

Post Study Work Steering Group

**Report of Stakeholder Workshop
held 18 November 2015**

March 2016

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Executive Summary

The workshop was organised and facilitated by the Scottish Government on behalf of the Post Study Work Steering Group. The format comprised a number of small discussion groups focusing on different aspects of the Post Study Work Working Group (PSWWG) Report.

Which jobs should be possible on a post study work visa?

Whilst a small majority of participants supported the PSWWG view that post study work visa holders should be able to do any job, others did not agree and thought that the visa should be for graduate level jobs only, on a path to graduate level jobs, or be time limited on how long someone could do a lower level job.

Should time spent on a post study work visa count towards settlement?

This subject provoked strong feelings at the workshop, with the majority of participants supporting the PSWWG recommendation that time on a post study work visa should count towards the five year settlement rule. However a number of participants felt that this would run counter to the current immigration system which does not generally count time spent on “temporary” visas towards settlement.

Which Tier should post study work be in, if any?

At the workshop there was some support for inclusion in Tier 1 and 2, but a larger proportion of people supported inclusion in Tier 5, with some support for running as part of the Government Authorised Exchange scheme. There was also support for running the visa outside of the current tiers, possibly as a new “Tier 6”.

Which qualifications should enable a person to qualify for a post study work visa?

The PSWWG thought that post-graduate, bachelors and HND should qualify a person for post-study work, with some consideration for HNC too. A range of views were expressed on this subject at the workshop, but it appeared that views were on balance slightly against HNC inclusion. However one relatively popular option suggested was for HNCs to be eligible if they were in subjects connected to skill shortage occupations.

How long should a post study work visa last?

The weight of opinion from workshop participants was towards a longer visa of at least two years with the ability to extend. It was indicated that one year is too short and would be unattractive to employers and uncompetitive for education institutions.

What form of endorsement/ sponsorship should be required for post study work?

Workshop participants appeared generally against sponsorship or endorsement, with some suggesting that the Scottish Government should provide some form of compliance arrangements.

What should maintenance levels be for post study work?

The weight of support from participants at the workshop was towards there being no maintenance requirements for post study work.

Introduction

This is a report of a one-day stakeholder workshop held by the Post Study Work Steering Group. The workshop was organised and facilitated by the Scottish Government on behalf of the Group.

The aim of the workshop was to build on the findings of the Post Study Work Working Group Report¹, and gather views and evidence on the detail of how a Post Study Work visa could best operate in Scotland. The workshop brought together people from business, education, law, trade unions, the third sector, and student and public bodies, with participation from people with personal experience of the UK immigration system.

Attendees were invited to select their areas of interest for participation from the following list:

- Which qualifications should qualify a person for a Post Study Work (PSW) visa?
- Which jobs should someone on PSW be able to do?
- Should people on PSW be sponsored?
- How long should the PSW visa last?
- What should the maintenance level for PSW be?
- Which Tier should PSW be in, if any?
- Should PSW count towards settlement?

Factsheets were prepared on each of these topics and circulated to all participants in advance of the workshop, to help participants understand how post study work routes previously operated and how the UK immigration is currently structured.

The workshop was organised around sixteen small discussion sessions (four sessions running concurrently, four times over the day). Each session focused on one of the specific subjects listed above. Most subjects were discussed at more than one session, depending on the level of interest from attendees in advance.

Participants were invited to provide views on statements about each subject, and provide evidence for their views. At the end of each session participants received 7 “votes” that they distributed amongst the recorded views and evidence to indicate which views they particularly agreed with, and which pieces of evidence were the strongest.

Next Steps

This report will be presented to the next meeting of the Post Study Work Steering Group in January 2016, who will consider the findings in the formulation of their final recommendations.

¹ *Post Study Work Working Group: Report to Scottish Ministers* (2015), <http://news.scotland.gov.uk/imagelibrary/downloadmedia.ashx?MediaDetailsID=3513&SizeId=-1>

Which Qualifications should Qualify a Person for a PSW visa?

The PSWWG said that *“To ensure that students have a minimum level of knowledge and experience, the following qualifications at least, should be recognised as eligible to qualify for a post study work scheme; Postgraduate Degree; Postgraduate Diploma, including postgraduate teaching qualifications; Bachelor’s Degree; HND; and HNC, if further consideration shows there is a need for this qualification.”*

Participants were asked to give their views on the statement “People should be able to get a post study work visa if they have a Postgraduate Degree, Postgraduate Diploma, Bachelor’s Degree or HND”, and provide evidence for their views. The main focus of discussion was gathering views on whether people with HNCs and any other qualifications should be able to obtain a PSW visa.

