Immigration, Refugees and Identity

Consultation Paper 132

Spring Conference 2018

Background

This consultation paper is presented as the first stage in the development of new Party policy in relation to immigration, refugees and identity. It does not represent agreed Party policy. It is designed to stimulate debate and discussion within the Party and outside; based on the response generated and on the deliberations of the working group a full policy paper on immigration, refugees and identity will be drawn up and presented to Conference for debate.

The paper has been drawn up by a working group appointed by the Federal Policy Committee and chaired by Adam Pritchard. Members of the group are prepared to speak on the paper to outside bodies and to discussion meetings organised within the Party.

Comments on the paper, and requests for speakers, should be addressed to: Jonathan Everett, Policy Unit, Liberal Democrats, 8 - 10 Great George Street, London, SW1P 3AE. Email: policy.consultations@libdems.org.uk

Comments should reach us as soon as possible and no later than Friday 31st March 2018.

Further copies of this paper can be found online at www.libdems.org.uk/policy_papers

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1.   Context and strategic direction

1.1   Introduction

1.1.1   The policy working group on *Immigration, Refugees and Identity* aims to craft a practical, liberal policy that is robust, efficient, humane and fair and which rebuilds public confidence in our immigration system.

1.1.2   Successive Governments have tried to make our immigration system more robust and efficient, by being ever more inhumane and less fair. In the Coalition, the Liberal Democrats were able to temper this trend and implement some of our policies relating to immigration, eg: ending routine detention of children for immigration purposes; re-introducing "exit border checks" for people leaving the country to assist in tackling illegal immigration; increasing the maximum fine for employers paying below the minimum wage; and providing funding to tackle rogue landlords. Perhaps less obvious was the change created by 'localising' policy on social cohesion as set out in the DCLG paper *Creating the Conditions for Integration* (February 2012)

1.1.3   The current Government has taken the approach of being more inhumane and less fair to its logical conclusion by creating a so-called "hostile environment". This whole approach has failed, and the evidence suggests that it is both expensive and counter-productive: driving immigrants and refugees underground and leading to higher levels of hidden and illegal immigration. Another approach is possible: evidence is emerging that suggests an approach which treats people more humanely can be more robust in reducing illegal immigration.[1] It can also be much more cost effective: releasing resources to fund more Border Police to counter the increasing threat from organised crime

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[1] For example, the approach set out in the International Organisation for Migration's *Supporting safe, orderly and dignified migration through assisted voluntary return and reintegration* (2017).

penetrating our country via exposed ports and coastline, and to fund improvements to the overall administration of the system.

1.1.4   This consultation seeks party members' views about this major reform in the UK's approach to immigration and refugees, and to compile further evidence that backs this new approach to focus on this illegal immigration that past Governments have tried to ignore and which we believe may have been the biggest cause of public disquiet about immigration as a whole.

1.1.5   There are many advantages of such an approach. By focusing on illegal immigration, Liberal Democrats can create the public space to celebrate the benefits of legal immigration and the diverse and vibrant society it has created in the UK. By building a robust but humane regime, we will ensure our immigration and asylum laws adhere to the international human rights framework that Britain has helped build and to which we should be proud to belong.

1.1.6   One issue of course overshadows much of today's debate on immigration: Brexit. The Liberal Democrats are of course the party of "Remain" and we want to give the British people a say on the final terms of the Brexit deal, whenever that comes.

1.1.7   However, for the purpose of this paper we have focused we on questions about the future of migration, asylum and integration as the UK develops a new relationship with Europe and have not sought to pre-empt the detailed debates on European immigration and Brexit that lie ahead – we believe Brexit remains an "if" and not a "when". Nevertheless, in section 1.5 we do pose some initial questions, to elicit feedback on these questions, while recognising this is a fast-moving area.

1.1.8   The group will also focus on policies to help both new and existing migrants who need to integrate and engage with the host communities around them and play an active and positive part in the economic and social fabric of our wider society. We seek party members' views on this subject too.

1.2 The Bigger Picture

1.2.1   Migration to the United Kingdom, and within it, has been of fundamental importance in shaping our country for hundreds of years. Migrants have hugely enriched our economy, our language, our culture and our society generation after generation.

1.2.2   Conversely, emigration of British people round the rest of the world has helped enrich other nations over many years. In this generation alone, hundreds of thousands of people have left Britain to study, retire, or build careers world-wide. There are currently more British-born people living overseas in both EU and non-EU countries than there are people born overseas living in Britain. While this paper is not about emigration, it's a vital part of the argument for a more humane and fair approach to immigrants to the UK, if we want to argue for British people travelling round the world to be treated properly too.

1.2.3   Moreover, our country, its economy and its world view would be severely diminished without that energetic ebb and flow of immigration and emigration; of people sharing their experiences and cultures across countries.

