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WEDNESDAY 24 OCTOBER 2012

Members present

Lord Hannay of Chiswick (Chairman)
Lord Avebury
Baroness Prashar
Lord Richard
Lord Sharkey
Lord Tomlinson

Examination of Witnesses

Professor Christina Boswell, University of Edinburgh, Professor Ronald Skeldon, University of Sussex, and Professor Andrew Geddes, University of Sheffield.

The Chairman: Good morning and thank you for coming along. Apologies for keeping you waiting while we completed some internal business. It is very helpful of you to have come along to give evidence to our inquiry into the EU’s Global Approach to Migration and Mobility, and matters that relate to it. As you know, this session is open to the public; a webcast of it goes out live as an audio transmission and is subsequently accessible via the parliamentary website. A verbatim transcript will be taken of your evidence and put on that website. A few days after the evidence session, you will be sent a copy of the transcript to check for accuracy and we would be grateful if you could advise us of any corrections as quickly as possible. If after this session you wish to clarify or amplify any points made during your evidence, or have any additional points to make, you are very welcome to submit supplementary evidence to us.

To start things off, there are two alternatives. It would be helpful in any case if you would briefly introduce yourselves and say a word or two about your qualifications to be giving this
Professor Christina Boswell: Thank you. My name is Christina Boswell. I am professor of politics at the University of Edinburgh and I am a political scientist working on areas of European and EU immigration and asylum. I have written in particular on international migration management, including on the external dimension of EU co-operation on immigration and asylum, and on the Global Approach.

Professor Ronald Skeldon: Good morning, everyone. I am Ronald Skeldon, a Professorial Fellow at the University of Sussex. I work primarily on areas of origin of migration. My area of specialism is migration and development but I have been involved with the GAAM in Brussels, through training sessions and the briefing of officials. I have also been involved with the high-level working group under the Danish presidency. Most recently, I have been involved with the Prague process on the development of circular migration in Eastern Europe.

Professor Andrew Geddes: My name is Andrew Geddes. I am professor of politics at the University of Sheffield, although I am currently a Robert Schuman fellow in the Migration Policy Centre at the European University Institute in Florence. I specialise in European and EU migration policy and have a published a number of books on it. I also participated recently in a report for the UK’s Government Office for Science, which explored links between migration and global environmental change, so I have extensive interests in the internal and external dimensions of European migration policy and some recent research looking at climate issues.

Q219 The Chairman: Thank you very much. That certainly makes it clear what a wealth of experience and relevant knowledge you are bringing to us this morning. Thank you for that, and I deduce from this than none of you wishes to make an opening statement. By the way, it is obviously not essential that all three of you answer every question as we go along. We will just take it in a fairly relaxed way, if that is all right by you. Whenever you want to come in on a question, please do so and you will be very welcome.

I will start, if I may, with a very straightforward question about the view that all three of you have of the EU’s Global Approach to Migration and Mobility. How might it become more effective? We are looking at the latest Commission document on this, which is forward-looking, although your answers will presumably include also how it has worked in the past. It would be very helpful if you would tell us how you think it could become more effective in future.

Professor Christina Boswell: I will start with what are the positives, in my view. In a general sense, it is very good that the EU is working constructively with third countries—they are both source and transit countries—to address issues of migration management. That is obviously preferable to focusing simply on domestic measures of looking at internal checks and border controls, and so on. It is also good that it is approaching this co-operation in a holistic way, by looking at the range of types of the impacts of migration on these regions as well as at the human rights perspective, developmental impacts and security. It is also looking at the EU’s own demand for labour in particular sectors.

That is all good but, having said that, I find that this particular instantiation of the Global Approach seems to be very much dominated by home affairs or interior ministry considerations. For me, the underlying and more or less explicit concern in this document is...
to try to offer more incentives to cajole third countries into accepting measures to reinforce border control and, in particular, to encourage them to sign and implement Readmission Agreements. That is very much the underlying agenda of this instantiation of the Global Approach. It is offering a number of additional incentives concerning co-operation on Readmission Agreements. The new idea here is about visa facilitation and that offering it might incentivise countries to sign up to Readmission Agreements. Obviously there is a problem with that insofar as the EU has only limited leverage to provide some of the incentives that it is talking about, such as increased mobility or access to labour markets. I think we will discuss that more later. That is one limitation but, more generally, there is an issue here insofar as it is dominated institutionally by the Home Affairs Directorate-General within the European Commission and by the high-level working group on immigration and asylum. In terms of thinking more constructively about migration management and trying to elicit co-operation from these countries, it would probably be constructive for development and external affairs actors to have a more proactive role. That is my main impression.

The Chairman: Presumably you are not too surprised that the emphasis is rather heavily on the home affairs side, given the state of the European economy and the sensitivity of immigration in politics.

Professor Christina Boswell: Yes and no. The history of the EU’s commitment to the external dimension of immigration and asylum goes back at least as far as the 1990s, when there were talks about addressing root causes and trying to have more constructive approaches to migration management. A lot of those debates involved development actors and people who perhaps had a slightly more enlightened or longer-term view about migration management. More recently, institutionally, there has been a predominance of home affairs actors, partly through the configuration of who is influential within the Council and partly through how these documents are drafted and how policy gets formulated within the European Commission. So there are two possible approaches or strands and it is not inevitable that the home affairs strand should predominate to this extent in the context of the external dimension.

Q220 Lord Avebury: You mentioned the human rights perspective. How does the Global Approach take into consideration the fact that there is a vast penumbra of victims of human rights violations in countries such as the DRC or Somalia, from which we may not get many applications for asylum because of the difficulties that people have in travelling from those countries? Do you think that, taking the human rights perspective into account, the Global Approach should encourage further immigration from countries where gross violations are known to exist?

Professor Christina Boswell: I feel that I should perhaps pass this over to one of my colleagues here.

Professor Andrew Geddes: If I may, that is one of the issues present within the Global Approach. There is an EU-Africa partnership but what you have focused on goes far more fundamentally into issues of international migration, which are perhaps difficult to accommodate within the EU’s role as we are discussing it today. I would have thought that in the two situations you referred to, some of the most immediate needs would arise in neighbouring states or be linked to the displacement of people within states. Many of the most pressing issues, which are urgent considerations for the EU in its Global Approach, arise in protection that is perhaps closer to or within the countries of origin. As we will also
discuss later, thinking more seriously about protection and development in those parts of
the world, it is very pertinent to the rights-based dimension of this. The Global Approach
talks about being migrant-centred and about protection, but many of the policy approaches
coming from it seem to be focused more on human resources than on human rights. That is
a very pertinent issue, which I think we will return to in our discussions.

The Chairman: Professor Skeldon, perhaps you could say something on the broad
question that I posed.

Professor Ronald Skeldon: The positive for me in the latest manifestation of this
framework is that it is “Migration and Mobility”. It is not just migration; the Commission has
brought into consideration the mobility aspect. That means that it is also looking at internal
migration and short-term movements, which is a step forward. It is a movement from where
it used to be in the Global Approach to Migration because, as your question implies, most
people migrate within the borders of their own country or migrate locally. From that point
of view, this helps to inch us forward to a more realistic framework.

You are all familiar with the GAMM; one of my concerns is that it has major four pillars. On
its first pillar of “organising and facilitating legal migration and mobility”, it seems that a
missing element here—another pillar that could be put in—would be migrant integration. I
can see why it is not there but the inclusion of integration would be the logical next step.
There is a great difference between the current approach of EU and European states and
that of states such as the United States, Canada and Australia which see migration as part of
state-building and nation-building. In some ways, the UK is inching more towards a settler-
type approach but we are still a long way off. I will leave it to my two colleagues, who are
more knowledgeable about the UK and Europe than I am. However, looking at this globally,
that is the way forward: we need to look at an immigration policy that clearly states in a
transparent way who we are going to take in, how many and so on.

To touch on the whole issue of migration and human rights, the EU would have to be careful
that it follows current international conventions and the approach of the UNHCR, the ILO
and so on. It would have to work with those international agencies and operate within the
normative frameworks that they have already set up. I think the EU would certainly intend
to do that. My area is that of the fourth pillar, maximising the development potential of
migration and mobility, which we will come on to later. I have come from a meeting this
morning where there was a big debate on human rights. The human rights agenda tends to
be driving so much of our labour migration policy. There is a question mark as to whether
that really should be the case.

The Chairman: I think we can pick up a lot of these points as we go through the other
questions.

Q22. Lord Tomlinson: I should like to move on. What in your opinion are the prospects
for multilateral co-operation on migration issues? Can the EU realistically hope to be able to
speak with one voice on migration?

Professor Andrew Geddes: That question goes very much to the heart of our discussion
this morning about the European Union adopting the Global Approach. It is quite an
ambitious document, as my colleagues have already indicated. Fundamentally, it is very
difficult for the European Union and its Member States to speak with one voice at the
moment because this is an area of mixed competences. The European Union has no
competence when it comes to the number of migrants to be admitted; that remains the
Competence of the Member States, as the Lisbon Treaty makes very clear. It also has no competence for integration policies. I think that Article 79(4) of the Lisbon Treaty also makes that clear so the legal question of mixed competences is very much at the heart of our discussion.

I would make two further points. First, in thinking generally about multilateral co-operation, when issues are close to sovereignty and there are high levels of domestic political salience it can be far more difficult for states to reach agreement. These are areas where we see close relationships to sovereignty and high levels of such salience across the European Union. Having said that, we see some confluence of interests, particularly around control-oriented policies. As Professor Boswell suggested, that has been very much to the fore in EU action on this external dimension of migration.

The second point I wanted to make, which is quite relevant here in the context of multilateral co-operation, is on the profusion of bilateral agreements. As we know, migration is often based upon close relationships between the sending country and the destination country. We see that in the history of migration to the United Kingdom and in many European other countries as well. These international migration relationships which exist between states are still very important in the European Union. Italy, the country in which I am currently based, has had and is trying to redevelop links with the Libyan Government, as are the Spanish with the Moroccans and the French in West Africa. The profusion of bilateralism is also relevant in our discussion of multilateralism in the broader context of the EU's Global Approach.

Professor Christina Boswell: If I could add to what Professor Geddes has said, we can also understand this question in another way. Can the EU hope to speak with one voice on migration in terms of all the various tensions and conflicts between different objectives that are at stake within the Global Approach? Within the Commission alone, you have directorates-general dealing with development, external relations, home affairs, and employment and social affairs. All of those directorates-general have quite distinct agendas vis-à-vis migration issues, whether that is to attract the right skills, to address labour shortages within EU economies, to promote development or to facilitate good relations with strategically important third countries and so on. This tension comes across within the Global Approach document. It is a bit of a pick and mix; it offers something for everybody but does not really articulate in a particularly compelling way how these different and conflicting goals will be reconciled. The key one on the development issue, which will probably come to later, is: how can you possibly reconcile demand for highly skilled labour in ICT or the health sector with concerns about a brain drain? These sorts of conflict imply that even the European Commission can hardly speak with one voice on this issue.

Q222 Lord Sharkey: Could you tell us in what areas of migration policy you feel that the EU has made the most and the least progress? Why do you think that this progress has varied across the different policy fields of asylum, economic migration, family and illegal migration?

Professor Andrew Geddes: May I make the first attempt to address that question? First, what do we mean by progress in this area? On movement towards a common policy we still see a fairly fragmented approach, with areas of some integration and co-operation. It is a very mixed bag in that area. Another means of evaluating it could be the extent to which this Global Approach helps Member States address domestic political issues or problems...
that they face. A third could be the extent to which the Global Approach is a way of enhancing migrants’ rights and offering new protections.

My assessment would be that the Global Approach is particularly attuned to resolving domestic political issues that the Member States face and that progress has been most significant in areas with a stronger relationship to Member States’ interests. I think that has led to a focus on border controls and the regulation of migration. We have seen that quite prominently in the external dimension of European Union migration and asylum policy, so progress has been most clearly evident when it has accorded with the interests of Member States in trying to manage migration flows from neighbouring states and beyond.

Professor Ronald Skeldon: To add to that, the issue with a global approach is that although everybody moves, migration is in fact concentrated in particular channels. There are particular corridors of migration, so in many ways it makes sense to approach the migration management strategy through those corridors. Rather than a global approach, a regional approach may be more satisfactory when dealing with commonalities of interest among states. A top-down global approach just will not work, given the different types of migration that you find from one part of the world to another and so on. I think that is built in to the GAMM in the way that they have tried to implement it through bilateral dialogue—the regional dialogues and processes that you may have discussed at other sessions. That is there in the framework. Answering the question of where the best progress has been made is extremely difficult. How are we going to measure that progress? It would also vary depending on which part of the world we are talking about.

The Chairman: I might have got it wrong but my impression was that in the Global Approach, global does not refer to having a single approach to every country in the world or every region. It refers to the Member States having certain common elements in their approach. Is that not the meaning of that “global”?

Professor Ronald Skeldon: I guess it is but, given that it is driven by DG Home, there would be a temptation to have a common approach to migrants from all destinations.

Lord Sharkey: If it is so difficult to measure progress, and I understand why it may be, how can we discriminate between the various parts of these policies at all? How can we say which we think should be continued or developed, or not?

Professor Andrew Geddes: That is an interesting point. What struck me is that the communication we are discussing is supposed to be an evaluation of the Global Approach. As far as I can see, “evaluation” appears once at the beginning although the Council conclusions that responded to this document thanked the Commission for its evaluation. I read the document fairly closely and I do not see a particularly high evaluative content, so this question is quite pertinent. As Professor Boswell has already pointed out, there seem to be quite a number of priorities, some of which may be competing and some of which may even be contradictory. This document might bring together previous documents but it would perhaps have been helpful if it had also attempted to evaluate in a more structured way the success of previous initiatives before launching a wide array of other initiatives.

Q223 Lord Avebury: Professor Geddes said that the Global Approach is designed to enhance migrants’ rights. But when you see such enormous discrepancies arising between the policies of Member States as we have in the case of family reunion, where the United Kingdom has decided to adopt a far more restrictive approach than any other country in Europe, is it not an illusion to talk about the Global Approach?
Professor Andrew Geddes: The Global Approach talks about a migrant-centred approach. I was referring to the document and how it defines that approach. You are absolutely right to highlight the centrality of the rights-based dimension and the way that most of those rights play out in very different ways in the national legal systems of Member States. In some countries, even within the European Union, with the Council of Europe and the associated legal systems, there have been strong denunciations of abuse of the rights of migrants. Migrants’ rights are one strand, or a cross-cutting theme, within the document. Going back to my previous answer, it would be very important to try to evaluate the effectiveness of protection in a more systematic way and avenues in which protection could be strengthened. That would perhaps return to the original intention of the Commission’s communication: to evaluate more systematically the previous approaches and their effects.

The Chairman: Yes, it is not the only case where the Commission has not been particularly effective about evaluation. During a previous enquiry that we did into drugs policy, we were struck by the fact that the Commission had virtually forgotten about the evaluation dimension because it produced its new thinking before it had done the evaluation. It is not unknown for this to happen but it is really rather deplorable. If policy is to be evidence-based, how on earth do you have an evidence base if you do not evaluate the previous impact of the policies?

Q224 Lord Richard: I have a fairly simple question to ask on the external dimension, although it may be difficult to answer. What impact do you think the external dimension of EU migration policy has had on third countries in the European neighbourhood? I am thinking particularly of north Africa. What practical effect do you think it has had?

Professor Christina Boswell: I could begin to address this but probably in rather a speculative fashion because I have not conducted research on this myself. I might point you in the direction of some sources, however. I would look at it by distinguishing between three possible types of impact. One would be the impact of migration control measures on irregular transit migration. There is some evidence there that attempts to build capacity in migration control in countries that are seen as key transit zones between sub-Saharan African and EU countries have had some impact on migration control within those countries. There are researchers who have worked in that area; I do not know whether it is appropriate to mention particular sources here but I would be happy to pass them on to your policy analyst.

The Chairman: That would be very helpful. Thank you.

Professor Andrew Geddes: Those points are very relevant; I have maybe two additions. I think that the impact on the eastern neighbourhood has been more significant than that on the southern neighbourhood in terms of achieving some of the objectives that the European
Union has pursued. That is perhaps unsurprising, given that in the southern neighbourhood the events following the uprisings and associated political instability have made the situation more difficult. If we look east we can perhaps see more progress—we have already had a discussion about what that might mean—but to the south it has been more difficult.

Secondly, the key test now is the EU’s attempt, as expressed in this document, to think about its relations with Egypt, Morocco and Tunisia. It also mentions Libya in the context of the approach to south Mediterranean partner countries. The EU is beginning to think about how those countries may then participate in Mobility Partnerships and associated measures to develop migration management capacity.

In general, the point is that, while we have been talking about migration policy so far, in terms of migration flows one of the most significant effects—I think this is a key migration dynamic in Europe—is the shift in the way we see countries in the Mediterranean becoming major destination countries. Turkey is becoming a country of immigration in the region. The shifting dynamics of migration flows—not just policy—are also very important in our consideration of the southern neighbourhood. The European Union has, in a sense, had the effect of making countries such as Morocco immigration countries as people move into them and then cannot move out of them. Professor Skeldon will probably know more than me about the flows dimension but we should not lose sight of that in our discussion of policy.

Professor Ronald Skeldon: I would just add to that point Professor Geddes has just made about shifting flows is extremely important. We are looking forward at what the impact might be. One of the key questions is: where will Europe find its skilled and unskilled labour 10 or 15 years from now, given the demographic profiles of current supply countries. For example, the United Kingdom tends to look towards Eastern Europe. If you look at the demographic profiles of those countries, labour force growth is extremely slow, so that will not be viable 10 or 15 years from now, so you will be looking towards countries in north Africa. What are the implications of that? Even there we have begun to see a fertility turnaround, so how migration is evolving as a process and how you devise policy for that is a very complex issue.

Q225 The Chairman: That leads us to the next question, which is: what is your view of the impact of the global economic and financial crisis, which has been going through various phases since 2008? What in your view is the impact of that crisis on European migration trends, within, to and from Europe? What are the likely effects looking forward, which you started to talk about a minute or two ago?

Professor Ronald Skeldon: It is extremely difficult to separate the long-term trends from what I call short-term shocks. The financial crisis introduces a short-term shock in this longer-term process. It probably accelerates it. One of the problems in trying to isolate this is finding adequate data so that you know what is going on. Considerable work has been done in the United States but to look at Europe, what seems to be happening is a long-term trend in the decline of irregular migration since 2007. Of course, an economic crisis will help to reduce the number of irregular migrants. We also saw that in the United States, where irregular migration from Mexico declined quite markedly. However, it does not have an impact on regular migration because once you are in the system, through the application process and in the migration bureaucracy itself, you do not opt out. So that is a longer-term trend.
On mobility, my colleagues may be able to help me on Europe. Looking at internal mobility, in the most developed economies in East Asia and in the United States we have seen a long-term decline in internal migration. The United States and Japan are classic examples; it is very interesting. There are these long-term secular trends. The financial crisis pushes the decline but it is a shock within a longer-term trend.

**Professor Andrew Geddes:** I just wanted to develop a point in relation to the question about the effects of the global economic crisis, in a way that thinks about the policy response that is flagged within the Global Approach. On its first page, the Global Approach recognises the impact of the crisis but then immediately talks about the continuing need for migrants and the relationship with particular economic sectors.

Of course, two of the policy areas that are identified are temporary and circular migration. These are very significant in the context of the Global Approach and of Europe’s consideration of how it might seek to manage its future migration needs. They raise very important implications and bring to mind memories of past migration experiences and the guest-worker recruitment systems, although those experiences are obviously in the minds of policy-makers. This shift towards temporary and circular migration, and the way in which migration relates to Europe as it emerges from crisis, is quite an important direction that is established within this document. It makes the connection between the external dimension of policy and the internal dimensions linked to economic integration and its future in Europe.

**Professor Christina Boswell:** Specifically on this question, one of the things that you have to remember about the global financial and economic crisis and its impact on migration is that, to put it crudely, migration is caused partly by push factors, predominant among which are economic deprivation and lack of employment possibilities in source countries. However, it is also conditioned by pull factors such as job possibilities in countries of destination and existing migration networks, which influence the direction of flows—which sorts of people are likely to go to which places—and regulatory frameworks. If we take into account all these factors, any concerns about prospective large-scale immigration into the UK are probably unfounded. I think that also applies to mobility within the EU. Concerns about a mass influx from Greek nationals, for example, are probably unfounded given those factors.

**Q226 Lord Avebury:** Could you say something about the influence on or importance of migration for development, and give us your views on the EU’s record in this respect?

**Professor Ronald Skeldon:** I guess that I work more on the development side. To reiterate a point that Professor Geddes made, we do not really evaluate, not just at an EU level but at the level of international organisations. We design policies but very rarely evaluate, so it is extremely difficult to say what impact policies have had on the development of home countries. However, if we look at the impact, we tend to look at three different things. We tend to look at remittances, or the amounts of money that are sent back by migrants to their home countries; we look at the impact of the movement of skills, or what we might call the brain drain; and the third area is the diaspora and what role it can play in helping countries of origin to develop. These are the three general areas (in the migration and development debate).

Without labouring the point, I think remittances have been rather overdone. We know that, by and large, the poorest of the poor do not move internationally or, if they do, they just spill across borders. So the remittances sent back do not go to the poorest people. Therefore, the global evidence on the impact of remittances on poverty is mixed.
The issue of the movement of skills is, interestingly, also mixed. Going back to the 1960s, there was an American senator who accused his own Government of undermining their aid programme by stealing all the brightest and best from two economies—Taiwan, Province of China, and the Republic of South Korea. That was in the late 1960s; look at those two economies today. The evidence of a negative migration impact of the exodus of the skilled on countries of origin is difficult to find, even in the parts of sub-Saharan Africa where we have been looking.

I think the diaspora has potential. Using the vocabulary of the World Bank, we can “leverage” the wealth and skills in those migrant diasporas to help countries of origin, and it seems to me that that, which is built into the GAMM, is a productive way forward.

Q227 Lord Avebury: You have partially answered the question that I was going to ask, which was: what could the EU do to improve the development outcomes of migration policies? On the question of diasporas, do you think that the EU could in any way encourage the diasporas to use their skills in helping the development of their original countries? I know of examples of that, such as the Kashmir International Relief Fund, which is an organisation that helps Kashmiris in the United Kingdom to transfer skills and knowledge, particularly in the fields of health and education, to their country of origin. There could be European Union measures that would assist diasporas in promoting the transfer of skills in that way.

Professor Ronald Skeldon: Yes, it is a very interesting question. I remain optimistic that we can indeed tap into the diaspora, particularly in the two areas that you mention—health and education. Experts here from Ghana or Nigeria could go back home to carry out training over shorter or longer periods. That is something that could be encouraged at a national and an EU level. It would be very nice to have a common approach to this across the EU.

However, I have just a word of caution: the Dutch retreated from diaspora policies because of factions within the diaspora. Some in the diaspora wanted to help particular areas and ignore others. That is a challenge in working with diasporas.

Q228 The Chairman: May I follow up on one of your earlier replies? When you spoke about Taiwan, Province of China and the Republic of South Korea in the 1960s, did I correctly deduce that you were saying that there was rather a lot of fuss about brain drain but that, in effect, over a longer period, the brain drain evens itself out? Is that what you were saying?

Professor Ronald Skeldon: Yes, that is what I was saying but with the proviso that I would not say that it evens itself out in the longer term. However, what happens is that the number of the skilled increases in the origin countries and reforms were put in place that attracted back people from the diaspora. Tens of thousands of students left both Taiwan and South Korea in the 1960s but very few—about 5%—returned. However, within 20 years that figure was up to 30% or 40%. That movement—this interchange of population—will always take place. We must never forget that the UK is still a major country of origin for migration. The flows continue.

Professor Christina Boswell: May I add something on mobility and circularity? Professor Skeldon is absolutely right about this being key. This has been flagged within international discourse on migration development as a win-win scenario, or even a win-win-win scenario if you include the interests of migrants. In terms of low-skilled migrants, circularity allows
them to supplement income but not necessarily to stay permanently, so it does not necessarily generate problems with migrant integration. In that sense it is a win-win.

For the highly skilled it is a win-win insofar as highly skilled migrants can move abroad, work for a while, and perhaps then return or return intermittently on a circular basis, sharing skills with nationals in their home countries. In those senses, it is very much something to be promoted.

The key issue here is that it is all very well to think about various sorts of projects that the EU could advance to promote mobility and circularity, to engage the diaspora and so on, but we have to recall that liberal welfare states—EU countries—are premised on the notion of sedentariness. Our whole legal framework for thinking about citizenship, not to mention welfare state provision, access to welfare and access to social services, is premised on the idea that people stay in one place. It would require quite radical rethinking of access to welfare, portability of pensions and other types of welfare services, and the portability of rights accrued within health systems, insurance systems and so on. All these issues, plus types of residence, status and possibilities for mobility without rescinding residence rights on certain types of status, have to be quite fundamentally rethought to realise this notion of circularity and mobility.

**Lord Richard:** That is quite a mouthful, if I may say so—what the EU have to think about and what Member States have to think about. It requires a degree of co-operation and integration within the Member States that we are nowhere near to achieving.

**Professor Christina Boswell:** Sorry, that was not my point at all. My point was simply that individual Member States of the European Union, if they were to introduce measures which effectively promoted circularity and mobility of the type that is being discussed in these rather aspirational statements, would have to fundamentally rethink access to welfare and the notion of sedentariness on which welfare state provision is based. I acknowledge that that is quite a radical agenda, but we need to think creatively in that direction.

Q229 **Baroness Prashar:** Can we move to demographic trends in Europe? In the light of those trends, particularly ageing and skills shortages, do you believe that immigration has a positive contribution to make to Europe’s demographic challenges?

**Professor Ronald Skeldon:** The simple answer is yes, but I should stress that immigration by itself will not replace the cohort’s loss because of declining fertility. Were we to keep a labour force-to-dependant ratio constant at the 2000 level, the number of migrants that we would need would be politically unacceptable. But migration can help to solve particular skill shortages at particular times. I do not have a totally idealistic view that we can match labour market supply and demand—that is going to be extremely difficult, particularly across such a diverse series of labour markets as we find in the EU. However, unquestionably, migrants will play a role in helping to solve skills shortages right across the spectrum, because, although we tend to have a general emphasis on skilled migration, you cannot have skilled migration without unskilled migration. The skilled generate demand for services that are less skilled; for example, high-flying bankers and so on need office cleaners, waiters and sandwich-delivery people and so on. So those two systems are linked and we need to link those labour markets.

**Baroness Prashar:** Do you wish to add anything?
On the issue of demography, Professor Skeldon’s point is that migration is clearly not a magic bullet that can resolve the issues that we are discussing. Referring back to an answer I gave earlier—it also relates to the point made by Professor Boswell—the solution lies in the identification of circular and temporary migration, which may be more restricted in the rights that are accorded to migrants. New policies and new frameworks, with the European Union perhaps rolling them out, are highly significant in this context. The Global Approach is almost framed by these issues of demography and economic change and many of the policy directions that arise from it emerge directly from those kinds of issues. The policy prescriptions that then emerge are also very closely related to those. Circularity and temporary migration may diminish some of the effects that Professor Boswell was talking about but may seriously affect the capacity of migrants to realise their ambitions if they are faced with a much more circumscribed reality in the country they move to. In developing the point that Professor Skeldon made and thinking about it in terms of policy, we need to focus very seriously on these ideas about circular and temporary migration and what those mean for the people that move, for employers and for social and political institutions in countries. They raise some very serious concerns which the communication itself could not possibly begin to address.

Baroness Prashar: Do you wish to add anything, Professor?

Yes, I would like to add something on the political context for debates on replacement migration. It will be very difficult for any European Union state to make the case for expanded labour migration on demographic grounds alone. Germany found that in the early 2000s when it attempted to make a demographic argument in favour of introducing a points-based system for migration. Within that political debate, the main criticism was: “How can we possibly think about replacement migration when there is a range of domestic measures which we could put in place in order to increase participation rates in the labour market and to better match the supply of skills to demand within the labour market—for example, better tailored training and educational programmes and incentives within a nation state for cross-regional flows?” You would have to show that you are exhausting the gamut of possible domestic measures before you could justify a replacement migration policy. Having said that, there is a time lag and a degree of uncertainty with all these types of domestic measures, so you cannot always accurately plan for and predict particular shortages in particular sectors at particular times in particular regions. In that context, immigration offers a very highly effective, efficient and swift means of recruiting labour to fill specific gaps in the labour market. That will unavoidably be seen as a way of meeting that demand, particularly in the short term, but I doubt that it could be seen as a big political solution to demographic problems in Europe.

The Chairman: But to turn the thing slightly around, presumably the demographic arguments are quite compelling when trying to deal with wider forms of anti-migration rhetoric to bring home to moderate, not-particularly-engaged opinion that the demographic trends, if they were in our own populations and allied at the same time to a very restrictive immigration policy, could be disastrous.

My sense is that, in the abstract, that argument is quite difficult to make and that one would have to experience acute shortages and suffer as a result of them in order to convince the public that this was necessary. We saw that in Italy in the case of attempts to restrict health sector and carer migration. There were public demonstrations against restrictive policy because it impacted on people’s lives very tangibly.
Lord Avebury: Is there not a practical argument against trying to fill specific gaps in the labour market by migration in the sense that people have to have language skills for many skilled occupations—such as the health service, for example—which migrants would be unlikely to possess, even if they came from internal migration within the European Union?

Professor Ronald Skeldon: If I could try to answer that, Lord Chairman, what we are seeing is that expanded student migration has become one of the big issues globally, not just in this country. The students are of course being educated primarily in English. For better or worse, and it need not necessarily always be the case, English is the international lingua franca. That is one of the advantages that we have in this country and it makes our labour market particularly attractive, as it does that of the United States. In terms of skilled migration, many people will have been educated in English, even overseas. I can think of centres of excellence in Asia—the National University of Singapore, for example, and universities in Shanghai and Beijing—that educate in English. Of course, our own universities in this country are going out and establishing branch campuses, overseas courses and so on by the hundred. We are now seeing global movement of the highly skilled.

May I add one issue and put on the table something that I think will become a concern for the EU—that is dual citizenship? We have talked about the importance of circulation. People can circulate or move temporarily if they have access to two different jurisdictions. Of course, if we in the UK give dual citizenship to a Ghanaian, that Ghanaian can enter any part of the EU so it becomes an EU concern. So I think that in the future we will move along this whole issue of dual citizenship and how we deal with it, and it has to be done at an EU level.

Baroness Prashar: May I ask a supplementary on a slightly different subject? Do you believe that the many calls for the Government to exclude international students from the public policy implications of their immigration policy are well founded?

Professor Ronald Skeldon: I think I can refer you only to the cover of the latest Economist. It is totally counterproductive. This is one of our great service industries. The thing is that students go back home. I have met Sri Lankan students who were educated in Moscow. They think back to the good times and they think positively about Russia. I hope that the students who have studied here will think positively about this country—I am sure that the majority do—and that will have an impact on our future trade and so on.

Professor Andrew Geddes: May I add to that, Lord Chairman? I tend to agree with Professor Skeldon's point. Also, I am very struck by the orientation in major competitor university systems towards English language teaching in other European countries. In Australia and Canada, there is also a very different attitude to international students. I wholeheartedly agree with Professor Skeldon's view and the point made on the front cover of last week's Economist. This is an area in which we see many countries positioning themselves through English language teaching in very good universities and which can compete with UK universities that currently have a very strong competitive advantage.

The Chairman: I think I am right in saying that the UK is the only Member State of the European Union that is seeking to operate a restrictive policy that impacts on students. I do not think any other country in the European Union is doing that; do you know of any?

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1 The Tories' Barmiest Policy, 20-26 October 2012
Professor Ronald Skeldon: I do not—quite the reverse. I think countries in Europe are expanding their education in English and, you might say, poaching some of our academics to go to the Netherlands, Sweden, Denmark and so on to participate in training.

The Chairman: Yes, I certainly have one piece of anecdotal evidence concerning someone who worked at a Dutch university, which is just what you mentioned. You also said that the enrolment had hugely increased.

Q232 Lord Sharkey: I would like to ask if you believe that the UK’s partial involvement in EU immigration policies, exemplified by not opting in to some measures and being outside Schengen, undermines its influence in this area.

Professor Andrew Geddes: I have just finished writing a book entitled *Britain and the European Union*. It is not a book about migration but this is an area to which I have devoted some attention in recent times. The issue here is that, in a sense, the British Government are not seeking to influence or shape this agenda. I was struck by a comment made by the former Immigration Minister, Damian Green. I think he argued that Britain was trying to shunt things in a more practical direction. However, the British scope to do so is very limited. Britain does not participate in the common visa policy; it has opted out of many of the key measures in this area. That is the conscious decision of the Government to marginalise themselves in this and many other areas of European integration. So the question is really whether the Government are seeking to influence policy in this area or distance themselves from it. My assessment would be that they are seeking to distance themselves from policy in this area.

The Chairman: The question is, rather: does this undermine any ability to shape policy in this area? I assume you are saying that it does, but that it is accepted by the Government.

Professor Andrew Geddes: That is a very interesting point. In a sense, the British Government seem to be saying in some of their declarations that they would prefer to pursue a more global approach. They would prefer to recruit migrants in accordance with the British economy on a global basis and not necessarily link itself to a European regional approach. Former Prime Minister Blair said at one point in the early 2000s that Britain was seeking to get the best of both worlds in this policy area, choose those bits that it liked and opt out of those bits that it did not. However, the consequence of that is necessarily a reduction in your capacity to influence the direction of policy in this area. I do not think Britain is a country that is particularly influential in this area of policy but, in a sense, that is almost the choice of the Government, as in other areas of European Union policy.

The Chairman: Presumably Britain is not alone among the Member States in looking beyond just migration in the immediate European neighbourhood and looking also to migration flows on a worldwide basis. Presumably Germany and France often do the same thing.

Professor Andrew Geddes: Yes, absolutely. France is very similar in its migration profile and history to the United Kingdom, so clearly they do. In terms of policy and the way that they approach these issues, I do think that the strategic context for policy-making in those countries is closely tied to the European Union—the way that they think about policy and the way that they seek to pursue their policy objectives. That does not always mean that they can speak with one voice, as we have already discussed, but I do not think that the strategic context in which UK policy-makers approach these issues is shaped by the European context to the same extent—clearly it is to a considerable extent, but not to the
same extent. Europe is not seen as the means to pursue policy objectives in the way that it is in other Member States, and important immigrant-destination countries in Europe have re-evaluated their policy and are moving towards a more common European approach, which Britain does not want to pursue.

Q233 Lord Sharkey: I have a supplementary question. Could we hear your views on the Government’s intention to review the free movement of EU citizens in the context of the balance of competences review?

Professor Christina Boswell: This implies a scenario in which the UK decided to opt out of free movement provisions, I assume.

Lord Sharkey: It cannot.

Professor Christina Boswell: Quite. I am not sure; I would need a bit more background on exactly what the Government are proposing here. As stated here, it seems to be illogical because I cannot see how you could remain in the EU if you opted out of provisions on free movement, which is one of the fundamental freedoms that the European Community is based on.

Lord Tomlinson: Although Theresa May strongly suggested that that was what she was seeking to do when she spoke on the Andrew Marr programme on Sunday morning.

Professor Christina Boswell: Perhaps in this case there is a disjuncture between rhetoric and practice—one might hope.

The Chairman: What would be useful for the Committee is if all three of you could comment on the benefits to the British economy of migration within the European Union, which is, after all, pretty substantial. That really underpins the judgment about whether the British Government would be at all wise to go down this road, irrespective of the legal obstacles, which are of course as you state them.

Professor Andrew Geddes: We talked about the importance of policy evaluations. This is an area where we could look at evaluation. There are evaluations, and they point to the economic benefits that Britain has experienced from migration. They are not particularly huge in the context of European migration. They are not transformatory—they are on the margins—but the economic evidence points to benefits for the United Kingdom. Flows to the UK of EU citizens have exceeded flows of UK citizens to other EU countries, aside from Spain, where the number of UK citizens has been quite high, and this is precisely the kind of area where we should look to the evidence. The evidence suggests to me that this intra-European migration has been broadly beneficial. It brings costs and benefits, and we have seen the leader of the Opposition talking about some of the costs that may occur at the lower end of the labour market, so clearly public policy issues can be quite thorny. However, this broader issue in terms of EU competencies and free movement is an area where there is significant evidence that points to some of the benefits that this has brought. I also find it very hard to see how movement away from core EU provisions could be compatible with continued membership.

The Chairman: To be fair to the Government, they would say that, hopefully, in the audit they are conducting in this area, people expressing views like the ones that you have just expressed will come forward with valid evaluations of this area, and that is part of the audit. After all, the audit—although, if you read the Eurosceptic press and listen to some of the dog-whistle statements by some Ministers, you might think otherwise—is meant to be
neutral; it is meant to look at the benefits and the disadvantages. I can proceed too far on this but I hope that people like you, who are really skilled in this area, will take advantage of the audit to bring forward your views. If the only people who pile into the audit are those with negative views, we all know what the likely outcome will be.

Professor Ronald Skeldon: If you attempted to limit the number of migrants from the EU coming here legally, they would just come here irregularly. The result would be a very large irregular migrant population, which is in no one’s interests. The United States, for all its faults, has the largest migration programme in the world; it is ageing more slowly than any developed economy, so its age profile is quite balanced; and it is seen, as I said earlier, that migrants are part of state-building. If we, as members of the EU, could inch towards seeing migration as at least partly achieving that, that would be a major step forward.

The Chairman: Thank you very much indeed for giving us your time and wisdom this morning. It has been very helpful to the Committee to have a discussion of these issues.
WEDNESDAY 25 JULY 2012

Members present
Lord Hannay of Chiswick (Chairman)
Lord Avebury
Lord Judd
Lord Lingfield
Lord Mackenzie of Framwellgate
Baroness Prashar

Examination of Witnesses

Hugo Brady, Senior Research Fellow, Centre for European Reform, and Professor Michael Keith, Director, Centre on Migration, Policy and Society.

Q175  The Chairman: Good morning, both of you, Professor Keith and Hugo Brady, who is well known to this Committee and who has given us evidence in previous inquiries. Thank you very much anyway for coming along and helping us in our present inquiry, which is on the EU’s Global Approach to Migration and Mobility, and related matters. As you know, the session is open to the public. A webcast of the session goes out live as an audio transmission, which is subsequently accessible via the parliamentary website. A verbatim transcript will be taken of your evidence and that will be put on the parliamentary website. A few days after the evidence session, you will be sent a copy of the transcript to check it for accuracy, and we would be grateful if you could advise us of any corrections as quickly as possible. If, after this session, you wish to clarify or amplify any points made during your evidence or have any additional points to make, you are welcome to submit supplementary evidence to us.

If that is agreeable to you, I suggest that each of you in turn just says briefly to the Committee who you are and what your qualifications for giving evidence on this inquiry are. If you want to make an introductory statement that is entirely welcome to us, but if you
decide you do not want to make an introductory statement that is just as welcome, and we
would move to questions after the two of you have spoken. Professor Keith.

Professor Keith: My name is Michael Keith. I am a Professorial Fellow at Merton College,
University of Oxford, and I am also the Director of the Economic and Social Research
Council’s Centre on Migration, Policy and Society. It is the ESRC’s principal migration studies
research centre. I have brought along some evidence. I am afraid we did not submit written
evidence ahead of your inquiry, but we have brought along an evidence submission from the
Migration Observatory, which I think the clerk is kindly circulating now, which hopefully may
reflect on the interests of your Sub-Committee.

Q176 The Chairman: That is very helpful. You do not want to say any more at this stage;
is that right?

Professor Keith: Probably not at this stage, but please feel free to come back on other
things.

Hugo Brady: Good morning. My name is Hugo Brady. I am a Senior Research Fellow at the
Centre for European Reform, which is an independent think tank on the European Union,
based here in Britain. Our line is to be pro-European but not uncritical, which means we
broadly think that the EU is a good thing, but also acknowledge its flaws and that it could
work much better.

On the specific area in question, the Global Approach, which was introduced under the UK’s
Presidency in 2005, I will just give you my very general opinion on the subject, which is this.
At a time when countries worldwide have an almost desperate need for a global
infrastructure for migration to manage migratory flows, that desperate need is measured or
equalled by the lack of serious political will to agree on concrete initiatives that could make
something like that happen. I know the Committee has heard evidence from Sweden’s
migration minister Tobias Billström, who sometimes talks about the need for a GATS
agreement on migration, but we are many years away from that. I think the Global Approach
to Migration does reflect that, because it is a very good concept, but in many ways, as we
will no doubt hear through the course of the discussion, there is a poverty of ambition on
many of its specific elements. I would be happy to get into how I think it could work a little
bit better, in the course of the questioning.

Q177 The Chairman: We took evidence of course from Peter Sutherland. He was our
first witness, and he talked to us a bit about his work as the UN Secretary-General’s Special
Representative for Migration, and also about the work of the organisation that he is involved
with, the Global Forum on Migration and Development, which I think has a meeting coming
along towards the end of this year, on which he told us some quite interesting things,
including the not altogether surprising, but alas all too normal, pushing and shoving about
whether the Commission, the European Union or something like that should be represented
at this Forum. We have had some evidence on that area and it is very helpful what you said.
We will now move into questions.

The first question I would like to ask you is: what, if any, achievements do you think the
Global Approach had made in its first five years? What do you think the priorities for the
Global Approach should be in the period ahead? Do you think that the correct balance has
been struck between the four different thematic priorities set out in the Commission’s most
recent Communication, which were irregular migration, asylum, legal migration and
development?
Hugo Brady: My sense about the Global Approach is that it is basically about an attitude change and also a rallying call for the various elements of the EU’s infrastructure—the Commission, the Member States, the various bodies that are charged with negotiating things like Readmission Agreements with third countries, the drive for visa facilitation, the enlargement talks and development aid. There is a natural desire to get all of those things under the one roof in a bid to finally have some sort of coherent approach to migration issues. It is a journey rather than a destination.

Of course, it is not really possible to take a global approach in any area of government policy; that is a sort of utopian fantasy, in its own way. The Global Forum on Migration and Development does not really discuss development; it is a way of allowing Member States to sit in a room and talk about migration, which sounds like something that is so completely simplistic it is hard to believe, but this is actually true: the topic is so sensitive, it is very difficult to establish effective fora to exchange views, useful data and—we have not even got there yet—agree some sort of proper initiatives that would resemble some sort of governance on this very difficult topic.

The Global Approach itself is basically just an agreement to try, as far as possible, to join up all the various bits of the EU’s thinking and action on the area, because the EU itself is a major actor on migration policy. Why is that? Because of free movement; because of the fact that, between the 27 Member States, you can move around without the need for work or residence permits. After a while, if you are a third country national, which makes up two thirds of all the foreigners in the EU, you can also gain this right. There is a natural need there to take a more coherent approach, but it has never really been achieved by any Government or forum to date, so we must view the EU’s efforts in the area through that lens.

Also, the Global Approach as an idea has been around for a very long time, notwithstanding Britain’s adoption of it. There is a rumour that it used to be called the Comprehensive Approach to Migration and, due to a translation error, suddenly became the Global Approach to Migration. We do not know how true that is, but certainly the British tried to relaunch this concept and get it on to the agenda.

Not long afterwards came what we call Mobility Partnerships, which were an effort to gather up all the different bilateral discussions EU countries were having with countries of interest, from the point of view of migratory pressure, and package these up into something that was actually more attractive to the third country in question and would also hold out some possibility of deeper co-operation with them on things like: the repatriation of illegal immigrants; on improving their approach to document security, which is a major bugbear in particular for the British Government; in terms of spending development money in a more targeted way. For example, British officials will often to say to you that the earlier you intervene in the decision to migrate, the cheaper it is for both the migrant and the Government. It is basically the most efficient use of taxpayers’ money on this issue, which means preventing the need to migrate in the first place, in most cases.

Apart from that very windy idealistic view of how we could join up all migration policy, the Global Approach has not really achieved very much more than the acceptance that there is the need for that, and then a lot of meetings, dialogues and exchanges of views with other countries. For example, the Global Approach has two tiers of co-operation. One is the Mobility Partnerships, which I just described, which the EU has with Cape Verde, Moldova and Georgia, and is in discussions with Armenia, Tunisia and, eventually it is hoped, Morocco. The Mobility Partnerships, although I have written about this slightly differently in some of my publications, do not actually involve a straight trade-off of visas for greater
co-operation on migration and greater dialogue. It is more the last point, which is a greater, more comprehensive dialogue. They have so-called “migration missions”, where teams will go from Brussels to these capitals and compile what they call “migration profiles”. The country in question often does not have a clue about the actual migratory movements out of that country, but EU countries cannot hope to manage migratory movements without actually having that information. A big part of the initiative is to get those countries to compile the data and trends in such a way that they would be useable by European officials or exchangeable with European officials. They have achieved that partially through the Mobility Partnerships and also through a lighter form of Mobility Partnerships, the so-called Common Agenda on Migration and Mobility, which, if any of you are familiar with NATO, is a partnership for peace and migration.

That is what has happened so far. I have to say that the whole process did seem to peter out a little bit around the time that Member States were slightly distracted by the change in the EU’s rulebook following the ratification of the Lisbon Treaty. It is now coming back on the agenda, especially since the Arab Spring and a rather panicked reaction from the EU’s institutions to show that they were highly active in the migratory area. I do not know if any of you remember that the Commission was basically forced into producing a long paper on migration, which showed all the different things that the EU was doing in the area, including its discussions with North African countries.

However, some flaws are very evident in the process. Number one, the Global Approach is rather a Jesuitical thing. It is very difficult to say what exactly it is, apart from a number of dialogues and some agreements. It has not really delivered a huge amount in terms of concrete results yet, but it may do. Especially given the very low level of ambition for global discussions on this matter, it is certainly worthwhile for Europe to try to take a lead. Secondly, a big thing that weakens its possible effectiveness is the lack of any joined-up approach with the development sector. You see this right across the development community. Actually, the development community is a vested interest, in and of itself. Even in other areas of foreign policy, the development community, including in the EU, in terms of the External Action Service, is not really interested in joining up what it does with the priorities of, say, interior ministries trying to manage migration better or foreign offices trying to gain greater leverage over countries to do work on things like the rule of law and so on. The development community has not really played ball, and that includes on a global level with the Global Forum on Migration and Development.

The second issue is that the approach needs to be joined up a bit better, in terms of the EU’s missions abroad. I wrote another piece last year, in which I said that eventually the EU will need a sort of European migration organisation to help manage things like resettlement programmes and the very joined-up approach that we are trying to discuss to deal with Governments on the ground. A lot of what the Mobility Partnerships do, for example, is done in the capital or the country in question, so it would make a lot of sense that the EU’s missions abroad develop a very strong identity in terms of the officials there who can work on migration issues. They could probably do with the same immigration liaison officers that national embassies have, for example. This would also be the view of the British Government, it will not surprise you.

At the moment, the Commission is very willing to do things like Mobility Partnerships with basically any interested partner. However, after an initial trial run of five or seven years with the Global Approach, they need to decide which exactly are the countries we need to be targeting and what we need to be doing with them. In my view, for example, we should certainly be working with Turkey or have some form of Mobility Partnership or, if you want,
call it a free-movement partnership because Turkey is a candidate country. It is very nice to 
have a Mobility Partnership with Moldova, but countries like Turkey, Pakistan, Afghanistan 
and so on are greater priorities for the EU than these small test-run countries that have, so 
far, been tried out. Also, the Mobility Partnerships themselves, I am not 100% sure how 
useful they are, because they have not been evaluated yet. We are discussing today the 
evaluation of the Global Approach, but the Global Approach’s main concrete initiatives are 
these Mobility Partnerships, but we do not know how well they have worked individually, 
what they have produced in terms of concrete results and what they have delivered back to 
the Member States.

Q178  **The Chairman:** The Commission does not produce an annual report or anything 
like that, does it, on the Mobility Partnerships?

**Professor Keith:** Not on Mobility Partnerships, no.

Q179  **The Chairman:** They do on many things, but they have not actually reported to the 
Member States and the Council anything on the existing—is it four Mobility Partnerships 
that exist?

**Hugo Brady:** Three.

Q180  **The Chairman:** You are not aware of their having produced anything.

**Hugo Brady:** No.

**The Chairman:** We will have to follow that up when we go to Brussels, which we will be 
doing in early November, to talk to the Commissioner and the EEAS about the external side. 
Professor Keith.

**Professor Keith:** I would agree with most of that. There are two or three things that I may 
want to add. The first of these relates, in a slightly abstract form, to how we consider the 
relationship between institutional design and changes on the ground. If one looks historically 
at flows of migration, we know that, if we look back over the last 40 years—which may or 
may not be a good guide to what happens in the next 40 years—countries that were once 
source countries of migration become destination countries of migration. The patterns and 
flows of migration change fairly significantly over quite short periods of time, which actually 
may be quicker than the period of time it takes to create new institutional forms.

Just to give a couple of examples, I would support the importance of Turkey and the 
changing dynamics of Turkey. If you look at what is happening in cities like Istanbul right 
now, places that were sources of migrant flows out of Turkey are now neighbourhoods that 
are sometimes welcoming, sometimes just receiving, new migrants from across other parts 
of the world, not least from the former Soviet Union. The migration dynamics do change 
very rapidly. There is work that has been done in Oxford about the changing networks of 
migration, which highlights the propensity for these networks to change far more rapidly 
than there is evidence of so far for patterns of institutional design, within examples such as 
this.

I would pick up, secondly, the point on the Arab Spring. One of the things that is illustrative 
about this—and I think I will get the figures wrong, but broadly right hopefully in terms of 
the recording—is that of about 750,000 people who moved as a result of the Libyan conflict, 
for example, only about 30,000 came to the EU. The profile of an issue like the Arab Spring 
and the public reaction to it means, I personally think, that a structure such as this is 
important to at least address public concerns. I know these are questions that come up later
on in the agenda, but what we are absolutely clear about is that, if Governments as a whole are seen to be lacking in a facility to address public concerns, then those concerns will amplify. The necessity of having a framework for co-ordination is almost self-evident.

A third point that I would pick up, which may again be bordering on the questions that come later, is that I do think it is also worth returning to some fairly basic points to start out. When we are thinking about migration controls, we know that, very straightforwardly, there are three simple areas that we are addressing, which are: the numbers of people who come in and go out; the skills and selection process by which we allow people to come in and go out; and the rights that are extended to migrants. We know that the logics of those are extremely different across the EU Member States. I know we are coming to this later on, but I think any debate about the competence of European-wide frameworks has to start from the very clear position that, depending on the nature of welfare states in different nation states, depending on the nature of labour markets in different nation states, and depending on where different nation states are within the economic cycles, the logics of migration are very different. Any overarching framework has to take into account that any optimal policy design must recognise those major differences that are absolutely at the heart of migration flow.

**The Chairman:** That is a very interesting point. It is a point that has certainly been borne in on the Committee as we have taken evidence, because we had, for example, the Swedish Minister for Migration, whose attitude to this was completely different from that of some of our other witnesses. That underlines the point you are making really. The whole issue, therefore, of that rather slippery concept known as subsidiarity arises in this area quite clearly.

**Q181 Lord Avebury:** First of all, I want to ask what you think the EU needs to do to improve its engagement with third countries on migration issues. Bearing in mind that what you have said so far indicates that, first of all, partnerships to return unwanted migrants to countries of origin by themselves are not working, and that the Mobility Partnerships come up against the problem that the EU has no competence over visa awards, I cannot see how this provides us with a roadmap to go forward, if we are relying solely on the Mobility Partnerships to regulate immigration.

**Hugo Brady:** As with the whole Global Approach, I do think that the attitude it is wisest to adopt to the Mobility Partnerships is that it is better to light a candle than to curse the dark. EU Member States are simply never going to make the sort of powers available to the EU to allow it to set labour quotas. They are highly unlikely, in the current environment, to adopt a more generous attitude on visas. It is very difficult to see how we can turn the Mobility Partnerships into any stronger form of instrument, but what I do think they need to do now is to see if the concept works properly. After all, if it does not work, there is no real point in trying to conclude a Mobility Partnership with everyone we can just to say the EU is doing something on migration. That is the same attitude that we had with the Readmission Agreements early in the last decade, where the Commission was given a list of agreements of countries, where the other Member States wanted an overall EU approach on the return of illegal immigrants.

First of all, we need to evaluate the Mobility Partnerships. I do think that the couple of years of operation they have had is enough to step back and say, “Does this actually work as a concept?” Second of all, we need to see whether or not the actual Readmission Agreements themselves are worth investing so much time and energy in. For example, an EU Readmission Agreement does not prevent you having your own readmission agreement with
the country in question, provided the arrangements do not clash with each其他. Which is more effective? Is the bilateral approach more effective? Is the overall EU approach more effective?

One big added value of the overall EU approach was that EU Readmission Agreements were supposed to return not only the countries' national, but also any national that had travelled through the country's territory to get to your country. This was thought of as enormously attractive, but a subsequent evaluation of the working of the Readmission Agreements so far shows that, actually, this is a rarely used clause in such agreements. I for one do not exactly know why; perhaps it is just too complex or not politically possible to enforce these terms, but that is another question that we have. How useful are these instruments anyway? I absolutely agree with Michael that the framework is worth having, but we do need to test whether or not the actual approaches we are using have worked.

I certainly think, as I alluded in my opening remarks, that some possible steps forward are: stronger engagement in the Mobility Partnerships by the EU's missions abroad; an actual attempt to join up policy with the development world, so that is DG DEVCO and DG Home in Brussels parlance; and prioritisation of the countries in question. Commission officials were very proud, a few years ago, when India expressed some interest in a Mobility Partnership but, when the talks actually got down to it, even India, and even in the face of such a weak form of co-operation, said, “Perhaps this is a bit too advanced for us. We should just have a common agenda or discussion on migration for the moment.”

As Michael also alluded to, you have to take into account that other countries, contrary to what we feel, are not desperate for comprehensive agreement with the EU on migration, especially if they cannot really see what is in it for them. Without being patronising, it is hard enough for quite sophisticated Western European countries to have a conversation between themselves on migration, so we also have to temper our expectations of what we can do with countries at a very different level of development. Having said all that, I do think that, after a pre-teen stage, it is time for the Mobility Partnerships to get serious, and it is time to actually come up with a list of priority countries, just the same way as we did with readmission, and say, “Okay, European Commission, go out and get us the agreements we need with these countries.” That would be something worth evaluating.

Q182 Lord Avebury: Maybe the Indian model is one that we should be pursuing because, instead of having Mobility Partnerships, we should have forums in which we discuss migration as part of a wider agenda, you say with India but it could be with many other countries, and would be far more flexible than Mobility Partnerships, particularly bearing in mind Professor Keith’s remark that migration dynamics change rapidly. We saw that in the case of Libya. Although you said that 750,000 people migrated from Libya during the uprising there, 30% came to the European Union.

Professor Keith: It was just 30,000 actually, so that is probably more like 8% to 9%.

Lord Avebury: That figure has fallen rapidly. We had hardly any migrants from Libya in the first quarter of 2012.

Professor Keith: That is exactly right.

Q183 Lord Avebury: If we had had a Mobility Partnership with Libya, the circumstances would have changed so drastically that it would have needed to be renegotiated in the light of those changes that had actually taken place. Is the Mobility Partnership concept not too inflexible to take account of major changes in the environment, such as the Arab Spring?
The Chairman: You could argue it is not an either/or. Some countries might be more suitable for a looser form of co-operation, whereas others might be more usefully handled through a more intense form. You do not have to say that one is better than the other for everyone.

Professor Keith: I think that is right, and also the nature of the flows of people is sometimes unpredictable. If you went back a few years, to take the Indian example, one of the things that is quite interesting that structures part of the migration debate right now is the issue of intra-company transfer, where you have major corporates, like Tata or others that have IT expertise, which will locate in the United Kingdom some of their workers for a period of time and have a flow of people coming into the UK for a period of time. That period of time may be less than 12 months, so they may not officially count as a migrant in some cases, but when you talk about the relationship between the burgeoning strengthening of the Indian IT sector and the outsourcing of information technology in the United Kingdom, it involves the movement of people from India to the United Kingdom for periods of time, sometimes being counted as migrants, sometimes not being counted as migrants. It generates a set of issues, but it does not lend itself to the sorts of institutional framework that we would have thought about two, three or four years ago, let alone five, six or seven years ago. I think that is another example of the ways in which processes are changing on the ground faster than our ability to design structures sometimes. In a way to reiterate, I do not necessarily think that is a counsel of despair.

Q184 Lord Avebury: In the case of the professional highly skilled migrants that are needed by multinational companies like Tata, is it not far better to leave this to individual Member States? We have Tata as a major investor in the United Kingdom and we are probably unique in that respect. They do not have similar large plants in other European countries. To attempt to have a European framework dealing with highly skilled professional migrants would be counter to what we actually see on the ground, which is that the investment in these companies differs widely between one country and another.

Professor Keith: I would come back to the Chairman’s comment, in a way. I do not think there is necessarily an either/or in that sense. As I began by saying, the variegated nature of the political economies of the different nation states of the EU is so profound, in terms of its relationship to migration, that there has to be a very strong element of subsidiarity to begin with. At the same time, there are a number of dilemmas, where issues of harmonisation can potentially be quite productive. I do not think harmonisation has to apply across the board. We may come on, later in the questions, to talk about things like how labour market tests work. The work of the Migration Advisory Committee in the United Kingdom has been quite helpful in advancing thinking about how we might prioritise some areas of migration, which may offer practice that can be helpfully harmonised across the Union. Because we need to start from an understanding of the profound differences of the needs of different national economies, and accommodating those needs, that does not logically mean that there are no areas at all in which there is not either a need for a framework or a need for some areas of harmonisation.

Q185 Lord Avebury: Do you not think then, finally, that because we concentrate so heavily on workers, we tend to ignore the much more important, to me, question of how we deal with family reunion? Is that not an area in which we should be looking for greater European harmonisation, since it would be illogical, for example, to admit spouses readily to one European country and not to another, especially considering that, in the end, they are going to be able to move between the various European countries?
**Professor Keith:** My personal opinion is that you are absolutely right to say that issues of family unification will become more and more important over the next couple of decades. Whether or not harmonisation works at the level of the European Union, or within frameworks of human rights, which may transcend European Union boundaries, is a moot point, in that sense, because what one is talking about is the rights of people to be united with members of their extended family. There is an issue that may not be the subject of today’s discussion, which I think is quite profound, over the next decade.

**The Chairman:** I think we must move on, but I am sure Lord Avebury will forgive me for telling you that this Committee took the view, contrary to what he said, that the British Government ought to have opted in to the draft directive on intra-company transfers, and the Government decided not to. Let us leave that for the moment.

**Q186 Lord Mackenzie of Framwellgate:** I think we accept, gentlemen, that the question of immigration is a fairly hot political issue in any democracy, fed not least by the popular media. Given that, and of course because of ageing and skills shortages in Europe, how do we reconcile the demand for immigrants against a background of popular opposition?

**Professor Keith:** This is an extremely important question, but again it is worth coming back to the basic premise of the question, which is where the popular opposition comes from. Again, I may be telling members of this Committee a truism that is well known by all, but it is important to reiterate that, whilst the economic benefits of migration accrue at one geographical scale, which is the geographical scale of the labour market, the welfare externalities, the costs of migration, tend to accrue at different geographical scales. There is, just in the way in which migration works, a geographical mismatch between the costs and the benefits of migration. Even where it is possible to prove, and there is a wide literature on this, that there are economic benefits from flows of migration, the people who are on the receiving end, which comes back to some of the populist opposition, are frequently in areas subject to rapid neighbourhood change, and areas in which the impacts of migration are not necessarily squarely matched with the benefits. That is just part of the process of migration.

How does one then handle that? I spent a couple of years on a commission that was set up by the Government in 2005, after the 7 July bombings, the Commission on Integration and Cohesion, where we spent quite a lot of time trying to address precisely this issue. I think there was a strong commitment to thinking about issues of institutional transparency, how the impacts of migration were realised on the ground, how those were addressed in terms of both bringing together old indigenous communities with new arrivals, and a set of policy descriptions that were about making visible the challenges of migration, which I could spend much greater time going into. The point I would make at the outset of the debate is that what is absolutely needed, and I think this is where we come back to the start, is: a sense of recognition of how the dynamics of migration work, that there are benefits but there are also costs; a sense of institutional transparency about recognising that, if you have things like housing queues, pressures on health service and school places, then there is an ability to make visible the challenges of migration on the ground.

It was very striking in the work that was done by the Commission on Integration and Cohesion quite how variable the situation was within the United Kingdom itself. I think we may come back to this again—the issue of subsidiarity below the nation state as well as between the nation state and Europe. If you look at the United Kingdom, the areas of opposition to migration and the areas of mistrust around migration are not straightforwardly predictable, either from the places where there has been most migration or, frankly, from
the places where the pressures of migration have been greatest or where one might objectively expect there to be opposition. What I would say—again taking this from our Commission’s work—is that where one found the greatest opposition to migration and new arrivals, in that period of time from 2006 to 2010, were places where a lot of the local-authority-related networks were least effective in mediating the impacts of migration. Where you actually had on the ground organisations that were well co-ordinated, well organised, working with community organisations and with private sector employers, trying to address what the challenges of migration were, then it was quite possible to have very difficult circumstances but relatively low opposition to migration.

Q187  Lord Mackenzie of Framwellgate: I raised this with a previous witness, Charles Clarke, the former Home Secretary, and he minimised—I suppose is the right word—the reality of the pressures on housing, health services and so on, certainly from his experience. Has there been no evidence-based research or cost-effective analysis on the benefits of immigration in terms of economic prospects and so on, compared to the real economic effects of pressure on housing and health? It seems to be people are just using their own gut instincts, if you like.

Professor Keith: There was actually a very good House of Lords inquiry on the economic benefits of migration a few years ago. There is quite a lot of work done on migration impacts. To simplify a large literature, what a lot of things depend on is the length of time over which you measure the impacts, because obviously there are impacts in the short term but also, as you proceed through generations, you can measure the benefits either by the new population in total or in terms of the old population.

Lord Mackenzie of Framwellgate: It is a changing scenario.

Professor Keith: Absolutely, but at a more prosaic level, if you look at the inner-London boroughs, if you look at the census data that came out last week, there are pretty significant population rises in places like Newham and Tower Hamlets, where many of the boroughs in the inner ring of London are adding classrooms on a regular basis and where some schools have very intense concentrations of migrant pupils. There are very clearly demonstrable welfare externalities to the migration process. Addressing those has to be at the heart of a sensible policy around public opposition.

The final thing I would say, before giving Hugo a chance, is that the Migration Observatory, which is a project based in our centre, COMPAS, did some work around opposition to migration. One of the things that came out of it was, whilst in the United Kingdom opposition to migration is more intense than pretty much anywhere else in the European Union, depending on the questions you ask, you get some very different answers. If you ask across professions, to give just one example, whether or not we should be allowing more qualified doctors into the country, predictably you get a very different kind of answer to if you are asking whether we should be admitting unskilled labour into the country. The variations in opposition are actually quite profound by sectors, as well as by geographical region. If it is helpful, I can let you have copies of that research.

Q188  The Chairman: Yes, I think it would be very helpful if you could do that. It would inform our work. What I deduce from what you have been saying, in your very interesting reply to that question, is that there are structural paradoxes piled on top of each other. That is what makes it so very difficult to handle.

Hugo Brady: I would just add a very brief addendum to that comprehensive reply, which is that, to look at the big picture, global migration and global mobility are increasing, and they
will change our societies probably as much or relatively as much as other big shifts in history, such as the industrial revolution, the move from the country into the cities, etc. In that, you will get both amazing benefits—it will unleash, channel and focus human energies in ways that we cannot even conceive of today, 20 years from now—but also it will discombobulate many people in the process, which always happens with great historical shifts.

On a more micro level, anti-immigration sentiment tends to be counter-cyclical, which means the big inflows happen; people realise and feel their effects; their political opposition to further migration is registered; the Government attempts to close the borders or control migration; migration does go down a little bit, usually more for economic reasons and the fact that there are not as many jobs in the country in question; the public is satiated to some degree; the natural automatic stabilisers that spring up—building classrooms and communities becoming used to their new identities—assert themselves; and there is some more slack in the system for further migration in the future. That is just to say that we have been here before many times. Immigration policy is a reasonably elastic instrument. Every time we have a panic over immigration it feels like the first time, but there are many, many panics. They do eventually pass and move on to the next level. The challenge for policy is how to manage the process. All we can do with migration is manage it, because there is no way of turning it on and off.

Q189 Lord Mackenzie of Framwellgate: Can we rationalise it at the European level or is it a domestic issue? Is there anything the EU can do to assist in reconciling it?

Hugo Brady: What the EU’s job needs to be is making sure that, where migration between European countries is useful, as few barriers as possible should exist. This is a very interesting point you raise because, if you talk to some people in the European Commission, I suspect that they would very much love to create an EU-wide points system, such as the UK has, for example. To my view that would have a high likelihood of becoming a bureaucratic nightmare. I know you have heard evidence from Tobias Billström; he is very proud of the Swedish system of pushing most of the decisions towards employers and allowing it to be an employer-led process. If there was an EU-wide approach, it would depend on which approach was taken. I have to say that although the people in the European Commission are broadly excellent on this topic, I do think that, if given an opportunity to regulate the whole thing, they would find it difficult to resist. Of course, we are already regulating various seasonal workers, intra-corporate transferees et cetera, but when I hear any of the views on the bigger picture, it is this sort of stuff that comes out. Given the teething problems we have had with the UK system, I think an EU-wide points system for the single market would be a horrendous outcome.

The Chairman: I think Commission officials may find it difficult to resist. I do not think the Member States will have the same difficulty.

Q190 Lord Judd: I find this fascinating. Taking what the Chair said about piles of paradoxes, and what you have just said to my colleague, if you had a clean sheet of paper, with the insight and experience that you have at your disposal, would you suggest that the money, time and effort should strategically go into building an EU policy, or would you say that the time and the effort should go into concentrating on individual Member States’ policies, perhaps seeing certain specific areas in which the EU might help? It would be very interesting to know, from all your insight and experience, which strategic direction you would take if you had a free hand.
Professor Keith: This is maybe jumping the script slightly in some ways, but what is overwhelmingly demonstrable is that, if you think in the longer run for any society where migrants arrive, full and comprehensive membership has to be part and parcel of the aspiration—for the benefit of all, not the benefit of the migrants alone. In that context, there are currently numerous divergences between European Union states about how much third-country nationals and even people moving within the Union itself are allowed access to full and absolute rights to citizenship, once they arrive. This is a personal opinion rather than there being an evidence base behind it, but I think where the Union’s competences could be most effectively directed would actually be looking at processes of migration and integration that have worked best over not two, three or four years, but 10, 20 or 30 years, actually trying to identify how harmonisation might work at that level, while recognising simultaneously my personal starting point, which is very much the enormous divergences in the needs of different nation states, at any one time, within the Union.

Q191 Lord Judd: In that context, would you say the EU is very good or weak at predicting future pressures that are likely to affect migration, or is the EU constantly trying to manage what has overtaken it? Also, would you agree that the EU is as effective as it should be in influencing what goes on in wider circles, in the UN and elsewhere, about the movement of people? I think, for example, obviously of the implications of climate change.

Professor Keith: That is getting on to a different area, where Hugo I am sure is much better qualified than myself to judge. I think that both nation states and the EU are frequently working through anachronistic frames of reference. If you look at the difference between what is happening right now in Scotland and what is happening right now in London, as opposed to, say, parts of the industrial North West, the divergences within nations are quite profound. Our facility to understand those is frankly limited in the context of migration.

I would come back to the point of subsidiarity, where we began before. If one is trying to create intelligent systems, one needs to think about multiscalar governance, which actually recognises what is happening below the level of the nation state, at the level of the nation state and at the level of the European Union. I would be hesitant about saying that the EU or nation states have either a greater or lesser competence in terms of trying to match rapid institutional design with even more rapid processes of social change.

Q192 The Chairman: Presumably this point you have identified there, as to the differences within and between Member States, is very much the case in something we have not said very much about so far, which is demographic trends, which clearly are very different in different countries. The Mediterranean border of the European Union and indeed Germany as well have what you could call “demographic collapse” or “decline”, or anyway a sharp reduction, and there are others like France and the UK, whose populations are still expanding quite rapidly.

Professor Keith: That is absolutely true.

Q193 Lord Judd: One other question of interest is that there is a lot of discussion and debate at the moment, in the context of the global financial crisis, about the need for greater political integration within Europe, if it is to meet the situation that confronts it. Would you agree that any such closer integration is not just a matter of economic policy, but is also a matter of social policy? Therefore, if there is a serious consideration of closer integration, migration, in this implication, should be very central to that debate.

Professor Keith: I think I would agree with that, yes.
Hugo Brady: That is a very broad-brush approach to the whole migration issue, which is ultimately that we will never get to this global infrastructure or even a proper regional infrastructure. It is helpful to think about what is happening around the world. For example, Australia and New Zealand have just signed a free movement agreement, so these two countries that are very like each other and have always developed side by side and broadly at the same rate are only just getting to free movement now, whereas we have had free movement in the European Union for years and years. The ASEAN countries want to talk about having an official migration dialogue now and they want to move towards something like what we have here in the European Union.

With the problems we have faced over the last couple of years, as Lord Mackenzie referred to, in terms of the social impact of migration, the big crisis with France and Italy in the Schengen area last year and then the fears over the Arab Spring and all that, we will never find a way of discussing migration in a sensible way until we join up three aspects. One is the urge to migrate to an area that boasts the world’s highest standard of living. The second is the urge of Governments to control those flows, even though they are not really powerful enough to do so. The nation state has never really been powerful enough to control borders; borders are an abstract concept. The third force is the resistance of democratic politics to migration, because what we are talking about is a system of insiders—the voters—who do not like the arrival of outsiders—the migrants. Until we find a way to join up those three different dimensions of the issue, we will not really have what sounds like a coherent policy discussion that we can get serious concrete initiatives out of.

Just to be concrete about what that means for the Global Approach, right now for example the Danish Presidency produced a paper, which was an action plan on migratory pressures. If you read the action plan, it has some very good ideas about how the various bits of EU bureaucracy, Frontex the border agency and the Member States can co-operate better on identifying and responding to migratory pressures. What it does not say is what the migratory pressures are. That is the stage we are at, at the moment, which is that we are still talking about how to produce ideal processes to manage migration. What we do not seem to be able to do with the Global Approach is for Member States to sit down and have a serious discussion about what their migratory pressures actually are and what any commonalities between those pressures might imply for co-operation between them. That sounds like one of the most obvious things in the world, but I fear that we have lost that, if we ever had it, in the EU, possibly as a result of enlargement, because the newer countries in the East have completely different experiences of and pressures from migration and asylum, but more because this is an emerging, sometimes toxic, always very sensitive area.

To answer this question and the previous one, what I would do if I had a blank sheet of paper is probably organise migration discussions on a more regional caucus basis—that is, I do not think the EU at 27 can have a single identity on these matters but, if you focus co-operation on a regional basis, that would probably be a better way to go. Indeed, countries do so both formally and informally. What I think you should ask people in the course of your inquiry is when they actually discuss the concrete pressures they face for migration and what comes out of those discussions. That is all we really should be doing. It makes me think that the G6, for example, which is a body that really discusses security questions, could develop a new role in discussing concrete immigration issues, because they do not seem to be doing much of it at the moment.

Q194 Lord Avebury: Picking up that point, do you think that illegal entry flows can be significantly reduced by the intensification of controls at the EU’s external border or does intensification simply divert the flows to less well controlled ports of entry, as has already
happened in the case of the Greek/Turkish border? What do you think should be done collectively to reduce illegal migration?

Professor Keith: There is a substantial body of work on this. I would pick up a point that Hugo raised earlier on, which is that much of the evidence demonstrates quite how weak nation states are globally, and have been historically, at controlling flows of people. It is not a straightforward or palatable truth but, for all of the rhetoric and for all of the extraordinary amounts of money spent on enforcement, the conjuncture of desire to move and states’ facilities to control movement actually tends to end up very much in the realm of the migrants finding ways. That is true across the world. If you look at the United States, which spends an absolute fortune on enforcement, that is the case.

Having said that, the counterfactual to your question is hypothetical really: one would not know what the flows might be for every incremental decrease in expenditure. One very obtuse but accurate answer to your question is we do not know the answer. If you look at the amount of work that is done around irregular flows of migration to Europe, but also irregular flows in migration studies in other advanced economic contexts, the evidence is not very strongly in favour of very large amounts of expenditure producing very major consequences in terms of facility to control. There are arguments made in the Canadian and American literature that, actually, if you start evaluating these policies in terms of expenditure, one begins to raise some quite serious questions about the amounts that are spent. One of the things that we talked about earlier on, which we may not have addressed in great detail, about the Global Approach is that, in the Global Approach, there is this extraordinary emphasis on Frontex and issues of enforcement, whereas the realities sometimes defy the rhetoric of the states and the policies.

Q195 Lord Avebury: Frontex had to step in when the Greek border controls broke down, did it not? Mr Brady mentions the €223 million granted to Greece to strengthen their own capacity to deal with migration across the Greek/Turkish frontier, which he says did not work because they were not recruiting any further civil servants. When you face the problem of a border state with weak capacity, which may also apply to Bulgaria and Romania, then presumably money spent by the European Union in trying to improve their capacity to deal with irregular migration is always going to be wasted, because they will not have the ability to apply it.

Professor Keith: As I say, the counterfactual as to what would happen if that money was not spent is not going to be straightforwardly evident, is it?

Q196 The Chairman: Of course, you can question the expenditure. I noticed the other day there was talk of building a wall somewhere along the Greco-Turkish border, although it is a river. How you build a wall down the middle of a river I am not quite sure, but there is probably an answer to that question. The suggestion then was that that was considered to be a very foolish way of spending a very large amount of money to no great benefit. Again, as with other of the questions we have been pursuing this morning, you can come to the conclusion that some things are quite unwise to do. That does not mean that everything to limit illegal migration is unwise.

I wonder if we can turn just now to the question of Schengen. Hugo, your CER publication Saving Schengen discussed a range of challenges—you took a very pessimistic view, I remember at the time—to the survival of the free movement area, including the proposals that the French and Italians put forward following their disagreement in the early stages of the Arab Awakening. Then there were the problems at the Greco-Turkish border, which we
have been referring to in several of the questions and answers so far. Then there is the risk of enlargement and the unsolved issue of the admission of Bulgaria and Romania to Schengen. Looking at it now, as opposed to then, do you think the Schengen area will survive in the coming years? What needs to be done to ensure that it does survive? I wonder what you think about those questions.

Hugo Brady: Thank you very much; I am flattered that you would directly address a report of mine in your questions, but it takes us on directly from the last conversation, which is helpful, because the EU has these instruments. For example, it has various funds for refugee protection, internment of illegal immigrants, integration and so on. In the same way as I said the Mobility Partnerships need evaluating, another thing we need to do is evaluate how the money from those funds gets spent. The EU has about €4 billion in its seven-year budget available in funds to be drawn down for these purposes. It will probably double the amount of money in those funds afterwards and consolidate them into two funds—one for migration issues and one for security issues. In similar funds in the US, for example, they have a stipulation that, if you have a refugee fund, which various US states draw from, a certain amount of money has to follow the refugee. If you draw down $6,000 per refugee, then $4,000 has to follow the refugee. It has to be literally put into their hands and spent on their living costs, and only $2,000 may be absorbed in administration and so on.

I think we need that sort of scrutiny for what is actually a very fundamental tool. One of the only things the EU can do in terms of improving border surveillance and immigration frameworks in the individual countries is money. We have these funds, the commissions, which bring the money and establish the networks. Member States pull it down. As I mentioned in my report, in the case of Greece they sometimes have problems doing that, because of a lack of qualified staff and a lot of red tape. That is something the Commission needs to focus on in future, because these are one of the primary tools we have to strengthen the Schengen area. The fate of the Schengen area matters very much to Britain because, if there is chaos inside the Schengen area, this will have a direct knock-on effect on Britain’s own attempts to control its own borders and reform its immigration system.

Now, on the current political events and what has happened so far, as you noted, I painted a rather pessimistic picture of the prospects for the Schengen area but, indeed, I do not in fact believe that the Schengen area will ever really collapse. It may fracture or shrink back towards its original membership of five or six but, even then, I think that the area itself could be rebuilt after some reforms and so on. I do not think that is the case for the eurozone, for example. I think if the euro collapses or a country drops out of the euro that is a pretty irreversible thing. The great thing about the Schengen area is, even if we do have political schisms inside Schengen, we can still re-establish passport-free travel in the future.

The Danes, quite courageously in my view, opposed a proposal by the Commission to, to some degree, centralise the Schengen system. The Commission wanted the power to say that Member States could only impose border controls under certain circumstances, and they wanted the power to police that. The problem with Schengen is that, in such a sensitive area as immigration and border policy, that is a system that was never really meant to be centralised. The Danes were faced with what would have been a politically unacceptable cession of sovereignty to the Commission, on the one hand, and also the need to fix a system that does not work hugely well.

The departure of Nicolas Sarkozy from the scene really helps. Actually, Schengen has been very politically lucky this year because, number one, Sarkozy is no longer President in France, which means that the person who was originally behind this whole issue of rewriting the Schengen rulebook, which has proved too controversial for everyone, and made
everybody think that actually the original system did not work too badly, is now gone. Therefore, we can think about a more sensible way to reform the Schengen area. That has to include directly, very similar to the eurozone crisis, not addressing the overall way Schengen is structured, but addressing the actual real problems, and the real problem is the border with Greece. If they do not do something to stabilise Greece’s immigration situation, which is in a very bad way indeed, then it is not really feasible for me that Greece can remain a member of the Schengen area. Given the fact that there is no way to kick out a country from the Schengen area, this means that the political problem we have in Schengen is still there.

Now, the Romanians have also done the Schengen area a huge favour by having a huge conflict over the rule of law in their country, which now makes their accession to Schengen over the next six months less likely than it was before. When I wrote that paper in January, people told me that two things I had written in the paper were very unrealistic: number one, to say that Romania and Bulgaria should not be let in for two years; and number two, that the EU would arrive at any sort of accord with Turkey on visa liberalisation. Today, it is not looking likely at all that at least Romania will join in the short term, and the EU has indeed moved forward talks with Turkey, including on the signing of a Readmission Agreement for illegal immigrants. It is amazing in immigration policy how things can change very quickly in a short space of time.

My answer in short is that Schengen has been lucky this year on three counts. Number one, the French situation is better. France is in many ways the Britain of Schengen. It is quite eurosceptic about the Schengen area. Number two, the situation in Bulgaria and Romania has been seen in its real light, and the people can now see the linkage between the rule of law and the maintenance of the external border. I believe, ultimately, that is a healthy process.

Number three, the Arab Spring has not resulted, as Michael has alluded, in the huge wave, the “human tsunami” as Silvio Berlusconi called it, from Tunisia, Libya and other places during the summer. In fact, we have not really had many reports of mass movements of boat people in the Mediterranean over the last couple of months, unlike previous years. In that sense, a lot of the political tensions surrounding Schengen are not there in the way we thought they would be but the fundamental underlying problem, which is that we do not have a way of ensuring Member States maintain proper border controls as they are supposed to do under the Schengen Borders Code, is that we still do not have a proper way for evaluating the external border and we do not have a way of enforcing improvements to the external border. That problem will persist throughout the various immigration panics that happen in the medium to long term.

Q197 Lord Lingfield: What is your view of immigrant integration in the UK today? Perhaps comment also on integration throughout the EU. Do you think that the debate on integration focuses too much on culture and too little on education and employment?

Professor Keith: Maybe I can start with the second part of your question first and then come back, because the second part of your question I would agree with: the debate does focus far too much on culture. As a shorthand, I would refer you back to the report that I alluded to earlier on, from the Commission on Integration and Cohesion, where we actually identified four key principles for integration, the first of which was the notion of shared futures, which suggested that policy levers should concentrate on acknowledging the diverse routes through which people came to a particular place and concentrate on developing dialogue across migrant and settled communities about the future of both neighbourhood
and larger geographical units. The second was an emphasis on the multiscalar nature of citizenship rights. Although we think about citizenship in terms of the nation state, in reality the ways in which public goods are rationed works at the levels above and below the nation state.

A third principle is of notions of belonging and identity, which would build on a slightly more communitarian model of integration. If you look in the United Kingdom for evidence, all of the polling evidence demonstrates that affinity to neighbourhood tends to be much stronger the lower down the geographical scale you go. People have very strong identification with their local authority area and with their city, frequently much stronger than with the nation as a whole, although this can be seen as slightly simplistic. The fourth principle that we advanced was maintaining a sense of equality and aspirations towards equality.

I do not think those four principles, which are at the heart of the report of the Commission on Integration and Cohesion, describe everything that is necessary around integration, but what I do think they identify is a need to recognise the appropriate scale at which integration is taken forward. In your question, you identify issues of education and employment. As I was saying earlier on, what that in turn implies is thinking about the logic of the education system, which works most effectively at what we call local education authorities, or whatever the geographical remit is at which we think of networks of schools working together.

