lesley McIntosh: Not particularly an alternative, but it is rather tarring all the students with the same brush, so that you are almost expecting them to have some problem and, therefore, "We're going to monitor you and police you", rather than having a system for dealing with those few who may be abusing the system. It is a different setup where we are having constantly to monitor students when we are front-line staff.

Q5 Chair: Do you concede that the system has been abused in the past?

Lesley McIntosh: Yes, but is there not some way that those few could be dealt with rather than having this almost aggressive system where we are being asked to police everyone?

Q6 Chair: It is a bit like crime in a sense: if you knew who was going to commit it then you would deal with that at the very beginning, wouldn't you, rather than having to supervise as you go through?

Lesley McIntosh: We want to make the education system seem welcoming for our international students, and I think for staff to be policing at the front end, where we are dealing with the students, teaching them and providing support, doesn't seem to be the best system.

Q7 Chair: Can I clarify what the policing role involves? You don't sort of fingerprint them every week or anything like that, do you? Presumably you are just saying, "Yes, they are alive. We have seen them. Yes, they turned up. Yes, they were moderately sober and they were paying attention."

Lesley McIntosh: Yes, one can take registers. The problem is if they are absent for a reason then what sort of follow-up does that require? That requires extra time and that is where the pressure can be put on individual staff to do that chasing up; how do you phrase that and what do you do if you don't get a reply? That involves constant policing rather than being more supportive.

Joy Elliot: I think the key issue here is that we have had a system in the UK whereby institutions are independent bodies. They look to evaluate their students, right from attendance through to their competency on an individual status. We have a quality assurance system that makes sure that that system works best for the student and the institution and maintains high quality standards for both Scotland, with the QAA Scotland, and for the UK with the larger QAA body.

The problem that is happening at the moment is that there is an external force—the UKBA—that has come

in and said to institutions, "This is how you monitor students. This is how you should allow them to take re-sits", so there is a lot of, "This is how you should" as opposed to having that trust in the institution. An example of this is that the UKBA has determined there is only a certain length of time that a student is now allowed to stay in the country if they don't do well. So, if a student fails and has to take a re-sit, there is only so many re-sits they are allowed to do. Institutions have had to change their academic requirements to meet that. They were saying, "All students get three chances to re-sit a course", and that very much is the case. They sit, they may fail the exam, and they get two opportunities to pass it after that. The UKBA has said, "No. That is too long a time for a student to either remain in the UK or remain as a student status in the UK. You can only have this much time. If you can't fit those re-sits in that time you change your academic policy".

The other problem that is happening is how we monitor attendance. Attendance is monitored in institutions in a way that suits the course. For example, I am studying a PhD. I got an email requiring me to show up every week to sign a register in the secretary's office. I spend three weeks of my month sometimes in Belfast, in Dublin, doing my research. I can't get to the office to sign that piece of paper but now I have to. I have to fly back, sign a piece of paper in the secretary's office and then fly back to Dublin to continue my interviews. The system is set up to impose regulations that don't necessarily match what the individual institution has for their course. You have geology students attempting to do an accreditation in geology. They are spending 28 days in the field. That is required for the Geological Association. Those 28 days means an institution has to drive to Wick to make sure that their international students are there doing the course, somebody who has the responsibility within the institution to be able to account for that attendance.

What we are basically saying is that the UKBA has created a system that restricts the nature of education in the UK and Scotland. It restricts the flexibility that students have, particularly in Scotland with a four-year degree that is often focused on things like work experience, practical application, and on a flexible degree looking for more breadth than depth in a lot of cases. The ability of the student to participate in that opportunity fully is being unfairly restricted by restrictions that are not necessarily derived from an understanding of the nature of education.

Q8 Chair: Is there another way of achieving the same objective? I understand the point about not necessarily wanting to have to sign on every week. I have people in my constituency who are obliged to sign on at the local police station every week to show that they are still in the country. I have people on benefits who have to sign on regularly, but there are always other ways in which these things can be achieved. You are not opposed to the idea that somebody who is in Wick should be vouched for by somebody?

Joy Elliot: No, but I think what we have to recognise is that the institutions have systems by which to do

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that and those that fall through those systems are actually relatively few. There are a lot of cases where, yes, the student comes in, they don't have the qualifications; the institution has procedures to catch that and they most certainly do in a lot of cases. You will have lecturers that will come and go, "This student doesn't appear to know anything about this particular topic and I am having a hard time teaching them". You will have a natural system of attendance. You have systems that are designed to show that someone has not passed in any work. The student flags up. In Aberdeen we have a system, they flag up, they are withdrawn from the course, and there is a natural system that then lets—

Q9 Chair: If you accept the UKBA's targets, what they are seeking to achieve, you are saying, unless I am mistaken, that the existing systems are adequate for that, abuses in the system can be spotted and it is not necessary to have additional systems being introduced?

Joy Elliot: I think the biggest point about it is that the additional systems are a burden on the Government. The tax costs for these additional systems do not match the added protection they give us to protect us against, and it is an additional burden for institutions, the cost of doing this.

Q10 Chair: Can I ask you whether the NUS has discussed this face-to-face with the UKBA?

Joy Elliot: Yes.

Q11 Chair: What have they said to that then?

Joy Elliot: The main response has been, "We will provide more clear guidance". So we have brought a lot of these particular issues; we have brought particular case studies and things like that. The UKBA is saying that in fact what they are proposing is no different than what institutions do day-to-day. They are just trying to formulate this in a more regulated way, but institutions are not interpreting that the same way and there is still this constant push and pull between UKBA and NUS, and UKBA and institutions as well, to try and work out exactly what it is they want.

That has been a major barrier and institutions will tell you time and time again that the UKBA has produced unclear guidance as to what they want and if, in fact, what they are looking for is exactly what we are providing, just in a more regulated across the board way, why are there all these issues? Why are some institutions being told to go back and change things? That is what they are saying. The UKBA is claiming, "It is exactly what you do. We are just trying to codify it", and institutions are saying in fact it is not, and so we are still in the position where those two opinions don't meet.

Chair: Fine. That is helpful.

Q12 Lindsay Roy: In effect, what you are saying, if I gauge it correctly, is highly trusted status is no more. They are not trusting. They are imposing additional requirements on universities and colleges where, from my understanding, I think there is about 2% non-compliance?

Joy Elliot: You are absolutely right. It is very much a case of in an attempt to codify they are not understanding. So the codes are not being done in conjunction with a great consultation with the institutions and colleges, and they are also not being done with a better understanding of the diversity of the nature of education. Without that you are always going to have a system that doesn't match what we are naturally doing but is supposed to match what we are naturally doing.

Q13 Lindsay Roy: In effect, would it not be better to get universities to have their own quality assurance system they present to UKBA, and take into account the very example you gave of somebody working in Belfast?

Joy Elliot: Absolutely. I think that would be a far better system and in fact that was the system up until the tier 4 changes. With the tier 4 changes they felt that because we were taking 80 opportunities to get into the UK and changing them to four we needed to codify what those meant. The codification process was done—and UKBA acknowledges this—very, very poorly. The outcome of that is that very specific groups of students and institutions have been unfairly disadvantaged, and I will say that the majority of those are in Scotland. With the different types of degrees, with our focus on breadth, with our focus on work experience and with our focus on practical application Scottish institutions have been unfairly disadvantaged in that.

Q14 Chair: To what extent is this simply a question of working together to find a workable system, as distinct from enormously philosophical different positions? It sounds to me as if a couple of people that have goodwill should be able to work this out between them.

Joy Elliot: Absolutely, just as the tax system; it is a case of us working together and being able to put in our goodwill. It is a case of the fact that decisions are being made outside of Scotland without proper consultation of Scottish institutions and Scottish students. While that can still maintain a place in UK society, there will always be the case where that won't meet. I think the realisation has to come—what has unfortunately happened is UKBA has recognised time and time again the system is too burdensome but they can't back down.

The system was created and it needs to be codified somehow. While that has to happen, or there needs to be a strict set of rules, the flexibility that exists within the UK higher education system will never match it unless we are willing to start from the beginning again, and say, "Okay, what was actually wrong with the old system?" and let us propose smaller and more gradual changes, so that there can be a meeting of minds, if you will.

Chair: Yes, incrementalism rather than big bang, right.

Joy Elliot: Exactly.

Q15 Dr Whiteford: I think my biggest concern about this right from the start was that it is a policy that is designed to tackle, I think, an acknowledged problem

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around a few bogus colleges that are a serious issue, but that actually it is hitting reputable institutions and it is going to disproportionately affect the Scottish universities. I was particularly interested in asking the NUS representatives about the proportion of international students in Scotland, particularly from outwith the EU.

The other question is specifically about four-year honours degrees. The bog standard Scottish honours degree is a four-year course not a three-year course, yet the Government's guidelines suggest a three-year course with a few exceptions. Will a Scottish four-year degree be recognised as an exception in that?

The other point—maybe it is a slightly broader point I wanted to ask people's views on—I know that some of the colleges that I have talked to have expressed concern about their ability to meet the requirements of being a highly trusted sponsor in this process, and I would be keen to know your own perspectives on that.

Joy Elliot: Overall roughly 11.4% of the students in Scotland are international students, are classified as overseas international. That does not include international students who have come in with their families, done a few years of school and they still very much require the support of an international student but they are not classified that way for fees. So there are some things to keep in mind there.

The total number of non-UK postgraduate students in Scotland tops 20,000, which is important to note. That means that there are a greater number of students that are coming in for one-year degrees specifically than there are for the four-year option. That is 36.7% of our postgraduate population in Scotland is international. So I think it is important to note that some of our postgraduate programmes simply would not happen without international students, at their current numbers especially. So that is kind of the overall idea.

With the four-year degree issue, the key part is, no, they are not recognising the difference between a four and a three-year degree. We are hoping that the devil is in the detail and that as the system starts to work itself out, if they do maintain this five-year limit, what they are essentially saying is, "You should be doing a three-year degree, or you should be offering a three-year degree, and then in addition to that the idea is flexibility".

So, you have five years to finish your degree. There will be exceptions for medicine and law. That is a given. We are still working out whether there will be exceptions for engineering. A lot of the accredited engineering courses are five years. That is a key aspect for Scotland specifically. However, if you have a student who does a four-year degree that means that they only have two opportunities to get ill, to have a family member die; all the things that happen to students as you go through your courses.

Q16 Chair: But is it not the case that the expectation is that it is five years? There is still provision for a degree of flexibility in the event of serious illness.

Joy Elliot: In the event of serious illness there are degrees of flexibility but the degrees of flexibility make it almost impossible for a student. It requires going home, for example, and added expense. So the

student would have to go home during a serious illness and would have to be eligible to go home; they would have to be able to fly. Essentially, they would have to get home and reapply for their entry and provide proof that they can finish their course, which unfairly disadvantages a lot of our disabled international students.

The exceptions are so few. Existing conditions: so, for example, if a student comes with severe dyslexia, that is an existing condition, they are still expected to finish in five years. A dyslexic student from the UK would be given the flexibility to take longer to finish certain courses should that be required. There would be the flexibility the institutions could provide, but that could not happen for international students with very specific disabilities like dyslexia, like autism, a lot of the ones that face great challenges. So what they have done is they have provided a blanket approach, and their exceptions are infinitesimally small in relation to the numbers of students that are coming in that may require them. I guess the end of the story is—

Q17 Chair: You accept that there has to be some limit?

Joy Elliot: Absolutely. I think what—

Q18 Chair: If there was a limit, to allow for the four-year degree in Scotland rather than a three-year degree, if for Scotland where appropriate it was an additional year, that would cover most of your points, would it?

Joy Elliot: Especially since most institutions only allow six years to finish a four-year course. The institutions have a lot of mechanisms by which—again, we are talking about the UKBA changing the system of the institutions.

Chair: The other point you had, Eilidh?

Q19 Dr Whiteford: It was about colleges; it was about colleges meeting the Highly Trusted Sponsor Scheme.

Robin Parker: I think it is a really important point, particularly in regards to Scotland because of the importance of delivering lots and lots of things through colleges and particularly as well those being routes into university. Not only that, but as well the number of international students who are coming in on well regarded, high quality short courses that are very high quality and very much something that a lot of people want to do and something that takes back a lot of skills internationally.

Q20 Chair: Sorry, can I just clarify: is there any reason why colleges should not be able to meet the highly trusted sponsor status?

Robin Parker: As far as I understand, there is still a lack of clarity about whether or not all of them are going—those that don't have them already will be able to apply for them, and I think there are some very simple, practical things as well around it. Joy mentioned rural college campuses. They have very small numbers of staff often and there are simple questions about some of the practicalities if they are to do it.

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I think going back to the previous conversation, it should be about whether the ways of regulation should be educational quality led, and led through the frameworks that already exist for educational establishments rather than impose—

Q21 Chair: That is right. You accept that if the Government is saying, “We want to have some controls over the numbers coming in. Those who are coming here for university have to be monitored to make sure, one, that they exist and, two, that they are attending”, it is then just a question of working out how that is done. You are not resisting the principle?

Robin Parker: Yes. I think the way in which that happens should be led on the basis of educational measures, in the way in which education institutions already have a lot of those frameworks there to regulate those kind of things rather than being imposed outwith.

Q22 Lindsay Roy: Is it not possible where often you have a two-plus-two relationship¹ where they are doing sort of an HNC, HND, followed by a link-up with a university, to have the highly trusted sponsorship relationship through the university?

Joy Elliot: It is. However, it becomes the responsibility then of the university to make sure that the college is carrying out the requirements for the university, and if the college can't the university can threaten its status. An example of this is that Aberdeen has a similar relationship with North Highland College to deliver some postgraduate programmes that are up there. In fact, we had to terminate that relationship because North Highland College was not capable of undertaking the requirements for sponsorship, and the relationship has gone through another institution now that was more capable of making that link. So what is essentially happening is universities aren't necessarily willing to take on all that extra burden when the students are in a campus that could be quite some distance from them in the two-plus-two.

Q23 Lindsay Roy: It could be part of a robust partnership agreement that already exists between a university and a college, for example Heriot-Watt and Adam Smith in Kirkcaldy who already have firm relationships and a robust arrangement.

Joy Elliot: Absolutely, but the relationship for a partnership and the relationship that would have to occur under a highly trusted sponsorship unfortunately are two very different things. The requirements for monitoring alone are a significant burden that Heriot-Watt might very well not be willing to put up for Adam Smith if Adam Smith can't do it themselves. So what we are saying is that those are at risk and what we asked UKBA for is additional support and guidance, which they haven't been able to deliver. Given the number of two-plus-twos in Scotland, the capacity of UKBA to deliver that guidance is in question.

¹ Two-plus-two relationship—two years at college followed by two years at university.

Q24 Fiona O'Donnell: I wonder, Lesley, if I could pick up. First of all, can I say I am not supportive of what the Government is trying to do here, so these are probing questions hopefully? I do sense a slight contradiction in that on the one hand everyone is saying universities are already doing this but on the other hand you are saying, “We are being asked to do things that we don't think we should be doing”, so it can't be both. I was wondering, Lesley, in the example of the student who is absent from class, what do you do just now? What is the policy of educational institutions? It seems to me there is a duty of care there, as well as a responsibility to check the person is still on the course.

Lesley McIntosh: Yes, there is something different in following up a student, trying to contact them and saying, “Is there a problem? Are you okay? Can we help you?” rather than, “If you don't give me information on this I will have to report you to the UK Border Agency”. There is that hidden behind it. What we want to keep is the good, trusted relationship rather than being seen as someone who is more policing. We want to care about their educational aspects when they are studying with us and the care and support we give them rather than, “We can now report you”.

Q25 Chair: Surely, though, it is part of the package. People applying for a place at university in Scotland will be aware when they come that part of the deal is that they actually are who they say they are, that they have the qualifications that they say they have, and they are going to attend the course that they say they are going to attend, and that they are going to be subject to various checks just to make sure that all those things are true. In those circumstances, it is not as if the lecturer is going to be asked to turn up in the middle of the night to check that they are living where they say they are living. It is just a question of ticking a box to see that they are turning up, and if there is such a small difficulty, as you seem to indicate, I don't see that this is unnecessarily burdensome.

Lesley McIntosh: I guess when you look at it from a student's perspective, do they want to come to Scotland where there is this rigorous system in place or would they rather go to some other country where they don't see the same, perhaps, rigorous nature?

In terms of the rigours of the visa itself, I had a student who had to turn up late to a course because of problems with a visa that were always going to be sorted out but just took time. That meant that she started the course late. She is an international student; English isn't her first language. She is coming in where students have already made friends in that course, and she needed an awful lot more support to keep her going through that course because of the nature of the whole system. Added on top of that, there is this issue lurking in the background. Rather than seeing a lecturer as someone who is there to support you there is this policing aspect, which, as I have said, lurks in the background. That doesn't help the student-lecturer relationship.

Q26 Fiona O'Donnell: Lesley, I just don't understand who can take on that role. I think there is

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a view that if an educational institution is going to take the money for those fees they have a responsibility surely to some degree. I just wonder if you are making this rather more—using words like “policing” is very provocative, whereas it is about you have entered in, as the Chair said, to a contract and these are the conditions of study.

On the point of saying would they choose to go somewhere else, Joy, can I ask, what is your country? Where did you come from, your country of origin?

Joy Elliot: I come from Canada.

Q27 Fiona O'Donnell: I was born in Canada, so there you are. Is the Canadian system, would you say, more open or more closed than what the UK is proposing here?

Joy Elliot: It is far more open.

Fiona O'Donnell: Far more open.

Joy Elliot: It regards learning as an independent process and that students attend in different ways. I think that is the key part of it. The independent learning process involves maybe very few contact hours and a lot more independent study. We do a lot of hours outside of our courses. We do a lot more courses.

I think the key aspect that is different is that what the UKBA is proposing doesn't match the contact hours that we normally get. It is expecting students to all want to attend lectures. I will admit that in my undergrad I didn't attend many of my lectures, but I learned differently. I learned by reading, I learned by discussion, I went to conferences, and I felt that far more enjoyable. If I was an international student here I don't have that flexibility any more.

Q28 Fiona O'Donnell: Are you on a sabbatical with the NUS?

Joy Elliot: No, I am not on sabbatical at the moment. I used to be a sabbatical. I did take a year out of my PhD to be a sabbatical.

Q29 Fiona O'Donnell: Are sabbaticals allowed under the year as not being included, should students from overseas want to take up positions that do bring a sabbatical with them?

Joy Elliot: No. At the moment it is absolutely allowed. If future changes do exist there would be the requirement for me to go back to Nova Scotia, reapply and come back in proving that I could finish my course.

Q30 Fiona O'Donnell: Have you considered challenging the case of students who have dyslexia in terms of the equality legislation in this country, that it is discriminatory?

Joy Elliot: Absolutely. We are very much waiting again to see how the details work out about these exceptions. So what we are doing right now is—of course, there has just been a broad announcement and if they do persist and not allow for students with disabilities, in terms of the student individually, then, yes, we will be making those challenges.

Q31 Fiona O'Donnell: Finally, can I ask about the students staying on to work in Scotland and everyone

agreeing that is something Scotland needs, Scotland benefits from, but also that something makes this an attractive place to study. Do you think the threshold of achieving a salary of £20,000 a year is too high? I am thinking three or four of my children did not achieve that for quite some time after graduating; some still haven't. What length of time are people being allowed? The argument we got from the UKBA was that students were staying on and working in takeaway outlets, places like that, where they were not contributing skills to the Scottish economy and taking jobs that others could. It would be good to have people's response to that, please.

Helen Martin: I think we would be very concerned about the £20,000 threshold. I think it is difficult for a new graduate to get a salary of £20,000 straightaway. It also completely disregards the fact that a lot of jobs just now are part-time jobs as well, and how does that get taken into account. With regards to people leaving university and working in takeaways and working in low wage minimum jobs, well, a lot of times people do that as a stopgap while they are looking around, and often you need to be in the country to go to interviews and to do other things. In many ways we see this as trying to fix a problem that wasn't really there, if you know what I mean, and I think that is our fundamental point about these changes.

You talked about is it necessary to make the system more rigorous. Well, we would argue that, no, it isn't necessary to make the system more rigorous. There was a way to monitor this just through the normal academic processes and yet we have seen tier 4 requirements making it more rigorous. Here again we are having a tier 4 review making it more rigorous again, and in a way we are solving the situation of bogus colleges, really, and we don't see the issue of bogus colleges being one that exists to any great degree in Scotland. So what we are talking about in Scotland is one or two students who maybe drop out of their courses and do go and work within the country, but it is not a huge amount.

Q32 Chair: The Edinburgh College of Business was a bogus college in Scotland. There have been bogus colleges in Scotland. Can I clarify the point about post-college work and so on? In a constituency like mine, where there are a large number of unskilled or semi-skilled people, students or people who have graduated and are not in a profession and are competing for low paid jobs—security guards, in takeaways and the like—are not adding anything in particular to the Scottish economy. I find it very difficult to see why you would justify them being allowed to remain.

Helen Martin: Obviously the visa requirements, as it were, were only for two years so if they are still unable to find a graduate job under two years they wouldn't be allowed to remain, but I think that boundary helps people get into work and contribute the sort of skills to the economy that are needed. At the end of the day, while somebody is in a minimum wage job they might not be earning exactly what they want to earn but they are still paying tax and they are still contributing. It is not as if those jobs are

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completely useless within the society and I think if it does give the graduate that opportunity to go ahead and find something that they are more suited to than that is a positive thing.

Q33 Dr Whiteford: I wanted to come back to the issue of postgraduate research and especially more independent research. I suppose my own perspective on this is from the bad old days 20 years ago when I was myself a postgraduate student. It was still in the days where lots of people would turn up in their first term and their supervisor would say, "Okay, we will see you next term". I know things are very different nowadays but I think there is an issue around people who are working very independently, conducting research. How are our universities going to cope with that, particularly with people doing PhDs where they are encouraged to work very independently?

Joy Elliot: We have had lots of discussions with UKBA specifically around this issue and around the issue of this idea of monitoring attendance for PhD students, but also around the issue of their ability to participate. Sometimes you can only participate in wider research by getting a job. If you can only do 20 hours, even though it contributes greatly to your research, you are hindered in that way. There are quite a few students who are finding themselves unable to interact with industry, despite the focus of their PhD, because of the restrictions on work and what work means. So there are still a lot of issues to iron out with UKBA.

