

Making Migration Work for Britain

*For a stronger economy and a
fairer society*

Policy Paper 116



Contents

Introduction.....	4
1. Security and Firm Control.....	5
2. Growth and Prosperity	7
3. Compassion and Fairness	9
Student and Academic Migration.....	11
1.1 Why We Need to Take Action	11
1.2 Liberal Democrat Ambitions.....	12
1.3 Liberal Democrat Policy Proposals	12
Employment and Economic Migration.....	16
2.1 Why We Need to Take Action	16
2.2 Liberal Democrat Ambitions.....	17
2.3 Liberal Democrat Policy Proposals	17
European Union Migration.....	22
3.1 A Positive Contribution to Britain.....	22
3.2 Why We Need to Take Action	23
3.3 Liberal Democrat Ambitions.....	24
3.4 Liberal Democrat Policy Proposals	24
Family Migration.....	26
4.1 Why We Need to Take Action	26

Making Migration Work for Britain

4.2	Liberal Democrat Ambitions	27
4.3	Liberal Democrat Policy Proposals	27
	Getting the Basics Right after UKBA.....	32
5.1	Why We Need to Take Action	32
5.2	Liberal Democrat Ambitions.....	33
5.3	Liberal Democrat Policy Proposals	34
	Overstayers.....	39
6.1	Why We Need to Take Action	39
6.2	Liberal Democrat Ambitions.....	40
6.3	Liberal Democrat Policy Proposals	40
	Asylum Seekers and Refugees.....	44
7.1	Why We Need to Take Action	44
7.2	Liberal Democrat Ambitions.....	45
7.3	Liberal Democrat Policy Proposals	46
	Sticking Together – Identity and Social Cohesion	53
8.1	Why We Need to Take Action	53
8.2	Liberal Democrat Ambitions.....	54
8.3	Liberal Democrat Policy Proposals	55
	Glossary	61
	List of Policy Proposals	64

Introduction

For hundreds of years migration has enriched our language, culture and society, and driven innovation, productivity and economic growth. It still does, but equally there have always been tensions associated with migration, and there still are.

The general public has become increasingly sceptical about government's ability to control migration in a fair and balanced way. That has been fuelled by repeated failings reported in the border and migration control machinery, combined with misreporting and exaggeration by some politicians, pressure groups and sections of the press. In some polls the public now rate immigration as the second most important issue affecting the UK today (Ipsos Mori, Nov 2013). Faith in the system is at an all time low, allowing misinformation and exaggeration to flourish. However legitimate concerns do exist and we should be encouraging healthy, transparent debate to tackle them head on.

Liberal Democrats' highest priorities must therefore be to rebuild trust in the migration control system, protect migrants from scapegoating and put in place robust measures that can give confidence to both the host community and those who come here that their concerns are being heard and their interests safeguarded.

The Coalition Government has taken some steps intended to address public concerns, with significant tightening of the immigration rules, the breakup and return of the UKBA to the Home Office and the introduction of the net migration target. While we support those sensible steps taken to control our borders, in other areas policies have been illiberal and counter-

productive. As an example, the Net Migration Target of one hundred thousand is an arbitrary figure that does not take account of changing UK society and economic needs, and which hinges on the numbers of UK citizens who decide to emigrate, or return, as well as those coming from overseas - meaning the Government has no practical control of the net figure and has been reduced to juggling with damaging restrictions on categories of beneficial migration instead.

The proposals in this paper are designed to control migration properly and to make sure Britain is open to the benefits migration continues to bring, with host communities given the support *they* need to prosper as well.

We will make migration work for Britain to create a stronger economy and a fairer society.

Our overarching themes are:

- Security and firm control
- Growth and prosperity
- Compassion and fairness

1. Security and Firm Control

Take back control of our borders and put Parliament in charge

The public has lost trust in the security of our borders. Liberal Democrats therefore believe that Parliament must take greater direct responsibility for actively managing migration and showing it is working in the interests of British people. We should also

ensure that evidence and argument, rather than emotion and dogma, inform the public debate on immigration.

It should be for Parliament to decide and vote on what measures are needed each year to assist in the delivery of the plan. Parliament must be seen to be holding Government and bureaucrats to account.

We propose that the Government should set out its proposed migration plan annually to Parliament, alongside independent advice from the **Migration Advisory Committee**, the **Office for Budget Responsibility** and the **Chief Inspector of Borders**. We would expect there to be a five year strategic migration plan with annual opportunities to refine and extend it to take account of new information in those reports. They would detail migration flows, economic imperatives, including skills and labour market shortfalls and surpluses, and set out how these are affecting the economy, public services and local communities; together with an annual audit of the control system itself. This would allow an informed debate and provide strong accountability to the public via Parliament. In turn, Government would be seen to be actively managing migration in the interests of Britain as a whole.

The chapter *Getting the Basics Right after UKBA* has more details on our accountability plans.

Counting them all in and counting them all out

For the last 20 years it has been impossible to be certain who was here and who had left. A pressing priority for Liberal Democrats is the creation of a border security system that works so we can get to grips with overstayers and illegal immigrants.

Liberal Democrats propose to accelerate the delivery of full monitoring of all UK border entry and exits, and will set aside additional resources to speed up progress.

The chapter *Getting the Basics Right after UKBA* has more details.

2. Growth and Prosperity

Open for business and growth

We must serve Britain's interests by ensuring that those who help to boost our economy are encouraged to come here.

Foreign students contribute nearly £13 billion to our economy each year, and the skills they bring and the fees they contribute play a key role in keeping our higher education institutions amongst the best in the world. Once they have come and paid in, the vast majority of foreign students return home. We should aim to increase the number of foreign students studying in the UK, not deter them with a migration target.

Britain needs more foreign students to come. The *Student Migration* chapter gives details.

Professional and business experts are needed to plug the gaps in UK skills. The control system must enable investors and top quality recruits to join UK-based enterprises. **We want to see major employers of foreign workers investing in the UK skills base, too.** The *Economic Migration* chapter explains what we plan.

We should say 'yes' to doctors, experts and investors coming to help Britain grow.

Speeding up the Visa System. For students, short term business visitors and tourists, the speed with which visa applications are dealt with has a crucial bearing on their decision about coming to the UK, and hence our receipt of their custom. **We propose quicker decisions, right first time and fairer for all, that will help block 'Overstayers' and keep out crooks and cheats who would harm Britain.**

For legitimate visitors and migrants we propose a better service at no extra cost to the taxpayer.

Our full proposals are set out in the *Getting the Basics Right after UKBA* chapter.

Making EU migration work for Britain

Liberal Democrats have long championed the benefits of the European Union and the free movement of labour, which is essential to the functioning of the Single Market. We recognise that now the EU needs to be ready for the challenges it faces in the 21st Century, in particular those that come with the free movement of labour in the European Economic Area (EEA). We plan to work with our European partners to drive the reforms needed so that migration can be managed intelligently.

We propose to work with our European partners to agree appropriate and effective transition controls for countries entering the European Union in future.

In the shorter term it is also right that we take a sensible approach to burdens that might be put on our benefits system and protect British workers from any ill effects on wages.

We propose a 6 month waiting time for EU migrants to claim out of work benefits.

Our *EU Migration chapter* sets out how we will work across the EU to achieve these aims.

Of course we remain strongly the only 'party of in' the European Union and champions of the clear economic benefits it brings.

3. Compassion and Fairness

Speaking the same language

It must be good from every viewpoint for all long-term residents in the UK to have good English skills, and we aim to facilitate that being achieved within the next generation, starting now.

We set out in the *Identity & Social Cohesion chapter* a strong package of measures to encourage migrants to learn English, and to help them find their feet and play their part in Britain.

Help for hosts

If migration is going to work for Britain it must work for British people, too. So our proposals are designed to help host communities facing pressure on their public services and jobs.

We plan to double the number of Minimum Wage checks on firms to stop undercutting of wages and exploitation of workers. And **we will set up a £1 billion Community Protection Fund,**

Making Migration Work for Britain

using the European Social Fund, to relieve pressure on local housing, schools and healthcare created by rapid migrant flows.

There is more detail in the *Identity & Social Cohesion* chapter.

Refugees and seekers of sanctuary should also be treated humanely, kept from destitution, and **expected to make their own contribution to Britain** if there are delays in settling their claim.

We will end Indefinite Detention, and show how this will cut costs as well as help families in the *Asylum and Refugees* chapter.

In the rest of this paper we set out a package of proposals covering each aspect of the migration flows into the UK, including family migration, all aimed at building a fully functioning control system that gives public confidence in the outcomes, with full Parliamentary oversight, and which treats those who seek to come to the UK for whatever reason with dignity, humanity and respect at every stage of their journey through it.

Student and Academic Migration

1.1 Why We Need to Take Action

1.1.1 Higher Education is one of our most successful export markets. Students travelling to the United Kingdom were worth an estimated £13 billion in 2012, expected to rise to £16 billion over the next 5 years. International students build long term professional links with UK organisations, helping our businesses trade in future. They directly benefit our higher education institutions, and the fees they pay help fund the education of British students, and keep our universities amongst the best in the world¹.

