



UK Immigration law and its impact on chemistry research and education

Undergraduate and Postgraduate Students

1. Attracting world-class researchers to the UK is essential to maintaining the UK's reputation as the best place to do science. The UK must be seen as "open for business" and welcoming to scientists and researchers. **The Government must make it clear to the international community that genuine international students are vital to and welcome in the UK and that only non-genuine students are being excluded. Restrictions on genuine students are seen to be detrimental to the UK higher education sector.**
 - 1.1. International higher education students make a major fiscal contribution both in terms of the fees they pay to the universities and the broader spending they incur while in the UK – more than £10.4 billion a year by 2015 according to BIS.^{1,2} Undergraduate tuition fees of international chemistry students (ca. £18-25k per student) are more than double those of EU/UK students, and make a vital contribution to many UK universities' business models. It is essential that our universities are globally competitive for international students.
 - 1.2. Since changes to the UK's immigration law were introduced in 2010, overall growth in the number of overseas (non-EU) undergraduate and PhD chemistry students studying at UK universities has continued. However, the number of Masters students coming to the UK to study chemistry has decreased by nearly 14%.³ Of particular concern is that the numbers of Masters students from India decreased by 49% between 2011 and 2012.⁴ Prior to the changes in immigration law in 2010, Indian chemistry students at Masters level were showing one of the fastest rates of growth amongst overseas students studying chemistry in the UK.
 - 1.3. Several chemistry departments have reported that the 2010 immigration policy changes had negatively affected their provision of taught masters and other postgraduate courses. As a direct impact of the policy changes, one university department highlighted the closure of both an MSc programme (Molecular Biotechnology) and an MRes programme (Bio-sensing Technology) because they were aimed at the international market, India in particular. The changes have also put under threat their MSc programmes in Science Communication and Advanced Forensic Analysis. Additionally, some international partnerships with HEIs, especially in India, have fallen through despite having invested significant time and resource into their development.

Universities and Colleges

2. **The Immigration Service should work with universities to share best practice throughout the sector and provide consistent advice and clarity on issues such as appropriate visa routes and attendance monitoring.**
 - 2.1. It is generally felt that, for students, the problem with the new immigration policy is primarily that it is very difficult to navigate the system and understand what is required when applying for a student visa. Many universities feel they did not have sufficient resources to help staff

¹ <http://www.bis.gov.uk/assets/biscore/higher-education/docs/e/11-980-estimating-value-of-education-exports.pdf>

² <http://www.centreforum.org/assets/pubs/migration-a-liberal-challenge.pdf>

³ <https://public.tableausoftware.com/profile/rsc.ict#!/vizhome/Tableaudashboarddemo/Diversitybystudy>

⁴ http://www.hesa.ac.uk/component/option,com_pubs/Itemid,122/

understand the new immigration policy or to keep their website information on the issue up-to-date. Some universities have had to create a specific team dealing with immigration policy as it relates to obtaining visas, whilst others have had to put in place additional resources to enable students to obtain visas in time to start their programme.

- 2.2. An example of the confusion encountered is a case where a student from Columbia applied for a visitor's visa to attend a UK university as a doctoral student for 5 months in the summer of 2013, which was refused (See Appendix 1). The university advised the student that the visitor's visa was the correct one, and according to the documentation cited by the UK Border Agency application refusal letter, it was the most appropriate category. The student was required to reapply for a Tier 4 visa, paying another set of visa application fees and resubmitting documentation, causing significant delays. Both the student and the university felt frustrated that according to the rules highlighted in the refusal letter, the visitor's visa should have been accepted, and that no further information was forthcoming when they sought clarification.
3. The Highly Trusted Sponsor (HTS) status of a UK university or college is an important part of its reputation in the international higher education market. **Institutions that have had their HTS status suspended during investigations should not be publically named before the outcome of the investigation is known and the reasons for license revocation must be clearly explained, including providing data used to make the decision.**
 - 3.1. In June 2014 the Government named 57 UK further and higher education institutions that had had their Highly Trusted Sponsor (HTS) status suspended pending further investigation. Irreparable damage has been done to the reputations of those institutions subsequently cleared or still under investigation and to the UK's higher education sector as a whole.
 - 3.2. From November 2014, universities and colleges will lose their HTS status if more than 10% of students to whom they have issued a Confirmation of Acceptance of Studies (CAS) have their visa applications refused.⁵ With such a low threshold, the reasons for the visa application refusal must be considered and successful appeals against refusals excluded from this figure.

