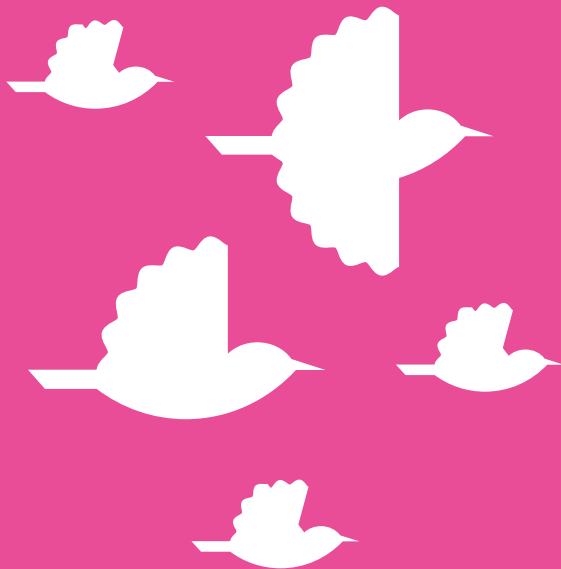

NEW ARRIVALS

**A FAIR IMMIGRATION
PLAN FOR LABOUR**

THOM BROOKS



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INTRODUCTION

A NEW APPROACH

The sight of millions of refugees streaming out of war-torn Ukraine has shone the spotlight once more on the UK's asylum policy. Our response to the devastating human tragedy was shockingly slow and inadequate. While the EU announced it would allow entry to any Ukrainian national for up to three years, the Conservative government imposed several conditions, significantly limiting the support available. Only the immediate family of Ukrainians already settled here were told they could have sanctuary.¹ Many desperate families were left exhausted and distraught as they struggled to make sense of the rules.²

Unlike the EU which waived visa requirements, the UK required Ukrainians to obtain visas.³ Hundreds of people who had escaped the war found themselves stranded in Calais trying to secure the right paperwork, with many of them being told to travel to Paris or Brussels to apply. And originally, the government said visas would be valid for only 12 months, only to have to extend the period applicants could

stay to three years under pressure from its backbenchers and Labour.⁴ At every step, the UK government dithered and delayed, following others rather than leading the way. Its response lacked both competence and compassion.

Asylum is only one area where the government is getting it wrong on immigration. Today, the UK is faced by the great migration dilemmas of our time. The first is that our immigration system has been needlessly slow to react to major events, such as in Afghanistan, Hong Kong and now in Ukraine.

A second dilemma is Brexit. The British public voted to end EU free movement and 'take back control' of the UK's borders, but there was no clear plan for how a post-Brexit system would work. A third problem is the steep rise in English Channel crossings by refugees linked to the Europe-wide migration challenge. This has caught the government off guard, and it has been unable to implement a clear, workable strategy to address the issue.

In the face of all of these challenges, the Conservatives make promises they

do not keep. The government's 'new' points-based system was meant to put 'Global Britain' on the world stage and put rocket boosters under the economy, but it has yet to make its mark.⁵ For nearly a decade, the Tories said repeatedly that they would cut net migration – the difference between immigration and emigration – to under 100,000 annually. Yet, the annual figure was never higher than under the Conservatives, reaching a peak of 329,000 in 2015 and consistently sitting at twice or more their target.⁶ By 2019, this manifesto pledge commitment was finally dropped when simply nobody believed they had any ability to deliver it.⁷

To help reduce migration, the Conservatives promised to create a 'hostile environment' for unlawful migration. But this approach has proven as ineffectual as it is cruel. Enforced removals have dropped annually since 2012 and returns generally have fallen substantially since 2015 to record lows pre-Covid.⁸ Tough talk was matched with little action in practice. And what action there was too often turned out to be plain wrong, notably in the case of the Windrush scandal, when some of those threatened with deportation were the children of Commonwealth citizens who had lived and worked in the UK for decades. According to Oxford's Migration Observatory, one of several key problems with the government's approach was the 'absence of a strong evidence base' on both the impact of enforcement policies and "the potential unintended consequences for legal residents", such as their unlawful deportation.⁹ More than £35m in compensation has been

paid since April 2019 and over 14,500 of those affected have received documents confirming they are British citizens.¹⁰ It is shameful that the pursuit of enforcing a hostile environment for unlawful migration became hell for so many of our fellow citizens.¹¹

Recent months have seen a rollcall of further errors, from the failure to reduce English Channel crossings to the delayed Afghan citizens resettlement scheme, and from denying any recourse to public funds so condemning some migrants to destitution to today's limited and chaotic support for Ukrainians fleeing war. The Conservatives inherited a system which Labour had attempted to make fairer. After more than a decade, they have left us with an immigration system that is dysfunctional and uncompassionate.

LABOUR'S OPPORTUNITY

With so much going badly wrong, it is no surprise that the public have lost confidence in the Conservatives on immigration. In an opinion poll in December last year, Ipsos MORI found that the policy area where the Conservatives scored worst was 'managing migration'. A mere 14 per cent of the public thought the Tories were doing a good job on the issue, while 73 per cent said they were doing a bad job. Conservatives are no longer the most trusted on immigration.

Labour's best opportunity to win back public confidence is right now. We cannot expect to build a sustainable foundation of support simply because the Conservatives have lost theirs. When I ask our members and supporters about immigration, their response is often to

talk about the Tory policies they want to end, such as the hostile environment or indefinite detention for asylum seekers. They are right to want these changes. But we must focus on what we propose. Voters need to believe Labour could do better if it won the next general election.

A new Labour plan for immigration must spell out a *positive* and *practical* vision of what a fit for purpose system would look like under a future Labour government. It must be a plan rooted in progressive values and it must deliver what it promises. We must move away from talking about how the Conservatives have got immigration wrong and, instead, focus on the ways we will get it right with new Labour policies that we can be proud of. This is key to winning trust – and it is critical for our future electoral success.¹²

When in government, Labour recorded several key achievements. It became easier for parents to register their children as British, we set new English standards for permanent residency, we launched a citizenship test aimed at fostering integration, we created citizenship ceremonies to celebrate those becoming British and we even started an Australian-style points-based system.¹³ Nevertheless, part of Labour's past difficulty on immigration is that the system overall did not appear fair to much of the public. In studies of what went wrong for Labour in the so-called 'Red Wall' in 2019, Labour's 'weak policies on immigration' were identified as a key factor.¹⁴ I understand these findings as I live in the Red Wall constituency of Sedgefield that turned blue at the last election.

In her book *Beyond the Red Wall*, Deborah Mattinson found the public were turned off by the perception that Labour's immigration policies offered overly generous support to migrants that was unavailable to working families. They felt further squeezed by a system that seemed to encourage low-paid migrants to undercut their wages. Immigrants were perceived disproportionately to receive benefits beyond the reach of contributing working communities, even if this view of migration was not backed up by the evidence.¹⁵ Perceptions matter and the public has perceived our policies as unfair. To win voters back – and attract the new supporters we will require – Labour needs to send a clear signal that we offer immigration policies that speak to this concern and that are backed by evidence.

The watchword for Labour's new plan for immigration must be fairness. Fairness is at the heart of our fundamental British values like democracy, the rule of law, individual liberty and a mutual respect for and tolerance of others; it connects them like a golden thread.¹⁶ To be fair is to respect our democratic governance, uphold the rule of law and oppose self-righteous populism; it is to defend our freedoms and show compassion towards others. In the famous words of philosopher John Rawls 'justice is fairness'.¹⁷ A just immigration system represents a fairer approach. It is exactly what is needed now to reset the narrative about immigration and champion a compelling new approach to what a Labour government will deliver.

A new fair immigration plan must be underpinned by four aims. The first is

it should be pro-prosperity. The system must better enable economic growth and take advantage of new opportunities. A second is it must be more compassionate, especially towards those seeking sanctuary. Britain should be a welcoming friend to those most in need and no longer a hostile environment. The third aim is flexibility. A new immigration system should not manage numbers by raising costs or making procedures more burdensome. It should be easier to use and adaptable to circumstances whether that is to support Ukrainians in need or to help businesses. Finally, the fourth aim is the new system should be underpinned by robust enforcement. Rules should not be created that are never used. The public must have confidence in how the system works.

OUR ROAD AHEAD

In his recent Fabian Society pamphlet *The Road Ahead*, Keir Starmer set out a vision for what a Labour government under his leadership would look like. He rightly said that ‘the future will belong to those who do not just mitigate against change but grasp the opportunities it provides’.¹⁸ His Labour party must seize opportunities when they arise, setting the agenda, not merely reacting to it. Given that the public rates the Tories worst on immigration, the moment has come to inject leadership into the debate and show how another, more compelling, future is possible.

The importance of fairness takes shape in Starmer’s notion of a new contract with the British people, with a government based on the three simple principles of prosperity, respect and

security.¹⁹ He has talked of forming a government where everyone will feel safe in their communities, have opportunities to realise their ambitions and to feel valued for who they are and what they do.

As I lay out what a new Labour immigration system might look like, I have used the notion of fairness and these three principles of prosperity, respect and security. I therefore divide the pamphlet into three parts. The first part focuses on *prosperity*. These chapters look at how Britain’s points-based system could be improved to make the most of opportunities for business, education and developing skills. It also considers new policies about work and study. The second part is on *respect*. These chapters consider how the system could be improved to support families, promote integration and celebrate citizenship. The third and final part concerns *security*, including asylum and refugee policy. These chapters cover how the immigration system can raise standards, deliver better value for money, improve integrated data about border crossings and construct a more humane asylum policy.

Overall, there are more than 60 different policy recommendations covering everything from entry to deportation, work to family reunions, temporary residency to becoming British and support for refugees. These recommendations outline how Labour can take advantage of post-Brexit opportunities, restore the public’s confidence in our handling of immigration and make the system fairer. Most importantly, Labour’s new plan must be clearly communicated and deliverable. We must say what we will do – and then

do what we say. We have to convince voters that we can be trusted to deliver the transformation our country so desperately needs. Labour has an opportunity to create a new, fairer system rooted in our values. If we inject competence and compassion into immigration policy we can make it fit for purpose to deal with the great challenges of our time.

AN IMMIGRANT ON IMMIGRATION

This pamphlet's subject matter is deeply personal to me. I am an immigrant. I know about acquiring study and work visas in multiple countries, passing the citizenship test and becoming British because I experienced all of this first-hand. Originally from the United States, I lived in the Republic of Ireland before moving to the United Kingdom in 2001 and am proud to have become a citizen in 2011. Along the way, I have applied and sat interviews for work or study visas from fixed-term to permanent residency and citizenship. I know what it is like to sit on the other side of the glass from a border agent because I have been there myself several times – even though I enjoyed the privileges that come with being a white American with a PhD.

Since arriving in Britain, I have been disappointed to find that virtually all contributors in the immigration debate are non-immigrants attempting to talk about what should be done about people who, like me, are immigrants. Immigrant voices are too rarely heard. Since becoming a British citizen, I have become passionate about ensuring this imbalance is corrected. Whatever else we do about immigration, there must be

more evidence-based, engagement with immigrants' first-hand experiences rather than the divisive opining we have become all too accustomed to. Such rhetoric has contributed to many of the problems the immigration system has today.

Over the last 20 years, I have spoken with hundreds of migrants about their experiences. They often reveal new insights into problems that do not always make it into the news reports or scholarly textbooks. The failure of governments to consult with the public can make these problems worse over time.²⁰

I have been privileged to have met and discussed immigration with several former Home Secretaries, immigration ministers and shadow ministers as well as numerous special advisors. It is worth highlighting how enormously grateful I have been, as an immigrant, to have a voice in Labour's thinking about immigration – although all recommendations suggested in this pamphlet are mine alone.

The freedom to have the time and resources to make these contacts, conduct research and develop proposals is thanks to my day job as a professor of law and government. I owe much to my students, many of whom are from overseas like me, and have a talent for helping spot gaps and inconsistencies. I have sought to combine these insights from first-hand experience, numerous interviews with members of the public, policy discussions with various Labour politicians drawn from both the Commons and the Lords and their staff as well as my academic research to recommend this new immigration plan.

A new immigration plan for Labour: key recommendations

Part 1 – Prosperity

Chapter 1

1. Consult annually on the points-based system with employers and work visa holders
2. Retain the power to cap the number of work visas but only use it in exceptional circumstances
3. Make work visa rules nationality neutral
4. End tier 1 (investor) visas
5. Reduce work visa fees
6. Standardise work visa processing times
7. Give people more time to enter the UK with a new work visa
8. Replace standard minimum salary threshold with occupation-specific thresholds
9. Consider use of short-stay business visas
10. Launch region-linked visas
11. Develop a longer-term strategy for seasonal workers

Chapter 2

12. Allow students who are awarded indefinite leave to remain during their studies to access UK student finance
13. Ensure universities maintain comparable overall satisfaction for both British and overseas students during their degrees
14. Maintain the graduate visa with a review to consider extending scheme
15. Expand the Turing scheme to support overseas student exchanges, year abroad exchanges for British students and academic staff exchanges
16. Reduce the health surcharge for the youth mobility visa

Part 2 – Respect

Chapter 3

17. Review the salary threshold for spousal visas and for caring for elderly or dependent family
18. Allow anyone on the family route to receive recourse to public funds, if approved by the Home Office, without the additional residency required for settlement
19. Allow EU citizens with pre-settled status to become settled in five years without reapplying
20. Grant a transition period of no more than six months for ex-spouses to apply for permanent residency, if they met all requirements before the relationship ended

21. Reduce residency requirement from seven to five years for overseas parents of British children to stay permanently
22. End use of the ex-spousal reporting form
23. Require the courts to notify the Home Office when a divorce or dissolution is finalised
24. Prevent the Home Office calling those receiving Windrush compensation ‘customers’ and instead say ‘victims’
25. Ensure more systematic evidence gathering, consult with users of the immigration system, produce more policy-relevant data and commission systematic independent evaluations of major policies before implementation to avoid a future Windrush scandal

Chapter 4

26. End exemptions from English language tests based on nationality or qualifications to ensure standards are met
27. Ensure equal recognition of native British languages like Welsh, Scots Gaelic and Cornish
28. End the postcode lottery of English language teaching

Chapter 5

29. Launch a citizenship advisory group to consult the public and create a new Life in the UK citizenship test that is fit for purpose
30. Encourage the teaching of the citizenship test handbook’s content in secondary schools
31. Introduce a contribution test based on volunteering that expedites citizenship
32. Make citizenship ceremonies more publicly visible
33. Introduce a new bank holiday called UK Day
34. Create a minister for citizenship and civic participation

Part 3 – Security

Chapter 6

35. End the ‘hostile environment’
36. Support the eVisa programme with a revised electronic travel authorisation (ETA) system
37. Incorporate ETA data into the Office for National Statistics’ RAPID database to improve the evidence base informing immigration policy
38. Implement the Law Commission’s recommendations for simplifying the immigration rules in full
39. Invite the Law Commission (or a Royal Commission) to draft a new immigration bill harmonising primary legislation in one simplified Act that would become the new legislative foundation for the future

40. End inclusion of minor traffic offences in considering good character
41. Automatically refuse permanent residency or citizenship to anyone on a sex offenders register in the past or present
42. Launch a hate crime offender register
43. Automatically refuse permanent residency or citizenship to anyone convicted of a hate crime
44. Automatically refuse permanent residency or citizenship to anyone convicted of murder

Chapter 7

45. Update and improve the costings for the immigration health surcharge
46. Review the immigration health surcharge for immigrants working and paying taxes
47. Ringfence the income and expenditure for the immigration system ensuring it is entirely self-funded and self-sustaining without public funds
48. Review and reduce immigration-related application fees
49. End fees for children to register as British citizens
50. Launch a migration contribution fund to share the benefits of migration with communities
51. Include any bankruptcies when living abroad in considering good character
52. Require that all taxes have been paid and any NHS debts cleared to meet the good character requirement

Chapter 8

53. Clearly signpost support for asylum seekers at all air, ferry and rail international terminals
54. Work with organisations like City of Sanctuary UK to more widely share information and support to asylum seekers
55. Ban outsourcing of vetting asylum applications to third countries
56. Allow asylum seekers to find work after six months
57. Review financial support for asylum seekers, including the circumstances where recourse to public funds is permitted
58. Require the Home Secretary to certify that the continuation of all immigration detentions are in the interest of national security at least every 60 days
59. Agree an extradition arrangement with the European Union to replace the Dublin regulation or rejoin it
60. Review the availability of a safe legal route for claiming asylum in Britain, including reinstating the Dubs amendment
61. Create a new emergencies asylum programme to plan for future crisis situations
62. End the use of indefinite detention

PART 1

PROSPERITY

Keir Starmer's proposed contract with the British people is built on three principles – prosperity, security and respect. This part considers ways in which the principle of prosperity could be applied to immigration. Prosperity is defined in this contract as ensuring everyone has opportunities to thrive, realise their ambitions and possess the skills needed to prosper. The chapters below show how prosperity can become embedded in immigration policies relating to rules for workers and students that support businesses, foster innovation, create opportunities and better develop skills.

