



**SECURING  
OUR BORDER  
CONTROLLING  
MIGRATION**

# **LIMITS ON NON-EU ECONOMIC MIGRATION** A CONSULTATION

June 2010



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# MINISTERIAL FOREWORD



This government believes that Britain can benefit from migration, but not uncontrolled migration. Look at any aspect of life today and you will see the contribution that migrants have brought; and not just to the economy. We want to continue to attract the brightest and the best people to the UK, but with control on the numbers coming here. Unlimited migration places unacceptable pressure on public services, school places, and the provision of housing, all of which causes problems for certain local communities.

This government intends to reduce net migration to the level of the 1990s – tens of thousands, not hundreds of thousands. One of the ways we will achieve this is through the introduction of an annual limit on the number of non-EU economic migrants admitted into the UK to live and work. Such a limit will form only one part of our system of controls on migration, controls that will provide the public with greater confidence in the system.

The purpose of this consultation is to seek views on how the limit should work in practice. We want it to operate in a way that is fair to those that use the migration system. The operation of the limits should also be practical both for users of the system and those who administer it and should

operate without sacrificing, for example, good customer service. We will also want to consider further how the operation of the limit should go hand in hand with further measures to make our migration system more selective so that those who have the most to offer are attracted and welcomed to the UK.

This consultation sets out the key choices shaped by those considerations and seeks views of business and other interested parties. In addition, I have today commissioned the independent Migration Advisory Committee (MAC), the UK's top labour economists, to advise the government on the levels at which limits should be set for the first full year. We intend to ask the MAC to advise on the level of limits for the next financial year.

This is not just an area for action by the UK Border Agency. Annual limits will only work in reducing net migration if employers are enabled and supported to take on resident workers in place of those from outside the EU. One of the key causes of high net migration in previous years was the previous government's failure to properly prepare people for work. Coordinated cross-government action and work with the Devolved Administrations will be needed, including on welfare reform and skills. This Coalition government is united in its desire to see not just net migration fall but also British people enabled and supported to fulfil their potential and play their fullest role in enabling the UK economy to thrive and grow.

A handwritten signature in black ink, which appears to read 'Theresa May'. The signature is fluid and cursive.

**Theresa May**  
Home Secretary and Minister for Women and Equalities

# 1. CONTEXT

Migration has strengthened the UK's economy and enriched our culture but if people are to have confidence in our system and if we are to protect our public services then it must be controlled.

High levels of net migration<sup>1</sup> are a relatively recent phenomenon. Net migration was negative through the 1970s and early 80s – in other words, more people left than came to the UK – and was broadly in balance through the late 80s and early 90s. From 1997 onwards, net migration grew significantly, peaking at 245,000 in 2004.

It is the government's aim to reduce levels of net migration back to the levels of the 1990s – tens of thousands, not hundreds of thousands – over the lifetime of this Parliament.

The Coalition's Programme for Government, published on 20 May 2010, confirmed the government's intention to introduce an annual limit on the number of non-EU economic migrants admitted into the UK to live and work.

We recognise the importance to the UK economy of attracting the brightest and the best from around the world who can make a real difference to the country's economic growth. But we should not be bringing in migrants we do not need, and we should be taking action across government and with the Devolved Administrations to upskill British workers and get them into jobs and sectors which have been too reliant on migrant labour.

We recognise that there is a careful balance to be struck here. That is why we committed to consult with business and other interested sectors before taking final decisions on the implementation mechanisms for these limits and the level at which they should be set. We will work with the Devolved Administrations in Scotland, Wales and Northern Ireland who have an interest and have

the responsibility for some of the non immigration matters raised in this consultation. Additionally, we can learn from the experiences of our international partners and we will be in touch to invite them to feed in views.

There are two critical questions here.