Visiting Scientists and Researchers

4. We welcome the pilot scheme launched on April 1 2014 by the Designated Competent Bodies (DCBs) for accelerated Tier 1 endorsement of researchers who have been awarded intermediate and senior Fellowships by the DCBs, The Wellcome Trust and Research Councils UK. **We recommend that the changes be extended to include junior Fellowships and award winners switching from other Tiers, particularly those who are currently required to return to their country of origin.**
 - 4.1. In one case, a researcher working in the Chemistry department of an elite UK university was required to switch from a Tier 5 visa to a Tier 2 visa after winning a prestigious Marie Curie fellowship. The researcher, from Israel, had to return to his country with his wife and infant to switch visas, a process which cost over £4000 in fees, flights and accommodation, and delayed his research by nearly 3 months. In a letter to the UK Boarder Agency, the researcher expressed his concerns at the costs involved, the need to take an English test (when as a scientist his research is conducted and written in English), the long delays in issuing a certificate of sponsorship and the need to resubmit forms and documents completed less than six months previously. He finishes his letter by saying: *"It is ironic that I have to pay so much and wait so long to return to the UK for receiving the Marie Curie fellowship, which is supposed to be an honour. I hope that my concerns will be taken into consideration and that it will help post-docs in the future."*
5. **A more str aight-forward and faster visa application process for overseas academics visiting the UK to speak at conferences is needed and qualified and competent scientists and engineers should not be counted in the UK's immigration cap on numbers.**

⁵ <https://www.gov.uk/government/publications/sponsor-a-tier-4-student-guidance-for-educators>

- 5.1. For the UK to be an effective Science Hub and for the STEM research base to continue to drive the economy, research must continue to innovate. This requires bringing people together with different backgrounds and viewpoints, yet many universities have described administrative and logistical problems with arranging conference visits by foreign academics. In particular, the process is too long, with delays of up to three months, and invited speakers are required to provide a disproportionate amount of evidence to prove that they will return to their country of origin.
- 5.2. Finally, we recommend that scientific and engineering careers be excluded from the proposed 'sunset clause' that allows the automatic removal of occupations on the Shortage Occupation List after 2 years.⁶ Several of the listed occupations include scientific and engineering positions that are strategically vital to the UK.

About the Royal Society of Chemistry

The Royal Society of Chemistry is the world's leading chemistry community, advancing excellence in the chemical sciences. With over 49,000 members and a knowledge business that spans the globe, we are the UK's professional body for chemical scientists; a not-for-profit organisation with 170 years of history and an international vision for the future. We promote, support and celebrate chemistry. We work to shape the future of the chemical sciences – for the benefit of science and humanity.

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⁶ <http://sciencecampaign.org.uk/?p=12093>



NOTICE OF IMMIGRATION DECISION

In compliance with the Immigration (Notices) Regulations 2003 made under section 105 of the Nationality, Immigration and Asylum Act 2002

REFUSAL OF ENTRY CLEARANCE

Post reference: [REDACTED]

To: [REDACTED]

Date of Birth: [REDACTED]

Nationality: Colombian

Your Application

You have applied for an entry clearance to visit and study in the United Kingdom for 6 months. I have considered your application under Paragraph 56K of the United Kingdom Immigration Rules. You can read these rules at:
www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/

The Decision

You indicate in your application form that you wish to attend a period of study in the UK for 6 months. In support of your application you have provided a letter of invitation from University of Oxford indicating you are invited to attend a full time research for your university project. In order for you to conduct the above mentioned activities, the University must issue a CAS under your name and you must apply under the Tier 4 category. You therefore do not meet the requirements of the category that you have applied under.

I have therefore refused your application because I am not satisfied, on the balance of probabilities, that you meet all of the requirements of the relevant Paragraph of the United Kingdom Immigration Rules.

Your right of appeal is limited to the grounds referred to in section 84(1)(c) of the Nationality, Immigration and Asylum Act 2002 (www.legislation.gov.uk).

Entry Clearance Officer : [REDACTED]
 Date of refusal : [REDACTED]/06/2013
 Date sent to applicant:
 How sent: Courier
 If notice personally handed to you by an Entry Clearance Officer, please sign below:
 Applicant's signature:
 Date

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