1.1.2 Those benefits for host countries provoke fierce international competition for overseas students. According to the Russell Group the UK is the 2nd most popular destination in the world for international first degree and PhD students, behind the USA. Clearly we should aim to grow and not harm such a valuable export market. Yet some aspects of current policy, in particular the net migration target, which includes international students, have caused needless damage. The number of students coming to the UK from outside the EEA fell in 2011, for the first time since 2008². This reduction has denied our economy the clear benefits international students bring.

1 The Russell group report that due to insignificant demand many courses wouldn't be available for British students without the fees contributed by foreign students.

2 Based on passenger entry data, Migration Observatory briefing – student migration.

Making Migration Work for Britain

1.1.3 Britain should encourage more bona fide students to come; however legitimate concerns about abuses of the student migration route do exist. They include the role of bogus and unaccredited colleges, and overstayers who fail to comply with visa conditions after study. The Government has taken steps to clamp down on these abuses, but there is more to do.

1.2 Liberal Democrat Ambitions

1.2.1 Liberal Democrats want Britain to be open for business, so we want to see more genuine international students come to the UK. Britain should be welcoming those who choose UK universities rather than our international competitors, and we should be protecting, maintaining and promoting the world class reputations of our universities. It is also right that we clamp down further on those who would abuse the student migration system.

1.3 Liberal Democrat Policy Proposals

1.3.1 Increasing the number of international students

Taking students out of the net migration target

1.3.1.1 Students differ from other non-EEA economic migrants; they are issued only temporary visas which do not provide a route to permanent residency in the UK. The Migration Observatory reports that of those international students who entered in 2006, 82% no longer remained by 2009.

1.3.1.2 *Irrespective of the future of any Net Migration Target, it makes no economic or social sense to limit the flow of international students to the UK. Liberal Democrats propose,*

therefore, that students should be taken out of any future net migration target³.

Post study work

1.3.1.3 In recognition of the importance of the UK remaining competitive as a destination for foreign students, *Learning for Life* (Policy Paper 110, Autumn 2013 Conference) proposed to allow foreign graduates from UK universities to stay on in the UK for a further three years. This paper supports this but recognises that the labour market for young people is already overcrowded, with well documented problems around graduate unemployment. It is therefore important that foreign graduates permitted to stay and take jobs are meeting a demand for skills which are not available in the UK labour market. So permission to stay should be linked to UK skill shortages.

1.3.1.4 At present our higher education system does not produce the numbers of Science, Technology, Engineering, Maths (STEM) skills our economy needs. The CBI found that two in five of UK businesses report current difficulties with the level of STEM skills their staff possess.

1.3.1.5 *Therefore, Liberal Democrats propose that only international graduates of UK universities in these subjects will be permitted to work for three years in the UK. This would be conditional on securing graduate-level work within 6 months of completing their course.*

³ Due to the international definition of migration, figures would be published both with and without students included.

Making Migration Work for Britain

1.3.1.6 We would extend this policy more widely subsequently, once the monitoring system has been proven, and where the impact on the UK labour market still remains beneficial. We will ask the Migration Advisory Committee (MAC) to advise on this in their annual reports to Parliament (see the *Making Migration Work* chapter).

1.3.1.7 Alongside this it will be important to make progress on filling the UK skills gap. Liberal Democrat policy paper *Learning for Life* contains Liberal Democrat policies to do this.

1.3.2 Preventing abuse

1.3.2.1 We recognise that much has been done already to deal with abuses of the student visa route and that most universities and international students consistently comply with the rules. Nonetheless, further and more effective safeguards can be put in place to ensure that any abuses don't reoccur.

Student & College Compliance and Liaison Team

1.3.2.2 More support is needed to help students and colleges follow immigration rules, but this must be coupled with effective action to tackle those who don't.

1.3.2.3 *Liberal Democrats propose to establish a Student & College Compliance & Liaison Team to ensure that educational institutions and international students are complying with the rules placed upon them.*

1.3.2.4 The Team would be established within the Home Office, and would:

- Issue warnings to non-compliant universities and students and take enforcement action when necessary.
- Publish the current status of each educational institution, and details of any warnings issued, to help overseas students decide on where to pursue their studies.
- Provide additional support to educational institutions in monitoring the whereabouts of their graduates in their post-study years of work in the UK and advise them on what measures can be put in place to proactively resolve problems.
- Submit an annual report to Government on performance, and recommend any action needed to ensure compliance in the student migration system. (This will feed into the annual Parliamentary Oversight of Immigration; see the *Making Migration Work* chapter).

Highly Trusted Status

1.3.2.5 Currently, in order to enrol international students higher educational institutions must apply annually to the Home Office for Highly Trusted Status (HTS). With better support and enforcement provided by the Student & College Compliance & Liaison Team the authorities will be able to focus on those institutions most likely to break the rules.

1.3.2.6 *Therefore, Liberal Democrats propose that fully compliant educational institutions will benefit from automatic renewal of their 'Highly Trusted Status' for three years.*

Employment and Economic Migration

2.1 Why We Need to Take Action

2.1.1 Economic migration is vital to building a stronger economy. The Office of Budget Responsibility estimated that a net migration rate of 250,000 per year boosts annual GDP by 0.5% and that if net migration were to stop tomorrow the UK's net public sector debt would rise by £18bn in five years. Furthermore, economic migration is essential to delivery of public services. There are 40,000 foreign-born doctors in the NHS and over 6,000 foreign teachers received qualified teacher status over the last five years.

2.1.2 Accepting the benefits of economic migration does not mean being blind to public concerns. With UK unemployment at over 2 million⁴ some fear that migrants come here at the expense of jobs for British citizens; and there are worries that low-skilled migrants are willing to work for less than the minimum wage, leaving local workers at a disadvantage⁵. This is unfair for British citizens and it is unacceptable exploitation of migrant workers.

2.1.3 In addition migration can impose real burdens locally caused by increased pressure on housing, schools and the NHS in areas with substantial migrant communities. Proposals to support public services under pressure from inward migration are set out in the *Social Cohesion and Identity chapter*.

4 ONS Labour market statistics, December 2013.

5 Migration & Productivity: employers' practices, public attitudes and statistical evidence, NIESR, Nov 2013.

2.2 Liberal Democrat Ambitions

2.2.1 Immigration policy should bolster economic growth whilst reassuring British nationals that the system is fair for them. Our economic migration proposals need to strike the right balance to achieve both a stronger economy and a fairer society.

2.3 Liberal Democrat Policy Proposals

2.3.1 Fairness for British Citizens

Pay all workers the going rate

2.3.1.1 If economic migrants are to be employed it should be to fill a skills or manpower gap, and not to undercut the wages of British citizens or exploit those who would work at below the minimum wage. The policy measures in place to prohibit the undercutting of wages in the employment of non-EEA migrants still leave challenges, in particular related to non-EEA migrant workers who are not subject to Standard Occupation Code checks. We must ensure that employers pay them at least the minimum wage and that their statutory employment rights are respected. To this end we welcome the Coalition Government's steep increase in fines on non-compliant employers.

2.3.1.2 *However, Liberal Democrats propose to clamp down on this abuse further by doubling the number of inspections on employers to ensure that their workforce is being paid at least the national minimum wage, and that all statutory employment legislation is being honoured.*

The skills gap – Training up Britain

2.3.1.3 Investment in UK skills is critically needed, both in its own right, and to ensure that economic migration complements, rather than replaces, British workers. The UK workforce is particularly lacking in Science, Technology, Engineering and Mathematics (STEM) skills and there are more general skill shortages⁶. As the Social Market Foundation reports⁷, these will not be filled by the UK labour market for the foreseeable future.

2.3.1.4 In starting to deal with this problem skilled migrants coming to the UK and the companies that employ them should give something back to the UK workforce. A recent report by NIESR showed how UK-born employees have benefitted from working with migrants.

2.3.1.5 *So Liberal Democrats propose 'Training up Britain', a mentoring scheme aimed at using highly skilled migrants to develop the skills of the British workforce.*

2.3.1.6 Training up Britain (TuB) will be a recognised accreditation for the development of skills for UK graduates and apprentices by working alongside highly skilled migrant workers. The scheme would be voluntary and any business that participates would be given the 'Training up Britain' award, signifying to all that their company is investing in the future of Britain. We would convene an employment commission to establish a TuB certification. Accredited companies would be required to publish

⁶ Migration & Productivity: employers' practices, public attitudes and statistical evidence, NIESR, Nov 2013 and Changing the Pace, CBI/Pearson Education & Skills Survey 2013; CBI, June 2013.

⁷ In the Balance; the STEM human capital crunch; Social Market Foundation; March 2013.

their graduate/apprenticeship programmes and be available for inspection by an independent authority.

Preventing benefit misuse

2.3.1.7 A major public concern is that migrants come to the UK purposely to misuse the benefits system which, as a consequence, adds an extra burden onto the UK taxpayer. Whilst overall migrants put in more tax than they take out in benefits and public services⁸, there are areas in the system that could, and should, be tightened up. We propose the following measures.

Extend the period EU Citizens have to wait before claiming UK benefits

2.3.1.8 As it stands, EU law guarantees that unemployed citizens who go and look for a job in another EU country will continue to receive unemployment benefits from their home country for a period of three months while they look for work. The EU Commission has proposed that this period can be extended to six months⁹. This would save UK taxpayers from footing benefit bills for an EEA citizen for a further three months than is currently the case.

