

EMN FOCUSSED STUDY 2012
Intra-EU mobility of third-country nationals
National Contribution from the United Kingdom

Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled EMN Focussed Study. The contributing EMN NCPs have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.

Top-line 'Factsheet'

National Contribution (one page only)

Rules for non-EEA/Swiss nationals

The UK operates the Points-Based System (PBS) to administer the entry of third country nationals (TCNs) for the purpose of work and study.

Where these rules apply there is generally no difference in the rules and procedures for visas issued to TCNs resident in a non-EU country compared to TCNs resident in EU countries.

However, there are a small number of other (non-PBS) visa categories for work that are exemptions to this rule, including:

- Turkish citizens who wish to establish themselves in business in the UK can apply to enter or stay through the European Community Association Agreement with Turkey.
- A UK Ancestry visa gives permission to stay and work for five years and is for those who are a Commonwealth citizen, have a grandparent who was born in the UK, the Channel Islands or the Isle of Man or have a grandparent who was born in what is now the Republic of Ireland before 31 March 1922.
- Third country nationals who are family members of EEA nationals exercising free movement rights in the UK benefit from the provisions of Directive 2004/38/EC.

Rules for EEA/Swiss nationals and their third country national family members

The national rules aimed at regulating the entry and stay of TCNs, including their access to the labour market do not apply to EEA or Swiss nationals or third country nationals who are family members of EEA/Swiss nationals. Directive 2004/38/EC sets out the rights of EEA nationals and their family members (irrespective of nationality) to enter, reside and work in other Member States. The UK has implemented the Directive into domestic legislation. Under this Directive EEA and Swiss nationals and their family members can (not exhaustive):

- accept offers of work
- work as an employee and/or in self-employment
- set up a business
- manage a company
- set up a local branch of a company.
- study

The UK currently applies transitional restrictions on nationals of Romania and Bulgaria under the terms of the Accession Treaty.

The Seasonal and Agricultural Work Scheme (SAWS) and Sectors-Based Scheme (SBS) are temporary non-PBS routes for low-skilled workers, currently limited to Bulgarian and Romanian nationals.

Available data

Within the UK, international migration is assessed using a variety of different data sources. There is limited data available on the movement of TCNs migrating for work purposes from and to the UK. The International Passenger Survey (IPS) provides estimates of those arriving in the UK by reason for migration, nationality and country of last residence.

In 2011, around 3,000 non-EU citizens came to the UK from another EU country to stay as a resident for a year or more for work purposes (see table 1). This number is small compared to the 47,000 non-EU citizens coming to the UK as long-term migrants, from EU and non-EU countries, for work in 2011. A long-term international migrant is one who intends to change their normal country of residence for a year or longer.

Administrative data, such as the number of visa applications, are collected by the UK Border Agency and can measure the intentions or movement of TCNs (TCNs). Whilst visa applications data cannot identify whether applicants have previously been working or living in another EU country, there is data available on place of application. These data will include all TCNs coming for work purposes, regardless of their intended length of stay.

The data on UK visa applications is collected by the UK Border Agency (UKBA) for management information purposes. In 2011 around 2,600 visa applications were made by non-EU nationals resident in (that is, who applied from within) the EU¹ for the purposes of work. Non-EU nationals applying from within the EU made up just under 2% of the 161,000 work visa applications in 2011.

Research

Research into the movements of TCNs to the UK from other EU countries is limited and, where available, covers very specific groups of migrants. For example, a study by Van Liempt (2010)² describes the movement of Somalis from the Netherlands to the UK. The study cites the 'presence of a large Somali community in the UK, economic and educational opportunities in the UK, and differences in integration policies' as possible factors in the Dutch Somalis' decision to relocate. This reflects the conclusions of studies on migration to the UK of EU nationals for work. See section 2.3.

Section 1

The National Legislative Framework: Visas and Residence Permits

(National Contribution: Maximum 8 pages)

Groups of third-country nationals who enjoy mobility rights under the EU's migration Directives:

1.1. Long-term residents in another Member State

- 1) What national rules and procedures apply to third-country nationals who are long-term residents in another Member State in respect of their access to a visa and/or residence permit in your country?

