

Why we need to be more mature about the I-word

International trade is hugely important to the UK economy. That means a pragmatic approach to the movement of human capital, says Thalej Vasishta. **Richard Baker** reports

MOST people in business will agree that international trade is a two-way street. We want access to global markets; global markets want access to the UK. It is, after all, the sixth biggest economy in the world and a centre for international transactions.

Yet it seems we have a slightly strange attitude towards the free movement of everything that goes with international trade. Goods and services yes, but people coming to take advantage of what the UK has to offer?

Corporate immigration law specialist Thalej Vasishta has had more than 15 years dealing with the human factor at the heart of international trade. The firm he set up back in 2003, Nottingham-based Paragon Law, now operates on four continents dealing with the I-word: immigration law.

"In my area of work you cannot ignore the politics with a big 'P' and a small 'p' which is at its heart," he

says.

"If you think about it, this is about human capital, about significant economic opportunities in both directions.

"For the UK, immigration brings knowledge, fresh ideas, and opportunities to forge links abroad and inward investment."

It wasn't always like this. A lawyer with the Nottingham firm Berryman (now Shakespeare's), Vasishta did a buyout of its immigration department in 2003 which he had set up. Combining legal qualifications with a dash of entrepreneurial flair, he took out a £100,000 loan backed by the DTI to get the firm going.

He did so at a time when the economy was beginning to motor, and the opportunities for a firm which could help both businesses and individuals navigate the increasingly complex administrative waters of immigration were obvious.

"I saw this as an important area of work, yet no one was advising on immigration to a high standard in

the Midlands.

"This meant there was an opportunity for a firm which was good, focused and truly passionate about this area to enter the market.

"In the UK, we have to accept that in many sectors we are under-skilled, that we have an ageing population. There is also still a reluctance among UK people to consider certain types of jobs.

"In order for the UK to not only escape recession but also progress in the long term, we need to forge deep and meaningful relationships with countries that are growing faster than those in the European Union.

"It is in those countries where there will be a growing appetite and demand for our goods and services. So who will nationals of these countries do business with – those that are welcoming to immigrants, or those that are not?"

There is also a burgeoning demand for one of the UK's most powerful global brands: education. The status associated with studying at a UK institution and gaining a UK qualification is high and for the growing middle classes in developing economies that means getting their children temporary passage for an English education.

But Vasishta warns: "If we are not welcoming to international students they will simply go to another country for international experience such as USA, Australia or Canada.

"Not only does that not benefit us, it would be a missed opportunity for these international students to return to their countries after studying in the UK as our alumni and act as ambassadors between us and their country. In the long term, this will be a benefit to the economy."

Paragon Law also advises on emigration. A formal association was established with Nejame & Partners,



based in Orlando, in 2007 to provide US immigration law advice. The firm also advises UK businesses on transferring staff for short and long-term assignments to India and China.

With a growth in business, Paragon Law set up an office also in 2007 in India and in 2008 in China.

Vasishta says: "All our key departments grew, we developed specialist teams acting for individuals, businesses, overseas work and have continued with our commitment to asylum and human rights – an area of work which, while it has never made us money, we see as important."

Paragon's client roster includes professional sports players and clubs, high street retailers, universities, multinational manufacturers and an increasing number of overseas technology businesses, particularly from

the States. "We could put a pin in most countries in the world if we were going to show on a map where our clients have come from," says Vasishta.

As a specialist immigration law firm, Paragon's expertise is often drawn on by other advisory businesses to help with their clients' needs. One multinational entrusts Paragon Law with managing the global mobility of its staff, which requires Paragon to find local lawyers on the ground anywhere in the world and manage them to complete the work to transfer a member of staff to that country.

Vasishta says David Cameron's Government was correct to look at immigration with a fresh pair of eyes. In an economy which was expanding fast enough to provide opportunities



Opportunity: Border Control at London's Heathrow Airport.