1.2.4   Despite this very positive 'macro' picture, there have always been pressures and tensions associated with any migration at the 'micro' level, and it would be naïve to suggest otherwise. Concerns about immigration were clearly exploited successfully by campaigners seeking to leave the EU and the eventual result was, at least in part, a reflection of a relatively large section of society's concerns about levels of migration. Such concerns have been seen elsewhere in Europe and across the globe.

1.2.5   This consultation therefore takes as a key starting place the fact that amongst significant sections of British society, there has been a breakdown in public trust in how Governments have handled immigration, with the credibility of Britain's immigration control system very low.

1.2.6   We believe Liberal Democrats must address those concerns head on. Policy-makers must rebuild that trust and put in place robust

means to manage migration, so that people across British society can know their concerns are being heard, and that legal immigrants and refugees to the UK know they are welcome, with their interests safeguarded. To rebuild trust, we must show we recognise where the current system has gone wrong – whether that's Governments turning a blind eye to illegal immigration or failing to protect our borders properly, or conversely failing to treat migrants and refugees fairly.

1.2.7   Trust will not be rebuilt however by serving up more of the same – populist rhetoric and tough sounding rules that don't in practice get to grips with the real problems, and which have so obviously failed. Instead, we need to challenge this whole approach, and offer radically different methods – methods that we can show will be more effective in controlling the immigration that really concerns people, while at the same time being more humane.

1.3   Some facts about migration and asylum

1.3.1   Facts can sometimes be hard to come by in this debate – partly because there are so many forms of migration and asylum. Each type of migration poses distinct practical and political questions and require their own set of policy responses.

Immigration facts and figures

All figures here and in the rest of the consultation are given to three significant figures.

Total migration
- Total immigration was 588,000 in YE March 2017, down 50,000 from YE March 2016.
- Emigration was 342,000 in YE March 2017, which was up 31,000 from the previous year.
- This means the net migration was estimated to be +246,000 in YE March 2017, down 81,000 from 327,000 the previous year.
- This includes the figures for the first nine months since the EU referendum.

Student and academic migration

- Last year 204,000 study visas were issued to non-EU national, 84% of which were university sponsored.
- **See Chapter Two** for fact file and consultation questions.

Employment and economic migration
- Last year 164,000 work visas were issued.
- **See Chapter Three** for fact file and consultation questions.

Family migration
- Last year 131,000 family and dependents' visas were issued.
- **See Chapter Four** for fact file and consultation questions.

Asylum seekers and refugees
- Last year there were 30,600 new applications for asylum.
- **See Chapter 7** for fact file and consultation questions.

Individuals without immigration status
- This includes those who have overstayed a legitimate visit to the UK, and those whose circumstances no longer match their visa, together with those who previously entered illegally. Estimates of this stock are uncertain but generally large, in the order of 600,000. For the 1.3 million visas granted to non-EEA nationals which expired in 2016/17, where individuals did not obtain a further extension to stay in the UK, 96.3% departed on time.
- In the UK context there is public perception that many people who should have left the country remain in residence. Recent figures have indicated that only a small number of overstayers came on student visas. Separately, fewer people whose asylum claims have been refused remain in the country than often thought. **See Chapter Six** for fact file and consultation questions.

Although migration from EEA countries is not included in any of these figures – though the 131,000 figure for family migration includes 26,000 visas issued to non-EEA family members of EEA nationals – we have included some questions relating to EEA migration in the consultation sections.

1.3.2   This small sample of facts on immigration and asylum shows the complexity of the issue, and how different policies are needed for different types of migration. Our consultation questions, therefore, are intended to identify the scale of the challenges created by each type of migration, and open a discussion on the range of possible responses that will be needed to deliver a sustainable outcome overall.

1.4   Existing Liberal Democrat Policies

1.4.1   Policy paper 86 Security and Liberty in a Globalised World (2008), policy paper 92 Thriving in Globalised World, policy paper 105 Sustainable Prosperity and Jobs (2012), policy paper 116 Making Migration Work for Britain (2014) and policy motion Learning to Communicate in English (Spring 2017) as well as the Party's 2017 Election Manifesto contained a wide range of relevant policies. As noted in section 1.1, we also had substantial success during the Coalition in implementing some of our migration policy.

1.4.2   This consultation paper seeks to build on these past policies, but aims to update them, by identifying the key issues and questions which Liberal Democrat policy-makers must provide answers for today's challenges. We have done so by reference to the categories of migration set out in 1.3 above. Each is distinct, but it is also necessary for the full range of responses to be internally consistent, proportionate and workable, and to be demonstrably fair both to people across Britain and migrants and migrant communities.

1.5   Initial Brexit questions

1.5.1   Tackling immigration questions arising from Brexit now is particularly challenging, because it is such a moving feast, with any particular policy potentially becoming out of date during the next meeting of the Brexit negotiators. So we do believe these issues will have to be revisited if Brexit goes ahead.