Directive 2003/109/EC states 'Member States shall grant long-term resident status to TCNs who have resided legally and continuously within its territory for five years immediately prior to the submission of the relevant application'. The United Kingdom (UK) is not bound by this Directive.

The UK has implemented all required legislation that guarantees full portability of social security benefits

¹ There is no application data for Luxembourg or Belgium for 2011 as these countries no longer have a Visa Application Centre (VAC). Applicants must travel to a VAC in a neighbouring country.

² Liempt, van I. (2010). And then one day they all moved to Leicester: The relocation of Somalis from the Netherlands to the UK explained, *Population Space and Place*, 17(3): 254-266

within the EU. These rights are extended to TCNs moving between the UK and another Member State, once the individual has resided in the UK for a minimum period of time.

Permanent residence, also known in UK law as “settlement” or “indefinite leave to remain” can be acquired in a variety of ways. Those who want to work in the United Kingdom can apply to do so under the “Points Based System” – he or she needs to meet a number of criteria to obtain enough points to qualify. Settlement can be obtained following a continuous period of residence in the following categories:

- Tier 1 – Exceptional talent migrants, entrepreneurs, investors
- Tier 2 – skilled workers, Ministers of Religion, Sportspersons
- Tier 5 – private servants in diplomatic households (Tier 5 migrants do not have an avenue to settlement, except for private servants in diplomatic households who came to the UK under the Tier 5 (Temporary Worker) International Agreement category before 6 April 2012. Those who applied to enter on or after this time have no route to settlement.)

Settlement can usually be obtained after 5 years, (although accelerated routes exist for investors and entrepreneurs). There are also routes to settlement for the dependants of those in these categories.

Other routes exist for those who are, or are the dependents of someone, in the armed forces; are Commonwealth citizens with UK ancestry; or have established a period of long residence (10 years) in the United Kingdom.

See the UK National report ‘Visa Policy as a Migration Channel’ for further detail on migration to the UK under the PBS.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

The national rules described above are immigration requirements aimed at regulating the entry and stay of third country nationals (TCNs), including their access to the labour market and do not therefore apply to EU nationals.

Nationals of any other EEA country (other than Bulgarian and Romanian nationals, who are subject to transitional restrictions which require them to obtain authorisation to take employment) or Switzerland do not need to apply to the UKBA for permission in order to work in the UK. EEA and Swiss nationals and their family members can:

- accept offers of work
- work as an employee and/or in self-employment
- set up a business
- manage a company
- set up a local branch of a company.

1.2. EU Blue Card holders

- 1) What national rules and procedures apply to third-country nationals who are EU Blue Card holders in another Member State in respect of their access to a visa and/or residence permit in your country?

The United Kingdom has not opted into the “Blue Card Directive”. Instead the UK has tiers 1 and 2 of the Points Based System (PBS) which allow for migration of skilled migrants.

Please see the UK National report ‘Visa Policy as a Migration Channel’ for further detail on migration to the UK under the PBS.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

Please see section 1.1 part 2).

1.3. Researchers

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who wish to undertake work as a Researcher in your Member State?

The UK has not opted into the Researchers Directive. Instead, third country nationals may apply for a visa to come to the UK under Tiers 2, 5 and, in the case of world-leading researchers, Tier 1 of the PBS. The Tier 1 (Exceptional talent) route is for people who are internationally recognised as world leaders or potential world-leading talent in the fields of science and the arts, and who wish to work in the UK.

The UK's immigration requirements concerning the admission of TCNs seeking admission to the UK for the purpose of employment as a researcher do not distinguish between those who have been resident in another EU Member State and those who are seeking entry from outside the EU.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

The national rules are aimed at regulating the entry and stay of TCNs, including their access to the labour market and do not therefore apply to EEA nationals and their family members who fall under the provisions of Directive 2004/38/EC. Nationals of any other EEA country or Switzerland do not need to apply to the UKBA for permission in order to work in the UK.

