



House of Commons
Science and Technology
Committee

An immigration system that works for science and innovation

Eighth Report of Session 2017–19

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 16 July 2018*

Science and Technology Committee

The Science and Technology Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Government Office for Science and associated public bodies.

Current membership

[Norman Lamb MP](#) (*Liberal Democrat, North Norfolk*) (Chair)

[Vicky Ford MP](#) (*Conservative, Chelmsford*)

[Bill Grant MP](#) (*Conservative, Ayr, Carrick and Cumnock*)

[Darren Jones MP](#) (*Labour, Bristol North West*)

[Liz Kendall MP](#) (*Labour, Leicester West*)

[Stephen Metcalfe MP](#) (*Conservative, South Basildon and East Thurrock*)

[Carol Monaghan MP](#) (*Scottish National Party, Glasgow North West*)

[Damien Moore MP](#) (*Conservative, Southport*)

[Neil O'Brien MP](#) (*Conservative, Harborough*)

[Graham Stringer MP](#) (*Labour, Blackley and Broughton*)

[Martin Whitfield MP](#) (*Labour, East Lothian*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/science and in print by Order of the House.

Evidence relating to this report is published on the relevant [inquiry page](#) of the Committee's website.

Committee staff

The current staff of the Committee are: Danielle Nash (Clerk); Yohanna Sallberg (Second Clerk); Dr Harry Beeson (Committee Specialist); Dr Elizabeth Rough (Committee Specialist); Martin Smith (Committee Specialist); Sonia Draper (Senior Committee Assistant); Julie Storey (Committee Assistant); and Sean Kinsey (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Science and Technology Committee, House of Commons, London SW1A 0AA. The telephone number for general inquiries is: 020 7219 2793; the Committee's e-mail address is: scitechcom@parliament.uk.

Contents

Summary	3
1 Introduction	5
Our inquiry	6
2 Principles for a future immigration system	8
Career stage	8
Purpose and duration of movement	9
Indefinite Leave to Remain rules	10
Speed of decision-making	10
Visa costs for employees and employers	11
Visa Caps	12
Shortage occupation list	14
Assessing skills	14
Salary as a proxy for skill	14
3 Modifying the non-EEA immigration system	17
Tier 1	17
(Exceptional talent) visa	17
(Post-study work) visa	20
Tier 2 (General) visa	21
4 Proposals for an immigration system	23
Conclusions and recommendations	28
Appendix 1: Workshop participants	30
Formal Minutes	31
Witnesses	32
Published written evidence	33
List of Reports from the Committee during the current Parliament	35

Summary

Collaboration, across disciplinary and geographical boundaries, is the foundation of the scientific endeavour. If the Government is to fulfil the vision set out in its Industrial Strategy to raise total Research and Development (R&D) investment to 2.4% of GDP by 2027, and maintain the UK's world-class status in R&D, it is vital that the UK has an immigration policy that facilitates the mobility of the science and innovation community. We were disappointed that the Government rejected our earlier recommendation, made in our *Brexit, science and innovation* Report, for the Migration Advisory Committee (MAC) to be asked to “bring forward its conclusions in relation to the immigration arrangements needed to support science and innovation” in order for the Government to “build these into a science and innovation agreement with the EU by October 2018 or earlier if possible”. Given the urgency of the situation, we took the proactive step of deciding to develop our own immigration proposal that works for the science and innovation community.

The proposal is based on several principles. These include the need:

- a) to support individuals with different types and levels of skill, and who are at different career stages, as well as their dependents;
- b) to facilitate both long-term and short-term stays in the UK;
- c) to enable further travel, outside the UK, for research purposes, without it harming an individual's ability to apply for indefinite leave to remain;
- d) for an efficient, streamlined and low-cost application process for employees and employers;
- e) to readily recruit highly skilled people, wherever they are from, without being subject to an annual limit; and
- f) to assess skills in a way that is not wholly reliant on salary as a proxy for skill.

For short-term migration to the UK, we propose that the Government establishes visa-free and permit-free work in the UK for up to 180 days for skilled workers. Eligibility should be verified at the border with proof of intent to leave within that period, and a letter from the employer describing the nature of the skilled work. For long-term migration to the UK we have outlined a five-year skilled work permit for those with either an offer of employment, with a minimum salary that reflects both the going rate for the job, as well as regional, and public/private sector, differences in salary; or third-party sponsorship.

The proposal has been designed to tackle the pressing matter of EEA migration to the UK after we leave the EU, though we recognise that there are clear advantages to applying it to other, non-EEA countries. Having taken advice from a range of sources, and drawing on precedents from other countries, we believe that our proposal will deliver a stable, sustainable and enforceable immigration system. We recommend that the Government

uses it as a basis for further, detailed work with the science and innovation community to 'co-create' an immigration policy that facilitates the global movement of talent into the UK.

In our Report, we have also highlighted the steps that the Government can take now, unilaterally, to improve the current non-EEA immigration system while negotiations with the EU are ongoing. We are concerned that the eligibility criteria for the Tier 1 (Exceptional Talent) visa are too stringent and that this has resulted in a poor uptake of the visa. The Government should work with the Designated Competent Bodies, who endorse these applications, to revise and clarify the criteria in order to increase the pool of potential applicants. We also call on the Government to reinstate the Tier 1 (Post-study work) visa, so that talented, international graduates, who have chosen to study at a UK higher education institution, are able to contribute further to the UK economy through working here. Finally, we recommend that the Government removes the cap on Tier 2 (General) visas and reduces the cost of making an application.

1 Introduction

Every great British scientist could only reach new frontiers of invention because they built on the work of others, exchanged ideas with their contemporaries and participated in an international community of discovery[...] The discovery of DNA in Cambridge was the work of an Englishman, Francis Crick; an American, James Watson; a born New Zealander, Maurice Wilkins; and a descendent of Jewish immigrants from Poland, Rosalind Franklin.

Rt Hon Theresa May MP, Prime Minister, 21 May 2018

1. Collaboration, across disciplinary and geographical boundaries, is the foundation of the scientific endeavour. When faced with complex problems, from tackling climate change to addressing disease epidemics, science relies on an “international community of discovery” to find solutions and enhance our way of life. In her speech at Jodrell Bank in May, the Prime Minister was clear that “the UK will always be open to the brightest and the best researchers to come and make their valued contribution”, and that, when the UK leaves the European Union, she will “ensure that does not change”.¹

2. To remain open to the “brightest and the best” after Brexit, the UK needs an immigration system that enables skilled global talent—from students and researchers to innovative entrepreneurs—to come to the UK both for short-term and long-term stays. Such talent is vital to fulfil the vision set out in the Government’s Industrial Strategy to raise total R&D investment to 2.4% of GDP by 2027, while ensuring that the UK is “the world’s most innovative economy”.² Giving evidence to our earlier inquiry into *Brexit, science and innovation* in March 2018, the Science Minister, Sam Gyimah MP, similarly recognised that the UK’s immigration system should be aligned with the Government’s Industrial Strategy. He confirmed that the Government had asked the Migration Advisory Committee (MAC)—an independent body that advises the Government on migration issues—to report on “the impacts of exiting the EU on the UK labour market and how the UK’s immigration system should be aligned with our modern industrial strategy” by September 2018.³

3. Recognising the need to provide certainty to the science and innovation community sooner rather than later, we recommended that the Government:

ask the Migration Advisory Committee to bring forward its conclusions in relation to the immigration arrangements needed to support science and innovation, and build these into a science and innovation agreement with the EU by October 2018 or earlier if possible.⁴

1 ‘PM speech on science and modern Industrial Strategy’, 21 May 2018. The same points were also made in Department for Exiting the EU, *Collaboration on science and innovation - a future partnership paper*, 6 September 2017.

