Building the Future: Immigration and Integration in the Next Decade

Will Somerville and Alasdair Murray

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Authors and Acknowledgements

Will Somerville joined the Migration Policy Institute in Washington DC as a Senior Policy Analyst in 2006 and is now the UK Senior Fellow. His main role is the UK Director for the independent grantmaking foundation Unbound Philanthropy. He is also a Visiting Professor of Politics at the University of Sheffield and the current Board Chair of the non-profit More in Common.

Alasdair Murray is a Director at Quiller Consultants. He was previously Director of CentreForum, Deputy Director of the Centre for European Reform and the Economics and Brussels Correspondent of the Times. He is Trustee of British Future, the non-partisan migration and identity think tank and chair of the Macfarlane Trust.

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About RAMP

The Resettlement, Asylum and Migration Policy (RAMP) project works with a diverse network of politicians and other leaders seeking to re-imagine a world-class migration system for a successful and integrated Britain. Working across party and sector, we help those with the power to make decisions around Resettlement, Asylum and Migration Policy to find practical and innovative solutions to some of the most pressing challenges facing Britain.

We are hosted by the Good Faith Partnership and have a small team to execute the project, liaise with parliamentarians and senior leaders, manage, and provide support and training when needed. Our team includes a number of policy advisors with experience in this field.

We are working with Fragomen LLP, the largest immigration law firm in the world.

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Foreword

This report serves to introduce the work of the RAMP project, a timely and important initiative which seeks to reimagine a world-class migration system for a successful and integrated Britain. As parliamentarians, we are proud to be working with RAMP and its associates from our different political and faith traditions, since we believe that the demand for rigorous analysis, for the strongest possible community engagement, and for a new settlement on immigration that satisfies our country's economic and cultural needs, and fulfils our moral responsibilities, could not be more acute as Britain enters the new post-Brexit era.

The task of building an immigration system that meets the needs of everyone in this country, both those who have always lived in Britain and those who have more recently come to make their home here, requires us to draw on the best thinking from different parties and policy-makers, the expertise of civil servants and politicians in national, regional and local government, as well of the wisdom of our country's faith and moral traditions. It requires a debate at once more generous and rigorous. Doing so creates the chance to build a fresh system that engages with people's hopes, anxieties and aspirations, and enjoys a level of popular acceptance that has proved so illusory in recent years.

It is in this spirit that we welcome this report from Will Somerville and Alasdair Murray. Building the Future: Immigration and Integration in the Next Decade is a bold, pragmatic contribution to the debate. The report outlines three broad areas ripe for reform: creating a transparent and accountable system; strengthening the rule of law; and increasing support for economic and social integration.

While we vary in how much we each agree with the report's analysis or specific recommendations, we recognise the importance of the ideas it contains and the clear-sightedness with which it faces the immigration system's policy challenges.

We are confident that this report will be a useful contribution to ongoing policy debates and we hope it might provoke a few new ones.

Kate Green MP

Tim Farron MP

Steve Double MP

Paul Butler, Lord Bishop of Durham

Executive Summary

Immigration policy in the UK is set to undergo major reform in the next few years. Britain's likely exit from the European Union will entail changes in how we run our immigration system and will stimulate debate over the policies, regulations and funding needed for an effective approach on both migration and integration.

The two major parties are riven by competing views with groups in favour of more and less liberal migration systems represented in both the Labour and Conservative parties. This means there is the potential to achieve a cross-party consensus and build a broad coalition in favour of a sensible, thoughtful immigration system and for investing in integration policies and services.

There is majority public support for a welcoming society built around strong communities. People want well-resourced institutions to help communities undergoing change, for businesses to be able to access the talented people needed for key jobs but also that immigration serves society and not the other way around. There is strong support that refugees are processed effectively and given sanctuary if in danger. We share the public's view that individuals coming legally to the UK should be able to accompany or join close family.

We currently have policies and practices in place that actively work against this widely-held vision. There are therefore tough questions to answer in terms of how we build on the current system to achieve these goals, such as resource allocation and who holds the power needed to enact change.

We expect migration rates in the coming years to remain higher than most commentary currently assumes, although a 'no deal' Brexit outcome could force a sudden downward shift in numbers. **We estimate an additional 1 million immigrants will live in the UK by 2023. The system needs to prepare for that as do actors across society.**

Such a debate may be fierce, but in the last three years, there has been a positive trend in public opinion that has opened space for political leadership to lead reform. Crafting a system that speaks not just to migration supporters but also to people who feel economically or culturally anxious about migration and integration is the prize.

The current UK immigration system, centred on the Home Office, is to limit migrant numbers while maximising economic value for the four nations of the UK. These system objectives are often in tension. Nevertheless, while the overall perception of the migration system is one in a constant state of crisis, there are parts that function effectively such as the processing of visas. However, the UK's highly centralised system (an outlier relative to other countries) means that while the Home Office has flexibility there is also a lack of accountability, redress, and procedural safeguards, especially for those routes not deemed economically valuable.

The current system also curtails effective partnerships with other parts of government and society. Resources are misallocated as a result: for example, huge budgets are granted to enforcement aimed at small groups of people who are not guilty of criminal behavior. **The Windrush scandal of 2018 is an example, not an exception**. Furthermore, there is a woeful lack of investment and joined up thinking about how to ensure communities are prepared for immigration and how newcomers are incorporated into

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society. For example, the policies in place for family reunion and for refugee integration are not fit for purpose.

These problems cannot all be solved overnight but there is a unique opportunity now to begin far-reaching change. To achieve these over-arching goals, we suggest reforms within three broad areas:

A transparent and accountable system

The immigration system in the UK is concentrated in a single government department (the Home Office) with limited Parliamentary oversight, in stark contrast to how other countries manage their migration systems. The Withdrawal Act passed earlier this year will concentrate power in the Executive and therefore the Home Office even further.

The Westminster Parliament, and other representative parts of our society (such as the Scottish Parliament, Welsh Assembly and the cities) should play a greater oversight role in combination with a consultative role with the public. We recommend a **simplification of the immigration rules** in the forthcoming primary legislation. **Parliamentary oversight should be increased through two main reforms: carefully circumscribing what can be put in delegated legislation, and second, increasing scrutiny of delegated legislation through the Home Affairs Select Committee, which should be afforded resources to undertake this on a quarterly basis.**

We also recommend ending the Home Office's monopoly on policy-making and enacting **machinery of government changes**. Responsibility for work visa policy should be returned to the Department of Business, Energy and Industrial Strategy (BEIS), students to the Department for Education (DFE) and the Ministry for Housing, Communities and Local Government (MHCLG) should fully lead on integration. Meanwhile, the Ministry of Justice (MOJ) should have responsibility for processing asylum claims for spontaneous (in country) arrivals, ensuring that these are decided on judicial, not enforcement, grounds and reducing the need for so many appeals.

Strengthen the rule of law

Questions of legal rights should be determined by the law and not by discretion, as is often the case in immigration matters. Demonstrating compliance with the rule of law provides legitimacy and in turn helps increase public trust in the immigration process. It will improve the system in myriad ways, and none less than starting to restore the faith of those who use it or how are affected by it.

An obvious first step is to ensure that **criminal justice standards be applied in immigration enforcement.** In practice, this means an immediate end to indefinite detention and changes to how immigrants are treated by enforcement teams. To ensure proportionality, enforcement action should be targeted at criminals, returning the mission of enforcement to one of public safety.

To increase the ability for families and young people to meet immigration rules, a straightforward but bold reform option, favoured across the spectrum, is a return to birthright citizenship (which was previously ended in 1981). Such a move would signal welcome and provide a clear status to those born in the UK.

Another major reform would be to offer a **simple online citizenship application and low fee to all those – EU and non-EU – who have been in the UK legally for five years**. A special citizenship offer – at a

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cost not exceeding that of a passport application (which could include a waiver on the language and orientation test which will reduce the cost), should be available to the more than 3 million Europeans who will gain "settled status" after Brexit.

Increase support for economic and social integration

There is a need for a step change in integration support to realise the full potential of refugees and immigrants. We should set up **a National Communities Fund** to fund projects which increase contact between different groups of people. The focus should be on sustainable programmes, for example those sharing the skills and assets of newcomers to help meet local need.