If we are thinking about employment, we need to think about key sectors. The Swedish experience has been alluded to already on this. The demands of employers are addressed in our report and can be taken forward more seriously. What all of that suggests is there is much too strong an emphasis on culture in many of the debates that have characterised not only the United Kingdom, but also the Sarkozy/Merkel contributions to the debate on multiculturalism in the last couple of years, or some of the public debates in Denmark and Sweden, where again a focus on religious faith, as much as culture, frequently confuses as much as it contributes to an understanding of the integration process on the ground.

If you look at the United Kingdom, I do not think people should be Panglossian about it. The record is not too bad over the last 30 to 40 years. If you look at parts of London and the scale of change that London has gone through over the post-war era alone, and the ways in which accommodation of new populations has worked itself through over that period of time, the UK’s record is not too bad in an international context. Part and parcel of that is because of the ways in which the city works as a place to live. There are downsides to the fact that you have a very dynamic economy and a sense of change, so that population churn in some parts of Inner London is as high as 25-30%, but it means the process of living with strangers and living with people of different backgrounds becomes normalised, in some ways. We undervalue that at our peril. If we focus on integration as a more objective sense of the ways in which societies and places adapt to new flows of people, rather than becoming particularly concerned with cultural predispositions, then I think it would actually be altogether much better.

The only caveat I would have—and I am not quite sure whether it fits in your box of “culture” or not—is the issue of language. All of the evidence demonstrates the importance of language learning, in terms of a facility to contribute to society more generally. All policy that can advance that is important across the board. If you look in the European case, and the most egregious in some ways would be the Netherlands at the moment, the more integration policies tend to focus on the cultural, the less successful they are.
Q198 The Chairman: That is very interesting. I get the impression from some of your answers that you are saying that, rather than Britain separating itself off and seeing itself as different from other European countries, we might actually have a bit to teach them in some of our experiences in this field. Talking a little bit more positively about what individual European countries can learn from each other might be better than making speeches about multiculturalism.

Professor Keith: I think that is true. I also think that the level at which the learning takes place is frequently the level of the metropolis or metropolitan government, as much as the nation state. Within the Netherlands, France or the United Kingdom, the learning is frequently below the level of national departments of state.

Q199 The Chairman: That was something we very much came across in the course of our previous study on drugs, where we noticed that co-operation between cities and regions in different parts of the European Union was every bit as important as cooperation between Governments.

Professor Keith: I would strongly support that, yes.

Q200 Lord Avebury: I just wanted to ask a brief supplementary. While language obviously is important in enabling new migrants to find their way in our society, do you think it trumps the principle of family reunification? In European policy, should we be denying entry to dependants of principal migrants because they cannot speak enough of the language, or should we alternatively encourage them to learn the proposed language once they have arrived here?

Professor Keith: In the abstract, it is a false dichotomy. In reality though, I know that there are situations right now in which that dichotomy is being put forward. My personal opinion is that human rights triumph over the utilitarian needs in that sense.

Q201 Baroness Prashar: Can I begin by saying how much I agree with your answer on integration? Can I just ask a supplementary before I ask my proper question? Your report on integration and cohesion made the recommendations. Despite that, why do you think there is so much emphasis now on multi-faith work? Why do you think they have gone in that direction?

Professor Keith: I think some parts of this are to do with the geopolitics of security and the fears that have followed the events of 9/11 and 7 July 2005. We cannot pretend those away. I am not sure how relevant this is to the Committee’s deliberations, but one can either be in favour of or antagonistic to British foreign policy; it does not matter where one stands on that spectrum, but to deny a connection between what happens across the world and what is happening in the cities of Britain would be naïve. There is a reality to some of the transnational links that tie religious sentiment or cross national boundaries through religious sentiment. We cannot pretend those away either. The part of London I know best is East London, and the events that happen in Bangladesh today and what happens to Sheikh Hasina and the Awami League play out on the streets of East London. That is part of the reality that we live by. That is one strand, which has pushed the inter-faith position.

There is a second dynamic, which also has several different sources. As the faith in the post-war welfare state has in some ways diminished or moved away from the Swedish model in the United Kingdom, crudely put, then whether we talk about the debate around the Big Society or other communitarian initiatives, there is a sense in which people look to make sense of civil society. When they look to make sense of civil society, faith organisations are
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important in any objective understanding. It is quite a big logical leap from an observation that faith organisations are important, in the structuring of civil society, to a policy description that says that there should be a lot of work around inter-faith, but that is probably a subject for a different discussion.

Q202 **Baroness Prashar:** It is a subject we can debate elsewhere. Can I ask the question, which is really about the UK? How does the UK contribute constructively and effectively to EU’s migration policy when it has opted out of many of the legislative measures underpinning the policy?

**Professor Keith:** In a way, we have identified two areas already today. One is in the field of integration, where I think the issue of learning is as important as the issue of harmonisation. I do not want to repeat things we have talked about already, but that would be one very productive area.

The second is around some of the work that has progressed partly through the Migration Advisory Committee. If you go back to where I began at the beginning, if you go back to those very basic elements of migration—of numbers, selection and rights—and if one tries to rationalise and make objective our deliberative process around those, there are a number of areas of policymaking, not least around, for example, labour market tests and identifying labour market needs, where there is evidence from the United Kingdom that can be shared. If one goes back to the four pillars that we began with of the Global Approach, there are ways in which harmonisation does not necessarily mean harmonisation of all instruments. There are areas of harmonisation, around labour market testing for example, which could be shared.

Q203 **Baroness Prashar:** Do you think the UK should, at some stage, become a full member of the Schengen area?

**Professor Keith:** I would be agnostic myself.

Q204 **Baroness Prashar:** Why are you agnostic?

**Professor Keith:** Partly because of the very lucid description of the challenges that Hugo laid out, which identified more optimistic and less optimistic scenarios for the way forward. My personal predisposition is more pro-Europe for those things, but with a sense of constructive critique about what one is joining at any stage. Hugo is probably better positioned to give an answer to that one.

Q205 **Baroness Prashar:** What do you think?

**The Chairman:** On both parts of Baroness Prashar’s question perhaps—whether Britain weakens its position very greatly by being half in and half out, as it were, in the JHA area and migration in particular, and also the question about Schengen.

**Hugo Brady:** It is a fascinating time to be discussing this issue, not least because the UK is considering leaving a big block of the Justice and Home Affairs acquis anyway, but because one of your previous witnesses, Charles Clarke, when he was Home Secretary set an interesting test for how Britain could join the Schengen area. There is no doubt about it that joining the Schengen area for Britain would be possibly as difficult as joining the eurozone in some ways, except that it would not require a referendum.
The Chairman: No, it would. Under the legislation that was passed last year it most certainly would require a referendum.

Hugo Brady: Now it would, of course, yes. In such a circumstance, I could never see the British public voting to abolish frontier controls with the rest of the European Union, given how sensitive and politicised an issue immigration has been for the last couple of years. We must remember that Britain does participate in elements of Schengen already—the policing and information exchange elements of Schengen. There is no doubt about it that British cherry-picking does, at times, infuriate its EU partners and reduce its influence around the table. I am thinking specifically about British attempts to join Frontex and get access to the Schengen so-called Article 96 data, which is about refusals at the common EU border, as well as to access the visa information system, which is a new system for centrally storing and querying all visas issued for the Schengen area. In fact, the VIS will become one of the largest biometric databases in the world, and Britain’s security services would very much love to get access to it, but other Schengen members have said no, on the principle that, if you do not share the burden of common borders, you do not get the cherry of shared co-operation and the extra information.

However, I do see a need for some sort of new co-operation arrangement between the Common Travel Area, incorporating Britain and Ireland, and the Schengen area, across a range of things. For example, the CER published a fine paper, not by myself but by someone called Michael Emerson, on the additional costs in terms of tourism. The CTA plus Schengen attract almost the majority of world tourism, which is an incredible statistic. If you are visiting to China—and the rising Chinese middle class is expected to be the next big thing in tourism—you are not going to get a visa for both areas. Getting a visa is stressful enough for anyone, so it is more likely that you will boost tourism if the two areas had some sort of visa connection or an agreement to recognise each other’s visas in certain circumstances.

Also on issues like security, I would be very interested to see what type of co-operation is happening with the Olympics and so on, for example. There are a number of areas in which I think this coalition Government, rather than talking about opting out of vast swathes of EU legislation, a lot of which is not particularly relevant, could be talking about a greater closer relationship on issues of shared interest with the Schengen area. That might help improve the politics on things like working with Frontex, getting access to VIS and getting access to other data from the Schengen area.

Q206 Baroness Prashar: Do you think this co-operation will happen regardless of Britain being a full member of Schengen?

Hugo Brady: This is a very interesting question right now, because Britain is considering taking a further step backwards from the whole Justice and Home Affairs area. I am currently researching what impact this would have, if any, on Britain’s influence around the table. If you speak to British officials, it is very much the view that Britain is a large and important country; it has a very mature and well respected law enforcement and security establishment, which has very deep links with their continental counterparts and so on, and a long history of co-operation. We would be very unlikely to throw all that out of the window just over some obscure protocol in the EU’s treaties.

Furthermore, Britain, as we have discussed, does not opt in to any EU legal migration measure, but this does not really reduce its influence around the table, because Britain does have very clear ideas about what European co-operation should be achieving. For example, at the moment, the two big messages I suspect you are hearing from the Government is that they want the Global Approach to focus more on illegal immigration, because there is a
sense that the common external border, no matter what the debate is about on the efficiency of spending a lot of money building walls and other silly gestures like that, is a political matter. The politics of the immigration issue will not be improved until we can show greater co-operation between various EU countries on illegal immigration.

The second thing the British want is the Global Approach to focus more on specific countries of interest, preferably specific countries of interest to it. The British are around the table and they are influential because of their size, yes, but also because they have things to say. For example, if Sweden were not in all of these legal migration directives, they would still be quite influential, because the Swedes have a lot of clear ideas on immigration. Other countries sit there and say nothing.

I do think Britain still has the ability to wield great influence in this area, and it wields influence to a remarkable degree, partially because, yes, the British are very clever and do all their homework beforehand, but also because, interestingly, France is quite sceptical on EU free movement, so it is not at the forefront of policy formation in the area, and Germany has a divided internal security structure; because of its post-war constitution, any EU initiative is the subject of a long series of consultations between its 16 different states. Britain gets to fill this vacuum, partially because it has well developed and mature security services, and the police are largely autonomous of government. The question I am considering now is: how much damage, if any, leaving a large part of EU agreements in this area would actually do to Britain’s influence. I must say, I have already concluded that it will do some.

The Chairman: I think that is fascinating, and I hope that your research will see the light of day in time to be something that we can consider when we conduct our next inquiry, which is about Protocol 36, which we will be starting towards the end of the year. Of course, if you felt able to share your research, at whatever stage you have got to, when the call for evidence for that inquiry goes out, that would be very welcome. If you wish to give us evidence that would equally be very welcome. We have just started on a subject that we are all going to hear a lot more about. Could I thank both of you for coming along this morning and giving us a great deal of food for thought? It has been genuinely useful to us to hear those views. Thank you very much.
WEDNESDAY 18 JULY 2012

Members present

Lord Hannay of Chiswick (Chairman)
Lord Avebury
Viscount Bridgeman
Lord Judd
Lord MacKenzie of Framwellgate
Baroness Prashar
Lord Richard
Lord Sharkey
Lord Tomlinson

Examination of Witness

Rt Hon Charles Clarke, former Home Secretary and Visiting Professor in Politics at the University of East Anglia.

Q138 The Chairman: Good morning, and thank you for coming along to give evidence as part of our inquiry on the EU’s Global Approach to Migration and Mobility and related matters. As you and I discussed outside, you have expressed a willingness to say a bit about the subject of our next inquiry, which is Protocol 36 of the Lisbon Treaty, so we will take anything you have to say on that at the end of our questions. It would be valuable to us to have your views on that point because it would be part of the evidence base for our own inquiry, which will start around the end of the year and is due to be completed in good time to enable it to feed into the parliamentary process that has to take place on Protocol 36 following the Home Secretary’s confirmation that there will be votes in both Houses on that subject in due course.

Going back to migration and mobility, as you know this session is open to the public and a webcast of the session goes out live as an audio transmission and is subsequently accessible via the parliamentary website. I also understand that it will feature on BBC Parliament, perhaps helped by the fact that the other place is not sitting at the moment, so it may actually get one or two viewers—who knows? A verbatim transcript will be taken of your evidence and this will be put on the parliamentary website. A few days after this evidence session you will be sent a copy of the transcript to check it for accuracy and we would be
grateful if you could advise us of any corrections as quickly as possible. If after this session you wish to clarify or amplify any points made during your evidence or have any additional points to make, you are welcome to submit supplementary evidence to us.

Now perhaps you could just briefly introduce yourself. If you want to make some opening remarks, that would be entirely acceptable to the Committee. If on the other hand you want to move straight to questions then that would be equally acceptable.

Charles Clarke: Lord Hannay, first let me introduce myself. My name is Charles Clarke. Between 1997 and 2010, I was a Member of Parliament for Norwich South, and I served as a Minister for Policing in the Home Office from 1999 to 2001 and then as Home Secretary from 2004 to 2006. As a result of those periods of service, I have taken a great interest in these matters and a great interest in the matter of migration as a whole, which is obviously a very hot political question. I am delighted that you have asked me to give evidence. Thank you very much for doing so, and I greatly appreciate it.

I do not think that I have a great deal to say in terms of an initial statement, except to remark that I think that almost all opinion formers in the United Kingdom tend to see immigration and migration strictly in the UK context. I think that the right way to look at it is in the European Union context as a whole, which is why I wrote the pamphlet that I circulated before this meeting. However, I think to get that kind of way of thinking established requires a real sea-change. When I was Home Secretary, in my capacity as president of the Council of the European Union, I addressed the European Parliament at Strasbourg and I said that the era when Britain could rely upon the white cliffs of Dover to repel all aliens is a long time passed and we need to accept that we are part of the European Union, albeit not in Schengen. We therefore need to look at policies that take that into account, and that is how I think migration policy should be addressed.

Q139 The Chairman: Yes, this Committee in an earlier report that we did on the European Union’s internal security strategy—which of course includes a whole range of issues much wider than illegal migration—did observe that Britain's national security neither begins nor ends at the water’s edge, which reasonably succinctly expresses the view that you have just stated. But I would just like to ask you one question on the quite interesting figures that just came out in the last two days from the census about British demography and the level of migration into Britain, which does seem to be of a rather different order of magnitude from that of other European countries. Does that affect the judgment that you described just now and, if so, in what way?

Charles Clarke: I would not say that the figures affect the judgment that I have given. Obviously we have only seen the first stage of the census, though as you say the first figures produced earlier this week are extremely interesting. However, my bottom line on this is that the numbers way of looking at this is not the correct way of looking at the migration question. The idea that there is simply an appropriate size of the population of the UK that lasts for ever, I do not think is right. I think a much more profound question is: to what extent can every citizen or every person who lives in the UK—sorry, not every citizen but every person who lives in the UK—is able to fulfil themselves and play a positive role in the economy and society of this country? That is the core question rather than the number of people who are physically in this country at any given time. There are obviously other countries in the EU that have a far higher density of population than we do and I do not believe myself that there is some arbitrary level at which you can say, “Well, that’s it”.

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The concern that I think is very deep amongst the British people is about the sense of anarchy, of not knowing who is coming to the country, not knowing who is entitled to be there and not being certain who is really here and on what basis. So I say that the issue is to address the governance of migration and to ensure that it is clear and transparent and well operated, which it has not been. That is the way to deal with the concerns that people have, rather than taken any number, and saying that there is a number and then we are full up.

The Chairman: Lord Richard, I think that this is precisely the question that you were going to ask as a supplementary question to question 4. I wonder whether you would like to come in now and just follow that point up.

Q140 Lord Richard: I was reading your Centre for European Reform pamphlet. On page 4, under “What is to be done?” you say: “The fact of migration is not in itself the problem. It is the illegality and the ineffective systems of governance and control that accompany it – which exist across much of Europe – that create the real difficulties.” Taking that as the text, so to speak, of what you were just saying, could you expand on that for us?

Charles Clarke: When I was Home Secretary, there were regular incidents of people who ought not to have been in this country doing things that people found appalling, such as in the most extreme case the terrible murder of a police officer, but there was a wide range of other areas as well. I thought that what outraged people was not that the people were in the country but these were people who simply should not have been here. If they had been here properly and properly part of our procedures and processes, people would have accepted that. But as I said earlier, what they felt was a quasi-anarchic sense that people were getting into the country with no basis of doing so; being smuggled into the country without any long term commitment to the country and not putting anything back into the society. They felt that was destabilising to the way they saw society. It was not an issue of race—I do not think that the British people are massively racist right across the whole range, for example, in simply saying, “We do not want blacks here” or whatever—nor, in my view, was it an issue of numbers. It was an issue, as I say, of a sense of a lack of confidence that the Government of the day and society had got the situation of migration under control. That is why I focus in this pamphlet on the governance question because I think that is the core instability that people have.

I do think there are serious issues about this. At the beginning of the Labour Government, a lot of people came into the country as a result of our relaxation of the primary purpose rule and we did not employ enough people in our Border Agency and so on to really manage the system, so you ended up having rooms this big full of files about people who were here illegally, which had not been looked at for three or four years. It was absolutely terrible, and we had to address that—it is in fact now addressed and, I think, resolved. But it was a massive, massive problem. That sense that we were out of control and did not know what we were doing is what I think gives rise to the concern, rather than the simple sense that there are too many people here or something like that.

Q141 Lord Richard: I am not quite sure what you mean by “governance”. I always have difficulty with that word, actually.

Charles Clarke: A former Prime Minister of your acquaintance, Harold Wilson, wrote a book called The Governance of Britain.

Lord Richard: I did not understand it then either.

Charles Clarke: I am not sure that he did either. What I mean by governance is, firstly, are there clear rules? In this case, are there clear rules for who can come into the country and
on what basis? Are they transparent so that everybody understands what they are? Thirdly, are they implemented—that is, operated—in a way that people can have confidence: if that is a rule then the rule will be applied? I would say that combination of clarity of rules, the transparency of those rules and the enforcement of the rules is what I would call governance in this sense.

Q142 The Chairman: “Governance” has another sense also, in my understanding, which is when one is talking about international rules, whether at the European level or at the global level, where we are all quite clear that there is not a European government nor a world government. “Governance” tends to be the word that one uses for the set of rules that apply amongst a group of governments but which are not in the hands of a single government. I have always thought myself that that is another use of “governance” which is a legitimate one and which sums up the things you are saying as well.

Charles Clarke: I agree with your description, but I think that it begs a number of quite serious questions in this journey between governance in the way that you have just described it and government. Indeed, the EU itself is part of that journey from governance to government. I think that we are living in a world where there is a whole enormous range of laws which are established—UN conventions and so on—which govern our behaviour in a very significant way, but without taking it to the extent that we can actually govern, in the way that I used the word in answer to Lord Richard, the issues in a clear way. I think that gives rise to quite a lot of concerns. If you take the most obvious current example, the European Convention on Human Rights, there are many people who are very exercised about the application of that law or rule because they think that it is not being applied in a way that takes account of the consequences of that decision, and that is a problem. I think that your description, Lord Hannay, is spot on, but the question that it then generates is “How do you move from governance to government?” In the European context, obviously that is an issue about the EU and its powers.

Q143 Lord Avebury: Moving from the theoretical to the practical, I expect that you saw that the chief inspector of the UK Border Agency found that 150,000 people who had been given short-term leave to enter the United Kingdom had been lost in the system. Do you think that Europe as a whole should have systems for monitoring the departure of people who come here for short-term reasons?

Charles Clarke: I do. I think that the fundamental issue of enforcing visa regulations is very important, and that is why we went towards the e-borders system. There was a glitch in that process but I believe that in a number of categories today, as far as the UK is concerned, the e-borders system is able to look at people leaving in the way that you described—not yet universally but in a number of categories. If you then ask whether that should be extended to the EU as a whole, I would definitely say yes. The whole basis of the argument that I make in this pamphlet is that the EU external border needs to be absolutely strong, and one meaning of the EU external border being strong is that you are able to know who is coming into the EU and who is leaving the EU, which requires some means of looking at it.

The advantage of modern technology, though it is controversial in many areas, is that it is relatively easy to do that. For example, the biometrically based identity card system of the kind that I could produce out of my pocket, which was legal until this Government made it illegal, is a very easy means of checking people’s movements in that way. It is relatively easy to do that. I suppose that my core point is that people will not have confidence in the way in which migration is controlled and governed unless they believe that there are proper
controls in these areas. In my opinion, without that we will not be able to make progress in any area.

Q144 The Chairman: We must get on with the questions, but that is a very interesting start to our discussion. As Home Secretary during the UK presidency in 2005, when the Global Approach that we are writing a report on now—although of course this is the second iteration we are writing our report on—was first proposed, could you explain what the Government’s objectives were at that time? How well do you think they have been realised in the period between 2005 and the present time?

Charles Clarke: The origins of this, in my own case, were that when I became Home Secretary in 2004 we were looking at a general election in May 2005. I felt it was absolutely critical that we establish clarity as to what the UK Government’s approach was to migration, so I immersed myself in that issue for the first month or so of my Home Secretaryship. We produced our White Paper in January 2005, which set out the basis of the points system and other approaches to try and deal with it. We went through the general election without immigration being a massively controversial issue, which is what I had feared but did not in fact take place. So when we took up the presidency of the European Union on 1 July 2005—immediately after our general election—I felt that it was important to push migration up the EU agenda for the reasons we alluded to earlier.

I suggested to my fellow Immigration and Home Affairs Ministers that we should really make it our affair to put migration right at the centre of the political agenda of the home affairs area. I thought that was more important than some of the things that the Justice and Home Affairs Council was looking at at the time. I hosted specific sessions on that at the informal Council that was held in Durham that year and we got, for example, the UN High Commissioner for Refugees to come to the Council and discuss the issue. I believe that that was the first time that the issue had been addressed in the round at the EU level and eventually we got to a state of affairs where in the Hampton Court declaration—the heads of state or government Council statement at the end of the year—migration was one of the key issues on the agenda, which was the first time that it had been so.

Our ambition was to say that the EU would try to take steps to address the issues around migration rather than simply saying it was nothing to do with them. The position before that was that the JHA was not really dealing with it very much at all—there was some aspects of it in the Dublin agreement and so on—but it was not really there. So our idea was to push the issue up the agenda and we thought that the idea of a global approach was the right way to look at it, so that we could look at the various issues in the round. That was what we were trying to achieve.

As far as where we have got to is concerned, I think that we have got a statement that is useful but in my view it does not sufficiently prioritise and strategise. I saw the Home Secretary’s evidence to this Committee and on this question I agreed with quite a lot of what she said about the absence of priority and strategy in this. I think you need a much bigger sense of priority and strategy. However, I thought that the statement that came out of this April’s JHA Council—the EU Action on Migratory Pressure strategic statement—under the Danish presidency really took us a long way forward. When I went through that it seemed like we really were moving towards a sense of trying to get hold of it. In 2005, which is the time that you asked about, we simply made an effort to get this up the agenda and gradually as we were getting it up the agenda, we had institutions such as Frontex being created as a consequence of that—and in my opinion a positive consequence of that—but it has taken a long time to get on to a more strategic approach. I would say that the first time
we have seen anything—as I said, I may have missed documents on it because I am not actively engaged in this area so much now—was the statement from the Danish presidency of the Council in April, which was a real significant step forward in trying to get sharpness and focus. And that is what is needed: sharpness and focus.

The Chairman: Yes, that core statement is one of the building blocks of the Commission’s document that we are looking at now.

Charles Clarke: Yes indeed.

The Chairman: Does anybody want to follow that question up? If not, we will move on to Lord Richard’s question.

Q145 Lord Richard: I want to take it on to your view of the Commission’s recent communication on the Global Approach. Do you think that those proposals will improve the effectiveness of the Global Approach? What are the main obstacles to be surmounted?

Charles Clarke: If you take the four pillars that have been set out by the Commission, they are fine as pillars, but I would give them a slightly different ordering. They call them four equally important pillars, whereas I do not think that they are equally important. I think that the second pillar mentioned, which is “preventing and reducing irregular migration and trafficking in human beings”, is more important than any of the other three because it is the area which gives rise, in the context of the conversation we were having earlier, to the greatest doubts and uncertainties in the population about where we stand. Remember, many people in the population see the EU as the threat on this migration question rather than the potential solution in these areas. The idea of the pillars is good but, as I said a moment ago, I do not think it is sufficiently prioritised and I think the prevention and reduction of irregular migration, the second pillar, needs to go right up the agenda.

The third pillar, “promoting international protection and enhancing the external dimension of asylum policy”, I would make the second most important aspect of those pillars. The other two, “organising and facilitating legal migration and mobility” and “maximising the development impact of migration and mobility”, are both lower priorities than the other two I have mentioned. I do not think there is yet that sense, in the Commission’s approach, of a need to prioritise in particular ways, obviously because the issues I have mentioned are the most politically difficult.

Q146 Lord Richard: Is it the protection side of the thing that you think should be at the top?

Charles Clarke: Yes. We have to say that the EU is helping by proper government, by proper regulation of migration, the member countries of the EU to handle this issue in a positive way that respects human rights and so on but deals with it in an effective way. I do not think that is clear enough.

Lord Richard: Unless you can deal with the protection point then you cannot really get out the others.

Charles Clarke: I do not think that you can get the confidence from the population to be able to do that. People think that if you want to promote migration—“organising and facilitating legal migration and mobility”, to use the phrase in the communication—if you are not keeping people out who ought to be out, then why should we have confidence in you?

I think there is another intellectual problem in this. When writing this pamphlet, I started by thinking that one could get to more harmonisation on migration and work and things like
people who were migrating to work—obviously, the blue card system is an effort to try to achieve that—but, actually, I do not think that is right. I think that you have not got a single labour market in the European Union; you have a wide variety of different labour markets. I myself am pretty unsympathetic to any migration into the EU in the medium term to do any work. I think that we have enough people who live in the EU to do the work at the level we need in different areas. I think that we should be trying to really develop a proper labour market policy to ensure that the massive number of excluded people and unemployed people are able over a period of time—obviously, it is something that you have to do over time—to contribute to society more widely. That is where my focus would be.

I do not think that that is really accepted in the EU leadership at the moment. I think that they think that we are going to continue always to need people—whether it is seasonal workers or high-quality IT workers or whatever it may be—from outside the EU. I am doubtful that is true five years from now.

The Chairman: We had evidence from the Swedish Minister for migration in this inquiry who takes very much the contrary view and believes strongly in a national policy of migration to work. Lord Judd.

Q147 Lord Judd: You do of course deal a lot in your interesting pamphlet with the need for this to be tackled in the European context. You also refer to the importance of aid and foreign policy being part of the approach. Do you think we begin to do enough, domestically and within Europe, to forecast what is going to happen globally in terms of the pressures for migration?

Charles Clarke: Not at all. Lord Judd, you have an extremely distinguished record in this field, over the whole of your life, both in Parliament and outside and you know about the subject better than I, but my own perception is that we need to have a much more integrated approach on a country-by-country basis going through the aid policies, the trade policies, the investment policies, the migration policies and the foreign policy issues. Indeed, I achieved, when I was Home Secretary, a two-page sheet that was made available to all Ministers who were having bilaterals with Ministers in other countries which went through all these points as to what we were trying to achieve. I believe that generally speaking these were all kept in separate silos and separate baskets and people do not talk about them together in coherent way. Part of the reason is the Home Office-type issues are always rather unpleasant because you are talking about keeping people out. It is not as nice a subject to talk about as some of the other areas but I think you have to deal with it in the round. You have to say, “We want a very strong and positive relationship with European country X and we want to do it in a way that recognises all the relationships between our countries.”

Q148 Lord Judd: That is very important, but it was not actually my question. My question was about predicting what future pressures are going to develop and being ready for them rather than reacting to them.

Charles Clarke: I completely agree. The main pressures that come actually at the moment are as a result of events elsewhere—the Arab spring being an obvious recent example—or a conflict in some place which provokes, quite understandably, massive movements of refugees and migrants. That is what causes the issues. The reason I emphasised partnership in what I was saying is that I think the stronger the partnership between the UK—I would say the EU, actually—and the countries we are talking about, the easier it is to predict exactly what you say and to see what is going to happen, so we do not all say, “Oh gosh, it suddenly happened
like this,” because we have had a set of processes. I suppose I was responding a bit against your question in a sense, as I am not sure that simply investing more resource in a group of academic researchers predicting what people movement was going to be will necessarily solve this problem. I think it is about practical partnerships. When I met the current chief executive of Frontex in Warsaw to talk about this, he was very clear that if you could have a strong partnership, for example between Spain and north Africa, or if there could have been a strong partnership between Greece and Turkey, for example—you may say impossible—then the people movements at the borders, which were massive, would become much easier to deal with. In fact there have been significant reductions where there have been strong partnerships, but the partnerships should be positive on both sides, and that is where the aid comes in and that is where the good trade relations and the agricultural produce and so on all come into a different situation. My belief is that there is insufficient discussion of this and therefore insufficient capacity, in answer to your question, to predict what the movement is going to be.

The Chairman: Did you ask for the floor, Lord Tomlinson?

Q149 Lord Tomlinson: Yes, just very briefly, Lord Chairman. I was quite interested in what you were saying, that you were largely out of sympathy with continued large-scale immigration for employment purposes. Would you make some exceptions to that where there clearly are national needs? For example, if you listen to the universities today, we would have no teachers in any of the STEM subjects were we not bringing in migrants as students and then continuing to employ them to keep those sorts of areas continuing.

Charles Clarke: I definitely think that there are exceptions, and very important exceptions. When we established our immigration White Paper in January 2005, a key element for the UK was an ability to assess what the skills shortages were and to understand what was happening in our economy and where we needed people in the ways that I am describing. Yes, there will be exceptions, and there should be exceptions. For example, in the case of universities, it is completely ridiculous that students are inside the migration statistics; they should be taken completely out of them, in my view, because the restraint on the vital national UK interest of expanding our universities internationally is far too sharp. So I completely agree with that.

At a time when you have very high levels of unemployment in many countries in the EU, to say we can solve our economic problems simply by having people migrate in and forgetting about those people who are unemployed in Spain, for example, is a very poor way of proceeding. We have to think much harder about how we engage those people who are currently socially excluded in countries throughout the EU. Sometimes migration becomes the easy answer, certainly for many employers: just getting the people in from somewhere else rather than focusing on the problem we have in our own country. So, in answer to your question, I completely agree that there should be exceptions. There need to be proper skills audits and proper assessments of need.

We should also be thinking all the time—and I acknowledge that it is a long-term issue—about how we can improve the capacity of people who live within the EU to do the work that needs to be done within the EU. It is a pretty bad state of affairs if 15% of the population of the EU are essentially not thought to be capable of doing key jobs in the EU. In his report, Felipe González predicted that there would be a deficit of 50 million people by 2050, for exactly the reason you give: the ageing population and so on. But all those assumptions are based on a set of views about how the social model will continue: will people always continue to retire at 65 or 60, or whatever it is, or not? As we live longer, will
people actually work longer? There is a whole set of issues here that are much more complicated than some of the reports such as his suggest.

**The Chairman:** Lord Sharkey, then I think that we must move on.

Q150 **Lord Sharkey:** You talked about partnerships. A core instrument of the general approach is the Mobility Partnership, which you characterise in your paper as modest in form. So far there have been only four of them. Why do you think there are so few? Does it point to a fundamental defect in the nature of Mobility Partnerships?

**Charles Clarke:** I fear that it does. I am in favour of Mobility Partnerships. They are positive things, a strong idea. But fundamentally what you are talking about is the countries concerned doing a large amount of bureaucratic work for not much outcome in terms of numbers of people. If you are looking at the movement of people, you are really talking about quite small numbers. I do not know the details of the particular countries that you mentioned, but it must be a very small number of people in terms of the overall migratory issues that, for example, the UK or any of the other major EU countries is trying to address. So you are putting a lot of effort into that basket for not much bang for the buck in terms of having an impact on your overall migration position. That is why I think people ask whether it is really worth it.

This sounds terrible, but my experience is that people think it is a good idea, we should do it, it is all okay, but there is no real enthusiasm for it because people do not see it as really cracking the big issues that people feel they have to deal with in migration in their countries. I do not wish to damn them by saying that—which I probably have done—but actually you have to make a much more substantive arrangement that can work properly. For example, if you talk about Ukrainians going to work in Poland for seasonal employment, that is an important part of the Polish economy; it appears to work well, nobody has any complaints about it and nobody is worried about the people coming through. I think that is probably true in Spain with some of the people coming from north Africa in the same kind of way. These are not really seen as Mobility Partnerships. A Mobility Partnership is seen as something that makes those movements relatively bureaucratic rather than working in the way that migration normally does.

**The Chairman:** Yes, well, on the issue of seasonal migration, this Committee took the view that it was a subsidiarity issue that was really much better left to individual countries to determine.

**Charles Clarke:** As you will see in my pamphlet, I argue that in the whole migration to work area subsidiarity is the right way to go. There may be some exceptions at the top levels in IT and so on, but fundamentally the idea of an EU migration to work policy or points-based system for the whole of the EU is pie in the sky. You cannot get that at the moment.

Q151 **Lord Mackenzie of Framwellgate:** Good morning, Mr Clarke. You mentioned earlier that immigration is a political hot potato throughout Europe, and I think we would all agree. Given that, what scope is there for more harmonisation of migration policies within the European Union?

**Charles Clarke:** First, it is important to realise, as I did not before I started on this pamphlet, that migration is not an equally hot political issue across the EU. It is a massive issue in northern Europe, Scandinavia and the Benelux countries, and it is a big issue in Italy. On the other hand, in Poland and Germany there is much less preoccupation with it. That raises an interesting political question about the nature of the debate about migration in those countries and the extent to which society has an overall shared approach. That said, I
think that there are a number of areas where the EU should be increasing its work, first in the area of migration to reunite families, in particular the rules according to which people can be reunited with their families: what is a spouse, what is the age of a spouse, which grandparents can come, how extended is the family and so on. These are very different in the different countries of the EU, and there is a strong case for a harmonised approach at the EU level.

Secondly, I turn to the asylum policy. There has been an effort over many years to establish a common asylum policy for the EU. I think that that is the correct thing to do, and it would be an enhanced form of work to which I know the commissioner is already committed. Thirdly, on returns and readmissions, I argue generally that this should be a much more significant part of EU foreign policy than it is. The success of the European Commission with regard to returns agreements and Readmission Agreements with other countries has been extremely patchy, to put it at its most generous. A large number of criticisms have been made of the way in which even those agreements that do exist have been operated.

I would identify those three areas—migration and family reunification, a common asylum policy, and returns and readmissions—as areas where a much more coherent EU approach would make a massive difference. I would add to that a set of other issues such as, for example, developing a visa policy on a common basis, and I would argue for the UK to be part of that approach. It would be an important thing to do. I would also say, going back to the question put by Lord Judd, that the EU in all its dealings, not particularly with its neighbouring countries but more widely, ought to bring the migration issue forward to sit side by side with aid and trade and other key foreign policy issues to be discussed. In short, there are quite a number of issues where a much higher profile could be taken.

Q152 Lord Mackenzie of Framwellgate: Further to Lord Richard's point, I just want to pick up quickly on your argument that the problem is not the fact of migration but its governance and so on and that the numbers are not important. If there is pressure on hospitals, housing and all the social services that are provided, does that not fire the perception that it is about numbers? Of course this is generally fuelled by the tabloid press.

Charles Clarke: I am very sceptical about this. As a constituency Member of Parliament, I do not believe it is a fact that, for example, pressure on housing in a city like Norwich is very substantial as a result of migration. There are issues around giving children priority. My children went to a very multicultural primary school in Hackney. It was a tremendous school despite the large number of first languages that were spoken there. I do not think most of the people at the school thought it was a pressure in that way. To be quite honest, there has been a set of discussions about this which have been extremely ill-informed and for which Government has to take some responsibility. Some pressure groups have built an argument on the question of pressure on public services that is not based on fact. In saying this, I may be accused of putting my head in the sand, but I do not believe that the core problems of our health service, our schools system or whatever are the result of the pressure of migrants coming into this country.

Q153 Lord Mackenzie of Framwellgate: But would you agree that there is this perception in some areas?

Charles Clarke: Of course. The perception has been established and, I think, in a very negative way. For example, the argument was made by a former colleague of mine, John Denham, the MP for Southampton, that in Southampton the Polish plumbers had put massive pressure on the working situation there. All I will say is that I have not seen that shared in
other places; I do not think that it is generally the case. The much deeper issue is one that I referred to when answering Lord Tomlinson, which is that there is a significant group of people in this country who believe that they are entitled to work and see their inability to get work as being excluded as a result of people coming from abroad—the perception that you describe. Actually, in the case of many of those, we in government and society have not been able to equip those people with the skills they need in the modern area: work habits and so on. That is the core problem, not the migration itself.

Q154 Lord Avebury: Can I just go back to family unification, which you said was a candidate for a better European agreement? Do you think that in the light of recent restrictions on family reunification in this country, with harsher requirements on the use of the English language and financial hurdles which spouses and dependents have to overcome, that that is really practicable? Should there be an intermediate stage, where at least there is a clearing house within the European Community for exchanging views on the rules that are adopted in individual Member States on family reunification, so that you can begin to see what the spread is of different policies in individual states?

Charles Clarke: I certainly believe that there is a need for the sort of clearing house that you describe. That is one of the virtues of having a policy discussion about it, so that people can understand what the policies actually are, and what the meaning of those policies is in terms of the numbers of people who are being admitted and so on. I agree with you that that is a useful thing to do on its own terms. But I would also say that there is no particularly good reason why the definition of who is or is not a spouse—their age and whether they are a spouse in common law or whatever—should vary across the EU. The reason you need to have a tighter position on it is because of the issue that Lord Mackenzie has been raising about the perception that people have. It goes back to what I was saying about governance. There is a sense that this is very loosely dealt with. That may or may not be true; I think that it is perhaps truer than it should be. But if you take Geert Wilder’s party and look at its programme that went into the coalition agreement with the Conservatives in Holland, it is absolutely full, in that context, of the family reunification issues for migrants to Holland in that position. It is an important area on which to get clarity about what the rule is, so that people understand exactly what it is.

I understand what you are saying about the financial requirement that is there, and so on. My point is not about that. My point is about defining who the family is and who is entitled to come.

Q155 Baroness Prashar: Can I come back to the question of integrating migration along with police security aid into the foreign policy? You have touched on that twice. Do you think that it is realistic and, if it is, how can it be done? I agree with you but, on the other hand, in my mind there is a question mark as to whether it is realistic and possible.

Charles Clarke: I think that it is realistic. The key issue of illegal migration is the people traffickers—these illegal, very wealthy syndicates with tremendous power. The question is how you break them. You can break them only through proper police co-operation with Governments in those areas. There has been some success. Frontex has had some success on the Greece/Turkey border in attacking the criminal syndicates there, and has been able to make a number of different arrests. But what is required is co-operation and intelligence. Can you get co-operation? You asked me whether that was an over-ambitious hope. I think that you can get co-operation provided we are ready to provide resources to help make that go. Those resources, by the way, are very well spent. At the end of the day, if we
succeed in keeping out the people from criminal trafficking organisations, that saves us a great deal of resource in our own terms.

Can you share intelligence in these situations? That is more difficult, because sharing intelligence is entirely a question of trust. A lot of people are not ready to trust others. For example, in the western Balkans there are a lot of issues of trust as to whether you can in fact trust the police and security forces in some of those countries, or whether they have already been infiltrated and taken over by the organisations I am describing. So it is a hard process. You cannot just click your fingers and do it but, with a serious and strategic approach, you can make a good deal of progress. If you look at the latest Europol strategic assessment of crime, it indentifies five centres across the EU which it thinks are the big five areas where people trafficking is coming through in very large quantities. You need the police in those areas to work together to attack that and to give no space to the criminal organisations. Can that be achieved? I think that it can.

I think that there is a big question about resources. The example I remember very well was Operation Reflex, which I visited in Bulgaria and Romania. It was a tremendous operation which was succeeding in stopping whole lorry loads of people being shipped from beyond Turkey and ending up in Northampton, via a police intelligence-led operation which was working extremely well. But that money was only able to fund it in Bulgaria and Romania at that time because they were not yet in the EU. Within the EU, doing it in Greece, there were no funds available and we could not make it happen. The EU as a whole should also be raising its overall level of resources into these issues. The EU spends a trivial amount on all of those compared with the need. This is a common complaint of course, but compared with the common agricultural policy or whatever this is much more central to the actual capacity of the EU than any other area. First, national Governments, police and security have to collaborate. Secondly, nationally we have to allocate more resources. Thirdly, the EU has to allocate more resources. The problem is that it works in reverse. When you are in a time of spending cuts, as we are at the moment—Lord Mackenzie could probably say this more articulately than I could—police services tend to retrench themselves to their domestic role and see what is being done internationally as a bit marginal. That is a wrong view, but that is what is happening. I do not think that this is whistling in the wind. Police themselves, at senior levels, understand the need for international co-operation and are ready to work to make that happen.

Q156 Baroness Prashar: That requires a massive change in mindset, cultural change and so on. What levers would you use to bring that about?

Charles Clarke: One of the levers is the resources themselves, so the EU should provide resources for particular programmes. The problem with that is that sometimes they are just extra resources, rather than allocating the existing resources. However, it is simply a question of telling the story about crime. The biggest threats from criminality in this country are drugs, people trafficking—serious and organised crime—and terrorism. It used to be the case—I do not know whether it still is—that 80% of the heroin in Britain travelled up through Kosovo. If we can stop it there, we can prevent it reaching us, but we did not work in that way to do it. You just have to make this argument. I do not want to trespass on what Lord Hannay said at the beginning but that is one of the reasons why I strongly believe that the UK should remain a key part of all the EU protocols and arrangements to promote police co-operation.

Q157 Baroness Prashar: You have talked predominantly about police and security co-operation but what about trade and aid?
Charles Clarke: Again, I think the same. One of the problems is that the EU is quite an unwieldy group. In the area of home affairs we had something called the G6, which were the six biggest countries: Italy, Spain, France, Germany, the UK and, when I was Home Secretary, Poland was added to turn it from the G5 into the G6. We had exceptionally interesting meetings to discuss precisely how to do this, including those on trade and aid, with Home Secretaries. This was a level at which numbers were small enough to be able to discuss it in quite a material way. However, the big EU Council meetings are, as you know, very formalistic gatherings. Even in the informal sessions, it is quite difficult to get a really sharp conversation going. I can see Lord Richard going to sleep immediately just thinking about the meetings that he attended as a commissioner. The fact is that you can have that conversation but it has to be very targeted and must include trade and aid.

The Chairman: To be fair to your former department, when we took evidence on the EU’s drugs strategy, which was the subject of our previous inquiry and on which we published a report, the Home Office and SOCA were absolutely clear that the reduction in the resources available nationally made them more interested in what was being done by Europol than they had been before. They relied on it to a greater extent than they had done when national resources were a bit more plentiful.

Charles Clarke: I am very encouraged to hear that.

The Chairman: I was struck by that evidence. If that is indeed the view of the Government and Ministers, it is a healthy one and it chimes exactly with what you were saying.

Charles Clarke: I am sorry that I missed that evidence. I had not noticed it but I am encouraged by what you say. I suppose I was going further back in time to when this was all seen as a bit marginal, which was a problem.

The Chairman: Yes, I think that something known in the jargon as “cultural change” may have taken place. Let us hope so.

Q158 Lord Avebury: May we turn to the common European asylum system? How do you think disagreements between northern and southern Member States over so-called burden sharing can be reconciled or overcome?

Charles Clarke: I think that the only way to deal with the burden-sharing argument in the EU as a whole is for the wealthier north to provide more resources to the south to help it in the management of its extended border and asylum. I do not think that the proposition that the Dublin process should be reversed is right. I do not believe that there should be some kind of allocation of people so that those who come into Sicily are then transported to Sweden. That is not the way to deal with burden sharing. The way to deal with burden sharing is to say that we—the whole EU, including those members outside Schengen, such as the UK and Ireland—recognise that this is a much bigger problem on the land and sea border in the south than it is in the north, and that we are ready to provide resources and help.

If you take the Greek situation, for example, I think I am right in saying that the Greek provision of asylum accommodation was found to violate the European Convention on Human Rights. Therefore, people could not be removed to Greece in those circumstances. The obvious solution is for countries such as ours to give resources to Greece, either through the EU or directly, to help it solve the problem. My fundamental answer on burden sharing is not to say, “Shift the migrants to somewhere else in the EU”, but to shift the resources to those places where the pressure is greatest, which are mainly in the south.
Q159 Lord Avebury: Does that mean that Europol will be given responsibility for helping the Greeks to police their borders?

Charles Clarke: Frontex does that already, and co-ordinates it. UK police and others, including, I think, the military, have been part of some Frontex operations in southern Europe. That is only a slowly growing process, which has to happen much faster. Specifically on asylum, the European Asylum Support Office is ready to work in that area and there is a case for its doing so.

Q160 Lord Avebury: I know you have argued that the Commission will have to show more willingness to take Member States to the European Court of Justice if they fail to implement common asylum rules, but can you see any prospect that this will happen?

Charles Clarke: I thought not. A year or two ago I said no, but I think that Cecilia Malmström is an excellent Commissioner and that she has done a very good job in this area. Going by her statements, she is trying to move this issue up the agenda the whole time. I can imagine a situation in the next two or three years where states will work much harder to enforce the existing agreements. The problem with most of the agreements is that in the past they have been not quite dead letters—that is an exaggeration—but they have not necessarily been enforced as rigorously as they need to be. I am arguing that there needs to be rigour in these areas, and that is why I think that there is a case for taking people to the European Court of Justice. I would say that it is more likely now than it was a couple of years ago, and in three or four years it will be more likely still.

Q161 Lord Tomlinson: Earlier you touched on e-borders and the problems and imperatives involved in the system of securing external borders. Do you believe that the EU can secure its external border while, at the same time, respecting the human rights of migrants? Here, I am thinking particularly of where you get mixed flows of both asylum seekers and economic migrants and where it is very difficult for the authorities to determine which is which.

Charles Clarke: I think it can. As far as the external border is concerned, I think I am right in saying that a year or so ago more than 90% of the people coming illegally through the Schengen external border came by the Ebro River between Greece and Turkey. The big flows that there had been from west Africa to Spain and from north Africa to Italy and Malta were reduced to a very small flow as a result of agreements and partnerships between the countries concerned. The Arab spring put a bit more pressure on that and there are still some issues at the moment, but I think it is possible to deal with it.

On the human rights aspect, the core issue is the right of an asylum seeker to have their case for asylum judged quickly and effectively, taking full account of the circumstances of both themselves and their country. The biggest failure of most Governments in this area, including our own, was that we did not make that judgment either accurately or quickly over a long period of time—for example, in the UK too many judgments being made by the Home Office and the Border Agency were being overthrown by the courts because they had not been considered in the right way. So I would say that the central right for the asylum seeker is to have their case dealt with properly, and that is largely about having a good bureaucratic system that, as you say, takes the different cases of the mixed flows of people and assesses their individual circumstances. It is massively difficult for Governments to do that properly but there is no way round it. You simply have to do it.

I think that the more shocking abuse of human rights is the death of many asylum seekers at sea or in whatever circumstances. When I was a junior Minister there was a terrible case of
50 Chinese people being trafficked and dying in a container crossing the channel. It was an appalling situation. I went to see the container shortly afterwards and it was shocking. People losing their lives as a result of incorrectly policed borders is a much more serious abuse than some of the abuses that others are concerned about.

Q162 Lord Tomlinson: In terms of a proper bureaucratic system for determining asylum cases, would you hypothesise a time limit that should be placed on this?

Charles Clarke: I would not put a time limit on it at this stage but you are right to suggest that. I think it is reasonable for there to be a time limit during which people's cases are heard. The real problem is that the systems in many countries are not capable of dealing with that and therefore a time limit would be completely arbitrary. Actually, I think that a goal of policy ought to be—and this is one of the cases for a European common asylum policy—that applications for asylum are heard in a defined period and are properly heard. It is very important that they are properly heard—that is, that the genuine issues of the asylum seeker are understood by the agency in a proper way, and that is obviously a highly skilled and technical job. It is no good putting in an arbitrary time limit. I think that there is a case for what in the jargon might be called a key performance indicator, where you try to move towards a situation within a certain timescale. However, I come back to the point that that requires investment. Going back to Lord Avebury's question about burden sharing, that is exactly the kind of area where we could really look to the northern countries doing more to help the southern countries, where the pressure is the greatest.

Q163 The Chairman: I think there is going to be a new case when Croatia enters the European Union. As a result of that, the European Union will acquire an extremely long border with Bosnia-Herzegovina—800 kilometres—which will be very difficult for the Croatians to handle. I think that that is very much what you are talking about—that the sensible thing to do is for the northern and western Member States to provide some resource to help these countries to handle it, rather than to try to have a system for spreading the asylum seekers around.

Charles Clarke: There are two things. First, a couple of months ago I had an interesting conversation with the head of the regional office of the Migration Policy Institute in Brussels, who had just been to Greece to see the situation. I think that the IOM, if properly resourced, would be ready to help in Greece to ensure that it could operate more effectively, and I think that you could find other non-governmental organisations ready to help to make that go.

Secondly, the Croatia example is the reason why I argue that we should move as rapidly as we can to all the western Balkans acceding to the European Union, because I think that our border would be far more defensible. I applaud the process that took place in the visa negotiations between Schengen and most of the western Balkan states, which led to western Balkan visas being accepted within Schengen, because the other side of it was the massive reform that those countries—Bosnia-Herzegovina, for example—had to go through in order to be able to do that. They had to reform their systems, establish them properly and all the rest of it, and that was a massive process for them. The UK of course has stayed completely outside that approach and we have not been prepared to do what Schengen has done in relation to visas from the western Balkans. I think that the best way to defend the Croatian border would be for the other western Balkan states in that region to have good systems themselves and to operate effectively. We should be doing what we can to help that, and I would say that accelerating their membership process to the EU would be a good way of doing it.
Lord Judd: You argue that the European Court of Human Rights and the UN refugee convention were created and designed for different times but that times have changed and that perhaps the form these take needs to be re-examined. Could you spell out what you mean by this?

Charles Clarke: I have to confess that I found it very difficult. I observe that things have changed greatly since the late 1940s/early 1950s, when these agreements were made. I hear lots of discussions about what the entitlement for asylum should be. Should, for example, a homosexual from Belarus be entitled to asylum in the UK? Is that something that would have been envisaged in the past or is it something that is now being envisaged because of the standards that we now have concerning what is oppressive and what exists in these circumstances? It is worth having a debate about that.

If you asked me about the specifics, I would find that difficult to answer. I simply think that there should be a tighter definition of the things against which asylum is needed, if I can put it like that. The virtue of getting to that position is that people in this country would accept it more than they do currently. Obviously conflict and war are things from which asylum is entirely justified, as are torture and oppression, but as you define slightly more widely the basis upon which you can get asylum, that weakens the process. So I would have a widespread discussion about it, but I have to confess, Lord Judd, that I do not have in my back pocket, as it were, a new draft charter. However, going back to Lady Prashar’s point about my optimism in relation to this, I think that the chance of this happening is zero, and the chance of getting international agreement to a change in this area is almost irrelevant.

I was glad that the British Government in their chairmanship of the Council of Europe raised some issues and got some reform at the meeting in Brighton earlier this year but I think they got a pretty marginal change. It was mainly about the process rather than about reforms and definitions. So I put this in as a point for discussion, as it were, rather than as a charter for action.

Lord Judd: But some of the other nations seem to show a good deal of exasperation with us. You use terms such as the “silliness” of some of the messages coming from European institutions, and you have talked about the questions surrounding the way in which the 1996 Chahal judgment was used. Since you have come away from the heat of office, how far do you feel that these thoughts of yours may be historically part of a rather fundamental challenge in terms of what the political pressures on human rights really are in the UK?

Charles Clarke: This is a massively difficult area. Obviously the Chahal judgment was in the context of terrorism, and there was the question of whether a number of contemporary people could be deported back to north African countries, in particular. I was not really trying to cover that in this area because the questions that we are talking about now concern terrorists rather than the more general issues that arise. However, I negotiated with a number of north African countries memoranda of understanding, which were controversial. I went down that course because I was very influenced by a discussion at the Cabinet in which a number of my colleagues thought that we had to pull out of the ECHR. The then Leader of the Opposition, Michael Howard, argued that we should be pulling out of the ECHR. I was completely against doing so because I think that it is an absolutely fundamental bulwark of our freedoms, but I felt that we needed to find a way of addressing the problems that were there, and that is why I went through the process of trying to get memoranda of understanding, which, with the exception of Libya, are in place today. I think that that is what you have to do.
It is ridiculous that the ECHR has currently become almost a term of abuse in politics. That is profoundly dangerous. We have to try to find some mechanism for defining it and explaining it better than we currently do. The current European Court is not that impressive a body at a variety of different levels. I was at a private academic seminar in the last year with a number of members of the Supreme Court and senior politicians. A number of the people there, who were much more legally qualified than I am, think that it is inevitable that we will leave the ECHR because the tensions are so great. The point that I was making, on which you asked a question, was that this is something that we have to try to get hold of and talk about seriously. Because these things seem to be frozen in aspic, we cannot talk about them, but the danger is that we will end up moving out of it altogether.

Q166 **Lord Judd:** But you would say that in that examination it would be necessary to point out repeatedly in capital letters that this is about making it more effective and not about reducing the moral and ethical demands of justice.

**Charles Clarke:** The answer to your question is yes. We absolutely have to maintain the principles at its core, but we have to discuss more to what extent we are saying that certain things mean that you can generally seek asylum from another country.

Q167 **Lord Judd:** Then it is not part of a xenophobic approach—that we do not like bloody foreigners telling us what to do.

**Charles Clarke:** No. I think that the reverse is true. I think that the xenophobic approach says that we have reached a Utopian society in Britain which we have all worked for over the years, and the north Africans or whoever can never attain our Utopian society and therefore you can never get a fair trial there or whatever. The most terrible case when I was Home Secretary was with France. We could not extradite to France somebody who was alleged to have committed a terrorist attack because the courts here said that you could not get a fair trial in France. They required the French Government to come and give evidence about how their system worked. I have talked to Sarkozy about it—he was the Interior Minister at the time. I said, “I'm sorry. You've got to send somebody to the court to say that you do get fair trials in France”. He said, “We can’t do that. The pride of France is at stake. The idea of us going to a foreign court”—and I understood his position. However, finally he agreed. They did it and the guy was extradited and tried properly in France. That happened because of our belief that only in Britain do you have a fair system and all the other systems do not work. I am sorry; I am on my high horse about it. I shall get off it.

Q168 **The Chairman:** If I remember that case rightly, it could not now occur because of the European Arrest Warrant.

**Charles Clarke:** You are right but it was not just the arrest question. I think that the arrest warrant would probably have solved it but this was particularly an extradition case. I think you are right that if that person had been arrested with a European arrest warrant at the outset, that case would not have arisen.

Q169 **Viscount Bridgeman:** Mr Clarke, I think it is appropriate that this is the last question. Do you believe that the UK can continue to contribute constructively and effectively to the EU's migration policy when it has not opted into many of the legislative measures underpinning that policy? Do you believe that the UK should at some stage become a full member of the Schengen area? Greece has a very bad press in your pamphlet. Do you think that that situation—where you have one clearly weak link in comparison with the generality of the rest of the Schengen area—should affect the timing of our entry?
Rt. Hon Charles Clarke—Oral Evidence (QQ 138–173)

Charles Clarke: Two points. First, it is disgraceful for us to go on about how the rest of Europe should govern itself if we are not prepared to participate fully in the process. I argue that in the economic area, although that is not for this Committee, but I also argue it here. We try to get the benefits of co-operation without being ready to fully put in, if I can put it like that. So I believe that we should opt into the range of justice and home affairs measures—about 130 of them—fully and be full participants as much as we can. I think that we would be much stronger if we did so, as well as more secure.

My position on Schengen has gradually evolved. I used to hold the view that we ought to join Schengen when two conditions were met. Condition 1 was a genuinely strong and secure external EU border, and condition 2 was the establishment of ID cards in this country, which I thought would help in controlling the situation. Condition 2 I have dropped because the Government have dropped it for me. Condition 1 remains, and it is exactly your point about Greece. If we are not confident about the security of the external border of the EU, then we should not join Schengen. However, once we become confident of the strength of the external border of the EU, then I think that we should join Schengen, and a large number of benefits to our security would arise if we did so. I think that the most profound weakness in the EU external border at the moment is the Greece/Turkey border and not any of the others. There are always issues on the other borders, so I suppose that feeling confident that that had been properly resolved would fulfil that condition. However, my fundamental view is that we should join Schengen and seek the conditions to make that happen.

Q170 Viscount Bridgeman: Can I just ask a supplementary question? It was the Greece/Turkey border that I was talking about. I think that you referred to the possibility of a trade-off or carrot—that Turkey should have a rather easier visa entry into the EU and that we would therefore have influence in Turkey. Is that a step in the right direction?

Charles Clarke: I think it is. A trade-off on a lot of the visa issues is that we will allow visas provided that the countries from which the people come have proper systems themselves, with proper records and operating systems. That was the trade-off with the western Balkan states and I think that it has massively improved the administration of these issues in those countries. I think that there is a great desire on the part of Turkey to be able to work in that way, and we have a desire—for example, on Readmission Agreements and things like that—to have a much better relationship. If you had full negotiation around all these issues, you could get a package that was beneficial to the UK. Unfortunately, in the case of Turkey, first, there is a problem with Greece. Both Greece and Cyprus make it very difficult for the EU to deal with Turkey in an effective way on this matter, but Turkey’s sense that the EU is messing it about is, I think, making it very difficult to engage in the way that is necessary. That has become worse over the past three or four years. In a way, I do not blame the Turks for this. I think they are trying to establish their own position and develop their own economy, and we, the EU, are not making it easy.

Q171 The Chairman: I think there is hope that the Readmission Agreement with Turkey will now go through. Some good work was put in by the Danish Presidency just before the end of June, and I think that the processes are now turning for that, which would be a step forward. I would only add in relation to your two conditions for joining Schengen that of course the coalition Government have now introduced a third, which is a requirement for a referendum.

Charles Clarke: I was against the European Union Act 2011. I thought that it was an appalling piece of legislation and very damaging in many ways. I do not know whether you
are going to have a special evidence session on referenda on EU matters but I would be more than happy to contribute at some point if you do.

Q172 The Chairman: Could we now, as a kind of tailpiece, move to Protocol 36? Thank you very much, by the way, for all the answers that you have given on the other questions, which will help us a great deal in our inquiry.

Protocol 36 is of course looming in the sense that it is ticking away. By June 2014 at the latest the British Government have to decide whether or not they will accept the European Court of Justice’s jurisdiction on all those pieces of police and criminal justice legislation which were adopted before the Lisbon Treaty came into force. That is the 133, to which I think you referred in one of your earlier answers. It does not of course affect legislation introduced since the Lisbon Treaty came into force, where, if we opt in, we are ipso facto accepting the European Court of Justice’s jurisdiction as from, I think, November 2014. But it is those 133 pre-Lisbon legal instruments covered by Protocol 36 on which we will be writing a report to help the House of Lords to take the decision that the Government have decided to put some time between now and May 2014. Having set the scene a bit, it would be helpful if you could say what thoughts you have on this subject.

Charles Clarke: I suppose that my thoughts come in two or three categories. The first is that I regret that the opt-out in these areas was agreed by the British Government—the Labour Government—at the time. I do not think that the so-called red line on this was necessary either in public opinion terms or in terms of the overall political situation. It reflected the opinion of many of my colleagues in government but, personally, I regret it. Secondly, that having been done, I hope that this Government will decide that they do not want to opt out of any of these measures and that they simply agree to the authority of the European Court of Justice. Why do I believe that? I think that it partly relates to the answers that I gave earlier to Lady Prashar. I believe that co-operation with other European police and security agencies and with other Governments in these areas is an absolutely central part of our capacity to police and make secure our country—the national interests of the UK—against the various threats that come from international criminality. To weaken that capacity would be very serious and problematic. To opt out of these requirements would explicitly weaken that capacity.

Some say that we could opt out and then opt back in. As Open Europe—a not particularly pro-European think tank—says in the House of Commons note on this, you cannot assume that the others will immediately allow us to opt back in in areas that we want to opt back into. They probably would because they would see an interest in the whole situation, but they would not necessarily do so, and we would be engendering a massive process of uncertainty and turmoil at precisely the wrong time. So I absolutely and strongly hope that they will decide not to take that course of action.

Unfortunately—and I make a political point here—there are parts of the Conservative Party in the House of Commons who are the tail that is wagging the dog on these questions, up to and including the Prime Minister. So the question of where the national interest is in this matter is chucked out of the window by comparison with the real national interest in proper security and policing.

In fact—I said this earlier in an answer on Schengen—I wish that we would engage much more in these areas. I think that the approach that has been suggested will be very damaging.

Q173 The Chairman: Thank you for that evidence, which we will put on one side and which will become available to us when we do our next report, which is going to be on that
Charles Clarke: I will certainly take up your offer when the time comes. Thank you very much, Lord Hannay. But perhaps I may make two remarks. The first is that the Irish situation should be thought about very carefully. I presented this pamphlet to a seminar in Ireland and we had this discussion. They—the big leadership in Ireland in the police and security field—absolutely do not want to opt out of these various agreements but, because of the common arrangement with the UK and Ireland, they find themselves in a very difficult situation. It would be very important to see what Ireland did, because it would be in a very difficult situation at the moment and it would damage our relationship with them, which would also be very serious for us.

The only other point that I was going to make—and Lord Richard has much more experience of this than I have—is that, for the first time, in the last year I have begun to feel that across the rest of the European Union, where previously all the leaderships have wanted the UK to be involved and have been hoping that we will sort it out and so on, suddenly and quite sharply, and I felt this very much in Berlin earlier this year, they are thinking, “Oh, we just can’t be bothered”. That is a change which is really tangible. So when the question of the opt-in comes back after we have opted out in this hypothesis, I think that a lot of people in the big European Union countries will say, “We can’t be bothered with this. If they’re out, they’re out, and we’ll just let them get on with it”.

The Chairman: I think that we may have to consider that to be outside the scope of our inquiry, probably in the interests of self-preservation. Nevertheless, thank you very much for what you have said on Protocol 36. As I said, we will store that away and use it, and we will make sure that you get the call for evidence when we issue it in due course. Meanwhile, thank you for a really valuable amount of evidence, which we have greatly appreciated.
Centre on Migration, Policy and Society (COMPAS) – Migration Observatory—Written Evidence

Based at the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford, the Migration Observatory provides independent, authoritative, evidence-based analysis of data on migration and migrants in the UK, to inform media, public and policy debates, and to generate high quality research on international migration and public policy issues. The Observatory’s analysis involves experts from a wide range of disciplines and departments at the University of Oxford. Our analysis is continuously updated and includes commentaries, briefings, policy primers, research reports and a large number of charts, maps and tables. All of our work can be accessed at www.migrationobservatory.ox.ac.uk.

This brief submission provides some information and analysis relevant to selected questions raised by the Committee in its Call for Evidence. We do not address all the questions. Wherever relevant, we link to more detailed analysis on our website. We focus on four issues:

1. Generic challenges with harmonising labour immigration policies toward third country nationals
2. The role of migration in responding to population ageing and decline
3. Assessing current and future labour and skills shortages
4. The need for more effective labour market tests in the EU

1) Challenges with harmonising labour immigration policies towards third country nationals (Q1-3)

In the discussion about the potential harmonisation of immigration policies toward third country nationals across EU member states, labour immigration has proven one of the most contentious issues. This is not surprising as there is no ‘one size fits all’ approach to the regulation of labour immigration. The design of any labour immigration policy requires three fundamental decisions: (i) how to regulate the number of migrants to be admitted (e.g. through quotas or points-based system); (ii) how to select migrants (e.g. by skill and/or nationality); and (iii) what rights to grant migrants after admission (e.g. free choice of employment, access to welfare benefits, temporary or permanent residence, access to citizenship etc.).

Different countries are characterised by different labour markets (e.g. flexible vs. regulated), welfare states (e.g. coordinated vs. liberal), immigration histories and policy-making processes. These differences mean that we can expect different countries to address questions of openness, selection and rights of migrant workers in different ways. The optimal labour immigration policy for Sweden (a co-ordinated market economy with strongly regulated labour markets and an extensive welfare state) is likely to be very different from the optimal labour immigration policy for the UK (a liberal market economy with a more flexible labour market and a smaller welfare state). This is precisely why efforts to harmonise labour immigration policies across the EU has met with stiff resistance from member states. While there has been some progress with regards to harmonising policies towards the rights of third country nationals, there has been very little to no harmonisation of admission policies (openness and selection) across member states.
The rejection of a one-size-fits-all approach does not mean, of course, that there is no case for selective harmonisation of specific aspects or processes of labour immigration policy-making. To engage EU member states in a realistic debate about this issue, we need ‘hard-nosed’ analysis of the costs and benefits of selective policy harmonisation for individual member states and not just the European Union as a whole.

Related readings:

2) The role of migration in responding to population ageing and decline (Q4)

While public debate on migration in the UK is frequently concerned about rapid population growth, many other European countries are primarily concerned about rapid population ageing and decline. The UK, unlike half of other EU member states, is projected to experience growth not decline over the next 50 years. It is also projected to experience less ageing than most EU countries, with only Ireland expected to have a smaller share of its population aged 65 or more in projections for the year 2060.

Immigration can play a role in addressing the challenge of ageing populations and workforce decline, but it will not be the main solution. A key question widely debated in policy circles, particularly at the international level, is whether migration is a possible solution to the economic and social challenges associated with population ageing and decline – i.e. the sustainability of pension systems, the provision of long-term care for older people, labour and skill shortages, higher labour costs, a decrease in the relative influence on the global economy. The question has been brought to the attention of policy-makers at the beginning of the last decade by the United Nations’ report on ‘replacement migration’ (United Nations 2000). The general conclusion has been that, although highly positive net migration can make a contribution to sustaining population and workforce growth, in the long run it cannot prevent population ageing under any plausible and politically sustainable scenario.

There is no simple equation such that ‘demographic gaps = demand for replacement migration’, as the strength of this causality largely depends on various labour market developments. A wide range of factors, and related policy adjustments, can affect the demand for immigration by altering labour demand or labour supply. Mobilising labour reserves from the inactive, unemployed and under-employed population; retraining workers to meet the need for specific skills; developing and adopting labour-substitutive technologies; and outsourcing and importing goods and services that do not need to be produced locally are all potential alternatives to importing overseas labour. Each of these adjustments involves costs, is subject to constraints in its implementation, and taken in isolation may not fully compensate for demographic shortages in the long term. However, a combination of these strategies could significantly reduce any demographically-induced mismatches between labour demand and supply.

Related readings:
- The Impact of Migration on UK Population Growth [www.migrationobservatory.ox.ac.uk/briefings/impact-migration-uk-population-growth](http://www.migrationobservatory.ox.ac.uk/briefings/impact-migration-uk-population-growth)
3) Assessing current and future labour shortages (Q6)

A key question in labour immigration policy is how to link the admission of new migrant workers to the needs of the domestic labour market and economy more generally. What these needs are, how they vary across sectors and occupations, and how they change during periods of economic growth and crisis are highly contested. There is significant controversy about the role that migrants can, or should, play in meeting skills needs and in reducing labour and skills shortages in particular sectors and occupations. Employers often claim, especially but not only during times of economic growth, that there is a need for migrants to help fill labour and skills shortages and/or to do the jobs that, they allege, domestic workers will not or cannot do. Sceptics, including some trades unions, argue that in many cases these claims simply reflect employers’ preference for recruiting cheap and exploitable migrant workers over improving wages and employment conditions.

There is no universally accepted definition of a labour or skills shortage and no one obvious optimal policy response. The definition of shortage typically underlying employers’ calls for migrants to help fill vacancies is that the demand for labour exceeds supply at the prevailing wages and employment conditions. Most media reports of labour and skills shortages are based on surveys that ask employers about hard-to-fill jobs at current wages and employment conditions. In contrast, a basic economic approach emphasizes the role of the price mechanism in bringing markets that are characterized by excess demand or excess supply into equilibrium. In a simple textbook model of a competitive labour market, where demand and supply of labour are critically determined by the price of labour, most shortages are temporary and eventually eliminated by rising wages that increase supply and reduce demand. Of course, in practice, labour markets do not always work as the simple textbook model suggests. Prices can be ‘sticky’, and whether and how quickly prices clear labour markets critically depends on the reasons for labour shortages, which can include sudden increases in demand and/or inflexible supply. Nevertheless, the fundamental point of the economic approach remains that the existence and size of shortages is critically dependent on the price of labour.

The existence of a labour shortage does not automatically make a case for more labour immigration as there may be alternative policy responses. In theory, at an individual level, employers may respond to perceived staff shortages in different ways. These include: (i) increasing wages and/or improving working conditions to attract more citizens who are either inactive, unemployed, or employed in other sectors, and/or to increase the working hours of the existing workforce (this may require a change in recruitment processes and greater investment in training and up-skilling); (ii) changing the production process to make it less labour intensive by, for example, increasing the capital and/or technology intensity; (iii) relocating to countries where labour costs are lower; (iv) switching to production/provision of less labour-intensive commodities and services; and (v) employing migrant workers.

Of course, not all of these options will be available to all employers at all times. For example, most construction, health, social care and hospitality work cannot be off-shored. An employer’s decision on how to respond to a perceived labour shortage will naturally depend in part on the relative cost of each of the feasible alternatives. If there is ready access to cheap migrant labour, employers may not consider the alternatives to immigration as a way
of reducing staff shortages. This may be in the short term interest of employers but perhaps not in the best interest of the sector or the national economy. There is clearly the danger that the recruitment of migrants to fill perceived labour and skills needs in the short run exacerbates shortages and thus entrenches certain low-cost and migrant-intensive production systems in the long run.

As evidenced by the work of the UK’s Migration Advisory Committee (MAC), research and analysis can make an important contribution to assessing shortages and the implications for immigration policy. A key question is whether the focus of the analysis and policy response should be on current and/or potential future labour shortages. Research and past experiences with long-term manpower planning in different countries suggest that there are good arguments for keeping the focus on an analysis of the current labour market situation rather than on projections of future developments. The main, and in many ways obvious reason is that, for most occupations and sectors, it is very difficult to project demand and supply of labour in the future, especially over a longer time horizon. The UK’s MAC focuses on analysis of current labour and skills shortages.

Related reading:
- Responding to employers: Labour shortages and immigration policy: www.migrationobservatory.ox.ac.uk/policy-primers/responding-employers-labour-shortages-and-immigration-policy

4) Carrying out effective labour market tests (Q6)
A common EU approach could play an important role in helping make labour market tests more efficient. Labour market tests are mechanisms that aim to ensure that migrant workers are only admitted after employers have seriously and unsuccessfully searched for local workers (in EU member states this means EEA workers). While different EU member states have adopted slightly different approaches to the implementation of labour market tests, they have proved notoriously difficult to implement in practice, not least because employers have shown considerable ingenuity in ensuring that no local workers are found to fill their vacancies when it suits them. In the worst-case scenario, both employers and local workers are actually not interested in engaging in employment relationships. This could happen where employers have a predetermined preference for employing migrant workers, and where local workers prefer to live off unemployment benefits rather than accept low-wage jobs. Clearly, without the right incentives and enforcement, any labour market test simply becomes a bureaucratic obstacle that serves neither employers nor local workers. Importantly, failure of the labour market test also leads to a situation where the number of migrant workers admitted is no longer aligned with the economy's actual demand for migrant labour.

Current UK policy (as of June 2012) is that employers are required to advertise the relevant vacancy through Jobcentre Plus and at least one other medium stated in the relevant occupational code of practice (for example, in a trade magazine) for at least four weeks, at a level of earnings deemed “reasonable” by the UK Border Agency for that job. Jobs attracting a salary of £150,000 or more are exempt from the Resident Labour Market Test (RLMT). What constitutes reasonable wages in a given profession is specified in the Codes of Practice issued by the UK Borders Agency. The UK Government has recently asked the MAC to revise the wage rates as some of the currently specified rates are out of date and based on inconsistent methodology as they have grown organically over time.
The community preference rule requires that EU member state admit migrant workers from outside the EU only if no suitably qualified EEA workers can be found to fill the vacancies. In practice, this means that labour market tests need to encourage employers to search the whole EU labour market – not just their domestic labour markets – before applying for permission to recruit non-EU workers. Given that labour market tests have proven challenging to implement at the national level, the European dimension adds another layer of difficulty.

The EU could play an important role in discussing how labour market tests can be strengthened across EU member states, including especially how information about labour demand and supply can be better disseminated across countries, and how employers can be incentivised to seriously search the whole EU labour market before turning to non-EU workers.

25 July 2012
Centre on Migration, Policy and Society (COMPAS); and Centre for European Reform (CER)—Oral Evidence (QQ174–205)

Centre on Migration, Policy and Society (COMPAS); and Centre for European Reform (CER)—Oral Evidence (QQ174–205)

Transcript to be found under Centre for European Reform and Centre on Migration, Policy and Society
Christopher Chope OBE MP, and Migration Watch UK—Oral Evidence (QQ 206–218)

Evidence Session No. 7. Heard in Public. Questions 206-218

WEDNESDAY 17 OCTOBER 2012

Members present

Lord Hannay of Chiswick (Chairman)
Lord Avebury
Viscount Bridgeman
Lord Judd
Lord Lingfield
Lord Mackenzie of Framwellgate
Baroness Prashar
Lord Richard
Lord Sharkey
The Earl of Stair
Lord Tomlinson

Examination of Witnesses

Christopher Chope OBE MP, Chairperson of the Legal Affairs and Human Rights Committee of the Parliamentary Assembly of the Council of Europe, and Sir Andrew Green, Chairman of Migration Watch UK.

Q206 The Chairman: Mr Chope and Sir Andrew Green, we are extremely grateful to you for coming to give evidence to this Sub-Committee, which reports to the EU Committee, into an inquiry that we have been conducting for the last four or five months on what is called the EU's Global Approach to Migration and Mobility, and related matters. We have had a lot of evidence from people as widespread as Peter Sutherland, who is the UN Special Representative for Migration, the Swedish Minister for Migration and others, so it is very helpful for us to have your two contributions to this subject. We will be writing our report fairly soon; we aim to have it out by Christmas. I hope that subsequently, in the new year, there will be a debate in the House. As you know, the session is open to the public. A webcast of the session goes out live as an audio transmission, and is subsequently accessible
Perhaps I could ask each of you to introduce yourself and your involvement in these migration issues. If you like, make some brief opening remarks. It is entirely up to you whether you make a statement at the beginning or not; it is absolutely up to you. If you do not wish to, having introduced yourselves, we will go straight into questions. If you do, we will listen with great interest.

**Mr Chope:** Can I just briefly say that my involvement in these issues arises from the fact that I am currently Chairman of the Legal Affairs and Human Rights Committee of the Parliamentary Assembly of the Council of Europe. Last year, I was Chairman of the Migration and Refugees Committee. I am currently a rapporteur for the Parliamentary Assembly on the arrival of mixed migratory flows in Italian coastal areas, which involves me going, last week, to Italy and Sicily to see what was actually happening on the ground. Last year, I did a report on asylum-seekers and refugee-sharing responsibilities in Europe, to which the Committee of Ministers and the Council of Europe responded on 26 June. I am much more involved in seeing what is happening in practice, rather than looking at the theory of it. Perhaps I will have a chance in due course to give you some examples of what I think is happening on the ground.

**The Chairman:** Thank you. It sounds to me as if you have a great deal of practical knowledge and experience, which would be valuable to us.

**Sir Andrew Green:** My Lord Chairman, I am a former Ambassador to Syria and Saudi Arabia, as you know. More to the point, in my career I have been a vice consul, a consul and a consul general, so for some 35 years I have seen the system at first hand. On retirement, I co-founded Migration Watch with Professor David Coleman, who is the Professor of Demography at Oxford University, and I have chaired the organisation since then. Our purpose as an organisation is to get the facts better known, so that the political system can respond, and our general approach is that immigration is a good thing, provided that it is properly controlled.

**Q207 The Chairman:** Let us go on to questions now. I imagine you have had an opportunity to look at the document that we are considering, which is the EU’s Global Approach to Migration and Mobility. This is of course not the first one of such documents—they have produced several in the past—but this is the one that relates to the future, which we are trying to drill down into, to understand better and to write a report on. I wonder if each of you could say a little bit about your view of the EU’s Global Approach to Migration and Mobility, and whether you believe its effectiveness, which has been pretty patchy in the past, could be improved.

**Sir Andrew Green:** First of all, it is a useful attempt to provide a broad framework for immigration. It brings out the huge complexities that the European Union faces in its relationships north, south, east and west. My broad impression of the underlying philosophy is that it is some years out of date. It is assuming that immigration is a good thing, more or less without any hesitation. As you know, the House of Lords Economic Affairs Committee made the first and only major investigation into this in 2008, and they found “no evidence”—
this is their quote—“no evidence for the argument, made by the Government, business and many others, that net immigration – immigration minus emigration – generates significant economic benefits for the existing UK population.” That I think changed the debate in the UK very substantially, and it has been followed up by the Government’s Migration Advisory Committee, which said not only that but also that most of the benefit goes to “the migrants themselves”, and that any assessment should therefore be based on such benefit as there might be to the resident population.

I do not want to go into detail and nor will you, but there is an important fundamental point here: that the debate in the UK has moved substantially in the last few years, particularly on the economics of migration, and this document, which is highly theoretical, does not reflect any of that. There is just the occasional mention of the downsides. On page 18, it talks about “brain drain, social costs and dependence on foreign labour markets”. I will not go further into it, but I do think there is that fundamental dissonance between the approach from the Commission and the approach that is developing in the UK.

The Chairman: I do not think you are quite right when you say that the document is in favour of migration. It is in favour of legal migration, but it is not, of course, in favour of migration tout court. The problem of illegal migration is very substantial too. However, you are broadly right that they do that. Some of the Member States certainly agree with that approach and others less so. Mr Chope, do you want to say anything on this one?

Mr Chope: Only briefly. I find the document pretty impenetrable, I am afraid. I think it is filled with jargon and wishful thinking, and seems to be a million miles away from what is actually happening on the ground. When I was in Italy last week, speaking, amongst others, to Government Ministers, not once did anybody refer to this document as being the way forward. The only thing people talked about in terms of the EU was how they wanted to have some more money from the EU to help sort out this or that problem. The idea of having a global approach is based upon the idea in Europe that Europe is one country, but Europe is not one country; it is a whole lot of individual nation states, each of which has its own policies relating to migration. It seems to me that, unless the EU can sort out, first of all, some of the basic things close to home, such as the implementation of the Dublin Convention in practice, it is pretty pointless trying to look at these things with a global perspective.

The Chairman: It is the case that the Commission has not made any proposals at all to unify European policy on migration. They accept that this is a matter for the individual Member States, and this document does not actually controvert that. What they try to do is to move on from that to an approach to third countries that makes sense, but I understand what you are saying and some of our other witnesses have said that too.

Q208 Lord Tomlinson: Given the domestic politicisation of immigration issues in countries across the European Union, what, if any, are the prospects, as you see them, for any multilateral initiatives on migration? Do you believe that EU cooperation is either necessary or desirable?

Sir Andrew Green: First of all, I raise a slight question mark about the term “politicisation”. I do recognise that it is a very important political issue in this country and several others. As you know, here it accounts for two-thirds of our population growth and will add 5 million to our population in the next 15 years. It is certainly a political issue, but I would not really accept that it is politicised. By definition, it is very important. That plays into the second half of your question, which is how much scope there might be for multilateral initiatives. There are two broad areas where there could be useful work. One is on Readmission
Agreements, where I think the European Union could and should be rather more effective in ensuring that countries that are responsible for their citizens should take them back when they do not have a legal right to be here. Secondly—we may come to this later—the regional protection programmes are an entirely sensible idea.

As regards desirability, one has to bear in mind, and I think it has come to your Committee before, the absolutely huge difference in the demography of European countries. If Germany had no immigration, the population would fall very sharply in the next 20 years or so, and the same would apply to countries like Italy and Spain, which have birth rates of 1.3; whereas in the UK at 1.9, we do not need immigration to sustain the size of our population, nor do they in, say, France or Ireland. Poland is more like Germany. You have massively different situations into which this is playing.

Lord Tomlinson: Just on that, before Mr Chope comes, if there is this massively different situation across the countries of the European Union, do I take it from that that you are saying that EU cooperation is not desirable?

Sir Andrew Green: It may be desirable for the Member States, but difficult. It may also be that labour market forces will, to some extent, even it out, but when this all started with the Schengen Agreement 25 or 30 years ago, it was not then clear that countries were going to diverge enormously in their demographic profile. That is a real problem that they confront. One talks about them cooperating together, but they are cooperating from an entirely different basis.