1.5.2   However, should the party be faced with that, we would welcome some initial guidance from members through this consultation, so have included a few "in principle" questions, that pertain to the UK's future relationship with the EU:

Question 1:   *If, despite our best efforts, the UK leaves the EU (and the single market), does this offer any opportunity to reassess immigration policies relating both to the EU and other parts of the world?*

Question 2:   *What changes would you make to the government's stated position on the status of EU nationals currently residing in the UK?*

Question 3:   *What, on your analysis, is the likely future of migration between the UK and the EU?*

1.6   Strategic questions for the direction of reform

1.6.1   As set out in the introduction, the working group wants to radically reform Britain's immigration and asylum system. In this section, we wish to test that objective with a set of important over-arching questions about the immigration system more generally.

Question 4:   *What do we mean by a sustainable migration policy, and what would it look like?*

Question 5:   *Have we done enough previously to recognise that the rules on immigration are strict and, often, inhumane? How would you promote and explain liberal changes to immigration to try and lead public opinion?*

Question 6:   *Can you provide examples of ways in which a more humane system would save money and enable us to more effectively monitor migration? Would you support a system that was more humane for the majority of migrants and which enabled targeting of resources at illegal immigration, including border control?*

Question 7:   *Considering the past 25 years, in what ways has immigration benefitted the UK in terms of society and the economy? Are there any ways in which it has been less beneficial?*

Question 8:   *What might the consequences be if migration does not keep up at the current rate?*

Question 9:   *Are the separate categories of migration identified in section 1.3 the right ones for policy-making? Is there a case*

for any of these categories, eg student or family migration,
being treated differently from the others?*

Question 10:   *How can the government and local authorities do a better
job of promoting community cohesion and integration?*

Question 11:   *How can we help our public services as well as housing and
infrastructure markets keep pace with a changing
population?*

1.7 Getting the Basics Right: the Mechanics of the System

1.7.1   Long-term and severe criticism of the formal immigration
system, the way it is funded, and its administration has come from
many sources: applicants and their advocates, the general public, the
media, employers, universities, and a stream of Home Secretaries and
Governments. Crucial to future good management of migration policy,
and any chance of restoring a public perception of its integrity will be
the accountability, structure and organisation of UK Visas and
Immigration (UKVI) and UK Border Force (UKBF).

1.7.2   The agencies which control and enforce the rules governing
migration are UKVI, which is responsible for case work and UKBF, which
is responsible for frontline border operations. Casework is conducted
at offices around the country. Meanwhile detention centres and
accommodation for asylum seekers have been largely outsourced.

1.7.3   We have taken evidence widely on how the full reform should
proceed, and now present some options for consideration in the
consultation. **See Chapter Five** for fact file and consultation questions.

1.8 Promoting Social Cohesion

1.8.1   Developing effective policies to promote successful long-term
social cohesion is about building strong communities, with access to
good education, housing and jobs. Having a fair and workable system
of migration management can help in some cases, but building a
community's cohesion and social capital can be just as much a
challenge for non-migrant and long-established communities as for

new-comers. Social cohesion works if all communities feel they have a stake and are listened to.

1.8.2   Focusing investment in education, employment and housing in the most deprived areas of Britain would therefore benefit British-born residents and migrant communities. 57% of asylum seekers housed by the government are done so that in the poorest third of the country, and around 50% of the UK's Muslim communities live in the 10% of the poorest areas of the country. Yet so also do large numbers of white Anglo-Saxon British communities, who must therefore be a priority in a sustained effort to reduce and end poverty.

1.8.3   Having a visibly working migration system with a large measure of public acceptance will be important in building consensus around policies designed to enhance social cohesion. This also involves political parties being willing to explain the reality of the immigration system and not play a part in the race to the bottom on who is the "toughest".

1.8.4   Our consideration of policy options on *Identity and Social Cohesion* therefore follows on from our work on migration, but is intended to stand separate from it. **See Chapter Eight.**

1.9   Next Steps

1.9.1   In light of the responses this report generates, detailed proposals will be drawn up for consideration at the party conference in Autumn 2018.

2.   Family Migration

2.1.1   Family migration may arise in a variety of ways, for example:

- A spouse, partner or child overseas often seeks to join or accompany their partner or parent(s) with British Citizenship or indefinite leave/permanent residence in 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 who are now British Citizens or settled and wish to bring family members to join them (typically their parents).
- Some British Citizens from long established communities look to marry citizens of the country of their ancestry'.
- Adult refugees have legal right under UK and international law to be reunited with their partner and children (under 18) if they are still overseas.

2.1.2   These may not always be distinct categories but they do illustrate the wide range of circumstances for which any policy designed to exercise humane restraint on inward migration must account.

2.1.3   Another downside of an eventual Brexit is that European Citizens residing in the UK, though secure in their own status, may have to abide by new rules to bring family members into the UK if they have not already done so.