- Firstly, **how** should limits be implemented – through what mechanism, and what additional actions should be taken by government and employers to find alternatives to taking on migrant labour? This is the subject of this consultation document.
- Secondly, **at what level** should the government set its first annual limit, taking into account the government's overall policy objective and the balance between economic, social and public service impacts of migration. The government has today commissioned the independent Migration Advisory Committee to offer it advice on this crucial question.

This consultation will run until 17 September, and the government has asked for the advice of the Migration Advisory Committee by the end of September. We intend to give notice of our final decisions on implementation mechanisms and the level of the limit as soon as possible thereafter and certainly by the end of the calendar year.

The government believes that this period of consultation and reflection is necessary before these final decisions are taken. However, it has also recognised the risk that significant numbers of migrants may have sought to enter the UK in advance of limits coming into effect and whilst that consultation and reflection was ongoing. This would clearly have been detrimental to the government's overall objective to reduce net migration. Accordingly, we have today laid in Parliament Immigration Rules to raise the number of points needed to enter the UK through Tier 1 (General) of the points-based system (PBS) and to set interim limits on Tiers 1 and 2. These limits will ensure that there is a small reduction in the

<sup>1</sup> Net migration figures are published by the Office for National Statistics. ONS's total long-term international immigration estimates cover people who have migrated into the UK for a period of at least 12 months. (Source ONS Statistical Bulletin)

numbers of migrants coming into the UK via these routes in 2010.

Tier 4 (Students) of the PBS falls outside the scope of this consultation.

## **HOW TO RESPOND TO THE CONSULTATION**

The consultation document is available on the UK Border Agency website and responses may be returned by completing the online survey, which can be accessed via the UK Border Agency website.

Responses can also be posted, using the template available on the UK Border Agency website to:

Consultation Responses  
Immigration Policy  
UK Border Agency  
PO Box 3468,  
Sheffield, S3 8WA

Responses can also be emailed to:  
[limitsconsultation@homeoffice.gsi.gov.uk](mailto:limitsconsultation@homeoffice.gsi.gov.uk)

The closing date for responses is  
17 September 2010

## 2. OBJECTIVES

In deciding how the limit should operate, there are a number of different factors which the government will consider, as follows.

- **Fairness.** We want the annual limit to operate in a way that is, and is seen to be, fair and rational.
- **Predictability.** The annual limit should operate in a way that is transparent and allows, as far as possible, migrants and their sponsors to submit applications with a reasonable expectation as to the likely outcome.
- **Selectivity.** Where the aim of policy is to ensure that the migration system admits those who will bring the most economic benefits but the operation of the annual limit means that the number of those to be admitted is constrained, it may be desirable to design the system to deliver a further degree of selectivity. For example, the PBS may establish a basic “pass mark” above which applicants may qualify for entry but the successful applicants may be those who score the most points.
- **Operability.** The means of delivering the implementation of an annual limit must be practical, both for those administering immigration controls and for the customers who use the system. The administration of the PBS involves decision making both by caseworkers in the UK and by decision makers at diplomatic posts around the world. Any system for delivering an annual limit must allow such decision making to be coordinated and to be consistent in its application globally.

## 3. PROPOSALS AND QUESTIONS

### MECHANISM

#### International Comparators

International examples of ‘limits’ include ‘first come, first served’ queuing systems (operated in Australia and the US) and more sophisticated systems such as the pooling system operated in New Zealand (an outline of some of the systems operated by other countries to manage limits on numbers is at Appendix A).

#### Tier 1

##### First come first served

Under these systems applications are considered in order of receipt and would succeed if they met the baseline criteria for qualification under the tier until the limit was reached. Once the limit was reached the tier would close to new applications. We believe that such a system does not necessarily lend itself well to applications from highly skilled individuals without a job offer as it is not the most selective. Applicants whose presence may be of more economic benefit than those who have already been admitted under the annual limit may be excluded.