A range of views were expressed on this subject at the workshop, but it appeared that views were on balance slightly against HNC inclusion. However one relatively popular option suggested was for HNCs to be eligible if they were in subjects connected to skill shortage occupations.

There were three sessions on this topic. Participants at the first session agreed with the statement provided, with minority support for HNCs being included. This was supported by views around:

- PSW being an extension of academic engagement and not about filling skills shortages
- Students need time to transition from study to job
- PSW allows training engagement and the acquisition of practical workplace skills.

Second session participants broadly supported the statement for discussion and appeared to not favour HNC inclusion. This appeared to be linked to a view that Scottish employers need the skills learned through an HND.

At the third session, participants favoured HNC graduates being eligible to apply for a PSW visa for particular occupations that experience skill shortages. There was also support for PSW being available for all post-graduates. The alternative view expressed at this session stressed that capping eligibility at an HND level may be more politically acceptable. It was suggested that the length of time a qualification takes to complete should be considered when deciding if such a qualification should make a person eligible for PSW. This was supported by the view that if students are considered as an economic benefit, then there is a higher economic return the longer the course.

Which jobs should someone on PSW be able to do?

The Working Group recommended that “*Eligibility [for a PSW scheme] should not be restricted to obtaining employment at a specific skill level; salary level; or subject, discipline or occupation; and should instead be open to all international graduates who obtain a required type of qualification.*”

Participants were asked to give their views on the statement “People with a post study work visa should be able to do any job”, and provide evidence for their views. The main focus of discussions was gathering evidence on the benefits of allowing PSW visa holders to work in any kind of employment.

Whilst a small majority of participants supported the PSWWG view that post study work visa holders should be able to do any job, others did not agree and thought that the visa should be for graduate level jobs only, on a path to graduate level jobs, or be time limited on how long someone could do a lower level job.

There were three sessions on this topic, with each session coming to a different conclusion:

- The first session completely rejected that PSW visa holders should be able to do any job: no-one at this session supported this view.
- The second session broadly supported the view that PSW visa holders should be able to work in any job, although concerns were expressed that the UK Government and some sections of the public may not support this option.
- The third session was more mixed: some supported/ some disagreed that PSW visa holders should be able to work in any job.

Participants who did not think that PSW visa holders should be able to work in any kind of job suggested alternative options for the visa. The most popular options were:

- Eligible employment should be at the level of the qualification studied.
- There should be a time limited period to do lower level work
- Jobs should focus on areas of shortage
- The system needs to fit with the caps, targets and framing of the current immigration system.

Participants who supported PSW visa holders being able to work in any kind of employment provided a range of reasons for their views. These included:

- It is time limited anyway
- If there are too many barriers it will not work
- Graduates might need to take lower level jobs temporarily
- All work is relevant
- UK employment experience at any level is crucial
- The aim is to extend the learning experience.

All participants were asked to provide evidence for their views. Those who did not support PSW visa holders being able to work in any kind of job referred to practices by companies such as Virgin Money who use “name-blind” recruitment². It

² <http://www.bbc.co.uk/news/magazine-34636464>

was suggested that such practices would enable international graduates to be judged equally and would make them less likely to need to work in lower skilled jobs. Participants also referred to 4J Studios' evidence to the Scottish Affairs Committee³, as providing a steer on where the greatest skills need lies in Scotland. Those who thought that PSW visa holders should be able to do any job felt that most graduate jobs are non-specific on the discipline required and that Association of Graduate Careers Advisory Service (AGCAS) and Prospect data shows that graduates in lower skilled jobs eventually reach graduate level employment⁴.

³ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/scottish-affairs-committee/news-parliament-2015/evidence-creative-industries-dundee-15-16/>

⁴ What do graduates do? (2015), http://www.hecsu.ac.uk/assets/assets/documents/wdgd_2015.pdf

Should people on PSW be sponsored?

The Working Group Report stated that “*International graduates should not be required to obtain sponsorship from either their employer or education provider. However, to ensure the legitimacy of the applicant, the international graduate should obtain verification of their studies and awarded qualification from their education institution.*”

Participants were asked to give their views on the statement “People with a post study work visa should not need to be sponsored by anyone, but there should be some form of endorsement/ validation by the institution at which they studied to verify the person’s studies and qualification”, and provide evidence for their views. The main focus of discussion was inviting participants to think through what this “endorsement” should entail and how it should work.

