



Nottingham
Law School
Nottingham Trent University

The motivations and experiences of international law students

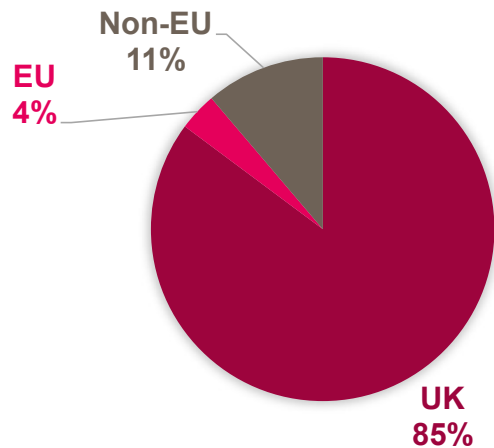
Housekeeping

- Programme for the day
- If the fire alarm goes off ...
- Please put phones on silent
- Ground rules for an inclusive, positive, productive day

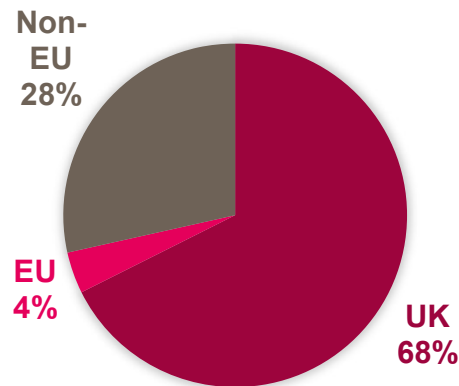


How many international law students are there in the UK?

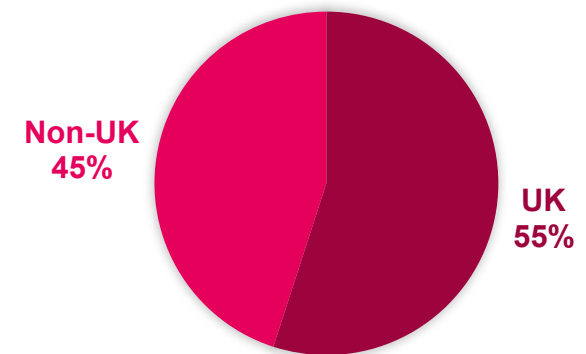
2019-2022 UG (N = 103,390)



2019-2022 PGT (N = 36,645)



2022-2023 Bar Training (N = 2,178)





It had been the tradition for several decades for students from many Commonwealth countries to obtain the qualification of Barrister-at-Law at one of the four Inns of Court in London and thereafter to return to their own countries, with, or sometimes without, a period of pupillage before commencing practice. Not only was it the tradition, but for many of these countries it was the only way of becoming qualified for legal practice.

Legal Professional Qualifying Board, Malaysia





Notwithstanding this Act or any other written law to the contrary, a national of Trinidad and Tobago who ...has passed the Bar Vocational Course... or the Legal Practice Course, ... and hasundergone an attachment at ... chambers [of an attorney who has practised in Trinidad and Tobago for at least ten years] for a continuous period of not less than six months doing work relating to the practice of Law ..

Legal Profession Act 1986, s 15(1)A [Held to be unconstitutional in 2019 in a claim by a Grenadian with a UK LLB and an LPC, as discriminating against non-nationals: *Hadeed v AG of Trinidad and Tobago*]



Where do they come from?

- Largely, other common law countries(?)
- Possibly, countries that will slot their UK degree/qualification into their own qualification system, e.g.
 - India's bridging courses for UK LLB graduates
 - Countries that will accept call to the Bar of England and Wales as a qualification
 - Places that rely on a UK qualification (e.g. Guernsey)



Themes in the literature

- (Assumed) trajectory from Global South to Global North
- “International” usually defined as for immigration purposes (Ballakrishnen and Silver, 2019)
- English a big factor (but many international students are native speakers)
- Approaches to analysis
 - Push/pull factors (Maringe and Carter 2007)
 - Capitals: human, social, economic v capability
 - Educational/aspirational/economic motivations (Fakunle, 2021)
- Add the legal factors:
 - Jurisdictionally specific content (Devonshire, 2015) /legal culture
 - Regulatory framework about qualification/practice in UK and elsewhere



For law students

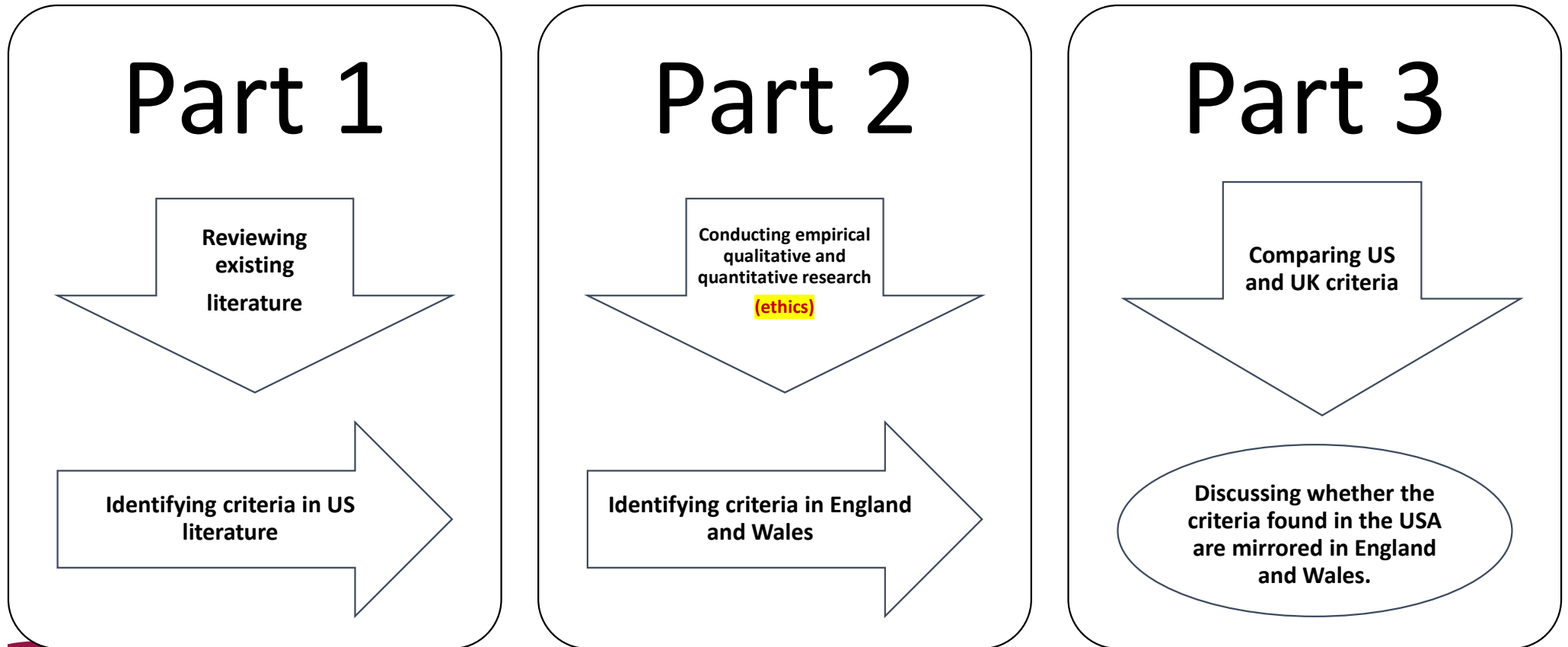
- Trajectory towards “legal hub” (?)
- Assumptions of a deficit push factor
- Hurdles: legal culture, language, pedagogy, logistics (Picker et al 2016)
- “Value” differs depending on home regulatory and legal services context (Silver, 2011, comparing Germany and China; Ballakrishnen, 2012 on India)
- Factors found in the US literature:
 - new intellectual perspectives
 - cultural awareness
 - networking
 - specialist understanding that is underdeveloped at home
 - linguistic or other skills that enhance local practice.
 - new forms of reasoning and pedagogy
 - cultural and social experience (the “gap year”)
 - employability (the “halo”)



- Both the USA and UK are primary destinations for international law students. There is a considerable US literature on their motivations and experiences.
- The objectives of the project are to investigate
 - a) whether the criteria found in the USA are mirrored in England and Wales.
 - b) the relative importance to international law students of:
 - a. knowledge and competence for practice in the home jurisdiction;
 - b. status and capital envisaged as a “halo” for employers at home; and
 - c. regulatory bypass of problematic home qualification systems.