##### Pool

Under such an arrangement, migrants wishing to be considered for entry to the UK would undertake a points test, as now. Those who passed the points test would be able to make an “expression of interest” by entering a pool of potential candidates. Individuals entering the pool would receive an immigration employment document which would confirm that they were in the pool. They would be expected to pay a fee to enter the pool and receive this document. The UK Border Agency would, at pre-determined intervals, invite the relevant number of candidates from the pool to apply for entry to the UK. Those candidates invited to apply would be the candidates with the highest points scores. Candidates not selected to be invited to make a full application over a period of six months would be removed from the pool. This system

would ensure that the migrants with the most to contribute to the UK economy would be selected, with the fairest outcomes overall.

It is the government’s view that the fairest approach which will ensure that highly skilled migrants who come to the UK are those who are most beneficial to the UK will be to operate a pool system for highly skilled migrants entering through Tier 1 of the PBS.

#### Question 1

Do respondents agree that operating a pool for highly skilled migrants on the basis described above will be the fairest and most effective approach?

#### Tier 2

##### First come first served system

We believe that such an approach, as described above for Tier 1, would be a far more conventional approach and arguably the easiest for companies to operate. A specified number of visas would be released on a quarterly basis and applications would be accepted against that quarterly quota. The existing Tier 2 points table, or a slightly revised version thereof, could be applied. It is the government’s view that this transparent and regular process would provide businesses with the greatest certainty.

##### Pool

A pool could also be applied to migrant workers with a job offer who enter through Tier 2. A specified number of visas would be made available on a quarterly basis and applications would be accepted against that quarterly quota. The pooling system would enable applications to be carried over for consideration where they had failed to make the cut providing companies with a reasonable degree of certainty about the chances of their applications. This carry over system could be limited to six months. However, the carrying over of applications could create a perverse incentive for established companies to make high numbers of speculative

applications, filling up the queue at the expense of less opportunistic and new start up businesses.

### Auctions

Quarterly visa auctions are a more radical means of operating a limit. Employers could make a ‘bid’ for an allocation of certificates of sponsorship and the limit would be filled by those willing to pay the highest fee.

It is the government’s view that the fairest approach for filling vacancies which cannot be filled by British workers will be to operate a first come first served system for skilled migrants entering through Tier 2 of the PBS.

### Question 2

Do respondents agree that operating a first come first served system for skilled migrants available to individual sponsor employers will be the fairest and most effective approach?

### Question 3

Do respondents believe that where a quarterly quota is filled applications that have not yet been considered should be rolled over to the following release or not?

### Points for highly skilled migrants

In addition to increasing a higher degree of selectivity through the introduction of a “pool” system, this aim could also be supported by raising the minimum criteria for qualification under Tier 1. We could, for example, raise the qualifications or previous earnings thresholds for Tier 1. Arguments for doing so would be that it would reduce intake of applications over and above the numerical limit. Those that met the minimum criteria might be able to apply with a greater expectation of success.

We could also require that Tier 1 migrants score a higher number of points in order to qualify but offer additional, or more graded, criteria against which points could be scored. These could be linked to indicators of labour market success (such as English language) or other policy objectives (such as minimising the likelihood that migrants will access public funds and services).

### Question 4

Should we consider raising the minimum criteria for qualification under Tier 1 of the points-based system?

### Question 5

Should we provide for additional points to be scored for:

- higher level English language ability;
- skilled dependants;
- UK experience;
- shortage skills;
- health insurance?

Are there any other factors that should be recognised through the points system?

### COVERAGE

We do not intend to apply an annual limit to those who come here as temporary workers under Tier 5 (those admitted under the Tier 5 (Youth Mobility Scheme) category are in any event already subject to restrictions on numbers). Similarly, the arrangements for those admitted in non-PBS employment categories<sup>2</sup> are not within scope of this consultation.

Our focus, therefore, is on those who currently enter through Tiers 1 and 2 of PBS. Tier 1 exists to enable the brightest and best migrants, those who will contribute the most to the UK’s economy, to come to work in the UK without a job offer. Tier 2 enables skilled migrants with a job offer to come to the UK to fill vacancies where there are no suitable resident workers available. An outline of the main features of Tiers 1 and 2 is at Appendix B.