2 HM Government, *Industrial Strategy. Building a Britain fit for the future*, November 2017, p10–11

3 Oral evidence taken on 6 March 2018, HC (2017–19) 705, Q38 [Sam Gyimah MP]

4 Science and Technology Committee, Second Report of Session 2017–19, *Brexit, science and innovation*, HC 705, para 23

The Government, however, rejected our recommendation stating that the “timescales set out for the MAC report are appropriate to meet the scale of the task set and [we] have no plans to ask the MAC to expedite their review”.⁵ Our focus on the specific needs of the science and innovation community was in line with the Home Affairs Select Committee’s overall stance, as outlined in its January 2018 report *Immigration policy: basis for building consensus*, in which it called on the Government to:

avoid binary approaches which treat all immigration as the same and allow the debate to be polarised. There should be clearly differentiated approaches for different types of immigration and these must be proactively communicated.⁶

More recently, the possibility of having different arrangements in place for different types of immigration was raised by the Home Secretary, Rt Hon Sajid Javid MP, when giving evidence to the Home Affairs Select Committee in July (see Chapter 4). The Brexit White Paper (“*The Future Relationship Between the United Kingdom and the European Union*”) also refers to supporting businesses to “move their talented people”, and confirms the Government’s intention to explore “how to facilitate temporary mobility of scientists and researchers”.⁷

Our inquiry

4. We were disappointed that the Government did not see the need for an early science pact. Rather than simply wait for the forthcoming Immigration Bill, we took the proactive step of deciding to develop our own proposals and launched an inquiry into “an immigration system that works for science and innovation” in May 2018. Written submissions were sought that addressed the following points:

- a) If an early deal for science and innovation could be negotiated, what specifically should it contain in relation to immigration rules and movement of people involved with science and innovation?
- b) What are the specific career needs of scientists in relation to movement of people, both in terms of attracting and retaining the people the UK needs and supporting the research that they do?
- c) What aspects of the ‘people’ element need to be negotiated with the EU-27, as opposed to being simply decided on by the Government?
- d) On what timescale is clarity needed in relation to future immigration rules in order to support science and innovation in the UK?

5. We received 45 written submissions and held one evidence session with representatives from the Royal Society, the Wellcome Trust, the Campaign for Science and Engineering (CaSE), techUK and Fragomen LLP, a law firm specialising in immigration. We also held

5 Science and Technology Committee, Fifth Special Report of Session 2017–19, [Brexit, science and innovation: Government Response to the Committee’s Second Report](#), HC 1008, p3

6 Home Affairs Committee, Second Report of Session 2017–19, [Immigration policy: basis for building consensus](#), HC 500, p4

7 HM Government, [The Future Relationship Between the United Kingdom and the European Union](#), July 2018, Cm 9593

two informal, private meetings: one with the Immigration Minister, Caroline Nokes MP, and officials from the Home Office and another with Professor Alan Manning, Chair of the Migration Advisory Committee.

6. To ensure we produced an immigration proposal that worked for the science and innovation community, we expanded the traditional inquiry format in two ways. In a Parliamentary first, we opened up the second half of our oral evidence session on the 19 June to contributions from the public gallery and via Twitter. Following the evidence session, a half-day workshop was held with stakeholders to gather their input and advice and to help us refine our immigration proposals (further details are presented in the Appendix to this Report). We have also endeavoured to hear more about immigration systems in other countries and their strengths and weaknesses.

7. We would like to thank everyone who contributed to this inquiry and for doing so on such a short timescale. Though we have developed immigration proposals in conjunction with the science and innovation community, we stress that our Report, its conclusions and recommendations remain our own.

8. Our inquiry terms of reference were deliberately broad, and we received evidence on how the current non-EEA immigration system could be modified and improved, as well as proposals for inclusion in a brand-new immigration policy. The immediate issue, however, is how EEA nationals, who may move to the UK in the future, will be treated for immigration purposes after the UK leaves the European Union. The majority of the evidence received did not favour simply allowing the current immigration system for non-EEA nationals to apply, by default, to those from the EEA.⁸ Cancer Research UK, for example, stressed that it was “vital [that] the Home Office does not simply roll out the current non-EEA immigration system for EEA nationals as it is costly and difficult to navigate”.⁹

9. We begin, therefore, in Chapter 2 by outlining the overarching principles that any immigration system must reflect if it is to work effectively for science and innovation. Many of these also apply equally to skilled economic migrants as a broader group. Drawing on these principles, Chapter 3 examines how the current non-EEA immigration system could be amended and enhanced. It highlights steps that the Government could take now, unilaterally, while the Brexit negotiations are ongoing with the European Union. This would give the science and innovation community confidence that the Government recognises, and is addressing, the limitations of the non-EEA immigration system for facilitating mobility and collaboration.

10. In Chapter 4, we present our proposal for a new immigration system that works for science and innovation. It represents an approach that we believe—based on the advice we have received—would deliver a stable, sustainable and enforceable immigration system; one that would be robust against abuse and avoid displacement and undercutting of the local labour market. We have also highlighted where there are precedents in other countries that we have drawn on.

8 See for example, Wellcome ([IWS0045](#)), techUK ([IWS0041](#)), Campaign for Science and Engineering ([IWS0036](#)), Prospect ([IWS0029](#)), Nuclear Industry Association ([IWS0004](#)), Cancer Research UK ([IWS0016](#))

9 Cancer Research UK ([IWS0016](#))

2 Principles for a future immigration system

11. This Chapter sets out the principles for a future immigration system—applicable to both EEA and non-EEA nationals—that we believe the Government should take on board. The principles have shaped both the amendments we propose to the current non-EEA immigration system in Chapter 3, as well as to our proposal for a new approach to immigration that works for science and innovation in Chapter 4.

Career stage

12. The science and innovation community is not homogenous; people have different types and levels of skill, and are at different stages in their career, all of which will have an impact on their mobility. Several submissions set out the skills, and career stages, that an immigration system needs to support if it is to work effectively for science and innovation. The National Academies noted that:

Strategically valuable individuals include not just successful leaders in research fields, but the early-stage researchers, technologists and technicians with specialist expertise that support them, as well as the students that learn from them.¹⁰

13. UK Research and Innovation (UKRI) and the Campaign for Science and Engineering (CaSE) identified the following categories that an immigration system would need to cater for:

- a) Highly skilled people—e.g. researchers, engineers, academics, business founders (characteristics include PhD level roles, Chartered Engineer status);
- b) Specialist technicians—e.g. data analysts, cell culture specialists, artificial intelligence experts;
- c) Students—including undergraduate, postgraduate taught and PhD students;
- d) Dependants of these individuals.¹¹

14. Both Cancer Research UK and the Francis Crick Institute identified immigration policies towards dependents as a key consideration when thinking of re-locating to the UK for work. According to the Francis Crick Institute:

for those on lower salaries, restrictions on bringing dependents can prove a deterrent. For example, if the partner of a PhD student is not permitted to work, that could mean the student is unable to afford to come to London, so we would like to see greater flexibility with regard to the dependents of scientists.¹²

10 UK National Academies ([IWS0031](#))

11 UK Research and Innovation ([IWS0038](#)), Campaign for Science and Engineering ([IWS0036](#))

12 Francis Crick Institute ([IWS0012](#))

For the dependents of those who have entered the UK on a Tier 1 or Tier 2 visa (rather than a Tier 4 (student) visa), there appear to be far fewer restrictions on working in the UK.¹³

Purpose and duration of movement

15. An immigration system must also be sensitive to the purpose, and the proposed duration, of an individual’s stay. Our submissions emphasised that long-term migration—either initiated by an employer who advertises a post, or through the relocation of “research and innovation talent to the UK”—needs to be facilitated, with clear routes to residency made available.¹⁴ On the other hand, we heard how short-term migration is also vital to facilitate the types of learning and collaboration found across academia and industry.¹⁵ This includes visits to attend conferences, collaborate on a short research project or spend time in a laboratory to learn a new skill. Industry also highlighted occasions where short-term mobility was vital to meeting business needs. Rolls Royce pointed to the “closure of the Tier 2 ICT [Intra-company transfer] short term route”, which it said had:

already been very detrimental to many manufacturing organisations where occasional urgent needs for the temporary cross-border redeployment of their highly specialist engineers to complete specialist work on high value engineering projects has been prevented causing delays to projects, significant additional cost to the employer, loss of competitiveness and damaged customer relationships.¹⁶

16. The evidence from Rolls Royce highlighted that short-term movement tends to occur at short-notice.¹⁷ While entering as a ‘business visitor’ may be appropriate in some instances, if ‘productive work’ is being undertaken, a visa is usually required. Visas for short-term stays in the UK are available, but the Royal Society of Chemistry described the current system as “burdensome” and that it failed to “recognise the timescales and flexibility required for the UK to benefit from such short-term scientific exchanges”.¹⁸

17. During the course of our inquiry, however, the Government announced a new “UKRI Science, Research and Academia” scheme to allow non-EEA researchers, scientists and academics to come to the UK for up to 2 years for training and work experience purposes. The scheme opened for applications on 6 July 2018 and has been added to the Tier 5 (Temporary Worker - Government Authorised Exchange (GAE)) visa route. The scheme is operated by UK Research and Innovation (UKRI) and allows UKRI, along with 12 other approved research organisations, to sponsor highly skilled individuals directly.¹⁹ The expectation is that applicants should get a decision on their visa in three weeks.²⁰ This is a welcome development.

