

# Call for Evidence

**The economic impact of the Tier 1  
(Entrepreneur) route**

**Migration Advisory Committee**

**March 2015**



Migration Advisory Committee,  
3rd Floor, Seacole Building,  
2 Marsham Street,  
London,  
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<https://www.gov.uk/government/organisations/migration-advisory-committee>  
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# 1. Introduction

1.1 Tier 1 of the Points Based System provides a means by which high value migrants can come to the UK. There are four routes within Tier 1: Entrepreneur; Graduate Entrepreneur; Investor and Exceptional Talent.

1.2 The Government has commissioned the Migration Advisory Committee (MAC) to review the Entrepreneur routes with a view to ensuring that the potential economic benefit of the routes is maximised. The MAC will also consider the attractiveness of the routes to genuine entrepreneurs.

1.3 The commission to the MAC asks that the Committee considers the following question:

*“The MAC is asked to consider whether the existing design of the Tier 1 (Entrepreneur) route is appropriate to deliver significant economic benefits for the UK and in particular whether:*

- a) the initial eligibility criterion of access to funds is a sufficient determinant of entrepreneurial ability and whether other criteria, for example, assessment of previous entrepreneurial activity and/or testing the purpose of the investment, should be applied;*
- b) the existing eligibility and extension criteria are aligned sufficiently with entrepreneurial and early stage business life-cycles, including consideration of the role angel investors and crowd-funding can play;*
- c) the route utilises international best practice. As part of this, the MAC is requested to consider route design and incentives to ensure competitiveness.”*

1.4 The MAC has been asked to report to the Government by the end of September 2015.

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### 2. Call for evidence

- 2.1** The MAC is gathering views and evidence from partners to help inform its response to the Government's question. This document sets out the type of information the MAC would find most helpful to receive and provides details of where to submit evidence. We would like to hear from any interested party including financial institutions, legal representatives, consultancy firms, academics, representatives of other Governments and, in particular, entrepreneurs both in the UK and those looking to come here. Please circulate this document to anyone you think may have an interest. It is also available on the MAC [website](#).
- 2.2** We are keen to discuss the questions set out in this document and hear your views. A meeting to discuss the evidence partners could provide and to hear partners' views will be hosted by the MAC at 2 Marsham Street, London, SW1P 4DF on **17 April 2015** at 9:30 until 11:30 in conference room 6.
- 2.3** Partners who would like to attend this meeting should get in touch with the MAC secretariat at [mac@homeoffice.gsi.gov.uk](mailto:mac@homeoffice.gsi.gov.uk) and they will be notified of the timings and agenda for the meeting. All partners wishing to attend must notify the MAC in advance of attending the event and must bring photo ID with them to obtain entry to 2 Marsham Street.
- 2.4** If partners would like to meet with the MAC or its secretariat or can offer to host an event at which the MAC could engage with a number of partners, please contact the secretariat at the above email address. The MAC would also be interested to hear about any upcoming meetings, conferences or forums which would provide good opportunities to engage with wider groups.
- 2.5** The deadline for submitting evidence to the MAC in response to this call for evidence is Friday **12 June 2015**.

### 3. Context

#### 3.1 Overview of the Points Based System and Tier 1

3.1 The Points Based System (PBS) for migration to the UK from outside the European Economic Area was introduced in 2008 and currently consists of five tiers as set out in Table 1.

<b>Name of tier</b>	<b>Immigrant groups covered by tier</b>
Tier 1	Investors, entrepreneurs, graduate entrepreneurs and exceptionally talented migrants.
Tier 2	Skilled workers with a job offer in the UK.
Tier 3	Low-skilled workers needed to fill specific temporary labour shortages. Tier 3 has never been opened.
Tier 4	Students.
Tier 5	Youth mobility and temporary workers. This route is for those allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives.

Source: Migration Advisory Committee analysis, 2015

3.2 The Tier 1 route is now the route for investors, entrepreneurs and exceptionally talented people all of whom can apply to enter or stay in the UK without needing a job offer. They do, however, have to pass a points-based assessment.