1.4. Students³

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who wish to undertake studies in your Member State?

TCNs wishing to enter the UK to undertake studies as a student must obtain a visa. Visa applications must be made from outside the UK but in some circumstances may be extended from within the UK. If the applicant is resident in another Member State and has a visa conferring a permanent right of residence then an application can be made from that Member State for a UK Tier 4 student visa. If an applicant has a temporary visa in another member state then an application for a Tier 4 student visa cannot be made in the other member state but will need to be made from the country of nationality.

If the course is for less than six months (or less than 11 months if learning the English language) then a student visitor visa can be used. A TCN with a temporary visa in another member state can apply for a visitor visa to the UK from that member state.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

Please see section 1.3 part 2).

1.5. Posted workers

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who are posted by a service provider for the purposes of cross-border provision of services in your Member State?

The ECJ case of Van der Elst established that, provided certain criteria are met, non-EEA nationals working for an EU employer in the EU should be allowed to provide services in another Member State without the need to obtain a work permit. This means that an established non-EEA employee of an EU company in the EU can come to the UK to provide a service on behalf of the company without an additional permit. Entry clearance is mandatory for both visa and non-visa nationals and entry clearance is issued without charge.

The requirements to be met by the employee are that they:

- are lawfully resident in the EU Member State in which the employer is established;
- are lawfully and habitually employed by an employer who is temporarily providing a service in the

³ The statistics already compiled for the study Immigration of International Students to the EU may be used here.

UK;

- do not intend to take any other employment;
- intend to leave the UK at the end of the period during which his employer is providing the service.

They are not subject to an economic needs test.

There are provisions under Tier 2 of the PBS for intra-company transfers where the company has a presence in the UK. Tier 2 allows established, skilled employees to be transferred to the UK branch of their organisation for more than 12 months to fill a post that cannot be filled by a new recruit from the resident workforce. Third country nationals would still have to apply for a visa to come to the UK under this tier, regardless of where they are coming from outside the UK.

Please see the UK National report 'Visa Policy as a Migration Channel' for further detail on migration to the UK under the PBS.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

Please see section 1.1 part 2).

Groups of third-country nationals who are not provided for by the EU acquis:

1.6. Cross-border workers

- 1) Do specific national rules and procedures governing access to a visa and/or a residence permit apply to third-country nationals who are resident in another Member State but are employed as cross-border workers in your Member State?⁴

The UK's immigration rules make no distinct provision for cross-border workers of third country nationality.

The United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively form a common travel area (CTA) in which a person who has been examined for the purpose of immigration control at the point at which he entered the area does not normally require leave to enter any other part of it. However, persons requiring visas who enter the United Kingdom through the Republic of Ireland do require leave to enter.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.6 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

Please see section 1.1 part 2).

1.7. Seasonal workers

- 1) Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who exercise an economic activity as seasonal workers in your Member State in respect of their access to a visa and/or residence permit?

The UK's immigration rules do not make any provision for the admission of TCNs resident in a Member State, or resident outside the EU, to enter the UK specifically for the purpose of seasonal work (except where such work is skilled and the applicant may therefore meet the criteria applied to other skilled workers). The UK currently has a Seasonal Agricultural Workers Scheme (SAWS) that is restricted to nationals of Bulgaria and Romania and forms part of the transitional restrictions applied to nationals of those countries.

- 2) If specific national rules and procedures apply to the third-country nationals

⁴ This question only applies to those Member States that require cross-border workers to apply for a visa and/or residence permit in order to work in their Member State (even if their usual place of residence is in another Member State).

described in 1.7 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

The Seasonal Agricultural Workers Scheme (SAWS) rules described above are restricted to nationals of Bulgaria and Romania and forms part of the transitional restrictions applied to nationals of those countries.

1.8. Workers in regulated professions

- 1) Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who apply to work in a regulated profession in your Member State in respect of their access to a visa and/or residence permit?

