



## **Home Office consultation on managed migration routes**

### **Comments by MigrationwatchUK**

#### **Summary**

1. The government's proposals clarify the system but make only limited changes. Most importantly, they propose no limit to the number of work-related migrants who can settle in the UK.
2. As the number of work permits has quadrupled since 1997, work-related migrants and their dependants now constitute a significant proportion of overall long-term migration to the UK. The Government Actuary's Department, projects that migration at an assumed rate of 145,000 p.a. (below the average over the last 7 years of 168,000) will add nearly 6 million, out of a total increase of 7.2 million, to the UK's population between 2004 and 2031. That is 83% of projected population increase. Immigration on this scale is neither desirable nor sustainable in terms of its impact on the environment, our infrastructure, or our social cohesion.
3. The proposals rest on the assertion that 'by far the most important benefits are economic' yet the economic case is not made. Such arguments as are put forward rest on statistics which are misleading, distorted or just plain wrong.
4. Migration Watch supports limited long-term migration into the UK – preferably at a level which comes close to balancing immigration and emigration. We support the suggestion of auctions for work permits for non-shortage occupations subject to a minimum price. It would provide both a limit and a market mechanism to ensure that the acquisition of labour from overseas is of real value to employers.
5. We support the establishment of a Skills Advisory Council but we suggest that such a body should have a far more strategic role. They should identify current and impending skills gaps and put forward strategies for closing them from domestic resources.
6. Following the 2004 expansion of the EU into Eastern Europe we see no justification for allowing any non-EU lower-skilled labour movement into the UK, even on a temporary basis. The government's first priority should be to ensure that we bring the lower skilled unemployed back into the workforce wherever possible.

7. We support temporary admission to the UK for people wishing to study and gain work experience here. This should not, however, become a back route to long-term entry. Migration Watch UK therefore supports biometric visas, payment of bonds and sponsorship of all temporary migrants with the sponsor bearing some key responsibilities for the migrant during his or her stay in the UK.

8. In recent year's employers, particularly in the health care and IT sectors have become heavily reliant on imported labour from outside the EU. We recognise that it will take time to change this. A reversion to reliance primarily on native labour is long overdue and this review is an opportunity to embark on it.

## **General**

*1. Do you agree that the benefits of migration outweigh its costs?*

We do not agree that the benefits of our current or of the proposed, migration system outweigh the costs.

*2. Can a managed migration system be used to deliver the UK the workers it needs?*

Yes it can, but it should be possible in the main (and it is far preferable) to develop, train and retain the workers we need from the UK's own population of 60 million people. The exceptions may be temporary skills gaps and the very highly skilled.

*3. Is the current system too complex and bureaucratic?*

Yes it is too complex. It is not overly bureaucratic.

*4. Should the users of the system or the taxpayer or both bear the costs of the migration system?*

Users should bear the costs.

## Additional Comments

The government has failed to make the economic case for migration. The economic benefits which the Home Office has set out in section 3 of the consultation rest on data which is incorrect, grossly misleading or presented in a distorted way. We have referred some specific claims to the Statistics Commissioner. A copy of our letter is attached. We consider it unacceptable that the government should misuse statistics to try to make a case for migration.

We accept that there are benefits to be had from limited migration. Such migration needs to balance economic needs with the impact of immigration on the environment, the cost of additional infrastructure and the effects on community cohesion. Projected levels of migration will account for a rise of nearly 6 million in the UK's population between 2004 and 2031 out of a total population increase of 7.2 million. The government's proposals do not set a limit on the levels of work-related migration. We believe that this is a fundamental flaw.

We are also concerned that comparatively easy access to foreign labour will undermine incentives to develop, train and retain British staff. There is also the issue of recruitment of staff, particularly medical professionals, from countries whose needs are far greater than ours. This cannot be justified.

*5. Do you think we should introduce these changes in a phased manner?*

The proposed changes do not entail vast alterations to the existing system. The proposals to ensure that government and employers/colleges work together and share responsibility for the continued integrity of migrants' status are particularly important and need to be implemented quickly.