However during the course of two sessions, workshop participants appeared generally against any kind of sponsorship or endorsement, with some suggesting that the Scottish Government should provide some form of compliance arrangements. The most supported views for this included:

- There is a risk to Tier 4 licences if endorsement is connected to an institution
- A PSW scheme has to be seen as a stepping stone [to skilled employment]
- Employers see sponsorship as a barrier. They are forced to discriminate in the recruitment process because they do not have a sponsorship licence
- People will be coming from a Tier 4 institution already and Tier 4 is robust enough
- No sponsorship would give more flexibility.
- Any endorsement/ verification should be as simple as possible, like a tick box exercise.

Potential Scottish Government endorsement was raised during the second session. It was suggested that the Scottish Government should take responsibility for the scheme in some way and/or maintain contact with the person, to reassure the Home Office that a compliance system is in place. This was linked to a potential Tier 5 scheme. Participants at this session asserted that the previous post study work visa did not require sponsorship, and that the current Tier 1 (Graduate Entrepreneur) visa does not need sponsorship, only endorsement.

How long should the PSW visa last?

The PSWWG recommended that *“A post study work scheme should run as a 2 year visa and certainly for no less than 12 months.”*

Participants were asked to give their views on the statement “A post study work scheme should run for between 1 and 2 years”, and provide evidence for their views. The main focus of discussion was inviting participants to indicate exactly how long a post study work visa should run for.

The weight of opinion from workshop participants was towards a longer visa of at least two years with the ability to extend. It was indicated that one year is too short and would be unattractive to employers and uncompetitive for education institutions.

There were two sessions on this topic. The first session favoured a PSW visa of more than two years, depending on the level of the qualification or two years with the ability to extend. This was supported by views including:

- PSW should act as a bridge to employment, not a substitute for other types of visa
- Needs to be long enough to make it worthwhile for students and employers
- Personal experiences show that 1 year is not enough
- A longer PSW is needed if Tier 2 gets harder at entry level.
- Small and Medium-sized Enterprises (SMEs) are risk-averse and need to be able to “dip toe in water” by using a graduate to test the market for a limited period.

Participants at the second session broadly concurred with the earlier discussion. The most favoured option for the length of a PSW visa was 2 years with the ability to extend, followed by 2-3 years. 1 year with the ability to extend was the least favoured option. It was strongly felt that 1 year was definitely too short, in particular not allowing for training etc and a “return on investment” for the employer.

Participants at the second session specifically recommended the generation of more information on comparator countries, especially Australia and Canada.

What should the maintenance level for PSW be?

The PSWWG advised that “*Maintenance requirements should be in line with other visa immigration categories within the UK PBS. International students financially supported by their home government should require permission from that government to extend their stay under a post study work scheme.*”

Participants were asked to give their views on the statement “People on Post Study Work should have at least £1000 in their bank account”, as a starting point based on current maintenance levels⁵, and also provide evidence for their views. The main focus of discussion was inviting participants to indicate exactly how much money people should have in their bank accounts to be able to get a PSW visa.

However, the weight of support from participants at the workshop was towards there being no maintenance requirements for a PSW visa, as it was concluded that this system does not work, for example people can just borrow money and put it in their bank account temporarily. Related views were that the whole system of maintenance requirements should be simplified and that presentational issues are key on this subject. It was suggested that proof of employment/ sponsorship should be adequate in place of maintenance requirements, and that if maintenance levels were required, then applicants should be able to access the money during the months it is in their accounts.

There was a small amount of support for an alternative view that maintenance requirements should be for two months in line with the Tier 4 (Doctorate Extension Scheme), to make the structure more favourable to the Home Office.

⁵ <https://www.gov.uk/tier-2-general/eligibility>

Which Tier should PSW be in, if any?

The PSWWG made no definite recommendation on which Tier the PSW visa should be in. Although they concluded that “*It would be beneficial to frame any future post study work scheme within the existing terminology and definitions of Tier 4 of the UK Points Based System*”, this refers only to the definitions that should be used rather than the Tier that the visa should be located in.

Participants were asked to give their views on the statement “The Post Study Work visa should be in Tier 1 of the immigration system”, as a starting point based on how the PSW visa was previously structured, and provide evidence for their views. The main focus of discussion was inviting participants to indicate which Tier, if any, a PSW visa should be in.