13 UK Visas & Immigration, [Points Based System \(Dependant\) - Policy Guidance](#), 6 July 2018

14 Royal Society of Edinburgh ([IWS0032](#))

15 Short term is defined as less than one year by the Office for National Statistics and the OECD.

16 Rolls-Royce plc ([IWS0002](#))

17 See also Prospect ([IWS0029](#))

18 Royal Society of Chemistry ([IWS0025](#))

19 ‘[New scheme for overseas researchers to come to the UK](#)’, gov.uk, last accessed 9 July 2018

20 ‘[Tier 5 \(Temporary Worker - Government Authorised Exchange\) visa](#)’, gov.uk, last accessed 9 July 2018

Indefinite Leave to Remain rules

18. Researchers holding UK visas are likely to need to undertake further travel, outside the UK, for research and other purposes. Under the current rules, people wishing to obtain Indefinite Leave to Remain (ILR) in the UK cannot normally spend more than 180 days overseas in any 12-month period.²¹ The Campaign for Science and Engineering (CaSE) and others saw this as overly restrictive. Dr Sarah Main from CaSE recommended that “research activity” be permitted under ILR rules.²² Louise Wren from the Wellcome Trust noted that “there are [currently ILR] exemptions for people working on economic or humanitarian crises such as the Ebola outbreak” and suggested that these could perhaps be expanded.²³

19. Some progress has already been made. The Government indicated recently that the rules for considering applications from EU citizens for “settled status” in the UK, after Brexit, could accommodate research-related travel outside the UK as an “important reason” for a break in continuous residency:

One instance of 12-month absence in a five-year period is permitted for an important reason such as work, study, serious illness or pregnancy. We will be pragmatic about what activity constitutes an important reason.²⁴

Speed of decision-making

20. The Royal Society of Chemistry was not alone in highlighting the need for an efficient, streamlined process that enables a decision to be made quickly on whether to issue a visa (see paragraph 16). The Association of the British Pharmaceutical Industry (ABPI) and the BioIndustry Association (BIA) identified the “ease and speed with which biopharmaceutical companies can bring talent to the UK” as a “fundamentally important factor which drives companies to maintain their European headquarters in the UK”.²⁵

21. According to the Wellcome Sanger Institute, delays recruiting staff due to the time spent applying for visas can mean that “valuable science does not get done”.²⁶ It described this as a “scientific loss”, adding that “where funding has come from a UK research council and objectives have not been fulfilled it is also a loss to the UK tax payer”.²⁷ Application delays can also inhibit a researcher’s mobility. The International and Broke Campaign highlighted how the “retention of passports and other documents” by the Home Office “for up to six months while processing applications puts severe constraints on international mobility of researchers and scientists who wish to stay in the UK”, a point echoed by Colin Wilson and Dr Sammie, who both tweeted their comments to our evidence session.²⁸

22. Ian Robinson, from the legal firm Fragomen, told us that, in some respects, the current non-EEA system was working well:

21 Various exemptions are described at [‘Indefinite leave to remain: calculating continuous period in the UK’](#), gov.uk

22 [Q56](#) (Dr Main)

23 [Q56](#) (Louise Wren)

24 [PQ 156369](#)

25 Association of the British Pharmaceutical Industry and the BioIndustry Association ([IWS0022](#))

26 Wellcome Sanger Institute ([IWS0013](#))

27 *ibid*

28 International and Broke Campaign ([IWS0018](#)); see also Science and Technology Committee, Informal Session, [An immigration system that works for science and innovation](#), Tuesday 19 June 2018

If you are going through a tier 2 and you are a licensed sponsor bringing in an existing employee from overseas, getting the documents together would take a week, the application would take a week and they would be here in a fortnight.²⁹

This, he added, was quicker than most countries. The UK was comparatively slow, however, in situations where “it is a new hire or if you are not already a sponsor”.³⁰ In such cases, Mr Robinson indicated that employers were “looking at between three and six months before the person can get here”.³¹ He highlighted that documentary requirements for sponsor licencing were “extensive” and needed to be simpler.³²

Visa costs for employees and employers

23. Accompanying the calls to speed up, and simplify, the immigration system were concerns about the cost of applying for a visa to work, or study, in the UK. Ian Robinson from Fragomen set out the fees involved:

For a student coming over for three years—these figures are not perfect, but[...] you would be looking at about £1,000 in visa costs. If that student becomes a postgraduate and applies to stay for three years to do a post-doc, they would be looking at about £4,000 or £4,500 in visa and immigration costs.³³

When dependants are factored in, the costs are higher:

If you were bringing in a scientist or a tech person for five years and they had a partner and three children, it would cost £16,000 in Government fees, which will go up to £21,000 in September. It is really expensive[...] no other country even comes close to how expensive we are.³⁴

24. Professor Catlow from the Royal Society stressed that charges were a particular problem for post-doctoral researchers who, at this stage in their career, tend to be highly skilled and internationally mobile, but on a modest wage:

One of the big issues with post-docs is the cost of a visa. Post-doc salaries are not very high. If you bring a family, the cost can be absolutely prohibitive. I know a personal case: I wanted to attract a very talented person from outside the EU to my own research group and, when he looked into the cost of bringing his family over, he said, “I simply cannot afford it”.³⁵

29 [Q5](#)

30 *Ibid.* Under the current system, a sponsor is usually a licensed employer or education provider. The sponsor must apply for a licence to sponsor migrants under the relevant tier and be put on the register of licensed sponsors. In most cases, applying for a visa is a two-stage process which requires the sponsor and visa applicant to make separate applications to UK Visas and Immigration.

31 *ibid*

32 Fragomen LLP ([IWS0035](#))

33 Science and Technology Committee, Informal Session, [An immigration system that works for science and innovation](#), Tuesday 19 June 2018

34 [Q5](#)

35 Science and Technology Committee, Informal Session, [An immigration system that works for science and innovation](#), Tuesday 19 June 2018. Figures from UKRI indicate that, in some cases, non-UK postdocs make up as much as 70% of the early researcher population in UK institutes. See UK Research and Innovation ([IWS0038](#))

25. Employers also expressed concerns about visa costs. TechUK emphasised that the costs related to “the immigration skills charge[...] and the cost of a sponsor licence when sponsoring workers from outside of the UK[...] quickly add up”, thereby making “access to talent increasingly expensive”.³⁶ Dr Sarah Main from the Campaign for Science and Engineering similarly stated that, from the employers’ point of view, “the immigration skills charge [of] £1,000 per person per year for those recruited to the UK from overseas[...] is a burden on employers, and it is off-putting”.³⁷

26. Under section 68 of the *Immigration Act 2014*, the Government may levy a surcharge above the normal administrative costs of processing visa applications. Subsection (9) allows the Home Secretary to have regard for “the costs of exercising any other function in connection with immigration or nationality”. This has been taken to include the costs of border controls in addition to the administrative cost of providing the visa service.³⁸ Lower immigration-related charges, however, are possible.