CHAPTER 1

OPEN FOR BUSINESS

Britain must be open for business. Immigrants play an important role in supporting our economy and its growth.²¹ Each year there were nearly 190,000 work visas granted pre-pandemic and before the end of the Brexit transition period, but this has dropped since to 145,000.²² This is despite strong public support for economic migration generally.

While the Conservatives boasted their new plan for immigration would provide a significant boost to businesses, the economic benefits from Brexit have yet to materialise.²³ While most EU nationals already in the UK remained after free movement ended, fewer new arrivals are applying for work under the new rules – EU citizens made up only 8 per cent of all work visa applications between January to end of September 2021.²⁴

Labour needs a new points-based immigration system for our post-Brexit world that provides a combination of stability – so businesses can plan for the future – and greater agility, allowing them to explore new opportunities. These policies would underline Labour as the party of business as well as

delivering greater prosperity for all that the public can support.

A BETTER POINTS-BASED SYSTEM

A points-based system is where individuals can gain a visa if they have enough points for it. The current system requires someone to have 70 points or more to be able to receive a temporary work visa.²⁵ Some of the requirements are mandatory: everyone must have a sponsored job offer (20 points), a skilled job (20 points) and sufficient English (10 points). The remaining 20 points to qualify for a visa can be gained in a variety of ways, such as if the job is in a preferential ‘shortage occupancy’ list, the job pays a higher rate or if individuals hold higher degrees.

The idea is that such a system can maintain control (eg ensuring English standards, limiting the range or number of available jobs) while strategically incentivising immigrant labour to desired areas (eg the use of shortage occupancy lists) and allowing appropriate flexibility in how individuals might qualify (eg trade-offs in salary or education and skills).

Labour can improve the points-based system that it launched back in 2008 – that the Tories have since stifled – by giving greater certainty, clarity and flexibility to make it more pro-business in a controlled way.²⁶ Points-based immigration systems are a popular way to attract skilled workers to Britain, especially to help strategically target occupational needs to support the economy. They provide consistency with flexibility, but a significant drawback is they can be complex to navigate for prospective workers and their employers. A recent report by the all-party parliamentary group on migration found about half of respondents surveyed did not sponsor work visas at all because of legal complexity and high costs.²⁷

Labour should look to simplify the form and content of a renewed points-based system, keeping this under annual review. It should consider public feedback from users, most especially employers and those on work visas. It is important to control how the system operates at a high level, but this should be informed through the experiences of people on the ground. If users have difficulties in finding information or making an application, this will undermine the potential of the system overall to promote prosperity.

The Tories used to have a cap on the number of work visas they would grant, but this has been suspended for several years. Labour should consider continuing this policy of a suspended cap on work visas. It should be reviewed annually. We want to attract the best and brightest as well as essential workers to support our economy and meet employer

demand. A hard cap holds the UK back. Nonetheless, the cap should not be scrapped so that this immigration control can be maintained should circumstances change. The public is especially supportive of controlled economic migration and suspending the cap, but not scrapping it, allows for this.

LEVEL PLAYING FIELD IS NOT FOR SALE

The government proclaimed its new plan for immigration would provide greater simplicity and equality, treating all non-UK citizens the same. This policy was highlighted as a cornerstone of the ‘new’ points-based system to be introduced post-Brexit. The Home Secretary was clear: ‘The UK now decides who comes to our country based on the skills people offer, not where their passport is from’.²⁸ The different treatment between EU and non-EU citizens was supposedly an example of how the Tories would make immigration fairer for all.

The problem was that what they announced in press releases was not written into the actual policy documents. The new plan for immigration describes how the government intends to implement its earlier White Paper. On its first page, the White Paper claims the government intends to grant ‘different treatment for certain migrants’. This will be based, in part, on any international agreements made, such as offering more favourable migration arrangements in return for a better trade deal.²⁹ The government was intending to create an immigration system applying to all – unless departing from the rules would help grease the wheels for a new

trade deal. There have already been reports that efforts are underway to obtain a more beneficial trade deal with India. Part of this deal could involve easing rules for Indian nationals to live and work in the UK although no such arrangements have been agreed yet.³⁰ The Tories have put our system up for sale offering different standards to the highest bidders.

Labour should consider an alternative way forward by ensuring the work visa route is the same for all nationalities as part of a fair play approach. When it comes to supporting the ever-changing needs of our economy, we should not become fettered by past deals. Nor should we make our immigration system more complex by increasing the diversity of pathways for different nationalities.

Fair play also means that some visa routes should be discontinued. The Home Office has offered a problematic special 'tier 1' visa specifically aimed at attracting investors. In return for investing millions in the UK, individuals could fast track applications for permanent residency.³¹ Investing £5m could allow for an application within three years or £10m an application in two years – all much swifter than the usual five-year residency wait.³² It is unclear how much this stream has benefited the UK economy, with only 12,000 visas awarded since 2008. The independent Migration Advisory Committee's 2014 analysis was that any such benefits were limited and, if they existed, derived more indirectly from the visa holder's spending than directly through whatever investment was made.³³

I have been recommending this visa should be stopped since 2014. But it was not until a review over concerns that this fast-track route to settlement can attract dirty money that the Home Secretary – at the time of writing – finally decided to end this investor visa scheme.³⁴ It would not be in Britain's interest either economically or for its security to bring the investor visa back. It is contrary to any fair immigration system to allow the wealthiest to leapfrog over others to obtain residency or citizenship on account of their affluence. Instead, Labour should investigate new alternatives to attracting overseas investment more securely and for greater benefit.

SWIFTER SERVICE AS LOWER COST

Most of the available work visas are too expensive – and especially for work purposes. Some work visas can cost more than £1,000. Not all are paid by employers, with employees left to cover the bill so that they can continue to do the job they have been hired for. Work visa fees are far higher than the costs of administering them – and are often set at levels that are unfair bordering on exploitative. A Labour government should consider reducing the fees for skilled workers. We must ensure the UK is more competitive in attracting the brightest and the best. While a fee reduction would mean less income for the Home Office, this could be partly offset by attracting increased visa applications.

Labour should consider standardising the time for visa processing. For example, it can take about three

weeks to issue a decision on a creative worker's visa, but eight weeks if the application comes from inside the country. Individuals can use a priority service to get decisions made in days for a premium fee and this shows that a quicker service is workable. Perhaps the longer waits are designed to avoid in-country applications or incentivise premium fees through a priority service. Either way, applications within the UK should not need to take more than twice as long as those from overseas (indeed, we might expect in-country applications to be the fastest). The unnecessarily large gaps in waiting times can restrict people's ability to do business in Britain. This is neither fair on employers nor those they seek to employ and should be reviewed.

Labour should also plan to end the current rule that the great majority of work visas – which are sponsored by employers – must commence within 28 days of the start date or the visa is rendered invalid and must be reapplied – and repaid – for. This is unfair. There can be unavoidable problems with starting work on time, for example as a result of travel cancellations or unplanned medical treatment. Sadly, such difficulties have become more common during the pandemic, but the government has taken no notice. It is also worth noting that this is a rule the Home Office has not been enforcing anyway.³⁵ This highlights the need for an audit of immigration regulations to identify all those rarely or never used to assess whether they should be retained in future.

GREATER FLEXIBILITY AND RESPONSIVENESS

The main benefit of a points-based system comes in its ability to strategically target and attract global talent in a transparent way to support economic growth and prosperity. There are several new possibilities for Labour to explore.

The points-based system could become more flexible yet controlled to fill labour shortages. I recommend that Labour abandons the one-size-fits-all salary threshold in favour of a more fit for purpose alternative. The problem with a universal threshold is that it is too inflexible, as some occupations can meet it more easily than others. This can be irrespective of the skills required or the demand for workers in a particular sector, but rather down to the higher costs of living in some parts of the country. These different and overlapping issues of occupations and their varied earnings by region are another reason for greater flexibility. The shortage of social and health workers, including home carers, is a pressing reminder that where the income threshold for all is set too high it severely hampers the ability to recruit vital jobs.

The system works by setting a general salary threshold at a minimum £25,600. This is set at the 25th percentile of full-time annual earnings for workers, drawn from the annual survey of hours and earnings.³⁶ However, this figure can shoot up if the 'going rate' for an occupation is much higher than this threshold. For example, a head teacher would be required to earn at least £39,000 and a marketing or sales

director would need to be offered a minimum of £54,000. Occupations on a government-approved list of job shortages can have a much lower salary so long as it is at least 80 per cent of the 'going rate' for that occupation.

The government says it uses minimum salary thresholds 'to ensure migrants make a positive net fiscal contribution and are able to support themselves while in the UK'.³⁷ Of course, anyone on a work visa would be earning a living wage or higher, paying taxes and often ineligible to have 'recourse to public funds' including in-work benefits (we will return to this in chapters 3 and 8). Ensuring working migrants support themselves should not be an issue.

Labour should scrap the Tories' inflexible one-size-fits-all approach. It could be replaced by relying on a new system of occupation-specific thresholds only instead. This would create a fairer system that would better prevent the undercutting of wages especially for those new to a profession and it would provide added protection for migrant workers against exploitation or unfair treatment.³⁸ At the same time, Labour would be able to use the points-based system in a more targeted way to help recruitment to occupations where there are critical shortages or strategic interests.

Labour might also improve the flexibility of the points-based system by launching new visa schemes. We have examples to consider on our doorstep. For example, Ireland offers a range of work visas including a short stay business visa costing about £50 for up to 14 days.³⁹ There are also work visas for up to 90 days offered by Switzerland⁴⁰

or for a maximum of six months in Mexico.⁴¹ If a system like these were in place, it could have supported swifter recruitment to sectors such as HGV driving and abattoir work – boosting businesses when we needed it most. The failure of the government to pull this off had a serious impact across the economy.⁴²

REGIONAL VISAS

Labour should consider introducing a more regional approach to visas.⁴³ At present, any visa allows a migrant to work, live or study anywhere in the UK, with a strong pull to London and the South East. With higher wages and existing opportunities, jobs can more easily meet salary thresholds than those in less affluent and less populous parts of the country.

Labour could better unlock the full potential of the country – and support 'left-behind' communities – by ensuring some work visas are tied to working in specific areas, such as the devolved governments or in regions like the North East. These visas would require workers to be employed in a locality, although they might be permitted to reside elsewhere. A regionally linked work visa would benefit communities outside London and the South East helping to boost all sectors of the economy across all regions.

Some areas will undoubtedly have greater demand for migrant labour than others. The problem is they currently compete directly with each other, benefiting some regions over others. A regional approach could better reach areas in need of added support. There

are models to consider, such as Canada's immigration system where immigrants have the ability to apply for work visas that may be connected to a specific province.⁴⁴ This is part of a larger system whereby most obtain visas not tied to a province. The benefits are that immigration can be directed better to regional and national needs, for example through different salary thresholds, regional occupancy shortage lists and a cap on numbers. This would improve the points-based system's agility and make it more pro-business.

SEASONAL WORKERS

Seasonal work, including unskilled labour, is too often missing in most immigration strategies. We need to have a fit for purpose approach to seasonal work, not only for skilled labour. In 2019, the government offered 2,500 places on a pilot seasonal work scheme. This rose to 7,236 visas the following year and 30,000 places available for 2021. The pilot under-recruited by several thousand each year with more than a quarter of places left unfilled. Eighty-seven per cent of the seasonal workers were Ukrainian nationals.

What these figures show is a lack of any credible plan for controlled immigration of seasonal workers. The large gap between the number of visas offered, prompted by employer demand, and places filled as well as the fact that the system has become overly reliant on nationals from a single country to keep

our agricultural sector functioning makes the problems abundantly clear. Labour should consider setting out a review for creating a sustainable pathway that best delivers prosperity. Seasonal work must be controlled and local economies protected. But clearly there is a role for government in developing a strategy to support sectors reliant on seasonal work, even if it is to plan for ensuring any seasonal migrant work is kept to a minimum.

CONCLUSION

Labour has rightly said it wants to make Britain open for business again. We can improve the current points-based system by revisiting fees for work visas with a view to reducing them overall. We can make the system better tap the full potential of the country by scrapping a one-size-fits-all minimum salary threshold that has a discriminatory effect on different parts of the country in favour of a more inclusive occupation-specific threshold with carefully managed regional visas. Labour can create a more controlled and responsive system that businesses have been calling for, bringing benefits for us all.

Labour is the party of business and these reforms would make that clearer, supporting greater prosperity for all through a more flexible points-based system – and in a way that maintains control while seeking to find new ways to support economic migration. This will better help businesses explore new opportunities to boost the economy.

CHAPTER 2

SUPPORTING STUDENTS

Boosting the UK's share of international students is a central part of the government's plans for a 'global Britain'. This has been a generally positive story. New study entry visas have grown from 334,735 in 2012 to 395,067 by 2019 and are expected to rise further still.⁴⁵ This has brought many benefits to the UK for schools, further education and universities in particular, but also to the economy and local communities.

As an academic for two decades and former law school dean, I have seen many of these benefits first-hand. A diverse classroom brings different perspectives into conversation that can expose unwarranted assumptions and deepen understanding for all. We learn more from each other. A diverse environment improves graduate employability, the research environment and the student experience. These are all good things.

