

Education and Culture Committee

Scotland's Educational and Cultural Future

Submission from the Royal Society of Edinburgh

Theme 1: Further and Higher Education

- 1) How current immigration policies impact on Scottish Universities' and colleges' ability to attract and retain international students

Current immigration policies are detrimental to attracting international students. The removal of the post-study work visa (PSW) has been especially detrimental. Scotland piloted PSW initially, under the banner of the 'Fresh Talent Initiative', and this provided international students with the opportunity to pursue a work placement after their period of study. There has been a demonstrable drop in the numbers of international students since this scheme was abandoned, in particular students from India and Pakistan where opportunities to gain post-graduate work experience are highly valued as a way for students to enhance their studies. Figures from the Higher Education Statistics Agency showed a decline in the numbers of students coming to Higher Education institutions in the UK from India of 23.5% between the academic years 2010/11 and 2011/12. There was also a decline of 13.4% in the numbers coming from Pakistan, and 4% in the numbers coming from Saudi Arabia¹. When Australia tightened its own immigration policy, universities there saw a serious decline in international applicants. In recognition of this adverse affect, Australia has since reversed these policies.

The reduction in the number of international students also has a knock-on effect on the reputation of Scottish universities as internationally leading research institutions with partners across the world. Current immigration policies are inconsistent with diplomatic and trade efforts being made by the UK. The UK is making a lot of effort with India, for example, as a potential business and trade partner, but these efforts are being undermined by immigration policies which prevent many Indian students from studying here. The detrimental impact of current immigration policy on international applicants is something which needs to be addressed.

The RSE working group on Scotland's Education Future recommends that, in order to redress some of the detrimental affect of current immigration policies, international students are ensured work placements as part of their programs of study. These work placements could be undertaken within the time-frame of existing student visas, but would increase the value of international student experiences by enabling them to gain work placement experience in the UK. An increase in the number and length of work placements on postgraduate programs could be facilitated through the Scottish Funding Council.

¹ Higher Education Statistics Agency, Non-UK domicile students 2011/12

The current visa arrangements involve a heavy administrative burden on the generality of UK higher education institutions, for whom abuses of the arrangements for admitting international students are quite simply not an issue. They also damage the reputation of UK higher education institutions in the markets they compete in. The working group therefore recommends that the UK policy be changed so that controls are focused on institutions where they are relevant, allowing universities more freedom to facilitate and support the visa applications of their highly qualified international students. The working group recommends that the Education and Culture Committee look at the immigration policies of Australia, New Zealand and Canada, in light of their relaxation of immigration rules in order to attract more international students. The revised policies of these countries might provide examples of the types of policy that the UK could pursue.

2) The social, cultural and financial contributions made by international students

Economic benefits

Scottish universities have a strong track-record for attracting international students. In 2011/12, 13% of the total student body in Scotland comprised international (non-EU) students, compared with 12% for the rest of the UK. The financial contribution made by these students is worth an estimated £337 million every year in fees, and £441 million in off-campus expenditure.² However, the value of international students goes far beyond the financial contribution they make. The QAA identified “global citizenship” as a key feature of 21st century higher education under its enhancement theme ‘Graduates for the 21st Century’. Global Citizenship is described as *‘encouraging a capacity to thrive in a globalised society and economy, and an awareness of cultures beyond and different to one’s own’*. The skills and abilities associated with Global Citizenship are also valued by employers, with 79% of business leaders saying that knowledge of the wider world is important when recruiting, and 85% saying that they value employees who can work with colleagues and partners from a variety of cultures and countries.³ The internationalisation of Scottish universities through the attraction and retention of international students helps to achieve the goal of Global Citizenship, and has the potential to make graduates more globally and culturally aware, and therefore more employable. Scottish universities are currently demonstrating success in this area, with 73% of undergraduate students from Scottish universities saying they felt they had an ‘international outlook’ when surveyed by the British Council, compared with 63% of undergraduates in England.⁴

² Universities Scotland (2013) Richer for it: The positive social, cultural and educational impact international students have on Scotland

³ Think Global & British Council (2011) Global Skills Gap: Preparing young people for the new global economy.

