



# **A Fair Deal for Everyone**

**Prosperity and Dignity in Migration**

**Policy Paper 131**

**Autumn Conference 2018**

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## 1. The Liberal Democrat Approach to Migration

1.1.1 Liberal Democrats believe that migration can work for everyone. The preamble to our constitution states: "... we are committed to fight poverty, oppression, hunger, ignorance, disease and aggression wherever they occur and to promote the free movement of ideas, people, goods and services. Setting aside national sovereignty when necessary, we will work with other countries towards an equitable and peaceful international order and a durable system of common security." No-one should be enslaved for life by where they were born in the world. From the millions of British people who live and work elsewhere in the world, to the millions of migrants contributing to our country today, the movement of people across the world has worked to enrich the lives of everyone – including those who have chosen to stay put.

1.1.2 However, migration today is not the peaceful, equitable, ordered guarantor of durable security that our constitution envisages. Fuelled by the failure of governments to spread economic prosperity widely, some people feel that their concerns about employment, housing, and social and welfare resources are somehow linked to immigration. There has been an alarming rise in hostility to all immigrants, including some British people settled here for a generation or more.

1.1.3 Government migration policy has led many British people to lose trust in the migration system and to sense that things are out of control. The arbitrary, unachievable and damaging Net Migration Target of "tens of thousands" bears a great deal of responsibility for this; as has the demonization of "illegal immigration" that is embodied by the Conservatives' hostile environment policy. To be clear: "illegal" immigration is, by definition, migration outside of the law and so Liberal Democrats oppose it and will seek to stop it. But, to do so, we need to understand what it truly is. Most people tarred with the "illegal immigration" brush are not criminals: for the most part, they are either people who have overstayed their visa, having entered the UK legally or vulnerable victims of people trafficking. Asylum seekers whose claims have not been determined are not "illegal". All these people's situations have to be addressed effectively and with decency. The real criminals are organised, exploitative gangs and we would target resources at shutting these

down. We are frustrated that the current Government has talked up illegality without defining it or acting properly to tackle it.

1.1.4 This paper builds on past policy – not least Policy paper 116 *Making Migration Work for Britain* (2014). We showed there how we might rebuild trust in the migration system and develop a more liberal migration system to strengthen the UK economy. In other recent policy motions Conference has advocated investing in improving English language skills amongst those moving to the UK<sup>1</sup> to aid integration, working with local authorities to welcome refugees,<sup>2</sup> and meeting our obligations to provide asylum to those fleeing persecution including to all those who would face persecution because of their sexuality or gender identity.<sup>3</sup> Multiple language skills are an asset, for the person, the economy and the country, and should be actively encouraged.

1.1.5 Migration into the United Kingdom from other countries has been hugely beneficial to both our society and our economy. People who have chosen to live in the United Kingdom have enriched our culture, our communities and have made a huge contribution to public life. Some of the people who come here go on to achieve greatness: think of Olympic Gold medal winner Mo Farah, Nobel Prize for Literature winner Kazuo Ishiguro, prize-winning architect Zaha Hadid or Konstantin Novoselov who won the Nobel Prize for Physics for the development of graphene at Manchester University. Many more people choose to make the UK their home and don't grab the headlines in the same way, but still affect our lives in a variety of positive ways: whether that is by contributing to the economy, enriching the country's culture or simply through forming families with other UK residents.

1.1.6 Since February 2017, British Future have been conducting a National Conversation on Immigration: a nationwide consultation that is intended to better understand people's views about immigration and to establish how the UK might build a greater consensus on immigration policy. The process has found that approximately half of the population see both the pressures and

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<sup>1</sup> Policy motion [Learning to communicate in English](#) (2017)

<sup>2</sup> Policy motion [Local Communities Welcoming Refugees](#) (2016)

<sup>3</sup> Policy motion [Deportation to states which persecute on the grounds of sexuality and gender identity](#) (2008)

gains of immigration. The remaining half is evenly split between migration liberals and migration sceptics. Among the majority, people lack trust in the UK's immigration systems and believe that there is insufficient accountability; they are concerned about numbers and local impact but recognise that there are clear benefits. A liberal approach to migration – one that the majority of the population can support and have confidence in – must take the views of this group seriously. Opinions towards immigration, even among “liberals” and “sceptics”, exist on a spectrum: broadly labelling people without engaging with the nuance of their opinion hinders working towards a liberal consensus on immigration. We believe that if we are to achieve a more liberal consensus on immigration, it is important to make the migration system more effective and efficient as well as more robust, liberal and humane.