Labour should consider supporting the current direction of travel for further managed growth, but should introduce several key changes to make this sector – a world-leading success story – even better.

IMPROVED ACCESS

We can improve access to education for migrants who come to the UK in childhood. University fees are a barrier. Under current rules, a non-UK citizen might obtain student loans if they are granted indefinite leave to remain before their university course starts. But this means that someone who is granted permanent settlement the day after a university term starts will be ineligible for the whole of their degree. Students can lose out where there are Home Office delays confirming their status or if they are unable to pay the high costs of a premium priority service.

Labour should close this loophole. If non-British students would have been allowed to obtain support if they were a permanent resident, then they should be able to apply for these student loans after permanent residency is granted and even if their course has already started. These students are not new arrivals and will have spent all of their secondary school years in the UK, making their future here. What matters is when a student acquires permanent

residency, not the date a course happens to start. It should not be the case that one student who becomes a permanent resident the day before a course begins can access student loans while someone at the same university receiving their permanent status confirmation two days later receives nothing at all. While relatively few are likely to benefit from a change to the system, this is about fairness and the arbitrariness in the current rules must end.

OVERSEAS STUDENTS

We need to better manage the place of non-UK students in our educational institutions. As these students can pay fees twice or more than British citizens, there are concerns that institutions are incentivised to become overly reliant on international fees to maximise income. This might be more of an issue for the Department of Education than the Home Office.

Nevertheless, there must be a balance struck to ensure all students are treated similarly regardless of whether they are British or not. The primary means of assessing satisfaction for non-UK pupils is the number who apply and take a place. Studies like the National Student Survey consider course cohorts as a monolithic group. This is too limited. Survey results for UK and non-UK students should be compared, with potential consequences if the gap between UK and non-UK students becomes too great. Institutions should have freedom in how they use resources to maintain excellence, but no group should be exploited to benefit another.

Overseas university students can apply for a graduate visa on completion of their degrees. This visa is normally for two years, although students with a PhD or doctorate can receive one for three years. This visa route is important as it attracts overseas students to Britain with the possibility of beginning careers after graduation. Plus, the locally trained highly skilled labour is in demand. This route has been a success and Labour should consider continuing it with a view to reviewing its possible extension to best promote prosperity.

STUDY ABROAD

After 1987, UK citizens were able to participate in the Erasmus programme allowing student exchanges across the European Union supported by a modest supplement. Following Brexit, the UK left Erasmus and the government launched a replacement Turing scheme in 2021. Although it created a student exchange programme including more countries and providing some welcome subsidies for students, it was a step backwards overall. For example, this new programme has reduced opportunities for foreign students to come on exchange to the UK – and it has stopped funding academic staff exchanges.⁴⁶ These shortcomings stifle academic and cultural opportunities to engage in research networks and develop collaborations.

Labour should consider boosting the Turing scheme in three ways. First, it should look at funding for non-UK students to come to Britain on exchange. This would promote their continuing further study in the UK, benefiting our

further and higher education sector. Second, any student on exchange can currently only visit for six months. Labour should consider extending this to a maximum of one year for exchange students to allow stronger engagement both for non-UK students coming here and British students travelling abroad, making the UK a more popular destination.⁴⁷

Finally, the Turing scheme should be expanded to provide some opportunities for academic staff to go on educational exchanges abroad. This would be an invaluable experience connecting our institutions globally while supporting crucial academic development for staff which they could use to enrich their British classrooms on their return.

YOUTH MOBILITY

The youth mobility visa allows individuals between 18 to 30 to work, start a new business or study in the UK for up to two years. This visa should be expanded and improved. The quotas should be increased, the list of participating countries should be extended, and all should be subject to the same terms and conditions. For example, people from Hong Kong, Japan, South Korea and Taiwan must be selected through a ballot with a 48-hour window while nationals from Australia, Canada, Monaco, New Zealand, San Marino and Iceland face no such restriction. The scheme should be simplified, with the same terms applied for all and the scheme should be opened to any country that wants a reciprocal arrangement so that in practice the migration flows can be made to be fairly equal.

While visitors should continue to have no recourse to public funds like social security and housing assistance, the health surcharge applied is far too high. This surcharge is £470 for children, students and youth mobility visas.

(Otherwise, it is £624 for others and it is discussed in chapter 7.) The funding raised from the surcharge supports the NHS and is meant, in part, to offset the costs that might be incurred by the NHS from migration. However, the figures used are ‘guestimates’ and do not reflect the actual impact on the NHS which is likely to be much lower given younger people tend to rely on NHS services less. Labour should assess which health and care services are genuinely accessed by young people using this scheme, and fix the fees accordingly to avoid constraining this welcome visa scheme.

CONCLUSION

Students have been fortunate to receive significant government support broadly and educational migration is less of a problem area than others. Nonetheless, Labour can make several reforms to improve how the immigration rules work for students, so enabling greater prosperity for Britain. These changes should include improving access to education for students with permanent residence who, but for bad luck, should normally qualify for funding support; monitoring the satisfaction of UK versus non-UK students during their studies ensuring their comparability and developing a more extensive Turing scheme to facilitate educational exchanges. Labour is the party of ‘education, education, education’. These reforms will help us deliver this.

PART 2

RESPECT

The second principle in Keir Starmer's contract with the British people is respect. This section of the pamphlet considers ways in which the principle of respect could be applied to immigration. The Labour leader defines respect as ensuring everyone has the right to live in places we care for, to have our lives and ambitions taken seriously and to be valued for who we are and what we do. The chapters overleaf show how respect can become embedded in immigration policies relating to families, the integration of immigrants in our communities and the path to citizenship.

CHAPTER 3

FAMILY-FRIENDLY

Our immigration system is not family-friendly. The total number of family visas has grown modestly from 89,412 in 2010 to 108,029 in 2019.⁴⁸ But these figures obscure the problems in a system so confusing that it has been described as ‘a system that puts Kafka to shame’.⁴⁹

Family visas fit somewhat awkwardly within a points-based system and the government’s independent Migration Advisory Committee advised against including them in a points-based format. The reason is that a points-based system is supposed to provide a list of different factors that earn points to be added up – and if you earn enough points, then you can be entitled to obtain a visa. As the Migration Advisory Committee claimed, asking that everyone meets all of the same requirements – such as being in a marriage or civil partnership, knowing English and the couple meeting a salary threshold – makes the system operate as a tick-box exercise. It is points-based in name only as there is no flexibility in how you can acquire tradeable points to get a visa.⁵⁰ This inflexibility creates barriers that can separate British families and

raises serious concerns about equality detailed below.

Keir Starmer’s Labour has rightly focused on the importance of families and an ambition to make the UK ‘the best place to grow up in and the best place to grow old in’. This chapter recommends several policies to ensure a greater respect for families.

KEEPING BRITISH FAMILIES IN BRITAIN

Falling in love should not mean living apart. Yet this is the fate that our family visas rules inflict on too many British families.

Whether a family visa is granted is more a matter of how deep your pockets than your love for your family. For example, a couple must make at least £18,600 combined, or earn even more with any dependents, rising to £24,800 for a family of four. This salary minimum is set at a level where the family would likely not require any tax credits or housing benefit – and it is a standard condition that recipients of spousal visas do not have recourse to public funds

anyway. It would seem unnecessary to ensure individuals cannot claim benefits that they are ineligible to receive – unless the primary motive is exclusion and breaking families up. Oxford’s Migration Observatory estimates the income requirement has prevented about 15,000 British families from settling in the UK.⁵¹

The salary threshold in most cases must be met by one in the couple alone – the British spouse. This is because the income must be earned in the UK – and the other partner may be unable to work until after receiving a spousal visa. Nearly 20 per cent of British working households would be excluded from living in Britain with a non-UK spouse because their salary is too low for immigration requirements.⁵² While many of us take for granted that we can live and grow old with our family whether rich or poor, this is not a luxury a sizeable minority enjoys.

And British citizens seeking to relocate to their home country with a non-UK spouse or children are put at a further disadvantage. Not only must they earn an income above the salary threshold, but they must secure a job paying this amount before they arrive at the border with their family. They do not have an opportunity to get settled and find work after returning to the UK. In practice, this necessitates a separation so that the British partner can secure work at £18,600 or more for at least six months before being able to apply for a visa to bring a spouse to the UK.

The situation worsens when it comes to reunifications with older family members, such as elderly parents or other

dependent relatives. This is because there are further income requirements, such as meeting all costs of maintenance, accommodation and care for at least five years.⁵³ This seems a clear effort to deter older family members from being cared for by their relatives in the UK, including by British citizens. The Conservatives’ income rules break up British families rather than bringing them together. Their priorities are wrong.

Labour should review the salary requirement for families. The review should consider whether the salary threshold is in the national interest and, if it is not, it should be scrapped immediately. Labour should also consider granting short-term family visas for a set period of time such as six months to British families looking to settle to allow them to obtain a salary instead of requiring it before entering the country. This would prevent families being split up and enable both the British and non-British partner to work immediately. At present, a British citizen’s family can only enter on tourist visas and are then expected to leave the country pending approval of new family visas allowing them to return.

Spousal visas normally come with no recourse to public funds. However, circumstances can change and where the Home Office accepts someone is facing or at serious risk of destitution then it may lift this ban, for example because of family separation or abuse. But this comes at a cost of having to wait 10 years before they are able to apply for permanent settlement. The Home Office has suspended this automatic requirement temporarily pending

a review.⁵⁴ Individuals approved to receive recourse to public funds to avoid destitution should not be punished with a decade-long wait. This is unfair and lacks compassion. Labour should allow anyone on the family route to receive recourse to public funds, if approved by the Home Office, without additional residency required for settlement.

EU STATUS

Circumstances have changed significantly for families which include EU citizens, as there are now fresh hurdles to their continuing to live and work in the UK. One example is a recent government U-turn. EU citizens already living in Britain before Brexit had to obtain either 'pre-settled status' or 'settled status' in order to stay post-Brexit. The main difference between the two is that pre-settled status is designed for EU citizens resident continuously for less than five years in the UK before Brexit and settled status is for those continuously resident for five years or more.

After five years is completed, EU citizens with pre-settled status qualify for settled status allowing permanent residency. However, the Home Secretary has recently imposed a new requirement for these individuals who will have to reapply before their five-year residency is completed. If they do not, then they will lose their current rights to work, access to housing and benefits and be liable to removal.⁵⁵ This change will impact about 2.3 million people.

This U-turn is irresponsible and unfair. Promises made only relatively recently impacting so many people

should be honoured. We should support EU citizens living in the UK under the terms that were agreed and shared, as they are our family, friends and neighbours. EU citizens with pre-settled status should receive settled status without the need to reapply. This has the further benefit of helping to conclude the transition of EU citizens in the UK to permanent residents.

A ROBUST AND HUMANE SYSTEM

The family rules for migrants discriminate against women who are immigrants. For example, most spousal visas are held by women. They can cost £1,523 – or more if including dependents – a cost higher than most work visas. The visa lasts for 30 or 33 months depending on whether it was applied for applied within the UK or from elsewhere. The rules require five years' residency prior to being able to apply for permanent residency. In addition to the spousal visa cost, individuals need to pay an annual health surcharge of £624. These costs add up fast and many families spend thousands on immigration-related fees so that British citizens can live with their loved ones in their country. These costs are incurred for the spouses or partners for non-UK citizens on work visas as well, meaning they pay twice over through both the health surcharge and taxation.

Labour should review this. Permanent residency is a way out with a one-off fee and no further health surcharges to pay afterwards. But the costs of £2,389 are prohibitive and much more than some can afford even though they would be entitled to acquire permanent residency if they paid.

As argued in chapter 7, there is a case for reducing these fees.

There is a problem of equality that arises here. After at least five years continuous residency, someone on a spousal visa could apply for permanent residency. As we have seen, the costs can be prohibitive and many do not apply even though they might meet all requirements. If a spouse were to end the relationship before a non-British partner had acquired permanent residency or a different visa allowing them to remain in the country, the non-British partner's visa ends at the same time as the relationship and they must leave the UK. So despite this person having met all requirements until the relationship ended they have no right to remain and all the years of residency accrued during the marriage are reset to zero immediately. They will have to start again from scratch. This is a problem of equality as more women than men possess spousal visas – so they are more exposed to this problem and to the risk of being exploited because of it.

I recommend that Labour consider a transition period allowing some extra time for a spouse or civil partner to apply for permanent residency if they met all requirements before the relationship ended. A strict timeframe of no more than six months from the date of the break-up would allow sufficient time for an application to be made and costs paid before they might have to try again from scratch. This fair play approach respects the equality in families, better allowing all to exercise the rights that are earned.

There are few other options available for someone in this position. One possibility is to stay as the parent of a British

child who is settled in the UK. But under the current rules the child must have been in Britain for at least seven years.

This is an arbitrary and unfair timespan: it risks forcing British children out of their native country because they are not yet old enough to have the right to stay with a non-UK parent caring for them here. That is not fair play. A child's age should not matter for immigration purposes.

Labour should consider reducing this requirement to a maximum of five years, possibly less, like most work and spousal visas. This reform would make the system fairer for British children who we should want to live their lives here as well for those who care for them.

When relationships break down, this can invalidate a family visa – but only if the Home Office is aware. The government has struggled to improve the system. Perhaps its most appalling effort is the use of 'inform UKVI of a relationship breakdown' form.⁵⁶ Anyone is encouraged to report that their marriage or civil partnership with a non-UK national has ended to the Home Office using this form. I have long argued that the use of this form is deeply worrying.⁵⁷ First, it could be used by abusive partners to take advantage of non-UK partners by threatening to report them for deportation if they did not comply with their demands. Second, the form seems seriously ill-thought out. It neither asks for the contact details of either the ex-spouse nor the British national, it does not ask for the ex-spouse's nationality nor does it say where to send the form once it is completed.⁵⁸ Perhaps it is unsurprising to see that the Home Office has no record of receiving one in over six years. Yet

the form remains online for download on the government website.

This does not mean there is nothing more we could or should do to know when relationships end and relevant spousal visas become invalid. It might be more effective for the Home Office to be notified directly by the court when spouses divorce or civil partners receive a dissolution order. Under the current rules, a spousal visa is invalid when this happens and yet no one gets around to telling the Home Office.

I recommend that Labour join things up to improve enforceability. The Home Office should be informed by the court when divorces or dissolutions take place so that spousal visas can be recorded as invalid in a transparent way. It is not fair to allow someone to retain a spousal visa but no longer have a spouse, especially if measures are taken – as recommended above – to grant people time post-divorce or dissolution to apply for permanent residency. This reform would provide a better way of ensuring the validity of spousal visas and preventing abuses than the government's reporting form. An improved means of ensuring spousal visas remain valid would assist efforts to expose sham marriages, where individuals falsely claim to be in a relationship together to secure a visa by deceit. The government has struggled in this area and improved means of enforcing family visas would be a good step forward.