⁴ Think Global & British Council (2011) Global Skills Gap: Preparing young people for the new global economy

Social and Cultural benefits

In recognition of the importance of Global Citizenship, Scottish Universities have prioritised the internationalisation of their curricula as a way of ensuring that the potential benefits of a diverse student body are fully realised. Internationalisation brings cultural diversity and opportunities for increased integration between home and international students. Of the 1,000 university societies active in Scotland, 150 are focussed around specific nationalities, religious affiliations or cultural identities. Several of these are specifically aimed at increasing integration, for example INTERSOC (International Society) at the University of Aberdeen.⁵ Figures from the International Student Barometer indicate that integration between home students and international students has been increasing; international students' satisfaction with 'host friends' (i.e. friends from Scotland) has risen by more than ten percentage points in the last six years to a satisfaction level of 74 per cent.⁶

The social and cultural benefits associated with an international student-body reach beyond the university and into the local community. International students are keen to integrate into and engage with the local communities in which they live and study. Projects and volunteering schemes in Scotland provide opportunities for international students to share their cultural heritage through public engagement. One such example is the intention by Herriot-Watt University to work with the Scotland China Education Network (SCEN) and students from China in order to teach Mandarin to Primary 1 classes in East Lothian. The integration of international students also takes place through the hosting of cultural events, for example the celebration of the Chinese New Year in cities around Scotland.

With the increased Scottish Government focus on widening participation, there are more students coming to university for whom extensive travel or study abroad may not be financially viable. For these students, the internationalisation of home university campuses provides the opportunity for gaining a global perspective and achieving the goals of global citizenship without the prohibitive costs of travel.

Benefits for Teaching and Learning

The internationalisation of Scottish University campuses also has benefits for the experience of students, and for the learning and teaching conducted at universities. Teaching and learning within an international academic environment increases opportunities for critical thinking, and harnesses new understanding, by bringing together different perspectives on both course content and learning methodologies. In addition, a large number of postgraduate courses in particular depend upon

⁵ Universities Scotland (2013) Richer for it: The positive social, cultural and educational impact international students have on Scotland

⁶ Universities Scotland (2013) Richer for it: The positive social, cultural and educational impact international students have on Scotland

demand from international students, and would have to close if there were no international postgraduate students applying. This is particularly the case with courses in Science and Engineering.

'Soft power'

International alumni act as ambassadors for Scottish Universities and Scottish values after they complete their studies. Many such alumni feel strong links to the countries in which they studied. The main source countries for international students in Scotland for 2011/12 were China, the US, India, Nigeria and Malaysia,⁷ which maps closely to Scotland's main export markets. Encouraging international students to come to Scotland therefore contributes to Scotland's 'public diplomacy' and generates positive international perceptions of Scotland as a nation.

- 3) How changing policy on visas for international students could affect: universities and tuition fee income; the places available to Scottish, RUK and EU students; and public funding requirements for colleges and universities

University and tuition fee income

The reputation and success of Scotland's Universities depends on the quality of the students they admit to courses and the quality of the teaching, learning and cultural experience that they are able to provide. This quality is diminished if too much focus is placed on the *quantity* of international students. The working group accepts that a significant proportion of the tuition fee income of Scottish Universities is generated by international students - over one half (51.7%).⁸ However, at present the working group feels that the universities are getting things about right with regard to the numbers of international students they accept. Increasing the numbers of international students simply to generate a higher fees income is not a sustainable approach and the working group does not support changes in the visa regime directed solely at this end. Instead, it commends a more positive approach, by which Universities could increase the quality of experience for international students, and thereby continue to attract applications from overseas markets, by promoting and developing the social and cultural openness of their campuses and making international students feel welcome and at home. This includes sustaining diverse, international campuses, but also enabling international students to experience Scottish culture and to learn alongside a mix of home and international students.

Places available to Scottish, RUK and EU students

International students are not funded by the UK Government, so they do not compete for places with Scottish, RUK or EU students. They are therefore not at risk of taking places from these students. The number of places available for Scottish,

⁷ ESRC Centre for Population Change, Briefing 13, September 2013

⁸ ESRC Centre for Population Change, Briefing 13, September 2013

RUK and EU students are set separately, and are not impacted upon by the intake of international students. The potential impact of increasing numbers of international students is therefore to resources, rather than places. The focus should be on delivering a balance between attracting enough international students to generate a fees income and to deliver a range of Postgraduate courses, without reducing the capacity of universities to deliver high quality teaching.