2.1.4   The introduction of stiffer financial and language thresholds was intended to produce some quite substantial changes to family migrant flows. We will need to take stock of how to balance the impact of such changes on the family against the assumed benefits to the social cohesion of local communities.

Family migration fact file

- 36,900 family visas under the immigration rules to the family members of British citizens and settled people were issued in YE March 2017; this compares with 38,600 the previous year.

- **64,100** dependents arrived on other visas (workers' dependents, students' dependents and other dependents) in YE March 2017.
- In 2016, there were 59,009 grants of settlement to non-EEA migrants. This was a decrease of more than 75% since 2010 and the lowest number recorded since 1998.
- **The total number of 'new' entry clearances granted last year was 131,000.**
- In 2016 **extensions** to stay were granted to 61,258 on the **family** route – an increase of 16,700 from the previous year. 37,000 were grants to partners and 24,100 were grants under the family life category.[2]
- The current minimum earning threshold for a British or settled sponsor wishing to bring a spouse to the United Kingdom is **£18,600**.
- There is a further increase of **£3,800** for the first non-British child, and **£2,400** for each non-British child after that.
- There is an alternative route, similar to the above but based on savings, and savings can be combined with income in certain circumstances.
- In addition to having minimum thresholds, the rules are very prescriptive on what income and savings can be used to meet the rules and what evidence must be produced. This has meant some families are forced to be apart and many applications are refused on technicalities.
- The rules for adult dependent relatives do not require a minimum income but use the test that the applicant **must be adequately maintained and accommodated without recourse to public** funds. They also **must require long-term personal care to perform everyday tasks**. They must be unable, even with the help of the sponsor, to obtain the required level of care in the country where they are living.

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[2] https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2016/extensions-of-stay

Question 12: Is the current earning threshold of £18,600 fair? If not, what would you do to change it?

Question 13: Would you support returning to the pre-2012 test that a couple must show that they would require no extra recourse to public funds? Should this test include a level of flexibility to, eg, include a couple's wealth as well as their earnings?

Question 14: Should the rules be more relaxed about the family members of rich individuals or of people in highly skilled or shortage occupations, provided the net benefits to UK plc are clear?

Question 15: What restrictions should there be on British citizens' ability to have their parents come and live in the UK with them? Are the current rules too difficult to meet?

3.   Student and Academic Migration

3.1.1   Higher Education is one of the UK's most successful export markets. Students travelling to the United Kingdom to study generated an estimated £25 bn for the economy in 2014-15 (Universities UK figures). This figure takes into account tuition fees, on- and off-campus spending and spending by overseas visitors. There will also be further, unquantified benefits from UK-educated foreign graduates later in their careers not just from graduates' familiarity with and use of British practice and products when working in their home countries, but also as export ambassadors for UK firms who employ them here.

3.1.2   This is why in policy paper 116 *Making Migration Work for Britain*, we committed to allowing foreign graduates in Science, Technology, Engineering and Mathematics (STEM) subjects from UK universities to stay in the UK for three years. This policy also is intended to increase the attractiveness of the UK as a destination for foreign students.

3.1.3   Clearly student migration is beneficial to the UK economy, and there is indeed fierce international competition to recruit students by countries such as the USA and Australia as a consequence. Current policy and rhetoric around student migration has not been helpful in this respect and is likely to encourage students to consider studying in other countries: universities are already reporting foreign students and researchers choosing to study elsewhere and this is only partly explained by Brexit.

3.1.4   The Erasmus scheme – which enables UK students to study at European universities and European students to study in the UK for a year – is beneficial to both students and UK universities. This is particularly true for the UK's regional, non-Russell Group universities which would suffer if the UK stopped participating in the scheme.

3.1.5   The current government – though it is under increasing pressure not to – appears determined to continue to include international students in the overall migration figures. This is because, as both Home Secretary and Prime Minister, Theresa May has claimed

that there is a serious problem of international students overstaying their visas. However, data collected after the reintroduction of exit checks (a Liberal Democrat policy introduced during the Coalition) found that around 97% of international students respect their visa. To make it more difficult for international students to come and study in the UK, the Conservative government has increased the amount of savings required for a visa and restricted the rights of spouses and dependents to work.

Student migration fact file

- **204,000** visas were issued for study in the year ending June 2017, which was a 3% rise from **198,000** the previous year.
- In 2015/16, 438,000 of students in the UK were international students (from elsewhere in the EU and the rest of the world). This is approximately 20% of the students studying in the UK. 127,000 of these were from elsewhere in the EU; 311,000 were from outside the EU.
- **Study is now the second most common reason stated for migration**. At the time of the previous consultation in 2013, it was the most commonly stated reason.
- 171,000 visa applications were sponsored by the university sector in the year ending June 2017. This was a 5% increase on the previous year, which was primarily caused by a 9% increase in applications to Russell Group universities.
- Only 4,700 international students whose visa expired in 2016/17 overstayed their visa. This means that 97.4% departed before their visa expired.