COMPENSATING WINDRUSH VICTIMS

The government has admitted its mistakes in creating the Windrush scandal which saw British citizens and permanent residents wrongfully

processed for deportation. Yet lessons have not yet been learned and actions have repeatedly fallen short of promises made. The Home Office has accepted its payment of compensation to victims has been too slow and too little.

Labour must ensure this scandal never happens again. For a start, a Labour-run Home Office should consider calling those affected what they are – victims – and not 'customers'.⁵⁹ Language matters. Our fellow citizens and neighbours were wronged. This needs to be recognised and accepted at every stage. Windrush is not about customers but about justice.

The government did not identify nor address unintended consequences sufficiently before making changes to the immigration system. Oxford's Migration Observatory is correct to point out that more systematic evidence gathering, consultation with actual users of the immigration system, the production of more policy-relevant data and the systematic independent evaluation of all major policies in advance of implementing them will help ensure there is never another Windrush inflicting unimaginable on affected families.⁶⁰ Labour should consider implementing these recommendations to avoid similar tragedies in future.

CONCLUSION

Conservative immigration policy towards families seems designed to separate British families or exclude them from living in their own country. This applies to minors as well, since young British children may be deported if living with a parent from a different country unless residency and other

requirements are met. The rules discriminate against spouses and particularly impact women.

The current system is unfair. Labour

should consider transforming it into a more family-friendly system that is robust and humane and provides better support and respect for British families.

CHAPTER 4

KNOWING ENGLISH

A shared language is a common bond. When conversations turn to the successful integration of immigrants, then ensuring all meet a minimum standard in English has widespread support. This standard means being able to read, write and speak English well enough to understand familiar matters at work, study or leisure and to use the language independently.⁶¹

LANGUAGE LOOPHOLES

Those applying for work, family or study visas including permanent residency and citizenship must possess a sufficient standard of English. One problem with this requirement is that it is inadequately enforced. Not everyone needs to prove they have passed an English test to satisfy the Home Office and receive a visa. The government has introduced a long list of loopholes whereby various individuals might be exempt from having to demonstrate they know a single word of English.

The first loophole is that citizens of specific countries, such as the United States or New Zealand, are not required

to provide any proof of knowledge of English other than their nationality.⁶² The government's list of these exempt countries is curiously pulled together including a mix of some (but not all) countries that have English as an official language and some countries where English is a de facto official language (but not all of these either).

This loophole is a problem because holding a passport is no proof of knowing English proficiently.⁶³ Not all adult Americans speak English (as I know first-hand as an American), but the UK's Home Office assumes they do without any questions asked. A second loophole is that anyone who has studied at undergraduate degree level or higher in English, even in a country not on the exemption list, qualifies as having sufficient English knowledge. But having a degree from anywhere in English is no guarantee that a graduate will always meet the required standard, if tested.

Labour could and should close these loopholes. This would ensure that the requirement to know English is actually being met, so treating all applicants

fairly.⁶⁴ It would be better for migrants as well, as they would be better able to integrate and make a life in the UK if English standards were enforced. Language requirements are important. Additionally, we should ensure equal recognition of native British languages like Welsh, Scots Gaelic and Cornish to honour British culture in the immigration system.⁶⁵ It would underline their status as protected minority groups. It would further bring communities together to flourish in their diversity.

It is critically important that we have confidence in English tests. In 2014, an undercover report by the BBC's Panorama programme exposed organised cheating in two of 90 Home Office-approved exam centres. US-based test provider Educational Testing Services (ETS) was asked to reassess whether 58,459 English exams sat between 2011 and 2014 were valid. ETS came to the conclusion that 97 per cent were thought to be suspicious. This led to more than 7,000 students having to leave the country when the Home Office acted against them. Yet, more than 3,600 won appeals against the Home Office's refusal to grant visas in what has been described by the shadow immigration minister Stephen Kinnock as a 'shocking miscarriage of justice'.⁶⁶ Labour must take extra care to ensure that providers delivering key services for the government manage them in a fit for purpose way.

END POSTCODE LOTTERY SUPPORT

While the government requires migrants to know English up to a set standard, there can be barriers to finding a place to do so. After many years of Tory funding

cuts, there is a postcode lottery of support for English proficiency.

I have spoken to some providers, for example in Hull, who could work with new individuals within a few weeks, while in other locations, especially in the south of England, it might take several months or up to a year on a waiting list. There must be greater equality of opportunity for all who need to learn English. It is not fair to insist migrants pass tests that are unduly difficult to access because of geography or wealth.

It might be said that closing these loopholes and actually requiring everyone to provide evidence of meeting the same standard of English proficiency would be an unnecessary waste of resources. I disagree. Since it is the applicant's responsibility to obtain a test, the costs are borne by applicants and delivered by non-governmental providers so it would not cost the Home Office more to implement this policy.

English language support providers regularly highlight the underfunding of their services. The standard test for English proficiency currently consists of speaking and listening only for either seven minutes or 10 minutes depending on which visa is required. Perhaps a different or shorter test could be developed to more quickly confirm native and fluent speakers meet or exceed the relevant standards. Moreover, an increase in the number of tests taken would create extra income for providers. This additional resource could help provide additional support for those with little or no English who require more time to progress to meet standards.⁶⁷

CONCLUSION

This chapter examined how the English standards requirement is weakened through loopholes and a postcode lottery of support. It is not fair to local communities to inadequately enforce standards of English that

help ensure integration. Nor is it fair to require English standards when support to meet them is unavailable. A fair approach to immigration can guide us towards solutions that show greater respect for citizens and migrants alike.

CHAPTER 5

CELEBRATING CITIZENSHIP

This chapter examines citizenship. About 170,000 immigrants become naturalised citizens each year.⁶⁸ Each fulfils criteria around minimum residency requirements, possessing ‘good character’, knowing English and more – like passing the ‘Life in the UK’ citizenship test.

TESTING TIMES

The UK’s test has been likened to ‘a bad pub test’,⁶⁹ with questions for British citizenship that few British citizens can pass.⁷⁰ And in the past I labelled it as ‘unfit for purpose’. ‘unfit for purpose’.⁷¹ I know about the test. I passed it to become British.

The test’s problems are many. There are roughly 3,000 facts including about 278 historical dates to memorise, but many never appear on any test. The facts include telephone numbers for places like the front desks of the House of Commons, Welsh Assembly and Scottish parliament – although Stormont in Northern Ireland was somehow left out.

The information that is included lacks a rationale. Everyone has to know that

former Conservative Prime Minister Winston Churchill had been ‘voted the greatest Briton of all time by the public’.⁷² But no one was told this vote was conducted through a BBC evening series where viewers paid to vote on the basis of which of a series of biographical episodes that they liked best. The only non-royal spouse you need to know is Sake Dean Mahomet’s wife, Jane Daly, described as ‘an Irish girl’ he eloped with.⁷³ It must be known Mahomet launched the first Indian curry restaurant on George Street in London although it was only around a short while and has long since closed. The test handbook states that Margaret Thatcher remains alive despite her death almost a decade ago in 2013 shortly after the handbook was published. The test examines facts like these which can be trivial and can be of little help in integrating permanently or in promoting active citizenship.

The citizenship test should matter. More than two million have been sat since its launch in 2005. Yet after three published editions over nearly two

decades, each edition having serious errors and omissions, no government has ever conducted an official consultation to evidence the test's purpose of ensuring new citizens had sufficiently integrated and acquired knowledge of life in the UK. Given the many well-known and continuing problems, such a review is long overdue.

I have previously recommended that a citizenship advisory group should be established.⁷⁴ This group should be tasked with ensuring the test is fit for purpose. It should engage widely with both naturalised citizens who have passed the test, and members of the general public who have not, to ensure that the test fulfils its purpose and the public have confidence in it. At present, neither is true. Labour should agree to put this right – after all, Labour launched the original group to create the first test.

A test for citizenship should be for citizens. The test is currently required from non-UK citizens applying to remain permanently or become a British citizen. The public are regularly surprised and unable to answer test questions which makes a mockery of the whole exercise and fuels negative feelings from non-UK citizens having to pass the test. The test should include things that most British citizens ought to know.

There should be a new fourth test edition written that finally addresses the failings of past editions. To better ensure this is relevant for all citizens, secondary school children should be taught about its contents – which should include practical information and not just British history – and they should be assessed on them. Citizenship tests should be exercises most

citizens can pass that build bridges, not barriers, between citizens old and new.

THE CONTRIBUTION TEST

The integration of immigrants is not a one-way street. There are responsibilities on both immigrants and the communities where they settle. These could work together in what I call a new non-mandatory contribution test for citizenship that Labour should consider introducing and which might expedite eligibility for becoming British.

Consider the context. Immigration is regularly said to bring benefits both cultural and economic to Britain – and it does so. Critics claim the benefits are largely enjoyed by the immigrants and their employers, with little coming to the community. Of course, we should continue to challenge critics and show the many contributions that Britain receives from immigration.

But nevertheless, this context raises an important point: since migrants bring skills, experience and knowledge that enrich our communities and benefit the economy, how can we make these more visible and concrete? After all, it is one thing to argue a point and another to see things for oneself.

I recommend a solution. Labour should consider launching a new contribution test for anyone considering becoming a British citizen. The test would work like this: immigrants would spend a nominal amount of time, say 10 to 20 hours, volunteering for any charity, public body or religious organisation. This could be delivered all at once or during multiple visits. The host institution need only confirm online to the

Home Office how much time was spent on a particular day. The contribution test is met when the required hours are reached. There is nothing to study, there is no fee to pay and it would be flexible for whenever the migrant and host could arrange to meet together.

A Labour government could not make this happen alone. This new test would require charities, public bodies and religious organisations to agree to give their time by hosting immigrants seeking to remain in Britain indefinitely. It is important this service is not in lieu of paid employment. In return, these organisations would be able to work with a large number of individuals keen to get in contact and become involved in their important work. Each would be supporting the other.

Once the test was complete, it is likely many immigrants would continue to support the organisations where they had volunteered, making contacts and friends as they further integrate into their communities. This is a good thing to be encouraged.

To incentivise this benefit, Labour should consider an expedited route to citizenship for those who have passed the contribution test. The standard procedure for immigrants to become naturalised is to receive permanent residency – usually following a period of at least five years in the UK – and then to apply no earlier than a year later for citizenship. This could be sped up for someone who had passed the contribution test, for example they might be able to apply for citizenship three to six months after being granted permanent residency instead of having to wait a full year.

There might also be a reduction in the application fee for those applying for citizenship that have passed the contribution test.

The programme would bring real public benefit, revitalising our social capital and providing a significant injection of support to local people. It would provide opportunities for citizens to learn about the skills, expertise and experiences of others – and to help their communities in different ways, such as supporting vulnerable people in their area. Volunteers could improve their employability through acquiring new skills and insights or provide support for a favoured charity or religious organisation. The full diversity of migrants – from city bankers and lawyers to homemakers and refugees – could make a contribution no matter how small.

Migrants should be able to work towards completing the contribution test without delay during their limited leave to remain. The standard period of five years or more provides plenty of time to complete the test without creating any unreasonable burdens.

Critically, this test should be non-mandatory. No one should be required to pass the contribution test and so no exemptions would need be considered. The standard route to permanent residency and naturalisation would remain.

But we should foster active citizenship better for those interested in becoming British citizens. The contribution test would be a worthwhile nudge in that direction – and a concrete way of bringing immigration into Keir Starmer's vision of a 'contribution society'.⁷⁵

Moreover, local people would be able to see for themselves the contributions that immigrants can and do make. Labour could then show over time the many tens of thousands of hours or more each year that immigrants contributed to supporting this country beyond employment and family responsibilities. It would foster a greater sense of mutual respect and appreciation between citizens old and new to the benefit of all.

CELEBRATING CITIZENSHIP

It was a Labour government that introduced citizenship ceremonies. The idea was that they could serve an important symbolic role where individuals are confirmed as British citizens for the first time. Many new citizens have found these to be special, memorable events.

But there is much we could do to make these moments even better. Too often ceremonies are held privately for new citizens and their guests, tucked away in a city council office or back room. The public is not normally aware of how these events work or even that they happen. The experience can be very different elsewhere. For example, in the United States, new citizens might be sworn in as citizens in public at large sporting or other events. The response from audiences is enthusiastic, cheering new citizens and celebrating their achievement.

If Labour wants to reclaim its patriotic core, we could do something similar by making the celebration of citizenship into more public affairs. Not everyone would choose to become British so publicly. But many would and would see the opportunity to enjoy an event afterwards as

a great way to mark a special occasion.

We should welcome with open arms those who wish to become British and have satisfied all the requirements for doing so. It underlines our pride in being British, our commitment to sharing this pride publicly and getting local communities to join us. A contribution society cannot be a place where we only give: instead we should recognise and show our appreciation for the contributions others have made, not least in becoming British citizens.

A NEW BANK HOLIDAY – UK DAY

The United Kingdom has fewer bank holidays than most of our friends and neighbours. There are eight in England and Wales, nine in Scotland and 10 in Northern Ireland. By comparison, Australia and Germany each have up to 13 depending on the state, France has 11 and both Italy and the United States have 12.

We have days of great significance that bring us together. A prime example is Remembrance Sunday held on the second Sunday each November. This date commemorates the contributions of British and Commonwealth military and civilians defending our country. It is an occasion of deep importance, honouring the achievements of courageous and diverse people who did so much for us today. Many of us wear poppies at this time in recognition.

In the spirit of a national thank you, Labour should introduce a new bank holiday modelled, in part, on the Thanksgiving holiday found in several countries, such as Canada and the United States. This is a time where families come

together in November, and informally begins the Christmas season. Britain has no similar holiday for itself.

I take further inspiration from Australia Day which has been in place for many years, but which did not have a set date for all of Australia confirmed until 1994. The day is a moment for citizens to reflect on their past and future. It is the biggest day for swearing in new Australian citizens at hundreds of citizenship ceremonies across the country and more recently there have been events where citizens may choose to reaffirm their citizenship.

The new bank holiday – the first since 1978 – should have its own name – such as United Kingdom Day, or UK Day for short – and would fall on the Monday immediately following Remembrance Sunday.⁷⁶

UK Day would bring together the common spirit of unity, citizenship and celebrating diversity found in both Australia Day and Thanksgiving Day. Families would be able to spend more time with each other, an opportunity which has become even more special following national lockdowns. The date should also be used to not only hold and publicise citizenship ceremonies, but to engage the public in this journey and get more to think about what being British means to them. The day could also provide a useful chance for non-UK citizens to learn more about becoming British and what it would mean to take part in a future citizenship ceremony – while avoiding Brexit-related jingoism.

UK Day would naturally complement Remembrance Day and raise the profile of the weekend in a meaningful way,

adding something important that could be marked in a number of ways. After the difficult time we have all had recently, such an annual holiday could not be launched soon enough.

