Lord Hannay of Chiswick  
House of Lords  
London  
SW1 0PW

22nd June 2013

Dear David,

COMMITMENT TO WRITE: DEBATE ON THE REPORT OF THE EUROPEAN UNION COMMITTEE ON THE EU’S GLOBAL APPROACH TO MIGRATION & MOBILITY (GAMM)

I write following the debate on the Global Approach to Migration and Mobility that took place on 6 June. I am grateful to you and the Committee for producing the report and for tabling the motion which led to such an interesting debate. I am also grateful to the noble Lords for their valuable contributions to that debate.

This letter addresses the substantive points raised during the debate that I did not address on the day.

Mobility Partnerships and their evaluation

Several questions were raised with regard to the Global Approach to Migration and Mobility (GAMM), in particular on the subject of Mobility Partnerships and their evaluation. In this regard, the Government welcomes the European Commission’s intention to develop the first biennial implementation report on the GAMM, which I understand will be published later this year. This report will present an assessment of the various programmes and projects which fall under the GAMM, including Mobility Partnerships, as well as identifying future priorities.
I note Lord Sharkey’s concerns with regard to the previous evaluation of the Moldova Mobility Partnership. The Mobility Partnership instrument has been further developed under the renewed Global Approach to Migration and Mobility and clearly it is important that the more substantial Mobility Partnerships now being developed, including the partnership with Morocco recently co-signed by the United Kingdom, are evaluated in an effective manner. The Government awaits the Commission’s evaluation report with interest. Following receipt of that report, we will consider whether further steps should be taken to ensure the proper evaluation and effective use of Mobility Partnerships.

The Government agrees with the Committee on the need for a more focussed approach under the GAMM, concentrating on key objectives. Indeed, I hope that the aforementioned Commission evaluation report will mark a further step towards a more strategic orientation under the GAMM.

With regard to strategic priorities, I am grateful to Lord Hannay and to Viscount Bridgeman for reiterating the Committee’s views on the importance of enhanced engagement with countries including Pakistan and Turkey. On Pakistan, I understand there are no current plans for using the new CAMM instrument (similar to a Mobility Partnership, which is reserved for the countries of the EU neighbourhood). I welcome the current EU engagement with Pakistan under the new Silk Route Partnership, as well as the leading role being played by the UK in the development of this Partnership.

I believe Turkey’s EU accession status precludes the development of a Mobility Partnership with that country. However, the UK is working closely with our EU partners, as well as bilaterally, to enhance our engagement with Turkey both on the improved management of migratory pressures and on tackling other cross-border harms. This includes work in the context of the Silk Routes Partnership, which is co-chaired by Turkey.

Lastly, I would like to reiterate that, while the Government welcomes the opportunity to work with our European partners and third countries through Mobility Partnerships and under the GAMM more broadly, we will always weigh up the benefits, costs and risks of participation in GAMM instruments, and do so only where we believe this will benefit the UK and be in line with our broader migration policy.

**Asylum and resettlement**

In the context of our Title V opt-in, Lord Hannay noted that the UK had decided not to participate in several elements of legislation underpinning the Common European Asylum system. The Government chose not to opt into these recast Asylum Directives because we considered that doing so would have a negative impact on our ability to operate our own asylum system. We were particularly concerned that the proposals, based on enhancing the rights of all asylum seekers, genuine or not, would act as a pull factor for fraudulent claimants to the detriment of genuine refugees. We have no plans for future
participation in any of the recast Asylum Directives as we do not judge that this would be in Britain's best interests.

However, we do not believe that this has prevented us from making a difference in terms of EU policy on asylum. We have been strong advocates for practical cooperation within the EU. In our view, such practical cooperation has a more useful impact than the further layer of legislation represented by the Children's Education Advisory Service (CEAS), and we are committed to continue working with our EU partners in order to address the challenges we all face in preserving the integrity of our asylum systems and helping those who are genuinely in need. On this basis, we fully support the work of the European Asylum Support Office, and have sent our own experts to other Member States such as Greece to help build capacity and share best practice.