1.1.7 If we are to build the Liberal Britain we seek, we have to fashion policies that both remain true to our liberal values and reduce any hostility to migrants. You can't build a country that welcomes migrants and celebrates their contribution, as we want to, if a significant minority is unfriendly and even antagonistic towards them. So, our approach is ambitious – to reform both our asylum and immigration systems radically, so that they treat people with dignity and compassion, are fairer to seekers of sanctuary and other migrants and more effective in preventing and resolving illegal immigration.

1.1.8 Our ambitious reforms are also driven by our anger at the shocking failures in the Conservatives' asylum and migration policies and systems. These are failing long-term UK residents by spreading uncertainty and fear; failing the health, university and business sectors by deterring the best talent; and failing applicants through byzantine bureaucracy and unjust and unpredictable outcomes. Successive governments have responded to people's fears over the immigration system, not by making it less incompetent and less inefficient, but by making it more unfair and more expensive. Predictably, these illiberal policies have failed, and the Home Office has become unfit for purpose. The scandal over the treatment of the Windrush generation is the tip of an iceberg of disgraceful decisions, driven by Theresa May and the Home Office's “hostile environment” policy.

1.1.9 The Liberal Democrats' new approach will start by axing many of the Conservatives' ineffective and inhumane policies – from the hostile

environment to immigration targets that are impossible to hit. Along with ditching both the net migration target and the shameful language and demonisation of migrants that culminated in the infamous “Go Home” vans, we would close eight of the ten immigration detention centres. The money saved would be used to rebuild an effective, accountable Border Force, after it has been decimated by cuts.

1.1.10 In their place, Liberal Democrats would introduce policies that are both effective and compassionate. Examples from this paper include:

- Asylum seekers would be allowed to work – thereby treating them more humanely, whilst saving the taxpayer millions.
- Family life would be respected again, by ending expensive income threshold tests that have stopped family reunification and cost more than they have saved.
- Students would be encouraged and the bureaucracy and costs faced by colleges and universities cut, to boost our further and higher education systems.
- People wanting to work in our NHS and our businesses would not be prevented by arbitrary targets, and policy on work visas would shift from the Home Office to the Department for Business, Energy and Industrial Strategy so the needs of our economy are prioritised.
- We would stop wasting taxpayers’ money on idiotic demands for detailed documentary evidence of residency going back decades for people who have clearly been in the UK for decades.
- A new body will set up to make decisions on asylum claims and administer individual migration applications. We would train civil service staff better to get decisions right first time, and quickly, with performance targets based on a low level of appeals not refusals, saving vast amounts of money on costly appeals and reducing human misery.

1.1.11 And Liberal Democrats believe we can make Britain’s system for dealing with illegal immigration and people overstaying their visas both more compassionate and more efficient. We will end the practice of the “hostile environment” approach which includes everything from multiple expensive and inhumane immigration detention centres to making banks and landlords the frontline of immigration control, resulting in mistakes and unfairness on

an industrial scale. We will end the deliberately unsophisticated “fishing trip” approach of the Conservatives that has resulted in British citizens facing intrusive questions and outright discrimination on the grounds of race. Meanwhile the Conservatives have slashed Britain’s Border Force, to the delight of organised crime gangs involved in trafficking vulnerable people.

1.1.12 By closing all but two of the immigration detention centres in the UK and opting for the more compassionate community-based solutions used successfully in some other countries, we can save tens of millions of pounds without jeopardising control. We would redeploy that money to an intelligence-led and targeted approach to stopping illegal immigration at the border while also ensuring that skilled and accountable individuals are in place to treat people with compassion and dignity. This common-sense approach would reduce illegal immigration and begin to restore people’s trust in Britain’s immigration system.

1.1.13 Yet it will take much more to restore some people’s trust, and that’s why this paper includes some policy on social cohesion. Liberal Democrats would introduce a wide-ranging set of policies that both better support the successful integration of immigrant communities and celebrate the benefits of immigration.

1.1.14 Our fresh approach to integration would include a new focus on languages – both ways. We would make it much easier for all immigrants to learn English<sup>4</sup> and refocus “Citizenship” tests around language skills. On the flip side, we would seek to utilise the many languages spoken by migrant populations to benefit of British people and the British economy.