MINISTER FOR CITIZENSHIP AND CIVIC PARTICIPATION

The immigration system is hampered by silo working. The system interacts across a number of different Whitehall departments, including the Treasury, the Department of Education and Department for Work and Pensions. Some have argued immigration should become a department in its own right separate from the Home Office. While I do not recommend such a restructure, I endorse the view of the House of Lords select committee on citizenship and civic participation that a new post of minister for citizenship and civic participation should be established to work across the different departments joining policy up. Their Lordships recommend this role is placed outside the Home Office and instead be part of the Ministry for Housing, Communities and Local Government.⁷⁷

This new minister could table an annual report to parliament providing an update on the government's immigration and citizenship strategy. Far too much immigration policy-making is currently directed through secondary rules that avoid parliamentary scrutiny. This change would be an effort to improve transparency and accountability to both Houses. By creating a new ministerial position, Labour would improve the quality of joined-up policy making.

CONCLUSION

This chapter has explored ways in which we can improve citizenship and civic participation. We have a test for citizenship that is unfit for purpose and requires an urgent revision. Labour should launch a citizenship advisory group to lead a public consultation – like a Labour government did originally – to put this right in a new test edition. Immigrants make underappreciated contributions that benefit our communities – and not only economically. A new contribution test requiring a nominal effort through volunteering from each will add up in totality. It would benefit integration, foster a healthy community and improve respect.

Labour should consider transforming the citizenship ceremonies from private gatherings to a more public celebration. A new ‘UK Day’ bank holiday to immediately follow Remembrance Sunday would create a space for thanksgiving, building community spirit through honouring our diversity and solidarity. Finally, a new minister working across government departments to coordinate the joining up of policies relating to citizenship and civic participation would shine a brighter light on an area that needs it. (The continuing errors and omissions permitted in successive citizenship tests are evidence of this.) A Labour government launched citizenship consultations, tests and ceremonies. Only a Labour government can build on this work.

PART THREE

SECURITY

Security is the third and final principle in Keir Starmer's contract with the British people. This part examines how this principle could be applied to immigration controls. Starmer brings this to life by saying everyone should have the right to feel safe in their community, to have job security and to know the NHS is there when needed. The chapters below consider issues such as new requirements for entry, ending the hostile environment, the use of fees and ensuring a self-sustaining and self-funded immigration system, a migration contribution fund and reforming asylum policies.

CHAPTER 6

SMARTER BORDERS, BETTER CONTROLS

Labour is regaining public trust on immigration. For the first time in a long while, we are ahead of the Conservatives on the issue and the polling continues to look positive as perceptions about immigration are changing.⁷⁸ After a dismal record chalked up over a decade, immigration is now the policy area where the Tories score worst, according to an Ipsos Mori opinion poll in December 2021 where a mere 14 per cent of the public thought they were doing a good job.

Part of Brexit's successful appeal to voters was that it would help Britain control its borders better. The declining fortunes of the popularity of the Conservatives' immigration policies is, at least in part, a reflection of their inability to show the benefits of Brexit in enabling improved border controls.

This can be an uncomfortable space for Labour. Some supporters might view any new suggested restrictions as an attempt to outdo the Tories on the political right. Even the mere mention of support for 'controls on immigration' at all can be viewed as abandoning our values. There are many who wish free

movement could return, although it was always a myth that EU migration was uncontrolled or that the UK could not remove EU citizens – as we certainly did do so.⁷⁹

I do not agree that this is an area Labour should not touch. We live under the rule of law, a fundamental British value. Our laws should be fair and justly enforced. A fair approach to immigration is consistent with our Labour values. It helps us distinguish between current policies which should be scrapped like the hostile environment and new ideas such as developing further the good character requirements. Fairness is essential and should be our guide in improving security with respect and justice. This chapter develops several policy recommendations for how this can be delivered in a Labour way.

END THE HOSTILE ENVIRONMENT

Labour members and supporters rightly want to see an end to the Conservatives' hostile environment policy. Originally, the hostile environment policy was presented as a means of exposing

immigrants living unlawfully and deporting them. Its purpose was to crack down on individuals overstaying their visas and residing unlawfully in the UK. Yet, in fact, it has failed. For example, checks on individuals opening up bank accounts were only applied to migrants in the UK here unlawfully who were already 'known to the Home Office' and liable for deportation.⁸⁰

The Conservatives promised this controversial approach would smoke out individuals in breach of the immigration rules, but as we shall see it was woefully ineffective at fulfilling its stated purpose. Overall net migration continued to hit record highs demonstrating that the Tories may have talked tough, but it was all smoke and mirrors.

As public attitudes towards immigration have become more positive, the net migration target has been dropped and the policy conversations have now changed from *cutting* immigration no matter what the consequences to ensuring *control* over immigration.

The hostile environment did neither. It attempted to make private citizens serve as part-time border agents. Immigrants could buy properties, but they were required to show proof of lawful residence to private landlords in order to rent a home. Bank accounts could not be opened unless lawful residence was confirmed as well, among other measures. But when asked about what consequences these checks have had, the government admitted that they had not, in fact, led to anyone being newly identified living in the UK without a proper visa.⁸¹

The hostile environment policy created an antagonistic culture that divided

communities and undermined mutual respect. This was perhaps no more visible than with the use of advertising vans driving across select London boroughs bearing signs saying 'In the UK illegally? Go home or face arrest'.⁸² The government claimed these so-called 'go home' vehicles were a success leading to 60 voluntary departures deemed 'directly attributable' to the vans. But they only ran for a total of four weeks in 2013 never to be used again which suggests the opposite.⁸³

A lesser-known part of the hostile environment involved the use of the National Engagement Community team. Their purpose was 'to lure immigrants to advice sessions ... persuading them to leave the UK'.⁸⁴ In answers to Labour parliamentary questions, the Home Office revealed it had no records of who turned up.⁸⁵ Despite the community team holding 20 meetings in 12 months,⁸⁶ it did not have any record of uncovering a single individual in the UK unlawfully and eligible for deportation.⁸⁷ The exercise was completely futile. More tough words behind a poorly thought-out plan.

There are two key problems with the hostile environment. The first is that there is no evidence it has worked. There are no records kept of how many people fail initial right to rent or bank account checks. They do nothing to reduce unlawful residency in any meaningful or constructive way. The hostile environment claims to be an effective tool for enforcing immigration rules, but it is anything but that.

The second – and key – problem is its cruelty. The efforts to enforce immigration rules have been unnecessarily divisive for local communities. They

have further damaged public confidence in an already beleaguered and unfit for purpose Home Office in desperate need of a change in culture and command. The hostile environment meant for immigrants here unlawfully became a hostile environment for all. This was seen most clearly in the Windrush scandal discussed in chapter 4. A fair approach to immigration could never accept a policy programme that is both ineffective and cruel. Labour should consider repealing relevant provisions in the 2014 and 2016 Immigration Acts.⁸⁸

BETTER ENTRY AND EXIT DATA

Good policymaking requires reliable data. Successive governments have tried and mostly failed to introduce an integrated digital system for border management. For example, Labour launched the e-borders project intended to collect and assess advanced passenger information on more than 200 million journeys across air, rail and ferry carriers in a comprehensive and ambitious endeavour. Yet, this never achieved its aims, costing £830m between April 2006 and March 2015, including a £150m out-of-court settlement relating to the cancellation of the original e-borders contract, while never getting close to collecting all passenger information.⁸⁹

Building off the experience of handling over six million digital applications to the EU settlement scheme, the government is undertaking a new attempt at an integrated digital system called the eVisa, intended to become a full digital experience.

Labour should consider supporting this project. Linked to this project is the

plan to introduce a new electronic travel authorisation (ETA), currently under consideration in the nationality and borders bill. At present, the government relies on 'advance passenger information' provided by travel organisations, such as airlines, before departure.⁹⁰ The Home Office's plans for ETA aim to improve information available and are modelled on checks made through the electronic system for travel authorization (ESTA) used by the United States for all non-citizens seeking entry to America. This system collects information about all potential travellers in advance. It provides added time for any security checks prior to arriving at the border and currently costs about £10 (US\$14) per application.

While I am broadly in favour of introducing an American-styled ETA, there are two concerns. The first is that we should have greater clarity about how ETA is meant to operate for the UK, including who is required to apply, how long each visit to the UK might involve and the duration of each ETA before it must be renewed. The Home Secretary has not been clear on the terms and conditions of her plans (and this is a recurring theme with her proposals). A Labour government should be clearer about how our ETA would work to secure and deliver safe borders that keep Britain working, learning lessons from countries with a similar system already in place.

A second concern is that the ETA system should require better passenger data. The advanced passenger information required for travel currently captures an incomplete picture of even basic data like nationality as only a single nationality can be recorded for each journey. This

gives a confusing view of dual nationals like me. Every time I fly to the United States I am counted as an American leaving the UK on my US passport; but, on each return, I am counted as a British citizen returning from abroad on my UK passport. This skews the official statistics: people can be recorded as one nationality when they leave and another when they return. There is no official statistic on how many dual nationals are here, among other categories, but there are likely to be millions.⁹¹ If we do not know what nationalities are coming and going, neglecting the increasing number of dual nationals in particular, we will not have strong data for evidence-based policymaking.

The data collected should be added alongside the datasets feeding into the registration and population interaction database (RAPID) which is used by the Office for National Statistics to provide immigration estimates.⁹² RAPID only recently replaced the international passenger survey which was much criticised for its inaccuracies. Expanding RAPID's available data will allow for improved estimates of immigration that can contribute to a better evidence base for policymaking across all areas.

NEW IMMIGRATION BILL

A fundamental problem with enforcing our immigration laws fairly is their unnecessary complexity and poor drafting. The Home Office incurs significant costs when mistaken decisions are made. It imposes avoidable hardship on those directly affected as well. Too often, the policies followed by Home Office staff misrepresent the current legal guidance

they are based on, leading to errors.⁹³ This must be put right.

We should simplify, harmonise and, where possible, seek to reduce the voluminous immigration rules. In a consultation where I gave oral and written evidence, the Law Commission provided a blueprint on how this work could begin.⁹⁴ While accepted by the government, it has yet to be implemented in full – and a Labour government should commit itself to it.

Labour should consider inviting the Law Commission (or alternatively launching a Royal Commission) to continue its work in simplifying and harmonising immigration law by turning its attention to drafting a new immigration bill. It is little wonder that the law is in a sorry state and almost impenetrable for most people. Since the Immigration Act 1971, there has been a long list of successive primary legislation – sometimes annually such as Labour's Immigration, Nationality and Asylum Act 2006, UK Borders Act 2007, Criminal Justice and Immigration Act 2008 and the Borders, Citizenship and Immigration Act 2009 – each adding, rewording, repeating or removing language from those before it.

With so many changes, the original 1971 Act like has become an ugly Frankenstein's monster. It is high time things were put in order to help people – whether immigrants or not – to better access and understand the laws that bind us. Consolidating the various bits of primary legislation into a new immigration bill would make the law easier to understand – and to apply. It would be instilled with a greater sense

of fair play – and should contribute to fewer Home Office errors.

STRENGTHEN GOOD CHARACTER

Anyone applying for permanent residency or citizenship is required to be a person of ‘good character’.

One element of this requirement is that individuals must be shown to respect and abide by the law. The Home Office performs background checks to discover if someone seeking permanent residency or citizenship has committed a crime. This includes any convictions in other countries – even if the crime itself was not unlawful in Britain. There are a few exceptions to this, such as convictions relating to homosexuality or membership of a trade union.⁹⁵ But otherwise a crime anywhere counts as if it had happened in the UK – whether or not it actually did so. Traffic violations like parking tickets or speeding offences are included. Every point on a driver’s licence is a potential point against Home Office approval.

Convictions are factored into immigration decisions in two ways. The first is it could lead to an automatic refusal to grant entry or extend a visa. For example, anyone sentenced to four or more years will have their application turned down.

The second way that convictions matter for immigration is they could add time onto the length of residency required before you can apply for permanent settlement. The longer the conviction, the more time is added – up to an extra 15 years on top of the standard five-year wait. For the applicant, that could mean a lot of expensive temporary visas of about three years each over 20 years plus annual health surcharge

fees that would cost many thousands – with no guarantee of success on the application to remain permanently.

Labour should consider several reforms to how the good character requirement handles criminal convictions. Traffic laws are a part of our criminal law. The public is right to support taking tougher measures against anyone with criminal convictions to promote general safety in a controlled immigration system. Yet it is highly implausible to believe that protecting the public from criminals is intended to include threatening those who have parked illegally with removal from the UK. When considering whether someone has a criminal record, minor traffic offences should be normally be excused. This better captures the spirit of fair play when considering good character and it does not weaken its requirement. If anything, the treatment of those with one or two traffic offences like a criminal does, in fact, risk weakening public confidence in the requirement because it is far removed from what should be intended.

But in other respects Labour should consider strengthening the good character requirement. Other than a prison sentence of four or more years long, the only other automatic refusal for permanent residency is for sex offenders. However, this is only when they are currently in receipt of something like either the England and Wales sexual harm prevention order or a sexual risk order. If sex offenders are no longer listed on this register, then they are not automatically excluded.⁹⁶

Labour could and should go further in two ways. The first is to change the law so that any application for

permanent residency or citizenship is refused from anyone listed on any sex offender register currently or in the past in the UK or trusted third countries.⁹⁷ This is consistent with our party's values of equality, respect and security – and it sends the right message about where a Labour government will draw the line.

The second change is that we should automatically refuse applications for anyone convicted of hate crimes in the same way as for sex offenders. Indeed I hope Labour will go further and agree to launch a hate crime offender register in future modelled on the register for sex offenders: hate crimes are contrary to the values of our country and the party.⁹⁸ Labour should send a clear signal to all who wish to make Britain their long-term home that we will not tolerate hate crimes in our midst. And while most convicted murderers would be sentenced for at least four years and be automatically refused permanent residency, Labour should ban anyone convicted of murder to ensure all such offenders are refused. We can tighten border controls while committing ourselves to our principles.

CONCLUSION

This chapter has focused on improving border controls and enforcement. Labour should consider repealing the relevant provisions relating to the hostile environment. This programme runs contrary to Labour values and it has been proven to be ineffective.

We should support the government's eVisa integrated digital system and the introduction of ETA. But we should have greater clarity about ETA's intended application, learning lessons from

successful programmes elsewhere and improving the kinds of data that ETA will collect. This data should feed into the RAPID database used by the Office for National Statistics to estimate immigration statistics providing an improved evidence base for policymaking.

Labour should consider improving the clarity and simplicity of immigration law. We should implement the Law Commission's recommendations for simplifying and harmonising the immigration rules and invite it to draft a new immigration bill in a similar exercise. A clearer, more accessible immigration system would be fairer to migrants and would improve Home Office decision-making, leading to fewer errors.

Finally, Labour should consider strengthening the good character requirement for anyone applying for permanent residency or citizenship. Minor traffic offences should no longer be considered but there should be automatic refusal for anyone on the sex offender register currently or in the past. Labour should consider launching a hate crime offender register – modelled on the register for sex offenders – and refuse permanent residency or citizenship to anyone convicted of a hate crime as well. These new automatic refusals are backed up by our commitment to our values in championing respect for others.

Together, these policies will help better secure our borders with a more accessible system of rules, a reduction in Home Office errors, smarter data supporting improved policymaking and fair but firmer actions against serious sex offenders and individuals convicted of hate crimes.