“ 35 per cent of NASA scientists are Indian, and there is a similar number of Indians working at Microsoft

Thalej Vasishtha, left

similar number of Indians working at Microsoft – including their new CEO.

“With all the UK’s historical links with India, that kind of opportunity could have been us.”

The economic and political fall-out of recession has seen Paragon Law among those businesses putting expansion plans on hold. Now, though, progress is back on the agenda.

“One thing I’ve learned running a growing business is that you just can’t predict certain events. An over-heating economy leading to a recession, yes; but that banks would be affected, no,” says Vasishtha.

“When I took out the original loan with 11 people, the ambition was to be a firm with offices in strategic locations. At five years, we got to that high growth stage – we’d planted the acorns in India and China, we paid off our loan in 2008 and we were ready for the next trench of growth.

“But in the same year, Lehman Brothers collapsed and a number of banks came within a whisker of doing so and had to be saved.

“Banks expected businesses like ours to consolidate and we had to forget about expanding. The advice was right; there was way too much uncertainty. Now, we’re recruiting again, taking on more lawyers and looking at how we can exploit technology to deliver some internet-based services, and looking at opportunities to grow both domestically and internationally.

“We’ve had our setbacks and there have been times when running this business has been like a real-life MBA. But it makes business exciting and the secret is in how you react to the setbacks and move forwards from them. It makes you stronger. Moving forward is easier when you are passionate about what you do and have a team that is equally committed.”

Vasishtha adds: “The UK needs to move forwards too and a more mature attitude towards immigration – and an understanding of what it does for our economy – has got to be a part of that.”

for all, immigration didn’t seem to be a serious problem. But a crash, recession and – in Vasishtha’s view – some selective reporting of the facts around immigration have now turned the movement of people in a global economy into a problem which is, supposedly, out of control.

“There have been problems,” he says. “There was a time when there was no handle on how many people were coming or going, exactly how many people were in the UK illegally, decision-making was sloppy and refusals were not being dealt with swiftly enough.

“However, there is a danger of tarring all immigrants with the same brush if we get too obsessive in cutting numbers. Investment and knowledge could go elsewhere because of the negativity propagated by certain

elements of the press – negativity that gets picked up abroad.”

The political climate has dictated that immigration has been curbed and tightened. But Vasishtha points out that for every action there is a reaction. And it might not be a good one for a UK economy where historic problems with STEM (science, technology, engineering and mathematics) skills remain.

“The real danger is that people abroad will pick this up and see it as meaning that the UK is not welcoming,” he says. “We live in a global economy and the war for talent is very much a global one now. So the UK could lose out because people have a choice about where they go. The best doctors, the best engineers, the best software developers can easily look at opportunities anywhere in

the world.

“There is a sponsorship regime here for economic immigrants but decision-making is still in some cases taking too long or is too frequently of a poor quality. This can be very annoying when it is mission-critical for a business to get their overseas recruit here as quickly as possible.”

He adds: “The movement of human capital lies at the heart of encouraging export and trading internationally. So you can’t have it both ways – you can’t expect developing economies to accept us, to allow us to transfer staff, set up and trade if we restrict what they can do here.”

With what Britain can offer; being the gateway to Europe, our regulatory and legal systems, even the English language coupled with our links with far flung corners of the

globe ought to put us in a strong position to exploit new opportunities. But it needs to take a more compassionate approach to immigration if that is to happen, says Vasishtha.

“On the whole, immigrants are net GDP contributors, not takers. We do, of course, have to focus on up-skilling people here, particularly in those STEM subjects, to help move the economy forwards. But it will take a generation to do that.

“Compare our economy to that of Silicon Valley – why has that been so successful? One of the key reasons is that it has been a whole lot more welcoming in its attitude towards immigrants.

“If you look at Indians in Silicon Valley, 16 per cent of start-ups had Indian founders, 35 per cent of NASA scientists are Indian, and there is a