There should be a comprehensive rethink on humanitarian streams. The UK is a huge financial provider to refugees overseas but treats those who apply in-country (i.e. spontaneous arrivals) poorly. **A new Humanitarian Board** should be set up to deploy an outcomes-based fund made up of budgets from DFID, FCO, MOJ and the Home Office. It should direct investment towards the logistics and resettlement of 10,000 refugees processed abroad annually and assess potential refugees who arrive in-country in as short a period as possible. The funds should also be used for the groups given refugee status to place refugees in secure housing, support them to speak a reasonable level of English, be introduced to their local community and to find a job.

Finally, there should be greater efforts to encourage economic integration and meet business need. A simple reform option would be that those having extended legal status should also have **the presumption of being able to work** (legally) in the UK. Currently, there is a bewildering and counterproductive approach that prohibits different categories of people from working and contributing to society. Those with long-term status and those applying for asylum should have the presumption of being able to work (legally) in the UK. Another reform option would include a major **new youth mobility scheme, building on the existing youth mobility visa.** Alongside that, reforms to strengthen labour market enforcement would include placing the compliance team of UK Visas and Immigration under the Director of Labour Market Enforcement.

Introduction

Immigration systems, and the policies and programmes that support the integration of newcomers, both reflect and shape the character of countries. This is hardly surprising as who is admitted, and how newcomers perform in economic and cultural spheres of life, ask fundamental questions about how society functions and how we can live well together.

Parliamentarians will soon debate major changes to the immigration system for the four nations of the UK. We can expect an Immigration Bill in early 2019 and, if Brexit continues as the government plans, later next year the Home Office will set out a high-level framework on how the immigration system of the future will function.

Brexit will entail changes to how we run our immigration system and will stimulate debate over the policies, regulations and funding needed for an effective approach. This paper is a contribution to that debate. It does not seek to provide an exhaustive list of changes that will be needed in the next few years. Rather, it points to three broad areas of reform – improving accountability, strengthening the rule of law and increasing support for integration – that are vital but often neglected in the migration policy debate. We conclude by setting a series of bold options to reform the system, which we believe can attract support across the political spectrum and help chart a path ahead as the debate enters Parliament.

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Context

The government will kick off a major debate shortly when it sets out its plans on immigration and integration. The politics of immigration cannot be ignored because it played such a major role in the referendum and in recent general elections. These politics are too often simplified as an issue of left versus right. In fact, the two major parties are riven by competing views on migration with groups in favour of more and less liberal systems represented in both the Labour and Conservative parties. This means there is the potential to achieve a cross-party consensus and build a broad coalition in favour of a sensible, thoughtful immigration system and for investing in integration policies and services.

Importantly, this consensus and what it might constitute comes during a period of deep political uncertainty regarding the UK's future relationship with European Union. There are multiple potential outcomes of the negotiations, including maintaining something close to free movement. However, even in this unlikely outcome, the failure of the government to reach its net migration target and the problems of the hostile environment policy approach (made visible by the Windrush scandal) demonstrate the need for a comprehensive rethink of the rationale for the immigration system and how it operates.

For example, all of the UK's low skill economic immigration needs (such as seasonal agricultural work, where more than 60,000 people are needed for seasonal picking of fruit and vegetables[1]) are currently met from Europe. No mature economy we are aware of relies only on its citizens for seasonal agricultural labour. Equally, we are in a period of growing social isolation, with fears of community fragmentation. The immigration and integration systems we develop have bearing on such questions and we will therefore need answers at some point to these and many other questions. We start that conversation with some far-reaching reform options later in this paper.

An immigration system manages the vast short-term flows of people who come to visit (tourism, short term business needs and so on) and vets those entering for security risks[2]. It also selects who can reside in the UK for longer periods: i.e. those who wish to live in the UK for work or study or who join families. The UK, alongside nearly every other country in the world, accepts those who arrive in the country spontaneously and claim sanctuary from persecution (refugees), using a detailed legal procedure to confirm there is a genuine risk that if that person is sent back they would be killed or tortured (refugee determination). The UK also currently resettles around 4,000 mainly Syrian refugees directly from abroad in an organised fashion. These groups of people, who are coming to the country for one year or more, are collectively referred to as long-term international migrants and are the subject of the greatest attention in the policy and political debate.

In 2016, the inflow of long-term migrants was 588,000 people; outflows were 339,000, meaning the "net" migration totalled 248,000. Net migration has been running at between 200,000 and 250,000 nearly every year since the mid-2000s (see chart 1 overleaf).

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[1] CBI, 2018. http://www.cbi.org.uk/index.cfm/_api/render/file/?method=inline&fileID=4232B592-ACCC-40DB-9338BA0A97198435
[2] Approximately 314 million individuals crossed the UK border in 2016, the last year figures are available.

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Chart 1: Net UK migration rate 2000-2017
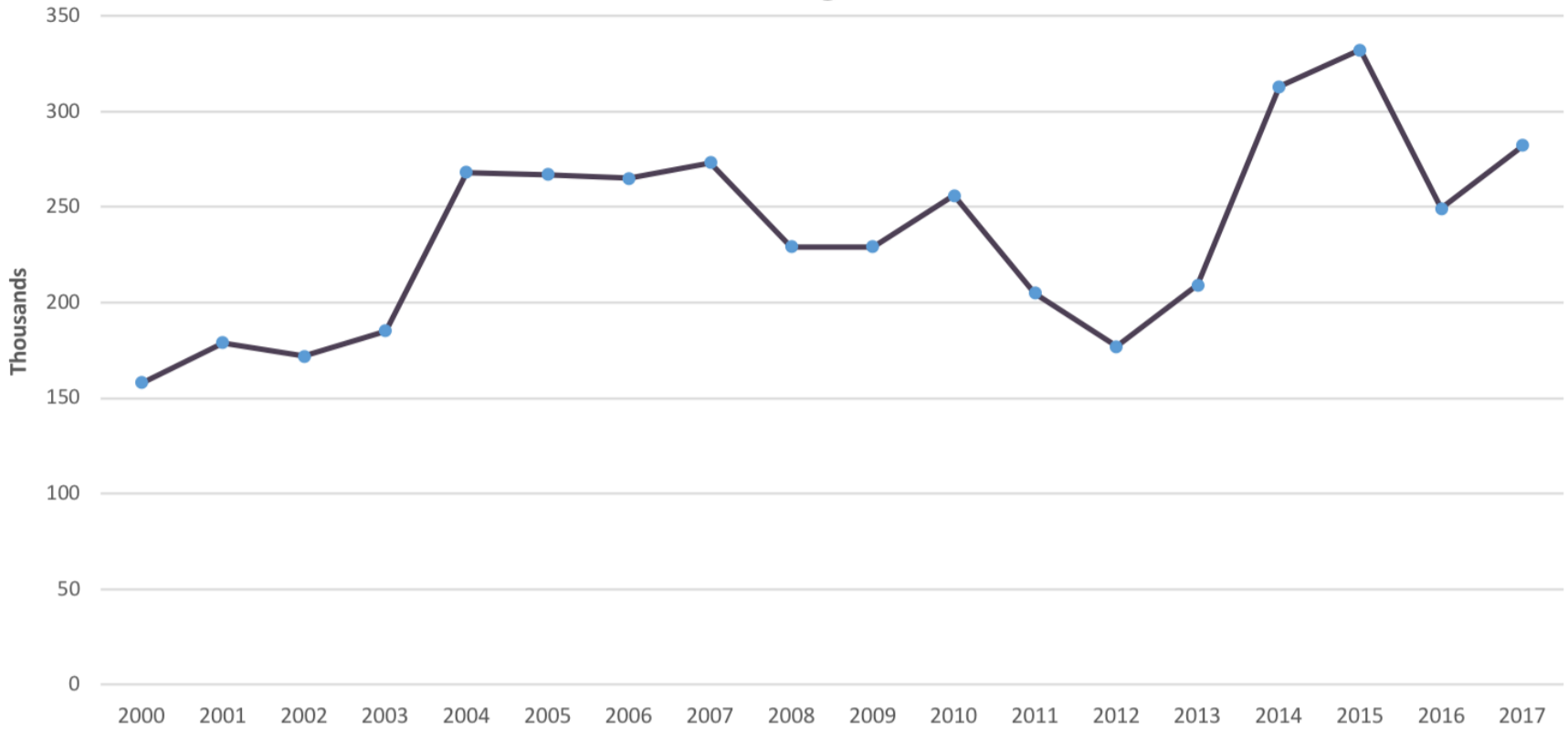
The number of European versus non-Europeans in the inflow is around 50:50, i.e. around half the inflow is made up of nationals from one of the other 27 European Union countries (see chart 2).