1.1.15 **Finally, it is no secret that Liberal Democrat policy is to oppose Brexit.** We regret the result of the EU referendum and believe that the public should have the final say on the Brexit deal, with the option of remaining in the EU and preserving the freedom of movement of goods, people, services and capital. We believe that this freedom of movement has brought great cultural and economic benefits to the UK and that no exit deal can match the

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<sup>4</sup> Here and throughout this paper we emphasise the importance of English language skills. We would also support British Sign Language skills as well as the UK’s minority languages such as Welsh and Scottish Gaelic.

benefits of continued EU membership. We would campaign for continued membership of the EU in any such vote. Clearly the eventual outcome of Brexit will impact migration policy. The majority of policies in this paper are applicable whether we remain in or leave the EU, but there are some issues that we will need to return to should the UK continue on its unwise course out of the EU.

## **2. Social cohesion**

2.1.1 Good migration policy benefits everyone, but history clearly shows that immigration can lead to tensions within some communities, unless serious attempts are made to assist integration and lead to acceptance. While the UK has had a relatively strong record – not least with citizens from former Commonwealth countries, and an approach which has granted full civil and political rights earlier than many other European countries – there have also been many failures.

2.1.2 Liberal Democrats believe Government has to be far more active in reducing the risk of tensions arising, as well as more determined in addressing hostility that has already developed. Liberal Democrats believe that stronger integration policies must also be married to more concerted efforts to celebrate the contribution immigration has made and continues to make for the UK.

### **2.1 The current situation**

2.1.3 Liberal Democrats are not the only ones to recognise the UK's recent record on promoting social cohesion has been poor: the Conservative Government itself recently released a Green Paper on integrated communities.

2.1.4 Yet the Government's approach fails to address the scale of the challenge. Recent migrants report difficulty in making British friends as, inevitably, an established local population will already have existing friendship groups and networks. Hostile rhetoric from Government Ministers and parts of the media can also make people fearful of attempting to mix. An approach to integration and social cohesion that is going to work must address these factors.

2.1.5 While many migrant populations are very successful economically, there is also evidence that some groups of migrants are over-represented in deprived areas. For example, almost half of the Muslim population in the UK

lives in the 10 most deprived local authority areas.<sup>5</sup> Research conducted as part of British Future's *National Conversation*, clearly shows that people's attitudes towards migration improve when they get to know migrants – so a situation in which so much of the Muslim population is concentrated in poorer areas is inimical to this.

## 2.2 Policy proposals

2.2.1 Liberal Democrats would establish a national strategy in England to fund the teaching of English as a second language (ESOL), as an important part of promoting integration must be to help people to speak the same language and communicate effectively.

2.2.2 Our national strategy would include a funded requirement on every local authority to publish a “language needs assessment” to:

- Identify the requirements for ESOL provision in the area.
- Identify target groups and plan outreach.
- Encourage closer collaboration between communities, schools and local authorities.
- Provide asylum seekers and refugees with low levels of English with a minimum of six months free ESOL classes from the point at which they apply for asylum.<sup>6</sup>

2.2.3 Liberal Democrats would devolve responsibility for administering English Language lessons to local authorities and, where possible, to community groups accredited by OCN (the national organisation that creates and awards qualifications). We would encourage these groups to work more closely with employers to help improve the standard of English among their employees.

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<sup>5</sup> The Muslim Council of Britain's [British Muslims in Numbers](#) (2015) reports that 46% (1.22 million) of the Muslim population resides in the 10% most deprived, and 1.7% (46,000) in the 10% least deprived, local authority districts in England, based on the Index of Multiple Deprivation measure. We should not fall in to the trap of treating all Muslims in the same way, however, as they are not a single homogeneous group.

<sup>6</sup> We support the entirety of the policy motion [Learning to communicate in English](#) (2017)

**2.2.4 Alongside a new English teaching strategy, Liberal Democrats would develop a migrants' languages strategy.** This would seek to celebrate and benefit from the languages offered by new migrants, both to assist two-way integration, but also reap economic benefits from the diasporas living in the UK. Our migrants' languages strategy would:

- Provide seed corn funding for native English speakers to learn a second language from teachers from within different diaspora communities.
- Support the many informal language schools already run by communities themselves, linking funding partly to whether such schools open up to the wider community.
- Train language teachers from diaspora communities to enable them to engage in formal teaching in mainstream schools.

**2.2.5** We would also establish new diaspora-based trade advisory boards, to enable migrant business leaders to contribute to the UK's trade policy and performance. We would invite people with first hand native knowledge of a country and appropriate expertise to assist British trade policy and delegations to those foreign markets.

**2.2.6** Liberal Democrats believe that government should address barriers to entering public life and use language that celebrates minority communities. Government also needs to ensure proper representation within organisations that represent or create legislation affecting communities. This process starts in schools, and we would support local authorities and NGOs to run educational projects that highlight the contribution of migrants to the UK throughout the country's history.