### Tier 1

As well as providing for highly skilled migrants seeking employment in the country, Tier 1 also encompasses distinct routes for investors and entrepreneurs. Less than a thousand migrants came to the UK as investors or entrepreneurs in 2009. The government believes that migrants who meet the criteria to enter as investors and entrepreneurs have the most to offer in terms of driving economic growth. It is therefore the government’s view that these two routes should not be limited. Indeed, it is the government’s view that more can and should be done to identify and reach out to high net worth individuals and those who will drive economic growth so that the UK becomes

<sup>2</sup> These are Representatives of Overseas Businesses, the UK Ancestry category and Domestic Workers in Private Households.



more competitive in the fight for global talent. The government would therefore welcome views about how more investors and entrepreneurs can be attracted and encouraged to choose the UK as their destination of choice, and if the visa system should be revised to support this objective.

Options for the entrepreneurs visa could include changing the current investment threshold (£200,000), setting thresholds for individual sectors, allowing for entry when an entrepreneur has secured staged funding, consider jobs created requirement (two UK jobs) to allow for business cycles and extending access to more than one entrepreneur on a needs basis.

### Question 6

Do respondents agree that Tier 1 (Investors) and Tier 1 (Entrepreneurs) should not be included within the annual limit?

### Question 7

How do respondents believe that the UK could make itself more attractive to investors and entrepreneurs who have the most to offer in terms of driving economic growth?

Tier 1 also offers foreign students the opportunity to benefit from open access to the UK labour market for a period of 2 years following their graduation from a UK institution through the Tier 1 post-study route. The government will be publishing proposals for reform of the student route later in the year. Tier 1 post-study is therefore outside the scope of this consultation.

## Tier 2

Tier 2 encompasses those entering the UK on occupations on the Shortage Occupation List, those coming for jobs which have passed the Resident Labour Market Test, and Intra-Company Transfers. The first two routes are to be covered by limits. We have considered carefully the position on Intra-Company Transfers.

Intra-Company Transfers are the mechanism used by businesses to bring their own people into the UK to do jobs within the company which it only makes sense for an existing company employee with a particular set of skills and experience to do. The UK has a national interest in access to markets abroad which needs to be balanced against any restrictions that it places on those trading and investing inwardly. It also has obligations under international agreements concerned with trade which places some obligations upon it to admit

intra-company transferees (Appendix C provides further information on ICTs).

We have given very careful consideration to the issue of Intra-Company Transfers. The unique and temporary nature of this form of transfer begs the question as to whether they should be included under the limit at all. However, Intra-Company Transfers account for around 45% of all Tier 2 entry clearance visas, a significant proportion and those who come to the UK for an extended period will inevitably draw on public services.

Where the transferee is coming to the UK for a matter of months rather than years, there is a certainly a case to say that they should be exempted from the limit but that case diminishes the longer the transferee is in the UK potentially drawing on the UK's public services.

One option would be to exempt ICTs from annual limits, but only to offer Intra-Company Transferees periods of leave of less than 12 months. Another arguably more balanced option would be to include the ICT route in general within the limit, but to exempt any ICT coming for a period less than 12 months.

We intend to exclude Ministers of Religion and Elite Sports people from the limits.

### Question 8

Do respondents agree that the Intra-Company Transfer route should be included within annual limits?

## DEPENDANTS

Dependants may accompany main applicants to the UK under both Tier 1 and Tier 2. In 2009 the MAC assessed the economic contribution made by the dependants of PBS migrants and their role in the labour market. They found that a significant proportion of dependants are skilled and in work. Many of the businesses who responded to the consultation told the MAC that the UK would be a far less attractive destination for investors if there were greater restrictions on working rights for dependants.

While the government has no plans to change existing policy for dependants it would be remiss of us not to consider whether they should be included or otherwise taken account of under our limit. Not doing so could either undermine the limit's effectiveness in reducing migration or necessitate setting lower levels for Tier 1 and Tier 2.