The Earl of Sandwich raised the matter of resettlement and the Gateway programme, and asked about the resettlement of Afghan interpreters. The Gateway programme is a scheme whereby UNHCR transfer an annual quota of identified refugees to the UK. We accept 750 refugees through Gateway annually. We are not using the Gateway programme to resettle Afghan interpreters who qualify for relocation to the UK as we did in Iraq. In hindsight, the use of the Gateway programme for the Iraqi scheme was inappropriate as it displaced other deserving refugees from the UK's quota. This is why the Government will not use this programme to resettle those who qualify for relocation to the UK under the Afghan severance scheme.

**Illegal immigration and overstayers**

With regard to cooperation with European Agencies and Frontex, Lord Hannay referred to the importance of the UK's role in FRONTEX and the development of EUROSUR, both of which aim to improve the security and surveillance of the EU's external borders. We remain committed to supporting the EU's efforts in this area because we know that illegal migration is a global problem which is tackled more effectively by countries working in cooperation with each other. We also know that illegal migrants often travel through Europe on their way to the UK; for this reason, strengthening the external Schengen borders provides a direct benefit to UK, as such action in turn enhances the security of our own borders.

Lord Hannay also pointed to the fact that the majority of illegal migrants in the EU actually enter legally and then overstay. In this regard, I note the legislative proposals currently being taken forward by the European Commission and the Member States of the Schengen area under the banner of 'Smart Borders', which includes a proposal for an EU Entry/Exit System. The Entry Exit/System would electronically register the dates of entry and exit of all third country nationals admitted for a short stay to the Schengen area, including all those not subject to a visa requirement. This system is intended to generate reliable data on overstayers, as well as issuing an alert on individuals who have not exited the Schengen area following the expiry of an
authorised stay, alerts that will help authorities to take action against these overstayers.

**Trafficking in Human Beings**

The Earl of Sandwich and the Lord Bishop of Derby raised the topic of human trafficking, its links to prostitution, and the position regarding the Trafficking Convention. The Government published its Human Trafficking Strategy in 2011. The strategy has four key areas: improving care for victims; working with other countries to stop people becoming victims in the first place; strengthening our borders so that victims cannot enter the country and traffickers are stopped; and making sure agencies within the UK work together to identify the traffickers and bring them to justice. There is also a separate chapter in the strategy on child victims of trafficking, which sets out the actions we will be taking to prevent child trafficking and protect victims, recognising children’s particular vulnerabilities.

The UK has signed and ratified the European Convention on Action against Trafficking. The UK has also opted into and implemented the EU Directive on Preventing Trafficking and Protecting its Victims. Trafficking is a terrible and often secret crime and the Government is committed to tackling the criminals behind this abuse. Police forces and the Serious Organised Crime Agency work with partners in Europe and around the world to detect and disrupt those involved in trafficking. Joint Investigation Teams with the Romanian police have led to successful prosecutions in Romania and the rescuing of victims.

The Government funds support for adult victims through a contract with The Salvation Army. Victims referred to the service through the National Referral Mechanism can access tailored support including, where appropriate, accommodation, physical and physiological treatment and support with return and reintegration.

**Legal Migration and family reunification**

Lord Teverson and Lord Clement Jones raised the issue of alignment of visa policy with that of the Schengen area, and the particular question of Chinese tourist visas. With regard to the Schengen area’s visa policy, the United Kingdom remains outside the immigration and visa elements of the Schengen area. This means that we are free to manage our own border controls and determine our own visa regime.

While the UK maintains a close interest in the visa dialogues of those EU Member States that apply the Schengen provisions, the Government has no plans to change the application of our existing visa regimes. It is perhaps worth noting that some similarities already exist between UK and Schengen visa requirements, including the roll out of biometrics for UK visa applicants similar to that now being undertaken by our EU partners on the basis of a phased programme. The UK visa operation continues to deliver an effective
service in high value and often high volume areas, whether its customers are tourists, business travellers or students. The policy framework is responsive while also allowing us to maintain the integrity of our border controls.

