1. The UK Border Agency, an executive agency of the Home Office, came into existence on 1 April 2009. The agency brings together the work previously carried out by the Border and Immigration Agency, UK Visa Services and customs detection work at the border from Her Majesty's Revenue and Customs (HMRC).

The UK Border Agency is divided into five operations:

- borders
- international
- immigration
- intelligence
- criminality and detention

Within Immigration Group our UK operations are split into six UK regions. The Regions are:

- Scotland and Northern Ireland. Phil Taylor is regional director.
- Midlands and East
- Wales and South West
- North East, Yorkshire and the Humber
- North West
- London and South East

2. The agency prevents drugs, weapons, terrorists, criminals and would-be illegal immigrants reaching the United Kingdom (UK). It decides on the eligibility of foreign nationals to stay in the UK and enforces immigration law within the UK. At the same time the agency facilitates legitimate travel and trade, helping to protect UK revenue. Overseas, at the border and inland, the agency uses intelligence, technology, a skilled workforce, and a range of UK and international partners to deliver its objectives.

The Scotland and Northern Ireland Region works to:

- Deport or remove foreign criminals
- Decide asylum applications and provide financial support throughout the process and tackle asylum support fraud
- Enforce our immigration laws by removing those who cause harm to our society and those who are in the UK illegally
• Investigate, prosecute and penalise those who breach immigration law
• Decide applications for extensions of stay in the UK, register people for Biometric Residence Permits and implement the immigration limit.
• Review and decide legacy asylum cases for those living in Scotland & Northern Ireland
• Represent the Home Secretary at Immigration Court Hearings
• Manage licensing for employers and places of education who sponsor foreign nationals under the Points Based System
• Work with corporate partners and the devolved administrations of Scotland / Northern Ireland

Scrutiny
3. Immigration and Nationality are reserved matters in the Scotland Act 1998. The agency submits its work to independent scrutiny. For example the Independent Chief Inspector of the UK Border Agency, the HM Inspector of Constabulary, the HM Inspector of Prisons, the Independent Police Complaints Commission, the Police Complaints Commissioner for Scotland all have relevant roles inspecting what we do.

Economic and Family Migration
4. Making decisions on applications to travel to or stay in the UK is at the heart of the UK Border Agency’s business. The agency facilitates the smooth passage of legitimate travel and trade which benefits the UK economy. The majority of the over 200 million travellers and 3 million applicants who come into contact with the agency each year are legitimate and comply with the rules.

5. The UK Border Agency’s work is either about permanent or temporary migration to the UK. This paper outlines the temporary routes into the UK for people coming from outside the European Economic Area to work or study in the UK. People from within the European Economic Area (EAA) are not subject to Immigration Control at the border and have freedom of movement within the EEA. Nationals from the Accession states are free to exercise their right to be self-employed, self-sufficient or study in the UK, and those not covered by specific exemptions are subject to restrictions on work.

6. The agency operates in 135 countries to provide a frontline border control before people ever reach the UK. Over 75% of the world’s population require a visa to come to the UK, and all business people, workers and students staying longer than six months in the UK need a visa, regardless of their nationality.

7. If people wish to renew their visa once they are in the UK they can do so in person or by post and also use the web for some parts. Public enquiry offices accept applications for permission to extend stay once in the UK (known as 'limited leave to remain') or to settle permanently (known as 'indefinite leave to remain'). Postal applications for temporary migration are handled by both the the North East, Yorkshire and the Humber region, and the London and south East Region. There is one Public Enquiry Office in Scotland, in Glasgow.
Once people are in the UK, providing they have a valid visa and are abiding by the conditions of that visa, they are treated the same as UK or European Economic Area nationals. Beyond checking those sponsoring migrants are being compliant the UK Border Agency does not have involvement in employment matters.

**The points-based system**

8. In 2008, the points-based system for immigration replaced most of our previous work-based categories. There are five tiers under the Points Based System:

- **Tier 1- Highly Skilled people**
  Tier 1: General - launched in the UK in February 2008. The remaining categories of Tier 1 (Entrepreneur, Investor, and Post-study work) were launched on 30 June 2008.

- **Tier 2- Skilled (NVQ3 level +) Migrants with a job offer to fill gaps in the UK labour force. Tier 2 was launched in November 2008.**

- **Tier 3- Low Skilled Workers (below NVQ3 skill level). Tier 3 has not been introduced and there are no current plans to do so.**

- **Tier 4- Students this tier was launched in March 2009.**

- **Tier 5- Youth Mobility and Temporary Workers: people coming to the UK to satisfy primarily non-economic objectives. This Tier was launched in November 2008.**

**Consultation on Immigration Limit:** On 28 June 2010 the Home Secretary launched a Home Office consultation asking how the mechanism for permanent limits can best operate in practice. (Consultation closes on the 17th September). On the same day she commissioned the independent Migration Advisory Committee to consult on what level the limit should be set at in the first year. (Consultation closed 7th September).

10. Interim limits: On the same day the Minister for Immigration laid changes to the Immigration Rules to commence, from 19 July, an interim limit to hold numbers coming through the main economic Points Based System routes at just 5% lower than last year, in order to prevent a surge in applications before we implement full annual limits.

11. Annual limits: Permanent annual limits will be implemented from April 2011. The final mechanism and the level of the limit will be shaped by the advice of the Migration Advisory Committee and the outcome of the limits consultation.

12. The UK Border Agency work on the immigration limit is underpinned by the Government’s Work Programme and skills agendas. Skills is a devolved matter in Scotland and we are looking to work with the Scottish Government who have responsibility in this area.

UK Border Agency
14 September 2010