4) The legal basis on which RUK students are currently charged tuition fees

The working group is satisfied that there is an accepted legal basis for Scottish institutions charging RUK students tuition fees within the United Kingdom as it stands.

5) Whether, and if so how, that legal basis would change in the event of Scotland becoming an independent country

The working group is unsure as to what the legal basis for Scottish universities charging RUK students' fees might be in the event of Scotland becoming independent.

One of the founding principles of the EU is equality of mobility between member states, and the working group anticipates that an independent Scotland seeking membership of the EU will be expected to operate within and honour this political will. The group is aware that EU law prohibits discrimination on grounds of nationality (Article 18 of the Treaty on the Functioning of the European Union - TFEU) and seeks to promote freedom of movement within the EU (Article 21 TFEU).

Charging RUK students fees whilst allowing students from other EU member states free attendance at Scottish universities would not be in keeping with the principles of equality and mobility. This does not imply that an independent Scotland could not charge RUK students, but that it may encounter challenges if it seeks to charge RUK students whilst allowing Scottish students and those from other EU member states free tuition.

Universities Scotland obtained advice from Anderson Strathern Solicitors about residency requirements for student fees, which has since been published. This advice sets out how indirect discrimination might be allowed provided it meets strict criteria and if these were met it could provide a justification for an independent Scotland to continue charging RUK students' tuition fees. We note this advice also states *'RUK students will require to be treated no differently from other EU students in a post independent Scotland and if we are able to retain the ability to charge RUK students then the situation for EU students will require to change'*.

There is, however, neither unanimity nor consensus among legal authorities on the issue of tuition fees in the event of independence. We have also considered the opinion of Professor Niamh Nic Shuibhne of the University of Edinburgh School of

Law, which, we understand, has been submitted to the Committee as evidence to its Inquiry. Professor Nic Shuibhne says, *inter alia*:

[I]t is clearly stated [in the White paper 'Scotland's Future'] that the Scottish Government would 'continue to support access to higher education in Scotland for students from elsewhere in the EU in accordance with our support for student mobility across Europe' (p200). On the previous page, however [T]he [Scottish] Government ... asserts that it will 'maintain the status quo by continuing our current policy of charging fees to students from the rest of the UK to study at Scottish higher education institutions'. It is difficult to see how these competing objectives can be reconciled under EU law.

And:

... [The] Scottish Government would face an extremely steep uphill battle to convince the EU institutions that it should be entitled to retain a practice involving systemic direct discrimination against one particular cohort of EU citizens.

We are, on balance, more persuaded by the opinion that suggests that it would be very difficult for Scottish universities to justify charging RUK students in the event of independence.⁹

The likely basis on which the Scottish Government could make the case that there are sufficiently exceptional circumstances to justify singling out RUK students for tuition fee charges, is that Scottish Universities would be at risk of being swamped by applicants from RUK - which is a much larger than Scotland - should it remove tuition fee charges to RUK students. The outcome of any challenge to this position will depend upon whether it is viewed a reasonable and justifiable claim by the European courts.

On the basis of the difficulties described above, the Scottish Government should exercise prudence in planning how, and to whom, it intends to charge tuition fees in the event of independence.

A final point to consider is the increase in the availability and quality of fully online postgraduate courses, which removes the need for students physically to move to the location of their chosen institution. Along with the success of continental European universities in attracting overseas students to courses delivered in English and the rapid improvement in Higher Education institutions in the countries from which UK universities currently attract international students, UK universities should

⁹ See legal opinions by Professor Paul Beaumont FRSE:

<http://www.scottishconstitutionalfutures.org/OpinionandAnalysis/ViewBlogPost/tabid/1767/articleType/ArticleView/articleId/2673/Paul-Beaumont-The-Scottish-Governments-Position-on-the-Relationship-Between-an-Independent-Scotland-and-the-EU.aspx> and by Professor Niamh Nic Shuibhne:

<http://www.scottishconstitutionalfutures.org/OpinionandAnalysis/ViewBlogPost/tabid/1767/articleType/ArticleView/articleId/2759/Niamh-Nic-Shuibhne-University-Fees-and-rUK-Students--the-EU-Legal-Framework.aspx>

adopt a forward-looking policy on higher education which should take account of these emerging trends, as it has implications both financially and culturally.