



Written Comments on the 'Draft (partial) Immigration and Citizenship Bill' by The Runnymede Trust, 30 September 2008

We welcome the opportunity to submit our thoughts and views on the Government's 'Draft (partial) Immigration and Citizenship Bill'.

The Runnymede Trust is an independent policy research organisation focusing on equality and justice through the promotion of a successful multi-ethnic society. Our mandate is to promote a successful multi-ethnic Britain – a Britain where citizens and communities feel valued, enjoy equal opportunities to develop their talents, lead fulfilling lives and accept a collective responsibility, all in the spirit of civic friendship, shared identity and a common sense of belonging. Refugee and migration issues are of special interest to us, as the changing nature of ethnic diversity in Britain is intricately linked to changing patterns in global migration.

CHAIR
Dr Samir Shah OBE

TRUSTEES
Aaqil Ahmed
Dr Claire Alexander
Barbara Cohen
Shaheed Fatima
Dr Kate Gavron
Farzana Hakim
Clive Jones
Hitesh Patel
Dr Richard Stone
Seamus Taylor

We have followed the development of the Draft Bill closely, and submitted a detailed response to the Green Paper *The Path to Citizenship*. Having studied both the Green Paper and the Draft Bill carefully, we are dismayed to see that UKBA are intending to adopt the thrust of the proposals set forth in the Green Paper, in spite of the overwhelmingly negative response to those proposals.

A Company
Limited by Guarantee
Registered Company
(England)
No. 3409935

Registered Charity
No. 1063609

The Government's analysis of the responses to *The Path to Citizenship* raises serious questions not only about the way in which the consultation was carried out and analysed, but also about the very purpose of the consultation exercise. It is clear that consultation respondents disagreed with almost every single proposal made in the Green Paper. However, the main thrust of the Draft Bill remains more or less unchanged from the proposals made in the Green Paper document. In order to justify this obvious disregard for the views and arguments of those who responded, UKBA published its analysis of the consultation responses. Two methods are employed to thinly veil the fact that UKBA received overwhelmingly negative feedback to its proposals.

Firstly, the analysis takes the extraordinary measure to divide respondents into British citizens and non-British citizens. The rationale given is that "unsurprisingly, 76% of responses to the consultation were from migrants, non British citizens living outside the UK and organisations". The subtext in this disclaimer is that these responses are biased and therefore not valid. This is reflected in the way in which this division is used to statistically

represent the response rates of individual questions. Not all questions are divided along the British/non-British line, but only where it is necessary to undermine the validity of the outcome of responses (such as question 3.2 on probationary citizenship and questions 4.1a, 4.1b and 4.1c on the proposed minimum time periods). The result is an astoundingly inconsistent methodological and analytical approach, which appears to be based on the pragmatic objective to justify ignoring the consultation outcome. In any case, non-British citizens were *retrospectively* deemed to be too biased for their views to be taken into consideration. Had this been a genuine concern, the UKBA should have stated from the outset that submissions would only be accepted from individual British citizens.

Secondly, the analysis included an Ipsos MORI poll, the results of which “showed strong public backing for the Government’s proposals” – a stark contrast to the damning outcome of the consultation exercise itself. In doing so, UKBA is further undermining the responses to the consultation – which they obviously consider biased and self-interested – by contrasting this with the view of the ‘British public’. Apart from being unorthodox, including the MORI poll is methodologically problematic and misleading. The poll can obviously not be contrasted with the responses; those polled by MORI are asked a series of simple questions, and are not given the full details of what each question implies. What respondents are agreeing or disagreeing with is an idea, not a policy. Those who responded to the Green Paper had all the information available to them, as well as time to reflect on what the proposals would mean in practice. The question of ‘active citizenship’ – a central tenet of the Government’s proposals – is a case in point. The MORI respondents were asked: “Newcomers who help out in their local community should be able to qualify more quickly for British citizenship than those who do not?” They were not told that informal community activities would not count towards an ‘active citizenship’ status, or that migrants would be required to be more ‘active’ than British citizens are on average. Had they been told the full implications of the Green Paper proposals they might have responded differently. In essence, the MORI questions did not adequately capture the Government’s proposals and intentions in the Green Paper, and comparing the two is therefore grossly misleading.

Runnymede submitted a detailed response to *The Path to Citizenship*, where we presented a strong case – supported by solid evidence – for why the substantive content of the proposals in the Green Paper would be the wrong way for the UK to go. Rather than submitting a new response to the Draft Bill, we are resubmitting our response to the Green Paper. The evidence we presented is still applicable to the Draft Bill, and we urge the Government to consider the points we raise. We would remind the Government that the analysis of the Green Paper using the Migrant Integration Policy Index (MIPEX) would still apply to the Draft Bill:

“The UK’s score on access to nationality would drop as much as 15 points, falling from its position as the 5th most favourable for promoting integration to 10th, just around the EU average. This drop comes from a slight change in the waiting periods for naturalisation and a dramatic one in the conditions.

The UK's score on eligibility would lose its tie for 5th place with IE, since the probationary period would make naturalisation longer for most first-generation migrants.

In March 2007 the UK imposed conditions for naturalisation that were no better or worse than those in most European countries. Given the proposals on economic resources, integration, good character, and active citizenship, the conditions for naturalisation in the UK could go from this "middle of the road" (score 57) to becoming some of them most onerous in Europe, on par with Austria and Denmark (a score of 26)."

Given the high stakes and potentially harmful effect the Immigration and Citizenship Bill would have on race equality if it passed in its current form, Runnymede will continue to follow the development of this Bill closely. We hope that the Government will seriously reconsider the arguments we presented in our response to *The Path to Citizenship*, as well as its proposals set out in the Draft (partial) Immigration and Citizenship Bill.

If you would like to discuss any aspect of this response, please contact Michelynn Laflèche (Director) at the Runnymede Trust, 7 Plough Yard, Shoreditch, London EC2A 3LP Tel: 020 7377 9222.

The Runnymede Trust
30 September 2008

Further information about the Runnymede Trust can be found on our website –
www.runnymedetrust.org