

## **UKBA Consultation: The Student Immigration System**

### **Response from the Russell Group of Universities**

#### **Summary**

The Russell Group represents 20 leading UK research-intensive universities.<sup>1</sup> The international mobility of staff and students is essential to the success of any world-class university. As such, the Russell Group is very much affected by changes in immigration policy. Moreover, at the current time, with direct public investment in universities set to fall dramatically over the coming years, fee income from international students has never been more important to the sector.

The Russell Group shares the Government's commitment to improving the public's confidence in the immigration system and its concerns about abuse of the student visa route. Universities have invested in professional staff and processes to ensure they are able to meet fully their obligations as Highly Trusted Sponsors within the Points Based System, and are committed to working closely with UK Borders Agency to improve further the integrity and efficiency of the system in the future.

This document provides a summary of the importance of immigration to Russell Group universities, and comments on the Government's recent proposals for reform of the student immigration routes. We have some key concerns about the Government's proposals which can be summarised as follows:

- We are not convinced that including students within the Government's net migration target is sensible. International students are not economic migrants but represent a major export industry for the UK.
- The opportunity for post-study work is important in attracting the best international students who contribute the most to the UK
- High quality sub-degree provision, including preparatory courses, English language courses, school and FE provision are essential pathways from which many of the best international students progress to undergraduate and postgraduate degrees at leading universities.
- Raising English language requirements for all international students is unnecessary and could be counter-productive.
- Removal of the right for dependents to work in the UK could have a negative impact on recruitment of certain students, particularly postgraduate researchers.
- Reputation and perceptions are important. Perceived difficulties with visa applications and bureaucracy do influence international students in choosing their country of study. The UK should be projecting the message that it welcomes genuine international students.

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<sup>1</sup> Members of the Russell Group are: University of Birmingham, University of Bristol, University of Cambridge, Cardiff University, University of Edinburgh, University of Glasgow, Imperial College London, King's College London, University of Leeds, University of Liverpool, London School of Economics & Political Science, University of Manchester, Newcastle University, University of Nottingham, University of Oxford, Queen's University Belfast, University of Sheffield, University of Southampton, University College London, University of Warwick

## 1. International mobility of staff and students is essential to the success of world-class universities

- 1.1 The ability to attract the most talented students and staff from within the UK, the EU and internationally, is essential to the success of the UK's leading universities. There is a fierce global market for the best academic talent<sup>2</sup>, and our track record in attracting international staff and students has made a very important contribution to the considerable success of UK higher education to date.
- 1.2 The Russell Group accounts for nearly a third of all international (i.e. Non-EU) higher education students in this country.<sup>3</sup> These students, nearly 60% of whom are postgraduates, make a vital contribution to the academic endeavour, and to the international standing of our leading universities.
- 1.3 Through their tuition fees and living expenditure, we estimate that non-UK students at higher education institutions in the UK bring investment of at least £5.8 billion to our economy annually.<sup>4</sup> Of all non-UK students, 68% are from outside the EU. Higher education is an excellent export industry for the UK.
- 1.4 International staff are equally important. Nearly a third of academic staff at Russell Group institutions are non-UK nationals. Of these, more than half (over 9,000 staff in total) are nationals of non-EU countries.<sup>5</sup> As world-class research universities, it is vital that we are able to attract the most talented academics, from early career researchers to eminent professors, able to contribute to maintaining the UK's status as a leading nation for science, research and innovation. As eight British-based Nobel prize-winners recently warned, the UK cannot afford to isolate itself from the increasingly globalised world of research – our success in science depends on it.<sup>6</sup> It is not realistic to expect UK universities to meet all their staff recruitment needs from within the EU. It takes a substantial amount of time to 'train' someone for an academic job and this relies on education throughout an individual's life.
- 1.5 Some subjects and disciplines are particularly dependent on international staff and students, including Engineering, Maths, Chemistry and Physics.
- 1.6 In addition, universities invite international academics to come to the UK as sponsored researchers, visiting academics, external examiners, conference speakers and other kinds of visitors. These visits support important collaboration and exchange between universities and academics in this country, and those around the world.

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<sup>2</sup> For a discussion of the global nature of the market in recruitment of academic staff, see Terri Kim and William Locke (2010) "Transnational academic mobility and the academic profession" in *Higher Education and Society: A research report*, pp.27-34. CHERI, London.

<sup>3</sup> The Russell Group accounted for 30 percent of the 251,330 international students in UK universities in 2008/09.

