CREID BRIEFING 17

KNOWLEDGE EXCHANGE ON PUBLIC POLICY IN SCOTLAND

PROMOTING BEST PRACTICE IN EQUALITY AND HUMAN RIGHTS IN SCOTLAND

A KNOWLEDGE EXCHANGE PROGRAMME SUPPORTED BY THE SCOTTISH FUNDING COUNCIL

IMMIGRATION, EQUALITY AND HUMAN RIGHTS

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Introduction

This briefing paper reports on a "think-tank" event entitled *Immigration, Equality and Human Rights: towards citizenship in Scotland*, held at Dynamic Earth in Edinburgh on 3 December 2008. This day was the second of five events in the knowledge exchange programme, *Promoting Best Practice in Equality and Human Rights in Scotland*, led by Professor Sheila Riddell, University of Edinburgh and Professor Nick Watson, University of Glasgow, with the support of the Scottish Funding Council.

Immigration, Equality and Human Rights: towards citizenship in Scotland brought together five papers from speakers with diverse perspectives, but all with substantial expertise in this field, and an invited audience of 40, including professionals, national and local government officials and voluntary sector workers, alongside researchers and research students working in this area.

The specific aims of the event were to:

- Share knowledge on the topic of immigration in Scotland, involving a range of bodies including the Scottish Government, local authorities, academics and third sector organisations

- Draw some international comparisons between Scotland, England and other European countries in relation to immigration, equality and human rights

- Reflect on the knowledge exchange process and draw lessons for future events

- Produce a briefing with an assessment of the current picture and key issues affecting Scotland.

This current briefing paper provides a flavour of each of the five papers and of the ensuing discussions, not only in the question-and-answer sessions after each set of presentations, but also in the lively afternoon discussion groups and the closing plenary led by the discussant, Kay Hampton of the Scottish Commission for Human Rights. In organising the day, we had tried to offer roles to colleagues with as wide a range of perspectives as possible. Representatives of our policy partner institutions, Professor Jo Shaw of the University of Edinburgh and Lesley Irving, of the Scottish Government, contributed by chairing the sessions, and Anja Lansbergen, with support from her research supervisor, Jo Shaw, produced the introductory briefing paper, *A report on Equality and Human Rights legislation in Scotland*, which was circulated before the event and is still available on our website. The research team is very grateful to all who contributed.

The remainder of this briefing is in two sections, the first summarising the five presentations, and the second providing an overview of issues emerging from the papers and surrounding discussions during the day.

Presentations

Sarah Kyambi's paper, *Scottish and English Policy on Immigration: some north/south comparisons,* drew attention to the rate of population decline in Scotland, the highest across the European Union. Census data showed that Scotland's population declined by 1% between 1996 and 2001, while UK population rose by 2.8%, and Scotland has only 3.3% foreign born population, while the UK has 8.3%.

Although immigration is reserved under the Scotland Act 1998, it has impact on competencies which are devolved to the Scottish Government, such as health and housing. The Fresh Talent scheme (Scottish Executive, 2004) had been influential, since the then First Minister, Jack McConnell, saw the falling population as a huge challenge to Scotland's future. Population growth targets are now part of the Economic Strategy, and foreign students are allowed an extension of stay. While the impact of migration on housing had to be considered, generally spatial concerns were greater in London and the South East, rather than areas such as Scotland, Wales or North East England. The Migration Advisory Committee (2008), in producing *Skilled, shortage, sensible,* had looked at specific shortages, assessing what was 'sensible' by looking at labour market effects, which might not be enough if, like Scotland, you want to grow the population for other reasons. The points-based system prioritised attracting workers in highly skilled bands, giving them access to more rights, while Band 3 (low skilled), Band 4 (students) and Band 5 (youth mobility) had less access.

For immigrants, there is no path to citizenship if they are given only short term leave to remain. How do you grow a population if you cannot offer citizenship? Citizenship is necessary to access your rights, and some migrants are not around long enough to learn what their rights may be.