UKBA is starting to be slightly more flexible in the attendance and monitoring, but again it comes back to this issue that we have a system of making sure that supervisors are checking up. Quality assurance says every three months there needs to be a routine presentation, there needs to be a check that the student is there, that they are doing the work, and there is a progress that has to be made in order to move on. So the new QA system, for the first part of the regulations, has this new system whereby there is a progression system. So again, why not the system that is working right now?

If I can come back to the post-study work visa, I would like to bring some data with me. We did a survey of 9,000 students in the UK, international students on the post-study work visa, and of that we had a 9% rate for Scotland. Given that only 11% of our students in Scotland are international students, 9% is quite a high contribution that Scottish students made to this study. 75% felt that the post-study work visa was vitally important to their decision to come to the UK. Of that 72.6% said that if the post-study work visa didn't exist they wouldn't have come, they wouldn't have chosen the UK as their place of study. 82.5% planned on using the post-study work visa after graduating. 81% said the cancellation of the post-study work visa would affect their plans in the UK after they graduated, and a further 95.9% were saying that they feel that they have come here, they require the experience provided by work experience in the UK. From that we have case studies: people who study a master's in finance; in UK finance, they require work experience on UK finance; studying tourism and hospitality, things like that.

Q34 Chair: I think we understand that, and I think that is the point relating to the question of the £20,000 salary. People who have relatively high qualifications should be able to get a decent salary. There is an issue for us about whether or not that is the appropriate level, but we accept and understand the desirability of people going into a suitable job after a finance degree. What we don't accept, I think it is fair to say, is necessarily the suitability of somebody going into serving in a chip shop after a finance degree. It may be handy for running the till, and so on, but that is not quite the contribution to the Scottish economy that we would be looking for. That is the dilemma in all of this.

Robin Parker: I think the issue is, as Helen pointed out, around about the time it often takes to find those positions and whether it is because you are going into an internship that doesn't pay as much as £20,000, whether it is—I hadn't even thought of the part-time thing—small businesses where the salary isn't often as high. There is also a significant barrier there potentially under the new system, as far as I understand, where a small business will struggle to pay some of the application fees, and so on, that are required and the stuff to get through that.

Although there were some hints towards allowing sort of entrepreneurial routes in, I am not sure that they are anywhere significant enough and that is one of the real ways in which you can see that real multiplier effect out of education is through those kinds of routes.

Q35 Dr Whiteford: I am intrigued by what you were saying, Joy, about people working while they are studying and, again, it made me reflect. I was an international student in Canada and at that time I had a visa that allowed me to do related work. I couldn't just go out and get any job, I couldn't work in a takeaway, but I could do work that was relevant to my course of study. I wonder whether a model like that is something that we should be looking at in the UK as well.

Joy Elliot: The related work is something that we have been pushing very strongly. Instead of saying 20 hours is all you can work during the course of the year and 40 hours during holidays, instead of cutting the post-study work visa, that there is some sort of recognition that a lot of students do see this as work experience. A lot feel that it is everything, from getting a chance to get a hold of UK culture by doing a job. It may be working in a bar or a restaurant but it is the opportunity to converse, to understand UK culture, to understand the system better, to meet locals and integration.

Then also, there are significant restrictions on students doing work experience, and if PSW goes that will reduce that opportunity even further. Realistically, students are looking for work experience. We do accept that there are students who come along and they do work in a takeaway shop, they do use the PSW and all they can get is work in a takeaway shop. If you gave that student the option between work in their degree field and work in a takeaway shop, they would choose the work in their degree field. It may be the case that they can't get that work, maybe

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because of where they want to live or whatever. So I think that eliminating PSW because students use it to work in a takeaway shop is a bit of a big hammer on a really small nail. It is looking at saying, "Because a few students choose to take that route we are going to eliminate the route for all of those who want legitimate work experience and require legitimate work experience".

Q36 Chair: To be fair, they are not suggesting that nobody should be able to work after their degree; they would move on to tier 2 and it would be done that way. So it is the same thing for those who are in the field. Your finance expert would then be working through tier 2 rather than the post-study working. So it is the same objective by a different route, isn't it, is the intention?

Joy Elliot: Not really. PSW placed the burden on the student to apply for the visa; the fees were paid by the student; the visa was provided. When they applied for a job they would tick that box, "Eligible to work in the UK". Now a student is going to go out and have to tick, "Not eligible to work in the UK". The organisation they are applying to is going to have to pay the fees for that visa, undertake all of the paperwork for that visa. While they have conceded that they are not going to have to do the one-month advertisement in the local paper to prove that there is not someone from the UK—they have taken that out under the recognition that it is a graduate job—that is a small concession. You are essentially pitting a graduate student from another country against a field that is far more complicated for them to automatically navigate. You are also asking a graduate student from another country to automatically leave university and understand the UK system of employment, how to get the best job and how to be able to navigate that system. The PSW allows students to get into the field to be able to explore their opportunities.

Q37 Chair: Shouldn't they be exploring some of these things while they are doing their degree? You don't finish university and then, "Gosh, what am I going to do now?" although some might, but I mean—

Joy Elliot: That also depends on the institution. Some institutions provide programmes that do allow for a lot of exploration of the industry; some don't. That is the choice of the student as to what they want to study and the choice of the institution as to how they provide that.

Q38 Chair: We are going to have to draw this to a close because we have another session afterwards. Can I ask whether or not there are any final, final points that any of you want to make? Any answers that you had ready to questions that we haven't asked you? No? Everybody feel you have had the opportunity to give us all your stuff? If there are statistics and things that you want us to consider by all means send them in rather than reading them out to us.

Lesley McIntosh: Just to say, in answer to Fiona, it is not just my own personal feeling about the policing, it is what numerous staff have told me and have told the union. Some institutions are telling staff that, "It

is up to you to monitor this and on your shoulders be it if there is some problem with an individual student", so they feel that weight on their shoulders.

Fiona O'Donnell: Thanks.

Q39 Chair: Coming back, the question is if the staff aren't willing to participate in the monitoring then the only way of avoiding abuse then is simply to restrict the number further, in which case there will be less staff employed. Given that sort of balance, what is the staff view?

Lesley McIntosh: I would say that I don't know what the best system is, but staff on the frontline don't want to have that added burden destroying the relationship between the student and themselves.

Chair: I think the feeling is you would have to give us an alternative.

Robin Parker: On a generalised point around some of the ways in which international students make courses, either because they are specialised courses or because it also makes having more courses in more parts of Scotland viable. I think that is really crucial in terms of Scottish students being able to access those courses, but equally in terms of some of the ways in which, increasingly, courses are being run that create joint programmes overseas. At the moment most of the flows of students are coming from those courses and finishing up their course in Scotland, or something like that, but equally creating those relationships that are mainly at the moment driven out of the viability of international students will, in the future, create tremendous opportunities for UK-based students to go out on to those campuses and so on. I think we are putting those kinds of opportunities at risk, which are potentially very beneficial for local students.

Joy Elliot: Just one last thing. The survey that we did brought out some personal comments, and what I would like to leave you with is some of the key ones for Scotland. A lot of students said that they chose Scotland because the country that they resided in had companies that were based in Scotland or were from Scotland, and they saw those companies; they wanted jobs in those companies; they wanted those companies to keep contracts in those areas; they came to Scotland to do their degree to work with those companies. Those companies are a lot of the time the base of the Scottish economy, especially oil and gas and things like tourism. If we don't have the relationship where international students are encouraged to come to study in Scotland, to do their work experience freely and openly within some of these companies and then take that back to their home nations where Scottish companies are working, we won't be able to maintain that partnership link as strongly as if we have the system that we have at the moment, keeping PSW especially.

Chair: I thank you all for coming along. As you will appreciate, we have other people to see as well. Following the discussion today, if upon reflection there are any comments you want to send into us then by all means do so. I think the direction of Government policy is clear. Our ability to change the strategy of the Government is limited. However, the implementation of that policy, it does seem to me, is much more open than the policy itself. They want to

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do certain things. They have identified a number of ways in which they want to achieve those objectives. If you have a better mousetrap, as it were, if you have a better way of identifying how the same objectives

can be met, upon reflection, then by all means let us know and we will consider all those and take those up with the Government. I thank you very much for coming along.

Examination of Witnesses

Witnesses: **Professor Ian Diamond**, Principal, University of Aberdeen, **Shona Cormack**, Vice-Principal and Pro Vice-Chancellor (Student Experience and External Relations), Robert Gordon University, **Professor John Duffield**, Vice-Principal (Academic), Edinburgh Napier University, and **Alastair Sim**, Director, Universities Scotland, gave evidence.

Q40 Chair: Could I welcome you to the meeting. We met a couple of you before to discuss this and a lot of what we have been pursuing has been based on the conversations that we had when we met in Dundee and elsewhere. I think we would want to start off by asking you to let us know what you think of what the Government is proposing now. Obviously there have been substantial changes. Are there particular difficulties you still identify, either the principle of it, the operation of it, or that don't adequately take account of Scottish circumstances? Alastair?

Alastair Sim: Thank you very much, Chairman. Can I just say, first of all, a genuine thank you very much to those members of the Scottish Affairs Committee that we met in February? I think it has taken a really substantial mobilisation of political effort, from yourselves and many others, to get the UKBA's proposals amended in a way that much better serves the interests of Scotland and the UK and protects our key export industries. Thank you very much indeed for the political commitment that you have shown on that.

I think to give an overall context, before some of my colleagues can give a feel for what is happening at an institutional level, obviously what we see now from the UK Government is a very significant improvement on what we originally saw. If I could touch on some areas in which it has moved substantially on the improvement side. I think not having to leave the country between different levels of study to reapply is a vast improvement. The language requirements of universities now appear to be set at a level that members regard as sensible. Post-study work is a major improvement. I think, as the first panel said, it probably leaves some concerns about our competitive position, but it is a substantial improvement since people can still go on and get skilled employment.

On dependants: we have seen some improvement, particularly postgraduates doing courses over 12 months and Government sponsored students doing courses over 12 months being able to bring dependants with them. Also the continued ability of students to work, including work off campus, during their courses is a welcome retention of an existing privilege. So a lot there that really has represented a substantial improvement as the result of a lot of political and stakeholder interaction with Government.

Chair: But?

Alastair Sim: But we are working in an extremely competitive environment. We are working in an environment where other countries, notably Australia, New Zealand, even the United States, are working

hard to make themselves more attractive to overseas students. We are working in an environment where I think some of the damage really has already been done by the change in international perception of the UK as a welcoming destination. That happened as a result of the UKBA's original proposals. I think we are still getting wash back from the perception of those original proposals even though they have been ameliorated.

I think at the more technical level some concerns were mentioned by the first panel. I think the five-year restriction on your normal ability to stay on a tier 4 visa is an issue for Scotland, given that there are integrated masters courses of five years, given that you might well want to do a four-year degree plus a one-year master's, and that really by the time you are doing that within a five-year envelope and you have to do a resit or you become ill or you have to revise your dissertation or you actually want to attend your own graduation, which is not a particularly unreasonable demand, then you may well be falling foul of those five years. I think we would like to see some relaxation of that that reflected the particular circumstances of Scotland.

I think on post-study work, while it represents progress, it is still not a particularly competitive position to be in in relation to others such as Canada and Australia who are a bit more liberal in the requirements of their post-study work regimes, where you may not be compelled to find skilled work within a very short timescale and where you may have the facility to stay on and do an internship, or even do some travel, rather than having to head straight home. I think given that post-study work is such a key determinant, as the NUS said, of how international students perceive where it is best to go, it is still tighter than would put us in a really good, competitive position.

On post-study work, I think also I would express concern that the £20,000 limit may not be universally right. I think, for instance, if you are going on to do an internship to broaden out your experience so you can succeed in the career market back home, then it doesn't really fit those circumstances. It may not fit the circumstances, for instance, of going into some industries like the creative industries where the remuneration levels are typically pretty modest but where, for instance, overseas countries are really trying to expand their investment in the creative industries and where it may be very attractive for a graduate from a Scottish university to want to do some

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work experience before going home and contributing back in their home economy.

I think it is also fairly restrictive on the dependant side, that the people who are staying on and becoming tier 2 post-study work people won't have the right to bring in dependants, unlike the other people in tier 2. Since by that stage you are dealing with people typically at a relatively mature stage, who may well have picked up relationships and dependants, then that could be potentially restrictive.

Sitting under all this is the worry about what happens in the autumn. The Migration Advisory Committee has been invited to look again at tier 2 in the autumn. There is always the worry, the very major worry I think, that having got to a place now that is much better than the place that was originally proposed by the UK Border Agency the whole thing could be overturned again in the autumn if the Migration Advisory Committee comes forward saying that there needs to be substantially further restriction of tier 2.

Professor Diamond: I couldn't have said it better, but could I just take the opportunity very, very firmly to say thank you for all you might have done in ensuring that the proposals that came from the Home Office are so much better than we might have expected when we met on 6 February.

I have exactly the same concerns still that Alastair has just enunciated. I would just highlight two of them. First, there is the potential for internships. When people work in the energy industry they may come here, do a degree in petroleum engineering or something like that, and then have a short period of internship before going back to their country to work there in the energy industry. That is something that we are actively encouraging and working very hard to make happen. I think that in order to maintain the future of the energy industry here in the north-east as a global industry, we need to get some flexibility around that £20,000. That word "flexibility" is key for me. I have really no problem with many of the proposals that the Home Office has come out with so long as there are some key "normallys" put in and where it would be possible with exceptional cases to be able to go and get a reasonable hearing. It is to me the very firm nature—and clearly one has to start with firm issues—of the proposals that could be in some ways damaging.

Q41 Chair: Thanks. Can I start off by picking up your welcome for what we did, but I think, as we said before, you and the oil industry are not the problem? The question of how we devise a set of rules that covers those areas of the system that are a problem yet at the same time give flexibility in others, that is still the dilemma. It is just a question of whether or not the balance has been struck right. I want to focus on those two because they have to get away earlier and then I will come to the other two, if you don't mind. The question of most trusted status; we heard earlier on how the lecturers do not want to be monitoring this. How do we do this if we don't have staff actually keeping records?

Professor Diamond: We have policies at the University of Aberdeen that we believe enable us to manage the highly trusted status sponsor nature quite

well. We would expect, for example just on postgraduate students, Dr Whiteford, I think the times have changed. I would be quite depressed if I found that supervisory contact was four times a year. I would hope that the strategies that we have in place at the University of Aberdeen, which do enable us to monitor attendance and progress, are satisfactory to move forward.

Q42 Chair: Sorry, these systems, they are not like cameras, so presumably they involve people?

Professor Diamond: Sure.

Q43 Chair: If the people don't like doing it and want to avoid doing it, how do we deal with that?

Professor Diamond: I acknowledge what my colleague has said, but at the same time we are in a position where I believe we have to monitor the progress and the attendance of students at the University of Aberdeen regardless of whether they come from Portlethen or from Port Harcourt. It is indeed in retention some of our more local students who we have the greater difficulties with. I think it is our responsibility to make sure that we have progress going wherever people come from. That is certainly one of the policies at the University of Aberdeen and one that I am very proud of and that I don't see us having a problem fitting that in with the international students.

Q44 Chair: Similarly, the issue about people who are up chipping rocks in Wick or escaping off to Dublin or somewhere similar to do interviews, do you have mechanisms that will guarantee to UKBA that these people do actually still exist and are where they are meant to be and still undertaking the course of study?

Professor Diamond: I think we do and I personally believe that we do that already and that we can do that in the future.

Q45 Chair: Does that apply right across the board for the most trusted sponsor category? Is there anything there we should be worried about or any reasonable person could be worried about?

Professor Duffield: Hello. No, I don't think so from the perspective of Edinburgh Napier University. We have the admin processes in place. We monitor our overseas students rigorously. We know if they are going off-piste, so to speak, and we do something about it. In terms of a university, it is a burdensome thing to do but we have the processes in place to do it.

Q46 Chair: Alastair, I suppose you are the man covering the whole of the field. You are quite happy that we are not going to read in tomorrow morning's paper about shock horror abuses of most trusted sponsor status?

Alastair Sim: I think because the requirements for being a highly trusted sponsor are pretty strict then members have actually put systems in place to make sure that they can track students adequately. I think there is a huge amount of premium involved in being a highly trusted sponsor because you are basically not able to compete in the international market if you can't retain that. If you can't demonstrate that you are

supporting and retaining your international students and you can actually vouch for the fact that they are still there and still progressing in their studies, then you are out of the market. So the strong incentive is to get this right and people do get it right, even if it is quite bureaucratic.

Q47 Dr Whiteford: Just on the Highly Trusted Sponsor scheme, obviously for reputable institutions such as the Scottish universities that should not be an issue, but I know that some of the colleges in Scotland have expressed concern about their ability to meet the rigorous requirements of that. I wondered what implications that might have for you in terms of articulation of degrees with HNDs and things like that, if you are working with colleges.

Professor Diamond: I can't speak too widely, although I did have a conversation, because of this meeting, last week with the head of Aberdeen College. We don't see there are any major problems here. We can work together and we see the proposals as they stand as workable.

Q48 Chair: That was not the impression that we had from the previous panel, whom some of you heard. We got the impression that this was going to be enormously complicated and difficult and there was new rules being introduced for the sake of it and no normal human being could be expected to keep on top of all these. That was the flavour of it, I thought. John and then Alastair?

Professor Duffield: Yes, in terms of where there is a strong college partnership and there are students who are effectively articulating on to our degree programme, then yes, we do have a responsibility but we make sure of that when the partnership is developed that the college has the facilities to do that. It is all about the actual development of the partnership and being sure that our partner college has the ability to actually do the HTS stuff on our behalf, if I can put it that way, if that makes sense.

Shona Cormack: I believe there were some challenges at the outset as the requirements were being developed and I think that there is something to learn from that in the future that really there needs to be clarity in terms of expectations. But I think that now that is in place, as Alastair was saying, certainly universities recognise what their responsibilities are in this respect. Yes, there are burdens that come with that, but we recognise that that is a requirement if we wish to retain that very important highly trusted sponsor status and the benefits that come with that, not just from an economic perspective but because we believe that there is value in having international cohorts and we believe that there is benefit there for all our students in ensuring that they gain an international experience that will be of value to them when they leave university and then enter the world of work. I think we recognise, as with many other requirements, whether that is health and safety or anything else, that that is, if you like, a ticket to play.

Q49 Chair: Just in terms of the rules that are being applied just now that the UKBA are proposing, you are saying, yes, that they are workable. Do you have

a relationship with the UKBA that will allow a degree of dialogue to have some things that are perhaps unduly burdensome relaxed or changed or amended a bit, or is it just very much a take it or leave it from them?

Alastair Sim: If I could just refer to the corporate level of engagement rather than the institutional level of engagement that we have had with UKBA over the past few months, I would say that since the beginning of this calendar year we have seen that relationship change quite markedly from one being where at a corporate level we were basically told how things were going to be, to one where the senior managers in UKBA are having quite an intelligent conversation with university managers about how to make these things work.

The sheer scale of the response to tier 4 consultation, 31,000 responses, the sheer adverse reaction to some of it I think has been a bit of a shock to UKBA at senior management level and now they realise they have to talk. But I don't want to be overconfident because I think there are things that we have identified as being potential difficult areas, like the five-year area and like whether we really have it quite right yet on post-study work, where I think we do need to have quite intensive dialogue and I would not want to express an overconfidence that will be got right.

Q50 Chair: No, I understand that. Some of that I would draw a distinction between the UKBA and Ministers who are instructing the UKBA how to do it and what to do and so on. At the moment I just wanted to be clear about whether or not we should be going back to recommend either that the dialogue is totally unsatisfactory and it has to be started or, as I think you are saying, that considerable progress has been made in having a relationship with the UKBA whereby they are understanding the nature of the difficulties that you are facing, that there is some coming and going and an acceptance of yourself of where the Government wants to be at the end of the day, and joint working to try and get there. That is a much more positive message than I think we had at the beginning and it is very much to be welcomed.

Professor Diamond: I very much hoped that you would echo that positive message because I do think that there is a dialogue going on but it is a dialogue that, as I said earlier, needs to be around the flexibility and the need to move from what are workable proposals as long as that flexibility exists. I am with Alastair again, the proof of the pudding is in the eating, but we have a dialogue going. We need to make sure that it is a dialogue of two parts.

Q51 Dr Whiteford: The changes to the immigration rules, of which the student visas are a part, are also affecting other aspects of employment. I wonder from the universities' perspective where things are at in relation to academic and research staff coming from outside the EU into the institutions. The other question, which is very like one I posed to the previous panel, is how important are international students to the Scottish universities?

Alastair Sim: If I can just comment on the international staff—I think colleagues here will wish

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to comment on particular institutional difficulties—it has genuinely been very difficult. Scotland's universities are 20% staffed by people from outside the UK. The free exchange of people and ideas is absolutely integral to the intellectual vitality of Scottish universities and I think problems at tier 1 and tier 2 have made that more difficult. I will ask colleagues, with your permission, to maybe give institutional examples of that.

I think in terms of how much do international students matter to Scottish universities, again part of being a university is being open to the free movement of people and ideas. Of course we need to be open to international people. It is culturally and socially important as well as economically. If you are talking about the numbers, then in the last year for which I have data, which is 2009–10, overseas students paid £261 million of fees in Scotland. They brought at least the same amount of benefit to the wider Scottish economy in terms of spending power. It is huge for Scottish universities when you compare it to the £920 million-odd that we get in direct Funding Council grant. You can see it is a very, very significant element of the funding mix and a very, very significant element of our broader contribution to the Scottish economy.

Q52 Chair: Individual examples: is there anything you want to add to that?

Professor Diamond: I would simply add not individual examples but it has been very, very difficult for us to recruit. We do have to recruit and a university like Aberdeen, as with many other Scottish universities, we have to be able to recruit in a global market. I recently appointed three professors of divinity to one of the best departments of divinity in Europe, some would say—well, let us just say one of the best departments of divinity in Europe. Now, two of those came from within the UK or EU, but to get the third it was a Canadian. It was an absolutely brilliant appointment and bringing someone that really made the jigsaw puzzle fit. I could give you examples all over the place, but I need to be able to bring those people in a very competitive global market and it has been very, very difficult to do that. We need to make sure if we are to remain competitive that we can recruit the very best people. On students, three points very quickly.