Question 16: *Should there be a limit on the number of students from abroad? If so what should it be?*

Question 17: *Should students be included in overall migration statistics?*

Question 18: *In the past there has been a problem with colleges flouting immigration rules – how substantial a problem is this now? What more can be done to effectively target bogus colleges while removing the burden from law-abiding universities and colleges?*

Question 19: How can we best identify home-based graduate shortages and ensure we fill the gaps (eg: doctors)? What measures could we introduce to more effectively deal with this?

Question 20: In what circumstances and with what restrictions should students have an opportunity to remain in the UK once they have completed their studies?

Question 21: Is there scope for new visa categories of temporary practical training and work experience that students could apply for at the end of their programmes, which would keep them in the system and allow them to gain practical experience before returning home?

Question 22: Will it be necessary for the next Government to devise a special programme with universities to repair the damage being done by this Government to Britain's international reputation as a great place to study? What would this look like?

4.   Employment and Economic Migration

4.1.1   The Office of Budget Responsibility (OBR) points out that economic migration is beneficial to the UK economy, estimating in 2013 that a net migration rate of 250,000 per year boosts annual GDP by 0.5%. They also estimate that the reduction in immigration caused by the vote to leave the EU will require the government to borrow an additional £16 bn by 2020/21.

4.1.2   However, some members of the general public see migrants as more of a burden on the state than a benefit. There is a perception amongst some people that migrants place a heavy extra load on public services like housing, schools and the NHS without ever having contributed to these services through taxes like National Insurance. With UK unemployment at over 1.4 million there is resentment at the idea of migrants coming to work here at all. In practice there is no correlation between areas of high unemployment and high migrant settlement, but while migration is not the biggest pressure facing public services, it can exacerbate existing pressure on public services in some areas.

4.1.3   Freedom of movement encourages circular migration – non-permanent migration that is essential to provide flexibility for the labour force, both to provide immigrants to cover shortages and for them to be free to leave when the market stabilises. It is more liberal than a complicated system of visas for temporary or permanent migration administered by the civil service. Current data collection does not allow us to build an accurate picture of circular migration flows.

4.1.4   An effective policy package therefore needs both to fulfil the demands of the UK economy whilst ensuring that people already living in the UK have faith that the system is fair – part of this involves defending the system when we think it is fair. It must also recognise and allocate resources to meet any identifiable additional public service pressures. As Liberal Democrats we will seek to strike a balance and create a system that is fair for everyone.

Economic migration fact file

- In the year to June 2017: **164,000** people were issued with visas **to** enter the UK for work (**down** from 167,000 in previous year) from non-EEA countries.
- Only 3,630 people whose work visa expired in 2016/17 overstayed. This means that 95.4% departed before their visa expired.
- Unlike some other countries, eg Germany and Belgium, the UK has no system for recording migrant flows from and to EEA countries (other than Bulgaria and Romania until December 2013).
- There are strict rules and requirements in place. They are too complex to cover in detail here, but important characteristics of the various schemes are summarised below:
  - **Tier 2**: General visas (skilled non-EEA workers **with a firm job offer**) - **20,700** visas p.a. limit, undersubscribed this year. Any entry **without a job offer** is now **closed (**apart from under Tier 5 Youth mobility or UK ancestry**).** Skilled migrants qualified under Tier 2 currently have to be earning £35,000+ p.a. to be eligible for indefinite leave/permanent settlement after five years. This will rise to £35,500 for start dates on/after 6 April 2018 and £35,800 for start dates on/after 6 April 2019.
  - Tier 1 (Entrepreneur): This requires access to an investment of £200,000 (or £50,000 in limited circumstances) in addition to demonstrating a genuine business plan and a commitment to creating jobs for British and settled workers.
  - Tier 1 (Graduate entrepreneur): This needs to be endorsed by either the Department of International Trade under Sirius scheme or by authorised higher education institution. Requires savings of either £945 (if in UK) or £1,890 (if outside UK)
  - Tier 1 (exceptional talent): for those endorsed in their field of science, humanities, engineering, medicine, digital technology or the arts as a recognised leader or an emerging leader. There are 500 such visas released twice a year (in April and October), so 1,000 a year in total.

Question 23: How can we best promote the benefits to the UK of economic migration? What are the advantages of continuing freedom of movement?

Question 24: How can we maximise the benefits of economic growth via migration and minimise the pressure on public services via migration?

Question 25: Can we use the tax system as a means to benefit from and manage migration?

Question 26: Should any of the rules on migrants' professional skills, pay levels, language proficiency or absolute numbers of visas be changed? If so, in what ways?

Question 27: Is anything extra needed to prevent incidents of migrants being exploited by employers, eg being illegally paid less than the minimum wage? Where there is evidence of local pay and conditions being undercut by migrants, what steps could be taken to tackle this?

Question 28: Would allocating visas on a regional points-based system depending on the local availability of public services and housing be either feasible or desirable? What role could local authorities have in identifying skills shortages and offering incentives for migration where needed?

