

## Position statement briefing

# Archaeology and Immigration – February 2020

## Summary

This briefing sets out ClfA's policy position on the potential impacts of post-Brexit immigration policy on the archaeology sector as well as those UK and EU citizens currently working in archaeology. In particular, this briefing updates the ClfA position in response to the announcement of the Government's plans for a *Points-based immigration system*<sup>1</sup> and publication of a *Policy Statement* on 19 February 2020, and the Migration Advisory Committee's (MAC) report on '*A points-based visa system and salary thresholds for immigration*<sup>2</sup>' which was published on 28 January 2020.

## Archaeology and immigration

The UK formally left the EU on 31 January 2020. A 'transition period' is in place until 31 December 2020. During this period, existing (EU) migration rules continue to apply in the UK. The Government is expected to introduce an Immigration Bill in the coming months and a new system will take effect from 1 January 2021.

ClfA's headline advocacy objective in this area is to ensure that

"Post-Brexit immigration policies supplement domestic training and skills programmes, by enabling accredited non-UK archaeologists to work in the UK and accredited UK archaeologists to work elsewhere."

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<sup>3</sup>.
- non-UK EEA workers make up 13% of the archaeological workforce<sup>4</sup>. 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 freedom of movement ends.

<sup>1</sup> <https://www.gov.uk/government/news/home-secretary-announces-new-uk-points-based-immigration-system>

<sup>2</sup> <https://www.gov.uk/government/publications/migration-advisory-committee-mac-report-points-based-system-and-salary-thresholds>

<sup>3</sup> There are more commercial archaeologists working in the UK than ever before (4,908). The sector has grown by over 50% since 2014, with 13% increases in both 2016/17 and 2017/18. Demand is expected to continue to rise.

<sup>4</sup> [Archaeological Market Survey 2018 p.18](#)

We have joined many other sectors, including construction<sup>5</sup>, in voicing concern over the potential impact that post-Brexit migration restrictions could have.

In October 2019 the Government added archaeology to the UK Shortage Occupation List, with the MAC citing ‘compelling evidence’ supporting the case for shortage. This action was a strong validation for the lobbying position of ClfA, FAME, CBA, Prospect and others.

EU citizens already resident in the UK, and those that arrive before 31 December 2020 will have a right to apply for ‘settled status’ in order to remain in the UK indefinitely. [For further information see Prospect’s information on Brexit and EU nationals.](#)

## The development of post-Brexit immigration policy proposals

The Government has now confirmed its outline proposals for what will be in its Immigration Bill. The proposal broadly reforms and extends current Tier-2 visa structures to all non-UK citizens whether from EU or non-EU nations, with no preferential access (except for Republic of Ireland citizens<sup>6</sup>).

Visas will be apportioned on the basis of ‘the talents and skills a person has to offer’ but subject to certain restrictions, notably a **salary minimum**, used as a proxy for assessing skilled roles. This has been a concern for many archaeological job roles, which are highly skilled, but comparatively poorly paid.

The revised system will apply to ‘intermediate’ skill level jobs (RQF level 3-5 – ie jobs requiring qualification equivalent to A-level) as well as to ‘high’ skill jobs (RQF level 6) as in the current Tier-2 system<sup>7</sup>.

The Government has accepted various recommendations for the Migration Advisory Committee’s January report including:

- A Tier-2 visa system operating a **reduced salary cap (£25,600)** should remain as the main visa route post-Brexit.
- A **‘new entrant’ salary rate set 30% lower than the experienced rate** would apply for qualifying individuals<sup>8</sup>. This is recommended to be extended from three to five years.
- A revised Tier-1 visa could be used for ‘high potential’ applicants to come to the UK without needing to secure a job offer and employer sponsorship prior to application.

In addition, Government has proposed a system of **tradable ‘points’** which will recognise defined **shortage occupations** and PhD level education which may be used to trade off against higher salary thresholds, enabling applications for jobs down to a minimum salary of £20,480.

Additional details, for example surrounding salary thresholds for permanent settlement, have yet to be confirmed by Government.

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<sup>5</sup> CITB (2018) [Migration in the UK Construction and Built Environment sector](#)

<sup>6</sup> <https://www.gov.uk/government/publications/common-travel-area-guidance/common-travel-area-guidance>

<sup>7</sup> We consider 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 understanding 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 vocational skills. This approach to diversified entry routes into the profession is not mirrored in many other countries, where degree level qualification is a standard requirement.