2.3.1.9 *Liberal Democrats support the EU Commission's proposal to extend this period to 6 months.*

Strengthen the Habitual Residence Test

⁸ The Fiscal Effects of Immigration to the UK; CReAM; November 2013.

⁹ EU Citizenship Report; EU commission May 2013 COM(2013) 269.

Making Migration Work for Britain

2.3.1.10 As it stands, if an EU citizen decides to stay on in the UK after the permitted period of 3 months and wishes to claim certain means-tested benefits they must pass a 'Habitual Residence Test'. If they pass this test then they are eligible to claim non-contributory benefits with equal rights to British citizens.

2.3.1.11 *Liberal Democrats support Coalition Government measures to strengthen the Habitual Residence Test by increasing the range and depth of evidence collected from claimants to improve decision making.*

2.3.1.12 This measure came into force on 1 January 2014.

2.3.2 Strengthening our economy

2.3.2.1 To achieve a stronger economy we need to be open for business - attracting the skilled economic migrants that help create jobs. Our support for the free movement of labour within the EU is a huge part of this, but there is more we can do to encourage the best non-EEA migrants to come to the UK. In addition, we need to ensure the British workforce benefits from the skills and experience migrants bring to the country.

Business and study visa

2.3.2.2 At present no-one may hold two types of entry visa at any one time, this precludes holding a business visitor visa and a short term study visa. Many business visitors wish to study while in the UK, and the current situation prevents them from doing so. As a result we miss out on a further channel of income and business visitors are prevented from creating further ties with the UK.

2.3.2.3 *Liberal Democrats propose a new entry permit available only for those already having a business visitor visa who also want to study whilst in the UK.*

2.3.2.4 This will allow business visitors to apply for a short term study permit, as an endorsement on their original visa, so they can study in the UK whilst on a business visit without committing an immigration offence.

European Union Migration

3.1 A Positive Contribution to Britain

3.1.1 Liberal Democrats have long championed the benefits of the European Union and of the European single market. The party re-affirmed its commitment to this at its Federal Conference in September 2013.

3.1.2 The Single Market, and the free movement of labour, is good for the UK economy. There is evidence that EU migrants are filling skills shortages in both professional and elementary occupations (CEBR, 2013) – in sharp contrast to the often-peddled image of UK workers and the economy overall losing out to EU migrants. A drop of 2% in the UK GDP by mid-century is projected were the UK to exit the Single Market (CEBR 2013). Today, some three million UK jobs are linked to the EU and the single market.

3.1.3 The CEBR study¹⁰ shows that EU migration is producing a net increase in productivity, and a net dividend to the public finances (tax receipts against expenditure). It also projects that economic growth will be higher with ready access to non-UK EU migrants than without; public sector borrowing will be lower, and EU migration will contribute to UK pensions and welfare payments.

3.1.4 The SMF¹¹ estimates that the UK's demand for STEM skills, already with a gap of around 30,000 UK graduates per year, will

¹⁰ 'The Impact of the European Union on the UK Labour Market'; CEBR; August 2013.

¹¹ In the Balance; the STEM human capital crunch; Social Market Foundation; March 2013.

increase, especially given Government policy on diversifying the UK economy. Whilst measures are in place to increase the UK skills base, there is no doubt that EU migrants will be required to fill that gap on a large scale for the foreseeable future.

3.1.5 We are therefore clear that the Single Labour Market remains in the UK's practical interest, and plays an important part in helping us build a stronger, sustainable (not boom and bust) economy.

3.1.6 In addition the EU labour market is a 'two way street'. Millions of UK citizens individually benefit from free labour movement, and at least 1.4 million UK citizens live elsewhere in the EU at present.

3.2 Why We Need to Take Action

3.2.1 While the positive case is clear, the EU has of course changed in the two decades since free labour movement began. With 1.6 million EEA citizens in work in the UK (June '13)¹², concerns understandably exist about the likely effect on local communities and their services. We have to manage these pressures in an EEA that has expanded to include countries with diverse economies. Liberal Democrats recognise that concern over that migration is one of the barriers to popular support for the UK's continued membership of the EU, and must be addressed.

12 'The Impact of the European Union on the UK Labour Market'; CEBR; August 2013.

3.3 Liberal Democrat Ambitions

3.3.1 Liberal Democrats believe the European Union will need renewal and reform to meet the challenges of the 21st Century. It is right that we take a pro-active, sensible approach to potential burdens on the public purse, as some of our European Partners have already done.

3.4 Liberal Democrat Policy Proposals

Preventing abuse

3.4.1 The *Economic Migration* chapter of this paper sets out steps to prevent abuse of our benefits system and public services due to migration. **By extending the period EU citizens have to wait before claiming UK benefits and by strengthening the habitual residence test we can begin to reassure the public that the free movement of labour is the right course for the UK and for their own personal well being.**

Promoting social cohesion

3.4.2 The *Identity and Social Cohesion* chapter of this paper outlines our ambition for the UK to be one society with many cultures. **It sets out measures to encourage migrants to learn English, to ease the pressure of migration on public services and to support local-based initiatives that bring individuals and communities together.**

Tackling Human Trafficking

3.4.3 Although human trafficking is by no means limited to EU citizens, it is a problem best tackled at international and EU level. It is essential to develop stronger links with Frontex and the European Border Management system. The partnership academy based in the UK already facilitates co-operation and aims to instil shared values and works to raise the standard of border-guardianship across the EU. By strengthening other countries' ability to control and monitor their own external borders we protect ourselves.

3.4.4 We recognise the high value of other EU instruments such as Europol and Eurodac in tackling international criminals and illegal migration into the UK, and repudiate attempts to withdraw from them.

Transitional controls

3.4.5 We plan to work with our European partners to drive the reforms needed to harmonise entitlements for migrants across the EU. As we do so we should learn from the experience of the entry of A8 countries into the EEA in 2004. While it is clear that these migrants contributed significantly to the UK economy, the increase in EEA migration does underline the need for member states to have better control of their borders, so that migration can be managed intelligently.

3.4.6 *Liberal Democrats propose to work with our European partners to develop more effective and appropriate transitional controls for countries entering the EU in future, and to harmonise EU migrant welfare support rights.*

Family Migration

4.1 Why We Need to Take Action

4.1.1 There are a variety of forms of family migration into the UK. People who have gained permission to work or study in the UK may seek to bring spouses and family members with them. First generation established migrants might seek permanence and wish to bring parents or other family members to join them. Some people from long established minority communities look to their country of origin for spouses. A British citizen may have married a non-EU partner and want their spouse and family to live with them in the UK.

4.1.2 Family migration has fallen steadily since 2007 following successive steps to tighten the Immigration Rules. These steps responded to concerns about pressures on local schools, housing and healthcare and on community cohesion. One area of concern by hosts and migrants alike is the importance of having the English language skills required to play their full part in local communities. This has to be a high priority, as well.

4.1.3 However the tighter rules have restricted the ability of some British citizens to live in the UK with their partner and families and created important areas of friction for migrant communities. They are affected by family separation, of husbands and wives, and from elderly parents living in their home countries. Recent changes to the Immigration Rules including the increased financial thresholds for the granting of 'leave to remain' have put historic expectations of reunion out of reach. There is also the significant issue of short-term visits for holidays and family events some, such as funerals, occurring at very short notice that the visa

system can frustrate. It is important to address those legitimate concerns.

4.2 Liberal Democrat Ambitions

4.2.1 Liberal Democrats believe that any policy on family migration must be designed to achieve a humane balance between the concerns of both migrants and the communities they wish to join.

4.3 Liberal Democrat Policy Proposals

Are we all speaking the same language?

4.3.1 A key to acceptance and participation in society is language, and our proposals in the *Social Cohesion and Identity* chapter set out our aim to have every long-term migrant become a fluent English speaker.

Financial threshold for family reunion

4.3.2 The July 2012 immigration rules changes set an increased minimum income level of £18,600 to bring a partner to the UK or £22,400 to bring a partner and a child. This level was chosen as the one at which a couple would no longer be eligible for income support in the UK, on the advice of the Migration Advisory Committee. Liberal Democrats believe that it is right that those seeking to bring their partners to the UK should have the financial means to support them and that UK tax payers should not be asked to bear this burden.

4.3.3 However the current rule means that many residents in full time employment at, or above, the minimum wage have been

Making Migration Work for Britain

unable to bring their partner or children to the UK. It sets a standard that 47% of the UK population would fail to meet, and has even caused children to be separated from their parents.

4.3.4 For these reasons we agree with the recommendation of the All Party Parliamentary Group on Migration that this income level should be re-examined.

4.3.5 *Liberal Democrats propose to ask the Migration Advisory Committee to reconsider the minimum income threshold for a spouse to come to the UK in light of the principle that a person with the means to support their family should be allowed to do so.*

4.3.6 Any changes to this income threshold must continue to be fair to the tax payer, and we would maintain the rule that partners coming to the UK would have no recourse to public funds for the first five years of settlement.