<sup>4</sup> The report *Global Value* by British Council estimated that in 2002-03 higher education attracted £2.1 billion of investment into the UK in the form of tuition fees paid by non-UK students and that students also accounted for £2.6 billion in other spending whilst in this country. Given that the total population of non-UK students in the UK increased by 23 percent between 2002-03 and 2008-09 (from 300,055 to 368,970)<sup>4</sup>, it is likely that tuition fees and living expenditure of all non-UK HE students now account for a minimum of £5.8 billion investment in the UK

<sup>5</sup> Data is for 2008/09, HESA

<sup>6</sup> *UK must not isolate itself from research world*, The Times, 07 Oct 2010  
<http://www.thetimes.co.uk/tto/opinion/letters/article2755952.ece>

## **2. Students should not be included in net migration targets**

- 2.1 The Government has made a commitment to reduce overall net migration, and this is the context in which it is proposing to limit student immigration. However, it is questionable whether students should even be included in the official net migration figure, and subsequent targets. Students are not economic migrants, and do not come to live or work permanently in the UK. They bring considerable financial investment with them to this country, and contribute very positively to the UK's economic and cultural links with other countries.
- 2.2 We understand that the Government is working within an internationally accepted definition of migration. However, this definition may not be particularly helpful in responding to public concern about immigration in this country. We would urge the Government to consider reviewing its definition of net migration to exclude those who come on student visas.

## **3. Fee income from international students has never been more important to universities**

- 3.1 At a time when direct public investment in universities is being cut by billions of pounds, international student fees represent an absolutely critical income stream to universities. In 2009 the Russell Group received £847 million in international fee income, 39% of the sector total. Across the Russell Group this represents 8.3% of total income but for some individual institutions international fees make up as much as 30% of total income. If immigration policy were to reduce considerably the ability of universities to recruit international students and postgraduates, this would have a devastating impact on the financial sustainability of Russell Group institutions.

## **4. Universities are highly trusted sponsors of international staff and students**

- 4.1 Universities have been very willing to accept the responsibilities placed on them within the Points-Based System to monitor international students and staff, and to work with UKBA to minimise abuse of the PBS system. They have invested in professional processes and staff to ensure that they are able to meet fully their obligations as Highly Trusted Sponsors under PBS.
- 4.2 The vast majority of international students are law abiding, and leave the UK after the completion of their studies, or when their visa expires. Home Office research has shown that only 20% of students remain in the UK for more than five years.<sup>7</sup> UKBA research found that only 2% of students in universities were non-compliant with the terms of their visa.<sup>8</sup>

## **5. The opportunity for post-study work is important in attracting the best international students who contribute the most to the UK**

- 5.1 The Government's consultation on the reform of the student immigration system, published on 07 December 2010, includes a proposal to close the Post Study Work (PSW) route. We have some serious concerns about this proposal:
  - a. It is likely to have a very negative impact on admissions, because many international

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<sup>7</sup> The Home Office, *The Migrant Journey*, September 2010

<sup>8</sup> *The Student Immigration System A Consultation*, UKBA, December 2010

students feel it is important to consolidate their studies with some work experience in the UK.<sup>9</sup> The UKBA is concerned that many PSW applicants do not enter skilled work. However, we do not believe this is a widespread problem for international graduates of Russell Group universities.<sup>10</sup>

- b. For some international students, a period of post-study work in the UK is essential to the financing of their studies here. For students from developing countries in particular the higher earnings they can secure in the UK after they graduate go some way towards making the higher university fees in this country affordable.
  - c. There are some professions (e.g. engineering, medicine, law) that require a period of work in the UK for qualification or registration. Without the opportunity to work here, the attractiveness of such courses for international students would be reduced.
  - d. Any introduction of this proposal must be carefully phased in. There are thousands of international students already at our universities who came here in the belief that PSW would be available to them after they complete their course. It would be very unfair to close the programme before current students have had the opportunity to apply.
  - e. The closure of the PSW route risks damaging businesses and the wider economy of the UK. Many of the innovative spin-out companies which emerge from Russell Group universities are established by entrepreneurial international graduates. Students who remain in the UK for a period of post-study work bring unique skills and experience to their employers here and many continue to generate economic benefit to the UK by maintaining their professional links with this country once they leave.
  - f. The PSW route is also important to universities as employers, because it enables us to offer post-doc opportunities to international students completing PhDs. Without the PSW route we would only be able to use Tier 2 (skilled workers) for such appointments. Given the other pressures on Tier 2, this would lead to a reduction in the international post-docs we could appoint.
- 5.2 The consultation document says that the Government recognises there are other options short of closing the PSW route entirely. One option mentioned is limiting PSW to graduates with higher level degrees. We would urge the Government to consider retaining the PSW route, at least for graduates of higher level degrees (such as Masters and PhD). Given their higher level skills and educational training, postgraduates can contribute the most to the UK's economy.