27. The Government announced during our inquiry the “settled status” scheme for EU citizens and their families living in the UK who want to continue to do so after June 2021. While full details of the scheme are subject to approval by Parliament, it is estimated that the application cost for adults will be £65 for over 16s and £32.50 for under 16s.³⁹ This is significantly less than the thousands of pounds quoted for non-EEA visa applications in paragraph 23. On the 18 June 2018, the Independent Chief Inspector of Borders and Immigration launched an inquiry into the Home Office’s approach to charging for its services in respect to its asylum, immigration, nationality and customs functions. The inspection will look at:

the rationale and authority for particular charges, including the amounts charged. It will also look at whether the Home Office is providing the services in question efficiently and effectively, including meeting agreed service levels where these exist, and at the means of redress where individuals are dissatisfied with the service they have received.⁴⁰

Visa Caps

28. Some of the visa routes relied upon by those working in science and innovation are subject to an annual limit. Notably, the Tier 2 (General) route has a cap on numbers, meaning that sponsors (usually employers or education providers) must apply for ‘Restricted certificates of sponsorship’ (RCoS) if they wish to sponsor a non-EEA candidate to fill a vacancy. The restriction applies to “new hire migrants coming to work in the UK from overseas who are earning less than £159,600 per annum”.⁴¹ According to the Home Office, the annual RCoS limit for 2017–18 was 20,700 and was divided into 12 monthly

36 techUK (IWS0041)

37 Science and Technology Committee, Informal Session, [An immigration system that works for science and innovation](#), Tuesday 19 June 2018

38 Immigration Act 2014 [c.22 s.68 \(9\)\(c\)](#)

39 <https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>

40 [Call for evidence: Home Office approach to charging for services](#), gov.uk, 18 June 2018

41 [UK visa sponsorship for employers](#), gov.uk, last accessed 4 July 2018

allocations.⁴² UK Visas and Immigration reported in June 2018 that, before December 2017, the cap “had only been reached on one occasion” but that it had “been reached every month since last December”.⁴³

29. The Campaign for Science and Engineering (CaSE) analysed Home Office data and found that 6,080 eligible applications for Tier 2 (General) Certificates of Sponsorship, over half of which related to science, engineering, technology, STEM teaching, medicine and innovation, were not granted between December 2017 and March 2018. This was due to the numbers applying exceeding the monthly cap on Tier 2 visa.⁴⁴ Looking at immigration as a whole, a subsequent FOI disclosure indicated that 10,187 of 18,517 (55%) of Tier 2 applications made in the five months to 5 April 2018 were rejected.⁴⁵ There is also a cap on the number of Tier 1 (Exceptional Talent) visas available, though this has never been reached (see Chapter 3).⁴⁶

30. CaSE concluded that, due to the Tier 2 cap being reached, “thousands of critical roles are going unfilled, damaging productivity”.⁴⁷ Similarly, Cancer Research UK stated that the Tier 2 cap “is damaging the UK’s ability to employ experts to key skills gaps and is damaging the appeal of the UK as a place to work”.⁴⁸ The Royal Society of Edinburgh (RSE), the Association of the British Pharmaceutical Industry, the Royal Astronomical Society and others called for the cap to be reviewed immediately, something to which the Secretary of State, Sajid Javid, has agreed.⁴⁹ The RSE believed that immigration policy needed to be “informed by objective evidence of skills needs and the social and economic impacts on immigration, as opposed to being based on arbitrary restrictions”.⁵⁰

31. On 15 June 2018, the Government announced that doctors and nurses, who make up 40% of all Tier 2 places, will be excluded from the Tier 2 cap. The Government stated that the move would also “free up hundreds of additional places a month within the cap for other highly skilled occupations, such as engineers, IT professionals and teachers”.⁵¹ While welcoming the announcement, witnesses questioned why a cap remained necessary. As Ian Robinson explained:

We question why you need to cap the number of talented people who are coming in to fill jobs—not just any old job, but at degree level and above—where no suitable residents are available.⁵²

42 Home Office, [Restricted certificates of sponsorship \(RCoS\)](#), version 2.0, 8 March 2018

43 UK Visas and Immigration, [News story: Doctors and nurses to be taken out of Tier 2 visa cap](#), 15 June 2018

44 [Home Office FOI reveals scale of skilled worker refusals due to visa cap](#), Campaign for Science and Engineering, 16 May 2018. CaSE added that the figure of 6080 is the number of applications that were refused, not the number of individuals affected as an employer could reapply the following month for a Certificate of Sponsorship for the same role.

45 [Home Office rejects more than 2,300 visa applications for doctors](#), Financial Times, 11 June 2018

46 Royal Society of Edinburgh ([IWS0032](#))

47 Campaign for Science and Engineering ([IWS0036](#))

48 Cancer Research UK ([IWS0016](#))

49 Royal Society of Edinburgh ([IWS0032](#)), Royal Astronomical Society ([IWS0020](#)), Association of the British Pharmaceutical Industry and the BioIndustry Association ([IWS0022](#)); [UK will review Tier 2 visa system](#), says Sajid Javid, Financial Times, 3 June 2018

50 Royal Society of Edinburgh ([IWS0032](#))

51 UK Visas and Immigration, [News story: Doctors and nurses to be taken out of Tier 2 visa cap](#), 15 June 2018

52 [Q46](#)

Shortage occupation list

32. The shortage occupation list is an official list of occupations for which there are not enough resident workers to fill vacancies. The list is based on recommendations made by the Migration Advisory Committee (MAC). Employers who wish to recruit an individual from outside the EEA and Switzerland to fill a vacancy that is on the list may issue a Tier 2 Certificate of Sponsorship (CoS) without the need to demonstrate that a resident labour market test (RLMT) has been carried out (under the RLMT vacancies must first be advertised to settled workers for 28 calendar days).

33. Several submissions, including those from the Royal Society of Edinburgh, CaSE, UCL, the Recruitment & Employment Confederation, the Wellcome Sanger Institute and the British Society for Immunology, called on the Government to exempt occupations on the shortage list from the Tier 2 cap.⁵³ Other submissions questioned whether the shortage occupation list was keeping pace with the changing needs of the UK workforce. Johnson Matthey urged the Government to:

consider revising the way in which the Tier 2 Occupation Shortage List is calculated. The list of occupations rarely ties into specific market needs, and is not dynamic, i.e. we do not see the occupations being updated regularly to fit new scientific roles.⁵⁴

The Association of the British Pharmaceutical Industry similarly recommended:

reviewing the shortage occupation list annually, with a suggestion of re-orientating the shortage occupation list around themes and identifying emerging job needs, with a view to avoiding gaps in the labour market which could have a material impact on business.⁵⁵

Prospect, the union, however, raised questions about the suitability of this overall approach and whether a shortage list could “ever be flexible enough to keep pace with constantly and rapidly evolving science and technology roles”.⁵⁶

Assessing skills

Salary as a proxy for skill

34. The eligibility criteria for a Tier 2 (General) visa requires the applicant to show that they are being paid an “appropriate salary” for the job. This is usually above £30,000.⁵⁷ When the quota of Tier 2 (General) visas is exceeded, the salary requirement increases. As Johnson Matthey noted:

53 Royal Society of Edinburgh ([IWS0032](#)), Campaign for Science and Engineering ([IWS0036](#)), UCL ([IWS0007](#)), Wellcome Sanger Institute ([IWS0013](#)), Recruitment & Employment Confederation ([IWS0017](#)), British Society for Immunology ([IWS0015](#))

54 Johnson Matthey PLC ([IWS0037](#))

55 Association of the British Pharmaceutical Industry and the BioIndustry Association ([IWS0022](#))

56 Prospect ([IWS0029](#))

57 [Tier 2 \(General\) visa, eligibility](#), gov.uk, last accessed 3 July 2018

In the most recent Government disclosure of monthly allocations for certificates of sponsorship for Tier 2 visas—the successful applicant was required to earn approximately a salary of £55,000. Experts have warned this upward trend is set to continue.⁵⁸

35. Several submissions stressed that relying on salary as a proxy for skill level did not work for academia, as well as some businesses, where there were often highly skilled jobs that attracted a low wage. As the Francis Crick Institute explained, “salary is a[...] poor proxy for skill level[...] Post Doctoral Fellows are highly skilled scientists on relatively low salaries”.⁵⁹ Universities UK reported that, under the current immigration system, “there is a recognition [by the Government] that individuals in [PhD level] roles are highly educated and highly skilled but may not be earning comparable salaries to similarly qualified professionals in other sectors” and are thus formally exempt from the £30,000 threshold.⁶⁰

