



Home Affairs Select Committee  
House of Commons  
7 Millbank  
London SW1P 3JA

16 October 2008

Dear Sir/Madam,

Please find attached the Runnymede Trust's submission of written evidence on the Draft (partial) Immigration and Citizenship Bill. Related papers on which this submission is based, and to which we would like to draw to the attention of the Committee and are attached to this submission are:

1. Written Comments on the *'Draft (partial) Immigration and Citizenship Bill'* by The Runnymede Trust, 30 September 2008
2. Runnymede Trust Written Consultation Response to *The Path to Citizenship: the next steps in reforming the immigration system* (Home Office/BIA), 14 May 2008
3. Written Response to *Marriage to Partners from Overseas* by The Runnymede Trust, 27 February 2008
4. Written Response to *Marriage Visas: Pre-Entry Requirement for Spouses* by The Runnymede Trust, 27 February 2008
5. Written Response to the consultation on the *Establishment of a Migration Advisory Committee* by Runnymede Trust and Migrants' Rights Network, 30 January 2007

The Runnymede Trust also requests to give oral evidence.

Yours sincerely,

Michelynn Lafliche  
Director

Runnymede Trust  
7 Plough Yard  
Shoreditch  
London EC2A 3LP  
T: 020 7377 9222  
F: 020 7377 6622  
W: [www.runnymedetrust.org](http://www.runnymedetrust.org)

CHAIR  
Dr Samir Shah OBE

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

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

Registered Charity  
No. 1063609

VAT Reg. No.  
GB 340 5813 76

# **Runnymede Trust Written Evidence on the Draft Immigration and Citizenship Bill Submitted to the Home Affairs Committee 16 October 2008**

## **Executive Summary**

In this submission, the Runnymede Trust expresses deep concerns about the Draft (partial) Immigration and Citizenship Bill. In our opinion, if the proposals set out in this Draft Bill are realised, the repercussions for equality and social cohesion will be severe. We are particularly concerned about the following:

- The concept of 'selective migration' – central to the Points Based System – which ignores the complexity of migratory processes.
- The concept of 'earned citizenship', which implies immigrants are undeserving and suspect by default.
- The weight given to 'playing by the rules', which implies a propensity on the part of migrants toward criminal behaviour.
- Curbing access to benefits will result in Britain becoming a de facto dual welfare state, where different rules apply according to an individual's citizenship.

## **Introduction**

1. The Runnymede Trust is an independent policy research organisation focusing on equality and justice through the promotion of a successful multi-ethnic society -- 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. Our current series of Community Studies – which explore Britain's smaller, more hidden, and often voiceless communities and ethnic groups – has given us important insights into the lives and experiences of new migrants, and the barriers they face to full participation in British life. What we have found is that the lived reality of many of the new migrant groups include experiences of severe discrimination, exploitation and violation of rights.
2. We welcome the opportunity to submit our thoughts and views to the Home Affairs Committee on the Draft (partial) Immigration and Citizenship Bill. We have been closely following policy developments in what the Government refers to as the 'biggest shakeup of the immigration in the last 45 years'. This debate has been important to us, and we have taken it very seriously, as the development of a successful multi-ethnic Britain is dependent on a progressive and fair immigration policy. If we get this 'shakeup' wrong, the repercussions for equality and social cohesion will be severe. In its current form, we strongly believe that the Draft Bill will have dire consequences for minority ethnic groups in the UK. This view is supported by the Migration Integration Policy Index (MIPEX).<sup>1</sup>
3. By way of background, the MIPEX Index uses 140 indicators to compare the legal provisions in place across Europe to promote the integration of non-EU migrants. The index is based on a normative framework derived from the highest European standards expressed in human rights, anti-discrimination, and social, economic and civic inclusion laws and practices — laws which the UK played active and leading roles in creating and to which we are signatory (with some notable derogations). Though benchmarking is commonly used in the private sector and attracting growing interest in the field of justice, security and freedom, the exercise remains a relatively new

---

<sup>1</sup> Migration Policy Group (2007) Migrant Integration Policy Index. Brussels: Migration Policy Group and British Council.

phenomenon for immigrant integration. Whilst there are a number of initiatives around where indicators are just starting to develop, the second edition of MIPEX, published September 2007, has established it as a constant and reliable biannual stocktaking with the ability to track policy advances and reversals.