## **6. High quality sub-degree provision is an essential pathway to undergraduate and postgraduate study**

- 6.1 A key proposal within the UKBA's consultation on the reform of the student immigration system is to raise the level of courses international students can study, with only Highly Trusted Sponsors (HTS) able to bring in international students to enter courses below degree level.

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<sup>9</sup> International students were first given the opportunity for post-study work in 2004, through the Science and Engineering Graduates Scheme, which was later replaced by the International Graduates Scheme, and most recently by the Tier 1 (Post Study Work) route. It is worth noting that numbers of international students at Russell Group institutions increased by over 25% since 2004, when the SEGS was first introduced.

<sup>10</sup> We are currently collecting any available information from Russell Group universities about the destinations of international students, which we intend to make available to UKBA in due course. Early evidence from a survey at just one university shows that a third of international undergraduates had entered employment in the UK, and that all were in graduate level jobs.

- 6.2 If this proposal is implemented, it would become absolutely essential for Russell Group universities to be confident of being able to retain their HTS status, which is still a relatively new category of sponsor. We hope UKBA will work closely with universities in the development of the HTS category in the future to ensure that universities are fully aware of any changes to the requirements for HTS status, and that maintaining HTS status does not place unreasonable costs or burdens on universities.
- 6.3 This proposal will directly affect the very wide range of education providers who bring students to the UK to study courses that are below degree level. It will also have an indirect impact on universities. A significant proportion of international students at Russell Group institutions are not recruited directly from overseas, but are already in the UK when they apply to the university. We understand that at some Russell Group institutions up to half of their international students at undergraduate level fall into this category. This includes students who study in the UK at independent schools, FE colleges, language schools and other private education providers.
- 6.4 For many international students, even very talented ones, it is difficult to enter a Russell Group institution directly from study in their home country. Some kind of additional English language or education preparation is necessary to prepare them for application and success at a leading UK university. Where such courses are provided by institutions which do not have HTS status, this proposal may mean that they can no longer recruit non-EU students. If high quality preparatory courses available in the UK are greatly reduced it will make it more difficult for universities to recruit good international students, particularly at undergraduate level.
- 6.5 Russell Group universities have developed a wide range of pathway programmes specifically designed for international students, which combine academic and English language preparation, at a sub-degree level, with the aim of preparing students for progression to degree and/or postgraduate study. In many cases these are provided in-house by the university, and since universities have HTS status, we do not anticipate that they will be affected by the proposed restrictions on sub-degree courses. (We are, however, concerned that these courses will be seriously threatened by the proposed raising of the English language requirements. See section 7.)
- 6.6 In some cases, however, universities have established partnerships with colleges or private organisations to provide pathway programmes for international students below degree level. If the partner institution is unable to obtain or maintain HTS status, then such courses will be affected by this proposal. For example, University of Manchester provides pathway programmes in partnership with the private company INTO. If INTO were to lose its HTS status, this would have a very negative impact on University of Manchester.
- 6.7 We welcome the proposal not to make changes to the visa system for child students, as this should mean that the independent schools sector is able to continue to recruit talented students who are able to go on to become international students at Russell Group institutions.

## **7. Raising English language requirements across the board is unnecessary and could be counter-productive**

- 7.1 The consultation recommends a further increase in the standard of English language required for all students to obtain a visa. All students, including those on English language courses, must be able to demonstrate that they have passed a secure English Language test showing proficiency at level B2 across all four components of Language testing.

- 7.2 This proposal will have a potentially very serious impact on Russell Group universities. Universities currently sponsor many students who do not have this level of English. Such students are very unlikely to be on degree programmes, but on English language programmes, or on pathway programmes, which include both language training and other academic preparation for degree programmes. Whilst there is an exemption for pre-sessional courses of up to three months, many students study on preparatory programmes for up to a year before embarking on an undergraduate or postgraduate degree programme. Such programmes, whether provided directly by a university, or by a partnership organisation risk being affected by the proposed changes to English language requirements. For example:
- a. University of Glasgow runs a 12 month pre-sessional English course. This programme enables students to progress onto degree programmes with high standards of English.
  - b. University of Manchester has a range of preparatory courses for international students. Some of these programmes are sponsored by key partner organisations (e.g. the Saudi Government) and include programmes for students aiming to progress onto postgraduate research degrees, as well as postgraduate taught and undergraduate programmes.
  - c. University of Leeds offers a total of 9 pathway programmes for international students, across a range of subjects including Arts, Dentistry, Engineering and Science. Many international sponsoring organisations and companies choose to place their sponsored students on the foundation year programme.
  - d. University of Warwick has an international foundation programme that was established in 1983, which is provided in partnership with two FE colleges, and recruits over 300 students annually.
  - e. Newcastle University has over 500 students enrolled on a range of pathway programmes provided in partnership with INTO Universities.
- 7.3 The introduction of the proposed English language requirements could have direct and significant financial consequences for Russell Group universities. Preparatory English courses and pathway programmes generate important income to universities. If they are forced to close or restrict such programmes, they will suffer considerable financial loss, in some cases several million pounds per year. Moreover, if preparatory courses provided by universities or their partners are not available this will remove an important pathway through which some of the best international students enter Russell Group universities.
- 7.4 There is a lack of detail in the consultation document about the rationale for the proposals in relation to English language proficiency, and the problems they are intended to address. We remain unconvinced that there is a need for a higher English language requirement across the board. Moreover, we have concerns that by setting such a requirement the UKBA is indirectly determining the entry requirements for degree programmes in the UK, which should more properly be an academic decision, to be taken by individual universities, particularly those with HTS status.

