



## **POST STUDY WORK VISAS**

This briefing offers an overview of the main issues relating to post-study work visas in Scotland (PSWV). It reflects on the previous *Fresh Talent: Working in Scotland Scheme* as well as recent discussions on the reintroduction of a PSWV scheme for Scotland.

### **Post-Study Work Visa Schemes**

Post-study work visas are a type of visa that is extended to nationals of foreign countries that have been in the country for a period of time pursuing tertiary (further and/or higher education level) education who wish to remain in the country for a period of time while they establish their careers post-study. They are directed specifically at graduates and others who are recognised as bringing needed skills and talent to the country. The motivation for developing such a scheme can differ by country depending on the cultural, social or economic issues the scheme is intended to address.

Given the different rationales for such schemes, they can be restricted to specific groups and circumstances. For example:

- Directing the visa only at those with who recently completed a particular programme of study e.g. those who have graduated from programmes in subjects recognised as experiencing skills shortages e.g. science, technology, engineering and mathematics (STEM).
- Restricting the visa only to those achieving specific qualifications e.g. a degree, Masters or PhD.
- Limiting the length of time that someone can remain in the country on a post-study work visa before having to either leave the country or move to another visa scheme.
- Putting restrictions on the type of activity that should be pursued to qualify for the post-study work visa, for example seeking opportunities to access relevant paid or unpaid work experience or developing a business idea for future self-employment.
- Limiting which educational institutions can take part in the scheme e.g. only those that offer recognised qualifications and/or those that are in receipt of public funding for post-compulsory education.

The extract below shows that in [Australia](#) there are two schemes running at present: one for those that have graduated from a degree level programme or higher; the other is open to those that have completed study at a level lower than first degree.

#### 1. Post-Study Work Stream visa

This visa allows you and your family to live, work, travel and study in Australia for between two and four years if you have graduated from an Australian education institution within the past six months.

If you have a bachelor degree you can stay for two years. If you have a master's degree you can stay for two or three years. And if you have a doctorate you can stay for four years.

However, if your qualification is below that of a bachelor degree (eg: certificate III, diploma or graduate diploma) you do not qualify for this visa.

Also, you are not eligible for this visa if you applied for your first ever student visa before November 5, 2011.

#### 2. Graduate Work Stream Visa

This visa allows you and your family to live, work, travel and study in Australia for 18 months if you have graduated from an Australian education institution within the past six months.

Unlike the Post-Study Work Stream visa, you are eligible for this visa even if your qualification is below that of a bachelor degree - eg: a diploma or trade-level certificate, and even if you applied for your first ever student visa after November 5, 2011.

However, your qualification must be in a field which is in demand. Australia has a shortage of skilled workers in several fields including types of engineer, medic, scientist and teacher. These occupations are listed on the [Skilled Occupation List](#). To qualify for a Graduate Work Stream visa you must pass a skills assessment in an occupation on the Skilled Occupation List.

You must find work in a field that is the same as, or closely related to, the subject in which you gained your qualification. For example, if you gained a bachelors degree in commerce, you cannot work as tradesman such as plumber.

In [Canada](#) there is one scheme that is open to those who graduate from a participating post-secondary institution:

To work in Canada after you graduate, you must apply for a work permit under the Post-Graduation Work Permit Program (PGWPP). If you want to stay in Canada as a permanent resident after you graduate, there are a number of programs available, each with its own requirements.

The PGWPP allows students who have graduated from a participating Canadian post-secondary institution to gain valuable Canadian work experience. Skilled Canadian work experience gained through the PGWPP helps graduates qualify for permanent residence in Canada through the [Canadian Experience Class](#) (CEC).

A work permit under the PGWPP may be issued for the length of the study program, up to a maximum of three years. A post-graduation work permit cannot be valid for longer than the student's study program, and the study program must be a minimum of eight months in length. For example, if you graduate from a four-year degree program, you could be eligible for a three-year work permit if you meet the criteria. If you graduate from an eight-month certificate program, you would be eligible for a work permit that is valid for no more than eight months.

