

Immigration and Social Security Co-ordination (EU Withdrawal) Bill
Public Bill Committee Stage: Written evidence submitted by English UK

Executive summary

1. This memorandum focuses on the Bill's implications for the UK English Language Teaching (ELT) sector.
2. The Bill must serve to ensure that in the wake of our withdrawal from the EU, the UK's offer to the international education market remains competitive with other destinations and permits the ELT sector here to access the students and employees it needs to help meet both the aspirations of the International Education Strategy (for which the Departments for Education and International Trade are jointly responsible) and key manifesto objectives to which the Government is committed, such as the levelling-up agenda and assisting SMEs to become export champions.
3. The need for a competitive offer relative to other major English-speaking destinations is particularly acute due to the ongoing disruption to business caused by the Covid-19 pandemic and the consequent need to rebuild key markets in the recovery phase.
4. In the Annex to this Memorandum English UK proposes, at Committee stage in the Commons, an amendment to the Bill that would ensure that before regulations can be made under any eventual Act, the Secretary of State seeks expert advice from representatives of those groups likely to be affected by them - including the ELT sector, as appropriate.
5. English UK would welcome the opportunity to elucidate or expand on any of the points provided to the Scrutiny Unit in this Memorandum before the Public Bill Committee itself during the oral evidence-taking element of these legislative proceedings, if its members would find this helpful.

Background to English UK

6. English UK is the national trade association for British Council-accredited UK English language schools, with over 400 members, including year-round privately-owned establishments, seasonal summer centres, higher education institutions and further education colleges. Every year, over 550,000 international students come to the UK to study English at our member schools, colleges and universities, with peaks in the summer and Easter periods.

English UK's key observations

7. The UK's ELT sector attracts students from all over the world to study English in England, Scotland, Wales and Northern Ireland. They come to experience our culture and to learn or improve their English so they can study at a UK university or improve their language skills the better to participate in the global economy.
8. English language students learning in universities, colleges and privately-owned language centres injected £1.4bn into our economy, supporting 35,700 jobs and

contributing £236m to UK taxes, in 2017. Indeed, ELT is a bigger industry in the UK than fishing.

9. Of the more than 550,000 children, teenagers and adults who travel to learn English in the UK each year, over 60% come from EU countries.
10. Course fees, living costs and leisure spending support tens of thousands of people and businesses, from the host families who welcome students into their homes to teachers and support staff, taxi drivers, café staff to exam boards, tourist attractions and publishers.
11. International English language students are more likely to choose UK universities and – from a ‘soft power’ perspective - later to become influencers for us back in their own countries, supporting good diplomatic and trading relationships.
12. UK ELT faces increasing competition in a maturing market: we have lost our #1 position in student weeks to the US, but are still ahead on the overall numbers of students choosing to learn with us here. In other English-speaking countries, including the USA, Canada, Australia, Ireland and Malta, the sector has official support in the form of beneficial immigration rules and warm words of welcome from their governments for such students.
13. The 2018 study *What do international English language students contribute to the UK?* conducted by Bonard, Capital Economics and English UK was the source for much of the above data.

Key concerns with Immigration and Social Security Co-ordination (EU Withdrawal) Bill

14. The Bill proposes to end the free movement of EU citizens and other related EU-derived rights, by repealing retained EU law relating to immigration. The Bill will make EEA citizens subject to the UK’s underlying immigration system, which currently applies to all non-EEA citizens.
15. There is a risk that the post-Brexit immigration regime may further deter students coming from the EU/EEA as identity card-based travel is phased out, particularly for under-18s.
16. The loss of work rights for foreign students has already negatively affected our sector and will do so further when applied to EU/EEA students.
17. ELT teaching is a skilled and graduate profession for which specialist qualifications are required, with employment peaks and troughs throughout the year. It will take massive and sustained investment to train teachers to fill the summer roles currently occupied by temporary EU/EEA staff, and the loss of freedom of movement for UK citizens in Europe may mean this becomes a less attractive career for them to take up, while the salary threshold proposed for Tier 2 sponsored workers may deter those starting out in the industry.
18. The Covid-19 pandemic means that few if any students are currently able to travel to and study in the UK. For most language centres, the summer peak is the key period, accounting for 45% of the sector’s entire annual business; but we are unlikely to see any recovery in the sector until Q4 2020 at the very earliest. All the other major English language study destinations (namely the USA, Canada, Australia, Malta, Ireland and New Zealand) have also, of course, been affected by the pandemic and will be looking to resurface with a competitive offer to international students at precisely the time when the UK is in the process of bringing EU/EEA students (over 60% of the current UK ELT market, as set out previously) into the underlying immigration system.
19. With support, there is potential for growth in UK ELT which will help the sector to contribute to the targets set out in the International Education Strategy, resulting in increased exports as well as post-Brexit ‘soft power’ and affinity benefits. The number of English language learners at English UK member centres rose by 2% in

2018, the last full year for which figures are available - we are concerned that any changes to the immigration regime for EU/EEA students resulting from the passage of this Bill will negatively impact on the potential for further growth.