3.3 The Home Office refers to users of the Tier 1 route as high-value migrants. The route currently contains 4 categories as follows:

- Tier 1 (Exceptional talent)
- Tier 1 (Investor)
- Tier 1 (Entrepreneur)
- Tier 1 (Graduate entrepreneur)

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This call for evidence will focus only on the latter two categories: **Entrepreneurs** and **Graduate Entrepreneurs**<sup>1</sup>.

### Tier 1 (Entrepreneur)

- 3.4** The Tier 1 (Entrepreneur) category is for individuals who wish to invest in the UK, by establishing or taking over, and being actively involved in the running of, a business or businesses in the UK. Those who apply under the Tier 1 (Entrepreneur) category must demonstrate that they have access to £200,000 which they will invest in a business or businesses in the UK. Applicants can form an entrepreneurial team with one other Tier 1 (Entrepreneur) applicant and share the same investment funds.
- 3.5** A lower threshold of £50,000 is sufficient where that funding has been provided by either:
- one or more registered venture capital firms regulated by the Financial Services Authority (FSA);
  - one or more UK entrepreneurial seed funding competitions which is listed as endorsed on the UK Trade and Investment (UKTI) website; or;
  - one or more UK Government Departments or Devolved Government Departments in Scotland, Wales or Northern Ireland, and which is made available for the specific purpose of establishing or expanding a UK business.
- 3.6** The funding must be held in one or more regulated financial institutions, must be disposable in the UK, and must have been held on an ongoing basis rather than just at the time of application. Applicants are also subject to a genuineness test and, from April 2015, will be required to provide a business plan.
- 3.7** Migrants under the Tier 1 (Entrepreneur) category are not permitted to access public funds, nor to take employment outside the business they have established, joined or taken over and must register as self-employed or as the director of a new or existing business. In addition, they are required to satisfy the relevant English language requirements (CEFR Level B1), and hold savings of £3,310 (or £945 if applying from within the UK) to satisfy PBS maintenance requirements. Higher maintenance requirements apply where the migrant is accompanied by dependants. Applicants must have £1,890 for each dependant if applying from outside the UK or if they have been in the UK for less than 12 months. This sum is £630 for applicants who have been in the UK for more than 12 months.

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<sup>1</sup> The MAC reviewed the Tier 1 (Investor) route) in 2013-14. The final report is available here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/285220/Tier1investmentRoute.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/285220/Tier1investmentRoute.pdf)



**3.8** Applicants under the Tier 1 (Entrepreneur) category are granted an initial period of leave of no more than 3 years and 4 months for out-of-country applicants, and 3 years for in-country applicants. At the end of this period of leave, an extension can be sought for a further two years if applicants meet the wider eligibility requirements, and

- registered as a director or as self-employed not more than 6 months after the date they were given permission to stay in the UK under a Tier 1 (Entrepreneur) visa;
- can prove they have been self-employed or working as a director of a business 3 months before they apply for an extension; and,
- have created at least 2 full-time jobs that have existed for at least 12 months.

**3.9** Migrants can apply for accelerated settlement in the UK after three years continuous residence if they have created at least 10 new full-time jobs in their business for settled people, or established a new UK business that has had an income of at least £5 million, or they have taken over or invested in an existing UK business, and their services or investment have resulted in a net increase of £5 million in that business's income. The continuous residence period is five years for all other Tier 1 (Entrepreneur) category migrants.

### **Tier 1 (Graduate Entrepreneur)**

**3.10** The Tier 1 (Graduate Entrepreneur) category was opened on 6 April 2012 and allows non-European MBA and other graduates to extend their stay after graduation to establish one or more businesses in the UK. It is also for overseas graduates who have been identified by UKTI as elite global graduate entrepreneurs who intend to establish one or more businesses in the UK.

**3.11** There is a limit of 2,000 new places per year under this category (this limit does not apply to extensions) and these places are allocated as follows:

- 1900 places are allocated to qualifying Higher Education Institutions for graduates in any subject, known as General endorsements; and,
- 100 places to UKTI for overseas graduates, known as Global endorsements.