## Chart 2: EU vs Non-EU migration rate 2000-17
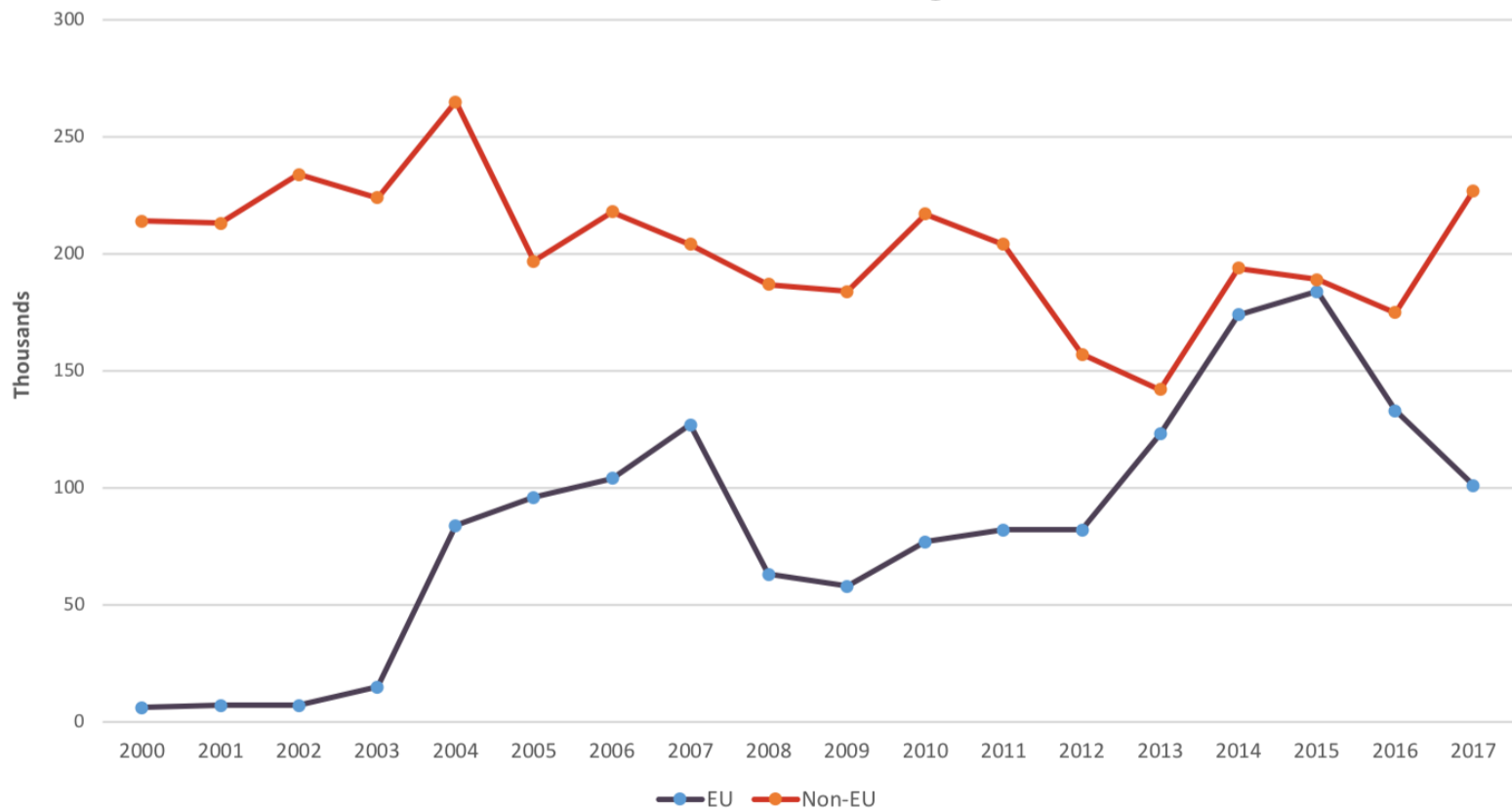
The composition of the inflows (students, workers, refugees, family joiners) has shifted but students (between a quarter and a third of the inflow) and workers (a third to a half) have dominated for a decade and a half. Family joiners make-up a fifth in total of the inflow while refugee flows amount to around one twentieth of the flow – both of these proportions have been relatively stable over the last decade. (see chart 3)

Chart 3: Composition of migration 2007, 2012, 2016
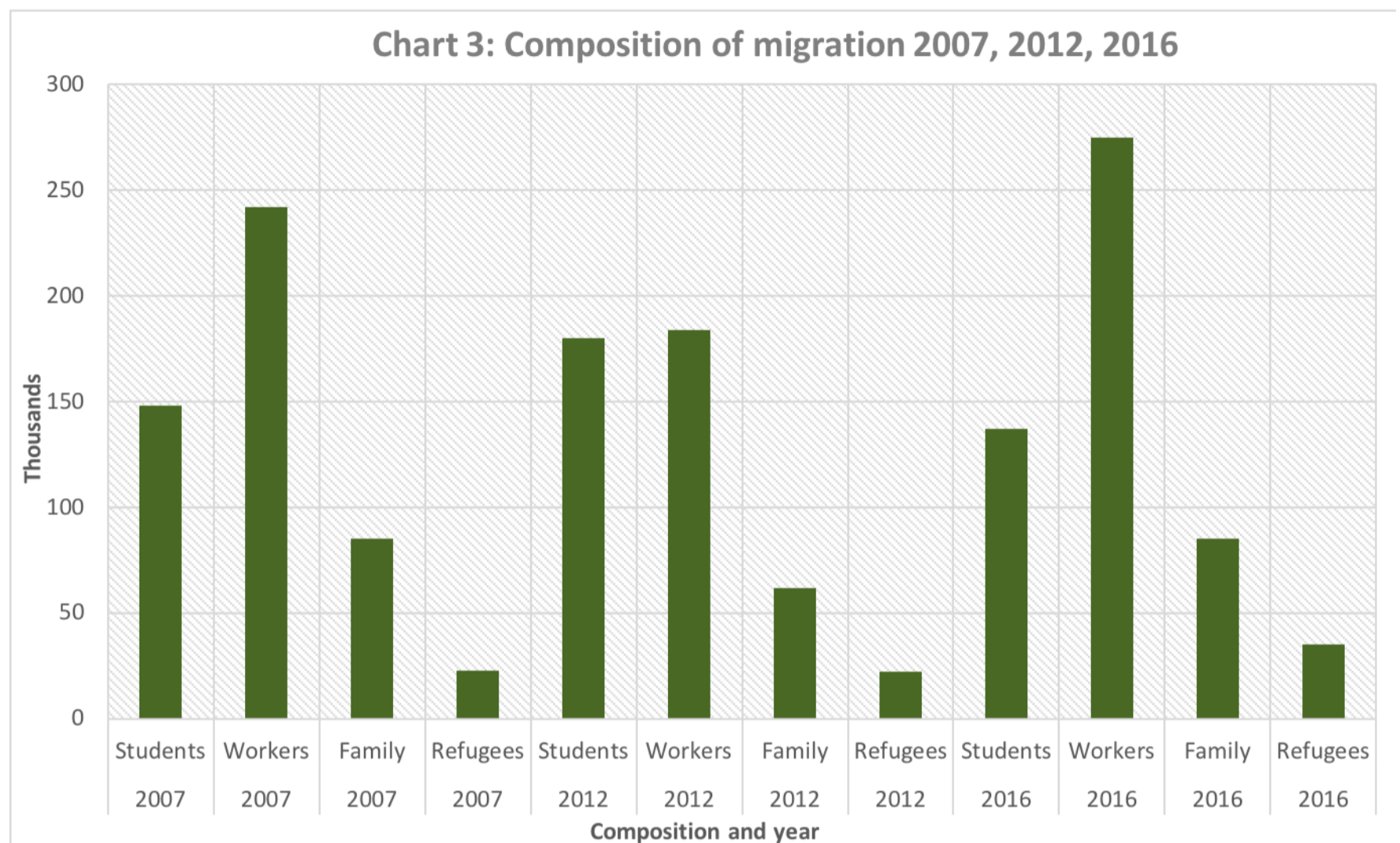
Our view is that it is unlikely there will be a sharp decline in net migration in the coming years. Migration flows are likely to remain relatively high and "sticky" for a variety of reasons, including low and high skill labour shortages; network efforts (where families join together); some demographic effects; the attraction of the UK's higher education sector; and ongoing refugee flows. There are also likely to be time lags of between one and two years between events happening and migration numbers changing. Predictions of scale and type are estimates only, and based on shifting variables, but we venture an estimated inflow over the next five years of 2.5 to 3 million people; an outflow of 1.75 to 2.5 million people and thus a growth in people living in the UK over the next five years of somewhere in the region of 0.75 million to 1 million people[3].