Mr Chope: Can I separate the question into two parts? There is one issue relating to asylum-seekers and refugees, where there is a very strong case for more EU cooperation. The report to which I refer, which I did last year, got a very weak response from the Committee of Ministers of the Council of Europe, which, as you will know, my Lord Chairman, comprises the 27 EU members as well as the other 20 non-EU members of the Council of Europe. The Committee of Ministers said they agree that “Europe has to take further measures to ensure that responsibilities for refugees and asylum-seekers are shared fairly in Europe and that those seeking international protection have access to fair and efficient processing of their claims.” In our recommendations, the Parliamentary Assembly requested a framework for mutual assistance, resettlement and relocation across the 47 countries. Much to our dismay, all that happened in response to that request was that it was noted. That exemplifies the failure of the European Union and other Council of Europe countries to even get to grips with cooperation dealing with genuine asylum-seekers and refugees. I would put that at the top of the list of priorities for dealing with this. Then that leaves the other issues, where people are coming in for economic reasons or perhaps because they are illegal or irregular, depending on which language you use, as second-order issues, as far as I am concerned. It is certainly desirable to have much more cooperation than we have at the moment, dealing with asylum-seekers and refugees.

Sir Andrew Green: A footnote, my Lord Chairman: as far as the UK is concerned, asylum is only 10% of net foreign immigration, or 5% if you take just those who are granted asylum.

Q209 Lord Mackenzie of Framwellgate: Good morning, gentlemen. In the light of what has been discussed already, should the EU be cooperating with other international bodies, such as the United Nations and the Council of Europe, on migration issues?

Mr Chope: I think it is, to an extent, but I do not think there is much measurable output from these efforts. I just mentioned what happens with the Council of Europe. There does not seem to be a willingness on the part of the EU to take seriously quite a lot of the
contacts there are with the Council of Europe. They do not recognise that the Council of Europe has primacy in Europe to deal with human rights, democracy and the rule of law, and has an enormous amount of expertise in these areas. That resource does not seem to be being used, really.

Lord Mackenzie of Framwellgate: Your answer is yes; they should be cooperating more.

Mr Chope: I think they should be, but I do not really think they are. There is the danger with the European Union that they always want to try to reinvent the wheel. One of the organisations for which I have the greatest respect in this area is the International Organization for Migration. As the Lord Chairman will know, that originally started about 60 years ago as a European organisation, with just 14 or 15 countries from Europe. It now has global membership with a turnover of over £1 billion a year. That organisation is coming forward with initiatives the whole time, trying to help individual countries to enter into resettlement agreements or to provide money and resources for resettlement, and give advice on how to deal with migratory flows. It is not just an issue of cooperation; it is a question of whether the EU is willing to recognise the expertise, where it already exists, without seeking always to try to duplicate it.

Lord Mackenzie of Framwellgate: Would you apply that to the United Nations as well?

Mr Chope: I do not hold myself out as an expert on the United Nations, but I think the UNHCR\(^2\) again has an enormous amount of expertise and experience. When I was in Rome, I spoke to one of the UNHCR representatives there about the issue of whether or not the detention centres in Italy are up to European standards, or whether they are like the detention centres in Greece, such that, under the rules of refoulement, it should not be possible to send failed asylum-seekers back there, under the Dublin Convention. There have been a few rulings in the German courts to the effect that Italy is not a safe place for return, but the UNHCR view is very strongly that it is a safe place for return. Again, we have a conflict between the EU and the UNHCR on that issue.

The Chairman: The IOM,\(^3\) which you were speaking about, is really regarded by most people as being an offshoot of the UN, is it not? I think it is broadly so, and the UN very much works with it. The picture you paint seems to me to be one in which both the organisations we are talking about—the Council of Europe and the European Union—are having the very greatest difficulty in coming to any kind of clear-cut policy conclusions. Your own account of the way that the Council of Ministers reacted to your report illustrates that, and our own evidence we have taken about the lack of follow-through to the Global Approach shows that the EU is in the same position. We seem to be in a position where two organisations that ought to be cooperating are finding it rather difficult to do so, not just for well known turf reasons, but also just because they find it difficult to formulate a policy.

Mr Chope: My Lord Chairman, it is one thing to start talking about policy in relation to migrants who are coming into the EU, but there is a big problem relating to all the migrants who are in the EU already, without a legal status, but in respect of whom it is not possible to criticise any returns. That is an enormous problem, and it is the elephant in the room that nobody is seriously addressing. I hope that your report will be able to draw attention to that because, for a lot of the practitioners, it is a nightmare that there are so many people

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\(^2\) United Nations High Commissioner for Refugees

\(^3\) International Organisation for Migration
inside Europe without proper legal status, who are living a life in limbo. For humanitarian reasons apart from anything else, I do not think that is at all satisfactory.

**The Chairman:** It is a problem that exists in the United States as well.

Q210 **Lord Avebury:** It is a problem that exists in the United Kingdom, of course, as well as in other European countries. I am wondering if you think that it would be useful for the European Union to address this in terms of developing a common policy for how we deal with irregular migrants who have been here for a long time, so that there is a harmonised approach between the countries of the European Union.

**Sir Andrew Green:** The first thing is to deal with the point that removal is absolutely fundamental to the credibility of any immigration system. The difficulty with the European Union, as Mr Chope has said, is that there is no effective removal. The difficulty with the UK is rather similar. We remove only about 10,000 people a year, who are overstayers. To deal with that, we have to reduce the incentives for people to come here illegally and improve our ability to remove. There is a range of steps that I will perhaps just mention as being what might be necessary.

One is to enforce fines on employers, which is not happening. There was a PQ\(^4\) yesterday that showed that only £20 million of £70 million had actually been collected from employers. Secondly, we should remove those who are found working illegally. My information is that a tiny fraction of those arrested when they raid some factory in London are actually removed—only 10% or 20%; the rest are just released again. Of course the word on the street is that it does not matter if you are arrested; they will let you go. Thirdly, we need to increase the detention estate, so that that is not one of the limiting factors. The limiting factors change, of course, as you address the problem. Fourthly, we should reverse the policy announced last July on access to the National Health Service. The Government has announced that everybody in this country, whether here legally or not, should have access to GP services. Beyond that, the checks when you get to hospital are extremely thin. The hospitals rather assume that, if you come from a GP, you are entitled to the treatment. That has to be reversed. We also need to tighten access to social housing. Some boroughs in London are simply not reporting what they are doing in respect of social housing. Our belief is that social housing is not being properly and fairly allocated. Sixthly, we need to tackle beds in sheds, which are accommodating thousands of people in places like Slough; they are entirely illegal and should be stopped.

On a more positive note, we need to encourage those who are about to leave or whose visas are about to expire to actually go. The Home Office now has a programme of someone telephoning and texting to encourage people to do that. We need to use the developing product of e-Borders to try to identify the countries that mainly supply these illegal immigrants. Lastly, to answer directly Lord Avebury’s point, we need to remain absolutely opposed to any form of amnesty. Nothing could be a bigger draw factor for illegal immigrants than that. We should remember that illegal immigrants undercut the wages of British workers; they enable dodgy employers to compete against employers that provide decent wages and conditions; and they add to pressure on our public services. It is, in our view, wrong in principle.

**The Chairman:** If I may say so, everything you have said is no doubt very interesting, but it falls completely outside of the scope of the study that we are undertaking.

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\(^4\) Parliamentary Question
Sir Andrew Green: The question was what do we do about illegals, which I think I have answered.

The Chairman: That point, but all the other ones did not relate to it.

Lord Mackenzie of Framwellgate: Could Sir Andrew address the original question?

Lord Avebury: The question was whether or not there should be harmonised policies throughout Europe for dealing with people who are long-term illegal migrants, who we cannot send back.

Sir Andrew Green: That amounts to whether there should be an amnesty for illegal immigrants throughout Europe. I think that is what you are implying.

Lord Avebury: That could be one element of a policy, but I did not specify what the policy should be. I asked whether there should be a policy.

Sir Andrew Green: The policy should be that there should be no amnesty for illegal immigrants throughout the European Union because, if we allow that to take place in any form, it will only and obviously encourage very large numbers of illegal migrants to enter the Union.

Q211 Baroness Prashar: Can I just ask what your views are on the impact of the global economic and financial crisis on European migration trends? What impact are these trends likely to have over time?

Sir Andrew Green: That is a huge question and a huge imponderable. The first thing to say is that these are early days. Secondly, the statistics lag behind the actuality by about a year, as you know. Thirdly, the statistics are not likely to include what you might call speculative job-seekers. That is to say that, if an unemployed Spanish person comes to the UK in the hope of finding work, he would not appear in the immigration statistics because, if he were asked by the passenger survey, he would probably not say, “I am coming for more than a year.” There is a technical point there, which is that, even if we did have a fair number of people of that kind, it would not show up in the statistics. The driver for movements of that kind would be from countries with very high unemployment in the hope of finding employment here. Obviously language would be a major factor, as would availability of work. It could happen; there could be movements of people from quite a number of European countries to the UK, if they perceived that the prospects of work here were better than they are in those countries. The only thing we can do about that is to make sure that the minimum wage legislation is enforced.

Baroness Prashar: In your introduction, you said that Migration Watch’s purpose is to put facts into the arena. Have you made any assessment of what the likely impact is going to be, albeit speculative, and the long-term impact on migration trends?

Sir Andrew Green: I do not think it is possible to do that. Nobody can tell us how the economic crisis will work out. For the moment, there is no immediate evidence of significant flows even from a country like Spain, which has very high youth unemployment, but who knows what is going to happen to the European economy. That is what turns it.

Mr Chope: When I was out in Italy, I was given a book about migratory trends in the Mediterranean, which is something produced by the International Organization for Migration, and which has been recently published. It has got a really good analysis, half in Italian and half in English, of what is happening in the Mediterranean. Among the points that they make there is that the International Labour Organization figures for the Mediterranean countries of the Middle East and North Africa show that, by the end of this year, there are
going to be 48 million people in the 15-to-24-years age group in these countries, only 12.5 million of whom are going to have jobs. 20% to 25% of the inhabitants of those countries are in this age group. In some countries, half the people are under the age of 25. The lack of jobs and the understandable aspirations of those people are putting immense pressure on them to fall foul of international smuggling organisations.

When I was in Sicily last week, I spoke to one of the survivors of one of the most recent boat tragedies off the island of Lampedusa. On 5 and 6 September, a boat carrying an estimated 150 people from Tunisia capsized or sank, and only about 50 people were saved. I spoke to one of the Tunisian survivors. He told me that he had paid €1,500, as everybody had, to get on this boat from Tunisia to get to Europe, in order to find work. There was no suggestion that he was a refugee or an asylum-seeker; he was an economic migrant and he wanted work. So were the other people in that boat. That is an indication of their desperation. At this same reception centre, we met people who said they had stowed away. These are people who are coming, stowing away in ships. We also know that there are large numbers of people coming through Turkey, through Greece and then up through Italy. There is an enormous pressure there.

Meanwhile, in the same book from Italy, there is a reminder of what is happening to the economy in these southern Mediterranean countries, because it shows that, whilst in 2009-10 EU exports continued to grow towards these countries, there was a dramatic fall in imports, down in value from €151 billion to €132 billion, and particularly in labour-intensive manufacturing. For example, EU imports from Algeria were down by over 18% in two years. I can remember Lord Patten of Barnes, Chris Patten, when he was European Commissioner, was asked how we were going to stop immigration from North Africa, or in particular I think it was Tunisia, and he said, “Start buying Tunisian tomatoes.” Essentially, if the European Union wishes to address these issues, these pressures, we need to reduce the trade barriers to these countries. I think it is appalling that, over that two-year period, there has been this dramatic reduction in imports, at the same time as the exports have gone up.

It is a long answer to your question, but if we have these big imbalances, and then you couple in things like all the social security and other benefits that people can get, you can see why the pressures are going to be maintained or increase, unless people feel that there is no chance of getting in. Of course, that is being undermined by the European Union laws, which now say that it is not possible to make it a criminal offence to be an illegal migrant. That means that, if you are an illegal, you can keep trying. If at first you are unsuccessful, you can have another go. One of the people we met at a different centre in Rome had been in and out of Italy. He kept on being returned under the Dublin Convention, about 15 times. At the reception centre in Rome, they had a rule that you cannot stay for more than 18 months. There they try to identify your nationality; if you do not cooperate or the country from which you came is not willing to have you back, then after 18 months you are released and you are told that you must get out of Italy within seven days or else. I said to the man in charge, “How are they going to get out of Italy?” He shrugged his shoulders, smiled and said, “How can anybody get out of a country without any papers?” These are people without any papers. What is actually happening is they are being encouraged to use routes up through northern Europe to leave Italy. All of these things are going on in front of our very eyes with very large numbers of people, often with smuggling organisations exploiting them. I think that the prospects are pretty gloomy, but we must try to improve our balance of trade.

The Chairman: Some of the points you made, which I thought were very valid, about trade and investment are, of course, the sorts of things that are addressed by the
Commission in their approach, when they talk about migration partnerships, which have hitherto only applied in very few countries, where the effort is being made to use European aid, investment and so on to produce more jobs in those countries to make it less attractive to try to get yourself across the Mediterranean. I think that that point is very well taken.

Mr Chope: My Lord Chairman, the point is that it is the difference between the intentions and reality. These may be the intentions. This initiative came in in 2005, and now we see that actually the trade balance is getting worse.

Baroness Prashar: While that is a very valid point, what I get from your answer is that you are suggesting there ought to be tighter controls. You do not think that the financial and economic crisis is actually having an impact; people are still exploiting ways of getting into Europe.

Mr Chope: People are desperate to get into Europe and are using whatever means are available to them, often including family loans in order to be able to buy an illegal passage.

Baroness Prashar: Despite the crisis and the fact of the decline in trade.

Mr Chope: Yes, because the crisis in the home country is probably even worse than the country they are coming to. Obviously there are exceptions. Now, I do not think there are any people seeking to come from Angola to Portugal, but people are wanting to go from Portugal back to Angola, because of the changes in the economic circumstances.

Q212 Lord Sharkey: Could I ask for your view of the integration of immigrants in the UK today and across the EU more widely? In particular, do you think that the integration debate focuses too much on culture and too little on employment and education?

Mr Chope: Gosh, that is a very big subject. I am going to try to talk about it in the context of the EU, if I might, because I think that there is a big political crisis in Italy around the inability to be able to integrate the migrants. There is a willingness to deal with the humanitarian side in the sense that they must allow people who have arrived to stay. Having allowed them to stay, they do not really want them to join in, and so they are reluctant to give them work permits; they are reluctant to provide them with the means of being able to have a successful life. When we were in Rome, we met some people from what I suppose would be called a squat, in a former university building, where there were over 800 people living in the most appalling conditions, most of whom had been there for over six years. They are migrants into Italy; they have been allowed to stay, but they do not have any right to work and they are in limbo-land. Amongst the Italian population there is, by all accounts, a reluctance to allow these people to be integrated.

They had this North African emergency fund following what happened in the Arab Spring. That fund runs out at the end of December. Up to now, they have been given money from the Government to run reception centres for these people and provide them with basic food, clothing and needs. We asked questions, including of the Government, “What is going to happen after 31 December, because there is not going to be any more money then?” and nobody knows. Nobody is prepared to face up to what is going to happen. They said, “We will find a solution; something will be announced, perhaps on 31 December.” There is a real political problem in Italy—I am just giving this as an example from having been there recently—where there is not much integration. They say that a lot of these people arrive in Italy, but they do not really want to stay in Italy. This is a way that they can absolve themselves of the responsibility, because they say integration is not an issue because these people do not really want to stay in Italy. They want to go to London, Berlin or Brussels,
but they are stuck here because this was the country they came to first of all. Obviously there is a big tension between Italy and France over just that issue.

Going back to your question, do I think that the debate focuses too much on culture? I think employment, education and culture all need to be looked at together. If a person is to be integrated, they have to feel that they are part of that society and are recognised as part of that society. In the United Kingdom, we have been pretty successful in doing that, but I do not think that is necessarily so in a lot of other countries.

Sir Andrew Green: I will just say that in Europe, as in Britain, immigration has run ahead of integration. Integration is a much longer-term process. We do not specialise in that. The only point we make is that integration requires the active engagement of the host community, and we think that will be more difficult to achieve for so long as people are concerned about the scale of immigration that they face.

Q213 Lord Avebury: In the light of demographic trends across Europe—and you mentioned, Sir Andrew, the divergence between different European states and the prospect that German, Italian and Spanish populations would fall over time, plus particularly ageing and skills shortages—do you believe that it would be advantageous for European countries generally to encourage more migration or are there going to be divergences there, so that some countries, such as the ones you mentioned, would need to encourage more migration whilst others would go into reverse? What are the likely consequences of this if popular resistance to immigration levels and policies continues?

Sir Andrew Green: Indeed so. The situations are hugely different. The reality is that immigration is not an answer to an ageing population. The House of Lords Economic Affairs Committee looked at this in 2003 very carefully, and they said this: "it is neither appropriate nor feasible to attempt to counter the trend towards a more aged society in the UK through a manipulation of immigration policy." The United Nations World Economic and Social Survey has come to the same conclusion, and Lord Turner, your colleague, in his report on pensions, also came to that conclusion. The difficulty of course is obvious: that immigrants also get older, and therefore you have to have a continuing and increasing flow of immigrants in order that they should affect your average age. It is not an answer to ageing; it is a complication, if you like, in terms of the integration that we have just discussed.

As far as skills shortages are concerned, I read the evidence submitted to you by the Oxford observatory on the point, that there are many other alternative ways of dealing with a skills shortage. I thought that it was very clear, cogent and focused. What has been missing from the debate, in the UK anyway and I suspect also in Europe, is that actually, if you have an availability of immigrants who are probably cheap and flexible, that is going to postpone the necessary training and adjustments in your own economy, rather than improve them. This is another area in which the debate in the UK has moved on, beyond the thinking that this document draws upon.

Mr Chope: I do not think it is just skills shortages. Obviously one way of addressing skills shortages is through the education system, but I think there is an attitude problem. I heard about a fish factory in Aberdeen where, a few years back, all the jobs were carried out by locals. Now, hardly any work is being done by locals, not because there are no locals around, but because the locals do not regard that work as suitable for them. Meanwhile, the gap is being filled by people mainly from eastern Europe. It is not that people do not have the skills to do it; they have not got the motivation to do it. There is a real cultural problem we have in our country that people would prefer to sit on their hands, or so it sometimes seems, and live off the state rather than actually go out and do work. Meanwhile, one has to
admire the entrepreneurial activity and willingness to work hard of so many of the people who come in as migrants from other parts of Europe or from farther afield. It is an extremely complex issue, but I do not think that just allowing more migration is the solution, because it avoids us facing up to the real issues that we need to address.

The Chairman: Some of what you have just said very much echoed what the Swedish Minister of Migration said. In Sweden—I am not sure if you are aware of this; I had not been—they believe that migration should be business-led; they are in favour of allowing business to take the lead, when they have a skills shortage that they cannot fulfil locally. The Government should help them contact places. He talked about a surplus of electrical engineers being produced in Serbia, which was of great interest to Sweden, because they could not find enough electrical engineers to work in their power stations. That was very similar to what you were saying, in fact. There is quite something in that.

Q214 Viscount Bridgeman: Gentlemen, this supplementary has been promoted to a full question and it is a current hot potato. Do you support the call by Universities UK to exclude international students from the public policy implications of the UK’s immigration policy?

Sir Andrew Green: No, we do not. I know there is a lot of concern in this House about the matter. We would be strongly opposed to it. Students comprise 60% of the passenger survey so that, if they were taken out, it would reduce the credibility of the immigration target to zero. There are two different issues here. One is bogus students and colleges, and the other is genuine students, some of whom stay on legally and some, illegally. On the first, bogus students, what we need is an extensive programme of interviews to detect and deter them, and we need, of course, stronger inspection of colleges. That is taking place.

The debate really is about genuine students. The key point here is that there is a very large inflow—250,000 under Tier 4 and 250,000 shorter-term students from outside the European Union. That is 500,000 a year, but there are no checks on their departure. Nobody knows whether they have left or not. Until there is some mechanism for achieving that, it would be extremely unwise, in immigration terms, to allow it to go on and still less to expand. Such research as there is suggests that about 20% of students are still here legally after five years, but that does not mean that the other 80% have left; nobody knows what they have done. Basically, the reason we have net immigration at the present level is that, over the last 10 years, there has been a net inflow from outside the European Union of about 200,000 a year. The inflow of EU citizens and British citizens going out have more or less cancelled out. The immigration problem, if you can call it that, is non-EU immigration, and a very large part of that is students. You could not possibly take them out of the calculation without destroying the credibility of the policy.

The Chairman: I do not think we are talking about taking them out of the calculation simply. Viscount Bridgeman’s question was posed about excluding them from the public policy implications—that is to say, to not include them in the Government’s objective of reducing net migration to tens of thousands. In the policy that you were adumbrating, I do not know how you propose to fill the gap in universities’ income, which comes from bona fide students coming and paying perfectly good money for services that we provide, and which make us one of the biggest invisible exporters of education services in the world. It sounds to me that you think we should reduce the number of foreign students who should be getting an education here, in which case our universities are going to be in a pretty parlous state.
Sir Andrew Green: First of all, there is no real distinction between taking them out from the numbers and taking them out for policy purposes, because the numbers are there for policy purposes. The issue is this: there is no difficulty about genuine students who go home. What you have to do, if you are going to have a scale of arrivals on the present scale, is to make sure you know whether they have gone home or not. That requires a number of things. Our suggestion is that there should be, in effect, a separate channel for students as they come and go, so that they are noted individually as they come and noted individually as they go. Now that would, of itself, provide a strong incentive for the students to leave at the end of their studies here. At the moment, we do not even have, on a survey basis, how many are gone. It frankly makes no sense, given the importance of this issue to the public as a whole, to have 500,000 people arrive every year and nobody to have any idea who has gone. What we are pressing for is a system that will tell us that. If it is the case, and it probably is, that most university students go home as they should or if you can put in a mechanism that encourages and enforces that, fine; there is obviously a very strong case for international students in a whole range of ways. I do not challenge that for a moment. What I do say is that there is a tension between the benefit of international students and the need to get immigration under control. If you take students out of it, whether for policy purposes or not, you are actually destroying your immigration policy.

The Chairman: It sounds to me as if you are agreeing with the proposition that, if there was proper control on the departure of students at the end of their studies, they should not be included in the Government’s objective of getting immigration down to the thousands.

Sir Andrew Green: I am saying you should do both, my Lord Chairman.

Viscount Bridgeman: Do you have a view on the closure of London Metropolitan University (LMU), which caused great furore in India and came out in the debate last week?

Sir Andrew Green: My own view, and I am not very close to this, is they were right to revoke the licence, wrong to leave entirely genuine students in the difficulty that they found themselves. Those who were genuine and clearly genuine should have been left to continue their studies at the university.

Lord Tomlinson: I listened with great interest to the answers on university students. It strikes me, though, that your criticism is a criticism of domestic policy and not of European coordination of policy. I would just ask you to bear in mind that the consequence of the way that it is presented gives the impression to would-be overseas students, in a very competitive international market, that they are not welcome in the United Kingdom. That is already the message that Indian students have taken. They are not coming in anything like the numbers that they used to. I was talking to a vice chancellor only yesterday, who said we might just as well have written a cheque and given it to Canada.

Sir Andrew Green: The first point is, as far as European students, they are free to come and go. That is not an issue.

Lord Tomlinson: Of course they are. That is why I say it is a domestic issue.

Sir Andrew Green: In terms of image, yes; a problem has developed in that respect. There is no question about that, and I do not think that the way in which the LMU matter was handled was much help, nor that terrible incident in Liverpool or somewhere where a student was killed. The drop in students from India is probably very good news, because there was a very substantial flow of bogus students from India—there is no question about that—when the new system was introduced in 2008. There is no question about it.
**Lord Tomlinson:** Can I just say, for the sake of the record, that I believe there is a very fundamental question about that if we are talking about higher education?

**Sir Andrew Green:** I am talking about India and the flow of students from India. I would call in evidence two points. One is that the National Audit Office themselves did an investigation of the points-based system, and they said that something between 40,000 and 50,000 students from the subcontinent were—how did they put it?—more likely to be coming to work than to study. It was also the case that, when the Home Office undertook a pilot programme of applicants in the subcontinent, they found that in those countries plus Nigeria about 60% were candidates or applicants whom they would be inclined to regard as not genuine, had they the powers to refuse them at the time. Let us be realistic about this. There is very strong pressure from a number of these countries to get a visa to study in Britain and a significant proportion of them are not genuine. Measures need to be taken to deal with it.

**Lord Judd:** Just following Lord Tomlinson’s question, I declare an interest as a member of the Court of Newcastle University. Yesterday, I was a member of a meeting at the Court, where indeed we were taking very seriously exactly this point: that amongst undergraduates coming from abroad there is a significant decrease, and there is absolutely no doubt whatsoever, in the minds of the university administration, that this is related to the fact that there is a perception gaining ground that overseas students are not welcome in the United Kingdom. That discussion then went on to how far, in a community of scholars, in a highly interdependent world, you could produce qualitative relevant higher education if you did not in fact have an international community within the university. The presence of the international community was actually an investment in the quality of the educational experience. Do you accept that argument?

**Sir Andrew Green:** Absolutely, providing they are genuine students. That is the issue here. We must make sure that they are genuine and return home.

**Lord Judd:** There is an interplay, is there not?

**Q215 The Chairman:** I think we had better move on, because we are running a little bit short of time. I wonder whether Mr Chope wanted to come in on this one at all, because you have been very patient.

**Mr Chope:** I have been listening with interest to this. I am no expert on universities, other than that I think that our universities in this country are institutions of which we should be proud. It is great that so many people from other countries want to come and study here. I think there is a difference between higher education, and what I might describe as further education and colleges with a small “c”. In terms of universities, I have had private conversations with Lord Tomlinson about this, and he knows, in the institution for which he is responsible, exactly how to monitor whether the students are turning up for lectures, whether they are participating or whether they have skived off somewhere else. It should not be beyond the wit of man to be able to say we want to encourage international students to come and participate in our higher education, so that we can develop institutions of excellence and then spread this expertise back. If people come from overseas, and they study and learn skills here, and then they take them back to their home countries, that helps the development of the global economy. I fear that, as soon as you get a statement like, “We are going to reduce net migration to the tens of thousands”, or something, then that can lead to perverse consequences. Somebody says, “Well, let’s try to pick on this particular group”. We have been discussing earlier the demographic things. The incentive for somebody aged 17 or 18 to try to get into Europe on a student visa is very significant.
indeed, so I can understand why we have to make sure that we only have the genuine ones coming. Knowing not very much about it, I would differentiate between higher education and lower levels of education.

**The Chairman:** Thank you very much for that answer. I would just add, declaring my own interest, because I am on the Council of the University of Kent, that these controls that the universities are now operating on behalf of the Government—to be much more sure students are bona fide, that they are attending courses, etc.—cost a lot of money and the Government is not paying a penny piece for it. The LSE has in fact calculated, I believe, that these additional controls cost them—just the LSE—£250,000 a year. It is a pretty sobering thought, frankly.

**Q216 The Earl of Stair:** Can I bring the question back to illegal migration, and ask if you think that illegal entry flows could be significantly reduced by the intensification of controls at the EU’s external borders, or does intensification simply divert flows to less well controlled points of entry?

**Mr Chope:** If you talk about the EU external borders, illegal migrants are going to try to come in at the weakest point. If you do not have strong borders all the way around, then you are only as strong as your weakest point. We can see the problem we have with Greece in particular, on that score. You have this Frontex organisation, which is designed to try to help that. The expenditure of Frontex has gone up from €6.2 million when it first started in 2004. This year it is going to be spending €85 million, but they still have not managed to get a grip on what is happening in Greece really, largely because Frontex does the processing; they may have got the fingerprints and identified the place from which the person came, but then they hand this material over to the Greek authorities, the idea being that it should then go into some EU database. Quite often, it gets put in the back of a taxi and is lost in transit to Athens. There are some weak borders and the problem, in a sense, with the EU-centric approach is that we take away from those individual countries the fundamental responsibility that they should have for the security of their own borders. The irony is that the Schengen arrangements have actually acted as a honey pot for people wanting to come into the EU rather than into specific countries, because they think that, once they have got inside the EU, then the rest of the EU, certainly inside Schengen, is their oyster.

I think they would be significantly reduced if there was a higher rate of detection, because that is in itself a deterrent. People do not want to come if they are going to be turned back straight away, but we are nowhere near that stage. The large numbers, and the inability of the Greek authorities particularly to cope, despite all the efforts that have been made, including from our Home Office and the European Asylum Support Office, highlight the problem. This is something that is felt by other countries that are on the receiving end of people who have come through Greece illegally.

**The Earl of Stair:** It plays towards a point you made earlier on, about greater cooperation between members when it comes to returning.

**Mr Chope:** I said—I cannot remember where I said it; it was probably just at a private meeting in my constituency—that I thought that these EU bailout funds going into Greece should have been made conditional upon them being able to have secure borders, whereas what happens is that the Greeks keep saying, “We can’t really deal with all this, because we haven’t got the money.” Let us get our priorities right: if Europe is to have a coherent migration policy, then it has to have secure borders. We could say that each individual country should be responsible for its own borders but, as soon as you have Schengen, you
Christopher Chope OBE MP; and Migration Watch UK—Oral Evidence (QQ 206–218)

are really putting out a notice saying, “Come in, whichever border suits you. If you are a potential illegal, come in at the weakest point.”

Lord Richard: I just want to follow this point a little further, because you are making a point that EU borders are not impermeable. It is certainly true, but what do you think one should do in order to try to curb illegal immigration into Europe? What policy should the EU be pursuing?

Mr Chope: The EU should be making it quite clear to the individual Member States that are members of Schengen that, if you are going to be in Schengen, you have to demonstrate that you have control over your own borders. If you do not have control over your own borders, you should not be in Schengen. That would be my view.

The Chairman: That is the view that is being followed broadly with Romania and Bulgaria, where clearly there was a great reluctance to admit them to Schengen until there is a greater degree of certainty that they are able to fulfil the obligations.

Mr Chope: We could take Greece out of Schengen, for example. If we took Greece out of Schengen? I do not answer the question; I raise the question.

Lord Richard: Then what happens?

Mr Chope: Then it means that, if anybody gets into Greece illegally, they will not be able to get in anywhere else in the European Union without having to cross the border.

Lord Richard: I know that is the theory, but in practice?

The Chairman: These are people who are not coming in with a Schengen visa, so they do not have any right to get into any other European country at all. They may in practice be able to, but they do not come in legally, because they need a Schengen visa if they come in legally.

Q217 Lord Judd: Do you believe that the UK can continue to contribute constructively and effectively to the EU’s migration policy, when it has not opted into many of the legislative measures underpinning that policy? Do you, in that context, have a response to the Government’s intention to review the free movement of EU citizens in the context of the Balance of Competences review?

Sir Andrew Green: Our contribution to EU policy is clearly limited by the fact that we are not members of Schengen. Their willingness to listen to us is bound to be affected by that. There are three things we need to watch in respect of this, and we would probably do well to limit our engagement. One is the pull factor of benefits. The second is Turkish membership, which, from an immigration point of view, would be very difficult. The third is the national issue of passports. These are all very difficult issues but, it seems to me that, in cooperating with the European Union, we should focus on the matters of real concern to us. They are not going to listen to us on matters that we are not really engaged in anyway.

Mr Chope: I am in favour of the Balance of Competences review, because I think that what we need are some more facts available, if we are moving towards a referendum or even if we are not. It is important for public debate that the facts should be there. If the Balance of Competences review finds out what the facts are in relation to this, then that can be a good thing. What are the advantages and the disadvantages of having free movement of European Union citizens? What are the incentives, perverse incentives, consequences and so on? I am not against that at all. Frankly, I think that this country has played the right cards in not joining Schengen and trying to retain, as much as possible, control over its own borders. Long may that continue.
Q218 Lord Judd: Could I just ask what your position is on the flaw that is arguably there in the whole concept of market economics, if we are saying we are trying to extend the principle of market economics? We have the free movement of capital and goods, but not the free movement of labour. Is there not a fundamental contradiction in the market here and how do we address that?

Sir Andrew Green: I think that to interfere with the free movement of European citizens is probably the wrong target. I doubt it is negotiable and I doubt if it is desirable, partly for the reasons that you have mentioned, Lord Judd. I think we would do better, if we are looking at that area, to reduce or delay the benefit entitlements of European citizens coming to work here. We would certainly have some support from the Dutch for something of that kind. We have looked at the arithmetic of this, and if you take a Polish worker with a spouse and two children, working on the minimum wage in the UK, he would be earning four times what he would earn in Poland on the minimum wage there. There is a huge financial incentive for workers from the less rich east European countries to come and work here, not because they are unemployed necessarily, but because our efforts to boost the pay of the low-paid has this perverse effect, if you like, of being a very substantial pull factor for workers from eastern Europe.

Lord Judd: Is what you are recommending not inevitably going to involve amendment of the treaties?

Sir Andrew Green: Yes. I think that is what they are talking about, is it not?

The Chairman: We are not the only country in the European Union that has a minimum wage. France and many other countries have minimum wages, so presumably this operates for them too.

Sir Andrew Green: Yes, but we have much greater social security payments to the low-paid, which were brought in for good but different reasons.

The Chairman: So we like to think, no doubt, but I am not sure whether that would stand up to careful scrutiny. The problem about what you are suggesting is that it is highly likely to end the Government in front of the Court of Justice.

Sir Andrew Green: Absolutely, but that applies to most of this agenda.

The Chairman: In that particular one, yes.

Mr Chope: Just to give an example from a constituent, I met a constituent not long ago who has, amongst other things, some small properties in Portsmouth. She lets out these properties and she says that she often lets them out to Portuguese people. The Portuguese come here; they work for a year or so and, as soon as the year is up and they are then able to qualify for housing benefit and other benefits, they give up work, stay in the property and go over to housing benefit. That is not the free movement of labour; that is the abuse of the free movement of labour. They come here under the principles of the free movement of labour, then they stay and milk our benefit system. That is the sort of thing that causes my constituents, and I am sure other people’s constituents as well, to get very angry. If the Balance of Competences review starts looking at some of those things, some of those loopholes, abuses and so on, it would be very helpful in boosting public confidence.

The Chairman: Thank you both very much for having come along, spared so much of your time and produced a lot of material, which we will study with care, and will feed into the report that we will be producing around the end of the year. Thank you very much.
Department of Work and Pensions—Written Evidence

I am grateful for the opportunity to submit evidence to the Committee on the European Commission’s Communication on a Global Approach to Migration and Mobility, in addition to the broader Government response, to enable a particular focus on Question 9:

The EU rules on social security coordination remove disadvantages and protect acquired social security rights for EU citizens and legally resident non-EU nationals moving within the EU. Should these rules be extended outside the EU for third country nationals returning to their country of origin? Are enough safeguards in place to ensure that the current social security framework is not open to manipulation when extended outside the EU?

The EU rules on social security coordination are a key component to supporting the free movement of workers within the Single Market. As such they are intended to protect the acquired social security rights of EU migrant workers and their dependants, and, as such, the Government accepts them. It is clearly important that if a worker moves to another Member State, and works and contributes there, that they should not lose their acquired entitlement when they either return to their original, or move to another, Member State.

Over time, the social security coordination rules have been extended to cover all EU citizens, most by virtue of their status as workers, former workers or dependants of these two categories. In addition, Regulation 883/04, which replaced the predecessor Regulation 1408/71, extended the personal scope of the coordination system in a way that is a matter of some concern to the Government, in that it extends rights to non-active EU citizens, that is, people who have never worked or contributed in any Member State. If these, and certain other categories of economically inactive citizens are to have a measure of protection similar to that afforded to workers, then I believe that this should be properly debated and considered separately, with a particular emphasis on the impact on the future sustainability of social security systems.

While the UK accepted the extension of scope of the social security coordination system in the EU, the Government has considerable concerns about any such extension to third country nationals; and more broadly, to the general area of social security rights for third country nationals. I recently set out the Government’s views on the extension of social security coordination outside the EU in my Explanatory Memorandum on the European Commission Communication on the External Dimension of Social Security Coordination5.

As we have said on a number of occasions, the Government does not, as a matter of principle, want to increase rights for third country migrants. For those living and working legally in the EU, there has been adequate protection for some time as the provisions of the EU Regulation 1408/71 were extended to them through Regulation (EC) 859/03. Those rights can also cover non-active third country migrants through Regulation 1231/10, which extends the application of Regulation 883/04 to third country migrants. Both these Regulations extending the EU Regulation to third country migrants were based on (what is now) Article 79(2)(b) of the Treaty on the Functioning of the European Union (TFEU).

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5 Explanatory Memorandum 8552-12 on EU Document COM(2012)153 Final
United Kingdom did not opt into Regulation 1231/10 because of the broader personal scope, but did opt in to Regulation 859/03 and continues to apply that Regulation.

Rights for third country nationals can also be covered by broad social security provisions in EU-Third Country Agreements. Since 2010 the European Commission has proposed implementing measures for social security provisions in several such cases: a first package of six countries (Algeria, Morocco, Tunisia, former Yugoslav Republic of Macedonia, Israel and Croatia); and a second package this year for Montenegro, Albania, San Marino and Turkey.

All but one of these proposals have, correctly in the UK’s view, been based on Article 79(2)(b) of the TFEU. In the first package, the Government decided not to opt in to any of the relevant Council Decisions. We are still considering whether to opt in to any of the second package. The Turkish proposals have been particularly problematic, as the Committee will be aware, because the Commission has based them on Article 48 TFEU which is not subject to the opt-in provisions of Protocol 21, on free movement for workers, which we do not consider appropriate.

All of these activities continue despite a number of questions over whether they are appropriate or necessary, as well as a lack of certainty and clarity over competence and whether the Treaties confer the necessary powers.

Firstly, I am of the firm view that social security agreements with third countries should be a matter for individual Member States. It is not necessary for such agreements to be made at EU level. The internal rules are for the coordination of social security schemes, and so action at EU level does not necessarily add any value and, indeed, can increase complexity. In its communication the Commission says that the agreements with the six countries create “a limited external social security coordination system applying to persons – both EU nationals of those six countries – who move into and out of the EU”. This simply cannot be the case, as the six countries in question do not necessarily coordinate with each other and in addition the EU Agreements with third countries can create certain anomalies. If, for example, a British person and a Moroccan person were to spend their working lives in the UK, and then retire to Morocco, the scope of the EU-Morocco Agreement would cover the Moroccan person but not the British person.

Of course, if MS individually, or in groups, want to develop reciprocal arrangements with third countries they should be free to do so, but this should be without the EU dictating the terms and scope of such arrangements, or imposing them on MS which have no interest in participating in certain agreements.

Secondly, you ask specifically about provision for third country nationals returning to their country of origin. The United Kingdom has for many years made such provision in national legislation, and continues to pay pensions and some other benefits in that way to people around the world who have paid their contributions in the UK. I remain to be convinced that the EU Treaties make any provision for paying social security benefits to people outside the EU as they deal specifically with the rights of people who are in the EU. EU agreements with third countries can themselves make such provision, I do not believe that Regulation 859/03, for example, can have this effect.

Thirdly, if we are bound to EU agreements with third countries as part of the EU this severely constrains our ability to conduct effective bilateral arrangements on social security.
Such agreements are within the jurisdiction of the Court of Justice of the EU, and so we, and other Member States, are bound by the rulings of the Court. The third country, on the other hand, is bound by the commitments they make in the agreement itself. If we have a bilateral agreement with a country and these are no longer working or appropriate, we are free to withdraw. If we are bound as part of an EU agreement, we have considerably less freedom.

It is this last point which particularly makes me believe that there are not enough safeguards in place to protect the social security framework from manipulation. As the Committee will be aware, I have long expressed my concerns about the internal social security system and its potential for exploitation by people who move to other member states with no intention of working or contributing, but who still expect full welfare coverage. Again, those concerns are equally valid where third country nationals are concerned.

Last year, with the support of the Minister for Immigration and the Exchequer Secretary, I commissioned research to build the best possible picture on the number of non-UK nationals claiming benefits. Statistics were produced as a result of a series of data matches between the Department of Work and Pensions, UK Border Agency and HM Revenue and Customs on the nationality of benefit claimants at the point of registration for a National Insurance Number (these were released on 20 January 2012). These indicate that at February 2011, 371,000 (6.4%) of DWP working age benefits claimants were non-UK nationals when they registered for their National Insurance number. Of these, 25 per cent were EU nationals, and 75 per cent were non-EU nationals. Whilst a proportion of the latter group may have had entitlement as a result of, for example, being a family member of an EU citizen, there remains an implication that any increase in obligations towards third country nationals as a result of EU action would have a significant impact on the UK’s welfare system.

The European Commission has noted concerns that EU level agreements did not address the issues of manipulation and fraud. The Commission’s latest proposals do have provisions in these areas, but the risk remains that they are considerably less effective than bilateral measures, because if any MS has difficulties with a third country they cannot withdraw unilaterally from the EU agreement.

I should be happy to elaborate further on any of these points should the Committee require more information.

 Rt Hon Chris Grayling MP  
Minister for Employment  

19 June 2012
European Asylum Support Office (EASO)—Written Evidence

The framework of the Global Approach to Migration and Mobility

(1) The Global Approach to Migration is, since 2005, the EU's framework for dialogue and cooperation with non-EU countries of origin, transit and destination, enabling migration and asylum issues to be addressed in a comprehensive way.

It is considered as the overarching framework of the EU External Migration Policy, based on genuine partnership with non-EU countries, which addresses migration and mobility in a comprehensive and balanced approach.

(2) European Commission's Communication on a Global Approach to Migration and Mobility (COM (2011) 743 final), adopted on 18 November 2011, confirmed the importance of developing strategic, effective and efficient framework and tools regarding the external dimension of the EU policy on migration, mobility and international protection.

(3) The GAMM relies on the establishment of specific frameworks and the implementation of different tools. The Mobility Partnerships and the Common Agenda on Migration and Mobility represent the most developed frameworks within the GAMM.

Both frameworks need to be established by a joint political declaration between the EU and interested Member States, on the one hand, and the partner country on the other hand. Both are based on mutual commitments, while remaining formally non-binding.

Mobility Partnerships constitute the principal framework for cooperation in this field. However, the proposal to negotiate a Mobility Partnership requires a certain level of progress in the migration and mobility dialogues.

(4) It is worth highlighting that the European Commission's Communication on GAMM needs to be understood and analysed together with other relevant complementary EU documents.

Firstly, the European Pact on Immigration and Asylum, adopted in September 2008, enhanced the political commitment to the continued development of a common immigration and asylum policy, in a spirit of mutual responsibility and solidarity between EU countries and of partnership with third countries.

Secondly, the Stockholm Programme, adopted in December 2009, set out the EU priorities for the area of justice, freedom and security for the period 2010-2014. The Stockholm Programme focuses, among others, on the development of a common area of protection and solidarity and on the strengthening of the external dimension in the field of asylum.

Furthermore, the European Commission adopted in 2011 several Communications related to migration, mobility and international protection, such as the Communication on Migration (COM (2011) 248 final), of 4 May, or the Communication on a dialogue for migration, mobility and security with the southern Mediterranean countries (COM (2011) 292 final), of 24 May.

Finally, the Council of the European Union has adopted Conclusions in this context, among others, the Conclusions on enhancing the Global Approach to migration, of 16 June 2008, the Conclusions on Borders, Migration and Asylum: stocktaking and the way forward, of 9 June 2011, or the Conclusions on a Common Framework for genuine and practical solidarity
European Asylum Support Office (EASO)—Written Evidence

towards Member States facing particular pressure on their asylum systems, including through mixed migration flows, of 8 March 2012.

External dimension of asylum: A pillar of the global approach to migration and mobility

(5) Dialogue and cooperation with non-EU countries in the context of the Global Approach to Migration and Mobility (GAMM) has traditionally focused on three pillars:

- improving the organisation of legal migration and facilitated mobility;
- preventing and reducing irregular migration;
- strengthening the synergies between migration and development.

However, in addition to those pillars, the Communication on GAMM has introduced a fourth pillar on strengthening international protection systems and the external dimension of asylum.

(6) The EU and its Member States are among the frontrunners in promoting international protection within the EU and in third countries. The EU is actively engaged in supporting international protection, including its external dimension.

(7) The aforementioned documents confirm that in the EU, where there are no internal borders and countries share the same fundamental values, there is a need to work together to find common solutions that guarantee high standards of protection for refugees. Procedures throughout the EU should be fair and, at the same time, effective, while preventing abuse. In this regard, the EU has committed itself to establishing a Common European Asylum System (CEAS).

CEAS is based on three main elements:

- development of a legal framework, aiming at harmonising Member State's asylum legislation;
- effective practical cooperation, coordinated, supported and promoted by EASO;
- increased solidarity and sense of responsibility among Member States and between the EU and non-EU countries.

EASO's role: A relevant actor in the implementation of GAMM

(8) EASO is a regulatory EU Agency established by Regulation 439/2010 of the European Parliament and of the Council, of 19 May 2010 (hereinafter referred to as the "EASO Regulation").

EASO was established in order to help to improve the implementation of the CEAS, to strengthen practical cooperation among Member States on asylum and to provide and coordinate operational support to Member States subject to particular pressure on their asylum and reception systems.

(9) As mentioned before, CEAS consists of three main pillars. Besides the development of a legal framework, CEAS is based on practical and operational cooperation. In addition, CEAS is built upon enhanced solidarity and responsibility among Member States and between the EU and third countries.

EASO plays a prominent role in the development of CEAS, in particular in its second and third pillar: EASO coordinates, supports and promotes practical cooperation and EASO is an instrument of solidarity, responsibility and trust.
Support is EASO’s mission. EASO is an instrument of permanent, emergency, tailor-made and external dimension support, in order to contribute to the implementation of CEAS.

Consequently, EASO is a relevant actor in the implementation of GAMM. Where Mobility Partnerships or other frameworks or instruments of the EU and GAMM are proposed, EASO should play a relevant role in the field of implementation of those instruments and the resulting activities.

As a start-up EU Agency, EASO’s role in the implementation of GAMM and in other areas of the external dimension support should be further developed in the upcoming years together with a continued increase of EASO’s available resources. The external dimension is an integral part of EASO’s mandate and EASO is structured and capable of meeting the challenges linked to EU’s external asylum dimension. In doing so, EASO requires sufficient resources for fulfilling effectively these tasks. However, the 2013 budgetary proposals and constraints in the EU would limit the potential impact of EASO’s activities in this field.

Article 7 of the EASO Regulation regulates EASO’s support for the external dimension of CEAS, whereas Article 49 of the EASO Regulation foresees that EASO may facilitate cooperation between Member States and third countries and that EASO may also cooperate in technical matters in the field of asylum with the authorities of third countries. This cooperation shall be developed within the framework of working arrangements.

In this context, EASO’s field of activity comprises the exchange of information and other actions taken on issues arising from the implementation of instruments and mechanisms relating to the external dimension of CEAS.

EASO is also assigned the duty of coordinating actions regarding resettlement.

Finally, EASO may cooperate with third countries in technical matters, in particular, aiming at promoting and assisting capacity building in the asylum and reception systems of those countries. EASO’s mandate also covers the cooperation with third countries in order to implement regional protection programmes and other actions related to durable solutions.

With regard to resettlement, EASO shall coordinate exchanges of information and other actions taken by Member States in this field, with a view to meeting the international protection needs of refugees in third countries and showing solidarity with their host countries.

It is worth highlighting that, on 29 March 2012, Decision Nº 281/2012 of the European Parliament and of the Council was adopted, in order to adapt the European Refugee Fund to the needs of a “Joint EU Resettlement Programme”.

EASO’s Work Programme for 2012 has identified resettlement as one of the key measures for internal and external solidarity. One of the responsibilities of EASO will be to provide a structure for exchanging information and to set-up cooperation activities among EU Member States, as well as with third countries, UNHCR, IOM other international organisations and NGO’s concerned. EASO will endeavour to integrate selected methodologies and tools from existing practical cooperation projects in this field.

In the forthcoming years, EASO will strengthen its role in coordinating activities referring to resettlement, in particular, the exchange of information. EASO will prepare for its potential future role regarding resettlement in the context of the new financial framework, which will include an Asylum and Migration Fund for 2014-2020.

Concerning cooperation with third countries in technical matters regarding asylum, EASO aims at promoting increased cooperation with relevant non-EU countries. This
cooperation shall focus on promoting capacity building and strengthening their asylum systems and national asylum legislation, in order to ensure compliance with international standards. Mutually beneficial cooperation will be reinforced with key countries of transit and origin with a particular focus on neighbouring regions to respond to increasing and changing trends in a more efficient and strategic manner in conformity with the objectives, priorities and implementation of the Global Approach to Migration and Mobility.

According to EASO’s Work Programme for 2012, EASO will promote that third country support in the framework of the GAMM, in order to encourage synergies between migration and development, giving special attention for more durable solutions. EASO will further develop the promotion and assistance in capacity building in third countries’ own asylum and reception systems will be further developed.

In this regard, training activities provided by EASO to third countries, in line with Article 6 of the EASO Regulation, constitutes an essential asset, in order to strengthen the third countries’ asylum capacities in the field of asylum. EASO is a reference point by virtue of the quality of the training offered.

(14) Developments in third countries and regions in the field of migration, asylum and international protection are essential in the development of an Early Warning and Preparedness System in the field of asylum.

EASO is developing such a system, in order to detect in an early stage situations likely to give rise to particular pressures in the asylum systems of EU Member States. The system would also enable to draw up risk assessments and to forecast possible scenarios. The system would thus allow organising and providing support actions to Member States.

In order to implement an effective and efficient system, EASO requires analysing data and trends and, therefore, needs timely, adequate and reliable information from Member States and from third countries.

The Early Warning and Preparedness System is an important element in determining EASO’s priorities on actions regarding the external dimension of CEAS.

(15) In the field of information gathering and analysis, EASO shall organise, promote and coordinate activities relating to Country of Origin Information (COI), pursuant Article 4 of the EASO Regulation.

EASO shall gather relevant, reliable, accurate and up-to-date information on countries of origin of persons applying for international protection in a transparent manner. EASO shall also draft COI reports, develop a common methodology for presenting, verifying and using COI and manage a COI portal.

(16) In developing its external dimension support in the context of GAMM, EASO is fully committed to promote enhanced cooperation and governance with EU Member States, EU Institutions and bodies, as well as International Organisations and relevant stakeholders.

Regarding EASO’s external dimension support, EASO cooperates on a permanent basis, in particular, with UNHCR and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

12 June 2012
European Commission; European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); International Centre for Migration Policy Development (ICMPD); International Organization for Migration (IOM); and the UN High Commissioner for Refugees—Oral Evidence (QQ302–399)

TUESDAY 6 NOVEMBER AND WEDNESDAY 7 NOVEMBER 2012

Members present

Lord Hannay of Chiswick (Chairman)
Lord Avebury
Viscount Bridgeman
Lord Judd
Baroness Prashar
Lord Tomlinson

Examination of Witnesses

Stefano Manservisi, Director General, DG Home Affairs; Rob Rozenburg, Stephen Davies and Catherine Delacour, DG Home Affairs; and Michael Däumer, European External Action Service

Q302  The Chairman: Thank you very much, Director General, for receiving us. As I am sure you know, we are in the last stages of an inquiry that we have been conducting since before the summer holiday on the Global Approach to Mobility and Migration, the latest communication by the Commission. We have taken a lot of evidence from academics and government officials, and from people such as Mr Peter Sutherland and those from other international organisations. This is our last evidence session here in Brussels. Today and tomorrow we will be seeing representatives from the International Organization for Migration, UNHCR and others, yourself and Ambassador Vimont. We are grateful to you for sparing the time to talk to us about these issues.

On a personal note, perhaps I may say how moved I am to see that you have named this committee room after one of my oldest friends, Adrian Fortescue. We joined the Commission together on 1 January 1973, which is rather a long time ago. He had a very
I shall go through a few formal points before we begin on the questions. A verbatim transcript will be taken of what is said at this meeting which will be put on to the parliamentary website. Within a week of this session, you will have a copy of the transcript to check it for accuracy, and we would be grateful if you could advise us of any corrections as quickly as possible. If, after this session, you wish to clarify or amplify any points that you have made in your evidence or you have additional points to make, you are welcome to submit supplementary evidence. Indeed, you have already kindly said that you are prepared to do that.

It would be helpful if on your side of the table you could introduce yourselves and explain which part of the Commission you work for and what your responsibilities are. That will help us to get the issues fixed in our minds. If you would like to make an opening statement, that is entirely welcome, but if not, it would be equally welcome to us to go straight into the questions.

Stefano Manservisi: Thank you very much. Let us take the introductions first. I am Stefano Manservisi, Director General of Home Affairs in the European Commission. This department was created out of the split of the former JLS DG in the summer of 2010. The division has put home affairs on one side and justice on the other. Our main tasks are dealing with migration, border management of the Schengen Area and security, in particular anti-terrorism and organised crime. That is the core of our business. I shall ask my colleagues to introduce themselves.

Rob Rozenburg: My name is Rob Rozenburg. I also work in DG Home Affairs, in the International Affairs Department.

Stephen Davies: Good afternoon. My name is Stephen Davies. I work in the Immigration and Integration Unit of DG Home Affairs.

Catherine Delacour: Good afternoon. I am Catherine Delacour. I work for the Inter-Institutional Sector within DG Home Affairs.

Michael Däumer: My name is Michael Däumer from the European External Action Service. We will meet later with Mr Vimont. I am in the division for global issues and counter-terrorism, and I am working on the migration file.

Stefano Manservisi: Perhaps I may make a brief introduction. It could be useful to talk about why GAMM has two “M”s. This approach is the result of our previous experience, an analysis of the present and our projections for the future. Our experience so far suggests that we have to try to put an end to the fragmentation of our external projections for our migration policy. We therefore wanted to build on the experience we have so far a comprehensive and overarching context for the external aspects of migration policy. There is a single policy document which, by the way, was prepared jointly with Baroness Ashton and other Commissioners, so it not just a product of Home Affairs but the result of a joint effort—and I would underline that it has been made with the EEAS. There is sometimes a myth that, not being a Commission service, there would be constant problems. On the contrary, this was a joint effort in order to set up something meaningful.
The second point is that we felt it necessary to take this comprehensive approach because mobility has become one of the most important political factors in our relations with third countries. It brings together not only home affairs-related issues such as organised migration and the fight against irregular migration and so on, but also it has become one of the key features of our political dialogue with many third countries. Along with our strategic partners, at every summit it is one of the key issues that we discuss. We therefore consider it necessary to have a single piece of policy that addresses as far as possible the entire set of questions related to this area. It aims to externalise our internal policy while at the same time it seeks to present at the international level us in the European Union in our capacity and our standing as a united entity in this very important political field.

The third aspect is to complete what we have been doing so far. We wanted to add to the traditional concept of migration the concept of mobility. This is extremely important because it is around mobility and migration—more around mobility—that the new challenges concerning this aspect of globalisation, which deals with people, present themselves. We wanted to underline this through our second aim of trying to capture the phenomenon, which has changed radically—it is not a north-south phenomenon any more; south-south is the biggest component—and also to requalify it. The European Union is solidly now a continent of immigration. It will be even more so in future, given the statistics on demography, the transformation of the labour market and the global competition for talent. Being an open economy, we are supposed to host even more people. Therefore we need an approach that is not just a traditional one. People who are pushed by poverty remain a key feature, but other people are looking to the European Union as part of their career. They are high-skilled people, and increasingly middle-skilled people. We must be able to organise ourselves in this way.

The fourth point is not to limit ourselves any more to the three traditional but important features of our party spheres—so-called legal economic migration, fighting against irregular migration and creating better synergies between migration and development—but to promote the international protection agenda. In a global context, our experience in asylum and international protection suggests that this is also an area where we have to put up our experience and requirements as matters for discussion. These are the four points which we suggest in this document should shape and consolidate our policy on migration, and on addressing a dialogue with third countries.

In the past we have done a lot of things. We are not building on nothing but are trying to create a system. First, there has been dialogue at regional level. We have seven dialogues ongoing at regional level. The most classical one is with the ACP. We set up another, years ago, with the African Union. Regional processes are also important, such as that with Latin America and Central America. We also have eastern partnerships as part of those dialogues. We would like to streamline and reduce them, because there is a tendency to create multiplication and fragmentation in the system. We have also built in the mean time a partnership for mobility with a number of countries such as Cape Verde, Moldova, Georgia and Azerbaijan. We are on the path to consolidate these. Therefore we are creating contexts in which we can discuss issues of mobility, migration and security with these countries. We would like to build on this in order to enhance our dialogue. We have to identify priorities, starting with would-be members—whether or not they have candidate status—who are part of our closed circle, then with others in our neighbourhood. Particularly significant here is the process that we started in Tunisia and Morocco,
We have identified two tools. One is more intense—a Mobility Partnership, such as the one we are discussing with Tunisia and which we have set up with other, smaller countries like Cape Verde and Moldova. We are getting experience from this and we discuss everything: conditions of mutual trust, managing the border and fighting organised crime, but also enhancing mobility. The aim is to facilitate mobility for students, researchers, business people et cetera. The other is less intense: the common agenda for migration and mobility, with countries with which we cannot envisage going so far but with which we have common interests. India is an example. I have opened a discussion with India on this, including Indian migration policy and India’s offer on the international labour market of specialists such as IT specialists. Our needs in this sector could be framed by a dialogue that can be based on a number of common points that we have to decide. These are the two main tools that we are using. We are identifying other countries; the dialogue is the method. We will see how we can bring added value for all of us.

Just to conclude, as I said at the beginning, in our opinion—although obviously we can be criticised when we are not able to deliver—we should have this comprehensive framework in order to respond to an increasingly clear need for a common European migration policy, as set out in the Lisbon treaty. We should be able to test our interests and therefore make choices in this context, but at the same time be what we are aiming to be—a stronger international actor. Since this has become one of the key international political subjects, it could be important also in view of important meetings like the high-level dialogue in the UN next year, the Global Forum on Migration and Development this year, and other fora where we are increasingly discussing migration mobility at a global level. These are the key features behind our policy review that are largely shaping the instruments we are discussing.

Q303 The Chairman: Thank you very much for that helpful introduction. If nobody would like to raise any points, we will go into the questions, which will certainly cover some of the material to which you have already referred. I will start by asking what your experience has been so far with the GAMM, which after all started in 2005, when the Council initiated the process? Has it been effective in facilitating the EU’s aims regarding the external dimension of migration policy? What areas do you think are the most promising for development in future on the basis of the communication that you have made?

Stefano Manservisi: We have had some experience. I referred to the seven regional dialogues and the four partnerships that we have in the mean time concluded. Others are knocking on the same door—for example, Moldova, Cape Verde, Armenia and Georgia. Therefore this model of dialogue has been shown to be effective. Just to give an example, in Moldova we used to have a migration path that was targeting one country: Italy. In the framework of this dialogue, other countries showed an interest in absorbing the workforce coming from Moldova. Now the issue of short-term or longer-term immigration is much wider in the European Union, in particular with Spain but also with other countries closer to Moldova. So regional dialogue—perhaps we can elaborate on this later—and bilateral schemes such as those I mentioned are coming.
We have learnt the lesson that in order to have a meaningful dialogue, we cannot just discuss things in general terms. We need also to put on the table a certain number of concrete actions, which could be projects to finance. I think that we finance around 300 projects that are covered by the framework and dialogue. We also have to mobilise. This is something that we did not do enough in a wider sense: the combination of dialogue and visa facilitation. For example, we insisted on an admission agreement, which is important to fight irregular migration. But in truth, one of the lessons is that we will never again propose admission agreements without at the same time suggesting conditions for visa facilitation. We have to present a more balanced package of opportunity.

My last point is that we have to progressively find a better balance between national competences, in particular the delivery of work permits and therefore decisions on the number of people who can enter to work, and the fact that since we are working in an increasingly integrated single market that is producing an increasingly integrated new labour market, perhaps we can find a solution to have individual decisions taken in a framework where knowledge is a bit more shared. We want to work with Member States in order to get them to share their migration plans before taking decisions with other interested parties. So there have been a lot of good results but also a number of shortcomings that we have identified. Therefore we are suggesting the take-up of Mobility Partnerships, for example, which are more balanced, or a Common Agenda where we have to be a bit more modest.

Q304 The Chairman: Perhaps I could follow up two points. Can we be clear which countries the EU has Mobility Partnerships with? You mentioned Azerbaijan.

Stefano Manservisi: Sorry, that was a mistake.

The Chairman: So it is Georgia, Armenia, Cape Verde and Moldova.

Stefano Manservisi: I made a mistake. We are discussing Azerbaijan now.

The Chairman: Secondly, on the latter part of what you said, does this amount to a bit more dialogue and co-operation between the Member States or are you planning to shift the actual responsibilities, the actual competences, which are currently divided between the European Union, the modest part, and the Member States, a pretty substantial part?

Stefano Manservisi: No, we are not planning to change. We are implementing the Lisbon Treaty. The Lisbon Treaty is clear on this. Therefore, there is no attempt at all to shift any kind of responsibility from Member States to the European Union. That would be not only illegal but of very limited added value. What we are saying is that it is increasingly clear that decisions taken in total isolation can be counterproductive for the neighbourhood. For example, a given Member State has a quota of more than 9,000 workers from Tunisia, of which only around 2,500 were actually absorbed. Another neighbour country has a smaller quota that has been filled, therefore they are looking for other possibilities but then they have to look back to Tunisia in isolation, et cetera. In the meantime, in Tunisia, as everybody knows, a process of transformation is going on.

We have suggested to these Member States and others, “Let us sit together, let us work to conclude the mobility, migration and security partnership with Tunisia in order to establish some common ground, to manage the border, fight against crime, et cetera, to set in motion the EU competences of facilitation and readmission—the two things going together, in order to be balanced—and for those who are willing, let us share knowledge and interest in terms
of absorbing legal migrants from Tunisia”. This implies a certain number of things that can be done in common—for example, addressing the issue of curricula in the universities, high schools or professional schools in Tunisia, possibly supported by some projects financed by the European Union, not only in harmonising skills but in preparing the kind of skills that the European market needs. This is something that we can do in common. Ultimately, those who are willing to grant working permits for Tunisians will keep doing that on their own because this is their competence. But there are a certain number of preparatory actions and things that we can do together, such as recognition of skills, which can allow decisions to be taken which remain at the national level but are more informed and maybe produce a better result for all of us. Once a Tunisian is employed in a Member State and the company closes up or goes bankrupt, he remains in the European Union. Therefore, either he becomes an irregular or enough preparation has been done for him to be on the market for another Member State. It remains national but increasingly in a share contest. In the Tunisia Mobility Partnership, which is still to be finalised, so far 15 Member States have shown an interest in this—for example, financing projects or establishing agreement with the ministry of employment in Tunisia. It depends, but this is certainly not a shift of competences.

**Q305 Viscount Bridgeman:** Director General, thank you very much. You have given us a marvellous background to the whole Mobility Partnership concept. One thing you have made quite clear is that each and every one is different from the next. Is there a case for standing back and giving what you might call a mid-term report on the whole principle of the Mobility Partnerships and how it has affected the overall programme so far?

**Stefano Manservisi:** So far the most relevant one is the Moldovan one, which is the oldest one. Cape Verde is important but in reality it is also quite small and therefore maybe not so statistically significant. The most important one is the Moldovan one. We organised on this basis precisely in order to show the North African countries and other countries in the neighbourhood the results we achieved and share the experiences that we have had so far. Of course, we also made an assessment of what it has produced, in particular in view of the process that we have started with Moldova, which is the visa dialogue in order to arrive to a visa-free agreement between the Schengen Area and Moldova. We did it and we also shared with others who might be interested in this experience.

**Q306 The Chairman:** Would you be able to share that analysis with the Committee or is it a document that is not available?

**Stefano Manservisi:** No, I think that we can do that.

**Rob Rozenburg:** It is almost available, yes. It is a full evaluation report, extensive. It will be a matter of weeks before it becomes available.

**The Chairman:** If you felt able to let us have it, that would be really valuable because evaluation is one of the things that we have identified as being important.

**Q307 Viscount Bridgeman:** The only one I have had experience of is a recent visit to Georgia, where we ran in to one of your teams. Certainly the impression we got is that it is giving great reassurance to the people that their aspirations to join the EU in due course are not entirely forgotten.
Stefano Manservisi: First, we can share the evaluation report when it is finalised. There is nothing secret so we can communicate it. Secondly, it is delicate because we have to manage expectations. We do not want to create the illusion that things can be changed, because this is not an agreement; it is a political understanding to create a framework for things which are now competences—and therefore we can decide to present a mandate to negotiate a visa facilitation, for example—but many other things which are more the result of this dialogue. Therefore something can happen or not—just not to hide anything because there is nothing to be hidden.

One of the difficulties that we have at the moment with Tunisia is that they want to talk numbers of legal migration in the context of this Mobility Partnership. Obviously we cannot do it. We can create conditions that are facilitating, also involving social partners—enterprise, companies, trade unions. I discussed that with the European Confederation of Trade Unions, for example, in order to explain what we doing, and to create a better atmosphere. Sometimes trade unions are particularly resistant because they say “These people cannot take our jobs away from EU workers,” which in many sectors is simply not true because there is a high level of unemployment coexisting with high level of labour vacancies. In any case, you have to create ownership. I am participating very often in initiatives here with different business associations in order to bring them on board; for example, the British Chamber of Commerce is very active on this but so are many others. But once we have done this we cannot sign up figures. If Member States want to do it, better they do it in this framework because then we can help each other, but that is it.

Q308 Lord Avebury: How do you identify states that are potential partners for the Mobility Partnerships? The collection of states that you already have Mobility Partnerships with are not necessarily those from which the largest number of migrants enter the European Union. Do you just select the low-hanging fruit or do you consider carefully what states it would be useful to have the Mobility Partnerships with from the point of view of controlling migration into the EU?

Stefano Manservisi: This is a very good question, on which we are making up our minds, in a sense. I will talk about our previous experience. The example of Cape Verde was linked to the choice made in 2007 to set up a special partnership—it was the first—between Cape Verde and the European Union, because of the specificity of Cape Verde. It showed also that if certain conditions are met, things are doable—including on admission, which was not easy. But the case was very specific. Moldova, Georgia and Armenia were linked to the process of visa liberalisation. There was a strong call from these countries to enter into this kind of pact. Therefore you are entirely right to draw from this the fact that we did not exactly have a plan. The real plan started last year. Confronted by the Arab spring, we suggested—and this was not easy—to the European Council that instead of having a migration policy inspired by the closing of doors, it would be better to have a migration and foreign policy inspired by the opening of doors—with conditions.

You will recall that at the European Council in June last year there was an agreement and a conclusion to look for Mobility Partnerships with the countries of the Arab Spring. We identified Morocco, Tunisia, Egypt and, where possible, Libya. This was the first political, high-level input to look into this. It meant that we were offering to externalise our internal policy, but it was also foreign policy in a sense. Our task is not to turn the instrument back simply into one of foreign policy, because it would not be credible—but it does have foreign
policy elements. We are now working on these priorities: Tunisia, Morocco and Egypt. Egypt so far has been extremely timid. Now they are relaunching and there are discussions. In Libya the conditions are not yet there because there is still instability—but there are signals from that side. Recently we added Jordan, which was not covered by these conclusions. It was covered by a conclusion later on, when there was a call from the Council to use this model in other areas where there was mutual interest. Therefore in Jordan we launched exploratory talks in December. Therefore the first lesson is to use the process in order to make a meaningful offer of mobility for countries that are close to us. That is point number one.

Point number two is progressively to anchor this dimension into our strategic partnership schemes. Therefore we have dialogues with India, China and South Africa as strategic partners. We have to see where we have interests in common. Sometimes it could be to discuss facilitation only for certain categories, such as diplomats, businesspeople and research students. This is the second circle: our strategic partners. Here we are progressively identifying countries that could be relevant either because we have a diaspora here already, because there is an important migration flow already existing, or because we believe that the country could be a provider of skills. Tentatively we have discussed setting up a Mobility Partnership or a Common Agenda with countries such as Nigeria. With Ghana I do not think the talks will go far, but in any case we started them because Ghana showed an interest. We are thinking about Bangladesh and the Philippines, which have big communities here. There is a tendency for the flow from the Philippines to increase, which is no problem. There are increasing problems with Bangladesh because of the high number of their migrants in the European Union.

Therefore we are progressively shifting towards a more sophisticated analysis, but we are not there yet. Migration mobility is a very delicate issue in many—if not all—Member States. Before going ahead we need to be anchored to an evidence-based policy that shows results. It is not sound to make grand plans if we cannot show results. With Moldova we showed results. I think that we need to work on Tunisia and Morocco, because there is also the important political aspect of stabilisation. We have started with India to see how far we can go. We can identify common interests. We will see how far we can go with China. The situation is a bit more mixed with others, but we are progressing. We are not in a position to say that we have a political blueprint, but we are working on it.

Q309 Lord Tomlinson: I will move on to the next question. What do you think about the instruments of GAMM and how they fit in with the dialogue on visa liberalisation? In particular, what are the dimensions in terms of relations with Turkey, with the countries of the western Balkans and with the Russian Federation?

Stefano Manservisi: Well, with all the countries with which we started the visa liberalisation process, we can consider that they are in the most intense relationship. We are in a sense a bit ahead of the Mobility Partnership, because we have reached a level of mutual interest which suggests that we should enter immediately either into a visa liberalisation process or into a visa facilitation process. Therefore each country you mentioned is a bit peculiar. On the western Balkans, for example, we now have fully fledged visa liberalisation in place. We are in dialogue with those countries. Yesterday our Commissioner was in Tirana, as part of one of the regional processes that I mentioned, to call on their
European Commission; European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); International Centre for Migration Policy Development (ICMPD); International Organization for Migration (IOM); and the UN High Commissioner for Refugees

responsibility for managing, for example, problems that are linked to a high number of abuses of asylum seekers. We are now going further and targeting specific actions to be taken in specific areas. At the same time, our message has proved important because some of these countries are now hosting asylum seekers. For example, Serbia has a stock of asylum seekers coming from eastern Asia. Therefore it is important that we have a dialogue on this. We are ahead on the fundamentals but going into this in more depth. I am talking here about the western bloc.

Turkey is a candidate country, although with the difficulties about which everybody knows. Therefore this is part of the first circle of our GAMM. We are working with Turkey to intensify all the pillars—for example, international protection. Turkey has now embarked on a very delicate and important operation to host a number of refugees from Syria. In our dialogue with Turkey, we suggested, and managed to get, a new law on asylum that is a big improvement on the existing situation. It is not yet up to our standards but certainly is a big improvement. In terms of mobility, we are working to set up an action plan for a visa dialogue which eventually will lead to visa liberalisation. Turkey is not keen to take the first step in visa facilitation. They believe that they can go directly to the last point. We have to take our requirement for a screening process into this dialogue. That will include helping them to manage irregular migration. We will see how far we can go.

With Russia, the situation is even more complicated. We have visa facilitation in place, and a dialogue on migration. At least twice a year, on different subjects, it addresses specific issues. The common steps that are in place are basically a sort of pre-agenda for visa liberalisation. On this basis we are screening parts of Russian legislation. More importantly, we are seeing how the legislation is implemented in practice. Here we have the biggest leverage, which is to have a visa-free area. All these cases are the most intense because there are already grounds to start with some liberalisation.

Q310 **Lord Tomlinson**: Director General, we are informed that the Interior Ministers of six countries—Austria, Belgium, France, Germany, Luxembourg and the Netherlands—wrote to the Commission in early October, expressing their concern about fake asylum seekers, mainly from the western Balkans. As a consequence of that, there was a discussion at the JHA Council on 25-26 October about putting in place a safeguard clause that would allow EU countries to curb the abuse by reintroducing visas. Weighing that development against the objective, where do you think we are?

**Stefano Manservisi**: First, this shows that putting that into the GAMM—even if, I repeat, we are a bit further away in this case—if we want to test this against our vision of coherence, this matches perfectly because we said from the outset, “More for more”, in the sense that you implement the law and therefore there will be more opportunity; you do not implement the law, the possibility exists of us using the law to address the situation. So it is not a unilateral gift. Sometimes Member States, stakeholders or citizens believe that we are making gifts. We are not making gifts. Maybe there is not the same speed in redressing problems when they occur, but there is a balance.

Q311 **Lord Tomlinson**: Do you believe that once Member States have put in safeguard clauses that restrict asylum seekers they will be as predisposed to remove them in future as they were originally?
Stefano Manservisi: The problem is, first, that we do not have this clause yet. No Member State of Schengen can enact an individual bilateral clause to limit. This is an EU competence so everything should be done by amending an EU regulation, which is the visa law. This is precisely what we are doing since more than a year ago, in adding a clause which, in the case of massive abuse of asylum, can reintroduce a visa in respect of certain countries. Unfortunately this reform is still blocked in the inter-institutional dialogue between the Council and the European Parliament—not because there is not agreement on this but because there is not agreement on another component, the reciprocity mechanism. The call of the six Ministers, which was not repeated in Council—although this is the tendency—was, “Let us at least kick off with this clause, not necessarily to use it but to threaten to use it because it exists”.

If this clause is used, will it be easy to come back to the status quo and for it to be visa-free? I do not know because we did not implement it, but the impact of reintroducing visas against the partner countries is quite a tough measure. We know what we are talking about because after Canada introduced visas against the Czech Republic, for precisely the same reason, this is still an open wound between Canada and the European Union. This is the situation with these countries.

Q312 Baroness Prashar: Director General, in your very helpful introduction, you suggested that GAMM allows the EU to speak with one voice in international fora. In that context, you mentioned the Global Forum on Migration and Development. But some witnesses have suggested that there is opposition to the Commission having observer status. Can you tell us a bit about that opposition and the sort of relationship you envisage having with the forum?

Stefano Manservisi: First, I am always prudent and modest when talking about speaking with one voice at the European Union level because after so many years’ experience I would prefer to say that this is our objective. It is our ambition that this will help, and the way of preparing it has shown a strong determination to work together, at least in our camp. It is an ambition but I do not want to say that it is a reality.

Secondly, it is true that in the Global Forum for Migration and Development, there is resistance to the EU speaking with one voice or even to be represented. But there are also some reasons. First, the Global Forum is a state-led gathering. Formally speaking, it is states that are participating. Secondly, in the external presentation, in whatever form, we have to make the distinction between what is an EU competence and what is still a Member State competence. There is a Member State competence for a number of actions; for example, in Libya, concerning working permits or numbers, there is still some Member State competence in related issues that are more to do with security. Therefore, there is some residual competence at the national level and there is a big part of EU competence where normally the Commission should be the speaker.

I would add—and I do not shy away from this, even if this is an official meeting—that so far the Lisbon Treaty has been violated many times by the Member States because it is difficult to shift from the purely intergovernmental setting that existed before Lisbon and the more EC/EAS based system where basically the presidency in particular has nothing to do. I can give many examples in which we are in breach of the Lisbon Treaty but it would not be wise to take this from just the legal point of view. It is rather a process of mutual trust, where we
should accompany a Member State. We increasingly find this balance, for example, with the parallel discussion on how to represent the European Union at the high-level dialogue at the UN. So there is a formula of the Commission representing the European Union and the presidency representing the Member States because they can have a competence on their own. On this basis, we were able to adopt a statement that was presented at the General Assembly by the head of the EAS delegation in New York, which for us is perfect because this shows that there is unity in this external presentation.

In the Global Forum, which is state-led and informal, we managed to agree a common declaration by the EU and its Member States. I will represent the Commission. I will be inspired by this. I will not be the spokesperson for the whole European Union and the Member States because I will not be entitled, but we will distribute the declaration and I will be inspired in my speech in a presentation by the Commission of addressing this, and maybe to explain our position and how it is in the interest of our partners to discuss with the European Union rather than the many Member States in isolation. As important as they can be, in terms of migration they can offer the space of a country and not the whole Schengen Area. I say that with all respect for the United Kingdom but this is a reality for those countries that are members of Schengen. Secondly, it is better to address global issues together rather than in a fragmented way. Therefore, it is still a work in progress. The ambition is to be more helpful with this GAMM, to create better conditions of mutual trust and eventually to arrive at a more correct implementation of the Lisbon Treaty, which is however not entirely EU-led because there are still the competences for the Member States.

Q313 Baroness Prashar: I see that speaking with one voice is an aspiration, an ambition, a work in progress, but do you see that as replacing or complementing what the Member States want?

Stefano Manservisi: Where there is an EU competence, there is an EU process to establish a position which is then presented by the Commission but which represents everybody. If it is a national competence, then finding a way to have this presented in a united way is much better than to have it fragmented. But when it is an EU competence, it is one position because all the differences have been merged.

Baroness Prashar: Is that the ideal position you want to get to?

Stefano Manservisi: Yes, this is the Lisbon Treaty also.

Q314 Viscount Bridgeman: Am I right in thinking that because the forum we are talking about is not a decision-making body and is not capable or mandated to take legally binding decisions, that in itself has implications for the way this can be done? That is, presumably it can be done more flexibly in such a gathering than it could be in a gathering where the outcomes are legally binding decisions.

Stefano Manservisi: That is true. However, as you know very well, in politics there are precedents and symbols. Therefore, it is very difficult for some Member States in particular—not all; it is an increasingly smaller number. There is also a precedent to say that in a state-led, non-binding forum, where everybody is called because of their own record individually of how to deal with migration and development, we accept that the Commission is representing the whole union—or the Commission and the EAS, because I always argue that the EAS could do this job because it is more than the Commission from this point of
European Commission; European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); International Centre for Migration Policy Development (ICMPD); International Organization for Migration (IOM); and the UN High Commissioner for Refugees

view, as it is a bit intergovernmental. Some Member States say, “No, we do not want to create this precedent so let us agree on the content, but let us not give the Commission the full standing as if it was representing the European Union”. So this plays both ways.

In Puerto Vallarta two years ago the number of Member States opposing this radically was quite high. The number of Member States not opposing but preferring not to do it is now significantly smaller. I think that maybe next time it will be none of them, but it is a matter of mutual trust.

The Chairman: Would you like to tell us where the UK was at Puerto Vallarta?

Stefano Manservisi: The UK was a guardian of the Treaty, underlining that not everything is an EU competence.

Lord Judd: I am not someone who is suspicious of European institutions developing roles in this sphere. I cannot think of any area of policy beyond immigration and security where it is more important to have effective international collaboration in the interests of everyone living in Britain as well as elsewhere. But I understand that the GAMM also refers to the EU starting to build broad alliances towards the UN high-level dialogue in 2013 and beyond. It would be very interesting to hear a little bit more about this and how you envisage it all.

Stefano Manservisi: We have started the process of preparation. As I said before, we have already established the preparatory bodies of the UN/EU position, which has been brought forward by our delegation in New York. There has been a certain unity on the EU position in the sense of Member States and EU institutions, particularly the Commission and EAS. So far the process has been prepared with a good understanding of what we can do together. What will be the outcome? We are discussing this in parallel with Peter Sutherland, the Special Representative of the Secretary General in this area. We are building a sort of path through the Euro-forum and the IOM General Council, that will be held in November, in order to ensure one result: that this discussion will not be, let us say, a north-south ideological one with the usual G77. It is somewhat taken hostage so as to make another fuss against undefined laws. We know that in the G77 there are what are called the “emerging powers” which are now very well emerged.

The first point is to have a meaningful discussion wherever we can. The second point is to address issues of common interest which are, first, that migration is now a global phenomenon without governance. Therefore, in considering the aspects of governance, can we think in terms of the rights and duties which can be outlined? Can we think about institutions that can work with this? We are not in a position to discuss the IOM, for example. The IOM is not a UN institution. Our position is that we are not keen that it should become a UN institution, but it is moving increasingly closer to that. Therefore it could be an operational decision which can enact and enforce a certain number of decisions. Our objective is to create a common European field of agreed subjects; to have an output that is operational, not just a document which is voted on by the General Assembly in order to make a bit of a fuss; and to identify the areas where we can start thinking about governance on the migratory phenomenon at the global level. I think that our standing with the GAMM has suggested that we do this. For example, the pillar of international protection is increasingly something we have to discuss. It not just whether it is part or not of the Geneva Convention, it is whether to be part of a governance system that protects and
grants rights to refugees. This is something which must be promoted, and we have experience of this.

The issue of mobility is another one that is particularly important. Mobility is by definition a short-term issue. How many countries have a policy of visa facilitation which at the same time ensures that those who are entering are, shall we say, sufficiently trustworthy? How many countries have a transparent system of access to their territories?

Q315 Lord Judd: To be effective, wider collaboration globally has to be internalised in terms of commitment by others elsewhere in the world. It cannot be a question of their accepting European policy, because they will not really feel part of it. They have to feel that this is something they want and need. Can you see parallel developments in other parts of the world that would assist in this process? If we are going to take a regional approach, where are the regional approaches coming from elsewhere?

