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Home Office

Liam Byrne MP
MINISTER OF STATE
2 Marsham Street, London SW1P 4DF
www.homeoffice.gov.uk

Chris Randall
Immigration Law Practitioners' Association
Lindsey House
40/42 Charterhouse Street
London
EC1M 6JN

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Thank you for your letter of 21 December about the recent changes to the Highly Skilled Migrant Programme (HSMP).

I am sorry that you feel that my previous letter does not allay the concerns of your members and their clients. I know that you disagree with many of the points which I made, but our position is as I previously wrote. I do not think that I will be able to add anything to what I have already written about many of the points which you make in your latest letter, but I will try to add more information where I can.

Announcement of the points based system (PBS)

We intend to make an announcement on the timetable for the rollout of the PBS in the spring. Businesses will therefore be very clear as to when the different tiers will be introduced. In addition, in conjunction with our announcement of the changes to HSMP, we also announced the establishment of an Employers Taskforce, which has already had its first meeting and is bringing together representatives of different economic sectors, as well as the TUC. An ILPA member, Kamal Rahman of *Mishcon de Reya*, is a member of the taskforce, representing the India Business Group.

- 2 This taskforce will focus on the PBS and will help us to ensure that we take the views of key stakeholders on board as we undertake detailed design of the system. Employers will be able to use this forum to raise with us directly any concerns which they have. The taskforce has decided to set up a working group looking specifically at sponsorship arrangements under the PBS, to help us to design a sponsorship regime which meets the needs of employers as far as possible.

Points requirements

3. In your most recent letter you have made a number of allegations related to the 2005 consultation conducted by the Immigration and Nationality Directorate (IND) on the PBS. I would therefore like to explain the issues fully.
4. In your letter dated 21 December, you refer to how IND interpreted the findings from a question posed as part of the consultation paper. The question asked which attributes are most important for Tiers 1 and 2 (Question 11). The quantitative analysis conducted of responses received for this question was published in the 2006 Command paper on the PBS: 64% of respondents indicated skills as being most important and 40% ranked work experience as most important. We believe that stakeholders' views on which attributes are most important are reflected in the proposals for Tiers 1 and 2 as set out in the 2006 Command Paper. These attributes and our findings have subsequently informed changes made to the current (HSMP).
5. Using the findings of the consultation and analysing existing samples of HSMP applicants, IND considered which attributes were the best predictors of success in the labour market. I know that you are concerned that we have not included points explicitly for work experience. The internal study concluded that previous earnings are the most robust and objective indicator of migrants' ability to succeed in the labour market. It is also clear that previous earnings are a reliable and robust indicator of work experience as well as performance (as people performing successfully in highly skilled occupations with senior level work experience will attract a comprehensive salary). Furthermore previous earnings can be clearly identified and verified through the evidence and documentation that we require applicants to submit. The changes we have made have removed the assessment of subjective qualities, such as work experience, which immigration officials were never best qualified to assess. Similarly, we regard qualifications as the most objective measure of an applicant's skills level. Part of our rationale for changing HSMP is to implement transparent and objective criteria so that applicants, employers and the public are clear about who is being allowed into the UK under HSMP without a secure offer of employment, and why.
- 6 The objective of the PBS is both to benefit the UK economy and to be transparent and objective. The PBS is not just about operational simplicity, but also about having a clearer system which is easier for migrants and employers to use. This aim was strongly supported by respondents to the consultation. IND has consistently argued that the need for clarity and objectivity is at the very heart of the PBS. I would also add that the attributes which we have introduced with this change are extremely similar to those which we published for Tier 1 in the Command

Paper. The PBS must also be seen as a whole - not every tier will cater for everyone, but we anticipate that most people who will benefit the UK will be accommodated in a part of the new system.

7. I am afraid that we are not going to make the changes which you asked for in your previous letter. On the issue of a meeting, I know that ILPA have been in touch with my officials to arrange meetings with them and I think that that may be the best way forward for addressing these issues. If you would like such a meeting to be arranged, please contact Helen Eamer, head of the Employment Taskforce, on 020 8760 8675.

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