36. The issue persists, however, for non-PhD level roles. UCL noted that the problem was particularly pronounced for research technicians who do “not exceed the current salary threshold for a ‘high-skilled’ job”.⁶¹ Prospect reported that 80% to 89% of technicians fell into this category.⁶² Pointing to “UK regional wage differentials”, the Royal Society of Edinburgh called for flexibility in the Tier 2 salary thresholds and “more nuanced regional salary criteria”.⁶³ Cancer Research UK cautioned the Government, however, not to go so far as to “devolve immigration policies to the four UK nations” since this was “likely to decrease the attractiveness of the UK to the research workforce in the future”.⁶⁴

37. When asked how the Tier 2 system had been performing, Ian Robinson from Fragomen replied that:

Depending on how you look at it, it has been working really well, because it has been limiting the number of people who can come in, which was our intention, but has not been working for most sectors—engineering is an example—because they have not been able to get the people that they need, having proven that there are no Brits or Europeans available to take the job.⁶⁵

38. Alternative approaches that do not rely on using salary as a proxy for skill were proposed in evidence submitted to us. Johnson Matthey suggested that:

Rather than focusing on salary as the sole metric of qualification, businesses—particularly in the science and technology sector—ought to be able to make a successful application based on skills, science capability and business need.⁶⁶

58 Johnson Matthey PLC ([IWS0037](#))

59 Francis Crick Institute ([IWS0012](#))

60 Universities UK ([IWS0005](#)). See [Table 1 Occupational skilled to PhD-level](#), Immigration Rules Appendix J: codes of practice for skilled work, 6 April 2018

61 UCL ([IWS0007](#))

62 Prospect ([IWS0029](#))

63 Royal Society of Edinburgh ([IWS0032](#))

64 Cancer Research UK ([IWS0016](#))

65 [Q46](#)

66 Johnson Matthey PLC ([IWS0037](#))

The Royal Society suggested that:

any researcher who is given an academic appointment or project funding as part of a research programme which is publicly funded (including those provided by the Commission, UKRI, and the UK or other national academies), or who is offered a long-term post in a UK university or research institute, should automatically be guaranteed entry for themselves and for their families.⁶⁷

3 Modifying the non-EEA immigration system

39. The purpose of our inquiry has been to produce proposals for a new immigration system that works for science and innovation and could be put in place as we leave the EU. When taking evidence, however, we heard about modifications that could be made to the existing system for non-EEA migrants. While we do not suggest that this system should be applied, by default, to EEA migrants after we leave the EU, we do highlight how it could be improved before Brexit. This Chapter therefore sets out changes to Tiers 1 and 2 of the UK's points-based immigration system that could enable it to work more effectively for science and innovation. The proposed changes draw on the principles outlined in Chapter 2.

Tier 1

(Exceptional talent) visa

40. The exceptional talent visa route has been designed to facilitate the movement of the 'brightest and the best' to the UK, from outside the EEA, in the fields of science, engineering, technology, humanities and social sciences and the arts. Rather than requiring an employer or education provider to sponsor the visa, 'designated competent bodies' (DCBs) provide an 'endorsement' that the applicant is a leader in their field, and should be considered for the visa. The DCBs are three of the National Academies—the Royal Society, the British Academy and Royal Academy of Engineering—as well as Tech Nation (previously known as TechCity) for digital technologies, and the Arts Council for arts and culture applications.

41. Unlike Tier 2, the Tier 1 visa does not 'tie' the applicant to a specific job/role or employer: the visa holder can move freely between organisations, be employed by more than one employer, enter the UK before receiving an offer of employment and apply for settlement.⁶⁸ Applicants should either be established leaders in their field or show 'exceptional promise' and the potential to become a leader. The initial eligibility criteria include:

Table 1: Initial eligibility criteria

Exceptional talent	Exceptional promise
<i>Mandatory</i>	<i>Mandatory</i>
<p>Be an active researcher in a relevant field, typically within a university, research institute or within industry;</p> <p>Have a PhD or equivalent research experience;</p> <p>Provide a dated letter of personal recommendation supporting the Tier 1 application from an eminent person resident in the UK who is familiar with your work and your contribution to your field, and is qualified to assess your claim to be a world leader in your field;</p> <p>Meet one or more of the following Qualifying Criteria.</p>	<p>Be an active researcher in a relevant field, typically within a university, research institute or within industry;</p> <p>Have a PhD or equivalent research experience (including industrial research);</p> <p>Provide a dated letter of personal recommendation supporting the Tier 1 application from an eminent person resident in the UK who is familiar with your work and your contribution to your field, and is qualified to assess your claim that you have the potential to be a world leader in your field;</p> <p>Be at an early stage in your career;</p>
<i>Qualifying</i>	
<p>Be a member of your national academy or a foreign member of academies of other countries (in particular any of the UK national academies);</p> <p>Have been awarded a prestigious internationally recognised prize;</p> <p>Provide a written recommendation from a reputable UK organisation concerned with research in your field. The dated letter must be written by an authorised senior member of the organisation, such as a Chief Executive, Vice-Chancellor or similar, on official paper.</p>	<p>Have been awarded, hold, or have held in the past five years, a prestigious UK-based Research Fellowship, or an international Fellowship or advanced research post judged by the competent body to be of equivalent standing.</p>

Source: [Research and Innovation Talent Visa Application Guidance](#), National Academies, January 2018

42. The visa is subject to a limit of 2,000 endorsements in total per year, split into two phases.⁶⁹ The first 1,000 places in the limit are allocated between the DCBs as follows:

- Arts Council England—250 places
- The Royal Society—250 places
- The Royal Academy of Engineering—150 places
- The British Academy—150 places
- Tech City UK—200 places.

The remaining 1,000 places are unallocated and are available to any DCB once it has used its allocated places. Priority is given based on the date of application.⁷⁰ Natasha Bevan from the Royal Society explained that “the Home Office does not reject [the Academies’] endorsement; it takes our endorsement as given. If a visa is subsequently not granted by the Home Office, it will be on a point of general grounds for refusal”.⁷¹

43. Though the number of Tier 1 (Exceptional Talent) visas available annually was doubled recently, from 1,000 to 2,000, the Royal Society of Edinburgh reported that “Home Office immigration statistics show that there were only 409 Exceptional Talent visa applicants in 2017,[...] the highest number of applicants on record”.⁷² Professor Catlow from the Royal Society acknowledged that there was a need “to get a higher[...] uptake” of the visa.⁷³ He thought that this required both improving awareness of the visa as well as less restrictive eligibility criteria, the original wording of which “deterred people who were eligible from applying”.⁷⁴ He noted that the original wording referred to “world-class talent” which was “interpreted as the absolute elite of the elite—the Nobel prize level—which was not in fact the original intention”.⁷⁵

44. Vinous Ali from techUK similarly reflected that, “a lot of people still use the Tier 2 route even if they are eligible for the Tier 1 route”.⁷⁶ What was required, according to Ian Robinson, was to “broaden the criteria and lower the bar”.⁷⁷

What we got wrong was setting it as ‘exceptional talent’ rather than very, very good talent or something—without being sarcastic just something that little bit lower.⁷⁸

45. At present, the majority of Tier 1 (Exceptional Talent) visas do not enable a holder to bring their ‘research team’ with them. The exception is the Tech Nation Visa Scheme, which operates via the Tier 1 (Exceptional Talent) route, and has provision to relocate teams of up to five individuals. The guidance states that:

each team member will be considered individually and must qualify in their own right. Eligibility includes but is not limited to existing teams within an international company which have been acquired by a UK business.⁷⁹

In the 2017 Autumn Budget, the Government committed to “reduce red tape in hiring international researchers and members of established research teams, by relaxing the labour market test and allowing the UK’s research councils and other select organisations

70 UK Visas & Immigration, [Tier 1 \(Exceptional Talent\) - Policy Guidance](#), 11 January 2018

71 Science and Technology Committee, Informal Session, [An immigration system that works for science and innovation](#), Tuesday 19 June 2018

72 Royal Society of Edinburgh ([IWS0032](#))

73 [Q30](#)

74 [Q32](#)

75 [Q32](#)

76 [Q33](#)

77 [Q37](#) (Ian Robinson)

78 [Q36](#)

79 Tech Nation Visa Scheme, Tier 1 Exceptional Talent Visa for Digital Technology, [Guidance for Applicants](#), last accessed 9 July 2018. It should be noted that new application guidance was published by Tech Nation on 6 July 2018 which does not explicitly refer to the ability to relocate teams, see [The Guide for Tier 1 Exceptional Talent Visa for Digital Technology](#).

to sponsor researchers”.⁸⁰ As the system currently stands, however, the team roles would need to be advertised first by the host institution and a resident labour market test would need to be conducted to establish if any settled workers were suitable for the role.