Stefano Manservisi: There is no idea of exporting or imposing law and order. As I say, it would be a success if we were able to keep it for ourselves and to present what is right for us; it is not to export anything. Rather it is to be able to put our experience on the table so as to share and to inspire a common aspiration. For example, one important feature in this meeting will be about perhaps a new paradigm between migration and development. That is certainly one of the most important issues to be discussed. We are certainly now talking about the brain drain, as we used to do, but increasingly also about taking care of brain waste. Therefore it is not a question of selling our model, but rather of starting from our models and experience and then looking at what is the common ground so that what comes out of this discussion are some agreed lines for discussion.

Migration and development is something that will be key, but it is not what it was 30 years ago. Now it means remittances, for example, and ways to facilitate those remittances. It means diaspora as the best tool to facilitate the transfer of knowledge and for the integration process. It means the fact that people are not just fleeing poverty, but are also planning to leave for a while in order to acquire more knowledge. That means not only acquiring medium-level skills but attending university. The fact is that there are now increasingly appealing universities in the south, such as in Brazil and China; they are not always in the north. It also means duties in terms of fellowship, transparency and rights. These are some of the many things that we are about to discuss.

Q316 Lord Avebury: You mentioned the International Organisation for Migration a couple of times. Could you tell us more about the joint initiatives between the Commission, the UN, the IOM and the International Centre for Migration Policy Development to address international migration issues? What have they produced in terms of operational outputs?

Stefano Manservisi: First, we have established with the IOM a strategic partnership between the different services of the Commission and the EAS in order to have a consolidated framework and to prioritise our interests. Secondly, we have a financial framework in order to implement this. It allows for direct contributions and grants in order to implement policies. For example, it is in our interests to have a policy on voluntary returns. There are also issues which are linked to development. Our co-operation with IOM is quite important, for example, in relation to returns. We have a Readmission Agreement with Pakistan which is not working very well in spite of the high number of irregular Pakistanis who are in Europe. We are working with the IOM to finance projects that
facilitate the approach of those who are going back. This is the range of outputs we are experiencing with the IOM—from Greece to Pakistan, from Libya at the moment, and others. My colleague knows more about the specifics of the projects of the ICMPD.

**Rob Rozenburg**: They are actually the ones who support us in the implementation of all these regional dialogues. Virtually all of them are involved as an operator and implementer to organise workshops, training and capacity-building actions at that level. I would say that it is very much an implementer rather than a dialogue partner.

**Q317 Lord Avebury**: Perhaps I may ask one more question about voluntary returns. They are partially successful, I know, but do you think it is a European Union function or is it best left to individual countries to reach their own agreements with the IOM?

**Stefano Manservisi**: When we have an EU agreement on readmission which is then complemented by bilateral protocols—not agreements, but bilateral protocols between each of the Member States and the third country in question—the IOM is usually very helpful in assisting Member States in their returns. But that is framed within an EU agreement. The IOM is good in terms of voluntary returns. Sometimes we use it and sometimes we do not, but usually if it can be done, it is very useful. Perhaps it is not necessary for the large Member States, but it can be particularly important for the smaller or medium-sized ones. Returning illegal migrants to faraway regions with which they do not have specific relations is not that easy. Therefore it could be complementary and it could be a powerful tool when we have a European scheme. It is not the only one. At the European level we also have Frontex for this work. Again, it is a combination of the two. But if we are to have a European readmission scheme, we also need an EU instrument that could facilitate it. It is not just the one.

**Q318 Lord Tomlinson**: I want to move on and look at illegal entry flows. It is the objective of everybody to reduce them. Do you think that illegal migration flows can be significantly reduced? Do you think that they can be reduced by the intensification of controls at the EU’s external borders, or does such intensification of external borders simply serve to divert the flows to less well controlled points of entry? What should be done to reduce illegal migration? Your question for 10 in two minutes.

**Stefano Manservisi**: To reduce illegal migration, the only way is to go to the origin of the problem. Countries suffering from war, civil unrest or extreme poverty have a tendency to produce migrants, and very often irregular migrants who try to escape by whatever means. The first thing to do is to intensify the dialogue and the projects in the country of origin. Without this, a policy that uses the border, while necessary, will not be effective. First, intensify dialogue with the country of origin. That means also helping them fight organised crime networks. It is clear that in the vast majority of cases, the networks creating the flows are criminal networks. They are using the same paths to smuggle people, money, drugs and weapons. You can draw a map from the Horn of Africa and the Sahel region; they tend to be smuggled this way. The importance of co-operation with the country of origin in a framework such as GAMM is huge. We do not say that in isolation. This may be the limit of Article 13 of Cotonou, where we seem to say it in isolation—but we do not. In GAMM we say that we need to establish a pact. There can be better conditions for legal migration, but we need to intensify more and take more responsibility in the fight against irregular migration. Very often the countries of origin are resistant and say, “We are a poor country
and our people are escaping poverty”. But it is a pact—openly, in daylight—involving co-operation to create better conditions and also to create the conditions for fighting against organised crime.

Secondly, the border is in any case important. If we do not have a credible border management system, our system is not credible. Take the situation between Greece and Turkey, which often has been at the centre of our discussions. It shows that a border which is poorly managed creates problems. The border has been managed properly since the end of August, with a robust injection of border guards from the Greek side—co-financed by us. The number of irregular crossings of the land border has decreased dramatically. This has resulted in an increased number of irregulars stranded in Turkey. We had to address that in co-operation with Turkey. Secondly, there was deviation of traffic. We had to take care with our Bulgarian and Romanian colleagues, and more importantly with the sea, where people were dying. The other day, close to Italy, there was another accident with people trying to reach Greece or other parts of the European Union by ship. This again implies another effort to fight organised crime. To smuggle people across a river is quite easy. To smuggle people by sea is a totally different scale of problem in terms of cost, capacity and method. Therefore we have to intensify our programme. Proper border management is crucial. It is increasingly an area—as shown by the Greek experience—where we should use more and better common tools such as Frontex, Europol and EASO for asylum seekers. That is crucial at the border.

It is also important to identify the nature of the irregular migrants in Europe. The vast majority are still people who entered Europe legally: they are overstayers. Either they do not need a visa but remain for more than three months, or they have a visa but then disappear. Quantitatively, family unification remains one of the biggest pull factors for illegal migration. Therefore, if we better target the real problem in statistical terms, a correct impression could be given about public order. We still have unfinished business on the entry/exit system, which is supposed to register all the entries and exits in the Schengen Area so that we can have, in real time, figures for those who are legally and illegally inside the EU. Therefore, border management is definitely not the only means, but at the same time it is also an important component of our fight against illegal migration.

Lord Tomlinson: Do you imagine that any system could be successful without external border controls at the best possible level? You say they are not sufficient and that there must be other things. Can any of the other things work without them?

Stefano Manservisi: At this moment, representing someone who is closer to a Minister of the Interior, I would say: “Let us have the border controls”.

Q319 Lord Tomlinson: I will ask one last question that links to this. What role do you think the EU should play in managing the high levels of migration to the southern Member States in particular? I hope that you will not just appeal to solidarity and burden sharing. There is a lot of that when people find they have a problem. I do not hear a great deal about it when it is other people who have a problem.

Stefano Manservisi: I will not mention solidarity because we have said it many times, so we can take it for granted. Also, the word “solidarity” is used in order just to push problems away. But the solidarity element is a pillar of our staying together and we cannot do without it. The problem is that the south and the south-east are the parts of the European Union
that are more exposed to areas of origin where there is instability, poverty and connections with sub-Saharan Africa. They are the entry doors for irregular migrants who arrive in this way. We should not forget that the vast majority of irregular migrants are overstayers, who are less visible in headline terms. We should increasingly think about the fact that the European Union has one external border, in particular the Schengen Area. This must be treated as a Member State that is positioned like Italy, Greece or Spain. They are managing not their external borders but a portion of the EU external border that happens to fall in their territory. This message is sometimes not liked because it puts in question the very well known concept of sovereignty, but at the same time it is the perfect truth. What Spain, Italy and Greece do is relevant to everyone else. Therefore they need not to be the subject of generic solidarity but rather to be supported because they are doing a public service in the interests of everybody.

There were some ideas about the revision of Frontex regulation that suggested a European border guard service that would be moved in order to help countries that were more exposed. The idea was to have common training to be reasonably sure that the same level of capacity would apply from Norway—which is relevant, being in the Schengen Area—down to Spain, Greece and so on. This would be to use Frontex in a different way, not just as a last-minute rescue but as a more systematic way of managing borders. There would also be dialogue with third countries. The increased investment would be disconnected from Spain, Italy, Greece or whatever. It would simply recognise that the external border in the south-east is more vulnerable. Obviously we have to do it. Another aspect of vulnerability is the sea border. That is the most vulnerable of all. There is no border management at sea, just search and rescue operations. This is another issue that we have to address more collectively, and we are not there yet.

Q320  **The Chairman:** Can we turn to the EU’s policies on development, which you yourself spent many years dealing with? Part of the GAMM seems to be designed to prevent excessive brain drain and indeed to promote what is called brain gain to the sending countries. That is an admirable objective. However, is there not some tension and indeed perhaps some contradiction with pursuing another part of the GAMM, which is to encourage internal policies for the recruitment of skilled workers?

**Stefano Manservisi:** Yes, contradiction is certainly a risk and the challenge is how to manage it, not simply to say one thing or another. First, migration is a reality. If we say we should just stop it because of the brain drain, that is not helpful in terms of development, particularly if a lot of highly skilled people are unemployed and cannot find work. If they are given even the possibility to work elsewhere, they will take back a bit of knowledge. The issue is rather one of how to manage it in a balanced way.

Secondly, it is also necessary to be so equipped as to limit abuses, because they are not desirable. An example of that is recruitment which is not framed by some sort of ethical code of conduct or code of principle. I remember when I was in development, looking at the composition of the workforce in Swaziland. It was obvious that there were more Swazi doctors in the United Kingdom and Europe than in Swaziland itself. That was a problem for a country which was heavily affected by HIV/AIDS. At the same time, based on this, we also set up a code of conduct for ethical recruitment as a part of our scheme. We are increasingly connecting with the diaspora in order to ensure that people are not only hosted but are encouraged to take their knowledge back. We are also working on projects that
suggest different courses of action. I can give the example of CIGEM in Mali, which is the centre for assisted migration. It was set up in order to push Malians to go for a public institution with a transparent approach. When someone says, “I would like to move”, instead of calling their brother or cousin, which is the informal channel, there is an institution which is not just an administrative system, but says, “If you want to go to Europe, these are the possibilities, these are the limits, these are the risks”. It then asks about the applicant’s skills and says, “Maybe they could also be used here”. We could have a number of projects that could be implemented. This was the scheme of decision in order to encourage and discourage in a friendly way and to suggest other courses of action. I cannot say whether CIGEM has produced great results, but that was the scheme.

Now we have to talk about this more openly. The question of the brain drain is important, but it is in the interests of the European Union that there is now a global market for talent. I still believe that in exporting our policy, we will also take care of our interests. We need to compete with China, Brazil and the United States to remain able to attract those with skills who are willing to work abroad. It is therefore better to compete not only in the widest sense—“Come to us; don’t go to China”—but also to offer a better scheme that allows people to come back, to remain connected and to transfer money in a more decent way that is possibly not too expensive. There is therefore a risk of contradiction, but that is the challenge of finding our way towards more of a win-win situation.

Q321 **Lord Judd:** Do you agree that in order to be effective, the GAMM must have the full-hearted endorsement not only of DG Home Affairs but also of those responsible for external affairs and development? They must all be fully signed up to the objectives and implementation of the policy. They must not accept it tacitly; they must endorse it actively and proactively. There are those who are not convinced that this is happening, and certainly not as it should. Is there anything you can say to reassure us on this point? It is more than co-operation. How could such joint commitment be achieved?

**Stefano Manservisi:** First, I agree that this should be a joint exercise and not one that is led only by DG Home Affairs. Indeed, that is essential. As I said at the beginning, we have been working with all the relevant departments, including development, the EEAS and ECHO, in order to run it as a collective operation.

Secondly—although my EEAS colleague has left—certainly on the political side this is something which is seen every day and sometimes we have to put on the brakes because we must be sure that we can deliver in an acceptable way for our citizens. It is not enough to say, “Let’s talk about mobility”. That could be useful for a summit, but if we do not deliver, there will be even more protest. The purely political and foreign policy side is fully taken.

On the development side, I do not know if I am well placed to say this. When I was in development and the first GAMM was designed in 2005, I was fully part of it, as I believed in it. My colleague Rob Rozenburg was with me in development at the time. He was my migration man and he was fully involved in it. I believed that this should have been a joint venture. I do not want to say that it is more complicated now, because after all we are working together, but we have to be aware of other sensibilities. However, we are working together. Perhaps it should be recognised that there are different tools. I am convinced that migration, if properly managed, is a good opportunity for people, and therefore I think that we can accommodate it in our development policy. It is not just a question of finding
alternatives. There are alternatives where people risk not gaining anything through migration. But a good mix of mobility or migration and development is producing an effect. It is still a work in progress and we are working well with our colleagues. Certainly it is a challenge every day because it is not an easy task. It is one thing to talk about Tunisia; it is another to talk about Swaziland; it is another thing to talk about Nicaragua; and it is yet another thing to talk about the Philippines. They are different realities.

**Lord Judd:** But any shortfall from full-hearted common commitment could potentially undermine what you are trying to do.

**Stefano Manservisi:** Well, yes.

Q322  **Lord Judd:** Also, in terms of public opinion in the Member States, if you are advocating increased integration, co-operation and the European institutions speaking for Europe as a whole, if you are not able to achieve this in terms of a policy within the Commission itself, there is an issue of credibility.

**Stefano Manservisi:** Of course, but so far we are on track. The development community is also bound by some international rules that define what development aid is. The definition of development aid, particularly in migration-related issues, is quite narrow, in what we used to call the “DAC-able” sense of the term—that is, recognised as development aid by the Development Assistance Committee of the OECD. I started this dialogue with the DAC some time ago that it would be useful to rethink certain definitions of development aid that are covered by the DAC, because there are two sectors that risk being categorised as not deserving by a too narrow or too old-fashioned definition: migration and climate change. In both sectors we have the same risk you are describing, that we are intervening in order to mitigate impacts and to reshape the way of production of these countries into being climate change-compatible. On the other hand, if we do not do it properly we risk financing something that is not linked to the interests of the poorest, which is the objective of development.

The same is true for migration. If we do not manage properly the mix so that there is a positive result for the society in the country of origin and are driven simply by the interests of the destination country, this is not working. But the current OECD DAC definitions of development aid, notably in climate change and migration, are very often at the heart of some resistance in the development community. Ultimately, in order to account for expenditure in development aid terms they need to comply with these standards. Countries are also accountable. When they pledge to spend X amount of GDP in development they must show it. Therefore, if this is not fulfilled because the definitions do not allow it, this is a problem. It is not only a question of good will or policy; it is a question of some rigidities, which we should increasingly tackle.

Q323  **The Chairman:** Are you satisfied that the EAS network around the world is sufficiently professional on these migration issues to handle the role it has to play?

**Stefano Manservisi:** Yes and no. It is not a question of professionalism; it is a question of the availability of resources. The network is big. It is largely based on the former Commission role so I know it fairly well. In terms of people, commitment and knowledge, it is fine. This is an emerging sector that requires more investment. We are all in a situation of reducing expenditures. We are not fully equipped—far from it. At the same time, we have to
do better with what we have because we cannot expand. Therefore, this will require a better relationship between the headquarters and the delegation. This is what we are doing.

**Stefano Manservisi:** I encourage you to raise this question with the manager of the External Action Service, Baroness Ashton.

**The Chairman:** Yes, that is why I wanted to have your opinion on it first.

**Lord Tomlinson:** I was just rereading an old speech that I made some years ago in Parliament, where I likened the European Commission, in budgetary terms, to playing snakes and ladders on a board that has only ladders—no snakes.

**Q324 Baroness Prashar:** Perhaps we can move on to another tricky question: the integration of migrants. We have heard criticism that GAMM does not do enough to address integration. How do you respond to that?

**Stefano Manservisi:** GAMM is addressing integration but not as a first instrument. Rather, GAMM is a way to present quietly what the key pillars of our policy are. Each of them will imply a certain number of things: from visas to integration to family reunification. There are many features. GAMM is not telling the whole story on integration because we are telling that as much as possible in other documents. It is important to have an instrument to test our policies that we are experiencing elsewhere. It should remain focused, not a sort of omnibus concerned with everything.

**Q325 Lord Avebury:** Do you think there are grounds for believing that the UK’s partial involvement in EU migration policies as a result of its decision not to opt in to some measures, such as the family reunification directive, and being outside Schengen, undermines its influence in this area, including its ability to contribute effectively to dialogue with third countries and the implementation of the GAMM?

**Stefano Manservisi:** My simple reply is: yes, it does. However, since the United Kingdom is a country rich in experience, it is part of many of these Mobility Partnerships; for example, it is keen to participate in Tunisia, and is participating in Moldova, Georgia and Armenia. Yes, it affects it, but at the same time, where possible, the United Kingdom is in. By the way, the very nature of the Mobility Partnership, which is based on voluntary participation, allows countries such as the UK, which are not part of Schengen or many other EU instruments, to have their migration policy linked by other instruments, such as the single market, the EU labour market—many things that are pushing things a bit together and to be part of schemes like this. Of course, I have always been convinced that the fact of being out does not help the United Kingdom to have an influence, but the United Kingdom is also present. Every time the United Kingdom is present, the added value is quite important because of its huge experience and knowledge and the very high quality of its administration.

**Q326 Lord Avebury:** Is it not particularly incongruous for the European Union not to be able to have a common policy on family reunification?
Stefano Manservisi: We have a common policy in Schengen. We have a directive and we are about to start implementing it in a more stringent way because we are witnessing a certain number of obstacles. We also have a common problem outside the directive on family reunification; for example, our Irish friends are in a similar situation, and they have a big problem with marriages of convenience, which is also a feature we encounter elsewhere. Even if the instrument is not common, when the problem is common, let us address it in policy terms and then use the instrument that we have. Luckily enough, not being part of a scheme does not imply that we are not discussing anything together.

Lord Avebury: It may be far more difficult for spouses to join heads of household in one European country than in another. That makes for distortions in the demography of Europe in the next generation.

Stefano Manservisi: Yes. I cannot give you evidence but logically, yes.

Q327 The Chairman: Director General, thank you very much indeed. You and your colleagues have been extremely generous with your time. It has been of great value to us. We have covered a huge number of issues. We will leave this session more knowledgeable than when we came into it, thanks to your very clear exposition.

Stefano Manservisi: Thank you. Every time I have a discussion like this, I also take a lot home—it is always helpful to get a distance from what you are doing. As I said, I am at your disposal if you have other questions.

The Chairman: If you could let us have the Moldova evaluation, that would be helpful because one of the points that our report is focusing on is the desirability of evaluating on a continuing basis what the real results are, and not just to pile up large amounts of nice pieces of paper to which people refer in ministerial dialogues but which do not have much effect on the ground. Anything you can provide that shows, first, that there is an effect on the ground and that it is producing some useful results and, secondly, that the Commission is as interested in evaluation as it is in proposing new ideas, would be very helpful. Both of these are important to people such as ourselves who are writing reports against a background where there are often accusations that the Commission is good at drawing up new laws but is not very good at implementing existing matters.

Stefano Manservisi: Okay. We will share what we can with you, starting with this and maybe other pieces that we can show you. I hope that you enjoy the meeting with Mr Vimont. He is a good friend of mine and proof that EU delegations are important.

**Examination of Witnesses**

Claude Moraes MEP, Kyriacos Triantaphyllides MEP, Anthea McIntyre MEP, Baroness Sarah Ludford MEP, Timothy Kirkhope MEP and Juan Fernando López Aguilar MEP, Members of the LIBE Committee

Q328 The Chairman: The inquiry that we embarked on about five months ago is into the Commission’s communication on the Global Approach to Migration and Mobility. We took
evidence before the summer recess and have taken more since. We are now on the last lap. These are our last evidence sessions today. We had very good talks yesterday with the Commission, with Home Affairs, and with Ambassador Vimont of the EEAS. We made it our practice in recent inquiries—the drugs inquiry, the internal security inquiry and the cybersecurity inquiry, if I remember rightly—to always have a session with our colleagues on the LIBE Committee. This is not because we will always think exactly the same about every subject under discussion, but because we want to make it our practice to listen to your views—and hopefully you will listen to ours. Of course, our written report will be made available to you as soon as it is published and may perhaps prove useful to the work of the LIBE Committee. That is the background to our visit to Brussels. We hope to finish the report and publish it just before Christmas. Then we will go on to our next inquiry, which is on the fascinating subject of Protocol 36 of the Lisbon Treaty—which we will not discuss this morning because we have not even begun. We have issued a call for evidence, we will start taking oral evidence after Christmas and we will produce our report in the spring, hopefully in good time to inform the debates and votes that have to take place in both Houses.

The Global Approach is what we are working on at the moment, and it would be extremely valuable to have your views. I will now read out a little bit of formality, which I have to do at the beginning of any session. A verbatim transcript will be taken of your evidence. This will be put on our parliamentary website. Within a week of this evidence session, you will be sent a copy of the transcript to check it for accuracy. We would be grateful if you would advise us of any corrections as quickly as possible. If after the session you wish to clarify or amplify any points made you during your evidence, or have any additional points to make, you are very welcome to submit supplementary evidence. We have been provided with your CVs, so we do not need to ask you to introduce yourselves; we have all familiarised ourselves with your various responsibilities. Claude, if you or your colleagues would like to make an opening statement, that would be welcome, but if you not, we would suggest moving straight to questions. It is entirely up to you.

The first question is a very general one. What is the LIBE Committee’s experience—and your personal experience so far—of the Global Approach to Migration and Mobility, which had its origins in 2005 during the UK presidency as the Global Approach to Migration? The Commission then added the second “M”—Mobility—and earlier this year produced a communication setting out its broad approach to these issues. That document is the subject of our inquiry. I believe that preliminary conclusions were revised by the Council in July but that the document is still being worked on in Council. We always try to get our reports out in time to influence—if that is possible—the discussions in Council, and in particular, but not exclusively, the views expressed by the British Government. Perhaps you could say something about your experience of the Global Approach so far. It has been going for seven years. Has it been an effective initiative? Does it work in facilitating the EU’s aims on the external dimension of migration policy? We are not talking about the internal movements of people within the Community, which are not referred to in the GAMM.

Claude Moraes: I am happy to give an answer that will also take the form of an introduction to how we see what has happened over the past seven years in the way that the Parliament has approached third-country migration into the European Union. The key point has been the Lisbon Treaty cut-off point. We had a period prior to the Lisbon Treaty
European Commission; European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); International Centre for Migration Policy Development (ICMPD); International Organization for Migration (IOM); and the UN High Commissioner for Refugees

and then we had a whole set of tools after the Lisbon Treaty. The reason I mention that is that, as Lord Tomlinson will know, the Parliament was seen as not really being equipped to deal with immigration. Immigration rather than free movement was something that we could advise on in terms of JHA issues, but particularly low-skilled migration was not an area that we would be seen to touch. Following the Lisbon Treaty, there were a number of directives—for example, seasonal workers and the whole “green card” approach for high-skilled workers—where the Parliament’s approach started to kick in.

We tend to lead by the legislation that we work on. I have to express this in political terms: as co-ordinator of the Progressive Alliance of Socialists and Democrats, I am going to describe it from the socialist/democrat point of view, and my colleagues can describe it from their political perspectives. From our perspective, the European Union needs workers. The political imperative was to look at this Global Approach to Migration and Mobility first in terms of the kind of high-skilled workers we needed. There was a kind of “green card”/“blue card” approach. We had lots of discussions about the “blue card” approach with Commissioner Frattini prior to the Lisbon Treaty, and then after the Lisbon Treaty the idea was that we would talk about cherry-picking high-skilled workers. From my political group’s point of view, we then looked at the other types of workers that we would need; that is, low-skilled workers. This is a much more problematic area because this is a Member State competence—not just in economic terms but it is hugely emotive and visceral subject for the EU to be dealing with. In the context of the Global Approach to Migration over the past seven years, the European Union has really failed to get into this area. We have gone into areas such as directives on the protection of seasonal workers, for example. It has been very controversial. This has proved very difficult with the Council.

Again, I say this from my political perspective. As Lord Tomlinson will know from all his years here in the Parliament, the Commission has been a very progressive force in terms of migration, so it will pump out all sorts of ideas on migration, but the Council understands that immigration from third countries into the European Union is the most politically explosive issue. When it comes to low-skilled migration, suddenly it becomes a tussle between the Council and the European Union. When it comes to high-skilled workers, that is a different issue—although the Member States would still want to have people—but when it comes to low-skilled workers it becomes a real problem. All we have managed to do since the Lisbon Treaty is to deal with issues such as the protection of seasonal workers, which we have tried to deal with as well as we can, but our criticism would be that in the context of the Global Approach to Migration and Mobility, we in the Parliament—particularly from my political perspective—would look for a much more comprehensive approach. I am not being naive when I say this, but we would want to take it away from completely national interests to a much bigger demographic view of what is happening in the European Union.

For all of you who have been politicians in a Member State and take a global view, this is a difficult position to talk about because immigration is a big issue in each Member State, but the European Union has demographic needs, with all the issues of an ageing population and so on. There is a genuine view in the European Union that we need to tackle these issues. The reality has been that after the Lisbon Treaty it has been extremely difficult to do it. The conflicts and trade-offs have been about having the Lisbon Treaty, having the tools to do the job, but finding it extremely difficult to do that job. We had the Lisbon Treaty—welcome to the brave new world of being able to do immigration work, whether high-skilled or low-skilled migration—but have found it very difficult to do because the Council finds it
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unacceptable in many ways for us to do it. How does it resist this? For example, we are working in trilogues now on seasonal workers and perhaps find it in resistance in meetings with the Council. The seasonal workers dossier is currently going through trilogues. We want to make progress but we know that there will be resistance. This is simply the protection of seasonal workers—if we were actually talking about asking Member States to cede any sovereignty on migration issues, that would be a whole new ball game, particularly in the context of austerity.

The other issue is border control and security. We have had all sorts of discussions over the past seven years with Commissioner Frattini and others about border security, border guards, Frontex—all of these issues. I will leave it there because I know that my colleagues will want to speak. I just wanted to give you that overview.

Q329 The Chairman: That is very helpful. In fact, when the seasonal workers directive came forward, we took the view that it was not an appropriate issue for European legislation. We took the view that it fell on the subsidiarity side of the fence.

Claude Moraes: I saw your report.

The Chairman: But that became academic because the British Government decided not to opt in to it. In any case, our view did not prevail in the sense of having enough Reasoned Opinions to cause the Commission to think again, so we have not taken that any further. But we are of course watching the negotiations that are going on.

Could I ask one more question before your colleagues contribute? From what you have said, am I right in detecting that you are currently operating clearly within the parameters laid down by the Treaty of Lisbon—namely, that there is an extensive degree of national competence in the area of migration and that you are not, as it were, trying to overturn that? We have taken a lot of evidence on this, and certainly the Commission has told us that it does not foresee challenging that national competence over questions of admission of non-EU workers. It has lots of ideas for handling and co-ordinating this better at the EU level, but they do not include the ambition to go beyond that. I rather detect from what you have said that you are operating within those parameters too.

Claude Moraes: For the sake of the Committee, I have written a chapter about JHA in a book entitled The European Union after the Treaty of Lisbon, published by Cambridge University Press. It concerns what I believe about the European Union now. What you may want to take into evidence is what I have written about my perspective of what the reality now is. Having looked at what has happened after the Lisbon Treaty, the Commission will now not push the Member States hard—not just because of what is happening in the UK, but because of austerity and the reality of immigration policy in each Member State. This is one of the issues where the Commission, which has been a progressive voice on migration policy and has genuinely tried to deal with the demographics of an ageing population, needs to look at migration in the context of the economy, pensions and all the rest. It understands that this is a national competence and that it is more than just about economics. It is also about issues of sovereignty and visceral politics. I think that is understood. There is going to be a hiatus where you are going to see an element of pause. There will probably be a step back from the Frattini period when we were pushing out blue cards and all sorts of other ideas.
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It is a different matter on the security side. Frontex and all that stuff is different and you will still have lots of initiatives. That is because what I would call the control side of migration never stops. But on what I would call the entry side, there will probably be a backing-off in the context of austerity and how people see national sovereignty. I do not think that that is just in response to the situation in the UK. That is my perspective.

On the other hand, never say never because there are bigger issues such as generational issues and ageing. There are much bigger issues down the track with regard to the movements of people, so we will return to them. President Obama mentioned climate change again, to which we shall return. That, too, is going to cause big movements of people. There are going to have to be global solutions. I just mention that as an example of what will happen down the track, but I think that for the moment there will be a pause.

**The Chairman:** Thank you, that is very useful. You mentioned demographics. If you like, we will hand you a paper that our specialist adviser, Dr James Hampshire, has written on the demographics, which will be annexed to our report. We certainly found it interesting because it illustrates the demographic background in the years ahead and identifies trends and so forth.

Q330 **Lord Judd:** Is it possible to ask a quick supplementary question? Could you clarify one point? You said that it is well understood that this is a Member State competence, but within the dynamics of Europe, is that understood or just accepted? They are not quite the same thing. I ask that because some of us would argue that there is a close interrelationship between security and migration.

**Claude Moraes:** Basically, and again because of the eminence of the panel, I am going to be as honest as I can be. Immigration in this place, as in the UK Parliament, has two sides. It has a soft side and a hard side. The hard side is that of security and control, while the soft side is all about entry and the discussion about demographics—what kind of immigration you want and aspects of integration. So there are two discussions. If I can be honest, discussions coming from the centre right and right are predominantly about security in the form of border guards, Frontex and so on. Coming from the left and centre left there is a predominance of discussion on integration policies. That is the political discussion in this place.

There is an understanding that the Member States have to discuss all these issues within their own political context. The difference is that there is an understanding among politicians here that in every member state there is a bigger history. So in the large countries of Britain France and Italy there is a colonial history which we all understand: it concerns the post-colonial history of immigration. I talk to people here who understand that deeply. Then you can add to that the new countries like the Scandinavian countries with recent immigration. They have had what I would call immigration shocks. Norway and Sweden have experienced new and very rapid non-white and Muslim immigration. You have layer upon layer of countries that are now very aware, within the national context, that they are dealing with big national issues. They are now looking to the EU or, indeed, to countries in the Mediterranean such as Malta and Cyprus with big economic issues linked to migration in terms of seasonal workers and the rest of it. What this means is that immigration is one of the top three issues all the time. So when they look at the EU, they are looking for control.
solutions. They are not always happy about looking for integration solutions and for great big philosophical answers. They want quick solutions on Frontex and border guards. Sometimes they want integration solutions, and sometimes we have legislative solutions, but sometimes we do not. But sometimes they just want to say, “Hands off, let’s deal with it ourselves”. If there is a collective solution, they will want that. Post Lisbon there was a thought that we could have some solutions from the European Union, but very often that will be on the lines of, “We want some more boats in the Mediterranean”. The context is very narrow. That is the dynamic, so this is a very big issue that in reality is second only to the economy.

Q331 The Chairman: Would any of your colleagues like to say something before we move on to the next point?

Anthea McIntyre: I am here as a result of the Lisbon Treaty. I have been a Member of the Parliament only since last December. Eighteen Members were added across Europe to balance the representation of populations. The UK got one seat—and that is me. I have described my time here as a bit like starting to watch a film halfway through; you are trying to catch up with what has gone on in the past and also to come to terms with what is being discussed now. In all honesty I cannot tell you a lot about the history of how the LIBE Committee operated over recent years. I can tell you a bit about how I find things now. Also, you will know from our CVs that I am an ECR Member and the Conservative Member for the West Midlands region. I approach my job as representing the West Midlands here rather than representing Europe in the West Midlands. My whole approach is to look at it from a UK perspective—which is what you are doing—rather than necessarily trying to understand the whole European ideal and aim. Certainly I am aware that there is quite a move among colleagues of other political persuasions across Europe to have a United States of Europe. They are working towards a European project. Many proposals, both from the Commission and in the form of own-initiative reports, are looking at moving more in that direction, which obviously I would oppose.

Having said that, I find that colleagues understand that the United Kingdom is not in the euro and not fully in Schengen. They came to terms with that a long time ago, and I find that there is no problem negotiating in shadow meetings on subjects where the UK can play a part and would like to do so. I am thinking of EUROSUR, which concerns external borders. This goes across party lines; Sarah Ludford and I have put in amendments suggesting that the UK would like to be part of EUROSUR. We think that the UK has a lot to offer and we want to join in. We have met with a good response. It is very important when we look at migration, and particularly at asylum seekers, that the UK should play a full part.

On issues such as asylum seekers, I find some things astounding. For example, asylum seekers arrive in the southern Mediterranean, perhaps Greece, and come at some stage as far as the UK. The UK cannot send them back to their original point of entry because the conditions in which they would be kept do not meet human rights standards. To me that says that the Commission should instigate proceedings against the Member State that is not fulfilling its duties under the treaties. But we get things back to front and say, “Okay, all those migrants will have to stay in the UK because another part of Europe is not meeting human rights standards”. I find that very frustrating. There is a much better role that the Commission should be playing in enforcement. I find that in a number of other areas. Very often the feeling here is that we need more legislation and directives, whereas we should
apply the directives that we already have. There is a lot of legislation already on the books that would solve a lot of these issues and problems.

I have made one or two notes. On the point about skilled workers coming to the EU, particularly doctors and nurses, I have certainly met a lot of colleagues who point out that we should not have immigration, not because Europe is too full but because we are depriving the countries from which these migrants come of skills that they need. It has been interesting to look at that aspect of migration: what we are doing to the countries from which the skilled workers come. It is something we should think about more.

You asked about the principle of decisions by Member States. Obviously I come from a background where I believe that as much decision-making should be done at Member State level and as little as possible in Europe. Decisions should be made at a European level only if they cannot be better made lower down. We have a yellow card procedure, where Member States wave a yellow card when they think that the Commission is exceeding its powers and not complying with subsidiarity. In addition to LIBE, I sit on the Employment Committee, and the first yellow card was used by that Committee. It concerned the rights of certain workers. The Commission backed down, saying that it was nothing to do with the yellow card procedure but because it decided that the measure would not get support, even though it had a perfect right to introduce it. But the reality was that it was the yellow card procedure. It is interesting that the Commission has reacted and recognised that. In that case, the Parliament did not play a part at all. We were just informed by the Commission that it was withdrawing the proposal because it knew that it would not receive support.

Another aspect that comes up is the scope of the European Social Fund. This is all about getting people into employment, and providing training for that. It can apply to migrants, too. I fully support that. The European Social Fund is doing a great job in training people to get into employment. However, it is not a bottomless pit. My concern, which I share with other colleagues, is that there is a desire to spread it far too thinly and use it more as a social fund to help poor people, regardless of their circumstances, whereas it should be targeted. Frequently we come to the point of saying, “Let us target these funds where they can make a difference rather than just blanket-spread them.”

Another point I want to make is that Parliament has set up the CRIM Committee on organised crime. My colleague Mr Kirkhope will tell you more about that. The particular subject of interest there is trafficking. We had a debate a couple of days ago on unaccompanied minors in the EU, and how we should treat children. In some cases they are not treated anything like as well as they should be. We had a debate about the paramount necessity of having the best interests of the child at heart. We discussed the question of when a child is an asylum seeker and when they are a victim of trafficking. How do you know? In that area, Parliament has a role to play because it affects most countries in the EU, and it is so important to get it right. Perhaps we in the UK get it more right than some others, but it is important to share best practice across the Union. That is one of the important things coming from the UK. The UK has worked on a lot of things over many years and has a lot to contribute—and we should, particularly by sharing best practice with Member States who are very new to all this. That is a hugely important and very valuable contribution that the UK can make to Europe.
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Q332 The Chairman: Thank you. That is very helpful. On the yellow card procedures, as you know, it is the national parliaments that use the yellow card, not their governments. We were greatly encouraged by the fact that recently the Commission withdrew a proposal when there was a critical mass of yellow cards on that particular measure; but we were mildly irritated that it did not in fact follow the procedures it had laid down; that is, to give a reasoned response to each of the people who introduced the yellow card. As you say, it just said, "Well, it was nothing to do with the yellow card but we are withdrawing it". Although there was some rejoicing that we had achieved our objective, there was some irritation raised at the recent COSAC meeting by the Chairman of our Committee. We think that in future the Commission ought to apply the letter of the law, which is to write a reasoned reply to each national Parliament that introduces a yellow card. Anyway, that is water under the bridge now. Do your colleagues want to say something at this stage? Perhaps you could come in on the next question, Mr Kirkhope, because your experience would be greatly valued.

Timothy Kirkhope: Yes, I am in your hands.

Kyriacos Triantaphyllides: As you can see from my name, English is not my mother language, so I might have read the invitation wrongly. I do not know how useful I can be to this meeting but I can tell you about the work I have been doing in LIBE for the past year and a half. I am concentrating on the fourth pillar of the Stockholm programme, which is European solidarity, especially solidarity in the field of asylum. We have been working on this question in the European Parliament for the past couple of years. We have concentrated on irregular migration rather than regular migration, and how to face the problem of these waves of immigrants who enter Europe, especially due to the situation in the Middle East and their home countries.

There are a great number of immigrants who enter countries like Greece who are largely asylum seekers. This causes the directives now in force not to be able to be implemented because of the large numbers that concentrate in countries of entry, such as Malta, Cyprus, Greece and Italy. In order to face this situation, we have taken field trips to see what is happening on the spot; we have seen the work of agencies such as Frontex, as mentioned by Claude, and other agencies that work in this field. We tried to translate this word, "solidarity", which is mentioned in Article 80 of the Lisbon Treaty, into practical terms.

First, if we look at the numbers, the procedures now in place have failed. If the directives and regulations were working correctly, we would not have the situation in Greece or court decisions saying that you cannot apply the Dublin regulation of sending people back to the country of entry because the conditions of treating them there are inhumane. We are suggesting that a new asylum system should be set up to enable the 27 countries of the European Union to share this burden. How can this be done? We are suggesting that there could be an objective formula, which we would call a distribution key, based on criteria such as the size of a country, its population, GDP and general economic situation. According to this distribution key, a more just distribution of refugees could be achieved. But before we reach this we have to see the way that these people are treated. In some cases, unfortunately they are treated in inhumane conditions. In Greece we asked for help on the spot—for example, people to train the Greek authorities and public services how to deal with the applications for asylum, how to set up reception centres, how to deal with the big backlog of applications and so on.
The next step will be when these applications have been decided upon, and refugee status has been given to people, how to deal with them because they are then entitled to stay in Europe. In which countries will they stay? For example, Malta, Cyprus or even Greece, which is bigger, cannot absorb and integrate these big numbers of refugees. So we will have to find a way of sharing the responsibility of keeping these people in Europe, which could then contribute to the economy because of the demographic reasons that Claude developed earlier on. The way to do that, as I said earlier, is using this distribution key. We are calling on the Commission to come up with concrete proposals on these issues of relocation and the distribution key in order for the Parliament to debate and decide upon this.

**The Chairman:** Is the distribution key you are talking about a financial instrument by which all Member States share, according to their size and prosperity, the cost of handling these people, or is it an actual physical distribution among the Member States based on their size and importance—or is it both?

**Kyriacos Triantaphyllides:** The second one, I would say, but as I said before, we are calling on the Commission to come up with a proposal after having studied the matter in depth. The idea is for some objective criteria on which to base a decision whether to relocate them and to which countries.

**The Chairman:** Thank you very much. That explanation was very helpful. Let us move on to the next question.

**Q333 Baroness Prashar:** That was a very helpful overview, and you raised some specific issues. I will come back to the Global Approach. Which are the most effective and least effective aspects of the Global Approach, and what changes would you like to see?

**Timothy Kirkhope:** I was going to defer to a colleague and come in a little bit later on this. Perhaps Sarah would like to say something. Oh, she has left us. I thought that she should comment because she has been doing quite a lot of work on this.

**Claude Moraes:** Timothy, have you been involved in Mobility Partnerships?

**Timothy Kirkhope:** No.

**Claude Moraes:** I know Timothy is always direct, so I just asked him.

**The Chairman:** Claude Moraes, perhaps you could make a quick comment. It would be very helpful because we are putting quite a lot of effort into this issue.

**Claude Moraes:** I will respond to Baroness Prashar’s point—and I know that Lord Avebury has worked on this, too. I will develop the point that I made earlier. One of the big areas that we have worked on is the tension between Member States and the EU. Within the Global Approach to Migration and Mobility, the issue was whether with Mobility Partnerships Member States would have control over entry and visas. When you entered Mobility Partnerships, you would allow some migration, and then you would have the carrot and the stick—different development tools for various countries. The quid pro quo was that you would give different things back to different countries. Obviously there are problems, because you are dealing with Member States that have control over their own migration policy. My group’s political perspective is that some countries have operated this fairly well, but it is very difficult to get consistency across the board, and it is very difficult to see how...
you will get an EU approach. Certainly there has been a lot of criticism from NGOs and refugee groups of how this is working. I know you have accumulated evidence of how badly this is working. Certainly from my group there has been a lot of criticism of Mobility Partnerships.

The other concern—I think that Sarah and Mr Triantaphyllides will comment on this because they were involved in discussions with the European Asylum Support Office—is that if you bring in issues such as the European Asylum Support Office and other elements, you have to look at the context of how small these organisations are. The European Asylum Support Office is a tiny office in the context of an enormous Mediterranean and an enormous European Union. If you throw these things into the mix of Mobility Partnerships, and partnerships between the EU and third countries, you have to think about context. I believe that Mobility Partnerships have proved to be quite problematic. Part of the reason is the tension between Member States having primary control over immigration control and visas, and then ceding it. I should not use the word “cede” because it is very UK. There is tension between Member States’ control and the EU having control over entry. From my political perspective, these are human beings coming to the European Union. From that perspective there has been a lot of criticism of who is benefiting from this. There can be a good side to this, if it encourages development and so on.

I will make one final point. I am not sure how well publicised these partnerships and agreements are, how much transparency there is on them and how well known they are, so that we can examine what is going on. That is another aspect to this. Certainly we have our criticisms—but I know that you have looked at this in detail, so I will not pursue it further.

**Kyriacos Triantaphyllides:** Perhaps I could comment on the European Asylum Support Office that Claude mentioned. Small it may be, but it has had a tremendous impact on the present situation in countries where there is a problem, especially Greece. Anyone visiting Greece two years ago, or even last year, would have seen on the streets of Athens a third-country atmosphere. The centres were called reception centres but were detention centres of the worst kind. We paid a visit only 10 days ago. The difference for the better was tremendous, and most of the reason is that agencies such as EASO and Frontex have given Greece their full support. The EASO is playing a great role. It has been in operation for the past year and a half—two years maximum. It needs a lot of support from the European Institutions but it is doing a great job. It is training people and introducing best practice, which is needed most in countries such as Greece, Malta, Cyprus and Italy.

**Claude Moraes:** I want to put on record that I was not criticising the European Asylum Support Office; I just said that it was small in the overall context.

**The Chairman:** As you know, there are only four Mobility Partnerships at the moment: Armenia, Georgia, Cape Verde and Moldova. The Commission takes the line that they are valuable. One thing that we have been pushing and will certainly refer to in our report is the desirability of conducting an evaluation of individual Mobility Partnerships to see what they are actually doing and what effect they are having both in the EU and in the country with which we have a Mobility Partnership. The Commission said that it had conducted a first evaluation of the Moldova Mobility Partnership, on the grounds that it was the most advanced and had been used the most. I think that it will share it with us, so probably it will share it with you, too, in due course. It is really important when something grand-sounding
such as a Mobility Partnership is introduced not to just sit back and say, “Well, that has done the job”. The EU should analyse what effect it is having—and what effect the European Asylum Support Office is having—and try to learn from that whether we are doing the right thing.

Q334 Baroness Prashar: Does Sarah want to come in? We were talking about Mobility Partnerships.

Baroness Ludford: My apologies for being late and then being distracted. First, I have to say that I do not follow migration to the extent that I used to. I do a lot more work on criminal justice—which is where I was, at a meeting on the right to a lawyer measure, which I still hope the UK will opt into. My overall feeling, having been here for 13 years, is that the situation is similar to that in the United States. The failure to institute a rational, comprehensive asylum and immigration policy has to be one of the main policy failures of the EU. One understands to some extent why the UK feels that it cannot take part, at least on the migration side, but obviously that takes away a contribution that we could make.

On Mobility Partnerships, I agree with the Lord Chairman; I would like to see exactly what they consist of. My worry has always been about the concept of circular migration. I do not know whether this is central to Mobility Partnerships. Perhaps I have never overcome a wariness of that concept, which may be out of date but is linked to the experience of German Gastarbeiter—the idea that people are coming only for a short time. A lot of people might want to do that, but if you start from the assumption that people are not going to stay for a long time, let alone permanently, it leads you into a bit of a cul-de-sac in terms of two-way integration. So I am not entirely persuaded of the merits of that approach. I am open to anything that will put a rational, transparent, politically acceptable umbrella over the undoubted pressures that we have from migration, and over our undoubted needs as a continent. The UK is rather different in this respect because we have a growing population. A lot of the rest of the EU has a declining population. Therefore the need for migration and the pressures from outside on migration have to be addressed rationally. But there is not a lot of political willingness to do so. We have been thrashing around, for the entire time that I have been a Member of the European Parliament, for a sensible, comprehensive migration policy. Claude has much more involvement in migration policy. I am not sure whether it is more than a gimmick—something meant to distract us from a more comprehensive migration approach.

Q335 Baroness Prashar: From your point of view, how best can the EU deal with the pressures of migration to southern countries from third countries, because you think that the Mobility Partnerships are a gimmick?

Baroness Ludford: As I say, that may be a pejorative term that is unjustified. I was really saying that I, too, would like to see an evaluation. I suppose you need the political willingness of the EU countries to have a common approach, a sort of one-stop shop, a common portal or whatever it might be called in terms of how you will direct the potential migration pressures in order to have some sort of overview. However, I am not sure that we have ever reached that degree of political willingness, because every country feels, no doubt with justification, that these are matters close to sovereignty. When it comes to controlling borders, it is very difficult to agree an approach that truly makes for common criteria, for common assessments, for trying to direct people to have an overview of necessary skills that
are sought, or looking at the profile of immigrants and so on. I do not think we have got terribly far in that approach.

**The Chairman:** Would you say that they are at quite an advanced stage of negotiating a Mobility Partnership with Tunisia now? They say that it will be a much more operationally important one than the four that have so far been agreed, although they argue that Moldova has been a considerable success. They did admit that they have problems in all the areas you have just touched on, but they have said that they believe that, while not touching the responsibilities of Member States to actually set the terms on which they will admit, let us say, Tunisians, they could by consultation actually make the machinery work better. That is their story and I am sure you will follow it up.

**Q336 Lord Tomlinson:** I am getting a slightly worrying picture of some people who want to see, inside the European Union, not only a policy for the reception of asylum seekers and refugees, but a policy of being able to direct their location. I get slight feelings almost of the forced direction of labour, and that worries me. Do you think we have a cat in hell’s chance of getting that, or am I reading it totally wrongly?

**Claude Moraes:** Mobility Partnerships are not legally binding.

**Lord Tomlinson:** No, we have gone beyond Mobility Partnerships.

**Baroness Ludford:** Certainly in terms of asylum seekers I do not see a chance of any kind of agreement for redirection.

**Claude Moraes:** The asylum package is a very good example of what Sarah has just mentioned. The asylum package that is currently struggling to get through is a good example of burden sharing. It is not a political point; it is just a package of measures which has been stuck in the Parliament and in the Council.

**Lord Tomlinson:** Claude, I have become slightly cynical about terms like “burden sharing” and “solidarity”, which always come up when there seems to be a congenital incapacity to resolve the problem. If we cannot resolve it, we appeal to “solidarity” and “burden sharing”.

**Claude Moraes:** There is a reason why it cannot be solved. The big problem is that Member States—rightly or wrongly; you can take your political view on it—want sovereignty over entry to their countries. They do not want to share that with the rest of the European Union. This is the nub of the issue. That is why we will not get the asylum package of solidarity and burden sharing. That is why the Mobility Partnership is a purely voluntary arrangement which has no legal basis, and that is why we are muddling around with it. We are muddling around with an asylum package that is stuck in the Council. We are muddling around with seasonal workers being of no use to the UK but struggling in a trilogue with all of us and with all the Member States pretending that it is going to happen, but it is not going to happen. That is why this is all going on.

There is a common denominator, and that common denominator is that Member States want to keep their sovereignty on entry to their states. It is a visceral issue. For the big Member States with post-colonial links, this is extremely important. Until for the reasons that Sarah has mentioned there is a realisation that there are bigger demographic and other issues, and reasons why there may be a common European locus to this—and then it may be
too late—and a need to have some shared sovereignty on the issue, it may be too late and there will be muddling around.

However, that does not seem to be the case on the security side. People are still searching for measures in terms of Frontex and so on as solutions. But the comprehensive point which Sarah has made is true. We are not going to get a composite approach until Member States have the courage to say, “Let us search”. Until then they will go for the voluntary measures, some of which are working, like the Mobility Partnerships. That is good, but they will be voluntary measures until the more courageous step is taken that says, “Look, there is a legal base to do this”. But that will not happen until the courageous step is taken so that there is burden sharing that is underpinned by something legal. But that will not happen, and of course for us there is always the opt-out anyway.

**Baroness Ludford**: I certainly did not wish to imply that I thought it was either feasible or politically acceptable to have direction or allocation, and certainly not of asylum seekers. What has been described about the kind of improvements and reforms that have been made in Greece over the past two years is an indication of how the first priority has to be that the Member States assume the obligations that they have committed themselves to under EU legislation. Obviously in terms of exceptional flows, for instance, you might need to have some sort of emergency response, but generally I do not see that it is either possible or desirable to have a kind of direction of flows of asylum seekers.

It is slightly different with economic migrants. You may, for instance, have a traditional link like that of Tunisia with France and Italy, and it may be that other EU countries have opportunities for migration that Tunisians would not necessarily look to. If you had some kind of overview criteria that provided a good exchange of information, Tunisians could be made aware of where opportunities might be available. They may not be in France or Italy but in places where they would not necessarily look to for the possibility of employment. So, if you like, the EU would be acting as a sort of marriage broker, not so much directing as facilitating. I see that as more of a possibility in the sphere of economic migration.

**Timothy Kirkhope**: The Chairman of the LIBE Committee has arrived so I am not going to delay him. I know that you are up against the stops on this. Very briefly, in the context of what is or is not an achievable end, the problem is that there are a lot of gestures—not political gestures but gestures from the Commission and certain Member States—which do not always quite gel together into effective action, and are unlikely to, partly for the reasons that Claude has given, in terms of the wish of the national governments to have total control. We have seen examples, through Dublin and so on. The term “burden sharing” is in itself a problem. If we consider that these matters are just a burden, you can see the sort of mindset that exists in the various Member States about dealing with them. As has been said, Frontex is essentially a security operation—primarily, I have to say, preventing people from arriving on our shores.

**The Chairman**: Illegally.

**Timothy Kirkhope**: Illegally, yes. You might say that is perfectly correct and there has to be such a mechanism, but its effectiveness does not contribute to the sort of attitude of mind that allows us to work together to try to achieve sensible migration. I have no real hopes of this being achieved. I think that the European element of this is always going to be very difficult. I do not see an easy solution to this. I do not see us coming together, other than—
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quite rightly, as Sarah just said—in relation to minimum standards of treatment of people. When I was a Minister, I was responsible for the United Nations Bosnian refugee programme. I am glad to say that the UN was involved because that programme by and large was quite successful. The United Kingdom’s contribution to that was significant and very successful. That was done as a one-off situation in relation to a particular problem at the time. Those sorts of programmes are very good but programmes in which the European Commission is involved sometimes lack good reason and an acceptance by the Member States—certainly that is the case with the United Kingdom, as far as I am aware. I will not go on as I am sure that you have other business.

The Chairman: No, we are in good time.

Timothy Kirkhope: I just want to make this point. I know that what I am saying is a bit general. My experience of being here is that we talk about an awful lot of things—ideals and what we would like to see and so on. In reality, when it gets in to the hands of the Council and Governments, the issue of the retention of the independence of governments in the Member States and their own determination of how they deal with not only immigration issues as a whole but the question of asylum is always going to be there. I do not think that whatever we decide is going to have much effect, unfortunately.

Q337 The Chairman: That is extremely valuable. Of course, we hear the view of the British Government. We have heard the view of the Commission. Now it is very good to hear the view of the European Parliament on this. We have had a wide range of views. Perhaps the Chairman would like to say something at this stage. Welcome to this meeting. As you know, you and I are both enthusiasts for co-operation between European Parliament Committees—above all for us the LIBE Committee—and our Committee, and we have come quite a long way in the past two or three years. Would you like to say anything about the General Approach on Migration and Mobility?

Juan Fernando López Aguilar: Thank you. I was coming from another meeting, as is usually the case, here in this house that is so well trained to keep itself busy. I am happy that I made it in time and I am happy that you are here. I celebrate this opportunity to exchange views with distinguished Members of the House of Lords and of course I appreciate your interest in coming again and again, Lord Hannay, showing the readiness of the House of Lords, as one of the Houses of the British national Parliament, to interact with the European Parliament. One of the major goals of the Lisbon Treaty having entered into force is enhancing the permanent dialogue of the European Parliament with national Parliaments—getting national Parliaments on board. Of course, this is most important in the LIBE Committee area of liberty, justice and security. This is one of the most relevant law-making fields of action for the European Parliament—actually the most relevant, not at this particular point in time but for the foreseeable future—considering that this area of liberty, justice and home affairs has so much to expect from the complementary law-making processes and co-operation of the national Parliaments, including the British Parliament.

Perhaps I could just show European concern about the UK decision to step out of this area of liberty, justice and security, of withdrawing from the commitment to be of active relevance in completing the so-called Stockholm programme. I understand that you have devoted some part of the conversation to migration policies, which has to do with the external borders of the European Union. Some parts of this field of action have been used to
the UK exception for some time—namely Schengen. Of course we are all aware of that, but there are so many other component elements of the migration and asylum policy that need the UK commitment and have appreciated UK commitment in the past. You have shown seriousness when it comes to meeting goals and putting forward new ideas.

I would like to take the chance to hear from you about this matter. This is a matter in which the whole of the European idea and the core of the European project are at stake at this point in time. I have always advocated for the essence of the area of liberty, justice and security to be seen as a credibility test for the political dimension of the European Union, even the constitutional ambition of the European Union. I celebrate that you have shown an interest in coming to Brussels as a delegation of honourable Members of the House of Lords but I also take the chance to hear from you about the prospects of getting UK input in the development of the goals of the Stockholm programme and the programme that is to be developed in the area of liberty, justice and security for the next five years—once we overcome the elections that are to be held in June 2014.

The Chairman: Thank you very much. That was very interesting. I hope that you will be patient with us because I am not going to be able to respond to you about the opt-out under Protocol 36 for the simple reason that it is the object of our next inquiry, which we have not yet taken any evidence on. We adopted formally and distributed the call for evidence last week and the European Parliament is one of the recipients of that call for evidence. It would be very welcome to us if your Committee was to submit evidence the date limit is 14 December for written evidence and we will come to Brussels, I think on 4-5 February, and we will hope to include an opportunity to discuss this with you and your Committee, if you are available then. We are aiming to produce a report on Protocol 36 by the spring of next year so that it is available to our Parliament when the decision is brought before it by the British Government. The British Government have said that the decision of whether or not to opt out will be brought before both Houses of Parliament for a vote before any action is taken. That is a very long way of saying I am sorry that I am not in a position to answer your question this morning, but what you said will be of very great value to us, and if you were to decide to submit written evidence that would also be valuable, and we would hope very much to have a chance to see you.

The only other thing I would add on that area is that of course Protocol 36 only applies, as you know, to measures adopted before the entering into force of the Lisbon Treaty. Meanwhile, the British Government are in fact opting in to quite a few measures under the Lisbon Treaty that do involve accepting the jurisdiction of the Court of Justice and the normal application of the rules of the Commission. The trafficking directive is one, of course, but there are others. I will not bore you with all the examples but I am sure that your secretariat will know them, and they are continuing. It is a much more mixed picture than one would get from reading the somewhat alarming descriptions in the newspapers of what is going on. That issue of the 130 instruments that were adopted before the entering into force of the Lisbon Treaty will be the object of our inquiry and we will give our views to the House of Lords, which will decide what to do with them once it gets them.

Q338 Viscount Bridgeman: Mr Triantaphyllides, thank you very much for your overview on illegal and legal migration. Perhaps I may say what a heart-warming description you gave of the improvement of the situation in Athens. We heard horror stories of middle-class
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women grubbing about in dustbins, so it is very reassuring to learn that hopefully things have moved on.

We have had a long discussion about burden sharing—or whatever it should be called—and I wonder whether the GAMM is a factor in this. My specific question to Mr Moraes is this. What is your opinion of the balance in the GAMM between the priorities of stopping illegal immigration, controlling legal immigration, and encouraging economic and social development in the target countries?

Claude Moraes: I would refer to what the Chairman said about the scale and number of Mobility Partnerships. We need to get evidence of exactly how they have operated. On the wider issue of how we have entered into these voluntary arrangements, what we are dealing with here is, basically, Member States which have links with particular countries. We do not have, as Sarah Ludford ventured earlier, a comprehensive and legally based approach for the European Union, so we have entered into lots of voluntary arrangements that do not have a legal base but are based on visas and so on. It is an approach that is based on the carrot and the stick, so I think we need to take evidence on how well these things have operated.

I do not take the view that it is all negative. We have to look at exactly how this has been working. Mobility Partnerships or other partnerships with developing countries are based on the fact that the European Union needs migration to particular countries. Sarah Ludford made the point about the population in the UK, and I think that is right. We have a very high population today in the UK, but some parts of the EU are being depopulated, so there are all sorts of demographic issues across the EU. In terms of the GAMM and an EU-wide perspective, we must look at the evidence of how this has been operating. The deeper political issue is that we do not have a comprehensive approach with a legal base. That would be my answer.

Viscount Bridgeman: What came out of our meeting yesterday is how absolutely unique each of these individual countries is, and therefore the interim report gathering together what has been established so far will be, as the Chairman said, very useful.

Claude Moraes: It is often based on what the link is between the Member State and the country. There are all sorts of individual approaches, which refers back to Sarah Ludford’s point about not having a comprehensive approach. We are entering into individual partnerships and deals.

The Chairman: Viscount Bridgeman’s point is also that the Mobility Partnerships, if they flourish, will all be a bit different because the particularities of individual third countries mean that you are dealing not only with differences in scale, but also with differences in historical and cultural background and so on. The partnership with, say, Armenia, will not be the same as the Mobility Partnership with Moldova, and nor should it be. The Mobility Partnership with Tunisia will involve potentially much larger numbers than any of the four that have been made so far. It is not just that there is no overall approach, but that there cannot be a one-size-fits-all approach.

Claude Moraes: That begs the question as to why the EU is involved at all. It also begs the question as to why the Member States do not just do their own thing.

Timothy Kirkhope: I want to add to add a brief point on that. It is not just a one-way exercise and it is not just a question of the European states; it is a question of these other
third countries and their historical connections which exist naturally with certain Member States. Therefore you would expect there to be more rapport and understanding, as it were, between them in terms of their traditions, cultures, languages and so on.

**The Chairman:** The jury is out on whether these are useful instruments or not, but the Commission representatives seem convinced that they are, and we are taking what evidence we can on them. One of the main things we would say is that you need to evaluate as you go along, not just introduce something and then go away and forget about it. Otherwise you are just introducing another piece of useless bureaucracy that does not actually do anything at all. But they are saying very firmly that that is not the case. Viscount Bridgeman was recently in Georgia and his experience was that this is in fact quite valued by that particular third country.

**Q339 Lord Tomlinson:** I want to ask a fairly specific question, which you can answer fairly directly, in view of the time. How do you believe that the EU’s policies on immigration impact directly on migrants’ fundamental rights?

**Baroness Ludford:** That is a big subject. One thing that we have put emphasis on in the European Parliament is making sure that operations, including by Frontex, which aim to combat human trafficking, smuggling and irregular migration do not close off the right to seek asylum. This is the problem that we have been very concerned about, particularly for operations in the Mediterranean. Potentially there is a massive breach of human rights if people are returned to their point of departure, or wherever, without being able to submit and have assessed asylum applications. So that is one aspect of it.

**Q340 Lord Avebury:** I would like to ask about the balance of competences between the EU and Member States. Claude said at the beginning that no one was trying to overturn the existing balance of competences. In the context of the work being done by Mr Triantaphyllides on the distribution key, does that not involve changing the balance of competences? Before you go too far down that road, would it not be important to ascertain to what extent that change in the balance of competences would be acceptable to Member States? You could produce a wonderful scheme for the distribution key and then find that nobody wanted it.

**Kyriacos Triantaphyllides:** Of course, as I said before, we are calling on the Commission to study the matter more deeply and to come up with a specific proposal that will take into account fears such as this. Any relocation system would be on a voluntary basis and there is no question of forced direction of labour, as mentioned earlier. It is a question of voluntary willingness of the states to take up people who are already in Europe. When we have dialogues with countries such as Tunisia in order to facilitate immigrants to come into the country, we must not forget that there already a lot of people in Europe who could be “utilised” by some countries to meet needs such as demographics, labour shortages and so on. But all this would be on a voluntary basis.

**Claude Moraes:** To answer the questions asked by both Lord Tomlinson and Lord Avebury, the vast majority of the impact on migrants today is through the Member States, and some pieces of EU migration law have been transposed into national law.

**Timothy Kirkhope:** We regularly appeal to the better nature of the Member States.
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The Chairman: And are generally disappointed.

Timothy Kirkhope: The fundamental rights can be adversely affected as well, as you know, Claude, by the Commission’s involvement sometimes—it does not always enhance them.

Claude Moraes: There are an increasing number of security measures that impact on migrants—trafficking, Frontex, and so on—which are EU operations. Then there is the struggle of the competences to create this comprehensive approach, which is a losing battle, as the Chairman was saying. It is a losing battle because the legal base has not been found after Lisbon, or the Council is resisting it, or the Commission is retreating in the context of austerity. That is what is going on. There is an increasing voluntary approach. That is the trend that we are seeing—or, as in the case of the UK, a retreat.

The Chairman: I take it that you are somewhat pessimistic and will not repeat President Obama’s moving statement that the best days lie ahead.

Baroness Ludford: If America can crack its immigration problem, maybe we can too.

The Chairman: Thank you all very much for coming and giving us your thoughts and all the background wisdom that you have accumulated. Chairman, it is very kind of you to have come along in a very busy schedule. These sessions are valuable to us. You will see them in the evidence that will be attached to our report. We intend to continue the process of consultation with you whenever we are writing a report—so long as I am Chair of this Committee anyway. The next one will be the Protocol 36 report about which I spoke and I hope that we will have some contact, either written or oral or both, in the context of that rather important task that we now have before us. Thank you very much.

Examination of Witness

Ralph Genetzke, International Centre for Migration Policy Development

The Chairman: Welcome. Thank you for coming. I think that you were told in advance that this Committee is writing a report on the Commission’s latest communication on the Global Approach to Migration and Mobility. We are in the final stages now. We have taken evidence from a lot of people in London, including the British Government, academics and NGOs, and now we are in Brussels. We had a long session with the Commission yesterday, and with the EEAS. This morning we had a discussion with the LIBE Committee of the Parliament, which also follows these issues closely and with which we work closely when we write reports; we share and exchange views. It is good of you to come along and fill in another piece of the jigsaw. A verbatim transcript of your evidence will be taken and put on our parliamentary website. Within a week of this session, you will be sent a copy of the transcript to check for accuracy. We would be grateful if you could advise us of any corrections as quickly as possible. If after the session you wish to clarify or amplify any points you made in your evidence, or have any additional points to make, you are welcome to submit supplementary evidence to us. I suggest that we introduce ourselves briefly and perhaps you could then introduce yourselves. If you want to make an opening statement on
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the matters covered by the Global Approach, that would be fine, but if you prefer to go straight into questions, that is equally fine. It is entirely up to you. I will start on my left.

**Viscount Bridgeman:** Robin Bridgeman. I am a Conservative Member of the House of Lords.

**Baroness Prashar:** Usha Prashar. I am an independent Member of the House of Lords.

**Lord Tomlinson:** John Tomlinson. I am a Labour Member of the House of Lords.

**Lord Avebury:** Eric Avebury. Liberal Democrat.

**Lord Judd:** Frank Judd. Labour Member of the House of Lords.

**The Chairman:** David Hannay. I am an independent member of the House of Lords. In the past I was the British Permanent Representative to the European Union, but it was rather a long time ago. Would you like to make a statement or shall we go straight to questions?

**Ralph Genetzke:** I shall say two sentences. I see that you are well informed about the organisation that I represent. By way of introduction, I would first like to thank you for inviting the International Centre for Migration Policy Development to participate in your inquiry. Personally, and for us as an organisation, it is very interesting because we participated quite a bit last year in the public consultation, together with the European Commission. The International Centre for Migration Policy Development is called a centre, but we are an intergovernmental organisation. We have 15 member states now. Next year we will celebrate our 20th anniversary. It is important for us to be able to say that we have a European basis. We are an intergovernmental organisation but all our member states are European. Most of them are in the European Union, but we also have Switzerland, Croatia, Bosnia-Herzegovina and Serbia—so we include the accession countries. Turkey is in the process of becoming a member. Whatever we do and wherever in the world we work, somewhere there is a European dimension. For us that is really important; that is what we owe to our member states. Our headquarters is in Vienna. I represent the Brussels office, or mission, doing the traditional, classical work in Brussels. The European Commission is our biggest donor.

As to our activities, basically we do three things. One is capacity building in Europe and also around the world. The second is facilitating dialogue. That is very closely linked to the Global Approach to Migration and Mobility. We facilitate dialogue between the EU and third countries. The third is conducting research—basic, sound academic research on migration issues. That is the spectrum of our activities. We now have about 150 people altogether. We no longer know whether to define ourselves as small. We have grown over the years.

We have followed the Global Approach to Migration and Mobility since it came into being in 2005. We wanted to be closely involved in a public consultation last year. We organised consultation meetings with African, Asian and Latin American embassies here in Brussels, together with Director General Manservisi. We also organised consultative meetings, one in West Africa and one in Asia, together with the Commission. You will probably hear from us a rather supportive voice in terms of the Global Approach, because what we have done since 1993, when ICMPD was created, is work on dialogue with partner countries. Whether we call it mobility partnerships, migration partnerships or just, “We want to co-operate”, it does not really matter. Our approach is that we very much believe that this is how relations
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with third countries have to be built in order to achieve trust, which is the foundation for any joint work and our common objective.

With that, I am happy to take questions. I have not said anything about myself. I joined ICMPD four and a half years ago. Before that I spent six years in the European Commission. I was there in 2005, working in what these days is DG DEVCO—before that it was DG AIDCO—on the implementation of co-operation with third countries. I was the focal point for migration issues. Suddenly I had to contribute figures on what could be done in 2005 to develop what became the Global Approach to Migration.

**The Chairman:** Thank you very much.

Q341  **Lord Tomlinson:** Perhaps I could ask one question about the organisation. You referred to 15 member states, some EU and some non-EU. You then rattled off a list of about five non-EU states, so you have about 10 EU Member States. Is that right?

**Ralph Genetzke:** If my list is correct, yes.

**Lord Tomlinson:** I would like to know who they are. Having an idea of who your member states are would be helpful.

**Ralph Genetzke:** I should have brought our brochure. The founding members were Switzerland and Austria. Then we have the Czech Republic, Slovakia, Slovenia, Hungary, Bulgaria, Romania, Poland, Sweden, Portugal, Croatia, Bosnia-Herzegovina, FYROM and Serbia. It is always a challenging question.

**Lord Tomlinson:** That is helpful. It is interesting because it seems to exclude the majority of the very large founding members of the European Union.

**Ralph Genetzke:** Yes, absolutely. This is linked to the history of ICMPD, which was set up in 1993 when there were wars in the Balkans. That is where the initiative came from. The second point is that it is a bit of a club of the—let us not say “small”—medium-sized European countries. We have had discussions on future membership with France and other EU Member States. We have the same discussions as in the EU. What would it mean for the organisation to include the bigger states? The discussions on membership are ongoing.

**Lord Tomlinson:** The other point organisationally is this. Roughly, what is the difference between the contributions of member states to your budget and the EU contribution? What is the order of magnitude?

**Ralph Genetzke:** Overall, the major donor is the European Commission. I could provide the figures afterwards because they are in our official report. Our member states contribute only to the core budget, by which I mean to the running of the organisation. But especially the operational budget is funded entirely by external resources or additional resources from our own member states. We are what is called a project-based organisation.

Q342  **The Chairman:** That is very helpful and I think we have a clear picture. Perhaps we could start with a general question about the experience of your organisation so far as to the working of the Global Approach. Has it been an effective initiative for facilitating the EU’s aims on the external dimension of migration policy?

**Ralph Genetzke:** The first thing is to look back to 2005 and note that it was not a development of a pre-existing policy but a new policy initiative. We can say now that it has developed into a well-established policy framework. When people refer to the external
dimension of EU migration and asylum policy, the GAMM is the reference point. In policy development terms, that is interesting. It is not something that has been lost over the years; it was put on to the agenda from heads of state level down to working group level and has developed into the prime reference point for the external dimension of EU migration policy.

The second important aspect important is the need to question whether it is effective. The question probably applies to any policy of the EU in relation to third countries, as we also have to consider the internal effect of the policy. We need to consider it in terms of co-ordination of what had previously been bilateral policies, so there is always this dimension. It is not only about setting the agenda with a third or partner country in terms of whether to negotiate readmission, visa liberalisation or facilitation; it is also about actually providing a coherent framework for the policies of the EU Member States. This type of question is interesting but the problem is how to measure these difficult aspects. We would say that we have seen an impact with the Commission as the driving force in terms of discussions in the Council and, for instance, in the high level working group. Our assessment is that, yes, in that sense it has provided a coherent framework.

From our position, as I said at the beginning of my remarks, we attach great importance to the building up of partnerships with third countries and would argue that there is no real alternative to the approach that has developed over time. In general, that is a rather supportive appreciation of what has been done. It has mainly had an impact on how the Commission and the EU as a whole want to work with third countries. It is certainly difficult to say, “Here is the policy and here are the direct effects of it”, but with migration issues generally it is not easy to do that.

Q343 The Chairman: What is your view of the Communication we are looking at, which is of course a forward-looking communication in an effort to set out the broad direction of policy for the next few years?

Ralph Genetzke: It is interesting to look at the changes between this Communication and what has happened in the past. First and foremost is the introduction of the pillar on international protection. That is very important and reflects both the reality and the need. Also, the language that is now used around migrants’ rights and so on is a good reason why it was not included in the first one in 2005. One has to say that the time was not ripe for that kind of language to be found acceptable. That has all changed so that now, in 2012, the language is accepted. With the four pillars, as I say, it now points towards the future. The agenda is set. Personally, I find it difficult to imagine many more areas that need to be singled out for debate, and that also relates to when people ask whether we need more changes. We would say that, no, we do not need more changes because they were made after extensive consultation last year, so now is the time for implementation and a period of continuity. It could be argued that when you say something is comprehensive, you no longer know whether it shows the way forward. However, from our point of view, the need for this type of approach is evident. It reflects the dialogue with third countries over the years since 2005, but with the changes I have mentioned which are integrated into this Communication. They are important and should not be neglected, especially those on international protection.

Q344 Baroness Prashar: May I press you a little further? Generally, you think that this is a good policy, but can you tell us which elements of the Global Approach have been the
most effective and which from your point of view have been the least effective? How can the 
EU manage to deal with the very strong pressures from third countries, in particular on the 
southern Member States?

**Ralph Genetzke:** I would say that we do not need major changes because it is now time for 
implementation. One strong element of the whole policy is dialogue—dialogue at the 
regional level in the south and the east, but also expanding out to Latin America. That is and 
has to remain a pillar, and I would say that it has been successful or at least useful. Again, it is 
difficult to measure. What do we mean by “dialogue”? Does it mean that a number of 
meetings have been held? That is not a good way to measure success, but let us look at, for 
example, how we have facilitated what is known as the Rabat process with north and 
western Africa. When we look at the tone of the discussions and what can be discussed 
now, it is clear that back in 2005 we could not discuss international protection and asylum 
issues; now we can. So as a pillar for further work, the dialogue element certainly remains 
important and has, I think, been truly successful.

Over the past few years there were sometimes difficulties in what I would call the world of 
migration practitioners. They were putting out all sorts of concepts like co-operation 
platforms. They discovered to some extent the world of development co-operation and 
considered it to be a sort of quick-fix solution. That is something which everyone must 
realise is just not possible when we talk about migration. The quick fix might correspond to 
political priorities, but the need for sufficient time to be taken is the eternal dilemma of this 
policy. We can see at the moment that, in the discussions with Tunisia and other countries 
on partnerships, there are requests for more time from those countries. That can be difficult 
to accommodate.

On the individual so-called instruments and in terms of the Communication, when you come 
from a development background or a co-operation background, people talk about capacity 
building. Much work has been done and there is a great deal of experience of how it can be 
done which can be taken into consideration when it comes to migration issues. It is rather 
on the instrument than on the general approach where one can probably argue about 
whether something was useful or not useful. I would link that to the need to establish a 
policy over the years since 2005 in terms of concepts and putting a label on certain things so 
that everyone knows, “This is what we want to do”. However, I would mention that, on the 
co-operation platforms, we wonder about the substance of them.

Q345 **Baroness Prashar:** Does the dialogue assist with the pressure from third countries 
in the southern states, in your experience?

**Ralph Genetzke:** You relate the pressure to the southern Member States—I would say that 
the impact is also there for the whole EU when you look at where people go. When it 
comes to the external dimension, if we say that we want to co-operate with these countries, 
dialogue remains the foundation. There is the aspect of time. At the beginning of the year we 
had announcements that the European Union would quickly have partnerships with certain 
countries. We have seen now that speed is not possible. If you want to go down this road, 
you have to take the interests of partner countries more into account. The challenge for the 
GAMM as a specific policy framework is for migration policy to be firmly embedded in the 
overall foreign policy—as the GAMM claims to be. The aim is still to support the stabilisation
and democratisation of countries. The European Commission should be careful to design and balance EU interests with the interests to stabilise countries after the crisis in the south.

Q346 Baroness Prashar: You talk a great deal about the way you facilitate exchange and dialogue, and that is one of your objectives. Do you measure the outcomes of the dialogue that you initiate and are the lessons learnt from that process communicated to the EU?

Ralph Genetzke: The dialogues that we facilitate include the Rabat process, and the Africa-EU Migration, Mobility and Employment Partnership; that is to the south.

Baroness Prashar: Are you involved in that?

Ralph Genetzke: Yes, towards the south. These are the official ones mentioned in the Communication and then there is a support project for both dialogues, which we are contracted with partners to facilitate. The exchange with the European Union is always given. In the east, it is mainly the Prague process and the Budapest process. The main lesson learnt is that there is always a need to question the dialogue and to adjust and develop it further. We see that at the moment with the Rabat process, which all the countries agree has been very useful. We had a third ministerial conference but we have to look at implementation of the commitments that ministers took. It follows the same curve as the development of the global approach. You have to establish it and at some point you have to focus on continuity and implementation—there is no need for big new things or to reinvent the wheel. It is really about the implementation of commitments—or to readjust them, which we did ourselves when we got to the Budapest process a few years ago, which involved a very big group of states. Also there was the Prague process in the east and people said, “Where is the co-ordination? Do we not have to adjust?” The Budapest process was adjusted and refocused on certain priorities. You could write a thesis about that. You see it in the development of each and every dialogue, from the political down to the more technical aspects.

Q347 Lord Tomlinson: I am still struggling with organisational things. We have these three processes: the Rabat process, the Prague process and the Budapest process. Where does ownership of these processes lie at the European Union end? Does it lie with you at ICMPD or with the Commission? In those processes, what is your relationship with the Commission? I am looking for the ownership of processes and I cannot quite find it at the moment.

Ralph Genetzke: The ownership is certainly not with ICMPD. We are the facilitator, mainly at the technical level. When it comes to the formal relationship with the European Commission for these processes, when there is a project to support the activities, we are the contractor of the European Commission. That is the technical part. In terms of ownership, it depends on the process but it should definitely be a joint ownership between the European Commission and EU member states. It probably reflects the general institutional setting that often the European Commission is the driving force. For example, with the EU-Africa partnership, the Commission is the interlocutor, together with the African Union Commission. Whether they are they formally mandated or not, it depends, but it should definitely be a joint ownership and it only works if there is joint ownership. If the member states are not around the table, to provide expertise and so on, the partner countries will think, “To talk to the European Commission, we can go to a meeting in
European Commission; European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); International Centre for Migration Policy Development (ICMPD); International Organization for Migration (IOM); and the UN High Commissioner for Refugees

Brussels and we do not need anyone else”. That is certainly a challenge in how to construct activities and in the financial constraints for administrations: do we need lots of meetings? To give a sense to the dialogues, there must be a shared responsibility on the European side. For us, the role is facilitator. It differs in the dialogues. Sometimes we are asked for a lot in terms of providing input or carrying out research, and in other dialogues some member states have a particular interest and take the lead more. It is very much at the request of the Commission and EU Member States as to how we are involved.

Q348 **The Chairman:** So you are providing the outsourcing of something that might be done in-house but it is felt that you can provide greater expertise.

**Ralph Genetzke:** I would not say it is that different from any other project. The European Commission has two ways of advancing its policies: policy development and funding. Here it was judged useful by the EC and Member States to support the dialogues through a project to facilitate meetings, organisation, research and so on. I would not call it outsourcing but that depends on whether it is a competence or responsibility that should have been assumed beforehand by the European Commission.

**The Chairman:** What I meant by “outsourcing” that the policy input comes from the European Commission and you are an agent of the European Commission carrying out the policy that it identifies—or is that too restrictive a view?

**Ralph Genetzke:** The European Commission view is that we have to play a neutral role. In all of the processes, there is the other side, which would not appreciate it at all if we defended only European interests. It depends on the institutional setting. For example, the EU-Africa partnership has a firm institutional setting with the African Union Commission on the other side. So we facilitators have to play a neutral role where we take the different concerns into account and very often our advice is on where to find common ground. With the resources that we receive, we can explore the technical issues more deeply, and we do not have the label “EU” on our head so that we can establish other relationships with the different stakeholders to explore the ground and then provide advice—to all those involved, even if we are the contractor to the European Commission.

Q349 **Lord Avebury:** Can you give us an example of something that is dealt with, say, through the EU-Africa partnership that works better than if you had a bilateral relationship between a particular African country and the Commission?

**Ralph Genetzke:** What we have noticed again and again is that, even though everybody would probably say that there is a lot of exchange between countries or institutions, it is not happening. This year, for instance, we organised the first meeting, within the framework of the partnership, between the African Union Commission and the regional organisations in Africa, which are normally seen as the pillars of the African Union. On migration matters we have noticed that between those who all share the same concerns in terms of promotion of regional mobility and so on, very little is happening. In terms of the exchange of information and best practice among the countries involved, with the European side very little is happening. This is the added value. Of course, I would say that this type of dialogue is not necessary for a particular country if it is interested in discussing something with the European Commission bilaterally. But a country in Africa or Eastern Europe might also want to show leadership on a certain topic and put something on the agenda that is not
immediately part of bilateral negotiations. When you put something on the agenda with the EU, you are very often immediately in a negotiation framework. With a dialogue, that is not the case.

**The Chairman:** You brought together ECOWAS, IGAD, SADC and so on, did you?

**Ralph Genetzke:** Exactly.

**Q350 Lord Avebury:** What did you achieve in practical terms that could not have been achieved in other ways?

**Ralph Genetzke:** With this type of meeting, you have to do research first and finalise it afterwards. That is our work. We provide recommendations and evidence to our political masters in the African Union Commission and the European Commission. We say, “These are things that you can look at now when you do the programming for 2014 onwards, for financial instruments.” That is one example. The EU-Africa dialogue this year is interesting. We have just had a meeting on international protection, and we had one earlier this year on the rights of migrants. A lot of people feared that this would be very controversial, but it was not. It was a very sound and well balanced discussion of issues of substance. I fully understand the questions about concrete next steps; I ask them myself. For the EU and Africa, when you look at the scope, we have to limit ourselves to providing input for one side—the programming side. Also, at the end of next year or at the beginning of 2014, there will most likely be a new EU-Africa summit. EU Member States will have to define whether migration, mobility and employment issues should play a role again there, and whether there should be a special action plan. Our input there is more on the policy development side.

**Lord Avebury:** Where are the recommendations that you made as a result of the meeting with IGAD and ECOWAS?

**Ralph Genetzke:** They were all made public. The report was written; there is an official website on the EU-Africa partnership as a whole. Part of our job is also to put everything on the website once it is finalised.