Outline of project



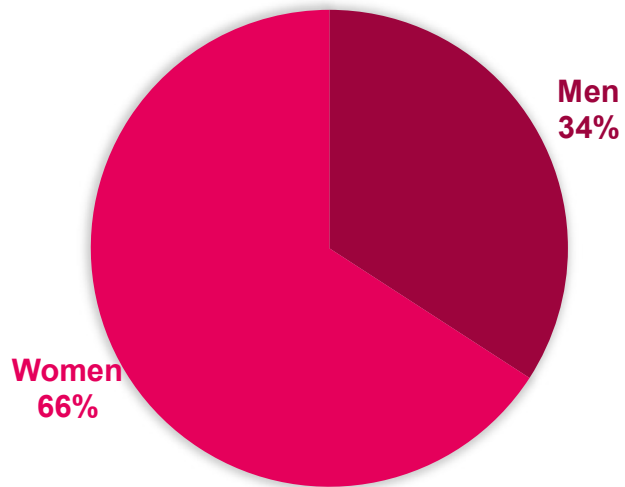
Quantitative data

(Online Surveys: N = 41)

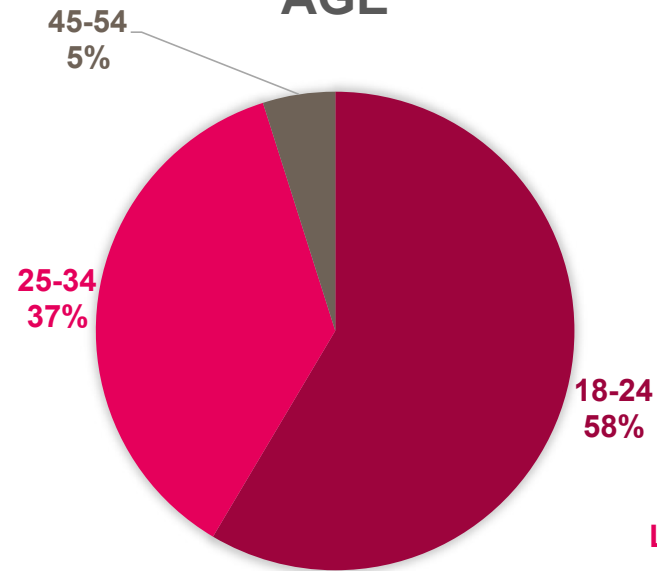


Quantitative data

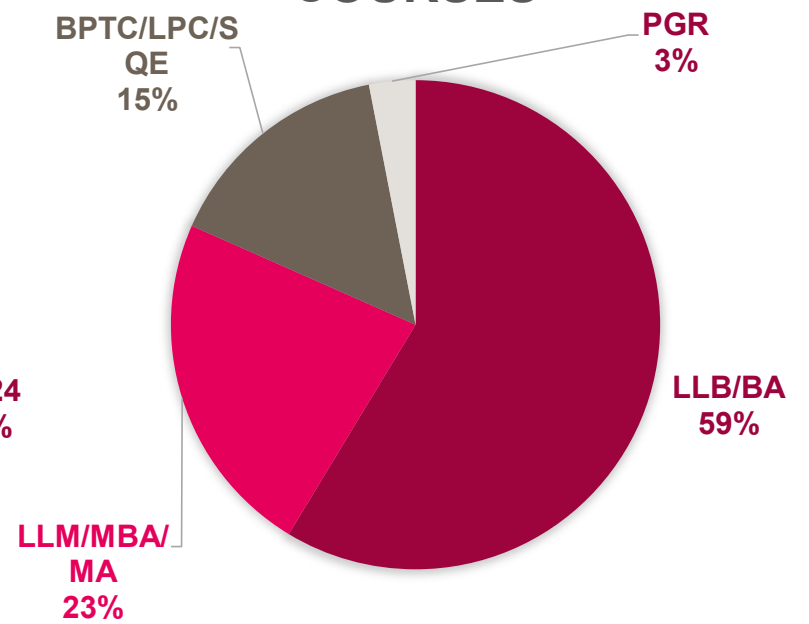
GENDER



AGE



COURSES

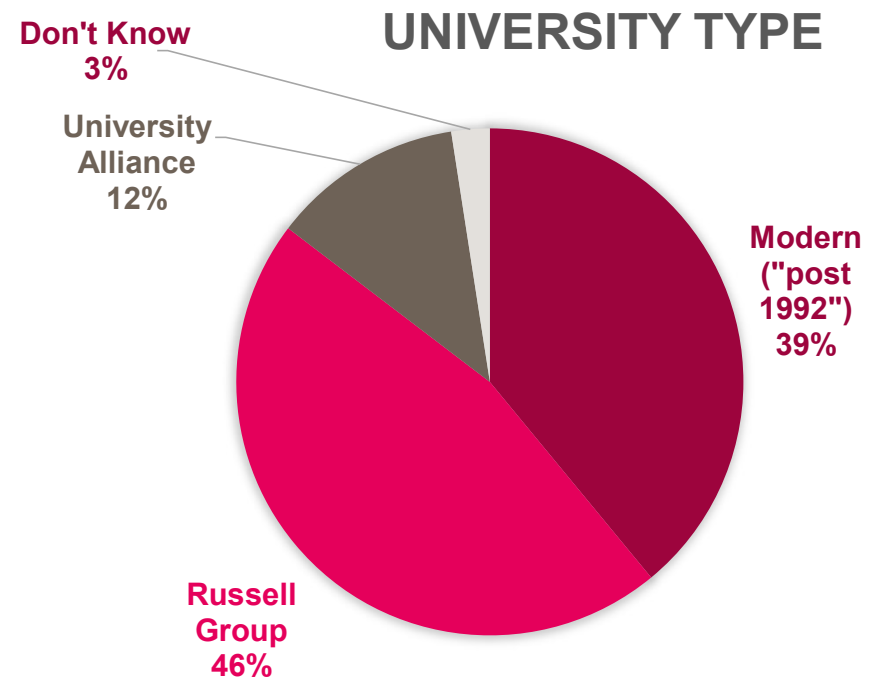


Quantitative data



- 2 from each of Bangladesh, China, Malaysia, Mauritius, Nigeria, Singapore
- 3 from Hong Kong
- 4 from France, India
- 8 of the group were already qualified as lawyers
- 16 from the “Global North”
- 23 from Commonwealth nations
- 8 from EU/EEA nations
- 26 from (broadly) common law jurisdictions

Quantitative data

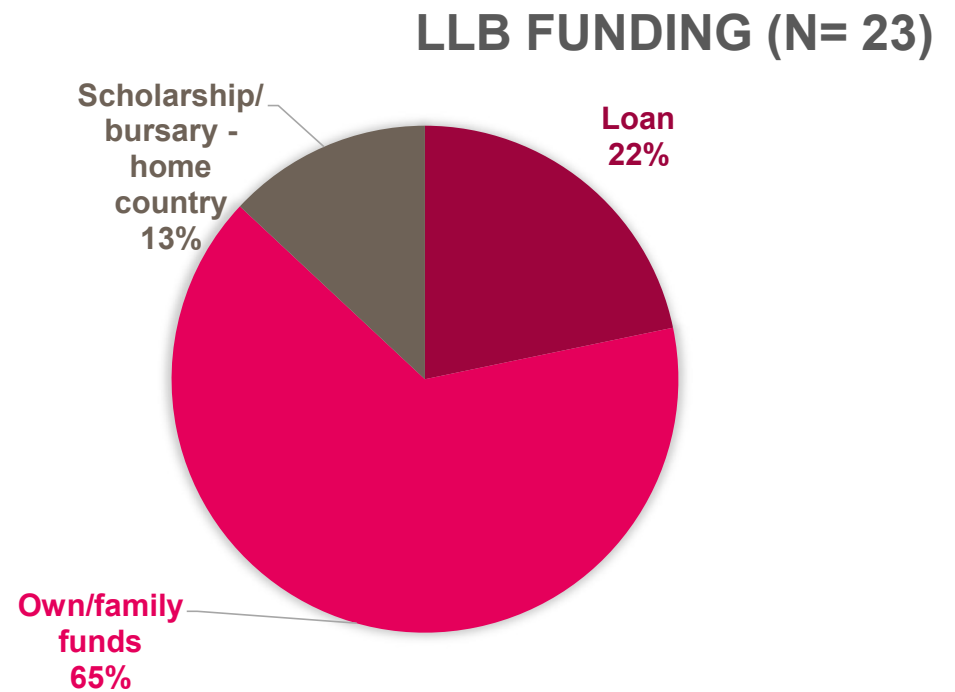
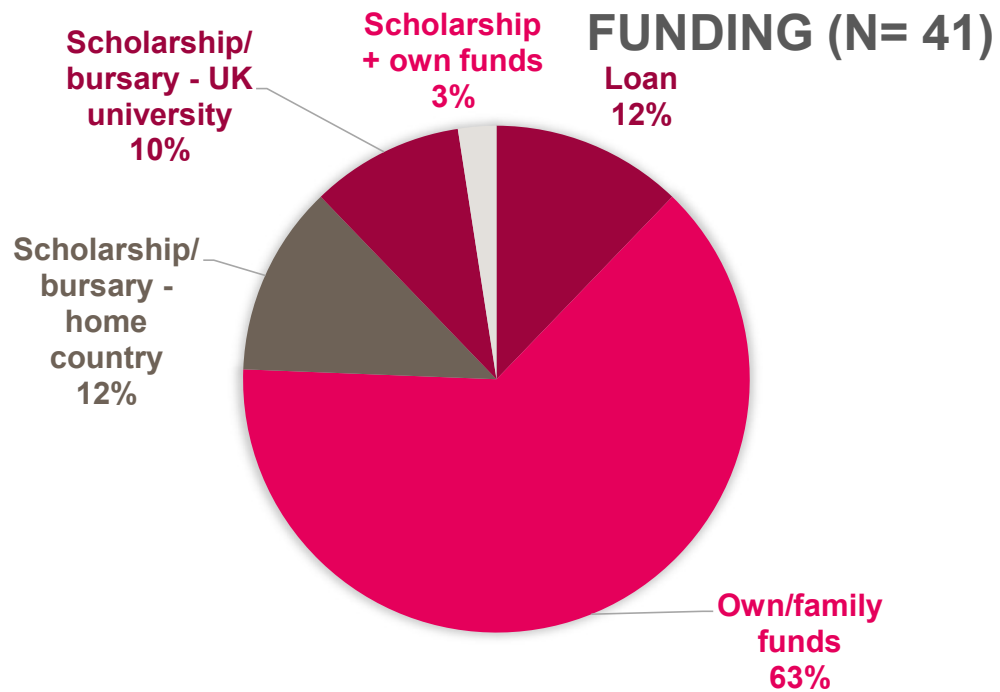