**3.12** Unlike other Tier 1 routes, applicants under this route require the formal support of an endorsing body. Higher Education institutions (HEI) offering endorsement must be highly trusted sponsors under Tier 4, or A-rated Tier 2 and 5 sponsors and must also have established processes and competence for identifying, nurturing and developing entrepreneurs among their undergraduate and postgraduate population. HEI endorsers will be allocated up to a maximum of 10 endorsements per institution.

**3.13** Successful applicants in this category must be endorsed by a sponsoring HEI or UKTI, and possess a recognised Bachelor's degree, Master's degree or PhD (not a qualification of equivalent level) which is a UK degree. For Global

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endorsement graduate entrepreneurs, the degree must be determined by the UK National Recognition Information Centre to meet or exceed the standard of a UK Bachelor's degree. They must also meet the relevant English language and maintenance requirements (£1,890 or £945 if applying from within the UK).

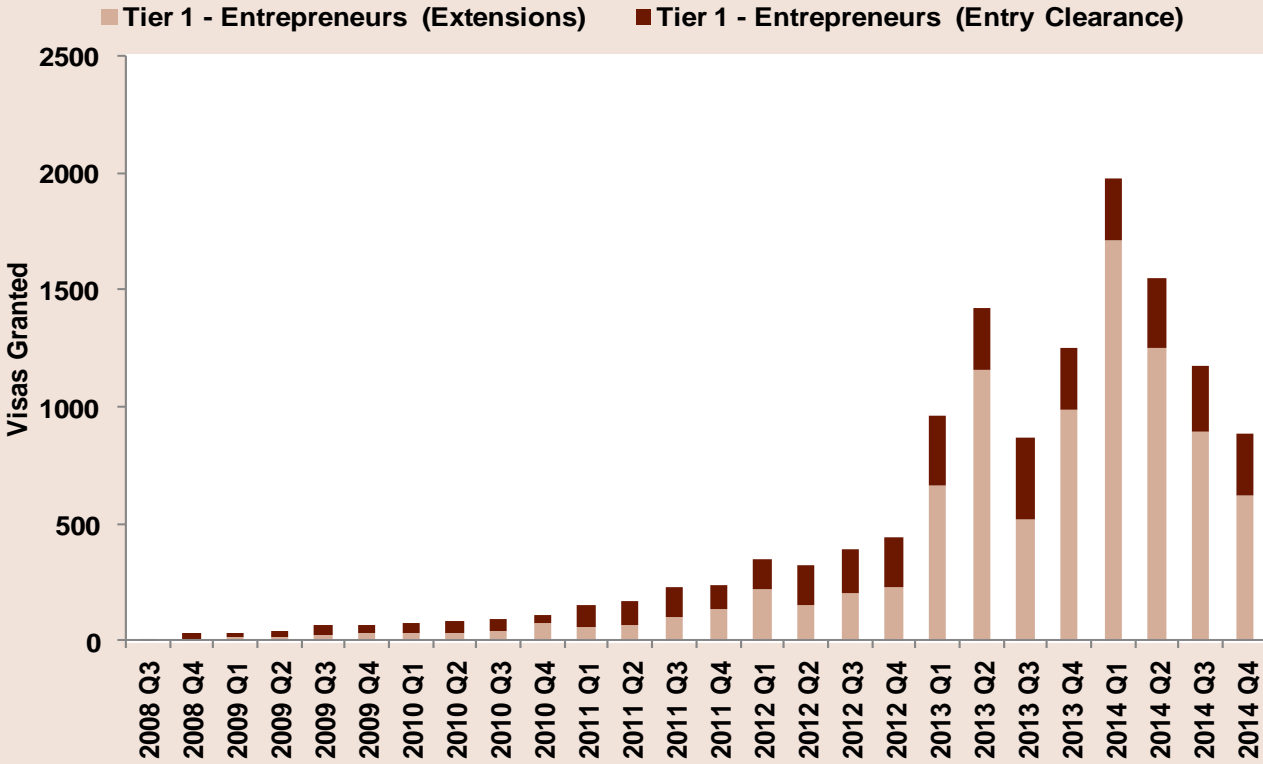
- 3.14** Tier 1 (Graduate Entrepreneur) migrants can stay for one year and can apply to extend this for a further year providing they have a new endorsement letter from their UK HEI or UKTI confirming they have made satisfactory progress in developing their business and have at least £945 available. They have no access to public funds and can bring dependants with them. They cannot be employed as a doctor or dentist in training or as a professional sportsperson, including as a sports coach. They cannot apply for settlement under this category but may apply to switch into the Tier 1 (Entrepreneur) category.