On the specific question of Chinese visas, the UK is open for business and tourism and China is one of our priority markets. In terms of visa operation and visa issuing, we already deliver an excellent and high quality service in terms of processing time, convenience and value for money. We now have twelve regional visa application centres conveniently located around mainland China, a greater number than any other non-Asian country. We are able to offer premium VIP lounges in Beijing, Shanghai and Guangzhou, and there are a number of additional visa services available for those planning to travel to the UK.

We work hard to attract bona fide travellers, and the numbers coming to the UK from China are up year on year, with a commensurate increase in spending. For example, 2012 International Passenger Survey statistics show 24% more Chinese visitors to the UK than in 2011. Furthermore, across the various categories, the majority of Chinese visa applicants who apply for a visa to travel to the UK (around 96%) not only receive a visa, but also speak positively of the experience. While we will continue to make further improvements where possible, we will ensure that these changes will not compromise border security.

A number of noble Lords also raised the subject of family reunification. Lord Sharkey, in particular, sought greater clarity on the Government's decision to not opt into the EU Directive, a decision we made in order to retain the ability to set our own family migration policy and in the context of potential abuse of the family reunification, in particular by third-country nationals. In her contribution to the debate, my noble friend Baroness Hamwee reminded the House of her report on this topic; I expect the publication of that report will lead to a debate, providing an opportunity to examine that decision in greater detail.

**Student visa policy**

Turning to the Government's student visa policy, on which many noble Lords made a contribution, I draw attention to my previous letter of 14 February, sent to the noble Lords who participated in the full and stimulating debate on this topic on 31 January. That letter set out the Government's position in detail. I will not attempt to cover the same issues again in this letter, but will address some of the additional points raised and highlight recent developments in this area.

I should begin by once again reiterating that there is no cap on the number of international students that can come here to study. A number of noble Lords spoke of the perception overseas that the UK does not welcome international students. The Government has always been clear that talented international students are welcome here, but I recognise that there have been negative
perceptions. During his visit to India in February, the Prime Minister emphasised that there is no intention of placing a cap on the number of genuine students who can come, and that we must work hard to overcome misconceptions. As Lord Hannay rightly stated, education continues to be one of our most successful exports and the Government will continue to send out the message that international students will find a warm welcome here.

It is true that the Government’s student visa reforms, aimed at tackling significant levels of abuse in the system, have resulted in the number of student visas issued reducing by more than a third. However, the latest data shows that these reductions have come from the non-university sector, and the latest Higher Education Statistics Agency (HESA) data shows a 1.5% increase in the number of international students at our universities. Earlier this month, UCAS announced that applications from non-EU students are up 5.5% compared to this time last year. Visa data also shows a 5% rise in CAS (Confirmation of Acceptance for Studies) for university students. The university sector now accounts for almost three quarters of student visas, up from about half in previous years. These statistics demonstrate that the university sector continues to attract international students, while those sectors where abuse was most prevalent are seeing a decline in numbers.

Many noble Lords suggested we should focus on increasing our share of the international student market. The noble Lords Lord Hannay, Lord Sharkey, Lord Bew and the Earl of Sandwich noted that while we are seeing international students from a number of markets – notably China – rise significantly, we are seeing some decline in others, such as India. This reduction must be seen in the context of very significant rises in the numbers coming from India and the rest of the sub-continent in previous years. We still continue to welcome large numbers of Indian students to the UK. Indeed, in the year to March 2013, almost 16,000 visas were issued to Indian students, putting India second only to China in the number of students it sends to the UK. The rise in Chinese students shows there is no structural impediment to recruitment in India or elsewhere.

Some commentators have argued that the UK is losing market share, in particular to the US and Australia. However, comparisons with other countries are difficult due to the lack of up to date published data and the difficulty of comparing data sources from different countries. The Organisation for Economic Co-operation and Development (OECD) provides the official data for international comparison, but the most recent data is from 2010 and is therefore of limited value. Nevertheless, a fall in UK market share would not necessarily equate to falling numbers of students coming to the UK. With a growing market – the number of foreign students almost doubled from 2.07m to 4.12m between 2000 and 2010 – we could have increases in student numbers but a decline in market share.