Status of university

- Highly significant in UK (compared to Germany): Mountford-Zimdars and Flood (2017)
- Vocational courses tend to be offered by private or “Modern” universities
- 19/41 (46%) selected “The UK course/university has higher status than universities at home” amongst their reasons for their choice of UK course
- 25/41 (60%) selected “Having studied abroad will give me an enhanced status at home” amongst their reasons for studying in the UK

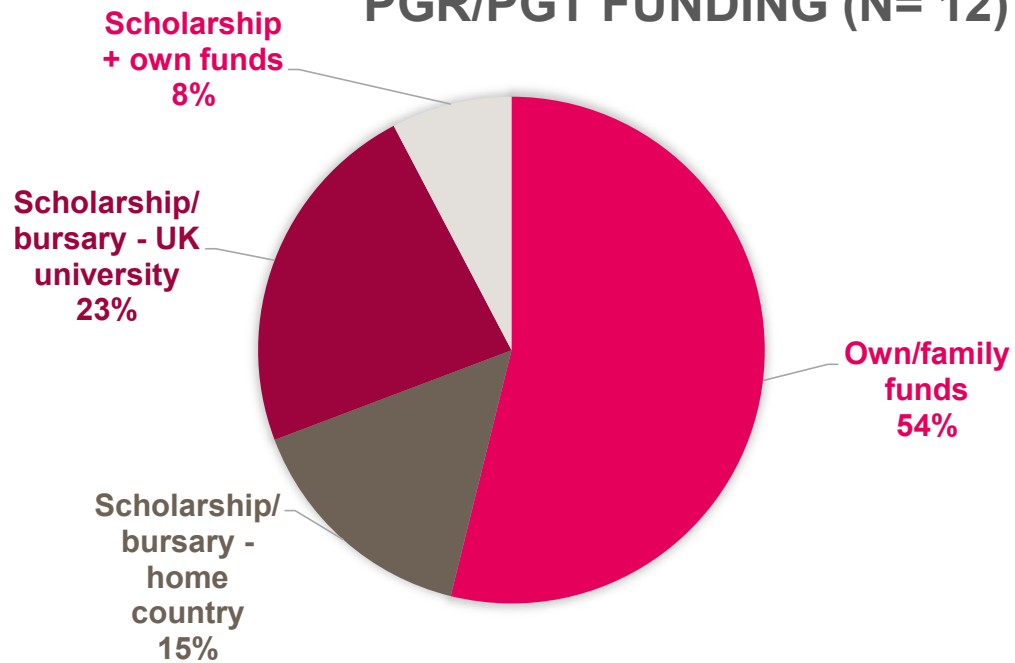


Quantitative data

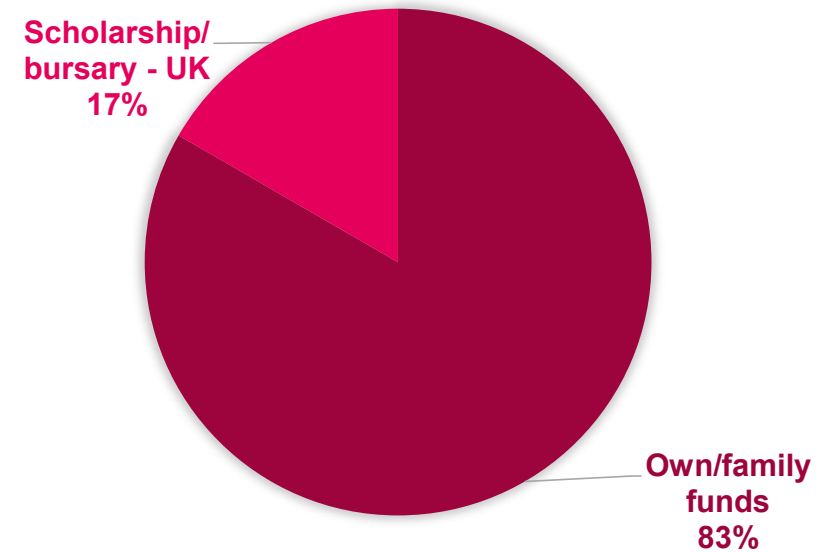


Quantitative data

PGR/PGT FUNDING (N= 12)

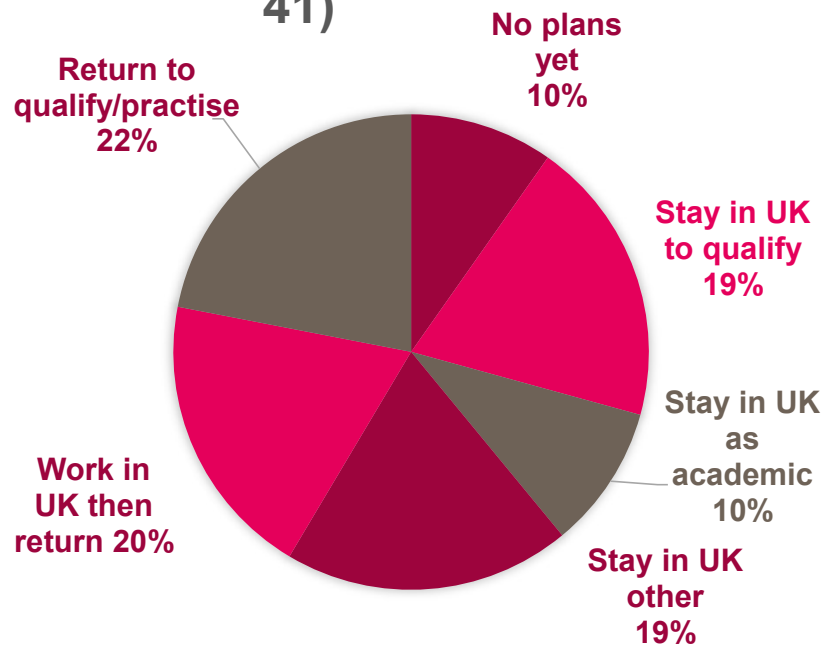


VOCATIONAL FUNDING (N= 6)

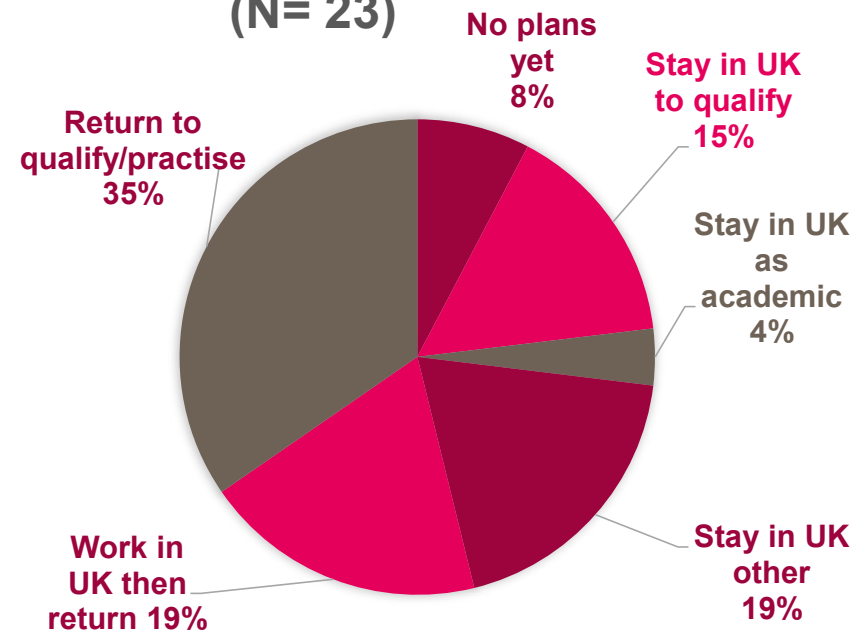


Quantitative data

POST DEGREE PLANS (N= 41)

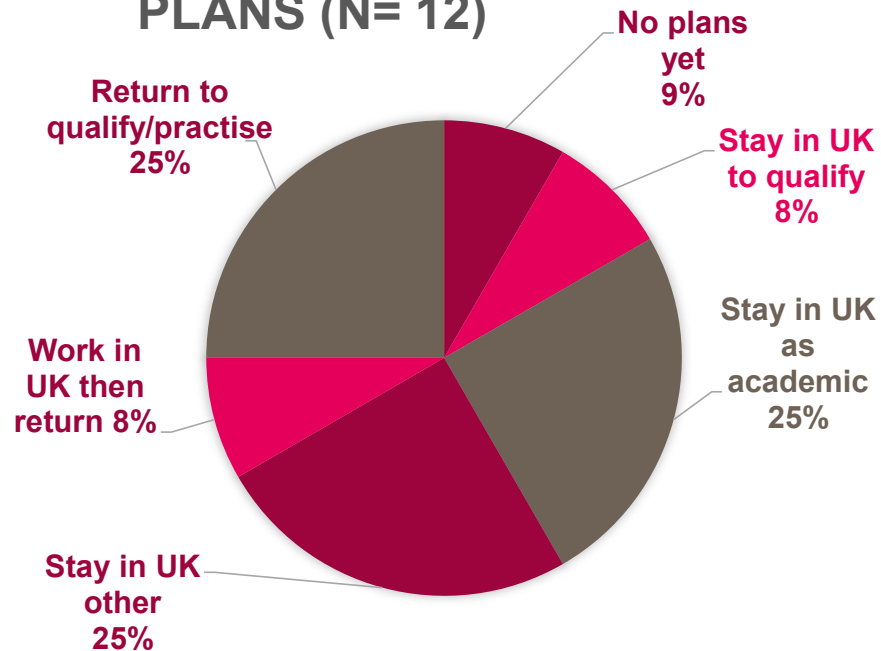


LLB POST DEGREE PLANS (N= 23)

