

OTHER PERSPECTIVES

Government position

Immigration is currently a matter reserved to the Westminster Parliament and so it has been left to the policymakers in Whitehall to introduce regulations according to the political pressures of the day. In a 2010 interview with Andrew Marr, the Prime Minister David Cameron famously commented:

We would like to see net immigration in the tens of thousands rather than the hundreds of thousands. I don't think that's unrealistic. That's the sort of figure it was in the 1990s and I think we should see that again.

On the basis of this statement, reducing net immigration in the UK to 1990s levels has become a pledge of the Coalition Government. The Government is trying to achieve this aim in several ways, for example, the numbers of foreign students are being heavily reduced and a quota has been imposed on skilled worker migration.

Criticism from across the entire political spectrum

- The Business Secretary, Vince Cable MP, said that David Cameron's pledge to bring immigration levels down from the hundreds of thousands to the tens of thousands *risks "inflaming extremism"*;
- The Director General of the Confederation of British Industry has argued that *Britain is losing a "massive business opportunity"* as the result of a policy that was turning away the brightest foreign students;
- London Mayor Boris Johnson has strongly criticized the pledge, claiming that visa policies were *preventing the City and universities from recruiting the brightest talent*, and were "a block to growth"; and
- Keith Vaz MP, said that the changes are an **attack on British Asians**, accustomed to marrying in their country of origin.

What the experts are saying

- Thomas Huddleston of Migration Policy Group, a think-tank in Brussels, warned that the changes to the family migration Immigration Rules would ***take Britain from ranking near the middle of European and Northern American countries in 2007 on friendliness to family unification to perhaps 27th of 31 countries;***
- The eminent immigration solicitor, Laura Devine, in an article in the Law Gazette said that:

*the recent changes to the Immigration Rules should be a cause for concern [...] the new **financial requirement for settlement will likely have a disproportionate impact on women and certain minority communities who statistically earn less money.** Moreover, the **requirement does not take into account the differences in cost of living in different regions of the UK** and will therefore unfairly burden those living in lower-wage areas. [Furthermore], the new probationary period of five years for all migrants seeking settlement is burdensome and **introduces further instability and uncertainty into the lives of those who would otherwise embrace a life in the UK.***

Statistics from Oxford University Migration Observatory

- 61% of women and 32% of men will not qualify to bring in a Third Country National family member;
- **48% of people in Scotland will not qualify to bring in a Third Country National family member;** and
- 51% of people in Wales will not qualify to bring in a Third Country National family member; and
- 58% of people aged between 20 and 30 will not qualify to bring in a Third Country National family member compared to 35-45% of people aged between 30 and 60.

What about Human Rights?

Thomas Hammarberg, the former Council of Europe Commissioner for Human Rights, has commented that:

It is becoming more and more difficult for immigrants in Europe to have their family members join them. Even long-term residents and naturalised citizens are being deprived of this human right as policies in host countries are now becoming more restrictive and selective. Applicants have to fulfill unreasonable requirements which create insurmountable obstacles to them to living with their loved ones.

Article 12 of the 1948 Universal Declaration of Human Rights provides that:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence

Article 16 of the 1948 Universal declaration of Human Rights provides that:

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 8 1953 European Convention on Human Rights (“ECHR”) provides that:

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The Government claims that the changes to the UK family migration Immigration Rules do not contravene the human right to respect for family life under Article 8 of the ECHR because it is not an absolute right and can be interfered with in the interests of the economic well-being of the country. However, ***the Government is likely to lose inevitable legal challenges to the rule changes if they interfere with an individual’s family life in a substantial way and do so for a reason that is not one of the legally permissible ones.***

Indeed, Barristers at Renaissance Chambers have argued that *“in reality Government policy on immigration is not an economic policy, it is a social and cultural one”* and so ***it is doubtful whether the human right to respect for family life is genuinely and legitimately being interfered with in this context in the interests of the economic well-being of the country.***