4.3.7 However at present any offer of employment the partner may have in the UK, any likely employment, or their earnings in their home country is completely discounted. In previous advice to the Government the MAC reported that it would be understandable if these factors were allowed to be considered. In the context of our proposed reforms to the entire visa handling system, outlined in the *Getting the Basics Right* chapter, we believe that such a discretionary power should be given to the decision-maker.

4.3.8 *Liberal Democrats would invite the MAC to give further advice on allowing immigration officers discretion over spouses entering the UK based on any offer of employment, likely employment or their earnings in their home country.*
Dependent elderly relatives

4.3.9 Prior to July 2012 rules were in place ensuring that migrants entering the UK as elderly dependent relatives were maintained and accommodated without recourse to public funds. The number of migrants entering via this route was relatively low. Less than 2,000 entered in 2012, and this number has been falling steadily since 2007.

4.3.10 The changes made to the Immigration Rules in July 2012 went further, requiring dependent relatives to demonstrate that *“as a result of age, illness or disability they require long term care to perform everyday tasks and are unable even with the practical and financial help of a sponsor to obtain a required level of care within the country they are living”*. As a result of this change only one visa was issued via this route between July and October 2012. Liberal Democrats believe it is right that migrants bringing elderly relatives to the country should be able to maintain and accommodate them without recourse to public funds. However the Immigration Rules must be fair and reasonable and not simply written to exclude all applicants.

4.3.11 *Liberal Democrats propose that migrants bringing elderly relatives to the country should be allowed to do so where they are able to maintain and accommodate them without recourse to public funds.*

4.3.12 This means that alongside simpler entry rules it is essential to put in place safeguards to ensure that any burden on public funds is limited and proportionate. Elderly dependants coming to the UK are likely to need a significant degree of health and community care.

Making Migration Work for Britain

4.3.13 *For this reason Liberal Democrats propose that sponsors of elderly dependants, over the age of state retirement, should pay a health levy before their dependants are allowed to settle in the UK.*

4.3.14 The levy would be based on an actuarial assessment, and it is expected that this will necessarily be a large sum, likely to deter those without substantial means.

Short-stay family visitors

4.3.15 There is significant hardship caused to many migrant families by the inflexible and slow-moving process of visa-handling by UKBA when traumatic family events occur. Whilst it is clear that there is a legitimate concern to address about attempted abuse, which makes diligence essential, we are persuaded that real improvements in accuracy and sensitivity are possible. Our further changes to the visa-handling system are set out in the *Getting the Basics Right* chapter.

Grandparents' 'super visa'

4.3.16 Our current system does not allow foreign grandparents to visit their families for an extended period. Countries such as Canada have introduced an extended tourist visa for these circumstances. Allowing elderly relatives who can be adequately supported to visit enables them to spend time with their families, and makes Britain a more attractive place to settle for those highly skilled and wealthy migrants who benefit our economy.

4.3.17 *Liberal Democrats propose the introduction of a 'grandparents' super visa' that would allow grandparents to visit for a period of up to two years on condition of an actuarially-calculated health levy.*

Nationality of children born to unmarried British fathers

4.3.18 Liberal Democrats believe that immigration laws should be fair and non-discriminatory. Since 1 January 1983, unmarried mothers have been able to pass on their British nationality to children born outside the UK. However unmarried fathers were not able to do so until a change in the law came into force from 1 July 2006. This change did not apply retrospectively, so children born to an unmarried British father before July 2006 did not automatically benefit. To ensure fairness, those children should also be allowed to claim British nationality.

4.3.19 Liberal Democrats propose that children of unmarried British fathers born before July 2006 and of unmarried British mothers born before January 1983 should be allowed to claim British Citizenship by descent, subject to providing sufficient proof of parentage.

Getting the Basics Right after UKBA

5.1 Why We Need to Take Action

5.1.1 There are over 100 million entries and exits from the UK each year. Over five million visa applications are made, with around 600,000 for visitors intending to stay longer than 12 months considered 'migrants'.

5.1.2 It is vital the public have confidence in the way these huge flows are monitored and managed. That has been comprehensively lost. Following sustained criticism of the United Kingdom Borders Agency (UKBA), not least by the Home Affairs Select Committee, in March 2013 the Home Secretary replaced it with three separate directorates within the Home Office, one dealing with visas and immigration, the second law enforcement, and the third "Border Force" policing the flow of people and goods at ports.

5.1.3 The closure of UKBA provides an opportunity for a completely fresh approach to the mechanics of the system and, most importantly, to restore proper accountability within our Parliamentary democracy for policy-making and delivery of migration control.

5.1.4 The Home Affairs Select Committee found that UKBA had a backlog of 430,000 applications. They had failed to deport more than 600 of the 1,013 foreign prisoners released without being considered for deportation between 1999 and 2006. And their action to tackle the 'overstayers' issue was said to be almost

completely ineffective. Perhaps worst, they deliberately obscured their failure behind complex administrative processes.

5.1.5 Decision making on asylum cases was particularly poor with a 63% rise in 2012 in the number of asylum seekers awaiting initial decisions for more than six months¹³. However delays are endemic throughout the entire entry application system. With the huge scale of travel to the UK each year, simply catching up is not sufficient. Better decision-making involves accuracy as well as speed. Success rates in appeals against refusals have risen to nearly 30%¹⁴.

5.1.6 One vital missing link is the accurate tracking of who is entering and leaving the UK. Exit checks were ended during the 1990s, and the Coalition Government has a target of 2015 for their restoration using technology-based methods and the e-Borders programme. The Chief Inspector of Borders has stated that full monitoring of entry and exits is now unlikely to be achieved before 2018, if then.

5.2 Liberal Democrat Ambitions

5.2.1 A priority for Liberal Democrats is to create a border security system that makes well-informed and appropriate decisions taken as early as possible; with people treated with humanity and dignity; and where the rule of law is upheld. Any new system must do more to ensure Britain is open to the benefits of migration, while remaining secure from those who would abuse the system.

13 Home Affairs Committee; 'The work of the UK Border Agency (January-March 2013)'; November 2013.

14 Migration to the UK: Asylum; Migration Observatory, February 2013.

Making Migration Work for Britain

5.2.2 Liberal Democrats have long led the way in calling for the full reintroduction of entry and exit checks, and the full implementation of the e-Borders system will continue to be a high priority.

5.2.3 To meet these challenges the new visa service must find an organisational structure that can get to grips with the ever increasing backlog of cases, improve current decision-making and install a functioning system of reporting and accountability, including the implementation of e-Borders. Only with this achieved will we have a border system in which Parliament and the general public can have confidence.

5.2.4 In making these changes we recognise the need for cost effectiveness. In 2012 -2013 UKBA spent £1.6bn¹⁵. Additionally, Border Force's total spend was £600m¹⁶. Taken together £2.2bn in expenditure was offset by £930m from fees, the remainder (£600m) was covered by taxpayers' money. Given the current fiscal climate, our aim is for the changes we propose to have no additional recourse to public funds.

5.3 Liberal Democrat Policy Proposals

Entry and exit checks, e -Borders

5.3.1 The e -Borders project has encountered serious, and well documented, problems since its introduction in 2007. E-borders still only captures 65% of passenger data¹⁷, largely down to difficulties with implementation for rail and maritime passengers.

15 UKBA Annual Report & Accounts 2012-13.

16 National Audit Office; The Border Force: securing the border; August 2013.

17 Independent Chief Inspector of Borders and Immigration, 'Exporting the Border?' An inspection of e-Borders October 2013 - March 2013, September 2013.

At these ports, e-borders alone do not achieve full entry and exit checks and needs to be combined with existing outbound passenger procedures to do so.

5.3.2 While we need to recognise these hurdles and be realistic about delivery, it is vital that the number of migrants entering and leaving is recorded so that we can have proper control of immigration and tackle the problem of overstayers. For this reason the delivery of full monitoring of entry and exit checks must continue to be the highest priority, together with increasingly rigorous action by Border Force of inspection of goods and freight.

5.3.3 *Liberal Democrats propose to accelerate the delivery of full monitoring of all UK border entry and exits, and will set aside additional resources if necessary to speed up progress.*

Clear and strong accountability

5.3.4 The UKBA was left to fail for too long. It is important that measures are put in place to ensure that system wide problems are identified and acted on much earlier.

5.3.5 *Liberal Democrats propose to retain UKBA's successor functions within the Home Office, with the Home Secretary maintaining accountability to Parliament for both its successes and failures.*

5.3.6 Proper external scrutiny and inspection is also needed. The Chief Inspector of Borders and Immigration has conducted a number of reviews and produced constructive recommendations for improvement, but the changes needed to make UKBA's successor fit for purpose have not followed. For the accountability

Making Migration Work for Britain

system to work the Inspector needs powers to scrutinise delivery of his recommendations.

5.3.7 *Liberal Democrats propose that the Chief Inspector of Borders and Immigration makes an Annual Report directly to Parliament as part of its annual oversight and consideration of immigration policy. Further details of our proposals on accountability are set out in the Making Migration Work chapter.*

5.3.8 The functioning of our borders has implications across Government, so those making policy on wider public services and the economy should have a say in its objectives. In particular there is a need to ensure that the perspectives of business and local communities are strongly represented.