The United Kingdom's immigration rules make no distinct provision for workers in regulated professions. Skilled workers, whether they are accessing a regulated profession or not, are subject to the requirements of Tier 2 of the PBS. UK employers may recruit individuals from outside the UK and European Economic Area (EEA) by sponsoring the individual migrant to fill vacancies that cannot be filled by a UK or EEA worker (referred to as the 'resident labour market test'). These migrants should then apply for a visa under Tier 2 of the PBS.

Please see the UK National report 'Visa Policy as a Migration Channel' for further detail on migration to the UK under the PBS.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.8 (1) above, how do these differ from the national rules and procedures that apply to EU citizens?

The recognition of regulated professional status for those who are EU-qualified is the same as for EU citizens. It is the country in which the individual is qualified, rather than their nationality, which is important for this purpose. However, third country nationals will still be required to apply for a visa under the relevant tier of the PBS, regardless of where they qualified.

1.9. Any other category of migrant worker not mentioned above

- 1) Are there any specific national rules and procedures that apply to any group of third-country nationals who are resident in another Member State that has not been mentioned above?

Turkish European Community Association Agreement (ECAA): Businesspersons and workers

Turkish citizens who wish to establish themselves in business in the UK can apply to enter or stay through the ECAA with Turkey. Permission as Turkish ECAA businessperson is for 12 months and can then be extended. After four years as a business person Turkish citizens can apply for settlement. A Turkish citizen who is already working legally in the UK can apply to extend their leave with reference to a decision by the Association Council of the ECAA. The first extension allows them a further extension with the same employer, a further extension allows them to remain in the same type of employment with a different employer if they wish, and the final extension allows full access to the labour market. Turkish citizens awarded this visa are not able to apply for settlement, but can apply for permission for their dependants to remain in the UK with them.

UK ancestry visa

A UK ancestry visa gives permission to stay and work for five years and is for those who are a Commonwealth citizen, have a grandparent who was born in the UK, the Channel Islands or the Isle of Man or have a grandparent who was born in what is now the Republic of Ireland before 31 March 1922.

Non-EEA family members of EEA nationals

Third country nationals who are family members of EEA nationals exercising free movement rights in the UK benefit from the provisions of Directive 2004/38/EC.

1.10. Common rules and procedures for all mobile third-country nationals

- 1) Does the national legislative framework in your Member State contain rules and

procedures that are relevant to all mobile third-country nationals (rather than rules that differentiate between different groups) in respect of their access to a visa and residence permit?

Not applicable

- 2) If yes, please describe the rules and procedures and explain how they differ from the national rules and procedures that apply to EU citizens.

Not applicable

Section 2

Scale and scope of the phenomenon

(National Contribution: Maximum 4 pages)

2.1. Are statistics on overall intra-EU (work-related) mobility of third-country nationals available in your (Member) State

Within the UK, international migration is assessed using a variety of different data sources. Administrative data, such as the number of visa applications, are collected by the UK Border Agency and can measure the intentions or movement of TCNs (TCNs)⁵. Whilst visa applications data cannot identify whether applicants have previously been working or living in another EU country, there is data available on place of application (see section 2.3 (ii)).

In addition, the Office for National Statistics (ONS) estimates migration flows using the International Passenger Survey (IPS)⁶. Please note that the IPS estimates cover only those migrants who intend to come to the UK for one year or more (thereby changing their normal country of residence, according to the accepted international definitions).

In 2011, according to the IPS, around 3,000 non-EU citizens came to the UK from another EU country for work with an intention to remain for a year or more (see table 1). This number is small compared to the 47,000 non-EU citizens coming to the UK for work in 2011.

Table 1: Long-Term migration of non-EU citizens whose country of last residence was the EU, migrating for all reasons, 2006-2011 (thousands)

Year	Work Related Total ('000s)	
	Estimate	+/- CI
2006	3	4
2007	1	1
2008	2	2

⁵ Non-European Economic Area (non-EEA).