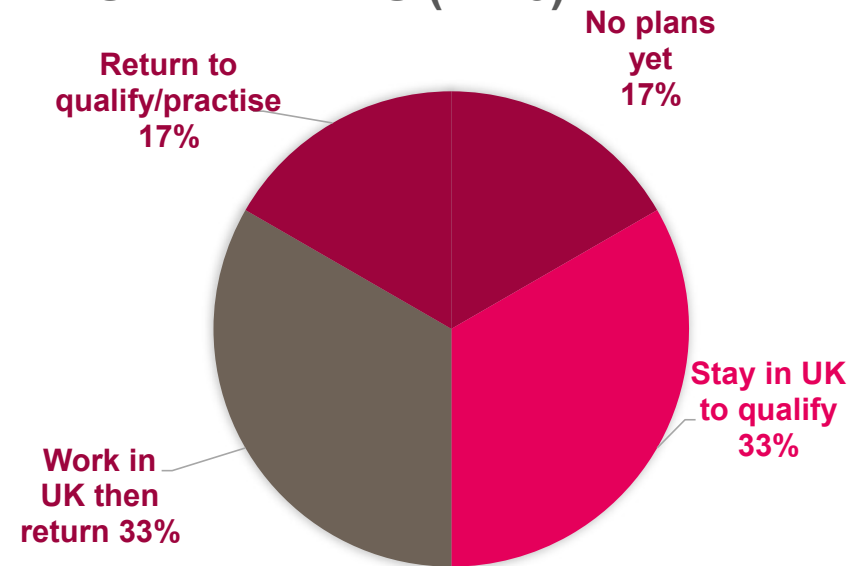


Quantitative data

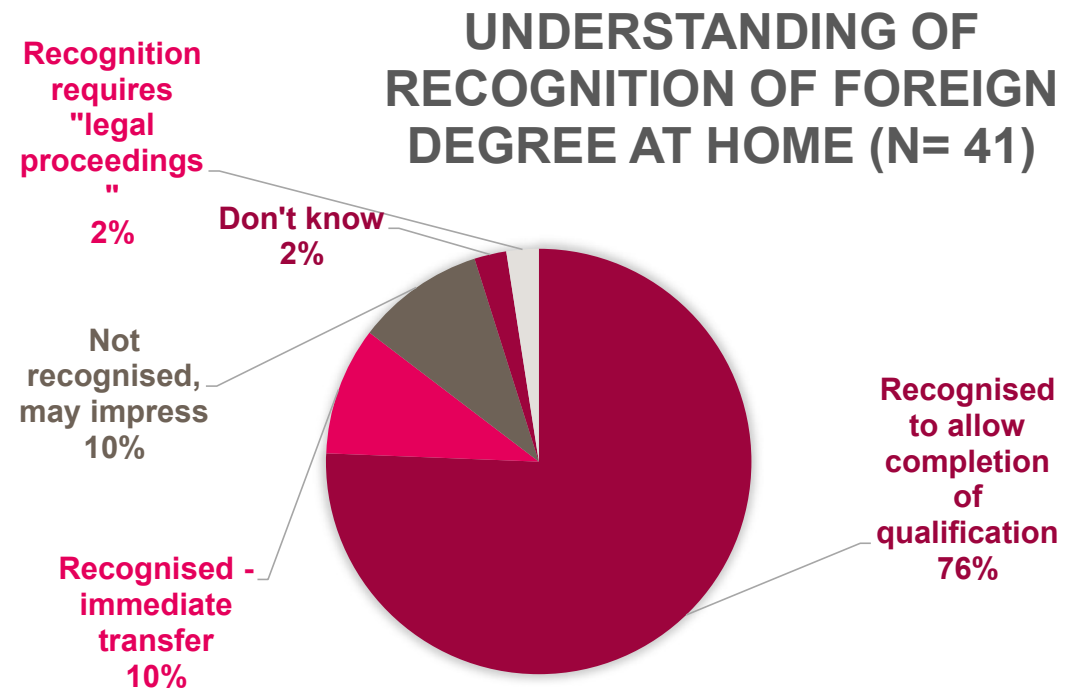
PGR/PGT POST DEGREE PLANS (N= 12)



VOCATIONAL POST DEGREE PLANS (N= 6)



Quantitative data



Recognition of your degree in your home country

- Allows you to complete remainder of qualification
 - LLB: Bahrain, Kuwait, Cyprus, Pakistan, Nigeria, Canada, India, France, Hong Kong, UAE, Singapore, Kenya, Mauritius, Malaysia, Sweden, Switzerland
 - LLM: China, Nigeria (although another Nigerian disagreed), Bangladesh, India (although another Indian disagreed), Sri Lanka
 - Vocational: Hong Kong, Canada
 - PGR: Saudi Arabia
- Direct transfer
 - LLM: Austria
 - Vocational: Malaysia, Pakistan, Bangladesh, Mauritius



Countries shown in red had at least one respondent holding this view who also planned to return to practise/qualify (or to do so in a third country)

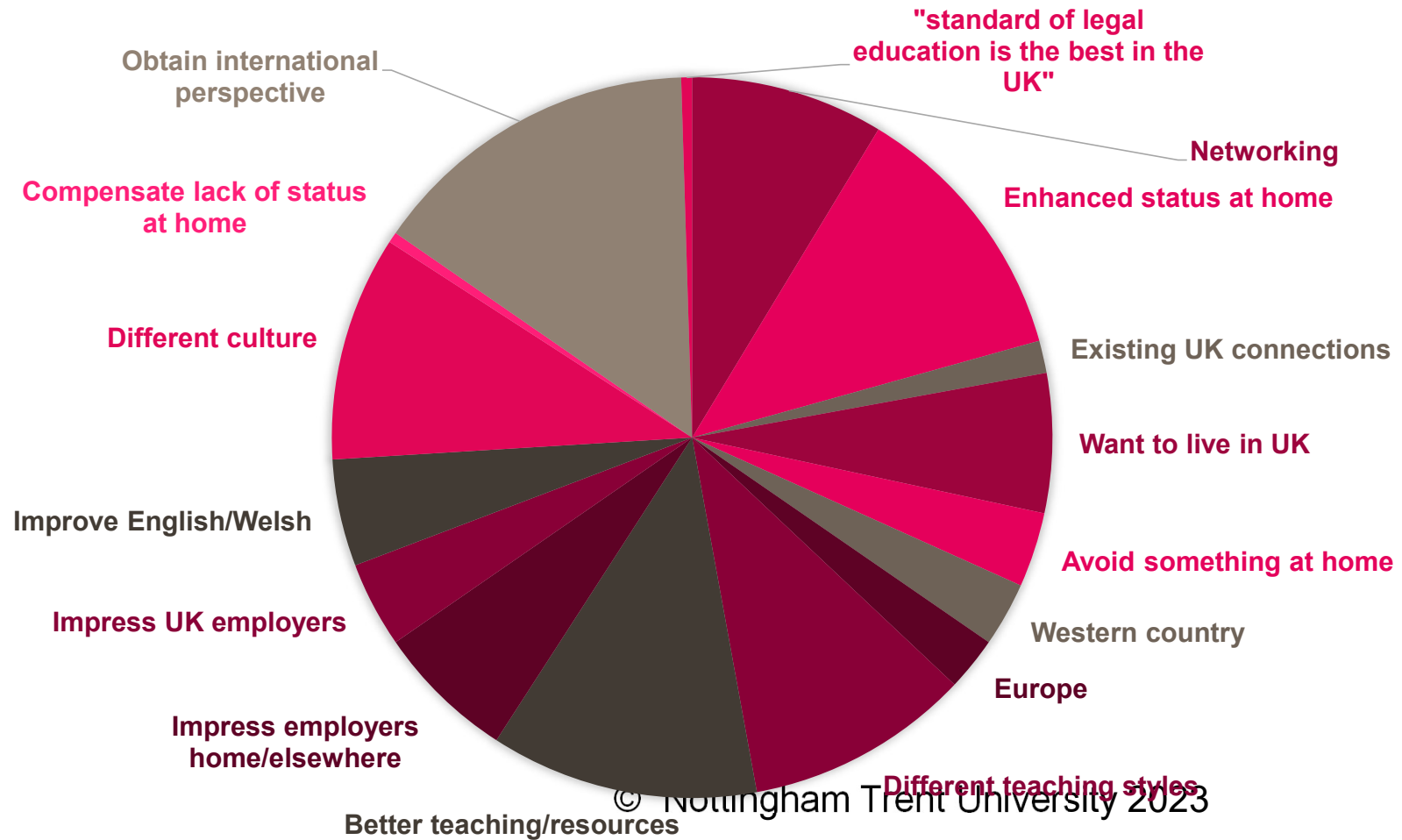
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Were they right?