Q53 Chair: Sorry, Ian, but you did manage it?

Professor Diamond: We managed it but it was difficult. That is exactly where we are at the moment. It is much more difficult. I can't give you examples of ones that we have not succeeded, but it is much more difficult than perhaps it was two or three years ago. We are concerned that it will become ever more difficult.

On students, if I could just say three things. One, we have a large number of international students at the University of Aberdeen. We do that because it is pedagogically and culturally good for us as a university and for our students, particularly our Scottish students, to have that diversity. Secondly, as Robin Parker pointed out before, there are courses that exist because we are able to get enough people on them by a mix of international and local students.

Thirdly, we are able to work with industry to ensure that we are running courses that are right for them, particularly at the postgraduate end. That is important to us as well.

Shona Cormack: Without repeating what Professor Diamond has just said, because I think that is a very eloquent summary of what international students do contribute; however, I think there is one additional thing, which is around the point that I think somebody made earlier around acting as really key ambassadors for Scotland going forward. I think students that have had a good experience at a Scottish university, who have made connections, who have made links, have the potential to make a very substantive contribution, particularly if universities stay in touch through their alumni links, to both the institution but also potentially to the wider economy going forward. I think that should not be underestimated as well as the contribution that they make while in Scotland.

Professor Duffield: I would echo all of those points made and, as an example, for us I think one of the areas would be around the viability of some of our STEM programmes. For example, at the postgraduate level we run a master's course that has probably two Scottish students on it and something like 15 or 20 Indian and Chinese students. If that course failed to run that would have an impact on our staffing. Those staff are research active. They add a lot, actually, to the renewables industry. We would then have a problem in retaining them within our institution and within Scotland. So the knock-on effects, some of the potential unintended impacts, are potentially quite serious.

Chair: Yes. To be fair, we have not been asking you so much about a lot of that because we had that well hammered into us when we meet you in Dundee. We have also had stuff like that from you in written submissions as well. So, just because we are not asking about things doesn't mean to say that we are not interested and we are not covering them.

Q54 Lindsay Roy: I want to follow up on that. In the aftermath of the original proposals, despite the welcome changes, do you envisage any threats to viable courses that you hold at a premium in the current year coming?

Shona Cormack: Without answering that specifically, I think one of the challenges is that we do not yet know how the response to the changes is really going to play out, certainly in terms of postgraduate courses, speaking for my own university, where at the key time of the recruitment cycle, if you like, applications have been made. So far they look like they are holding up, but the key point is not the applications, it is the extent to which those applications convert and then the extent to which those students then enrol at the university. At this stage, we have seen some evidence of press coverage, particularly in some of the key recruitment markets—India, China—neutral at best and, as I say, in a very competitive international recruitment market we don't yet know the extent to which that is going to play out into conversions and enrolments. So I think there is a fear there.

Q55 Lindsay Roy: Can I intervene with a supplementary? To what extent have you been proactive in promoting the changes that have occurred?

Professor Diamond: Could I just back up everything that Shona has just said? We don't know just at the moment. I would not say that some of the press coverage has been neutral; some of the press coverage I have seen in some of our key markets has been negative. That is going to be incredibly difficult for us. Now, what we have to do, and I believe it may be too late for entries this year, but what we are absolutely going to have to do as the full nature of the proposals works out is go on a major PR campaign. To come back to what Alastair just said in his initial remarks, we are, if you like, playing catch-up here while some of our main competitors, for example Australia and Canada, are out on the front foot making things easier. We are going to have to work very hard to maintain our competitive position and we know that. Just at the moment I am nervous, I will be absolutely honest, about our conversion this year because of the perceptions that are out there. One of the things that we are going to have to do very quickly is to move those perceptions.

Professor Duffield: We are, in fact, seeing some effect on our applications at the moment. It is hard to know exactly because of the position we are in the cycle. However, we do seem to be getting fewer applications from India and, indeed China, in the postgraduate areas.

Q56 Fiona O'Donnell: Could I congratulate you all. I think you are being incredibly measured and balanced in your comments and your reaction? I just wonder, Scottish universities, given the decisions that have been taken in relation to tuition fees south of the border, face some very difficult times ahead. I know, Alastair, you have recently commented on the importance of the income from overseas students. The Secretary of State is still stating that she expects to see a 25% reduction in the number of overseas students. Do you think Scotland will take more of a hit than the rest of the UK and how is that going to impact on Scottish universities?

Alastair Sim: If I could just comment on the Home Secretary's 25% point. I think when I first saw press coverage of that on the day of UKBA's announcement my immediate reaction was one of intense alarm and my second reaction was to start reading the background material that UKBA had helpfully sent me and to understand that she was not anticipating that any of that reduction was going to come from the university sector. Broadly speaking, I think we are not in such a bad place but, as I said in my introductory remarks and as I think colleagues have emphasised, our really severe worry now is just what damage has this done to the perception of the openness of Scottish and UK universities overseas. We work in an extraordinarily transparent environment and what is in the newspapers in Britain one day is in the newspapers in Singapore and Australia the next day. I really do think that we are having to push hard now against that reputational hit.

Q57 Fiona O'Donnell: In terms of Scottish universities like Queen Margaret University in my constituency, they are now looking at developing virtual campuses, campuses overseas. Do you think this will damage that kind of development in our sector?

Professor Diamond: I don't think it is going to damage that development per se, but one is going to have to look very carefully when engaging in ventures such as that at the business case and really do one's market research incredibly carefully. We at the University of Aberdeen are not cutting our wrists yet over this, but we are absolutely clear that we have an awful lot of work to do. As I said earlier, we are playing catch-up and we have to catch up very quickly.

Q58 Fiona O'Donnell: Just very quickly, are there any concerns about the English language test from anyone?

Chair: That is a no, then.

Fiona O'Donnell: No. Great.

Q59 Chair: Can I just come back to the point about most trusted status because I would have thought that Aberdeen was likely to be one of the institutions less affected because you tend to be specialising to some extent in areas where you have a competitive advantage. I would have thought that perhaps some of the other institutions who are more general in their offering might very well find themselves in more difficulties than yourselves. Coming just to the most trusted status question, given that the Government does want to restrict the numbers staying here, part of that is the question of those who are leaving. I think that we have always been a bit slapdash in terms of knowing where people go or when they go. Do the universities have systems at all that would help satisfy the Government that people who were coming here as students on a temporary basis were actually going, because that is clearly part of their anxiety?

Alastair Sim: Just reflecting on the general point that highly trusted sponsor status means you have a very high level of duty to maintain your records of the students' attendance and progress while they are there, I think the evidence that Universities UK and others gave to the consultation established there is a systemic problem for the UK Government, that they just don't know who is leaving. I don't think universities can be held responsible for knowing a year or two down the line, for people who have succeeded in getting into tier 2, whether they have in fact left. That really comes down to the systemic issue that I think the UK Government has recognised that you need to get on with rolling out proper means of checking who is actually leaving the country.

Q60 Chair: You don't have any mechanisms that would help them? Given that they are in a hole, you don't have mechanisms? I constantly get letters from former universities that I was at begging for money and so on. Presumably you do something similar, I would have thought. If you find yourselves writing to China or to India then it is a fair indication that the student might have gone away if that is the last

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address they gave you. I wondered if there was any sort of reassurance that we can give the Government that anybody was able to help them be on top of this sort of issue.

Professor Diamond: I will address that point, and if I can come back to something else you said, very quickly. I think we do attempt to maintain contact with our alumni. I agree with everything that Alastair has just said, but at the same time I think there are possibilities for using our contact lists if possible, but I don't see it as our job to check up on people.

The point I would just like to make, though, you said Aberdeen has a niche market so it is all right. Actually, we are much broader than a niche market, but in that niche market I have already mentioned Canada and Australia. We are in a permanent competition, for example, as our colleagues are at Robert Gordon, with Calgary, with universities in Western Australia. These are places that really are working flat out as part of the World Energy Cities Partnership to get our market and they are being very welcoming. We have to work flat out just to maintain our position, so we don't sit here comfortably in the northeast of Scotland thinking everyone wants to come just here.

Shona Cormack: Chairman, can I make a point building on what Professor Diamond has just said but from a post-study work perspective? One of the things that we know is that certainly many of the international students at Robert Gordon University come to study at postgraduate level. They are skilled when they arrive with undergraduate degrees. Many of them also have work experience. We also know that some of them at least are attracted by the fact that Aberdeen is the European city of oil and gas, of energy, and we also know that Futureskills Scotland identified that energy and the energy sector was a skills shortage area to the tune of about 1,100 jobs. Those figures are slightly out of date, a survey done in 2008, but we also know, due to the very recently published "Skills Investment Plan for Energy", that based on the replacement demand for oil and gas, plus new demand from renewables, carbon capture and so on, 95,000 new jobs in this area are predicted by 2020. I think it is really important that consideration is given to the potential changes and challenges that might exist in terms of the shift from post-study work to tier 2. While the tier 2 route is very much welcome—there is still something there—I think we very much recognise that there are still details to be published. Alastair talked about the work in the autumn. We know there is still the potential, as I understand it, to cap that route, and I think certainly from a Scottish perspective and what is being sought in terms of economic development, potentially that is an area that still needs some further exploration.

Q61 Chair: Yes, that was the next thing I wanted to pick up. I recognise the strength of the point that you made about it being a somewhat more illiberal scheme than the one that preceded it. I think I understand the point about the £20,000 too high. We have not, I think, had previously today many people raising with us the question of internships and the like and I think that is something certainly that I have never heard the

Government discuss, and I think we will refer that back. We picked up certainly the points about the cap. But when we met the UKBA informally last week, one of the issues they were making to us, not unreasonably, was the point of many of the people who have graduated, even with postgrads, then working in takeaway restaurants, working in security, working in quite low level jobs with the anticipation that if necessary they would just stay on here forever. They were seeing it not as a means of obtaining two years' work experience in order to go back but just as a prelude to staying on here irrespective because even if they didn't have a very good job here it was still better than going back. Otherwise presumably they would have gone back. It is that balance, and I am not quite sure what we say to Government about this because I think they have a justifiable anxiety. The intention of the scheme is not to allow people to work in chip shops, however worthy that might be. I have people in my constituency who are perfectly capable of working in chip shops but they are not necessarily capable of working in higher level jobs in the oil industry. How do we strike a balance between these points?

Professor Diamond: I think it comes down to flexibility, because if I come back again to something Robin Parker said, I thought quite eloquently, that is that sometimes it does take a little bit of time to get that job and that is where the flexibility comes in. If there is a clear intention that as soon as one has finished one's study—when one is working towards the end of one's study one is really working very hard. Getting a job is almost a step too far for someone who is probably trying very hard to get their master's exams, for example. If we could have a system that said there is a real intention to work in a highly skilled job but one needs that transition, then again it seems to me to be a very reasonable place to be.

Q62 Chair: Surely nobody, if asked, would say, "No, I have no intention of working in a highly skilled job". Everybody would express that intention.

Professor Diamond: I take that point, but that is where we need to move either to a system that says you have such and such time to be able to get into that job, and I think that is the fairest way forward, or one needs a bit more evidence—and that then brings in a bureaucracy—about applications and reasonable expectations of those applications being successful. My preference would be that one allows a period of time to get there and that one can work in the metaphorical chip shop during that time should one so wish.

Q63 Chair: What is a reasonable time, then?

Professor Diamond: That is a very good question and I would not like to put a time off the top of my head. I would be happy to go away and take advice and give you an answer in writing.

Q64 Chair: Fine. This is one of the issues I think we are going to have to come back with some proposals to the Government on if we want to see a change. John and Shona wanted to come in.

Professor Duffield: Yes. With respect to that latter point, I wonder if there is something around HESA graduate employability type measures and measuring employability after six months when a person has left an institution, as happens for our own undergraduate students.

Fiona O'Donnell: Can I suggest to you that that was what I was thinking, John, by looking at how long it takes a British student to find work, but I think you need to allow some time over and above that for overseas students and that they should also be given the opportunity possibly maybe to return home for some time first of all before returning to seek employment.

Dr Whiteford: Can I just add as well, Chair, that postgraduates quite often have quite a specialised degree and it can take a lot of time for a postgrad to find appropriate work of the kind they are qualified for? Over time they will find something but it sometimes can take a year or two to find an appropriate job.

Q65 Chair: The UKBA when we met them were quite clear that they didn't regard a chip shop as being an appropriate outcome and, therefore that was their line, that people who have genuine jobs—and I thought that there was a bit of flexibility in the question of the £20,000, because we were asking them about whether or not they were taking the different wage rates in different areas into account, and they were saying, "Well, not exactly". It has clearly been baptising people with a hose: one size fits all. But they seem pretty clear on the question of what they thought was and was not an appropriate outcome.

Professor Diamond: I would personally agree with you and them on the chip shop as a long-term outcome, but if you look at what happens to many graduates in the UK, they may take the chip shop option while they are applying and having interviews. That is what we want to enable to happen.

Q66 Chair: Do you have statistics that you would be able to let us have that would demonstrate how long it took graduates to get jobs on average, either postgraduate or—in order that we can demonstrate what is reasonable as a period of time to see then, notwithstanding the degree for a bit of flexibility. If the average was a year then that makes it much easier to say, "Look, UK students genuinely looking for jobs are still finding on average it takes them a year".

Professor Diamond: I don't have them off the top of my head but could I recommend a short letter to Professor Peter Elias at the University of Warwick who runs for the UK the national graduate cohort study and would have those kind of statistics at the tip of his tongue.

Q67 Chair: That would be helpful. Presumably, is there any reason why figures in Scotland would vary at all from that or would he have it for Scotland?

Professor Diamond: He certainly has it for the UK and I would imagine would be able to subdivide it for Scotland.

Chair: Fine, thanks.

Alastair Sim: I think also I could refer to what Professor Duffield referred to. The destination of leavers from higher education survey takes a snapshot of what everyone is doing, at least everyone who replies is doing, six months after graduation and also samples at greater longitudinal intervals. So you can see the transition that happens between not everybody being in graduate level employment six months after graduation to what happens further down the line as people find their level and get themselves established in their careers.

Q68 Chair: Right, thanks. One of the other points I wanted to pick up with you was the proposed rules on dependants where the Government seems pretty clear: sponsored students and postgraduates yes; the rest generally no. Do you have any observations on that in particular?

Alastair Sim: I think what surprised me when I saw the UKBA announcement was that it did not accept the Home Affairs Select Committee's advice that postgraduate masters level students who are doing courses that are typically just under 12 months should be able to bring dependants. Again, we are talking about people who may well have reached a stage of life where they have a partner and where it is not an unreasonable ask that if they are doing postgraduate level study they are able to bring their partner with them. I think I was a little surprised and disappointed that the UK Government's announcement didn't follow the Home Affairs Select Committee's advice on that point.

Q69 Chair: The argument there would be that if they were coming for just slightly less than a year there was not any difficulty about them going back and the like. That is the argument?

Alastair Sim: I appreciate the argument but I still think it is another of those hurdles for the UK in attracting the best people that really can enrich our universities if we are saying, "You have to leave your partner back home for 11 and a half months".

Q70 Fiona O'Donnell: Can I just ask Alastair, or if anyone else can tell us, how many courses that are postgraduate that are under 12 months, what the likely impact is going to be?

Alastair Sim: That is the typical length of a master's degree, just under 12 months.

Q71 Chair: That is helpful. You are not unhappy about people doing the five years of an undergraduate degree not being able to bring their dependants?

Alastair Sim: I will let members comment on what institutional effect that might have. I think it is not what we would have asked for but you can understand that possibly people are at a different stage of life where that is going to be less of an issue.

Q72 Chair: I think, as I understand the Government's position, the view is that if somebody comes in for five years and they have then two years' post-study work, if a child that they have with them has gone into school, say at five, that is them 12, it would be argued then that that child, therefore, has

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had most of their life here and, therefore, the family ought to have a right to remain, irrespective of any other factor. I think the Government feels that it doesn't want to open that door to settlement that would not necessarily be justified under any other circumstances. You wouldn't have any particular observations on that? Fine, that is helpful.

Dr Whiteford: I think this is maybe more just a comment, but I wonder if these proposals have been audited for equality implications in terms of women of child-bearing age in their 20s and 30s, which tends to coincide with the stage that people are likely to be engaged in study. I know that that is something certainly in the domestic environment has been an issue around universities and equal opportunities therein, but it would seem to me that it also is quite acute in relation to the issue that has just been highlighted around students coming from overseas and the whole issue of dependants there. It might be something that we might want to pick up with others.

Q73 Chair: Are there any other points that my colleagues have? Your written evidence has been very helpful and I think that has filled out most of it. As I said before to the other panel, any answers you had prepared for questions that we have not asked you and that you have been desperate to give us?

Professor Duffield: Yes, it is about the provision for courses taking longer. I had hoped that in this whole process we would not inadvertently end up throwing away, or threatening rather, the undergraduate four-year degree in Scotland. It is extremely important for us to interact in other international marketplaces, for example in Hong Kong and the like, where they are changing from a three-year undergraduate degree to a four-year undergraduate degree. If we inadvertently threaten that as well, it is going to put us in a worse position in certain marketplaces.

Alastair Sim: Perhaps really through the Chair just principally an invitation that Professor Duffield might want to say something about how the system works for feeder colleges. I am conscious that Edinburgh Napier and other universities have arrangements with private sector colleges to get students to a level that equips them for university level study. I think we would probably want to take this opportunity just to make any points we wanted to make about whether the regime appears to be supportive of that continuing possibility.

Professor Duffield: In terms of the feeder colleges—Navitas, and I believe Robert Gordon University is also interacting with Navitas at the moment—we think the English language provision now proposed is okay,

but it is not absolutely clear from the documentation that I have seen as to whether the timelines really work. I think some clarification from the UK Border Agency over those timelines in terms of English language courses and levels—

Q74 Chair: Sorry, I didn't quite understand that. Can you just clarify for me?

Professor Duffield: Well, it is the level of IELTS that the students come in with and the amount of time that they are able to have as part of their course preparation.

Q75 Chair: I see. Right, yes, it would be a course that they did before the course that they are here to do?

Professor Duffield: Yes.

Q76 Chair: Then I think the Government will probably take the view that if you have post-study work at the end of that, how long is the whole process? That is possibly a reservation. Fine, we can seek clarification on that as well. I am presuming that anybody that is linked in in that way, if they are private sector, comes under, as it were, the university's highly trusted status and that you are then responsible for monitoring them. It has been the private sector that has been the source of most difficulties in these matters.

Professor Duffield: Yes, but I think Navitas have highly trusted status.

Q77 Chair: Have they? Sorry, right. Well, thank you very much. Even though we are in Aberdeen I was going to say you will have had your tea, but in fact we have tea, coffee and canapés for all who have survived thus long if you wish to join us. If you have to dash off, then thanks anyway for coming along. We will be reporting as soon as we can get the report written. We are hoping to see the Minister at the beginning of next month, the beginning of May, I think 11 May, so we will have to have together the points we wish to raise with him. If there is any additional material that you want to give us then sooner rather than later if you could. Thank you very much.

Professor Diamond: Thank you. On behalf of Shona and myself, may I thank you very much for coming to Aberdeen and visiting this beautiful city on such a wonderful day?

Shona Cormack: It is always like this.

Chair: We have hardly seen any of it, actually.

Wednesday 11 May 2011

Members present:

Mr Ian Davidson (Chair)

Fiona Bruce
Mike Freer
Cathy Jamieson
Jim McGovern
David Mowat

Fiona O'Donnell
Mr Alan Reid
Lindsay Roy
Dr Eilidh Whiteford

Examination of Witnesses

Witnesses: **Damian Green MP**, Minister of State for Immigration, Home Office, **Phil Taylor**, Regional Director, Scotland and Northern Ireland, UK Border Agency, and **Glyn Williams**, Director of Immigration Policy, UK Border Agency, gave evidence.

Q78 Chair: Good afternoon. Can I welcome you to this meeting of the Scottish Affairs Committee? We had complaints from the members earlier that it was a bit hot in here. Feel free to take off jackets or indeed any other item of clothing that you think is commensurate with decency. We have already met many of you informally and we are here to discuss the student visa system. I am sure you will understand, Minister, that while we have you here there are a number of other issues we will raise with you as well. I will start by asking you to introduce yourselves and then, Minister, first of all, to respond to the question about certain aspects of the Scottish university system being different from the rest of the UK—for example, in the length of courses and the focus on work experience—and whether you feel the Scottish position has been adequately recognised in the changes that have been made.

Damian Green: Certainly. Thank you for inviting us back, as it were. I am Damian Green, the Immigration Minister. On my right is Glyn Williams, Head of Immigration at the UKBA. On my left is Phil Taylor, who runs our operations in Scotland.

On the Scottish aspects of the changes to the student visa system that we have introduced, in general terms, we are seeking to achieve the same things in Scotland as we are in the rest of the UK, in that we recognise that students make an important contribution to the economy as well as to society. It is absolutely not our aim to stop genuine students coming to study at genuine institutions. It is to eliminate abuse in the system and focus on high-quality, high-value students. The problem with the previous regime was that it was full of holes, basically. It was massively open to abuse but the vast bulk of that abuse didn't happen in the university system. I hope it is recognised by Scottish universities and, indeed, universities more widely, that many of the fears that were expressed before the actual details of the proposals were put in place were groundless. We did listen. It was a genuine consultation and we changed some of our proposals as a result of it, which I suppose is the only way you can prove it was a genuine consultation. As part of that consultation we talked to Scottish universities and other Scottish educational institutions. We recognised, in particular, the difference in the standard length of course of an undergraduate degree between Scotland and England and Wales. Do you want me to address

that particular point directly because it is clearly one of the big points?

Chair: Yes.