20. Above all, we are concerned about the lack of information on consultation prior to the implementation of significant changes to the legal architecture in this field and ultimately the Immigration Rules themselves, particularly when so little detail is to be found on the face of this Bill and so much delegated to secondary legislation that will, it would appear, be subject to very limited Parliamentary scrutiny from a procedural perspective in many cases, whilst in others could result in amendments to existing Acts. We need to be assured that such changes avoid damaging the potential for UK ELT to grow and prosper in all EU/EEA and non-EU markets.

English UK's proposals for a model new immigration system for ELT

Students:

21. **Create a passport-free joint travel document for group travel for students aged 18 and under.** EU nationals – particularly teenagers - often do not have passports as they can travel widely on ID cards alone. Over half of ELT students are 18 and under, and most come for short summer courses of under a fortnight as part of a group. The extra costs of getting a passport for one short holiday risks further damaging this valuable market.
22. **Create a light-touch, flexible, short-term study visa for up to a year with no time restrictions for all ELT students.** Current restrictions can prevent students from taking follow-on courses at UK further and higher education institutions during unexpired visa period to the detriment of all. Longer-term students will be critical to the UK ELT sector's post-Covid-19 recovery.
23. **Allow all students already studying in the UK to apply for a new visa for further study without leaving the country.** Regulations currently insist that students already in the UK must depart to apply for a new visa to continue their education. We want these students to remain in the UK system and make it as easy to apply for follow-on visas as our competitors do in the USA, Canada, Australia, Malta, Ireland and New Zealand. This will help the UK's ELT sector attract students who may otherwise choose other study destinations, with knock-on benefits for the wider domestic economy too – of course – if they stay here. We the commitment to simplifying the Immigration Rules for all applicants as outlined in Kevin Foster's winding-up speech during the second reading of the Immigration Bill and offer points 22 and 23 as a way of achieving this for ELT students.¹
24. **All English language providers to be accredited, and recognise Accreditation UK on all visa routes.** English UK believes all students deserve to receive the highest standards of teaching, management and care so we want all ELT centres to be accredited, and for Accreditation UK to be recognised on all visa routes.
25. **Restore work rights of up to 20 hours a week for 18+ students on ELT courses with all accredited providers.** ELT students would have parity with university students and the UK would then also be aligned with competitor nations in this field, helping to attract longer-term students here from around the world.

Staffing:

26. **Government should introduce a temporary workers' regime to support business transition to the new immigration system.** Ensure the ELT sector can get the qualified seasonal staff it needs for the summer and Easter peaks by reconsidering the *pro-rata* block in the points-based system, by allowing temporary workers and/or creating a youth mobility scheme. ELT is a seasonal industry and relies on qualified staff at peak periods who have come from the EU/EEA. We note that the government intends to create a specific visa category for seasonal agricultural workers and would welcome the extension of this programme to other categories of seasonal workers.
27. **The existing Youth Mobility Scheme should be expanded to include EU/EEA countries on a reciprocal basis.** Under such a scheme it is envisaged that vital skilled staff would be allowed to return to work in the UK for up to four short periods. We note that a future expansion of the current Youth Mobility Scheme, potentially to include EU/EEA nationals, was referenced by Kevin Foster in his winding-up speech at the second reading of the Billⁱⁱ
28. **There should be mandatory regular reviews of the Shortage Occupation List.** This should be accompanied by ongoing regional analysis of workforce shortages to enable a responsive, flexible approach to the UK's labour needs.

ANNEX

Proposed amendment to the Bill

Clause 4, page 2, line 35, at end insert -

"(1A) Before making regulations under subsection (1) the Secretary of State must seek advice from persons the Secretary of State considers to have relevant expertise about the main groups likely to be affected by them."

Explanatory statement

This amendment would ensure that the Secretary of State has the fullest possible understanding of the implications for the 'main affected groups' - as identified by the Home Office when conducting its most recent Impact Assessment into the effect any primary legislation introduced by the Government covering immigration policy could have - prior to each occasion on which consideration is given to making regulations under this clause.

ⁱ Kevin Foster MP, Monday 18 May 2020, House of Commons - Hansard Volume 676 Column 462

ⁱⁱ Kevin Foster MP, Monday 18 May 2020, House of Commons - Hansard Volume 676 Column 461