Furthermore, reporting changes in percentage market share is misleading as it may mask growth within a country and in the size of that country’s tertiary sector. For example, according to the OECD the UK market share of foreign tertiary students rose by 2% between 2000 and 2010. This meant a 140%
increase in actual student numbers. In comparison, US student numbers grew by 44% in the same period, yet their market share fell from 23% to 17%.

The increasing popularity of non-traditional destinations for international study is also important. The OECD shows that tertiary-level foreign students at study destinations outside the UK – USA, Canada, Australia, Germany and France – grew by 125% from 849,575 in 2000 to 1,908,964 in 2010. As such, the corresponding market share for these countries increased from 41% to 46%.

Several noble Lords made reference to the Government’s net migration target, advocating the removal of students from net migration statistics. I addressed this matter in some detail in my letter of 14 February. As the Earl of Sandwich commented, the internationally recognised UN definition has to apply. The Government remains committed to applying the UN’s definition of net migration, which includes all migrants changing their place of residence for twelve months or more.

The Earl of Sandwich suggested that the number of students who stay in the UK permanently is negligible. In fact, the best evidence currently available suggests that large numbers of international students are staying on in the UK after their studies. The number of migrants entering the UK for formal study trebled between 2001 and 2011 to 250,000 a year, but the latest ONS net migration statistics show that the numbers of non-EU nationals leaving the UK is not increasing in similar numbers. This suggests that large proportions of those students are still in the UK.

The Home Office’s 2010 study *The Migrant Journey* aimed to improve our understanding of migrants coming to the UK, their countries of origin, their purpose for migrating and how long they stay. It remains the most complete picture of the behaviours over a five year period of those who have come to the UK on student and other visas. It found that 20% of students (approximately 37,000) who came to the UK in 2004 were still here legally in 2009.

The study has recently been repeated for migrants arriving in 2005 and 2006, and a similar proportion of those who entered as students remained in the UK after five years – 21% (approximately 39,000) and 18% (approximately 38,000) respectively were still legally in the immigration system in 2010 and 2011. Of course, the figures do not capture any that may have remained unlawfully. The study also reports that 13% of those given settlement in 2009 and 16% of those given settlement in 2010 and 2011 originally came to the UK as students.

A number of noble Lords made points about the operational activities of the UK Border Agency in implementing the Government’s student migration policy. Lord MacGregor referred to complaints against the UK Border Agency and some of its actions and procedures. Noble Lords will be aware that on the 26 March the Home Secretary announced the decision to end the executive agency status of the UK Border Agency and bring its functions back within the
Home Office. In place of the UK Border Agency there is now a UK Visas and Immigration command and a separate Immigration Enforcement command. By creating two entities instead of one, we will be able to create distinct cultures with the UK Visas and Immigration service focused on providing a high-volume service that makes high-quality decisions.

I described in my previous letter some of the work being done by the Home Office to engage more closely with the higher education sector. The UK Visas and Immigration Directorate and the Department for Business, Innovation and Skills continue to work together with the sector on the co-regulation approach to enforcing sponsorship obligations. One of the first tasks of the co-regulation Steering Board has been to develop a higher education training and familiarisation programme for UK Visas and Immigration's new specialist Higher Education Assurance Team, which aims to ensure the team has a thorough understanding of the sector. UK Visas and Immigration has also worked closely with Universities UK and Guild HE to deliver sponsorship workshops to 96 higher education institutions. These workshops have received very positive feedback.

The noble Baroness Prashar referred to the UK Visas and Immigration interviewing programme, the extension of which was announced by the Home Secretary in December. UK Visas and Immigration will continue to increase the number of interviews conducted to more than 100,000. Of course, many of our competitor countries also use interviewing as part of their visa application process, and the extension of the programme will not affect genuine students.

The noble Lord MacGregor made reference to the Brazilian Government's Science without Borders scholarship programme. The UK welcomes participants on this programme, and is already hosting more than 2,000 students as part of the scheme, with a further 1,800 expected to come in September. Of course, participants on the programme must be able to meet our basic, common sense visa requirements – including the requirement that, to study at degree level, they must be able to speak intermediate English.