*6. Could the proposals to develop a new points-based system affect some groups of migrants more than others?*

Clearly it could (and should). For example if points were awarded for English language proficiency it would favour English speakers. However, having a good grasp of English is surely integral to on-going employability in the UK economy and to integration into UK Society.

*7. Do you agree that the objectives of the managed migration system should be focused primarily on economic benefit to the UK?*

No. Economic benefit to the UK should certainly be a key consideration when choosing migrants but the scale of migration to the UK is absolutely key for environmental, infrastructure and cohesion purposes. The managed migration system as a whole needs to balance the short-term needs of employers with: 1) the need to maximise use of the talents and skills of the resident population, 2) the avoidance of pressures arising from an increasing population – particularly in the South-East of England, 3) the need to give development opportunities for people from the developing world without taking this talent on a permanent basis, 4) the need to avoid the severe strains on community cohesion resulting from the present unprecedented levels of immigration. The government appointed the Cohesion Panel. It should take full account of its advice that the pace of change is simply too great in some areas at present.

*8. If managed migration were intended to meet non-economic objectives what would they be, and how would you measure them?*

The key non-economic benefit would be to ensure that we play a significant part in helping to develop the skills and practical experience of students and professionals from the developing world.

*9. How would you rank the proposed tests for the system in order of priority?*

The key test must be robustness – a system in which all checks are executed thoroughly and where the system cannot be abused.

*10. What can we do to make the system robust against abuse, whilst still benefiting from migrants working and studying in the UK?*

We support the proposals for there to be bonds for migrants who come from higher risk countries. The bonds to be repayable on return to their native country.

We also support the proposals to ensure that all migrants are sponsored by an employer (or college in the case of a student). The sponsor would bear the responsibility for ensuring that the migrant continues in the capacity for which visa permission was given and for ensuring that the migrant leaves when the visa expires..

All migrants to Britain from outside the EU should require a (biometric) visa and this system should be used to check and follow up on visa overstayers.

The rules for deporting foreign citizens who have overstayed their visa should be simplified.

We should also consider how to ensure that temporary migrants do not use their entry to obtain permanent residence through claiming asylum or through human rights legislation or through marriage. For instance, we could require migrants entering as a student or a work permit holder to sign a declaration when they apply for a visa to confirm that they have not been subjected to any of the conditions which would give rise to an asylum claim. Provided that the UK had withdrawn from the 1951 Convention (as separately recommended), such a declaration could, under domestic legislation that replaced the Convention, automatically rule out consideration of a claim.

The circumstances in which a visa extension or category change can be obtained in country should be severely curtailed, for example we should not allow an in country change from student visa to work permit visa. This will enable a simple and effective system to be maintained.

*11. Which attributes do you think are most important for tiers 1 and 2?*

All the attributes are critical. They need to be used together to select migrants against a quota set by Parliament each year.

*12. No comments*

*13. Do you agree with the proposal for the Skills Advisory Body?*

We broadly support the use of an Advisory Body as set out in 6.10. However, we believe there needs to be a much more comprehensive system for ensuring that the United Kingdom meets the overwhelming majority of its skill needs from its resident population. That is, having identified skills gaps, there is a coordinated programme through government and industry to ensure that these gaps are filled in the future. The vast majority of roles which have been filled by work permit holders in the past few years are key workers which are needed by any modern, advanced society. For instance, in 2002, 24% of work permits and first permissions were issued to health associate professionals (i.e. nurses and equivalent level professionals) and a further 7% were issued to teaching professionals. It should be possible to predict and satisfy demand for these occupations from the domestic labour market (as our partners in France and Germany manage to do). Failure to do so points to systemic problems in the UK, for example lack of adequate training places, nurses leaving the profession through low morale etc. The advisory Body therefore needs to not only identify skills gaps, but collect evidence as to why these gaps are occurring and what actions should be taken to address the shortages in future.

*14. Should employers be able to access migrant labour for non-shortage occupations and what would be the most effective mechanism for doing so?*

We support the idea of an auction for all tier 2 migrant positions. The number of positions would then be limited and the market would determine the value of recruiting a foreign worker.