Even if net migration declines, the make-up of the flows is likely to change significantly reinforcing the need for policy reform. We can expect fewer European migrants post-Brexit, especially from countries in Eastern Europe for example. Immigrants will stay for less time and come from more diverse backgrounds. We can also expect flows to be transient (the majority of long-term immigrants, perhaps as many as three

[3] This basic estimate is a simple extrapolation based on current figures and assumes the drivers of migration to and from the UK (of which there are various studies) remain broadly the same. While our track record of predictions (e.g. Somerville, 2011) is reasonable, this will of course be contested. The variable most open to change is economic growth. A no deal Brexit for instance would likely reduce economic growth and the value of sterling, reducing immigration to the UK and likely increasing emigration.

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quarters, will stay in the UK for less than five years) and highly diverse, with no single country or ethnicity dominating flows to the UK. The make-up of this flow has, of course, profound implications for citizenship policy and for community integration.

Labour market

If the free movement of European citizens across the UK border ends, the number of European migrants will probably reduce and outflows/ emigration of Europeans increase. This is likely to be for a number of reasons, including tighter European labour markets, exchange rate adjustment and social and cultural factors associated with the divisive Brexit campaign and its aftermath, such as how welcome EU citizens feel. The vast majority of European migrants currently living in the UK (3.1 to 3.8 million) will likely remain, and there will be ongoing family reunification, meaning a "Brexodus" is unlikely.
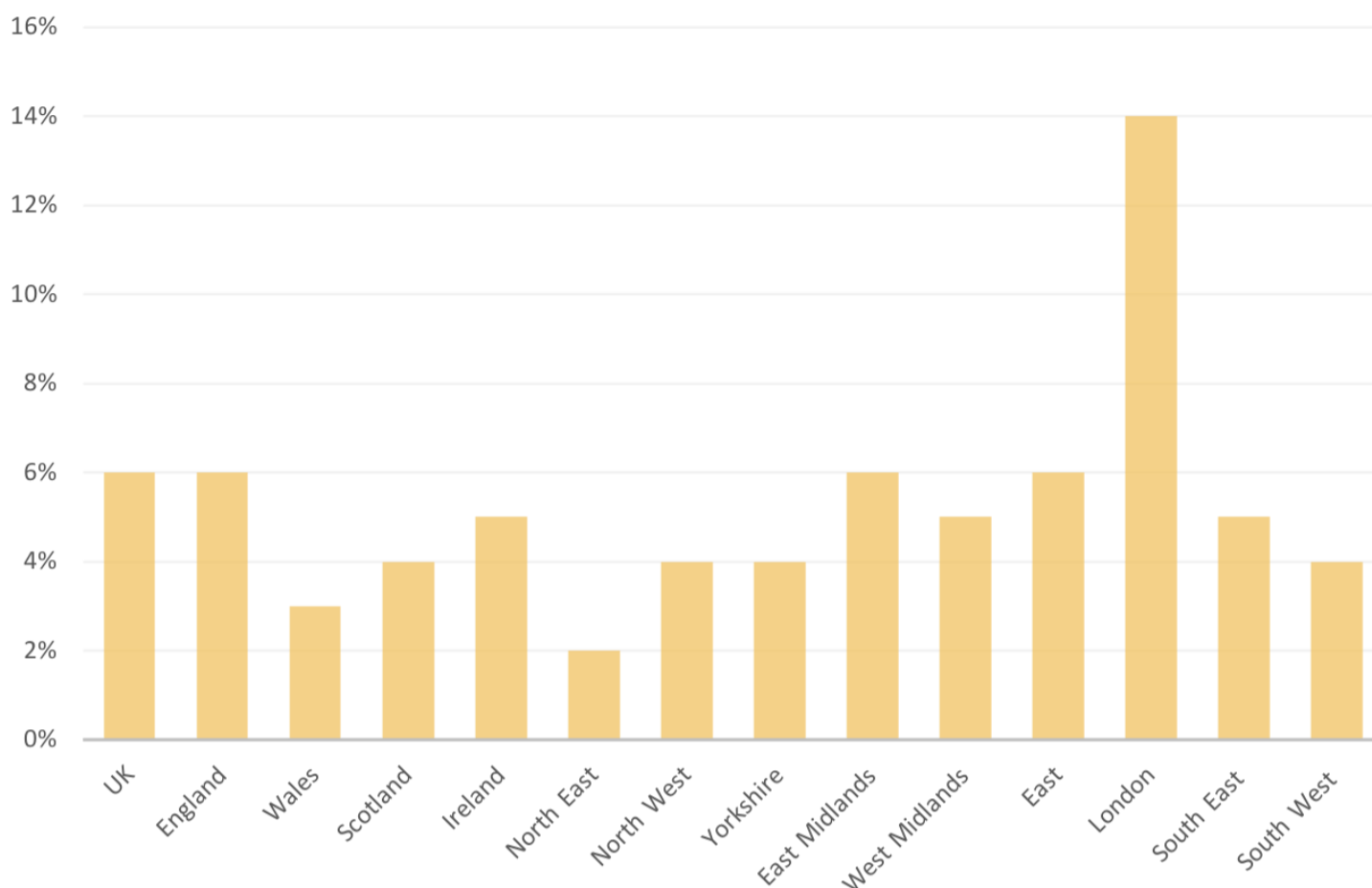
However, a reduction in the numbers living and coming into the UK will affect the labour market and certain industries in particular. The European population represents 7 per cent – or 2.2 million – of the labour force in the UK. Some 81 per cent of European migrants to the UK are in work (versus 75 per cent UK-born employment rate). EU nationals are more likely than British workers to work in low-skilled jobs such as cleaners or agricultural workers (representing 15 per cent of these jobs). Europeans are also over-represented in jobs that require some training and experience, such as process operatives (33 per cent), cleaning and housekeeping managers (18 per cent), and mobile machine drivers and operatives (15 per cent). Among high-skilled occupations, EU nationals comprise 14 per cent of natural and social science professionals – a category which includes biochemists and chemical scientists – and over 10 per cent of managers of hotels and restaurants, legal professionals, and finance managers/directors.[4]

Certain geographical regions and industrial sectors will also be disproportionately affected by changes to the flows of European migrants. The proportion of EU workers by region varies considerably, with London (about 17 per cent), Northern Ireland (9 per cent) and the East of England (7 per cent) among the most reliant areas (see chart 4 overleaf). Different regions rely more heavily on specific industries. For example, a fifth of manufacturing workers in Northern Ireland are EU nationals, as are a similar proportion of the East of England's agricultural workers. Close to 17 per cent of all workers in London are EU nationals. But London is even more reliant on EU nationals for construction (a third) and over a fifth in its hospitality/wholesale and retail trade and manufacturing.[5]

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[4] MPI, Fragomen and REC, 2017. https://www.rec.uk.com/__data/assets/pdf_file/0005/376160/Buiding-the-Post-Brexit-Immigration-System-09.06.17.pdf
[5] Ibid

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Chart 4: Percentage of EU workers by region 2017

