



Written response to the Consultation on establishing a Migration Advisory Committee by the Runnymede Trust and the Migrants' Rights Network, 30 January 2007.

We welcome the opportunity to submit our thoughts and views on the proposed structure and function of the Migration Advisory Committee (MAC). We are in favour of establishing an independent body to advise Government on migration, and read the consultation document with interest, but do have concerns and recommendations that we outline below.

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. Migration is of special interest to us, as recent developments in the ethnic diversification of Britain are intricately linked to changing patterns in global migration.

The Migrants' Rights Network was established as a project in the summer of 2006 with the support of over 40 migrant and refugee community organisations, and civil society groups supporting migrants' rights, across the UK. It works to improve networking between migrant and refugee community organisations to increase their capacity to represent their interests in public policy discussion.

We recognise the importance and potential of establishing an informed and independent body to advise Government on migration. After considering the issues and questions raised in the consultation, we would like to develop our comments on around the following issues:

- Our perception that the MAC, as presented in the consultation document, is too narrowly focused on issues of economics and, particularly, the benefits expected to accrue to employers from migration. We suggest that its scope needs to be widened to appreciate migration as an essentially social process with social effects.
- The importance of approaching migration policy holistically, as a matrix of policy issues, which requires the MAC to represent a broad range of experts and stakeholders.
- Our concern that the MAC could be overly rooted in narrow business interests. Unless economic interests are balanced against interests of other stakeholders, the MAC could introduce a dangerous bias in the way Government conceives migration.
- The MAC's role in the development of the Points-Based System (PBS).

Our thinking on these issues will be developed in answers to the questions set out in the consultation document.

Q1: Do we need a new independent body to advise Government on migration?

In our opinion the Government would benefit from independent advice on migration. Migration constitutes a complex matrix of policy issues, some of which may contradict one another or be susceptible to a clash of interests. A committee comprising relevant organisations with a wide range of knowledge and experience of migration could be well placed to present holistic advice, as well as identify and draw the Government's attention to possible unintended consequences arising from aspects of its policy.

Q2 Should the new body (if there is one) be called the Migration Advisory Committee?

This depends on what the final makeup and purpose of the MAC will be. 'Migration Advisory Committee' implies that advice will be issued on a broad range of policy issues, not merely identifying labour market gaps. Should this be the case, the MAC title is appropriate. If, on the other hand, the purpose of the MAC is to have a narrower economic focus – which we hope is not the case – an alternative title would need to accurately reflect this more limited role.

Q3 Do you agree that the MAC should advise us on what package of skills and attributes people should have in order to come to the UK in categories leading to settlement and to bring dependants to the UK?

We do not favour migration schemes which distinguish between groups of workers permitted family reunification and the prospect of eventual settlement and others denied such opportunities. Our view is that, as a matter of principle, once a migration scheme has facilitated the entry of a migrant in order to take up employment or self-employment in the UK economy, the right to be joined by dependent family members should follow automatically, irrespective of the skill component of his or her post. Further, all categories of admission should hold out the prospect of settlement if the worker meets reasonable requirements to remain in employment and self-sufficient during a qualifying period on a migration scheme.

Whilst we assert this principle on the basis of the human rights which ought to be seen as applying to migrant workers (and which are affirmed as such in such international instruments as Art. 44(2) of the United Nations Migrant Workers Convention and Art. 13 of ILO Convention 143) we believe there are also practical reasons why the government should avoid the creation of hierarchies of rights pertaining to the position of migrants admitted to work under its migration schemes. Such hierarchies add to the complex, bureaucratic character of immigration control policies, and this in turn erodes their legitimacy in the eyes of both the migrant workers and others who come into regular contact with the workings of the immigration authorities. The pressing need for a reduction in the excessive complexity of the PBS, recognised by the Home Office itself in its original presentation of the new approach, speaks against policies which distinguish between the rights available to migrant workers on the basis of obscure principles about 'skills' and 'attributes'. The onerous task of elaborating an essentially discriminatory system, with such dire consequences for basic human rights, should be withheld from the MAC, and indeed abandoned as an object of policy.

Q4 How can the MAC best advise us on when migration is the best way of meeting gaps in skilled employment?