5.3.9 *To achieve this Liberal Democrats propose that senior representatives from the Department for Business, Innovations and Skills, and of local government across the UK should sit on the UKBA successor's Oversight Board in the Home Office, and that they, in turn, should ensure that the views of business and local communities are properly reflected in the judgements they bring to bear on its work.*

Speed of decisions

5.3.10 UKBA's record of processing cases within their own deadlines was poor, and delays in processing applications are severe. The speed of in-country applications has lagged well behind those made from abroad. The new visa service needs to tackle this problem. The development of the premium face to face visa application service has shown how that can be done. At the newly- established PEO in Croydon a two-hour while-you-wait visa application service runs efficiently with its costs more than

covered by modest fees. It is in marked contrast to the postal application service housed nearby.

5.3.11 *Liberal Democrats propose the accelerated roll out of face to face visa processing based on the successful PEO model, with the ambition that all visas applied for within the UK are processed in this way by the end of the next Parliament.*

Reforming borders administration

5.3.12 While administrative problems within the UKBA's successor are extensive, and it will take time and investment to put them right, there are clear measures that we know will make a real difference.

Quality of decisions

5.3.13 Visa application decisions are complex. Crucial to improvement is the quality of senior management. Border officials must apply detailed rules which are subject to frequent change, while making high stake judgments on both visa and asylum applications. In improving the quality of decisions it is important that we equip operational staff to meet these challenges, and to recognise the role of 'immigration officer' as a skilled profession. Immigration officers are recruited at an administrative grade, the requirements for which do not ensure they are equipped with the skills needed for the role.

5.3.14 *Liberal Democrats propose the UKBA's successor should set the ambition that all immigration officers processing visa or asylum applications should be of an Executive Officer grade by 2020 with commensurate levels of skills and sensitivity.*

Making Migration Work for Britain

5.3.15 In improving decision making a greater focus should also be given to the training available to immigration officers.

5.3.16 *Liberal Democrats propose the Home Office should develop an accredited training and CPD programme for immigration officers, addressing their need for language skills for visa applications, understanding of cultural differences and giving them an increased ability to identify fraudulent applications accurately.*

5.3.17 These skills can be particularly important when dealing with complex asylum cases. There needs to be urgent attention to improving the quality of management and leadership.

5.3.18 With its accountability for the visa service retained the Home Office should be directly responsible for the quality of individual visa decisions. At present appeals against visa decisions are funded by the Ministry of Justice, providing a weak incentive for the Home Office to drive up the quality of decision making within UKBA's successor.

5.3.19 *Liberal Democrats propose the Home Office is made responsible for the costs of immigration and asylum appeals, however the appellant will still be expected to cover his/her own costs.*

Overstayers

6.1 Why We Need to Take Action

6.1.1 It has been estimated that around 620,000 people have entered the United Kingdom lawfully, and then remained longer than they were legally entitled to¹⁸, in addition to those who evaded entry controls in the first place. There are a wide variety of circumstances leading to a person overstaying. However, there is one common factor – none of them have a right to be here and they should be expected to regularise their status or leave.

6.1.2 The opportunity to overstay has been increased by the woeful failure of previous governments to keep tabs on people's whereabouts and the extraordinary inability of UKBA and its predecessors to manage the visa process. The longer a person overstays the more complex their life and relationships will become and the greater the challenge and cost of their removal, so ending the flow of new overstayers is as important as reducing the 'stock'.

6.1.3 Recent attempts by Ministers to create a hostile environment for existing overstayers, via measures such as 'Go home vans', have proved ineffective at best. They completely miss the main targets related to overstaying - criminal gangs, those who operate in the black market, and those who are trafficking or exploiting irregular migrants.

18 Economic impact on the London and UK economy of an earned regularisation of irregular migrants to the UK (LSE/GLA 2009)

6.1.4 There is also the politically sensitive issue of when or if those who have been in the UK illegally for years should have any route to regularisation open to them. Legislation in this area must tread the narrow line between treating vulnerable people fairly, and sending a message that those who break the rules can benefit.

6.2 Liberal Democrat Ambitions

6.2.1 Liberal Democrats aim for a system which makes it worth your while to live legitimately in the UK and which better identifies those purposely avoiding the authorities, so we can clamp down appropriately on them. **The implementation of exit checks is a vital first step to achieve this, and is our number one priority.** Our proposals in the chapter *Getting the Basics Right* address the issues in more detail.

6.2.2 We also need a system that is fair to those for whom a route to regularisation might be justified, but we must not send out a message that those who break the rules can prosper. Liberal Democrats particularly aim to address the circumstances of children, who often are illegally resident in the UK through no fault of their own.

6.3 Liberal Democrat Policy Proposals

6.3.1 Enforcement and removals

6.3.1.1 Knowing who has entered and left the UK is a pre-condition for deterring and challenging new overstayers promptly. That in turn is the key to achieving prompt, low cost, and humane removals. Liberal Democrats propose an accelerated comprehensive re-establishment of exit checks at all ports and

airports (see *Getting the Basics Right*) to achieve this. For those who are already here illegally the creation of a hostile environment is an ineffective lever. This was clearly demonstrated by the failure of the Home Office 'Operation Vaken', the evaluation of which showed only 11 overstayers were returned as a result of the 'Go Home' vans, but the collateral damage to community relations was huge.

6.3.1.2 Liberal Democrats firmly reject the use of such gimmicks, random stop and search policies and racial profiling in general.

6.3.1.3 Instead we need an approach that targets those who prevent or discourage overstayers from notifying the UK authorities of their presence in the country – specifically criminal gangs, those who operate in the black market, and those who are trafficking or exploiting irregular migrants. Liberal Democrats would channel additional resources into Immigration Enforcement so they can spend more time and effort identifying and investigating these criminals.

6.3.1.4 So Liberal Democrats propose an intelligence-led approach to tackling illegal immigration, with more investment into investigating criminal gangs, the black market, and others who support illegal migration with a robust returns policy.

6.3.1.5 Liberal Democrats would look to strengthen the UK's cooperation with Europol, which is the European Union's law enforcement agency aimed at helping member states tackle crime and terrorism, rather than weaken it as our Coalition partners propose. We further note that the Eurodac system has led to the successful return of 12,000 asylum seekers from the UK since 2004, further evidence that a strong relationship with the EU can bring us direct practical value (see also *Asylum Seekers* chapter).

6.3.2 Routes to regularisation for overstayers

Adults

6.3.2.1 It is important that the law is both firm and fair for those who are here illegally. For adults who have been living continuously in the UK for 20 years there is eligibility to apply for limited leave to remain, after which they can apply for Indefinite Leave to Remain, provided they have no criminal record.

6.3.2.2 *Liberal Democrats propose to retain this provision unchanged.*

Children

6.3.2.3 Migrant children are often in a vulnerable position. They are often here by no fault of their own. For many, the UK is all they have known and it is their country. It is right that a route to regularisation for children is in place. An estimated 120,000 irregular migrant children live in the UK¹⁹.

6.3.2.4 Existing legislation provides a route open to children under 18, who have lived in the UK for a continuous period of at least 7 years, to be granted limited leave to remain for 30 months, as long as they meet the suitability criteria, after which they can apply for Indefinite Leave to Remain.

6.3.2.5 *Therefore Liberal Democrats propose to retain the existing legislation to provide irregular status children a route to regularisation.*

19 No way In, No Way Out; ESRC Centre for Migration; May 2012

6.3.2.6 This provides children who are in the UK illegally a way to become legitimate contributing citizens, rather than risk being removed to a country that is unknown to them. However the existing legislative framework is fragmented and complex, and poorly understood by the people it may apply to, and even by professionals in the field. It is important that legitimate applicants who could access regularisation are not prevented from doing so, nor that others benefit when they are not entitled.

6.3.2.7 *Therefore Liberal Democrats propose to consolidate the existing fragmented legislation routes to regularisation for children into a single legal provision.*

Asylum Seekers and Refugees

7.1 Why We Need to Take Action

7.1.1 The UK is bound, under the United Nations Convention on Refugees, to admit persons *'with a well-founded fear of being persecuted for reasons of race, religion, nationality, or membership of a particular social group or political opinion, who are outside the country of his/her nationality and who are unable, or owing to such fear, unwilling to avail themselves of the protection of that country and return to it'*. Liberal Democrats firmly support this convention and aspire to a new and improved asylum system which can both strongly uphold that commitment, whilst minimising the potential for abuse of the system itself. But that does not mean that we do not recognise the challenges it brings.

7.1.2 In fact the numbers of asylum seekers have fallen in recent years – in the year to June 2012 just 25,875 people arrived in the UK claiming asylum, 5% of the total immigration figure²⁰. Between 1994 and 2003, the figure ranged from 25% to 54%²¹. Nevertheless **it is still an area of public concern and there is now widespread political agreement that the current operation of the asylum system has failed for everyone involved.**

7.1.3 Almost half those who seek asylum remain despite not having their application granted. Many of these people cannot return home because their country of origin refuses to recognise

²⁰ Home Office; Immigration Statistics: October to December 2012; February 2013.

²¹ Migration to the UK: Asylum; Migration Observatory, February 2013.

their citizenship or because that country is recognised as unsafe. They are left in limbo, unable to work in the UK, with no recourse to public funds, often leading to destitution. These problems are compounded by poor decision making on asylum claims, with a quarter of all initial decisions overturned at appeal.