Damian Green: The one way in which there might be differences with the Scottish system is in our overall limit on the total length of time you can be here as a student. That won't come in until April 2012 anyway. We are very deliberately using that period to find out what nuances need to be built into the system because, apart from the particular Scottish issue, there are medical, veterinary and architects' courses and so on that take longer anyway. We appreciate that we will need to tailor the edges of that particular overall limit. We will be talking very hard to the Scottish institutions about that, not least to find the facts. Oddly enough, people say, "Hang on. All will have to be different in Scotland." It is a fact I do not have at my disposal. I am not conscious we have been told as an institution how many foreign students come to Scotland, do a four-year undergraduate degree and then another post-graduate course that would take them over the overall limit, for instance. That sort of information is absolutely vital and it is quite difficult for us to get hold of it.

Q79 Chair: It is very helpful in what you have said to us that you are indicating, as I understand it, that not only have changes been made in the proposals as a result of the consultation, and these have been announced already, but that you remain open to further movement on some of the areas that cause concern, and that this is an ongoing process. I would be grateful if you could just confirm that, because when we met Universities Scotland and several other organisations in Aberdeen recently they were very grateful for the progress that had been made in accommodating their needs, but they still raised a number of other points with us. To be fair, most of them required clarification rather than being opposed to what you were suggesting. If that is the mood in which this is being approached, I think we would generally be quite happy to leave some of these issues with you, once we have explored them in more detail, for progress to be made. Am I correct in identifying the spirit of this as still being ongoing?

Damian Green: I think you identify the spirit correctly. I am not sure I would go as far as to use the word you used, which was "movement", in that that

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suggests we have come to a decision that we are going to change. There are still some details, as the universities made clear to the Committee, that haven't yet been finally nailed down. We want the system to be as practical as possible. As I say, we want Britain, including Scotland, to remain open for the brightest and the best. We don't want to damage genuine institutions. Inasmuch as we haven't reached a final decision on some things yet, yes, we are doing it in the spirit you described.

As I have said all along, it is such a big and complex set of issues that we are quite deliberately rolling them out over a couple of years. Some things are in now; another set of rules is coming in in June, and we will have another big set next April. The things that will be finally nailed down next April may well still be slightly fuzzy round the edges while we can have talks.

Chair: Fine. We can move on to some of the details.

Fiona O'Donnell: Minister, maybe we could continue that conversation just a little. First, I thought you were wearing a tartan tie but I see you are not.

Damian Green: I am sorry.

Fiona O'Donnell: There is a little bit of disappointment there.

Damian Green: It would be inappropriate for a Welshman representing a Kentish seat to wear a tartan tie in front of the Scottish Affairs Committee.

Q80 Fiona Bruce: You talk about the differences between Scotland and the rest of the United Kingdom and that you are having difficulty in tracking down the evidence and information. Did you see this as an issue at the start of the process? Who have you been talking to, and when and how are you going to get the evidence? There are a lot of questions, I realise. How do we get to a point where the Scottish sector can have certainty about what the rules are going to be?

Damian Green: The final set of rules will come in next April. Obviously between now and then we are spending a lot of time talking to all parts of the Scottish sector. We are talking as though only the universities are affected here. Of course, the rules cover all institutions that offer graduate or sub-degree education. The biggest significant change in terms of numbers will overwhelmingly not be for those reading for degrees. It will come for those doing below degree level qualifications. It is always important to remind ourselves of that. People talk about student visas and instantly move into a discussion about universities. I can't emphasise too strongly that the bulk of the numbers that will not be coming here as a result of this are not university students.

The direct answer to your question is that everything will be known by next April. As soon as we come to a sensible conclusion on all the points at issue, obviously we will share it with the institutions.

Q81 Fiona O'Donnell: Is "a sensible conclusion" the same as saying that you will accommodate Scottish universities that have four-year degree courses, and that for the subjects that you mentioned—architecture, medicine and veterinary medicine—those students will be accommodated in terms of the length of their visa?

Damian Green: They can be accommodated now if you want to come and do a degree at a Scottish university. If the university is a highly trusted sponsor, you are a student who meets the qualifications for English language levels, you have the money and all that kind of thing, you will be able to do in future as you have done in the past.

Q82 Fiona O'Donnell: Why do you need to gather information if there is not going to be a problem?

Damian Green: As the Chairman mentioned, there are one or two specific areas, of which the length of the course is the obvious one, where the shoe might pinch in some circumstances. That is a subject that has been brought to us by the Scottish universities. What we do not yet know is whether we are talking about a few dozen, a few hundred or a few thousand people. It is always important to have some kind of basic knowledge of the magnitude of a problem before you decide how best you can cope with it, without creating a loophole in the system.

Q83 Chair: Can I be clear, though, on this question of the length of courses? As I understand it, the five-year rule for how long students at universities are expected to be here, or the maximum, is based on the English three-year degree, whereas in Scotland a normal undergraduate degree is four years. Therefore, if you are adding two to four, that would make six rather than the five that has been set as the template for England. Is it possible in these circumstances to give the universities the guarantee that you will take account of the fact that the Scottish undergraduate degree is four years and that the norm would therefore be accepted as six?

Damian Green: It is too early in the negotiation process to say. One of the reasons why it is too early is that, as I say, we don't know. Are we talking about a vast number? I assume in the aggregate that the Scottish system will reflect the rest of the UK in that, for example, two thirds of those who come from outside the EEA to do courses at universities are post-graduates already. In fact we are already talking about a minority.

Q84 Fiona O'Donnell: Minister, why is it about numbers, if you have a trusted sponsor and the student has met the requirements for the visa? If it is a lot of students, does that mean you are less likely to grant the six-year visa, or if it is a few will you think it is not worth changing the system? I am not sure why numbers matter.

Damian Green: Numbers matter. The interaction between the principle—the rule you operate—and the numbers matters in all areas of immigration policy because, once you create what looks like a loophole for a few dozen people, absolutely, as night follows day, in three years' time you find that several hundred thousand people are now using that loophole. All experience of attempts at immigration control suggest that.

Q85 Fiona O'Donnell: But these educational establishments are trusted sponsors and we have evidence in Scotland, rigorously scrutinised by the

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UKBA, that they don't have the capacity to take hundreds of thousands of students. I just don't understand if this is about figures or about your allowing the Scottish university system and other parts of the sector to—

Damian Green: To respond to your very specific and good point, they don't have the capacity today, but the university sector is dynamic and expanding. If it thought, "Here is a way to expand", with new students paying full fees and there is less control than might be otherwise—

Q86 Fiona O'Donnell: Are you talking to the Scottish Government about that? The sector faces huge challenges in Scotland. We're seeing south of the border places being sponsored or sold to universities, and it may be that the Scottish system is going to need something like that to survive. Are you having discussions with the Scottish Government?

Damian Green: To be fair, it is slightly early in the lifetime of the Scottish Government.

Fiona O'Donnell: We have the same one. What about the previous one?

Damian Green: Seriously, yes, we have been talking throughout at all levels.

Q87 Chair: Can I just be clear then? What you are saying to us, I think, is that discussion is still ongoing with Scottish universities and you have not shut the door on six years being an appropriate visa length in some circumstances.

Damian Green: We haven't yet come to a decision on whether and how there should be a different measuring system for Scotland as opposed to the rest of the United Kingdom.

Chair: Fine; that is helpful.

Q88 Fiona O'Donnell: Finally, an issue was raised with us by NUS Scotland about students with special educational needs, possibly dyslexia, who often have problems with a degree course and may take longer. I understand there are exceptions now to the five-year visa. What are those exceptions? Would they cover someone with a learning disability?

Damian Green: We have been looking mostly at individual courses, haven't we, Glyn?

Glyn Williams: Yes, but this is an issue, Chairman, that has only recently been brought to our attention. I think we would want to look at that. If it is demonstrated to us that there are students who are in special circumstances and who can't complete their degree within a normal cycle, I guess we would want to look at that and the evidence on it.

Chair: Again, that is still open and subject to dialogue. Fine; I think that is helpful. I wonder if we could move on the post-work study period.

Q89 Lindsay Roy: Before I go to post-work study, may I ask if there are restrictions on work placements within degree courses?

Damian Green: There are rules that have to be obeyed about the length of time students work when they are on degree courses.

Q90 Lindsay Roy: Can you give us an indication of what the maximum is? When we were at Abertay University, one of the very successful courses was in relation to the video games industry. A substantial time was spent on work placement.

Damian Green: Glyn, do you have the details in front of you?

Glyn Williams: The rule is that the work-to-study ratio must be 50:50. We are retaining that for university level courses and students at universities. They can work 50% of their time on a work placement and the other 50% of time must be study. In addition, if they are university students, they can work 20 hours per week on top of the work placement. That would be the rule for university students.

Q91 Lindsay Roy: Thank you; that is very helpful. Why should Scotland not be exempt from the decision to end the post-work study route, because the "Fresh Talent" initiative was very successful?

Damian Green: Let's not have a debate about the "Fresh Talent" initiative. That was clearly at a very different point in the economic cycle from where we are now. Straightforwardly, it is impossible to have separate rules for Scotland in the immigration sphere because there isn't a border. There is a border but not what the international world would recognise as a border between Scotland and the rest of the UK. If you are trying to exercise immigration control, you can't have Scottish-specific immigration rules.

Q92 Lindsay Roy: In relation to the four-year degree and the potential complications that Fiona identified about dyslexia, there wouldn't be an additional dimension or additional time to allow post-study work arrangements.

Damian Green: We are talking as though every degree in Scotland is four years, which it is, and every degree in England is three years, which it isn't. There are plenty of four-year degrees in England: for example, language degrees. Similarly, as I said, there are already subjects that have much longer degrees of seven years. There are clearly exceptions. There are things that happen with which the immigration laws will need to cope. As I say, as a general principle, the idea that you can have a separate Scottish set of immigration rules doesn't work because there is no border at which they can be enforced.

Lindsay Roy: Yet.

Damian Green: I was planning not to talk about what happened last week. If anyone else wants to, they are more than welcome.

Q93 Dr Whiteford: I wanted to pick up on that. Canada operates a differential policy within its national borders in relation to the Province of Quebec. Having been a postgraduate in Canada myself many years ago, I am well aware of how a properly managed migration system can have differential aspects in one state. I would therefore challenge the Minister's assertion. I, too, think that Lindsay's point about the "Fresh Talent" initiative is very well made. There was recognition not just by the current Scottish Government but also previous Governments in Scotland that we need to attract highly skilled

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migrants to Scotland because of our underlying demographic issues and the structure of our own economy. I would ask you to consider a little more closely the benefits that the “Fresh Talent” initiative brought to Scotland and look more seriously at it as a model.

Damian Green: The truth is that, across the UK under our new model, if you are a talented graduate who has been offered a graduate level job, you can stay on. You have a post-study work route. It is not the old post-study work route. That was rather badly named because it could be a “post-study unemployment route” or a “post-study-doing-a-completely-unskilled-job route”, not doing a graduate job. We think it is much better to say that, if you are the sort of talented graduate whom Scotland and the whole world wants, you come here, you do a degree and somebody offers you a job because you are in the country and you want to stay, that is fine under our new system. What you can’t have is a system where people can just hang around and do nothing.

Q94 Lindsay Roy: The focus, as you rightly say, is on high quality and high value. The NUS has told us that for 75% of those who came here with a post-study work visa it was absolutely vital to them that they had that opportunity when they came to the UK. We are in a position whereby we are competing with other nations like Australia and Canada, which have less stringent arrangements.

Damian Green: They don’t really. I have heard that NUS argument. I slightly bridle in principle at the thought that the reason people come here to study is that there is a work visa attached at the end of it, or an even more generous “Come here and stay and look for a job for up to two years” visa. The way our universities will build on their existing success is to make sure that they are offering high-quality education that will attract people from around the world. If what they are offering is effectively a visa to come and live and work here and, as it were, the price you pay is having to do a course, that seems to me to be the wrong way round. I take issue in principle with what the NUS are saying.

When they say that other countries have much more generous regimes, the Canadian scheme is the most similar to ours. They have a post-graduation work permit programme, the difference being that it grants leave for up to three years for those with a job rather than two years, but it is very similar to ours and is a relatively new scheme. There is no direct equivalent either in the USA, which is obviously the biggest competitive market, or in Australia and New Zealand. I don’t recognise the truth of the assertion that other people have much more generous systems.

Q95 Lindsay Roy: In terms of high-quality student entrepreneurs, these are the people whom your Government say we want to attract, and I agree.

Damian Green: We have set up a special entrepreneurs and investors route. We are looking at ways of making sure that students come out of university with, as you say, entrepreneurial skills and an idea of how we can encourage them to stay in this country. That is very different from the general

situation of the previous post-study work route, whereby you didn’t need to be entrepreneurial. You didn’t even need to be offered a job. You had the absolute right to stay here for two years.

Q96 Chair: Minister, when we met Universities Scotland they were quite clear, as well as the NUS and other groups that we met, that in competition with Australia, New Zealand and Canada, our proposed regime would be less advantageous or less attractive to those who were coming. You seem to be saying that that is not the case. I think it would be helpful to have that in writing so that we can go back to those who have been in touch with us and say, “Look, this is what the Minister says”, then we can have a disputation, if necessary, in writing about the factual position. We have clearly been led to believe that Britain is introducing a less attractive system. Obviously, that is, understandably, a concern to us.

Damian Green: We will happily provide the facts of, “This is what is on offer” in the main Anglophone countries because they are effectively our competitors.

Q97 Cathy Jamieson: I want to clarify something to ensure that I have understood what you have said, Minister, in relation to “Fresh Talent”. When Lindsay Roy raised it, I think you said something about “in relation to the current economic cycle”. Could you be clear about whether you believe that the “Fresh Talent” initiative was an example of how a different requirement for Scotland could successfully be set up within the existing immigration rules? It wasn’t about borders or anything else but about keeping some of that fresh talent in the country. If you accept that, are you saying that the rationale for why the UK Government doesn’t want to do that now is the economy?

Damian Green: Not entirely. I was just making the point that, when “Fresh Talent” was brought in, clearly there were labour shortages all over the place. There is a wider and much more important long-term point. I quote here the left-wing intellectual David Goodhart, who talks about the country becoming “addicted to immigration”. If your first response as an economy to having any kind of pressure is to bring in more people from around the world, one of the dangers is that you let employers off the hook of training and you let Governments off the hook of proper education and training. That is what has happened to a large extent, overall, in the UK labour market in the last 10 or 15 years.

One of the effects of that is that we have had very large-scale immigration and we have particularly large numbers of unemployed young people. There is quite a deep piece of economic thinking about whether Scotland would want to go down that route again or whether it is preferable to do better than we have all done in the past in terms of training, the welfare system and so on.

Q98 Cathy Jamieson: As someone who was involved in the Scottish Government, or the Executive as they were at the time, when the “Fresh Talent” initiative was brought in, I hope there isn’t a misunderstanding. It was not about opening up

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Scotland in the kind of way that has perhaps been suggested: that people would come willy-nilly and stay in Scotland. It was very much linked to the idea of education, people getting an opportunity and then perhaps also being able to move back whence they had come with new skills and experience in maintaining those links. Just to press the point, do you think there is still scope for doing that, with particular options for Scotland and Scottish universities and colleges but within the existing immigration system?

Phil Taylor: One of the reasons why we had to bring the “Fresh Talent” scheme within the overall UK schemes was that we were being threatened with judicial review by educational institutions in the north of England, whose view was that we had given a competitive advantage to universities in Scotland. It was difficult to gainsay that statement.

Although the statistics that were collected weren’t particularly reliable, the evidence was that, of those who had been granted “Fresh Talent” visas, a year into the scheme about 50% were no longer in Scotland. They could have been in England or Wales or could have left the UK altogether. About 25% appeared to be working in low-level jobs in bars and restaurants as waiters. Possibly, at best, around 25% were working in what you might call graduate work where you could arguably say they were adding to the value of their degree, either in the contribution to the UK or to their work and going home.

The statistics were pretty shaky, and that was because when the scheme was started we didn’t really set out the parameters for how it should have operated. The evidence base was pretty shaky. The difficulty in terms of Scotland versus the rest of the UK is the point that, if we allow a concession which is Scotland-specific, other educational institutions in the rest of the UK have a legitimate cause for concern and complaint.

Q99 Chair: I want to pick up the point about post-study work. It may be a mistake to confuse the “Fresh Talent” initiative with the post-study work. My understanding for example, when we were in Aberdeen in relation to the oil industry, is that they saw people coming across on courses, having the opportunity to work in the industry for a limited period of time such as two years and then going back again as a great attractor.

I have become more confused as the discussion has gone on about whether that will still be permissible under the existing rules. Much was made to us of people coming here not to do complete university degree courses but specialist industry-focused ones on things like tourism and hospitality—not low-level hospitality but fairly senior stuff. They were coming to Scotland, working for a period and going back. Because of the nature of the Scottish economy, there were particularly attractive opportunities, and cutting that off was going to kill off the industry or that market. Can you just clarify that for me?

Phil Taylor: As the Minister has said, there is the opportunity now for all graduates of UK universities to go into Tier 2 skilled work. If you get a skilled job offer as a foreign graduate and it meets the

requirements of the rules, you can take a job under Tier 2.

Damian Green: And outside the limit.

Lindsay Roy: That is £20,000.

Q100 Chair: We will come on to the £20,000 in a moment. If somebody comes under their own steam, they do a degree and then they seek work for a couple of years, that is entirely different from somebody who comes from Kazakhstan to the oil industry, sponsored by somebody there, wanting to do some sort of course and then work for a couple of years in the oil industry offshore. Do I take it that that format would still be permissible and acceptable and there would be no difficulty about that?

Phil Taylor: Two options occur to me. One is, is it an extension of their course? Is it something like a work placement on the course? I mentioned at a previous informal meeting that, when the former Chief Executive of the agency and I spoke to the oil industry, they expressed concern about the quality of graduates coming out of UK universities, which was their argument for why they needed to bring in so many foreign nationals to work in the oil and gas sector. Our advice to them was that they ought to start talking to universities about making sure the courses actually fitted what the industry needed. There is that option, which is linking it to the course. The second one, as I said, is that, if it is a skilled job and it is a Tier 2 job, then, yes, they can do it. But just hanging around to get a job which may—

Chair: I understand that. David, you wanted to come in earlier.

Q101 David Mowat: I did. It was a while back now, but I was just reflecting on the measuring point for the three-year and four-year courses. A lot of four-year courses exist now in England. Would it be that difficult, if there was an issue with that, just to have a different tariff by course and by university? It is a fairly finite thing. Rather than say it is Scotland versus England, we could just say most engineering courses in England are four years. We would just say, if it is a four-year course, it is a different tariff. Surely that would be the way to address the issue, which, as far as I can see, is the only difference between England and Scotland in this whole area.

Damian Green: That would be one way. What you don’t want to do is have course inflation so that, for reasons that none of us can quite think of ab initio, every course suddenly becomes a four-year course.

Q102 David Mowat: No, but, funnily enough, if there is going to be a trend at all in this area, according to the Ministers responsible, it might be market-driven shorter courses. That is another reason potentially to have individual tariffs for individual courses. I am just reflecting that it can’t be that hard to do. It is something that you do once and maybe renew it every year. It strikes me as a week’s work for somebody.

Damian Green: It is a possibility. As I say, we are looking at how best to devise schemes.

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Q103 Dr Whiteford: I want to keep on this subject because I think it is important to recognise that, economically, the university sector is more important in Scotland than it is in other parts of the UK, relatively speaking. We should not lose sight of that. It is not just that they are centres of research and teaching excellence. The key relationship between universities and sectors of the economy that have the greatest potential for economic growth is also very important in my part of the world. I am thinking particularly of the energy sector and life sciences. They are global markets and global industries, but those are areas where we have a competitive advantage and where our universities play an absolutely key role in maintaining and exploiting that. One of the most salient pieces of evidence we took when we were up in Aberdeen was from the Principal of Aberdeen university, who pointed out that the competitors in his market are Canadian, American and Australian academic institutions. That highlights for me that it is not just about the detail of the scheme. It is also about the tone we set and the kind of welcome we give to overseas students. Are people welcome here? If people are hoping to work in a global industry that is based in Scotland or has strong roots in Scotland and opportunities there, I have no problem with attracting the brightest and the best into Scotland. I think we should have a system that facilitates and enables that, recognising that many of our brightest and best go overseas to work in those same industries. I think it is important to keep that tally, too.

I want to ask a very detailed question on the transition between Tier 2 and Tier 4. I am concerned that a lot of graduate entry level jobs, even in industries that become very highly paid, wouldn't meet the purely arbitrary £20,000 tariff. Research assistants in universities are often very badly paid doing part-time work that is nevertheless very professionally important to their career development. Give it a year or two and they will get well-paid jobs but it takes time. They have to serve apprenticeships. Another example would be law graduates. Again we attract bright people to study law in Scotland, but look at the Law Society's own evidence. People will not earn £20,000 until they have finished their traineeships some years after graduating. Everybody appreciates the progress that has been made, but I ask you to look more at the detail of some of these proposals.

Damian Green: I completely agree with everything you said in your introductory stuff about the brightest and best and being internationally competitive. That is precisely it.

Chair: But?

Damian Green: With regard to the second half, when you move on to the salary specifics, again we have to set a national rate and it is slightly more diversified.

Q104 Lindsay Roy: Why does it have to be a national rate?

Dr Whiteford: Why couldn't it be regionalised?

Damian Green: Because we don't have regional labour markets. We have freedom of travel. We have freedom of movement. It is impossible to have separate things for different parts of the country.

Q105 Jim McGovern: Is it impossible?

Damian Green: It is impractical.

Jim McGovern: You said "impossible".

Damian Green: Anything is possible. The Russians ran their economy for 70 years micro-controlling everything that happened, but it wasn't very good for their people or their economy. I don't think we should follow that route, frankly. The invitation to have separate layers of minimum potential wages for certain types of workers in different parts of the United Kingdom is just not an attractive prospect.

Q106 Fiona O'Donnell: That is not what the evidence was. You have London weighting. What was it based on? Do you expect people to earn more in London? Especially in Scotland, people can expect to earn less. What was the evidence base?

Damian Green: It is an extraordinary aspiration for this Committee, I have to say, that Scotland is going to be permanently a low-wage economy. Surely you don't want that to happen.

Fiona O'Donnell: No, no; that is not what I said.

Lindsay Roy: That is a completely wrong interpretation.