Question 29: Would allocating visas on a sectoral points-based system, depending on the skills requirements of specific sectors, be either feasible or desirable? How can skill deficits in the UK workforce be identified and how could such a system keep up with rapid changes to the regional, national and global economy? Could this system be flexible enough to work for seasonal demand for skills in certain sectors?

Question 30: Can the administration of work permits be made more efficient, so it is not such a huge costly regulatory burden on business?

Question 31: If an employer is found to be systematically employing illegal immigrants, what additional fines and penalties should be levied on such employers?

5.   Government Agencies

5.1.1   At the time of the last policy paper on this subject, *Making Migration Work for Britain* (2014), the government had replaced the United Kingdom Border Agency (UKBA) 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.

5.1.2   The Liberal Democrats' priority, as it was at the time, remains 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. However, the current system seems to be failing in this regard, and there are numerous examples of people finding the system difficult to navigate and of it producing inhumane outcomes.

5.1.3   The Home Office directorate that deals with visas and immigration is under considerable strain. There were 2.98 million visa applications in YE March 2017. The most common type of application was for visitor visas (1.96 million), but this means that there were over a million applications for other types of visa in YE March 2017. The complexity of these applications – as well as being an issue for those who have to complete them – means that they each take a considerable amount of time to process.

5.1.4   The volume and complexity of applications, combined with the austerity agenda, means that staff in the Home Office are under considerable pressure. The roles of people working on immigration have been downgraded, meaning that staff are paid less and turnover is higher.

5.1.5   In YE March 2017, the Home Office rejected 400,000 visa applications. There has been a steep drop in the number of appeals: at the time there were 20,000 appeals per year and it is currently at approximately 8,000 per year. While the number of appeals have dropped, the amount of time taken to resolve them has increased: it currently takes approximately one year to resolve an appeal. Appeals

are handled by a Ministry of Justice Immigration Tribunal, which removes an incentive for the Home Office to get the initial decision right.

5.1.6   There is a need to look again at the law, processes and organisational structure with which the Home Office is working and Ministry of Justice. Much of the complexity with immigration law has arisen from adding to the initial 1971 Immigration Act repeatedly in the intervening years. This has fed into a complex and bureaucratic system of applications, which causes difficulties for both applicants and the staff processing applications and results in a system that is not functioning well in parts, though there are areas of good practice.

Government agencies fact file

Going through the visa application process requires the payment of fees. A couple of examples are given below, to give an indication of how much this process can cost applicants.

- For a family of four on a five-year route to indefinite leave (for example following five years' Tier 2 employment), the fees for just the permanent residence application would be **£9,188** (or **£11,548** if using the Premium Service Centre).
- With current fees, a non-EEA spouse of a British Citizen coming from abroad would pay **£7,136** (or **£8,867** if they need to use priority to, eg, keep hold of their passport) over the course of their immigration and nationality applications in the UK. This is made up of:
    - Spouse/partner visa (from outside the UK): visa fee: £1,464, Immigration Health Surcharge: £600. Total **£2,064**. (Extra priority fee: £551).
    - Extension after 2.5 years: application fee: £993, Immigration Health Surcharge: £500. Total **£1,493**. (Extra priority fee: £590).
    - Indefinite leave to remain (permanent residence): application fee: **£2,297** (Extra priority fee: £590).
    - Naturalisation: application fee: **£1,282.**

Question 32: How can we improve the standard of initial decision and therefore reduce the number of appeals?

Question 33: Where do you feel there is a need for investment in terms of training, staffing and equipment? Where would you make savings?

Question 34: Is the Home Office the correct department to deal with Immigration? Should we create a dedicated department to improve the level of performance and parliamentary scrutiny?

Question 35: How can we introduce greater accountability and continuity of personnel dealing with a particular case into the system?

Question 36: What loopholes exist in the current system of border control that need to be closed?

Question 37: Are there other ways in which the migration control system be made accountable to Parliament?

Question 38: Is the level of fees attached to the application process appropriate?

Question 39: What impact have recent cuts made on the Border Force's ability to patrol and keep secure Britain's ports and coastline? What evidence is there of organised crime gangs taking advantage of recent cutbacks?

Question 40: What would be the best package of measures to strengthen Border Force's ability to keep Britain's ports and coastline more secure, and what levels of investment might be needed?

6. People without immigration status

6.1.1   It has been estimated[3] that around 620,000 people have entered the United Kingdom lawfully and then remained longer than they were legally entitled to, either because their visa expired, or their circumstances no longer matched its validity, and their new application to remain has been refused or has never been submitted. In addition, there are those who have evaded entry controls in the first place. We do not include asylum seekers when we refer to people without immigration status.

6.1.2   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 (and, if necessary, they should be made to leave).