### Data context for Tier 1 Entrepreneurs

- 3.15** In the year to September 2014 there was a net inflow of 298,000 long term migrants into the UK. According to International Passenger Survey estimates, inflows for work-related reasons stood at 260,000 in the same period, of which non-European Union work-related inflows accounted for 66,000.
- 3.16** The latest Immigration Statistics released by the Home Office show that in the four quarters to 2013 Q4, the total number of Tier 1 entry clearance visas, issued to main applicants was 2,692, compared to 52,478 visas issued to Tier 2 migrants.
- 3.17** In the four quarters to 2014 Q4, entry clearance visas were issued to 1,089 Tier 1 (Entrepreneur) and 175 Tier 1 (Graduate Entrepreneur) main applicants. A further 2,307 entry clearance visas were issued to their dependants.
- 3.18** In the four quarters to 2014 Q4, an in-country extension of stay was granted for 4,487 and 390 main applicants under the Tier 1 (Entrepreneur) and Tier 1 (Graduate Entrepreneur) routes respectively. A further 2,898 extensions were granted in-country to their dependants.
- 3.19** Home Office Immigration Statistics also show that in 2013, 70 per cent of grants of extension of stay under the Tier 1 (Entrepreneur) route were to main applicants switching from the Tier 1 (Post Study Work) route. A further 20 per cent of grants were to individuals switching from a Tier 4 (general student) visa. 6 per cent of granted extensions were to individuals already on a Tier 1 (Entrepreneur) visa.
- 3.20** In the four quarters to 2014, 877 Tier 1 (Entrepreneur) and 11 Tier 1 (Graduate Entrepreneur) main applicant entry clearance visa applications were refused. This represents an approximate refusal rate of 45 per cent for Entrepreneurs and 6 per cent for Graduate Entrepreneurs. An extension of stay for main applicants was refused for 4,576 Entrepreneurs and 18 Graduate Entrepreneurs. This represents an approximate in country refusal rate of 50 per cent and 4 per cent respectively.

**3.21** Figures 1 and 2 show the number of entry clearance visas issued and extensions of stay granted under the Tier 1 (Entrepreneur) and Tier 1 (Graduate Entrepreneur) routes respectively since they opened in their current form.