7.1.4 There is also the worrying practice of detention. The UK is unique in routinely detaining migrants without time limit. In 2011 more than 1,000 people had been detained for over three months, only 38% of whom were ultimately returned home²². This unsuccessful practice has been estimated to cost the taxpayer £75 million a year. Less costly and more effective solutions are urgently needed.

7.2 Liberal Democrat Ambitions

7.2.1 Liberal Democrats want an improved asylum system which both strongly upholds the UN Convention and minimises the potential for abuse. That requires finding ways of establishing which asylum claims are genuine, whilst ensuring that people are treated humanely, with compassion and respect, including those who are to be returned. While these issues are complex and sensitive, we believe there is a better way to deal with asylum cases; one which doesn't let asylum seekers suffer in detention centres or in poverty.

²² The financial waste of long-term detention; Detention Action; March 2013.

7.3 Liberal Democrat Policy Proposals

Better decisions

7.3.1 Asylum cases are complex, and decision-makers have to make judgments about the validity of a claim while dealing with sensitive situations and cultural and language barriers. Nevertheless much more can be done to get decisions right the first time. In particular, support and professional guidance should be given to asylum seekers:

- Better training is needed for staff who deal directly with more vulnerable groups such as victims of torture or trafficking, mentally ill people, pregnant women, children and LGBT people.
- Better interpretation and translation services should be available at each stage of the process, with safeguards in place to ensure that interpreters and translators dealing with each case have the knowledge of language required.
- Accurate, up-to-date understanding of relevant Country of Origin Information must be provided to decision makers.

7.3.2 Liberal Democrats aim at 'getting it right first time', thus reducing appeals and ensuring that those who should leave the UK do so.

7.3.3 *Therefore Liberal Democrats will ensure better support and professional guidance in asylum cases so that decisions are right the*

first time, reducing appeal costs and ensuring that those who should leave the UK do so.

7.3.4 It should be noted that the Eurodac Regulation, which manages an EU asylum fingerprint database, has led to the removal of 12,000 asylum seekers from the UK since 2004. This achieved significant savings in relation to the costs of processing and supporting those cases. Further examples of the benefits a strong relationship with the EU can bring are set out in the *EU Migration* chapter of this paper.

7.3.5 In June 2010 the 6 month maximum target time for asylum claim decisions was abolished. With the proposals to improve UKBA's successor set out in the *Getting the Basics Right* chapter we believe this target should be restored. All current backlogs that were built up under the former UKBA will be tackled as a priority to give dignity and justice to those who have been waiting for unacceptable amounts of time.

7.3.6 *Liberal Democrats propose to re-establish the 6 month decision-making target for asylum claims.*

Requirement to seek work

7.3.7 Currently some asylum seekers wait two years or more for a decision on their asylum claim in the UK. In the meantime they receive asylum support from the public pot, instead of being allowed to earn their own money to support themselves or contribute to the UK. The EU Reception Directive, which the UK has opted out of, places an obligation on member states to provide access to the labour market no later than 9 months from the date of the initial application to asylum seekers. Eleven EU countries not only abide by this but have gone further by allowing asylum

Making Migration Work for Britain

seekers to work after six months or less from making their asylum application.

7.3.8 *Therefore, so that asylum seekers can better support themselves, while contributing to the public purse, Liberal Democrats will require all working age asylum seekers to look for work if their case has not been resolved within 6 months. Current restrictions on which occupations asylum seekers can work in will also be lifted.*

7.3.9 Asylum seekers who cannot work, or who cannot find work, will remain in housing funded through the Home Office and on the section 95 rate of benefits.

7.3.10 Whilst asylum seekers await their decision (pre-6 months) we will aim to make sure that appropriate training and volunteering opportunities are made available so they can make a contribution to society and be better prepared to find work. Our proposals in relation in the *Social Cohesion* chapter will go a long way to achieve this.

Destitution

7.3.11 The British Red Cross currently support 6,000 destitute refugees and asylum seekers each year. Destitution for those who came to the UK to seek sanctuary is unacceptable. Requiring asylum seekers to work after 6 months will provide them with money of their own and go a long way towards preventing them from becoming destitute. This will also reduce the public money spent on supporting asylum seekers.

7.3.12 There is little evidence to suggest that enforcing destitution upon failed asylum seekers encourages them to leave the country. The current Azure Card system for failed asylum

seekers restricts their ability to pay for basic goods and, due to inefficiencies, costs the taxpayer more than it saves.

7.3.13 *Therefore Liberal Democrats propose to abolish the Azure Card and Section 4 and provide all asylum support under Section 95.*

7.3.14 This change would avoid the disruption, destitution and bureaucratic waste of the S4 process. It will be better value for money, be more flexible, and less demeaning for the seeker of sanctuary concerned. As Refugee Action put it *“Any costs incurred could be offset by simplifying the asylum support system and replacing the current two-tier bureaucratic arrangement with one support stream – section 95 – that harmonises the levels and type of support, and removes the need for transfers between different support streams”*.

7.3.15 The current level of Section 95 benefits has not risen in line with inflation or other benefits since 2008, causing asylum seekers to be increasingly worse off. Up-rating asylum benefits would allow asylum seekers a modest, but more humane, subsistence in the UK. To do so, responsibility for S95 should be transferred from the Home Office to the DWP.

7.3.16 *Liberal Democrats would immediately transfer the responsibility for S95 benefits to the DWP allowing them to be up-rated in the same way as other benefits, we would also urgently review the level of S95 benefits to ascertain that they are set at a fair level.*

Delivery of asylum services

7.3.17 Serious problems also persist around private companies that hold outsourced contracts for the delivery of enforcement and asylum services. For asylum services, service standards must

Making Migration Work for Britain

be monitored more effectively, with more accountability and transparency in their work.

7.3.18 For enforcement, high profile failures of private companies, such as the tragic death of Jimmy Mubenga, have led to a loss in confidence that these services are being performed with sufficient accountability.

7.3.19 So Liberal Democrats propose to restore deportation transportation and the accountability of enforcement functions to the public sector as soon as the current contracts permit.

Detention

7.3.20 The UK is the European Union's biggest detainer of migrants; a record 28,909 migrants were detained in 2012, most of whom are guilty of no crime, and many of whom will have been detained in conditions equivalent to high-security prisons. The detention of one person for a year costs the tax-payer over £47,000. In addition the Home Office paid out £12 million in 2009-10 in compensation and legal costs arising from unlawful detention actions²³. Independent research by Matrix Evidence concluded that £75 million per year could be saved if asylum seekers who cannot be deported were released in a timely manner. Routinely detaining asylum seekers indefinitely is a significant burden on the taxpayer and a waste of time and resources.

7.3.21 Liberal Democrats propose to end Indefinite Detention for immigration purposes.

²³ The financial waste of long-term detention; Detention Action; March 2013.

7.3.22 We would have to look carefully at setting a time limit for detention, taking account of the capacity of UKBA's successor to process cases quickly and learning from the rules successfully implemented by our European partners – which range from 18 months to 45 days. In the longer term we see no reason why the limit should not be at the lower limit of this range.

7.3.23 In addition, the Detained Fast Track procedure represents a disproportionately high use of detention in asylum in comparison to other European countries.

7.3.24 *Therefore Liberal Democrats propose to end the inappropriate use of the Detained Fast Track.*

Child detention

7.3.25 One of our proudest achievements in government is ending child detention – but we must ensure it can never be used again.

7.3.26 *Liberal Democrats also propose to legislate to ensure that our measures to end Child Detention for Immigration Purposes are solidly written into law.*

Alternatives to detention

7.3.27 There are demonstrably cheaper and more effective ways of obtaining returns than detention. For instance whilst almost half those who seek asylum remain in the UK despite not having their application granted, Sweden has a voluntary return rate of 82%. They provide community-based support for asylum-seekers throughout their application process. The model is based on engagement with migrants rather than enforcement. A case

Making Migration Work for Britain

manager ensures access to legal advice, housing, welfare support and information about their case and options for the future.

7.3.28 To switch to the Swedish model in the UK is estimated by Matrix to cost around £164.2 million, only 44% of the savings made as a result of avoiding detention (cost savings of £377.4 million over a 5 year time period). Additionally, as voluntary returns are far cheaper than enforced removals, this would likely lead to further savings as well as increased overall numbers of returns. In the current fiscal climate we cannot afford to ignore such innovative best practice.

7.3.29 *Therefore Liberal Democrats propose the implementation of community-based alternatives to detention that will help individuals to engage with the immigration system and reduce costs.*

Sticking Together – Identity and Social Cohesion

8.1 Why We Need to Take Action

The problem isn't just about immigration

8.1.1 Even the least diverse areas can struggle to build civic capital and strong local communities, and the need for more community capacity is not at all confined to areas of high inward migration.

8.1.2 Factors such as social class, home environment, financial stability and aspirations all play important roles in forming individuals' identity, not simply ethnicity. Identity is multi-faceted and can change over time, and trying to pigeon-hole each other is not useful. Likewise, whilst encouraging integration can be important, integration is not the same as assimilation.

