

Roundtable summary

13 March 2012

Migrants' Rights Scotland held a Cross-sector Roundtable on 5 March to consider and discuss how current UK immigration policies affect Scotland and how all our interests and concerns can make a difference in Scotland. The roundtable brought together 40 representatives from business, education, private, public and civil society organisations, as well as migrants and members of the Scottish Parliament.

After a scene-setting introduction by Sarah Kyambi, Director of Migrants' Rights Scotland, participants heard briefings on current issues and developments from four commentators:

Don Flynn, Director of Migrants Rights Network, provided a quick overview about the many challenges for migrants' rights advocates in 2012, from hostile immigration policies to the impacts of economic austerity. Areas of great concern include access to justice, settlement rights and rights to family life, employment rights for migrant workers, housing and health entitlements. He stressed, however, that key stakeholders in the business and education sector and across civil society are now involved in wider policy debates which highlight the linkages and connections between immigration, economic growth strategies, global competition, demographic change, social inequality and injustice, and that new forms of collaboration and action are possible and necessary to positively influence immigration policies.

Robert Wright, Professor at University of Strathclyde, reminded of the conflicting aims of Holyrood and Westminster government's approach to immigration: While the UK Government's target of significantly lowering net-migration by reducing immigration from non-EEA countries through 'tougher' rules in the Points Based System (PBS) seems unworkable as the net-migration figure depends on various factors, its current policies could reduce migration to Scotland to levels below what is considered by the Scottish Government as required to counter some of the negative macroeconomic consequences of an aging and declining population in Scotland, potentially resulting in a shrinking labour force. He also emphasized that the Conservative/LibDem Coalition is now implementing major structural changes to the PBS, before it even has become fully operational; neither its effectiveness nor impacts have been comprehensively assessed.

Christina Yan Zhang, International Students' Representative at NUS, briefly explored how rule changes to Tier 1 and 4 PBS are having a damaging effect on students, the UK education sector and businesses, and gave a brief update about NUS campaigns in this area. The NUS holds the position that international students should not be included in the net migration figure as they are different from economic migrants. International students are essential in building strategies for economic growth in the UK, as e.g. large numbers of international students come from countries with strong trade links with the UK, and they are vital to the education sector and UK economy through fees and other expenditure as well as offering their skills to UK employers. Severely restricting employment rights for students during their course as well as post-study work opportunities risks losing out in the global competition. The NUS is currently lobbying the government to introduce a global employment exchange scheme offering paid internship

opportunities for British students abroad and overseas students in the UK, and to encourage small and medium-sized companies to employ more graduates.

Geoff Palmer, Professor Emeritus, Heriot Watt University, reminded of the 1962 Commonwealth Immigrants Act which basically denied most Commonwealth citizens the right to come and live in the UK, and of the continuing aspect of racism inherent in immigration legislation and policies. He also reminded of Scotland's participation and role in the transatlantic slave trade, many international links Scotland has today being a result of this. Criticising the increasing elitism in UK immigration policies which severely disadvantage people from poorer/developing countries, and drawing on his extensive experiences within the academic and the Scottish distillery sectors, he emphasized the important role of overseas students for Scottish trade, diplomatic and cultural relations, as well as global economic development.

An open discussion followed, held under the Chatham House Rule and chaired by Sarah Kyambi. Key themes that emerged in the discussion included:

Impact of immigration policy changes targeting international students

There was some debate around the importance and role of international students:

- Several participants stressed that the UK might lose out in global competition as restrictive policies make the UK less attractive to foreign students. The UK is facing growing international competition in the (higher) education sector not only from 'traditional' competitors like USA, Australia, Canada but also from rising economies and global players like China, Singapore, Brazil, India etc.
- While the English language still provides an advantage over non-English speaking countries like Germany or France (which provide free university education also for international students), participants emphasised that post-study arrangements are widely seen as important for attracting overseas students, as has been recognised in countries like US, Canada, New Zealand, France etc. which are all expanding post-study work opportunities.
- In turn, it was noted that currently high youth unemployment figures across the UK constitute a challenge to arguments for retaining or expanding international students' rights, e.g., the right to work during their studies, and to stay and work in the UK after their graduation (post-study visa). It was, however, also pointed out that no conclusive evidence exists as to whether and how the post-study route for international students affects youth unemployment.
- At the same time, participants referred to reports and data evidencing the benefits of overseas students to the UK education sector and economy, for example through the payment of tuition fees and other expenditure as well as their role in establishing/maintaining trade and export links.
- It was highlighted that Scotland is disproportionately affected by increasingly restrictive immigration policies as the Scottish higher education sector structurally plays a bigger role in Scottish economy; this affects universities, but also the large number of Scottish colleges which

are often overlooked in the debate. Nevertheless, as was also emphasized, the wider economic impacts are felt UK-wide.