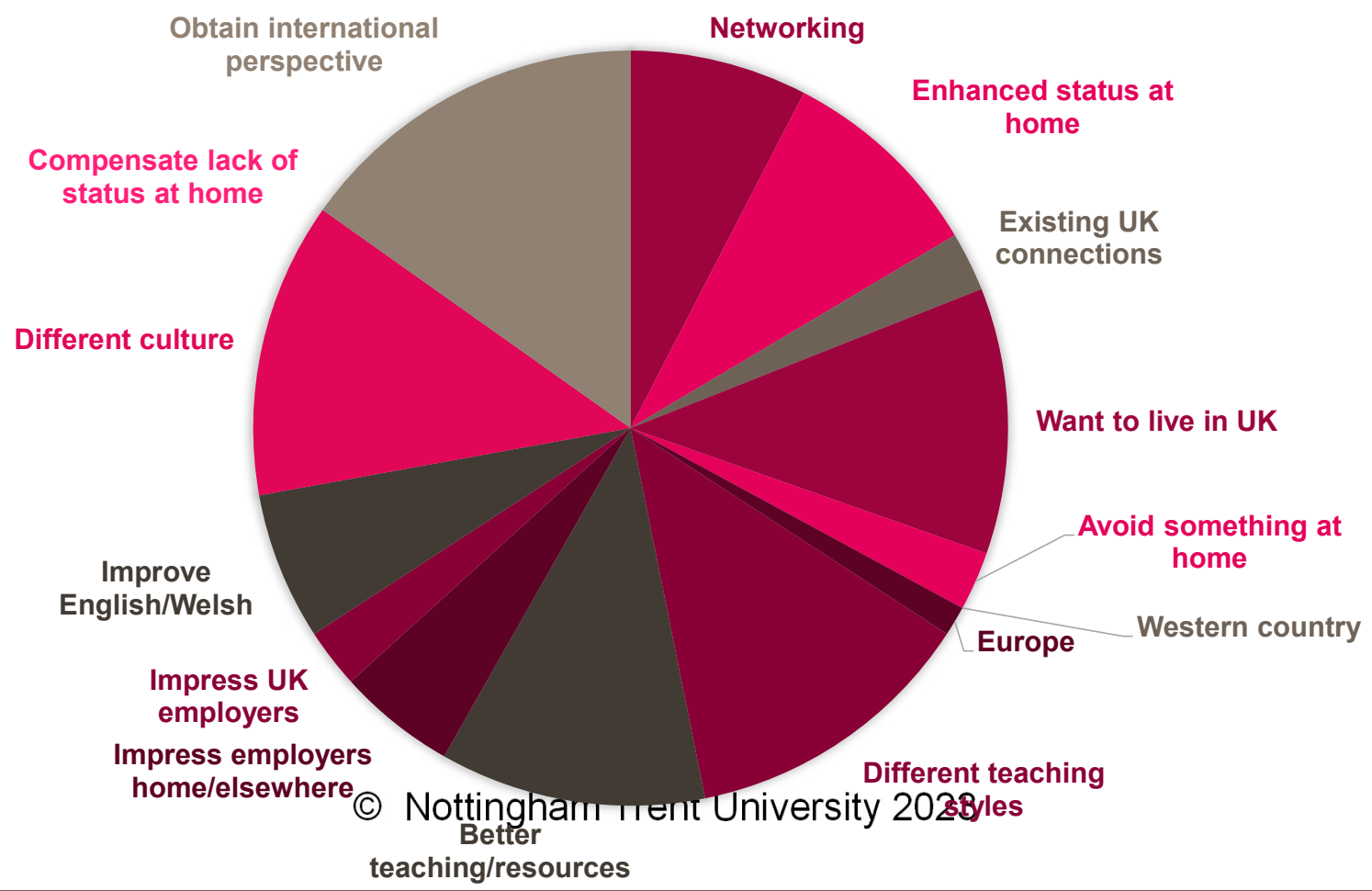
- Austria (LLM) – Rechtsanwaltsordnung, s 3(1) requires a 4-year degree in Austrian law
- Bahrain (LLB) – law degree must be from a recognised university and include an Islamic Law element
- France (LLB) – (EU directives/*Morgenbesser* no longer apply). Equivalence for Master 1 includes any degree/diploma required by a foreign state for admission to its legal profession
- Hong Kong (LLB) – law degree must be from Hong Kong or a recognised common law course
- Kuwait (LLB) – requires a law degree from the University of Kuwait or a recognised university
- Mauritius (LLB) – a law degree from "a university in the United Kingdom" is included
- Mauritius (vocational course) – a barrister may be able to qualify into local profession (may require local pupillage?)
- Saudi Arabia (PGR) – equivalent of a BA may be permitted from outside KSA
- Singapore (LLB) – law degrees from 10 (largely Oxbridge/Russell Group) universities are acceptable



Why did you choose to study in the UK?

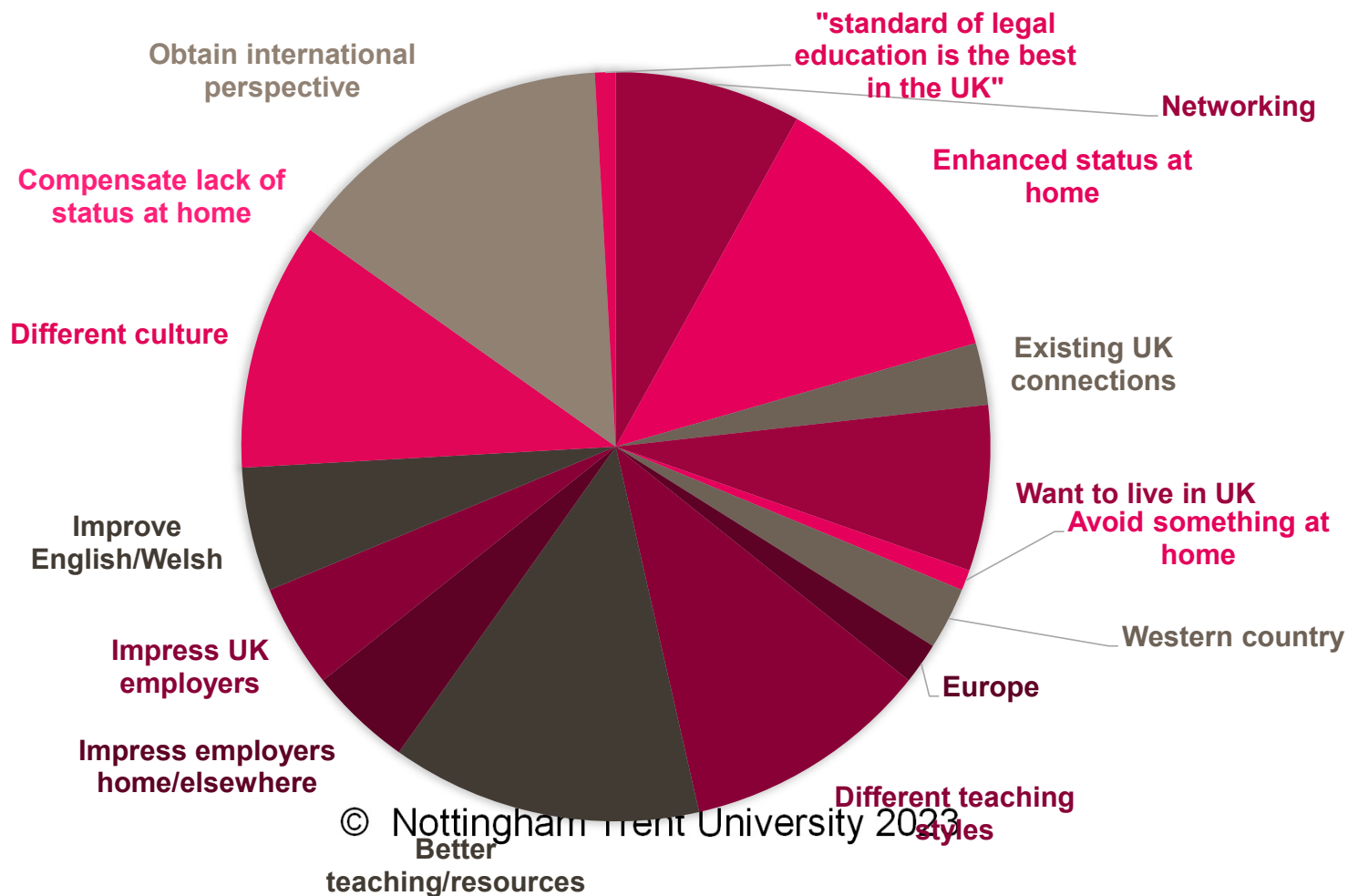


Why did you choose to study in the UK (Global north N=16)?