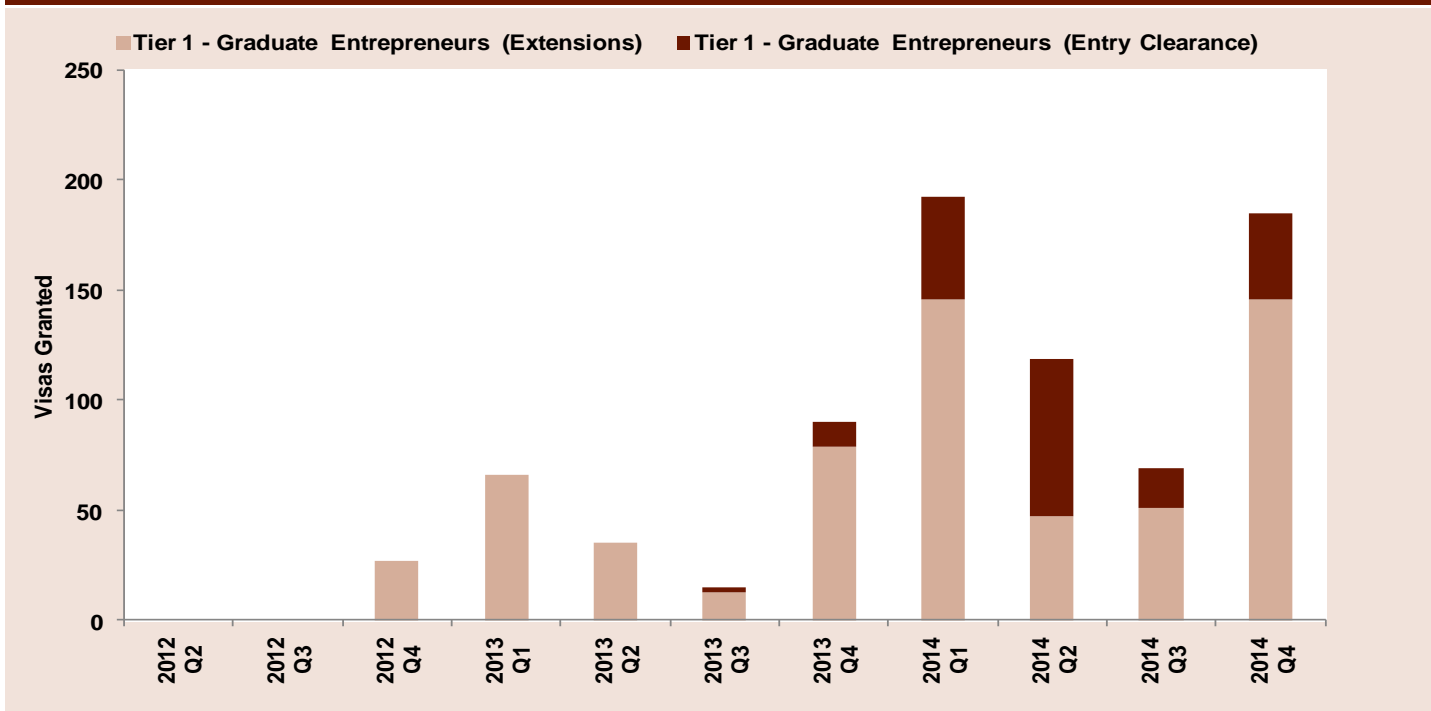
**Figure 1: Main applicant entry clearance and in country extension visas issued to Tier 1 entrepreneurs 2008 Q3 to 2014 Q4**



Notes: Non-European Economic Area nationals require an entry clearance (out-of-county) visa before they are permitted to enter the UK. The figures above provide an indication of the number of investors and entrepreneurs with non-EEA nationality coming to the UK in a given period, however, may not directly equate to flows of migrants into the UK. Although a visa may be granted, the individual may subsequently decide not to migrate to the UK or may not remain in the year for a period longer than one year. Extensions of stay include individuals switching from one migration route to another as well as individuals renewing their visa under the same route. The graduate entrepreneur route first opened in Q2 2012.

Source: Home Office Immigration Statistics (February 2015)

**Figure 2: Main applicant entry clearance and in country extension visas issued to Tier 1 graduate entrepreneurs 2012 Q2 to 2014 Q4**



Notes: Non-European Economic Area nationals require an entry clearance (out-of-country) visa before they are permitted to enter the UK. The figures above provide an indication of the number of investors and entrepreneurs with non-EEA nationality coming to the UK in a given period, however, may not directly equate to flows of migrants into the UK. Although a visa may be granted, the individual may subsequently decide not to migrate to the UK or may not remain in the year for a period longer than one year. Extensions of stay include individuals switching from one migration route to another as well as individuals renewing their visa under the same route. The graduate entrepreneur route first opened in Q2 2012.