Bar chart showing percentage of EU workers by region 2017:
- UK: 6%
- England: 6%
- Wales: 3%
- Scotland: 4%
- Ireland: 5%
- North East: 2%
- North West: 4%
- Yorkshire: 4%
- East Midlands: 6%
- West Midlands: 5%
- East: 6%
- London: 14%
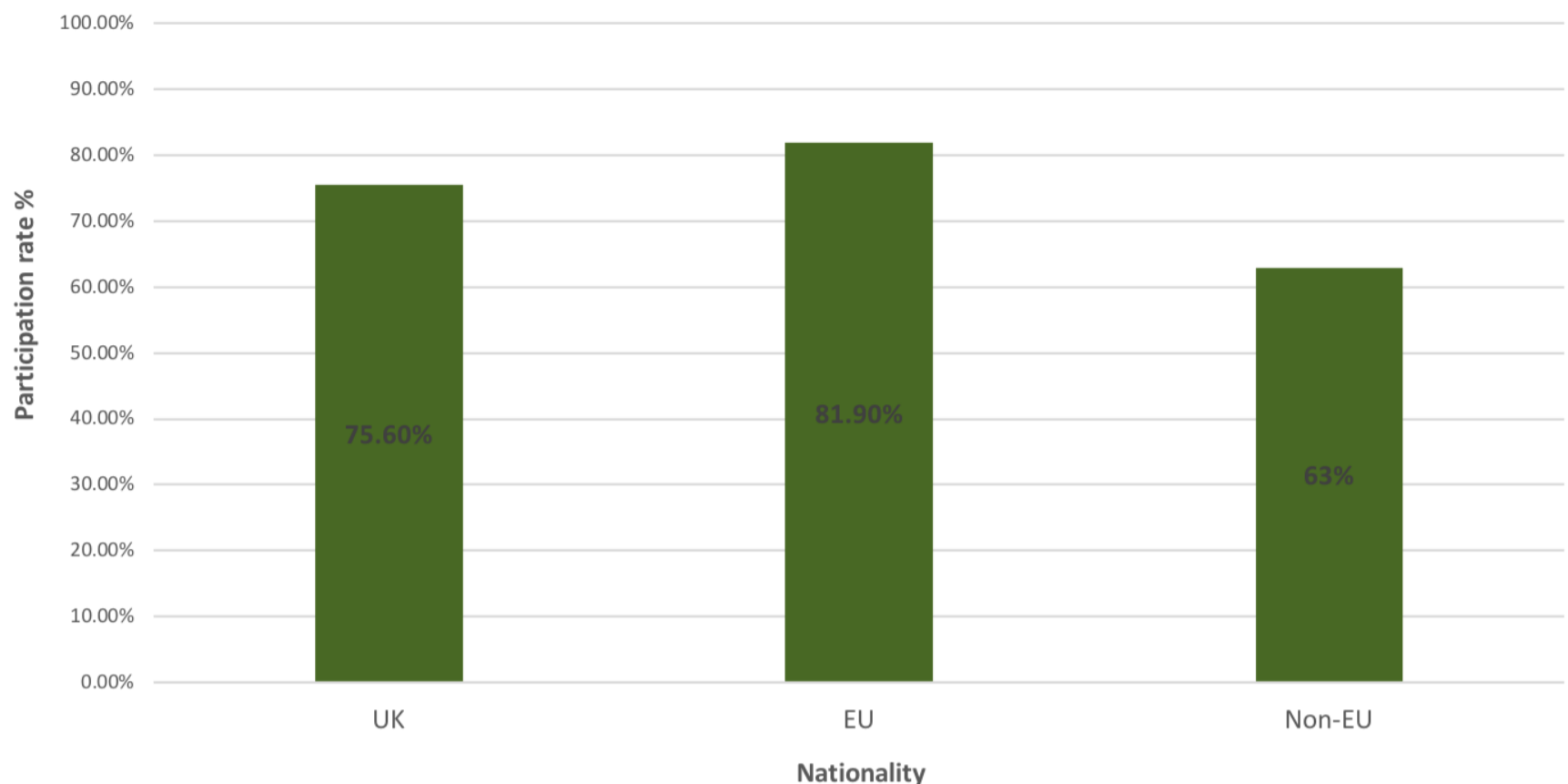- South East: 5%
- South West: 4%

House of Commons Briefing Paper, Migration Statistics, 23 July 2018, pg 20

If free movement ends, there is also likely to be an increase in – depending on your preferred terminology – irregular, undocumented or illegal migration, even if the government re-introduces a short term worker visa scheme (which contains its own risk of labour exploitation). The increase in irregular migration is likely to derive from two sources: first among new European citizens who previously would have been able to travel and work freely across borders, and second among European citizens resident in the UK who fail to regularise or register under whichever scheme is agreed. An increase in the numbers without legal status will heighten public concern and create integration problems.

It is worth also noting that non-European migrants (i.e. people coming from the rest of the world) make a significant contribution to the labour market as well. According to the Office for National Statistics, there were 1.25 million non-EU workers employed in the UK, an increase of 20,000 from a year before. However, the overall employment rate for non-EU nationals remains much lower than for EU and UK-born workers at 63 per cent (see chart 5 overleaf).

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Chart 5: Labour force participation rate in the UK January-March 2018

Office for National Statistics
https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/ukandnonukpeopleinthelabourmarket/may2018

Refugees

The majority of refugees to the UK arrive and apply in-country (they are spontaneous arrivals). They make-up around 5 per cent of the overall inflow of long-term immigrants. A smaller number are processed abroad and "resettled" in the UK. In the summer of 2015 the growing refugee crisis on the Syrian border caught the attention of the Great British public, in particular following the death of Aylan Kurdi. This led to a coalition of charities, faith-based organisations and civil society groups calling on the government to increase radically the number of refugees resettled in the UK and to enable local groups and communities to play a more central role in their welcome and integration. Following this outpouring of goodwill, (then) Prime Minister David Cameron announced that the United Kingdom would welcome 20,000 refugees on the new "Vulnerable People Resettlement Scheme," with this number rising following a subsequent commitment to additionally resettle 3,000 children. The then Home Secretary, Theresa May, further launched a new Community Sponsorship Scheme for Refugees which launched in 2016 and allows community groups to sponsor refugee families directly.

These decisions represented both a repositioning of the UK government within the global resettlement community and a broadening of the range of individuals and institutions involved in resettlement within local communities. For a decade prior to 2015 the UK had welcomed just 750 refugees per year on the Home Office's Gateway Scheme. Following 2015, the government has committed to resettle 5,000 refugees each year. The increased numbers in general, and programmes such as the Community Sponsorship Scheme and the activism of local groups and charities supporting resettled Syrian refugees, have meant that a far wider range of actors including local authorities, charities, businesses and faith groups have become involved in welcoming vulnerable migrants to these shores.

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The UK now has greatly increased capacity to resettle refugees due to the experience gained via these programmes. In the next few months the government will outline proposals for future refugee resettlement beyond 2020 as part of the Global Refugee Compact at the United Nations. Here lies an opportunity for the UK to go further still and establish itself as a country ready and willing to provide refuge for some of the world's most vulnerable people. We suggest that the UK should be able to resettle 10,000 refugees per year, double the current number.

Public opinion

Research over the last decade has clearly shown that around one in four are strongly supportive of migration while a similar number are opposed to nearly all immigration ('rejectionists'). This leaves a much larger 'anxious middle' made up of those who have economic concerns (concerns related to jobs and wages for them and their children) and those who have cultural concerns (over the pace of change in communities or over the integration of the 3 million Muslims in the UK) but who do not reject immigration flows outright. This group backs the vision of the UK as a welcoming society, supportive integration policies and the application of the rule of law[6].

The public, especially rejectionists, have made migration among the most salient political issues in the UK in the last few years. Several factors have elevated public engagement with migration and refugees, from the large surge in European migration in the early 2000s to (renewed) intensive media coverage of asylum seekers and refugees during the last few years. Public opinion surveys recorded a peak in concern over immigration in August 2015, with more than 50 per cent of the British public expressing concern. Immigration has now dropped to fourth in the list of most important issues facing the UK public. Of particular note is that the referendum appears to have accelerated a longer-term trend of growing positive views. The British Social Attitudes Survey, for example, has found a steady rise in the numbers of people who believe immigration is good for the British economy and enriches the nation's cultural life (see chart 6).