Three sessions were run on this issue during the workshop. There was some support for inclusion in Tier 1 and 2, but a larger proportion of people overall supported inclusion in Tier 5, with some support for running PSW under a version of the existing Government Authorised Exchange (GAE) scheme. There was also support for running the visa outside of the current tiers, possibly as a new “Tier 6”.

Participants in the first session favoured PSW as a new sub-category in Tier 5, with no sponsorship required. It was noted that there is already a precedent for this with the Youth Mobility Scheme⁶. Alternatively, there was strong support in this session for PSW as a version of the GAE scheme, with the Scottish Government acting as sponsors and deciding the criteria based on demand in the labour market. It was noted that the design would need to address any Home Office concerns, such as risk of abuse, and also consider mobility between Tiers. There was some support for restricted entry from Tier 4 only.

The second session also favoured Tier 5 overall for PSW, but participants equally thought that the correct Tier would depend on the sponsorship requirements. At this session there was also some support for PSW inclusion in a New Tier, Tier 1 or Tier 2. Some of the difference in opinion was around whether PSW should be regarded as a “temporary” visa or not. It was suggested that Tier 5 inclusion would clarify the impression that PSW was a temporary visa, whilst others felt that a Tier 1 inclusion could be tied to counting towards the residency requirements to get Indefinite Leave to Remain. Support for inclusion in Tier 2 appeared to be linked to keeping the requirements straightforward for employers/ sponsors.

The third session equally favoured a new “Tier 6” and a version of the existing Tier 5 GAE route, with the Scottish Government acting as sponsor. Some of the more detailed views expressed on a version of the existing Tier 5 GAE route included:

- Having sub-schemes for different durations/ qualifications/ skill shortages
- Including a sunset clause
- Putting the onus for “checking in” on the visa holder, and not on the sponsor to monitor.

⁶ <https://www.gov.uk/tier-5-youth-mobility/overview>

Alternative views supported at this session included an Australian style model where for example the inclusion of PSW in a specific tier varies according to the qualification held; inclusion in Tier 2 but with a lower income threshold; ensuring that if in Tier 5 the graduate can switch into other Tiers; and taking a PSW visa outside the Points Based System altogether.

Should PSW count towards settlement?

The PSWWG concluded that *“Given Scotland’s particular demographic issues, it is worth recognising time spent on a post study work scheme as time that can count towards the five years’ residence needed by Tier 2 migrants to apply for Indefinite Leave to Remain.”*

Participants were asked to give their views on the statement “Time spent on post study work should count towards settlement”, and provide evidence for their views. The main focus of discussion was inviting participants to comment on whether a PSW visa should count towards the five years residence to apply for Indefinite Leave to Remain.

This subject provoked strong feelings at the workshop, with the majority of participants supporting the PSWWG recommendation that time on a PSW visa should count towards the five year settlement rule. However a number of participants felt that this would run counter to the current immigration system which does not generally count time spent on “temporary” visas towards settlement.

Two sessions were run on this topic. In the first session there was unanimous support for time spent on a PSW visa counting towards the five year residence to apply for Indefinite Leave to Remain under Tier 2, and towards the residence requirements under other tiers. The reasons for this included:

- The people using the visa would be economically active desirable people/ contributing financially to the economy
- Not counting the time towards settlement prolongs the period of uncertainty for employers – particularly for areas where there are skills shortages, and employers are already struggling with the immigration system.
- UK Government needs to take account of regional differences.

In the second session, there was broad support for the inclusion of time spent on a PSW visa towards the ten year settlement rule, as is the case for all time spent legally in the UK. However, the single view that received the highest number of “votes”, was “disagree that PSW visa should count towards five year settlement rule”. Nonetheless, there were more cumulative votes overall on views that supported the PSWWG recommendation, in particular:

- Agree with statement that PSW visa should count towards five year settlement rule
- Ten years can be very difficult to reach due to barriers e.g. the change in wage thresholds
- Agree with statement that PSW visa should count towards five year settlement rule because this would motivate people and act as a non-economic incentive i.e. they build up friendship groups and networks
- Agree with statement that PSW visa should count towards five year settlement rule because need to look at the whole migrant journey and this would buy them time to get a job
- Agree with statement that PSW visa should count towards five year settlement rule because whatever they have been doing is good enough – otherwise it will deter people from staying.

Evidence provided in these sessions to support views expressed, included new survey research by the National Indian Students Union UK (unpublished) indicating that the majority of international students are influenced by PSW availability, and that most of the studying package should be work experience related. Scottish Government research was also quoted as indicating that over half of Fresh Talent visa holders wanted to stay in the UK for at least three years⁷. There was also some discussion of the All-party Parliamentary Group on Migration Report⁸ and its findings on the negative impact of the closure of the PSW route.