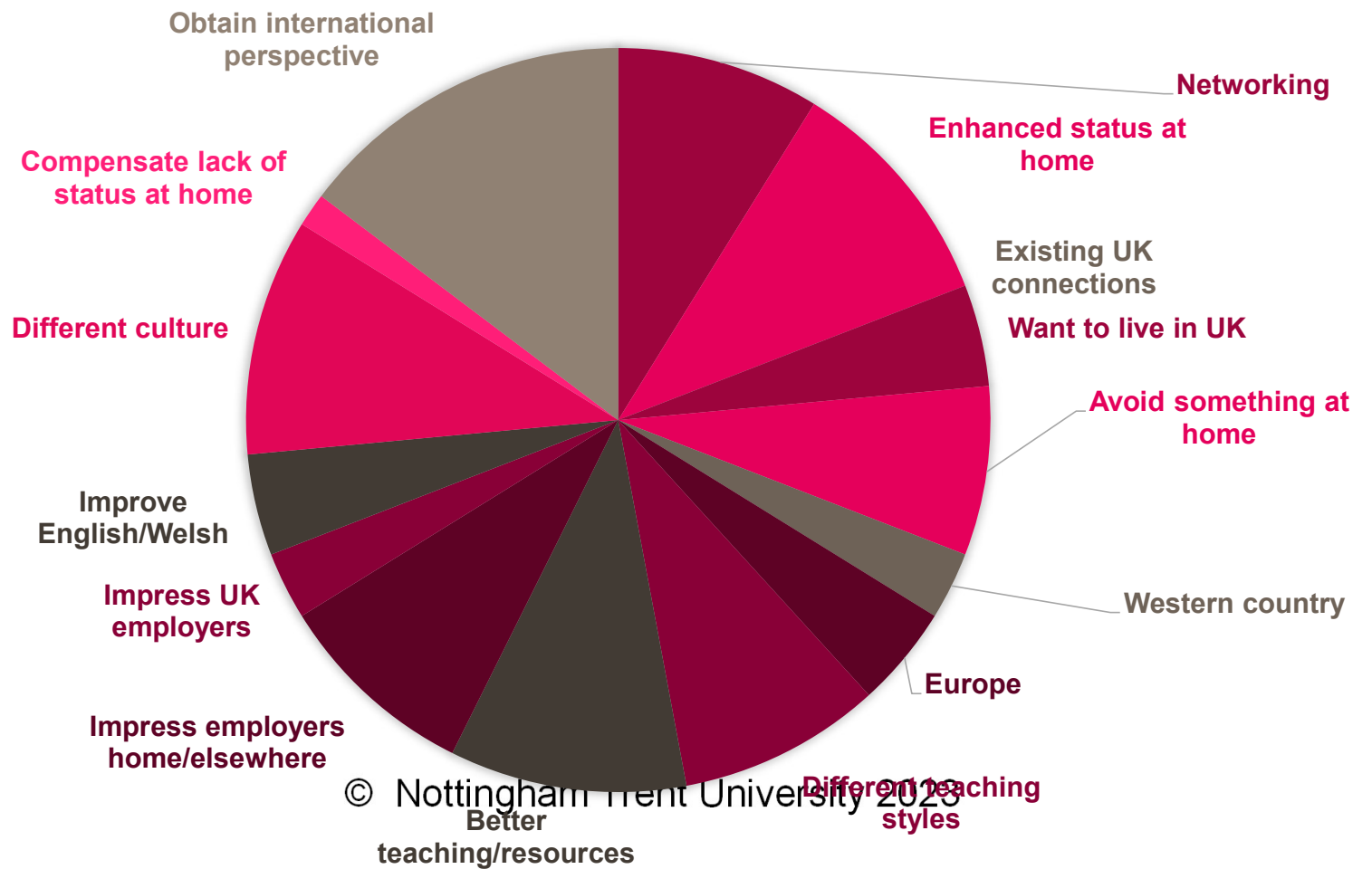


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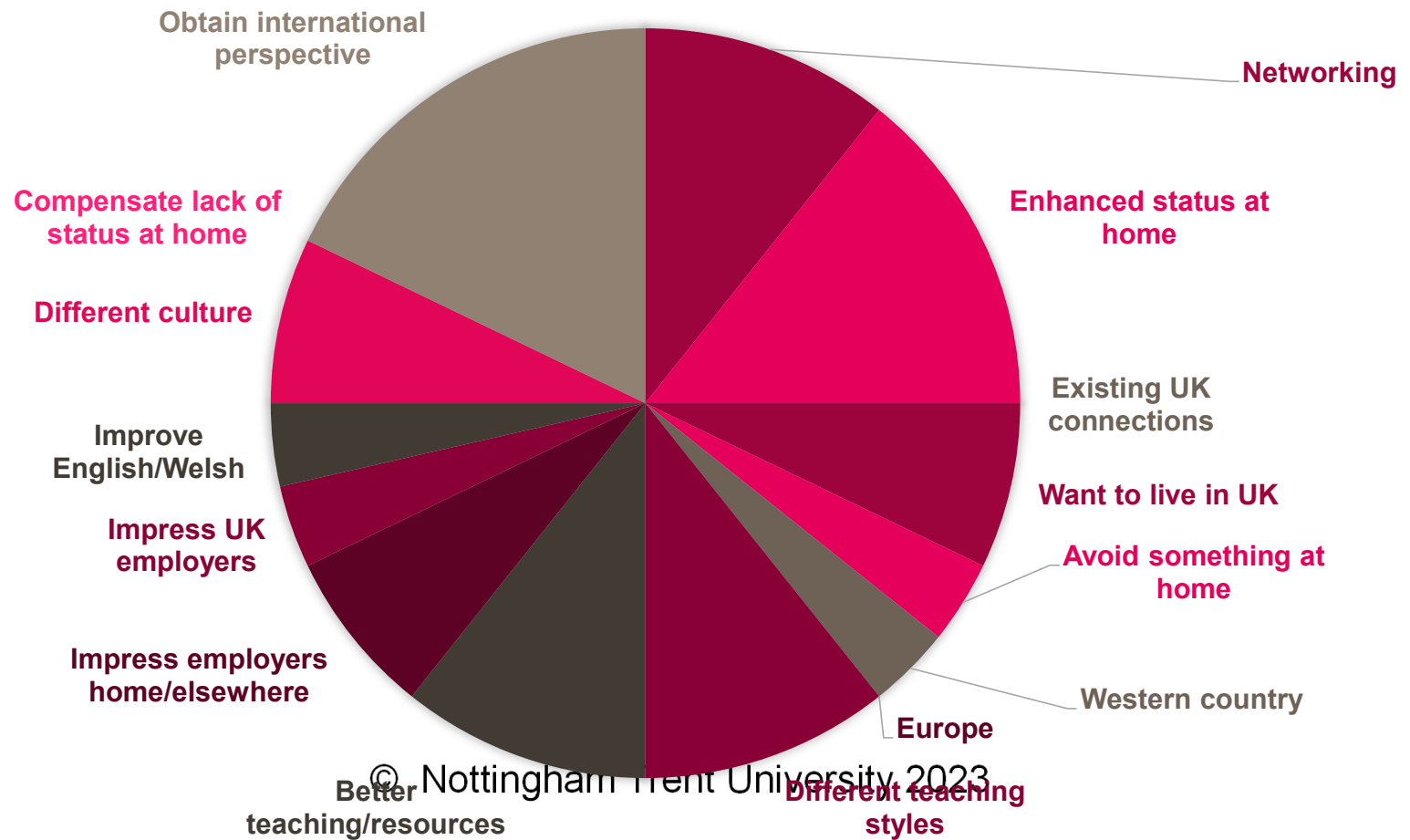
Why did you choose to study in the UK (LLB, N = 24)?



Why did you choose to study in the UK (PGT/PGR, N = 12)?



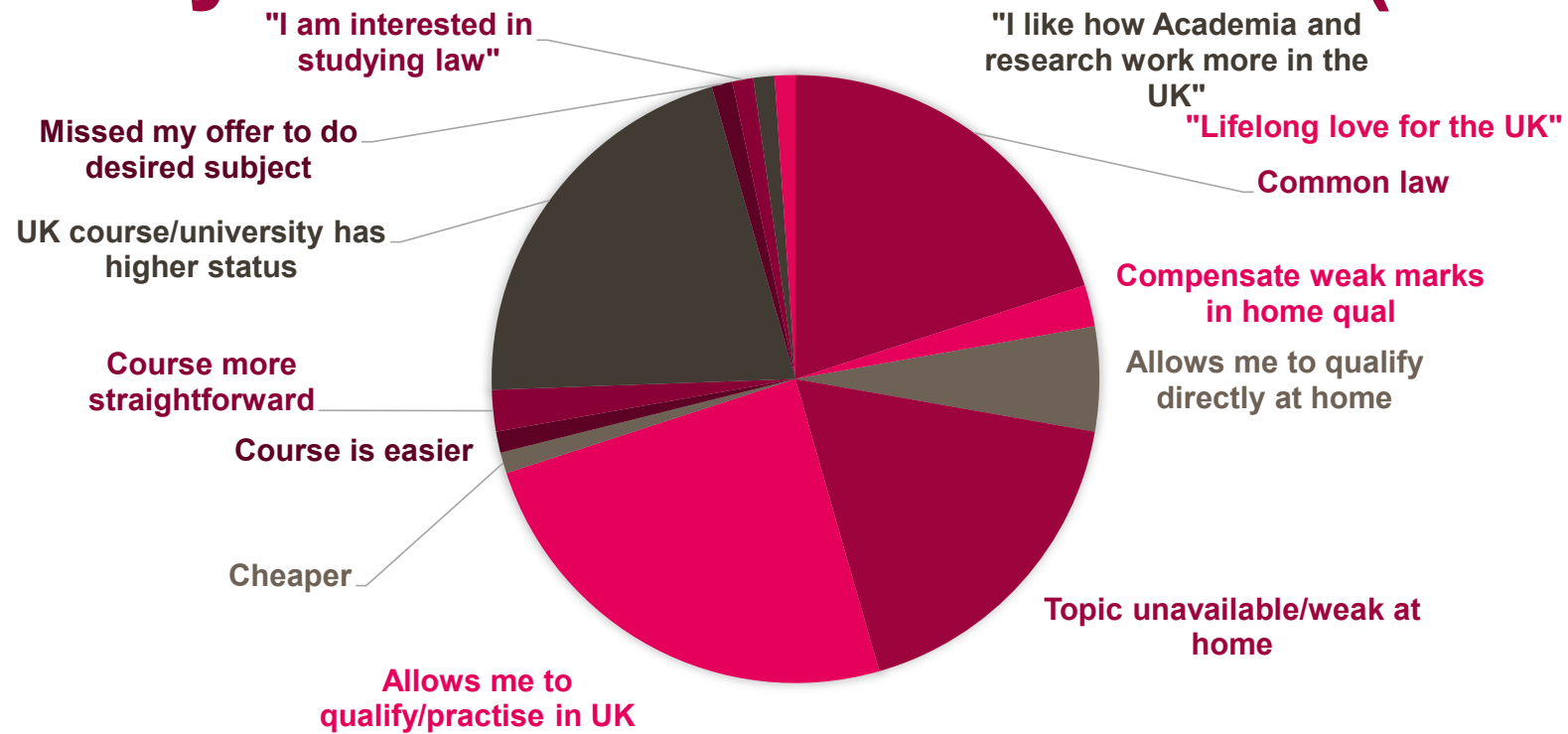
Why did you choose to study in the UK (Vocational, N = 6)?