**Question 9**

Do respondents agree that dependants should be accounted towards the limit?

**ENABLING AND ENCOURAGING EMPLOYERS TO EMPLOY BRITISH WORKERS**

The introduction of annual limits on non-EU economic migration is not an end in itself. It is a key mechanism for bringing down overall net migration. But it will only be successful in achieving that if government works closely with employers and others to get British workers into the jobs which will not, in the future, be filled by migrants.

In this context, the government has looked carefully at the current arrangements for skilled workers under Tier 2. Currently, migrants may enter through Tier 2 where they have a job offer which either passes the Resident Labour Market Test (where an employer has been unable to find a suitable resident worker) or is in an occupation which is in national shortage (as signified by its inclusion on the Shortage Occupation List). This means that, where an occupation is in national shortage, the local labour market does not have to be tested even though there may be British workers available locally to fill the vacancy. It also means that employers may bring in migrants even where an occupation is not in national shortage, rather than doing more to encourage British workers to apply for the vacancy, for example by tackling barriers to re-location.

The government believes that migrants should only be brought in where every reasonable avenue to recruit a resident worker has been exhausted. There is a strong case, therefore, for combining the tests so that in the future, employers could only bring in migrants where the occupation was in national shortage and the local labour market had been tested through the JobCentre Plus.

**Question 10**

Do respondents believe that the Shortage Occupation and Resident Labour Market Test routes should be merged in this way? What would be the advantages and disadvantages of doing so? Over what timescale might this change be implemented? What consideration should be given to advertising requirements?

The government also supports the principle of sponsorship, whereby employers who benefit from being able to bring in migrants, also accept wider responsibilities for migrants and their impact. We are therefore consulting on widening those responsibilities in two key areas.

- Firstly, the government believes that sponsors should be required to demonstrate a practical commitment to upskilling British workers, for example by supporting national or local apprenticeship and other similar schemes.
- Secondly, the government believes that sponsors should do more to ensure that migrants and their dependants do not place undue burden on local public services and would therefore be interested in views on whether employers should be asked to hold health insurance for their employees.

**Question 11**

Do respondents believe that there is merit in extending sponsor responsibilities in these ways?

The government believes that a good level of ability in English is an important factor in an individual's performance in the workplace and their ability to integrate with wider society. Entry through Tier 1 demands a good command of English but the existing requirements for Tier 2 are much lower; requiring competence of English to a basic user standard, including the ability to understand and use familiar everyday expressions, to introduce themselves and others and to ask and answer questions about basic personal details. We believe that this is insufficient and are proposing to raise the standard required.

**Question 12**

Do respondents believe that there is merit in raising the English language requirement for Tier 2? If so to what level?

**REDUCING DEMAND FOR SKILLED MIGRATION**

Of course, the government also accepts that it – and the Devolved Administrations – have a key role to play in upskilling British workers and supporting them into skilled occupations and thus reduce the demand for migrant workers. In addition the government will take action to reduce welfare dependency and the economically inactive population by getting British workers into jobs; providing training and work programmes for the unemployed. We hope that the Devolved Administrations will work with us in their areas of competence.

To meet their demand for skilled workers, employers will need to take ownership for upskilling employees and adapting their recruitment and training practices working through the skills and welfare to work systems.

Employers should work with local providers and job centres to source the training provision and staff that meet their recruitment needs. This is likely to require a higher level of investment, or co-investment, from employers to meet training needs. Advice and guidance will be provided so that individuals are aware of employment opportunities in shortage areas.

**Question 13**

If a supply of migrant workers is no longer readily available, what action will you take to train and source labour from the domestic market?

# APPENDIX A

## INTERNATIONAL EXAMPLES

There are a number of ways in which an annual limit can be operated. Features of systems used by other countries to manage annual limits on immigration programmes are outlined in the examples below.