Chart 6: Perceived impact of immigration
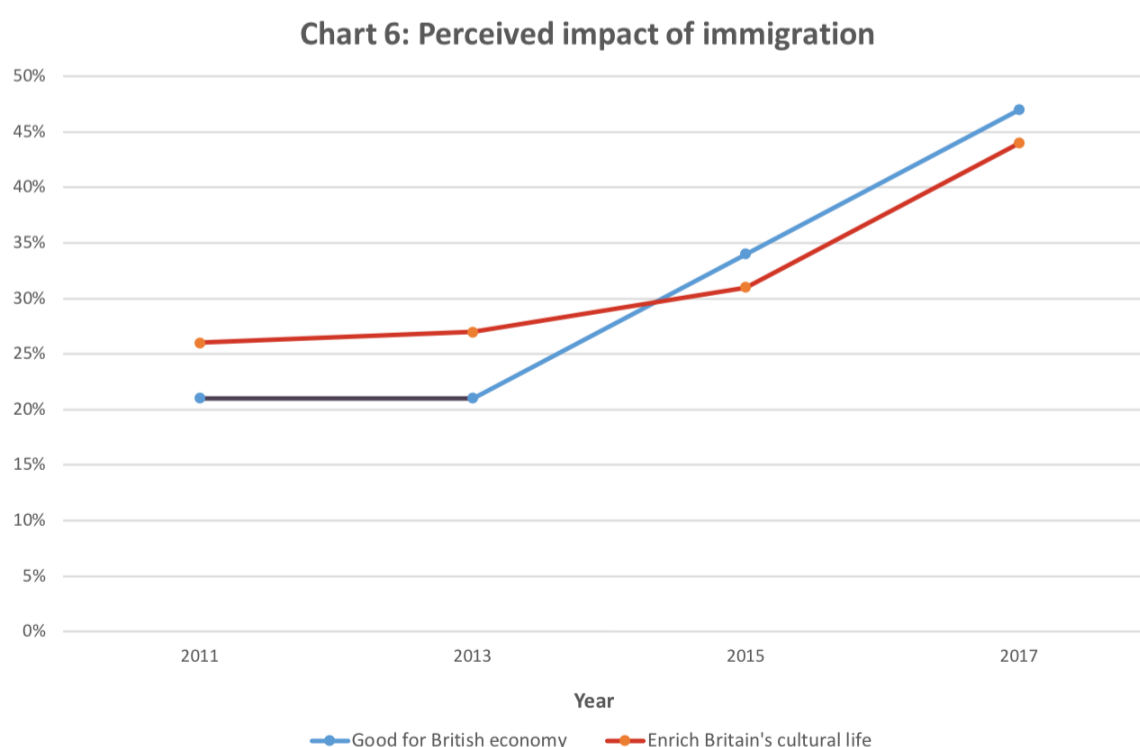
British Social Attitudes Survey
http://bsa.natcen.ac.uk/media/39250/bsa35_europe.pdf

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[6] Katwala and Somerville, 2016. https://www.migrationpolicy.org/research/engaging-anxious-middle-immigration-reform-evidence-uk-debate

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Similarly, the polling firm MORI has found that since May 2016, there are more people saying immigration has a positive than negative impact on Britain. This change in public opinion has coincided with a significant drop in the quantity and type of media coverage. This contrasts with the US where the Trump administration's approach to migration has resulted in a sharp rise in negative media coverage.

In conclusion, the UK's public debate on migration and integration comes at a time when migration flows will be lower than at their peak, although still substantial, and the salience in the public mind of immigration has dropped. In the wake of the referendum, the public believe that migration has come or will come within an acceptable range. It is not yet clear whether the public acknowledge the UK is in a new normal of substantial migration but in our view, predictions of net emigration from the UK are implausible in the short-term. A reasonable model would imply an additional 1 million immigrants by 2023 living in the UK. The system needs to prepare for that and we are fortunate that the debate over the best policy approach can take place at a time when the public's views are increasingly nuanced and the media coverage of the issues more temperate. Crafting a system that speaks to both to immigration supporters and those that feel economically or culturally anxious is thus the prize and where we believe our proposed reforms can make a difference.

The Endpoint and Challenges to Achieving It

The public support a vision of a welcoming society built around strong communities. There is widespread support for well-resourced institutions to help communities undergoing change and we all want to treat individuals with dignity and ensure people get a fair deal.

The public want business to be able to access the talented people needed for key jobs. Immigration can also be a source or job creation and economic innovation. The economic rationale is strong provided immigration serves society and not the other way around.

There is strong support that refugees are processed effectively and given sanctuary if in danger. We share the public's view that individuals coming legally to the UK should be able to petition the government for their close family to join.

But how do we get there? We don't live in a vacuum and while we anticipate a "once-in-a-generation" change to how immigration and integration systems operate, change will still be made on the basis of what exists now. As elsewhere, the immigration system in the UK is a blend of different legal mandates to allow people with varying motivations to enter the UK.

Our interest is in those who are coming to live in the UK, usually for at least a year. In simple terms this involves people entering in four main streams: work (both low and high skill jobs), study (students to schools and universities), humanitarian streams (refugees), and those coming to join families (partners, parents and children). Last year, there were 588,000 people who came to the UK, including returning British citizens. The majority (around two thirds) came for work and study, which is typical of previous years. To those who don't have British citizenship, the government usually offers a temporary visa that allows access to education and health but not to welfare benefits. Only some of these visas can be renewed.

As noted above, more than three fifths of people who come on a temporary visa leave again within five years. People permitted to renew their visa and who choose to stay for longer increasingly become more like "us"; over time (usually between five and ten years) they become eligible to access the public services we all rely on, including welfare benefits. After a period of normally six years, or ten years for those born in the UK to parents on a temporary or irregular status, most also become eligible for citizenship. Long-term immigrants also steadily converge on the UK averages for health outcomes, employment outcomes and so on. Because immigrants have a younger profile and come mostly for work or study, they contribute more in taxes than the average person, but not hugely so.

How well does the current system help us reach the end point? The UK immigration system, centred on the Home Office, is geared towards limiting overall immigration numbers and maximising economic value for the four nations of the UK, objectives that often pull in different directions, and take little account of other inflows of immigrants, nor how they are welcomed and integrated into UK society.

Nonetheless, some elements of the migration system work well. The system is considered by experts as having high levels of security and vetting while the processing of visas is generally efficient. It also provides very substantial revenue for the government. Approximately £1.8 billion is raised annually from

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visa and citizenship fees. The profit raised on visas and citizenship is a double-edged sword: the UK has a lower tax burden but there are perverse effects, for example on rates of citizenship take up.

Perhaps above all, Parliament currently plays little role in overseeing the immigration system – in contrast to most other countries, where immigration is closely overseen by the legislature. Some observers have noted that now the Withdrawal Act has passed Parliament, the majority of EU law, including that covering immigration, will be retained, at least initially. But this misreads the trend. The EU Charter of Fundamental Rights is not being rolled over[7] and most retained EU law will be delegated, or secondary, legislation, capable of change by the executive. It is highly likely that changes to immigration, refugee and asylum law, equalities provisions and criminal justice laws that were hitherto governed by EU law will be changed by ministers using secondary legislation. Surprisingly, nobody has been able to track which immigration, asylum, refugee, criminal law protections are derived from EU law. In any case significant swathes of immigration law are already contained in secondary legislation. Secondary legislation on immigration has never been voted down by parliament (indeed no statutory instrument has been voted down since 1979). This was shown in stark relief in recent discussions on whether there needed to be primary legislation to prepare a new immigration system post-Brexit. All are agreed that changes to the system will be hugely consequential but the Home Office noted that they could make such changes under executive privilege via secondary legislation. The Home Secretary agreed to place primary legislation in parliament to make a case, not because they felt obliged to under the law.