**Lord Avebury:** Could you give us a reference to that and send us the link?

**Ralph Genetzke:** Sure.

**Q351 Viscount Bridgeman:** I would like to follow up Lord Avebury’s question. When have you been able to produce the greatest added value in any of these negotiations? Was it with the African Union?

**Ralph Genetzke:** Each dialogue has its own history. East and south are difficult to compare. For ICMPD, the greatest added value that we can achieve is trust building between countries. Again, how can you measure it? It is very difficult. That is why I said that in the Rabat process and in others, the way things were discussed was totally different. We are now doing a project on border management in West Africa. A few years ago, probably everybody would have said that this was purely an EU interest and that it was imposed. We

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6 The Economic Community Of West African States  
7 The Intergovernmental Authority on Development  
8 The Southern African Development Community
European Commission; European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); International Centre for Migration Policy Development (ICMPD); International Organization for Migration (IOM); and the UN High Commissioner for Refugees

see now that that is not the case. African countries tell us that it is in their interest to have the expertise to manage—not even control—their borders. I would insist on trust building as my answer.

**Q352 Lord Tomlinson:** I recognise the importance of trust building. When you have played your role in building trust, there then has to be the much more pragmatic process of making decisions, which will be taken by the EU rather than by you. How does your trust-building process, which involves a minority of EU Member States plus a number of aspirant EU Member States but excludes the majority of EU Member States—when it comes to size, the overwhelming majority—translate into pragmatic negotiations? Or do you just say to the Commission, “That is your problem now”?

**Ralph Genetzke:** We do the trust building for the dialogues. We do not do the trust building for the member states of ICMPD. As you say, some are in the EU and some are not. At the moment, that does not matter much. Our member states give us each year a mandate to carry out our activities. Some member states are certainly not interested in EU-Africa relationships; they are much more interested in the east. That is very clear and we know it. The trust building that we provide is for the countries participating in a specific dialogue. If the European Commission, as a key stakeholder, wants to benefit from it and refer to it, we might find it a useful forum to explore something—but it is for the Commission to follow up.

**Q353 Baroness Prashar:** You said earlier that you were a project-based organisation. The European Union funds you to help you to build trust. In contracting work to you, it must have certain conditions and outcomes that it wants. Can you specify, for example in the dialogue that you have in the Africa partnership, what the specified outcomes were? The EC is normally quite particular in the way it gives money. What were the outcomes that it expected from that project?

**Ralph Genetzke:** Yes. I am just trying to remember the outcomes from my project document. I can refer to the specific objectives; at the moment there are three. The most important one is to provide an open platform for discussion and exchange. It is very broadly formulated. When you look at the nature of the project, you see that it is certainly not a classical project in terms of the many changes that we made. You referred to outcomes: I would also list outputs. We had a number of meetings and so on. In terms of outcomes, the main one was that we provided a framework and a platform for an open discussion. This year, the rights of migrants and international protection can be discussed. It then depends on those who participate to decide whether they want to test the ground for some other initiatives. In terms of outcomes, that is the most important thing.

**Q354 Lord Judd:** Following on from the previous question, I am tempted to ask whether you would argue that part of the effectiveness of your work is simply because you do not have the big players on board, that this gives you more freedom to think. To put a slightly different perspective on Lord Tomlinson’s question, would you agree that the EU has been slow to learn that policy in all sorts of areas cannot really be successful simply through negotiation with the managers? These policies involve lots of other people and they have to
be owned widely, as Lord Tomlinson said. Therefore, it is not just a matter of how to move on to the implementation with the trust you have been building, but how on earth can you have an effective, sustained policy if you have not built trust alongside the formal agreements?

**Ralph Genetzke**: I agree. It is useful that we are a—not small—medium-sized organisation. We are not a normative organisation. We do not have a specific mandate or represent global interests. Our mandate, first and foremost, is to assist our member states and focus on implementation issues and—we have it in the name—contribute to policy development. There is nothing for anyone to fear. Especially for the dialogue, it is recognised that we are a European-based organisation in terms of the contributions that we make. But it has to go in parallel. The European Commission is doing its own work with partner countries on the preparation of negotiations, with a lot of time and investment and so on. As we have seen in many cases, it can be very useful to have that in parallel. We are building trust and engaging with people at the technical level. Very often we are contracted by the European Commission, which continues the strand of the discussions at the more political level.

Q355 **Lord Judd**: I see a potential contradiction. You keep emphasising how you are a European-based organisation and the need to build trust and wider commitment, which is good news to my ears, but I do not quite see how these lie easily alongside each other. Surely, if you are a broker and a facilitator, you want to bring the views of other people on board, not just the European view.

**Ralph Genetzke**: Yes, that is certainly true. We would have to consider what we mean by “a European organisation”. We adhere to the values of Europe in terms of democratisation, freedom of speech, rights and so on. Does that mean we defend by all means any stance put forward by European countries? We know what is happening in Europe, we know the political discussions, we know the difficulties and we are able to explain them. There, we are an organisation which would not take a position on certain topics. Our own members would not like to see that from us. We do not have a mandate to express a clear opinion. So far you have not seen a statement from ICMPD on the proposals of directives, for example. We would do so in terms of well-balanced academic evidence and research, but not in political terms.

**Lord Judd**: You would agree that there is a difference between winning people over to the European point of view and policy and ensuring that that policy represents a wider view than the European view alone.

**Ralph Genetzke**: Yes. There our contribution is that we know what the European point of view is and we can explain it to our partners in Africa and the east.

**Lord Judd**: That is the problem. You use the word “explain”.

**Ralph Genetzke**: I use it deliberately.
Lord Judd: I am very interested in what you are telling us because of my personal background as a director of Oxfam. What other principal organisations do you work with in Europe apart from the formal EU Institutions? Which institutions associated with the EU do you work with very closely? For example, how do you work with the Global Forum?

Ralph Genetzke: I do not know if it is defined somewhere but you rarely find a project or initiative from ICMPD where we do not have partners. We are too small to cover the issues with which we are tasked. Putting it broadly, migration is too complex to deal with it on your own. We have positive relationships with many countries—including the UK, with the UK Border Agency—which are not part of ICMPD, such as the Netherlands and Finland, where we have a very long-lasting relationship in terms of funding but they have chosen not to be formal members at the moment. That is also an option.

Lord Tomlinson: So is the UK Border Agency is part-funding you?

Ralph Genetzke: We have had projects in the past which have been ad hoc arrangements. We have co-operated with probably all the European Member States by now, in one way or another; some have been longer-lasting relationships, some have been a more funding relationship, others as part of the dialogue. That is the member states. We also co-operate with the International Organisation for Migration within the framework of projects.

Lord Judd: How do you co-operate?

Ralph Genetzke: Either through exchange, with both of us involved in a dialogue—but let us move away from the dialogue—or we are requested by a donor to join forces and to work somewhere. For example, we will be partners with the IOM, which will be in the lead, and the International Labour Organisation to support ECOWAS in West Africa for a €26 million project funded by the European Union. That is a very nice example where they say, “Let us avoid the competition but let us ask these organisations to join forces”.

Q356 Lord Judd: Because of the life I have lived, I am aware that in this whole area of migration, including the social and other implications, there are a great number of dedicated, first-class people working outside the formal governmental structure in front-line organisations all over the world dealing with the real issues of the people who are the subjects of all this deliberation. How far do you co-operate with the people who are really the practitioners—the non-governmental organisations and the rest—who are crucial to successful migration policy?

Ralph Genetzke: It depends on the topics. The best example I can give is our work in the area of anti-trafficking, in which we deploy what I think is our biggest team. If you want to work on the fight against the trafficking of human beings, wherever you are, you have to work with the non-governmental organisations. There is no doubt about that, even for intergovernmental organisations. That really is standard practice. Another example is that there is a project, again funded by the EU, to set up a European-wide African diaspora platform. The lead has been taken by a diaspora organisation in the Netherlands, with AFFORD in the UK also being a part of it. There is also a French organisation. We are there as a partner on the formal management aspects. We are clearly not a diaspora organisation, and certainly not in Africa, but we are there to perform certain roles mainly with regard to the implementation of the project. So it depends on the topic: yes, we are an
intergovernmental organisation and this is probably our first point of entry but, depending on the topic, if we want to claim that we implement good-quality projects or initiatives, as you say, we had better look at who are the real practitioners, and if the real practitioners are not in the government institutions, we are more than happy to offer research or whatever to small non-governmental organisations in order to co-operate with them. Would you like to me talk about the Global Forum⁹ as well?

**The Chairman:** Yes, please.

**Ralph Genetzke:** I will turn to the Global Forum. We are part of the various structures that exist around the Global Forum. Such as the friends of the Global Forum and others that assist it with regard to how it is managed. Over the past years we have been continuously involved, especially with regard to one round table on policy coherence and on data—that is, the evidence for policymaking. That has been one consistent strand. Last year, when Switzerland was in the chair, we had one staff member from our Vienna headquarters seconded to the Swiss authorities to work with them on the global forum. That meant that we were closely involved with the Swiss chair. This year we are involved again, as are other organisations, in commenting on the preparatory work. Sometimes we are also asked to provide input for the preparatory work from our member states. As I say, we were closely involved last year with the Swiss on the preparatory work.

Q357  **Lord Avebury:** Briefly, can you tell us what the ICMPD has done in relation to the links between migration and development, and whether you have any future projects in the offing that could be linked to the Global Approach on Migration and Mobility in that respect?

**Ralph Genetzke:** I have already mentioned one project that we are involved in, which is the diaspora platform, which has been developed for us over the past two years. Another project is less visible with the Swiss development co-operation agency which aims at providing input for its policy development and thinking on the nexus of migration development. Also, we have now held for the fourth year running a contract with the European Commission, DG DEVCO, to support it on various issues. This year the support we provided was for what I would call the thinking on migration and development. It is very much conceptual work. You can see from the staff working paper which came out with the Communication that a mandate was given to the European Commission to continue its reflections on migration and development. We are looking more deeply at what are called the bigger topics, such as the economic burden of migration. What does migration really mean for the overall development of a country? We work through a small contract to organise round tables with government officials, practitioners and researchers to provide input into the reflections of the European Commission.

I could mention dialogues and other more concrete aspects. What is interesting about migration and development is that it depends on how you define it and how far you go. Personally, I would say that if we implement border management initiatives, and if we implement the future project in ECOWAS with the IOM and the ILO, a major part of that is on border management, I would say that it is all about governance and regional mobility. For me, it is about migration and development. Development is not only talking about remittances, diaspora, brain drain and so on. They are very important topics, but what is

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⁹ Global Forum for Migration and Development
more interesting at the moment is the effort to broaden the debate and look at what are the real development impacts for countries.

**The Chairman:** Thank you very much. You have been generous with your time and I think that we have learnt a lot. This session has been very useful to us. Thank you for coming along.

**Ralph Genetzke:** Thank you for giving me the opportunity to speak.

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**Examination of Witness**

**Bernd Hemingway**, International Organization for Migration

Q358  **The Chairman:** We will now switch to another intergovernmental organisation. Mr Hemingway, welcome and thank you for coming. This Committee is taking evidence and producing a report on the Global Approach to Migration and Mobility, and in particular on the Commission’s latest Communication, which it produced earlier this year and on which the Council has now drawn some conclusions. We are reaching out to take evidence from a whole range of people. We are right at the end of our evidence taking and will produce a report before Christmas to the House of Lords. We have taken evidence from the Commission, the European External Action Service, the European Parliament, our friend here and lots of academics, government officials and others in the UK. It is very helpful to have an opportunity to talk to you. Perhaps you should not assume too great a degree of knowledge of the IOM, so when you have a chance to respond you could say something about how the IOM works and how it is situated in relation to the United Nations, of which of course it is not part. That would be really helpful.

First, I will go through a couple of routine points. A verbatim transcript of your evidence will be taken and put out on our parliamentary website. Within a week of this evidence session you will be sent a copy of the transcript to check its accuracy. We would be grateful if you would advise us of any corrections as quickly as possible. If after the session you wish to clarify or amplify any points you made during your evidence, or if you have any additional points to make, you are welcome to submit supplementary evidence to us. It would be a great help if you could introduce yourself and your organisation. If you want to make an opening statement, that would be fine. If you want to go straight to questions, that would be fine, too.

**Bernd Hemingway:** First, thank you for inviting us. It is a great honour that you take such an interest in migratory issues, because at this time they are very prominent on the European agenda. It is interesting that the International Organization for Migration is probably one of the least known organisations of our size in the international community. We have been around since 1951. We were created by Europeans and Americans to respond to migratory flows after the Second World War. We are basically a sister or a cousin of the UNHCR. While the UNHCR deals with asylum and refugee questions, the IOM was tasked with dealing with migratory flows, in particular from Europe to North America and also to South America. That was how the IOM was created. We now have 146 member states.

Our headquarters is in Geneva. We have a very small headquarters with roughly 300 staff. We are headed by an elected Director General and an elected Deputy Director General.
Around the world, we have something like 8,000 staff in 400 locations. That is the advantage of the organisation: we have a very broad footprint globally. That is important because that is where migration takes place; we are able to respond to migratory questions where they come from. We are present in countries of origin, countries of transit and countries of destination. That is important for us. Later we will discuss migration and development. One of the advantages that we have is that we are also in developed countries. When we talk about migration and development, we talk a lot about diaspora. We have the context of the diaspora, which is in the countries of destination. It is important then to use their knowledge for development issues.

Our organisation has 400 field missions around the globe. To manage those missions we have in total eight regional offices. We have two in Latin America: one in Buenos Aires and one in Costa Rica. We have three in Africa: one in Pretoria in South Africa, one in Dakar in Senegal and one in Cairo. If our member states agree, we will open a ninth one in Kenya to respond to the migratory flows from the Horn of Africa. The flow from the Horn of Africa to the Arab peninsula and then to the European Union is very important. We have two regional offices in Europe. Our office in Brussels covers the European Union and the European Economic Area. I head that office as a regional director. We have a regional office in Vienna that covers the eastern part of Europe and central Asia. We have an office in Bangkok that covers the whole of Asia in terms of management. That is my introduction. If you have any more questions about the functioning of the organisation, please feel free to ask.

Our relationship to the United Nations is that we are very much affiliated to it. We are not a UN specialised agency. So far, our membership has been under the impression that the operational advantages of having an organisation outside the UN system that can react quickly and is not bound to political issues—it is less political than probably it would be inside the United Nations family—is very positive in terms of reacting to different migratory pressures around the globe. We are not bound to a big decision-making process but are able quickly to respond. Around the world, we are part of UN country teams. When the UN country team meets heads of agencies here in Brussels, for example, I am part of the UN country team. We work closely with other agencies. Our Director General is part of the Global Migration Group, where all the UN heads of agencies come together to discuss migratory issues. Basically we operate under the same administrative system as the United Nations. We are part of the United Nations security system and pension fund, and we have the same salary scale. We look a little like the United Nations. I would say that sometimes we take the positive parts of the United Nations while being a bit more operational and able to respond.

I will add something about our relation to the European Union, because that might be helpful. We have a strategic partnership with the European Commission and the European External Action Service. We operate a lot together with those organisations in the area of migration management. We basically operate inside the European Union with regard to migration management. A major part of our co-operation with the European Union is on the so-called external factors of migration management. The Global Approach to Migration and Mobility is one of the pillars on which we are creating our co-operation. We are also increasingly working with the European Parliament, which is developing a more important role in the area of migration, and with EU Member States in their gatherings in the Council.
We have been invited by the Justice and Home Affairs Council to Cyprus to brief Ministers about the happenings in Syria. We have been invited on several occasions to brief Member States on what happened in Libya. One aspect of migratory issues is related to asylum and refugees, but more and more what we see is that the migratory part of the flows is, at least in quantitative terms, the bigger part.

Q359 The Chairman: Thank you very much for that extremely helpful introduction. Could you carry on from there and say what your experience so far of the Global Approach has been in the past and your view of the recent Communication from the Commission setting out the approach for the future? Has it been broadly speaking an effective initiative for facilitating the EU’s aims in the external dimension of migration policy?

Bernd Hemingway: That is, shall I say, a very wide-ranging question, which could require a lengthy response. We have been working with the European Commission since the outset of the Global Approach to Migration and Mobility and we have been consulted extensively both on the Communication and the onset of the Global Approach. From the outset, it is our belief that the balanced approach of the Global Approach to Mobility and Migration is the right way to go. It will bring together the issues of legal migration, irregular migration and migration and development, and now in the new Communication asylum questions are also to be brought on board. All this will be looked at from a comprehensive point of view. The question is whether it is something that brings advantages or something that is already under implementation. How do you measure and maintain the balance between the three or four pillars of the implementation? When we talk to migrants, the perception remains that it is all about the fight against irregular migration. They perceive the European Union as being most interested in and supportive of that pillar.

What we can also see is that of course the economic crisis has had a tremendous impact on even holding a discussion about labour migration, which is a part of legal migration. Perhaps I can come back to that later, because for the time being the majority of legal migration into the European Union is family reunification. What we see is a predominance of what could be called social migration into the European Union. What we consider to be of equal importance, especially in times of economic crisis, is what might be called economic migration. You have to evaluate what level of migration is needed for economic growth because migration is an economic factor that you are able to manage and influence, and thus you are able to show how interesting a region is. However, that is difficult because, in the end, the GAMM is a policy instrument that has been put in place, but what is important is that we are now able to implement these issues by bringing them together and giving them equal visibility.

Being media driven as well, we focus closely on the fight against irregular migration. That is because of the public perception of migratory flows across the Mediterranean Sea. It is seen on the television and published in other media, but it does not reflect the reality. Irregular migration is comprised mainly of visa overstayers; that is, people who arrive here without visas and then just stay. I fear that we have failed to address this because we are so closely focused on the irregular migration associated with the Mediterranean. We need a slightly more balanced approach in this area.

If the Global Approach to Mobility and Migration is to be successful, a number of counterparts from different policy areas need to be involved, and I perceive that we are still
at the beginning of the process of involving them. We need not only the ministries of foreign affairs, but also the development co-operation input. People need to buy into a migratory process that is beneficial to development, but for the time being there is still a rather more defensive approach to migration on the development side because it is seen more as a question of policing it rather than using it in terms of development co-operation.

My last point goes back to economic migration, or legal migration. Such migration is very difficult to discuss at this time, in particular with Member States. In the view of Member States the labour market does not allow, at least publicly, the promotion of labour migration. From my perspective, again, you have to manage migration with regard to needs. Migration can have a positive impact on economic development and therefore it should be seen more positively in that respect.

Q360 Baroness Prashar: I would like to have your perspective on which elements of the Global Approach are the most and the least effective. Also, what changes would you like to see?

Bernd Hemingway: The most effective element is probably still the fight against irregular migration. It is a scheme that has been developed over several years and the mechanisms are all in place. We have in place Readmission Agreements that we now try to implement together with our member states on both sides of those Readmission Agreements. We have a well functioning return policy system in the European Union. Return is part of managing and preventing irregular migration.

The second element is extremely promising: migration development. There is a lot happening in parallel to the Global Approach to Migration that seeks to promote migration development. We have the Global Forum for Migration and Development that puts in place inter-state co-operation, and we will have the high level dialogue at the end of 2013, for which member states are already preparing. A great deal of consultation is taking place on what can be the input of migration in development terms. We are certain to get a lot more global political guidance with regard to migration development.

Also at the European Union level it is clear that the discussion is developing and we are getting a fair way along with this. As I have said, legal migration is potentially the most difficult issue to discuss, given the economic situation we are in. I am following closely the legal developments in terms of inter-corporate transferees or the seasonal workers directive. We can see how difficult it is when from the outset something that seems to be straightforward and easy then becomes very difficult to agree. That demonstrates the overall perception of how to deal with legal migration. To reach more of a balance between the pillars is, I think, very difficult. That is one of the areas where things are working less well.

Q361 Baroness Prashar: How best can the EU manage to deal with the strong pressure of migration from third countries to the southern states? Do you have any observations to make about that?

Bernd Hemingway: The best way to fight irregular migration is to ensure that there is a fair share of legal migration. We have seen good examples of that between, for example, Tunisia and Italy. The Italians set a quota for Tunisian immigration, and basically illegal migration from Tunisia to Italy more or less stopped. I am not talking about open borders or no borders, but I think that the potential of legal migration is something that can help us with
the pressures in this area. What can also help is something like the seasonal workers directive. It would help if you were able to hold a visa that allows you to return for several years. That is because once you are an irregular migrant in the European Union—it can cost between €7,000 and €10,000 to be smuggled from sub-Saharan Africa to the European Union—you cannot afford to leave again. Even if you would like to leave after you have finished your seasonal work, you will not leave. You have to stay because you could never afford to come back. So letting people hold a visa that allows them to return year after year, so long as they adhere to all the regulations that are in place, is one of the better ways of dealing with these pressures.

Then, of course, we have to deal with development in the countries of origin. The reason for people migrating is labour. The most important economic factor for them is the availability of work and the difference in the money they can earn. For example, in the countries of northern Africa, 50% of their populations are under 25 and to a large extent they are well educated. You can imagine how much interest there is in coming to the European Union for work. We need to work on labour markets in the home countries and on systems that would allow them to move backwards and forwards in a more organised way. That would certainly help to take away some of these pressures.

Q362 Baroness Prashar: You said earlier that the seasonal worker issue was more difficult, but is there an appreciation in the EU about the link between legal and irregular migration?

Bernd Hemingway: Yes, there is an appreciation that there is a link. In reality, politically it is very difficult to sell. As a politician, you want to be elected again. In most cases, migrants are not allowed to vote. You have to cater for your domestic voters, and your domestic population is the one that is unemployed. You have to find a balance in how you bring migration policy forward, in particular labour and legal migration issues. Of course, the media play a big role in how these issues play. One of the most problematic issues is that very often the media or certain political groups argue about migration on a very emotional level, whereas we answer on a very technical level. Basically there are two levels of communication that do not meet and the public are bound to listen and be open more to the emotional arguments than the substantive technical arguments. We have to close the gaps. I have not found the answer yet, but for sure this is something that we have to find a way to do.

Q363 Viscount Bridgeman: Mr Hemingway, you very kindly answered the question that I was going to ask about the Global Forum: you are very closely involved with it.

Bernd Hemingway: Yes.

Viscount Bridgeman: I have two simple questions. Do you have a parent body under which you operate, and how are you funded?

Bernd Hemingway: We are very much involved in supporting the Global Forum. For us as an international organisation, it is a balancing act because it is a state-owned initiative, which we respect and honour. On the one hand, we want to give support to our member states and the owners of that process but on the other hand you do not want to be seen as somebody who wants to do an unfriendly takeover of the process. This is the balancing act and for the time being it seems to be working out. We support it very strongly. We host the
secretariat of the Global Forum in the IOM without being politically involved in the running of the secretariat, but we try to be very forthcoming to its requests. Our governing body is the IOM Council and there we have representation of the 146 member states. It meets at least once a year, usually twice a year. It gives us the guidance in which direction migration should go. It has changed over the years, which is quite interesting, because the majority of the countries that are now member states of the IOM are also developing countries. Of course, that puts migration and development very much in the forefront of discussions. Please would you repeat your second question?

**Viscount Bridgeman:** Is it the member states that fund you?

**Bernd Hemingway:** Yes. That is one of the differences between us and the United Nations. Last year we had a budget of $1.3 billion. Only 5% of that comes from assessed contributions of our member states; 95% comes from voluntary contributions from member states, which they give us to run operations. That is sometimes a hassle for us because it is very difficult to keep a core structure in place that manages such a complex issue and such a wide presence around the world. On the other hand, it has the advantage of being very close to the demand. We have to remain operational and we have to be able to respond to requests from member states and migrants to implement the operations that our member states want us to do.

**Viscount Bridgeman:** In that respect, you are more like UNDP than a UN agency.

**Bernd Hemingway:** Yes, we are very much an operational agency. For example, I have 95 staff in Brussels and only 20 of them are policy people managing the 25 missions that are reporting to me, and 75 people are operational people.

Q364 **The Chairman:** Broadly speaking, which 40 or so countries are not members of the IOM?

**Bernd Hemingway:** Our big headache is that China and Russia are not in, although they are observers of the organisation, and we have a mission in Beijing and a mission in Moscow. But they are not members of the organisation. Then there is a wide range of countries.

**The Chairman:** During the Cold War none of the communist bloc was a member.

**Bernd Hemingway:** That was one of the issues, that the IOM was seen as supporting western interests. That has to be overcome. By now, we have a global footprint.

**The Chairman:** With the end of the Cold War, most of the smaller countries in the communist bloc ceased to be in the communist bloc and joined the IOM, but Russia and China stayed out. Is that right?

**Bernd Hemingway:** Exactly.

Q365 **Lord Tomlinson:** Do either of them make voluntary contributions?

**Bernd Hemingway:** Not really, no. But they benefit from our presence and our activities there. For example, we have a big programme in China financed by the European Union to
European Commission; European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); International Centre for Migration Policy Development (ICMPD); International Organization for Migration (IOM); and the UN High Commissioner for Refugees

do capacity building in migration management, which is very much appreciated by the Chinese Government.

Lord Tomlinson: Not appreciated enough to pay for it.

Bernd Hemingway: No.

The Chairman: If you asked them to pay for it, what would they do?

Bernd Hemingway: They would say that they have no budget availability.

The Chairman: Oh, really?

Bernd Hemingway: Yes, I think so.

The Chairman: There is not a great deal of credibility in that.

Q366 Viscount Bridgeman: If your contributions are voluntary, is there a temptation to concentrate on the projects that your rather bigger contributors are interested in?

Bernd Hemingway: We try to balance the approach. Of course, you have the big donors—the United States of America, the European Union and Japan are the biggest contributors to the organisation. By now, it is more balanced because of the number of member states, which makes the organisation have a more balanced approach because in the decision-making, if you are the United States of America or Luxembourg, you have one vote. That gives us a more balanced approach.

Q367 Lord Avebury: How do you think the GAMM adds value for Member States who are already participating in existing intergovernmental forums on migration such as the Intergovernmental Consultations on Migration, Asylum and Refugees?

Bernd Hemingway: The intergovernmental consultations came from a pure interest in asylum management and refugee management to the migration field, and that is the development over recent years. When you ask me about the advantage or the added value, in the first place it is a policy tool. It has stirred a lot of discussion in the member states about how to manage migration and how to address the external factors of migration. Traditionally, migration has been managed by Ministers of Home Affairs or Ministers of Justice in most of the member states. Even nowadays when you look at the organisational charts of the European External Action Service, you will not find the word “migration” in there. Although migration is a very important part of everything that we are doing with regard to external policies in the European Union, the European External Action Service has no dedicated service dealing with migration. That is still in the Directorate-General of Home Affairs in the European Commission. There is only one person in the European External Action Service dealing with the external factors. Where it adds value is that policymakers in a wide range of fields in the European Union—be it civil servants dealing with economic, employment and social affairs or their colleagues dealing with external relations in the ministries of foreign affairs and development, as well as ministries of the interior—have to broaden their view. This is a more comprehensive approach that touches on a huge number of policy issues and brings them together and forces policymakers and those who are implementing migration policy to work together. From that perspective, it has brought an added value as an eye-opener for people who do not traditionally work together to start working together.
Q368  **Lord Avebury:** Does the GAMM have an adequate mechanism for dealing with the larger regular flows from north Africa and the near East, which are partly of an asylum nature but partly to do with economic motivation for migration?

**Bernd Hemingway:** I do not know if the GAMM is the answer to everything and to each migratory flow we see. It was a great answer with what we did with Libya. Libya was a migration crisis. The number of refugees who had to leave Libya was small. The people who left Libya were labour migrants who went there to work, and because of the security situation they had to leave. In a couple of weeks, 800,000 left Libya and only 3% of them came to the European Union. That was a big success for co-operation. The interior humanitarian assistance people worked closely together to make funding available for what many people said was not a humanitarian crisis, but which was for us a humanitarian crisis because, if people get stuck in Tunisia and Egypt, after two weeks you will certainly have a humanitarian crisis. The process worked well.

Migratory flows are more complex. We talk of mixed flows of migration. Let us take Greece as an example. It is a big migration crisis in the European Union. From our perspective, most of the cases we see in Greece are economic migrants. They get stuck in Greece because their interest was to enter a Schengen country and to go further on to other countries of the European Union, not to get stuck in Greece. But we do not have migratory management mechanisms in place to respond to an internal crisis in the European Union. If that crisis had happened in Tunisia or in Egypt, the international community and international organisations would have gone in and responded to it. So we have an asylum system, which could be made functional, in place, but on the migratory part we are still far away from being able to respond to those mass situations. We are already seeing an asylum and refugee flow from Syria coming to the European Union. It is crossing Turkey, but is also coming by sea to Italy. We are also seeing the first migratory flows crossing North Africa via Algeria to Morocco and then trying to cross the Mediterranean Sea from Morocco to Spain. It is not the answer, but it makes the answer a lot easier because people have to start working together. That should be the added value of the Global Approach.

Q369  **Lord Avebury:** Do you think that GAMM should be extended to cover situations such as that in Greece and that any large-scale movement of people into a European Union country might be covered by some redistribution agreement, for example?

**Bernd Hemingway:** It is not a distribution agreement. Issues of burden sharing are sensitive. There are issues in favour of it and against it. There is the pull factor. If you arrive in Greece and the EU helps you to achieve what you wanted in the first place—namely to get to one of the EU Member States that are not Greece—I do not know if that is the best idea.

**Lord Avebury:** It depends on whether there are practical methods of sending people back to their country of origin.

**Bernd Hemingway:** There are. For the time being, our mission in Greece does no outreach to migrants for voluntary return. We have a list of 9,000 migrants who signed up with us to return voluntarily. It is just the availability of funding that stops us doing it and the problem we have in reaching the migrants. Once they come to us, there is no shelter or way to find them because many of them just live on the street. In answer to the first part of the question, the important thing is to bring internal and external factors together. The Global Approach to Migration and Mobility means that we look globally—not in terms of the Earth,
but in terms of the policy. We have to bring things together. Internal and external factors play an equally important role. We have a crisis inside the European Union. We have to look at how to put mechanisms in place. Unfortunately, for the time being, we do not have them, and I am looking forward to the Multiannual Financial Framework 2014-2020 when I hope we will be able to address crisis situations in the European Union.

Q370 **Lord Tomlinson:** How do you see the GAMM developing in the future? You have said what you do not think it will do, but how do you see any developments taking place? You have talked about the recent upheavals in North Africa, but in that there is the emergence of countries, such as Turkey and Morocco, as migrant destinations in their own right. Do you think the GAMM can cope with that?

**Bernd Hemingway:** The GAMM has to cope with it. It has to be open and assess different situations. Turkey and Morocco are very specific because they are countries of origin. Morocco may be at this moment, and then Turkey, but they are also mainly countries of transit. Their understanding is that the migratory flows that they are exposed to are because the migrants want to cross the country to get to the European Union. Now they get stuck at the EU border, so how do we deal with them? One of our proposals to support countries such as Morocco and Turkey is to build up their migration management capacity, to help them practically with the case load that get stranded there and help them with the voluntary return of those people because neither Turkey nor Morocco has the means to do that.

Q371 **Lord Tomlinson:** Can you in practice help with voluntary return when you cannot help your list of 9,000 in Greece?

**Bernd Hemingway:** We can do that.

**Lord Tomlinson:** I thought that money was preventing you from doing that for your 9,000 in Greece.

**Bernd Hemingway:** It is also preventing us from doing a bigger case load in Turkey and Morocco. The availability of funding to support the migrants is a very important issue. Countries such as Belgium and Spain support us with voluntary return from Morocco to third countries to avoid further irregular migration to the European Union, but we have examples inside the EU. The UK helps Greece to do voluntary returns from Greece to third countries to help it with its case load and backlog.

Q372 **Lord Avebury:** Why have they not helped with the 9,000?

**Bernd Hemingway:** They have helped with the 9,000. The funding we get from the UK Border Agency helps us to minimise the case load of the 9,000. For the time being, the case load is so big that as soon as we have managed a couple of thousand, the next couple of thousand come. Our current assessment is that there are 1 million irregular migrants in Greece. Before I came here, I read the press review from our mission in Athens. The political situation is terrible. There were riot police on the streets yesterday because there was an incident with migrant involvement in a part of Athens. It is very violent. Right-wing parties get more and more of a grip, which is something we certainly do not want to see.

**Viscount Bridgeman:** What is the destination of the 9,000 who return voluntarily?

**Bernd Hemingway:** Afghanistan and Pakistan are the major countries of origin.
The Chairman: Are you looking for EU money to help you in Morocco and Turkey? The object would be not simply to help Turkey and Morocco but to take the pressure off people trying to get into the European Union via Turkey and Morocco.

Bernd Hemingway: We are looking for the widest range of European Union money: from Member States and the European Union budget. We want to have return with dignity and as a humane answer. Just putting people back—you could even say dumping—is not a very good thing and it is not sustainable.

I want to come back to parts of the Global Approach. We are focusing on the fight against irregular migration, but the Global Approach for Migration and Mobility also has to look into the other part, so there is a lot of potential in migration development, which we discussed already. The discussion between the EU and some of the major sending countries which have migration potential is economically interesting for the European Union. For example, we had a high-level consultation with the Indian Government during the Belgian presidency. The Belgian presidency asked the Indian Minister, “What can the European Union do for you?” The Indian Minister answered, “The question is wrong. Your question should be, ‘What can you Indians do for us Europeans?’ We train our doctors and nurses to potentially migrate to the European Union because when we assess your demographic factors, we know that you will need medical professionals in the EU, so we are assessing the situation in a similar way to what we did in the IT sector and we are educating our people to migrate.”

The Philippines does the same. It connects the legal path of labour migration and development a lot. It is probably the best country at looking at what kind of benefits outward migration can bring to the country in terms of remittances and circular migration. The dialogue about labour migration has to be attractive because there is a part of migration that we welcome.

Lord Judd: With your vast experience, how do you think we could best be tackling improved integration of migrants from within and outside the EU into the labour markets of the EU—not least the situation in our own country, the United Kingdom?

Bernd Hemingway: Integration is an interesting issue. One of the important subjects is that it is an equal give and take. It is very important to have a welcoming society and that you have something to make integration possible. I give you an example. I am German. The integration of Turks worked particularly well in Bavaria. By its very definition, Bavaria was a very conservative region where you might think that people would not be so welcoming. It worked very well because there is a Bavarian identity. The Turkish population who came to Germany under the Gastarbeiter system, when they moved to Bavaria saw themselves as Bavarian Turks. Identity in integration is very important.

Also important are a number of social issues. Access to health services is one area we are looking into. We have a big programme with the European Commission service dealing with health and looking into the access of migrants to health services. Our finding is that legal, regular migrants arrive in a very healthy state but, if you look at the same group of migrants five years later, their health situation has deteriorated, which is surprising, because you would expect the system in the European Union to be a lot better than that in the sending countries. The reason for that is that access for migrants to the health system is not the best, because our training of doctors and nurses is not composed to address a big migratory community.
The recognition of diplomas is an important issue already inside the European Union and is difficult to deal with. Is a doctor trained in one Member State or even in a third country equal in recognition to what we have here? From that perspective, a multitude of things can be put in place. Language is an important issue. On the other hand, we see integration problems for Moroccans and Tunisians who go to France, although for many of them French is their mother tongue. So there are other issues of participation in political life. There are a number of important things that you have to address in the area of integration. Probably the most important thing is that integration takes place on a very local level. The influence that you can have as a policymaker inside the European Union or as a federal Government is very limited. You can do agenda setting and make funding available to make integration happening.

Lord Judd: That is a very important point.

Q375 The Chairman: Where would you rate the UK among European countries in asylum affairs? Would you regard it as towards the top of those who are successfully integrating migrants, or lower down?

Bernd Hemingway: I hope that you will permit me to take my diplomatic right of answering that in a way that is—

The Chairman: I am not suggesting a league table, but do you think that, on the whole, we are doing reasonably well at it?

Bernd Hemingway: It very difficult to answer that substantively. I have only anecdotal stories on which to base my judgment. From what I can see from the cities I have been to in the UK, when I see what the city of London does for integration, for example, there is big interest in approaching integration and making migrants feel at home in the UK. Of course, there is always a shortfall in how well integration works.

Q376 Lord Judd: On your vital point about what happens at the local level, does that not mean that it is terribly important to have fully in play in the formulation of policies on the non-governmental sector not just the big non-governmental players who appear in Brussels and all the rest but those who are really doing the front-line work in the community? Is it not essential to be talking to and learning from them about what policies are necessary?

Bernd Hemingway: I can only subscribe to that. That is what we call grass-roots NGOs. They are the bread and butter of integration policy. Often I am asked, “What do you do as an international organisation in the area of integration?” My only answer is that I can learn from those grass-roots people; I can gather information from them; I can gather expertise and I can help to bring them together to exchange their good practices, because we can learn from each other. That is the added value that we can bring. Those people, the small NGOs working in small cities, are very important. They are the ones who have access to the migrants and are comfortable in working with them.

Q377 Lord Judd: Lord Chairman, I have one last question, which relates to your point about a welcoming environment and culture of the society that is meeting the challenge. Do you think, when there is so much prejudice around, that it would help if we got rid of the too easy use of the word “illegal” migration and talked more about irregular migration?
Bernd Hemingway: I am never sure if that really helps. We often have this discussion that no one is illegal. I find that sometimes a semantic use of language and I do not know if that really helps. What helps is the overall perception, which goes a lot deeper. It goes a lot deeper because the media play an important role. We as an organisation have been fighting for a long time to get government support, but it is very difficult to get government support to influence the media and the way that they report migration. I give you an example from the UK. At the end of 2008, I went to London for a conference. When I went back to the airport I saw one of the tabloids, which said that the UK economy created between 2005 and 2008 1 million new jobs. In big letters below, it said that all the jobs went to migrants. What is the message that that gives? This is the message: you take away our jobs. That was certainly not true.

The Chairman: Which of course was the message that the newspaper intended to give.

Bernd Hemingway: Absolutely.

The Chairman: I do not have much difficulty telling you which newspaper it was. I am sure that we all get it.

Lord Tomlinson: That will teach you to read the Daily Mail.

Q378 Viscount Bridgeman: Can I just return the compliment about the Turks in Bavaria? The Turks generally in Germany have prospered so much that there is huge resourcing of Christian south-east Turkey monasteries and churches. I believe that some brave souls have started retaking their properties, which have been taken over by the Kurds there. That is a real reverse success story there.

Bernd Hemingway: We as Germans realised that the approach of Gastarbeiter was not really working out, because they came as workers but we received human beings. The mistake in the system was from both sides. The Turkish guest workers thought that they would leave after five years, at the latest, and the German employers and the Government thought the same thing, and then they stayed. One side was not interested in integrating and the other was not really interested in integrating them. Once that was realised to be an issue, things have moved a lot more smoothly and a lot more together.

The Chairman: Thank you very much. You have been very generous with your time. You have given us a lot of things to think about. It has been very helpful.
academics, NGOs and so on. This is the last stage of the inquiry and we hope to publish our report on this subject just before Christmas. It is kind of you to come and help us.

I shall go over a couple of routine points. A verbatim transcript will be taken of your evidence. This will be put on the parliamentary website. Within a week of this evidence session, you will be sent a copy of the transcript to check it for accuracy. We would be grateful if you could advise us of any corrections as quickly as possible. If after this session you wish to clarify or amplify any points made during the evidence, or if you have any additional points to make, you are welcome to submit supplementary evidence.

It would help if you could introduce yourselves and perhaps explain how UNHCR fits with European institutions and issues of EU policy on migration, before we go further into questions. If you wanted to make a broad general statement, that would be totally acceptable. If not, we will go straight to questions; it is entirely up to you.

*Emilie Wiinblad Mathez:* I shall start by introducing myself. I am Emilie Wiinblad Mathez. I am the senior policy officer in the UNHCR’s Bureau for Europe. The headquarters of the High Commission for Refugees is based in Geneva, but part of our headquarters is based here in Brussels in order to be closer to the European institutions, in particular because of the development over some years of the Common European Asylum System. I work in the Bureau for Europe on different policy and legal matters. In that capacity I am happy to answer your questions.

*Annabelle Roig-Granjon:* Just to complement that, I am Annabelle Roig-Granjon and I work in another unit of the same bureau. The part of the headquarters that Emilie mentioned and that is decentralised from Geneva is a part of the Bureau for Europe. It deals with European matters—not only EU matters but European matters in a larger sense, from Russia to the Balkans as well as the EU. I am the deputy head of a unit called Global Issues / EU. In our world operations, this Unit is much more involved in the external affairs of the EU when it comes to issues of refugee, displacement and statelessness. It is also about the financial relationship with the European Union—fundraising from the EU—but also more global issues such as the GAMM, migration and development, climate change and displacement. Macro issues such as these play an increasing part in what we do.

**Q385 The Chairman:** Good. Perhaps we could start with a general question. What is UNHCR’s experience of the Global Approach to Migration and Mobility? Do you think broadly speaking that it has been an effective initiative since it started in 2005? We are looking at the past record and at the latest communication, and the indications for future policy that are in it. Has it worked well in facilitating the EU’s aims on the external dimension of migration policy?

*Emilie Wiinblad Mathez:* Thank you for that question. I will start by saying that, with reference to refugees in particular, UNHCR has since 2006 increasingly looked at how the forced displacement of refugees is linked with a more mixed migration situation. Thereby we acknowledge that the causes of displacement, and forced displacement, can be migration-related and economic development-related, for instance as this can lead to conflict and persecution. The means by which refugees find themselves travelling and displaced globally is also often mixed with migration flows. We have developed, within this realisation, a framework in the form of a 10-point plan, trying to respond better to refugees who are part
of a mixed migration flow. We see the initiative of the Global Approach to Migration and Mobility as something positive—and a more comprehensive approach to an area that is very interlinked. The GAMM reflects a lot of the complexities around displacement and also migration that we see. It is therefore a framework that we welcome. In the latest version, we welcome in particular the pillar focusing on international protection, which is our concern and is linked to migration flow. You will be aware that for many years UNHCR has looked at the links between forced displacement and development. We believe that the refugee context of today is very much linked to a broader discussion on migration. It is also linked—we see this globally—to a need to look at migration as something that is here to stay. Societies will have to respond to increased mobility. The issues of refugees and international protection are part of that. The answer is therefore that we think it is positive to see this complexity reflected in such a document as the GAMM. The GAMM has many aspects and assets. We are most focused on those that concern international protection. In that regard, there are positive aspect for instance showing also international protection concerns outside the European Union—the European Union has an interest in this—but of course it is complemented very much by the Common European Asylum System for refugees and protection matters in Europe. So the external aspect is a component of what is needed.

Q386 The Chairman: How effective do you think it is? Your response related perhaps more to the words written on paper than to what the European Union has, in the seven years that it has been operating the GAMM, managed to actually do. Can you give a reflection on that point?

Emilie Wiinblad Mathez: We are not assessing the overall migration policies of the European Union. In terms of refugee protection, there are some very concrete initiatives spelt out in the GAMM. Resettlement is one such area in which the European Union has made progress. There is still a way to go and as you said, it is very much the written text. In addition, to this policy framework, it is also in the implementation by Member States of the instruments where we need to see the real effectiveness, and some states are more effective than others. We see resettlement as an important area where the push by the Commission and the European institutions has made some progress. Of course, there are also the RPPs, which countries may want to respond to, and in addition the Common European Asylum System has to be achieved for protection in Europe.

Annabelle Roig-Granjon: If I can add two or three other aspects: the first efficiency of that policy is definitely, as was needed, the now improved internal co-ordination within the European Union and the Commission. There are various units implementing migration-related policy priorities and asylum. There was a need for a more co-ordinated approach and as of today there has been some achievement in that regard. As Emilie said, we are not assessing how GAMM works in its large scope; we are focusing only on international protection aspects. Nevertheless, the instruments are so varied—from migration profiles to migration partnerships, to funding instruments that help to implement the GAMM. I do not know if there has been an overall evaluation so far but it is hard from our limited perspective to give a global answer, only the internal co-ordination aspect.

Q387 The Chairman: You think that internal co-ordination has improved. Does it still have some shortfalls in your view? We have had some people who have said that they think there are such shortfalls. The EEAS and DG Home swear blind that everything is absolutely
European Commission; European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); International Centre for Migration Policy Development (ICMPD); International Organization for Migration (IOM); and the UN High Commissioner for Refugees

perfect between them, but they admitted that there were some failings elsewhere in the Commission. Do you think that this is something that was poorly co-ordinated in the past and is now somewhat better co-ordinated but still has a long way to go or that, through GAMM and to the extent that the Member States back it, is an effective instrument?

**Annabelle Roig-Granjon:** I think that it is an effective instrument. There is still a way to go before there will be perfect co-ordination. The new actor, the EAS, is still positioning itself and finding its place in many policy areas. It is additional actor, so I would not say it is perfect; it can still be improved. GAMM has helped and the more comprehensive approach of GAMM II helps each individual unit of the EU to have the same approach. As policy guidance, it helps each one to be better co-ordinated.

**Emilie Wiinblad Mathez:** There is also more generally the challenge of co-ordinating home affairs and foreign affairs in the area of refugee protection. This is a challenge not only at EU level but also at national level. Having this policy framework helps remind people that these two are linked areas.

**Q388 The Chairman:** Do you think that in its 140 or so overseas posts the EAS has got people sufficiently professionally qualified to deal with the sort of issues you deal with or is it still very early days?

**Annabelle Roig-Granjon:** It is early days. From what we know, EU Delegations do not have dedicated migration / asylum officers. There are focal points in the delegations but they are focal points for migration, among many other areas such as human rights and social issues, and they do not yet have enough expertise or the capacity to devote sufficient time to really work on these important issues. Also, the structures vary from delegation to delegation.

**Q389 Lord Avebury:** I want to ask a particular question about co-ordination that has always worried me. Individual Member States produce their own countries of origin information services. They must duplicate a lot of the work that other Member States do, so why should not the External Action Service bring together all the country-of-origin information services so that there is a common European viewpoint on the problems?

**Emilie Wiinblad Mathez:** It is a good idea to improve coordination on COI. There are a number of initiatives in order to bring the country-of-origin information closer. We find though that there are still gaps, both in the information as such and even more so in the application of it. One of the challenges is, as you said, that each country produces its own information and there is the issue of coming up with a common methodology and a common understanding of how and what should go into the information. There are steps taken on this and UNHCR units contribute with our perspective. There are still practical issues around languages. In addition to the issue of gathering the information—and from time to time we have had questions marks around some of the reports—it is really the application of the information in a national asylum context that is most challenging as well as coming to a common understanding about what a given situation means in terms of protection needs. For instance, looking at Syria now from the European level there are many different interpretations of how to qualify the situation and how it matches to a particular legal framework in the Common European Asylum System. There is application of different articles within, for example, the qualifications directive on this issue.
Q390 **The Chairman:** You mentioned in your opening remarks a 10-point guidance you have. Is that public? It would be helpful if you could let us have that, because we always like to have the strongest evidence base for our reports.

**Emilie Wiinblad Mathez:** We can certainly share that and a number of other related documents including some practical examples. It sets out an idea of how to manage refugee protection in more mixed flows. Some of the obvious yet important ideas are the information you provide at border points and protection-sensitive border management. There we are looking very much at information but also at how border guards are trained. This includes not just their knowledge but also their skills and attitude to protection. This can be protection broadly speaking, so it can be in the sense of internal refugee protection, but equally children protection or trafficking issues. An integral part of that is the need for referral mechanisms into functioning asylum systems at border points. This is still one of the big areas and challenges in Europe as well as outside. This is an important aspect of managing larger flows where protection issues are integrated into migration issues.

**Annabelle Roig-Granjon:** If you will allow me to add a comment to the earlier subject, you have already heard ICMPD. It probably informed you about the training that it does together with the Commission to EU delegation staff on migration and asylum issues. This training has developed efficiencies. UNHCR is often invited to take part in and provide some of the training to EU delegations on its subjects of expertise. It is a very good initiative, which helps to build the capacity of the migration / asylum focal points.

Q391 **Lord Tomlinson:** Coming back to the global agreement, specifically, let me ask a sort of impossible question: what are the most effective and least effective elements in it? I would appreciate your views on that. When you have dealt with that, what changes both should be made and feasibly could be made to the GAMM? I will leave it at that at the moment.

**Emilie Wiinblad Mathez:** We can certainly share that and a number of other related documents including some practical examples. It gives guidance on how to manage refugee protection in more mixed flows. Some of the obvious, yet important, ideas are the information governments provide at border points and how to do protection-sensitive border management. There we are looking very much at information but also at how border guards are trained. This includes not just their knowledge but also their skills and attitude to protection. This can be protection broadly speaking, so it can be in the sense of internal refugee protection, but equally children protection or trafficking issues. An integral part of that is the need for referral mechanisms into functioning asylum systems from border points. This is still one of the big areas and challenges in Europe as well as outside. Protection sensitive border management is an important aspect of managing larger flows where protection issues are integrated into migration issues.

Q392 **Lord Tomlinson:** What is inhibiting that?

**Emilie Wiinblad Mathez:** Partly, it is the nature of it. It is not a document which is binding; it is still up to the institutions as well as the member states to agree, “Now, we will do this”. We talked about the improved co-ordination and dialogue but there is a continuous need
Annabelle Roig-Granjon: We see the GAMM as policy guidance so far. Of course, there are tools like the Mobility Partnerships, the migration profiles and the Regional Protection Programmes of which we are going to talk, among others. In all these tools that are related to global migration, UNHCR tries to make sure that the international protection safeguards are included. From our demanding point on all these different implementation methodologies, we are always going to try to safeguard the protection elements ensuring that the refugees are being protected. It is hard to say what is most or least effective in that respect. We would not be able to tell what was the least effective, except for what Emilie said. On the most effective, we are happy when there is protection in the language and in the implementation of these tools, but obviously, the GAMM has a much broader scope than what we are directly interested in.

Q393 Lord Tomlinson: If you had your wish list, what should and what could be there? There is no point in having a wish list if it is not feasible to get agreement.

Annabelle Roig-Granjon: If I may, I would link it to the Regional Protection Programme, which is one tool that is directly relevant to UNHCR. The EU Regional Protection Programme has three dimensions: It is meant to be regional, to talk about improving protection; and it should consist of a programme. A programme is quite an ambitious endeavour or objective. If we talk of a project, it is simple, but a whole programme is something larger, composed of various projects. There is room for improvement to really consider existing EU RPPs as programmes rather than a project. A programme could exist but it should integrate all that is happening that is being financed by the different EU services—and eventually by the different member states, for the same goal—and together make them a coherent programme. That is where, with my personal experience of Regional Protection Programmes, I would see a gap. That is something visible but it would be a matter of really pulling all the efforts of everybody around and trying to make it a realistic programme.

Q394 Lord Tomlinson: A last small point: is that feasible when you look at the language of constraint in the discussion of the budget?

Annabelle Roig-Granjon: That is a good point. It is difficult, but with the holistic approach that GAMM II—that is the very good achievement of GAMM II—and, as we said, with the improved co-ordination, the meetings of the high level working group with member states, the improved intra EC dialogue, et cetera, it is not unrealistic to aim at that.

Emilie Wiinblad Mathez: Perhaps I can add something. An important point to keep in mind is that the international protection framework is based on an international convention and is global, where a lot of other initiatives and areas covered in the GAMM fall within a policy direction framework. So we have to come from the point that there is a strong legal framework internationally for the protection of refugees. With that in mind, from an UNHCR perspective, it is about what can be included in the GAMM which assists us to lift that protection promise internationally. There are a number of things that we can be happy about. We are trying to ensure that we can ensure protection for the refugees fleeing many of whom are now staying in those regions, so the emphasis on assisting protection in the regions is positive. We also know that for many countries who are bearing the brunt of
refugee protection globally today, long-term solutions are sometimes not possible. We have protracted refugee situations over time and the ability to provide resettlement to some refugees is very important. We also know the importance of linking this to a broader question of economic development in the host regions. These are some of the big issues for our work, which are in the GAMM. Then when people are coming to Europe, or moving on, it is important that they can find protection as close to home but also all along the way, so that no matter where they turn up they will get the protection that is promised at the international level.

Q395 Lord Avebury: You mentioned working together on statelessness. I know that the UNHCR has a direct interest in the International Convention on the Reduction of Statelessness, which celebrated its 50th anniversary last year. Do Europe and the EEAS have a sufficiently co-ordinated approach on particular issues of statelessness that arise, such as the Rohingya or the Kuwaiti Bidun, both of which seem to be very difficult to resolve, but which UNHCR and the EEAS together could obviously do a lot to help with?

Emilie Wiinblad Mathez: It is an area where there could be further engagement. As you mentioned, the anniversary has just been celebrated and a lot more interest has been generated, and there is a lot more acknowledgment and understanding of the needs of stateless people globally, and also on the reduction side. There has maybe been a refocusing of an attention—that was obviously already there in the past, since we have two international conventions—and a refocusing of the international dimension in solving and reducing statelessness. There is scope for more and this is something we are pursuing. There is no mandate within the European Union for statelessness and it is not obvious how it would fit, but something can obviously be done, through increased awareness and dialogue, to put it on the agenda.

Annabelle Roig-Granjon: Next week we are having a meeting with the EEAS on that. For information, in the General Assembly in New York in September the EU made a public commitment in that regard. Thus, it is now in a list of general commitments that the EU will be working on statelessness, internally and in the external dimension as well. It is a good start.

Lord Avebury: Could we have a note on that?

Annabelle Roig-Granjon: Sure. It is a public document.

Q396 Baroness Prashar: How have the GAMM and related EU actions impacted on the humanitarian protection of migrants in the EU and globally?

Emilie Wiinblad Mathez: Again, as UNHCR we must allow ourselves to be limited to the protection and refugee sides. Generally speaking, I do not have an analysis on the overall impact on migrants. Will you rephrase the question?

Baroness Prashar: What impact has it had on asylum seekers and on refugees?

Emilie Wiinblad Mathez: On asylum seekers and refugees, the GAMM has impacted mainly on those refugees in Europe, from a resettlement angle. That is where it has most impact and where it has most potential for bringing resettlement cooperation closer. The overall approach and thinking of acknowledging migration, as the document does, as something that is here to stay, something that needs to be managed and understood and something that
needs policies but also a commitment to integration—integration into the labour market, etcetera—is something positive. It is certainly something that refugees can benefit from, and are increasingly benefiting from, as we manage to include them in such policies. There has been, to some extent, a division in thinking between migrants on one side, once they are in Europe, and refugees on the other, in terms of their integration and their ability to contribute to societies. We are trying to open more channels to see how we can break the barrier down and think of refugees as contributors to society as well as their integration as an area that needs to be managed just as migration is something which is managed. In that sense, having a policy framework that acknowledges migration—acknowledges the need to manage it, whether it is highly skilled or humanitarian, and that it can have a contribution over time—is something we can benefit from, as can refugees.

**Q397 Lord Judd:** In that context and to be specific, how do you see the functioning of the European Asylum Support Office? Are there issues around its work which you think we ought to be aware of when we come to write our report and, if so, what are they?

**Emilie Wiinblad Mathez:** Let me start by saying this. The European Union has done something quite unique in creating a Common European Asylum System. It creates an enormous amount of opportunity and presents some challenges. The European Asylum Support Office looks particularly at the kind of practical co-operation that can assist in making the Common European Asylum System more of a reality also in practice. You mentioned the country-of-origin information, but there are many other areas to consider as well for practical cooperation, such as training. These are examples of areas where the EU can bring something “new” to a more mature level. The EASO has potential and is already improving this cooperation in a number of areas. We see that as a positive step and as something with increasing potential. As co-operation on asylum in Europe grows stronger, reliance on each other’s system also grows stronger; we have seen that already. Countries globally reply on each other for refuge protection, but we tend not to expect the same standards globally as we do in Europe. Sometimes we look at national asylum systems in isolation, but the European asylum system means that you really have to look at each other’s systems in more detail because there is more interdependent. Some of that thinking is also in the GAMM: you cannot only look at your own system, because you are dependent on other systems. That is both interesting and positive. Whether at this early stage the EASO is also in a position to take on an external role is perhaps more for the future, but certainly it has an important role to play in Europe now in bringing more maturity to the cooperation and the implementation of some of the legal instruments that are now in place.

**Q398 Lord Judd:** Do you think that the EASO is playing a sufficiently dynamic role in keeping alive and central to the commitment of the European Union the rights and needs of asylum seekers, acting as an advocate and keeping that spirit alive, given all the pressures that are at work to try to reduce the commitment to asylum seekers?

**Emilie Wiinblad Mathez:** We will see how some of the new legislative changes impact, and what will happen in that context. I think it is too early to say whether it has already had impact, but it certainly has the potential to do so. European countries should look at it as a great opportunity to move forward because they will be depending on each other. It is very important that, with the Common European Asylum System, each state can rely on well functioning systems in other countries which meet the standards. The systems should be as
good as possible and the EASO can help to co-ordinate that. The UNHCR has also played that role and has tried to ensure this.

**The Chairman:** I am afraid that this will have to be the last question because, alas, we are running out of time.

**Q399 Lord Avebury:** You said in your written evidence to us that there are particular opportunities in relation to the EU’s Regional Protection Programmes, which are part of the GAMM. I wonder if you could elaborate on that.

**Emilie Wiinblad Mathez:** One of the things we mean is that the regional protection programmes are important and form part of the greater protection and assistance effort. That is not least because they signal a commitment on the part of the European Union which shows that building asylum systems is important to fulfil the international promise of protection. That sends a very important signal to a number of countries where there are large numbers of refugees that the EU is ready to assist. However, of course we have to be realistic in terms of their scope and aims. The Regional Protection Programmes are, if you like, ways of showing solidarity and support for the refugee programmes that are ongoing in these countries. In terms of their financial scope, they are still rather limited. They often contribute to refugee operations that go way beyond the RPP in terms of support. They signal the importance of building in particular refugee eligibility systems, but when we talk about countries like Kenya, for instance, which is dealing with really large numbers of Somali refugees, of course protection goes way beyond the issue of refugee determination.

**Lord Avebury:** You mentioned Kenya, but you also have UNICEF and other agencies operating in Dadaab. It is not solely the UNHCR.

**Emilie Wiinblad Mathez:** In most work of these operations we work in partnership.

**The Chairman:** Thank you very much. I apologise for having to cut short this session, which is full of fascinating material. We will benefit greatly from what you have told us when we come shortly to write our report.

**Emilie Wiinblad Mathez:** Thank you. I have taken note of two documents to send on: the document on the 10-point plan and the EU statelessness pledges made.

**The Chairman:** That would be very good because we certainly had not come across it before. It would be useful to be able to refer to it.

**Emilie Wiinblad Mathez:** I will send them on to you.
European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); European Commission; International Centre for Migration Policy Development (ICMPD); International Organization for Migration (IOM); and the UN High Commissioner for Refugees

European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); European Commission; International Centre for Migration Policy Development (ICMPD); International Organization for Migration (IOM); and the UN High Commissioner for Refugees—Oral Evidence (QQ302–399)

Transcript to be found under EU Commission
The Chairman: Good morning. Thank you very much for coming along and giving evidence to this inquiry, with which I think that you are familiar, into the European Union’s Global Approach to Migration and Mobility and related matters. We are very grateful to you for coming because we felt strongly that we should not take evidence from just governmental authorities, the Commission and the European Parliament, all of which we are doing, and various people who have published work on the EU’s migration policy. We thought that we should also talk to one or two of the organisations which are what I might describe as the coalface of migration. Perhaps you can tell us a bit about what, if any, the impact of European policy is and how you see that fitting with Britain’s policy. Of course Britain is outside Schengen, which affects things, but we are not outside the problem of migration by any means.

It is very helpful to have your three organisations here today. In case you have not had experience of this before, I should explain that as we go through the questions, there is absolutely no need for you all to answer every one. It is up to you whether you respond to a
particular question and it is perfectly reasonable if one or two of you do not respond to some of the questions if they are not particularly relevant to your organisation.

I will now go through one or two of the formal points. The session is open to the public. A webcast of the session goes out live as an audio transmission and is subsequently accessible via the parliamentary website. A verbatim transcript will be taken of your evidence and it will be put on the parliamentary website. A few days after this evidence session you will be sent a copy of the transcript to check for accuracy. We would be grateful if you could advise us of any corrections as quickly as possible. If, after this session, you wish to clarify or amplify any points made during your evidence or have any additional points to make, you are welcome to submit supplementary evidence to us.

It would be really helpful if you could one after the other introduce yourselves and your organisations, and tell us a little about how you are involved in this area of policy. If any of you would like to make an opening statement after that, please do that. That is entirely up to you. There is no requirement to do so but if you want to that is fine. If not, we will proceed to the questions, of which I think you have some knowledge. Perhaps I may start on my left, and your right.

**Rebecca Crerar:** Thank you, Lord Chairman. First, thank you for inviting me to come along. I hope that I will be useful to you but I am not sure. I am Rebecca Crerar. I am the team manager from the Suffolk Refugee Support Forum in Ipswich. We are a charity which is essentially funded by lots of different grants—for example, the Big Lottery, the Henry Smith Charity and various others. We have been in existence for 12 years, working in Ipswich with asylum seekers and refugees. We operate a drop-in service, and an advice and advocacy service. We also offer English classes, a women’s group and lots of other bits and bobs for asylum seekers and refugees.

Ipswich is a dispersal area for asylum seekers as they wait for a decision on their asylum claim. It has also become a home for very many Afghan and Iraqi Kurdish refugees in particular. We are working very strongly with those people, and working on integration and trying to get them into British life.

**Helen Hibberd:** Thank you, Lord Chairman. My name is Helen Hibberd. I am the co-ordinator for the Hackney Migrant Centre, which is a small drop-in centre on a Wednesday afternoon. We see all different types of migrants—people who are refugees and asylum seekers and anyone who would consider themselves to be a migrant.

Our main services are similar. We give advice and advocacy and a lot of signposting and referrals. We also aim to offer a social and welcoming space, and English classes. We see migrants from more than 70 countries, so we tend to see the spectrum across London. The large majority of people whom we work with are people with refused asylum seeker status or people who have irregular status, as well as people who are getting their refugee status or indefinite leave to remain. I guess that we were mostly set up to try to tackle the problems that people have in accessing good quality advice. We tend to see migrants who come from all over London and not just from Hackney or east London.

**Juan Camilo Cock:** Before I start, I perhaps should say that I have left my bag outside and I am worried about any security issues. Could someone help me by bringing it in?

**The Chairman:** Amanda McGrath will bring the bag in. That would be safer. Things do happen to bags.

**Juan Camilo Cock:** I am sorry about that. My name is Juan Camilo Cock. I work for the Migrants’ Rights Network as a project manager. It was set up five years ago with the
intention of better connecting groups working to support migrants and other individuals and stakeholders who engage with migrants. Our aim is to advocate for migrants’ rights but we also put a lot of emphasis on supporting migrant community organisations to develop a better understanding of policy issues and to support and develop their capacity to engage with those policy issues. Through our newsletter we reach about 4,000 individuals and organisations, mostly in the UK but some in other countries in Europe.

Q61 The Chairman: Thank you. That is useful. Do any of you wish to make an opening statement before we move on to questions? If not, my first question is as follows: the Migrants’ Rights Network noted in its written submission that the EU’s Global Approach to Migration and Mobility is dominated by a law and order perspective. Could you explain what you meant by that? What sort of elements in the new general approach, the Commission’s latest communication which we are considering now and on which we are writing the report, would you wish to have been given greater prominence if, as I assume, that comment was basically a rather pejorative or critical comment?

Juan Camilo Cock: As I understand it, it has a lot to do with the origins of the Global Approach in 2005, which, in terms of migration, was basically responding to a crisis in the Mediterranean. A lot of emphasis has gone into developing bilateral relationships with countries of origin and transit. As I understand it, there is quite a lot of emphasis in controlling or reducing irregular migration as a condition to move on to other topics. A lot of it is related to that. It is an unequal relationship; that is, the European bloc sitting on the same table with countries in the north of Africa, for example. We have concerns about the leverage that the European Union can have in terms of making controlling the exit of people its central agenda.

Beyond that, one of the things that we would like to see more of is a more positive approach in terms of recognising that migration, especially in difficult economic times, should be part of the economic development of Europe. We feel that there is a lot of emphasis on managing every single step of the migration process. That goes from demand and supply, and matching areas in the labour market where migrants are needed with those skills outside, through to the people starting the integration process even before they migrate and the whole process within the European Union. It is state planned and leaves little room for adaptation and change. Of course, things do not always go as planned. We think that the emphasis on irregular migration and the external border of the UK also creates tensions with some of the common basic principles of integration.

Looking through the new document, the section which says that the approach should be migrant centred is welcome. We fully agree with that. Migrants should be looked at as rational actors who make rational decisions rather than there being a focus on the receiving countries’ needs and how those needs will be met. I also welcome the section about empowerment. We think that that should be a big part of it. Migrants should be empowered so that they can contribute at their fullest once they are in the UK. It is welcome that those two issues are brought in but we think that they are not developed enough in the document.

Q62 The Chairman: Yes, but on the rather negative comment that you made, do you not think that the scenes that we have all seen on television and reported in the press—scenes of people setting out in totally unseaworthy boats to cross the Mediterranean from Libya under Colonel Gaddafi, the Maghreb and, indeed, from west Africa into the Canary Islands, and the appalling stories of the suffering that has gone on—justify, to some extent, taking a more rigorous approach to this and trying to get a better framework for the passage countries through which these people pass and the origin countries to try to avoid some of
these appalling scenes? Do you not think that that cannot just be dismissed as a law-and-order approach? There is a degree of humanitarian policy involved in trying to avoid these horrors.

Juan Camilo Cock: There is, and I would agree with that. But at the same time, if that becomes the starting point of a global and comprehensive approach on migration, you are starting from a negative issue, rather than seeing the potential of migration and its contribution to the future of Europe. If your starting point is, “Well, we need to halt irregular flows because otherwise there will be no confidence in the whole migration system”, you are basically starting off from a point of, “This is a problem and a threat”. I guess the issue is using that as the starting point. You are absolutely right that no one wants to see these scenes. Whether it should be the starting point for a new approach to migration, I guess, is the question.

The Chairman: Yes, well, I take your point about the balance but I honestly think that that is where we are. There has been rather a lot of experience of people coming from west Africa into the Canaries, across the Mediterranean and across the Greco-Turkish border. Some of those incidents have been horrendous and have not been caused by the general approach to migration but by exogenous events. Anyway, I think that I have got the picture.

Q63 Lord Richard: Perhaps I may look at your document for a moment because there are one or two sentences in there that made me raise my eyebrows and I do not quite understand. Perhaps I can read them and ask you what you mean by them. Paragraph 8 states: “In respect of the thematic recommendations set out in the Communication, our view is that these lack coherence because of the failure of the EU to reach a proper understanding of the way in which the Single Market generates demand for immigration”. I do not understand that. What did you mean by that?

Juan Camilo Cock: First, I should like to say that I did not draft this document so I am not sure that I can answer exactly on it line for line. The issue there is that a lot of the measures to control migration end up failing because there is the demand and the spaces for migrants to come into Europe and work. We think a starting point should be that Europe’s economy needs migrants and that there is that demand for migrants. That perhaps is not reflected enough in the document.

Lord Richard: That does not deal with the illegals, does it?

Juan Camilo Cock: Sorry?

Q64 Lord Richard: It does not deal with illegal immigration. You started on the basis of asking what Europe needs by way of migration but, whatever policies you have got dealing with legal migration, does not deal with illegal migration.

Juan Camilo Cock: When options for moving in are very restricted and you still have forces within Europe, such as the demand for labour, and the push factors in the countries of origin, that is when illegal migration happens.

Q65 Lord Richard: Are you saying that you should not try to deal with illegal migration?

Juan Camilo Cock: No, I am not saying that. States need to protect their borders and they should. But I guess that the question is: Why is there illegal migration at the levels that there is at the moment? It has to do with structural issues and the labour market. Often, some of the measures put forward to control it end up causing more damage than benefit.
Lord Sharkey: What are the consequences of adopting the approach that you are putting forward? On the one hand you are criticising, I think, the emphasis on the law-and-order perspective. And you are proposing a different point of view about the emphasis of the elements in the general approach. What do you think would be the consequences of adopting the approach that is being put forward?

Juan Camilo Cock: The approach that who is putting forward?

Lord Sharkey: What would happen if you do what you want?

Juan Camilo Cock: I do not think that I am putting forward a specific approach. Those are just criticisms that we have on the way that this approach has been formulated. As I have said, there are welcome elements within this. We are just noting some of the issues. I am not proposing an alternative approach here.

A lot of the issues about irregular migration could be better tackled through addressing structural issues in the labour market. That goes for other vulnerabilities that migrants have. It is not just irregular migrants. A lot of the abuse and difficulties faced by migrants are caused by their vulnerable position, and very often that is in the labour market, which I am aware is not addressed through immigration measures. I think that that is a key part of it.

Lord Judd: I should declare an interest: I have a daughter working as a volunteer with the Suffolk Refugee Support Forum. As I hear you, you are saying that you are not policy makers but that you want to share your anxieties about the consequences of policies presently operating.

Juan Camilo Cock: That is correct, yes.

Lord Judd: Without putting a leading question, would you say from your field experience—that there is sufficient or insufficient cohesion and co-operation among, for example, the Home Office, the Department for International Development, government departments responsible for industry and the economy, health, education and the rest? Or do you sometimes feel that the situation is fragmented and aggravating the situation?

The Chairman: Let us have one of the other two. I see that you would like to come in on this discussion. We must move on fairly soon but please respond if you could.

Rebecca Crerar: Going back to the point about the borders and the whole thing of making it easier and more difficult for people, it is important to establish that there are two areas to look at; that is, migration where you have people coming in to work in the UK and wanting to come here to work, but also there are people who are fleeing and who have to leave their country by illegal measures, unfortunately. They do not want particularly to get into those boats but they do not really have a choice because what they are leaving behind is worse than the choice of getting on that boat or being smuggled by rather cut-throat traffickers.

I do not know that I have the solutions because I can see how every country needs to protect its borders. I am not claiming to be an expert on this but I would suggest a joined-up approach across Europe, so that the reception procedures are the same for all migrants, especially those claiming asylum in those countries. That would share that burden a lot more.

Measures should still be in place but it seems harsh that we have heat-seeking cameras in Calais turfing people out of containers who are coming into Britain as asylum seekers. They
are really vulnerable individuals. I have met people who have lost family members through drowning and dying on the way. It is a harsh reality. I am particularly thinking of an Iranian cardiologist who lost his wife and two children overboard and drowned. He arrived in a complete state. That was several years ago and he has now got his life together. Those are the harsh realities of people having to flee. That needs to be taken into account when you are looking at protecting borders.

Helen Hibberd: To address what Lord Judd said, as an organisation that deals every week, not every day, with different departments and things like that, unfortunately, there is not much joined-upness, although sometimes that can be good because so much of the joined-upness would be punitive in a way.

It sort of addresses as well what Juan was saying. So much of the policies created to prevent irregular migration create irregular migration. The document is talking about brain drain and circular migration. The Government seem to fail to acknowledge that, by making it so difficult to come in, people tend not to leave because they do not think that they can come back, or policies change, which means that previously regular migrants suddenly are forced into irregular status. It is not their fault because they came in under one assumption and suddenly the rule changes while they are here. There does not seem to be much evidence for some of the policies that are being made, which is concerning in that respect.

We see lots of labour shortages in unskilled jobs in the UK but there is no route for people outside Europe to fill those jobs. For us it is frustrating because all we see at the moment in the press particularly is negative attitudes. I was quite concerned that your opening statement referred to the problem of migration. Again, that just reinforces the point: why cannot anyone see that migrants can be beneficial? In fact, there is not even strong evidence that migration has been bad for the UK or the economy. It is the pervasiveness of that that is damaging in a way. It is kind of welcoming that this report talks about trying to create policies from the perspective of the migrant when, clearly, the UK policies do not take that into consideration.

The Chairman: Yes, do not worry. We are receiving plenty of evidence on the side of the argument that you have just explained, not least from the UN Special Representative for Migration, Peter Sutherland. He very much took the view that you have expressed. The Swedish minister for migration had a perhaps more positive attitude towards the benefits that an economy can achieve from migration than you might think from a country which applies quite rigorous controls. That point of view is being put to us too. Quite honestly, it is unrealistic now, at this juncture, not to face up to the fact that a large number of our fellow citizens believe that immigration is a problem. It is best to take that head on and not try to argue that it is not. But whether we can move forward will depend on the evidence we take and the report we write.

Perhaps we can move on to Lord Mackenzie’s question.

Q69 Lord Mackenzie of Framwellgate: My question is addressed to all three witnesses, so please give a brief answer. What migration trends have your organisations experienced since 2005, when the Global Approach to Migration and Mobility was first launched? Have you noticed any changes? Has the world financial crisis had an impact?

Rebecca Crerar: I think that 2005 was the year before I started working with the Refugee Support Forum, but prior to that I was with the Refugee Council, so I was working then. At that time—I do not know whether this is relevant to the Committee’s investigation—we had an awful lot of Iraqi Kurds, Afghans and people of other nationalities who, having arrived in
the UK and claimed asylum, had been given three years’ leave to remain and were in the process of saying that the situation was still too dangerous for them to return. They were filling in “Extension of Leave to Remain” forms to get indefinite leave to remain. Since 2005, I have seen a lot of our clients receive indefinite leave to remain. They have mainly been men, who have left their countries.

Since then, as those men have got settled status, they have been able to find work. The recession has been difficult— I would say that approximately one-third of our clients are out of work because they are unable to work or unable to find work—but there are quite a lot of food processing jobs in Suffolk, where people can work in chicken-packing factories or in the sushi-making factory, so there is quite a lot of work for fairly unskilled labour. Since they have received their settled status and they have enough income, because they have only indefinite leave to remain rather than full refugee status, they have applied for their families—if they have married back in their home country—and those wives and pre-existing children have arrived in the UK, so we are seeing a lot more family work now. We have gone from individual men to families, with all the associated issues and with the positives as well.

Q70 Lord Mackenzie of Framwellgate: Presumably, that is an improvement.

Rebecca Crerar: Yes, it is an improvement for them, certainly for the men who have been eight or nine years away from their families. We are working with teenagers who grew up for eight or nine years without fathers in their lives. Having come to the UK in their GCSE years, they are now having to struggle to fit in. I would say that that is the main change that I have seen in terms of people’s status.

We have also seen a lot of problems in terms of legal aid cuts, which mean that immigration advice is very difficult to get. We are struggling in Ipswich. We have one company that will help people, where a solicitor works for two days a week providing legal aid immigration advice—she is very overworked. I have seen a great decline in the quality and availability of legal aid advice for those people. That is a shame because, although I am talking mainly with those who have received a decision, we still have many who have not received a decision and are going through long, protracted cases. They cannot get good legal advice to support them and are being let down, when they may well have had a good chance.

I am not sure whether that is relevant, but I thought that I would share that with you.

Helen Hibberd: It is quite difficult for us to comment because we have been in operation only since 2008.

Juan Camilo Cock: Perhaps the largest change relating to migration in the UK in the last years has been internal to the EU, which was basically the decision not to impose transitional measures for the nationals of central and eastern European accession countries. That had the largest impact. I guess that that is on the side of the Global Approach to Migration and Mobility, but that had the largest effect.

Q71 Lord Mackenzie of Framwellgate: Would you say that that was the wrong decision?

Juan Camilo Cock: No, I think that it has been quite successful, despite a lot of the media’s take on it. If you look at the issue from the perspective of the rights of migrants, there are many more issues with Bulgarian and Romanian nationals, who have limited access to the labour market. They face more difficulties than workers from Poland or other A8 countries. Some evidence—although this is a disputed issue—suggests that it did not cause more
unemployment. I think that having that legal channel to bring in a workforce has been successful. Studies suggest that the UK got the more skilled and more talented migrants than other countries in Europe such as Germany, which did not open its doors. These measures last only seven years anyway, so by now they would have expired. By far that has had the largest impact on the migration landscape in the UK.

The effect on the economy remains to be seen. Growing economies pull in migrants, so I guess that high levels of migration are a sign of a healthy economy; poor economies do not attract migrants—it is as simple as that. I believe that there is evidence of increased migration into Germany, but with the current situation you would not be surprised that that is the area of Europe that is attracting migrants.

Another issue is whether there will be migrant flows from countries that are now more in crisis, such as Spain, Greece and Italy. Theresa May was on TV not long ago saying that there is no evidence whatsoever of this, yet the Prime Minister yesterday, I believe, was almost jumping the gun in saying that he was prepared to introduce controls on Greek citizens before there is even evidence of large-scale movements of Greek citizens.

**The Chairman:** I do not think that that is what he said. He said that there would have to be evidence of quite exceptional circumstances—that was the account that I read—but, anyway, the issue has been raised. What we are asking is what impact the economic and financial crisis, which has after all been running at a steady rate from 2008 onwards, has had on migration, both legal and illegal, in your experience—not what might happen in the future.

**Q72 Lord Mackenzie of Framwellgate:** I think that there has been some evidence that Poles, for example, are going back home, where there are now probably more opportunities than there are here.

**Juan Camilo Cock:** I think that the evidence is that that has not happened at the level that people were expecting. Actually, people have put down roots in the UK.

**Q73 Lord Avebury:** Since 2005, there has been an enormous build-up in the number of so-called legacy cases, which I think came to some 250,000 at one point and was supposed to be eliminated by July 2011. Did the same thing happen in other European countries? In your opinion, should the GAMM contain provision for dealing with long-term irregular migrants whose cases have not been able to be solved by the host country, particularly given Article 8 considerations? Where a person has been in a state for a long time, he has built up social and family connections, which it would be perhaps unlawful to break by deporting him back to his country of origin. We have got a lot of irregular migrants who have been here for 10 years or more. I presume that other European countries have similar experiences. Do we see anything in GAMM that deals with that on a comprehensive basis, or do you consider that it is best for such matters to be left to individual Member States.

**Rebecca Crerar:** I do not have any evidence of that happening elsewhere. I have not heard that it is happening elsewhere, but that is not to say that it does not happen. I know that the personal impact on people’s lives is quite horrible: they cannot work and they cannot get on with their lives. Like you say, many of them have been waiting for up to 10 years. In my daily work, I see people who are in exactly that situation. One particular man lives with the family of his English girlfriend and has been offered work thanks to connections through that family. He speaks good English now and is, I would say, integrated as far as is possible, yet he cannot work. He cannot sleep at night because he is constantly worrying about his case, which is a legacy case. That is a terrible situation. I would say that if someone can prove that they have
integrated to that level and they have been here that long and legally—they have not done anything illegal during that time—they should be given a good chance of having settled status. I think that that should probably be the case across Europe, if it is a problem in other countries too. However, I do not know about that.

Q74 Lord Avebury: How many of these irregular migrants who have been here for that long do you reckon there are in the United Kingdom? Do I understand you to say that you think that there should be a GAMM rule that deals with the general problem?

Rebecca Crerar: I think that there should be. I think that it is totally inhumane to expect people to wait the length of time that they have waited. I was forever telling people, “Wait till July 2011”, but that came and went. The Home Office did not even have the decency to tell us that it would not make decisions by then. I then had to face these guys and tell them, “Sorry, we are now being told that it is possibly 2013—just another couple of years of your life”. The reality of that is really hard: they are on medication; they are anxious; and they are not sleeping. People are not just taking this in their stride. The human suffering is enormous. It really should not be allowed.

I find that the UKBA’s attitude is offensive: in the way that their staff speak—although they rarely speak or ever communicate: the errors that they make in sending out standard letters to people to whom the letter does not apply; the lack of information; and the loss of files. It is atrocious and embarrassing. I apologise on a daily basis for the state of our Government and the way that they deal with migrants.

Q75 Lord Richard: Are there any implications in your field from the fact that we are not in the Schengen Agreement? Does that have any effect? Do you pick up any practical results from that?

Rebecca Crerar: For me, no. The migrants that I deal with tend to be refugees and asylum seekers from further afield, who would need passports to travel through Europe anyway.

Helen Hibberd: It is not something that I feel that we deal with.

Juan Camilo Cock: We have been commenting on some of the chaos at the border. One wonders whether, if the UK was in the Schengen area, that could more easily be addressed.

There is definitely a layer of bureaucracy that comes from not being within the Schengen area and policing the borders is a costly operation, so I guess that one has to ask whether the results are such that they justify the expense.

Q76 Lord Tomlinson: The Government are measuring their policy, whether rightly or wrongly, on net migration. The more exceptions that you make for the sort of people whom you are meeting—and I have every sympathy for the way in which Rebecca Crerar has to interface with her clients—the more difficulty each success has for somebody who might have an even stronger case further down the line. In particular, there is an effect on the vast numbers of overseas students who want to come to this country legally and then return to their own country after studying here, but they get caught up in this headcount of net migration. Do you think that we can satisfy any of your objectives within the confines of a policy that measures success or failure in terms of net migration?

Rebecca Crerar: I am not sure I can answer that question.