Q107 Fiona O'Donnell: That is absolutely not what I said. I was just thinking about all the evidence that Eilidh produced just now. I just wondered what evidence you had taken and if you had been aware that there may be—

Damian Green: There is a really serious point, specifically for Scottish workers, which is that, if you make it easier for employers to bring people in at below existing wage rates and you are specifically advantaged if you are a foreign graduate, then absolutely as night follows day the people who will suffer, the people who will not get those introductory jobs, will be the domestic workers. It is a no-brainer. If you are a firm of solicitors, great, "I have to pay £20,000 for her but only £15,000 for her because she is foreign." That can't be a sensible way to run a labour market.

Q108 Fiona O'Donnell: But could it not also be the case that what happens is that London becomes the centre and, where you might usually offer £22,000 in London, you can then get an overseas student for £20,000? It could be just the opposite and actually Scotland could do well out of this.

Damian Green: Scottish workers won't do well.

Fiona O'Donnell: They would do well if all the graduates were coming down here.

Damian Green: £20,000 is not set as a London rate which we are then imposing on the rest of the country. It is set as a national rate and it differs in certain parts.

Glyn Williams: In a way you are talking about Tier 2 more than Tier 4 here. We did a big consultation on Tier 2 last autumn when we set the limit. The Migration Advisory Committee carried out their own consultation. They subsequently drew up a list of graduate occupations. They took a lot of evidence on salaries. Okay, they weren't looking specifically at the Tier 4 transition, but I don't recall that employers, Scottish or otherwise, made any representations significantly about the £20,000 minimum salary. It is

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a £20,000 minimum salary and there are codes of practice for certain professions which impose higher going rates and take account of starting salaries.

Q109 Dr Whiteford: Will people moving from Tier 4 to Tier 2 be able to say that they are eligible for work? That, again, is something that has not been clear. Anyone who has done recruitment will know that they have responsibilities to ensure that the people they appoint to jobs are eligible to work in the UK. One of the issues that has been raised with us is that the guidelines are still not clear on what someone's status will be if they are a student and they are applying for a job. Are they eligible potentially?

Glyn Williams: We have said that graduates from universities can switch out of Tier 4. They are in Tier 4 and they have that status. They can apply while they are in the UK to switch into a Tier 2 job, in which case they need an offer of a skilled job, a graduate level job, from a Tier 2 employer. They will have to meet the minimum salary requirement, whether it is the £20,000 or whatever is in the relevant code of practice. We have also said the resident labour market test won't apply to those people switching, which is potentially quite a big concession. As the Minister said, the limits on Tier 2 workers won't apply.

Damian Green: Will they have four months?

Glyn Williams: Student visas last four months beyond the expected graduation dates. They will have four months on the end of their studies, as it were, to fix themselves up if they have not done so before they graduate, which of course many of them do.

Q110 Chair: Is it actually the date of graduation as distinct from the date that the course finishes? I seem to remember having several months. It is a long time ago since I graduated, but I seem to remember the course finishing yonks before I was able to graduate.

Glyn Williams: I need to check this, Chairman, now you have raised it. I think if your course finishes in June you will have until October.

Damian Green: There are some people who don't graduate, so in practice that must be the case. It is not a question of going to the degree ceremony, otherwise you just wouldn't go to the degree ceremony so you would never graduate.

Chair: Oh, you cynic.

Damian Green: A year as Immigration Minister makes you cynical, I can tell you.

Chair: I wonder if I could stop the process for a moment. Fiona wanted to ask a particular point relating to the last time we met you. She has to go for a more important meeting than seeing you at twenty past. Fiona, do you want to pick up your point?

Q111 Fiona Bruce: Thank you very much, Chair. Thank you for coming, Minister. As you may recall, we met in January and I asked you about human trafficking. Since then things have moved on. The Government have decided to apply to opt in to the European Directive to combat trafficking and protect victims. I would like to ask you if you would be good enough to augment the response that you gave us—and I thank you for the written response with which

you followed up your evidence—in the light of this development.

Damian Green: Now that we have come to the end of the negotiations about the European Directive, we think that it is helpful. It doesn't do anything damaging to our own legal system, which we were worried about. It is not just safe for us to opt in but also beneficial, in that it will enable us to continue to play a leading role in the international battle against trafficking. We technically have to apply to opt in. I don't imagine the Commission will say that we can't. We apply to opt in and within a few weeks, I hope, we will announce the full details of the strategy that I outlined in a debate in the House before Christmas, which will essentially attempt to enhance our current victim care arrangements but make the prevention much more effective than it used to be.

We want to do more work upstream in the sending countries—we need to do a lot of work there—and we want to have much better information and intelligence exchange at the border itself, which is clearly the point where we will identify victims. We also want to do better internally with our own police forces, making sure there is awareness of trafficking and that information exchange about trafficking is done better inside the country. Opting into the Directive is an integral part of that strategy.

Q112 Fiona Bruce: My key question when you appeared before us last was to ask how the two Governments can work together effectively to combat this issue. Although you provided some information about individual agencies, I really would like to probe you on that point. Perhaps I can quote something you said in the House only this week. "Human trafficking is a complex, covert and cross-border crime that demands an international response." How can these two Governments within this United Kingdom work together more effectively to deal with this issue?

Damian Green: By having structures to do so and by ensuring that at a law enforcement agency level, and indeed at a political level, we can do this. For example, I chair the Inter-Departmental Anti-Trafficking Committee. The Scottish Government sit on that committee. Indeed, by video-link, Kenny MacAskill played a significant and very useful part in our last meeting. The officials at the relevant Department in Scotland will sit on our official committees as well. Absolutely, the Scottish Government are plugged into our anti-trafficking efforts.

Q113 Fiona Bruce: I thank you for your efforts. I think you are correct in saying that there is a will at that level. It is translating it on to the ground, isn't it? It is looking at how, for example, individual police forces—some of whom are very good, such as Cleveland—can work with a multi-agency approach, yet others don't seem to treat this as a priority. How can we ensure that we work together with the Scottish Government so that it really does have an impact at the grass roots?

Phil Taylor: Baroness Kennedy, who is one of the Scottish Human Rights Commissioners, has been holding an inquiry into trafficking issues in Scotland.

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We, the Serious Organised Crime Agency and the Gangmasters Licensing Authority have all been involved in that, along with the Scottish Police Service, the Crown Office and Procurator Fiscal Service and the Scottish Crime and Drug Enforcement Agency. She held her final seminar last week and she is about to produce a report. There was a general collective view that, in Scotland, we are quite good at working both within Scotland and cross-border across the UK in terms of law enforcement agencies, but there were some distinctions in the way in which we tend to look at our specialisations. I think she will come up with some recommendations that were discussed as part of that about how collectively we can all work better together. There was a general consensus that that was probably the right thing. I would think within about a month or so, we will have some recommendations to consider about how the UK Government and the Scottish Government can work more closely in law enforcement on countering trafficking as it relates to Scotland.

Q114 Fiona Bruce: That is very helpful. One last question, if I may. You spent quite some time in your response to us talking about a guardianship pilot. There is very considerable concern about the impact of trafficking on young children and whether we really are giving them the support and the care that they need once their circumstances have been ascertained. Is this also something that is being worked on in Scotland together with the authorities there?

Damian Green: Essentially it is a responsibility for local government. Therefore that is distinctly a role for Scottish local authorities. It is beyond, as it were, the Scottish Government. I would be stretching my tentacles into areas where they shouldn't stretch if I started deciding how Scottish local authorities should operate.

Q115 Fiona Bruce: What you have done, Minister, in indicating that we want to opt into this European Directive is send out a signal. Often, it is signals from the national Governments which are then picked up by the authorities that make a difference on the ground. I think that is what many of us would like to see in this particular area. Would you agree that that is a fair comment to make?

Damian Green: Absolutely. The main effects of opting into the Directive are practical, but, absolutely, it should send a signal to all levels of administration in all parts of the United Kingdom that this is something we need to take seriously. It is a dreadful, growing international crime and Britain is a destination country. Therefore, we need to be absolutely at the top of our game fighting it.

Chair: We can now go back to the order of business. David, would you like to ask the next question?

Q116 David Mowat: Minister, did I hear you say earlier that the real issue we have here is the sub-degree students?

Damian Green: Yes.

Q117 David Mowat: I would also have expected that. Just as an observation, it seems to me that the

whole thrust of this legislation and the complexities with post-graduation work and everything else is addressing a part of the problem that may not be the real problem, if you see what I am saying. I am just reflecting on one of our submissions. The university of Edinburgh has a masters degree in engineering which is five years because of the work experience element within it. My guess is that there aren't many immigration abuses by people studying engineering at the university of Edinburgh. Are we legislating for the wrong area by trying to set these rules, which pick up a part of the market that is not causing the problem in the first place?

Damian Green: The rules that we set won't adversely affect genuine students studying at genuine universities. The Committee reflects the public debate. It is a debate about student visas and therefore everyone spends their life talking about university students. As I have said once, but will repeat again, the vast bulk of the effect of our changes, particularly in terms of reducing net migration, which is the Government's overall target, will affect people who are coming here to study courses at below degree level, which, as it happens, barely impacts on Scotland. There are 750-odd private sector colleges providing these kinds of things, of which something over 500 aren't highly trusted. Of those, about 11 are in Scotland.

Q118 David Mowat: I accept that. It seems to me that the problem we are trying to solve, as you have said, is the below university level problem. It is just that a lot of the contentious parts of this legislation that people are discussing—the £20,000 limit and the "Fresh Talent" initiative—are to do with graduate courses. That was just my observation and you may wish to reflect on that.

Damian Green: Sure.

Q119 David Mowat: More specifically on internships, I assume they have no specific position in terms of post-graduate work in your current thinking.

Damian Green: There is nothing specific in the rules about internships.

Glyn Williams: Not in Tier 4. There are certain schemes under Tier 5 which permit internships.

Q120 David Mowat: Could you elaborate on that a little?

Glyn Williams: There are certain sectors which have set up Government-authorised exchange schemes which need to be sponsored by an overarching body. It might be a Government Department, for example. I can't remember a good example offhand, but I know there are some internships which are being done in that way.

Q121 Chair: Rather than looking at internships on their own, let us consider them with the post-study work element. I entirely understand the point about wanting to make sure that people who stay on are on a decent salary and aren't working in security or chip shops and all the rest of it. However, if people come here, do courses and want to do post-work training which involves an internship in the oil industry or

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something similar, how would that be handled? That is one of the issues that was raised with us by the universities and others.

Damian Green: As Glyn says, there are internship schemes under Tier 5. They are not under Tier 4 because you have moved on from being a student. One that springs to mind with me is the Hansard Society, which runs an internship scheme for American politics students. There are dozens of these small-scale schemes.

Q122 Chair: That is right, but our specific interest in this regard arises from internships that would follow on from a university course that was bought and paid for in Scotland. Would they just be dealt with under the normal rules for internships or would they be looked at in terms of extending people's visas to allow them to do an internship and not be bound by the £20,000 rule, which again I understand because you don't want people working in security. But you don't want to have the rule there for stopping people doing internships, after which they would return home.

Damian Green: I am not conscious we have had any representations from commercial industries like the oil industry, which is not short of a bob or two, saying, "Please can we employ people for free after they have done high-level degree courses?"

Q123 David Mowat: It is illegal as well, isn't it? It is contrary to the minimum wage legislation.

Damian Green: Yes.

Q124 Chair: We got this specifically from Professor Diamond, the Principal of Aberdeen University, as being an issue. He referred to the oil industry. We will go back and ask them to provide clarification. Perhaps this is one of these areas where there can be further discussion if it is not a point that has been made to you as clearly as it might have been.

Damian Green: The oil industry and internships seem a very odd combination of institutions, I have to say.

Chair: We just report on to you the points that have been raised with us. We are mere vessels for conveying these messages to you. I now move on to the question of highly trusted sponsors.

Q125 Dr Whiteford: One of the other issues that was raised was to do with universities' responsibilities for policing the implementation of changes. Have you given much thought to how expectations have shifted, in a sense, from the current situation in terms of what universities are expected to track, and the police, and what they might be under the new system?

Damian Green: There are no changes to the responsibilities of highly trusted sponsors. To bring in sub-degree level students, you have to be a highly trusted sponsor now and the requirements are stringent. They need robust recruitment practices, low numbers of people to whom they offer places to whom we then refuse visas for whatever reason, and low numbers who don't show up in the first place or who drop out after a few weeks. To be a highly trusted sponsor, therefore, you need to be offering places to people who want to be genuine students. We have not changed the requirements as such.

Q126 Dr Whiteford: I know some colleges as well as universities have expressed concern. They seem to see the new regime as putting more onerous administrative responsibilities on staff. That is certainly the feedback we are getting from them.

Damian Green: Only if they weren't observing the rules. It is probably true that we will be enforcing the rules that already existed properly from now on, but that is the only change.

Q127 Cathy Jamieson: Briefly on that, Universities Scotland raised concerns particularly about, for example, the Scottish Agricultural College. This is to do with the interpretation of guidance rather than about the rules. They were concerned that some of the wording in the UKBA's documentation could, for example, cause difficulty. They are, of course, not a degree-awarding institution but they are a recognised higher education institution which works with other universities. Has that now been clarified or have those concerns been addressed?

Glyn Williams: Is your question how you define a university?

Cathy Jamieson: I suppose to boil it down, yes, it is.
Glyn Williams: We have taken the list off the BIS website of recognised bodies: i.e. bodies which can have their own degree-awarding powers. I think there are half a dozen other university colleges in the UK, which I have somewhere in this pile here. There is a specific list. You then have the listed bodies that can award degrees, which are awarded by the university of Bradford or wherever. When we refer to universities, they are not included.

Damian Green: I am advised that we have had no representations from the Scottish Agricultural College directly to the UKBA.

Q128 Cathy Jamieson: I am following the good example of the Chair. I am only reporting what has been brought to us. If that is something that could perhaps be looked at, that would be helpful. I want to raise another question in relation to the whole concern about bogus colleges and institutions. From what you have said before, Minister, and the STUC gave the same sort of evidence, it was not perceived to be a particularly Scottish problem. Could you say a bit more about the work that you have done recently on that to ensure that, while it may not be a particularly Scottish problem, it does not become one? Is there anything else that you have been looking at?

Damian Green: Partly it is where the industry has grown up. Seventy per cent of these colleges are in London and another 15% are in the West Midlands. As I say, there are only 11 in Scotland. The best thing we can do to stop it becoming a problem is to make it clear that, if you have been operating a bogus college for the last few years, we are about to come down on you. Every time I cite this figure it goes up. It is about 71 now. We have closed or suspended the licences of that order of colleges in the past 12 months. Now this new regime is in place, it will be genuinely interesting to see over the next few months how many of them simply fade away before we inspect them. I don't know yet whether some of them will keep going or whether some will just disappear.

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I would have thought that anyone who fancies setting up a bogus college in Scotland will be much less keen to do it now than they might have been a couple of years ago.

Chair: That is right but, to be fair, people don't generally come along and say, "Excuse me, I would like to set up a bogus college here."

Damian Green: Indeed not.

Q129 Chair: Is there not a danger that any colleges which might be genuine colleges find themselves caught by the rule that, unless you are a trusted sponsor, you are effectively going to be ruled out? Since we have had these other meetings I have been approached by a college in Scotland which alleges that it is not a bogus college, as you would obviously expect, but indicates that it is teaching the English language to people coming from abroad. It is not linked to any particular university. It says that they are bringing in money and all the rest of it. Under the new rules, will there be no place for an institution like that unless it goes under the umbrella of a university or a higher or further education institution which is a most trusted sponsor? I hadn't been particularly conscious of this until I was approached.

Damian Green: If it is an English language college, the bulk of its students will be doing courses of less than 12 months. We deliberately extended the student visitor visa on which most English language students came from six months to 11 months, saying firmly that if we find abuse in this we will change that. Nevertheless, we took on board what the English language college sector were telling us and they now have 11 months. We are told by the sector that that is enough for pretty well everybody. You can get your English up to a level where you can do what you will with it in 11 months. They don't need to be highly trusted sponsors because they are not bringing in people for more than 12 months.

Q130 Chair: Fine; that is helpful. Talking of difficulties, I turn to Glasgow Caledonian university, which has recently been the subject of some activity. Can I clarify where we are now in relation to Glasgow Caledonian?

Damian Green: Absolutely. As of yesterday, their licence has been reinstated. As you know, it was suspended because we saw evidence of abuse by people who were nursing graduates. We discovered that they were spending only two days a month actually studying at the university. Clearly, there was significant evidence that they were not fulfilling the terms of what should happen. The university has very helpfully worked with us very closely since the licence was suspended. They have reviewed the course. They have changed its structure so that 50% of the course is now spent on campus, which, as Glyn mentioned earlier on, we reckon shows that you are a genuine student. They have allowed us to interview all the students so that we can check that they are bona fide students. They have confirmed that all the students on the course are suitably qualified. As a result, we have now reinstated their licence.

Q131 Chair: I want to pursue a couple of things on that before I let in some of my colleagues. I seem to recall that the response of the university was that the UKBA had over-reacted by suspending their licence. Could you clarify for me whether or not, with hindsight, you think that the Department did over-react?

Damian Green: No, absolutely not. This is absolutely the system working as it should. We didn't revoke the licence; we suspended it. There was clearly something going seriously wrong there. The university have acted very swiftly now that we have done this to remedy the problems and we have very swiftly reinstated their licence. This seems to me to be the regulatory system working absolutely as it should do.

Q132 Chair: How did we get into this position? There does seem to me to be a bit of a difference between where we are now with the students being at the college for 50% of the time and the previous situation where they were there two days a month. Had this not been explained to the university? Had the university had it explained to them and chosen to ignore it? Had nobody understood? I fail to understand how exactly Glasgow Caledonian got themselves into that position.

Damian Green: In all fairness, that is a question you will have to put to Glasgow Caledonian because the rules have been there all along. Of course, the obligations of highly trusted sponsors are permanently explained. As I said in reply to a previous question, we have not changed the rules that highly trusted sponsors need to operate. We are just making sure they are enforced now. It is a very good question but it is a question for them.

Q133 Chair: It is only really the enforcement of the rules that stopped Glasgow Caledonian carrying on as they had been.

Damian Green: I hope that Glasgow Caledonian would have noticed themselves that something was going wrong, but that is counter-factual history. What I know is that we found this going on, we took the action we did and we have now solved the problem.

Q134 Chair: For how long had this been going on?

Damian Green: Since about October last year.

Q135 Chair: Can I clarify the position of the employers of the students involved? Presumably, these students should not have been working effectively full-time. Presumably, then the employers were in the wrong. Can I ask you to tell us who the employers were and whether any action is being taken against them?

Fiona O'Donnell: If you could clarify their responsibility in this, it would be useful.

Phil Taylor: The employers in the main were private care homes throughout the United Kingdom. Action is being taken against the employers individually in terms of their position and their ability to hold sponsor licences for overseas workers.

Q136 Chair: When you say "throughout the United Kingdom", were there students allegedly studying at

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Glasgow Caledonian who were working throughout the entirety of the United Kingdom?

Phil Taylor: A tiny minority were based in Glasgow. They were based in Northern Ireland, Aberdeen, London and the south-east, the Midlands, the north-east and the north-west. The problem that arose was that this course was, to a large extent, a distance learning course so a lot of the work was done online by computer. Therefore, the students were very rarely, as the Minister said, attending the university for organised study: two days a month. There was a breakdown of communications within the university. When we brought it to the attention of senior officers in the university, I think I could describe their reaction as shock when we explained what had been going on. The issue was brought to a head when the dependant of one of the students applied for a visa to join his wife who was on the course. As part of the evidence that he submitted of her ability to support him as her dependant, he produced wage slips showing that she was working up to 100 hours a week. Then we started investigations which very quickly showed that the whole course—about 135 students in total—were involved. There was a third party involved in this process in organising the route, the course and some of the placements.

Q137 Chair: This sounds to me rather like organised abuse and not just simply an individual student. I asked initially whether you could tell us about the employers. I repeat that: can you tell us who the employers were?

Phil Taylor: I think at this moment, no, because there are further investigations going on both into the organisation, which was operating as the middle person in this and into whether there are other issues that we need to address in terms of law enforcement.

Q138 Chair: I can understand that. Do I take it that you will be able to provide us with the names of the employers at some point? I can understand not getting them in the middle of investigations and so on, but will we get these in due course?

Phil Taylor: Yes.

Q139 Chair: You are investigating the people who were organising this: the employers. Presumably, the students themselves are continuing now with their course.

Phil Taylor: We have been interviewing the students over the last couple of weeks and ensuring that they are all capable, able and willing to return to the reconstructed course, which is now fully compliant with the rules. We are still going through that information on a case-by-case basis. We will deal with any students who cannot fulfil the requirements of the course and the requirements of Tier 4 through the immigration control rules.

Q140 Chair: Am I right in thinking that, had the relative or the dependant of one of the students not applied for a visa, you would never have come across this?

Phil Taylor: We did know that this was a problem. It is not only in Glasgow Caledonian university. It has

affected other institutions across the UK so we were aware that there was a growing problem. Investigations were going on and are continuing in relation to that, but the specific evidence which threw up that Glasgow Caledonian was a threat was brought to our attention through that entry clearance application. I found out about it two days after we met in Inverness.

Q141 Chair: I am grateful that you arranged for me to be informed as quickly as possible of that. I should mention that my colleagues have been aware of this for some time. This is clearly not just an isolated incident in relation to Glasgow Caledonian. This is apparent throughout the United Kingdom. Is it all Filipino nurses or is it a variety of countries and occupations?

Phil Taylor: My understanding is that it is all Filipinos.

Damian Green: In this particular case, but there may be others. You will understand, Chairman, that there are at any one time a number of investigations going on.

Chair: Yes, there are a variety of different things. You can understand why, in our discussions with Universities Scotland, they have been indicating that everything was all right in their house, as it were. Something like this happens and there is no evidence that I can see that Glasgow Caledonian would have actually dealt with this on their own had it not been picked up. It comes back to the point about monitoring. We met the Lecturers' Union, which indicated that they were not enthusiastic about monitoring students. They said it placed an unfair burden on them and it affected the relationship between the students and the lecturers. Had this not been caught by yourselves, we could have no guarantee that this isn't happening in every university up and down the country.

