



Law Society
of Scotland

Call for Evidence response

International Students: Economic and Social Impacts

26 January 2018



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

The Society's Immigration and Asylum Sub-committee welcomes the opportunity to consider and respond to the Migration Advisory Committee's call for evidence on International students: economic and social impacts.

International Students in the United Kingdom

Throughout our history, the UK has a proud record of welcoming international students to study at our institutions and on the whole, it is widely accepted that international students have contributed positively and helped secure Britain's role as a centre of excellence in international education.. In recent years, UK Government attention on international students has come to focus on the rather small group of international students who may have used the student visa route as a manner to obtain entry to the UK in a manner that could be viewed as abusive.

With the UK government's policy to reduce net migration and the insistence that international students be included in the net migration statistics,, we have seen a number of restrictive measures that could be said to act as a barrier to attracting the brightest and the best international talent to study in the UK.

It is evident that international students bring a range of benefits to the United Kingdom: economically, culturally as well as socially and we recognise the importance of maintaining ease of access for those who wish to come to the UK to study.

Visa Applications

In order to study in the UK, an international student who is subject to UK immigration control would usually require to apply for and be granted a Tier 4 (General) visa (commonly referred to as a 'student visa').

The eligibility criteria for such require the prospective student to have sufficient English language skills in order to study in the United Kingdom. For some applicants, this includes sitting an English language exam. In addition, applicants are also required to have sufficient funds to maintain themselves for the duration of their stay in the UK. This is in addition to the costs of tuition fees and visa application costs. Applicants must also be sponsored by a registered educational institution who in turn are very heavily regulated by

UKVI. The number of institutions willing and able to sponsor international students has dropped in recent years due to the complexity of the Tier 4 sponsorship system and the rigidity of the obligations placed on Tier 4 sponsors.

Given the eligibility criteria of this visa type, one can see that there are a number of checks in place, checks that appear to work relatively well, to ensure that those obtaining student visas in order to study in the UK have the means and ability to do so and this is a very different system to the visa system in place a number of years ago which, as is now widely accepted, was more open to abuse.

Studying in the United Kingdom

International students generally have a very positive impact on the UK economy. At the outset of their studies (and even prior to travelling to the UK), they make a substantial financial commitment to study in the United Kingdom and the relevant educational institution will benefit financially from that as well as by gaining motivated students from different backgrounds and cultures which brings diversity to university and college campuses around the country.

The Immigration Rules also permit most international students to work for up to 20 hours per week during term-time and full-time hours during vacation periods. The jobs they carry out will vary from part-time employment in sectors such as hospitality and retail to employment in their field of studies. Many international students who take up additional part-time work bring expertise of overseas markets and language skills that can and are used to facilitate additional exports and international trade and this is especially important to SMEs who might not otherwise be able to access such high quality talent.

Another positive consequence of international students studying in the United Kingdom will be in relation to tourism. Often family members of international students will visit them during their stay, staying in local hotels and spending in local businesses and often touring the country. International students therefore also directly contribute to key sectors of the Scottish economy and this link can also open up opportunities for direct foreign investment from family members of students who can see what Scotland and the UK has to offer.

There is an issue in relation to the restrictive nature of the immigration rules in relation to family members of some international students coming to the UK as dependents. We are of the view that restrictive changes in this regard has had a negative impact on the UK's ability to attract new international students.

We also regularly see situations where an international student meets a partner or spouse whilst studying in the United Kingdom. However the spouse visa rules are particularly problematic for international students in such scenarios switching given the rigidity of the Appendix FM financial requirements which require salary or savings levels that can be difficult for graduates to obtain.

Post-Graduation

Whilst the Tier 2 (General) visa for skilled workers provides some 'concessions' for employers seeking to recruit international graduates, the rules remain problematic for graduates.

Since the abolition of the Tier 1 (Post Study Work) route, it is not straightforward for international students to stay in the United Kingdom post-graduation for work purposes. Not enough employers are registered as Tier 2 sponsors and the salary scales are problematic for SMEs in many parts of the country. It would be preferable from both an employer viewpoint as well as a graduate viewpoint if there were a simpler and

more straightforward route into sponsored employment with this route perhaps acting as a bridge into Tier 2 sponsorship.

Once a student has been in Scotland to study, they have usually contributed considerably in many ways. We understand the government's position on post-study work visas and desire to reduce net migration. However, given the difficulties in acquiring a Tier 2 (General) visa and Scotland's reliance on migration to stem our population decline, international students could contribute more to the country if there was a re-introduction of some kind of post-study work visa aimed at skilled workers. This would ensure that Scotland is benefitting from the brightest and best settling in the country post-graduation and enhancing the skills available in the country and could be designed in many ways, including targeted at those who study key courses. .

EU Students

The same contributions previously raised for international students are also relevant for students from the European Union and the European Economic Area. They have a significant impact on the fabric of the UK economically, socially and culturally. We are aware that there are very concerning barriers to EU/EEA students obtaining permanent residence documentation in the UK when they have not held comprehensive sickness insurance and the UK government's insistence on this being required by international students seeking to obtain residency documentation is, in our view unlawful. We understand that students will not require this under the proposals for settled status and if this is indeed the case, then we would welcome that.



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