Source: Home Office Immigration Statistics (February 2015)

**Table 2: Entry Clearance Visas issued and granted extensions of stay for Tier 1 Entrepreneurs and Graduate Entrepreneurs, 2009 to 2014**

	2009	2010	2011	2012	2013	2014
<b>Entrepreneurs</b>						
<b>Entry Clearance Visas</b>	<b>298</b>	<b>428</b>	<b>911</b>	<b>1,655</b>	<b>2,883</b>	<b>3,354</b>
<i>Main Applicants</i>	118	189	421	701	1,166	1,089
<i>Dependants</i>	180	239	490	954	1,717	2,265
<b>Granted extensions of stay</b>	<b>253</b>	<b>367</b>	<b>639</b>	<b>1302</b>	<b>5,003</b>	<b>7,281</b>
<i>Main Applicants</i>	89	180	360	803	3,327	4,487
<i>Dependants</i>	164	187	279	499	1,676	2,794
<b>Total</b>	<b>551</b>	<b>795</b>	<b>1,550</b>	<b>2,958</b>	<b>7,886</b>	<b>10,635</b>
<b>Graduate Entrepreneurs</b>						
<b>Entry Clearance Visas</b>	-	-	-	4	29	217
<i>Main Applicants</i>	-	-	-	0	13	175
<i>Dependants</i>	-	-	-	4	16	42
<b>Granted extensions of stay</b>	-	-	-	37	239	494
<i>Main Applicants</i>	-	-	-	10	46	104
<i>Dependants</i>	-	-	-	27	193	390
<b>Total</b>	-	-	-	41	268	711

Source: Home Office Immigration Statistics, February 2015

### 4. Previous MAC research on the economic impact of migrant entrepreneurs

- 4.1** In February 2013, the MAC commissioned the National Institute of Economic and Social Research (NIESR) to investigate the economic and labour market impacts of users of the Tier 1 (Entrepreneur) routes, as well as that of users of the Tier 1 (Investor) route. The NIESR submitted their findings to the MAC in May 2013 and the NIESR report is available online at <https://www.gov.uk/government/organisations/migration-advisory-committee>.
- 4.2** The NIESR study consisted of a review of existing research, both in the UK and internationally; an examination of UK datasets; and qualitative evidence through case study interviews with Tier 1 entrepreneurs.
- 4.3** The NIESR found that skilled migrants, such as those who enter the Tier 1 (Entrepreneur) routes, are likely to be involved in sectors where the UK has “*some comparative production advantage*” and are likely to reside and operate in large urban areas. Other factors, such as financial resources and host country attitudes and institutions, play a role in attracting skilled migrants to the UK.
- 4.4** The presence of skilled migrants has been linked to increased trade and investment flows between source and destination countries. It is also suggested that the potential gains from trade are greater for country-pairs which have less historical trade experience together and for whom the flow of migrants helps to realise these gains. The NIESR also found that the available evidence points to a link between the presence of skilled migrants and innovation by firms, particularly in export-intensive sectors.
- 4.5** The NIESR reported a lack of existing evidence with regards to the specific impacts of Tier 1 entrepreneurs compared to those for skilled migrants in general. In order to uncover more about this, the NIESR conducted qualitative case studies which indicated that Tier 1 entrepreneurs tended to be relatively young and highly educated. Most had experience of establishing successful businesses prior to entering the Tier 1 Entrepreneur route, although there were those who were establishing a business for the first time.
- 4.6** With respect to Tier 1 entrepreneurs, the NIESR’s research found that, due to “*delays in setting up resulting from bureaucratic requirements and the unfavourable climate for business*”, some businesses had not yet been successful or had been put on hold. However, others were achieving success, generating new products or services and recruiting staff, either directly or through outsourcing.
- 4.7** Some of those interviewed told the NIESR that they had an interest in entrepreneurial activity, but did not wish to be constrained by the visa requirements associated with the Tier 1 (Entrepreneur) route, so instead applied via the Tier 1 (Investor) route. Many of the Tier 1 investors interviewed by NIESR commented that they intended to make further investments, or establish businesses, in the UK once they had developed a better feel for the UK market.

