

Position statement briefing

Archaeology and Immigration – May 2019

Summary

The current plan for the UK to leave the EU carries implications for immigration policies in the UK, with the UK Government expected to publish an Immigration Bill in 2019 which will put in place a new system, due to be phased in from 2021.

This briefing sets out ClfA's policy position on the potential impacts of this policy on the archaeology sector as well as those UK and EU citizens currently working in archaeology.

Brexit and Immigration

The UK is currently due to leave the EU on 31 October 2019, either under the terms of current 'deal' agreed between Theresa May and EU negotiators, or without a deal, although other outcomes are possible.

ClfA's headline policy position on Brexit and immigration is:

Government must put in place new systems that enable the right level of immigration to meet the UK's archaeological needs. It should also ensure that UK professionals can work in the EU. Provisions should ensure that UK universities maintain research and teaching excellence and attract top students.

The UK's policy on immigration post Brexit will affect archaeology because

- there is currently high demand for archaeological services, driven by infrastructure and house building. This is expected to continue at least in the short term.
- non-UK EEA workers make up 13% of the archaeological workforce¹. While domestic training provision and measures to retain staff form the largest part of a long-term strategy to ensure sustainability in the sector, access to non-UK labour helps to meet fluctuations in demand, particularly in the highest growth periods and geographical areas – mitigating some of the impacts of the construction cycle on domestic job security.
- at present, UK archaeologists can freely access EU labour markets, where they are often seen as leaders: this will be more difficult after Brexit.

We join many other sectors, including the construction sector², in voicing concern over the potential impact that post-Brexit migration restrictions could have.

¹ [Archaeological Market Survey 2018 p.18](#)

² CITB (2018) [Migration in the UK Construction and Built Environment sector](#)

It has been confirmed that EU citizens already resident in the UK will have a right to apply for ‘settled status’ in order to remain in the UK indefinitely. Theresa May has previously stated that EU citizens will be able to stay even in the event of a No-Deal Brexit.

[For further information see Prospect’s FAQs on Brexit and EU nationals.](#)

Current immigration policy proposals

In December 2018, Government published its Immigration White Paper, outlining a proposed post-Brexit immigration structure. The proposed policy would be phased in from December 2020 when free movement is due to end under the terms of any ‘transition period’. This is contingent upon the UK leaving the EU with a deal.

The Government describes its post-Brexit policy as a ‘skills-based’ system where ‘the talents and skills a person has to offer’ are used to allocate visas, with no preferential access for EU nationals.

The Government’s proposal is to use a **£30,000 salary minimum as a proxy for assessing highly skilled roles**. This is currently unsuitable for many archaeological job roles, which are highly skilled, but comparatively poorly paid.

So-called intermediate skill level jobs (RQF level 3-5 – ie jobs requiring qualification equivalent to A-level) will be able to access the new visa scheme (a change from current Tier 2 visa scheme which requires RQF level 6). However, the minimum salary threshold of £30,000 would still apply³.

After Brexit, **employers will be required to sponsor any non-UK candidates for visas**, much as they currently do for non-EU Tier 2 visas. While the Immigration White Paper promises that this process will ease the bureaucratic burden of sponsorship on employers (particularly small companies) and to abolish the resident labour market test, it would still amount to an additional burden for archaeological organisations looking to employ EU citizens at close to current rates.

The Government has also proposed a 1-year short-term work visa scheme, which comes with no rights to settle. Our research shows that archaeological businesses are unlikely to find this option workable.

The Government has also confirmed that it will not allow the negotiation of sector-specific exemptions to the proposed system, barring potentially an exemption for seasonal agricultural labour.

The UK Shortage Occupation List (UKSOL)

The Government currently maintains a Shortage Occupation List which identifies sectors which are entitled to relaxations in visa restrictions due to high levels of demand.

After Brexit, it is expected that this list will be subject to reform and will have greater prominence, as many more job roles will be subject to pressures due to the end of free movement of labour with the EU.

³ For the purposes of lobbying government, we are considering that most archaeological jobs requiring experience should be considered to be skilled to at least RQF level 6. We recognise that RQF does not effectively allow for the nuanced reality of archaeological skills in the UK workforce, where a high level academic qualification is not usually demanded for most roles due to an equal or greater emphasis on ‘craft’ skills. This approach to diversified entry routes into the profession is not mirrored in many other countries, where degree level qualifications are a standard requirement to work in archaeology.

The UKSOL has been reviewed in 2019. On 29 May 2019, the Migration advisory committee published a report⁴ recommending that archaeology be added to the UKSOL, citing ‘compelling evidence’ supporting the case for shortage. This is in direct response to lobbying from ClfA, FAME, CBA and others. The report recognises that

“We recommend including archaeologists within SOC code 2114 (social and humanities scientists) on the SOL. The occupation ranked fairly low (83rd) in the shortage indicators and the vacancy rate is below average. However, the quantitative evidence captures the entire SOC code and not individual job titles and we received compelling evidence suggesting there is a shortage of archaeologists.”

