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The Rt Hon Sajid Javid MP  
Home Secretary  
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By email

11 July 2019

Dear Sajid

Thank you for your letter of 1 July 2019 regarding the issue of European Temporary Leave to Remain (Euro TLR) proposals and the implications for EEA and Swiss nationals studying in Scotland.

My Ministerial colleagues Ben Macpherson and Richard Lochhead wrote to Caroline Nokes on this issue in February, following the publication of guidance for EU citizens coming to the UK after EU Exit and before the implementation of the new UK immigration system, in the event of a no-deal. In that letter we outlined our particular concerns around the effect the proposed Euro TLR will have on the higher education sector in Scotland. As referenced in your letter, I have also raised these concerns at JMC (EN) in February, and again in May.

I would like to emphasise again that that this policy will have a serious impact on the higher education sector in Scotland. It is disingenuous to say that this policy will only affect certain EEA and Swiss national students taking longer courses. It will in reality impact on nearly all students coming to study an undergraduate degree in Scotland after EU Exit. The majority of undergraduate courses in Scotland are four years in length and the proposed three-year non-extendable time limit will have serious consequences for Scottish institutions, putting them at a competitive disadvantage with regards to undergraduate recruitment. We consider this policy as amounting to direct discrimination against Scottish institutions, a view that has been reinforced through our meetings with the sector here in Scotland where sector representatives have reacted with horror to the proposed three-year time limit.

As we have previously set out, the negative impact of these proposals go much wider than Scotland. Many EEA and Swiss students undertaking longer degree courses for example in medicine and architecture, those studying at PhD level or part time and those students going on maternity leave will be seriously disadvantaged by this policy. I note your intention to allow students on courses longer than three years to more easily move into the Tier 4 student visa route once their Euro TLR expires, in the event of no-deal. Irrespective of how you would seek

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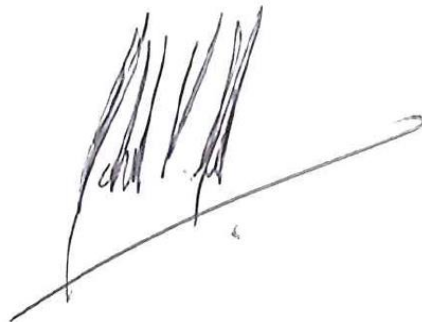
to achieve this, such a scenario would still represent an unacceptable disadvantage to Scottish institutions, leaving students in Scotland at a distinct disadvantage and without the certainty that they could complete their four year course.

Without confirmation that this policy will be extended to four years at the very minimum, either UK wide or specifically for Scottish institutions, we cannot support these proposals. A Scottish specific solution is readily achievable within the UK immigration system and I know that Ben Macpherson has also raised this issue again in a recent letter to Caroline Nokes and would welcome an urgent discussion to resolve the issue.

As previously requested, I would also be grateful if you could provide details on the full eligibility criteria and application process for Euro TLR and information on any fee that may be imposed. In order to plan effectively for a no-deal situation, the higher education sector in Scotland urgently requires further details and absolute clarity on the practical implementation of these proposals.

I would be grateful if you could consider these issues as a matter of urgency and I look forward to your prompt response.

I am copying this letter to the Minister of State for Universities, Science, Research and Innovation, Chris Skidmore, the Brexit Minister for Wales, Jeremy Miles, the Secretary of State for Scotland, the Chair of the Russell Group, Professor Sir Anton Muscatelli and the Convener of Universities Scotland, Professor Andrea Nolan.



**MICHAEL RUSSELL**

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