⁶ Long-Term International Migration (LTIM) estimates are the primary source used to measure international migration to and from the UK. These estimates incorporate data from the IPS, as well as additional adjustments. However, these data were not available for this publication and do not enable detailed analysis of migrant characteristics. For more information see: <http://www.statistics.gov.uk/statbase/Product.asp?vlnk=15053>

2009	1	2
2010	2	2
2011	3	3

Source: ONS

Note: EU estimates include EU 25 (the EU15 and EU8 groupings plus Malta and Cyprus) in 2006 and EU 27 (the EU25 plus Bulgaria and Romania) from 2007. From 2007, "Non-EU" estimates exclude citizens of Bulgaria and Romania which joined the EU in January 2007. TCNs migrants are defined by the country of birth.

This table uses 95% confidence intervals (CI) to indicate the robustness of each estimate. For any given estimate, there is a 95% probability that the true figure lies in the range: estimate +/- confidence interval. Caution should be taken when making inferences from estimates with large confidence intervals relative to the size of the central estimate.

As these estimates are small, and the confidence intervals wide, it is not possible to suggest any differences between the estimates for recent years, nor is it possible to disaggregate the data further, for example, by nationality.

2.2. Are statistics based on administrative registrations available in your (Member) State on the following groups of mobile third-country nationals? If they are not available could they in principle be made available from existing registrations?

Groups of third-country nationals who enjoy mobility rights under the EU's migration Directives:

- 1) Long-term residents coming from another Member States (information should be collected by national contact points established under Directive 2003/109/EC on third-country national long-term residents)

Please see section 2.1.

- 2) EU Blue Card holders (information should be collected by national contact points established under Directive 2009/50/EC on EU Blue Card holders)

There is not such a scheme in the UK, so no statistics are available.

- 3) Researchers

There is no data available specific to this group of TCNs moving from to the UK another EU country.

- 4) Students⁷

There is no data available specific to this group of TCNs moving to the UK from another EU country.

See the UK's national report 'Immigration of International Students' for further detail on available statistics.

- 5) Posted workers

There is no data available specific to this group of TCNs moving to the UK from another EU country.

Groups of third-country nationals who are not provided for by the EU acquis:

- 6) Cross-border workers

There is no data available specific to this group of TCNs moving to the UK from another EU country.

- 7) Seasonal workers

There is not such a scheme in the UK for non-EU workers, so no statistics are available. There are Statistics published on Bulgarian and Romanian nationals approved for the Seasonal Agricultural Workers Scheme (SAWS), the Sector Based Scheme (SBS) and registration certificates. See Section 2.4 for statistics on the number of approvals of these documents.

- 8) Workers in regulated professions

⁷ The statistics already compiled for the study Immigration of International Students to the EU may be used here.

There is no data available specific to this group of TCNs moving to the UK from another EU country.

9) Any other category of migrant not mentioned above

Not applicable

2.3. Are there any other/proxy sources of statistics that could provide indications of patterns and trends?

(i) Number of applications for the recognition of diplomas/certificates acquired in another Member State.

No published statistics available on this.

(ii) Number of visa applications by third-country nationals who are resident in another EU Member State.

Data on UK visa applications is collected by the UK Border Agency (UKBA) for management information purposes. These data show that in 2011 around 2,600 visa applications were made by non-EU nationals⁸ resident in the EU⁹ for the purposes of work. The EU country with the highest number of visa applications from third country nationals was France (820). Indian nationals made up the highest number of third country nationals applying for UK visas within the EU in 2011 (290).

Table 2: Visa applications made in the EU for work, all non-EU nationalities 2008-2011

	2008	2009	2010	2011
All non-EU nationals	2,940	2,980	3,320	2,560

Source: UKBA management information

Notes:

- (a) All figures quoted have been derived from management information and are therefore provisional and subject to change. This information has not been quality assured under National Statistics protocols.
- (b) Figures refer to main applicants and dependants.
- (c) Date relates to non-EU nationality applications created on the UKBA's Central Reference System (CRS) between January 2008 and December 2011.
- (d) Figures rounded to the nearest 10.

Non-EU nationals applying from within the EU made up around 4% of the 2.6 million visa applicants in 2011, when looking at all reasons, including as visitors.

Looking at the 161,000 work visa applicants in 2011, the proportion of non-EU applications from within the EU is just under 2%.