## Fresh Talent: Working in Scotland Scheme

Fresh Talent was a broad policy programme that was first introduced in Scotland in 2004. The policy was established in response to growing concern of a demographic shift taking place in Scotland - with a prediction of a future decline and ageing of the Scottish population that would be detrimental to the economic and cultural future of Scotland. There were also concerns about skills shortages in Scotland that required to be addressed through competitive measures that would draw a wider pool of skilled workers from an international market to live and work in Scotland.<sup>1</sup>

Fresh Talent had five priority groups it sought to engage. These were:

<sup>1</sup> <http://www.gov.scot/Resource/Doc/152086/0040945.pdf> (2006);  
<http://www.gov.scot/Resource/0047/00473583.pdf> (2015)

1. Graduates from programmes of higher education
2. People wishing to move to Scotland to take up employment
3. Entrepreneurs
4. Self-employed people
5. People of Scottish descent who may be attracted to living in Scotland

Much of the policy focus at the time of introduction went on Fresh Talent: Working in Scotland Scheme (FT WiSS).<sup>2</sup> FT WiSS was established to encourage non-EEA<sup>3</sup> nationals to come to Scotland to take part in higher education and so encourage graduates to remain in Scotland to pursue their careers and establish their home here after completion of their studies.

To qualify for a post-study work visa through the Fresh Talent scheme, graduates were required to provide evidence that they had been living in Scotland for a considerable period of their time to pursue higher education. This could be demonstrated through successful completion / graduation from programmes of study at Higher National Diploma, first degree (undergraduate), Masters or PhD levels.

If eligible a non-EEA graduate from a Scottish institution had the right to remain in Scotland for a period of two years after graduation. Other conditions were applied to those seeking a visa under this scheme, notably:

- Successful completion of the relevant course of study within the previous twelve months.
- An intention to remain in Scotland to pursue employment.
- The ability to accommodate themselves and their dependents throughout the period of the visa.
- An intention to leave the UK on expiry of the visa unless successful in switching to another scheme or visa category.

As immigration was, and remains, reserved to the UK government, the granting of leave to remain in the UK (in Scotland) using the measures established through FT WiSS required the UK government to introduce regulations<sup>4</sup> to allow the scheme to operate. It was the Home Office that assessed applications for post-study work visas under the Fresh Talent scheme and who managed all aspects of eligibility and administration of the scheme.

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<sup>2</sup> <http://www.gov.scot/Resource/Doc/152086/0040945.pdf> (2006)

<sup>3</sup> "EEA nationals" is the term that refers to nationals of the European Union and wider European Economic Area (Iceland, Norway and Lichtenstein). Included also are Swiss nationals. Swiss nationals are not members of the EU or EEA but as Switzerland is part of the single market, Swiss nationals are included in the broad coverage of EEA nationals.

<sup>4</sup> *The Immigration (Leave to Remain) (Prescribed Forms and Procedures) (No.2) Regulations 2005* – which were updated in 2006 and 2007 before the scheme was subsumed into the UK scheme in 2008

## **Review of Fresh Talent**

Given the relatively short time frame in which the Fresh Talent: Working in Scotland Scheme operated (starting in 2005 and being merged with the UK system in 2008) it is difficult to say whether the scheme was successful in its own right. A review of the scheme conducted by the Scottish Government and published in August 2008 highlighted the progress made in attracting students to study in Scotland using the FT WiSS as a lever for encouraging people to choose Scotland as their place of study. The report stated:

“FT WiSS has been a very innovative piece of policy making... it identified a clear rationale for government intervention and pulled together the necessary mechanisms, legislative and administrative, to deliver a policy tailored to Scottish requirements within a very short timescale.”

The review stated that over 8,000 students had been attracted to stay on in Scotland after graduation in less than three years. As there had not been any specified target in place on how many students the scheme should be able to retain after graduation it is recognised that there is no objective way of assessing if this was a success or not.

The review concluded that it was the potential to attract international students to Scotland that was the most effective element of the scheme. Scottish higher education institutions had been able to use the scheme to promote their institutions while also highlighting the advantages of living, studying and working in Scotland. More than this FT WiSS could also offer individual students the added incentive of the visa offer, marking Scotland out as offering something that was not available in other parts of the UK.

The picture of the success of the scheme was noted as being less clear once people had completed their studies and moved onto the FT WiSS visa. There were not any reliable statistics that would allow the Scottish Government to draw any firm conclusions about what those on the FT WiSS had done during the two years of post-study life, and what happened to them at the end of this period. The limited evidence that was available suggested similar outcomes to other graduates who stayed in Scotland to find work, which is that most find some sort of work but not necessarily the kind of work that would allow them to start on their chosen career paths.<sup>5</sup>

## **UK Post-Study Work Visa**

The International Graduates Scheme (IGS) was a UK immigration scheme launched by the UK government on 1 May 2007. IGS allowed non-EEA nationals who successfully complete a relevant UK degree or postgraduate qualification to remain in the UK for a period of twelve months without the need for a work permit while they

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<sup>5</sup> <http://www.gov.scot/Publications/2008/08/15155422/0> (Chapter 13)

gained relevant post-study work experience or were setting up a business. The principle of the scheme was to retain skilled and educated graduates in the UK labour force.

