

**Immigration and Social Security Co-ordination (EU Withdrawal) Bill: Written evidence submitted by Convention of Scottish Local Authorities (COSLA)**

**Key points**

* Migration is crucial to Scotland’s economy, to Scottish local authorities and to our local communities. COSLA and our member authorities recognise that Scotland has benefited significantly from membership of the single market, and the continuation of free movement of people would be the most advantageous system for Scotland.
* COSLA is calling for a flexible immigration system that can meet Scotland’s economic, workforce and demographic needs; this must be responsive to local as well as national needs.
* COSLA and our member authorities welcome the recommendations in the White Paper to terminate the cap on the number of skilled workers and to cease the requirement for employers to carry out a resident labour market test as a condition of sponsoring a worker.
* COSLA and our member authorities argue that in the case of the Scottish Shortage Occupation List (SOL), Scotland must have a greater role in planning and monitoring our immediate and projected labour shortages.
* The proposed time limited route for temporary workersis at best unhelpful and at worst will intensify issues of ‘churn’.
* The salary threshold has been set too high and is a barrier to many occupations in our key sectors.
* We are concerned that the proposals will increase the number of people living in Scotland who have No Recourse to Public funds (NRPF) – if temporary workers and their families are excluded from mainstream benefits and other supports whilst living in Scotland, they will face specific risks of poverty and destitution.
* It is critical that Scottish Local Government’s voice is represented in the Brexit debate and our needs are recognised and reflected in any immigration system that is developed as a result of Brexit. We expect to work closely with the Home Office during the engagement process for the White Paper: The UK’s future skills-based immigration system

**Introduction**

1. The Convention of Scottish Local Authorities (COSLA), as the representative voice of Local Government in Scotland, welcomes the opportunity to provide written evidence on the Immigration and Social Security Co-ordination (EU Withdrawal) Bill and influence the debate on how immigration policy can be developed to reflect and respond to Scotland’s economic, workforce and demographic needs.
2. The Migration, Population and Diversity (MPD) team within COSLA works specifically on migration issues. We work with a range of key partners including the Home Office and Scottish Government to ensure that migrants are welcomed and integrated into Scotland and the demographic needs of the country are met.
3. This submission will focus on Part 1 of the Bill: Measures relating to ending free movement, and the White Paper: The UK’s future skills-based immigration system.

**Ending free movement**

1. COSLA and our member authorities recognise that Scotland has benefited from membership of the single market, and that the continuation of free movement of people would be the most advantageous system for Scotland.
2. The flexibility of the free movement framework has ensured EU migrants have moved and settled widely across Scotland. They have settled in our cities but also crucially in more remote and rural areas of Scotland, which has not been the pattern for previous generations of migration. EU migrants have contributed to our population growth, our economy, are an important part of the workforce for some of our key sectors, and are valuable contributors to our communities.
3. Freedom of movement has also gone some way to counteracting the presumption that significant onward movement to the rest of the UK (the South East of England in particular) will occur unless bureaucratic procedures are put in place.

1. We are disappointed that the Government has designated Free Movement of People under the Henry VIII clause and in consequence limited parliamentary scrutiny.

**The need for a flexible immigration system for Scotland and Scottish Councils**

1. We want to ensure that we leave the EU with a migration policy that suits Scotland’s needs. COSLA continues to make the case that the very real possibility of a reduction of in-migration to Scotland from EU countries will adversely impact on Scotland’s local authorities. We have particular concerns around the implications for counteracting our demographic challenges and the impact on our workforce and local economies.[[1]](#footnote-1)
2. Scotland is differentially dependent on migration to the rest of the UK. As such, COSLA supports the need for a flexible immigration system that considers local requirements. Our priority is that future immigration policy enables Local Government and employers to attract and retain migrant workers, particularly in key sectors where we are facing skills gaps and shortages. We also wish to encourage inward migration and incentivise young people to work and settle within areas of Scotland where local populations are facing the sharpest decline.
3. COSLA has long voiced concerns about a system in which the aim is to reduce net migration and the bar is consistently raised to the exclusion of particular jobs and sectors (e.g. the care sector). We have lobbied for a more flexible system that can address the needs of the Scottish economy and our ageing population, and to accrue more policy levers to encourage people to move to Scotland.
4. We also argue that flexibility cannot stop at the national level; the system must be able to accommodate Scottish local authority areas and their specific needs. As our section on economic and workforce needs highlights, we need an immigration system that can take account of the economic diversity within Scotland and be responsive to national and regional needs.

**UK’s future skills-based immigration system White Paper**

1. The White Paper sets out recommendations to replace the dual system for highly skilled workers from outside the EU and workers of all skill levels from the EU with a single route that gives access to highly skilled and skilled workers from all countries.
2. Although the continuation of freedom of movement is our key position, we acknowledge that the White Paper is the current policy direction for a post-Brexit immigration system. With this in mind, COSLA recognises the benefits of some of the recommendations in the paper; for instance, ceasing to place a cap on the number of skilled workers and no longer requiring employers to carry out a resident labour market test as a condition of sponsoring a worker. Our member authorities have consistently raised the administrative burdens as employer sponsors and how confusing, time consuming and costly this can be.[[2]](#footnote-2) The aim to keep reporting requirements and upfront costs to an absolute minimum is welcomed.