- A differing degree structure and qualification frameworks in Scotland were also mentioned as requiring exemptions or regional variation in immigration rules.
- Another issue that was raised related to the changing demographics in the overseas student population, as studying in the UK is increasingly becoming an option only for the wealthy few, disregarding the important role of international students as potential drivers of development and innovation in their home countries. It was also pointed out that restricting employment rights for overseas students at colleges again disproportionately impacts on students from poorer/developing countries, who often need to earn a living to sustain themselves during their studies here.

Impact of immigration policy changes on people's lives in Scotland

The discussion went on to further explore impacts of recent immigration policy changes on 'real people behind the numbers'.

- Rising fees for naturalisation and visa applications/renewals in addition to requirements of increased funds in personal savings required to support such applications was raised as a highly problematic and worrying development. When these changes come into effect in April/June 2012, for example, a family of four has to hold several thousand pounds (e.g. applicants on Tier 2 visa £900 + £600-1,800 for EACH dependent, depending on length of UK residence) untouched on their account for three months in addition to paying several thousand pounds in visa fees.
- Several participants highlighted that this creates great insecurities and hardship for migrants and their families, who otherwise fulfil all the requirements and have no recourse to public funds anyway, even though they are contributing taxpayers.
- The recent Home Office announcement that only those migrants earning more than £35,000 per year will have the right to settle in the UK was also discussed as highly concerning. There was a sense among the participants that this unfairly discounted the majority of migrants who come here and contribute to Scottish society and economy, e.g. in the health and care sector, hospitality sector, arts and education with on average lower income levels who will now be excluded from the option of settling here.
- Operating national income thresholds was repeatedly criticised for not taking into account lower salaries in Scotland (as well as other regions in the UK) as compared to London and the Southwest of England. The introduction of a high income threshold was also problematized as an unfair barrier with regard to British citizens and settled migrants who wish to bring their non-EEA spouse/partner or other dependents to the UK; this development of reserving the right to family life for the wealthy few was heavily criticised.
- Regarding what effectively amounts to a 'guestworker' scheme for most economic migrants, negative impacts on social integration and community cohesion were raised as likely outcomes,

stacking up problems in the long-term. The question was also raised whether more restrictive policies of this kind might lead to more people becoming undocumented, making them more vulnerable to exploitation and abuse rather than offering fair opportunities for a decent life.

Impact of immigration policy changes targeting 'highly skilled' and 'skilled' migrants

- With regard to increasingly restrictive policies regarding migrant workers and people coming through the intra-company transfer route (tiers 1 and 2) mentioned before, several participants stressed that these are having a detrimental impact on UK employers and large UK-based companies; the 'immigration cap' as well as higher visa requirements also negatively affect the attractiveness of UK for international investors when specialist skills and other skills shortages cannot be easily filled.
- In this context, it was also mentioned that Scotland and the UK are potentially losing out in the global competition for nurses and health professionals as well as other professionals whose social and economic contribution is often not reflected in high salaries.
- Attention was also drawn to the fact that UK-wide income thresholds used in immigration rules make the recruitment of vital highly skilled and skilled overseas professionals more costly for Scottish employers as they effectively have to pay London wages to address skills gaps, and thus puts Scotland at a disadvantage. The other side of the coin is that many migrants living in Scotland will have to look for work south of the border as they cannot find employment in Scotland with salaries high enough to fulfil visa extension or settlement requirements.
- There was a sense among the participants that, generally, the pace of change with which substantial immigration rule changes are being introduced, was creating huge insecurities and uncertainties for migrants, businesses and employers alike.

A Scottish perspective on immigration

A key element of the debate at the roundtable was whether there was scope and a momentum for achieving a different approach to immigration in Scotland.