6.1.3   The opportunity to overstay was increased by the failure of previous governments to keep track of people's whereabouts, and the inability of UKBA and its predecessors to manage the visa process. In government, Liberal Democrats successfully campaigned for the comprehensive re-establishment of exit checks at all ports and airports and, in coalition, also moved to improve visa handling.

6.1.4   When people are deported, the process is often expensive, and is sometimes inhumane. While alternatives to detention in expensive centres have been introduced in other countries, the Government has failed even to pilot or properly research these options.

> Question 41:   *How can the Immigration Authorities improve their ability to identify, locate and contact illegal immigrants?*
>
> Question 42:   *How can the Immigration Authorities improve the way they interact with overstayers and other illegal immigrants to encourage them to co-operate more willingly?*

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

Question 43:   Should there be a grace period for overstayers to take into account circumstances that might have prevented them from honouring the terms of their original visa? How long should this period be? Should proof be required that they have overstayed due to circumstances beyond their control?

Question 44:   Is the current system of fines for businesses that employ people without immigration status effective in deterring the practice?

Question 45:   Is it appropriate that measures to tackle visa overstayers are targeted at those countries from which most people who end up overstaying their visa arrive? Is there a better method to identify people who are "high risk" for overstaying a visa?

Question 46:   Do you believe the Conservatives' policy drive to create a "hostile environment" is working? Is it right? What alternative policy options would be both effective and fair in tackling the backlog of people without immigration status, and deterring people from overstaying their visas?

Question 47:   What alternatives to Immigration Detention Centres would you favour? What evidence is there of alternatives being more effective in completing a deportation process? What are the costs of Immigration Detention Centres compared to alternatives like detention in the community?

7.   Asylum Seekers and Refugees

7.1.1   The UK is bound, under the United Nations Geneva 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".

7.1.2   30,600 people arrived in the UK claiming asylum in 2016. The working group is aiming to establish policies on asylum that properly reflect Liberal Democrat values. We have had popular liberal things to say about this in the past: for example, a key Liberal Democrat policy in the coalition agreement was ending the detention of children for immigration purposes.

7.1.3   Due to unrest in the Middle East, Europe has been experiencing a "migration crisis" with tragic consequences. Regular news reports inform us of desperate people who have drowned while trying to cross the Mediterranean on make shift boats as well as the awful conditions of camps people attempting to flee to Britain are forced to live in.

7.1.4   There is widespread political agreement that the current operation of the asylum system under the Home Office has failed. There is also concern amongst the public that the UK asylum system is out of control.

7.1.5   Politicians from all parties also recognise that the conditions in refugee camps – both formal and informal – on the European mainland are unacceptable. The Liberal Democrats have been prominent in calling for the government to do more to meet its obligations, particularly to child refugees.

7.1.6   There are many challenges facing asylum seekers in the UK who are waiting for a decision on their case. Some asylum seekers, many of whom are particularly vulnerable (eg, are pregnant) are held in detention centres often in poor conditions. In our 2017 manifesto we

committed to ending indefinite detention and providing community alternatives. Asylum seekers are not allowed to work in the UK and have limited access to benefits, English for Speakers of Other Languages (ESOL) courses, training and volunteer opportunities – all of which would remove barriers to them settling in the UK. There is also very limited access to quality legal advice, due to restrictions on legal aid.

7.1.7   In responding to these concerns with compassion, we need to look at better ways of making just and sensible decisions as to whether someone seeking sanctuary can remain here. In this process, we need to find ways of establishing which asylum claims are genuine whilst ensuring that people are treated with dignity. Any necessary returns should be handled with humanity and should ensure the safety of the individual being returned. Those who are granted status will need continuing support to settle in the UK. Part of this involves fulfilling our obligation under international and UK law to reunite adult refugees with their partner and children (under 18) if they are still overseas – but this could be widened to allow wider family reunion.

Asylum fact file

2016 Asylum Applications:
- **30,600** applications for asylum, excluding dependants, were made in 2016. **This was a reduction of 7% from 2015.**
- Including dependants, the UK had the sixth highest number (39,000) of asylum applications within the EU in 2016. Germany (692,000), Italy (117,000) and France (83,000) were the 3 EU countries that received the highest number of asylum applications, together accounting for 75% of asylum applications in the EU in that period. However, in per capita terms, the UK is 21st on the list of the 32 countries of the EEA and Switzerland.

2016 Asylum Decisions:
- **25,000** initial decisions were made in 2016, compared with **28,600** the year before.

> - **Of these 8,470 were granted.** This was down from 11,400 the year before. This means that 34% of applications were granted in 2016 compared with 40% in 2015.
>
> In 2016, **12,200** appeals were received. This was a 14% fall from 14,200 in the previous year. In 2016, the proportion of determined appeals that were dismissed was 54%, while 41% of appeals were allowed and 5% were withdrawn.