- 4.8** In the course of its consideration of the Entrepreneur routes, the MAC will review other available literature on the subject. The MAC would also value comments from those with experience of using the Tier 1 (Entrepreneur) routes, and from those with a more general interest, on the findings of the NIESR report. For example, do the findings of the NIESR report reflect your experience of the routes?

### 5. Issues the MAC will be considering in its review on the Entrepreneur routes

- 5.1 There are a number of issues to be considered in this review of the Entrepreneur routes. The following is not an exhaustive list, but indicates some of the key issues the MAC will be considering and therefore would welcome evidence on.

#### **Economic Impact of Migrant Entrepreneurs**

- 5.2 First and foremost among these is the need to clearly identify the purpose of the routes. The MAC will consider the evidence of the direct, and indirect, economic impact of migrant entrepreneurs. For example, the size of business, the sectors that entrepreneurs focus on and the potential dynamic impacts. The MAC will also consider the potential costs of a migrant entrepreneur. For example, the potential for an entrepreneur to displace an existing business. In a nutshell, what is the impact of migrant entrepreneurs on UK residents? And can this impact be enhanced?

#### **Eligibility and extension criteria**

- 5.3 At present, the Home Office takes the amount of money available as a proxy for the entrepreneurial skills of the migrant. Their immigration officials can ask to see more evidence such as a business plan but the MAC is aware of some agencies that offer to provide business plans to prospective entrepreneur route applicants. The MAC will consider whether the existing criteria are set at an appropriate level or whether other criteria should be considered; for example, a prospective migrant's track record in establishing businesses.

#### **Evidence of abuse**

- 5.4 The MAC will consider whether the route is currently open to abuse by those seeking to evade or to exploit immigration control, and what can be done to prevent such abuse. For example, could the initial £200,000 outlay be recycled among different applicants and what is the potential for in-country switching from other routes such as the post-study work route?

#### **International best practice**

- 5.5 Other countries also have an entrepreneur route and the MAC will be considering whether the UK can learn from other countries' experiences.



## 6. Questions

- 6.1** The MAC particularly value the views of migrant entrepreneurs and their representatives in respect of this commission. We also welcome views from the Government, academics, representative bodies, financial institutions and any other interested parties.
- 6.2** The questions below identify some key issues we will be considering in regard to the entrepreneur routes and we will be grateful for all responses that consider these. **You do not have to answer all the questions.** A template is attached for your answer, but do not feel constrained by this.

### Economic costs and benefits

1. What are the economic costs and benefits, to UK residents, of the entrepreneur routes? What economic benefit should the admission of overseas entrepreneurs deliver to the UK?
2. Does the current package of visa routes for overseas entrepreneurs meet the requirements of the UK economy?
3. Should the design of the entrepreneur visa schemes offer differentiated criteria for different types of businesses? For example, start-ups, high-growth potential companies, or established businesses.

Please provide evidence and specific examples where possible to support your views, taking into account the following factors:

- The direct benefits resulting from the migrant's establishment of their business in the UK – this includes employment, turnover, profit etc.
- In your view, would this entrepreneurial activity have taken place without the involvement of migrants?
- The indirect benefits from wider expenditure by the main migrant and their dependants on goods and services in the UK.
- The indirect benefits to the UK economy in terms of dynamic competition impacts, knowledge spillovers and productivity gains.
- The timeframe over which these benefits may be realised.
- The costs to the UK economy related to the presence of migrant entrepreneurs. For example, does it hamper the ability of UK entrepreneurs to grow businesses, either at the start-up stage or through increased competition?
- What pressures do migrant entrepreneurs put on resources and public services? Is there any evidence to suggest that these differ from the average migrant?

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4. Would there be any benefits to the UK economy of incentivising increased entrepreneurial activity in particular sectors? The MAC welcomes supporting evidence in relation to the following factors:
  - In which sectors of the UK economy do you think increased entrepreneurial activity would provide most benefit, and why?
  - What barriers may hamper foreign entrepreneurs coming to these sectors?
  - What incentives would encourage foreign entrepreneurs in such sectors, and why?
  - At a practical level, how might a scheme to incentivise entrepreneurial activity in certain sectors operate?