Gary Christie and Gareth Mulvey from the Scottish Refugee Council then presented a paper on *Exclusion not Equality: UK immigration and citizenship policy and its impact on refugees in Scotland.* They drew attention to forthcoming legislation, in the Draft (partial) Immigration and Citizenship Bill, the Race Equality Statement in Scotland and EU proposals. Considering the process of exclusion, they outlined external measures taken by government - ways in which the Geneva Convention is being challenged by prevention of arrival, achieved, for example, by having liaison officers at airports across the world and border controls in France, to screen people before they reach British soil. Internal measures were then reviewed, including the removal of assumed, but not evidenced, 'pull' factors for immigrants, by restrictions on benefits and employment, and granting temporary leave to remain, which leaves immigrants with restricted rights and limited scope for integration. They demonstrated how measures in the Borders, Citizenship and Immigration Bill, included in the Queen's Speech on the same day as our knowledge exchange event, will mean that the path to citizenship, if desired, may take many years. Key concerns were highlighted, around, for example, the increased complexity of the legislation, the situation of unaccompanied asylum-seeking children, the restriction of access to public services, the ability of the UK Borders Agency to deliver what is proposed and the ability of refugees to surmount barriers to citizenship, including the high costs of applying (£655 per applicant; £1135 for husband, wife and child).

The next presentation, from **Derek Mitchell**, representing COSLA, Strategic Migration Partnership, was on *Meeting the needs of new arrivals in Scotland: the challenge for local services.* The Strategic Migration Partnership finds now that more than half their work is on migration generally, rather than on refugees and asylum seekers. He noted challenges in funding and capacity building, stressing the benefits of migration for Scotland, and the importance of learning the lessons from the integration of asylum seekers in Scotland, who are welcomed and integrated into the community when they arrive, rather than when a decision on their asylum application is made. Integration should therefore start as soon as possible for all migrants.

Policy in the area of migration needs to recognise the UK Government's concerns, support Scotland's population growth target, and work to benefit Scotland and its economy. Even within Scotland, local authorities have different needs and wants, with population in sharp decline in some areas and growing in others. Limitations of national statistics, especially in relation to short-term migrants, often lead to undercounting at a national level and in some localities. Since population estimates are the basis for grant allocations, this can be a problem which inhibits planning for appropriate services, e.g. ESOL provision. Derek outlined the challenges of funding for the extra population, allowing for the churn factor of short-stay migrants, measuring and predicting their requirements.Capacity building also presented challenges, in terms of welcome and integration for migrants, developing services and working with the host communities, taking account of their diversity, since some communities are already cosmopolitan and diverse, while others have been hitherto relatively homogeneous ethnically. He stressed the benefits of international migration, boosting local economies, filling skill gaps, e.g. in the care sector, increasing diversity, raising school standards in areas of low aspiration, and providing an impetus to develop flexible and responsive services. Migrants need access to health care; jobs; language support (ESOL and translations); education for children and for adults; appropriate accommodation; and, perhaps most importantly, to feel safe and secure. Local authorities therefore need to collate accurate data, provide clarity on service entitlement, work in partnership, share services, keep a proactive focus on integration and try to secure additional resources.

Philomena de Lima from the University of the Highlands and Islands contributed a paper on *Creating thriving rural communities: migration in rural areas.* Her analysis of population trends demonstrated that although net migration in both accessible and remote rural areas is positive in the period 2001-2006, attracting and retaining migrant workers is still very important to the economy, given the declining numbers in the age group 18-39, and the reluctance of local workers to take on seasonal or short-term employment in agriculture or tourism, with low pay and poor conditions of service. She also highlighted the challenges for rural communities for example, in resourcing English language provision, accommodation and housing, in raising awareness in the local communities of the value of migrant workers, and in fostering effective integration in host communities which may be culturally ill-prepared for an influx of immigrants.