8.1.3 Nor is the pressure on services in areas of expanding population solely created by overseas migrants. London and the South East are powerful magnets for UK citizens seeking work, promotion, or cultural opportunities as well.

8.1.4 Nevertheless in some places the impact of immigration on communities is real, with non-migrants worried that those settling in the UK don't share their language, culture or beliefs. Liberal Democrats recognise and acknowledge those concerns and seek to prevent any community becoming segregated or alienated due to race, culture or class, with people left living parallel lives. The proposals in this Policy Paper therefore do particularly focus

on policies aimed at building civic capital and creating an environment where partnership is normal and extremism has no place.

8.1.5 While we believe that all mainstream religions and cultural traditions are compatible with our broad British values, for too long indigenous communities' worries about social cohesion have taken a back seat. Recognising the importance of identity and coming up with policies that ensure better social cohesion are vital parts of any holistic immigration strategy.

8.1.6 The public also have concerns about the pressure population change can put on public services. It is important to acknowledge that at the 'macro' level there are well-evidenced benefits that migrants give to our public services, filling skills gaps, and providing tax revenue and growth to the wider economy. However at the level of the local community shortages of school places, housing, health care and social service provision can be real and painful.

8.2 Liberal Democrat Ambitions

One society, many cultures

8.2.1 As Liberal Democrats we approach life in a liberal way, welcoming difference rather than being unduly worried by it. We are instinctively reluctant to dictate to people how they should live their lives and coexist on a local level.

8.2.2 However, we recognise the risks presented by intergenerational tensions and cultural differences. Often resentment is fuelled by poor communication skills. That's why we give high priority to encouraging migrants to gain the knowledge

of English language culture and of the public services they will need to play a full part in the wider community. **It must be good from every viewpoint for all long-term residents in the UK to have good English skills, and we aim to facilitate that being achieved within the next generation, starting now.**

8.2.3 Another challenge to social cohesion can be driven by resentment based on exclusion from or competition for public services and work in areas of high and rapid population growth. Current public financing models are not agile enough to allocate resources or to respond robustly on the right timescales to meet the needs and defuse the inevitable tensions they generate. **That's why we give high priority to developing mechanisms that take better account of pressures on public services in local areas facing rapid inward migration.**

8.2.4 Liberal Democrats believe that alongside these two vital steps we should support local-based initiatives that bring individuals and communities 'out of their shells' whatever their origins or background. **We aim to help them to experience and contribute fully to wider society and to share and maintain their own lifestyle and culture as they see fit.**

8.3 Liberal Democrat Policy Proposals

English language and culture

8.3.1 If we are to have every long-term resident of the UK speaking English the first step must be to put strong incentives in place to encourage migrants and their families to improve their language skills. Census data shows that 1.3% of the population cannot speak English well, 0.3% cannot speak English at all. For them finding work will always be problematic. However the

Making Migration Work for Britain

benefits system does provide an opportunity to support language learning.

8.3.2 *Liberal Democrats propose that all new claimants for Jobseeker's Allowance (JSA) should have their English language skills assessed, and that for those identified JSA will be conditional on attending state funded English language courses.* This proposal is in line with current plans by the Home Office.

8.3.3 It is particularly important for those migrants looking to settle permanently in the UK to be equipped to play an active part in their communities. Migrants applying for citizenship or indefinite leave to remain in the UK are currently required to pass a Knowledge of Language and Life test (KOLL) or to hold a qualification in English at B1 on the Common European Framework of Reference for Languages (CEFR) as well as pass a 'Knowledge of life in the UK' test.

8.3.4 These requirements ensure migrants' English language skills are sufficient to perform basic functions, but do not go so far as to ensure a proficiency in English. Liberal Democrats believe that migrants settling permanently should be required to have a standard of English good enough to engage fully in civic society.

8.3.5 *Liberal Democrats propose that the level of English language required should be increased closer to the 'proficiency level' and that the KOLL test should be made more demanding to reflect this level.*

8.3.6 The knowledge component of the KOLL test at present focuses on background knowledge of Britain's history, geography and culture; however it does not aim to ensure migrants are equipped with the practical knowledge they need to play a full

part in their communities or to interact with public services in the UK.

8.3.7 *Liberal Democrat propose that the KOLL test should focus more on the knowledge migrants need to understand British communities and way of life with a particular emphasis on interacting with public services.*

8.3.8 Encouraging migrants to engage with the English language can only go so far in improving their skills if the correct support is not available.

8.3.9 *We strongly welcome the £30m English language programme launched by DCLG in 2013, which engages with a variety of local organisations to provide knowledge and training in skills needed to use English in daily life, and we propose to expand its range and scope substantially.*

Funding for public services and community cohesion

8.3.10 Liberal Democrats take the pressure migration can put on public services seriously. At present there is no robust information available to properly understand localised impacts. When these are not well understood there is room for polarisation and identity politics to take hold. We need better knowledge of actual migration flows and their impact on public services to inform local service planning and funding. Currently there are several data collection routes, but they are neither standardised nor linked and (in the case of the Census) not contemporary. We welcome the DWP decision to record country of origin on Universal Credit claim forms, which will provide some facts instead of myths on benefit claimants' backgrounds, as well as giving a better basis for assessing changing demands on public service.

Making Migration Work for Britain

8.3.11 *We propose that further urgent work is done to standardise data collected in each area on population flows so that public service design can be based on timely evidence.*

8.3.12 However meanwhile sometimes more rapid action may be needed to meet acute pressures. The Government's response to the rapid arrival of many retired Gurkha soldiers and their families in Aldershot could be a template for action. A large Nepalese influx put acute pressure on local public services and caused tensions in the community. In response an emergency fund of £1.5 million was created to meet urgent needs. Whilst there is much more to be done on Gurkha integration there, the establishment of such a central funding mechanism responsive to rapid population changes is a model we welcome.

8.3.13 In the current fiscal climate we must be responsible in how we find money for such initiatives. The EU Commission has proposed that in the 2014-2020 period at least 20 % of the European Social Fund (ESF) should be spent on promoting social inclusion and combating poverty in each Member State²⁴. Noting the impact that EU migrants themselves can have we believe it is right that this £1 billion funding should be invested in relieving social and service pressures affecting communities under pressure. **This should not be simply new provision for new residents, but a genuine investment of help for the whole neighbourhood and community.**

8.3.14 *Liberal Democrats propose to create a new Community Protection Fund, initially funded by £1 billion from the ESF social*

²⁴ EU Commission; Free Movement of EU citizens and their families: Five actions to make a difference; Nov 2013.

*cohesion budget planned by the Commission, and will use it in support of neighbourhood cohesion projects and to ease pressure on local public services, with local authorities being able to bid for funds to provide support for specific public services in identified areas of greatest pressure.*²⁵

Supporting and building lively and vibrant communities

8.3.15 The Deputy Prime Minister's **Social Mobility Strategy**, the Newlove reports, and the work on 'Creating the conditions for integration' from DCLG have all rightly taken a wide-angle view of what needs to be done to strengthen communities and empower individuals. There is good work under way from all these, but there needs to be more of it.

8.3.16 Mainstream programmes such as the **Pupil Premium**, extended entitlement to free early years education, and the **Youth Contract** also have important roles to play in ensuring that every young person is equipped to play an active part in their local and national communities.

8.3.17 We have also taken evidence from a wide range of people and organisations that have practical examples of success and innovation in community development at local level. Faith Matters and the iCoCo Foundation were particularly helpful. One powerful learning point is that the best and most successful impacts are not made by centrally-directed and run programmes, but by initiatives run and owned by local communities. Often low-cost and volunteer-led they may need encouragement and

²⁵ This fund would be channelled through Local Enterprise Partnerships in line with changes made to the administration of ESG funding for the 2014 -2020 allocation.

Making Migration Work for Britain

facilitation, and some seed funding, but they do not need to be told what to do or regimented in how to do it.

8.3.18 *We propose that such schemes should be eligible to bid into our new Community Protection Fund.*

8.3.19 There is a huge vocabulary of good practice and good outcomes to draw on. We do not therefore propose to add to them, but rather to point to those which we believe a future Liberal Democrat government would see as priorities for expansion or replication in the next Parliament.

8.3.20 These include the National Citizens Service and Youth United projects, and the Community Organisers amongst others.

Glossary

Asylum Seeker/Seekers of Sanctuary: A person who has left their country of origin and formally applied for asylum in another country but whose application has not yet been concluded.

Dependant: Someone who depends on you financially, such as a husband, wife, partner, or child.

Deportation and Removal: It is important to distinguish between 'deportation' and removal. Where a person has no leave to be in the UK they are expected to depart voluntarily. If they do not, the Secretary of State can take steps to remove them. This is an administrative measure. It should be contrasted with deportation where the Secretary of State deems that the deportation of a person from the UK is 'conducive to the public good. Removal is authorised by the 1999 Act and deportation is authorised by the 1971 Act.

Discretionary Leave to Remain: Permission to stay in the United Kingdom for reasons that are exceptional. This is sometimes given to someone who does not qualify for asylum but whom we believe should be allowed to stay for other reasons.

E-Borders: E-Borders is the name of our programme of electronic border control.

Economic Migrant: Someone who has moved to another country to work.

Educational Institution: A school, college or university.

Making Migration Work for Britain

ESOL: English for speakers of other languages.