46. The Tier 1 (Exceptional Talent) visa offers a clear route into the UK for the very brightest and best from outside the EEA. We are concerned, however, that the eligibility criteria are too stringent and that, when combined with the focus on ‘exceptional talent’, this has led to the assumption that only potential Nobel Prize winners need apply. As a result, take up of the visa has been disappointing.

47. We recommend that the Government works with the ‘Designated Competent Bodies’ to revise, and clarify, the eligibility criteria further for the Tier 1 (Exceptional Talent) visa so that the pool of potential applicants is increased. The DCBs should be given the resources to ensure that this route is well-publicised and correctly pitched. The Government should also follow through on its plans to make it easier for members of established research teams to relocate to the UK, alongside their research leader.

(Post-study work) visa

48. Until April 2012, students who had studied at a UK higher or further education institution and had a recognised UK Bachelor or Postgraduate degree or diploma (or a higher national diploma from a Scottish institution) were able to apply for a Tier 1 (post-study work) visa. This allowed international (non-EEA) graduates to remain in the UK and look for work without needing a sponsor. Following the closure of this route, only those international graduates who have an offer of a skilled job from a sponsoring employer, in Tier 2 of the points-based-system, can stay to work.

49. Almost all submissions stressed that it was essential for any future immigration system to provide opportunities for graduates to stay and work after studying in the UK. Many suggested this could be readily achieved by reinstating the post-study work visa. As Ian Robinson from Fragomen explained:

it goes back to what I think everyone has said: once we have educated people, we say, “Find a job in three months, or you’re out.” We need a post-study visa category that allows people to stay, to grow, to develop and to help us. That is what post-study would be.⁸¹

Vinous Ali from techUK argued that the closure of the post-study work route had left international students, who have chosen “a UK university to train to gain the skills they need to enter the workforce” unable to then contribute to the UK economy. She added that “if they wanted to return to the UK to work, they would have to leave the country and, I understand, apply from outside. It just does not make for a welcoming environment”.⁸²

80 HM Treasury, [Autumn Budget 2017](#), HC 587, November 2017

81 Science and Technology Committee, Informal Session, [An immigration system that works for science and innovation](#), Tuesday 19 June 2018

82 Science and Technology Committee, Informal Session, [An immigration system that works for science and innovation](#), Tuesday 19 June 2018

50. The Royal Society of Edinburgh stressed that the *status quo* was having a “detrimental impact on the ability of Scotland’s universities to attract international students and for them to remain in Scotland following their studies”.⁸³ According to Ian Robinson, the post-study work route was closed because the UK “had a high proportion of UK graduates looking for work” but that the situation had now changed since “the labour market is certainly at near-full capacity”.⁸⁴

51. ***We recommend that the Government re-instates the Tier 1 (post-study work) visa route for graduates with a recognised degree from a UK higher education institution.***

Tier 2 (General) visa

52. Most non-EEA workers who fall into the broad category of ‘science and innovation’ and are admitted to the UK to work in these fields do so under the Tier 2 (General) visa for skilled workers. According to the Government, eligibility for a Tier 2 visa includes:

- having a valid certificate of sponsorship for your job (this is issued by the Home Office to the employer);
- showing you’re being paid an appropriate salary for your job (at least £30,000);
- proving your knowledge of English;
- having personal savings so you can support yourself when you arrive in the UK;
- showing you can travel and your travel history over the last 5 years;
- having tuberculosis test results if you’re from a listed country;
- providing a criminal record certificate from any country you’ve lived in for 12 months or more in the last 10 years, if you’ll be working with vulnerable people.⁸⁵

53. As highlighted in Chapter 2, there are several problems with the operation of the Tier 2 visa as it currently stands:

- the growing number of visa refusals due to the Tier 2 (General) cap being exceeded every month since December 2017;
- the reliance on salary as a proxy for skill. This has proven highly problematic for those skilled workers, such as technicians, who are essential to the science and innovation workforce but who receive a low wage;
- the increase in the salary threshold, to over £55,000, to differentiate between applicants when the cap is met exacerbates the problem further;
- the high cost of applying for a visa, particularly for those in the early stages of their career, such as post-doctoral students;

83 The Royal Society of Edinburgh ([IWS0032](#))

84 Science and Technology Committee, Informal Session, [An immigration system that works for science and innovation](#), Tuesday 19 June 2018

85 [Tier 2 \(General\) visa](#), gov.uk, last accessed 4 July 2018

- the shortage occupation list (SOL), which is not keeping pace with the changing needs of the UK labour market. There have also been calls to remove those occupations on the SOL from the Tier 2 cap.
- indefinite leave to remain rules, which mean that visa holders looking settle in the UK cannot normally spend more than 180 days overseas in any 12-month period. This can hamper mobility, especially for researchers needing to undertake longer stretches outside the UK for fieldwork or other reasons.

54. If the Government is committed to maintaining the UK's position as a science and innovation superpower, it is vital that it facilitates the movement of global talent to work and study in the UK, especially in fields where there are ongoing skills shortages. The removal of doctors and nurses from the Tier 2 visa cap is a welcome step in the right direction. We question, however, whether a cap on highly skilled labour is necessary at all. Removing the cap would reduce pressure on the system, lower the salary threshold and decrease the reliance on the shortage occupation list, which will inevitably lag behind the changing needs of the UK labour market.

55. We recommend that the Government removes the cap on Tier 2 (General) visas, reduces the cost of applying for a visa and reviews the operation of the shortage occupation list.

56. We welcome the pragmatism that the Government has shown regarding breaks in continuous residency, for the purposes of academic research, for those EU citizens applying for settled status.

57. We recommend that the flexibility shown by the Government to the continuous residency requirements for settled status is also applied to those aiming to apply for indefinite leave to remain. Furthermore, a "research activity" exemption should be established for those who have needed to spend more than 180 days in any 12 months overseas for research purposes.

4 Proposals for an immigration system

58. We recommended previously that agreeing a Brexit science and innovation ‘pact’ with the EU should be an early priority for the Government, not least as it would set a positive tone for the rest of the trade negotiations.⁸⁶ We proposed that the conclusions of the Migration Advisory Committee be brought forward to support this, so that the ‘people’ element of the pact could be tackled. This recommendation was rejected by the Government.⁸⁷ Given the urgency of the situation, we have set out below a model for an immigration system that would support science and innovation. This will require further development by experts in the community and the Home Office, working to ‘co-create’ a system that can be implemented.

59. The White Paper on the future relationship between the UK and the EU proposes a series of “accords”, including one on science and innovation. Whether reciprocal mobility arrangements for scientists and researchers form part of this accord or are formalised in a free trade deal, the immigration system needs to sit in the wider context of arrangements for participation in research programmes, cooperation on regulation, and collaboration to support science and innovation. The White Paper proposes that the science and innovation accord should:

- provide for UK participation in EU research funding programmes;
- enable continued cooperation through joint participation in networks, infrastructure, policies and agencies which are to the UK’s and the EUs joint benefit; and
- establish channels for regular dialogue between regulators, researchers and experts.⁸⁸

60. We developed our immigration proposals with assistance from experts in the community, but the proposals are our own and do not necessarily reflect the views of the participants in our workshop or their organisations. Participants are listed in the appendix to this Report.