Alternatives

- 15 respondents had considered studying elsewhere
- Romania, USA, Netherlands, France, Germany , Japan, Norway, Canada, Sweden, Australia
- Reasons: existing connections, distance, quality of education, cheaper (Netherlands, Sweden)
- Brexit was not a factor, although “[it] made studies in the UK more complicated”, “it made it more expensive to study here”.

Why did you choose this course (N = 41)?

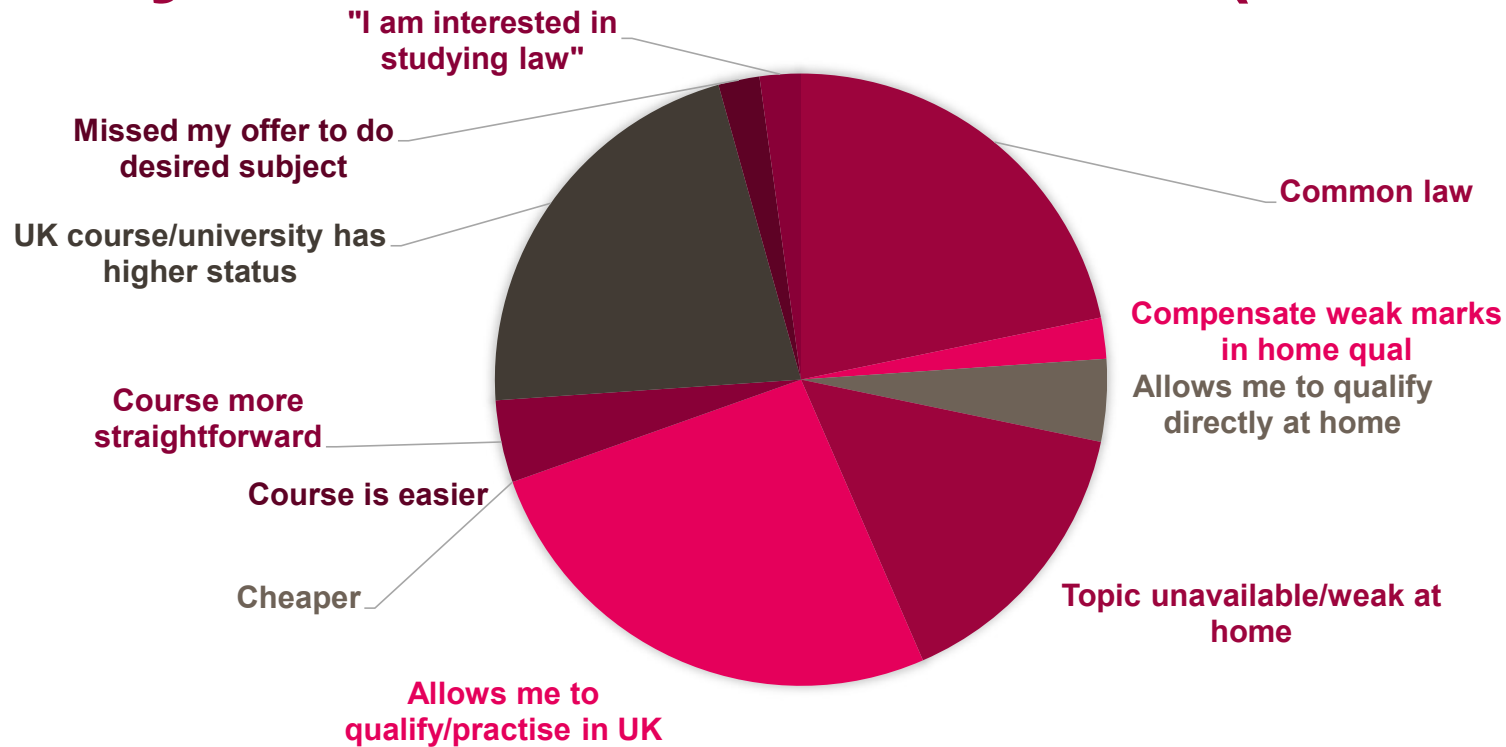


"Higher status" – mentioned by 3 University Alliance students, 9 Russell Group students and 8 Post 1992 students
 12 LLB students thought the course would give them the opportunity to qualify or practise in the UK, as did 3 LLM students and all the vocational students.
 1 LLB, 2 LLM and 1 PGR mentioned the course allowing them to qualify directly at home..