CHAPTER 7

MONEY MATTERS

This chapter examines money matters. These include everything from the fees paid, to where they are spent – and strengthening requirements to pay taxes. The policies outlined are designed to make these areas fairer in what is counted, how it is used and relevant consequences for noncompliance.

IMMIGRATION HEALTH SURCHARGE

Anyone living in the UK who is not a citizen or permanent resident must pay an annual immigration health surcharge. This fee is expensive and should be reviewed. The immigration health surcharge has a standard charge of £624 per year that is reduced to £470 for children, students and youth mobility applicants. This money is paid upfront when making an application. An individual wanting a three-year study visa costing £348 must include an extra £1,410 to cover the price of the immigration health surcharge over the three years in advance. Other visas and categories can cost far more.

The costings for this surcharge are flawed, modelled on the use of various public services beyond health and care

by the general British public – and not the actual use of these services by the immigrants charged the fee. It is only fair this is corrected.

The purpose of the immigration health surcharge is to reduce the impact on health and care services by immigrants. A frequent criticism is that immigrants in work are double taxed, paying income tax and national insurance contributions in addition to this expensive surcharge. This should be factored into revising the cost of any surcharge for immigrants in work. Immigrants should not be charged twice for the same ends.

The policy's name might suggest that this immigration health surcharge is a surcharge paid by immigrants exclusively for the NHS. However, not all fees paid go to the NHS. Nor are these resources directed to the local communities where migrants live. Instead, the funding raised is deposited into a general pot. Unless this fee is to be 'health' surcharge in name only, the money must all go to our health and care services in their area. We know where migrants who pay this fee live: it is on

their application form accompanying their payment. If the surcharge is supposed to reduce migration impacts on the NHS, then it is essential all funds raised go to the NHS and follow paying immigrants wherever they live.

IMMIGRATION AS A SELF-FUNDED SYSTEM

As can be seen with the immigration health surcharge, costs are a major concern for immigrants generally. Visa fees have exploded over the last decade. While the Home Office's administrative costs may be about £135 per application, fees can be more than £2,000 for an individual.⁹⁹ Unsurprisingly, Home Office net income from immigration fees soared from £17.3m in 2010 to an eye-watering £438.1m in 2019, rising more than 25 times in a decade.¹⁰⁰ This is more income than required by the immigration system, excluding asylum.

But where does this money go? It does not go to resourcing staff adequately, including border management and immigration enforcement. Improving the system will incur at least some costs – and we should not follow the Conservatives who came close to boosting Border Force numbers for nothing by looking to introduce a Dad's Army 'special volunteer force' to put more boots on the ground without paying them to do the job.¹⁰¹

A large share of the fee income from immigrants is spent outside the immigration system. On the one hand, fee income received has brought benefits helping to resource government activities beyond the Home Office and immigration – although more of these resources might be required for an

improved immigration system. On the other hand, the fees are high by global standards imposing barriers to attracting the best and brightest to work here and preventing British families with non-UK members from settling. What should a Labour government do?

First, Labour should ensure the immigration system is always entirely *self-funded* and *self-sustaining*. Not a single shiny penny of taxpayer money need ever be used to prop up our immigration services again, with the exception of asylum.¹⁰²

This is important. Critics of immigration's value claim that migrants are a drain on resources – and that is nonsense. Immigration has helped make the UK, on average, 'more prosperous, productive and dynamic'.¹⁰³ Immigrants pay their taxes, licence fees and more. The facts support immigration being beneficial to the economy and not a drain on it.

But there is an important way we can address critics with some reorganisation. Labour should consider ringfencing the income and expenditure of the immigration system and migration-related initiatives. The system can already pay for itself and so is effectively self-funded in practice. Ringfencing its financial operation would make it a matter of Labour policy that only immigrants pay for the immigration system. This would send a clear message to the public.

Second, the high immigration-related fees require an urgent review. In earlier chapters, I argued that these fees can create barriers for businesses and block British citizens from returning to the UK with their families. Some reduction in

fees would make Britain more competitive globally, especially if new strategically flexible visas were introduced to support a more agile immigration system so that businesses could pursue opportunities more easily. The reduction in most fees could be offset, in part, by an increase in application numbers. One fee that should be abolished entirely is the cost for children to register as British citizens.

Third, even if there were a modest reduction in immigration-related fees overall, this could easily still leave additional income that might be applied elsewhere. The Conservatives simply direct this to whichever projects they fancy. But this hides the valuable financial contribution that immigrants are making all the time, supporting important activities and services across our country.

Labour should recognise that wherever income for projects or programmes has been raised from immigration-related fees this contribution should receive recognition – combined with a migration contribution fund (see below). This could be achieved by providing signposting that a walk-in centre, renovated park or new bus was funded, in part, through income raised from immigration. And, of course, while the Home Office may see some of the benefits of immigration from the fees it collects, the far larger benefit is received by the public in terms of the taxes that immigrants pay.

This visible acknowledgement would send out a clear message that immigrants do make a contribution to our communities for public benefit – and over time such signs of recognition would grow.

It would further help bring communities closer together as more could see for themselves, if they have not already, the contribution that immigrants make to their lives.

MIGRATION CONTRIBUTION FUND

It is time to revitalise Labour's migration impact fund that was launched by Labour in 2009 and then promptly scrapped by the Conservatives in 2010. The fund raised income through a £50 surcharge on immigration-related applications and was worth £35m annually.¹⁰⁴ The income raised could be bid for by local health authorities, councils and more to support projects to reduce migration-related impact. Many immigrants like me paid into the fund when it was in place.

Labour should recreate the fund through newly rebranded migration *contribution* fund, emphasising the financial contribution made by immigrants and the different way this fund operates from its predecessor.¹⁰⁵ Paying into the fund should not involve an additional fee on applications. Instead, the fund could be created differently. The immigration system earns millions more than needed to run it. The system must cover its own costs first. But with the additional income earned, a share should be set aside to establish this fund with the aim of restoring at least the £35m originally allocated to the original fund. This would ensure the immigration system being self-funded comes first and the distribution of profits is always secondary.

The migration contribution fund could consider supporting projects for any charity, local council or public service

as it did before but with an important change: projects should not only aim to reduce the impact of migration, but also to improve communities. If the fund focused only reducing impact, then new services and facilities might all go to areas of heavier migration, leaving some areas out.

The next issue is to discuss how these resources should be distributed. Too often a scheme like this would have its outcomes decided in Westminster, signed off by a minister who might have never visited the areas where the funding would be spent – nor see the good it might do. The decisions about spending the migration contribution fund to further benefit particular areas should happen locally, not centrally. A mix of local knowledge and dialogue must be used to affirm how communities move forward. Local government should consult with the public on the proposals received and local people should be able to participate in the process of choosing where resources are allocated. This fund would take power to the people.

IMMIGRATION SKILLS CHARGE

In April 2017, the government introduced an immigration skills charge. It is a tax on organisations when hiring anyone requiring a work visa from overseas. Small businesses and charities are charged £364 per individual, rising to £1,000 for larger businesses.¹⁰⁶ It raised about £382m over its first three years.

The charge has two purposes. It raises the costs for hiring overseas to incentivise employing in-country. A second purpose is that the funds raised go into

the Department for Education's skills budget. In this way, the charge helps fund education and training in Britain to boost employability. It is noteworthy that this charge – which has raised hundreds of millions of pounds already – is not new money. The government was clear this was 'not additional funding' and it was to maintain 'existing levels' of funding. In effect, it reduced the government's costs of supporting the skills budget.¹⁰⁷

Labour should consider keeping the cost of this skills charge under review to ensure it continues to incentivise in-country hiring and raise funding for skills. But if the current fees are to remain in place, then – like with any surplus funding used for non-immigration purposes such as the migration contribution fund – the support for the skills budget should be signposted as coming from the fund. This is a fair reflection of the support being provided and it makes clearer to all those who engage with this programme that is, in part, made possible thanks to the immigration system.

TAXING MATTERS

In the previous chapter, I considered the good character requirement in relation to criminal convictions. This is one part of the requirement, but there are others. A second part concerns 'financial soundness', which must also be established to demonstrate an individual meets the good character requirement. Individuals meet this test when they can prove that they have not claimed bankruptcy while in the UK, have no NHS debt of £500 or higher and all of their council tax has been paid.

Labour should tighten the requirements on each and go further than the Conservatives. First, 'financial soundness' should take account of whether an individual has had any bankruptcies abroad, not only in the UK. Just as the good character requirement takes into consideration any criminal convictions from abroad (as discussed in chapter 6), the good character requirement regarding financial soundness should also adopt a more standardised approach.

Second, all NHS debts should be cleared prior to making an application. We are the party of the NHS and should ensure any debts owed are paid in full. Finally, it is difficult to justify why applicants must have paid their council taxes in full, but not other taxes. Labour should go further and require income tax and national insurance to be covered, too. Taxpayers expect new citizens to be paying all of their taxes, not just some of their tax.

CONCLUSION

This chapter has considered money matters. These relate to strengthening the financial soundness test of the good character requirement. At present, someone need only avoid bankruptcy in the UK to be eligible for permanent residency or citizenship applications. Labour should consider extending this to refusing these applications for anyone bankrupt abroad as well. This makes this financial check consistent with how good character is applied for criminal background checks which consider any convictions received in the

UK or overseas. Furthermore, Labour should consider taxes have been paid and there is no debt owed to the NHS.

Labour should consider reviewing the immigration health surcharge to ensure its costs are fair and proportionate on the standard route and the route for children, students and youth mobility. Labour should also consider reviewing the surcharge for working immigrants who already pay national insurance contributions, so that they are not unfairly double taxed.

We can change the narrative around immigration as a net contributor to our economy. Labour should consider ringfencing the income and expenditure received through the system, ensuring it is self-funded and self-sustaining – which, in practice, it already is. This sends out a clear message that immigrants alone pay for the immigration system, with an exemption for asylum which should be managed separately.

Labour should consider relaunching its migration impacts fund as a new migration contribution fund, with its distribution controlled by local communities. All extra funding raised through immigration-related fees should be clearly signposted to raise awareness of the financial contribution made by immigrants to supporting the public good. This includes spending arising from the immigration skills charge. These reforms will ensure that the contributions made by immigrants gain the greater profile they deserve while ensuring continued funding for health, social care and skills.

CHAPTER 8

SAFE SANCTUARY

When people talk about ‘immigrants’, they too often confuse them with asylum seekers, the smallest migrant group. Providing a safe sanctuary for the most vulnerable is an issue of real passion for many Labour members – and rightly so. Some of the great challenges of our time are in how best to respond to refugees from Afghanistan and Ukraine or those small boats crossing the English Channel. An asylum policy that is fit for purpose is enormously important.

Britain has at many times in its history been proud to stand up for refugees. The United Kingdom was one of the first signatories to the 1951 Refugee Convention in Geneva. We have played a major role in providing a safe sanctuary for those fleeing persecution for centuries including Huguenots, Russian Jews fleeing pogroms, Ugandan Asians under Idi Amin, British overseas nationals in Hong Kong and many more.

Over the last decade, the Conservatives have demonstrated a growing populist anxiety about asylum seekers. This has terrible real-life consequences, for example in incidents like the one in Middlesbrough

where the doors of homes where asylum seekers were accommodated had been painted red and they were targeted for abuse.¹⁰⁸ Because of its anxiety over asylum seekers, the government has too often failed to do the right thing, for example failed to offer settlement to 3,000 child refugees as originally planned under the Dubs amendment, named for Labour peer Alf Dubs, and instead accepting only 480.¹⁰⁹

Undervalued, and underfunded, asylum and refugee caseworkers have seen their caseloads treble over the last decade rising to over 100,000, with costs above £1.3bn.¹¹⁰ The Conservatives’ approach to seeking a reduction in asylum seekers is clear from the very first page of their new plan for immigration.¹¹¹ This sends a message that lacks compassion and is unwelcoming towards desperately vulnerable people fleeing persecution or war. We saw this recently in its poor response to the Ukraine crisis: announcing it would accept only immediate family members of Ukrainian nationals already ‘settled’ in the UK – and only if they secured a travel visa first.¹¹²

This contrasts sharply with the open-door policy of the EU which immediately accepted Ukrainian refugees without visas or family ties in any EU country.¹¹³

Labour should reassert the proud record our country has played as a founding signatory of the Refugee Convention and provide safe sanctuary for those most in need. This chapter recommends policy ideas for improving the fairness in an often deeply unfair system. They would demonstrate both compassion and competence and break decisively from the Conservatives' record of hostility and failure.

SIGNPOSTING SUPPORT

Labour should consider providing clearer signposting at our international air, ferry and rail terminals about where to find support if wanting to seek asylum. This information should be welcoming, transparent and accessible. Most asylum claims are made after crossing the border. Labour should review ways to encourage potential applicants to seek support earlier. The aim is not to solicit applications, but to direct support to vulnerable, often traumatised, individuals as soon as possible with their wellbeing in mind.

Labour should consider working closely with organisations like City of Sanctuary UK. This is a network of groups found throughout the country that help people seeking sanctuary. These groups can play a role in helping share information and support in addition to government providing accessible support. It is fair to make support more easily available. Labour should find ways to do this.

NO VETTING OVERSEAS

The government has reportedly been looking for ways to outsource vetting asylum claims to other countries. It is difficult to grasp how serious the Conservatives are about this because every country named as a possible location for outsourcing, including Albania or Rwanda, has sternly denied considering it.¹¹⁴ This suggests that the briefings have been more about creating headlines than solutions. But there is a clear role model for this in Australia. Nauru is a tiny island republic in Micronesia. Australia made an arrangement with Nauru to hold 107 people at the eye-watering cost of A\$4m a year for each individual.¹¹⁵ None have been added since 2014 and it is clear this policy is an expensive, demoralising mess which should be avoided.

Labour should firmly rule out the outsourcing of vetting asylum claims to third countries. We have a responsibility to ourselves and the global community to assess applicants here in Britain. Asylum seekers require support that is best available here – and also it is far better for beginning the process of their integration into British society if they are in Britain.

Outsourcing the vetting of asylum seekers is contrary to our values, weakens our control over decision-making and does not offer good value for money.

WORKING ASYLUM

The Home Office requires asylum seekers to wait at least 12 months before considering any approvals for allowing work. After a year, asylum seekers can

seek employment, but only for jobs on the shortage occupation list.

During these months or even years waiting for approval, asylum seekers must make do without recourse to public funds and receive minimal asylum support, such as accommodation (which the government admits is ‘unlikely ... in London or south-east England’), cash support amounting to £39.63 per person per week and access to healthcare and free prescriptions. Children may attend schools with free school meals.¹¹⁶ It can take as many as 16 weeks to make an asylum claim. If unsuccessful, an appeal can take about 40 weeks or longer to conclude.¹¹⁷ The result is that many asylum seekers become destitute. This is not a fair way to treat vulnerable individuals often lacking other means of support.