61. We present our proposals alongside a small number of examples of equivalent systems in other countries as precedents for this type of approach. In presenting these proposals, we recognise that a credible system is one that is enforceable, with the means of assessing the identity, eligibility and suitability of those wishing to make use of the facility it provides. Moreover, there are broader considerations for the labour market that the Government will need assurances on. Meanwhile, for the sake of the employer and proposed employee the system must be swift, proportionate, practical and affordable. Finally, it must also be stable in the long term.

62. With stability in mind, we suggest that in the first instance the Government views these proposals as a means of solving the question of how EEA immigration will work after the expected post-Brexit transition period. However, we see no reason why the same

86 Science and Technology Committee, Second Report of 2017–19, [Brexit, science and innovation](#), HC 705, para 40

87 Science and Technology Committee, Fifth Special Report of 2017–19, [Brexit, science and innovation: Government Response to the Committee’s Second Report](#), HC 1008, p2

88 HM Government, [The Future Relationship Between the United Kingdom and the European Union](#), July 2018, Cm 9593

systems should not be extended to other countries after we leave the EU, if the ‘suitability’ of the individual can be reliably assessed for those travelling from countries where security concerns may be particularly acute.

63. The proposals have been crafted to tackle the pressing matter of EEA migration to the UK after we leave the EU. If this system truly supports science and innovation, as we believe it will, then there are clear advantages to applying it for other, non-EEA countries, not least the simplicity of having a single, clear system. The detail of the UK’s post-Brexit relationship with the EU, however, is still to be established. Following the Cabinet meeting at Chequers on the 6 July, for example, the Prime Minister did not rule out preferential treatment for EU citizens wishing to come to the UK after Brexit.⁸⁹ Negotiations on the immigration system might be inextricably tied up in a settled trade, legal and security relationship. It would be inappropriate, therefore, to insist that whatever arrangements are negotiated with the EU automatically form the basis for non-EEA immigration, much as we would hope that a single system could be created.

64. Any approach adopted by the Government towards those EEA nationals who move to the UK in the future would ideally be reciprocated by the EU 27,⁹⁰ and such arrangements could be encapsulated in a free trade agreement. Indeed, the Home Secretary told the Home Affairs Committee this month that:

In any trade deal—whether that is with the EU or any future trade deals we might do once we have left the EU—there is normally a component about labour mobility, especially on everything from your visitors, tourism to business visitors, and it will refer to that. That is the kind of thing you would be looking at in any trade agreement.⁹¹

He added that in bilateral arrangements on movement of people there could be different provisions for different categories of people: “when it comes to students, for example, and maybe even scientists, you want to take a common-sense approach to that”.⁹²

65. The Government must ensure, however, that highly skilled EEA nationals continue to be able to work and collaborate in the UK: this should not be curtailed by what Member States are, or are not, willing to offer UK citizens. We encourage the Government to take the lead and be clear and pragmatic about the terms it is prepared to offer.

89 [Brexit: May won’t rule out special rights for EU citizens](#), BBC News Online, 7 July 2018

90 As well as Iceland, Liechtenstein, Norway and Switzerland.

91 Oral Evidence taken before the Home Affairs Committee on 10 July 2018, Q396

92 Oral Evidence taken before the Home Affairs Committee on 10 July 2018, Q424

Box 1: Proposals for temporary migration to the UK**Rationale**

- Research relies on being able to easily collaborate face-to-face, and to make use of equipment, for relatively short periods.

Proposal

- Visa-free travel and permit-free work in the UK for up to 180 days for skilled workers. Eligibility verified at the border with proof of intent to leave within that period, and a letter from the employer describing the nature of the skilled work.

Precedents for this model

- The current UK provisions for Canadian and US visitors to the UK, which allow visitors from these countries to do academic research, attend conferences and undertaken training for up to six months without a visa.⁹³
- The US ESTA (Electronic System for Travel Authorization) available for those travellers eligible to enter the US, for business or tourism, under the Visa Waiver Program for 90 days or less.

Box 2: Proposals for longer-term migration to the UK**Rationale**

- The UK must be able to attract and retain skilled workers to support researchers—both the “brightest and best” of the research world and technicians which support scientific endeavour. Those wishing to apply for indefinite leave to remain should not be disadvantaged where the nature of their work involves periods spent outside the UK,

Proposal

- A five-year skilled work permit for those with either:
 - an offer of employment, with minimum salary rates based on the ‘going rate’ for the job, reflecting regional and public/private sector differences in salary. Specifically, those who are part of the research workforce and have a long-term job offer, placement or training opportunity at a UK university or research institute should automatically be guaranteed entry for themselves and for their families.
 - Third party sponsorship—grant holders, entrepreneurs, founders, freelancers, with minimum salary requirements as above.
- Light-touch sponsorship system supported by registration of employer, harnessing artificial intelligence and HMRC data to fast-track approval and the online systems being developed for EEA national registration. Any small company should find it cheap, easy and quick to register, with simple systems

for confirming offers of employment and salary, and a duty to declare if the individual has left that employment. However, there should also be suitable penalties for those who abuse the system.

- ‘Skilled worker’ defined as requiring Level 3 qualifications or above in order to include technicians.
- Dependents allowed.
- No shortage occupation list, on the basis that this will always be out of date.

Precedents for this model

- The French ‘talent passport’ model, which includes a scientist category amongst others. In the scientist category, researchers who have a ‘hosting agreement’ and the equivalent of a Master’s degree or above can apply for a visa for up to four years, with family members also able to apply for residence permits and able to work.⁹⁴

Box 3: Proposals for post-study work

Rationale

- Enabling people who have graduated with a recognised qualification from a UK HEI to seek employment without needing an employer to sponsor them.

Proposal

- Reinstate the previous UK two-year Tier 1 (post-study work) visa.⁹⁵

66. *We recommend that the Government uses our immigration proposal as the basis for further, detailed work with the science and innovation community to ‘co-create’ an immigration policy; one that facilitates the global movement of talent into the UK and helps to ensure the UK maintains its world-class status in innovation, research and development.*

67. *The Prime Minister has called for a “far-reaching science and innovation pact with the EU, facilitating the exchange of ideas and researchers”.⁹⁶ We have recommended previously that agreeing such a pact should be an early priority for the Government in the Brexit negotiations.⁹⁷ More recently, the Brexit White Paper described a science and innovation “accord”. Our proposals for an immigration system, after further development with the community, should be integrated into this wider accord on science and innovation, which should also cover:*

- *Funding: with a commitment on both sides for the UK to participate fully in the Horizon Europe programme, agreement on how much the UK should pay to participate and its influence in terms of membership of relevant committees.*

94 [‘International talents and economic attractiveness’](#), France-Visas, accessed 5 July 2018

95 <https://www.gov.uk/government/publications/tier-1-post-study-work-guidance>

96 [‘PM Speech on our future economic partnership with the European Union’](#), gov.uk, 2 March 2018

97 Science and Technology Committee, Second Report of Session 2017–19, [Brexit, science and innovation](#), HC 705

- ***Regulation: with a commitment to continued cooperation on research regulation, including in relation to the EU's harmonised clinical trials system and its supporting infrastructure.***
- ***Collaboration: with commitments to continued reciprocal access to EU research facilities in the UK and in other countries for research purposes, with the future of facilities hosted in the UK assured. There is a need to negotiate agreements in relation to associate membership of, or participation in a large number of bodies.***