IGS replaced the Science and Engineering Graduates Scheme (SEGS), which had launched in October 2004. SEGS had been established to allow international graduates who had successfully qualified from a UK educational institution with a degree in specific science and engineering subjects to work in the UK for a period of twelve months after graduation. In May 2006 SEGS was expanded to newly qualified graduates from all postgraduate level courses (in any subject area).

Between 2008 and 2010 the IGS and FT WiSS were replaced by the Tier 1 (Post-Study Work) visa, which was one of the points based visa schemes available for people that were required to have a visa to remain in the UK. An overview of the different Tiers in place now is provided at Annexe A.

A Tier 1 (Post-Study Work) visa operated across the UK from June 2008 until April 2012, at which time it was abolished by the UK government. The abolition of this scheme meant the end of any post-study work visa scheme across all countries in the UK.

On ending this scheme, the UK Government argued it was not necessary as its existence undermined the premise that student visas are for temporary migration rather than permanent settlement. The UK Government also raised questions about whether, at a time of concerns about UK graduate unemployment levels, it was appropriate to offer a visa of this type<sup>6</sup>

The UK government has argued that the current Tier 4 student visa, which includes a four month period on completion of studies where the graduate can legally remain in the UK, is a sufficient length of time for graduates to gain sponsorship from a UK employer. On doing so, the graduate would then transfer to a Tier 2 points based visa, while in employment.<sup>7</sup>

This compares with a two year leave to remain offer for those who had access to the Fresh Talent: Working in Scotland Scheme (between 2005 and 2008) and a one year leave to remain without visa requirements for those who had access to the Tier 1 (Post-Study Work) visa (2008 to 2012).

### **Data on Student Immigration**

The UK Government does not record the geographical location within the UK that those who apply for leave to remain are residing. As such, there is no systematic data available on the numbers of people residing in Scotland that have accessed the different post-study work visa schemes that have been in operation in recent years.

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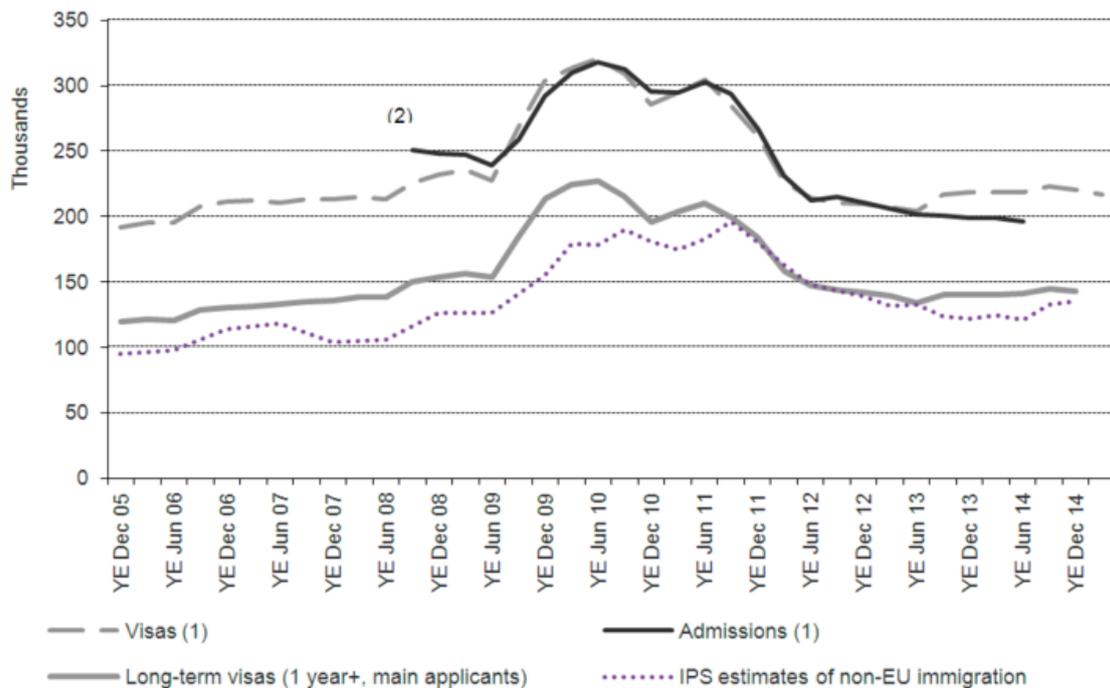
<sup>6</sup> <http://www.gov.scot/Resource/0047/00473583.pdf> (page 11)

<sup>7</sup> <http://www.gov.scot/Resource/0047/00473583.pdf> (page 11)

The UK Government does, however, publish data at the UK level on visa applications and the granting of visa applications under different categories.

