

Post-Brexit Immigration System

Summary and Recommendations

This report outlines the proposed changes to the UK immigration system post-Brexit, as set out in the Immigration and Social Security Co-ordination (EU Withdrawal) Bill and the UK's future skills-based immigration system White Paper. The report outlines COSLA's potential lobbying and engagement activities for a post-Brexit immigration system that can meet Scotland's economic, workforce and demographic needs, on a local as well as a national level.

This paper invites Leaders to:

- i. Note the proposals in the Immigration and Social Security Co-ordination (EU Withdrawal) Bill and UK's future skills-based immigration system White Paper; and
- ii. Endorse COSLA's ongoing lobbying and engagement activities for a post-Brexit immigration system that can meet Scottish Local Government's needs.

References

Most recent relevant reports:

- COSLA Leaders 25 January - Brexit Update
- COSLA Leaders 30 November - Local Authority Work to Tackle Depopulation

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Purpose

1. This report outlines the proposed changes to the UK immigration system post-Brexit, as set out in the Immigration and Social Security Co-ordination (EU Withdrawal) Bill and the UK's future skills-based immigration system White Paper. It outlines COSLA's potential lobbying and engagement activities for a post-Brexit immigration system that can meet Scotland's economic, workforce and demographic needs, on a local as well as a national level.

Current COSLA Position

2. COSLA recognise that Scotland has benefited from free movement of people and its continuation would be the most advantageous system for Scotland.
3. COSLA continues to make the case that the very real possibility of a reduction of in-migration to Scotland from EU countries will adversely impact on Scotland's local authorities and their economies.
4. COSLA has long voiced concerns about an immigration system in which the aim is to reduce net migration and the bar is consistently raised to the exclusion of particular jobs and sectors. We have lobbied for a more flexible system that can address the needs of the Scottish economy, workforce and our ageing population, and to accrue more policy levers to encourage people to move to Scotland. We have also argued that flexibility cannot stop at the national level; the system must be able to accommodate Scottish local authority areas and their specific needs.
5. This position was clearly set out in the COSLA Leaders report in November 2018 on local authority work to tackle depopulation, and Leaders have endorsed COSLA's continued lobbying of UK Government for an immigration system that recognises Scotland's needs. COSLA also continues to support specific work being undertaken by west coast local authorities, as they seek to address the significant demographic challenges that they face.

What is changing?

5. The Immigration and Social Security Co-ordination (EU Withdrawal) Bill is proceeding through the UK Parliament and is currently sitting at Committee Stage. This paper is related to part one of the Bill, which will end the EU's rules on free movement of persons into the UK and make EEA and Swiss nationals and their family members subject to UK immigration controls. This means that they will require permission to enter and remain in the UK.

6. The UK's future skills-based immigration system White Paper was published in December 2018. The White Paper sets out recommendations to replace the dual system for highly skilled workers from outside the EU and workers of all skill levels from the EU with a single route that gives access to highly skilled and skilled workers from all countries.
7. Key recommendations from the White Paper are that: there will not be a cap on the numbers of skilled workers; procedures for employers will be simplified; there will be a new skilled route that will include workers with intermediate level skills (A Level or equivalent); there will be consultation on the minimum salary threshold (it currently sits at £30,000); there will not be a route for low skilled workers; and there will be a time-limited route for temporary short-term workers (max 12 months in the UK and a 12 month 'cooling-off period').
8. There will be a 12-month programme of engagement on the White Paper, with the new immigration and borders system due to be implemented in a phased approach from 2021. When the COSLA President, Cllr Alison Evison, met the Secretary of State for Scotland, David Mundell, recently, he urged COSLA to participate fully in this, and indeed encouraged COSLA to lobby around our stated position on migration.

Proposed COSLA Position

9. It is critical that Scottish Local Government's voice is represented in the Brexit debate and our needs are recognised and reflected in any immigration system that is developed as a result of Brexit. As such, it is proposed that we continue lobbying on the basis that has been agreed previously.
10. In the first instance, COSLA has submitted written evidence to the Public Bill Committee setting out our concerns regarding the Bill and White Paper. In summary, the key points are:
 - Migration is crucial to Scotland's economy, to Scottish local authorities and to our local communities. COSLA and our member authorities recognise that Scotland has benefited significantly from membership of the single market, and the continuation of free movement of people would be the most advantageous system for Scotland.
 - COSLA is calling for a flexible immigration system that can meet Scotland's economic, workforce and demographic needs; this must be responsive to local as well as national needs.
 - COSLA and our member authorities welcome the recommendations in the White Paper to terminate the cap on the number of skilled workers and to cease the requirement for employers to carry out a resident labour market test as a condition of sponsoring a worker.
 - COSLA and our member authorities argue that in the case of the Scottish Shortage Occupation List (SOL), Scotland must have a greater role in planning and monitoring our immediate and projected labour shortages.
 - The proposed time limited route for temporary workers is at best unhelpful and at worst will intensify issues of 'churn'.
 - The salary threshold has been set too high and is a barrier to many occupations in our key sectors.

- We are concerned that the proposals will increase the number of people living in Scotland who have No Recourse to Public funds - if temporary workers and their families are excluded from mainstream benefits and other supports whilst living in Scotland, they will face specific risks of poverty and destitution.
- It is critical that Scottish Local Government's voice is represented in the debate and our needs are recognised and reflected in any immigration system that is developed as a result of Brexit. We expect to work closely with the Home Office during the engagement process for the White Paper.

11. It is intended that we escalate our lobbying work in this area over the coming months.

Next steps

10. COSLA will engage fully with the Home Office during the 12-month engagement process for the White Paper. We will provide written evidence, which reflects all our member authorities' views and concerns. We will also invite the Home Office to an event in Scotland to ensure that they hear directly from local authorities and that they receive a sound understanding of the potential implications of the White Paper recommendations.
11. This work will be kickstarted at the next meeting of the Strategic Migration Partnership Board, due to take place on 22nd March. The Board is chaired by COSLA Community Wellbeing Spokesperson, Cllr Kelly Parry, and brings together key stakeholders to discuss key migration related issues. The next meeting will focus on the Bill and White Paper.
12. COSLA will also ensure that we are involved in wider engagement events and will use these opportunities to clearly set out the implications for Scottish Local Government. This work has already started, and earlier this month COSLA officers attended a private roundtable with the Scottish Government Cabinet Secretary for Health and Sport, the Minister for Europe, Migration and International Development and key stakeholders from the social care sector to discuss the implications of changes to the UK immigration system.
13. In addition, COSLA has been working closely with the Expert Advisory Group on Migration, an independent group of academics from University of Edinburgh, University of Glasgow, University of Stirling, University of St Andrews and James Hutton Institute. The Expert Advisory Group has been commissioned by Scottish Government to produce a report on UK immigration policy after Brexit and the impacts on Scotland's economy, population and society. The publication of this report is imminent, and we will draw on it to substantiate some of our key positions.

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