### AUSTRALIA

Australia operates a targeted migration program with priority processing of visa categories. Overall entry levels are managed through a soft quota system based on planning levels (covering skilled, family and humanitarian). These are maximum levels for migration, used together with caps on some visa subclasses to ensure that visas issued within a given category are not exceeded. The General Skilled Migration Program involves a number of mechanisms to manage the application of these limits. These include powers to accord particular categories of visas priority of processing. Permanent migration applications are also subject to “cap and pool” arrangements i.e. Permanent General Skilled Migration visa applicants who achieve a score below the pass mark but above another mark, known as the ‘pool mark’, have their applications held in reserve for up to 2 years after assessment. The Australian government has also, earlier this year, announced a temporary suspension of intake of new applications for some visa subclasses under the General Skilled Migration Programme.

### NEW ZEALAND

New Zealand operates an annual allocation of places for their residence programme, including the Skilled Migrants Category, which uses an Expression of Interest (EOI) Pool to manage intake. Those seeking admission under the Skilled Migrant category are required to submit an EOI and those claiming more than 100 points on their EOI are placed in a pool. Applicants may remain in the pool for up to 6 months at which stage their EOI lapses. Each fortnight, applicants with a score above a specified level are invited to apply. That specific points score is set on the basis of providing sufficient applicants to meet the annual allocation of places.

### USA

The USA operates “annual numerical limitations” set by Congress in respect of both permanent and temporary worker programmes (including the H-1B visa programme, for which there is an allocation of 65,000 places for fiscal year 2011). Caps control the number of workers that can be issued a visa overseas, or adjust status in the U.S. in a given fiscal year. Once the caps are reached, the routes are closed for the fiscal year. The eligibility for Employment-based immigrant visas is typically based on the date of filing for a labour certificate, and assignment of a priority date, which is part of the employment based immigrant visa process. The U.S. State Department issues a Visa Bulletin each month, which lists the cut-off dates that may limit visa availability in the different immigrant categories. Only persons with a priority date before the applicable cut-off date are eligible for final visa processing during that month. H-1B petitions are subject to numerical restrictions, and if demand is sufficient can be allocated by lottery. Applications for permanent residence (green cards) in excess of the annual quota are subject to cut-off dates. Per-country limits on immigration numbers can result in more limited cut-off dates for some countries.

These examples point to some fairly basic differences of approach. The New Zealand system places some emphasis on managing the intake of applications and their consideration at the front end of the process. The United States’ system for handling Green Card applications does less to manage intake but the release of approvals may be deferred where numerical limits are reached (which may nevertheless manage intake insofar as people are deterred from making applications where a long waiting list exists).

## APPENDIX B

# MAIN FEATURES OF THE CURRENT TIER 1 AND TIER 2 ROUTES UNDER THE POINTS-BASED SYSTEM

Under both tiers applicants may apply to a British diplomatic post overseas for an entry clearance or may apply in the UK for leave to remain in that category of stay. In the case of leave to remain applications, these may be either an application to extend existing leave to remain in that category of stay or may be, in some circumstances, an application to switch from a different category of stay into Tier 1 or 2. Entry clearance applications are considered at the respective post (or regional hub).

There are, however, significant differences between the processes involved. The admission of a Tier 1 migrant is not contingent upon them having an offer of employment and the process for their selection does not therefore require them to have a UK-based sponsor. The application process is therefore focused entirely upon the migrant.

This is not the case for Tier 2 migrants. A Tier 2 migrant must have an offer of employment for which a Certificate of Sponsorship (CoS) has been issued by their sponsor (the employer), and their sponsor must be licensed by the UK Border Agency for the purpose of sponsoring Tier 2 applications. Employers must apply to the UK Border Agency for such a licence and an output of that process will be an allocation of CoSs for a 12-month period.

This means that while any annual numerical limit placed on Tier 1 migrants must inevitably bite on applications submitted by the individual migrant, the limit placed on Tier 2 migrants could apply either to applications submitted by individual migrants or to the allocation of CoSs to individual employers.

