

Migrants' Rights Scotland

for a rights-based approach to migration

SUBMISSION TO THE SCOTTISH PARLIAMENT'S EQUAL OPPORTUNITIES COMMITTEE INQUIRY INTO MIGRATION AND TRAFFICKING

Migrants' Rights Network in Scotland

Scotland has been involved in a migrants-led development for a rights-based approach to migration since 2006, through two Scotland-based Directors of the Migrants' Rights Network (MRN). Immigration being a reserved matter, the London base of the Network was crucial to maintain proximity to the Westminster government but also to establish working relationships with migrant community organizations (MCOs) across England and Wales. Limited funding meant the organization has had only short-term support staff in Scotland, relying largely on voluntary efforts to raise the profile of and debate on migrant issues, immigration policy changes and directions, and to establish a connection base with individual migrants and MCOs across the nation. Our network of individuals and MCOs stretches from the Highlands to the Borders, representing migrants of numerous backgrounds, residency status, ethnicities and nationalities, with varying levels of education, employability, and available opportunity. They connect us with thousands of other migrants and migrant workers who are trying to make their lives here.

To date, MRN in Scotland has held a series of four roundtable discussions to look at local implications for Home Office and Borders Agency strategic changes and policy developments, and for health services for migrants. We have also joined with the then Overseas Nurses Network, Unison, the STUC and its Black Workers Committee in meeting Parliamentarians at Holyrood to bring the reality of the migrant experience to them. Two occasions allowed us to raise important issues with cross-party MSPs, most notably with the Housing and Communities Minister, Alex Neil who stated in October 2009 that he would look to re-dress the lack of direct engagement with the Home Office's Migration Advisory Committee (MAC) regarding Scottish needs and occupation shortage lists. Our own meetings with MAC on their visits to Edinburgh have proved extremely helpful in highlighting our concerns about the impact of the Tier system on migrant workers here.

It has just become possible for the Scottish Directors of MRN to set up a separate organization, **Migrants' Rights Scotland**, for the specific purpose of working alongside the growing number of migrants and MCOs affected by the evolving climate of immigration and demographics here. As of April 2010, MRScotland is looking to consolidate our earlier work and to strengthen the connection of migrants across the country in getting their voices heard and in being involved in developing the policies that affect their lives, to the greater benefit of Scotland.

Preamble

Migrants' Rights Scotland welcomes the Scottish Parliament's Equal Opportunities Committee Inquiry to explore the impact and contribution of migrant populations within Scottish society and the extent and nature of trafficking. The Call for Evidence is timely -- so little is known about the lived experience of migrants, how they manage as (mostly visible) minorities and what conditions they are expected to endure, even as immigration rules change about them. With the economy arguably recovering from recession, there is much talk about its effect on the UK and Scotland, and little consideration of its impact on migrants or MCOs. **We hope the Committee's Inquiry will trigger interest and debate but mostly action towards filling the gaps of knowledge in this area.**

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We also hope it will build towards generating sound and equitable public policies to establish true equal opportunities for all in a devolved Scotland, responsive to demographic changes and needs. To these outcomes, we hope to join efforts with the Committee and Parliament.

We have taken the lead from the Committee to particularly emphasize the exploration of impact and contribution in presenting this submission on the key questions. We will therefore keep to some essential observations but leave maximum room for **the views and actual comments of migrants themselves**. These have been collected in a snap consultation across Scotland, including remote parts of the Highlands. While it is a small sample of migrants (22 individuals) due to time and resource limitations, their responses clearly articulate **first-hand evidence of their lived experience** and they demonstrate a strong level of unanimity which we believe would bear itself out in a larger study of the communities.

1. What are the trends in migration to Scotland?

For a succinct, fact-based and clear appraisal, we encourage the Committee to refer to Sarah Kyambi's report *Room For Manoeuvre?*¹ (2009, Equality and Humans Rights Commission, Scotland). Ms Kyambi notes specific discussions on migration issues relevant to devolved Scotland, including the outcomes related to EU post-enlargement migration flows and to the UK Points Based System of immigration control for non-European Economic Area (EEA) migrants. In the report, the EHRC's Scotland Commissioner Morag Alexander states:

"We know from demographic projections that Scotland will face real difficulties in the next fifteen to twenty years with an ageing population and a higher ratio of workers to dependents. There is no doubt that Scotland will need to attract new people here to support the economy."

Migrants' Rights Scotland is aware that in the care sector alone there is already a shortfall of workers needed to provide safe and adequate care of elderly persons living in care homes. Migrant workers make up a significant percentage in the delivery of care in such homes; punitive and restrictive immigration policies that discourage new arrivals and the opportunities for migrants already here seem likely to put our ageing population at risk and our public services in danger of not being able to fulfill their duty of care to the citizens of this country.