Both sessions on this subject also discussed lack of evidence and gaps in knowledge. It was indicated that there is no evidence that everyone will want to apply for Indefinite Leave to Remain, or that those applying and receiving Indefinite Leave to Remain will stay in the UK permanently. It was also noted that more Scotland specific data is needed from the Home Office and research is needed into why people stay in or leave Scotland.

⁷ *Fresh Talent: Working in Scotland Scheme: An Evidence Review* (2008), <http://www.gov.scot/resource/doc/235857/0064664.pdf>

⁸ UK Post Study Work Opportunities for International Students (2015), http://www.appgmigration.org.uk/sites/default/files/APPG_PSW_Inquiry_Report-FINAL.pdf

Other Points Raised at the Workshop

During the course of the day, participants made a number of points or asked questions that did not fit within the topics of the specific sessions. These points are replicated here.

Other Issues about PSW for Consideration

- There should be an automatic right for graduates to extend their Tier 4 visa for two years to gain work experience
- Need to identify/define what a PSW visa is for.
- Applicants should be exempt from Resident Labour Market Test
- Should be tied to Scottish Income Tax to ensure that people only use the visa in Scotland
- There is a need for applicants to transition from Tier 4 to PSW in country.
- Four months at the end of the Tier 4 student visa is not long enough to find a job.

Wider Problems with the Immigration System

- Tier 2 should be reformed – PSW is not the answer
- There are two contradictory policy drivers: an intention to reduce immigration versus export led economic growth
- People should be allowed to do part-time work to get into graduate level jobs
- UK Government “obsession” with English language
- New UK Government rules do not help with the HND-to-degree pathway.

International Students

- Is there any evidence of attributes of international students in the UK/ Scotland?
- There has been a documented reduction in applications to universities and colleges
- Students should not be included in the net migration figures.

Post Study Work Steering Group

- 3rd sector should be members of the Steering Group

Post Study Work Steering Group Stakeholder Workshop
The Royal Scots Club, Abercromby Place, Edinburgh, EH3 6QE
9:30 – 15:15, 18 November 2015

Agenda

9:30 Registration opens

10:00 Minister's Welcome and Opening Remarks

10:15 Break out session one
Subject will depend on selection made by attendee

11:05 COMFORT BREAK

11:15 Break out session two
Subject will depend on selection made by attendee

12:05 LUNCH

12:50 Ministerial Welcome Back

12:55 Talk from Maulin Buch, previous participant of Post Study Work Visa

13:10 Break out session three
Subject will depend on selection made by attendee

14:00 COMFORT BREAK

14:10 Break out session four
Subject will depend on selection made by attendee

15:00 Minister's Closing Remarks

Workshop Factsheets

WORKSHOP QUESTION: Which qualifications should qualify a person for a Post Study Work (PSW) visa?

Recommendations made by the Post Study Work Working Group

- *Eligible qualifications: To ensure that students have a minimum level of knowledge and experience, the following qualifications at least, should be recognised as eligible; Postgraduate Degree; Postgraduate Diploma, including postgraduate teaching qualifications; Bachelor's Degree; Higher National Diploma (HND); and Higher National Certificate (HNC), if further consideration shows there is a need to include HNC qualifications.*
- *Only Scottish qualifications should be eligible for a PSW visa. The qualification should be granted by an institution which holds a sponsor licence under Tier 4 and has its main address in Scotland. The graduate's primary site of study must have been in Scotland.*

ISSUE FOR DISCUSSION AT WORKSHOP: Should international graduates with HNCs and/or any other qualifications be eligible to gain a post study work visa?

BACKGROUND: Tier 4 of the UK Points Based System is for international students

International students can only study at an education institution in the UK if the institution holds a Tier 4 Home Office sponsor licence.

HNCs and Other Qualifications

- HNCs are a lower level of qualification than HND and usually take one year to complete. They are designed to meet the needs of employers and can be equivalent to an Advanced Higher qualification. Examples include HNC in Business, Administration, Accounting & Finance; Engineering; Hairdressing and Beauty; Social Sciences; and Travel and Tourism.
- Other Scottish qualifications include Scottish Vocational Qualifications (employment based qualifications which provide the knowledge and skills required to do a specific job) and Professional Development Awards (for those already in a career or vocation who wish to extend or broaden their skills base).

