

Circulation: NFU Online

Date: 04 March 2020

Ref: Immigration – General Update

Contact: rachel.chambers@nfu.org.uk

Tel: 02476 858 524

Future Immigration: Meeting the needs of British agriculture and horticulture

Amid the Covid-19 crisis, the NFU have been clear in engagement with Government that the very pressing issues being created, are such that further engagement on future immigration plans with our members will be difficult. For this reason, a delay to the ending of free movement is now even more important, as well as a postponement of related engagement and consultation exercises.

- The NFU would highlight the significant value provided by all agricultural workers, some of whom do not meet proposed skills, salary and points requirements.
- For the points-based system to be fit for purpose, it is vital that agriculture and horticulture are recognised within the future points-based system.
- We welcome the expansion of the Seasonal Worker Pilot Scheme, but it is critical that work begins now on implementing a full scheme to meet increased demand when freedom of movement ends in 2021.
- An entry level pathway should also be provided to fill non-seasonal shortages and provide an opportunity for workers to move into skilled roles.
- The NFU asks government to recognise that there will need to be a longer period before these changes are implemented so that businesses can adequately adjust.

Summary of government plans for the Future Immigration System

On 19 February 2020, the government published a detailed policy statement on its plans for Immigration from 1 January 2021, when freedom of movement will end. This briefing provides an outline of the new system and what government will need to change to meet the needs of British agriculture.

Entry Level

The government has said there will be no entry route for migrants deemed to be 'low skilled.'

Medium to High Skilled

The table below illustrates the points-based system (PBS) the government intends to implement for medium to high skilled workers - a minimum of 70 points will be needed to come to the UK for work:

Characteristic	Points	Tradeable
Offer of Job	20	No – these criteria are mandatory i.e. the full 50 points must be scored for each of these three sections.
Job at appropriate skill level	20	
Speaks English at required level	10	
Salary of £20,480 (min) - £23,039	0	Yes, as long as the worker can score at least 20 points from these criteria they can qualify for entry.
Salary of £23,040-£25,599	10	
Salary of £25,600 or above*	20	
Job in shortage occupation	20	
PHD relevant to the job	10	

PHD in STEM subject relevant to the job	20	NB: Only actual salary will count and without a PHD, the only way to achieve 70 points overall is to be employed in a shortage occupation.
---	----	--

* Salary thresholds for new entrants will be reduced by 30%.

Exceptional Talent (e.g. world leading scientists, entrepreneurs, investors)

The government will expand the existing sponsorship scheme for exceptional talent (the Global Talent Visa) to cover both EU and not EU workers, as well as developing an unsponsored points-based exceptional talent route to complement it.

Expansion of the edible horticulture Seasonal Worker Pilot

The Pilot scheme will be expanded from 2,500 to 10,000 permits this year.

The NFU's Position

Salary Thresholds and Shortage Occupation List Recognition

Reduction of the salary threshold to £25,600 is movement in the right direction and the flexibility created by the tradeable points within the PBS is welcome. However, the maths of the PBS, makes it vital that we get recognition of our sectors shortage occupations. There are currently no agricultural or horticultural roles which currently have this recognition. Given that we know from our permanent labour survey that 55% of workers in our sector earn below £25,000, this means **the majority of businesses in our sector will be unable to get workers through the new points-based system as matters stand now**. Furthermore, it is important to recognise that there are real world limitations on the ability of farmers and growers to increase pay and pass labour costs on. Likewise, further automation is a medium to long term possibility which will not be capable of replacing workers in all areas. As an MP, we would call on you to support our drive to gain this recognition – absent which, the only means by which the PBS would be workable for our sector would be via a further reduction to the salary requirement.

Required skills level for the PBS

The table below shows that various roles in Agriculture and Horticulture are currently ineligible for the PBS:

Meet skill level	Does not meet skill level
Managers and proprietors in agriculture and horticulture, herd managers, livestock breeders, pig breeders, horticultural foreman, nursery supervisor, horticultural technician, nursery stock production technician/ specialist, some managers in animal husbandry, sheep shearers and chicken sexers*	Weighers, graders, sorters, packers, agricultural machinery drivers/ tractor drivers, agricultural/farm workers, farm labourers, herdsman and shepherds.

The NFU would call on government to clarify and review the basis on which skills levels are ascribed to roles to ensure there is not an inherent bias towards less manual roles. Additionally, we could call for rationalisation of the standard occupation codes used to classify jobs. Presently, some of the codes cover clusters of job titles, with guidance notes dividing these clusters between those jobs that do and those jobs that do not meet the required skills level. These divisions should be removed and all job titles within the codes made eligible for the PBS.

Lack of Entry Level Pathway

The NFU has repeatedly highlighted the need for workers at all skills levels and we are deeply concerned that the value of workers who undertake entry level roles, particularly in strategic sectors like Agriculture and Horticulture, has not been given any recognition within future immigration proposals.

We would therefore urge you to support our call to:

- Make provision for a visa that would allow a temporary route of at least two years for workers to come into the UK to carry out work in entry level shortage roles within strategically important sectors such as Agriculture and Horticulture. The design of the visa could be premised on sponsored workers undertaking a formal qualification like an apprenticeship alongside their work and could allow for in country switching so that sponsored workers could move up into a more skilled role via the PBS after the temporary visa period ended (assuming they had demonstrated the required aptitude and met the PBS criteria).

Seasonal Worker Pilot

The expansion to 10,000 permits is welcomed but industry data indicates that there are around 70,000 seasonal workers filling 80,000 seasonal horticultural roles. To date we have been experiencing shortages even with freedom of movement but come 1 January 2021, freedom of movement will end. We therefore need further expansion of the scheme to ensure there are enough workers to meet demand in 2021. In addition, our further asks for the Pilot are that its scope is widened to cover our sectors seasonal needs beyond edible horticulture; that the number of operators is increased; and that allowance is made within the scheme for direct recruitment by GLAA licensed businesses.

Other Asks for the Future Immigration System

While there are various positive aspects of the government's plans for immigration e.g. the abolition of the resident labour market test and the decision not to cap the number of migrants able to come via the PBS, we would further call on the government to:

- Commit to reviewing the Shortage Occupation List on a minimum annual basis to ensure it is responsive to industry need and to improving available data to inform decision making.
- Review the composition of the MAC so that it has business representation within its makeup in a similar way to the Low Pay Commission.
- Set the required level of English as being Basic English to reflect the ability for fluency to be built through emersion and over time.
- Allow accommodation and other quantifiable benefits within the wider remuneration package to count towards salary within the PBS.
- Seek to further expand youth mobility schemes.
- Ensure costs for sponsoring businesses, particularly smaller businesses, are within reach and that the immigration skills charge is abolished.
- Reform the immigration health surcharge payable by migrants in respect of the NHS so that it is payable in instalments.
- Develop the PBS to allow for points to be credited to those with qualifications other than PHD's that are relevant to shortage areas.
- Recognise that businesses need more time than currently envisaged to prepare and adjust to the ending of free movement and implement transitional measures to this end.