Sponsors are currently allocated an annual number of CoSs to assign to potential Tier 2 migrants. This allocation is currently determined purely on the basis of the business case put forward by the sponsor. A limit placed on Tier 2 that applied to CoS allocations would require changes to the criteria by which CoSs are allocated. An individual sponsor's allocation would have to be considered in the context of the wider allocation, and may require much stronger justification as to why that sponsor cannot fill its vacancies with resident workers.

# APPENDIX C

## INTRA-COMPANY TRANSFERS

One of the issues on which this consultation seeks views is the question of whether the Tier 2 (Intra-Company Transfer) category should be covered by the limit. The consultation suggests that the question arises because of (i) the temporary nature of such transfers) and (ii) the UK's national interests and international obligations in this area.

On (i), the table below sets out the numbers of non-EEA nationals admitted under the Tier 2 (Intra-Company Transfer) category since the launch of Tier 2 and the number of months for which they were originally granted leave to enter.

| Length of leave    | ICT visas issued |
|--------------------|------------------|
| 0–3 months         | 645              |
| >3–6 months        | 1,988            |
| >6–12 months       | 4,387            |
| >12 months–2 years | 7,138            |
| >2–3 years         | 9,234            |
| >3 years           | 6,312            |

Secondly, the UK has obligations under international agreements concerned with trade which place an obligation upon it to admit intra-company transferees. The UK is party to the World Trade Organisation's General Agreement on Trade in Services (GATS) which requires it to provide access to managers and specialist staff who are nationals of a another party to the agreement, who are employed by a business established in the territory of that party, and who are posted to the UK branch of that business. Bilateral trade agreements concluded between the European Union and a number of other countries contain similar commitments.

While these agreements do not prevent the UK applying Tier 2 criteria to such movements they do not provide for the imposition of a numerical limit upon them and the UK would be in breach of its obligations if it imposed such limits.

The weight to be attached to the latter consideration needs to take account of the UK's national interest as an exporter of services and inward investors overseas. The UK has a strong interest in ensuring that other countries provide equivalent access to the personnel of UK businesses who are posted to branches of those businesses overseas. The UK's ability to negotiate agreements guaranteeing such access would be undermined if it restricted such access domestically.



# APPENDIX D

## LIST OF CONSULTATION QUESTIONS

### Question 1

Do respondents agree that operating a pool for highly skilled migrants will be the fairest and most effective approach?

### Question 2

Do respondents agree that operating a first come first served system for skilled migrants available to individual sponsor employers will be the fairest and most effective approach?

### Question 3

Do respondents believe that where a quarterly quota is filled applications that have not yet been considered should be rolled over to the following release or not?

### Question 4

Should we consider raising the minimum criteria for qualification under Tier 1 of the points-based system?

### Question 5

Should we provide for additional points to be scored for:

- higher level English language ability;
- skilled dependants;
- UK experience;
- shortage skills;
- health insurance?

Are there any other factors that should be recognised through the points system?

### Question 6

Do respondents agree that Tier 1 (Investors) and Tier 1 (Entrepreneurs) should not be included within the annual limit?

### Question 7

How do respondents believe that the UK could make itself more attractive to investors and entrepreneurs who have the most to offer in terms of driving economic growth?

### Question 8

Do respondents agree that the Intra-Company Transfer route should be included within annual limits?

### Question 9

Do respondents agree that dependants should be accounted towards the limit?

### Question 10

Do respondents believe that the Shortage Occupation and Resident Labour Market Test routes should be merged in this way? What would be the advantages and disadvantages of doing so? Over what timescale might this change be implemented? What consideration should be given to advertising requirements?

### Question 11

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### Question 12

Do respondents believe that there is merit in raising the English language requirement for Tier 2? If so to what level?

### Question 13

If a supply of migrant workers is no longer readily available, what action will you take to train and source labour from the domestic market?