Thus the UK's highly centralised system of immigration control (an outlier relative to other countries) means that while the executive (concentrated further in the Home Office) has flexibility there is a lack of accountability, redress, and procedural safeguards. Checks on the executive will therefore be limited to public law challenges and civil society campaigns. This situation will likely worsen in the years ahead if, as intended by the government, the UK exits the European Union because European legislation has been incorporated into British law through the Withdrawal Act and therefore into secondary legislation[8]. Such a situation also curtails effective partnerships with other parts of government and society. Immigration policy does not operate in a vacuum and a successful system needs to interact effectively with wider economic and social policy goals, such as skills and training, as well as external policy issues such as trade and international development. There is also a need for strong links with devolved and local government which has a vital role to play in terms of supporting regional and community level policy.

Our view is that resources are misallocated as a result of overcentralisation and pursuit of system goals which are in conflict with one another. The current mechanism for ensuring effective policy trade offs (the cross-Cabinet committee on home affairs) is unwieldy and overly broad[9]. Thus for example huge budgets are granted to enforcement aimed at small groups of people who are not guilty of serious criminal behaviour. The Windrush scandal of 2018 is an example, not an exception. There has been a string of failed IT and infrastructure projects in the last twenty years, from the Passport Office in 1998 and asylum processing chaos the year after to the present day. As a consequence, and again in comparison with other countries, the public lack of trust in the government's competence to manage the system (a result of unmet promises and a lack of political leadership as much as resource misallocation) reduces the room for political maneouvre and policy innovation.

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[7] An amendment retaining the General Principles of EU law was accepted which may encapsulate some of the Charter provisions

[8] To provide one example: some people who claim refugee status are awarded humanitarian protection – for example some people who have survived torture but who can't prove they have been persecuted on the specific grounds needed to be awarded refugee status. Humanitarian protection has its roots in European law and therefore can be appealed to the courts. In the future it will be within UK law and therefore in the gift of the Immigration Minister (who is not a member of Cabinet but has attended since June 2017) and decided upon by a small cadre of policy officials within the Home Office.

[9] It's currently chaired by now Prime Minister and former Home Secretary Theresa May

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This is not to say that the public have disengaged. On various measures of integration, the UK performs above average. Most groups of immigrants have reasonable rates of employment and low levels of welfare receipts, a reflection of reasonably open and inclusive public services and fair markets. If we take a different definition of integration – not of how immigrant groups do set against the average – but rather how people feel about their neighbourhoods, we also find cautiously optimistic findings: most people seem to rub along well in their local areas[10].

However, there are some groups – and some towns – that have not integrated as well. For example, Somali and Turkish people have low employment rates compared to the average. The broadly optimistic view of integration thus hides some very poor outcomes in education, health, employment and housing for certain groups, while some areas exhibit poor measures of integration. There are legitimate concerns over certain cultural practices and extremism in various communities.

We believe the vision for the immigration and integration systems set out above command wide public and political consensus. But there are much tougher questions to answer in terms of how we build on the current system to achieve these goals as the current policy model often undermines progress. We do not believe all these problems can be solved overnight but there is a unique opportunity now to begin far-reaching reform. To achieve these over-arching goals, we suggest reforms within three broad areas: improving transparency and accountability; strengthening the rule of law and increasing support for integration.

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[10] Casey Review, 2016. https://www.gov.uk/government/publications/the-casey-review-a-review-into-opportunity-and-integration

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Reform Options

A transparent and accountable system

Parliament should play a more prominent role in overseeing the migration and integration systems to increase trust and build the perception and reality of order and control. The immigration system in the UK is concentrated in a single government department (the Home Office), in evident contrast to how other countries manage their migration system. Australia and Canada, for example, have much more diversified policymaking mechanisms with roles for civil society, business, provincial/regional government as well as across governmental departments. In such systems, regional governments – in a better position to assess need – can input and shape the numbers coming in and, as importantly, shape integration outcomes.

The Westminster Parliament, along with the devolved parliaments and the cities should play a greater oversight role in combination with a consultative role with the public. The public know there are policy trade-offs but our governance does not reflect the complexity and range of views. In sum, Parliament should ensure that the executive is fully accountable for the migration and integration systems that are in place.

One other major reform option that would increase flexibility, order and legality is a simplification of the immigration rules following the primary legislation that will form the backbone of debate in Parliament in the near-term. One recent analysis found that the volume of innigration rules has doubled since 2010 with the Home Office making over 5,000 changes during this period[11]. Later this year (2018) the Law Commission will report on how best to simplify the rules – an effort promised in the 2000s under the then Labour government – and many times since. It can be done: engaging civil society with Parliamentarians to develop new primary legislation with simple categories is complicated but feasible. We would suggest that two changes are needed in particular to help ensure the government is more accountable to Parliament on immigration policy. First, there is a need to more tightly define and narrow the parameters in which the executive can use delegated legislative powers (such as secondary legislation). For example, the government is able to minimise Parliamentary scrutiny of the new settled status regime for EU citizens by employing its existing delegated powers.

This should be coupled with a second reform: improve the scrutiny of delegated secondary legislation in Parliament. Specifically, for immigration legislation, we propose additional resources (for example an increase in resources for the clerk) and a standard quarterly report by the Home Affairs Select Committee that publishes a scrutiny of delated immigration legislation[12].

As part of this process, we would also recommend changes to government machinery by ending the Home Office's nigh monopoly on policy-making. Responsibility for work visa policy should be returned to the Department of Business, Energy and Industrial Strategy (BEIS), students to the Department for Education (DFE) and the Ministry for Housing, Communities and Local Government (MHCLG) should fully lead on integration. Meanwhile, the Ministry of Justice (MOJ) should have responsibility for processing asylum

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[11] Guardian, 28/08/18 https://www.theguardian.com/uk-news/2018/aug/27/revealed-immigration-rules-have-more-than-doubled-in-length-since-2010
[12] We also think there is significant merit to the reforms proposed by a number of think tanks (CentreForum, IPPR, British Future) for more Parliamentary engagement, such as an annual migration day debate. Similarly, Counterpoint and British Future have proposed sensible ways to engage local authorities, cities, civil society, and business through engagement and qualitative and deliberative surveys, public meetings and facilitated engagement.

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claims, ensuring that these are decided on judicial, not enforcement, grounds and reducing the need for so many appeals. This will leave the Home Office to focus on securing the border and enforcement[13].

Benefits would include that BEIS could ensure work visas are complementary to the UK's industrial strategy and that budgets would be allocated more effectively (for example on refugee determination, which is currently split between the Home Office and the MOJ). Furthermore, we do not see these machinery of government changes as overly complicated to implement. For example, immigration enforcement and UK Visas and Immigration are only tentatively coupled together in the Home Office at present.

An ancillary benefit to such changes would be to ensure clarity on data collection and sharing across government in relation to immigration: to respect privacy and human rights (for example in relation to health) and to target enforcement action where appropriate.

Strengthen the rule of law

The rule of law is a principle of the UK's unwritten constitution that means politicians govern within their powers, the law applies equally to all (except where objective differences justify it) and the law is clear and certain[14]. Crucially, questions of legal rights should be determined by the law and not by discretion, as is often the case in immigration matters. At the heart of increasing the trust in government is for it to show honesty, reliability and competence[15]. Demonstrating compliance with the rule of law provides legitimacy and in turn helps increase public trust in the immigration system.

Civil society stakeholders typically critique the system in procedural terms, i.e. they find the system (largely the preserve of the Home Office) to be untrustworthy and lacking objectivity and fair safeguards. Charities and immigrants believe that the system is unjust because people going through the system are not treated with dignity and not given access to a fair process and redress if the government gets it wrong. Focusing on the rule of law will improve the system in myriad ways, and none less than starting to restore the faith of those who use it or how are affected by it.

Focusing on the rule of law will resolve a number of illiberal and inefficient approaches. For example the UK currently operates a system of indefinite detention for immigrants, even for non-criminals. The public is not particularly aware of the fact that many of those seeking refugee status are detained by the government at taxpayer expense – more than a fifth of those in detention are there for two months or longer. The public may also not know of the deeply inefficient approach taken currently to determining whether or not an individual is deserving of refugee status: between a third and a half of all Home Office decisions on this issue are ultimately overturned by the courts as incorrect. Procedural safeguards and processes in the immigration systems currently fall well short of those applies in the criminal system. The government should therefore seek to ensure that the same standards we apply to criminal justice also apply to immigrants. In practice, this means an immediate end to indefinite detention and changes to how enforcement is applied and appeals conducted.