In 2011, visa applications made in the EU by non-EU nationals were highest for Tier 2, at around 1200, followed by visa applications for Tier 5 (around 1,000).

(iii) Number of social security registrations¹⁰ by third-country nationals who were resident in another Member State before arrival? [If **available**, please indicate any characteristics of the individuals concerning, including their occupation, which may be available]

⁸ These figures cover applications made in EU-26 (excluding UK) countries plus Iceland, Norway and Sweden.

⁹ There is no application data for Belgium, Luxembourg or Slovakia for 2011 as these countries no longer have a Visa Application Centre (VAC). Applicants must travel to a VAC in a neighbouring country.

¹⁰ A social security registration is normally required on arrival in a Member State before access to employment can be granted.

There is no data available on social security registrations for TCNs moving to the UK from another EU country.

- (iv) Information about previous country of residence contained in the latest population census. [If **available**, please indicate the date of the census and the precise questions asked in this respect].

There is no currently published data available from the 2011 Census on TCNs moving to the UK from another EU country for the purposes of work. Census data at this level of granularity may however become available later in 2013.

- (v) Any information that might be collected about the motivations of third-country nationals who apply for citizenship in (your) Member State (e.g. as a proxy source of information on the number of third-country nationals wishing to travel within the EU).

Research into the movements of TCNs to the UK from other EU countries is also limited and, where available, covers very specific groups of migrants. For example, a study by Van Liempt (2010)¹¹ describes the movement of Somalis from the Netherlands to the UK. The study cites the 'presence of a large Somali community in the UK, economic and educational opportunities in the UK, and differences in integration policies' as possible factors in the Dutch Somalis' decision to relocate. This reflects the conclusions of studies on migration to the UK of EU nationals for work. See section 2.3.

- (vi) Any other proxy sources of statistics.

2.4. Please provide any statistics available on the flows of EU nationals within your (Member) State over the last 5 years in order to provide a comparison with the flows of third-country nationals

Nationals of the EEA and Switzerland have rights of free movement within the UK and are not subject to immigration control within the UK; although currently nationals of Bulgaria and Romania have certain restrictions placed on them under transitional controls. Hence, there is no information available about the movement of EEA nationals to and from the UK from administrative systems recording immigration control.

However, such nationals constitute a large proportion of the total number of passenger arrivals for all reasons (including visitors and migrants). For instance, in the year ending June 2012, 88 per cent of those entering the UK were British or EEA nationals who are not subject to immigration control.

The administrative data for EEA nationals mainly reflects migration for seasonal or temporary work schemes, as these have become restricted to migrants from accession countries, as opposed to TCNs¹². For instance, in 2011 there were 2,618 and 22,371 approvals for accession worker cards and for registration certificates for Bulgarian and Romanian nationals, (representing 0.2% and 17% fall respectively compared to 2010). Approvals under the Sector Based Scheme (SBS) and under the Seasonal Agricultural Workers Scheme (SAWS) have increased respectively by 37 per cent and 3 per cent in 2011 (to 822 and 20,456). Other data held identifies the movement of migrants related to EEA nationals i.e. in 2011 there were 97,982 decisions on applications for residence documents for EEA nationals and non-EEA nationals who were related to EEA nationals. Of these, 47,653 provided an initial recognition of right to reside and 21,159 were issued in recognition of permanent residence, and the remainder were refusals¹³.

However, due to the administrative visa data relating only to TCNs, the UK relies upon the International

¹¹ Liempt, van I. (2010). And then one day they all moved to Leicester: The relocation of Somalis from the Netherlands to the UK explained, *Population Space and Place*, 17(3): 254-266

¹² For a wider discussion of temporary work schemes for Non-EU and EU migrants see Weise and Thorpe (2011).

¹³ For more information see: <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-q2-2012/eea-q2-2012>

Passenger Survey to assess the flows of all long-term international migrants into and out of the UK. The latest figures from the IPS show that the proportion of EU nationals entering and leaving the UK to or from another EU country and who are intending to change their normal place of residence for a year or more (e.g. are long-term international migrants) has remained fairly stable between 2006 and 2011 (over 90 per cent). For instance, in 2011 97 per cent of EU nationals travelled from an EU country and 92 per cent travelled onto an EU country (Table 3).