It is our firm conviction that for the MAC to be successful, advice on gaps in skilled employment must only be one field of policy advice amongst many, and should be balanced against other policy concerns and outcomes, such as the rights and welfare of migrant workers, interests of sending countries, gender equality, implications for integration and race equality etc.

Q5 How can the MAC best advise us on when migration is the best way of meeting gaps in lower-skilled employment?

By considering the views and opinions of *all* stakeholders, including organisations representing migrants' rights. For this to happen, the MAC must consist of a broad range of experts, representing the interests of all parties concerned, including migrants themselves (see answer to Q10).

Q6 Should the MAC take into account the economic, fiscal and wider impacts when giving us advice on where migrants might fill gaps?

Yes. We would stress that in assessing 'wider impacts' the MAC must look beyond economic analysis and see migration as an essentially social process. Thus, when giving advice, the MAC should also take into account impacts on integration and community cohesion, race equality, the migration industry and so on.

Q7 Should the MAC provide advice on regional as well as national skills shortages?

Yes. Again, all stakeholders should be included in the MAC, including those representing regional interests.

Q8 Should the MAC advise Government in relation to migration for skilled employment as set out in paragraphs 2.6 – 2.11 above?

In considering this question, we would draw the Government's attention to the critique to which hierarchical schemes such as the PBS have been subjected, particularly those that come from expert non-governmental organisations such as the Joint Council for the Welfare of Immigrants. The narrow formalism of the PBS as a managed migration scheme fails to tackle the complexity of migratory processes. Constructive thinking about the needs of the British economy for different types of workers resists formalistic approaches to the question of skills. Whilst at one end of the spectrum precise measurements of the skill level can be expressed in terms of formal evidence of qualification, across a wider range of professions and jobs the requirements are a mix of general educational qualifications, work experience and the presence of soft skills of various types. We therefore strongly urge that the MAC think critically about the simplified skilled/unskilled categorisation inherent the PBS. We anticipate that the development of the PBS will have complications; if the MAC is primarily concerned with the implementation of the PBS, it will inevitably be linked to the problems the PBS is likely to encounter and generate. For this reason, we recommend that the MAC should not only advise Government on how to implement the PBS,

but more importantly, advise on more strategic issues of the very viability of this approach. The MAC should not work on the assumption that that the structure of the PBS is unchangeable, but should be alive to critiques of the system itself.

Q9 Should the MAC advise Government on migration issues in respect of lower-skilled employment as set out in paragraph 2.12 above?

Paragraph 2.12 states that whilst access of Romanian and Bulgarian nationals to the UK labour market is restricted, “there will be no lower-skilled migration from outside the EU” (p. 9). This statement, we argue, is unrealistic and reflects a bureaucratic belief that regulations which categorise migrants according to perceived skills, and thus provide the basis of regulating their admission and residence, somehow shape and control migrants’ aggregate behaviour. If it is indeed the case that all lower-skilled migrants outside the EU will be altogether excluded from entry, it is clear that the MAC would need to provide robust advice on the inevitable increase in irregular migration as well.

Q10 What kinds of people should be represented on the MAC?

It is important that the MAC is not confined to elite business interest. While the business sector should obviously be represented, the MAC should not be restricted to its interest. Paragraph 2.16 lists “community leaders, migrant groups, trade unions, specific employment sectors and others.” We welcome the indication that these would be included. However, the paragraph does not explicitly state whether these would be consultations rather than membership. In our opinion, they should be positioned within the MAC itself, rather than external to it

Q11 Should the MAC be able to commission research, within a limited budget?

Yes. While the budget for commissioned research would obviously be limited, at the same time it would need to be realistic. Migration is an important policy agenda, and changes in policy have effects and repercussions beyond its domain. Thus, if the primary purpose of the MAC is to provide Government with informed advice on migration, they would obviously need the proper resources to do so. We would like to add that research commissioned by the MAC should not be restricted to questions about economic impacts of migration, but also about wider social issues.

If you would like to discuss any aspect of this response, please contact:

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Thank you for considering our response and the concerns and issues we highlight. We look forward to learning the result of the consultation process and the intentions of government on implementing the MAC.