I recommend that Labour reduces the wait before seeking work to six months – a proposal which has already found cross-party support.¹¹⁸ We should consider allowing asylum seekers to seek employment in any area without restriction to the shortage occupation list. This change would permit asylum seekers to earn income reducing their need for state support. If they were working, they could become more active in their communities, improve their integration in the area and further contribute to society economically, culturally and socially. This policy would be fairer both to asylum seekers and to the public.¹¹⁹

Labour should also review access to financial support, including allowing recourse to public funds, in specific circumstances where individuals may be unable to work or are otherwise at risk

of destitution. We should treat asylum seekers with respect rather than neglect.

ENGLISH CHANNEL CROSSINGS AND SAFE, LEGAL ROUTES

The Home Office has become alarmed by new record highs of asylum seekers crossing the English Channel to the UK from France. These numbers have grown dramatically over the last two years. While they do not make up the majority of asylum seekers overall, they are the largest single group making claims at Britain’s border.

The government has tied itself in knots trying to find ways to prevent these crossings. This is partly to prevent illegal human trafficking where there is a high risk of drownings, as there have been many lives lost at sea. But it is also because the government wants these individuals kept in France to make their claims and to receive any support there instead of in the UK.

Every idea to address the problem seems to be a headline-grabbing gimmick without any effect on rising numbers. For example, the prime minister wanted the military to take over policing the Channel from the Border Force, but has said nothing about what different rules would be in force were this switch to happen. As ex-Navy leader, Lord West of Spithead noted, it makes little difference if asylum seekers are rescued at sea by the Navy or border agents because there is no agreement in place either way for their return to France.¹²⁰ A second example is the Home Secretary threatening other countries to either accept removals from Britain or their own nationals seeking visas will be processed slowly – initially

indicating the Gambia as a potential target for another immigration policy that has not taken shape.¹²¹

The Home Secretary has claimed she wishes to reduce Channel crossing, in part, because they are mostly 'economic migrants'.¹²² This is contradicted by her own department which has found that virtually all claim asylum and about two-thirds are successful.¹²³ Most taking this journey are refugees as recognised under our rules. Attempts to turn these people away mean literally turning our backs on refugees. This is morally inexcusable and the furthest thing from fair play.

A second issue about the crossings is the timing. The Home Office appears taken by surprise that the increase in numbers has coincided with Brexit. This is the elephant in the room. While an EU member, the UK was a party to the Dublin regulation. This is an extradition arrangement whereby member states agreed that if someone claiming asylum had first touched ground elsewhere in the EU, then they could be removed to that country for their application to be considered.¹²⁴ In leaving the EU, the UK exited the Dublin regulation – and without some alternative arrangement for extradition in its place. The consequences are that pre-Brexit someone making the journey from France could be returned any time, but post-Brexit they cannot. Labour's frontbench had been pressing the government about whether we would remain in the Dublin regulation or seek an alternative arrangement long before a Brexit deal was struck, but their warnings went unheeded.¹²⁵

Additionally, the crossings are likely to be fuelled by a lack of safe

legal routes, such as schemes to support unaccompanied children, family reunion or humanitarian visas. With those routes closed and improved security around Calais after the jungle was removed, this has incentivised those desperate to reach the UK to take more extreme and life-risking measures to make the journey.

Labour should consider adopting two strategies to better handle these issues. The first is to seek an agreement with the EU – and other countries – on extraditions. Joint policing with France is not enough to prevent crossings. One possible option is to negotiate re-joining the Dublin regulation, which has non-EU members like Norway and Switzerland: that may come with a price tag but it would allow us to make returns more easily and quickly. Another possible option is to make some new reciprocal extradition arrangement, as the UK has done with many other countries already like the United States.¹²⁶

A second strategy is for Labour to consider creating a safe, legal route for claiming asylum that would make English Channel crossings unnecessary. Again, the Dublin regulation provided such a route for reuniting separated asylum-seeking families in the UK. And reinstating the Dubs amendment would provide a legal route to sanctuary in the UK for unaccompanied children.

I recommend Labour consider safe, legal routes primarily for the resettlement of children and family reunion rights. There is a strong sense of urgency here and controlled legal routes would enjoy cross-party and public support.

AN 'EMERGENCIES' ASYLUM PROGRAMME

There have been heartbreaking humanitarian crises in countries including Afghanistan, Syria and now Ukraine. Each time the government has been caught on the backfoot and has had to devise new schemes to provide targeted support for refugees from specific areas.

Most recently, of course, we have seen the plight of Ukrainian refugees following the country's invasion by Russia. More than one million people left Ukraine in the first weeks of the war in search of safety in desperate conditions. It is vital that we play our part in supporting refugees alongside our allies. Yet, too often our response is slow and inadequate, creating unnecessary burdens and delays. While the EU was quick to immediately offer sanctuary for up to three years in an open-door policy, Britain reacted more slowly. And the government's response was much more restrictive than the EU's, limited to only the immediate families of Ukrainians who had already settled in the UK, and not extended family such as trapped elderly parents.¹²⁷ The government required travel visas to be obtained before travelling while Ukrainians are in a war zone.¹²⁸ There was backtracking too: visas were announced as being for 12 months, but then changed to match the three-year duration of visas from the EU.¹²⁹

To respond to similar crises more quickly and humanely, Labour should strategically plan ahead by creating an 'emergencies' asylum programme. This would be a plan on hand that could be rolled out swiftly to better address emergency challenges where they arise.

At present, the government must create new standalone schemes for refugees from crisis areas. Such a planned scheme could be developed in concert with our allies to ensure a better shared response. It would be a forward-looking approach that could help save more lives.

END INDEFINITE DETENTION

Immigration detention is where the government holds individuals in detention centres with the intention of removing them from the UK. This affects individuals both in the asylum system and those who are not. Approximately 24,000 people are detained in one of seven such centres each year. While stays are supposed to be short-term before removal, the reality can be that many individuals can spend weeks or even years detained like a criminal. Yet unlike an offender, they have done nothing wrong and more than 60 per cent are eventually released with their detention serving no public interest.¹³⁰

The costs of detention are high. The government spends approximately £30,000 per person each year and more than £100m in total annually. In addition, more than £21m has been paid out in compensation for unlawful detentions since 2012. This is a prohibitively expensive way to detain individuals – often unjustly – when these resources could be spent more effectively elsewhere.

The use of detention should be a last resort, requiring the Home Secretary to certify that it is in the interest of national security. Labour should consider ending the use of indefinite detention, requiring the Home Secretary to certify continuation with judicial oversight at least every

60 days. This would send a clear message that detention is intended as short-term only and would incentivise the Home Office to speed up its decision-making.

Asylum seekers who are not in detention centres may be housed in accommodation that might resemble them, only in worse repair. The government's use of Napier Barracks and Penally asylum camp is contemptible. Both are remote and inadequate, creating problems for access to legal advice as well as offering accommodation unsuitable for long-term use.¹³¹

In a damning joint report, the Independent Chief Inspector of Borders and Immigration and Her Majesty's Inspectorate of Prisons described Napier Barracks as 'decrepit' and found both that site and Penally were 'run-down and unsuitable'.¹³² In their report, the inspectors noted these sites provided 'contingency asylum accommodation', with the Home Office contracting a company to manage the accommodation. This company then subcontracted to other companies to provide services and these, in turn, sub-contracted to other providers.¹³³ The inspectors found that 'managers at both sites lacked the experience and skills to run large-scale communal accommodation'.¹³⁴

Labour should review the use of subcontracting services in areas such as providing asylum accommodation. We must ensure proper accountability which might be more challenging where government subcontracts to an organisation which subcontracts to others that do so again. We cannot subcontract our responsibilities in government. As the now Shadow Home Secretary Yvette

Cooper rightly said at the time: "It is extremely troubling that a situation has been allowed to arise, and persist, where vulnerable children, families and young people are being held in this manifestly inappropriate office space for days or even weeks".¹³⁵ What is needed now is a more humane approach to managing asylum that treats people fairly and competently.¹³⁶

CONCLUSION

Britain has a proud history of providing safe sanctuary to refugees. However, more than a decade of Conservative government has created a system that is unfair, disorganised and cruel. This chapter has set out recommendations for how a fair play approach could much improve our country's future actions. First, Labour should consider more clearly signposting where to find support for asylum seekers at all air, ferry and rail international terminals. We should work with organisations like City of Sanctuary UK and others to help spread information about support and deliver it.

Second, Labour should ban any vetting of asylum applications overseas. This hands control over these decisions abroad. We should accept our responsibilities to properly assess claims here. In having asylum seekers in Britain while waiting for a decision on approvals, this allows them opportunities to learn how to integrate and play an active role in British society – which would not be available if being processed overseas.

Third, Labour should consider allowing asylum seekers to look for work in six months if no decision has been reached. They should be able to work in any job

and should no longer be confined to the shortage occupation list. These changes would allow asylum seekers to earn an income, thus becoming less reliant on the state and more able to make a contribution as they start to integrate into their local communities.

Fourth, Labour should consider ending indefinite detention and implementing stricter measures, such as requiring the Home Secretary to certify detention is in the interest of national security before a judge every 60 days, to ensure these measures are necessary and time limited. We should also ensure the accommodation provided sufficiently meets standards and reviewing the terms for any providers contracted by the Home Office sub-contracting delivery onto others to ensure accountability and proper deliverability.

Fifth, Labour should consider negotiating the UK's re-joining the Dublin regulation or some alternative arrangement. Since Brexit, we have lacked an extradition agreement with some of our closest allies, which has contributed to a steep increase in English Channel crossings.

Finally, Labour should consider creating safe, legal routes for claiming asylum in the UK. This could involve rejoining the Dublin regulation or reinstating the Dubs amendment scheme. The absence of such routes is a major problem and we have become derelict in our duty to help vulnerable people in urgent need. Safe, legal routes for a more fair and controlled process is possible and should be considered. In these various ways, Labour can make the asylum system more welcoming, fair and humane after more than a decade of Tory decline.

CONCLUSION

A FAIRER FUTURE

In his Fabian Society pamphlet *The Road Ahead*, Labour leader Keir Starmer wrote:

“When we celebrate our country, it is a love of place and people, not jingoism. We don’t seek to create in-groups and out-groups – instead, we want to create a forward-looking, inclusive Britain. A Britain built on the bedrock of our tradition but one that evolves, grows and embraces change. A Britain that judges people not by race, nationality or the way they live their lives – but on how they contribute to the greater good.”¹³⁷

Starmer’s vision is about having pride in a Britain that has fairness at its heart. His inclusive patriotism is one we can all contribute towards and foster. It is a view that is sharply distinguished from the Conservatives’ embrace of divisiveness and general incompetence on issues like immigration. The Tories made promises they did not or could not keep. Their hostile environment policies divided communities rather than bringing them

closer together. Their plans frequently failed: when they aimed to cut net migration it reached record highs and when they sought to increase enforced removals they hit all-time lows. When the Ukrainian crisis unfolded, the Tories dithered and delayed, moving too slowly and leaving the UK looking isolated and inhumane.

Recent weeks have underlined the fact that the public wants a fairer approach with competence and compassion at its heart. Labour has an opportunity to create a new system that works better for all of us.

This pamphlet sets out a new plan for immigration with over 60 policy recommendations rooted in fairness and the three underlying principles of Keir Starmer’s contract with the British people. It is a policy agenda that is popular without being populist, compassionate yet more constructively controlled and fair but firm. We have never needed such a system more than now to deal with the great challenges we face, including the humanitarian crisis in Ukraine, cross-Channel

migration and the need for a post-Brexit system that can help support Britain's economy.

We are at a critical moment in our history. Over the last two years, Labour has made great strides to reform and renew. Our commitment to form the government that Britain needs at a time of major challenges has never

been greater. It is incumbent on all of us to begin planning for the kinds of changes a Labour government will need to deliver.

This is my contribution to the debate on how we can win the argument on immigration with a fair, more humane approach. Another, and brighter, future is possible on Labour's road ahead.

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ENDNOTES

- 1 UK Visas and Immigration, 'UK visa support for Ukrainian nationals' (4 March 2022)
- 2 'Ukrainian refugees fleeing conflict urge UK to offer more support', BBC News (4 March 2022)
- 3 UK Visas and Immigration, UK visa support for Ukrainian nationals (4 March 2022)
- 4 Dan Bloom, 'Ukrainian refugees will get 3-year UK visas as Priti Patel extends time limit in U-turn', Daily Mirror (4 March 2022)
- 5 A report by the all-party parliamentary group on migration found 70 per cent of employers surveyed found the newly tweaked system more difficult to work with – and most of these said it was much more difficult. See All-Party Parliamentary Group on Migration, *The Impact of the New Immigration Rules on Employers in the UK* (2021), page 8
- 6 Oxford Migration Observatory, *Net migration to the UK* (2020).
- 7 For many people, having the right principles and controls in place is more important than cutting numbers no matter the consequences. See Heather Rolfe, Sunder Katwala and Steve Ballinger, *Immigration: A changing debate* (British Future 2021)
- 8 Oxford Migration Observatory, *Deportation and voluntary departure from the UK* (2021).
- 9 Oxford Migration Observatory, *Windrush Lessons Learned Review: Evidence from the Migration Observatory at the University of Oxford* (2018).
- 10 Home Office, *Windrush Compensation Scheme factsheet – January 2022* (27 January 2022)
- 11 Thom Brooks, 'The Long-Lasting Impact of the Windrush Scandal', *Global Citizenship Review* 3 (2019), pages 42–43
- 12 Thom Brooks, *The Trust Factor: Essays on the Current Crisis and Hope for the Future* (Methuen, 2022)

- 13 For example, Nationality, Immigration and Asylum Act 2002; Home Office, A Points-Based System: Making Migration Work for Britain, Cm 6471, March 2006; and Melanie Gower, The UK's points-based system for immigration, House of Commons Library number 7662 (9 July 2018)
- 14 See Sebastian Payne, *Broken Heartlands: A Journey Through Labour's Lost England* (Macmillan 2021), page 384.
- 15 Deborah Mattinson, *Beyond the Red Wall: Why Labour Lost, How the Conservatives Won and What Will Happen Next?* (Biteback 2020). See Oxford Economics, *The Fiscal Impact of Immigration on the UK: A report for the Migration Advisory Committee* (June 2018)
- 16 On connecting British fundamental values with reforms to immigration policy, see Claire Ainsley, *The New Working Class: How to Win Hearts, Minds and Votes* (Policy Press 2018), page 128
- 17 See John Rawls, *Justice as Fairness: A Re-statement* (Harvard University Press)
- 18 Keir Starmer MP, *The Road Ahead* (Fabian Ideas no. 657), page 4.
- 19 Keir Starmer MP, 'Contract with the British People' (2022).
- 20 See Thom Brooks (ed), *Ethical Citizenship* (Palgrave 2014) and Thom Brooks, *Becoming British: UK Citizenship Examined* (Biteback 2016)
- 21 See Jonathan Portes, *What Do We Know and What Should We Do About Immigration?* (SAGE 2019), chapter 3
- 22 See ONS, *Immigration Statistics, year ending June 2020 and year ending September 2021*
- 23 Douglas Fraser, 'Brexit: The economic impact a year on', BBC News (2021)
- 24 Oxford Migration Observatory, *EU Migration to and from the UK* (2022)
- 25 UK Visas and Immigration, *The UK's points-based immigration system: an introduction for employers* (25 February 2022)
- 26 See also Ainsley, *The New Working Class*, pages 126–127
- 27 All-Party Parliamentary Group on Migration, *The Impact of the New Immigration Rules on Employers in the UK* (2021), page 9
- 28 Priti Patel, 'Foreword', *New Plan for Immigration: Policy Statement* (March 2021), page 2
- 29 See HM Government, *The UK's future skills-based immigration system* (December 2018), paras. 1–2
- 30 Jane Clinton, 'UK ministers to ease immigration rules for Indian citizens', *The Guardian* (1 January 2022)
- 31 I will use 'permanent residency' to refer to Indefinite Leave to Remain
- 32 See Gov.uk, 'Investor visa (Tier 1)'
- 33 Migration Advisory Committee, *Tier 1 Investor Route: investment thresholds and economic benefits* (February 2014)
- 34 Matt Oliver, 'British citizenship: the £2m must-have for wealth foreigners, with few questions asked', *Daily Telegraph* (22 January 2022)
- 35 See Robert Houchill, 'Scrap the nonsensical 28-day start date rule for sponsored workers', *Free Movement Blog* (5 January 2022)