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[13] Machinery of government changes have also been recommended by others, such as the think tank Bright Blue, who also favour rule of law and other reform options suggested in this paper. See: Shorthouse, R and Kirkby, D, 2015. A Balanced Centre Right Agenda on Immigration. https://brightblue.org.uk/wp-content/uploads/2017/03/immigrationmanifesto.pdf
[14] Bingham, T, 2011. The Rule of Law. Penguin. Bingham elucidates eight principles that make up the Rule of Law, which can be read here: https://binghamcentre.biicl.org/schools/ruleoflaw
[15] O'Neill, O, 2005. Justice, Trust and Accountability. Cambridge University Press

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It is also important to note that the rule of law seeks to ensure proportionate use of enforcement action. In particular, we believe that enforcement action should be targeted at criminals to safeguard public safety rather than the immigrant population as a whole, where it is likely to be less efficient and may cause discrimination.

A straightforward but bold reform option is a return to birthright citizenship (which was previously ended in 1981). Such a move would signal welcome and provide a clear status to those born in the UK. The focus on citizenship and children is also one that should win support across the political spectrum. Most of the public and political elites believe it currently exists. But, in fact, hundreds of thousands of people have been born and lived their early lives in the UK, but do not necessarily have a right to live here. Such people often struggle to access services (for example they may not be able to attend University even if born in the UK and living their entire lives in the UK) and in cases analogous to the Windrush scandal have been targeted for detention and deportation. Aside from the obvious benefits to the individuals, we know acquisition of citizenship correlates to better life outcomes as well as simplifying the immigration system and saving money for the taxpayer.

In the same vein, the government should provide a simple online citizenship application and low fee to all those – both EU and non-EU – who have been in the UK legally for five years[16]. The citizenship application has become a bureaucratic quagmire. The journey to citizenship can require costly renewal of visas before eligibility is confirmed, and can therefore cost between £1,000 and £8,000 per applicant and in some instances take years to complete. An at-cost fee for the majority of applicants for British citizenship (i.e. those without a criminal record who can prove residence), with a basic test of language and cultural orientation, should be the norm.

We face a particular challenge with those European citizens who want to stay in the UK post Brexit. The government is in advanced negotiations on providing them with "settled status". Many will want more than this (proposed) digital status and will apply for citizenship. This is an ideal opportunity to provide a powerful signal of welcome and ensure better outcomes for those who take it up. A special citizenship offer – at a cost not exceeding that of a passport application (which could include a waiver on the language and orientation test which will reduce the cost), should be offered to the more than 3 million Europeans who gain "settled status" after Brexit, bringing them and their families into the British fold.

Increase support for economic and social integration

Public support and confidence in the immigration system is founded on ensuring people are properly vetted and the system is orderly and functions well. But public confidence also depends on integration – how newcomers perform in employment, the impact on public services and how well people live together in local communities. There is a need for a step change in integration support to realise the full potential of refugees and immigrants.

The government has long neglected integration policy. Relative funding has fallen in recent years and it has increasingly been left to local authorities, which in turn have endured large budget cuts, to provide migrants with the support they need. Refugees, often drawn from groups which face poor integration outcomes, are especially hard hit. In fact, the current approach, which includes restricting English lessons,

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[16] There is strong support for citizenship fee reforms from actors such as Policy Exchange. There are also a number of proposals to improve the overall experience of seeking citizenship, for example from Leah Bassel et al: https://www2.le.ac.uk/departments/sociology/research/uk-citizenship-process/executive-summary

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detention, dispersal to often neglected areas with no community support or jobs, and a ban on employment while asylum claims are heard, seems almost designed to minimise the integration potential of refugees.

It has become increasingly clear that the most under-invested and fragmented efforts concern the incorporation of newcomers into communities, and supporting existing communities to push back against extremism and polarisation. We should set up a National Communities Fund, carefully calibrated to fund projects that have been evaluated and can be scaled where possible and appropriate with the aim of increasing contact between different groups of people. This should ensure contact is meaningful, for example sharing the skills and assets of newcomers to help meet local need. At a time, when immigration fees are expected to raise upwards of £2 billion in revenue every year[17], a Fund should be in a similar range to fee revenue generated. The funding allocation should have a formal role for Scottish, Welsh governments and for other appropriate actors, such as Metropolitan Mayors. There are many potential changes to how this could be done well – for example the fund could release monies based on evidence of impact in improving contact between groups, or on the basis of leveraging funds from government departments or independent actors, or could be allocated on the production of agreed community plans locally, involving extensive democratic deliberation[18].

There should also be a comprehensive rethink on humanitarian streams. The UK is a huge provider to refugees overseas but treats those who apply for refugee status in-country (spontaneous arrivals) poorly. Indeed while £175 million a year is spent on the detention estate[19], and an even larger budget dedicated to maintaining asylum seeker livelihoods – often in areas of cheap housing – integration budgets are far lower. Yet the evidence is overwhelming that refugees suffer from low employment rates and poor mental health.

The time for a rethink is overdue. A new Humanitarian Board should be set up with a pooled Outcome Fund – led by MHCLG but made up of budgets from DFID, FCO, MOJ and the Home Office – to deploy. The fund should be directed to the following goals:

- Resettle 10,000 refugees annually;

- Assess and determine potential refugees who arrive in-country in as short a time as practically possible[20].

- For those assessed as refugees, provide a permanent status and focus on integration, including:

   o Work with communities to place all recognised refugees in secure housing with access to employment;

   o Improve refugee family reunion processes;

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[17] See: Goodhart, D and Norrie, R, Border Audit, 2018. Policy Exchange, https://policyexchange.org.uk/wp-content/uploads/2018/07/The-Border-Audit.pdf   As an example, the doubling of the health surcharge (from £200 per applicant per year to £400 per applicant per year) has already been confirmed for end 2018.
[18] A National Communities Fund could complement the Controlling Migration Fund, but the explicit objective would be to bring communities together as opposed to the Controlling Migration Fund, which aims to reduce negative impacts in local areas caused by the fast pace of change related to immigrant flows.
[19] Inflation adjusted figure quoted in Migration Observatory (2018), Detention briefing
[20] 30 per cent of people waiting for a decision on whether or not the Home Office deems them a refugee have been waiting more than three years for a decision. Reforms should ensure a level playing field on funding and consider the total refugee population.

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- Provide resources to ensure refugees speak a reasonable level of English, be introduced to their local community and supported to find a job.

The Outcomes Fund that the Humanitarian Board would oversee would likely unlock external capital to invest in refugee integration and encourage earlier intervention in the refugee integration journey. Such a fund may deploy resources through existing private sector contracts (as now) but would be open to innovation from civil society players and housing associations, or indeed local government, which may wish to move asylum seekers and refugees into mainstream services immediately.

We would also like to see businesses more directly involved in supporting integration. We should explore how this can be incentivised, for example by linking work visa sponsorship to support for English language classes or similar. In the same vein, another simple but bold reform option would be that those having extended legal status (long-term status) and those applying for asylum should also have the presumption of being able to work (legally) in the UK. Currently, there is a bewildering and counterproductive approach that prohibits different categories of people from working and contributing. In particular, asylum seekers (those who are in-country, applying for refugee status), should be given full work rights while they are waiting for a decision on their case. To further reduce bureaucracy and increase the likelihood of positive integration outcomes, people who are determined refugees should be given permanent status.

To respond to market incentives and cultural and other soft power needs, reform options could include a major youth mobility scheme, where there is an expansion of the current youth mobility visa. This would provide younger people opportunities to live, work and study elsewhere (and we offer the same to other young people on a bilateral basis, or with the EU as a bloc).

To prevent abuse, there should be the ability to switch employers within a specific visa – i.e. there should be no tied employment – a principle that should also be applied more generally to work visas. Strong increases in workplace enforcement would complete the picture, reducing abuse and the exploitation of vulnerable migrant workers. In particular, this would entail strengthening the role of the Director of Labour Market Enforcement through more substantial resourcing of the office and moving the employer civil penalty regime (currently led by the Sheffield-based Compliance Team of UK Visas and Immigration) under the Director's purview.

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