Finally, Lord Hannay asked about the impact of the Immigration Bill. The Bill will ensure that this country continues to attract people who will contribute and deter those who will not. We recognise the contribution that university students make to the economy and to the reputation of our universities. The Bill is about fairness and we are considering the contribution all migrants make, not just students, and ensuring that the level of access to public benefits and services is commensurate.

We are considering which migrants should have free access to the NHS and will consult on this over the summer. We are also considering where else immigration status should be checked when accessing services, as we already do for access to the labour market.

We have stated that landlords will be required to conduct certain checks and we will also be consulting on the detail. We will ensure that students are fairly treated and are not subject to double checking. For example, as universities
already check the immigration status of their overseas students it will be unnecessary for universities to conduct repeat checks in their capacity as a landlord providing student accommodation.

Integration

Many of my noble friends also raised the matter of integration, and the Government's belief that communities, businesses and voluntary bodies should be able to lead local efforts in this area. I can assure my noble friends that the Government's approach in the area emphasises the importance of people of all backgrounds having the opportunity to take part in local and national decision making, and of increasing opportunities and tackling persistent inequalities in access to training, jobs, education and business finance, as well as ensuring a strong, shared sense of the mutual commitments and obligations which underlie personal and social responsibility.

With regard to localism, the Government believes that local communities know their own local areas best, and it is for them to determine which services or initiatives best align with the needs of their own areas. We believe that the Government's involvement should be by exception only. On that basis, we have moved away from a top-down approach involving targets and inspections, to enable local authorities and their partners to lead on integration.

The Government agrees with Lord Rosser's view that the ability to speak English and effective integration are of great importance. That is why we require migrants coming to work or study or as partners of permanent residents to have an appropriate level of English before entry, and why there is an additional requirement that those seeking to live here permanently or naturalise as British citizens demonstrate an understanding of language and life within the UK.

We have also revised the Life in the UK Test and the Life in the UK Handbook on which it is based. We have moved away from questions on obscure statistical information and mundane matters to focus on British history, culture and traditions, our democratic system of Government, and the legal system. This change of emphasis will help migrants gain an understanding of the development of British society and the values which underlie it.

Free Movement

Concerns were raised by Lord Hodgson regarding the strains on our communities resulting from free movement within the EU. The Government supports the legitimate exercise of the right to free movement, which also provides many advantages to UK citizens. However, free movement rights are not unconditional and depend on the fulfilment of the responsibilities that go with them. The Government does not tolerate abuse of free movement which
undermines its credibility and the public support amongst those of our citizens who see the increasing pressures on their communities.

At the same time, the ability to claim social welfare benefits, and to access health services in other Member States is an attractive pull factor for a minority of EU citizens who move to another Member State solely to take advantage of these benefits, without any intention of working, studying or supporting themselves. As the Prime Minister announced in his speech in March, we are creating a new statutory presumption that after six months EEA nationals who come to the UK to look for work will have no right to reside in the UK and no access to benefits, unless they can demonstrate that they are genuinely seeking work and have a genuine chance of getting a job.

We are also addressing the issue of access to social housing, by issuing new statutory guidance to ensure that local authorities set a residency requirement, or minimum period of residence in an area before a person qualifies for social housing. This would mean someone would have to live in an area for, say, two or five years before they could even go on the waiting list. We will also make sure that, whenever we can, the NHS claims back the cost of treating EU nationals from their home country.

At the European level we have consistently raised the problem of fraud and abuse with other EU Member States, and we are working to curb such abuse domestically, and together with our European partners. We will also examine the scope and consequences of the free movement of people across the EU as part of the Review of Balance of Competences in 2013.

Finally, I thank you for the Committee’s report on the GAMM and for affording noble Lords the opportunity to discuss it fully. I am sending a copy of this letter to all those who spoke, and will arrange for a copy of this letter to be placed in the House Library.

With my best wishes,

Lord Taylor of Holbeach CBE