- Although it was acknowledged that UK-level lobbying had achieved a small number of concessions from the Home Office/UKBA in specific areas (e.g. with regard to the maximum time period international students can stay in the UK), participants agreed that much still needed to be done to build and support a Scottish case for improved immigration policies to the UK.
- Immigration being a reserved matter was considered by some as a major challenge, and there was a sense among the participants that the Home Office/UKBA failed to engage with Scottish stakeholders (from civil society organisations to MSPs) in a meaningful way. Also, there seemed to be a lack of engagement with the Migration Advisory Committee, partly due to the type of data they prefer and the lack of robust statistical data regarding immigration and migrant communities in Scotland.

- It was stressed, however, that immigration and nationality being reserved to Westminster should not impede concerted efforts to strengthen and achieve more progressive policy-making; for example, seeking more engagement with Scottish MPs on these issues was considered important. At the same time, it was acknowledged that the Scottish Government and Parliament have an important role to play.
- In this context, several participants expressed the hope that Scotland could develop a positive model/act as a template for the rest of the UK by putting forward-looking, progressive policies in place, irrespective of independence or the scope of devolution.
- It was also suggested that pooling Scottish voices and forces together (e.g. businesses, civil society, Scottish Government, MSPs, COSLA, etc) could effectively derail the UK government's narrative and negative discourse around immigration. Participants acknowledged that there have been some joint efforts involving the Scottish Government in the past (e.g. around the 'immigration cap'), however, it was highlighted that currently a structure or space to systematically develop and address a Scotland-specific angle in immigration policies was missing.
- Participants also cautioned to be realistic about expectations/narrative of Scotland 'as a better place'; this often seemed not to go beyond the rhetoric and/or to be limited to specific (political) elites, while anti-immigration attitudes, racism and xenophobia continued to exist and have real effects in Scottish society.
- At the same time, there was a sense among the participants that public discussion and political developments around the possibility of Scottish independence provide new momentum for a more positive and complex debate, as well as possibly increased leverage for gaining concessions from Westminster, but also for requesting more concrete engagement and strategic planning with regard to immigration and related policy areas from the Scottish Government.

Suggestions for ways forward

Towards the end of the discussion, there was strong interest and much enthusiasm around the table for developing collective action towards promoting a more progressive approach to immigration and migration in Scotland. Suggestions ranged from:

- Building a stronger case for regional variations (e.g. regarding minimum salary levels, maximum time periods etc.) within immigration policies/system,
- Promoting a decentralisation/regionalisation of immigration policies, so that the specific needs and interests of Scotland (e.g. population growth target) can be taken into account more directly and/or be reflected in mechanisms (e.g. within the PBS) that allow Scotland to attract/retain migrants,
- Building stronger cross-sector participation; here, the direct engagement with employers, businesses and vital Scottish industry sectors was considered particularly important, as was the involvement of a wide spectrum of public and civil society organisations.

- Taking the lead in a positive debate on immigration and advocating for more fairness in the immigration system and related policy areas: 'migration as a positive experience for and beneficial to both migrants and the UK as well as migrants' home countries'.

Participants recommended developing and following a joint action plan, which could include:

- Five or six points that reflect the shared interests of Scottish stakeholders and clearly set out asks and timeframe for policy-makers;
- Inviting members of the Migration Advisory Committee to another cross-sector meeting, e.g.
 - a cross-sector 'evidence hearing'; preparations for this could involve a meeting on 'how to improve data collection/gathering evidence' with experts such as statisticians from the General Register Office for Scotland, and/or
 - an issue-focused meeting/tour with Scottish stakeholders, particularly with employers and industry, e.g. in the context of the upcoming Call for Evidence on Standard Occupational Classification (SOC) code salaries;
- Stronger linkup of immigration with racial equality, human rights and justice issues, e.g. building broad support for campaigns such as the 'Fair fees for families' campaign around visa fees; this especially in the context of a more robust set of specific equality duties coming in in Scotland as a result of successful civil sector campaigning;
- Gathering and collating of data and evidence, e.g. through an online archive/platform;
- Targeted engagement with the media to widely disseminate any/all of the above and positively influence public discourse.

There was agreement that a next roundtable meeting could take place in April and that Migrants' Rights Scotland would set up an internet platform where this conversation could be continued in the meantime in order to agree next steps and follow up actions.

The views expressed in this document are a summary of the discussion that took place. They represent a range of views and do not necessarily reflect Migrants' Rights Scotland's views or position.