Lord Tomlinson: What I am really getting at is that your good works somewhere could be to the detriment of someone equally qualified, or even more qualified, who has not had the benefit of your help.
Rebecca Crerar: It should not be about numbers, though. Should it?

Lord Tomlinson: But that is the reality of government policy at the moment.

Rebecca Crerar: As I said at the beginning, I would like to see a distinction made between people who are migrating for reasons of studying or working—

Q77 Lord Tomlinson: But you have not got that. Right or wrong—and it is not up to me in this Committee to say what I think of government policy—the Government are measuring success or failure by their ability to cut net migration figures from hundreds of thousands to tens of thousands. Is there not an inevitability that that will make your work not only more difficult but perhaps almost impossible and some of the successes in your work might well be to the detriment of people who have even greater qualification to be here?

Rebecca Crerar: What do you mean by qualification?

Lord Tomlinson: I mean qualification in terms of human beings, their needs and the oppression from which they are escaping and whatever.

Rebecca Crerar: I am not sure that I quite I understand. If you are mixing up students and workers with people claiming asylum, I am not saying by any means that all asylum seekers should be given leave to remain in this country—I have some issues with what happened five or six years ago when people were given leave to remain, as I am not sure that that was the correct thing to do at the time—but I do not think that you can start saying that we need to chop numbers when it comes to people’s lives. Humanitarian disasters in countries do mean that people need to flee. That is inevitable.

Lord Tomlinson: I understand that. You believe it and I might well believe it, but that is not the legal framework within which you are acting.

Juan Camilo Cock: I think that it does have a big impact. The net migration figure depends partly on the number of Brits, long-term migrants and other migrants leaving the UK, and that figure has gone down. That means that net migration may go up even when the number of migrants coming into the UK stays level. That in turn means that the Government have to cut even more the numbers of people coming in if the Government are to reach their target, but their options to cut those numbers are limited. The Government cannot cut the numbers of European citizens exercising their treaty rights and they have a duty to listen to cases of people asking for asylum, which means that the numbers must be cut for students, for skilled workers from third countries—the UK does not have a policy of allowing low-skilled workers from outside the EU to come to the UK—and now for family reunion cases, where a minimum income threshold has been introduced based on the level at which people do not have to receive benefits from the state. That will have a big impact on the numbers, and one suspects that they are linked. You are absolutely right. If the Government are to achieve their target when the numbers in one group of migrants change, they will have to cut more from the other group. That is why the Government are being lobbied by all the different interests, including the universities, which have had a strong voice in making their case.

The Chairman: Thank you. I think that that is clear but we have to be a little careful because we are not conducting an inquiry into the British Government’s immigration policies. Obviously, it is perfectly legitimate to express views on the subject, as you have done, and some of them probably are quite valid views. But we must not allow the inquiry to drift off into that direction because we are writing a report about the Commission’s communication.
Hackney Migrant Centre; Migrants’ Rights Network; and Suffolk Refugee Support Form—Oral Evidence (QQ60–98)

Q78 Lord Avebury: What do you think could be done to improve the integration of migrants, both EU and non-EU, into the UK and European labour markets? Do you have views on the respective roles of Member States of the EU and what those roles should be in this regard? To ask a specific question that follows on from that, can you compare family reunification and family visit provisions in the UK with those in other European Member States? Do you think that we should aim at greater harmonisation with regard to family reunification and family visits throughout the European Union than exists at the moment?

Rebecca Crerar: I cannot compare them because I do not know the facts for the rest of Europe. But I think that word gets back to the home country as to what the rules are and how things are getting tougher here; for example, the new £18,600 threshold for bringing your wife into the UK. Obviously, word is getting around and they are all talking about 9 July. It will affect people’s decisions on what country they will go to. I just think that the game of pinball going on between European states making rules to make it more difficult is pointless and that it would be better to have a unified approach.

Q79 Lord Avebury: Would that be for both family visits and family reunification?

Rebecca Crerar: I do not know so much about family visits because it is not in my experience. I deal with family reunification.

The Chairman: Are there any other comments on that question?

Juan Camilo Cock: I am not fully aware of the specifics of family reunion rules in other parts of Europe.

Q80 Lord Avebury: We are talking about the wider question. I was asking about an instance but I originally asked about measures for the integration of migrants within the UK and the EU generally. Family reunification and family visits was one example of that.

Helen Hibberd: From our perspective, the problem of integration quite often lies with the bureaucratic loopholes that people have to jump through. If we just focus on people who come legally or get their status through being recognised as a refugee, the ongoing problems of just trying to get a national insurance number to enable someone to work or to access benefits is really difficult and challenging.

Trying to get clear guidance or instructions from the Home Office when you phone it just presents repeated obstacles to people being able to get on and settle. It is incredibly frustrating. I am not going to go on and on about the Home Office’s errors and things that we encounter every day. However, now, everyone is told that they need a biometric resident’s permit. If you ring the Home Office, you get an automatic message saying, “We will not comment on any application made within the past six months”. It is just incredibly frustrating for people who are being told that they have to get it. They apply and follow the rules but then they are held up by this permit. To me, that is one of the biggest barriers to integration if we want people to settle.

Q81 Lord Avebury: You mentioned the right to work. Can you compare the rules on right to work for long-term migrants who have not reached settled status, such as the Zimbabweans, with rules which operate in other European countries? Would you favour a common European approach in allowing people the right to work after a certain period of waiting for an asylum application to be granted?
Helen Hibberd: I do not know what the rules are in other European countries. The rule in the UK is that if you have waited for more than 12 months, you should be given the right to work within the restrictions of tier 2. We welcome that but we would welcome that people should be given the right to work immediately from when they claim asylum. People who want to work usually are quite highly skilled.

I guess that some kind of European consensus would be good on that but I cannot comment on the other policies.

Viscount Bridgeman: It might be appropriate if we brought up question 7 as a follow-up to Lord Avebury's question, as it is about the preference for the UK over other countries.

The Chairman: Yes, by all means.

Q82 Viscount Bridgeman: Going to question 7, what do you think motivates migrants wanting to come to the UK in preference to other countries in the European Union?

Rebecca Crerar: I think that there are work opportunities here. I do not doubt that that is a very good reason. The working conditions are good as well. I have heard that established communities and family provide good support. Existing communities is obviously a very good reason for coming, as well as the fact that we speak English. Quite often they have English more than they have French. That is not to say that people from the Congo do not go more to France than they would come to Britain. It is not just to the UK.

Viscount Bridgeman: There is a common perception that it is rather easier to get lost in this country than in some of the others.

Rebecca Crerar: I do not think that anyone wants to get lost. In my experience, people do not want to become illegal, living on the black market. It is an awful existence. No one would want it. They come here hoping that they will be treated with the respect that Britain has got a reputation for giving people.

Often, people do know what they are coming to. At times, we would like to think that people do not know the difference between Britain, France and Germany and how they treat people as they arrive. But I think that they do and that the word gets home very quickly. Apparently, the Afghan boys—the young, under-18s—are all talking to each other on Facebook. They are saying that it is best to go to Sweden. That is the latest place to go because 90% of people get indefinite leave to remain on arrival. The word is getting round. We treat people with respect here. I know that we do not to a certain degree—there are always errors—but we should be proud that Britain has that attitude towards foreign people. We are not half as bad as some countries in the way in which we receive people.

Helen Hibberd: To follow on from that, it is also to do with the provisions in other European countries. For asylum seekers arriving in Italy or Greece, the reception conditions are much worse, which is why many asylum seekers will travel again to try to get to countries that have slightly better decision-making. It also has to be acknowledged that some people do not know where they are going if they are being trafficked or smuggled, so the choice is not their own. I cannot comment on numbers and percentages but some people do not know where they are going.

Juan Camilo Cock: It is a very big question. Migrants are a very diverse group of people. The English language issue is very important. You have to think of the very large economies in the world which are developing. For many millions of people, learning English is part of professional development basically. They want to come to countries where they can learn the language and then go back.
Hackney Migrant Centre; Migrants’ Rights Network; and Suffolk Refugee Support Form—Oral Evidence (QQ60–98)

English language. Tony Blair had it as a policy and it has been very successful. A large percentage of people who are classified as migrants here are students.

When people are surveyed on why they choose the UK, a tradition of tolerance and respect for the law always comes very high, which we should be proud of. We should never underestimate the pulling power of a global city like London. A lot of migrants will be young people who want to move to a global city and enjoy life for one or two years. It is a great experience. It is very varied. While there are all the issues of asylum seekers or refugee people who are persecuted, if you look at the statistics, a large part of that will be people who are studying or just living life and enjoying life. For those reasons, it is an attractive place.

Viscount Bridgeman: Thank you very much.

Q83 Baroness Prashar: First, I thank you very much for your written submissions, which I see are very much based on your experience of case work. My question is: what are the main difficulties and challenges faced by migrants entering the UK? Perhaps we can deal with that before I ask the second part.

Rebecca Crerar: My experience with asylum seekers entering the UK—I am in danger as regards what Helen has already mentioned—is really just the bureaucracy of the Home Office and going through the asylum process.

Q84 Baroness Prashar: Would you say that that is the main challenge?

Rebecca Crerar: Definitely. Certainly, that is the initial main challenge. There are further challenges as they go along. In terms of integration, there are other challenges but that is the initial one, definitely and without a doubt.

Juan Camilo Cock: There is the question also of whether there is a culture of disbelief at the UK Border Agency, which has been highlighted in the past. I believe that the UK Border Agency recognises that that might be the case in part of its workforce.

Q85 Baroness Prashar: Do you say that it is the mindset and the attitude of the Border Agency?

Juan Camilo Cock: Yes. It is the UKBA’s attitude basically to the person coming in and having to prove that they are a legitimate asylum seeker, student, worker or family member.

Q86 Baroness Prashar: Do you want to add anything?

Helen Hibberd: I would add only that we work with migrants as well as asylum seekers. I do not know so much about the challenges faced by them. Also, there are not really any legal routes for asylum seekers into the UK any more, so they are forced to coming in illegally or using false documents. People are being imprisoned for that even though internationally it has been legislated that people should not be prosecuted for using false documents.

Q87 Baroness Prashar: Do you have any suggestions as to what might be done to overcome some of these challenges in either the UK or the EU? What would you like to see changed to deal with these difficulties?

Rebecca Crerar: On a very practical basis, the UK border staff should be trained better. Perhaps it is about looking at the management and the way in which the structures are set out, and the culture within that organisation.
Helen Hibberd: Just to comment on the detained fast-track, I do not know whether many of you know about that but it is supposed to fast-track people who are from “white” countries where we do not think that asylum seekers can come from. It is also supposed to filter out people who are victims of torture or trafficking. But there have been quite a lot of reports looking at the quality of the decision-making as regards putting people into detained fast-track or not, which is quite poor. Again, it goes down to the initial screening interview of people and what the quality of that is like. We need to be aware that people are arriving in a foreign country totally disorientated. Is it appropriate to interview them straight away without any kind of adviser?

There are also the longer-term issues, such as appeals and things like that. There is quite a high success rate of appeals overturned. It would be better to provide better quality advice in a more humane system initially when making those decisions.

Q88 The Chairman: If I have got it right, you are saying that one of the greatest problems that migrants and asylum seekers face is the servants of the states with whom they come into contact when they are trying to regularise their position. Would that mean that it does not really make that much difference whether the rules being applied are national rules or European rules? As you know, in the way in which the European Union works, you will be dealing with the same people whether the rules are European rules or national rules. There would not suddenly be European asylum officials all over the place. That is not the way in which the European Union works. I want to get a feel of whether you think that it would make much difference if asylum rules were set by the European Union rather than, as now, in this country where they are set largely by the British Government.

Helen Hibberd: In my mind, they are two separate issues. One is to do with, whatever the policy is, the way it is integrated on the ground by the staff. In terms of a wider European policy, there is scope for that and improvement. I do not know how much you know about the Dublin II Regulation about when someone has to claim asylum in the first country that they land in.

Rebecca Crerar: Although they do not.

Helen Hibberd: They do not, but the EU needs to look at that. In a way, it is unfair that Italy and Greece get so many asylum seekers because they are on the border. Perhaps Europe should look more widely at how Europe manages that, rather than forcing Italy and Greece to have loads of asylum seekers. Then, the conditions are terrible for them, so people will try not to stay. I think that there is scope for a broader policy. The way that that would then get enacted in the UK is still an issue.

Q89 Baroness Prashar: Do you have experience of how this is working in the EU countries? You have described the challenges faced by migrants in the UK. Do you have any knowledge of the experience of any other EU countries?

Helen Hibberd: I was just at a conference in Brussels with the Platform for International Cooperation on Undocumented Migrants where there were quite a few different organisations. The organisations working in Greece described harrowing conditions for asylum seekers and refugees there. It was not just the reception conditions but the racism, which we have seen rising.

Q90 Baroness Prashar: I am talking about the point of entry. We know what happens once they are there. What are the challenges at the entry point? You were describing the interface.
Helen Hibberd: I think that it is worse there.

Baroness Prashar: You think it is worse.

Helen Hibberd: Yes, it is worse because there are such huge numbers coming in. Greece is trying to deal with it. To be honest, I think that people just are not processed.

Q91 Baroness Prashar: Following on from Lord Hannay’s point, would it be true to say, no matter what the rules, it is the attitude?

Helen Hibberd: I do not think that it is just that. It is also about ensuring that the countries have the infrastructure to deal with it. Staff are also humans and if they are under a lot of pressure, that creates a negative attitude. It is about ensuring that there is the infrastructure to deal with it as well.

Q92 The Chairman: Of course, that is what the European Union has been trying to do in the case of Greece by providing Frontex support and training on the Turkish-Greek border. I think that that has produced some mild improvements. Clearly, the courts here have come to the conclusion that the conditions in Greece, as you say, are appalling because, if I understand it rightly, they have stopped sending people back to Greece as the country of first arrival on the grounds that their human rights would not be properly respected. One must hope that that is a temporary situation. I think you are saying that it requires a collective European effort to make sure that all countries are able to cope with these problems in a humane way. I think that that is what you were saying.

Helen Hibberd: Yes.

Q93 Lord Judd: It is sometimes suggested that the kind of experiences you are describing can lead, not least among highly intelligent and well educated people, to profound alienation and that this can become part of a potential security problem. Do you ever come across any suggestion or evidence in your work that that is happening and that people are becoming deeply alienated by their experiences?

Rebecca Crerar: That is an interesting one. I think that people are alienated, without a doubt, and they feel very angry. Disappointment also is a strong feeling. In terms of wanting to get into terrorism or something as a result, no. Thank goodness, I have not experienced that. Because of the nationality groups we have been dealing with, that probably would not be an issue. It certainly makes people feel very negative. Some of it is justified and some of it is unjustified. My job is to try to pull out the bits we can help with and clear up some of the misunderstandings. Sometimes it is just misunderstandings that cause people to feel aggrieved.

Q94 Lord Richard: What are the main national groups you deal with?

Rebecca Crerar: In Ipswich, probably 50% of our 600 to 800 clients every year are Iraqi-Kurdish or Iranian-Kurdish. Probably about 15% to 20% are Afghan. Then we cover 40 other countries—we have got Syrians, Sudanese and Congolese. We have people from every country you can think of where there is a problem. But there certainly are big groups of the Afghans and Kurdish, which is interesting when you go elsewhere because they are not there. You tend to get the idea that that is the case for the rest of Britain but I do not think that it is. It is just a case of that being where that group have decided to make their home and they join one another.
Q95 Lord Tomlinson: To move on to a different question: clearly, the challenges faced by non-EU migrants and EU migrants are different. We have heard a lot from you particularly about non-EU migrants or asylum seekers. What about the EU migrants? Do you see any problems in that area?

Juan Camilo Cock: There are a lot of issues around employment with EU migrants and the role of employment agencies. There are factories with almost two-tier employment practices where one shift might be all European migrants and another British workers. They often work in different conditions. The labour market is definitely a big area. Then there is concern around Romanians and Bulgarians, who are quite vulnerable to exploitation—for example, working as self-employed but not really being self-employed. There are a lot of issues around that. Generally, I guess that a lot of the stuff with the European migrants is more an issue about welfare and benefits rather than immigration. For non-EU migrants, until they become settled, the immigration process is a major factor which limits the sort of support that they can get, as opposed to how the EU migrants are treated.

Going back to service and staff, that is where there often are a lot of issues. The front-line staff are not fully aware of rules, regulations and entitlements, and they make mistakes in terms of people are accessing services.

Q96 Lord Avebury: Do you have any experience of Roma migration in particular? Do you think that the European framework on Roma should have an impact on the Global Approach to Migration, bearing in mind that there are large movements of Roma from countries outside the European Union and those already inside, such as Slovakia? Many tens of thousands are at present migrating into the UK. Is not this a par excellence difficulty on which there should be a common European policy that would be reflected in the GAMM rather than simply in another document which is specific to the Roma in particular?

Juan Camilo Cock: I am not aware of that document.

Helen Hibberd: For some reason, we do not see many Roma at the centre. Perhaps that is because there are specific groups in the UK which deal with that community.

Lord Avebury: Yorkshire, for example.

Helen Hibberd: Yes. Even in London, there are support groups which are focused specifically, so it is hard for us. You would always welcome a wider policy that looks at assisting people with integration because in different countries Roma are facing different levels of discrimination. But I cannot comment further than that, unfortunately.

Rebecca Crerar: No, I am afraid I cannot comment.

Q97 Lord Sharkey: Do you think that the objective of encouraging circular migration, where migrants return to their place of origin, is desirable and realistic?

Juan Camilo Cock: It can work. From what I understand, it works for certain migrants in certain conditions. The UK used to have the seasonal agricultural workers scheme, which, from what I understand, was mostly students who came to work over the summer and then went back. Spain has had some success with bringing in farm workers from Latin America to work on a temporary basis and go back. So that can work in specific circumstances.

To add to that, there are patterns of circular migration that emerge naturally. Those patterns can sometimes be disrupted by changes to Immigration Rules, which has happened in the UK in the past. People might decide that instead of returning, they will stay and stick with it because they assume that it will be more difficult to come back again. I guess that
circular migration programmes can work in specific circumstances but I would be more worried about the disruption of those naturally emerging circular migration patterns when people prefer to stay put because they fear that they will not be able to return.

**Rebecca Crerar:** I would second that. I have slight knowledge on two areas. First, in the area where I work, we are seeing a massive drive of guys who have got indefinite leave to remain to become British. Much as we encourage them to be British because it is good to be integrated and they feel the ownership, they can walk down the street and they feel that they belong, there is also in them the drive to be able to return to their country, check it out but still return to Britain if they do not like what they see.

We are seeing families returning to their countries, especially to northern Iraq and Kurdistan. I have heard differing stories of how safe it is there but I think that some areas are relatively safe now. That is a good sign and we encourage that. I should like to see some of these people, especially once they have a bit of an education and have something to take back, go back to rebuild their country. Certainly, we will encourage that.

On the other side, I had dinner last night with the HR manager of a large factory in Ipswich which makes DVDs. She works with a lot of eastern European migrants. I was asking her about their plans and she said that mainly they work for about four years. They earn enough money to buy a house outright in their own country and return. But she said that that is not to say that quite a few of them have no intention of returning and want to settle in the UK because they see it as a place that they would prefer to be than in their own country.

**Helen Hibberd:** I would echo that. If you make it possible for people to come and go, they will, but if you do not, they will stay.

Q98 The Chairman: The main context in which this issue gets raised is the desirability, particularly in the case of poor developing countries, not to lose too many of their brightest and best, and that when they come here and get a better education and more training, they are at least encouraged to think of going back to their own countries. That is very much the thrust of the GAMM document that we have seen. Do you see any of that in practice? I think that you were saying that you do see a bit of it in practice.

**Rebecca Crerar:** Yes. I think it is a really difficult one. Obviously, economically, if you are a doctor, you have to be very driven to go back to your war-torn country to earn a pittance or nothing, and help your country, than to stay in Britain and earn a decent living and watch your children grow up going to good schools. I do not know how you can change that factor really. But some people are driven enough that they want to see their country get better. It is really just a moral thing. I do not think that you can make it economically viable.

The Chairman: Presumably a great deal depends on whether they think that their country, the country they wish to help, is on an improving trend, in which case they are probably much more motivated to go back than if it is in the hands of a dictatorship, a corrupt regime or whatever. In a way, it is the conditions in the developing country that probably make quite a big difference in this case. Of course, that is something over which the European Union has some influence through its development policies and its foreign policies.

**Lord Avebury:** It certainly ought to apply to Iraqi Kurdistan, which is doing extremely well economically.

**Rebecca Crerar:** There is a lot of investment going in Kurdistan. The other day, I had a phone call from a chap who has gone back to be an interpreter for a foreign oil company which has moved in. He is a Iraqi-Kurdish who worked with us and has gone back. He seems
to be doing well. He sounded happy. But then again you still hear about the car bomb attacks in certain areas in Kirkuk and a lot of instability. So it is hard to really gauge how safe it is.

Lord Avebury: Yes.

Juan Camilo Cock: In terms of developing countries, it is not just the movement back and forth that often has potential for those countries but the links between one country and the other. People are setting up businesses back home, which are linked to businesses in the UK. That brings benefits both to the country which receives the migrants and the migrant-sending countries. That is referred to in the Global Approach document about the role of diasporas in the development of their own country. I would emphasise that it goes both ways. It is not just diasporas benefiting their own country; they also benefit the countries receiving them. That is a big role. It is like those links between the diasporas and the communities back home.

The Chairman: That is something that Mr Sutherland emphasised a great deal in his evidence; namely, that diasporas have a very positive role to play in both the countries in which they have settled in Europe, and in the countries from which they came, which they may now be investing in or, in some cases, contemplating returning to.

We thank all three of you very much for coming and casting some light on this really complex issue. It has helped us a great deal. We will of course be using your testimony, along with all the other evidence we are receiving, as we work our way, around about the end of the year, to producing the report. Thank you.

Rebecca Crerar: Thank you very much for the opportunity to come here. We appreciate it.
WEDNESDAY 31 OCTOBER 2012

Members present

Lord Hannay of Chiswick (Chairman)
Lord Avebury
Viscount Bridgeman
Lord Judd
Lord Lingfield
Lord Mackenzie of Framwellgate
Baroness Prashar
Lord Richard
Lord Sharkey
The Earl of Stair
Lord Tomlinson

Examination of Witness

Witness: Mark Harper MP, Minister for Immigration, Home Office.

Q234 The Chairman: Minister, thank you very much for coming along to help us in this inquiry, which we have been conducting now for several months, and which we are close to the end of, on the Commission’s Communication on the Global Approach to Migration and Mobility. We had some good sessions with your predecessor, Damian Green, and we look forward to a good working relationship with you because quite a few of the things that this Committee deals with fall within your bailiwick. Welcome to the first occasion on which you give evidence to this Committee.

I will just go through, if you do not mind, the routine introductory remarks I have to make. The session is open to the public. A webcast for the session goes out live as an audio transmission and is subsequently accessible via the parliamentary website. A verbatim transcript will be taken of your evidence. This will be put on the parliamentary website. A few days after this evidence session, you will be sent a copy of the transcript to check it for accuracy. We would be grateful if you could advise us of any corrections as quickly as
possible. If, after this session, you wish to clarify or amplify any points made during your evidence or have any additional points to make, you are welcome to submit supplementary evidence to us.

Now, it would be very helpful if you could just introduce yourself to the Committee, and if you wish to make an opening statement, that would be entirely welcome to us, but if you decided you did not wish to make an opening statement, that is fine too. It is entirely up to you. We will then go straight on into questions. I would just for completeness say that we are planning to produce this report before Christmas, so this is really, I think, the second to last evidence session we are taking. We are going to Brussels next week to take evidence from both the Commission and members of the European Parliament, and then we will be writing our report.

Mark Harper: Great. Thank you, Chairman. I am very pleased to be here. As you know, I am the not-so-newly-appointed Minister for Immigration, having taken over from Damian Green. I know you have a very full Committee here and a lot of questions, so if it is agreeable to the Committee, I am very happy to launch straight into the questions and answers, rather than burdening you with a lengthy opening statement.

Q235 The Chairman: Thank you very much. That is fine. We do indeed have quite a lot of questions to cover. Could we start with a rather general question about what is the Government’s experience so far of the Global Approach to Migration and Mobility (GAMM)? Of course, it has been in existence for quite a few years now. Indeed, it was introduced under a UK presidency in 2005. In your view, has it been an effective initiative for facilitating the EU’s aims regarding the external dimension of migration policy, and what do you expect from it in the future? How do you rate the Commission’s Communication, the one we are looking at, and which we are writing a report on?

Mark Harper: Generally, as the Committee knows, GAMM provides a framework for how we look at a number of these issues, with a real focus on the practical co-operation we have both with other EU partners and also with third countries. We have found, generally, it has been a helpful framework. It absolutely does not prohibit us from continuing to have those bilateral contacts with third countries, which we find particularly helpful, but I think it has been, on balance, a very useful endeavour.

I have to say, in the Communication from the Commission, the formal language they use is interesting. When I read it the first and second times, it was a little impenetrable; but, having been through it, I think the approach that the EU is taking on this is actually very sensible. It chimes with the approach that we take; and particularly working with third countries, where they contribute to significant pressures on the EU’s external borders, it has been very helpful. That focus on practical co-operation is the thing that we find most valuable about the GAMM overall.

Q236 Baroness Prashar: In his evidence to this Committee, Charles Clarke argued that “migration, along with police and security co-operation, trade and aid, should be integrated more effectively into the EU’s foreign policy machinery”. Do you agree with this view, and if so, how could the different approaches adopted by Member States to migration and foreign policy matters be reconciled?

Mark Harper: It is absolutely right that we look at the impact that migration has, or the connection it has with our development work, both the development work we do bilaterally, that DFID does, but also the work we do with the EU. That is absolutely true. Clearly, as regards migration and what we need to do with third countries in terms of dealing with
illegal migration and dealing with returns, is absolutely part of foreign policy. A caveat that I would add is that we are very clear that migration and the policy around it remains a national legislative competence. I think, therefore, that we would not be in favour of the EU and the External Action Service going beyond its brief. Clearly it is interlinked but the fact that, for example, all of the proposals on justice and home affairs matters trigger our decision about whether we opt in to them or not, and whether we choose to participate, is important. It is also important that we make sure that we do not, by doing things at an EU level, rule out some of our very valuable bilateral work that we want to continue doing with countries around the world. It is an adjunct to what we do, but I do not think we would want to see migration policy folded into something where we then cease to have the control over it that we do at the moment.

Q237 **Baroness Prashar:** What you are really saying is that you see the relationship between them, but you do not want them integrated?

**Mark Harper:** Correct, yes. You do not want to be looking at foreign policy and aid without thinking about the impact on migration, legal or otherwise. From our perspective, we do not want to go down a road that ends up with us making trade-offs on migration that we would not want to do in order to fulfil some other foreign policy objectives that other EU Member States might have.

Q238 **The Chairman:** Have you had any experience yet of how the External Action Service is getting involved in this area of policy? Do we have any working experience of that? Do we think they are trying to overstep the mark, or are we actually co-operating quite successfully with them? I would like to add a second supplementary. I just wonder if you could say a word about the UK’s own involvement in the Global Forum on Migration and Development. Do you believe that the Commission should have a more formal role in that organisation—it is not an organisation, but more a conference—perhaps attending it as an observer?

**Mark Harper:** On the first point, I have not seen any examples in the time that I have been doing the job, of the External Action Service overstepping the mark. I suppose that I have a natural wariness—“suspicion” might be too strong a word—about making sure it does not try to do that, and that we make sure we are clear that this is a Member State competence, which is something that we take very seriously.

There are of course EU mechanisms for making sure that migration issues are taken into account as foreign policy and aid positions are developed, but I just wanted to put that caveat in place.

As far as the UN forum is concerned, in terms of a dialogue, we want to see that remaining as a UN-member state dialogue, rather than it turning into something where the EU started having a formal position. I think that is a generally shared view. I do not think we want to see that turned into an environment where the EU starts attending and having a formal position on things as the EU. This is something where we want to make sure we continue having a position as the United Kingdom, and we want that to continue being a member state.

Q239 **The Chairman:** The question was rather carefully posed not to get into that area. We had evidence from Peter Sutherland, who is the UN Secretary-General’s Special Representative for Migration. What we are talking about is: should the Commission be there as an observer? It does seem to me, at any rate, a trifle difficult for them to maintain coherence with Member States’ views if they are not even there.
Mark Harper: The danger is that a lot of these things start off like that, and then you start going down a road where the EU starts trying to have a common position on something where, from the UK’s perspective, we want to maintain it very clearly as a national Member State competence. We would be much more comfortable with the UN forum remaining a UN member state forum for discussion and dialogue.

Q240 The Chairman: Yes, but the EU is an observer in the UN. It has observer status in the UN.

Mark Harper: As I said, in terms of where we end up going with this, if we are clear about the approach then that is fine, but I am just nervous that we end up going down a path where we start looking at the EU trying to have a common position on this. We have always been very clear that we reserve our right to have a UK position on migration matters, even if there is pressure for the UN—

Q241 The Chairman: But you could only have that common position by unanimity, could you not, in this area?

Mark Harper: Yes.

Q242 The Chairman: It is a Member State competence, so we would be able to ensure it did not happen if we did not want it to happen.

Mark Harper: But we have experience in other areas where things start off very reasonable-sounding, and then you end up on a track where there is pressure to move in a different direction. It is just clear that if you do not want to go down that track, then you must make that clear at the beginning, and then you do not lead everyone up the garden path and end up with a large row at the end.

Q243 Lord Tomlinson: Minister, what is your view concerning the EU measures that have either been introduced or are proposed, which intend to anticipate and fill labour market shortages with workers from outside the EU—for example, schemes such as the EU Immigration Portal, the EU Vacancy Monitor and the EU Skills Panorama? Does the Government find these proposals helpful, a hindrance, or are you agnostic about them?

Mark Harper: First of all, our view is that the issues about the labour market and where there are shortage occupations and where we want to have skilled workers coming in are best done at a national level. I think our mechanism with the Migration Advisory Committee—the work they do in general but also the work they do on the shortage occupation list—works very well.

I am not sure that any of the three things you mentioned make an enormous amount of difference from the point of view of businesses. We think that businesses should be in the lead on looking at what skills they need, looking at whether they can get those from the resident labour market. As the EU considers over the next few years how to live within its means, I am not sure these are areas where spending taxpayers’ money adds a great deal of value at all, to be honest. I certainly do not think they add a great deal of value. I do not think they cause any harm, but in the public spending environment we are in and we are going to be in for the foreseeable future, I do not think the public authorities ought to be doing things that do not add a lot of value, and I do not think they add a great deal of value at all.
Q244 Lord Tomlinson: If that is the view from a public expenditure point of view, that these do not add any value and are therefore potential areas to be eliminated, do you not think as a general approach to the budget that that should be taken? Eliminate that which you do not want and increase that which is necessary, rather than having across-the-board approaches to all expenditure.

Mark Harper: You are not going to draw me into having the debate about the EU’s budget or the next Multiannual Financial Framework. That is well above my pay grade, and of course we will be debating exactly that issue in the House of Commons this afternoon. If you will, Lord Chairman, I will not be drawn on that.

Q245 Lord Tomlinson: I thought it was worth a try.

Mark Harper: It was worth a try, but you were not going to get very far, I am afraid.

Q246 Lord Avebury: What role do you think the EU, as such, should play in helping manage the levels of migration into its southern Member States in particular, and do you think the EU’s current work in this respect could be improved in any way?

Mark Harper: Clearly, the EU does have a role in managing its external borders generally, and, as I said in the answer to the first question from the Chairman, our view is that we can do some of that work together. Some of the EU Institutions are helpful. Some of that work can be done very well bilaterally and some of it can be done with groups of EU partners working together, either to support EU Member States to help them be more effective, or working with third countries. It is quite clear from our point of view, if you look at where migration flows go—legal, irregular and also asylum seekers—that countries at the northern end of Europe clearly get a disproportionate share of that flow. The work that the EU is doing on the external borders, particularly the south, is valuable and we want to continue it, but we do not want to do it excluding some of the very valuable bilateral work we do as well.

Q247 Lord Avebury: You did not quite answer the second leg of my question, which is: should the European Union do more to help the southern Member States to cope with the flows of migrants that they are experiencing now?

Mark Harper: It depends what you mean by “cope with the flows”. Clearly there are two aspects to that. There is being more effective, working with the States that are sending those flows and on some of the measures to reduce irregular migration, so there is clearly some work that can be done there. There is also work that can be done—thinking about the work that is being done with Greece, for example—to enable it to have a more effective system for dealing with asylum seekers than it currently has, and there is work being done in terms of seconding people, seconding expertise and resource, as well as financial, to help them do that job more effectively. I think we can do both of those things, and clearly they are valuable.

There is a limit in the extent to which the EU can stand in place of Member States that are not capable of doing that. Ultimately, these are processes and decisions for Member States. Clearly the EU can be helpful and can support Member States, and the European Asylum Support Office very much sees itself as a Member State support mechanism, but ultimately it cannot stand in place of the Member State delivering effective policy, both operationally and in terms of processing those flows of people.
The Chairman: But Readmission Agreements have a very important role to play. I think, but perhaps you can confirm, that the Government takes a pretty positive view, for example, of the Readmission Agreement with Turkey, which could be extremely important for all Member States, and on which I think we are waiting to hear from you a decision about opting into that. We are still waiting to hear.

This Committee, as you probably know, has taken the view that the Government picking and choosing between Readmission Agreements is probably not in our best interests, and some of them, where we have not opted in, we think we should have done. The Turkish one, on which we are waiting for your response, is a very clear case in point, where European Union action is going to be helpful to all Member States, including the UK, I think.

Mark Harper: Yes. I suppose your characterisation of picking and choosing is not inaccurate, and we have made it very clear that we will opt in to Readmission Agreements where we think we get something for the United Kingdom that we would not get otherwise. The ones that we have chosen not to opt in to are those where we have either felt that, for the particular country involved, there is really not an issue for us to deal with, or where we feel that the existing bilateral relationships and co-operation we have are perfectly adequate to deal with any issues we face. I do not think we lose anything by not opting into the ones where we do not feel we get any value. I do not see there is any sense in opting in to them where we do not think there is a practical benefit, just for the sake of it, but where we think there is value then we will absolutely do so.

The Chairman: If you will allow me to make a point on that. I am sure your judgment is very carefully weighed up as to where a Readmission Agreement with a third country does not bring any immediate benefit to the UK, but you could perfectly well envisage a situation in which the UK’s bilateral relationship with that country went through a bad patch, where for some reason—nothing to do with immigration—the relationship between the UK and that third country was not as good as it might be, in which case no doubt the informal arrangements we have for readmission might suffer. We would then benefit very greatly if there was an EU Readmission Agreement with that country to which we were a party. That is the basis on which we think it is a little bit shortsighted, because lapses in bilateral relationships do occur.

Mark Harper: They may well do, but I think in this area it would be more beneficial for us to work on the bilateral relationship, rather than effectively subcontracting part of something. If the return of migrants and the aspects of work covered by the Readmission Agreement were very important in that bilateral relationship, I do not think, if for some other reason we were having issues in that bilateral relationship, substituting dealing with some of those important issues through the EU and not fixing the reasons why we were having the problems in the bilateral relationship would be the most effective way of doing it. Also, if this was something that was very important in the relationship, and for some reason we did have a problematic bilateral relationship with the country, I am not sure that you would necessarily find them being very co-operative in implementing that aspect of the EU Readmission Agreement.

The Chairman: I suggest you look at the history of Britain’s relationship with Russia, which is a case in point. Following Litvinenko—quite rightly, in my personal view—the Government has taken a tough line. It has caused damage to the bilateral relationship. It is not a parallel here, because there is not a Readmission Agreement there to talk about, but I do not honestly think that if there was a legally binding EU Readmission Agreement it would be very
easy for a third country to pick and choose in the way it handled it. But let us not pursue that point any further.

**Q250 Lord Avebury:** Could I just return to the main question for a moment and ask whether it would be fair to sum up your replies as indicating that the Government does not think there is any improvement that could be made to the European Union policies, either on helping countries in southern Europe that face influxes of irregular economic migration, or in dealing with the situations in countries of origin that promote this economic migration?

**Mark Harper:** No, I do not think I said I did not think there was any room for improvement. Clearly, we are doing valuable work—the case of Greece is one example—and we are doing work with a number of countries that border the European Union.

**Q251 Lord Avebury:** That is what we are already doing. I was asking about any improvements.

**Mark Harper:** No. We can always make operational improvements, and there are things that we can look at, picking up Baroness Prashar’s point about our development relationships and other foreign policy things, to improve the situation with specific countries. If your question is, “Should we adopt a different approach to the EU’s role in migration policy? Should it have a bigger role and the Member States have less of a role in order to”—the argument might go—“be more effective at dealing with those issues?”, then I do not think that is a road that we want to go down. Clearly, however well we are doing, we can always be doing better on some of the operational and specific issues. Do I think that means we need to look at doing the approach differently and the EU having a bigger role in setting migration policy overall? No, I do not think it does. Does that answer your question, even if you do not like the answer?

**Q252 The Chairman:** I think I am right in saying that there are some third countries that are potential sources of migration, even illegal migration, in which it would not make sense to have a separate British aid programme there, because, for historical reasons we do not have very close links with that country, in which case it might be perfectly sensible to have an EU effort in it. In another country where there are very strong British links and where there is an existing substantial aid programme, your answer would obviously be the commonsense one. I do think there is a bit of a distinction there.
Mark Harper: Yes, and my understanding is—again, it is not my specialist subject—we do do a significant amount of development work through the EU, so I am not in any way suggesting we change that. The view we have taken is we do bilateral development and aid work where we think that makes sense, and we do some things for some of the very reasons you set out, Chairman, with EU partners. What I am saying is I do not think there is an argument, we do not think there is a good argument, for having a significant shift in our current balance, which I think is where Lord Avebury was suggesting that we might go, and I was saying that I do not think we should. I am not in any way suggesting that we would not do something with EU partners where that made sense, but I do not think a big shift in our policy approach is required.

Q254 Earl Stair: Can I move on to Mobility Partnerships, of which I think we have four in place at the moment? Does the Government consider they work as a concept, and do you think that an evaluation of their operation would now be worthwhile?

Mark Harper: I think they are helpful as a concept. We particularly like them because they are not binding, so they do not lock us into things that we would not want to do. They present Member States with opportunities to look at where they can work with those countries where we have those partnerships—and partnership in the genuine sense of the word—and I think they have been helpful.

In terms of doing an assessment of them and how concrete you could be about what had specifically been delivered by them, there may be an argument to do that. Whether they lend themselves to that sort of assessment I do not know. Certainly, having looked at them myself, different Member States have different levels of input in them, depending on the context. I am not sure, is the answer to your second question.

Q255 Earl Stair: With a view to possibly expanding, to opening up more Mobility Partnerships with other countries, would it not be worth evaluating the system?

Mark Harper: It may well be, but I think the danger is that effectively they are a mechanism for—going back to what I said at the beginning—facilitating our having those good operational and working relationships with some of our EU partners and with those third countries, and their content is going to vary depending on the nature of the relationship and the nature of the challenges. Whether you could say we are going to assess how this particular partnership has worked, and whether that tells you anything more about that particular partnership, in a sense of saying, “This framework is really effective. Let us roll it out more widely”, I am not sure that you would draw that conclusion, because they are quite bespoke. You would certainly draw a conclusion about the specific partnership, but I am not sure that would tell you anything that would help particularly in thinking whether you wanted to roll them out more widely, since they are going to be quite bespoke and related to the specific challenges and the specific things that individual Member States want to do as part of that partnership.

Q256 The Chairman: Presumably, the evaluation process could have two possible ways of proceeding, one of which, as you say, is the examination of the specific Mobility Partnership with one of the four or five countries where they exist. “Have they worked? Are they useful?”, and so on. Then there could be a rather wider one, which is the approach that,
after all, domestically the Government follows all the time, which is, after you have some pilot examples, do you roll it out more widely or not? You could cover both of those. I do not think we are asking you really to go very far on this issue, but merely to test whether you think that as the GAMM goes on, it might be useful to evaluate experience. The Commission is not always very good at this, and instead of just producing five more Mobility Partnerships. One should do an assessment of how valuable they have been. That is all we are asking.

Mark Harper: I certainly think that is the case. I think it is worth looking at for two reasons: first, have they been effective from the point of view, “It is something we are doing; we should always look at whether it has been effective and whether the resources devoted to it are very sensible”; but also, “Do we think the mechanism is effective”, and more importantly, “Are there things we have done with particular partnerships that have been successful and worked, which we might want to use elsewhere, as well as other approaches?”. I think that aspect is sensible. All I was being a little bit reticent about was being careful not to evaluate them and say, “One of them has been enormously successful and we are now going to roll it out”, given that they are quite bespoke and they are not that formulaic. I am not sure you would want to draw an enormous conclusion from looking at a number of them, but certainly going back and analysing them as a general point of public policy is very sensible. If you are going to go and do something, you should go back periodically and check whether that particular approach is effective, or whether there would be a better way of doing it. You are quite right; not all Government bodies—not just the EU—are very good at going back and looking at things they have done in the past to inform what they might want to do going forward.

Q258 Viscount Bridgeman: I have just been in Georgia where—particularly after the recent elections—there is considerable pull between Russia on one hand and the West on the other. We saw one of those partnerships, one of those teams, in action. Do you not agree that their presence there is a very useful reminder to the people of Georgia and the Government of the benign interests of the EU in those countries?

Mark Harper: I think that is helpful, and certainly where you have very practical co-operation and you have a forum for dialogue, that is very helpful, and it is helpful that you have had that experience and you have fed that back. If there are any specific, detailed things that have arisen from your visit that you want to share, I would be very happy to have an exchange of correspondence or conversation with you outside the Committee. In general, I think your point is very well made.

Q259 Lord Judd: You have been extremely firm in your answers to questions about the inviolate independence and autonomy of the immigration policy. It almost sounds a little ideological to me. As a pragmatist, I wonder whether a more pragmatic approach does not have some value, where, if a common agreement helps you to achieve your objectives, you are prepared to look at it rather than start by saying it is out of the question. My question is this: does that same sort of firmness apply to immigration policy within the working of Government within the United Kingdom? How would you evaluate the engaged, positive co-operation between the Home Office, FCO and Department for International Development so far as the Global Approach is concerned?

Mark Harper: I am glad you thought I was very firm; that was my intention. It is very clear. The reason for being firm on it is that where we can co-operate with European partners, we do, and we work very closely with our European partners on a number of these issues, given that immigration by its very nature is international. Yesterday I had a very good meeting—
the first one I have had—with the French interior minister, where we talked with him and his team about a number of the areas where we work very closely with France. Where we can co-operate on an operational level we absolutely do so, and I think we do that very well.

What we are not going to do is cede control of policy in a way that is irrevocable or starts being justiciable by the ECJ. We are going to keep migration policy as a Member State competence and be very clear about that, but that absolutely does not stop us engaging with partners either collectively or with individual EU partners when we think there are areas where we can work very effectively together, which I hope I demonstrated in the answers to my earlier questions.

In terms of within Government, I am tempted to say—in answer to your question about the working relationships with the Home Office, Foreign Office and DfID—that they are excellent—

Q260 **Lord Judd:** Excellent?

**Mark Harper:** Yes—and allow you then to come up with a follow-up question.

Q261 **Lord Judd:** But when you say they are excellent, could you tell us in what way they are excellent, and could you tell us how far these other departments contribute towards the policy that is becoming our immigration policy?

**Mark Harper:** Obviously, officials work very closely together, and just in the relatively short time I have been doing the job, I have already worked closely with Ministers in the Foreign Office, both on some of our work we are doing with other countries on what could be characterised as the growth agenda, areas where we can look at opportunities to deliver an even better service to our business visitors and to make sure we facilitate our economic growth. I have worked very closely with other Foreign Office Ministers, with Hugo Swire, for example, on the joint working between the Home Office and the Foreign Office on some of our work on combating human trafficking. We had a very good event last week, and I am told that a lot of the NGOs there were quite impressed by the fact that the Home Office and the Foreign Office were having a joint event at all. I also will be, in the near future, talking to colleagues in DfID about how we can look at our development work and how we can use that to deal with some of the migration pressures we have. My sense in the first month or two of doing the job is that, certainly, the interactions I have had at ministerial level with colleagues in those Government departments have been very constructive, working with a consistent Government policy, and the different departments are looking at the areas where we can best contribute.

Q262 **Lord Judd:** I would just like to pursue that a little, having been very much involved—in the quite far distant past—in this area of ministerial responsibility. How far does co-operation with these other departments for you mean getting them to do what you require them to do within the immigration policy as you see it, or how far do you take into account their insights and observations about the implications of your policy as you have it, and whether in the long run you may be scoring tactical victories on immigration but the strategic negatives?

**Mark Harper:** We work closely with those departments and, particularly when I work with colleagues in the Foreign and Commonwealth Office, we want to listen to the views that they pick up from governments overseas, and we had some feedback from colleagues on how some of the policies we adopt domestically are seen overseas, and that is very helpful because we can then think about how we communicate and we remember that we do not
just have a domestic audience, that we have an overseas audience as well. We have a debate with colleagues about the quality of service we deliver to both business and tourist visitors to the UK, and look at where we focus our resources on delivering our improvements to our visa service, which is very good in most parts of the world, and where we can offer premium services and where we focus on that. There has always been lots of debate about services we offer to China, and whether we can improve those, given the rate of growth of that country. I think there is a very good dialogue. Do we always agree about everything all of the time? Do we have a debate? Yes, we do, but the working relationships are very good, certainly in my experience.

Q263 **Lord Judd:** But there is not a shared responsibility. The responsibility, in your view, is yours.

**Mark Harper:** Yes. Immigration policy belongs to the Home Office and is ultimately the responsibility of the Home Secretary, and we are very clear about that, but clearly we work very closely with colleagues. My experience in the time I have been doing this job is that at official level there are very good working relationships, but also at ministerial level. I have seen some very practical examples where colleagues in the Foreign Office and the Home Office have worked very closely together, and I am looking forward to the first meeting I have with DfID.

Q264 **Lord Judd:** Perhaps government has changed since my time, and it is quite a long time, but in my time the ultimate responsibility was the Government’s, but that is another issue, perhaps.

**Mark Harper:** One of the things that has perhaps helped to join all of this up is the structure the Prime Minister set up—when he first formed the Government—with the National Security Council. Picking up on your point, obviously the Home Secretary is ultimately responsible as an individual Minister for immigration policy, but clearly, collectively, the Government is responsible for it, and I think the mechanism of the NSC, bringing together all of those Government departments, has been very helpful in making sure that we have a very coherent, joined-up approach across Government.

Q265 **Lord Judd:** The Government has a collective responsibility for forming the policy, for which it is collectively responsible.

**Mark Harper:** Yes. I do not think those two things are reversed. In terms of individual ministers, the Home Secretary is responsible for immigration policy and the Foreign Secretary is responsible for foreign policy, but clearly, in our system of government, all of those Government decisions are reached collectively and Ministers are collectively responsible.

Q266 **Lord Judd:** It would be good to hear—perhaps you can write to us about it in more detail—your response on one point. With this lead responsibility that you are very intransigent about, how far do you reconcile the fact that, because security and immigration, which is closely linked to security, are essentially global, international issues which can only be solved in a global, international context, does it really makes sense to say that the governing principle in all you are doing is that you must be inviolate and autonomous in your British policy, as distinct from strengthening the international co-operation that is essential to solve the problem?

**Mark Harper:** I will give an answer, without wishing to send us off on a tangent. I do not think those two are contradictory at all. We have spent the first part of this session talking
about the work that we do very closely with EU partners. We talked a little bit about the conversations that take place at UN level, and clearly we have very strong bilateral relationships; we work closely with other countries, not just with EU partners but with the Five C conference and other countries which are like-minded on immigration, on security and on counterterrorism issues. I do not think doing all of that, working together, is at all contradicted by making it clear that migration policy is something that we want to remain a Member State responsibility and that we do not want to see becoming an EU responsibility. I do not think those two things are in contradiction at all.

**Q267 Lord Avebury:** Very quickly. You have mentioned several times that you have examples of policy that have been developed as the result of co-operation with both DfID and the FCO. Could you let us have a note on those?

**Mark Harper:** Sure.

**Q268 Lord Richard:** Lord Judd has been exploring the way in which various Government departments come together in a somewhat mystical way to produce policy, which then becomes Government policy and everybody agrees with it. I want to look at the effect of that policy, once you have arrived at that. It does seem to me that, as far as these matters of migration are concerned, Britain is really in a somewhat weak position. We have a partial involvement in EU migration policy; we have a whole raft of no opt-in measures; we are not connected with Schengen. Do you not think, looking at that in totality, particularly starting from your starting point, which is that it is the national interest that matters and you have to keep national control of it—you kept using that word and you kept using the word "bilateral" the whole time—that somewhat undermines our position in terms of influencing what happens in the implementation, the standing and the implementation of GAMM?

**Mark Harper:** Honestly, no, I do not think it does.

**Lord Richard:** Really?

**Mark Harper:** The fact that we are not in Schengen, for example, clearly means that Member States that are in Schengen are going to agree and we are going to have less of a view about them, but in my experience, in terms of practical co-operation, I just have not seen examples where we have not been able to be effective because of the view we have taken. We are in a different position, for rather obvious geographical reasons, from the other Member States, where we do not have a land border—apart from with the Republic of Ireland—with the rest of the EU. This is why we have the position we have, why they have come from a different environment, and why we are going to stick with the position we have. I just have not seen examples where we have not been able to have that good working relationship on a practical level. It might be a problem in theory, what you have set out, but it does not appear to me, from what I have seen so far, to be a problem in practice.

**Q269 Lord Richard:** I am interested to hear you say that. It does seem to me that the number of opt-ins is pretty great. We have 130 opt-outs, and are presumably trying to claw our way back into some of them that we find agreeable. Britain’s position in this whole migration argument within the European Union seems to me to be one in which we are essentially in a weak position. There may be very good reasons for it, but we are partially in it. We try to influence it. In matters in which we think it affects our national interest, we have the right to opt out, which we do opt out on, but it does not seem to me to put us in a very strong negotiating position.
Mark Harper MP, Minister for Immigration—Oral Evidence (QQ234–301)

**Mark Harper**: Let me just say a word about the 2014 decision. Arguably, the way the previous Government negotiated that arrangement is not the best way, where we have to opt out of everything in order to opt back in to the things we want to opt back in to. A more sensible arrangement might have been to allow us to opt out of the things that we did not want to be in, but that is the way that it is set up, and we have made it clear that we are minded to opt out of those arrangements, and then we will go through and consider which of the things that are in our national interests we want to opt back into, and we need to be clear with our European partners.

Q270 **Lord Richard**: Will you be clear with us too?

**Mark Harper**: We need to be clear with our European partners and with Parliament.

Q271 **Lord Richard**: So you are going to tell Parliament what it is you want? When are you going to do that?

**Mark Harper**: Yes. We will be setting out the process for going through and making those decisions, and I am sure the Home Secretary will set that out in due course.

Q272 **Lord Richard**: When will it happen?

**Mark Harper**: In due course.

**Lord Richard**: That could mean anything.

**Mark Harper**: We need to be clear with our European partners, as we have been, that that does not mean we are in any way rowing back from the valuable working relationships we have on a day-to-day level, and we take the opportunity to make that very clear.

In my experience in this job so far, in terms of looking at meetings I have had and in terms of looking at policy, as I said, it may be a theoretical problem, but I have just not seen evidence in practice that we have not been able to work closely with European partners or we have not been able to achieve what we want because of that environment.

Q273 **Lord Richard**: Could I just ask you one more question? Do you not think, as time goes on, what you consider and I describe as the theoretical position only is going to become more and more pressing? In other words, the more that we are on the sidelines, the more that we are looking at it from the outside, the more we are saying we are going to opt out of X, Y and Z, the less influence we are going to have? It is a cumulative thing, is it not?

**Mark Harper**: There are two issues. There is that issue related to these issues, and then there is that issue related to our relationship with the European Union more generally. As far as these issues are concerned, I am not sure that is true. In terms of the relationships we have with our European partners, in terms of the size of the United Kingdom, the expertise that we bring to bear in a number of these areas, the co-operation we have with European partners—not just on immigration matters but on security and other issues—in the same way that we have all that practical co-operation, they want to have that practical co-operation with us because all these issues are interconnected. They are all very important for other European partners, as they are for us, and I think that practical co-operation can continue. They perfectly understand the different view we take of these issues, and, as I say, I have not found it to be a practical problem. We will have to see how the future pans out.
The Chairman: We must not stray too far on to our next inquiry, where we will of course be taking evidence from the Home Secretary and the Justice Secretary on the 2014 decision, but if you allow me to say so, I think you may be testing your rather generous and positive view of co-operation to destruction. But we will discover that when we get into the debate that we will be heavily involved in from today onwards consulting on the 2014 decision.

Q274 Lord Lingfield: Do you believe that the calls put by several of our recent witnesses and by the Business, Innovation and Skills Select Committee in the Commons for the Government to exclude international students from the public policy implication of its immigration policy are well founded?

Mark Harper: Short answer, no, I do not. Let me expand a little bit more. Our policy as far as international students is very clear. We do not have a cap on international students. We want to attract the best and the brightest to our high-quality educational sector. If you meet the criteria we set out around English language, appropriate academic qualifications and the ability to fund your course and your stay here, then you are able to come. I do not think there is an issue about our policy at all. I have heard criticisms from some academics, but that largely seems to be those that fundamentally do not think we should have any sort of immigration control at all. There is no case, as far as I see it, to treat students differently than we treat, for example, those who come here to work. If you are a student and you are here for four or five years, you are just as much of a migrant as a skilled worker who is coming to work for a company. Both are adding economic value to the United Kingdom. In the student’s case, they are paying the fee and spending money, but if they are working for a company here and creating economic value for that company, I do not see there is any case to treat them differently. I think our offer for international students is a very good one. A high-quality academic institution—with the offer they have and the arrangements they have with highly trusted sponsors—has a very good offer to go and sell their educational product around the world. In fact, the evidence we see from the UCAS applications from international university students—it is early stages; we will not see the detailed evidence until next February—is that they are up this year, and continue to be so, even where they are not for domestic students. I do not see any evidence.

We know that in the past there was significant abuse of that route into the United Kingdom. We continue to see people who come here as students being overstayers and a significant number of those who end up having sham marriages. Pretending we can just not worry about it is a problem. The way you control immigration is you have to control all the routes, you have to keep vigilant on all of them, and that way we have a very well balanced immigration system, which then has the support of the public, which means we are then better able to integrate and those institutions can pull people into the country, and I think it will work very well. I do not think those calls are well founded, no.

Q275 The Chairman: It is not clear how you reconcile your very clear statement that there is no cap on students with the Government’s policy of getting net migration down to tens of thousands in this Parliament. That is surely a cap, is it not, and if it is not a cap, it is nothing?

Mark Harper: It is not a cap, and we have already started to see the numbers moving in the right direction, from 252,000 to 216,000, the first set of numbers published just after I took office. We will see how they track. The point is there is not a cap on international student numbers. Our ambition is to still attract the best and the brightest students to institutions where they meet the requirements that we have set out. We have a good offer that our
academic institutions should be able to go and sell their educational product around the world.

It is also worth saying that if you look at the numbers of students here, there is also a significant number of students attending UK-linked educational establishments who are based on campuses overseas. A lot of our institutions, as with other countries like the United States, are looking at delivering our educational offer partly through physically having students come here, but also looking at methods of doing it online and using campuses around the world. As we go forward, you will see a blend of those different things happening, which means you can expand quite significantly the higher education sector without necessarily having significantly large numbers of students coming here for four or five-year periods. There are many options for our higher education sector to be incredibly successful and continue to be successful, that it is a powerful tool.

Q276 The Chairman: Those options are much less valuable to British universities than students coming here. I am trying to grasp whether what you are saying is that in fact there are no public policy implications for students in the Government’s target of getting net migration down to tens of thousands. Is that what you are saying?

Mark Harper: No, I do not think there are, because one of the arguments we get from the university sector—

Q277 The Chairman: You do not think there are public policy implications?

Mark Harper: As far as the student issue is concerned, no. One of the things that this sector keeps telling us—which I am not sure is entirely true—is that those students come to the United Kingdom and then they leave. If they come to the United Kingdom and they leave, they do not contribute to net migration. The fact is, not all of them leave. In a steady state, if you have 100,000 new students turning up in a year and you have 100,000 leaving, there is no net migration impact on that at all.

Q278 The Chairman: But the object of most British universities is to increase the number of foreign students who come here.

Mark Harper: Yes, if they are here for their course and then they leave, there is still no net impact over time.

Q279 Lord Avebury: You do not have the faintest idea how many of them leave, do you?

Mark Harper: This is one of the questions. The university sector says that they all leave. The only piece of work that has been done was the Home Office research that demonstrated that of people who come here on a student visa, 20% of them were still here, legally or illegally, after five years. The remaining 80%, we did not know where they had ended up. The fact is that some of them stayed, which is the reason why we have taken the view we did on tightening up post-study work, making sure that they could stay here but only where they had a skilled job, rather than going to work in an unskilled occupation. That is why we have tightened it up. But if what the university sector is saying is true, that they come here, they study and they leave, then accepting that in the period you are growing the sector there is a catch-up of it, over a medium-term period there is no net migration impact because they come here and they study and then they leave.

If you say there is a net migration impact, you must be accepting that they do not leave, and if you accept they do not leave then there is an issue.
Mark Harper MP, Minister for Immigration—Oral Evidence (QQ234–301)

Q280 Lord Tomlinson: Would you not accept, Minister, that some of the people who do not leave are very welcome to stay here? Somebody who has pursued post-graduate qualifications in any of the STEM subjects—science, technology, engineering, mathematics—the very people where we would not have university faculties in existence were it not for the overseas teachers who are teaching in the universities. Some of that net migration is welcomed and is imperative for the academic standards that we want to defend, so there is no virtue in saying, “Well, those who come in will go out”. We want some of them to stay.

Mark Harper: No, we agree with you.

Q281 Lord Tomlinson: How will you ever achieve your net migration reduction to tens of thousands instead of hundreds of thousands?

Mark Harper: That is why we do not support, as some people have called for, a zero net migration target. We are not trying to get down to zero, but we think having 250,000 people net coming into the United Kingdom every year over a significant period is too high, and that is the view shared by the public. It creates too much pressure on public services and does not contribution to integration. But we do not want it to be zero. We think controlled migration is valuable for the United Kingdom, and the changes we have made, for example, to post-study work, focusing on students who have an offer of a graduate-level job with a certain level of salary, where we are focusing on the best and the brightest and people who bring skills, is exactly the right way to go. It is about being more selective; not just focusing on the numbers, but getting the people we want to stay to stay here, rather than people who are just staying here to do unskilled work, where frankly we have a sufficient supply of those people from our resident labour market. I do not think those two things are working against each other at all.

Q282 Baroness Prashar: Can I just come back to the original question? I think the argument is that you should take away the question of international students out of your overall cap because they are a separate category. They come here for a different purpose. Some may stay for work, study, maybe longer; others go back. Maybe you need to disentangle the two and develop a specific policy in relation to overseas students and what we need to do in terms of higher education. They are good for the country, good for universities and it is good for international relations in the longer term. There are different policy considerations for that, and would it not be wise, therefore, to disentangle the two, rather than integrate the two?

Mark Harper: The ONS, I think I am right in saying, is planning on producing statistics that are more disaggregated, so the split of the numbers will be clearer, but I do not think you can just say, as some assert, that somehow international students are completely different. In terms of their economic impact on the UK, as I said in my answer to Lord Lingfield, if you have somebody coming here as a skilled worker in a company based in the United Kingdom, they come here and they create economic value to themselves, to their business and to the United Kingdom. They spend money while they are here. They create economic growth, as does a student. If they are here for a period, they will go away with a particular view of the United Kingdom that will hopefully be a positive one, in exactly the same way as a student. The student also, in exactly the same way as that person working here for several years, will have an impact on public services, will have an impact on having to live somewhere, on the transport system, all of those other things. Pretending that they have none of those impacts and you can simply pretend they do not have to be considered like that, I do not think it is a sensible way of conducting public policy.
nature.

Q283 Baroness Prashar: I do not think anybody is pretending that. I think what we are really arguing is that it is a different category of people with different public policy implications, and therefore they have to be regarded as a separate category. Of course you need to get figures of how many come, how many go and how many stay, because otherwise—being part of the net immigration figures—it sends a negative signal that they are not wanted, that we want the immigration down, and therefore the overseas students are not welcome.

Mark Harper: This is one of the slight problems I have. The only people that go around saying that we are not being welcoming to students or indeed businesspeople, or whoever, seem to be the sectors themselves. Ministers are very careful to say, “We want the best and the brightest to come here. We want our universities to be successful”. I do not think you could point me to a single example of a Minister in this Government who has said anything other than that.

Q284 Baroness Prashar: It is not what you say. It is the actions.

Mark Harper: As I said, there is nothing in our system, there is no cap on numbers. The evidence is we have more international students registering with our universities—according to the initial UCAS statistics—this year than we had last year, so I do not see any evidence of that. I think the offer we have and the new TEFL policy is a very attractive one for our universities. For those educational institutions that are selling education, it is the case that there were a number of educational institutions who had their sponsor licences withdrawn, who were not really selling education but were selling work permits, and that is not something that we are going to do. Those that are selling education, I do not think have anything to fear from our migration policies at all. I will take every opportunity—I spoke to the all-party group on universities; I have said I am very happy to go and visit and talk to individual universities. There may be some operational issues they want to raise with me, and I am very happy to take those up if they think their working relationships with UKBA are not all they might be, but I do not think there is a challenge to them from our policy. Some universities think our policy of attracting the best and the brightest and going out there is absolutely aligned with what they are trying to do as well, and think the way we do it through the highly-trusted sponsor status is a very light touch way of enabling them to operate in a globally competitive world.

Q285 Baroness Prashar: What is your response to the BIS recommendation?

Mark Harper: We do not think it makes sense to take them out of the numbers. There is an internationally agreed definition of migrants, and students fall within that number. The ONS, which is of course independent—much better if Government are not the people to do the numbers—is looking at disaggregating, so it would be clearer in the numbers for students. I think that is perfectly sensible, but taking them out and treating them as if they are not really migrants is not a very sensible public policy approach at all.

Q286 The Chairman: This is not a statistical matter, and I am sure it is useful that that should be done by the ONS, but it does not address the problem. If you follow your line of argument through, that the same considerations apply to students as apply to economic migrants coming to do business jobs and so on, then I am afraid you cannot escape the reality that since students are 60% of this cohort that you are talking about reducing to tens of thousands, there will be a negative public policy implication on the granting of student visas. You cannot escape from that, it seems to me. I would love to hear a Home Office Minister making a few public speeches about how we welcome as many students as can
qualify for British universities, can provide for themselves financially and want to come here. If you went out and said that, then of course there are no public policy implications from the tens of thousands objective.

Mark Harper: That is the Government’s policy and I did just say it.

The Chairman: I know you said it here.

Mark Harper: I know there is the old joke about if you want no one to notice what you have said, you say it in Parliament, which is usually on the floor of the House of Commons, but I am sure not true here.

Q287 Lord Tomlinson: Go and say it in India. We are losing students by tens of thousands to the United States, Canada and Australia.

Mark Harper: I take that point. You may well find me having some utterances later in the year on this subject.

Q288 Lord Sharkey: I just need to ask for a small clarification. If it is the case that foreign students increase in number every year, as we hope that they might, then is it not simply mathematically inevitable that the total numbers will increase?

Mark Harper: It is a net migration target. If you are in a steady state position and it is the case that, for the sake of argument, students come, they do their course and they leave, there is no net migration impact. In a period where you are growing the market, I accept that means that the number you get coming in in a particular year—the number leaving—is going to be smaller because you are growing the market, but it is only that gap that is the contributor for net migration.

The secondary question, which is the reason why you cannot just put this on one side, is that a significant number of students stay and do post-study work legally, but we have found in the past that a significant number of people that came here originally as students overstay their visas, do not stay here legally, or stay here legally doing jobs where, frankly, we have adequate labour already. The evidence from looking at migration generally is, if you do not deal with all of the routes and monitor them and keep attention on all of them, you just move the problem around. If we have tough controls on making sure we attract skilled workers and we do not pay attention to the student route, we just find that people get here in an inappropriate way. I think you cannot not pay any attention.

Q289 The Chairman: Refusing access to students is surely not the way to deal with the problem that you have identified. You should be trying, should you not, to deal with that problem as you have quite reasonably dealt with the problem of dodgy language schools specifically, but not by using public policy instruments of a sledgehammer kind, which are liable to impact on students coming here in general, not the ones who are going to stay on afterwards?

Mark Harper: No, exactly. One of the reasons why we took the decision that we did recently, which I know was criticised in some quarters, with London Metropolitan University, was exactly to deal with institutions that were not fulfilling the requirements of their sponsor licence. There is a powerful quality argument here for UK universities, if they chose to use it, which is: if we take action against those that are not fulfilling the requirements of their sponsor licence, it is a message around the world that if you come to the UK, you can be assured that the institution you are coming to will be a quality institution, delivers on its objectives and you will receive a better education. There is a
serving point here for the sector about raising standards and not having institutions here that are not really delivering education but are methods of evading immigration control.

**Q290 Lord Avebury:** Since you have closed off the routes to irregular migration by students coming to institutions such as London Metropolitan, although it did have a great many students who were perfectly bona fide, assuming that there are not any similar institutions remaining to be shut down, why do you not aim at counting only the students who remain at the end of their courses of studies, the 20% or whatever the figure is, who then gain permanent settlement for perfectly bona fide reasons, as you have acknowledged, because they have moved into the sort of jobs that Lord Tomlinson was outlining?

**Mark Harper:** It is worth me just saying on London Metropolitan, as a result of that, we looked at making some offers to the bona fide students who were here, and we have said, for example, that those here can see out either their course or the rest of the academic year.

**Lord Avebury:** Which they had to pay an extra fee for.

**Mark Harper:** So we did try to take care of the legitimate students that were here themselves. We did not shut them down, we simply took their sponsor licence away for overseas students. They are still perfectly able to operate with domestic students; that is important to say.

In terms of counting them, we count those that come in; and then, once they finish their student course, they have a period where they then have to look at whether they are going to stay in the United Kingdom in some other form, post-study work or whatever, but you have to count both of them. If we have any areas of policy where we simply do not look at them, then what we will find is they will become routes that people will use to get here illegitimately. That is not helpful, because for our university sector we want the public to be clear that we have a properly working immigration system that they can have confidence in. The evidence is that the British public are relaxed about some net migration, if they think we have a properly functioning system. The damage that has been done over the last 10 years, where they felt we did not have a properly functioning immigration system, is where you then have the public not being welcoming of legitimate immigrants. Where we make decisions that people can come here, the public do not welcome them. I think you get better welcoming of immigrants and better community cohesion and integration if you have a system the public can have confidence in, and that is what we are trying to rebuild after a period when there was not a significant control of migration at all.

**The Chairman:** I think we must leave that subject now. I do not think we are going to have a complete meeting of minds on it.

**Q291 Lord Tomlinson:** Minister, is this another area where our co-operation with our European allies makes them amenable to things that we want? Everybody goes to Brussels, parroting that we want the completion of the Single Market, and here we are trying to cut away at one of the four pillars of the Single Market. Do you think this really induces our colleagues and partners in Europe to believe that we are serious, or is it that we are just seeking to exploit the idea of completion in the market in services because that is in our economic interest?

**Mark Harper:** I do not think the way you have characterised what we are intending to do in terms of cutting away one of the important aspects of the European Union is correct. All we
have said is that we will examine the scope and consequences of the free movement of people as part of our Balance of Competences Review.

Q292 Lord Tomlinson: I saw Theresa May on the “Andrew Marr Show” the Sunday before last. She was speaking quite specifically in that interview about cutting the free movement of labour. Maybe it was shorthand she was using, but it confused me.

Mark Harper: I watched that programme myself. I do not think she did say any more, really, than what I have just said here. We are going to look at it. She did say we are going to look at where there is abuse of free movement, and we do that already with our European partners, and on a number of areas they agree with us. Where people are not exercising treaty rights, then they do not have the right to be in the United Kingdom and we take action to deal with that, as do other Member States. That is all we have said. It may not be what other people have said. Other people may have said a whole load of other things, but in terms of what the Government has said, we have made an announcement. It is a serious job of work we are going to do, not just in this area but across the whole range of Government policy. As I said, the Foreign Secretary has set that out.

Q293 The Chairman: Minister, I think your answer to Lord Tomlinson has been, on the whole, helpful, but I think it would be very helpful if you could, with the Home Secretary, clear up any misunderstanding in writing to us about what was intended by what was said on the “Andrew Marr Show”. Frankly, it would be in your interests and all of our interests to not have this hare running round all the time.

Mark Harper: No, I will go away and look at it. I watched it, and I did not think she did say that, but we will go away and look at it.

Q294 Lord Tomlinson: I apologise in advance if my enthusiasm for criticising the Government got the better of me.

Mark Harper: I will do that, Chairman. I will write to you and set out clearly what we are doing in terms of the Balance of Competences Review as regards migration.

The Chairman: That would be extremely helpful, because the EU Select Committee of the House of Lords is of course looking at all the competence audit issues, and I think it will be helpful to them.

Mark Harper: Sure.

Q295 Lord Judd: Personally, I would find it very interesting if the Government at some point—you are in the lead on this—could explain how they equate pursuing a market approach to our economic affairs with the principle that you have the free movement of goods, the free movement of capital, the free movement of this, that and the other, but you do not have the free movement of labour. That, to me, seems to be obviously either a very imperfect market, if not a flawed market. Could I couple with that my own frustration, if I can put it honestly, at just not being able to grasp how it is in the interest strategically of Great Britain, and the obvious problems we face in this field, to get ourselves into the position in which we are seen as the awkward players who will be there on sufferance if everybody else agrees with us, but if they do not agree with us, we will not be there? That is not belonging to a club. That is not helping to create a strategically effective policy across Europe, and these matters absolutely require international strategy to be effective.
Mark Harper MP, Minister for Immigration—Oral Evidence (QQ234–301)

The Chairman: I think, if I may say so, that is a little bit outside the scope of our evidence session this morning. I am sure the Minister has heard what you have said, and he is going to write to us on the specific matter of the free movement of labour and what was intended by the Home Secretary. I would like now to call Lord Sharkey, who will be following up what Lord Bridgeman said about Bulgaria and Romania as well.

Q296 Lord Sharkey: Yes, and specifically Croatia. When Croatia accedes, does the Government intend to apply temporary restrictions on free movement? Also, do you have any other concerns about the consequences of enlargement in general in terms of border controls, illegal immigration and crime?

Mark Harper: You mean as regards Croatia?

Lord Sharkey: As regards Croatia certainly, but as regards enlargement in a general sense.

The Chairman: Of course Bulgaria and Romania are still outside Schengen.

Mark Harper: Yes. As far as Croatia is concerned, yes, we do. We have said, as a general matter of policy, that when they are a new Member State we will impose transitional controls to the fullest extent possible and we will set out at the appropriate time the detail of that, but yes, we do propose to do that.

In terms of generally, I think this is an area where we need to make sure we keep a close eye on it. There are clearly implications. The previous Government took the view, having learned from previous misjudgements, of imposing transitional controls on Bulgaria and Romania, and I think that was sensible. It is clearly one of the things that we will look at every time there is a new accession country coming along, about what we think the impact would be on our labour market and Europe more generally. As I said, as a matter of policy, our default position is that we will impose transitional controls.

The general point is that if everybody does that then you have a level playing field. If other people impose them and you do not, then you skew people's economic behaviour. As I said, the important thing is to make sure we also have public confidence, because one of the problems with the approach that was taken before is that it really did knock the public confidence in the European Union and the view the public takes of it. By putting in place some sensible controls and having that economic impact spread over a longer period of time, you do not then create the same issues with the public and you have greater public confidence. Tougher action can lead to, for those that think this is desirable, a better and stronger relationship with the European Union than if you have one where you completely do not take the public with you. In democratic countries, you have to try to take the public with you when you think you are doing the right thing in terms of increasing the number of members of the EU.

Q297 Lord Richard: There has been considerable media disquiet about Romania and Bulgaria coming in in quantity. Does the Government have the flexibility as to timing on European Union Member States changing their status as far as immigration to this country is concerned?

Mark Harper: There is obviously a fixed period that the transitional controls can remain in place, and we have implemented them. We have taken advantage of the maximum amount that we can. That is also consistent across the other Member States. I think the real problem we had previously was the fact that other Member States implemented transitional controls and we did not, and that skews the position. If everyone is behaving and everyone
implements transitional controls, and then you lose the ability to do so, that is the same across the EU, that enables the impact to be a much more modest one and does not then create the same public concerns as it would otherwise.

Q298 **Lord Avebury:** I wonder if the Government has given any consideration to the proposal for the conclusion of a mutual recognition agreement between the Common Travel Area and Schengen Area, which would aim to facilitate greater levels of tourism and trade without requiring the UK to scrap its border controls.

**Mark Harper:** We have given that consideration and we will not be doing it.

**Lord Avebury:** Good. Thank you.

Q299 **The Chairman:** Could you be a little more eloquent on that point?

**Mark Harper:** Effectively, if you allow people to enter the United Kingdom without having gone through our immigration control processes, then we have, in effect, joined the Schengen Area, which we are not going to do. We have robust controls, and I think they are necessary, but I also do not accept the premise of your question, that there is a significant disbenefit to us from a tourism perspective in terms of people coming to the United Kingdom. If I just look at the oft-quoted example of China, we processed last year 283,000 visa applications from Chinese nationals, a 21% increase on the year before. If you look at the relative number of Chinese nationals that come as tourists to the United Kingdom compared to the rest of the EU, it is actually a very healthy number if you look at our relative size and attractiveness. I do not think there is any evidence, if you are just looking at it in a very narrow sense, that not being in Schengen or not having a closer relationship with Schengen causes us a significant disbenefit as far as tourists or business visitors. Against that you have to weigh the important things that we are then able to do by having our own arrangements.

The other thing that is worth remembering is that we are slightly ahead of some of our European partners in terms of collecting biometrics, for example, so, over the next few years as they roll those out, our relative offer to some of those other overseas countries is going to become stronger. For example, in China, where we have 12 visa application centres able to collect biometrics, once our European partners start insisting on collecting biometrics from the Chinese we will have a competitive advantage because we have a much more extensive network of visa application centres than they have, and the Chinese are now restricting the ability of countries to have application centres in places where they do not have consular representation. From a growth perspective, I think we are very well placed.

Q300 **Lord Tomlinson:** On biometrics, when you use that word, are you doing anything more than fingerprinting?

**Mark Harper:** No. That is what we mean by collecting that. We have somebody’s photograph and we collect their fingerprints.

**Lord Tomlinson:** You collect their fingerprints, yes. I understand biometrics in a much wider context than that.

Q301 **Lord Avebury:** Perhaps you realised that the question was prompted by a paper that was published by the Centre for European Reform, which obviously is not an official document, but I was wondering whether the Government had made any detailed response to the arguments in that paper.
Mark Harper MP, Minister for Immigration—Oral Evidence (QQ234–301)

Mark Harper: I know we thought about this issue. Whether we considered that specific paper, the honest answer is I do not know. I will find out and, given it is a relatively short answer, I will append the answer to the letter I am going to send the Committee on the wider matters that we talked about, if that is okay.

The Chairman: Thank you very much, Minister. That, I think, will be very helpful and very welcome, and could I thank you for your great patience in answering all these questions? I hesitate to say this, but I think perhaps you may look back on the period when you were dealing with House of Lords reform with some nostalgia.

Mark Harper: I greatly enjoyed it. It was very nice to see Lord Richard here in another context. He and I spent many hours exchanging views about House of Lords reform. Thank you very much, Chairman.
The Home Office—Written evidence

General Questions on the Global Approach to Migration and Mobility

1. What is your experience so far on the Global Approach to Migration and Mobility? In your view, has it been an effective initiative for facilitating the European Union’s aims on the external dimension of migration policy?

The EU’s ‘Global Approach to Migration’ was launched under the UK Presidency in 2005 and sets out practical ideas for how European Member States can work with third countries to better manage migration. The Global Approach has proved to be a useful framework for dialogue and cooperation on migration issues with countries outside the EU.

The UK sees benefits in working jointly with EU partners, and agrees that the Global Approach is likely to bring added value to our efforts in this area. However, we would not wish any such approach to constrain our ability to work bilaterally with third countries, or pursue independent dialogues with them. Similarly, while there will surely be value in the EU “speaking with one voice” on external migration policy where this is possible, we would not want the Global Approach to restrict our ability to voice the UK’s views as distinct from, our EU partners.

2. Which elements of the Global Approach do you believe are most and least effective? What changes should be made? How best can the EU manage to deal with the very strong pressure from third countries in particular on the Southern Member States?

The Commission’s Communication sets out a coherent and globally comprehensive Global Approach to Migration and Mobility, intended to provide a more consistent, systematic and strategic policy framework for the EU’s relations on migration with all countries outside the EU. The UK supports the idea of a balanced comprehensive approach but believes that there still needs to be more focus strategically. The current Danish Presidency has made efforts to build on the Commission’s Communication and the UK is supportive of the recent Council Conclusions on the renewed Global Approach.

The Global Approach recommends a range of tools, including Mobility Partnerships, dialogues and cooperation platforms, and the UK is supportive of these. But a more coordinated and strategic approach to the deployment of these tools should be developed, and better, more strategic ways of linking them together.

The broadening of the geographical focus of the Global Approach is welcomed, but a strategic approach is required. The most pressing need is for a systematic, evidence based approach to geographical priorities.

With regard to pressure from third countries (in particular the Southern Member States), the Danish Presidency’s ‘roadmap’ on illegal immigration (‘EU Migratory Pressure – A Strategic Response’) sets out a comprehensive and strategic response to current pressures, linking to work with countries of origin and transit under the Global Approach, including the EU Dialogue on Migration, Mobility and Security with the Southern Mediterranean. We
support these and other aspects of the roadmap, which set out clear objectives and actions to tackle current pressures. We also support the intention that this be a ‘living document’, which continues to be updated in response to future challenges. Work under the Global Approach should also be coherent with the EU’s efforts to develop dialogue and cooperation with Turkey in the area of Justice and Home Affairs, including renewed work in partnership with Turkey on preventing and combating illegal immigration via the ‘Silk Route’.

3. What are your views on the main thematic recommendations identified by the Commission?

It is accepted that legal migration is a necessary element of discussions on migration with third countries under the Global Approach. However, legal migration remains the competency of individual Member States and whilst the UK recognises the importance of mobility for third countries, the Points Based System provides us with a transparent system for facilitating legal migration.

The Communication’s emphasis on mobility risks shifting the focus away from broader migration issues. Flexibility is essential but this should not mean moving away from a balanced approach- we must retain the emphasis on illegal migration, including returns and readmission, where we need to ensure the implementation and assessment of agreements.

The UK regards work with third country partners on preventing and reducing illegal immigration as a key aspect of work under the Global Approach. Noting the EU’s insistence for a balanced approach across the thematic priorities, it is vital that substantial work is undertaken to combat illegal immigration as part of all regional and bilateral frameworks, despite some third country partners’ reticence to engage in important parts of this thematic priority (e.g. readmission agreements). It is right that cooperation on other aspects of the Global Approach should be on a ‘more for more’ (and ‘less for less’) basis in this regard. It is also important that geographical prioritisation of work under the GAMM is based on those countries that present the greatest risks to the EU in terms of migratory pressures.

We strongly support concrete forms of cooperation with third countries in the areas of combating illegal immigration and international protection, not least through capacity building and operational cooperation with the EU’s neighbours and key countries of transit and origin. In particular, we support the Commission Communication’s emphasis on capacity building in third countries, including in the area of border management, the increase of strategic Frontex activities in partner countries (subject to agreement with the host), and cooperation on document security (although we remain vigilant regarding the impacts of EU visa facilitation on the UK’s borders).

The main thematic recommendations on the fight against human trafficking are in line with the UK Government’s own approach. We recognise the importance of a multi-agency approach in supporting victims and fighting the perpetrators of this crime, both in the UK and internationally. We have opted into the EU Directive on trafficking in human beings and have taken legislative steps to strengthen our response to traffickers. Our only concern relates to the proposal to offer easier access to frequent travellers. Frequent travellers are not necessarily low risk. Frequent travel may also be conducted for criminal purposes, for example trafficking. It is also noted that trafficking has been intertwined with the sections on illegal migration. Whilst there are some benefits to this approach, we shouldn’t forget that some victims of trafficking enter the UK legally, for example as EEA nationals.
The UK supports the inclusion of the new pillar on asylum and protection, including the Communication’s emphasis on Regional Protection Programmes which provide a mechanism by which the external dimension of asylum to be built up, as outlined in the Stockholm Programme 2009. It is beneficial for individuals seeking refuge if they can be provided with protection in a country closer to their country of origin. In view of this we particularly agree with the suggestion that RPPs should focus on building protection capacity and asylum systems in partner countries.