Looking firstly at UK trends in the last ten years in the granting of all categories of study visa (shown in Figure 1) there was a significant increase in student visas in the UK during the period when the post-study work visa schemes, including FT WiSS, IGS and then Tier 1 (Post-Study Work) were in operation, and a decline when these schemes ended.

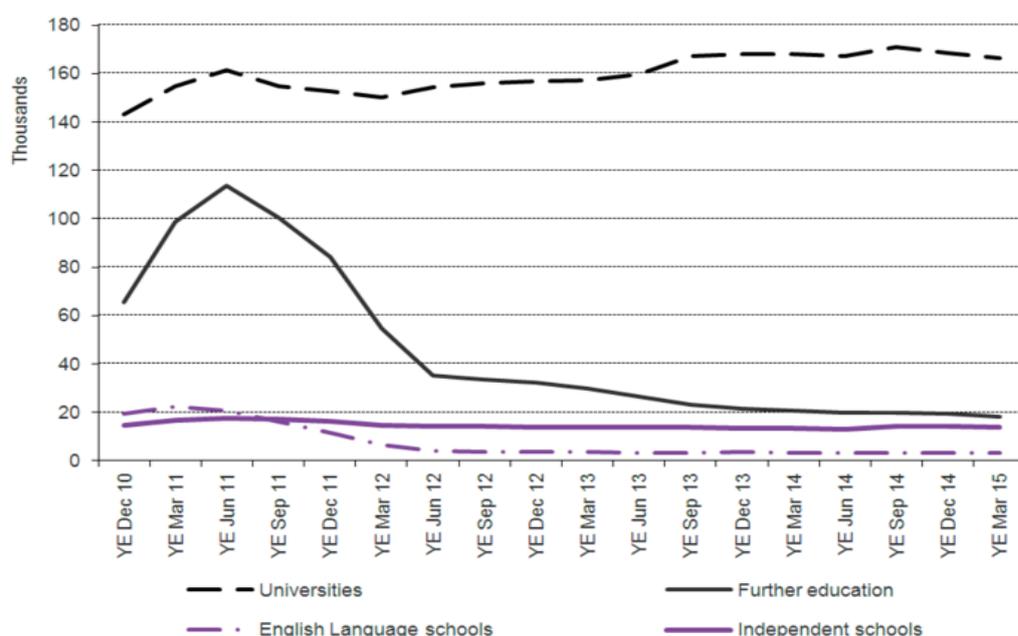
**Figure 1: Long term trends in student immigration to the UK, 2005 to 2014<sup>8</sup>**



As Figure 2 shows, a downward trend in student visa applications in the period December 2010 to March 2015 has hit the further education sector hardest, while visas to those studying at higher education level have remained relatively stable in this period.

<sup>8</sup> <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2015/immigration-statistics-january-to-march-2015> (see section 4.2 of this web page)

**Figure 2: study related sponsored visa applications by sector**



Data on those that had been on a Tier 1 (Post-Study Work) visa that have been granted leave to remain on a new visa category are shown at Table 1. This indicates that, at UK level, the majority of applications that are granted are for those moving to one of the other work visa schemes, with smaller numbers moving to a study or family related visa category. Interestingly, there were significantly fewer extensions of leaves to remain among those who had been on a Tier 1 (Post-Study Work) visa in 2012 than in other years.

**Table 1: Grants of an extension of stay by current category, previously on Tier 1 (post-study work), 2011-2014<sup>9</sup>**