European Single Market: seeks to guarantee the free movement of goods, capital, services and people - the EU's 'four freedoms' – within the EU's 28 member states.

EU/EEA migrant: Someone who has moved to another country who is a citizen of the European Union/European Economic Area.

Habitual Residence Test: Evaluates whether a person has lived in the country for an "appreciable period of time" and "if they intend to continue living in that country".

Illegal immigrant: Someone whose entry into or presence in a country contravenes immigration laws.

Indefinite Leave to Remain (ILR): Permission to remain in the UK without any time restrictions on the length of stay.

International/Overseas/Foreign Student: A student who has chosen to study in a country other than his/her own.

Irregular migrants/Overstayers: A person who no longer has permission to be in the country.

Limited Leave to Remain: Permission to stay in the United Kingdom temporarily, for the length of time stated on your visa.

Net Migration: Net migration rate is the difference of immigrants and emigrants of an area in a period of time.

Refugee: In the UK, a person is officially a refugee when they have their claim for asylum accepted by the government.

Refused asylum seeker: A person whose asylum application has been unsuccessful, and who has no other claim for protection awaiting a decision.

Removal: A legal process we follow that enables us to force a person to leave the United Kingdom if he/she has no right to be here.

Resident Labour Market Test: This is the process an employer must follow before employing a person who is not a permanent resident of the United Kingdom if he/she is first required to show that no resident worker could be found to take a job.

List of Policy Proposals

1. Liberal Democrats propose that Parliament debate and vote on immigration policy each year.
2. Liberal Democrats propose that students should be taken out of any future net migration target.
3. Liberal Democrats propose that only international graduates of UK universities in Science, Technology, Engineering and Maths subjects are permitted to work for three years in the UK, conditional on securing graduate-level work within 6 months of completing their course.
4. Liberal Democrats propose to establish a Student and College Compliance and Liaison Team to ensure that educational institutions and international students are complying with the rules placed upon them.
5. Liberal Democrats propose that fully compliant educational institutions will benefit from automatic renewal of 'Highly Trusted Status' for three years.
6. Liberal Democrats propose to double the number of inspections on employers to ensure that their workforce is being paid at least the national minimum wage, and that all statutory employment legislation is being honoured.
7. Liberal Democrats propose to implement 'Training up Britain', a mentoring scheme aimed at using highly skilled migrants to develop the skills of the British workforce.

8. Liberal Democrats support the EU Commission's proposal to extend the time before which EU migrants can claim benefits in the UK to 6 months.
9. Liberal Democrats support Coalition Government measures to strengthen the Habitual Residence Test for EU migrants.
10. Liberal Democrats propose a new entry permit available only for those already having a business visitor visa who want to study whilst in the UK.
11. Liberal Democrats propose to work with our European partners to develop more effective and appropriate transition controls for countries entering the EU in future, and to harmonise EU migrant welfare support rights.
12. Liberal Democrats propose to ask the Migration Advisory Committee to reconsider the minimum income threshold for a spouse to come to the UK in light of the principle that a person with the means to support their family should be allowed to do so.
13. Liberal Democrats would invite the MAC to give further advice on allowing immigration officers discretion over spouses entering the UK based on any offer of employment, likely employment or their earnings in their home country.
14. Liberal Democrats propose that migrants bringing elderly relatives to the country should be allowed to do so where they are able to maintain and accommodate them without recourse to public funds.

Making Migration Work for Britain

15. Liberal Democrats propose that sponsors of elderly dependants, over the age of state retirement, should pay a health levy before their dependants are allowed to settle in the UK.
16. Liberal Democrats propose the introduction of a 'grandparents' super visa' that would allow grandparents to visit for a period of up to two years on condition of an actuarial-calculated health levy.
17. Liberal Democrats propose that children of unmarried British fathers born before July 2006 and of unmarried British mothers before January 1983 should be allowed to claim British Citizenship by descent, subject to providing sufficient proof of parentage.
18. Liberal Democrats propose to accelerate the delivery of full monitoring of all UK border entry and exits, and will set aside additional resources if necessary to speed up progress.
19. Liberal Democrats propose to retain UKBA's successor functions within the Home Office, with the Home Secretary maintaining accountability to Parliament for both its successes and failures.
20. Liberal Democrats propose that the Chief Inspector of Borders and Immigration makes an Annual Report directly to Parliament as part of its annual oversight and consideration of immigration policy (See 1 above).
21. Liberal Democrats propose that senior representatives from the Department for Business, Innovations and Skills, and of

local government across the UK, should sit on the UKBA successor's Oversight Board in the Home Office.

22. Liberal Democrats propose the accelerated roll out of face to face visa processing based on the successful PEO model, with the ambition that all visas applied for within the UK are processed in this way by the end of the next Parliament.
23. Liberal Democrats propose the UKBA's successor should set the ambition that all immigration officers processing visa or asylum applications should be of an Executive Officer grade by 2020 with commensurate levels of skills and sensitivity.
24. Liberal Democrats propose the Home Office should develop an accredited training and CPD programme for immigration officers, addressing their need for language skills for visa applications, understanding of cultural differences and giving them an increased ability to identify fraudulent applications accurately.
25. Liberal Democrats propose the Home Office is made responsible for the costs of immigration and asylum appeals, the appellant will still be expected to cover his/her own costs.
26. Liberal Democrats propose an intelligence-led approach to tackling illegal immigration, with more investment into investigating criminal gangs, the black market, and others who support illegal migration with a robust returns policy.
27. Liberal Democrats propose to retain existing legislation to provide irregular adults a route to regularisation provision unchanged.

Making Migration Work for Britain

28. Liberal Democrats propose to retain the existing legislation to provide irregular status children a route to regularisation.
29. Liberal Democrats propose to consolidate the existing fragmented legislation routes to regularisation for children into a single legal provision.
30. Liberal Democrats will ensure better support and professional guidance in asylum cases so that decisions are right the first time, reducing appeal costs and ensuring that those who should leave the UK do so.
31. Liberal Democrats propose to re-establish the 6 month decision-making target for asylum claims.
32. Liberal Democrats will require all working age asylum seekers to look for work if their case has not been resolved within 6 months. Current restrictions on which occupations asylum seekers can work in will also be lifted.
33. Liberal Democrats propose to abolish the Azure Card and Section 4 and provide all asylum support under Section 95.
34. Liberal Democrats would immediately transfer the responsibility for S95 benefits to the DWP allowing them to be uprated in the same way as other benefits, and would urgently review the level of S95 benefits to ascertain that they are set at a fair level.
35. Liberal Democrats propose to restore deportation transportation and the accountability of enforcement functions to the public sector as soon as the current contracts permit.

36. Liberal Democrats propose to end indefinite detention for immigration purposes.
37. Liberal Democrats propose to end the inappropriate use of the Detained Fast Track.
38. Liberal Democrats propose to legislate to ensure that our measures to end Child Detention for immigration purposes are solidly written into law.
39. Liberal Democrats propose the implementation of community-based alternatives to detention that will help individuals to engage with the immigration system and reduce costs.
40. Liberal Democrats propose that all new claimants for Jobseeker's Allowance (JSA) should have their English language skills assessed, and that for those identified JSA will be conditional on attending state funded English language courses.
41. Liberal Democrats propose that the level of English language required should be increased closer to the 'proficiency level' and that the Knowledge of Language and Life test should be made more demanding to reflect this level.
42. Liberal Democrats propose that the Knowledge of Language and Life test should focus more on the knowledge migrants need to understand British communities and way of life with a particular emphasis on interacting with public services.

Making Migration Work for Britain

43. Liberal Democrats propose that further urgent work is done to standardise data collected in each area on population flows so that public service design can be based on timely evidence.
44. Liberal Democrats propose to create a new Community Protection Fund, initially funded by £1 billion from the European Social Fund, and will use it in support of neighbourhood cohesion projects and to ease pressure on local public services.
45. Liberal Democrats propose that schemes for community cohesion should be eligible to bid into the new Community Protection Fund.

Making Migration Work for Britain - Policy Paper 116

This paper has been approved for debate by the Federal Conference by the Federal Policy Committee under the terms of Article 5.4 of the Federal Constitution. Within the policy-making procedure of the Liberal Democrats, the Federal Party determines the policy of the Party in those areas which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom. The Party in England, the Scottish Liberal Democrats, the Welsh Liberal Democrats and the Northern Ireland Local Party determine the policy of the Party on all other issues, except that any or all of them may confer this power upon the Federal Party in any specified area or areas. The Party in England has chosen to pass up policy-making to the Federal level. If approved by Conference, this paper will therefore form the policy of the Federal Party on federal issues and the Party in England on English issues. In appropriate policy areas, Scottish, Welsh and Northern Ireland party policy would take precedence.

Many of the policy papers published by the Liberal Democrats imply modifications to existing government public expenditure priorities. We recognise that it may not be possible to achieve all these proposals in the lifetime of one Parliament. We intend to publish a costing programme, setting out our priorities across all policy areas, closer to the next general election.

Making Migration Work for Britain

Working Group on Immigration, Asylum and Identity

Note: Membership of the Working Group should not be taken to indicate that every member necessarily agrees with every statement or every proposal in this Paper.

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