4. The results of the MIPEX analysis enable the identification of national areas of strength and weakness for promoting integration of migrants and the nexus between Community and national law. When applied to these proposals, the following results were found:

“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).”

5. The type of rules a country will adopt to regulate entry and citizenship will depend to a considerable degree on the country’s experience and expectations but also on its vision for the society it is seeking to build. While identifying integration as a goal, many of the ways in which this is meant to be achieved may, in our view, be counter productive. The range of additional burdens and restricted rights to be extended over an increased number of years is more likely to alienate rather than to integrate people who choose to come to the UK to work or to join their families.
6. Given the strict word limit on this submission, we will focus on the matters we think are most pressing, namely the categories ‘Selective Migration’, ‘Earning the Right to Stay’, ‘Playing by the Rules’ and ‘Managing Local Impacts’.

### **Selective Migration**

7. In considering this question, we would draw the Select Committee’s attention to the critique to which hierarchical schemes such as the Points Based System (PBS) have been subjected, particularly those that come from expert non-governmental organisations such as the Joint Council for the Welfare of Immigrants.
8. 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 Home Affairs Committee think critically about the simplified skilled/unskilled categorisation inherent the PBS, and the significance this has on the proposals set out in the Draft Bill.

## Earning the Right to Stay

9. The concept of 'earned citizenship' is introduced in the Green Paper *The Path to Citizenship*, where it is stated several times and in different ways that this piece of the immigration reforming process is about "putting British values at the heart of the system" (p.9) and designed to "contribute to the government's wider agenda of reinforcing shared values" (p.11).
10. This new concept is set in a context of diversity – which seems mainly to mean racial and ethnic diversity more than anything else – and of promoting shared bonds for the purpose of building community cohesion and ensuring that some communities don't isolate themselves or be mainly inward looking. The Green Paper states that "The key feature of the proposed system is that it aims to increase community cohesion by ensuring all migrants can 'earn' the right to citizenship and asks migrants to demonstrate their commitment to the UK by playing an active part in the community." (p.12)
11. We are deeply concerned with the way in which this idea is presented is negative and accusatory, and that the basic tenets of this concept were carried over from the Green Paper to the Draft Bill. This is likely to engender resentment and therefore create tension and reduce cohesion in our view. Indeed, the rhetoric of 'earning rights' or as it was put in a public letter from the BIA on 20 February 2008, 'matching the benefits and entitlements of migrants with the contribution they make to the UK', implies that immigrants are undeserving and suspect by default.
12. The Government makes much about the net positive contribution of migrants to the UK economy, but simultaneously argues that there is a 'transitional' negative impact on 'our communities and public services' and argues for additional fees to be placed on migrants as part of the application process. The weight given to 'obeying the law' in such a way implies a propensity on the part of migrants toward criminal behaviour, evidence for which there is simply none. And it implies that migrants don't want to integrate, particularly to learn English, which – as is clear from our series of Community Studies – is not the case. The tone which accompanies the concept of earned citizenship in current Government thinking is, in our view, both unwelcoming and offensive to migrants – aspirant citizens – and completely unnecessary.
13. Judging from recent policy developments on migration and citizenship, what the Government fails to adequately acknowledge is that successful and positive integration of migrants rests on the concept of equal opportunities – in social and in civic terms – not on extending periods of insecure immigration statuses and increasing the number of hurdles to be overcome.

## Playing by the Rules

14. Britain expects everyone to 'play by the rules', regardless of their nationality or immigration status. To make this a particular issue for migrants is disingenuous. We would welcome sensible policies on reducing the number of irregular migrants in the UK. However, we are highly sceptical about the efficacy of the measures set out in the Draft Bill. For example, if recent developments in the crackdown on irregular migrants are anything to go by, the protection of vulnerable workers may amount to targeting small minority ethnic businesses,<sup>2</sup> rather than supporting migrants' rights and directly addressing the structural inequalities and exploitation in the labour market. Indeed, the question of rights is wholly absent from the Draft Bill, except in instances where the discussion revolves around how they can be further curbed. The tone of the Draft Bill reveals the tough stance the Government is taking not only on migration, but on migrants themselves.