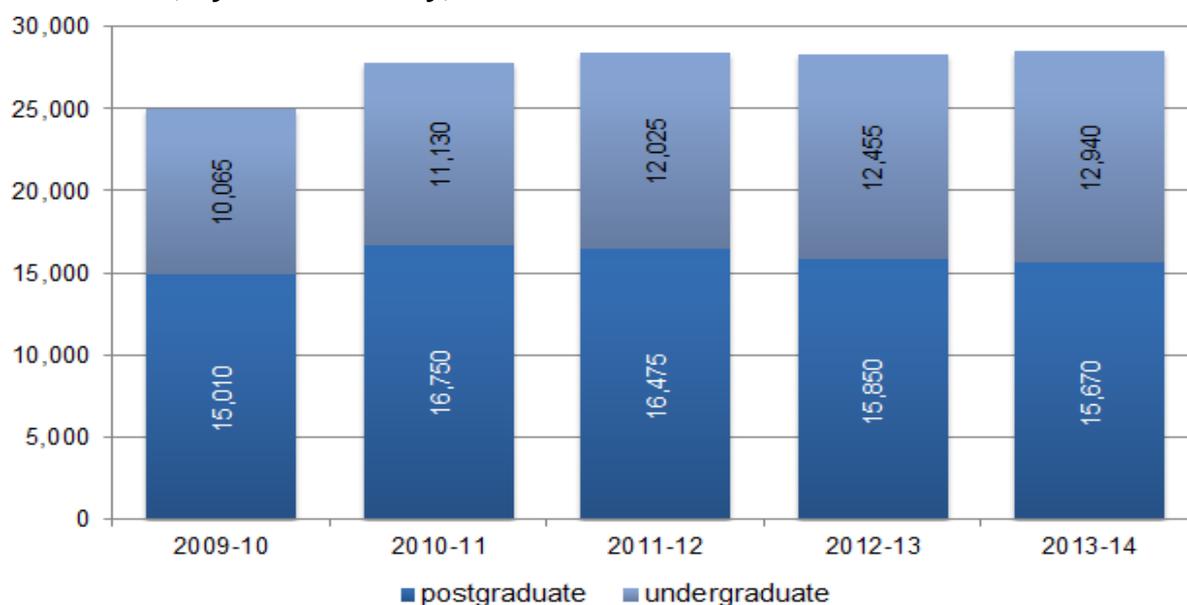
Year	Previous category	Total of all granted extensions of leave to remain	Total work	Total study	Total family	Total other
2011	Tier 1 - Post-Study	14,284	11,374	1,311	1,409	190
2012	Tier 1 - Post-Study	8,951	5,918	1,487	1,423	123
2013	Tier 1 - Post-Study	15,441	10,542	2,271	2,541	87
2014	Tier 1 - Post-Study	14,621	9,151	3,765	1,437	268

Looking at data on the number of international students taking part in higher education institutions in Scotland in the period academic year 2009-10 to 2013-14, Figure 3 shows an increase in the overall international student numbers at Scottish institutions between 2009-10 and 2010-11, although little change since then.

<sup>9</sup> <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2015/immigration-statistics-january-to-march-2015> (paragraph 9.2)

Numbers have continued to be higher for postgraduate study than for undergraduate level study.

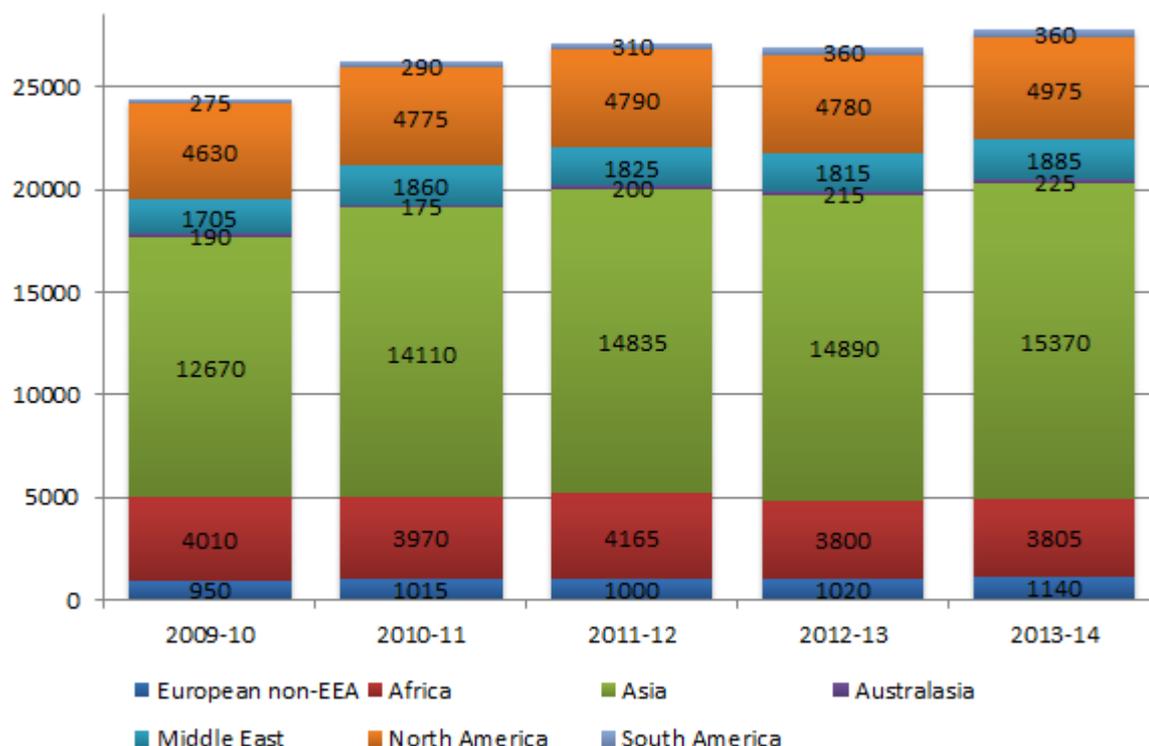
**Figure 3: Number of international students at Scottish higher education institutions, by level of study, 2009-10 to 2013-14<sup>10</sup>**