Conclusions and recommendations

Modifying the non-EEA immigration system

1. The Tier 1 (Exceptional Talent) visa offers a clear route into the UK for the very brightest and best from outside the EEA. We are concerned, however, that the eligibility criteria are too stringent and that, when combined with the focus on ‘exceptional talent’, this has led to the assumption that only potential Nobel Prize winners need apply. As a result, take up of the visa has been disappointing. (Paragraph 46)
2. *We recommend that the Government works with the ‘Designated Competent Bodies’ to revise, and clarify, the eligibility criteria further for the Tier 1 (Exceptional Talent) visa so that the pool of potential applicants is increased. The DCBs should be given the resources to ensure that this route is well-publicised and correctly pitched. The Government should also follow through on its plans to make it easier for members of established research teams to relocate to the UK, alongside their research leader.* (Paragraph 47)
3. *We recommend that the Government re-instates the Tier 1 (post-study work) visa route for graduates with a recognised degree from a UK higher education institution.* (Paragraph 51)
4. If the Government is committed to maintaining the UK’s position as a science and innovation superpower, it is vital that it facilitates the movement of global talent to work and study in the UK, especially in fields where there are ongoing skills shortages. The removal of doctors and nurses from the Tier 2 visa cap is a welcome step in the right direction. We question, however, whether a cap on highly skilled labour is necessary at all. Removing the cap would reduce pressure on the system, lower the salary threshold and decrease the reliance on the shortage occupation list, which will inevitably lag behind the changing needs of the UK labour market. (Paragraph 54)
5. *We recommend that the Government removes the cap on Tier 2 (General) visas, reduces the cost of applying for a visa and reviews the operation of the shortage occupation list.* (Paragraph 55)
6. We welcome the pragmatism that the Government has shown regarding breaks in continuous residency, for the purposes of academic research, for those EU citizens applying for settled status. (Paragraph 56)
7. *We recommend that the flexibility shown by the Government to the continuous residency requirements for settled status is also applied to those aiming to apply for indefinite leave to remain. Furthermore, a “research activity” exemption should be established for those who have needed to spend more than 180 days in any 12 months overseas for research purposes.* (Paragraph 57)

Proposals for an immigration system

8. *We recommend that the Government uses our immigration proposal as the basis for further, detailed work with the science and innovation community to ‘co-create’ an immigration policy; one that facilitates the global movement of talent into the UK and helps to ensure the UK maintains its world-class status in innovation, research and development. (Paragraph 66)*

9. *The Prime Minister has called for a “far-reaching science and innovation pact with the EU, facilitating the exchange of ideas and researchers”. We have recommended previously that agreeing such a pact should be an early priority for the Government in the Brexit negotiations. More recently, the Brexit White Paper described a science and innovation “accord”. Our proposals for an immigration system, after further development with the community, should be integrated into this wider accord on science and innovation, which should also cover:*
 - *Funding: with a commitment on both sides for the UK to participate fully in the Horizon Europe programme, agreement on how much the UK should pay to participate and its influence in terms of membership of relevant committees.*

 - *Regulation: with a commitment to continued cooperation on research regulation, including in relation to the EU’s harmonised clinical trials system and its supporting infrastructure.*

 - *Collaboration: with commitments to continued reciprocal access to EU research facilities in the UK and in other countries for research purposes, with the future of facilities hosted in the UK assured. There is a need to negotiate agreements in relation to associate membership of, or participation in a large number of bodies. (Paragraph 67)*

Appendix 1: Workshop participants

We are grateful to the following people for their participation in a workshop as part of the inquiry. We drew on their expertise to inform our proposals, but the proposals are our own and do not necessarily reflect the views of the participants, and their participation does not imply the endorsement of their organisations.

- Natalie Allmond, PWC
- Natasha Bevan, Royal Society
- Hollie Chandler, Russell Group
- Sarah Chaytor, UCL
- Annie Colgan, Francis Crick Institute
- Amelia Dearman, Wellcome
- Eleanor Jubb, Universities UK
- Linda Holliday, UKRI
- Stephen Longson, UKSBS
- Rajiv Naik, Fragomen
- Maria Palmeiri, Tech Nation
- Matthew Percival, CBI
- Ian Robinson, Fragomen
- Graeme Ross, University of Cambridge
- Emlyn Samuel, Cancer Research UK
- Helen Walton, Astra Zeneca
- Naomi Weir, Campaign for Science and Engineering
- Louise Wren, Wellcome

Formal Minutes

Monday 16 July 2018

Members present:

Norman Lamb, in the Chair

Bill Grant Stephen Metcalfe

Liz Kendall Carol Monaghan

Draft Report (*An immigration system that works for science and innovation*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 67 read and agreed to.

Summary agreed to.

A Paper was appended to the Report as Appendix 1.

Resolved, That the Report be the Eighth 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.

[Adjourned till Tuesday 17 July at 9.00 am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 19 June 2018

Question number

Dr Sarah Main, Executive Director, Campaign for Science and Engineering (CaSE); **Ian Robinson**, Partner, Fragomen LLP; **Vinous Ali**, Head of Policy, techUK; **Louise Wren**, Policy Manager, Wellcome Trust; and **Professor Richard Catlow FRS**, Foreign Secretary, The Royal Society

[Q1–60](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

IWS numbers are generated by the evidence processing system and so may not be complete.

- 1 AIRTO Ltd ([IWS0028](#))
- 2 Association of the British Pharmaceutical Industry and the BioIndustry Association ([IWS0022](#))
- 3 British Academy of Management ([IWS0010](#))
- 4 British Heart Foundation ([IWS0003](#))
- 5 British Society for Immunology ([IWS0015](#))
- 6 Campaign for Science and Engineering ([IWS0036](#))
- 7 Cancer Research UK ([IWS0016](#))
- 8 Department for Business, Energy and Industrial Strategy ([IWS0039](#))
- 9 Dr Anesa Hosein ([IWS0047](#))
- 10 Earlham Institute ([IWS0023](#))
- 11 Fragomen LLP ([IWS0035](#))
- 12 Francis Crick Institute ([IWS0012](#))
- 13 GARNet ([IWS0044](#))
- 14 GuildHE ([IWS0030](#))
- 15 Imperial College London ([IWS0011](#))
- 16 International and Broke Campaign ([IWS0018](#))
- 17 IQVIA ([IWS0024](#))
- 18 John Innes Centre ([IWS0019](#))
- 19 Johnson Matthey PLC ([IWS0037](#))
- 20 MSD ([IWS0026](#))
- 21 National Office of Animal Health (NOAH) ([IWS0006](#))
- 22 Nuclear Industry Association ([IWS0004](#))
- 23 Peter Downes ([IWS0014](#))
- 24 Prospect ([IWS0029](#))
- 25 Recruitment & Employment Confederation ([IWS0017](#))
- 26 Rolls-Royce plc ([IWS0002](#))
- 27 Royal Astronomical Society ([IWS0020](#))
- 28 Royal Society of Chemistry ([IWS0025](#))
- 29 Royal Society of Edinburgh ([IWS0032](#))
- 30 Russell Group ([IWS0021](#))
- 31 Society of Spanish Researchers in the United Kingdom ([IWS0009](#))
- 32 Sphere Fluidics ([IWS0001](#))
- 33 techUK ([IWS0041](#))

- 34 The Academy of Social Sciences and the Campaign for Social Science ([IWS0008](#))
- 35 The Open University ([IWS0033](#))
- 36 The Royal Society ([IWS0034](#))
- 37 The Royal Society of Biology ([IWS0040](#))
- 38 Transcript of the Science and Technology Committee informal session on 19 June 2018 ([IWS0046](#))
- 39 UCL ([IWS0007](#))
- 40 UK National Academies ([IWS0031](#))
- 41 UK Research and Innovation ([IWS0038](#))
- 42 Universities Scotland ([IWS0027](#))
- 43 Universities UK ([IWS0005](#))
- 44 Wellcome ([IWS0045](#))
- 45 Wellcome Sanger Institute ([IWS0013](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Pre-appointment hearing: chair of UK Research & Innovation and executive chair of the Medical Research Council	HC 747
Second Report	Brexit, science and innovation	HC 705
Third Report	Genomics and genome editing in the NHS	HC 349
Fourth Report	Algorithms in decision-making	HC 351
Fifth Report	Biometrics strategy and forensic services	HC 800
Sixth Report	Research integrity	HC 350
First Special Report	Science communication and engagement: Government Response to the Committee's Eleventh Report of Session 2016–17	HC 319
Second Special Report	Managing intellectual property and technology transfer: Government Response to the Committee's Tenth Report of Session 2016–17	HC 318
Third Special Report	Industrial Strategy: science and STEM skills: Government Response to the Committee's Thirteenth Report of Session 2016–17	HC 335
Fourth Special Report	Science in emergencies: chemical, biological, radiological or nuclear incidents: Government Response to the Committee's Twelfth Report of Session 2016–17	HC 561
Fifth Special Report	Brexit, science and innovation: Government Response to the Committee's Second Report	HC 1008