- 7.5 The consultation document says there will be a requirement for a 'secure' language test, and level B2 in 4 elements. It is unclear whether this requirement can be met by students taking any test other than IELTS. Universities currently accept a number of different language tests (e.g. TOEFL, IELTS, PTE), and it is important that the requirement of UKBA does not pose unnecessary restrictions on the choice of language tests available to students or to universities.
- 7.6 We would suggest that the UKBA retains the current English language requirements. If it is felt absolutely necessary to introduce a higher requirement, we would urge that clearly identified university preparation courses such as pre-sessional English language and pathways programmes should be exempted, where such courses are offered by a HTS institution. However, there would be an expectation that the student reaches the higher English language requirement in order to proceed to the chosen degree course.

## **8. Removal of the right for dependents to work in the UK could have a negative impact on recruitment of some students**

- 8.1 The proposal that dependents will lose the right to work in the UK is particularly worrying to the Russell Group. It is likely to have the biggest impact on postgraduate research students, who tend to be older and more likely to have a partner and/or a family. It is not realistic to expect a research student to support a family financially in the UK. Without the right for the spouse or partner to work, the UK may become significantly less attractive to postgraduate research students. The ability to attract the most talented postgraduate research students is essential to the research endeavour and the international competitiveness of Russell Group institutions.
- 8.2 If the proposals are implemented, students studying for less than 12 months will not be permitted to bring dependents with them to the UK. This may adversely impact on students from certain countries (e.g. Muslim women who may not be willing to travel to the UK without a male relative).

## **9. Other comments on the Government's proposals for student immigration**

- 9.1 We welcome the proposal to reduce the requirements on documentary evidence from students who are judged to be 'lower risk'. However, further clarification is needed about the different requirements for different students, as there would appear to be some scope for confusion.
- 9.2 The proposal to raise accreditation and inspection standards within private providers is very welcome. Institutions offering poor quality courses, deceiving students or abusing the student immigration system damage the reputation of the UK as a world-leader in education. Recent UKBA research has demonstrated that significant levels of non-compliance occur in the private further and higher education sector.
- 9.3 We have some concerns about the proposed requirement that a student returns home and applies for a new visa between courses. This will create additional expense and difficulties for legitimate students and disrupt their studies. For students progressing from Masters to PhD programmes, there is almost no time between the two courses. It is not clear whether this proposal would extend to students who complete a pre-sessional English course, and then progress to a degree. Again, such students have only a very short amount of time between the two courses, and could not possibly return home and apply for another visa in the time available.

- 9.4 It is proposed that during their studies students should not be allowed to work during the week unless they do so 'on campus'. We have some concerns about how the university might be required to monitor their students in this respect.

## **10. Reputation and perceptions are important**

- 10.1 It is crucial that the immigration system continues to support the efforts of our leading universities to attract talented people who have a legitimate interest in studying, working or carrying out research here.
- 10.2 Even before the introduction of PBS there was already evidence that visa and immigration issues were an area of concern for international students both before coming to the UK, and whilst here.<sup>11</sup> The difficulty (whether actual or perceived) of obtaining a visa is one of the most important factors in determining applications from international students.<sup>12</sup>
- 10.3 The UK should be doing everything it can to project a message that it welcomes genuine international students and academics who choose to come here. There is a real risk that the UK begins to be seen as unwelcoming at a time when our key competitors such as the US are succeeding in projecting a much more positive image to international students and researchers.

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<sup>11</sup> *Broadening our Horizons: international students in UK universities and colleges*, UKCOSA, 2004

<sup>12</sup> *What does the future hold? China country report: the outlook for international student mobility* A report by the Economist Intelligence Unit for the British Council, 2008, pp11