Her paper, which drew on published research (de Lima *et al.*, 2005; 2007) concluded with some thoughts on population regeneration strategies. She queried whether rural markets have the capacity to absorb highly skilled workers from overseas, and considering both the economic impact of migration on rural areas, and the impact of attracting overseas migrants on other regeneration strategies, such as encouraging young people to stay or return and encouraging older people to participate in the labour market for longer. She also stressed the need to understand host communities, the diversity and competition for resources within them and prevailing views on migration, in order to develop strategies for countering misinformation about 'newcomers'; and to identify the changes required so that rural agencies can respond effectively to their changing population.

In the final paper of the day, **Christina Boswell,** of the School of Social and Political Sciences, University of Edinburgh, discussed *Using migration research in policymaking.* She explored the puzzle of the huge interest of governments and research funders in migration research, accompanied by very limited take-up of the findings of such research in policymaking. Using ideas discussed more fully elsewhere (Boswell, 2008; 2009), she argued that such research was often valued by its funding organisation not only for its *instrumental, problem-solving* function, but also for its *substantiating* function, enabling the organisation to use knowledge to support its claims on, for example, contested issues; and for its *legitimising* function, as evidence of the competence of the organisation to take sound decisions. She concluded that in-house research units are often used to produce research which is about *legitimation*; and that external researchers are often used for consultancy intended to provide *substantiation*, rather than to solve problems, although there is still scope for such research to have an *enlightenment* function, and thereby to have indirect influence on policy.

Overview: issues and questions emerging from the event

In the spirit of multi-perspective knowledge exchange, in this section we describe briefly some questions discussed by participants throughout the day, in plenary and group sessions.

Should recent immigrants be treated as 'normal citizens' or as people requiring additional support?
Different views were reflected here. From a local authority perspective, it was felt that some groups, particularly refugees and asylum seekers, require significant additional resourcing to allow public sector service providers to identify and meet their needs in areas such as health, education and housing. This might also be regarded as important by host communities, allaying fears that resources might be diverted to new arrivals. Other participants, however, argued that immigrants should not be treated as different and other, and that services such as language classes should be seen as part of mainstream provision rather than something special and separate. The discussion also touched on the diversity of subgroups in the immigrant community, including refugees seeking to remain here permanently and Eastern European migrants who may plan to work, and then return to their country of origin.

How important is it to develop a better statistical base on recent immigrants?
Some participants argued that good statistical data was urgently required on immigration to Scotland so that policy and practice were better evidenced. A contrary view, however, was that accurate statistics of a dynamic and mobile migrant population were difficult or impossible to collect, and therefore a more fruitful use of time and energy would be to improve the lived experiences of recent arrivals, and encourage communities in Scotland to be welcoming and responsive. Having the right kind of services and building a society where all are treated fairly were seen as more important that collating precise statistics.

How important or feasible is it to develop a distinctive Scottish immigration policy?
It was noted that to some extent Scotland was able to play 'the good guy' on immigration issues, since 'hard decisions' on entry were made at UK level. Some participants, however, perceived a tendency to complacency, given that pressures on space and tensions around immigration were not as severe here as in London and the South East. Some saw a danger of focusing too much on entry rules, over which Scotland does not have control, instead of making more creative use of those powers which are devolved, in order to make Scotland a country where people want to settle. Rhetoric, both from Westminster and from Holyrood, could contribute towards hostility to migrants. Reference was made to the difficulty of balancing non-refoulement with security, and the danger of criminalising immigrants, who, like the rest of the population, needed protection. Some statements by Westminster politicians emphasised barriers to entry, reflecting particular concerns amongst communities in the crowded areas of London and South East England, where many people want to settle. Scotland had set out its own central goal of increasing its population in the *Fresh Talent* initiative in 2004, but perhaps the current Scottish Government needed to make more positive statements about immigration, both to encourage migrants and to challenge negative public discourse about immigration which might influence how they were received in the community. The extensive publicity campaign associated with the 'Homecoming' initiative was contrasted with the more muted tone associated with the promotion of immigration into Scotland. More celebration of immigration might be helpful.