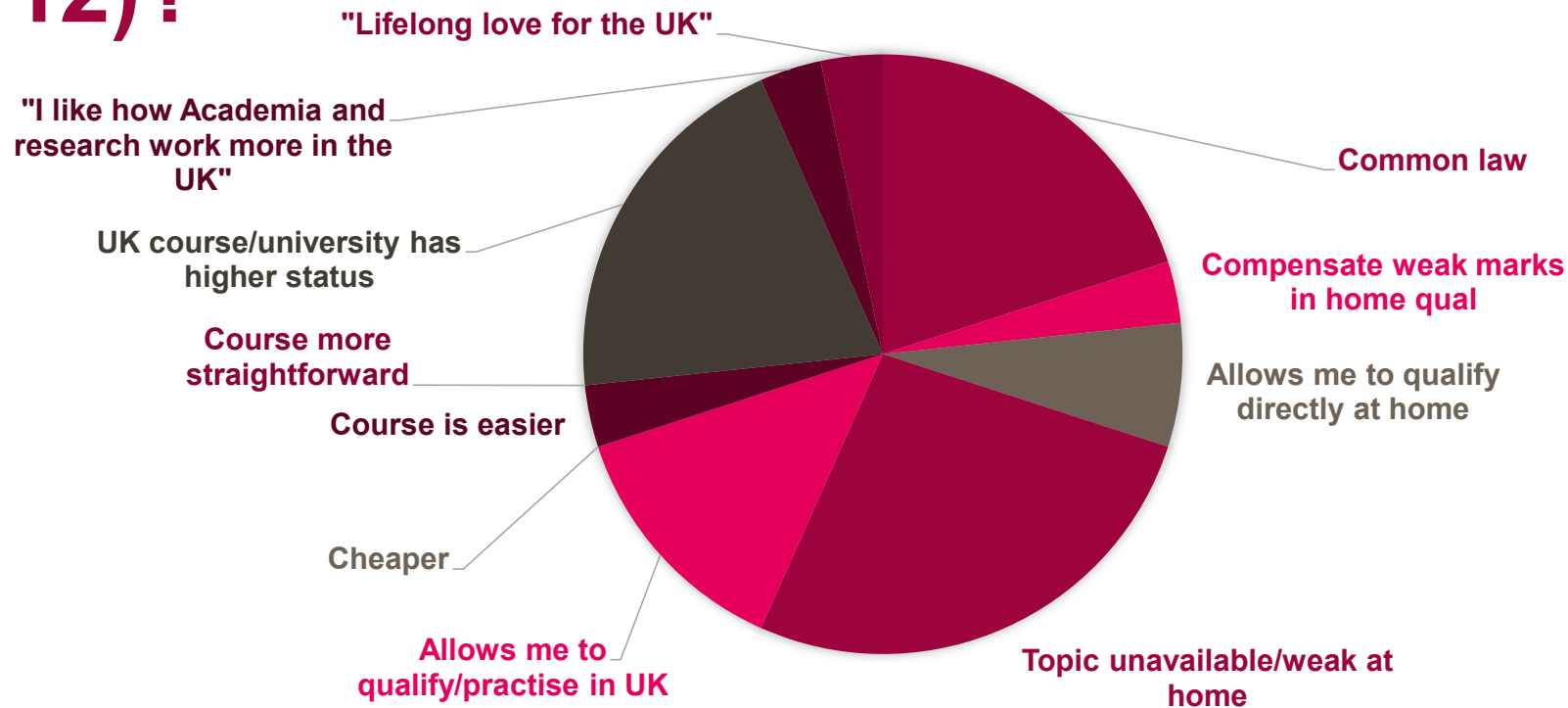
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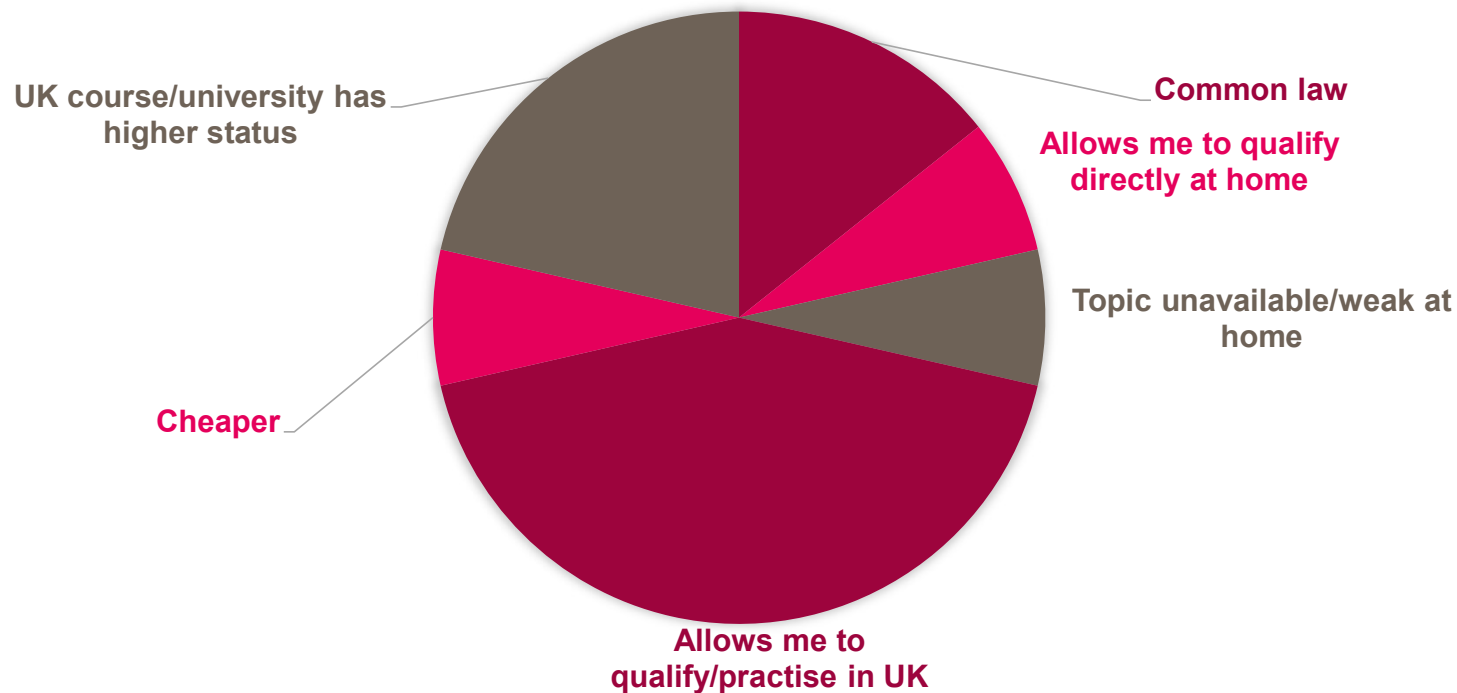
Why did you choose this course (LLB, N= 24)?



Why did you choose this course (PGT/PGR, N= 12)?



Why did you choose this course (Vocational, N= 6)?

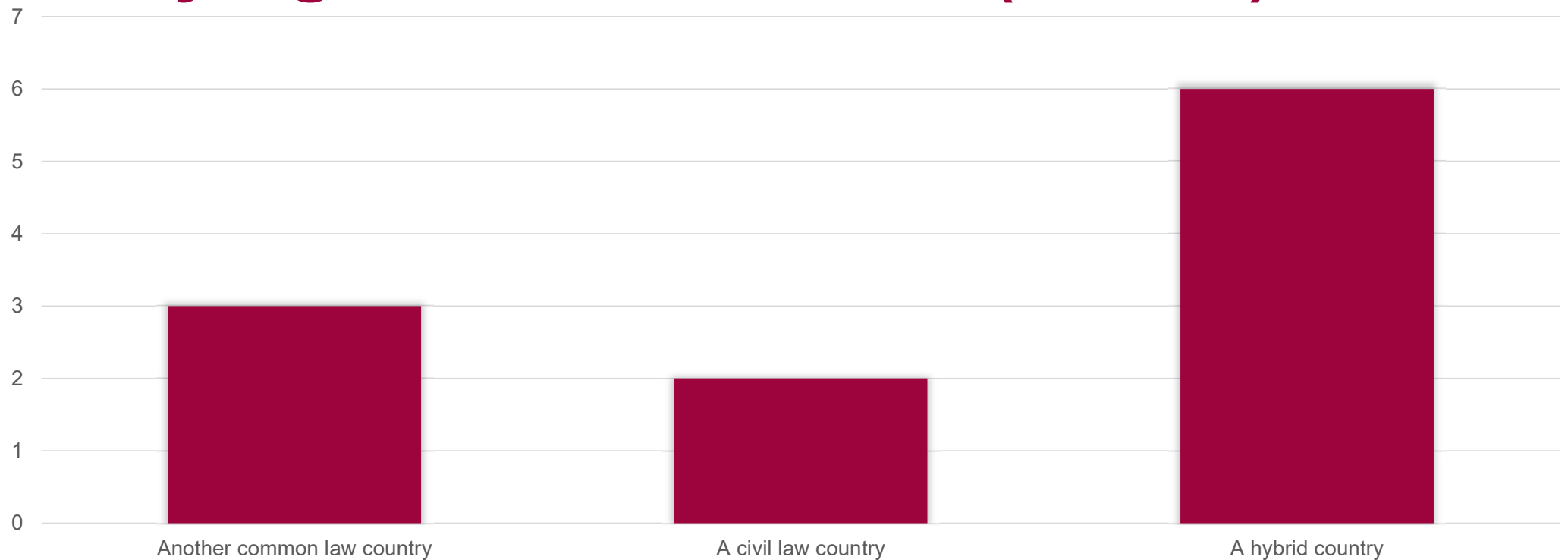


Across all groups

- New intellectual perspectives: strong response for “obtain international perspective” (75%)
- Cultural awareness/cultural and social experience: consistent response for “different culture” (51%), slightly less so for vocational group (33%)
- Networking: (43%) across all groups, 57% amongst practitioners and vocational students
- Specialist understanding: topic not developed or unavailable at home (39%) (66% of PGT/PGR)
- Linguistic: (24%) wanted to improve their English/Welsh (from Europe, the Middle East, Hong Kong and one African nation)
- Reasoning/pedagogy: better teaching (60%), different teaching styles (51%)



Studying the common law (N = 12)



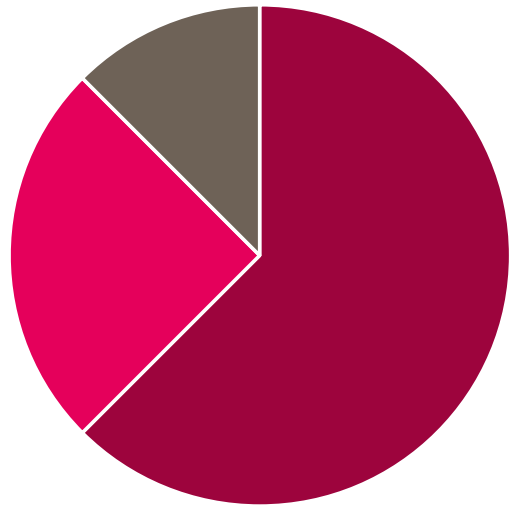
Status

- The 60% who thought study in the UK would bring enhanced status at home came from 19 different countries. This included countries in Europe, the Middle East, Africa and Asia. It was mentioned by 60% of Alliance students, 63% of Russell Group students and 66% of modern university students
- The 46% whose choice was informed by “The UK course/university has higher status than universities at home” came from 16 different countries. This again included countries in Europe, the Middle East, Africa and Asia. It was mentioned by 40% of Alliance students, 47% of Russell Group students and 53% of modern university students



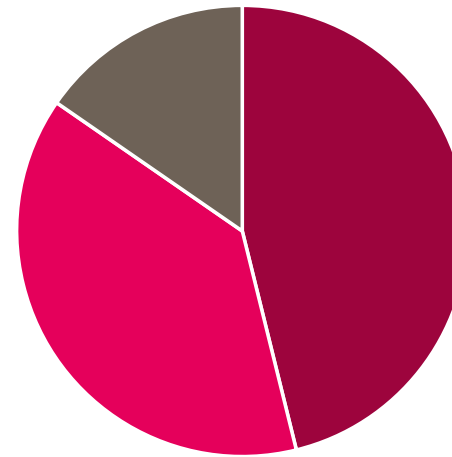
Employability (“the halo”)

To impress UK employers (N = 8)



■ LLB ■ PGT/PGR ■ Voc

To impress employers at home/3rd country (N= 13)



■ LLB ■ PGT/PGR ■ Voc





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Thank you