Looking at where people are coming from to study in Scotland, Figure 4 shows that students from Asia represented the largest intake of international students at Scottish higher education institutions in this five year period. With numbers increasing slightly each year, China represents by far the largest proportion of students from Asia at both undergraduate and postgraduate level. The next largest student populations are those from North America (mainly from the USA or from Canada) followed by students from Africa (Nigeria having the largest number).

<sup>10</sup> This illustration is drawn from data published by the Higher Education Statistics Agency (HESA) that is held in SPICe. It was analysed by SPICe to inform this briefing. Data from earlier than 2009-10 is not available and data for 2014-15 onward are not yet published.

**Figure 4: All international students at Scottish higher education institutions, 2009-10 to 2013-14<sup>11</sup>**



As pointed out at Figure 2 above, it is the college / further education sector that has seen a larger decline in students from outside the UK coming to Scotland to study than is the case for higher education institutions.

The report: [Connecting Scotland: how Scottish organisations engage internationally](#), published by the European and External Relations Committee in September 2015 referred to evidence from colleges that attracting international students to Scotland was extremely resource intensive, so many had reduced their efforts on this front. Figures on recent trends in numbers of EU, European (non-EU) and international (non-EEA) students provided by Colleges Scotland (see Table 2) show that colleges have seen a significant decline in student participation, particularly among EU and European students, but also among international students<sup>12</sup>

<sup>11</sup> This illustration is drawn from data published by the Higher Education Statistics Agency (HESA) that is held in SPICe. It was analysed by SPICe to inform this briefing. Data from earlier than 2009-10 is not available and data for 2014-15 onward are not yet published.

<sup>12</sup> For a discussion of PSWVs, the trends that are most interesting are those for international students. Some of those defined as from “Europe” may also be affected by visa restrictions as those from countries outside the EEA who would also need a visa to study in the UK / Scotland.

**Table 2: Numbers of non-UK students at Scotland’s colleges, 2009-10 to 2013-14**

Student Type	2009/10	2010/11	2011/12	2012/13	2013/14	% Change between 09/10 – 13/14
EU	2223	951	760	682	565	- 75%
Europe	122	565	32	42	23	- 81%
International	2414	2388	1879	1837	1850	- 23%

While there were various reasons that colleges had reduced efforts to attract international students to study in Scotland (e.g. ensuring that sufficient language proficiency was achieved to allow effective educational participation) the Committee heard evidence that the removal of the PSWV offer had been an important factor in the reduction in international student numbers at Scottish colleges. Perth College was cited as having built a working partnership with India that resulted in 200 students a year studying aircraft engineering. Through this partnership, Indian students would work in Scotland for two years after completion of their degree, so contributing to the Scottish economy while pursuing further learning to gain the necessary aviation licence to work as an engineer in India. The ending of the post-study work visa scheme was a direct challenge to that partnership:

All of a sudden... in July one year, the UKVI<sup>13</sup>... said that it wanted an additional £3,000 deposit from Indian families. In other words, the families had not only to vouch for their children being able to pay their fees and to afford to live in Scotland for the years that they were studying but to put in a £3,000 bond. It was a step too far, and those who were in the pipeline dropped out.

The result is that the college “will not have any progressing or new international students in 2016-17”.<sup>14</sup>

The offer of extended leave to remain attached to successful completion of studies at a Scottish educational establishment could offer a competitive advantage to Scottish colleges and higher education institutions to attract international students to choose Scotland over another country. The Committee heard that the absence of any such incentive acts as a significant barrier to efforts to attract students to study in Scotland.

In light of the trends in student numbers, both higher education institutions and colleges expressed a clear wish to see a mechanism in place that would allow

<sup>13</sup> UK Visas and Immigrations Department, previously called the UK Borders Agency.