Requirements of previous UK PSW routes

Fresh Talent: Working in Scotland Scheme (FT: WISS) – closed in 2008

- HNC qualifications and honorary degrees did not qualify for the scheme.
- The participant must have been awarded a recognised UK qualification in the form of a HND, undergraduate degree, Master's degree, PhD, postgraduate certificate or postgraduate diploma.
- The qualification must have been awarded by a Scottish educational institution which was a recognised or listed body in the UK and the participant must have lived in Scotland whilst studying, for an appropriate period of time.

Tier 1 (Post Study Work) - closed to new applicants April 2012

- The participant must have been awarded a UK recognised bachelor's or postgraduate degree, Postgraduate Certificate in Education (PGCE), Professional Graduate Diploma of Education (PGDE), or an HND from a Scottish institution.
- The participant must have studied at an institution that either held a Home Office sponsor licence; or was a UK recognised or listed body, a Scottish publicly funded institution, or a Scottish bona fide private education institution.
- The participant's whole period of study in the UK for the eligible qualification must have been completed whilst they had leave to remain that allowed them to study.

WORKSHOP QUESTION: Which jobs should someone with a post study work (PSW) visa be able to do?

Recommendations made by the Post Study Work Working Group

- *Eligibility should not be restricted to obtaining employment at a specific skill level; salary level; or subject, discipline or occupation; and should instead be open to all international graduates who obtain a required type of qualification.*
- *A future post study work scheme should be open to international graduates who wish to be self-employed.*

ISSUE FOR DISCUSSION AT WORKSHOP: What is the evidence that those on a PSW visa should be able to do any job?

BACKGROUND

Requirements of previous PSW routes

Fresh Talent: Working in Scotland Scheme (FT: WISS) – closed in 2008

- This visa operated before the introduction of the UK PBS.
- Participants could undertake any type of employment (paid or unpaid), self-employment or business in the UK and participants had to intend to seek and take employment in Scotland during their visa.

Tier 1 (Post Study Work) - closed to new applicants April 2012

- Participants were free to take any kind of employment or self-employment. If the participant took employment as a Doctor or Dentist in Training, they must have obtained a Bachelor's degree or above in medicine or dentistry from a recognised UK institution; or were last granted a visa which allowed them to work as a Doctor or Dentist in Training.

WORKSHOP QUESTION: Should people on post study work (PSW) be sponsored?

Recommendation made by the Post Study Work Working Group

International graduates should not need to be sponsored by either their employer or education provider. However, to ensure the legitimacy of the applicant, some form of 'endorsement' from the international graduate's institution would be beneficial to verify the applicant's studies and qualification.

ISSUE FOR DISCUSSION AT WORKSHOP: What should endorsement entail & how should it work?

BACKGROUND: Requirements of previous and current UK graduate routes

Fresh Talent: Working in Scotland Scheme – closed in 2008

- The participant was able to undertake any type of work without the need for a work permit or other permission from the Home Office.

Tier 1 (Post Study Work) - closed to new applicants April 2012

- Participants were free to seek employment without having a sponsor for the duration of their visa.

Tier 1 (Graduate Entrepreneur)

- This visa is for international graduates who have an 'outstanding' business idea that they wish to put into practice in the UK.
- To be granted this visa, applicants require endorsement that they have a genuine and credible business idea by either an authorised UK higher education institution or UK Trade and Investment (UKTI).

Tier 2 (skilled employment)

- Tier 2 of the UK Points Based System (PBS) is for skilled employment at National Qualification Framework (NQF) level 6 (Scottish Credit and Qualifications Framework level 10, Bachelor degree level). Certain exceptions apply for lower level skilled employment.
- The applicant must be sponsored by an employer who holds a Home Office sponsor licence that enables them to employ people from outside of the UK and European Economic Area (EEA).

Tier 4 (Doctorate Extension Scheme)

- This visa is for international students who have almost finished their UK PhD or other doctorate qualification to extend their leave for 12 months in which to look for and start work in the UK.
- The student needs to be sponsored by their education institution throughout the 12 months on the scheme.

Tier 5 (Temporary worker) routes

- International graduates may be able to apply under one of these routes to undertake specific types of work in the UK for one or two years.
- The applicant needs to be sponsored by an organisation that holds a Tier 5 sponsor licence granted by the Home Office.

WORKSHOP QUESTION: For how long should the post study work (PSW) visa last?