Q142 Fiona O'Donnell: The colleges as well, especially for health and social care workers, will not necessarily be an effective way of controlling it. They could still be meeting the requirements in terms of their study but working night shifts. I see a lot of loopholes here for exploiting these workers, especially in the care sector. Is there not another way? People have National Insurance numbers. HMRC is another way. It is not just about protecting jobs. It is also about protecting these individuals from being exploited.

Damian Green: And the people they are caring for if they are doing it 100 hours a week while they are meant to be doing a full-time university course. Absolutely, yes, the ramifications are quite big. I hope that one of the effects will be to send a shock through the system of all universities, many of which I imagine are now looking at their systems of control and internal communications and are asking themselves questions. As you say, they have said all along, "We can see there is a problem of abusive colleges but of course that is nothing to do with us." That may or may not be true in every case.

Q143 Chair: We would probably want to have a discussion again with yourselves at some stage once

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all this has been resolved. It might only be a relatively short discussion or simply something that we can have on paper, but we would certainly want to have a report back from you once all the existing investigations are pursued. Apart from that, though, everything is fine as far as you are aware until the next one. That is the case, is it?

Damian Green: As I said, we are continually investigating and we are getting better at enforcement. I will be pleasantly surprised if this is the last time we have something like this.

Q144 Jim McGovern: I am particularly disappointed to hear about what has happened with Glasgow Cally, as I think it is known. My son graduated from there as an optometrist. I remember being on holiday in Cyprus in 2005. I don't know why but there seemed to be an enormous number of opticians in Cyprus, and almost every one of them had a plaque outside saying, "All our optometrists graduated from Glasgow Caledonian university." I am somewhat worried about that now. Perhaps they only turned up once a month or something like that. How is it monitored? Is it fair that the university itself should be the monitor of how often students come into their classes?

Damian Green: Yes.

Q145 Jim McGovern: If that is the case, if that is what they have to do and presumably report back to your Department, exactly how do they do it? How do they monitor it?

Damian Green: I think it is not unreasonable. They are highly trusted sponsors. I put equal weight on each word of that. We as a society trust them because they have the privilege of making money out of people, bringing them in from all over the world and allowing them to live in this country for a period of time because we all welcome the effects of that. In return, what we are asking them to do is make sure that those people who have come here to study are actually doing that. I have heard all the complaints such as, "This turns us into policemen" and so on. All we are asking them to do is meet the terms of their contract. If these people are never turning up, there is something going wrong; so let us know.

Q146 Jim McGovern: Does the university have to report back to your Department? "There are 150 students here. 125 of them turned up every single day they were meant to and another 25 didn't." What are the logistics? How does it work?

Phil Taylor: There are two things. One is that the structure of this course didn't meet the requirement of the rules. There is a difference between the courses which fit the structure and this one, which clearly didn't. The students were turning up for the prescribed time. It wasn't that they were bunking off. It is just that it required them to turn up only two days a month. We are not expecting a late register or a daily absence sheet, but what we are expecting is information if somebody is not attending courses and quite clearly not following the course. It may be that some brilliant academics can survive and progress quite satisfactorily on two days a week as opposed to four or five for a standard student. Our key concern, as the

Minister has said, is that, if someone comes here to enrol on a course, they are following that course with a view to getting a qualification at the end of it and not using that course as a blind for illegal working. It is not that onerous, but the university should have identified that this specific course did not meet the requirements for overseas students.

Q147 Jim McGovern: My concern, and it is probably shared by others here, is that it sounds to me like the students have been exploited. Did you say some of them were working 100 hours a week?

Phil Taylor: Some of them were working up to 100 hours a week, yes.

Jim McGovern: They were being exploited and the Chair has obviously mentioned the rogue employers who were involved in this, but it sounds like it is the university that has suffered by having its trusted status suspended.

Q148 Chair: It has been reinstated now, though, I am glad to say. You don't operate a system like a driving licence where they get three points or an endorsement or anything. Presumably, we can expect Glasgow Caledonian not to be sinning again.

Damian Green: Let's all hope not.

Q149 Mr Reid: Minister, under the current rules, a Tier 2 worker can bring in dependants, but, under the Government's proposals, students who want to become Tier 2 post-study workers won't have the right to bring in dependants in the same way that everyone else in Tier 2 can. Can you explain the reason for that?

Damian Green: The only people who will be able to bring in dependants under Tier 4 are post-graduates doing a course of more than 12 months.

Q150 Mr Reid: What happens if they then go on to do Tier 2 post-study work?

Damian Green: They will be able to sponsor dependants who accompanied them when they were here as students. They can't move on to Tier 2 and bring in Auntie Flo. If they have their partner with them while they are here as a post-graduate student and then move into Tier 2, they can carry on sponsoring that dependant.

Q151 Mr Reid: But if they got married after they became a Tier 2 worker after the course had finished, would they be able to bring in the spouse?

Damian Green: If they were a Tier 2 worker, they could apply for a spouse visa in any case. That would be the same as the current situation. Am I right?

Glyn Williams: We are drawing a distinction here between those who have entered the Tier 2 general category under the limit, who can sponsor dependants, and those who are switching from Tier 4 into Tier 2, as the Minister said, who can sponsor dependants they had with them when they were in Tier 4, but should not be able to bring in any new ones. If they wanted to sponsor dependants, they would have to switch into the Tier 2 general category, the restricted category, which would be subject to the limit.

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Q152 Mr Reid: Are you saying that, in a situation where a person got married after they had become a Tier 2 post-study worker, if they wanted to bring in a dependant, they would have to apply to transfer into the normal Tier 2?

Glyn Williams: Yes.

Q153 Mr Reid: What is the logic behind that?

Damian Green: You don't want to give unnecessary privileges to one particular type of post-study work. I don't think this is going to affect a huge number of people. It is a slightly academic point, if I may say so.

Q154 Mr Reid: It is a concern raised by Universities Scotland. They also made the point that post-graduate masters level students doing courses typically under 12 months can't bring in dependants. They make the point that by the time people have got to the post-graduate stage, they often have a partner or dependants. What is the reason for the decision?

Damian Green: There have been several less than 12-month post-graduate courses. That has been one of the areas we have identified as prone to abuse, quite specifically. Lots of people set up short, allegedly post-graduate courses and then allowed people to bring in dependants and all that kind of thing. That was something we identified as an area of abuse.

Q155 Chair: Surely the only people able to do post-graduate work should be most trusted sponsors. It would only be universities that could do post-graduate work, would it not?

Damian Green: It is more a question of the demand side. If you are a serious student and you are doing a post-graduate course, the truth is that that post-graduate course is probably going to be at least 12 months. If it is a three-month or six-month post-graduate course and you are allowed to bring in a dependant, we have just looked at some of these courses and thought that we are not entirely convinced.

Q156 Chair: The very short ones wouldn't be run by universities and therefore they wouldn't be covered by most trusted sponsors.

Damian Green: They wouldn't necessarily be universities. Some of them aren't universities, are they, but some of them can still be highly trusted sponsors?

Glyn Williams: In future, all sponsors will have to be highly trusted.

Q157 Fiona O'Donnell: Can I ask about English language requirements? How long do students who come in on the pathway track at level 1 have to get to level 2?

Glyn Williams: If they come in at Tier 4, you can spend up to three years at below degree level, so they could spend three years progressing. I imagine most of them don't if they are on a language course or a foundation course. It is something like a year or two years.

Damian Green: These pathway courses are characteristically a year.

Q158 Fiona O'Donnell: One sector particularly affected by this is music. Our conservatoires are short on funding both in England and in Scotland. We frequently have students who come to study from non-EU countries. They maybe don't quite need an interpreter but their English isn't very good. We often have Russian teachers in our conservatoires who are then able to teach. Of course, music is a language that knows no borders or barriers. Is this something that has been taken into consideration and will there be exemptions for any courses where students may not meet the level B2 requirement?

Glyn Williams: Anybody who comes to study on a degree level course needs to have B2 level. Anybody who is studying below degree level needs B1. You may well be more expert than me on this, but I don't think it is necessarily true that music conservatoires don't have English language requirements. We looked at the websites of some of them and they have English language requirements. It is not just about playing and reading music. There is a lot of theoretical study involved for which proficiency in English is as important as it is for any other subject.

Q159 Fiona O'Donnell: There have been no concerns from that sector then.

Glyn Williams: No, not specifically.

Fiona O'Donnell: That is very reassuring; thank you.

Glyn Williams: It was represented to us that there will be a very few exceptionally gifted, say, Chinese physicists or mathematicians who would be a real asset to a university but don't have the required level. We have said that we will put in place a procedure whereby they can be exempted from the requirement, but we expect that to be a handful of people and not run-of-the-mill.

Damian Green: It is for the university to apply for a specific individual and explain.

Q160 Fiona O'Donnell: In terms of the status of the conservatoires, maybe they are not just there for the tuition element. Finally, the UKBA in Scotland provides a valued and valuable service to my constituents and to my constituency office. How will the cuts or savings efficiencies which the Government have asked them to make be made?

Phil Taylor: Slowly and carefully, and we are ahead of track on that front at the moment.

Q161 Fiona O'Donnell: But where have they been made? Are there fewer staff? If so, where have the staff gone?

Phil Taylor: It is one of those issues where there is a steadily moving picture. For example, asylum legacy casework is one of the areas of work that has come to an end. A large tranche of work has ended there and freed up staff. We have looked at changing the way we do things because regionalisation was set up often within the pre-existing silos but brought together at the top. A lot of the work that we have looked to do now is on linking some of the management chains. For example, people in the presenting officers' unit presenting appeals before the immigration courts were a separate body, with their team in the region. Alongside that, there was the asylum caseworking

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team, which also comprised trained presenting officers because they present asylum appeals. We have now merged those two teams. The synergies we get from presenting officers who can do asylum work and asylum caseworkers who can do presenting work means we have efficiencies there.

Technology changes will also happen in the next couple of years, which should mean that our caseworking processes will become much more efficient and much slicker. At the moment we met and exceeded all our targets for this year, which were higher than last year. There has been no deterioration in service. In fact, the public inquiry office, which is the front office for customers coming in and applying for extensions, has just been accredited with a customer service excellence award. It seems to be hanging together.

Q162 Fiona O'Donnell: How do you monitor that, Phil? Is it about the time that you take to close a case? You say the service hasn't been affected. I am wondering how you measure it.

Phil Taylor: A lot of metrics are being produced to go into that, but it is about the totality of cases rather than the individual cases. It is much more about the outcome of a case simply than measuring targets within the case. That has helped us focus on some of our outcome work. At the moment, I would think the service has been getting better. We are doing it with reduced staff and will continue to work through that.

Q163 Chair: I have a final point on this section. There has obviously been a lot of adverse publicity throughout the world as a result of the consultations and a lot of concern is being expressed. Will the Home Office now help universities correct the impression that Britain, and Scotland in particular, wasn't really open and welcoming university students again? Are there ways that you have explored with them of dealing with this?

Damian Green: It was always a false impression. I and all of the Home Office were saying, to coin a phrase, "calm down". This is not going to make the university sector uncompetitive. You will be pleased to hear that my next engagement very shortly is to talk to all our ambassadors who are over here this week, who are in many cases the front line. They will be the people out of whose offices our visa sections will operate. They are very concerned about this and I am going to talk to them about that in a few minutes.

Q164 Chair: I turn to the Glasgow City Council contract, where I understand that matters have now been resolved as amicably as possible in the circumstances. I would be grateful if, first, that could be confirmed and, secondly, if the question of costings could be confirmed. It has been suggested that as a result of the way in which all this has been handled, it is going to be more expensive for the Department in the short term. I would be grateful if that could be clarified, and also what is the scale of the savings that are likely in the longer term?

Phil Taylor: The contract transferred on 3 May. It was uneventful. There haven't been any significant repercussions since then. As you know, we predict the

full-year savings of transferring that contract to be around £4 million in a full calendar year. We are not yet clear of the costs of transferring the contract versus running the contract to its termination because Glasgow City Council have only recently submitted their breakage costs for the contract. We are waiting for a breakdown on that. Then there are some pick-up costs for which Ypeople will bill us in terms of their set-up costs in taking on that additional contract.

If you take into account the fact that, as part of the arrangement, only 14 of the 33 Glasgow City Council staff have transferred to Ypeople to pick up that contract and the additional changes to the nightly rates that we get because Ypeople now have a much higher volume than they had before, we still anticipate that there should be a saving in the short term, but it is difficult to say because we don't have the full costings in front of us to be able to say that for definite. We think it is somewhere in the region of about £1 million.

Q165 Chair: It would be helpful, as with the other issue that we raised, if you wrote to us in due course once the short-term savings have been resolved. We are all glad that this matter has been resolved. All I can do is reiterate what we said before about its having been handled very badly by the Department centrally in notifying people in the way that they did without warning, but congratulate yourselves, Minister, and the staff in Scotland, on the way in which they reacted very positively and helpfully to make the best out of a bad job.

Damian Green: Thank you. As I said the previous time before the Committee, I apologise for the initial handling of it, which, by any standards, was less than ideal. If I can just make one other point, you more than anyone, Mr Chairman, will remember the scaremongering that happened. Now that we have got to the end of this process and it has all been transferred, I can report that not a single child has had to change their school as a result of this transfer. I think that illustrates the extent of the unnecessary scaremongering that was going on. This process, after the initial problems, which we all agree shouldn't have happened, has proceeded very smoothly.

Chair: I remember from my days in the Council that every time the social work department made a complete mess of something they described it as "a valuable learning experience". I hope that that is what this has been for the Department and that these things will be handled better in future. I want to raise one or two other matters, Minister, relating to the paper that you sent us on 16 February. I know there were a couple of points arising from this that people wanted to raise.

Q166 Fiona O'Donnell: Thank you for your answer about the pupil premium explaining that. It is additional money that has been transferred to Scotland through the Barnett Formula. Do you know whether the Scottish Government have then passed that money on to a city like Glasgow, which particularly has to bear the costs?

Damian Green: I do not. Once the UK Government pass it to the Scottish Government—

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Fiona O'Donnell: I suspected that answer. We shall ask the Scottish Government.

Q167 Chair: On foreign prisoners, again you gave us very helpful information. Can I clarify whether the same rules are being applied in terms of deportation of prisoners convicted in Scotland as in the rest of the United Kingdom and whether the arrangements that you have with the judiciary about making deportation part of the sentence are the same as in the rest of the United Kingdom? Upon reflection, I don't think we picked that up last time.

Phil Taylor: The one difference was that there wasn't an early release scheme in Scotland, but that has now been enacted by the Scottish Parliament and is in place. As recently as last week, we have been in discussion with the Scottish Prison Service about how to put those provisions in place. As I think I mentioned before to the Committee, now that the asylum legacy work has been dealt with, we are moving the foreign national prisoner casework up to Scotland so that it will be on site and we will be able to deal with the cases faster and more effectively.

The only judicial issue is the potential for judicial review. Again, I think I mentioned before that we had started a dialogue with the Scottish judiciary. The very strong indication we have had from them—and we had a meeting last month again—is that they want to go for a consultation in the next couple of months, but they recognise that the Scottish judicial review system can be made faster and more effective. Certainly the indication we are getting is that that is what they want to drive towards. In any case where a deportee wanted to challenge his removal from the country by way of judicial review, I think we are going to see a much faster system in the fairly near future.

Q168 Chair: As you will know from the discussion that I have had from my own constituency casework, there has been a series of cases where people were abusing the judicial review mechanism just simply to keep delaying things. Is this entirely a judicial matter or is it partly a Scottish Government matter? Ought we to be raising this with them or only with the judiciary?

Phil Taylor: Lord Gill produced a review of civil justice the year before last which picked up a lot of the concerns that we had about the operation of Scottish judicial review. I think some of those changes will require primary legislation to the Scottish Parliament, but the judges have indicated that they can do a lot of it on their own by procedural change. They appear to be keen to do that and to make the system more effective and faster while at the same time ensuring that people have access to judicial review in Scotland. There is recognition that the system needs to be changed and improved. All the indications we are getting show that they want to do what they can. There may be bits around some of the formatting which will require primary legislation, but it is not clear yet whether what the judges intend to do, when they have decided what that is, will be sufficient to address the problem or whether it will require statutory change on top of that.

Q169 Chair: Do you have a time scale for when it will be clear whether it requires primary legislation?

Phil Taylor: It is highly dependent, of course, on that consultation process that the judges want to conduct with both sides and representatives of people applying for judicial review. We would hope that it might be in place for the autumn session when the courts re-sit after the summer recess.

Q170 Chair: That is an issue on which we would obviously want to express a view. The next point I wanted to raise with you arises from legacy case resolution. We discussed before how it is easy to resolve legacy cases simply by letting everybody stay. Last time we heard that only 2% of resolved cases were actual removals and 42% were given permission to settle. Do you have an update for us? If it is not currently available, could you let us have one?

Phil Taylor: We are just finalising the figures. I can certainly write to you with an update on the details of that.

Q171 Chair: Is it the same sort of pattern as we had before? We would be concerned if this Government were clearing the backlog simply by allowing everybody to remain.

Phil Taylor: If you think about the way to deal with it, bearing in mind that a lot of these cases were asylum cases and were being supported by the Agency, we dealt with the grant cases first because they were the easiest to bring the numbers down quickly. The more difficult cases and the ones that need a lot of caseworking are the ones that have been left. As you know, again, the asylum population in Glasgow has a pretty strong cohort of families. The two issues there are the potential that that creates for judicial challenge, in that it is not just one individual but two, three, four or five individuals who may raise a judicial challenge. There is also the passage of time and the impact on the children of a family who have been here for longer and longer. There is a tension between the speed at which you can work the case to departure and, inevitably, the length of stay that the family have had, and whether you then have to reconsider it. At the moment we have a cohort of the cases that we think need to be removed and we can identify that.

Q172 Chair: It did seem rather there as if you were preparing me for the news that virtually everybody who is on the legacy list is going to be allowed to remain.

Phil Taylor: No; I don't think I am saying that. What I am saying is there is a speed at which we can remove. If we are dealing with one family, inevitably that means there are 10 families we can't deal with.

Chair: I understand that.

Phil Taylor: In the courts, in terms of interpreting the impact upon children, it is a pretty live issue. We have to keep our eye on what the determinations are and what the courts decide is a reasonable period. Sometimes it is very difficult to be exact or precise, but we keep the cases under constant review. If we think there is no prospect of removing a family because we won't win the case at court, there is no

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point in us just expending energy in trying to do that. But there still are removable cases that we intend to remove and we now have the new family removals process through which to put them.

Q173 Chair: Talking of the family removals process, can you tell us whether the report on the successes or otherwise of the family return project is available?

Damian Green: It is very close.

Chair: If I remember, it was very close in February.

Damian Green: It is really close now.

Q174 Chair: This, if I remember correctly, was the scheme on which the Government and the Scottish Government have spent £1 million to get the agreement of 47 families to leave, and none of them have left. How long do you need to do an evaluation of something like that?

Damian Green: It will take as long as it takes. You know the details of what went on.

Chair: Indeed I do, which is why I am keen to see the report.

Damian Green: It will genuinely be published very, very shortly.

Chair: How very, very shortly is “very, very shortly”?

Jim McGovern: Is it closer than “very”?

Damian Green: There is an extra “very” there.

Chair: It was very close last time we saw you, if I remember correctly.

Damian Green: Yes. “Shortly” is sooner than “close”. We are talking days or weeks.

Q175 Chair: Days or weeks, but 52 weeks is a year. Have you any idea of how many weeks it might be?

Damian Green: I do not have a date yet.

Q176 Chair: When you are canvassing, there is always the difference between “don’t know” and

“won’t tell”, is there not? You are a genuine “don’t know” then.

Damian Green: In terms of which day, but, as I say, it is days or weeks.

Q177 Chair: The final point that I wanted to raise with you relates to the point that you mentioned at the beginning about borders. As part of the investigation of the student immigration system in Scotland, we got letters from the Scottish Government relating to that. Among those they say, “As a Government we do not support arguments to reduce migration.” They also say, “The Scottish Government opposes a limit on net non-EEA migration”, which I read to mean open borders.

Presumably, your Department is considering what might happen in circumstances of independence for Scotland, particularly if there was a policy of open borders for immigration. Can you tell us how far that work has advanced and whether, in the near future, the foreseeable future, close, shortly, you could give us an indication of the factors you are taking into account about how the residual part of the United Kingdom might react to an open borders Scotland?

Damian Green: I have not commissioned any work on this and I don’t anticipate doing so in the near future. Clearly, if it becomes necessary to commission that sort of work, we would do so, but I haven’t.

Chair: Not yet. If no one has any other questions, thank you very much for coming along. It is always a pleasure to see you. We look forward to arranging something in the not-too-distant future, or maybe shortly, depending on the reports we get from you. Thank you.

Written evidence

Written evidence submitted by NUS Scotland

INTRODUCTION

1. NUS Scotland is a federation of over 60 local student organisations in Scotland, representing over 500,000 students, which are affiliated to the National Union of Students of the United Kingdom (NUS UK). NUS Scotland is an autonomous, but integral, part of the National Union of Students. The students' associations in membership of NUS Scotland account for 85% of students in higher education and over 95% of students in further education in Scotland.

2. Students' associations affiliated to NUS retain autonomy over all policy areas, and may choose to make individual students' association submissions based on local policy. NUS Scotland operates a democratic forum for policy and debate on national issues affecting students, and NUS Scotland's role is to reflect the collective position.

3. NUS Scotland works with our members to:

- Promote, defend and extend the rights of students in Scotland.
- Develop and champion strong students associations.

We aim to develop and support the experiences of students in Scotland and work with our members to improve students' associations across the country.

SUMMARY

4. NUS Scotland believes international students are valuable both culturally and financially to Scottish education institutions and the wider Scottish economy. With over 24,000 non-EU students currently in Scotland, forming 11% of the student population, contributing £300 million in fee income and £0.5 billion to the wider Scottish economy, measures to reduce their numbers will clearly have a negative impact both on Scotland and on its universities and colleges.

5. NUS Scotland's international student members have made it very clear that the proposed measures will deter genuine, high quality students from applying to come to Scotland. Rather than seeking a blanket restriction on the number of international students, NUS Scotland considers it more appropriate to target the minority of "bogus" colleges and students who are non-compliant under the current system. In addition to these financial and cultural factors, Scottish exemption from the proposed UKBA changes is essential if Scotland is to address its longer term population growth target necessary to provide sustainable economic growth.