**New skilled route**

1. The White Paper proposes a new skilled route that will include workers with intermediate level skills, at RQF 3-5 level, as well as graduate and post-graduate levels, and revising the Shortage Occupation List (SOL) to include occupations at RQF level 3-5.
2. We must bear in mind that Scotland’s shortages, as with those in the rest of the UK, are not just limited to the higher skilled occupations currently included on the list. Many of our member authorities raised concerns around the immigration system’s focus on skills and pay level and the need for more focus on the value and importance of jobs.
3. COSLA and some of our member authorities have responded to the MAC review of the SOL and provided evidence to revise and expand the SOL for Scotland, in order to take account of current labour shortages. The introduction of a lower skills threshold will be useful to a point; however, some of our most pressing shortages will still fail to meet this requirement (e.g. many residential and homecare workers).
4. COSLA and our member authorities are very concerned that we have a Scottish SOL and yet there are no Scottish perspectives represented and involved in MAC’s decision-making processes. There is a clear need for Scottish stakeholders to have a greater role in planning and monitoring our immediate and projected labour shortages in developing an immigration policy post-Brexit.

**Time limited route for temporary workers**

1. The White Paper proposes transitional measures, to institute a time-limited route for temporary short-term workers. The route will allow people to come for a maximum of 12 months, with a cooling-off period of a further 12 months to prevent people effectively working in the UK permanently. The White Paper implies that this route will somehow help the social care sector to adapt in the interim period. We would suggest that it will not. This proposed route will effectively encourage ‘churn’ of people and ignores the need for continuity of services and care (which is crucial to social care) and will leave care providers with the constant loss of skills and expertise and the need to re-train new workers.
2. This route will not carry entitlements to access public funds. COSLA is concerned about the implications for migrants and our local communities, to further restrict rights to access public funds. Under current immigration laws, persons ‘subject to immigration control’ have ‘no recourse to public funds’ (NRPF), including social security, housing and homelessness assistance. This policy has been linked to an increase in rates of destitution amongst migrants and asylum seekers in Scotland. Under devolved social work and children’s legislation, Scottish local authorities do have duties and powers to provide limited forms of support to some of the most vulnerable people with NRPF, namely those with needs assessed as being over and above destitution. A number of councils are therefore providing accommodation, social work services and financial assistance under these laws. This can be for long periods of time (in some cases for a number of years) and at a high cost to local authority budgets.[[3]](#footnote-3)
3. Under this route individuals cannot bring dependants and it cannot lead to permanent settlement. We would argue that this completely ignores the wider contribution migrants bring in terms of demographic profiles and the benefits that they bring to communities.

**Salary threshold**

1. The MAC recommends retaining the minimum salary threshold at £30,000. We welcome that the White Paper has not automatically accepted this threshold and has proposed a consultation to determine the precise level. COSLA has consistently stated that the salary threshold has been set too high and is a barrier to many occupations in our key sectors and in some local areas. We suggest there should be more focus on the value and need of the job, rather than an arbitrary salary threshold. Analysis carried out by Scotland’s Expert Advisory Group on Migration (an independent group of academics) shows how salary threshold will significantly reduce EU migration to Scotland, will have a detrimental effect on some sectors (e.g. social care) and geographical areas, and impact on age and gender profile of migrants (this report is due to be published in late February 2019).

**Conclusion**

1. COSLA recognises that the continuation of freedom of movement would be the most advantageous system for Scotland. COSLA will continue to lobby for a more flexible system that can address the needs of the Scottish economy and our ageing population. We wish to see an immigration system that can take account of the economic diversity within Scotland and be responsive to national and regional requirements; and can accommodate Scottish local authority areas and their specific needs.
2. It is critical that Scottish Local Government’s voice is represented in the Brexit debate and that our needs are recognised and reflected in any potential immigration systems that are developed as a result of Brexit. We expect to work closely with the Home Office during the engagement process for the White Paper.

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1. COSLA Response to the MAC Call for Evidence: EEA-workers in the UK Labour Market**:** <http://www.migrationscotland.org.uk/uploads/17-12-15%20CWB%20Item%2011a%20-%20Migration%20Advisory%20Committee%20response_appendix%201.pdf>

   [↑](#footnote-ref-1)
2. COSLA and Scottish Government joint response to the MAC call for evidence on the partial review of the Shortage Occupation List: Teachers (2016): <https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2017/04/teacher-shortages-reponse-to-migration-advisory-committee/documents/59b32d11-e315-4237-921b-a1883d400dbf/59b32d11-e315-4237-921b-a1883d400dbf/govscot%3Adocument> [↑](#footnote-ref-2)
3. Data from the UK NRPF Network for 43 Local Authorities across the UK, including Glasgow and Edinburgh City Councils, highlights that they spent a combined total of £36.4 million in 2016/17 supporting families with NRPF. [↑](#footnote-ref-3)