



CFA UK is a member society of



Mr. Alan Boyd
Work and Settlement Consultation
UK Border Agency
1st Floor, Green Park House
29 Wellesley Road
Croydon
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16th September 2011

Dear Alan,

Thank you for extending the deadline to enable us to submit a response to this consultation.

The Chartered Financial Analyst Society of the United Kingdom (CFA UK) welcomes the opportunity to respond to the UK Border Agency's consultation on Employment Related Settlement, Tier 5 and Overseas Domestic workers.

The society represents investment professionals in the UK, most of whom hold the Chartered Financial Analyst[®] (CFA[®]) designation and work as front office investment professionals (managing portfolios, researching securities and advising on asset management). This response has been prepared by CFA UK's Professional Standards and Market Practices Committee. The society has not surveyed members in relation to this consultation. Our response will only be to questions that relate to our members.

About CFA UK and CFA Institute

The CFA Society of the UK (CFA UK) represents the interests of more than 9,000 leading members of the UK investment profession. The society, which was founded in 1955, is one of the largest member societies of CFA Institute and is committed to leading the development of the investment profession through the promotion of the highest ethical standards and through the provision of continuing education, advocacy, information and career support on behalf of its members. Most CFA UK members have earned the Chartered Financial Analyst[®] (CFA[®]) designation, or are candidates registered in CFA Institute's CFA Program. Both members and candidates attest to adhere to CFA Institute's Code of Ethics and Standards of Professional Conduct.

CFA Institute is the global association for investment professionals. It administers the CFA and CIPM curriculum and exam programs worldwide; publishes research; conducts professional development programs; and sets voluntary, ethics-based professional and performance-reporting standards for the investment industry. CFA Institute has more than 100,000 members in 140 countries, of whom more than 90,000 hold the Chartered Financial Analyst (CFA) designation.

Rationale and overview of our response

The UK is a leading global financial centre, an achievement which can be attributed to its ability to attract people with the appropriate skills and expertise from EEA and non-EEA nations. While CFA UK can appreciate the motivation for the need to control net immigration into the UK, policymakers should ensure that the quality of skills and expertise is not being compromised at the expense of limiting immigration numbers. Similarly, the proposals also need to ensure that there is an element of flexibility, given that the demand for skills and expertise in the UK is not homogeneous. The CFA designation is one example of a globally recognised qualification that is highly prized by many employers in financial centres such as the UK. Based on the CFA Institute's data, 76% of all CFA charterholders reside outside Europe. The numbers taking the CFA exams are growing every year, especially in non-EEA countries¹.

Responses to selected questions

Question 1: Would creating clear categories of temporary and permanent visas help migrants and the public better understand the immigration system?

Transparency is always welcome as long the context is clear. In addition, there should be flexibility for mobility between the categories in a labour market where skilled workers are at a premium. Having rigid categories may undermine the appeal of the UK, especially when the economic circumstances improve.

Question 2: Should exceptional talent migrants have an automatic route to settlement after 5 years?

Yes and this should also apply to their immediate dependents.

Question 3: Should temporary leave for Tier 1 migrants be capped at a maximum of 5 years (those who wish to stay longer will be obliged to apply for settlement)?

Yes.

Question 4: Should temporary leave for Tier 2 migrants be capped at a maximum of 5 years?

No Opinion.

Question 5: If you answered 'yes' to question 4, should a Tier 2 migrant who has completed 5 years in a temporary capacity be permitted to re-apply for a Tier 2 visa after they have left the UK?

N/A.

Question 6: If you answered 'yes' to question 5, should there be a grace period (say 12 months) before resubmitting a further application for a Tier 2 visa?

N/A.

¹Organisational Facts and Statistics http://www.cfainstitute.org/about/Pages/facts_and_statistics.aspx

Question 7: Should Tier 2 General become a wholly temporary route with no avenue to settlement?

No.

Question 8: If you answered 'yes' to question 7, should the following migrants be exempt from the policy and continue to have a direct route to settlement?

N/A.

Question 9: Should there be an annual limit on the number of Tier 2 migrants progressing to settlement?

No, especially if they possess the skills and expertise required by UK resident businesses. Having the choice available for a route to settlement will add to the UK's attraction to highly skilled people.

Question 10: If you answered 'yes' to question 9, what proportion of Tier 2 migrants should be allowed to progress towards settlement?

N/A.

Question 12: If you answered 'by setting objective criteria' to question 11, what criteria should we use to identify settlement candidates?

Please select all that apply (listed in order of priority):

1. WORKING IN A RECOGNISED SHORTAGE OCCUPATION AT THE TIME OF THE SETTLEMENT DECISION
2. OTHER – PLEASE SPECIFY - Relevant quality of skills and expertise that may not be easily accessible in the UK
3. PROFESSIONAL/VOCATIONAL QUALIFICATIONS/THOSE SET BY COMPETENT PROFESSIONAL BODIES
4. ACADEMIC QUALIFICATIONS
5. PRE-DETERMINED SECTORAL OR OCCUPATIONAL GROUPS
6. SALARY, OR A COMBINATION OF SALARY AND AGE

Question 13: If some Tier 2 migrants are permitted to enter a route that leads to settlement, when should the decision be taken?

3 years.

Question 14: Should employers be required to sponsor a Tier 2 General migrant seeking to stay in the UK permanently?

The employer should be given the choice.

Question 15: If you answered 'yes' to question 14, should sponsorship be required at the 3 year or 5 year point, or both?

N/A.

Question 16: Should the employer be expected to pay to sponsor their Tier 2 General employee's transfer to a permanent visa?

The employer should be given the choice.

Question 17: Should Tier 2 migrants be able to switch employers as they can now?

Yes.

Question 18: Should adult dependants of Tier 2 migrants, who switch from a temporary to a permanent route, be subject to an English language test?

No opinion.

Question 19: If you answered 'yes' to question 18, what level of language requirement would be appropriate?

N/A.

Question 20: If you answered 'yes' to question 18, which of the following should we test?

N/A.

Question 21: Should those who enter on the temporary worker route be restricted to a maximum of 12 months leave to reinforce the temporary nature of the route?

No.

Question 22: If you answered 'no' to question 21 please explain why.

This is finite and does not provide flexibility to UK businesses that will have heterogeneous labour requirements.

Question 23: Should the ability to bring dependants in the Tier 5 (Temporary worker) category be removed?

No.

Question 24: If we were to continue to allow Tier 5 temporary workers to bring their dependants, should those dependants' right to work be removed?

No.

Questions 25-32

No opinion.

We trust that these comments are useful and would be pleased to meet with senior Border Agency officials to explain them or to develop them.

Yours,

A handwritten signature in black ink, appearing to read 'N. WinterFrost'.

Natalie WinterFrost, CFA FIA
Chair Professional Standards & Market Practices
Committee, CFA UK

A handwritten signature in black ink, appearing to read 'Will Goodhart'.

Will Goodhart
Chief executive
CFA Society of the UK