Table 3: Long-Term migration of EU nationals by country of last or next residence, 2006-2011 (thousands)

	Country of Last/Next Residence	2006		2007		2008		2009		2010		2011	
		Est	+/- CI										
Inflow	<i>all</i>	139	26	165	28	166	27	144	19	151	21	151	18
	<i>of which:</i>												
	<i>EU</i>	133	26	154	28	160	27	137	18	146	21	147	18
	<i>Non -EU</i>	6	4	11	7	6	3	7	3	5	2	4	2
Outflow	<i>all</i>	-56	15	-62	15	-126	31	-96	16	-84	13	-87	14
	<i>of which:</i>												
	<i>EU</i>	-51	15	-55	15	-118	30	-91	16	-77	13	-80	14
	<i>NON - EU</i>	-5	2	-7	3	-7	3	-5	2	-7	2	-8	2

Source: ONS, Long-term International Migration estimates

Estimates also show that the total inflow of EU nationals intending to remain for a year or more has increased since 2006 from 174,000 to 187,000, peaking in 2008 at 204,000. The majority of these EU migrants (around 50%) entering the UK have continued to do so for work purposes; and since 2009 a similar proportion have been leaving the UK for work purposes (see table 4).

Table 4: LTIM estimates of EU migrants coming to the UK for work, 2006-2011, thousands

Reason for migration	2006	2007	2008	2009	2010	2011
<i>Inflow</i>						
ALL	174	194	204	180	189	187
Work	91	125	111	97	104	100
<i>Outflow</i>						
ALL	-128	-115	-196	-127	-119	-115
Work	-39	-50	-84	-70	-59	-55

Source: ONS, Long-term International Migration estimates

There are differences when comparing migration between the older EU member states (EU15) and those states who acceded to the EU in 2004 (EU8 migrants). For instance, 80 per cent of EU8 migrants in 2008 stated that they intended to work in 2007 compared with 49 per cent of EU15 migrants. However, whilst these proportions have remained stable for EU15 migrants, they have decreased for EU8 migrants (67% in 2011). EU8 migrants also show a broader range of reasons for migrating in 2011 than compared with 2007. This is likely to reflect both changes in the movement rights of EU nationals following accession in 2007 and 2009, and compositional changes as well as economic changes across Europe (Table 5).

Table 5: Long-Term migration of EU nationals for work related reasons, 2006-2011 (thousands)

		Estimate	+/- CI
2006	Inflow	83	19
	Outflow	-25	10

2007	Inflow	125	26
	Outflow	-35	11
2008	Inflow	99	21
	Outflow	-53	17
2009	Inflow	88	16
	Outflow	-60	13
2010	Inflow	91	16
	Outflow	-46	9
2011	Inflow	93	14
	Outflow	-41	9

Source: ONS, Long-term International Migration estimates

Section 3

Identified Restrictions to Intra EU mobility of third-country nationals

(National Contribution: Maximum 3 pages)

3.1. Member States (and Norway) may examine the situation of the labour market and give preference to Union (or EEA/EFTA) citizens when considering applications for work from a third-country national in another Member State or EFTA country.

The United Kingdom's arrangements observe the principle of Community preference. The admission of third country nationals, whether they are resident in another Member State or not, is subject to the requirements of Tier 2 of the points Based System. Employers sponsoring the admission of a third country worker under Tier 2 of the Points Based System are generally required to attest that they have carried out a Resident Labour Market Test. To comply with this requirement, they will be required to advertise the vacancy nationally and will normally be required to ensure that the vacancy has been advertised through the UK's employment service (Job Centre Plus) in addition to any other advertising of the vacancy. Vacancies advertised through Job Centre Plus will also be accessible through EURES.