<sup>14</sup> <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/93051.aspx#a3>

students to stay in Scotland after their studies in order to contribute to the Scottish economy and “enhance our global standing.”<sup>15</sup>

### **Smith Commission report**

As part of the consultation to inform the Smith Commission report on devolution of further powers to the Scottish Parliament, there were submissions made that highlighted the need to consider the reintroduction of a post-study work visa for Scotland. These submissions suggested the need to reconsider a scheme for Scotland similar to Fresh Talent<sup>16</sup>.

For example, the Scottish Government in its written submission setting out proposals for further devolution noted:

“A specific issue of concern to Scotland’s higher education establishments is post–study work visas, which were abolished by the UK Government in 2012... The Scottish Government believes that reductions in migration to Scotland for formal study have been at least partly caused by the end of the post–study work visa. Responsibility for some immigration powers would give Scotland the opportunity to reintroduce the post–study work visa and attract talented individuals from around the world to Scotland.”<sup>17</sup>

Colleges Scotland’s submission added:

“The post–study work visa encouraged international students to come to Scotland as the ability to stay, and work, is an important factor when choosing a place to study. The demographic patterns over recent years, and the varying impact of migration, are not uniform across the UK. As such, there is logic in having a different approach in different parts of the UK... International students enrich the experience of Scottish learners by providing a more diverse pool of learners, with a broader global perspective. The cultural exchange benefits everyone as well as helping to promote Scotland.”<sup>18</sup>

In response to these submissions, the Smith Commission report included as one of its “additional issues for consideration” (issues not requiring legislative change) a recommendation that the Scottish and UK Governments work together to:

“...explore the possibility of introducing formal schemes to allow international higher education students graduating from Scottish further and higher

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<sup>15</sup> <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/93051.aspx#a3>

<sup>16</sup> See for example the submissions from: [Universities Scotland](#); [University and College Union](#); and the [University of Strathclyde Student Association](#) – as well as those from the Scottish Government and Colleges Scotland quoted in this briefing.

<sup>17</sup> <https://www.smith-commission.scot/wp-content/uploads/2014/10/Scottish-National-Party-submission.pdf> (page 26)

<sup>18</sup> <https://www.smith-commission.scot/wp-content/uploads/2015/01/B00231.pdf> (page 2)

education institutions to remain in Scotland and contribute to economic activity for a defined period of time”<sup>19</sup>

## Recent Developments

In May 2015 the Devolution (Further Powers) Committee published its interim report offering commentary for the new UK Government on “the current package of measures being proposed for further devolution and where these can be improved.” The report notes concerns highlighted by the National Union of Students that the issue of post-study work visas had not been discussed by the UK Government in any of the work being done to take forward the proposals in the Smith Commission report, focusing principally on the draft clauses for development of new legislation for Scotland. Universities Scotland further highlighted that the Scottish Government had “put work in hand with Universities Scotland and other stakeholders to design a new [post-study work visa] scheme... but its implementation is dependent on UK Government agreement.”<sup>20</sup>

The UK Government has recently made a statement in response to the additional issues raised in the Smith Commission report – those that did not require legislative changes. On the issue of post-study work visas, the statement said: “the UK has an excellent post-study work offer for graduates of Scottish universities seeking to undertake skilled work in the UK after their studies”. It then pointed to the available visas through the points based system – for example, Tier 2 visas for those entering graduate level skilled jobs that pay an appropriate salary; Tier 1 visas for graduate entrepreneurs; and the option to move to a Tier 5 visa while pursuing professional training or an internship before pursuing a career overseas. It also highlights the Doctoral Extension Scheme open to PhD students, allowing leave to remain in the UK for one year at the end of their PhD studies in order to find work.<sup>21</sup>

The statement said that the current schemes on offer are “precisely the type referred to in the report of the Smith Commission.” In short:

“The Smith Commission did not recommend that the two Governments discuss the reintroduction of the former Tier 1 (Post-Study Work) visa, and there is no intention to do so.”

The BBC reported on 15 January 2016 that all political parties in Scotland were united in “condemnation” of this decision. The article goes on to quote a Home Office

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<sup>19</sup> [https://www.smith-commission.scot/wp-content/uploads/2014/11/The\\_Smith\\_Commission\\_Report-1.pdf](https://www.smith-commission.scot/wp-content/uploads/2014/11/The_Smith_Commission_Report-1.pdf) (paragraph 96.2)

<sup>20</sup> [http://www.scottish.parliament.uk/S4\\_ScotlandBillCommittee/Reports/dfpr-15-03w-rev.pdf](http://www.scottish.parliament.uk/S4_ScotlandBillCommittee/Reports/dfpr-15-03w-rev.pdf) (pages 112-113)