- 36 Home Office, Equality Impact Assessment of the Points-based Immigration System (February 2022) page 21
- 37 Ibid
- 38 Marley Morris, Building a Post-Brexit Immigration System for the Economic Recovery, IPPR (November 2020), page 5
- 39 Republic of Ireland, Department of Justice, Short stay business visa (www.irishimmigration.ie/coming-to-work-in-ireland/what-are-my-options-for-working-in-ireland/coming-to-work-for-less-than-90-days/short-stay-business-visa). See option of Employment visa – Atypical Working Scheme: www.irishimmigration.ie/coming-to-work-in-ireland/what-are-my-work-visa-options/visa-options-for-working-in-ireland-for-less-than-90-days/employment-visa-awless-than-90-days
- 40 Swiss government, State Secretariat for Migration SEM, ‘Factsheet’, www.sem.admin.ch/sem/en/home/themen/fza_schweiz-eu-efta/eu-efta_buerger_schweiz/factsheets.html
- 41 Mexican government, Relaciones Exteriores, Temporary Resident Visa with Work Permit, <https://embamex.sre.gob.mx/australia/index.php/menusercons/menucdocu/testamento/22-seccionconsular/275-visawkprmt#:~:text=Temporary%20Resident%20Visas%20with%20work%20permit%20have%20a%20validity%20of,for%20a%20Temporary%20Resident%20Card>.
- 42 BBC Reality Check, ‘How serious is the shortage of lorry drivers?’ BBC News (15 October 2021)
- 43 See All-Party Parliamentary Group on Social Integration, Integration Not Demonisation (2017)
- 44 See Government of Canada, How the Provincial Nominee Program (PCP) Works, www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/provincial-nominees/works.html
- 45 Office for National Statistics, Immigration Statistics, Entry Clearance Visas, Year Ending 2019 (28 November 2019)
- 46 Joe Lewis, The Turing Scheme (House of Commons Library, 18 January 2022)
- 47 Sarah Bevan, ‘Why the UK immigration system must stay attractive to exchange students’, WonkHE (15 December 2021)
- 48 Office for National Statistics, Immigration Statistics, Entry Clearance Visas, Year Ending 2019 (28 November 2019) (including dependents and EEA family permits)
- 49 Colin Yeo, Welcome to Britain (Biteback, 2020), page 69
- 50 Migration Advisory Committee, A Points-Based System and Salary Thresholds for Immigration (January 2020), pages 22, 64
- 51 Migration Observatory, The Minimum Income Requirement for Non-EEA Family Members in the UK (27 January 2016)
- 52 Office for National Statistics, Datasets: effects of taxes and benefits on household income (28 May 2021).
- 53 Home Office, Immigration Rules Appendix FM: Family Members
- 54 Stephen Timms MP and Kevin Foster MP, Immigration: Question for Home Office, Hansard 119396 tabled 7 February 2022
- 55 Oliver Wright, ‘Priti Patel rule creates extra hurdle for EU citizens to stay in Britain’, The Times 15 December 2021

- 56 UK Visas and Immigration, Inform UKVI of a relationship breakdown: statement and consent form (14 December 2015).
- 57 Jamie Merrill, 'Home Office "helping abusive partners by producing forms making it easier to threaten spouses with deportation"', *The Independent* (8 January 2016)
- 58 Thom Brooks, 'Breaking up is hard to do – especially when you have to fill out a government form', *The Conversation* (7 January 2016)
- 59 Home Office, Windrush Compensation Scheme Factsheet – January 2022 (27 January 2022)
- 60 Oxford Migration Observatory, Windrush Lessons Learned Review: Evidence from the Migration Observatory at the University of Oxford (2018).
- 61 The standard of English is formally set at B1 on the Common European Framework of Reference for Languages scale.
- 62 Home Office, Knowledge of language and life in the UK (6 April 2021)
- 63 Baroness Smith of Basildon and Baroness Williams of Trafford, Immigration: Question for the Home Office, UIN HL1873, tabled 10 October 2017
- 64 See Ainsley, *The New Working Class*, page 127
- 65 Members from both Houses of Parliament take an oath to the Crown spoken in English, Welsh, Scots Gaelic or Cornish. See the Promissory Oaths Act 1868
- 66 Amelia Gentleman, 'English test scandal: Home Office accused of "shocking miscarriage of justice"', *The Guardian* (9 February 2022)
- 67 Thom Brooks, *Becoming British: UK Citizenship Examined* (Biteback, 2016), pages 141–143
- 68 Home Office, National statistics: how many people continue their stay in the UK or apply to stay permanently? (25 February 2021), sect. 4.1
- 69 Justin Parkinson, 'British citizenship test "like bad pub quiz"', *BBC News* (13 June 2013)
- 70 House of Lords Select Committee on Citizenship and Civic Participation, *The Ties That Bind: Citizenship and Civic Engagement in the 21st Century* (HL Paper 118, 18 April 2018)
- 71 Thom Brooks, *The 'Life in the United Kingdom' Citizenship Test: Is It Unfit for Purpose?* (Durham University, 2013): https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2280329.
- 72 Home Office, *Life in the United Kingdom: A Guide for New Residents*, 3rd edition (TSO, 2013): page 57
- 73 *Ibid.*, page 42
- 74 House of Lords Select Committee on Citizenship and Civic Participation, *The Ties That Bind: Citizenship and Civic Engagement in the 21st Century* (HL Paper 118, 18 April 2018)
- 75 See Cass R. Sunstein and Richard H. Thaler, *Nudge* (Penguin 2009); Thom Brooks, 'The stakeholder society and the politics of hope', *Renewal* 23(1/2) (2015), pages 44–54; Thom Brooks, 'Labour can overcome its immigration problem', *Renewal* 24(4) (2016), pages 80–88 and Thom Brooks, 'Cultivating Citizenship: On the Importance of Stakeholding' in (ed.), *Political Emotions: Towards a Decent Public Sphere* (Palgrave Macmillan 2022)

- 76 This would require amending the Banking and Financial Dealings Act 1971
- 77 House of Lords Select Committee on Citizenship and Civic Participation, *The Ties That Bind: Citizenship and Civic Participation in the 21st Century* (18 April 2018)
- 78 Andrew Harrop, *Labour’s Emerging Electoral Coalition* (14 January 2022)
- 79 See Brooks, *Becoming British*, chapter six
- 80 Baroness Smith of Basildon and Baroness Williams of Trafford, *Undocumented Migrants: Bank Services*, UIN HL3147, tabled 13 November 2017
- 81 Afzal Khan MP and Caroline Nokes MP, *Undocumented Migrants: Bank Services*, Hansard 132388 (13 March 2018)
- 82 Benjamin Kentish, ‘Theresa May was aware and not opposed to “Go Home” immigration vans, suggests Home Office statement’, *The Independent* (19 April 2018)
- 83 www.gov.uk/government/speeches/immigration-enforcement-operation-vaken
- 84 ‘Home Office accused of “tricking” vulnerable migrants’, *Financial Times* (9 December 2019)
- 85 Afzal Khan MP and Seema Kennedy MP, *Undocumented Migrants*, UIN 7213, tabled 29 October 2019
- 86 Afzal Khan MP and Seema Kennedy MP, *Community Development*, UIN 7211, tabled 29 October 2019
- 87 Afzal Khan MP and Seema Kennedy MP, *Undocumented Migrants*, UIN 7213, tabled 29 October 2019
- 88 See Amreen Qureshi, Marley Morris and Lucy Mort, *Beyond the Hostile Environment* (Institute of Public Policy Research 2021)
- 89 ‘Home Office criticised over £830m “failed” borders scheme’, *BBC News* (3 December 2015)
- 90 See Home Office, *Home Office statistics on exit checks: user guide* (27 August 2020)
- 91 See Office for National Statistics, *Number of UK dual citizens in London* (11 February 2021)
- 92 See Office for National Statistics, *Methods for Measuring International Migration using RAPID Administrative Data* (16 April 2021)
- 93 See Jed Pennington, ‘Inflexible biometrics policy for refugee family reunion declared unlawful’, *Free Movement blog* (17 January 2022).
- 94 Law Commission, *Simplification of the Immigration Rules: A Report* (Law Com No 388, 13 January 2020)
- 95 Home Office, *Nationality: Good Character Requirement* (30 September 2020), page 14
- 96 *Ibid.*, page 16
- 97 For a list and discussion of sexual offences, see Crown Prosecution Service, *Sexual Offences*, url: www.cps.gov.uk/crime-info/sexual-offences.
- 98 Thom Brooks, ‘Priti Patel, if you’re serious about tackling racism in Britain then put offenders on a hate crime register’, *The Independent* (19 June 2020)

NEW ARRIVALS

- 99 Thom Brooks, 'The Home Office makes huge profits from immigrants. So where is the money going?' *The Independent* (13 September 2017) and Sam Joiner, Anna Lombardi and Sean O'Neill, 'Hostile environment: Home Office makes £500m from immigration fees', *The Times* (11 August 2019)
- 100 May Bulman and Margot Gibbs, 'How Home Office makes millions a week from outsourcing visas to Dubai-based firm accused of exploitation', *The Independent* (22 November 2019)
- 101 Afzal Khan MP and Caroline Nokes MP, UK Border Force, UIN 128806, tabled 21 February 2018
- 102 Asylum seekers do not pay application fees, require extra support and should be managed separately (see chapter 8)
- 103 Portes, What Do We Know and What Should We Do About Immigration? page 42
- 104 Border and Immigration Agency, *The Path to Citizenship: Next steps in reforming the immigration system* (2008), page 35
- 105 See Thom Brooks, *Migration Impacts Reduction Fund*, Durham Law School Briefing Document, Durham University (2015)
- 106 See Gov.uk, UK visa sponsorship for employers
- 107 Baroness Williams of Trafford, *Immigration Skills Charge (Amendment) Regulations 2020*, volume 806, debated 7 October 2020
- 108 Aisha Gani and Helen Pidd, 'G4S bosses admit number of asylum seeker homes with red doors is "too high"', *The Independent* (26 January 2016)
- 109 May Bulman, "'Give more children sanctuary here": scheme bringing lone child refugees to safety in UK ends', *The Independent* (21 May 2020)
- 110 HMG, *New Plan for Immigration*, page 8
- 111 *Ibid.*, 5
- 112 UK Visas and Immigration, UK visa support for Ukrainian nationals (4 March 2022).
- 113 'Ukraine conflict: British nationals can bring Ukrainian nationals to UK', BBC News (1 March 2022)
- 114 See Kate Feehan, 'Priti Patel "opens talks with Denmark to open new centre in Africa to process asylum seekers who want to come to UK', *Daily Mail* (27 June 2021) and Robert Wright and George Parker, 'Albania criticises "fake news" over UK asylum hub report', *Financial Times* (18 November 2021)
- 115 Ben Dougherty, 'Nauru offshore regime to cost Australian taxpayers nearly \$220m over next six months', *The Guardian* (23 January 2022)
- 116 Gov.uk, Asylum support: what you get
- 117 Ministry of Justice, *Official Statistics: Tribunal Statistics Quarterly*, October to December 2020 (11 March 2021)
- 118 Daniel Pryor, 'Letting asylum seekers work is common-sense Conservatism', *ConservativeHome* (30 July 2020)
- 119 See Sarah O'Connor, 'Keeping asylum seekers in limbo is bad for everyone', *Financial Times* (15 February 2022).
- 120 Kim Sengupta and Adam Forest, 'Boris Johnson's plan for military to tackle Channel crossings will aid people smugglers, says ex-navy chief', *The Independent* (18 January 2022)

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| <p>121 Ryan Sabey, 'Priti Patel to slow down visa applications from countries that won't take back crooks and failed asylum seekers from UK', <i>The Sun</i> (1 January 2022)</p> <p>122 Lizzie Dearden, 'Priti Patel falsely tells MPs most Channel boat passengers are not asylum seekers', <i>The Independent</i> (2 February 2022)</p> <p>123 Joseph Lee, 'Number of migrants crossing Channel to UK tops 1,000 in new daily record', <i>BBC News website</i> (12 November 2021)</p> <p>124 Under the Dublin Regulation, a EU member country could return individuals making asylum claims to the first EU country they had entered, but this was not required. For example, Germany accepted one million Syrian refugees in 2015. See 'Germany on course to accept one million refugees in 2015', <i>The Guardian</i> (8 December 2015)</p> <p>125 Afzal Khan MP and Caroline Nokes MP, <i>Dublin Regulations</i>, UIN 129920, tabled 27 February 2018 and Lord Rosser and Baroness Williams of Trafford, <i>Asylum</i>, UIN HL1783, tabled 9 October 2017</p> <p>126 While I do not recommend making different visa routes for a specific country's nationals as part of a trade deal, the UK's pursuit of new post-Brexit trade deals creates an opportunity to negotiate more favourable terms on visas for visitors, work or study, subject to satisfying all other requirements</p> | <p>127 UK Visas and Immigration, <i>UK visas support for Ukrainian nationals</i> (4 March 2022)</p> <p>128 Ibid</p> <p>129 Dan Bloom, 'Ukrainian refugees will get 3-year UK visas as Priti Patel extends time limit in U-turn', <i>Daily Mirror</i> (4 March 2022)</p> <p>130 See <i>Detention Action</i>, homepage</p> <p>131 Independent Chief Inspector of Borders and Immigration, <i>An Inspection of Contingency Asylum Accommodation: HMIP Report on Penally Camp and Napier Barracks</i> (November 2020–March 2021) (July 2021)</p> <p>132 Ibid</p> <p>133 Ibid., see para. S1</p> <p>134 Ibid</p> <p>135 Patrick Butler, 'MPs decry "shocking conditions" at facilities for asylum seekers', <i>The Guardian</i> (29 July 2021)</p> <p>136 See Andrew Grice, 'Yvette Cooper to put forward "humane" asylum policy to counter Government's "dishonest" immigration targets', <i>The Independent</i> (29 August 2015)</p> <p>137 Starmer, <i>The Road Ahead</i>, 19</p> |
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