2. To what extent does reliable data on migration exist to inform public policy-making?

The words 'estimates', 'little data', 'lack of robust data', 'limited information' have long been present in reports or studies about UK migrant and black, minority ethnic communities. Further, in Scotland, not only is the lack of data aggravated by a smaller minority population (compared to that in England), there appears to be no real appetite to obtain any data by pursuing local research, creating an unfortunate Catch-22 situation. **Migrants and MCOs despair of being systematically sidelined or 'fobbed off' when their absence from statistical analysis is explained away in statements like 'survey samples cannot be meaningfully disaggregated' or terms like 'hard-to-reach'. We contend that we do exist, we can be seen and a way must be found to make that count, so that policies, policymakers and providers can demonstrate greater accountability for correct service delivery formulated to equal opportunity and human rights standards.**

¹ http://www.equalityhumanrights.com/uploaded_files/room_for_manoeuvre.pdf

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There is increasing agreement on the shortcomings of data collection and the need to search for potential solutions². The Office for National Statistics and the General Register Office for Scotland are exploring ways forward, while Walby et al suggest *“only the largest surveys such as the Integrated Household Survey will enable robust analysis”*³ Rolfe and Metcalf’s report lists pages of research activity around migrant issues but still identifies a full set of gaps in available evidence, one of which is in the area of migrants’ perspectives and experiences of living in Scotland. It seems to us that this is quite a significant missing piece in the jigsaw of policy development if services are to be managed efficiently, effectively and with financial responsibility. We are therefore pleased to be able to include in this submission to the Committee some firsthand perspectives of migrants on their lives here.

However, we go further in appealing to the Committee that a greater degree of clarity is needed in the use of the word ‘migrant’, particularly in Scotland. While the accepted definition is ‘a person living outside the country of his/her birth’, under UK immigration regulations, very different terms and conditions of entry (and exit) apply to migrants from EU accession countries and those from outside the EEA area. These regulatory differences create different opportunities and possibilities for the respective migrant groups. And even though they may have common intent and aspiration for being here, ie to work hard for a better life, non-EEA migrants still have reduced potential to move up the ‘acceptance’ ladder and experience equal position in Scottish society. Non-acknowledgement of this type of inequality can be apparent in how policies and services are designed for a generic classification of ‘migrant’ status.

As equal contributors to civil society in Scotland and the UK, we contend therefore that in establishing reliable data, both groups of migrants deserve unique analysis and understanding corresponding to their unique immigration status.

3. What is the contribution of migration to the Scottish economy?

In our snap consultation of migrants:

- 90% of our respondents felt they contributed to the economy by being in work, paying income tax, national insurance, paying VAT when shopping etc.
- 10% agreed they would do the same, if they were allowed to work.
- All respondents stressed the value of their work ethic:

“We work very hard” (Chinese male, Highlands.)

“We bring a lot of skilled workers, able to work, willing to work, even at jobs other people aren’t prepared to do.” (Nigerian female, Edinburgh.)

“I came here to live and to work hard.” (Polish female, Glasgow.)

² See Recent Migration into Scotland: the evidence base, Rolfe H and Metcalf H, National Institute of Economic and Social Research for Scottish Government Social Research, 2009.
<http://www.scotland.gov.uk/Resource/Doc/261996/0078342.pdf>

³ Review of Equality Statistics, Walby S et al, EHRC 2009.
http://www.lancs.ac.uk/fass/doc_library/sociology/Walby_review_of_equality_statistics_241008.pdf

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- They said migrants add value to the business environment, not just in takeaways and catering but also in hairdressing and beauty, complementary therapies, translation, property and the health care sector.

"We have thriving businesses, create employment, offer placements and support..."
(Asian female, Highlands.)

- They spoke about the invisible contribution that is made through volunteering, citing how their value systems are based on *"helping your neighbour and looking after family"*:
 - ✓ 40% of respondents have active volunteer careers, over and above their paid employment or roles as parents or carers.
 - ✓ 10% do the equivalent of full-time work as volunteers in the community, supporting and linking migrants and Scots.

"We bring leadership and vision to churches, communities, voluntary organizations, advisory groups and committees across Scotland." (Mixed race female, Central Belt.)

"We look after our family, including our parents when they grow old, and don't ask for any help or benefits." (Chinese male, Highlands.)

As for the views and analysis of leading think tanks and commentators on migrant issues, we question their influence when no apparent impression is made on immigration policymakers and mainstream knowledge:

- *Public opinion supports the view that immigrants take natives' jobs and reduce their wages, but most economists disagree.*⁴
- *There is simply no evidence to suggest that migration has any substantial negative impact on either wages or employment. Indeed it is entirely possible that there is a small positive impact on either or both of these...*⁵

4. What is the contribution of migrant communities to Scottish culture, society and civic society?

"Our sense of values, work and study ethic, respectful behaviour, the importance of community. We are always willing to support community events." (Chinese female, Inverness.)