<sup>21</sup> This is a scheme that started on 6 April 2013. It is designed to give PhD students that are almost finished their PhD or other doctoral level study at a recognised UK higher education institution an additional 12 months of Tier 4 (General) immigration permission to look for or start work in the UK <http://www.ukcisa.org.uk/International-Students/The-next-stage/Working-after-your-studies/Doctorate-Extension-Scheme/>.

spokesman as saying that there were no plans to reintroduce the previous scheme as it “undermined the UK’s work migration routes and damaged the reputation of our education system”<sup>22</sup>

The Secretary of State for Scotland, David Mundell MP, in his oral evidence to the Scottish Affairs Committee<sup>23</sup> on 19 January, as part of its inquiry on post-study work visas, stated that the UK Government has not ruled out the introduction of a post-study work visa in the future. Mr Mundell outlined the position of the UK Government in the following terms:

“With regards to post-study work visas, the statement did not set out a new position but reiterated the view that had been previously expressed by the UK Government to this Committee and to the Scottish Government. The Smith Commission agreement was clear that the possibility of introducing formal schemes to allow international higher education students graduating from Scotland in further and higher education institutions to remain in Scotland and contribute to economic activity for a defined period should be explored. As I said in the written ministerial statement, the UK Government believe that such schemes already exist and indeed, as the Prime Minister said, are world-beating. The UK and Scottish Governments have had a number of meetings to discuss this issue. Scotland Office Ministers and officials have regular discussions with further and higher education institutions and representatives of organisations like Universities Scotland. Should this Committee or others have suggestions that they feel would improve these schemes, we will, of course, look carefully at them and it is on that basis that I look forward to this Committee’s report.”

It is not easy to identify any studies that have been conducted to analyse the impact of current visa schemes on opportunities for skilled graduates who have arrived in the UK to study and then remain in the UK to find work.

In June 2015 the UK Government asked the Migration Advisory Committee to review the Tier 2 visa scheme with a view to reducing the number of non-EEA migrants coming to the UK through this scheme. The group published its report in December 2015 in which it made a number of recommendations as to how the scheme could be changed to reduce the numbers of people eligible. The recommendations focused on:

- Setting higher minimum salary thresholds for those on Tier 2 visas; with a differentiated salary threshold between new graduates and experienced workers.

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<sup>22</sup> <http://www.bbc.co.uk/news/uk-scotland-scotland-politics-35323046>

<sup>23</sup> Available here

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/scottish-affairs-committee/poststudy-work-schemes/oral/27144.html>

- Introducing an Immigration Skills Charge whereby sponsoring employers pay an up-front fee (recommended £1,000 for each year the person is employed in the UK) for every sponsored employee.
- Moving those on a Tier 2 (Intra-company Transfer) visa for third party contracting to a separate visa route with a higher salary threshold (£41,500)

The report noted, in making these recommendations, that the Committee could not estimate exactly how many people would be affected by the proposed changes, and that some of the reductions in the use of Tier 2 visas could result in increased applications for visas through other routes.<sup>24</sup>

Given the lack of any detail on how many people in Scotland are on the Tier 2 visa and how the proposed changes, if implemented, would impact on these workers, it is not possible to estimate the effect of these proposals on non-EEA nationals working in Scotland on a Tier 2 visa.

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<sup>24</sup> A copy of the Executive Summary of this report can be found [here](#)

## ANNEXE A

The five tier visa system consists of the following<sup>25</sup>:

**Tier 1**: This visa category is for 'high-value migrants' from outside the EEA and covers entry of entrepreneurs, investors, and those very few people who come under the 'exceptional talent' visa.

**Tier 2**: This category is for 'skilled workers' from outside the EEA with a job offer in the UK. It includes skilled workers who are transferred to the UK by an international company, skilled workers where there is a proven shortage in the UK, ministers of religion and sportspeople.

**Tier 3**: This category was designed for low-skilled workers filling specific temporary labour shortages. The current UK government has not allocated any visas under this scheme; meaning it is not possible to apply for a visa in this category.

**Tier 4**: This category is for students aged over 16 from outside the EEA who wish to study in the UK. Applicants must have a place at a registered UK educational establishment before they can apply.

**Tier 5**: This category contains six sub-tiers of temporary worker including creative and sporting, charity, religious workers, and the youth mobility scheme which enables about 55,000 young people every year to work in the UK on working holidays. The visas are awarded to young people from countries that have reciprocal arrangements with the UK.

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<sup>25</sup> <http://www.workpermit.com/uk/uk-immigration-tier-system.htm>