What benefits do migrants bring to Scotland, and what do they need in return?
In discussions over the skills needed in the Scottish labour market, some highlighted the need not only for highly skilled immigrants, but also for those with lower skills, whom the points-based system is designed to deter. Some saw a danger of migrants being seen purely as units of labour, and of integration being seen as part of an employability project. Concerns were raised about refugees' access to the labour market, and to anything other than poorly paid work. In return, Scotland needs to provide structures for access to education, housing, health, and other services. Some participants noted, for example, reluctance amongst local authorities to produce guidance to staff about the healthcare they provide for new arrivals. Others felt that, while financial resources are important, human capital is more important in promoting positive attitudes towards migrants: some schools, for example, have done lots, with very few financial resources, to support migrant children and their families. Integration may require work both with new arrivals and with host communities: in the succinct words of one participant, 'Scotland needs immigrants and needs to create environments in which they thrive.'

What factors affect the ease with which recent immigrants settle in to existing communities in rural and urban areas?
The population of Scotland is falling most dramatically in remote rural areas, so there might be a strong case for encouraging rural settlement to sustain such communities. Immigrants willing to undertake seasonal work in agriculture and tourism were valuable to the local economy, but in areas where schools, post offices, shops and pubs have closed, it was very difficult for new arrivals to feel part of a community. It was also noted that some urban areas where recent arrivals are housed lack community facilities and resources, although progress has been made in parts of Glasgow such as Sighthill. Helping recent immigrants to feel they belong in Scotland is particularly difficult in the high churn immigrant community in Glasgow.

What should be done to protect vulnerable immigrants to Scotland?
It was noted that the issue of human trafficking was not raised till the end of the day, and that in Scotland little is known about the problem of people brought into the country unlawfully, who are then vulnerable to abuse and are sometimes held against their will in conditions bordering on slavery. This clearly requires greater attention in future research and policy, so that the scale and nature of the problem are better understood and can be tackled more effectively. Proposed legislation intended to make it unlawful to have sex with an individual controlled for another's gain may focus attention on the problem of human trafficking. Discussion of another vulnerable group, unaccompanied teenaged children, highlighted inherent difficulties in their situation: they are allowed to stay in the country, but it is not clear how they can ever progress to citizenship.

What should researchers be investigating and what is the relationship between researchers and policy makers?
There was a strong view that research had focused too much on the 'neediness' of immigrants rather than the capacity of indigenous communities to provide welcoming environments, creating a tendency to pathologise new arrivals rather than settled communities. More research was called for on attitudes within the host communities, including established ethnic minority communities which might be unsettled by recent migrants. Some participants felt that commissioned research was sometimes used to legitimise preferred courses of action at local or national level. A researcher, for example, described being commissioned to provide evidence of unmet need and to catalogue difficult or unhappy experiences. Policy-makers did not always welcome findings which revealed that some needs were already being met, or that some experiences of new arrivals were happy and positive. Is it possible and desirable for researchers to carry out more open-ended studies in this field funded by public money, or does all research have to be closely tied to policy agendas?

What are the human rights implications of immigration policy?
Human rights concerns are central to the field of immigration policy, practice and research, but are often underplayed. The Geneva Convention sets out clear rules on the treatment of refugees and asylum seekers, and provides grounds on which individuals may appeal unfair treatment. Politicians have suggested, however, that the Geneva Convention was designed for an earlier era, with less movement of people around the globe. It is, however, important to adhere to clear rules of procedural and substantive justice in this field, with opportunities for redress if individuals have been treated unfairly. At a broader level, there is a need to ensure that respect for human dignity and determination to treat people equally underpin all aspects of work in this area.

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