Question 49: *What steps should be taken to improve the consistency of decision-making on applications? How can we improve decision-making practice to avoid wrong decisions, and reduce the current level of successful appeals by getting it right the first time?*

Question 50: *What is a reasonable approach when dealing with large numbers of refugees who wish to enter the UK, eg, at the border with France? Would you be more generous than the current government?*

Question 51: *Are there particular groups of refugees you would like to prioritise? How can we effectively identify the most vulnerable?*

Question 52: *How can we ensure that people seeking sanctuary (asylum seekers) are treated with dignity and respect? What changes are needed to improve the treatment and support of those at different stages in the process, eg awaiting decision, appealing against a refusal, and being removed from the UK?*

Question 53: *Is the party policy to end indefinite detention by limiting it to 28 days the right policy, or should we end detention entirely? What are the alternatives to detention?*

Question 54: *Should all asylum seekers have the right and responsibility to seek work? Should their support (currently £37.75 per week per person) be dependent on this?*

Question 55: *How can asylum seekers be treated more humanely, eg, in terms of decent accommodation, preventing destitution,*

and communicating to them their rights? What role should the government play in funding charities and independent advice for asylum seekers?

Question 56: What criteria should be used to decide on where asylum seekers live and how should continuity of public service be ensured if they are forced to move, eg for pregnant asylum seekers? What role should local authorities have in these decisions?

Question 57: How can we highlight the skills of asylum seekers, make sure they don't lose their skills and emphasise their contribution to the UK?

Question 58: Should the rules be relaxed to make it easier for children of refugees who are aged over 18 to join their parents, and for refugee children in the UK to sponsor their parents (who are overseas) to join them here?

Question 59: Can the process for family reunification of adult refugees with children and partners be simplified? Should government funding be provided for more complex cases?

8. Identity and Social Cohesion

8.1.1 Recognising the importance of identity and coming up with policies that ensure better social cohesion are both vital parts of any holistic immigration strategy. This was the purpose of our policy on *Learning to Communicate in English* that was passed at Spring Conference 2017.

8.1.2 We have recently seen the use of identity politics in the referendum on European membership, used to staggering effect. Liberal Democrats believe harmonious and balanced communities are the best weapon against opportunistic politicians who would seek to divide us. Pigeon-holing people according to characteristics like ethnicity or social class is not helpful and doesn't tell an accurate story about how well communities are living alongside each other.

8.1.3 Integration can take place within a number of spheres without either the majority or minorities giving up or denying their heritage. For example, people can learn English whilst retaining their minority language and British families can adopt minority community practices and celebrations. Virtually all religions are compatible with general liberal values and all work and educational environments can accommodate different cultural traditions, which engender a sense of 'two-way' integration. We therefore need a much more nuanced approach to integration which recognises that it is multi-level and should therefore not be presented or perceived as a threat to past heritage.

8.1.4 Liberal Democrats celebrate how well many communities have adapted and welcomed people from different ethnic and cultural backgrounds and how many people from different backgrounds have gone on to lay routes and play a constructive role in those communities. However, it would be naïve to suggest that everyone has welcomed these changes in their communities or indeed that every ethnic minority person has made an effort to adapt or contribute. Indeed, some of the least diverse communities in our country can be amongst the most sceptic about immigration, so building community

capacity is a necessary next step to social cohesion in very many areas not at all defined by their level of inward migration.

8.1.5   As Liberal Democrats we approach life in a liberal way and welcoming difference: we are reluctant to prescribe policies that dictate to people how they should live their lives and coexist on a local level. In this context, we note that local authorities have been side-lined regarding the reception of asylum seekers and their integration into the community. We are also deeply concerned at the thought that any community should divide either on class or race grounds and become more segregated leading to people living parallel lives.

> *Question 60:* *What areas of British life do you feel it is most difficult to adjust to as a newly-arrived migrant? What are the specific barriers to integration? And what works well?*
>
> *Question 61:* *Can more be done to familiarise people with key public institutions like education and health? Is this something that the process of the citizenship test could be used to help with?*
>
> *Question 62:* *How do we deal with resentment towards migrants who have access to these services but haven't contributed?*
>
> *Question 63:* *What are the challenges faced by different generations of migrants that are unique to them? Is there anything the Government could do to help overcome these challenges? If so, what? What is the impact of closing libraries, leisure centres and community centres on community cohesion?*
>
> *Question 64:* *What are the unique challenges facing different parts of the country? Please give examples of particular regional challenges and/or solutions.*
>
> *Question 65:* *What steps can we take to better promote social cohesion? Both on behalf of communities and new arrivals?*
>
> *Question 66:* *Do local authorities currently have sufficient oversight of contracting for accommodation for asylum seekers and arrangements for dispersal, and for ensuring the integration of migrant communities?*

Question 67: *What is the best mechanism through which to ensure that all migrants have a good level of English language, and how should we deal with the problems surrounding migrants who stay in the UK indefinitely but don't have a strong grasp of English? Should there be more grants for English language provision and conversation groups?*