---

<sup>2</sup> Migrants' Rights Network (2008) *UKBA singles out BME businesses for fines in crackdown on irregular migrant workers*. Available under: [http://www.migrantsrights.org.uk/enews/2008/specialbulletin\\_june.pdf](http://www.migrantsrights.org.uk/enews/2008/specialbulletin_june.pdf)

15. Furthermore, a survey conducted by Professor Susanne Karstedt and Dr Stephen Farrall of people in England and Wales revealed that 61% of their sample (N=1,807) admitted to an offence against business, government or employers. To subject migrants to standards we do not adhere to ourselves would be hypocritical.

### **Managing Local Impacts**

16. The extended period of time it may take migrants to complete the 'path to citizenship' puts all applicants at risk of greater failure – and without recourse to public funds, at risk of destitution, including homelessness. Quite simply, people's lives and circumstances change, things happen, there are few of us who could go for 10 full years without there having been some form of personal, family or financial/job related crisis, and this system will not be sympathetic to this reality of life at all. Further, disadvantaged groups would also be a greater risk of failure than others, and this is likely to include Black and minority ethnic groups disproportionately. Without access to public benefits over what is quite possibly a 10 year process, aspirant migrants who have in good faith committed themselves to our society will be left to fail and eventually expelled for experiencing a rather ordinary life event. This is unjust.
17. We are concerned that the proposals set out in the draft bill will result in Britain becoming a de facto dual welfare state, where different rules apply according to an individual's citizenship. From an equality and human rights perspective, this is clearly unacceptable. As we have argued, the justification for curbing migrants' access to benefits and asking them to contribute even more reveals a stance towards migrants as undeserving and suspect by their very nature. If the state identifies a single group of people as undeserving, unworthy or having a lesser claim to public goods, what kind of example does this give to the general public? As we have argued elsewhere, "even if the state doesn't mean that an individual deserves our contempt or lacks basic dignity, other citizens may adopt such an attitude on finding out that the state has conferred a bad reputation on some part of the citizenry. The state must exercise caution in making judgments about people as a matter of policy because of its power to influence citizens".<sup>3</sup>

### **Conclusion**

18. Through our Community Studies programme, Runnymede has gathered substantial data on the motivations and aspirations of recent migrants, which is very much at odds with the assumptions underlying the Draft Bill. It is disheartening that the government's current policy responses to Britain's emerging super-diversity tend to ignore the actual experiences of different groups and individuals, how they interact amongst themselves and with others, and how they see their place in Britain. Recent developments in immigration policy, culminating now in the Draft Bill, reveals a stance towards migrants as undeserving and suspect by default. This is far from both the purpose as well as the outcome of Runnymede's Community Studies programme. Most of our interviewees expressed a clear desire to contribute positively to their host society. Indeed, most conveyed a sense of appreciation for Britain giving them a chance to contribute. However, most also described difficulties in trying to do so, exactly because of widespread prejudice and discrimination.
19. If maximising the benefits of migration is the primary concern of the government, it must recognise that the legitimate interests of migrant workers are by no means antithetical to the interests of Britain. In any case, it is nonsensical to speak of the interests of Britain as if Britain was a homogenous mass, without hierarchy, stratification and conflicts of interests.<sup>4</sup> While some segments of British society may benefit from violating migrants' rights and exploiting migrant workers, the

---

<sup>3</sup> Khan, Omar (2007) *The State of the Nation: Respect as a Justification for Policy*. London: Runnymede Trust.

<sup>4</sup> Ryan, Bernard (2008) 'Migrant Rights in the Workplace', in Don Flynn and Zoe Williams (eds) *Towards a Progressive Immigration Policy*. London: Compass.

majority of British workers do not. In fact, exploitation is arguably a larger threat to local communities than new migrant communities disproportionately accessing benefits or public services. Cementing migrants' rights and protecting them from exploitation is the most effective way to ensure healthy labour market participation and prevent migrant destitution. This, in turn, would promote integration, as economic migrants generally have strong instrumental reasons for wanting to integrate to British society. Integration enhances prospects on the labour market, which is a primary reason for economic migration.

20. We cannot end this submission without mention of the Government's analysis of the responses to *The Path to Citizenship*, which 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. The extraordinary measure to divide respondents into British citizens and non-British citizens, among other highly questionable methodologies applied to the analysis, appears to be based on the pragmatic objective to justify ignoring the consultation outcome in order to pursue their original aims. The purpose and value of public consultation, indeed democratic process itself, seem to be at question.

**Runnymede Trust**  
**16 October 2008**