Recommendations made by the Post Study Work Working Group

- *A post study work scheme should run as a 2 year visa and certainly for no less than 12 months.*
- *International graduates should apply for a post study work visa within a specified period of time from obtaining their qualification, but no later than 12 months after they are awarded their qualification.*

ISSUE FOR DISCUSSION AT WORKSHOP: For exactly how long should a post study work visa run?

BACKGROUND

Requirements of previous UK PSW routes

Fresh Talent: Working in Scotland Scheme (FT: WISS) – closed in 2008

- Participants were granted up to two years leave to remain.
- To be eligible, successful participants must have completed their qualification within the last 12 months.

Tier 1 (Post Study Work) - closed to new applicants April 2012

- Successful participants received a single grant of leave for two years.
- The applicant made the application within 12 months of obtaining the eligible award.

WORKSHOP QUESTION: What should the maintenance level for post study work (PSW) be?

Recommendation made by the Post Study Work Working Group

Maintenance requirements should be in line with other visa immigration categories within the UK Points Based System (PBS). International students financially supported by their home government should require permission from that government to extend their stay under a post study work scheme.

ISSUE FOR DISCUSSION AT WORKSHOP: Exactly how much money should applicants have in their bank accounts to be able to get a post study work visa?

BACKGROUND

Requirements of current and previous UK graduate routes

Fresh Talent: Working in Scotland Scheme (FT: WISS) – closed in 2008

- Applicants had to show that they could maintain themselves without recourse to public funds.
- Consideration was given to all relevant factors, for example, cash resources and the level of planning undertaken to find employment.

Tier 1 (Post Study Work) - closed to new applicants April 2012

- Applicants applying in the UK must have had £800 of available funds held for a consecutive 90 day period before the date of application.
- Applications from outside the UK must have had £2,800 available funds held for a consecutive 90 day period before date of application.

Other current UK PBS routes, including Tier 1 (Graduate Entrepreneur) and Tier 4 (Doctorate Extension Scheme)

- The applicant requires a specified amount of available funds held for a specified period of time before the date of application.

WORKSHOP QUESTION: Which Tier of the UK immigration system should post study work (PSW) be in, if any?

Recommendations made by the Post Study Work Working Group

- *The Post Study Work Working Group made no recommendation for what Tier of the UK PBS, if any, a PSW visa should sit.*
- *However, the Group did recommend that it would be beneficial to frame any future post study work scheme within the existing terminology and definitions of Tier 4 of the UK Points Based System (PBS) e.g. the applicant's qualification must have been studied for at a UK educational institution that holds a Tier 4 sponsor licence.*

ISSUE FOR DISCUSSION AT WORKSHOP: What, if any, Tier should post study work be in?

BACKGROUND

UK Points Based System routes

The UK PBS was introduced between 2008 and 2010 and is made up of 5 Tiers:

- Tier 1 is for highly skilled migrants;
- Tier 2 is for skilled migrants who hold a job offer and are 'sponsored' by their employer;
- Tier 3 is for unskilled migrants, but this Tier has never been opened;
- Tier 4 is for international students; and
- Tier 5 is for temporary migrants.

Alternative immigration routes

There are other visa categories which sit outside of the UK PBS, for example family visas (e.g. for partners and children of British citizens or those who are settled in the UK) and ancestry visas (for commonwealth citizens, who are able to prove that one of their grandparents was born in the UK and wish to work in the UK).

Requirements of previous and current UK graduate routes

Fresh Talent: Working in Scotland Scheme (FT: WISS) – closed in 2008

- FT: WISS existed prior to the introduction of Tiers and the UK PBS.

Tier 1 (Post Study Work) – closed to new applicants April 2012

- This visa sat within Tier 1 (for highly skilled migrants) of the UK PBS.

Tier 1 (Graduate Entrepreneur)

- This visa is for international graduates who have an 'outstanding' business idea that they wish to put into practice in the UK. Sits within Tier 1.

Tier 4 (Doctorate Extension Scheme)

- This visa is for international students who have almost finished their UK PhD or other doctorate qualification to extend their leave for 12 months in which to look for and start work in the UK. Sits within Tier 4.

Tier 5 (Temporary Worker) routes

- International graduates may be able to apply under one of these routes to undertake specific types of temporary work in the UK for one or two years. Sits within Tier 5.

WORKSHOP QUESTION: Should a post study work (PSW) route count towards settlement?

Recommendation made by the Post Study Work Working Group

Given Scotland's particular demographic issues, it is worth recognising time spent on a post study work scheme as time that can count towards the five years' residence needed by Tier 2 migrants to apply for Indefinite Leave to Remain (ILR).