### Selection criteria

5. Should the route be targeted at particular types of businesses? For example, particular sectors, or businesses with high-growth potential.
6. Does having minimum funding requirements of £50k/£200k assist in identifying entrepreneur migrants who are likely to be successful in starting a business here? What would be the impact of a) lowering or b) raising the thresholds?
7. What other criteria could be applied to identify entrepreneurial talent? Should provision be made specifically for accelerators, or other sources of recognised third-party endorsement for potential businesses?
8. What provisions should be made for the source of funding, such as crowd funding, seed funding, venture capital, angel investments etc? In what ways might financial due diligence be exploited more in the entry criteria?
9. Do the initial criteria, as well as the further criteria for extension and settlement, work with the business life-cycle? For example, how do the requirements of the route fit with the typical funding stages of a start-up seeking angel investment/venture capital funding?
10. Are the criteria for settlement and extension sufficient to ensure that indefinite leave to remain in the UK is only awarded to entrepreneurs who have made a substantial net positive contribution to the UK economy?
11. Are the available funds requirements for bringing dependants set appropriately to ensure that migrant entrepreneurs are able to provide for dependants without recourse to public funds?
12. What are the prime motivations for establishing a business in the UK in preference to other countries? How are these motivations affected by:
  - Economic and business factors, such as, taxation policies, regulation, the ease of doing business or economic growth prospects; and

- Non-economic and non-business factors, such as the education system, language spoken, and social and cultural factors?

### **Abuse of these routes**

13. Are the current criteria sufficient to ensure that the route is not used abusively, that is by individuals who do not intend to take a central role in the running of a business with genuine ambitions to grow?
14. What other criteria could be used to prevent abuse?

### **International best practice**

15. Are there any examples of international best practice that the UK could follow? Which countries are particularly innovative in this area?

### **Learning from experience**

16. The MAC particularly welcomes evidence from persons who have made use of the entrepreneur routes. The questions below identify some additional issues, across both routes that the MAC would like to consider:
  - Can you summarise your previous experience before coming to the UK using the entrepreneur routes.
  - What were **your** reasons for choosing to establish or take over a business in the UK?
  - How long have you been resident in the UK?
  - How long have you been resident in the UK under an entrepreneur visa?
  - Have you come to the UK on the entrepreneur visa to establish a new business, move an existing business to the UK or take over a business?
  - Has the value of the business you established increased during your time in the UK? Do you expect this trend to continue? If so, please say why.
  - Have you, or do you intend to, extend your stay in the UK? Will you seek to extend your business interests in the UK or consolidate existing activities?
  - In which sector does the business you established or took over operate? If this is a completely different area to your previous experience, why was this?
  - Did you receive funding from a permitted, specified source prior to establishing or taking over your business? If so, what was the source of your funding? If not, was this because you were unable to source such funding or because you did not require it?

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- What was the level of your initial investment in the business? What was the rationale for the level of initial investment that you made?
- How many full time equivalent jobs have you created through your business? What factors restrict, or would enhance, your ability to create jobs?

17. We would also be keen to solicit responses to the following questions:

- At what point can we reasonably expect that a migrant granted leave as an Entrepreneur to have established a successful business?
- How could we ensure effective monitoring of the progress of migrant entrepreneur's businesses?
- How should the entrepreneur visa regime deal with failure of the migrant's business?
- What would be reasonable criteria for granting extensions to the initial period of leave granted to entrepreneurs?

## **7. Contact details**

**7.1** Please send your responses to the MAC Secretariat at:

[mac@homeoffice.gsi.gov.uk](mailto:mac@homeoffice.gsi.gov.uk)

Migration Advisory Committee  
3rd Floor  
Seacole Building  
2 Marsham Street  
London  
SW1P 4DF

Telephone: 020 7035 8117/ 1764

**7.2** Please submit your evidence by Friday 12 June 2015

**7.3** Please note that we may quote evidence received, attributed to the individual or organisation that supplied it, in our published report unless we are explicitly asked not to.