<sup>8</sup> New entrants = under 26 years old. The MAC proposals recommends relaxing this to include applicants working towards professional qualifications or who are moving directly to post-doctoral positions.

## Immigration and policy on UK skills training, pay and conditions

It is ClfA's ambition that we develop a system which improves retention of professionally accredited archaeologists, improves domestic training provision, maintains access to non-UK labour to buffer short term fluctuations in demand, and allows UK archaeologists to continue to work in the EU.

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

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<sup>9</sup>.

The reduced salary thresholds set out by the MAC in its January 2020 report, which are accepted Government in its *Policy Statement*, make several significant changes to the previously proposed system.

- A revised new entrant rate would be immediately applicable to the lowest paid archaeological jobs<sup>10</sup>. While new entrant visas would be limited to five years (with many new entrants not likely to achieve the higher threshold after this period) this could help archaeological employers meet demand in the short term
- The standard threshold rate of £25,600 is a high rate for many archaeological jobs in the current market, but it is far from excessive considering the skills archaeologists have and the need to improve retention of those already working in UK archaeology.

In addition, the Government proposes to introduce a system for **'tradeable points' for occupations recognised as being in shortage**, allowing applications for jobs with salaries down to a minimum of £20,480 and would be open to applicants who do not meet the new entrant criteria to apply for jobs.

ClfA also welcomes the MAC's suggestion that **'a shortage is generally an indication that wages are below market-clearing levels so that allowing these jobs to pay lower salaries could have an effect of perpetuating shortage'**<sup>11</sup>. Medium term solutions to sector shortages will therefore need to take account of this.

**We will work with partners in the Industry Working Group to develop mechanisms to ensure that archaeology maintains a pipeline of competent professionals, through improved retention, increased UK-skills training initiatives, and supplemented through immigration where demand dictates.**

## ClfA's policy position on archaeology and immigration

It remains the case that there could be a major effect on UK archaeology if the sector is not able to hire skilled non-UK labour – at least in the short term. Failure to meet demand will make it more difficult for development to take place in accordance with heritage policies.

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<sup>9</sup> 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.

<sup>10</sup> ClfA's current recommended minimum salary for posts requiring competence/responsibility at PCIfA level (e.g. site assistants) is £19,875.

<sup>11</sup> MAC (2020) *A points-based system and salary thresholds for immigration* - p.7

In addition, we recognise that poor pay affects the retention of archaeologists in the workforce. Improving this and increasing UK skills training provision are important factors in meeting demand and achieving a sustainable, resource-efficient workforce.

Through our advocacy on the forthcoming Immigration Bill we will seek to ensure

- a visa system which recognises current high demand for archaeological labour, eg through a shortage occupation list or sector specific deal
- a visa system which recognises demonstrated competence and not simply salary (eg through professional accreditation)
- a system which enables appropriately competent UK professionals (eg through professional accreditation) working overseas

CIfA supports the following specific policies:

- The proposed £25,600 (30% lower for new entrants) salary thresholds, to be supported by action within the sector to enable sustainable employment at or above this level
- The relaxation of definitions of new entrant in a Tier-2 scheme, particularly the extension of duration from three to five years
- The retention of a shortage occupation list, or similar mechanism, which confers benefits (eg additional points) on jobs which are in high demand
- A tradable points-based visa option which recognises professional accreditation as a demonstration of skill
- A tradable points-based visa option which recognises the special skills of archaeologists qualified to PhD level, particularly to take up jobs in the UK Higher Education sector
- Improvements to the employer sponsorship system which make the system less onerous for employers
- The development of other visa options, including student 'follow-on' visas, subject to them delivering fair working conditions and being suitable for archaeology sector roles.

CIfA will continue to work with colleagues in government and the archaeology and heritage sectors to respond to all future consultations on these issues.

Do you have specialist knowledge of this policy area?

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

Email [rob.lennox@archaeologists.net](mailto:rob.lennox@archaeologists.net) for details.

For further information about CIfA's advocacy and campaigns and for details on other priority areas, visit [www.archaeologists.net/advocacy](http://www.archaeologists.net/advocacy) or email [admin@archaeologists.net](mailto:admin@archaeologists.net).