"We try to be good citizens and good neighbours." Bengali female, Highlands.
"Life experience, diversity and richness of culture, history, music, food, richness of ourselves." (African female, Glasgow.)

⁴ Immigration and the Labour Market: Theory, evidence and policy, prepared for the EHCR by Will Sommerville and Madeleine Sumption, Migration Policy Institute, 2009.
<http://www.migrationpolicy.org/pubs/Immigration-and-the-Labour-Market.pdf>

⁵ The Economic Impacts of Migration on the UK Labour Market, Reed H and Latorre M, ippr 2009.
<http://www.ippr.org.uk>

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"Thais are friendly, gracious people from a country rich in culture, history, fantastic food. The misrepresentation of the Thai massage is perpetuated in the press but massage and complementary therapies from the East are health promoting, widely acknowledged and used everywhere. Think of us too next time you go to your kickboxing class!" (Thai female, Highlands.)

"Our African Christian Fellowship programmes bring people together and encourage interaction, building relationships between others from many countries, African, Caribbean, Poland and more!" (Nigerian female, Edinburgh.)
"We are church and mosque-going people who value family and community." (Caribbean male, Central Belt.)

"Our efforts are helping build good relations and ultimately community cohesion." (Mixed race female, Central Belt.)

5. How does the media portray the contribution of migrant communities in Scotland?

"That I come here to take a work place from them." (Polish female, Glasgow.)
"That we are people who are taking money and getting free houses." (African female, Glasgow.)
"Foreigner, scum, sponger... all negative." (Pakistani female, Edinburgh.)

6. How can positive messages regarding the contribution of migrant populations to Scottish society be effectively disseminated?

We asked our respondents for one thing they would like Government to tell people about them:

"That migrants are not a liability as most of them don't have access to public funds." African female, Edinburgh.
"Let me work by my own merit, not the colour of my face." (African female, Glasgow.)
"Society needs migration to progress and grow." (Polish female, Glasgow.)
"Migrants are like you, with red blood flowing in their veins." (African female, Glasgow.)
"Asylum seekers are human beings." (Chinese male, Highlands.)
"Migrants help to build the economy of the UK." (Chinese female, Inverness.)

7. What is the degree of alignment of Scottish public services with migrant populations?

There is an element of reactive management which can often require public services to make snap decisions that have not been fully assessed for impact and effectiveness, and therefore produce undesired outcomes or no outcome at all, in spite of huge financial outlay. There may also be issues of institutionalized thinking and inflexible systems that do not support reflexivity, 'creative' thinking or openness to diversity and difference. This may well result in what one respondent

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described as public services that seem to be 'frozen in the headlights', unable to respond to what may be unfamiliar, scary or potentially blame-inducing, therefore unable to provide services that are migrant-centred or migrant relevant. **These may be part of the reasons why our migrant communities feel largely unaffected by public services, often choosing to put up with situations or conditions.**

"... think we are an easy ride.... that they can take advantage of us by creating a scene in the takeaway to get a free meal." (Chinese male, Highlands.)

"They often only see my skin and make assumptions about why I am here, what I do, what I contribute to society." (African female, Glasgow.)

"They don't really listen or pay attention." (Thai female, Highlands.)

8. What is the effectiveness of public sector responses to changing migration patterns?

"Efforts from the public sector to promote intercultural dialogue and monitor and evaluate their progress are still lacking."⁶

9. What is the degree of awareness of the rights of migrants?

- 50% of respondents felt they knew their rights.

"To be treated fairly under the country's laws, with full human rights." (Chinese female, Inverness.)

"To live, be and feel safe to thrive and prosper according to internationally recognized human rights standards and conditions." (Mixed race female, Central Belt.)

"To be treated with dignity and respect." (African female, Edinburgh.)

"The right to live in peace and without fear." (African female, Glasgow.)

"To be safe, to live in harmony, with freedom of speech." (Chinese female, Highlands.)

"To work, to stay here and to pay tax." (Polish female, Glasgow.)

- 25% felt they knew some of their rights.

"I have a right to be here in this country." (Thai female, Highlands.)

- 25% did not know or were unaware of their rights.

"I don't know these rights." (African female, Edinburgh.)

"Not aware of benefits rights." (Chinese male, Highlands.)

"Never been told." (Chinese female, Inverness.)

10. – 12 QUESTIONS ON HUMAN TRAFFICKING

⁶ Rowena Arshad, panelist. Challenges, Opportunities and Working Together, British Council's Migrant Cities Conference, Glasgow November 2008.

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Exploitation is a very real, complex part of migrant experience and deserves in-depth attention. On this occasion, time and human resources did not allow us to collect information on human trafficking but we intend to take this up when resources become available.