*15. Which bodies or organisations should be involved in identifying labour shortages involving low or basic levels of skill?*

There can be no possible need for tier 3 labour when we have a very large labour market available to us from the States which joined the EU in May 2004.

*16, 17 and 18.* No comment

*19. What are your views about what a points system for students might mean in practice?*

The points system set out here seems to be more a set of criteria to allow entry. There is an implication that, by having a points system, it would not be necessary for someone to satisfy all the criteria (sufficient funds, offer of place at bona fide educational institution, coming to the UK primarily to study etc.). It seems more appropriate to keep this as a list of criteria which must be met.

*20. Should leave to enter or remain in the UK be linked to a specific course at a specific institution?*

Yes

*21. Should educational institutes be required to help maintain integrity of the immigration control in order to be able to issue certificates of sponsorship?*

Yes, they should. Universities are acting like any other business. They should bear the cost of maintaining immigration control as well as enjoying the profit from attracting foreign students.

*22/23 What are the benefits to the UK of these kinds of temporary/exchange workers in tier 5? Is it right that the system should provide for them?*

The benefits to the UK vary according to the type of scheme. Arrangements to allow visiting workers, which are currently covered by issue of work permits for intra company transfers, are essential when the UK hosts so many multi-national companies.

The youth mobility/cultural exchange schemes, such as the working holidaymakers scheme, provide cultural benefit to the UK but they do need extremely careful management and control. It is also potentially very expensive to maintain this degree of control. We therefore support the concept of the scheme but only where the costs of maintaining controls for migrants from particular countries are minimal and/or fully covered by fees.

We are in favour of selected development schemes as a way of helping the third world develop the professionals (particularly health care professionals) it needs. We are not in favour of our using this scheme as a source of professionals for the UK's labour market.

*24. Should there be provision for tier 5 migrants to switch into tiers 1 or 2?*

No. This would potentially provide a back door migration route to the UK. The clarity which the government is trying to introduce into the managed migration system would be compromised if there is provision for switching between schemes.

25. No comment

*26. Do you think employers, educational institutions and other sponsors have a responsibility to contribute to the maintenance of control*

Yes, very much so. They are the beneficiaries of migration.

*27. What should employers, educational institutions and others be expected to do to carry out that responsibility?*

We agree with the suggested list. In addition employers would need to notify the Home Office if they intended to terminate the employment of a migrant worker or if they propose to change his/her contract of employment.

28. No comments

*29. To which types of case would it be sensible for bonds to be applied?*

For many migrants from the developing and intermediate developed world there is a real incentive to stay in the UK (and other developed nations). Working in the black economy may well give much higher rewards than employment in their home country and they are likely to find ready support from communities here in the UK.

Bonds may be an effective way of covering the costs of tracking down and deporting migrants who have overstayed their visa permissions. But they will only be effective if their country has a satisfactory human rights record and an effective returns agreement with the UK.

For countries that have a poor human rights record any temporary migration poses a risk to the UK because of the possibility of migrants claiming asylum (whether the claim is valid or not). We have choices: 1) take the risk or 2) severely restrict temporary migration from these countries or 3) make migrants from these countries sign a declaration that their rights under the UN Convention have not been infringed before they are given leave to enter the UK and refuse to consider asylum claims from anyone who has signed such a declaration. If it could be enforced, we would favour the third route as it would make it possible for migrants to come to the UK from a range of countries which may otherwise be the source of asylum seekers entering under the guise of working or studying in the UK. However, it would be necessary first to withdraw from the 1951 Convention which provides an unqualified right to claim asylum. Bonds and biometric visas would still be required in these cases and it would still be necessary to stop entry where returns are not possible (such as Somalia).

*30/31. How should a bond scheme be operated/Is contracting out a better option than trying to combine it with existing migration work?*

We have no comment on how a bond scheme should be operated but we take the view that immigration control is such a fundamentally important task that it should be a matter for the government.

*32 and 33.* No comments.

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