[Migration Advisory Committee 2019, p.158](#)

This inclusion for archaeology on the UKSOL is a short/medium-term solution that will help to prevent delays and blockages to construction and infrastructure projects. Longer term solutions which seek to improve retention of skilled archaeologists and improved training provision are also priorities for the sector.

‘No-Deal’ impacts

In the event of a No-Deal Brexit, the government has suggested that there would be a period where free movement would continue, as there would not be the necessary infrastructure to do anything else. The Government has not yet clarified how or when a new immigration system would be brought in, and whether the proposals in the immigration white paper for a phased introduction of new policies would remain the same.

ClfA estimates that uncertainty regarding rights to work in the UK would make employing from the EU in the immediate aftermath of a No-Deal Brexit extremely difficult.

ClfA’s policy position

The impact of Brexit on immigration policies could have a major effect on UK archaeology, which is currently experiencing a shortage of staff, with 35% of new posts being filled by non-UK EEA archaeologists.

Provision must be made to mitigate impacts of greater restriction on EEA migrant labour within particular job roles in the commercial archaeological sector.

We argue that any changes to the immigration system must enable UK archaeological employers to hire skilled non-UK EEA labour – **at least in the short term**. This will require

- a visa system which recognises current high demand for archaeological labour, eg through a shortage occupation list. It may be desirable for archaeology – as a registered Construction occupation – to seek any inclusion as part of this wider group of skills
- a visa system which recognises demonstrated competence and not simply salary (eg through professional accreditation)
- a system which does not restrict appropriately competent UK professionals (eg through professional accreditation) working overseas

⁴ [Migration Advisory Committee \(2019\) Full review of Shortage Occupation List, p.157-8](#)

This policy is based upon the need to maintain a sustainable labour supply during the current period of exceptional growth in the sector.

- There are more commercial archaeologists working in the UK than ever before (4,908).
- The commercial archaeology sector has grown by over 50% since 2014, when it began to recover from the financial crisis.
- The biggest growth has been in the past two years, with 13% increases in both 2016/17 and 2017/18.
- Demand is expected to continue to rise. For example, in the next year, HS2 may require an additional 1000 archaeologists. One company, Headland Archaeology, intends to employ 125 additional staff in 2019.

Failure to meet demand will make it more difficult for development to take place in accordance with heritage policies.

ClfA's policy and UK skills training

ClfA is helping to establish employer-based training programmes, apprenticeships, and vocational training schemes, but these mechanisms alone cannot meet demand.

While the sector is currently recruiting UK workers to fill 65% posts at the current time, this rapid recent growth has meant that EEA workers have been brought in to fill the gaps in provision as many UK archaeologists who left the sector during and after the financial crisis are no longer seeking work in the sector.

For example, the ClfA Registered Organisation Allen Archaeology, has invested substantially in training provision and has won an award from the Archaeology Training Forum for this, employs 19% of its staff from EU countries to supplement training provision. Museum of London Archaeology have suggested that non-UK staff are also a vital part of on-site training, as they bring skills which can be shared with trainees and recruits.

Having a mixed approach to training and employment from outside the UK helps to mitigate the effects of a boom and bust cycle in archaeological markets. Freedom of movement has also enabled greater movement of workforces in the past. For example, during the Irish construction boom in the 2000s over half of the workforce was from outside of Ireland but now has moved back down to being mostly local. For this reason, we believe that access to non-UK labour during periods of intense market expansion is always likely to be important to help smooth out such extreme fluctuations in workforce demand.

ClfA's policy on pay and conditions for UK workers

ClfA believes that archaeological skills are not adequately rewarded in the market for commercial archaeology services. Only a restructuring of the market to recognise the need to secure the services of professionally accredited archaeologists would allow correction. To this end, ClfA advocates to government and client sectors to promote the accredited professionals this recognition using accredited professionals and assure clients that archaeology adds value to industry and society.

Periods of high demand for archaeology are rightly considered to be prime opportunities to improve pay and conditions.

Some have argued that ClfA should not be lobbying against the imposition of a £30,000 salary cap for visas for non-UK workers in archaeology as this Government policy could make employers to increase prices and wages for UK workers.

This is a possible long-term effect of the policy, but we fear that in the short term it would prevent the fulfilment of archaeological obligations, potentially delaying development, leading to damage to the reputation of archaeology and further calls to relax planning regulation for archaeology. ClfA is pleased to have data⁵ that show that the median salary in archaeology may have risen by as much as 11% above inflation in the past 5 years, from £26,000 to over £31,000, much of this because of increased demand. We will continue to work with FAME and Prospect to monitor salaries in the industry and to encourage positive developments.

It is ClfA's view that the best ambition is for a market which seeks to improve retention of professionally accredited archaeologists, improves domestic training provision and maintains access to non-UK labour to buffer short term fluctuations in demand.

Do you have specialist knowledge of this policy area?

Volunteer to be a consultant on ClfA policy in this area and help us shape our advocacy.

Email rob.lennox@archaeologists.net for details.

For further information about ClfA's advocacy and campaigns and for details on other priority areas, visit www.archaeologists.net/advocacy or email admin@archaeologists.net.



⁵ Estimate from data collected in [Archaeological Market Survey 2018](#) and ClfA Membership Survey 2018