We support the aim of building capacity in non EU countries, the EASO Regulation provides that it may cooperate with competent authorities of non-EU countries in technical matters, in particular with a view to promoting and assisting capacity building in their asylum and reception systems and implementing regional protection programmes. The EASO will, of course, need to consider the nature of its support in any given situation, taking particular account of the nature of the request for support and existing priorities in the EASO’s Annual Work Programmes.

The UK supports resettlement in principle and does so through our Gateway programme. We have also opted into the Asylum and Migration Fund which includes resettlement as an objective. We do not agree with the Commission that there is a need for “more strategic use” of resettlement if that means giving the EU competence to set priorities. Instead we believe that resettlement should remain on a voluntary basis with Member States retaining responsibility for deciding upon numbers of people they are able to resettle and countries from which they wish to do so.

Solving protracted refugee situations is often very difficult to achieve because the size of the challenges involved and we therefore agree that this is an area which the EU should re-examine. We also support in principle the use of targeted assistance for displaced persons as this can ensure that already available resources are used to best effect.

The UK believes that well managed, legal migration can be a positive force for development. But we should ensure that any development orientated projects in country are consistent with aid effectiveness principles.

Development should remain a core element of the EU’s long-term efforts to ensure that migration is a choice rather than a necessity and the need to foster stronger coherence of migration policy with other policy areas in line with EU’s Policy Coherence for Development commitments. We welcome the EU’s continued commitments to explore the links between migration and development and where interventions can be most effective in line with countries’ own development plans, such as Poverty Reduction Strategy Papers (PRSPs), and with aid effectiveness commitments.

We welcome the attempts to improve the access to remittances developing opportunities for Diaspora groups. The UK’s position has been to make sending remittances cheaper and easier and to make access to finance more readily available even in places where there is limited access to banks.

5. How are the different considerations arising from the EU’s internal policies and its relationships with third countries to be reconciled?
We agree on the need for continuing strategic alignment between the EU’s internal and external policy priorities on migration and asylum, and believe that the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) can play a key role in this given that its renewed mandate includes the linking of internal and external policies.

**Specific questions on labour migration and the “brain drain”**

6. A number of measures have been proposed and/or introduced to anticipate and fill EU labour market shortages from outside the EU and provide information to non-EU nationals looking to work in one of the Member States. These include the EU Immigration Portal, the European Vacancy Monitor and the EU Skills Panorama. What is your view on these European measures and others of a similar nature? Can they accurately and reliably predict EU labour market shortages? Is enough information provided to potential migrants to ensure they can safely take up work in a Member State?

The premise of these measures appears to be that facilitating legal migration and mobility requires new measures to help prospective migrants find work in the EU. It is not, however, the Government’s perception that the first priority in achieving better management of non-EU labour migration is more effort on the part of governments or the EU institutions to assist in matching aspirant migrants to particular vacancies or shortages of skills in the EU. The Government’s view is that the identification and recruitment of suitably skilled workers from outside the EU is, where it is necessary at all, primarily a matter for employers. UK policymakers have seen little evidence that UK employers have difficulty in identifying in locating overseas sources of the skills that they need.

The Government would nevertheless support measures aimed at providing prospective migrants with information about immigration opportunities and procedures but is not aware that this addresses any particular deficit in the case of the UK. The UK Border Agency provides a good deal of information on its website about the labour migration schemes which it operates.

On the identification of skills shortages, irrespective of whether the EU Skills Panorama is accurate in what it predicts, the key issue is the use to which such assessments are put. The Government’s view is that the UK’s immigration policies should be determined by national assessments of labour need. The Government has existing arrangements in place for the maintenance and review of its Shortage Occupation List on the basis of periodic advice from the Migration Advisory Committee. The Shortage Occupation List is not maintained as an end in itself or primarily to inform employers’ recruitment strategies but is instead aimed at the very specific purpose of identifying skills shortages in the resident labour market to enable employers to recruit workers from outside the EEA without having first to test the resident labour market.

7. **Is there a case for continuing to facilitate migration into the EU? What impact is this likely to have on the labour markets and economies of the UK and other individual Member States? Is sufficient attention being paid to training and using existing resources in the EU labour market?**

Whether there is a continuing need to facilitate economic migration into the EU is primarily a matter for individual Member States to assess on the basis of national assessments of economic need. The Government has been clear that while it is concerned to reduce net
migration into the UK, this objective is not incompatible with continuing to attract the most
highly skilled workers to address particular skills shortages, or those who will create wealth
and its recent reforms to the Points Based System have been aimed at striking that balance.
The Government does not however believe that migration from outside the EU is required
to address UK labour needs at lower skilled levels, given the existence of an expanded EU
labour market since 2004.

8. The Employment Guidelines call on Member States to pay due attention to integration of
migrants in EU labour markets. In your view, is enough attention being paid to this in the EU
and in the UK and is sufficient consideration being given to issues of social cohesion?

Command of English language is key to integration, including within the workplace. We have
taken steps through the immigration process to increase required English language levels
which will help equip non EEA citizens coming into the UK on a route which gives access to
the labour market, eg family members, to obtain employment. There are also projects
funded through the European Integration Fund, administered by UK Border Agency, to help
migrants develop English language skills.

9. The EU rules on social security coordination remove disadvantages and protect acquired
social security rights for EU citizens and legally resident non-EU nationals moving within the
EU. Should these rules be extended outside the EU for third country nationals returning to
their country of origin? Are enough safeguards in place to ensure that the current social
security framework is not open to manipulation when extended outside the EU?

Ministers at the Department for Work and Pensions will respond to this question, but in
general the Government does not consider that the social security coordination rules should
be extended outside the EU for third country nationals returning to their country of origin.

Specific questions on the UK’s role in the Global Approach on Migration and
Mobility

11. What impact does the fact that the UK has not opted into many external migration
measures have both on a national and European level?

Whilst not opting in to some measures under the Global Approach, neither the UK’s ability
to participate in discussions or the willingness of EU partners to work with us is generally
affected. All proposals are assessed on a case-by-case basis. The national interest is at the
heart of our decision making. In considering new measures we include: security; civil
liberties; integrity of the UK common law systems and control of immigration.

12. Can the UK continue to constructively and effectively contribute to and cooperate with the
EU’s external migration policy when it has not opted into many of the legislative measures
underpinning the policy (e.g. the Blue Card Directive, the Employer Sanctions Directive, the
Returns Directive, the Intra-Corporate Transfers Directive and the Seasonal Workers
Directive)?

The UK continues to work with EU partners and whilst some elements of the Global
 Approach relate to Schengen this does not stop us working on practical cooperation in areas
such as illegal migration and capacity building. Where the UK does not participate, the
effectiveness of other partners is not impacted upon.
Whilst the UK does not participate in some legislative measures underpinning the Global Approach we continue to work closely with the Commission in various initiatives under the Global Approach. For example the UK has been involved in the drafting of a Mobility Partnership text with Tunisia and is closely involved in the negotiations on the proposed CAMM with Ghana.

31 May 2012
International Centre for Migration Policy Development (ICMPD); European Commission; European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); International Organization for Migration (IOM); and the UN High Commissioner for Refugees

Transcript to be found under EU Commission
International Organization for Migration (IOM); European Commission; European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE); International Centre for Migration Policy Development (ICMPD); and the UN High Commissioner for Refugees

Transcript to be found under EU Commission

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The Migrants’ Rights Network (MRN) was established in December 2006. We work to support migrant community organisations and organisations working with migrants, on issues related to employment, the community, access to public services, and on other matters which have consequences for migrants’ rights and social justice. We work within a framework of discussion, sharing of experiences, promotion of research, policy analysis and lobbying and campaign activities. Currently over 1800 organisations and individuals participate in MRN’s policy discussion and information exchanges.

1. Our experience of the Global Approach to Migration and Mobility (GAMM) and its effectiveness in supporting the EU’s aim on immigration policy (Questions 1-3)

1.1 MRN has monitored developments around the Global Approach since it was proposed in 2005. In 2009 we began a three year project coordinating research on the practical experience of migrant integration policy in six member states of the EU (Belgium, Bulgaria, Cyprus, Italy, Sweden and the UK) which required consideration of the way in which early versions of the Approach has impacted on this area.

1.2 In a toolkit review published on behalf of that project in 2011 we concluded that the Global Approach set up elements of immigration policy which work to undermine migrant integration in the host states. These included the increase in visa and border control measures which were central to the Global Approach, which increased the sense amongst migrant groups that they were unwelcome in the countries in which they had settled. This similarly applied to the emphasis given to extracting migrant acceptance of the dominance of prevailing national identities and the strengthening of measures to identify and remove irregular migrants.

1.3 Our report concluded that insufficient consideration has been given in the Global Approach to the ways in which stricter immigration controls interacted with the approach propounded in the EU’s ‘Common Basic Principles’ (CBP) on migrant integration which had provided the non-binding framework for member states since 2004. Whereas the CBP approach generally required broad consideration of the needs of migrant communities in the integration process the Global Approach imposed first and foremost a ‘law and order’ perspective which focused on the myriad ways in which immigrants might be in breach of immigration control measures.

1.4 The concept of ‘illegal migration’ ran through all aspects of the early versions of the Global Approach without offering up any plausible account of the conditions which create irregular forms of movement. It simply took at face value the fact that the phenomenon related to the fact that the entry, residence, or some other part of the activity of the immigrant took place without the permission of the authorities of the state concerned with the issue. The EU-funded CLANDESTINO Project, which published its final report in November 2009, pointed to a wide range of methodological and ethical issues arising from the looseness of this formulation of the concept of illegal migration, producing widely vary estimates of the numbers of people
involved (anywhere between two and eight million people across the EU being referred to in policy documents) and substantial differences in the range of activities which produced the state of ‘illegal migrant’.

1.5 In our view, the centrality of the objective of combating such a loose and poorly defined phenomenon as illegal migration in the Global Approach, and the fact that this was made the key feature of an extensive range of bilateral and regional processes, has been the main flaw in this policy instrument. ‘Illegal migration’ across the EU is a term which, in effect, means whatever the public authorities want it to mean. Identical activities across the member states can be deemed either legal or illegal depending on domestic laws and the approach of the police and justice systems in enforcing them. The borderline between legality and illegality in the field of migration constantly shift depending on the political moods which prevail in member states at the relevant time. The state of illegal migrant can descend on an individual because of the acts of parties other than that of the migrant herself (such failure of employers to register documents with the authorities, or schools and colleges to maintain satisfactory administrative procedures), because of the ineptitude of civil service decision makers in refusing statuses to which the individual is entitled, as well as conscious evasion of control regulations.

1.6 We are also concerned that the Global Approach took this poorly developed concept of illegal migration into the heart of the dialogues and partnerships it sought to broker with third countries. The inequalities in these dialogues, with the wealthy EU states on one side and the generally poorer countries in the EU neighbourhood, also meant that the partners in the Global Approach had little opportunity to correct the flawed perspectives on which the EU states were basing their positions. Agreements covering such issues as migrant return were often presented to third states as non-negotiable and with penalties to be exacted if there was reluctance to agree to terms.

1.7 We are concerned that these fundamental criticisms of the logic and the shape of EU policy around the Global Approach still apply to the scheme outlined in the Communication of 18.11.11. The focus on the policing of migration through “well-functioning border controls, lower levels of irregular migration and effective returns policy”, remains without any consideration of what is now known to be the outcome of this approach in the border regions of the EU and the countries in the EU ‘neighbourhood’. The most dramatic measure of this failure was the extent of the collaboration between EU member states and the now overthrown governments of Tunisia and Libya, with the latter countries enrolled as partners in migration policing projects which violated the human rights of thousands of people and endangered the lives of many. The legal authorities of the Council of Europe have set out their concerns that negligence on the part of forces cooperating as a part of FRONTEX operations have contributed to the deaths of scores and possibly hundreds of people on the Mediterranean and at the Greece/Turkey and Ukraine/Russia borders. The response of some EU government in response to the events of the Arab Spring led to what has been described as a ‘failure of solidarity’ between member states and a heightening of the sense of crisis over immigration control policies across the Union.

1.8 In respect of the thematic recommendations set out in the Communication, our view is that these lack coherence because of the failure of the EU to reach a proper understanding of the way in which the single market generates demand for
immigration. The absence of this understanding means that important aspects of existing policies have perverse effects. For example:

- Stricter visa control regimes intended to combat ‘illegal migration’ and human trafficking actually create the space for entrepreneurial activity which promotes exactly these activities.

- Regional refugee protection measures contributing to instability in the areas where they are carried out because of their scope for generating conflicts between refugee communities and local populations in poor countries.

- Harnessing the development potential of migration through ‘diaspora investment vehicles’ which will as easily increase levels of movement as reduce it because of the level of advantage gained from being mobile across international frontiers.

This is not to say that the plans considered in the GAMM do not have merit and might be worth considering in some instances as pilot projects. Our concern is that if they do have a place to play in a broadly progressive approach to managing migration this is not provided in the current injunction of the GAMM that they serve the policing and border security focus that it requires of them. The GAMM’s flawed understanding of the drivers of migration and the channels through which migrants move works to subvert whatever merit might otherwise be contained in proposals to tackle human trafficking, improve regional protection, and obtain better development outcomes from migration.

1.8 To conclude this section, we believe that the EU has not yet arrived at the correct starting point for the common policies which are needed for the consistent and coherent management of migration. That starting point would be a more thorough understanding of the nature of the European single market, the way in which it interacts with other economies in the EU neighbourhood region, and the ways in which it generates demand for migration. On reaching a better consensual understanding on these points the EU would be better placed to design the measures which are needed to achieve common goals and objectives.

2.0 Demography, internal and external policies, labour migration and ‘brain drain’ (Questions 4 -12)

2.1 We are of the view that demographic trends in Europe towards an ageing population will reinforce the demand for migration as younger workers are required to support dynamism in the region’s economy and to support the tax base. We are aware that an increase in migration levels to deal with demographic issues generates another challenging policy agenda, but the fundamental proposition that migration has a positive role to play in planning for the future remains unchanged.

2.2 On internal EU policies and external relationships, we are of the view that there is an intimate connection and this needs to be read into programmes. In a globalised world the emergence of an entity like the EU single market is bound to have consequences for near neighbours and the ways they organize their affairs. We favour the use of partnerships and multilateral and bilateral fora to work through these issues to ensure a higher level of complementariness between the realms of internal and external policy.
2.3 With regard to the very important question 6, we are of the view that the model for the provision of information about labour shortages which is being developed by the EU is unlikely to be successful. It is an approach very much informed by the presumption of the ‘labour exchange’ concept which exists in industrial economies which assume a genuinely open labour market, similarities in labour productivity between regions and the more-or-less accuracy of the information being conveyed within the system. These conditions do not apply in many instances across the range of countries covered by the GAMM. Rather than open labour markets, the real relationship between the EU and countries in its neighbourhood regions is closer to neo-colonial dependency, with the supplying countries operating on terms of gross inequality. Overcoming this inequality requires strategies which go deeper and further than the mere exchange of information, with the need for imbalances and injustices to be addressed, and the empowered of people in or close to the relays of migration to achieve these ends.

2.4 Questions about the capacity of EU states to predict labour shortages, particularly in the context of the crisis conditions which have prevailed since 2008, have to be answered in the negative. The current evidence suggests that in countries like the UK, where job creation, insofar as it is occurring, is concentrated in sectors requiring large numbers of part-time, ‘flexible’ workers, might well mean that people in migrant sending countries get to hear about job opportunities before they come to the attention of national authorities.

2.5 Insofar as a work can be done at the level of EU policy coordination on this issue we feel that it would be better to concentrate on the achievement of higher levels of security and personal safety for migrants moving across frontiers. Offices should be established which are open to receiving advice and assistance from people who have been trapped in precarious situations with a view to assisting them in escaping from these predicaments. Where this is best achieved by facilitating their onward journey to a safe country of destination this should be done as an important way to tackle the problem of human trafficking and exploitation.

2.6 On question 7, our view is that migration should be facilitated in three clear sets of circumstances, namely:

i) When the migrant has skills and aptitude which indicate the likelihood of integration into the labour market in the country of destination;
ii) When the fulfillment of a human rights obligation, such as family reunification or humanitarian protection has to be met; and
iii) In order to provide for the security and safety of migrants who are victims of human trafficking or exploitative human smuggling.

2.7 Data on labour market impacts of migration is currently poor. What is available suggests a small positive net benefit. However much more needs to be known about real-time interactions involving migrants entering the labour market and the ways in which their skills and aptitude is utilized in the business plans of firms and services. With regard to training, the argument for more and better exists independently from the presence of migrants and can most immediately be mandated by government regulation on contributions expected from employers to establish a level playing field. More attention should also be given to ways to achieving the transfer of skills and
workplace competence from migrants to host country workers in order to improve all-round standards.

2.8 Beyond the level of rhetoric, nothing is being done at the level of official policy to improve the integration of migrants into European labour markets. Whilst the position of highly skilled, professionals is usually provided for by the adequate means of the skills markets in which they operate, for others in sectors in which low skill jobs predominate the situation is much more hit-and-miss. In these areas the conditions and terms of employment are often determined by institutional arrangements which do not figure so prominently in others parts of the labour market, such as gangmaster and employment agency control over supply, part-time and minimal hour contracts, and unregulated cash-in-hand daily rates. Work done by the Centre for Cities\textsuperscript{10} in the UK has made the case that these factors impede the potential labour markets might otherwise have for assisting migrants to achieve integration. In our view more needs to be done to gain a better understanding on how integration outcomes are affected by the conditions in the labour market which migrants typically encounter.

2.9 On the issue of ‘brain drain’ – our view is that this is a largely outmoded concept the use of which endangers a proper understanding of the role which education and skills actually play in generating growth and mobility across the world. The fact is that education and learning are no longer scarce commodities across the world. For the first time in history the majority of the population of the planet is attaining good levels of education which equip individuals for a productive position in life. According to Global Education Trend scenarios, the numbers of 15 – 19 year olds receiving tertiary education has increased from 300 million in 1970 to 700 million today, equally dispersed across males and females. These educated young people will make up what is being referred to – somewhat inaccurately in our view – as a new global middle class which will shortly number 1 billion people. Much larger proportions of this group will be found in Africa, Asia and South America than have existed in the past. Yet whilst their situation is marked by the achievement of a basic degree of security in terms of the basic needs of life in their home regions, their level of integration into global skill markets will remain relatively slow. As a consequence many will feel that they have hit a ceiling in terms of personal development in their home countries which will only be overcome by their entry into these global skills markets via higher education and employment commensurate with their new skills.

2.10 Our view is that the prospect for economic development in the emerging countries as well as sustainable growth in the mature economies will depend in future on harnessing the productive potential of this rising class of well-educated, aspiring individuals and building systems into international relays governing the movement of people which does more to protect people from the risks they are currently exposed to. Brain drain can be discounted as a problem of a broad and general nature in the context of this bigger challenge, though dangers might exist in a limited number of areas of the plundering of relatively scarce resources by powerful operators. Where this happens measures will be needed to counter-balance these specific effects. However, the bigger issue will not be the struggle to keep high performers out of international migration, but on the contrary to create the conditions in which they can move with confidence and the assurance that their basic rights and the value of their

\textsuperscript{10} Accession to Recession: A8 Migration in Bristol and Hull by Catherine Glossop and Faiza Shaheen, Centre for Cities 2009.
investment in education and the attainment of skills will be protected. The greatest risk for global migration management policies today is that these instruments will not be developed and that entry into migration will continue to be rationed on the basis of the usually erroneous calculations of the developed countries of the extent of their need for migration.

2.11 We have looked to the GAMM to see whether this perception of what is needed from global migration policies is present and our frank view is that it is not. Rather the tone of EU policy is taken from member states who look to achieve from Union-wide cooperation the degree of protectionism they had once obtained from their national policies. This is an entirely wrong-headed approach and we are opposed to it.

2.12 On the final questions (11 and 12) on the UK’s contribution to these developments in EU policy it will follow from our comments above that we do not regard this as constructive. The UK’s approach has been marked throughout by its singular interest in maintaining its own standards of immigration control on all important points and only venturing into common policies where these enhance capacity, particularly in the realms of juxtaposed measures and the interdiction of refugee movements outside UK borders. It is difficult to see the UK government as anything other than a very minor player in any discussion on the progressive potential for immigration policy in as long as this viewpoint prevails.

31 May 2012
Migrants Rights’ Network; Hackney Migrant Centre; and Suffolk Refugee Support Forum—Oral Evidence (QQ60–98)

Transcript to be found under Hackney Migrant Centre
Migration Watch UK—Oral Evidence (QQ206–218)

Transcript to be found under Christopher Chope OBE MP
Q99 The Chairman: Good morning. Thank you very much for coming along. We are grateful for your willingness to give us evidence to this inquiry into the EU’s Global Approach to Migration and Mobility and related matters. As you know, the session is open to the public. A webcast of the session goes out live as an audio transmission and it is subsequently accessible via the parliamentary website. A verbatim transcript will be taken of your evidence and this will be put on the parliamentary website. A few days after this evidence session you will be sent a copy of the transcript to check it for accuracy and we would be grateful if you could advise us of any corrections as quickly as possible. If after this session you wish to clarify or amplify any points made during your evidence or have any additional points to make you are welcome to submit supplementary evidence to us.

Perhaps you could introduce yourselves, and if you wish to make any opening remarks that would be entirely welcome to the Committee. If you do not wish to do so and wish to go straight on to questions, that would be welcome too. Of course we
have had circulated and, I hope, read some of the material that Open Europe has written on this matter, and which are covered in the questions that, as you know, we will be asking you.

**Mats Persson:** Thank you so much, Lord Hannay, and thank you very much indeed for the invitation. My name is Mats Persson. I am the Director of Open Europe. This is our Research Director, Stephen Booth. The only thing I would say initially is that in our work at Open Europe what we have primarily looked at on this question is, of course, the politics of European Union immigration policy, the interplay between what is happening at the EU level and the domestic level. We have also looked at internal immigration, free movement and so forth, and also the asylum system.

We have not looked as much at the issue of third-country immigration, so just keep in mind as we give our evidence that our own research and our own work on this has been primarily in the three areas that I mentioned. But, in addition to that, we are of course happy to share our thoughts and, hopefully, insights.

**Q100 The Chairman:** The Committee is, in fact, covering all those areas because you cannot divide this subject up into neat parcels, although that is what legally you have to do. But you cannot, in reality, in policy and economic terms, divide it up into parcels and none of the witnesses who have come to give evidence to us has done so. The Swedish Minister who came gave evidence across the board, including asylum and intra-EU migration, so we are very happy if your answers stray into that area as well. We are not taking a narrow view of migration and mobility from outside the European Union as the only thing that affects this equation.

**Mats Persson:** Sure thing.

**Q101 The Chairman:** Mr Booth, do you want to say something at the beginning?

**Stephen Booth:** I do not have much to add to that other than introduce myself as the Research Director. I have done a lot of work not just on internal migration. We also looked at the European Neighbourhood Policy, which I think is quite a good example of—

**The Chairman:** Could you go a little bit slower?

**Stephen Booth:** Sorry. I have also looked at the European Neighbourhood Policy, particularly in the North African region and in the Mediterranean, which I think is quite a good example of the kind of issues that we are talking about.

**Q102 The Chairman:** I notice that the Open Europe study on North African migration, which you were pretty critical about—the neighbourhood policy and so on—entirely relates to the period before the Arab awakening. Therefore it is, to some extent, of more historical than practical interest since the world we are now living in is one of an Arab world awakened and the likely consequences for migration of that rather than of the—I agree with you—entirely unsatisfactory situation that prevailed when these countries were ruled by authoritarian regimes. There were widespread human rights abuses and so on when these countries were being used as channels for migration, which I suspect they are to a lesser extent now because of the turmoil in them.

Anyway, we will go into questions now. Just to begin, I wonder if you could give us your view on the EU’s Global Approach to Migration and Mobility. First of all, how well do you think it has operated to date and is it an effective strategy for the future? Here I am talking about the communication that we have under review.
Stephen Booth: Firstly, as you mentioned it, we have to look at the past experience to kind of learn from that and I think, in principle, it is a good idea to have greater co-ordination at the EU level of how you talk to third countries about the issues of legal migration, and about asylum and preventing illegal migration. But it seems to me that the fundamental problem with the idea of this Global Approach is that the Commission has been given this policy strategy without the tools to deliver on it because the actual decisions about how many people are allowed to settle in Member States or come to Member States still rests with the Member States. So the Commission is in the difficult position of going to third countries in the pursuit of dialogue without being able to deliver on often what is basically a two-sided deal. They are basically saying that we encourage third countries to help us with preventing illegal immigration, setting up capacity to prevent issues around asylum and so on. The quid pro quo is often about opening up access to the EU and increasing mobility within the EU. But it cannot deliver on that second half of the bargain because that is all about member state competencies and I think that is the fundamental problem with the Global Approach. I think that is something that is not going to be changed by the new approach. I think it is the same fundamental issue underlined.

Q103 The Chairman: You posed the dilemma very clearly there, and I am sure there must be validity in that, but do you conclude from that that the Member States should be collectively giving the Commission more firepower in this matter or not?

Stephen Booth: I think it is very difficult. Politically you are seeing that there is not much appetite for that. There is no appetite for a common immigration system among the Member States. I mean, the Commission has tirelessly been trying to deliver one and push one, but it has never really got anywhere at the level of Member States. If you are talking about legal migration, that is certainly true, even if it is an issue of the asylum system. The Commission has obviously been pushing this idea of burden sharing, and again that has not really got anywhere in terms of the Dublin system. So you can see the political will is not really there among Member States, and I think that is a fact of life; it is very difficult to change. Therefore I think you just have to be realistic about what the Commission can ever do in terms of this idea of a global approach and speaking with one voice. You have to look at the facts on the ground and, if you cannot deliver it, it seems that you may be barking up the wrong tree. It is an exercise that is almost doomed to fail.

Mats Persson: Can I add to that just very briefly? I think in theory and in principle it does make sense to have more common measures at the EU level in the areas of immigration and asylum. In theory, it does make sense to give the European Commission more powers over that area because if you have free movement internally then it makes sense to also have more co-operation externally. I think the two should go together. But that is in theory. As Stephen said, I think it is politically extremely difficult to outsource this area to the EU level because it has such intimate links with the social bargain—the bargain between a Government and its electorate on immigration policy. So if you try to outsource it prematurely to the European Union, I think we may experience a backlash.

While in theory we would probably think it would be a good idea, this is one of the areas where more Europe could be beneficial but, in practice, unfortunately that will always come up against, as Stephen said, political realities, and trying to sort of artificially push it may create a democratic backlash. We have to be very careful about that.
The Chairman: On what you call the political realities, certainly I would not disagree with you about the political realities today, but they are not necessarily the political realities of tomorrow or five years’ time or 10 years’ time—

Mats Persson: No, quite.

The Chairman: —when the demographic situation may have produced a completely different set of pressures. But I take your point, yes.

Stephen Booth: One more thing, on a more practical level, I read the Swedish Minister’s evidence to you and he was very much of the view—just having a look at labour migration—that the Swedish model was based on demand driven by the employers, so very much “These are the skills we need; therefore these are the kind of people we need”, whereas the Commission’s approach is to link this idea of mobility to foreign policy and it is much more on the supply side. Therefore it is about, “Let us do a deal with this country about labour mobility”. To me those seem like competing concepts. In fact you have a demand-driven side of labour mobility driven by employers, whereas the Commission’s view is more about linking it to the idea of external action and foreign policy that, by virtue of the way that is going to work, is going to be a deal with a certain country. Therefore that again shows competing objectives between what the Member States ideally would like in terms of the labour market model they are pursuing, and what the Commission would like to do as a sort of “one size fits all” EU speaking as one voice to the rest of the world or a third country.

Q105 Lord Mackenzie of Framwellgate: I think you have partly answered my question, but could you add to it by suggesting how the effectiveness of the Global Approach could be improved? Also, what is your view of the proposal of the most recent communication from the Commission?

Stephen Booth: It always will come down to this issue about “We offer you something and we will give you something in return”. In terms of improvement the only way it can ever be effective and the only way to make it work in practice is to have, as we have said, some kind of offer to put to people on the table before you go to speak to them, more or less saying, “We can grant you access on these terms to these Member States”. Maybe it is that a group of Member States goes to a third country and says, “This is the deal we are prepared to give to you” but without that carrot, if you like, you are always going to find it difficult to then do the other side of the coin, which is that what lies behind the motivation for Member States. It is about preventing illegal migration and trying to address the issues of the push for migration in the first place—the situation in the countries they are talking to, democratic reform, economic reform and those kind of things. I think without any hard cash, if you like, to put on the table from the EU side it is going to be very difficult to make it effective. I do not think the Commission’s proposals address that issue.

Q106 Lord Mackenzie of Framwellgate: Do you have anything to add about the most recent communication itself?

Stephen Booth: As I said, I do not think it addresses that fundamental issue. I think what would concern Open Europe and probably a lot of Member States is this idea of linking it to the EU’s foreign policy and also it being migrant-centred, which are two things that Member States and voters in Member States would not recognise as the prime objectives of a migration policy. I think that is the problem that it has.

Q107 Lord Judd: Open Europe has criticised what it sees as the failures in EU engagement in North Africa and Middle Eastern countries. The Chairman touched on this area in his
initial exchange with you, and I think it would be helpful for the Committee if you could say a little bit more about the grounds for this criticism—this conclusion on your part.

Stephen Booth: I think it is a very good example or case study of the kind of issues we have been talking about. I have two examples that I hope can illustrate the point we have been making. The first one is on the point of capacity building in third countries, about preventing illegal migration and trying to encourage legal migration. We looked at the migration centre that the EU funded and built in Mali, with the aim of being an information centre for people seeking to enter the EU, and one of the objectives was also trying to help people do so legally. According to the EU’s documents it cost €10 million and in total only 29 Malian workers gained access to the EU, only six of whom did so via the facilities and information provided by the centre. The reason for that was that only Spain had a deal in place with Mali on labour migration. So it illustrates on this issue that it is fine to have the approach and the policy there, but without the actual tools and the mechanisms in place to make it happen it is never going to be effective.

Another example that I think highlights another issue—which Lord Hannay mentioned earlier about compromising the EU’s principles of human rights and so on—is that we are in a situation where the EU is funding Libyan law enforcement agencies to debrief potential illegal immigrants. I think that is another example that illustrates the problems the EU has faced in its approach by trying to basically prioritise this idea of keeping people out, and this is the idea that you can keep people out by huge grants of money and the idea of promoting democratic and economic reform, which I think patently failed in North Africa and those Mediterranean states, but also by working with these countries on practical things like law enforcement and toughening up the borders and so on. It resulted in huge compromises on things that the EU would hold up as its major principles, like human rights and so on.

I think those two examples illustrate the kind of problems that the EU faces without this actual political willingness to follow through on the idea of this strategy of having dialogue. There is no point having dialogue unless it is followed up with access.

Q108 The Chairman: I think what you are saying relates to the way the EU tried to deal with the Mubarak, Gaddafi and Ben Ali regimes in those three countries, which is a matter of historical record, and which we do not need to have an argument about because I think your study showed that it was pretty defective—both defective in effectiveness and defective in human rights terms as well.

We are in a different era now, which does not enable us to say that all those human rights problems will simply disappear because there have been elections in Tunisia, Libya and Egypt. But at least there is the hope that these will, and of course there is another factor that ought to come into play, which is that the EU’s relationship with all the countries that have moved on to a democratic track ought to be a much deeper and fuller relationship than it was previously. To some extent I think you could factor that into your—

Stephen Booth: I agree, but I think what you have to look at is why they dealt with the regimes. What was the driving force? I think the motive was about what could be done without granting access. It is complicated by the nature of the regimes but the fundamental issue is still, “Do you want to grant access to the people to enter the EU?” and if you do not want to do that you have to deal with whatever regime you find, and we ended up dealing with some quite unsavoury people. But I think the underlying premise for that still remains.

Another issue that I think is worth looking at is why these people want to come to Europe, and I think one thing that is potentially positive is—if we can deal with more democratic
Open Europe—Oral Evidence (QQ 99–137)

regimes and so on—that the scale of economic integration should be pursued in terms of boosting trade. I think—it is something the EU also failed to do with the ENP countries—that there are still too many barriers for having a job in these countries and exporting your wares. Instead, the only actual solution was to leave the country and try to enter the EU. So that is another aspect of the ENP that I think failed in the previous approach.

Q109 Lord Judd: Chairman, there have of course always been those who have questioned the policies to which you refer; they have not always been listened to. I wonder whether I could ask you two questions. One is: how far are you arguing that this misguided approach has come from within the EU professional entity or how far is it the result of policies of individual member countries, and how far they are prepared to go in a common approach? Secondly, in fact is what is happening a failure in strategic leadership—a failure to spot that Europe’s interest lie with the people of the future, and that while human rights and so on matter tremendously it is also a matter of being realistic about what is going to prevail, in making sure one is coming to terms with this and easing the new future in with as little disruption as possible? There will be disruption but it could be as little as possible.

Mats Persson: Two very good questions. The problem fundamentally, as we touched upon, is that when you have 27 Member States lumped together there will be very diverging views on what the common approach should look like. ENP fell into that trap. They tried to do far too many things because they tried to meet far too many Member States’ preferences or demands or national links to various parts of the neighbourhood. In trying to achieve some of the different things it ended up arguably achieving none of the objectives. That was the problem.

So I think there needs to be some sort of new settlement. If you look specifically at the ENP, what exactly do you want to achieve through that policy? You have to pick a couple of key objectives and then go for them. You cannot achieve everything; it is not realistic. We should not blame the European Commission too much for the failure. I think it was a result of Member States having far too many different views on what ENP should be. The Mediterranean Union is a key example of what the EU should not be doing—trying to have a halfway house just to appease certain Member States, but that halfway house does not achieve anything at all. It is only confusing. That Mediterranean Union can be scrapped altogether. It just shows that you need to inject some policy substance into what you do, not just have token measures. Do you want to add to that?

Stephen Booth: Yes, I think on the second point about strategic vision, you are right, but again that has to come from the Member States. You cannot expect the Commission to have a strategic vision for the EU in terms of external relations; that has to be from the Member States. I think that comes down to this issue about EU foreign policy on the one hand and also Member States’ issues about immigration on the other. The UK obviously has cultural links to other parts of the world that are much stronger than to North Africa and the Mediterranean, so the UK’s discussions about immigration will probably tend to focus on the subcontinent and so on, rather than North Africa and the Mediterranean, if you are talking about issues of “Are we getting enough young people who are willing to do work?” and so on. Obviously the Mediterranean is still a huge foreign policy issue and the UK will have an interest in that, as Libya showed, whereas for countries like France and Italy it is both because they have closer links to these countries on a cultural level and an historical level.

Q110 Lord Judd: You are mentioning culture, but would you say—I do not want to ask a leading question—that one of the great difficulties has also been that a number of Member
States had very specific economic interests in the existing regimes in the short term and that this has been a driving force in what has gone wrong?

*Stephen Booth:* Yes, I think that was obviously key when you saw the links between some of the regimes and figures in the member state Governments, and so on. I think that is true and that remains to be the case. One of the problems with EU foreign policy more fundamentally is that you are always going to have those issues. That is the difficulty the Commission has with linking foreign policy and immigration when, I think, Britain's interests are going to be different to those around the Mediterranean on both those issues. So you are mixing up a whole host of different questions in one document, which is also looking at four different types of immigration or migration.

It seems to me like a very confused document. Given that, it seems very unlikely to resolve any of the issues it raises.

**Q111 Lord Richard:** You say it is a very confused document; is it a very confused situation the document is trying to deal with?

*Stephen Booth:* Sure. It is not an easy question.

**Q112 Lord Richard:** The second area is that the EU, particularly the Commission, should pick two key objectives and go for them. Which ones?

*Mats Persson:* The ENP policy, in particular—I think on the ENP specifically they should target trade first and foremost. That is one of the key areas where the EU can make a difference, because remember that is an area where the Commission has a very strong level of competence, so that is where the Commission can act.

**Q113 Lord Richard:** Trade, and the second one?

*Mats Persson:* The second one I would think would be—

*Stephen Booth:* It depends on your objective. If you are looking at it from a migration perspective I would say, given what appears to me to be the Member States' motivation for most of this, which is absolutely preventing illegal migration, that if you can boost trade and at the same time boost the enforcement and the border issues, both would be fulfilling the main objective behind the idea of the ENP in the first place.

**Q114 The Chairman:** If I can just insert this at this stage: if the EU could, together with other western donors, do something about the skills levels in these countries, at the same time as helping them through trade concessions to increase their trade, that would provide a higher level of skilled labour within those countries to meet demands of economic growth. Also, would it perhaps mean that some of the migrants were more qualified than they are now?

*Mats Persson:* Yes. You mean funding education?

**The Chairman:** Yes, that is right, vocational training and things like that.

*Mats Persson:* I think in theory that is a very good idea. Again it comes back to what realistically can be achieved. If you look at the scale of the funding needed for that to have an effect I just do not think ENP is big enough, but I do think you can have targeted funding at certain segments of society in those countries, and that should be vocational training. It should also be aid for trade facilitation.
The Chairman: Lord Richard, I am sorry, I interrupted you.

Q115 Lord Richard: I just want to be clear about the sort of package.

Stephen Booth: I think it is a question—

Lord Richard: Can I just put the question?

Stephen Booth: Yes, sorry.

Lord Richard: It seems to me that what you are saying to us is that the EU should have a positive policy in trying to encourage a defensive strategy in relation to the borders of the EU—in other words that you try to stop the illegal migrants coming in. In addition to that, at the same time, we should be doing something to encourage trade and activity between the exporting countries—if I can use that horrid phrase—and the EU. Also, we should be trying to do something for education inside the countries that are sending people out, so that the people that they do send out—the ones that the EU is prepared to accept—are better qualified to do the skilled jobs that they want to do. Is that the raw package?

Stephen Booth: Can I just qualify that? I think the first question is: what is the objective? Do you want the people to stay there or do you want them to come to the EU? I think that is the fundamental question.

Q116 Lord Richard: You want the right people to come.

Stephen Booth: Yes, and that is difficult, is it not?

Q117 Lord Richard: Sorry, I do not believe that for a second. If you scratch the surface with the individual Member States they will say, “Yes, of course we want migrants, but we want the right sort of migrants that fit our economy and fit our development”, so they have to be skilled. We say that, the French say that, everybody says that.

Stephen Booth: I agree, but what the ENP was trying to do, in my view, was to prevent people coming through funding and through other things. If you are trying to meet that objective in terms of combating the illegal migration—I know it is difficult to separate them, but if you can think of it in that concept—the best way of doing that is to improve the situation in the host country, which is through trade and for education, and the issues we talked about.

There is a second issue about a filter mechanism for getting the right people into the EU. I think that is a much more complicated issue. Those are two separate objectives but, if you can agree those are the two objectives of your policy, it is then choosing the policies or the tools to meet those two different objectives. I think, on the first one, the ENP failed hugely because it was just throwing the money at the issue and not improving the situation in the countries. We think that a bigger focus on trade and development would have done a better job on that.

I think the second question is much more complicated, and it is not something that we have had a detailed look at in terms of the policy that you would use to meet that need. As I said earlier, I think one of the problems with meeting the second objective about getting the highly skilled people in is that it seems to me that the Commission’s approach and the employer-led demand approach seem to be in conflict, and that is a difficult thing to resolve.

Q118 Lord Avebury: Given this conflict and the inability of the European Union to intervene in what are Member State competencies, do you think the EU can hope to achieve
**Mats Persson**: I think it goes back to what we said earlier. I do think it is a very difficult ask and it will be politically very difficult to achieve, so at the moment I do not think anything substantial can be achieved at the EU level on these issues. As Lord Hannay said, that may change in future. It may come to a situation where there is more political appetite for having more common measures at the EU level; we do not know. But at the moment we just have to be a bit realistic about what this possibly can achieve. But I do think that the voluntary approach can be a positive thing. If you sell it as a voluntary thing that selected Member States can take part in if they want to, and start to pool resources and so forth and take more decisions in common and have more joint measures, I think that could possibly serve as a positive example to follow. In other words you can sort of have almost enhanced co-operation in this area. It would not formerly be enhanced co-operation but the same principle applies. Or it can apply a similar approach to what you have in the European Development Fund, the EDF, where Member States participate voluntarily. Perhaps by leading in such a way you can lure other Member States to take part as well.

**Q119 Lord Avebury**: If the European Union abandoned any attempts to have common policies on primary migration for workplaces, should it not at least aim towards a common standard on the emission of dependants, which are the largest number of migrants entering most European countries, including the United Kingdom? Should it not also aim at spreading the adherence to UNHCR guidelines, such as those on the treatment of women and on the LGBTI\(^\text{11}\) migrants who come here for asylum? The UNHCR has constantly tried to persuade Member States to adopt these guidelines and, to some extent, they are incorporated in the immigration rules of this country, but not so much in other European countries. Would that not be an objective that the European Union could aim at?

**Mats Persson**: I am not familiar with the details of the UNHCR’s guidelines but, in theory, yes. This is an area where the EU should strive to achieve better reception conditions, for example. That is an obvious one. Of course there are few of us that would be against better reception conditions for asylum seekers. I think that is a very useful forum for the European Union. How much you can legislate in common in that area, I do not know, but as an aim, yes, sure.

**Stephen Booth**: An interesting issue, again from reading the Swedish Minister’s evidence, is that I think some basic common human rights standards are obviously vital. But the EU talks about this idea of competition especially—potentially looking to the future, as Lord Hannay suggested—in this demographic situation where the political narrative may have changed. It will be more about trying to get more labour migrants and so on and Member States being in competition with each other. I think the point the Swedish Minister made was that issues surrounding labour mobility around the rights for family members and so on may be an incentive, with Member States offering more than other Member States in order to attract migrants.

So that is something that may well happen in due course through that process of Member States that will want to attract migrants by offering better conditions, wider conditions or wider access for family members and so on, and that may be a way of creating competition

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\(^{11}\) Lesbian, gay, bisexual, transgender and intersex community
between Member States. I do not think necessarily you have to have a uniform approach above and beyond the basic human rights that we all kind of expect.

There is no necessary reason why the EU would have to legislate on that basis. I think you could allow Member States to be in competition. If they want to seek labour migrants that would be potentially quite an effective way of allowing Member States to compete with each other.

**Q120 Lord Avebury:** Have you considered to what extent the demographic problems which are foreseen by some people would be resolved by a reasonably liberal approach to the admission of dependants, because if the dependants come at a fairly early age they will be fully trained in host countries and will acquire the skills that may be exhibiting shortages that would otherwise have to be filled by the admission of primary migrants. So there are very large numbers of these dependants entering all European countries who might be the reservoir from which that demographic hole is filled.

**Mats Persson:** I tend to agree with Cecilia Malmström, the Commissioner in charge of this. In her analysis she does say that part of the demographic problem that Europe is facing, and will face to a much greater extent in the future, can be addressed by more labour migration. That is absolutely right.

I think maybe you can give more detail. You should be careful about how you use that, though, because Europe has to be a bit careful in how far it pushes that argument because it is not in Europe’s interest to have people educated in various different countries, have these countries face that cost and then they just migrate to Europe. That can cause brain drain in various quite important countries on European borders, for example. That is not in Europe’s interest either.

Secondly, I would say of course that it will not solve the entire problem with unfavourable demographics. That can only be part of the solution to that. Migrants will get older as well eventually and Europe will have to boost its home-grown skills if it wants to compete in the global arena.

In principle, it is an absolutely correct analysis and I think it is something that Europe has to look at. Sweden, for example, is very keen on this. But we also have to be realistic. One: what it does potentially to our neighbourhood if it leads to brain drain? Two: it can only be part of the solution.

**Q121 Lord Tomlinson:** I would like to refer you back to an argument that Open Europe have in the past made here, when you have argued that the UK Government pick-and-mix approach to co-operation in EU asylum policy now “draws a healthy degree of cross-party consensus and should remain in place”. Do you believe that this approach either does or could undermine the UK’s influence on EU policy developments in this area?

**Mats Persson:** I will start off on that and then hand over to Stephen. I do not necessarily think so. Unlike in many other EU policy areas—for example, the ones relating to the eurozone crisis—there is not enough political momentum behind this for it to pose a threat to UK influence. It would have been different had this been the kind of policy area that perhaps some people round the table want it to be, with much more EU involvement and much more momentum behind common EU measures. Then I think it maybe would have posed a risk to UK influence. But at the moment it is a bit of, I would say, a sleeping dog, or at least it is a quite passive policy area, and I do not think there is much evidence for that.
Q122 Lord Tomlinson: But you seemed to be arguing earlier that this is an area of policy where the EU, if it did have more power rather than the dispersal of power between the EU Member States, could have a more effective policy.

Mats Persson: That is true—that is the theoretical side of it. If that happened then X would follow but there are so many political hurdles to that happening that at the moment it does not pose a threat to UK influence, because the politics of it is such that it just will not move in that kind of direction anytime soon, I do not think.

Stephen Booth: One more thing I will add to that in terms of the big picture is obviously that the UK is not part of Schengen, so that adds another different dimension to the level of integration the UK is ever going to have in this area of immigration and so on, if it is not going to take part in the Schengen building measures in terms of visa policy and so on. There is always going to be a limit to the influence it can have. I think on the issue of asylum it seems that successive governments have taken the view that they have accepted the current standards, reception conditions and human rights standards, but in terms of future immigration it seems that both recent governments were only interested in the Dublin system, which is effectively a way of moving asylum seekers from the UK back to the state in which they first arrived in the EU. So that again is a defensive measure, if you like. That seems to be the one that has cross-party support.

On a practical level, there are obviously issues about how effective that system will be in future given what the ECJ has ruled in Greece, and so on. I think that is something that will have to be looked at in terms of whether that system will function in the future.

It depends on what the objective is, but if you take the Government’s view—and I think the previous administration’s view—that the UK’s main interest is about capacity building and defensive measures, most of that comes down to money, and if the UK contributes I think it will continue to have leverage on those issues if it wants to co-operate on those things. For example, on Frontex, although it is not formally part of the Frontex structure it does take part in missions and has co-operated outside of the formal structure; so I think it will depend. On the practical level of what the Government seems to want to achieve, its leverage is still there and I think influence over other areas seems to be of limited interest to the Government. I think those are the two aspects.

Q123 The Chairman: The Government’s National Security Strategy had as one of its objectives to make Frontex more effective, which is interesting for a country that is not participating.

Stephen Booth: That is true; there is that issue.

The Chairman: But it was very striking. I happen to think that that is a completely correct conclusion to have reached—that Frontex is of real value to this country, because we are not usually the country of first migration. But it is interesting and what you say is in support of that.

Q124 Lord Tomlinson: Could I ask a supplementary question, which slightly widens it. I understand exactly what you said now in the context of asylum seekers, but the burden of what I understood from you earlier on was mainly about illegal migration. What is the balance of your concerns between asylum seekers and illegal migration and what do you think is the current trend of illegal migration both into the United Kingdom and into the EU as a whole? We have some statistical information that suggests it is falling, and falling quite dramatically.
**Mats Persson**: Illegal immigration?

**Lord Tomlinson**: Illegal immigration. Do you accept that or if not what do you use as your statistical information?

**Stephen Booth**: That is not something we looked at in great detail in terms of the figures, so we could not answer the question with confidence, I am afraid.

Q125 **Baroness Prashar**: Can we come back to the question of demographics, which we touched on earlier, because I think the trends are over time that there will be a need for more migration in the light of what has happened demographically. What do you think are the likely consequences of that if popular resistance to immigration levels and policies continues? In a way you were saying earlier that you have been looking at politics of immigration, and how are you going to square that? You need migration; how are you going to square that with the attitudes to migration?

**Mats Persson**: I think it is going to be a very difficult sell, I am afraid. I do not say that with any joy at all because we are supporters of migration in many ways. I think it is a good thing. It is going to be very difficult, particularly in this economic climate, I think, where we already see some quite unpleasant political parties rising around Europe, and I am afraid that may continue until we see the end of this crisis.

Politicians, I think, have a huge responsibility in this, just looking at the politics of it, and we do perhaps have a bit of a comparative perspective from various different individual EU countries. Politicians need to talk about this. They need to explain what is going on. They need to manage it carefully. What the Labour Government did, for example—this was of course intra-EU migration—on not taking the issue seriously of the scale of influx from the new Member States I think was a major mistake. That undermines confidence in migration as a whole because of course the issues are blurred in the views of the public. Politicians need to talk about it and need to take concerns from individual citizens and the community seriously.

Thirdly, we need to have a game plan. I think this is where the Swedish example is quite interesting because the Swedish Government have come out explaining what they are trying to do. They have been transparent, they have been open and they have reached a sort of consensus—at least a deal within Swedish society between employers and employees. Although it is not entirely pain-free, at least there is some buy-in from big parts of Swedish society for what the Swedish Government is trying to do on the labour migration front. It is also interesting because they are trying to break with this quite complicated immigration model from years past, which has heavily focused on asylum rather than economic migration.

I think that has, in turn, although it is too early to say, perhaps kind of pushed the anti-immigrant party in that country, the Sweden Democrats, slightly to the sidelines. But it is too early to say. I think it will be an interesting one to watch whether that is the model for how to communicate and sell more migration to your public.

Q126 **Baroness Prashar**: But do you think there is another element to this, because I think there was a saying, “You wanted labour and human beings arrived”? In a way you can look for labour, but in terms of people coming in there is the question of dependants. Do you think there also has to be a strategy in terms of integration and all of that because you can explain all of that but you need to have some practical strategies?

**Mats Persson**: For integrating the newcomers into society, you mean?
Baroness Prashar: Yes.

Mats Persson: I think that the best tool for integration is the labour market. If people can get into the labour market almost immediately then you cannot replace that in terms of assimilation and integration. It is when you have a big migrant population, which is sort of outside the labour market or in very small pockets of the labour market doing a few very limited number of jobs, that you have segregation and problems with integration.

But of course I do think it is necessary to have at least a basic idea of what kind of integration policies you will want to see. For example, you can start talking about language requirements before entering the labour market and stuff like that—of course for some jobs you need that. Doctors, for example, will have to have certain language skills and so forth, but to pass that language test before you can enter the labour market, for example, I think is the wrong approach. I do not think it has worked in Sweden previously and I do not think it will. That should be sector-specific rather than as a “one size fits all” measure. Does that make sense?

Baroness Prashar: It does indeed.

Mats Persson: I do think the labour market is key, and the fewer barriers to enter the labour market quickly and swiftly the better.

Q127 Lord Avebury: Can I return to the question of dependants? Do you know of any European studies on the contribution that dependants will make in the future to filling the gaps in demography? Obviously if children come here to join primary migrants they will be educated in English, and similarly in the other European countries. They will not have to pass any language test and they will be fully educated to meet the labour requirements for the host countries. I wonder if the European Union has made any study whatsoever as to the contribution that the dependants might make in the future to filling the labour market requirements that we can foresee?

Stephen Booth: I am not aware of any—

Lord Avebury: Do you think it should?

Stephen Booth: I think it is something certainly worth looking at, yes.

Mats Persson: Given the number of studies that the Commission produce every year, I think that would be a worthy one.

The Chairman: Lord Sharkey, I fear your fox has been shot.

Q128 Lord Sharkey: I have slightly recovered my fox. You have talked quite a lot about Sweden but Sweden is a very small country, it has very specific demands and requirements, and it is a relatively homogenous society. Do you think there are any parts of the Swedish model that are transferable to large Member States?

Mats Persson: It is a very good question. I think we need more evidence as to what the Swedish model will mean—what it does to the basic migration trends to Sweden. It is still early days, remember; it was quite recently when the coalition Government in Sweden introduced this, so we do not know yet. In principle, I do not see why it would not work in a bigger country if you have more demand-driven policy on labour migration where the employer or business stands more in the centre.
Q129 Lord Sharkey: I was thinking rather more of the difficulty in obtaining a consensus among the existing population of a large country, but accepting the kind of Swedish model.

Mats Persson: It is tricky because if you look at Britain, for example, obviously what you have in terms of economic migration is also heavily intra-EU, so in that sense I think you already basically have a situation in Britain where economic migration is complicated and it has created some public backlash, but it is sort of accepted in a way. It is something that Britain already lives with, whereas in Sweden it is basically new. Sweden had it in the 1960s when some Europeans came to Sweden; since then it has been very asylum-driven. This is something new in Sweden, whereas in Britain it is something that has been the case for quite some time. In the UK you see it already, I think, with non-EU migration, although the quota system of course complicated that. So I do not know to be honest. It is a complicated question in Britain and immigration is a toxic issue here. It may be difficult but with the right sell, with the right pitch, and the right economic climate maybe it will work for Britain as well.

Q130 Viscount Bridgeman: You recommend that the Government seek to negotiate a reversible opt-in in this sector to prevent future Governments being bound by the decision of their predecessors. Now I am no expert on this, but this seems to strike right at the root of the opt-in and the opt-out procedures. Having said that, do you believe this is a realistic aim, and would it not create a significant uncertainty for those covered by the legislation and for other Member States?

Mats Persson: We did not recommend it as a firm option; we said this is something that should be explored. I think what we said in the report is that this is probably one of the few changes that Britain could make to the current arrangements. Will it be difficult to achieve? Absolutely, it will be difficult. Will it lead to uncertainty? Probably. Will it happen? Probably not. But it is certainly something that could be kept in mind and explored as an alternative to what we have at the moment.

Q131 The Chairman: Would I be a little cruel if I suggested therefore that your line of argument is that it is a pretty undesirable thing to do but it is being driven by politics?

Mats Persson: The reversible opt-in?

The Chairman: The idea of a reversible opt-in, yes. There are no real practical advantages other than meeting a particular political demand.

Mats Persson: I think its advantage will be giving it more democratic legitimacy, if you say “If the electorate make that democratic decision then this can be reversed”, with the hope that if it is a good arrangement it would not. But I think that is the main advantage, the political and democratic buy-in.

Stephen Booth: I think probably a more important thing that could be done as a priority and within the UK is to have more oversight of the opt-in in the first place, which is something that I am sure other committees have looked at and so on. That is something we think is very important—that the Government does not have the sole responsibility for opt-ins. It should be a parliamentary decision and go to a vote. I think that would do a lot to improve the democratic legitimacy of decisions to take part in these types of measures because up to now it has just been a Government decision.

Q132 The Chairman: No, that is not the case under the agreements that the then Labour Government made at the time of the Lisbon ratification, which was that opt-ins would be
submitted to a parliamentary process, which could include the taking of a vote. We have applied it in this House and they have applied it in the House of Commons as well, where they had a vote quite recently on a Government decision about an opt-in; a very small minority voted against but nevertheless they had a vote; and we had absolutely no opposition at all to our proposal in this House that we should opt in to the proceeds of crime directive. Government has not at this stage accepted that but there was a perfectly good parliamentary process. We wrote a report; it was debated in the House. These are called the Ashton and Lidington Undertakings on opt-ins, which are now in full force. They may not have been noticed by anyone but they are there.

Stephen Booth: We were very heavily involved in pushing for greater scrutiny but it is still the fact that the Government is under no obligation to put it to a vote, and we think that should—

Q133 The Chairman: It is. They have accepted an obligation. If I understand the Ashton and Lidington undertakings, they have accepted that if either House wishes to put their views to a vote the Government will enable a debate in Government time, and within the time limits laid down for opting in, they will do that.

Lord Tomlinson: I think I am right in saying that I remember the discussion on that, and that had they not done it there would almost certainly have been an amendment to the Lisbon ratification Bill, and that would have meant the Bill going back to the House of Commons.

The Chairman: It was negotiated between Baroness Ashton, who was the Leader of the House, and the EU Select Committee here. That was how it happened, but it does strike me that perhaps you might like to consider doing a little bit more research into how this system is evolving over time. Each instance that comes along is handled in a slightly different way, but it is a live animal.

Stephen Booth: Believe me, I have looked at this. I am happy to write to you afterwards. As I understand it, the language is pretty woolly. It is something about significant parliamentary interest. There is no point arguing it now, but I think the issue of whether the Government is obliged to put every opt-in to a vote is still not necessarily certain.

Q134 The Chairman: Perhaps I could just—without prolonging it, because we must finish now—point out to you that significant parliamentary interest is in the hands of us, the committees. That is to say we decide whether we will write a report to the House on an opt-in proposal, not the Government. The Government has committed itself to the fact that if we write a report and ask for a debate and ask for a vote, we get it.

Mats Persson: That is great; then the next—

The Chairman: Sorry, the determination as to whether it is a significant interest is not in the hands of the Government; it is in the hands of the, in this case, parliamentary committees. At the other end of the corridor it is slightly different, but again it is a parliamentary committee.

Stephen Booth: Thank you for clarifying that. Also, in the process of parliamentary colleagues having to face up to opt-in decisions as they come along and to be aware of them, unless it is referred to in a debate they will not be aware of them. So I think that as a matter of course that should be the process. That is what we are arguing for.
Q135 **Lord Avebury:** What you are asking for is like an affirmative resolution procedure where the Government has to table a resolution and it has to be voted on irrespective of whether or not the Select Committee has looked at it.

*Mats Persson:* It is very simple; it should be voted on every single time.

Q136 **Lord Judd:** Would you agree that scrutiny of these matters will always be most effective in the context of the level of public information? I do ask you to consider that the public is ill-served by the media, who totally fail to cover the processes when they are operating in their detail.

**The Chairman:** I certainly would not slate Open Europe for that because you publish a great deal of material and much of it is well researched, and so you are contributing to the public debate, in my view—although I do not share all your views, as you know—in a thoroughly useful fashion. That is how it should be. But I draw the conclusion about the question on the reversible opt-in is that perhaps when you said that you thought this was a good or possible idea you had not fully appreciated how much the changes that were introduced after Lisbon provide for national parliamentary oversight of this opt-in, opt-out system. I will leave that thought with you and, who knows, you may write another—

*Mats Persson:* But I think, to be honest, it is very simple. Every single time there is an opt-in there should be an automatic vote, because as much respect as I have for people in Parliament and MPs, it does take a lot of work to look into this stuff and I think if you have an automatic vote, if you know that it is coming, then it will be subject to the same type of—and talking about media; you can have quite a high-profile vote covered by media, but if we are sort of under the radar and someone has to pick up on it for it to be—

Q137 **The Chairman:** You are quite right; not one newspaper has picked up any of the things that we have done on this for the last two years, and yet we have been applying a new system in, I think, a reasonably rigorous way and will continue to do so.

Anyway, thank you very much for coming along this morning. It has been of great value to us and I think we have useful material from your testimony, so thank you.

*Mats Persson:* Thank you very much for having us.
Professor Ronald Skeldon, University of Sussex, Professor Christina Boswell, University of Edinburgh and Professor Andrew Geddes, University of Sheffield—Oral Evidence (QQ219–233)

Transcript to be found under Professor Christina Boswell, University of Edinburgh
Suffolk Refugee Support Forum (SRSF) is an NGO working in Ipswich, UK. We don’t have an overview of the overall impact of the Global Approach to Migration and Mobility but as a successful local project we have some figures on those clients using our services, which we hope may be useful to you in looking at the approach, particularly in relation to 3.C. We have some concern that we are not able to answer questions raised directly and comprehensively but we hope that you will find the information helpful.

From our experience we strongly support the need for a global and cohesive approach. Displaced people choose the countries they go to for reasons such as language and family ties, but their decision may also be based on going to a destination where they believe they are likely to receive better treatment. Where this is the case it may not always be the most ideal destination for them in terms of language needs, closeness to family etc. If there were a global approach that all countries, including ‘third countries’ were signed up to, with human rights at the centre of this approach, we strongly believe this could benefit displaced people and their families.

At SRSF we see 800 clients each year and of these 60% have been granted asylum, with 15% waiting for a decision on their asylum claim (some in the ‘legacy’ system have been waiting up to 8 years).

20% have joined partners who have settled status in the UK after going through between 5 and 10 years of waiting in the asylum system. Many women joining husbands are now giving birth so the numbers of young families is growing rapidly. We have over 100 school aged children on our database of 600 clients using the drop-in Advice Service. We also have 15 young people who have joined their fathers here in the UK and who are struggling to catch up in schools. There are also 20 looked after unaccompanied asylum seeking children in Ipswich cared for by Suffolk Social Services. We believe that the needs of women, men, young people and minors are very different and need to be taken into account in making recommendations.

There is a lack of ESOL (English for Speakers of Other Languages) provision in Ipswich and crèche facilities have been stopped due to cost-cutting, which excludes many women from being able to attend classes. There are waiting lists for ESOL classes and not enough provision to meet the needs of the growing population of non-English speakers in Ipswich. The cost for those who can pay is £250-350 a year for three hours a week.

Approximately 40% of our clients are working – most in food processing factories in rural Suffolk or as taxi and delivery drivers. It is increasingly difficult for them to find work in the competitive environment where most EU workers get priority, as they generally have better English language and often the factories like to employ workers all of the same nationality (ie. all Polish or Lithuanian). Most are on very low incomes. Ipswich is home to populations from Lithuania, Poland and Portugal. We don’t have figures on these populations until the census results are published. They are living in rented accommodation and working again in factories in Suffolk.
At SRSF our clients are from Iraqi Kurdistan (50%), Iran (15%), Afghanistan 5% and a range of over 35 other refugee producing countries including Sudan, Syria and China.

Around 80% of our clients have some form of leave to remain in the UK. Occasionally we hear of one or two that have been removed by UKBA or more recently have voluntarily repatriated.

Although we have no official figures, we are aware that the majority of our clients have travelled to the UK in the backs of lorries via Turkey, Greece and the countries in between. They have sometimes spent time in Turkey but report that they have not stopped anywhere else en route except to change lorries (the journeys and routes have been pre-planned by the traffickers who are a pretty cut-throat lot). They have entered the UK illegally and then made their way to claim asylum in Croydon.

We hear from time to time about individuals who have been trafficked (other than in the above named way) but in over 10 years in our project have only come across two women (both Albanian) who have been trafficked here (as sex workers). There may be many barriers to accessing services such as ours – language, fear etc.

We have seen a reduction in the level of support available from legal immigration advisors with the cuts in Legal Aid, with a number of companies pulling out of immigration work or going bankrupt. It would seem that the current thinking is that immigration work is just no longer viable for legal firms (except private work). This has severe impact on our clients’ chances of winning their cases for asylum and puts extra burden on the voluntary sector as we are expected to pay for clients to travel further a field for immigration advice.

Most of our clients live in rented accommodation – 50% in private rented and 50% in local authority rented accommodation. Much of their housing is sub-standard, cold and damp. Some families are sharing one bedroom as they wait to be accommodated by the local authority.

30 May 2012
Suffolk Refugee Support Forum, Hackney Migrant Centre and Migrants Rights’ Network—Oral Evidence (QQ60–98)

Transcript to be found under Hackney Migrant Centre
**WEDNESDAY 27 JUNE 2012**

**Members present**

Lord Hannay of Chiswick (Chairman)
Lord Avebury
Viscount Bridgeman
Lord Judd
Lord Lingfield
Baroness Prashar
Lord Richard
Lord Sharkey

**Examination of Witness**

Mr Tobias Billström, Swedish Minister for Migration and Asylum Policy.

**Q35 The Chairman:** Good morning, Minister. Thank you very much indeed for coming all this way to give evidence to our inquiry on migration and mobility, in which we are examining the latest communication from the Commission about the Global Approach to Migration and Mobility. It is really helpful that you were able to come. As you know, Lord Judd and I were able to listen to you recently at the London School of Economics, and it was immediately clear to me that you were someone who would be able to give us evidence that would help our inquiry. At the moment our inquiry is in its very early stages. It is directed towards producing a report probably shortly before Christmas. We have a lot of evidence sessions running on into October, including a visit to Brussels, where we will try to see Members of the European Parliament, Cecilia Malmström, of course, and the European External Action Service, so that we can cover all these matters.

I will just go through a couple of procedural points. The session is open to the public. A webcast of the session goes out live as an audio transmission and is subsequently accessible via the Parliament website. I should point out that when Peter Sutherland gave us evidence last week, it was picked up by the press pretty quickly because this is quite a sensitive subject. A verbatim transcript will be taken of your evidence and this will be put on the Parliament website. A few days after this evidence session, you will be sent a copy of the...
Swedish Government Minister for Migration and Asylum Policy (Tobias Billström)—Oral Evidence (QQ35–59)

transcript to check it for accuracy, and we would be grateful if you could advise us of any corrections as quickly as possible. If after the session you wish to clarify or amplify any points made during your evidence, or have any additional points to make, you are welcome to submit supplementary evidence to us.

After introducing your collaborators and yourself to us, I understand that you would like to make an opening statement, which would be very welcome to the Committee. We will then go into questions.

Tobias Billström: My Lord Chairman, I am Tobias Billström. I have been the Swedish Minister for Immigration and Asylum Policy since 2006. Since 2002, I have served as a Member of the Swedish Parliament, representing the city of Malmö and the Moderate Party. I am also the Swedish representative on Justice and Home Affairs in the Council of the European Union. Joining me here today are Liselotte Åberg, from the department for asylum and migration policy in the Ministry of Justice in Sweden, and Andreas von Beckerath, who is from our embassy here in London.

Thank you for inviting me to this hearing. I am honoured to have been asked to talk about the Global Approach to Migration and Mobility, not only because it started as a UK initiative in 2005 but because it is my view that the Global Approach is in essence an EU success story. Sweden has from the beginning supported the idea of a global approach to migration and its development in becoming the overall framework of the EU external migration policy. It is my belief that the Global Approach has contributed to creating true and genuine cooperation and partnerships with third countries of strategic importance to the EU by being a constructive method for dialogue and co-operation. This method provides for the opportunity to discuss all aspects of migration: that is, the broad thematic migration agenda, including the more sensitive issues. The EU has also reached a unique position in this global context through the development of the partnership idea as a kind of trademark.

I will outline a few fundamental angles of the Global Approach in order to provide an overall view of its implementation. The starting point is the long-term perspective to a broad and integrated approach to migration. The second angle is that EU internal solidarity is required for political, thematic and geographical balance. Finally, it also implies greater policy coherence within migration policy fields as well as other policy areas. If you permit me, I would like to elaborate on some of these aspects.

First, the European Commission’s communication of the Global Approach to Migration and Mobility, as well as the Council conclusions that were adopted last month, enable the Global Approach framework to become truly comprehensive, more strategic and efficient. A step in this direction has been achieved by encompassing very clearly the issue of international protection and the external dimension of asylum as the fourth main area of the framework. Thereby the Global Approach, not only in reality but in formal structure, covers all areas of migration issues in dialogue and co-operation with third countries.

Secondly, one of the core issues of the Global Approach is the balance between the thematic and geographic aspects. All 27 EU Member States naturally have their own priorities. However, there is an understanding among Member States not to challenge this balance and consensus. Instead, using the Global Approach to its full extent gives everyone’s priorities room. Keeping the balance in the Global Approach therefore forms the starting point for Member States’ responsibilities, commitments and interests, which is fundamental to the EU’s credibility towards third countries.

Thirdly and finally, policy coherence between EU migration policy and other areas such as foreign policy and development co-operation is an important aspect of the Global Approach,
Swedish Government Minister for Migration and Asylum Policy (Tobias Billström)—Oral Evidence (QQ35–59)

as is integrating the framework as part of the EU’s foreign policy. The EU also needs to seek and utilise synergies with other areas such as trade, education and health. This is a challenge and an area where the EU will have to increase its efforts in years to come.

My Lord Chairman, with these few introductory words, I am at your disposal to answer your questions. Thank you very much.

Q36 The Chairman: Thank you. That is very helpful. You have effectively answered quite a bit of my first question. If I understood you rightly, you were saying that the Global Approach recognises that individual Member States will often have quite different policies on some parts of the migration and mobility agenda, and it therefore meets the requirements of subsidiarity: that is, it does not try to centralise everything in Brussels but recognises that individual Member States will have rather different responses to parts of the agenda. However, this does not mean that they cannot work together on others, in particular towards third countries. Have I got that right?

Tobias Billström: My Lord Chairman, you are absolutely right about the Global Approach. The issue of the EU speaking with one voice is complex. It is difficult to give a clear-cut answer. After all, this is about who is going to represent the EU: the Commission, the External Action Service or the presidency? Depending on the situation, it could be any of them. Another question is: who is going to implement the Global Approach? In my view, this is a joint responsibility according to the respective institutional competences. The Global Approach definitely gives each of the 27 Member States plenty of room for manoeuvre and of course the ability to implement the approach in a coherent and joint way, while also leaving room for Member States’ own priorities.

Q37 The Chairman: Thank you. We heard from our witness last week, Peter Sutherland, that there was a difficulty in allowing the Commission to be present at the Global Forum that he is going to chair in Mauritius, and that at least one member state was objecting very strongly to that. Can you cast any light on that discussion?

Tobias Billström: My Lord Chairman, thank you very much for this question. Mr Sutherland is an admirable man with whom I have had good co-operation, as Sweden is the incoming president of the Global Forum on Migration and Development, which incidentally is going to take place in Stockholm in the spring of 2014. EU co-ordination in multilateral fora has come very far. The EU often speaks with one voice in the United Nations. The fact that the EU had made considerable progress on co-ordination in migration, especially through the Global Approach, is and should be highlighted in such multilateral settings. However, and it is important to be very clear on this, different multilateral initiatives fulfil different functions and thus require different approaches. The Global Forum on Migration and Development was set up to enable the member states of the Global Forum to have a constructive dialogue in an informal, voluntary setting, in order to avoid the very unfortunate regional polarisation that we have so often seen within the UN family and the UN system, which has often plagued earlier attempts at discussing migration in particular. We very often jump back to the north-south battles. In view of this, I am not convinced that it would be conducive for the EU to speak with one voice in these circumstances, as that could jeopardise the constructive tone that these discussions have taken. We might run the risk of doing exactly what I mentioned: falling back into the regional bloc positions.

Q38 The Chairman: I understand that, but does that also mean that you would not want the Commission there at the Global Forum talking about the issues for which it has some responsibility, such as development aid? Are you talking only about the idea of the EU
speaking with a single voice at the Forum, which I understand your very clearly expressed position on, or are you also against having the Commission there?

Tobias Billström: One should be careful about using the Commission in the wrong way. The Commission definitely has a role to play when it comes to being a good fellow of the Global Forum on Migration and Development, but, as I said, we should try to avoid a situation in which other member states of the Global Forum on Migration and Development perceived the EU as being represented as the EU family at the forum. This is where I think we might differ in our opinion on whether this is a good or a bad thing. For my part, and the part of my Government, I think that the Global Forum should be what it has become: a good tool for constructive dialogue. It is very unfortunate if you replace this with a situation in which the EU is perceived as becoming one bloc. We are not one bloc; we are individual member states.

The Chairman: Thank you. That is very helpful. Lord Sharkey.

Q39 Lord Sharkey: Does that mean you would be in favour of observer status for the Commission?

Tobias Billström: I would like to be very clear on this matter: we want the Commission to play a part in the Global Forum, so we would of course recognise observer status as being beneficial to the process.

Lord Richard: Perhaps I can come back to the Council, of which you are a very long-standing member; indeed, I think you are the longest-standing member. One thing we are clearly going to have to look at is whether the institutional machinery of the EU is sufficient to deal with the problems that the EU is going to be faced with in this area. What would you say about the Council’s approach and performance on migration issues as a whole? I was very interested in the speech you made to the LSE, when you said: “When formulating policy on international migration and development, our overall aim must be to enable people to migrate out of choice rather than necessity”. That is your baseline, so to speak. How competent do you think the Council is to administer this approach?

Tobias Billström: Thank you very much for the question. I think that the links between migration and development must remain central to the EU’s policies on migration, including the Global Approach, which should be our tool for achieving this. However, there is certainly development potential in mobility, not least when people choose to move back and forth between their countries of origin and destination, which I like to call circular migration. However, it is and always should be up to individual Member States to choose the number of migrants. I am speaking here about labour migrants; I put the asylum seekers in a separate box because they are governed by separate rules, as we all know. One should be very clear on this matter: it should always be up to individual Member States to choose the number of migrants they want to admit to their labour markets. However, this does not mean that we cannot co-operate. We have seen some fairly interesting initiatives in recent years, such as the framework directive on applications, which enables us to streamline the application procedure when a labour migrant wants to seek access to the European Union. There is less bureaucracy and it makes it much easier for the migrant to pick and choose, which is a good thing, because I want to see competition between individual Member States. This would be beneficial for my country, which is a small country. Only 9 million people in this world speak Swedish as their first language, and we are in no position to compete with the UK, France, Germany or Italy—we have to find our own ways—but doing this within the EU means that we have to operate a similar procedure but with opportunities for people to put in what they want to put in, such as special treatment for migrants who choose individual countries.
Lord Judd: In both the EU Council and the forum, you are trying to co-ordinate policy and you are looking ahead. How much discussion did you have about the implications of Rio+ for the future of migration?

Tobias Billström: Thank you very much for the question. I do not think the Council has been able to assess Rio+ yet. That might come to pass in the fullness of time, but not yet, so my answer has to be very short. I think it is a very interesting document and there is definitely some room to look into the consequences of increased global warming for migration.

Lord Judd: Would it be fair to say that the preoccupation of both the Council and the forum in their deliberations is with Eurocentric matters, rather than the global dimensions of migration, which are very central to the issues of Rio+?

Tobias Billström: Thank you very much for the question. We all know that there are different roads ahead that we can choose when it comes to migration. We can choose to have a proactive or a reactive attitude. I think that both the Council and the forum have to busy themselves with talking about the Rio+ conclusions. When we sit down and talk about the migration development matters ahead, we cannot overlook the fact, as Lord Richard mentioned, that it is preferable for people to migrate out of choice rather than necessity. However, we might see a development in the years to come whereby some countries might have to suffer the consequences of global warming. I do not have a full answer to what we should do if, for example, a large part of Bangladesh is gradually flooded. This has to be taken into consideration and we need to look very closely at this in many fora: the Council and our own institutions of the European Union; the Global Forum as an operational platform for the UN family but not within the UN system; and, finally, the top places of this world, such as the Security Council of the United Nations. Sooner or later we will have to take some sort of position on what we should do in such a situation.

Lord Avebury: You said that it was for each state to determine the numbers of migrants that it would admit, but would you qualify that by saying that you refer to primary migrants and not to dependants, and what would your attitude be to the rights of the dependants of primary migrants to enter the countries to join the heads of household? Do you think that the EU has a responsibility to make sure that, for example, the provisions of Article 8 of the European Convention on Human Rights on family unity are observed, and that there should therefore be some degree of harmonisation within Europe about the rules of dependants entering to join heads of household?

Tobias Billström: Thank you very much for the question. It is very important to draw the line between asylum seekers, refugees and the rights pertaining to their residence permits on the one hand, and on the other hand labour migrants, businessmen, students, et cetera, who fall into a quite different category.

Lord Avebury: I was talking about people who obtain permanent settlement, whether via the asylum route or the work route, as most people do. We admit people to come here for long-term purposes of work, and normally they gain settlement at the end of the day, so they are then in the same position as someone who has been granted refugee status.

Tobias Billström: Thank you very much for this clarification. I will try to be very clear on the matter as well. I can only speak for the Swedish system because I am a representative of the Swedish Government. The Swedish Government look very favourably on people who want to bring their families with them as migrants when they come to our country as labour
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If we look at the recent—2008—Labour Migration Act, one very important point in this Act is that a worker is allowed to bring his or her family to Sweden from day one. That includes spouse and children, and the accompanying spouse also gains full access to the labour market. This is of course very important for us. This is a competitive tool. We need to encourage people to choose our country over other countries, and one way of doing this is allowing people to bring their spouses and children, which for many migrants is an important feature. For others, it is not. Young men and women who have not yet formed a family have, for obvious reasons, no spouse or children to bring with them. They very often want to do the job on the labour market and then go home to make a home and family for themselves in their country of origin. You have to allow for both—that is my personal opinion. I think we have done it the right way. However, it is not up to me to advise any other government on what policies they should enact.

The Chairman: Thank you very much. We must move on. Lord Bridgeman.

Q44 Viscount Bridgeman: You referred in your speech to the domestic policy of the Swedish Government. The Chairman has taken up your point about the individual preferences of the different countries, which Lord Avebury also referred to. Can you tell us a little more about Swedish domestic policy? You have already referred to it slightly.

Tobias Billström: Thank you very much for the question. As I mentioned, I presented a new goal for Swedish migration policy when I took office six years ago, with the purpose of increasing opportunities for labour migrants, to make it easier for employers to recruit people from countries outside the EU. With this reform, Sweden has gone from a 40 year-old non-labour immigration policy to the most open and liberal system for economic migration in the OECD family. If the Lord Chairman would permit me, at the end of this session I would like to present the Committee with this report from the OECD, which was presented on 19 December last year and gives a full account of how the Swedish system works. It might be helpful for the Committee.

In brief, the main features of the system are that it is not based on quotas or bilateral agreements. The system is completely demand-driven. It is the employer, not a state agency, who decides if and when there is a need to recruit labour. The same rules and conditions apply to all labour migrants and the Swedish system welcomes migrants of all skill levels. The key requirement is that the job offered provides a sufficient living and the salary and other terms of employment comply with the collective agreements of and follow the practice of the profession or the industry. An initial permit is granted for a maximum of two years. If the individual in question still has a valid contract after this two-year period, it is possible to extend the permit for an additional two years. After four years, a permanent residence permit can be granted. I have already mentioned the important feature of bringing spouses, et cetera. Labour migrants and their accompanying family members gain access to more or less the same rights and obligations as Swedish citizens. Voting rights are excluded, for obvious reasons.

Finally, the interesting thing, which the OECD also observed in its assessment report, is that we are not seeing a huge influx of labour migrants. The relatively low influx can be due in part to the fact that the reform entered into force during the unfortunate global financial crisis that we are now experiencing. During the first three years, approximately 50,000 work permits were granted. The largest groups of professions, except for seasonal workers, are computing professionals, restaurant workers, architects and engineers. This is very interesting. It shows that in spite of the fact that we have the most open and liberal system in the entire OECD family, we still do not get very many migrants. That is perhaps some
food for thought in the present debate raging around the world about open versus closed migration policies.

**Q45 Baroness Prashar:** In your very interesting talk at the LSE, you discussed the importance of migration policy to development, and the connection between development and circular migration. What more do you think the EU should do to foster the development potential of migration?

**Tobias Billström:** Thank you very much for the question. I think we have to work more on facilitating the connection between migration and development. This is important for many reasons. Circular migration can definitely generate advantages for the country of origin, destination and individual migrant. This is why I emphasise that it is important to have a greater consensus on migration and development policies within the European Union on measures aimed at facilitating circular migration. More consultation and co-operation between governments and international organisations are required, at both the international and European level. Such efforts must be based on a better understanding of the close relationship between international migration and development and other key policy areas, such as trade, development aid, foreign and security policy and human rights. It is also important that Member States see increased mobility as a positive thing, for both the EU and countries of origin, even during an economic crisis. Freedom of movement is one of the key achievements of European co-operation, and I think it is desirable for this freedom to be extended to persons who come to Europe to work and study to a higher degree, not least in order to increase the attractiveness of Europe and thereby meet future labour needs. Otherwise it will be overtaken by other countries that are up and running: the US, Canada, Australia and, in the future, India, China, Russia, Brazil and South Africa, which are also destined to become countries of destination for migrants.

**Q46 Baroness Prashar:** You talk about facilitating the dialogue. What should be the respective role of the European Union and of the Member States in this process?

**Tobias Billström:** As I said before, we have to work on several different layers at the same time. In order to facilitate migration, each and every Member State of the European Union has to sit down and make an assessment procedure. We are on the way to doing this. The Swedish cabinet decided in 2009 to appoint a parliamentary committee on circular migration—the first one, I think, on a global scale; I have not heard of another one. The committee’s report findings were not only unanimous but showed that there are still a lot of things to do. For example, how do you work with social security systems? How do you facilitate them in a way that makes it attractive for migrants to move across borders several times? What about migration laws? How long can you stay away from your country before you lose social benefits? What is the possibility of making those rights portable? These are all issues that we have to take into account, but we have to do this on an individual level because our systems in the European Union are not coherent; the social security system in the UK is not the same as it is in Sweden or Germany or other Member States. But it needs to be done.

**Q47 Lord Avebury:** You have touched on this already, but what is your view of the impact of the global economic and financial crisis on migration trends, in both the short and medium term?

**Tobias Billström:** Thank you very much for the question. The phenomenon of migration will not disappear, as I said to Lady Prashar. We will not see a downturn in the trends of migration in either the short or medium term. People will always want to move for one
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reason or another. The global economic crisis will come to influence this to some extent, but I am certain that there will always be a need and demand for migration, although there might of course be fluctuations over time. In Sweden, we have not seen a huge influx of labour migrants, as some might have expected with such an open system. But since it is now the employer, not an agency, who decides if and when there is a need to recruit labour, the Swedish system can respond to different economic climates, which is of course one of the great advantages of this legislation. There is no need for a separate political process every time the economy starts to move up or down. The system is already in place and it is self-sustaining.