SCOTTISH-SPECIFIC FACTORS AND THE NEED FOR REGIONAL FLEXIBILITY

6. NUS Scotland is clear that the situation in relation to population and demographics is different in Scotland than other parts of the United Kingdom. In particular Scotland's population is projected to age more rapidly than the other countries in the UK, whilst the growth rate of the working age population is projected to be considerably lower in Scotland over the next 25 years.¹ A limit on net non-EEA migration to bring it to the level of "tens of thousands a year" is likely to have a detrimental impact on achieving the population target and sustainable economic growth.

7. Scotland has a population growth target to tackle its projected declining and ageing population. The main contribution to overall population growth over the target period is projected to come from net migration to Scotland—a key aim of the Fresh Talent scheme.

8. Scottish exclusion from the proposed UKBA immigration changes is required due to the implications of the proposed cap for Scotland, in particular on the Scottish Government's ability to grow Scotland's population and achieve sustainable economic growth.

9. A net reduction in international student numbers will have a greater impact on the Scottish economy as the revenue generated from international students is currently greater in Scotland than in the rest of the UK. Therefore regional flexibility is essential.

10. The consultation does not address at any stage Scottish-specific types of qualifications such as HNCs and HNDs and the impact that this may have on international students taking up vocational qualifications.

11. In regards to the UKBA proposal to show evidence of progression to study a new course, this fails to take into account, and has the potential to damage, Scotland's reputation for flexibility through the Scottish Credit and Qualifications Framework (SCQF).

12. NUS Scotland believes that international students provide local regions with much needed labour and help close skills gaps. As such, regional exemption of more restrictive employment conditions in areas with demand for part-time labour and specific skill sets would be strongly encouraged.

¹ Memorandum submitted by the Scottish Minister for Culture and External Affairs, <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/361/361wa03.htm>

13. International student responses collated from our membership show that the overwhelming majority considered the post-study work visa critical to their decision to study in Scotland. Consequently, they would have been discouraged from applying to Scottish higher education institutions if this opportunity did not exist. If implemented, the proposal to remove PSW has the potential to seriously damage Scotland's world-class status. This is especially pertinent given that other competitor countries such as Canada, New Zealand and Australia are making the visa process easier and cheaper.²

14. Scotland produces 1.2% of all new knowledge and is second in the world in terms of impact of its research.³ The fact that Scotland punches above its weight in terms of research and in terms of international league tables is in no small part down to the contribution in research and teaching that international students and staff make to Scotland.

March 2011

Written evidence submitted by Edinburgh Napier University

EXECUTIVE SUMMARY

1. Edinburgh Napier University is pleased to submit views to the Scottish Affairs Committee's inquiry on the student immigration system and Scotland.

2. The Student Immigration System: A Consultation was published by the UK Borders Agency on 7 December 2010 and as a major recruiter of international students, Edinburgh Napier University responded to this consultation. Our response was broadly aligned with the responses from both Universities UK and Universities Scotland and in particular referred to issues that we believe are of specific concern to the education sector in Scotland.

3. The Home Secretary has subsequently announced a series of measures following that consultation and we await the detailed changes to the Immigration Rules which will be published on 31 March 2011. This announcement addressed some of the concerns raised by Edinburgh Napier University and others. However, some concerns remain and we highlight these in this submission.

4. In particular we stress the importance of international students to Scotland, the Scottish economy and Scotland's universities given the key differences between Scotland's and England's socio-demographic and skills profile. In that context we highlight the value of the Post-Study Work option for international students. Although the Home Secretary has announced that graduates will be able to switch to Tier 2 we believe that the closure of Post-Study Work from April 2012 may nonetheless have a detrimental effect on universities' ability to recruit international students and on the supply of skilled labour to the Scottish economy.

5. It is our view that international students should not be part of the process of setting net migration targets. The vast majority leave at the end of their studies and those who stay and work in the UK are an economic asset. While we welcome the fact that the most potentially damaging proposals in the UKBA consultation did not form part of the Home Secretary's recent announcement, this followed significant and sustained lobbying by universities, governments, businesses and others to support the recruitment of genuine international students to study at our universities. It is evident that the UK Government has not ruled out further tightening of the Tier 4 visa rules in future. There is therefore a need for those concerned with the sustainability of Scottish higher education and the contribution it makes to the Scottish economy to remain vigilant regarding the development of immigration policy for students over the coming years.

EVIDENCE TO THE INQUIRY

1. *How the proposal to reduce the number of international students/proposals on Post-Study Work might impact upon Scotland/ the wider economy in Scotland*

(i) The vast majority of international students in Scotland are here legitimately to benefit from our world renowned teaching. Each year in Scotland they contribute approximately £188 million in tuition fees—a vital source of private income for universities—and spend another £231 million in the wider community.

(ii) The Scottish economy benefits from having international universities which produce graduates whose skills and outlook have been enhanced by the experiences, perspectives and ideas brought by international students. The links established between overseas students and Scotland enhance the nation's standing overseas and often lead to new business partnerships after students have returned to their home country. Some take advantage of the post-study work route and directly contribute to sustainable economic growth here in Scotland.

(iii) There is a strong argument for a more flexible immigration policy for Scotland (analogous to the Fresh Talent initiative) to improve the prospects for long-term economic growth: addressing the demographic challenge, and enhancing the skills profile of the population. Recent population projections forecast a continuing decrease of 2% in overall numbers for the 25 year period—2008–33. During the same period the projected increase in population over the age of 75 years is set to rise by 84%. Set against this background we

² Scottish Universities International Group Intelligence Report (SUIG, March 2011)

³ Scotland Europa R&D Position Paper (February 2011)

believe it is vital to maintain some flexibility in the immigration policy for Scotland. Our response to the UKBA consultation suggested the use of HTS status to enable such flexibility.

(iv) The Post-Study Work route within Tier 1 is also a valuable route for international graduates to build on their academic experience with a period of work. It has been a very useful part of the offer to international students and has helped to create positive views of the UK among prospective students. At Edinburgh Napier we have already seen evidence to suggest the proposal (now decision) to close this route is having an impact on the thoughts of potential students and their families.

(v) The decision to close the Tier 1 Post-Study Work route from April 2012 may make the UK offer less attractive to international students. While the change leaves graduates with a suitable job offer the opportunity to switch into Tier 2, there is a suggestion that a cap may be introduced on post study workers in the future if the government deemed it necessary. In addition, Tier 2 requires that migrants must be paid at least £20,000 or the appropriate rate set out in the relevant code of practice (whichever is higher). We believe this is unrealistic for a number of career paths which require graduate-level skills but do not offer starting salaries at that level. In all of these respects there is a potential particular impact on Scotland.

(vi) In our response to the UKBA consultation, Edinburgh Napier University suggested the following in relation to the Post-Study Work issue:

- The introduction of an alternative arrangement for Scotland which provides international graduates with the opportunity to work and contribute to the Scottish economy for a time period after graduation. We believe this would recognise the socio-demographic and economic arguments that have been put forward from a number of sources;
- The introduction of an alternative arrangement for graduates from HTS institutions which provides international graduates with the opportunity to work and contribute to the UK economy for a time period after graduation;
- The availability of Post-Study Work opportunities to be available to graduates at both undergraduate and postgraduate levels.

(vii) We note that there has been some concession on the timescale for the withdrawal of the Post-Study Work visa. However, the April 2012 date will still impact on a number of international students who are already in the country and who chose to study here in the knowledge of the possibility of applying for a two year Post-Study Work visa.

2. The impact, if any, that the proposals might have on universities in Scotland

(i) Each year in Scotland, international students contribute approximately £188 million in tuition fees—a vital source of private income for Universities. Edinburgh Napier currently has over 1,500 international students studying on-campus in Edinburgh, and these students contribute in the region of 12–14% of our income.

(ii) It is unclear how a reduction in overall student visa numbers, if that were the outcome, will fit with institutions' plans for growth in international student numbers, arising in part from planned growth but also from an increased need for alternative sources of income following current and future reductions to income from the public purse.

(iii) The recruitment of international students is increasingly competitive and increasingly global in its dimension. Countries such as China are looking to establish themselves as net importers of students, while countries in Europe are offering degrees in English precisely to attract international students. The changes to the Post-Study Work route remove an attractive part of the UK offer to international students and potentially disadvantage universities' ability to recruit international students in that competitive global marketplace.

(iv) We welcome the changes announced by the Home Secretary to some of the proposals in the UKBA consultation which would have been particularly damaging to institutions: particularly in relation to English language requirements, the recognition of pathways, partnerships and progression in Higher Education, and strengthening of Highly Trusted status for institutions. These changes were secured through a significant lobbying campaign by universities, governments and businesses and the arguments made will continue to be relevant as immigration policy evolves and is reviewed over the coming years.

3. How the proposals might impact differently upon international students wishing to study on courses below degree level, at degree level and at postgraduate degree level

(i) Edinburgh Napier does not currently offer provision below degree level (below SCQF level 7) to international students. However, our main concern has been to ensure that progression routes from other parts of the education sector into higher education are not restricted by changes to the Tier 4 regulations. For example, our partnership with Scotland's Colleges provides an important route for current and future international student progression to Edinburgh Napier University.

(ii) Pathways and pre-degree programmes are also a very important route of entry of overseas students into UK Universities. Edinburgh Napier works in partnership with Navitas through the Edinburgh International College (EIC). The EIC will offer pathway programmes into our undergraduate Business and Computing degrees and a pathway to postgraduate programmes will also be available. We view the development of this

pathway as a vital step in our international student recruitment strategy which will enable international students to progress from the pathway to a degree programme.

(iii) We welcome the fact that the UK government has decided to allow universities to directly sponsor students on pathway programmes. Throughout our response to the UKBA we have suggested that Highly Trusted status is a powerful tool which, if used appropriately, could deal with a significant number of the issues raised by the UKBA. In the context of pre-degree level provision we believe there may be an opportunity to use the HTS status as a way of ensuring that high quality pathway and pre-degree provision can still be delivered successfully, either through the HTS institution or through a partner/branch arrangement.

(iv) The issues impacting on degree and postgraduate level students are addressed in sections 1 and 2 above.

4. *The level of compliance with the current system*

(i) The UKBA's own research has found higher levels of non-compliance in private institutions offering lower levels of provision, in sharp contrast to very low non-compliance rates of 2% in universities. Universities have robust processes in place to monitor student attendance and minimise the scope for abuse.

(ii) Based on the information we have available we estimate that typically between 3% and 6% of our students have dependents on their Tier 4 visa. The main countries these students come from are India, China, Libya, Saudi Arabia and Nigeria, though that in part reflects that China and India are two of our biggest markets for all international students. Most of the students concerned are studying at the postgraduate level.

(iii) We welcome the announcement by the Home Secretary that there is to be no change to the number of hours a student can work during term time and vacations, and the entitlement of dependents to work.

March 2011

Written evidence submitted by Universities Scotland

EXECUTIVE SUMMARY

1. Scotland's universities are extremely concerned that the UKBA proposals will damage our ability to recruit a diverse and international student body. This is important to maintaining a vibrant learning and research environment. All students benefit from being part of a diverse student population where people are sharing different cultural perspectives. Scottish students benefit from being part of an international community, helping to expand their sense of the international possibilities which are open to them. International research students are an important contributor to the intellectual creativity of Scottish universities.

2. *Universities Scotland's specific concerns*

- The proposals are already being perceived negatively overseas and prospective students are being deterred from the UK in favour of competitor nations who will welcome their contribution.
- It is very worrying that changes may be implemented in the midst of a recruitment cycle.
- Proposed restrictions on English language qualifications, work placements and progression would intrude upon academic matters and undermine institutional autonomy as well as affecting the supply chain into HE from other institutions.
- Limits on employment rights and on dependants' rights are likely to be perceived negatively by current and prospective international students.
- The proposed closure of post-study scheme is likely to have a significant negative impact on international recruitment.
- Partnerships between higher education institutions and other education providers in the UK could be undermined by restrictions on the provision of sub-degree programs. Around a third of international university students in the UK have progressed from lower levels of study in the UK and we are concerned that this route should remain open
- The proposed requirement for students to return home between programs could be particularly difficult for students to proceed to a more advanced course, building in significant delay, cost and uncertainty eg in the transition from Masters to Doctoral level study.

POLICY DETAIL

3. *The economic importance of international students to Scotland's universities*

- International students are crucial to the financial sustainability of Scottish universities and make a major contribution to the wider economy.
- The income raised from international student fees was worth a total £188 million to all 20 of Scotland's universities in 2007–08.
- Taking the sector as a whole, international students account for approximately £16 of every £100 Scotland's universities receive in income for teaching grants and contracts.

- These proposals comes at a time when universities are being encouraged to further diversify their income and increase the revenue generated from private and international sources in the face of cuts to public funding.

4. *The economic importance of international students to Scotland more widely*

- As an industry, Scotland's universities contribute £6.2 billion to Scotland equating to 6% of Scotland's GVA.
- Universities directly and indirectly support 150,000 Scottish jobs.
- The value of international trade universities brought to Scotland was £561 million in 2008–09.
- Graduates are vital to Scotland's economy paying approximately 44% of all income tax in Scotland despite representing around 20% of Scotland's working age population.
- Scottish universities achieved £44 million of efficiency savings in 2009–10—exceeding the Government target.

5. *Universities Scotland's position*

- Universities Scotland would like to see recognition of the fact that international students coming to Scotland through tier 4 are not economic migrants in the same capacity as immigrants that enter the country through other routes and so should not be included as net in-migration nor subject to tighter visa constraints aimed at limiting numbers. Students are coming here to study temporarily and not to live or work permanently. Students should therefore not contribute to net migration figures.
- Failing this, we believe the distinctive Scottish regional context, within the UK, warrants consideration of some flexibility in the arrangements to meet these distinct circumstances.
- We support a tough approach to abuse of the immigration system. We are concerned, however, that measures which are designed to curb abuse by what UKBA candidly describe as “the dodgy language school above the chip shop” will end up killing a key university-driven export industry whose students have an exceptionally high rate of compliance with UKBA requirements. The UKBA's own research has found that university students' non-compliance with visa conditions is only around 2%.
- We would like to see a recognition that work opportunities are important both during and after study for international students and that these not only attract students but offer the opportunity to address Scotland's demographic and related economic challenges.
- Family members are already in many cases prohibited from working. We note that very few—often more mature students—wishing to undertake postgraduate/research courses, often lasting several years and with well qualified spouses, would choose to come to the UK if all work for their dependants was prohibited.
- The proposed changes to the language requirement is unrealistically high a significant assault on university autonomy—admissions decisions are for universities to make since we are best placed to judge who is equipped to succeed and to benefit from a university education. I believe it is also against the spirit of the devolution settlement that the UK Government is effectively intervening to regulate Scottish universities' admission decisions.

6. *Alternative Proposals*

- The Highly Trusted Sponsor (HTS) approach should be improved and enhanced for legitimate providers, in order that genuine benefit accrues to institutions deserving of this status. The system should rely on existing scrutiny mechanisms in order to focus UKBA oversight where problems have occurred (ie outwith the established and state supported university sector). Allow HTS institutions to be trusted, UKBA's own evidence shows very high compliance levels for universities, and not be subject to the proposed restrictions on English language levels and approved tests, on work placements, on progression, on work entitlements and on Post Study Work.
- The Post Study Work route is a very valuable asset in recruiting international students, increasingly at Masters level and in particular for business, management and economics students where an expected outcome of the degree is the ability to conduct business in English. The PSW route allows graduates to practise their English language in a work environment, an essential of the package we have been marketing. Removing this option will put UK HEIs at an immediate disadvantage against our key competitors in the US, Canada and Australia. One of the key selling points of our programmes is the issue of employability, something we take very seriously. Cutting off this important opportunity will significantly affect our ability to deliver this attribute to international students, making UK degrees far less attractive. We would like to explore the possibility that the Post Study Work entitlement could be focused and/or limited rather than completely closed. It could, for example, be limited to institutions in Scotland or to those students from key international markets (students from the USA, China and India represent the three most important markets for Scotland when all levels of study are considered and also represent Scottish Government priority areas).

7. Comments on the Statement by the Home Secretary of 22 March

Whilst the information above outlines Universities Scotland's response to the UKBA/Home Office consultation, the proposals brought forward following consultation show some significant improvements on the original proposals. Nevertheless, the sector has ongoing concerns in the following areas:

- The government's proposal to impose a maximum time limit of five years on any student visas is potentially of greater (and serious) concern to Scottish universities than those elsewhere in the UK. The existence of the four-year undergraduate honours degree as the standard across Scotland has significant implications for enabling students to complete an undergraduate-masters pathway in this time at Scottish universities. Degree options with an integrated year abroad or industrial placement, and all integrated masters programmes (such as MChem, MSci, MPhys, etc) are five years alone, allowing no flexibility for re-sits or legitimate extensions, let alone following these programmes with a one year masters. Any proposals to limit the amount of time a student may study within the UK must recognise the different standards within the separate HE sectors. Whilst the UKBA proposals offer assurances in this area, creating exceptional arrangements for individual courses may put Scottish universities at a disadvantage.
- The government's proposal to not allow post study workers to bring dependants in with them, unless they were already here whilst they were a student, is unreasonable. If the post-study workers switch from Tier 4 to Tier 2, these post study workers should enjoy the same entitlement as other Tier 2 visa holders such as bringing in their dependants.
- We will need to watch with caution about the Migration Advisory Committee's autumn review of the PSW being exempt from the Tier 2 General limit should this lead to the government introducing a separate limit on post study workers in response to any increase in the number of applications.

Annex A

<i>Policy Area</i>	<i>UKBA proposed</i>	<i>Australia</i>	<i>Canada</i>	<i>US</i>	<i>Germany</i>
Basic entry criteria for students	Tougher language criteria for students	Proof of good character, good health, health insurance and not having outstanding debts, adequate financial support	Proof of ID, a valid offer, adequate funds	Proof of ID, a valid offer, adequate funds, English language proficiency, proof of a residence abroad and intention to return	Proof of ID, a valid offer, funds, health insurance
Level of courses students for which study visas granted	Only Highly Trusted Sponsors able to offer courses below degree level to adults	Under-graduate and above	College, university or education institution	Under-graduate and above	Undergraduate and above (plus language courses).
Are students required to return overseas if they wish to extend their student visa for new course?	Yes	No such indication	No such indication	No such indication	No such indication
What entitlements do students have to work whilst studying?	On-campus part-time work only during the week, and full-time hours during holidays.	Up to 20hrs per week term time. Unlimited hours during vacation.	Required to obtain an off-campus work permit (also requires demonstration of hardship), 20 hours term time and full-time during vacation	20 hrs per week term time and full time during vacation. Off campus work allowed from 2nd year of study	90 full days or 180 half days (max. 4hrs/day) per annum. Exceptions may be made for those in hardship
Is post study working visa available?	No	Yes. Six months following two years full time study in which to apply for a skilled work visa.	Yes. Apply for post study work permit. Visas are valid for less than the duration of study following conclusion of study	Yes. Apply for post study work permit. Visas are valid for the duration of study plus 60 days following conclusion of study	Can work year-round at a department in the university Yes. Up to 12 months.
Can students bring dependants?	Only students studying for more than 12 months	Yes	Yes (subject to demonstrating means of financial support)	Yes (subject to demonstrating means of financial support)	Yes (subject to demonstrating means of financial support)
Work entitlement of dependants.	None	Up to 20hrs per week	Work permit during study and open permit (no job offer required)	No.	Yes (in the case of spouses) same entitlements as student.

Note: The information provided in the table comes from a variety of online sources and it is as accurate as to the best of our knowledge but it may subject to change and variation.

Annex B

VISA EXEMPTION COUNTRIES

<i>UK (30 countries)</i>	<i>Australia (35 countries) NB: can stay in Australia for up to three months on each visit within a 12 month period from the date of grant of e-visitor</i>	<i>Canada (51 countries)</i>	<i>US (36 countries)</i>	<i>Germany (36 countries)</i>
EEA countries (26), plus Iceland, Liechtenstein, Norway and Switzerland	Andorra, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, UK/ British Citizen, Vatican City	Andorra, Antigua & Barbuda, Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Brunei, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel*, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Namibia, Netherlands, New Zealand, Norway, Papua New Guinea, Poland, Portugal, Korea, St. Kitts & Nevis, St. Lucia, St. Vincent, San Marino, Singapore, Solomon, Spain, Swaziland, Sweden, Slovakia, Slovenia, Switzerland, United States, Western Samoa	Andorra, Hungary, New Zealand, Australia, Iceland, Norway, Austria, Ireland, Portugal, Belgium, Italy, San Marino, Brunei, Japan, Singapore, Czech Republic, Latvia, Slovakia, Denmark, Liechtenstein, Slovenia, Estonia, Lithuania, South Korea, Finland, Luxembourg, Spain, France, Malta, Sweden, Germany, Monaco, Switzerland, Greece, Netherlands, UK	EU countries (26), plus Australia, Japan, Canada, Israel, New Zealand, USA, Switzerland, Honduras, Monaco and San Marino)

* National Passport holders only

Note: The information provided in the table comes from a variety of online sources and it is as accurate as to the best of our knowledge but it may subject to change and variation.

March 2011

Written evidence submitted by Scottish Trades Union Congress

1.0 INTRODUCTION

1.1 The STUC is Scotland’s trade union centre. Its purpose is to co-ordinate, develop and articulate the views and policies of the trade union movement in Scotland; reflecting the aspirations of trade unionists as workers and citizens.

1.2 The STUC represents over 652,000 working people and their families throughout Scotland. It speaks for trade union members in and out of work, in the community and in the workplace. Our affiliated organisations have interests in all sectors of the economy, including higher and further education. Through Scottish Union Learning we represent learners in the workplace, and our representative structures are constructed to take account of the specific views of women members, young members, Black/minority ethnic members, LGBT members, and members with a disability, as well as retired and unemployed workers.