ISSUE FOR DISCUSSION AT WORKSHOP: Do you agree that post study work should count towards settlement?

BACKGROUND

Requirements of previous UK PSW visa routes

Fresh Talent: Working in Scotland Scheme (FT: WISS) – closed in 2008

- The Scheme did not lead to settlement (ILR) and time spent in this category did not count towards the length of time needed in the UK to apply for settlement under other routes.

Tier 1 (Post Study Work) - closed to new applicants April 2012

- This route did not lead to ILR and time spent in this category did not count towards the length of time needed in the UK to apply for settlement under other routes.
- Those previously granted an International Graduate Scheme, Science and Engineering Graduates Scheme, or FT: WISS visa could only apply for a Tier 1 (Post Study Work) if they had not already completed 2 years under these visas.

Notes

- Each UK immigration route requires a specified period of time spent in the UK before the applicant can apply for ILR.
- An applicant who completes 10 years continuous residence in the UK in any immigration category may be able to apply for ILR under long residence rules.
- Tier 2 of the UK Points Based System (PBS) is for skilled employment with an employer who holds a Home Office sponsor licence that enables them to employ those from outside of the UK and European Economic Area (EEA). To qualify for ILR with a Tier 2 visa, generally, the applicant must have completed 5 years continued stay in the UK.

List of Attendees

Hosted by: Humza Yousaf MSP, Scottish Government Minister for Europe and International Development and Chair of the Post Study Work Steering Group

Participants

Stuart McWilliams	Morton Fraser
Sara Rae	West College Scotland
Rachel Davidson	Skyscanner
James Brodie	China-Britain Business Council
Sarah Craig	University of Glasgow
Chimezie Umeh	Baseline 360 Limited
Michael Matovu	Radiant and Brighter
Katy Gordon	University of Strathclyde
Mohanish Borana	National Indian Students Union UK
Evelyn McDonald	Scottish EDGE
Briana Pegado	Edinburgh Student Arts Festival
Louise McCallum-Zeelenberg	Queen Margaret University
Euan Fergusson	University of Edinburgh
Helen Martin	STUC
Lorraine Cook	COSLA
Jamie Kerr	Thorntons Law LLP
Teresa Doherty	Five Star International
Cat Morrison	Edinburgh Napier University
Jonathan Wilson	SDI
Pamela Armstrong	West College Scotland
Josie Pilcher	Heriot Watt University
Linda Spence	TalentScotland, Scottish Enterprise
Ayodeji Soboyede	Scottish Nigerian business forum
Ian Maclellan	University of Strathclyde
Paul Stuart	SCDI
Howard McKenzie	Howard McKenzie (Scotland) Ltd and IoD
Anne Cant	Dundee and Angus College
Maulin Buch	Retronix Ltd
Peter Reinbold	Heriot-Watt University
Shereen Shafaatulla	Five Star International
Paul Reddish	Project Scotland

Also in attendance

Elizabeth Smith MSP and Liam McArthur MSP

Scottish Government Facilitators

Nikola Plunkett, Ruby Keddie, Claire Speedie, Nathalie Leger and Noel Fojut

ABOUT THE POST STUDY WORK STEERING GROUP

Purpose

- To build on the *Post Study Work Working Group: Report to Scottish Ministers* and formulate more detailed proposals for how a post study work route should operate in Scotland.
- To produce a set of final conclusions reflecting the views of the Group that can be presented to the UK Government for consideration.

Membership

Membership of the group is:

- Liz Smith MSP (Conservative)
- Liam McArthur MSP (Liberal Democrat)
- Claire Baker MSP (Labour)
- John Finnie MSP (on behalf of the Green Party)
- Institute of Directors (IoD)
- Scottish Council for Development and Industry (SCDI)
- Colleges Scotland
- National Union of Students (NUS Scotland)
- Scottish Universities International Group (SUIG)
- Universities Scotland
- UK Council for International Student Affairs (UKCISA)
- Scottish Trades Union Congress (STUC)
- Scottish Chambers of Commerce

The following organisations also receive copies of meeting papers and have the opportunity to contribute to group discussions through officials:

- ScotlandIS
- OPITO
- Scottish Development International (SDI)
- Skills Development Scotland (SDS)
- Scottish Enterprise
- University of Edinburgh
- Federation of Small Businesses

Timeline

The Group met for the first time on 30 September. The Group will next meet early January 2016, with a view to further meetings and publishing a final report at the end of March.



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