Q48 Lord Avebury: In answer to an earlier question, you told us about the principal categories of migrants for whom employers were demanding work permits, including restaurant workers. Do you not think there is scope for variation in host countries’ immigration policies in an era of mass unemployment? Your restaurant workers could be trained to do the jobs and reduce the scale of unemployment in Sweden. I think of our own experience here of what we call tier 5 migrants—people without any technical skills—no longer being admitted, because we say to employers, “If you want a cook, then you jolly well train one from the unemployed”. Do you not think that European countries should consider variations of their migration policies to suit their own internal employment situations?

Tobias Billström: Thank you very much for the question. It is one that I have been asked before. For a handful of occupations—for example, computing professionals—labour migration contributes significantly to employment. According to the OECD review, about half the recruitment is in occupational groups that are considered to be in shortage in Sweden. I have already mentioned the largest occupational groups, but even if there is unemployment among restaurant workers, there is also a shortage of chefs, who belong to the same occupational group. To me, it is not too alarming if it is only about half labour migrants working in occupations considered to be in shortage. It is the individual employer who knows best the recruitment needs of his or her own company, which is why the Swedish system is demand-driven and not controlled by an agency’s assessment of Sweden’s need for labour migration, for example. No agency, no organisation, is in a position to do that sort of job. It is simply impossible to be able to do it on such a detailed level. It is also important to remember that a certain occupation can be in shortage locally without being considered to be in shortage in Sweden in general. That might apply for other countries as well, including the UK. It is furthermore a challenge to reach all different groups of employers in Sweden and potential labour migrants in countries outside the EU with information about the Swedish system. This could be something for Sweden to analyse—whether if by increasing information we can facilitate labour migration from third countries based on the needs of Swedish employers—but that is a minor detail relating to the overall picture.

Q49 The Chairman: I am sorry for my ignorance, but I cannot remember whether Sweden admitted migrants from the new Member States in central and eastern Europe immediately without applying transitional provisions as the UK did, or whether you applied some of the transitional provisions. If so, what was the effect on the flows?

Tobias Billström: My Lord Chairman, thank you very much for the question. It is an important one. Sweden decided not to impose any transitional rules against the new Member States, and we chose not to do so again in the autumn of 2006—it was one of my first decisions—when Bulgaria and Romania were about to enter the EU. The flows from the new countries to Sweden have been quite insignificant. If we look at the overall figures,
approximately 11,000 people arrived in the years right after enlargement in 2004-05, and we can see that the majority of those who came were Polish citizens who came to work in the healthcare sector, along with some people from the Baltic states who came to join the construction sector. That was about it. In my opinion, as I have stated very clearly in the debate in the Swedish media, this was a disaster because it showed very clearly that Sweden was not the attractive country we might have thought it was. In fact, it showed the opposite, but we have to stretch our efforts even further away if we want to recruit people to our labour market. We are a small country—small but good, small but open; but a small country in relation to language—and we have to take account of this in our political decisions.

Q50 Lord Judd: You are, I think, very rightly proud of your open tradition in Sweden. You have also said that it is not your job to tell other governments what to do. But from your position as—if I may say so—an enlightened Minister, would you agree that historical, cultural and language dimensions have a perhaps considerable part to play in differences of performance in policy across the EU?

Tobias Billström: Thank you very much for the question. Yes, as I stated before, I do not think it is my job to tell any other countries’ governments what to do, but if we in Sweden can act as a role model we are very happy to do so and to provide very clear evidence of what actually happens when you put forward a very open system. However, your question was directed towards differences. We should perhaps talk about differences but also about similarities. We countries that believe in free trade, openness and mobility see that throughout history this has always led to increased economic opportunities for the countries of both destination and origin if things are well managed. Perhaps we should join hands when we can see that other states are not in favour of mobility and migration. Then things have to be dealt with from cultural, language and other historical viewpoints. But it is a different thing.

Q51 The Chairman: What about the demographic trends in Europe, which are very marked in some parts of the European Union and less so in others? How do you think that is likely to impact on migration policies? Should mobility and migration policies be expected to take into account the probable demographic trends?

Tobias Billström: My Lord Chairman, this is a very important issue and one that has played a considerable part in forming the debate on migration. Our population is getting older and a smaller proportion of people of working age will therefore have to support an increasing percentage of the population in the future. In the long term, this poses a serious challenge to the sustainability of our welfare systems. In order to address these challenges successfully, we need a forward-looking and broad political strategy. In this regard, labour immigration is part of Sweden’s strategy for economic development in the immediate and long term. Facilitating growth of the European labour force by opening it up for legal migration from third countries is essential to ensure that our labour markets remain diverse and vibrant. It is also crucial for achieving the target set out in the EU’s growth strategy, Europe 2020. To answer your question even more precisely as to what role migration policies play in addressing demographic change, the demographic trend in Sweden and the EU reinforces the need for migration to Sweden and to the EU. In order to be able to compete for international labour, we will have to become an attractive destination for migrants. However, I would also like to underline that migration cannot compensate altogether for an ageing population, although migrants might be a welcome contribution to fill the gaps of the labour market. Many labour migrants may come to Sweden with the intention of staying there not permanently but rather for a few years to gain experience, to
develop skills, et cetera, and an enabling legal framework that allows migrant workers to be flexible can be an important part of a policy to address the demands of a labour market related to the demographic change.

Q53 Lord Judd: You referred to the competition in migration, which you see coming from China in future. Can you say a word or two for the record about how you see demographic developments within countries such as China and Brazil affecting the total situation?

Tobias Billström: It is difficult to give you an overall picture, because things are now happening very rapidly in China and other countries that are experiencing economic development. We see trends that point to a very clear downturn in the nativity rate of countries of the EU that are experiencing economic development—Poland is an excellent example of this—but also outside the EU. It is a question of counting not just heads but what is within the heads—what sort of migrants are needed in the labour market—and countries that are now rapidly expanding economically, such as China, Brazil, South Africa and India, might or might not be able to fill some of the gaps that they are experiencing themselves. But it might be different, and this is where we will have to look at the whole scoreboard of competition and understand that the Member States of the European Union might not be among the top 10 priorities for potential labour migrants in the future. Sweden is already outside the top 10. I have seen the statistics and figures for myself.

Q54 Lord Sharkey: There has been a significant domestic politicisation of immigration issues across the EU and a rise in support for populist anti-immigrant parties in some Member States. In these circumstances, how can EU Member States pursue migration policies that meet employer demand while at the same time reassuring the public?

Tobias Billström: Thank you very much for the question. As I said before, Sweden is an open country. We welcome migration, whether a person comes to Sweden as a refugee, to work or to study. It is also important to make the point that the public debate in Sweden on migration policy is not characterised by xenophobia or anti-immigration opinions. On the contrary, the debate in Sweden concerning labour immigration is mainly focused on the working conditions of labour migrants and the need to ensure that they receive terms of employment in line with Swedish standards. I would also like to mention for the record that the SOM Institute—which is an acronym for Society, Opinion, Media—in Sweden has conducted long-term studies, and the most recent report, published yesterday incidentally, indicates that the proportion who think it would be good to accept fewer refugees has declined to 41% over the past eight years. In 1993, 65% of Swedes were of the opinion that Sweden should receive fewer refugees. We are experiencing a downward trend when it comes to anti-immigration sentiment, not a rising one.

Q55 Lord Sharkey: Would you like to speculate as to why that is the case?

Tobias Billström: I think it has to do with many, many things, including the fact that we are a people who like to stand on facts when we make our decisions. I am not saying this in relation to any other countries around the world, but politicians need to make statements that are based on facts. This brings me to my second observation that we also need to understand that, yes, migration is an emotional thing—very much so—but that emotions need to be checked. You need to be able as a politician not just to lift your finger up in the air but also to say that we know that openness towards migration and mobility pays off for everyone involved if you do things the right way. Well managed, organised, structured—we like those words in Sweden, as I am sure the Committee is aware, but so do other countries. I do not see the UK as less organised or structured than Sweden, but you have to
understand that it is in this way that we can safeguard and protect the idea that legal migration is beneficial for everyone involved. Finally, we have a media climate in which people are opposed to individual newspapers and media channels that say things that are crude and not fact-based but based upon pure emotions. That has happened for decades. Throughout my political career, I have witnessed and experienced how people react when things are not based on facts, and it is good to have that attitude. I would like to see more of it on a global scale.

Q56 Lord Richard: Listening to you, Minister, one of the things that strikes me is that you see there being almost a kind of competition in the future between the various European countries for migrants to come in: in other words, that one country is going to be disadvantaged because it does not get its fair share—whatever the fair share is—of the migrants who are available. I come back to where I started from, which is the question of the European institutions. How far do you think the European institutions should be playing a more active role in trying to produce a more coherent European migration policy? Sweden has its preoccupations and its problems—things it wants to sort out. France has its own, we have ours; different countries have different views about these things. But to what extent do you think that the institutions of the EU should try to pull things together? Secondly, to what extent do you think they could succeed in pulling things together?

Tobias Billström: Thank you very much for this very important question. We should separate two issues here: what the EU should do and what the EU should not do. The EU should definitely operate a system whereby individual labour migrants who want to pick and choose the country that they prefer among the 27 members of our family are able to do so, and to make an assessment that is fair and structured. This can be done through framework directives, which are then implemented on a national level. It is already happening. The British Parliament will be able, if it has not already done so, to see to it that the framework directive on the opportunity to hand in a joint application for both residence and a work permit is being brought forward. That has of course already been adopted by the Council and the European Parliament jointly, so it is under way. What the EU should not do, however, is act as a referee. It should act only do according to the directives that we have agreed upon. In my mind, the EU has no role to play when it comes to instituting quotas, a points system or any sort of determination of how many migrants should arrive in a particular country at a particular time. That should be left to the Member States completely.

There are good reasons for this. One is that if we were to institute such an EU system, it would not benefit the smaller Member States; it would benefit the larger Member States, which already have an advantage in language. It is very good to have this competition between ourselves. If we in Sweden want to offer migrants better terms and conditions, we should be able to do so. If the UK wants to do the same with the length of time that people can stay, rights pertaining to residency permits, et cetera, you should be able to do so. The blue card directive, however, has been an element of discussion in this. I have been somewhat diverted by the matter of the blue card directive. It will be very interesting to see how it works out when it is implemented in each Member State. It is a good step forward to opening up countries to migrants, but if we look at the relationship between the blue card directive and the Swedish system, we see that there are actually some advantages with the Swedish system that the blue card directive could not achieve and give to individual migrants. The blue card directive will definitely need to be assessed after some time.
Lord Richard: Really, you want the EU to referee the competition that between the different countries to make sure that one country does not get an unfair advantage over another country in its attraction for the migrants?

Tobias Billström: No, my Lord Chairman, the only position I can see for the European Union and especially the Commission is on the directives that we have agreed upon between the Council and the European Parliament. It is only in that regard that I can see a role for the Commission, not as a referee for determining whether one state or another should be able to bring in a set number of migrants.

Lord Richard: You have to ensure that the playing field is flat—that hackneyed phrase.

Tobias Billström: That is not a bad way of expressing things.

The Chairman: Anyway, you will be able to run a controlled experiment on whether or not the blue card is a good thing, because of course Britain has not opted into it.

Tobias Billström: Exactly, my Lord Chairman. Since we have, we will be happy to provide you with a laboratory to see how things work out.

The Chairman: I should explain that I am striving might and main to get our witness to Prime Minister’s Questions at noon, so perhaps we can move through the last question fairly rapidly.

Lord Lingfield: For the reasons you have explained, you want to make Sweden more attractive to migrants. What has been your approach, therefore, to integration and multiculturalism, and would you be kind enough to mention particularly what effects such an approach might have on schools, colleges and universities?

Tobias Billström: This is of course a lengthy question, but I will try to be brief, although it requires a lengthy answer. The question itself is not lengthy, but it needs to be looked at very closely. First, I would like to point out that the goal of immigration policy in Sweden is equal rights, obligations and opportunities for all, regardless of ethnic and cultural background, and these policy objectives are to be achieved primarily through general policy measures through the whole population, supplemented by targeted support for the introduction of newly arrived immigrants during their first years in Sweden. More job opportunities, better schools and possibilities to learn the Swedish language quicker are cornerstones of our immigration policy. A major reform, the Swedish Introduction Act, entered into force on 1 December 2010 to speed up the introduction of newly arrived immigrants to working and social life. I should point out that we are not talking about labour migrants here but exclusively about asylum seekers and refugees and, to some extent, their family members. The reform is based around individual responsibility with professional support. It includes strengthening incentives to find a job and participate in introduction programmes. Newly arrived migrants covered by the Act now have a statutory right to employment preparation activities, civic orientation and language courses. Although integration policy is primarily a national competence to be handled at the local level, EU Member States share common challenges, not least in the areas of labour market inclusion and social cohesion. To co-operate and exchange information and experiences in the integration field at EU level is therefore vital for successful integration at the national level. Finally, the successful integration of immigrants continues to pose a challenge for Sweden. The time it takes for newly arrived immigrants of refugee background to find work in Sweden is still too long. On average, only 50% of men have a job five years after being granted a residence permit. For women, the corresponding figure is 30%. Lower
employment rates among foreign-born compared to native-born people are also a major challenge, particularly for refugees and their families and for persons born outside the EU. The Government are following closely the implementation of the Swedish Introduction Act: for example, continuous dialogue with the responsible authorities. Although it is still too early to draw any firm conclusions from the introduction reform, one marked improvement is that over 90% of participants in introductory activities have received some form of employment preparation activities. Only 10% are outside the system. This is a fairly good achievement for something that has been in place for a short time.

Q59 Lord Lingfield: Very briefly, do you think that the EU has a role to play in integration?

_Tobias Billström_: Last year’s Commission communication on the _European Agenda for the Integration of Third-Country Nationals_ reiterated the importance of labour-market inclusion of migrants, and successful and effective inclusion and integration is the starting point for both individuals and society to benefit fully from the positive potential of migration for these particular groups. Labour migration is one of the important tools to achieve the goals set out. Europe needs to create a flexible policy in this area. That also calls for efficient integration policies. However, as I have mentioned before, we have to understand that it is not an EU competence; it is a national competence. It is one thing to try to gain good experience from one another; it is a completely different thing to try to manoeuvre something like an overall EU integration policy forward, and I do not think that that will happen in the near future, if ever, because of the differences in our social security systems and our labour markets.

_The Chairman_: Minister, thank you very much for coming here. Thank you even more for the clarity and eloquence of your testimony, which is really valuable to us in our inquiry and will give us much food for thought. Meanwhile, we just about have time to get you down to Prime Minister’s Questions, which will be a lot less polite and quiet than here, that I can assure you.

_Tobias Billström_: But fact-based!
UN High Commissioner for Refugees (UNHCR)—Written Evidence

1) UNHCR is pleased to submit its views to the Select Committee on the European Union, Home Affairs (EU Sub-Committee F) on the European Commission’s Communication on a Global Approach to Migration and Mobility. UNHCR’s views are submitted in particular in relation to questions 1 through 3 of the House of Lord’s public call for evidence dated May 2012.

Regional Protection Programmes

2) UNHCR sees particular opportunities in relation to the European Union (EU) Regional Protection Programmes, which are part of the Global Approach to Migration and Mobility. They have assisted several countries neighbouring the EU or in regions of origin to build asylum capacity in order to strengthen the protection of refugees and have supported UNHCR’s resettlement operations. UNHCR has welcomed such Regional Protection Programmes, but has cautioned that activities outside the EU should not serve as a substitute for, or reason for denying, access to protection in the EU member states.

3) UNHCR further sees the potential to develop partnerships with countries benefiting from Regional Protection Programmes. UNHCR is pleased that the Global Approach to Migration and Mobility’s commitment is also reflected in the proposed new 2014 - 2020 EU funding for external affairs as well as in the new internal Fund on Asylum and Migration. We trust that these strands of EU funding sources will be complementary.

Resettlement

4) Within the Regional Protection Programmes, UNHCR welcomes the funding made available to undertake resettlement referrals but notes the need for increases in resettlement places by EU Member States, as they have been reticent to offer significant places for refugees from Regional Protection Programme countries. UNHCR is therefore encouraged by the reinforced policy support and by the agreement reached on a Joint EU Resettlement Programme between the EU Council and Parliament in early 2012. This joint programme will involve increased EU financial support for the resettlement of priority and highly vulnerable categories of refugees.

Anti-Trafficking

12 There are the following four EU-funded Regional Protection Programmes at the moment, which UNHCR is, along with other actors, implementing through specific projects:
• Eastern Europe (Ukraine, Moldova, Belarus) 2009-11, with a second project underway for 2011-13
• Tanzania, 2007-12
• Horn of Africa (Yemen, Djibouti, Kenya) Sept 2010-12, with a second phase under way for 2013-2015
• North East Africa (Tunisia, Libya, Egypt) Dec 2011-13

13 Twelve EU member states currently run resettlement programmes, together contributing to less than 8 per cent of the annual resettlement places on offer around the world. Up to 80,000 refugees are resettled every year. Most go to the United States, Canada and Australia, while Europe takes in some 5,000 refugees (including around 750 to the UK under the Gateway Protection Programme in financial year 2011 - 2012).

14 UN High Commissioner for Refugees, UNHCR welcomes adoption of Joint EU Resettlement Programme, 30 March 2012, available at: www.unhcr.org/refworld/docid/4f7d70e92.html
5) UNHCR supports the focus of the Global Approach to Migration and Mobility in relation to the prevention and fight against trafficking and, importantly, to the protection of victims of trafficking. The new EU Anti-trafficking Directive provides an enhanced legislative framework which highlights, *inter alia*, the linkages between the right to asylum, protection against refoulement and trafficking.

**New pillar**

6) UNHCR welcomes the introduction of a new pillar related to international protection and asylum, in particular the explicit references to the need for:

   a) measures to address statelessness issues;
   b) EU support to the development of an international legal framework for internally displaced persons;
   c) linking refugee protection, reintegration and return to development;
   d) inclusion of refugee issues in national poverty reduction strategies; and
   e) the call to solve protracted refugee situations.

7) UNHCR has encouraged States to promote refugee protection in Europe and beyond, not only by affording access to national territories as well as fair and efficient asylum procedures, but also by providing support to regions hosting large refugee populations, in addition to sharing responsibility through resettlement.

29 May 2012
Mr Peter Sutherland, Chairman, Goldman Sachs International.

Q1 The Chairman: Good morning, Mr Sutherland. It is very kind of you to come and give evidence. You are the first in a long series of witnesses with whom we will be discussing the EU’s Global Approach to Migration and Mobility. It is a great help to hear you in your capacity as adviser on this subject to the UN Secretary General, and also given your background both in trade policy and also at the Commission where you and I—I suppose that I should declare an interest—had many dealings in the long-distant past.

As you know, the session is open to the public. A webcast goes out live as an audio transmission and is subsequently accessible via the parliamentary website. A verbatim transcript will be taken of your evidence. This will be put on the parliamentary website. A few days after the evidence session, you will be sent a copy of the transcript to check it for accuracy, and we would be grateful if you would advise us of any corrections as quickly as possible. If, after the session, you wish to clarify or amplify any points made during your evidence, or have any additional points to make, you are welcome to submit supplementary evidence. I know that you would like to make a brief opening statement, which would be very welcome to the Committee, so I invite you to do that now, and then we will move on to questions.
Peter Sutherland: Thank you, Lord Hannay. First, let me say that I am honoured to be invited to give evidence to you today. I was anxious to make a preliminary statement because I wanted to make it clear that the experience I have had in this area is linked, although not directly, to the development of the European Union position. I have some views on the latter, but perhaps I should first explain briefly how I am engaged in this. In 2005, Kofi Annan contacted me and said, in effect, that one of the great global issues of our time was migration and migration policy. He said that there were no proper multilateral structures for the discussion of migration policy and the creation of connections between countries of origin, transit and destination. There were only bilateral agreements and bilateral discussions. The IOM,15 while by its name purporting to be an international organisation covering all aspects of migration, is not within the UN family, and not everybody within the United Nations is a member of it — although I must say it has been extremely helpful to me. Furthermore its remit is somewhat limited. Kofi Annan asked me, in the context of the 2006 high-level dialogue to take place in the General Assembly, to look at the issue, and its connection to the UN having had the experience of being there at the foundation, so to speak, of the WTO,16 in order to see what might happen in the area of international discussions on migration policy.

I took on that particular task and discovered that there were a couple of fault lines that made it very difficult to make progress. On the one hand, there was a group of countries— for which I must say I had some understanding—that had significant reluctance about the creation of a new organisation within the United Nations that would deal with migration. Therefore, that role was not one that could possibly have been acceptable to a significant number of member states of the United Nations. The second issue was what should be done if it was not possible to proceed by way of setting up a structure within the United Nations. The conclusion that we came to was that it might be possible to set up what was to become the Global Forum on Migration and Development.

As you will see from its website, the Global Forum on Migration and Development was set up following the high-level dialogue by the General Assembly and initially was not much more than a structure for annual communication at a four or five-day conference that would be held alternately in countries of destination or origin. This discussion would take place at the invitation of a host member state. Each year since 2006, the Global Forum has taken place, and has moved from north to south throughout that period. In the south, we had meetings in Mexico and the Philippines, to take two examples of countries of origin. Other hosts have been Belgium, Greece and Switzerland. One hundred and sixty countries now attend.

During the interval between the Global Forum meetings, a structure that we set up in Geneva has at its head a troika of the current host country, the preceding host and the subsequent host. The troika provides a sort of governing structure. Under the structure there is what is called the Steering Committee. The Steering Committee has been formed of Member States that have shown a commitment to the process. The United Kingdom is one of those countries. We meet in Geneva about once every six weeks with the Steering Committee to prepare and develop papers and proposals for the annual meetings that take place, for example this year in Mauritius in November. We also have oversight slightly less regularly from what we call ‘The Friends of the Forum’ which is the total membership of the UN. The European Commission has been helpful in this process. I think perhaps it sees it as something that naturally fits in with its Global Approach to Migration and Mobility. I should

15 International Organization for Migration
16 World Trade Organization
also say that developing the link between development and migration was a key element in having this proposal for a Global Forum supported in the first instance in 2006.

The reason I say that is that there were a number of member states, including at the time particularly the United States, that were absolutely opposed to any initiative relating to migration per se taking place within, or under the umbrella of, the United Nations, on grounds of concern about sovereignty in relation to migration issues. With change of Administration in the United States, that position changed and the United States is now part of the Steering Group. Now, we have virtually the whole global community working in the process. We have another high-level dialogue next year in the United Nations, which will map out whatever route there may be into the future. That not likely in my view to include the creation of a UN organisation for migration, because the will for that has not been demonstrated and a group of countries would oppose it.

The structure of the Global Forum, which I will not bore you with, has become concrete. We have a small support staff and we have been financially and otherwise supported by some NGOs and foundations, for example the MacArthur Foundation. We have been helped financially by various countries, including the United Kingdom—but purely voluntarily and not on the basis of any quota. That support mechanism has become something that takes place annually and those who have provided support have not backed away after their initial engagement. They have continued their financial support for the operation of the Global Forum.

Finally, at Global Forum meetings, countries from the north and south—countries of origin, transit and destination—meet and often create bilateral connections and policies to develop where they are going and what they are doing. I should say in parentheses that it is not clear to me, although this is at a very early stage, that the European Commission, which in my opinion has done an enormous amount of very valuable work on migration and development is welcomed even as an observer by all member states in the Global Forum. The key element of the Global Forum is that it is state led and state directed, and will not produce binding resolutions or requirements in the form of conventions or otherwise. It is a forum for dialogue. There is currently some debate about what role the Commission can play and how it can engage. I think that the Commission should play a role, if only as an ideas factory and a financial backer.

The final point that I would make—I am probably going on far too long—is that we have tried to do two things to create greater coherence in regard to the process. First, we have tried to bring together under the Global Migration Group all the UN agencies with an interest in this that normally operate in different lines of activity, for example the UNHCR. The original idea was that they would combine sufficiently to create a secretariat that would run the whole operation. They have not however functioned effectively as a group. In fact, in my opinion the lack of engagement as a cohesive group has been very unfortunate. There has been some engagement and some of them have been extremely helpful—the IOM, the World Bank and the UNHCR in particular. The other point that I would make, finally, is that we have instituted a number of things related to domestic policy that are of some value although in their early days. One of the key issues, it seemed to us from the beginning, was the lack of coherence in national policy. One reason for that was that there was no mechanism in many member states to bring together different departments, all of which had an interest in the area of migration. In fact, the field was often occupied solely by those in charge of border

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17 United Nations High Commissioner for Refugees
18 International Labour Organization
controls—departments of justice or home affairs. Other relevant areas, including foreign affairs, social welfare, development and so on, were not there. Therefore, we asked each country to produce a person as a focal point. This would be an individual in a relatively senior position in each member state who would try to draw together in some coherent way at national level—because we certainly could not do it—a response to the various initiatives that we were trying to take. That has worked to some extent in some cases but not all. We have recently had a professionally conducted assessment of the whole operation to date with all the member states. Virtually all of them replied when we asked them to assess the value of the process. It got overwhelming approval—not that that necessarily proves anything, but it gives an indication of some degree of support. Virtually no country in the world as far as we can see who is engaged at all thinks that this is a waste of time. They all think that it is worth while and valuable. That is my background.

My personal capacity in this, in so far as I have any, has been related far more to process and getting a rather complicated show on the road, and working out the way to do it, than the substance of arguments—which of course I believe are of great importance to the world—about whether migration is or is not a good thing, and how it should best be conducted. I am sorry if I went on a little long, but I think that it is important to delineate the context in which I am able to help you, although I am quite happy—like most of my race, I talk at great length at the drop of a hat—to try to answer, however inexpertly, any questions that you might ask me.

**Q2 The Chairman:** Thank you. I thought that that was exceptionally valuable because you set the scene in a way that none of the written submissions we have had did. Personally I have gone quite a way up the learning curve as a result of your explanation, which was admirably clear. Could I just ask one or two process questions before we get to the substance? You mentioned the meeting of the Global Forum in Mauritius in November. It would be valuable for us to have the public outcome of that. Perhaps the clerks could be in touch with your office so that you could let us have it. It will be a bit tight as we are trying to finish our report by Christmas, but it should be manageable. Secondly, could you tell us who the British focal point is of your system?

**Peter Sutherland:** I was afraid that, given your rapier-like mind, that would be the first question you asked, and I have forgotten the name.

**Q3 The Chairman:** Perhaps you could let me know, because we will probably want to ask him or her to come and give evidence. Thirdly, did you say that the Commission was not very welcome?

**Peter Sutherland:** To some member states.

**Q4 The Chairman:** Are they there or are they not there?

**Peter Sutherland:** They are not there. At the last meeting, particularly having regard to an interest that the Commission was displaying in providing support, probably from the development budget, for a process that is directly linked to development—as I am sure your discussions have already shown—I asked them to attend, but as a UN special representative of a state-led system I had no power to insist on this, and a number of member states disagreed. I am talking about opposition from within the European Union. What that is based on—whether it is an ideological position—and where the UK stands on it, I do not know, as it arose only at the last meeting.
I should finally say that at the Mauritius meeting, which the UK is playing a role in developing—the UK has been very constructively engaged with this process from the beginning, and very supportive of me personally—the way that we will run the five days is that there will be two days of NGO dialogue to bring NGOs together in an organised way, with the host country providing an NGO leader who will bring together the NGO community. They will come from all over the world and speak for two days on an agenda that is meant to feed into the state-led process that will follow. On the third day there is a common space where NGOs communicate with governments. On the last two days there are purely intergovernmental discussions on specific themes relating to this. Incidentally, there is often a debate on whether, as they are meant to be discussing primarily development and migration, issues such as human rights are directly related to this or not. That has now largely been overcome and it is generally accepted that the issue of human rights is relevant and should be included rather than excluded from the discussion.

The Chairman: We will follow up, if we may, the Mauritius point and the name of the British focal point, and of course we will follow up directly with the Government on their attitude towards the Commission’s attendance at these meetings.

Q 5 Lord Richard: I just want to know what the agenda is.

Peter Sutherland: Well, the agenda of the Global Forum covers a whole range of different subjects: for example, the whole issue of brain drain. One of the first issues that we dealt with, and on which we have made significant progress, is remittances. We are looking now at the issue of diaspora involvement in the development of national economies and how we can engage them. We look at the issue of human rights. At each meeting of the Global Forum there are at least 20 different tables and discussion groups, with professional papers produced for them that cover the whole spectrum of issues relating to migration—every issue that you can think of is discussed, and at the end there is a report on it. At the same time, bilateral connections are created between countries to try to create partnerships, which again is relevant to the idea of the Commission’s Global Approach to Migration and Mobility. I am sorry that I cannot be more precise, because the Global Forum is general and covers everything.

Q 6 The Chairman: If we may, we will go into the questions of which we gave you some advance warning. The first one that I will seek your views on is: what is your view of the EU’s Global Approach? I refer to the document that we are looking at: the latest iteration of the input from the Commission on a Global Approach to Migration and Mobility. How do you see that fitting in—if at all—with the UN’s approach to the problem, and the dialogue that you are conducting?

Peter Sutherland: First, I think that the Global Approach is in many ways, as far as I am aware, the most outward-looking and co-operation-oriented approach to migration that exists in the world today. Of course, it does not address every challenge and opportunity posed by migration, but its basic premise is fundamentally correct. That is that almost every aspect of migration demands cross-border co-operation between states and key stakeholders. In other words, no state is or can be an island. The UN’s approach to migration that we are trying to develop is very similar. As I tried to describe to you, however imperfectly, what we have done respects state sovereignty and the right of countries to determine who crosses their borders and how—within the bounds of international law and obligations, of course. It also seeks to foster co-operation, as does the Commission’s Global Approach to Migration and Mobility. So I am generally very positive about it. In fact, I knew less about it—not that I am any expert—before I prepared for this
Committee than I know now. I have two collaborators, who are more expert than I and who are also volunteers—one in New York—and they, too, think that it is admirable.

Q7 Lord Tomlinson: Mr Sutherland, you said in your introductory statement—I think I heard it correctly—that there were ideological objections to the European Commission participating in your Global Forum. In view of what you said about the Commission’s proposals for a Global Approach, and the praise heaped upon it, it would be very interesting to know what the ideological objections were.

Peter Sutherland: I do not know precisely what the objections are, but I think that they broadly fall under the heading that one of the key elements of the Global Forum is that it is a state-led process, and that the European Union and the Commission—the European Union in the first instance—is not, in this context and in the views of some members, an appropriate party to be afforded significant rights.

Q8 Lord Tomlinson: But they are going to accede to the Council of Europe and to the Court of Human Rights. The Council of Europe is a body of member states, but they have overcome their difficulties.

Peter Sutherland: I absolutely agree with that. I completely agree with you. I had better not refer to the state that I know is leading the opposition to this, which is not the United Kingdom. However, last weekend I spoke to the Foreign Minister and to another Minister in regard to it. I made the points that you have just made. There is one other argument that probably they would make, although I do not think that it stands up, either. It is that if you open the door to the European Union, other bodies that are not as constitutionally structured might also stake a claim, and how would you draw a boundary with, for example, the African Union?

The Chairman: Known as “the objection of the dangerous precedent”, which, along with “the unripe time”, can be called upon by Civil Service objectors to anything, as you know.

Q9 Lord Mackenzie of Framwellgate: Mr Sutherland, in your recent talk at the LSE, you noted that migration must be a more robust part of Europe’s foreign and development policy. How might this be achieved?

Peter Sutherland: First, what I was getting at there was the fact that migration, as I said earlier, tends to be in the domain of the Home Office or interior ministry, and occasionally of migration or labour ministries, if there are such designated ministries. At one level this is entirely sensible, given the importance of maintaining border security and so on, and of addressing labour market needs. But migration is not often actively considered as part of foreign and development policies in many member states. What does this mean? It is not an argument for greater or lesser migration. It simply accepts that migration has happened and will continue to happen and, in so far as it does happen, we must consider its implications for development and foreign relations. Therefore, it is an issue that goes far beyond the boundaries of state security.

A great many European countries already have immigrant populations that are proportionately similar to that of the United States, for example. Many, such as the UK and my own country of Ireland, have an immigrant population that is well over 10%. Historically we had virtually no migrants and very many emigrants, as everybody knows, but we now have 766,000 immigrants, who make up more than 17% of the population, and far more than

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19 London School of Economics and Political Science
that in the major cities. That has all happened in 10 years. I am not making a point about Ireland, but it is a graphic illustration of what can happen even in times of great economic stress—and incidentally, over the past three years that population has increased, not decreased. It is not a case of immigrants leaving and going back to their countries of origin. So the phenomenon is everywhere, even in countries that are in difficulties.

Therefore, we need to consider the relationship that immigrants have with their countries of origin to see what policies if any could serve to amplify the development impact of their engagement. More than $350 billion in remittances is sent back every year from migrants. The cost reduction on that has gone from an average of 15% to 8% as a result of efficiencies, and could go far lower than that. The result is that an extra $25 billion is reaching the rightful recipients of those funds. Therefore, migrant policy—I am rambling a bit—is something that should involve consideration of issues like that, as well as simply how many get in and how many do not get in.

Q10 **Lord Judd:** To some extent, my question relates back to what you said at the LSE and I had the privilege of being there to hear you say it. It also relates back to your extremely interesting introductory statement. If I may say so, I was particularly cheered to hear your observations about the need within member countries to bring the variety of departments that have a stake in migration together, to see the implications for each department of migration policy, rather than just the Home Office.

To some extent, you have covered my question but within the European Union there are two objectives. One, which seems to be pretty deeply rooted in European institutions, is a commitment to development in the poorest parts of the world. Another is the policy that is emerging—certainly in Member States, including our own—that immigration should be more targeted towards the people who are needed to help the economy of those Member States be efficient. There is potentially a contradiction in this because the people who are targeted for immigration may in fact be the people who are most needed at home to help in the building of a better future for the people of those countries. How do you think that the Commission can help to reconcile these two objectives and to make sure that one is not contradicting the other?

**Peter Sutherland:** First, on the argument of targeted migration, let me in parentheses introduce this. As you, Lord Judd, will be more than aware as a governor of LSE, the whole issue of migration into third-level education is not irrelevant in this. The visa programme is something that I would be deeply worried about, in regard to both academic staff and students coming into the United Kingdom, along with the effects that will have. That is not unrelated to what you are saying because the reality is that many migrants of the targeted type who have particular skill sets are migrants who have come in as students—the evidence is clear on this, for example from the United States. They have become capable of making very significant contributions to the societies of destination because of education and because they come in.

Coming to your fundamental point, I do not think that there is a great deal of evidence to suggest, although it is a popular theory, that giving particular priority to skills which are absent is a desirable approach to migration while excluding those without those skills. In fact, in any of the European societies—and from reading their papers, although they would speak for themselves, this is probably the Commission’s view—the evidence is that the gaps in employment right across the European Union are often those at the lowest skill level rather than the top skill level. There are other examples: in Germany. I think that, there are over 50,000 jobs in the engineering sector that need to be filled. I am sure that can be replicated,
to a lesser extent, in many other Member States but I do not see that there is an argument in favour of limiting migrants’ contributions to high-skill areas of the economy. Apart from everything else, people move from one level of society to another in a properly organised democratic society and even without the benefit of going to third-level education lots of people who may come in unskilled may well, as I have said, move up the scale. However, I think that I have missed your point. Could I ask you for it again, Lord Judd?

Q11 Lord Judd: Is there anything specific that you would suggest that the Commission should be doing about this?

Peter Sutherland: I have no immediate answer to that. As to what the Commission should be doing, it should be articulating ideas but I do not see that it has any direct role in regards to the Member States and their policies on this issue, other than through discussion and exhortation.

Q12 Lord Judd: But you would agree that it is an issue that the Commission ought to watch very carefully.

Peter Sutherland: Absolutely. I think that the Commission’s thinking in this whole area is really quite advanced. It has the massive advantage of not being swayed by populism, which in many more directly political environments inevitably becomes a relevant factor in the enunciation of migration policy.

Q13 The Chairman: If I have properly understood, you are really saying that you do not think that the EU as such, or its Member States, should be adopting policies to prevent a brain drain from poorer countries to more developed ones, nor should they be developing policies to promote a brain gain. You are taking a very free-market approach to it. Have I understood that rightly?

Peter Sutherland: Yes, that is correct. Incidentally, I think that the brain drain concept is hotly contested. At the most basic level, individuals should have a freedom of choice and therefore you cannot say, “We are excluding this category because it will have a negative effect on the society from which they come”. None the less, it is true that certain developing countries suffer a dangerous outflow—the example of skilled doctors from Mali is one that is often cited—and we have to be vigilant about not doing anything that actively reduces these stocks. But the operative words are “actively reduces” these stocks and there is a distinction between actively engaging and soliciting individuals and giving them the freedom to make the most of the opportunities that are available to them.

It must also be said that the brain gain does not necessarily involve poaching workers. It could be the product of a smarter approach to certifying the skills of migrants who are already in Europe and taking jobs that are beneath their training—doctors driving taxis in London, for example. There are a number of things that could be looked at in this regard.

Q14 Lord Judd: Presumably, you would argue that when Ministers deliberate on these issues, they should have the points that you made on their agenda. Similarly, does that not suggest that the Commission should facilitate thought in this direction by promoting a paper or research into the implications of existing member countries’ policies for the overall strategy of the EU?

Peter Sutherland: Absolutely. I absolutely believe that. And I believe that co-operation between Member States, rather than each developing a policy in isolation on a whole range of migration issues, is fundamentally important. The Commission can be a catalyst for that,
Peter Sutherland – UN Special Representative for Migration—Oral Evidence (QQ1–34)

and help to provide the thinking behind it. At the end of the day the legal authority of the
Commission to interfere with the policy of selective migration to a country, however much
some might wish it otherwise is very limited. Therefore, there is only so much that can be
done. I am not arguing against the Commission’s engagement. I think that it is vital, and we
need a lot more co-operation between Member States than we have and the Commission
can help to facilitate it.

Q15 Lord Tomlinson: I think that you have partly answered the question that I was going
to ask. How can the EU ensure that immigration control objectives such as border controls
and Readmission Agreements can co-exist with development objectives? Is the current
balance about right? You mentioned the area of education. What thoughts do you have
about the UK target of reducing net migration—which is how they are measuring the
target—to tens of thousands from hundreds of thousands, and the impact that that is having,
particularly on higher education, where incoming students are counted as economic migrants
and are therefore quite often deterred from coming here because of the difficulty of getting
visas and the perception that they are not welcome?

Peter Sutherland: Taking your last point, I know that the LSE takes this issue terribly
seriously. Among the educational establishments in this country there is hardly one
university that compares to the LSE in terms of the total number of students from outside
the European Union. It is also true that it is considered to be equally important that the
academic staff should not be exclusively from within the European Union, and that it is very
important that we should not send a signal from this country either to potential student
applicants of the highest quality or to academic staff that this is in some way an
unsympathetic environment in which to seek visas or whatever other permissions or
requirements are necessary. I am fearful that that signal might be given of our society. As an
observer and as somebody who resides in the UK but comes from outside it, I have always
viewed—and still view—this society as a most tolerant and open one that has been
welcoming to migrants. It is very important that an unsympathetic signal should not be given.
Even at a mundane and practical level, it would be massively damaging to the third-level
education sector in terms of the resourcing, both intellectual and financial, that results from
huge numbers coming to this country—and many of whom stay, as we have found from looking
at the graduates who come through the LSE. Many stay and contribute substantially to the
United Kingdom.

Q16 The Chairman: You are probably aware that one reason that the Government give
for treating students as economic migrants is that they pray in aid a guideline issued by the
United Nations so long ago that I cannot remember when it was, which says that anybody
who stays for a year is an economic migrant. They seem to ignore the fact that most of the
UK’s competitors in the higher education sector, such as the United States, Canada and
Australia, do not apply this guideline for immigration policy purposes. Secondly, the guideline
has no mandatory or legal application. I imagine that you are familiar with that argument.

Peter Sutherland: Yes, but I think that it has no substance whatever.

Q17 The Chairman: I absolutely agree. As an old UN hand, I looked into this and frankly
it does not hold water. This is not a piece of international law.

Peter Sutherland: No, absolutely not. It provides no justification at all for the position that
we are talking about. I agree.

Q18 Lord Avebury: That leads into my question, which is about the domestic
politicisation of immigration issues across Europe. What are the prospects for multilateral
initiatives on migration? Is it possible for the EU to “speak with one voice” on migration, as the Commission’s communication on the GAMM proposes? How could that be achieved?

**Peter Sutherland:** First, there is no doubt that there are differing attitudes to migration, and different elements in the Member States of the European Union at present in terms of attitudes to it. We have seen in some of the most liberal societies in Europe, to everyone’s surprise, the development of political parties that have a significant role in governance and which have policies that can only be described as racist. I accept that bringing about a full agreement between Member States of the European Union on issues such as migration that are apparently so politically toxic is difficult to achieve. Having said that, the degree of cooperation that can be developed between Member States can have an enormously beneficial effect on the level of domestic debate on important issues relating to attitudes to the development of migration policy. I think that the EU, through its expertise and the experience that it has throughout the European Union, can be of great help in developing common positions. However, I accept that at the end of the day—as I said earlier—it is difficult at present to see the EU as the primary instrument that determines the law at national level in a significant respect with regard to third-country migrants.

Q19 **Lord Avebury:** I wonder if the Global Forum could have some influence on European policy in some of these respects. For example, I am thinking of family unification, where the rules are different in various European countries and may be affected, as you say, by the development of racist parties in some Member States. Is it possible for the Global Forum to consider—or has it considered—the question of family reunification, and the need for countries that receive primary migrants to allow spouses and dependants to come in on the same basis? Surely in the European Union it would be extremely incongruous to have widely differing policies between one state and another on whether to allow in spouses and dependants, and under what conditions they should be allowed in. For instance, is it possible that the Global Forum, among the papers that are produced for discussion, would consider the question of family reunification? If it did, that might have a profound influence on European thinking.

**Peter Sutherland:** Yes, the subject has been and will be discussed. I think that a far higher percentage of immigrants to Europe come along the family reunification path, so to speak. That is, they are not selected for their labour market qualifications and thus sometimes, it must be said, struggle to find work. Having said that, the humanitarian requirement of an open approach to family reunification is discussed and is a very important element of the Global Forum’s debate.

Q20 **Lord Avebury:** Did you say that it had been discussed in the Global Forum?

**Peter Sutherland:** It has been.

Q21 **Lord Avebury:** What is the status of the papers on this produced by the Global Forum?

**Peter Sutherland:** The papers produced by the Global Forum are not conclusions or decisions because it is a non-decision-making body. That has been the crucial element in the debate about what it is and where it is going. The normative end is considered to be completely off limits by a significant number of northern countries of destination. They will not allow it. So all that the Global Forum does—I do not want to make claims that it cannot live up to—is provide a forum for discussion rather than decision. For example, the domestic workers convention, which I strongly believe should be adopted, has not been
adopted or ratified by many member states, including the United Kingdom. However, whether the domestic workers convention—or any of the other conventions relating to migration—is a good idea or a bad idea is not a subject that the Global Forum is allowed to discuss.

Q22 **The Chairman:** Are the documents that are discussed at the Global Forum on a website?

**Peter Sutherland:** Yes.

**The Chairman:** We will ask our clerk to visit the website and see whether there is anything relevant on these matters.

Q23 **Baroness Prashar:** To some extent, you have touched on the question that I want to ask but it would still be helpful to hear a little of the detail from you. How do you think the EU should co-operate with other international organisations, including the United Nations?

**Peter Sutherland:** The EU should have a role in that co-operation, as I indicated earlier, but there is a significant barrier to it, which is that a number of member states oppose the idea of the European Union playing a role—including a role simply as an observer in the Global Forum. It was an observer status that was objected to. I find that hard to understand, to be honest with you, but it would suggest to me that it is a hard-line ideological position that it is related to. I should say that one member state that is a very great supporter of the whole process is one of the member states that object to this, so it is not related to any desire to hamstring the Commission or the Global Forum itself in discussing issues. It is simply a position that the European Commission should not play a role in this type of discussion. At European level I have addressed the Council on one occasion on the issue of the Global Forum—it must have been about five or six years ago—and I am hoping that that opportunity will arise again in the near future.

**The Chairman:** I imagine that it is not totally absent from the concern that if the European Union speaks with a single voice at the forum then, given the various rulings of the European Court of Justice, the legal implications of that within the European Union can lead to a kind of reverse leverage. I imagine that is probably one of the reasons but, like you, I cannot quite see why that applies to the Commission being an observer at the meeting, which does not seem to create any competence at all. Anyway, it is something which we will certainly need to look into, among many other aspects.

Q24 **Baroness Prashar:** You did say in your introduction that the EU has been quite helpful.

**Peter Sutherland:** Yes, tremendously helpful in the background.

**Baroness Prashar:** In what ways have they been helpful?

**Peter Sutherland:** They have been helpful on papers and ideas and in discussions with this small group that is trying to keep the show on the road, so to speak. They have in the past provided some financial support and may provide a lot more. The argument over the development part of the nexus between development and migration is that it can really be argued, and I think that the Commission have taken this on board, that the development funds available to them can be spent in smaller amounts with greater effect through developing policies around the world, and in Europe in particular, which link the diaspora. Circular migration is an issue. Diaspora bonds, for example, are being discussed. The World Bank has come through the Global Forum to talk about the idea of diaspora bonds, which
have of course been massively successful in the case of Israel—that is sui generis but it has worked in other cases. There is also the whole idea of governments and countries having a role in helping the diaspora to link into industry in their home country. Circular migration falls into the same issue, so the Commission has played a big role in the intellectual formation of some of the ideas.

Q25 Baroness Prashar: If I understand you right, there is a dialogue at an official level but there is objection to them having a status at the forum itself.

Peter Sutherland: They have no status in the forum itself and their influence is via the conduit of member states rather than directly into the Global Forum because that forum has no existence, other than myself and two collaborators really. The organisation of the structure is, as I explained, around the troika, the steering group and the general membership of the UN.

Baroness Prashar: That is something that we need to explore.

Q26 Lord Sharkey: You mentioned that migration into Ireland had increased, perhaps counterintuitively, over the past few years of economic stress. What is your view of the general impact of the global economic and financial crisis on trends in migration? I would also be interested in your views on the impact that demographic trends in Europe are having or are likely to have on migration patterns over time.

Peter Sutherland: If one looks at the key arguments and issues relating to the need for migration, the demographic is the most fundamental for many countries of destination. The demographic challenges in a number of European Member States, however difficult it may be to explain this to the citizens of those states, are absolutely unquestionable. They are vital in terms of a crucial dynamic for economic growth. A declining and ageing population is destructive of prosperity—forgetting entirely about the moral aspect of migration. That is particularly relevant to a number of countries in central Europe—Germany has a major issue—and some southern Member States. So demographics are a key element of the debate, and a key argument for the development of—I hesitate to use the word because people have attacked it—multicultural states. It is impossible to consider that the degree of homogeneity which is implied by the alternative argument can survive, because states have to become more open in terms of the people who inhabit them, as the United Kingdom has demonstrated.

On the evidence for increased or decreased migration because of the economic crisis, there is obviously political evidence that the economic crisis and the development of higher unemployment rates lead to some of the toxicity in national debates about migrants that we referred to earlier. High unemployment rates often have that effect—but it is not always the case. Spain, for example, which notoriously has Europe’s highest level of unemployment, remains an extremely tolerant society, notwithstanding the fact that it has had—as children in Spain are constantly taught—800 years of North African occupation or whatever. However, it is an extremely tolerant society. So it is not everywhere that one finds toxicity, but the strains of economic difficulty and the implications for migration are pretty clear.

As to the numbers, I do not think that there is any evidence—as demonstrated by the Irish example—that there is a huge fall-off in migratory flows into the countries that are in difficulties. I do not think that the figures are greatly different today from what they were seven years ago, when some of the peripheral countries had apparently buoyant economies, in contrast to today.
The Chairman: As far as intra-EU migration is concerned, there has been considerable evidence in this country of a drop in the Polish and Baltic population here. They have gone back partly because the Polish economy has been doing better than the British economy. However, I think that you are responding more on the issue of migration from outside the European Union.

Q27 Lord Richard: I looked at your speaking notes from the LSE, which I found fascinating. On the relationship between demographic trends, immigration and economic development, you made two or three points to the LSE that were slightly different from the ones you made today. Perhaps you could clear this up. At the LSE you stated quite strongly that the patterns of migration were interesting because there were new poles of attraction. In other words, it is not just the traditional places like Europe and the United States: it is now Brazil, South Africa, Indonesia, Mexico and the rest of it. I am not sure what you meant when you said: “To put it another way, we are seeing a shift from states selecting migrants to migrants selecting states”. I understand that as a concept. “As a result, our ability to compete on a global level is at risk”. What did you mean by that?

Peter Sutherland: I suppose that I was saying that, if you have limitations on migrants coming into a society that previously had no limitations, you end up depriving yourself economically—if that is the only issue with which you are concerned—of the benefit of the migrants because they have other alternatives. The migrant flow between so-called developing countries is itself developing very rapidly, particularly in the ASEAN and other areas. Many of these are people whom this society should want from an economic point of view.

Q28 Lord Richard: So there is no doubt in your mind that migration is an economic plus?

Peter Sutherland: Absolutely. I think that it is a moral plus and also an economic plus, not something to be rejected.

Q29 Lord Tomlinson: There is one small thing that I would like to clear up. You talked favourably of multiculturalism. Do you not think that for a long time we have had a false dichotomy of integration and multiculturalism? They are not choices; they are both imperatives.

Peter Sutherland: Absolutely. I am merely arguing that we do not all have to have exactly the same outlooks on everything. However, I accept that we need a fundamental acceptance of values and basic norms.

Q30 Lord Tomlinson: And language.

Peter Sutherland: And language. And above all the principle, which is fundamental to Europe, of the equality and dignity of man, and all that both of those imply. Migrants have to be prepared to accept that. Having said that, once that is accepted, it seems to me that the world towards which we are increasingly moving is multicultural.

Q31 Viscount Bridgeman: Is there not a case for a natural levelling off between integration and multiculturalism in this country?

Peter Sutherland: I think that there is a tendency to that, and that it is probably a very good thing. Absolutely—there is that tendency.

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20 Association of Southeast Asian Nations
Q32 **Viscount Bridgeman:** You referred to the different levels of governmental ability to integrate migration in various countries of the EU. You also mentioned sending round a checklist or questionnaire. Was that to EU members or to the Global Forum?

**Peter Sutherland:** It was to the Global Forum. Incidentally, the whole point of the Global Forum is that bilateral approaches, which are fundamental, for example, to the Global Approach of the EU, are not the only thing that you have to look at when considering migration. Migration flows are a global phenomenon. We are not dealing simply with North Africa or even sub-Saharan Africa—the issue is global. That was the rationale behind the Global Forum in the first place. So the US and Mexico for example in their discussions should not be the only parties that they each converse with on migration. There seems to be a great focus on the Latin American connection and the dialogue between north and south. The US also needs a forum—as does Europe—that encompasses more than the neighbourhood policies that are necessary for harmony within a region or between regions. We all have migrant flows from contiguous and non-contiguous states.

Q33 **Viscount Bridgeman:** My real question is on the EU. Obviously there are different levels of enthusiasm for migration among EU members. What should the EU’s role be to improve the economic and social integration of immigrants in Europe, particularly of the second and third generations?

**Peter Sutherland:** I think that its role has to be to develop within Member States responses that take account of the best experiences of the best European states, some of which are making enormous efforts in this area. One could look at Sweden, for example, which has a very advanced policy. Spain also has a policy of looking at the societies—and going into the societies—from which migrants come, to try to adjust them before they come to the reality of the society into which they will migrate. The EU’s role is to bring together the best thinking and to bring together the Member States in the best common approach to this issue.

Q34 **Lord Judd:** Would you, with your considerable experience, agree with and endorse the data coming from the OECD\(^21\) suggesting that the employment rate of migrants across Europe is lower than within the United States and Oceania? If you agree with that data, what do you think that the European Union should be doing about it and why is it happening?

**Peter Sutherland:** First, I have no doubt that the data that you recite are accurate. I have not actually read that and I do not know the answer to what you are saying. My immediate reaction to it would, I imagine, be no different to anyone else’s. But if the European example is much poorer in terms of the integration of workers into their society, in terms of their getting jobs, that is related to the fact that the United States or Australia and New Zealand are migrant societies and therefore accommodate more readily those from other backgrounds than we do ourselves. Many of us still nurse a sense of our homogeneity and difference from others, which is precisely what the European Union, in my view, should be doing its best to undermine.

**The Chairman:** On that note, you have given us a very rich start today. It has been a privilege to hear your views on this and you have helped us a great deal in this first evidence session of what will be quite a long process, so thank you very much indeed.

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21 Organisation for Economic Co-operation and Development
Universities UK—Written Evidence

Memorandum from Universities UK

Introduction
1. Universities UK welcomes the opportunity to contribute to the Committee's inquiry into Global Migration and Mobility. In the following note, we restrict our contribution to the Committee's question, already addressed by several witnesses to your inquiry and due to be put to Immigration Minister, Mark Harper MP on 31st October, about whether recent calls to exclude international students from net migration statistics are well-founded.

International students and net migration
2. The government has set a target of reducing net migration to the ‘tens of thousands’ per annum by 2015. Current net migration stands at 216,000. In the short term, Universities UK is concerned that the government's objective cannot be achieved without considerable cuts to the numbers of legitimate international students coming to the UK.

3. The Migration Advisory Committee's report Limits on Migration states that a reduction in non-EU student numbers of 87,600 over three years (2012 to 2015) may be required to meet the government’s net migration target.

4. A large and growing majority of non-EU students in the UK study at university level, and Universities UK has called on the government to remove university-sponsored international students from net migration targets, recognising that the vast majority are temporary rather than permanent migrants, and that visa compliance by university-sponsored students is recognised by the Home Office's own analysis to be extremely high.

5. The government has recently announced its intention to disaggregate international student numbers within headline net migration figures. This is a very important step forward and will help inform the public debate about international students’ migration status.

6. However, we urge the government to go further and explicitly exclude international students from net migration targets. To do otherwise would hobble universities' efforts to compete in the increasingly competitive market for legitimate international students and undermine the UK’s competitive advantage in higher. Given the competition the UK is facing, we argue that the government should support the growth of this valuable group of temporary ‘migrants’. To maintain the current policy trajectory will continue to damage the UK HE brand abroad.

7. Sir Andrew Green has argued that if you take students out of the target, “whether for policy purposes or not, you are actually destroying your immigration policy”. We would dispute this assertion. A central element of the government’s policy is targeting abuse. Removal of students from the target has no impact whatsoever on measures
to do this. The government’s commitment to eliminating abuse would be wholly unaffected by such a move.

**Students as temporary migrants**

8. A 2010 Home Office study *The Migrant Journey* showed that 21% of individuals who entered as students in 2004 remained in the UK five years later.

9. Of those still in the UK:
   - Six per cent of the original cohort were still studying in 2009 (many undergraduate and postgraduate study combinations are at least five years long)
   - Seven per cent of the original cohort had switched into a work based immigration category
   - Only three per cent of the original cohort of students had settled permanently by 2009
   - Recent changes to the student visa system are likely to reduce the number staying for longer than five years even further.

10. New measures will reduce the numbers staying in the UK. These measures include:
   - Raising the requirements educational establishments have to meet to sponsor students (educational oversight, Highly Trusted Sponsor status)
   - Increased English language requirements
   - Introduction of maximum length of study at degree level
   - Academic progression to be confirmed by all sponsors for students starting a new course having completed a course at a UK institution previously
   - Closure of Tier 1 Post Study Work
   - Increased duties for sponsors

**Net migration ‘bounce’**

11. Because the majority of students leave the UK within five years, reducing the numbers of incoming international students will have a limited impact on net migration in the long term.

12. However, a reduction in numbers of students arriving would create a short term reduction in net migration figures because of the lag effect, with a previously larger number of international students leaving the UK, compared to the numbers coming in. The Migration Observatory at the University of Oxford has called this phenomenon the ‘net migration bounce’.

13. The Institute for Public Policy Research, in their recent publication International Students and Net Migration in the UK said:

   “The difference between the two scenarios A and B [cutting vs maintaining student numbers] in terms of the longer term contribution of international students to net
Universities UK—Written Evidence

migration is only 7,500: this is clear from looking at the ‘steady state’ figures from 2019 onwards. However, the difference in net migration figures in the early years is large: in 2013 the difference is 44,000. The official figures for 2013 are published in November 2014, so are likely to be the last official figures before the next election and as such will be seen as the test of whether the government has hit its target of reducing net migration to the tens of thousands.”

14. Universities UK is concerned, therefore, that the government’s current policy of including international students within the net migration target risks sacrificing the long-term interests of the UK for the sake of short-lived reductions in net migration, which will be largely cancelled out over time.

Data gaps

15. The debate about the contribution of international students to net migration is made more complicated by the absence of robust data on how many students leave the UK. Current estimates are based on the International Passenger Survey (IPS), the findings of which are likely to under-estimate the number of departing individuals who originally came to the UK to study. This is because the IPS asks what passengers are departing to do, rather than the reasons for coming to the UK in the first instance.

16. The government has already taken steps to improve the available data in this area. The IPS has been modified to ask departing migrants their original reason for coming to the UK and not simply their reason for departing. The implementation of the eBorders and integrated case-working systems are designed to transform the data available on migrants entering and departing the UK.

17. However, to support this, Universities UK is currently forming a sector-led high level working group to consider the current data available to universities and the UKBA about what happens to international students on leaving universities, to identify gaps and shortcomings in this information and make recommendations on how the sector can undertake a short-term role in resolving these issues, prior to the introduction of eBorders.

International students: economic contribution

18. According to calculations by the Department for Business, Innovation and Skills, higher education exports (EU and Non-EU) contributed £8bn to the UK economy in 2009. Non-EU students contributed about £5 billion of this total through tuition fee contributions for international students, and off-campus expenditure.

19. The same report estimated that higher education exports could be worth £16.9 billion to the UK by 2025.
20. International students contribute significantly to UK campuses and to the towns and cities in which they are studying. A recent report by Oxford Economics, which looked at the economic impact of international students at the University of Exeter, estimated that GDP generated by non-UK students at the university directly supported 2,480 jobs in the city.

21. In separate calculations, the IPPR has estimated that a reduction of 50,000 students coming to study in the UK could result from the government continuing to ‘bear down’ on numbers, and that this reduction could cost the UK £2-3 billion per year in economic contribution.

22. International students bring other benefits to the UK, helping to create an international learning environment in UK universities, and contributing to the UK’s ‘soft power’ by generating future research, diplomatic and business opportunities.

**Opportunities for growth**

23. There is a growing market for legitimate international higher education. Between 2000 and 2010 the total number of international enrolments increased from 2.1 million to 4.1 million. This figure is projected to grow to 7 million by 2020.

24. According to the OECD the UK is the second most popular destination for international students, after the US. The latest OECD figures indicate that that UK increased its share of the international student market from 10.8% in 2000 to 13.0% in 2010 – an extraordinary achievement given our size relative to the US. The UK is exceptionally well placed to capitalise on this growing export market.

25. However, while we do not yet have reliable evidence of the impact of the latest changes in visa policy introduced since 2010 we are concerned that they are likely to, or may have already, cut our market share. Furthermore, we are concerned that the
government may be planning to introduce new restrictions to bear down in international student numbers in pursuit of the net migration target.

**The impact of visa changes on UK recruitment**

26. Evidence gathered by Universities UK about the impact of recent visa changes on recruitment patterns suggests that many institutions have seen considerable decreases in some markets, including India.

**New international students enrolling in 2011-12 and 2012-13**

27. In the summer of 2012, UUK carried out a survey of member institutions on the numbers of international students enrolled during academic year 2011-12, and on what could be expected in 2012-13. A total of 58 responses were received. The survey was issued in order to understand the impact of Tier 4 reform upon universities, and to establish how far-reaching any changes are.

28. Respondents were asked how the numbers of new international student entrants had changed in 2011-12 compared to the previous year, on a country-by-country basis. Overall, the results suggest that, whilst overall enrolments continued to grow, this was largely held up by a growing market for students from China. However, removing these students from our calculations would suggest that there was otherwise in fact a decline overall, mainly due to falling numbers of students from India, Pakistan and Saudi Arabia.

**New entrants at responding institutions in 2011-12 compared to previous years, by country of domicile:**

29. The findings from our survey suggest that, whilst 2011-12 saw an increase in the number of new students from outside the EU, it was slightly lower than what could otherwise have been expected. This is consistent with a previous survey carried out by UUK at the end of 2011 which showed that two-thirds of institutions had recruited, on average, 30% fewer students than their earlier projections.

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22 Universities UK has a total of 134 members, meaning this survey received a response rate of 43%. However, these institutions, in total, recruited 48% of non-EU new entrants in 2010-11.

23 Institutions were asked to provide enrolment data on students from the top ten countries with the most international students enrolled at higher education institutions. In 2010-11, students from these countries comprised around two-thirds of the entire international student cohort.

24 Data up to 2010-11 are taken from HESA’s annual student records. For 2011-12, data is taken directly from UUK’s survey, in which institutions were asked how the numbers of new entrants in 2011-12 had changed compared to the previous year, by country of domicile.
Enrolments in 2012-13

30. In recent years the numbers of international students enrolling at UK higher education institutions (HEIs) have grown quite significantly. However, survey results suggest that, at those responding institutions, numbers may now have levelled off, or, in many individual cases, declined.

International students from top ten countries of origin enrolled at institutions responding to UUK survey, (new entrants only):\(^{25}\)

31. For 2012-13, overall, responding institutions reported a slight decline in the number of new entrant applications and acceptances compared to the previous year. It is still too early to tell whether there will be a corresponding decline in enrolments, as many respondents completed the survey before the academic year started.

Postgraduate taught students

\(^{25}\) Data up to 2010 are taken from HESA’s annual student records. Data for 2011 and 2012 are taken from UUK’s survey, in which respondents were asked how the numbers of new entrants had increased/decreased in academic year 2011-12, and how the number of new entrants in 2012-13 will compare to the previous year. Data covers students from the top ten countries of origin only.
32. In 2010-11, 45% of international students were enrolled at postgraduate taught level, and several subject areas have high proportions of international students within the total number of students enrolled.

33. According to our survey 2011-12 saw a significant increase in the number of postgraduate taught students from China at those responding institutions (up by 33%). However, this was balanced out by decreases from India (-20%), Pakistan (-21%) and Saudi Arabia (-36%).

34. In 2012-13, around one-third (34%) of respondents to our survey are expecting a fall in the number of new entrants at postgraduate taught level compared to 2011-12, whilst a similar proportion (38%) are expecting an increase. Analysis of these responses, and of previous years’ entrant numbers, suggests that the level of overall growth in the number of international postgraduate taught students has reduced to zero or may have even gone into decline in 2012-13.

Our competitors

35. Our competitors (mainly other English-speaking countries) are pursuing ambitious strategies to increase the numbers of international students studying at their respective institutions.

- **Australia**: more generous post-study work opportunities are to be put in place for international student graduates, and they have also streamlined their visa application process. This follows a sharp decline in Australian education export earnings following the introduction of tough visa restrictions in 2009 (since repealed following the Knight Review).

- **USA**: expanding post-study work options.
• **Canada:** A government appointed panel has recommended that the government should aim to double the number of international students within the country by 2022. New Zealand has similar aspirations.

36. Australia experienced a decline in enrolments in 2010, partly due to changes to student immigration policy. The Australian government has since conducted a review of the negative economic impact associated with the policy change, and has already adopted several recommendations from the process in an attempt to reverse this trend. The nature of this impact can be seen in the graph below.

![Relative growth in enrolments of internationally-mobile students 2006-2011](image)

37. The USA remains the market leader in terms of market share of internationally-mobile students. However, the rates of growth seen in Australia pre-2010, and in Canada up to 2010 are significant, and may continue to grow at the expense of the UK.

### Eliminating abuse of the student visa route

38. All universities must have Highly Trusted Sponsor status to recruit international students. To get this the UKBA assesses the university’s track record on recruiting only legitimate students by looking at:

- Visa refusal rates
- Enrolment rates
- Course completion rates
- Academic progression

39. Universities have to inform the UKBA where students have not attended or submitted work as expected. They also have to inform the UKBA when a student has completed (or left) a course early, or where there is a significant change eg. in the

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26 Data obtained from Project Atlas by country. 2011 data for Canada is an estimate based on the level of growth experienced in 2009 and 2010.
location of study. The UKBA is supposed to act on certain notifications received from sponsoring universities by curtailing an individual’s leave.

40. Universities must retain a significant amount of evidence relating to individual students. This is reviewed during a Tier 4 audit and may include evidence of English language assessment, evidence of valid leave to remain and evidence of student attendance. There has been a lack of clarity in particular relating to how attendance should be monitored.

Compliance challenges

41. Universities work hard to meet their obligations under the immigration system. However, this is not easy:

- There have been 15 versions of UKBA’s guidance for Tier 4 Sponsors since 2009. This guidance outlines the responsibilities of Tier 4 sponsors.

- Changes have been poorly communicated: for example, new versions of the guidance are published without changed requirements being signposted. The only way to work out where the rules have changed is to compare the new 80 document with the previous version.

- The UKBA guidance has, in some cases been in apparent conflict with the Immigration Rules (the statutory framework).

- In some cases there has been no advance warning of changes and in others it has been clear that overarching policy changes were being made but not what the detailed impact of such changes would be on sponsors and their compliance responsibilities. This makes it difficult to comply.

- The UKBA helpline is often unable to answer questions about changes to the rules.

- Universities frequently tell us that they have received no response from the UKBA following a Tier 4 audit visit – either to inform them that they are compliant, or to point out shortcomings.

- The government is introducing dedicated account managers to support universities in complying with requirements on a pilot basis. However budget constraints mean that there is no guarantee that this support will be available in the long term, and/or that it may only be available a cost to universities.

Tier 4 audit process

42. UUK has asked the government to consider the following changes to the Tier 4 audit process:

- Introduce an appeals process for Highly Trusted Sponsor (HTS) renewals and revocation of Tier 4 licence (Judicial Review should not be the only option for such business critical activity)
• Ensure that universities receive a formal written response following audit visits within a defined time period

• Introduce an escalation of sanctions against institutions where compliance is causing concern – written warnings, remedial plan of action, if unsuccessful suspension, then revocation if still unresolved. Establish a clear mechanism whereby universities can respond to the UKBA’s findings and, if necessary, rectify any shortcomings within an agreed and clearly communicated timeframe before suspension or, ultimately, revocation is considered

• Reconsider the frequency and timing of audit visits to avoid the period between June and October, during which the majority of international student applications are processed

• Publish an annual calendar of substantial changes to the rules and associated guidance

• UKBA should provide written feedback after all compliance visits within an agreed timeframe following a visit (we have suggested this should be provided within four weeks of the audit taking place, with a final feedback report within 8 weeks or similar). We suggest that the UKBA and university should jointly agree a formal plan for any remedial action required in response to the audit visit.

• Consider a move away from annual HTS renewals e.g. by allowing high performing institutions to renew less regularly.

**About Universities UK**

43. Universities UK (UUK) is the representative organisation for the UK’s universities. Founded in 1918, its mission is to be the definitive voice for all universities in the UK, providing high quality leadership and support to its members to promote a successful and diverse higher education sector. With 134 members and offices in London, Cardiff and Edinburgh, it promotes the strength and success of UK universities nationally and internationally.

**UUK October 2012**
Universities UK – Impact of Immigration Reforms—Supplementary Written Evidence

Summary

In recent years, the numbers of international students enrolled at universities in the UK have increased significantly. Applying a global context to this growth, the UK enjoys an enviable position in attracting more international students to come and study than any other country except for the USA. Available data running until 2010 shows that the UK is one of the world’s leaders in a rapidly expanding market.

However, data from UUK’s recent surveys paint a worrying scenario for the future in that the level of growth in enrolments within this increasingly valuable market may have completely levelled off at our universities. Should this scenario be realised, and minimal levels of growth be achieved in each year to 2015, both the higher education industry and the wider UK economy could lose out on a significant level of export earnings.

The international context

The UK’s competitors (mainly other English-speaking countries) are adopting, or developing, ambitious strategies to increase the numbers of international students studying at their respective institutions. In Australia, more generous post-study work opportunities are to be put in place for international student graduates, and they have also streamlined their visa application process. In the USA, post-study work options are also expanding, whilst the Canadian government is now considering a recommendation from a government-funded advisory panel to double the number of international students within the country by 2022. The many changes in the UK’s immigration system in the past 18 months have created a perception that the UK does not welcome international students, a stark contrast to competitors.

New international students enrolling in 2011-12 and 2012-13

In the summer of 2012, UUK carried out a survey of member institutions on the numbers of international students enrolled during academic year 2011-12, and on what could be expected in 2012-13. A total of 58 responses were received.²⁷ The survey was issued in order to understand the impact of Tier 4 reform upon universities, and to establish how far-reaching any changes are.

Results suggest that institutions are experiencing varying levels of change in international student recruitment.

Enrolments in 2011-12

²⁷ Universities UK has a total of 134 members, meaning this survey received a response rate of 43%. However, these institutions, in total, recruited 48% of non-EU new entrants in 2010-11.
Respondents to our recent survey were asked how the numbers of new international student entrants had changed in 2011-12 compared to the previous year, on a country-by-country basis. Overall, the results suggest that, whilst overall enrolments continued to grow, this was largely held up by a vastly-growing market for students from China. However, removing these students from our calculations would suggest that there was otherwise in fact a decline overall, mainly due to falling numbers of students from India, Pakistan and Saudi Arabia.

New entrants at responding institutions in 2011-12 compared to previous years, by country of domicile:

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The findings from our survey suggest that, whilst 2011-12 saw an increase in the number of new students from outside the EU, it was slightly lower than what could otherwise have been expected. This is consistent with a previous survey carried out by UUK at the end of 2011 which showed that two-thirds of institutions had recruited, on average, 30% fewer students than their earlier projections.

Enrolments in 2012-13

In recent years the numbers of international students enrolling at UK higher education institutions (HEIs) have grown quite significantly. However, survey results suggest that, at those responding institutions, numbers may now have levelled off, or, in many individual cases, declined.

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28 Institutions were asked to provide enrolment data on students from the top ten countries with the most international students enrolled at higher education institutions. In 2010-11, students from these countries comprised around two-thirds of the entire international student cohort.

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International students from top ten countries of origin enrolled at institutions responding to UUK survey, (new entrants only):\textsuperscript{30}

For 2012-13, overall, responding institutions reported a slight decline in the number of new entrant applications and acceptances compared to the previous year. It is still too early to tell whether there will be a corresponding decline in enrolments, as many respondents completed the survey before the academic year started. Nonetheless, there are significant impacts associated with a drop in student numbers which cannot be overlooked. Firstly, there is a loss for institutions associated with this drop in enrolments in the form of foregone income from tuition fees. Additionally, there is then the loss for local towns, cities...

\textsuperscript{30} Data up to 2010 are taken from HESA’s annual student records. Data for 2011 and 2012 are taken from UUK’s survey, in which respondents were asked how the numbers of new entrants had increased/decreased in academic year 2011-12, and how the number of new entrants in 2012-13 will compare to the previous year. Data covers students from the top ten countries of origin only.
and the wider economy from the decline in subsistence expenditure that international students incur whilst in the UK.

**Economic value of international students - methodology**

As an export industry, education is a key strength for the UK. One of the more comprehensive studies of export earnings was undertaken by London Economics in their 2011 report for the Department for Business, Innovation and Skills. This impact is measured over two main areas:

1. **Tuition fees paid by international students**
2. **Non-tuition fee (subsistence) expenditure of international students**

Applying this methodology suggests that the economic impact of international students reached **£5.3bn** in 2008-09.

Since then, the number of international students at UK higher education institutions has increased, almost reaching 300,000 by 2010-11. Applying the same calculations, the total expenditure of international students through tuition fees and other spending could be estimated to have exceeded **£27bn** over a five-year period:

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**The global market for international students**

According to the OECD, the total number of tertiary level students enrolled outside their country of citizenship grew by 95% between 2000 and 2010, from 2.1 million to 4.1 million students, and could increase further to around 7 million students by 2020. In 2010, the UK held a 13% share of the total international student market. Once again, it is important to note that this latest available data precedes the Coalition’s immigration reforms.

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32 Some international students may have their tuition fees paid for by UK sources (such as central government departments). This portion of the total tuition fee income would need to be deducted. In BIS’ calculations for 2008-09 this totalled £49.9m.
Universities UK – Impact of Immigration Reforms—Supplementary Written Evidence

Using data from the OECD, it is possible to normalise the level of growth in the numbers of all students from outside the UK enrolling at our higher education institutions against the size of the global market for international students. Up until 2010, for which year the latest data is available, the levels of growth experienced at UK HEIs were in-line with the total expansion of the global market.

It is worth bearing in mind that OECD data on the total number of tertiary students in the UK shows quite an increase for 2010. This includes all those enrolled at tertiary level (not just at universities). However, as noted previously, this preceded reform of the student immigration system.

Relative growth in the number of people studying at tertiary level outside their country of citizenship, 2000-2010:

Australia experienced a decline in enrolments in 2010, partly due to changes to student immigration policy. Notably the Australian government has since conducted a review of the negative economic impact associated with the policy change, and has already adopted several
recommendations from the process in an attempt to reverse this trend. The nature of this impact can be seen in the graph below.

Relative growth in enrolments of internationally-mobile students at main competitor countries, 2006-2011.33

The USA remains the market leader in terms of market share of internationally-mobile students. However, the rates of growth seen in Australia pre-2010, and in Canada up to 2010 are significant, and may continue to grow at the expense of the UK.

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33 Data obtained from Project Atlas by country. 2011 data for Canada is an estimate based on the level of growth experienced in 2009 and 2010.
University compliance

1. All universities must have Highly Trusted Sponsor status to recruit international students. To get this the UKBA assesses the university’s track record on recruiting only legitimate students by looking at:

   - Visa refusal rates
   - Enrolment rates
   - Course completion rates
   - Academic progression

2. Universities have to inform the UKBA where students have not attended or submitted work as expected. They also have to inform the UKBA when a student has completed (or left) a course early, or where there is a significant change eg. in the location of study. The UKBA is supposed to act on certain notifications received from sponsoring universities by curtailing an individual’s leave.

3. Universities must retain a significant amount of evidence relating to individual students. This is reviewed during a Tier 4 audit and may include evidence of English language assessment, evidence of valid leave to remain and evidence of student attendance. There has been a lack of clarity in particular relating to how attendance should be monitored.

Compliance challenges

4. Universities work hard to meet their obligations under the immigration system. However, this is not easy:

   - There have been 15 versions of UKBA’s guidance for Tier 4 Sponsors since 2009. This guidance outlines the responsibilities of Tier 4 sponsors.

   - Changes have been poorly communicated: for example, new versions of the guidance are published without changed requirements being signposted. The only way to work out where the rules have changed is to compare the new 80 document with the previous version.

   - The UKBA guidance has, in some cases been in apparent conflict with the Immigration Rules (the statutory framework).

   - In some cases there has been no advance warning of changes and in others it has been clear that overarching policy changes were being made but not what the detailed impact of such changes would be on sponsors and their compliance responsibilities. This makes it difficult to comply.
• The UKBA helpline is often unable to answer questions about changes to the rules.

• Universities frequently tell us that they have received no response from the UKBA following a Tier 4 audit visit – either to inform them that they are compliant, or to point out shortcomings.

• The government is introducing dedicated account managers to support universities in complying with requirements on a pilot basis. However budget constraints mean that there is no guarantee that this support will be available in the long term, and/ or that it may only be available a cost to universities.

Tier 4 audit process

5. UUK has asked the government to consider the following changes to the Tier 4 audit process:

• Introduce an appeals process for Highly Trusted Sponsor (HTS) renewals and revocation of Tier 4 licence (Judicial Review should not be the only option for such business critical activity).

• Ensure that universities receive a formal written response following audit visits within a defined time period (we have suggested this should be provided within four weeks of the audit taking place, with a final feedback report within 8 weeks or similar). We suggest that the UKBA and university should jointly agree a formal plan for any remedial action required in response to the audit visit.

• Introduce an process involving an escalation of sanctions against institutions where compliance is causing concern, with initial written warning specifying concerns, followed by the implementation of an agreed remedial plan of action. Only if this is unsuccessful should suspension, or ultimately revocation be considered.

• Reconsider the frequency and timing of audit visits to avoid the period between June and October, during which the majority of international student applications are processed

• Publish an annual calendar of substantial changes to the rules and associated guidance

• Consider a move away from annual HTS renewals e.g. by allowing high performing institutions to renew less regularly.

October 2012
Dear Lord Hannay,

You recently took evidence from the Minister of State for Immigration, Mark Harper MP, as part of your current inquiry into Global Migration and Mobility. I thought it might be helpful to respond to some of the issues raised in the course of that discussion.

**Cap and target**

The Minister is right to say that the government has placed no cap on international student visas. However, for the sake of clarity, it is our understanding, based on analysis by the Migration Observatory at the University of Oxford and the Migration Advisory Committee, that meeting the government's target of reducing net migration to the tens of thousands is likely only to be achieved by reducing the number of legitimate international students granted permission to come to the UK. The language of 'figures', 'cap' and 'target' are often conflated in the public debate. It would be helpful if you could point to the distinctions between these in your report.

**Compliance and abuse**

Universities UK shares the government's commitment to eliminating abuse of the international student visa route. It is not fair to suggest, as the Minister appeared to do in his evidence to you, that universities do not want any immigration control in respect of students. I attach a document setting out the efforts individual universities, and Universities UK, are making to comply with immigration requirements and work with the UKBA to eliminate abuse. We have also proposed a number of changes to the Tier 4 system which would make it easier for universities to meet those requirements, such as more advanced warning and better communication of changes to guidance and rules. As part of Universities UK's commitment to eliminating abuse, we are currently running a series of compliance workshops, organised jointly with the UKBA, to help universities understand and respond to UKBA requirements. We are also in the process of establishing a programme of work on the data available to universities about what happens to international students on completion of their course, as part of our efforts to address the current lack of information in this area.
Application and enrolments

The Minister referred to UCAS data which suggests that international applications are up this year. We wish to point out that UCAS data only gives a partial picture of international student recruitment because:

- UCAS statistics relate to full-time undergraduate applications only. 55 per cent of non-EU students were studying at postgraduate level in 2010/11 (latest available data from the HESA).
- Not all non-EU undergraduates apply via UCAS.

To put this in context, the number of non-EU UCAS acceptances in 2011 was 34,094, whereas the total number of all first-year non-EU students in 2010-11 was 174,225 (undergraduate and postgraduate – data from HESA). UCAS acceptances therefore only amounted to just 19.6 per cent of the total number of all first year non-EU students at UK higher education institutions in 2010-11.

It is also worth pointing out that the UCAS figures on applications to which the Minister referred were for 2012. Final figures for applicants starting their courses in autumn 2012 will not be available until December 2012.

An increase in applications will not necessarily correlate with changes in final enrolment numbers. Rising application numbers may be indicative of a global rise in individuals seeking tertiary education outside of their home country. In 2011 acceptance rates for non-EU students decreased, with 55.4 per cent of non-EU UCAS applicants accepting a place. This compared with an acceptance rate of 58.7 per cent in 2010 and an average acceptance rate of 58.7 per cent across the preceding three years. A decreasing acceptance rate may be due to fewer offers being made by universities or applicants choosing to turn offers down and selecting an alternative study destination. While the headline figures on UCAS applications are positive, they are not representative and cannot be used as reliable evidence that immigration policy is having no impact on non-EU student numbers at universities.

Universities UK has conducted its own survey of member institutions which suggests that application and enrolment patterns are highly variable this year – both by institution and in terms of applications from particular countries – with a significant overall reduction in actual student numbers compared to projected numbers. A copy of this analysis is attached for your information.

Contribution to net migration

Finally, on the question of the extent to which international students contribute to net migration, the Minister made an important point. UK universities have an excellent record of attracting international students. The global market is growing and UK universities’ aspiration is that they should continue to be one of the foremost providers of international higher education in the world. We believe that the benefits to the UK, to our own domestic students, and to universities themselves are substantial.

Even assuming a modest growth in legitimate international student numbers, in the context of this growing market, and assuming, as we believe, that the majority of international students come, study, and then leave, there will continue to be an impact on net migration.
As the Minister explained this is because "In a period where you are growing the market [...] the number you get coming in in a particular year—the number leaving—is going to be smaller because you are growing the market, but it is only that gap that is the contributor for net migration."

Our appeal to the government is to support our aspiration to grow the numbers of legitimate international students coming to our universities. The inclusion of international students in the net migration target creates a policy problem which must inevitably lead the government to seek a reduction instead. We would welcome a statement by the Minister making clear that the government would support, and help us to achieve, growth in legitimate international student participation in the UK.

Finally, can I thank you, on behalf of Universities UK, for your interest in this issue. Please let me know if we can provide any further information or assistance.

Yours sincerely,

Nicola Dandridge
Chief Executive

8 November 2012