1.3 The STUC welcomes the opportunity to contribute to this consultation on the student immigration system.

2.0 GENERAL COMMENTS

2.1 Migration is an important feature of the Scottish economy and migrant workers and learners have a lot to offer, adding their knowledge and experience to the Scottish workforce and enriching our universities. The overall effect of migration on the Scottish economy is positive and migrants are valuable members of our community. It is our view that Scotland should promote migration patterns where people settle here permanently. Migration in this form can help to rebalance the age distribution and provides a greater opportunity for migrants to contribute to the Scottish economy.

2.2 The STUC is deeply sceptical of the value of placing a limit or tighter controls on the number of students entering the UK from non-EU countries. The current points based system for immigration already places stringent controls on the numbers of people entering the country and places rules on how long students can stay in this country after graduation. We are, therefore, unsure why the Government has come to the conclusion that further restrictions are necessary.

2.3 While we recognise the substantial financial contribution that international students make to Scottish universities, we also believe these students should not simply be seen in terms of the fees they pay. It is important to recognise the role that international students play in the life of our universities in Scotland. They enrich the experience of domestic students and they help create a truly international feel for Scottish institutions.

2.4 We are concerned that the changes to the visa system proposed by the UK Border Agency do not consider the needs of the UK economy, nor appreciate the valuable role that international students play. Rather this policy is driven by a general desire to be seen to control migration, playing to fears that may exist around immigration among the general public. It is our view that this policy uses the current economic difficulties and workers' and domestic students' genuine fears and sense of insecurity to introduce policies that will bring little benefit for our society.

3.0 THE AIM OF THE GOVERNMENT'S IMMIGRATION POLICY

3.1 The Government's stated aim is to reduce the level of immigration from 100,000s to 10,000s. For this reason they are making a range of changes to the visa system to prevent both migrant workers and students entering this country. The STUC is unsure why this policy is necessary or why immigration needs to be reduced.

3.2 There are many myths about the effects of migration on the labour market and on native workers. For example, many believe that migrant workers take jobs from the local population and that they have a negative effect on wages. However, a study carried out by the TUC in 2007 looking at the economics of migration found that overall levels of employment and wages are slightly higher as a result of immigration, and migrant workers pay more in taxes than the value of the public services they receive. This study also found that where problems do arise, it is often the result of unscrupulous employers taking the chance for exploitation offered by an influx of poorly informed and organised workers allowing them to undercut more principled employers.

3.3 The role that international students play in our education system is well understood and acknowledged. Even within the UK Border Agency's consultation the Government is quick to acknowledge the positive role that students play in financing universities. They therefore, attempt to make some kind of divide between genuine students attending genuine courses and "bogus students". It is our view that this divide is false, and in reality there is a contradiction in the Government's stated aims to, on the one hand, limit the numbers of students entering Britain and, on the other hand, maintain a competitive and world class higher education sector which attracts the brightest and best from around the world.

3.4 The Government's visa changes are already having an effect on the quality of education in Scotland's universities. The temporary limit that was put in place last year for Tier 1 and Tier 2 migration resulted in negative consequences. For example, universities had a reduced number of sponsorship certificates at Tier 2 and therefore could only cover existing staff whose visas were expiring. This restricted their ability to make competitive offers to new staff that they were trying to attract from around the world. This is of real detriment to the university's reputation and also risks lowering their diversity and the quality of their teaching and research compared to others in the global market place.

3.5 Given these negative consequences the STUC is unsure why there was no analysis of the effects that the temporary cap was having when deciding the level of the permanent limit. We are also unsure why the Government now intends to further impact on universities' global competitiveness by restricting foreign students. These steps all add to the impression that this policy is being pursued for political reasons despite evidence suggesting that its overall effects are negative.

4.0 ECONOMIC CONSEQUENCES FOR SCOTLAND

4.1 In recent years the Scottish Government has prioritised attracting migrants to come and live and work in Scotland. A large part of this policy focused around the fresh talent initiative which allowed non- EU students that had attended Scottish Universities to work in Scotland for two years after graduation. This policy was progressive and helped to attract foreign students to Scottish institutions. It also contributed to stemming the falling population in Scotland and helped turn the tide on the "brain drain" which for too long had been a feature of the Scottish economy. The fresh talent initiative was a good example of the Westminster Government

and the Scottish Government working together to build different procedures for Scotland than the rest of the UK and therefore to ensure a positive outcome that met the specific needs of Scotland.

4.2 The STUC is concerned that the proposals by the UK border agency to close the Tier 1 Post Study Work route will be detrimental to the Scottish economy. It seems absurd that we would deliberately close off access for highly qualified people, who have lived in Scotland and are settled within the community to work and contribute to our society. The STUC simply does not agree with the stated policy aim in the consultation document that student visas should be a form of temporary migration. We believe that Scotland should promote migration patterns where people settle here permanently. Migration in this form can help to rebalance the age distribution and provides a greater opportunity for migrants to contribute to the Scottish economy.

4.3 Furthermore the contribution that international students make to the Scottish economy while studying is high. Not only do they provide funding for Scottish universities they also spend money in our economy. In this way foreign students are often seen as economic assets to a country and are therefore sought after in the global market place. We are concerned that changes in the visa process, including the removal of the Post Study Work route will make Scotland less competitive in global terms and will ultimately diminish the numbers of students coming here to study.

5.0 CONSEQUENCES FOR STUDENTS OF CHANGING IMMIGRATION RULES

5.1 As well as contributing to our economy directly, international students also create links between Scotland and other countries and carry back to their own nation a positive view of Scotland as a place to live, visit or work. In this way international students are valuable ambassadors for Scotland and it is therefore important that we encourage in them to have a positive view of the country by being welcoming and treating them fairly through our immigration system.

5.2 The STUC is very concerned that some of the proposed changes around the ability to work or the ability to bring dependants into the country will lower the sense of fairness that foreign students have about our nation's systems. We are concerned that changes in the ability to work will make it difficult for students to support themselves while studying and will also make studying in the UK impossible for many students. This will be a particular barrier for students from developing countries, where savings earned in their own country are unlikely to cover the cost of living in Britain. We are also concerned that preventing people from bringing dependants with them or changing the rules on dependants working, makes Scotland a less attractive place to study and therefore lowers our competitiveness in the global market place. Equally if enforced it disrupts the family life of students with dependants who choose to study in this country.

6.0 THE ROLE OF COLLEGES

6.1 Some students choose to study at below degree courses in order to adapt to a new educational system before enrolling on a degree level course, this has both benefits for the students and their prospective university who'll find it easier to engage them in their studies if they are already familiar with the education system. There are also many students who use college courses as a way to improve their level of English and to familiarise themselves with Scotland before committing to a longer degree course. The proposals put forward by the UK boarder agency will discourage such students from coming to Scotland and therefore will prevent Scotland from attracting the brightest and best students for our universities. This issue also demonstrates that degree level students cannot simply be carved out from college students and changes in Tier 4 visas for below degree level students will have knock on effects for university admissions.

6.2 Many genuine students are also interested in studying below degree courses to get valuable qualifications from the UK. Stopping all but few colleges from offering these courses to international students is a huge blow to the sector and bars many students from studying in this country without any reason. The issue of "bogus colleges" is not one we recognise in Scotland. Colleges here provide a decent level of teaching and learning for their students. Foreign students attending these colleges gain skills and experience in Scotland and in our view contribute positively to the life of the college.

7.0 OPTIONS FOR SCOTLAND

7.1 In the discussion and debate around the considerations of the Calman Commission a degree of consensus emerged between the business community, trade unions and others. Whilst most would not advocate a separate immigration system for Scotland, there was a desire to optimise the potential for reflecting Scotland's different approach to migration and economic needs. The STUC recommends that serious consideration should be given to what can be done under the existing legislation and intergovernmental processes to deliver this aim.

Supplementary written evidence submitted by Universities Scotland

Universities Scotland was very grateful for the opportunity to give evidence to the Scottish Affairs Select Committee on 4 April 2011. We acknowledged the very constructive role which the Committee had taken in helping to secure a better outcome from the UKBA's consultation on student migration issues. I said that I would follow up our oral evidence with some more specific suggestions about how to address the remaining areas of concern in the UKBA's proposals.

FIVE YEAR MAXIMUM LIMIT ON VISAS

We have a specific and serious concern that the five year maximum limit on student visas will cause difficulties for students at Scottish universities, because of the longer normal duration of study at Scottish universities.

The existence of the four-year undergraduate honours degree as the standard across Scotland has significant implications for enabling students to complete an undergraduate-masters pathway in this time at Scottish universities. Degree options with an integrated year abroad or industrial placement can be of five years duration, and a five year visa would allow no flexibility for re-sits or legitimate extensions (meaning that international students would be subject to different academic requirements to other students), let alone the option for a student to take such a programme followed by a one year masters. Five year integrated undergraduate and Masters programmes are also relatively prevalent in Scotland; for example, the School of Engineering at the University of Edinburgh has 19 separate Master of Engineering five year integrated undergraduate and Masters degree programmes and a similar offering within the School of Chemistry. In addition, most universities in Scotland offer a range of post-graduate courses longer than 12 months in Scotland. A list of representative examples (as opposed to a comprehensive list) is attached as an appendix. Other post-graduate qualifications short of PhD level (eg MRes or MPhil qualifications) may take a minimum of two years to complete.

Any proposals to limit the amount of time a student may study within the UK must appropriately recognise the different structures within the separate HE sectors across the UK. Whilst the UKBA documents appear to offer assurances that longer courses may be accommodated as exceptions, we believe that the distinctive features of the Scottish degree structure should be recognised by providing for a six year visa for students at Scottish universities.

POST-STUDY WORK ROUTE

The four-month period to find graduate-level work for international graduates is too short. Students' experience is that it can typically take longer than this to find employment at an appropriate level. It is recommended that a six-month period would be a more appropriate length of time within which to find a graduate-level job, or that the four-month period could start from graduation rather than the completion of the course.

The minimum salary requirement for students (£20k) will militate against some students taking up post-study work opportunities where the graduate entry route is either on the basis of a traineeship/internship or where working patterns and income are less formally structured. Also, a range of professions typically have graduate entry-level salaries below £20,000. According to the Association of Graduate Careers Advisory Services/AGCAS in Scotland, graduate placement programmes generally provide a salary of £14,000 (pro rata). The Law Society of Scotland recommends that trainee solicitors be paid £15,500 in the first year of their traineeship and £18,500 in the second. According to the DLHE survey as quoted by Prospects, the UK's official graduate careers websites, the average salary of full-time, first degree leavers who entered full-time employment in the UK in the following types of professions averaged salaries below £20K:

- Design associate professionals (eg designers, including web designers), £17,829.
- Artistic and literary occupations (eg artists, writers, actors, musicians, producers and directors), £17,334.
- Social welfare associate professionals (eg youth and community workers, housing officers), £17,317.
- Sports and fitness occupations £16,443.

As such, the threshold of £20k for a graduate level job is not appropriate and should be varied to enable graduate-level employment in professions where the starting salary is typically lower.

Moreover, to apply for most jobs there is a box to tick on the application form which asks if the applicant is eligible to work in the UK. If people transferring between Tier 4 and Tier 2 are unable to tick the box saying that they are eligible to work within the UK it will severely affect the ability of an applicant to even get to the interview stage, where they might be able to explain this aspect of the process. A lot of employers are put off by the labour market test, in addition to the process of applying for a visa for a worker who requires one. To enable the Tier 4 to Tier 2 route to work effectively, we believe there needs to be clear guidance from UKBA that job applicants will be able to certify that they are eligible to work in the UK.

The Migration Advisory Committee is to undertake a review of the post study work scheme's exemption from the Tier 2 General limit and the potential for further change and upheaval is of concern to us, in case this

is used as a vehicle for further limiting graduates' ability to do a period of paid graduate-level work in the UK. The post-study work option is a significant part of the attraction factor for genuine, high-quality international students and it is something that is offered by many other countries and key competitors in international student recruitment such as Canada which will have a more open scheme compared to the revised UK system—further restriction would be likely to have a detrimental impact on the quantity and also possibly the quality of international students coming to Scotland in the future.

DEFINITION OF UNIVERSITIES/HEIS

The interchangeable and inconsistent use of terminology (ie “university”/“degree awarding powers”/“UK recognised body”) in UKBA’s documentation lacks clarity and creates difficulty in interpreting the guidance. For example, depending on the interpretation used, Scottish Agricultural College, in not having degree awarding powers, but being a recognised higher education institution providing a range of undergraduate and postgraduate education leading to degree awards accredited by Scottish universities, might fall into a situation where their undergraduate students are unable to work and the College may have to apply the more onerous language testing set out by the UKBA, despite the fact the College has been awarded Highly Trusted Sponsor status. It would be more appropriate for the definition of university to encompass all public HEIs teaching at undergraduate and/or postgraduate level, with or without their own degree awarding powers. In the case of Scotland the full range of publicly-funded university-level HEIs is detailed on Schedule 2 of the Scottish Further and Higher Education (Scotland) Act 2005.

Universities Scotland greatly appreciates the Committee’s continuing interest in these issues.

APPENDIX

LIST OF POST-GRADUATE COURSES LONGER THAN 12 MONTHS OFFERED IN SCOTLAND

- MSc/Diploma in Social Work, 2.5 years (University of Stirling).
- MSc in Advanced Practice, 18 months (University of Stirling).
- MSc Chemical Sciences programme, 20 months (University of Aberdeen).
- MSc Adaptive Systems Engineering, 16–18 months (University of Abertay Dundee).
- MSc Intelligence and Security Informatics, 16–18 months (University of Abertay Dundee).
- MSc Computer Games Technology, 16 months (University of Abertay Dundee).
- MSc Ethical Hacking and Computer Security, 16–18 months (University of Abertay Dundee).
- MSc Information Technology, 16–18 months (University of Abertay Dundee).
- MSc Internet Computing, 16–18 months (University of Abertay Dundee).
- MSc Network Security, 16–18 months (University of Abertay Dundee).
- MSc Adult Nursing with Registration/Mental Health Nursing with Registration, two years (University of the West of Scotland).
- Creative Writing (MFA), two years (University of Glasgow).
- Russian, Central & East European Studies (International Masters)—18 months including six months overseas (University of Glasgow).
- Chinese Studies—two years including six months overseas (University of Glasgow).
- MBAs and MRes courses, two years (University of Strathclyde).
- MSc Prosthodontics—two years (University of Dundee).
- Executive MBA’s—18 months (University of Dundee).
- MSc Advanced Practice (there are 17 MSc’s Advanced Practice with specialisms such as Cancer Care)—18 months (University of Dundee).
- MSc Sign Language, two years (Heriot-Watt University).
- All MFA degree programmes in art and design, 21 months (Edinburgh College of Art).
- MLA Landscape Architecture, 21 months (Edinburgh College of Art).
- MSc Physiotherapy (a preregistration masters), two years (Glasgow Caledonian University).
- All Msc courses that commence in January are 15 months in duration (Glasgow Caledonian University).

Further written evidence submitted by Universities Scotland

THE STUDENT IMMIGRATION SYSTEM: A CONSULTATION

Following the oral evidence taken on 11 May from Damian Green MP, Minister of State for Immigration, Home Office, Phil Taylor, Regional Director, Scotland and Northern Ireland, UK Border Agency and Glyn Williams, Director of Immigration Policy, UK Border Agency, it may be worth responding to some points raised by these witnesses. In brief:

- Q78: There are many integrated degree courses that may be five years long, and postgraduate qualifications short of PhDs may be up to two years or longer. Universities Scotland is in the process of putting together a comprehensive list of UG programmes longer than four years and PG programmes longer than one year in Scotland. Such information is likely to be submitted to UKBA and Home Office as evidence in early July.
- Q87 We would urge UKBA and Home Office to work closely with Universities Scotland and the Scottish institutions on the discussion of the appropriateness of a six year Tier 4 visa limit to be applied in Scotland.
- Q119–Q121 (Q100) Tier 5 is not a substitute for a graduate’s inability to undertake a sub-£20,000 internship unless the graduate qualifies under one of the six Tier 5 categories ie: (a) creative and sporting; (b) charity workers; (c) religious workers; (d) government authorised exchange; (e) international agreement; and (f) Youth mobility scheme. In addition, the proposed changes in the current consultation on Tier 5 immigration policy indicate a tightening up trend for this visa route.
- Q110 It is important to highlight that currently the four months visa is calculated from the end of the course rather than the date of graduation. It would, however, be desirable for the four months visa to be calculated from the date of graduation. The international graduates very often cannot attend their own graduation ceremony because their visa expires before the ceremony. Graduation ceremonies are actually very important for overseas students to mark their academic achievement with their family after making such a study and financial commitment to study in Scotland. We would urge UKBA and Home Office to consider granting four months visa validity from the graduation date for international students.
- Q127 It would be more rational for UKBA to include both HEIs with their own degree-awarding powers and HEIs without degree awarding powers in their definition for universities/UKBA recognised bodies. There are three HEIs in Scotland are recognised HEIs but they do not have their own degree awarding powers but have their degrees accredited by universities. They are Edinburgh College of Art, Glasgow School of Art and Scottish Agriculture College. They are recognised as Higher Education Institutes under statute (Further and Higher Education (Scotland) Act 2005 Schedule 2) and funded by the Scottish Funding Council on the same basis as universities, and are subject to the same controls and accountabilities. Universities Scotland would like to make direct representation on their behalf to UKBA on ground that they should have the same treatment as other HEIs with their own degree-awarding powers.
- Q130 We need to avoid the application of over-rigid requirements about attendance on campus. “Blended” learning involving both face-to-face and electronic learning increasingly means that students are learning in diverse combinations of on-and-off campus locations, with much learning taking place outside face-to-face teaching or contact hours.
- Q154 There are many post-graduate courses are just under 12 months—this is typical for a UK Masters degree. We would challenge the claim that post-graduate courses under 12 months are an area for immigration abuse. We would ask for evidence from UKBA or Home Office to back up their claim.

Finally we would welcome the continued support from the Scottish Affairs Select Committee on Tier 4 student immigration. Please let me know if further information would be helpful.

May 2011

Written evidence submitted by Damian Green MP, Minister of State for Immigration, Home Office

At the Scottish Affairs Committee on 11 May, I said I would provide further information on a number of areas. As I explained some of the information requested is not yet available, specifically information on the final breakage costs of the Glasgow City Council Asylum Housing Contract and also details of ongoing investigations following the suspension of Glasgow Caledonian University’s licence. I will write with that information when it is available.

The information currently available is set out below:

Q96 You asked me to set out how the UK's Post Study Work arrangements for foreign students compares with equivalent arrangements in Anglophone countries

We believe that it compares well. The US, Australia and New Zealand have arrangements that allow students to stay on after graduation where they have a job offer. Those arrangements are not dissimilar to our plans to allow people to switch from student to worker status from next April. Canada has a relatively new Post Graduation Work Permit Programme. To our knowledge the route has not led to a significant upsurge in student applications for Canada.

It is very difficult to draw any firm conclusions from these comparisons because the basis of decision-making is different, and the application of rules and procedures can vary according to local practice.

Some students will of course consider visa policy before choosing a place of study. But I believe that for most serious students the decision will and indeed should ultimately rest on the quality of the education available.

Q127 You asked for clarification on the definition Higher Education Institution (HEI) as used in our policy

A Higher Education Institution (HEI) is a recognised body, or a body in receipt of public funding as a HEI from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council.

The list of HEIs in receipt of public funding can be found on the following websites:

Department for Employment and Learning in Northern Ireland

<http://www.delni.gov.uk/index/further-and-higher-education/higher-education/role-structure-he-division.htm>

Higher Education Funding Council for England

<http://www.hefce.ac.uk/unicoll/he>

Higher Education Funding Council for Wales

http://www.hefcw.ac.uk/about_he_in_wales/higher_education_institutions/he_institutions.aspx

Scottish Funding Council

http://www.sfc.ac.uk/about_the_council/council_funded_institutions/council_funded_institutions.aspx

Q170 You also asked for an update on the Legacy figures for Scotland

As you know our Case Resolution Directorate has completed its review of all the “legacy” cases. On 31 January we had concluded over 403,000 cases. This was reported to the Home Affairs Select Committee on 2 March, and we will be providing a further update as part of our response to that Committee’s report of 2 June, before the summer recess.

This review considered the original decision made on the individual’s case and whether the person concerned had any outstanding applications for leave to remain in the UK. In the main, for many of the individuals whose cases were reviewed, it was deemed that the original decision should remain extant and the individuals were advised of this. As it stands, if an applicant has received a letter advising that their case has been reviewed and that they do not have a legal basis of stay in the UK, they should make arrangements to leave the UK. In all circumstances we prefer those with no basis of stay in the UK to leave voluntarily; failure to do so could lead to removal being enforced.

For cases in England, we have set up a Case Assurance and Audit Unit (CAAU) in the North West region to deal with the main CRD legacy cases. Our regions in Scotland and Northern Ireland and Wales and the South West are responsible for the cases which were in their geographic area. There are around 23,000 active cases that have been reviewed and are awaiting conclusion due to barriers such as ongoing litigation, impending prosecutions, incomplete legal or criminal proceedings, non-compliance or because they are awaiting removal. Those whose cases have been reviewed and a decision has been taken are currently being informed of the outcome.

There are also a number of cases that we have placed in a controlled archive. This is where we have made every attempt to contact the applicant—checking 19 internal and external databases for an address. In addition, we will have written to the individual’s last known address and to their last notified representative. When it has not been possible to find an individual we continue to pursue the case as part of our controlled archive which is checked against watchlists and also against the Police National Computer on a regular basis. If this identifies a contact with an individual, we will follow up. Alternatively, if an applicant or their representatives make contact with us we will take their case out of the controlled archive and conclude it.

In terms of the specific Scotland and Northern Ireland cases, according to local statistics on 6 July 2011, there are a total of 1,293 residual Legacy cases outstanding in the region which have been reviewed but have not yet been concluded.

These are broken down into:

1,038—Singles.

55—Couples.

200—Family Cases.

As part of the transitional arrangements following the closure of the Case Resolution Directorate, these cases have been passed to the region to be progressed to conclusion, and removal where appropriate. These cases include those where there are current barriers to removal, including ongoing criminal prosecutions or litigation.

Q173–176

You will be aware that the evaluation report into the Family Returns Project was published on Friday 10 June, I understand UK Border Agency officials ensured that you were sighted on this report.

July 2011

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