Compliance with the Resident Labour Market Test also requires employers to confirm that, where the job is offered to a third country worker, no suitably qualified resident worker was available, and for this purpose "resident worker" would include anyone with rights of free movement.

3.2. Minimum wages are often specified in the national legislative framework that may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

All workers in the UK (apart from a few exceptions, such as self-employed people and volunteers) must be paid the National Minimum Wage. This is currently £6.19 (approx €7.75) per hour for workers aged 21 and over. Lower rates apply to younger workers. This would apply to migrants coming to the UK as family members, for example, who have the right to work.

Third country nationals applying to work in the UK as skilled workers under Tier 2 of the Points-Based System must be paid at least £20,000 (approx €25,000) or the "appropriate rate" for the job, whichever is higher. Appropriate rates for different occupations are identified from national salary surveys and are set out in the Immigration Rules. This is designed to prevent undercutting of salaries for resident workers by migrant workers.

3.3. If the third-country national who moves from another Member State (or EFTA country) is in a self-employed capacity, Member States (and Norway) may require that

they have the appropriate funds which are needed, in accordance with national law, to exercise an economic activity in such capacity.

Third country nationals will not normally be permitted to have access to public funds in the UK. They must be able to financially support themselves and any family members.

Third country nationals wishing to establish or take over a business in the UK apply in the Tier 1 (Entrepreneur) route. They must have access to at least £200,000 (approx €250,000) to fund their business activity. This threshold is lowered to £50,000 (approx €62,500) if they have funding from a registered venture capitalist firm, UK Government Department, or a seed funding competition recognised by UK Trade & Investment (the Government agency which works with businesses in the UK and overseas).

There is no provision for self-employed third country nationals, unless they are applying through the PBS Tier 1 Entrepreneur route.

3.4. National rules or procedures governing the recognition of degrees and diplomas may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

Where the UK Border Agency includes a qualification requirement for a TCN to be granted permission to work in the UK, the qualification is required to be assessed and recognised by the UK National Recognition Information Centre (UK NARIC) as meeting or exceeding the recognised standard of a bachelor's or master's degree or a PhD in the UK.

The UK National Academic Recognition Information Centre (UKNARIC) is the UK's national agency responsible for providing knowledge on vocational, academic and professional qualifications from across the world. UKNARIC is the only official source of information on international education and training systems, qualifications and skills attained outside the UK.

3.5. National rules or procedures governing access to social security and social services for third-country nationals and their families may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

The United Kingdom's immigration legislation places restrictions on third country nationals' access to public funds, including some social security and social assistance benefits.

Where third country nationals arrive from another Member State as an economic migrant, including those admitted for the purpose of employment, and where they have been insured in that Member State for social security purposes in accordance with Regulation 1408/71, they will be covered by the provisions of Regulation 859/03, which the UK continues to apply, having not opted in to Regulation 1231/10.

In the case of work seekers, third country nationals are not prevented from claiming Jobseekers Allowance, where their entitlement is on the basis of previous contributions, and such an entitlement may be established on the basis of aggregating previous contributions made both in the UK and in another Member State. However, irrespective of their entitlement to such a benefit, whether a third country national may remain in the UK for the purpose of seeking work would depend on the conditions attached to their stay when they were originally admitted, and a third country national admitted for the purpose of filling a specific vacancy may have no ongoing basis of stay if the employment for which they were admitted is terminated and no alternative employment is found and authorised.

The habitual residence test does not apply to contributory Jobseekers Allowance. Habitual residence is however a condition for certain non-contributory and residence-based benefits.

Where a third country national is not covered by Regulation 859/03, or has come to the UK from outside the EU, they will be prevented from accessing those benefits specified in paragraph 6 of the UK's Immigration Rules (see <http://www.bia.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/>) and may be liable to curtailment of their stay if they do so.

3.6. Any other restrictions

Not applicable.

Section 4

Conclusions

(National Contribution: Maximum 2 pages)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policy makers at national and EU level.

With regard to the aims of this Focussed Study, what conclusions would you draw from your findings? What is the relevance of your findings to (national and/or EU level) policymakers?

Please see 'Fact sheet' on page 1.