**2.2.7** We also need to reflect the concerns of the community groups and NGOs who specialise in promoting social cohesion. Such organisations play an important role in bringing communities together and – due to a severe lack of funding – they are currently lacking capacity to do so. Incremental increases in funding for such groups will support local projects to foster understanding between, government, communities and minority groups. This approach is particularly effective for promoting interfaith work, which has a strong record of promoting integration and understanding between communities.

2.2.8 There is evidence emerging from British Future’s work, that people are more welcoming of migrants when they see that they are committed to making the UK their home and working towards citizenship. At present, this process is convoluted, expensive and difficult – for example, one hurdle is the “Life in the UK test”, which asks a series of irrelevant questions that the majority of people born in the UK would struggle to answer. We would expand ESOL and conversational English courses so that they also usefully teach people about the practicalities of life in the UK: signposting people to relevant services and explaining how to access them and teaching about their rights and responsibilities here and the UK’s liberal democratic values. The Life in the UK test would be revised to reflect this.

2.2.9 One method the government has historically relied upon to promote social cohesion is the Controlling Migration Fund, an investment into areas of high migration to help local infrastructure cope. The aims of this fund are laudable. However, as we might interpret from the breakdown of the Brexit vote, many of the communities that harbour the greatest concerns about the effects of migration are those with relatively low inflows themselves. A more constructive use of additional funds might be to invest in communicating with these groups about the positive impacts of a healthy mixed community.

2.2.10 We recognise, as emphasised in policy paper 129 *A Rural Future: Time to Act* (2018) that there is a special problem of integration in rural communities. We support the policy proposals included in that paper to tackle this. We also recognise the work that has been carried out in this area in the past, such as the MIRA project (Migration and Integration in Rural Areas) and propose restoring funding for this type of work in rural areas.

**To promote social cohesion, Liberal Democrats would:**

- Establish a national strategy in England to promote the teaching of English as a second language (ESOL).
- Develop a migrants’ languages strategy to reap economic benefits from the diasporas living in the UK.

- Establish new diaspora-based trade advisory boards, to enable migrant business leaders to contribute to the UK's trade policy and performance.
- Make seed corn funding available for native English speakers to learn a second language.
- Allow English language lessons to also teach people about the practicalities of life in the UK and ensure that any tests reflect this.
- Invest in measures aimed at promoting participation by ethnic minorities in the democratic process.
- Make funds available to local authorities to reward local community groups who develop innovative and successful ways of promoting social cohesion, including in rural areas.
- Promote better diversification and intermixing of housing stock, so that immigrants on low incomes are not ghettoised, but are encouraged to mix with people from different backgrounds and with different life experiences.
- Support projects in schools that educate students about the history of migration in to the UK.

### 3. People who migrate for work

#### 3.1 The current situation

3.1.1 The current system of work permits under Tier 2 of the points-based system is not working. This is partly because it has been used to try to meet the Conservatives' net migration target, with its ridiculous monthly work permit caps. By itself, this is causing increasing damage on Britain's public services and businesses – as it is much more difficult and expensive for them to find people in sectors where there are serious skill shortages in the UK.

3.1.2 Indeed, many employers see the Conservatives' bureaucratic and inefficient work permit system as one of the worst and most damaging government regulations they face. This isn't just hitting growth and the taxes Government has to spend on our NHS, it is also indirectly starting to hit everybody in the country.

3.1.3 Many sectors are highly dependent on migrant labour: the UK's health and social care services employ many people from both inside and outside the EU, whilst the hospitality, tourism and agriculture sectors all currently employ large numbers of people from elsewhere in the EU. These sectors all face severe shortages in the workforce without the ability to straightforwardly employ people from outside the UK.<sup>7</sup> Indeed there is evidence that the NHS is already struggling to engage enough doctors from abroad.<sup>8</sup>

3.1.4 Equally, there is no evidence that a migrant workforce suppresses wages and so even less justification for the way the Conservatives have operated work permits.<sup>9</sup> However, the Government should have been doing

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<sup>7</sup> The [King's Fund \(2017\) has estimated](#) that 5.6% of the NHS workforce is from the EU as is 7% of the adult social care workforce, KPMG's [Labour in the Hospitality Sector](#) (2017) details how reliant this sector is on EU workers, Indian restaurants are struggling due to the difficulty chefs face in applying for Tier 2 visas, and the House of Commons Library's [Migrant workers in agriculture briefing note](#) (2017) highlights the importance of migrant labour to the agricultural sector.

<sup>8</sup> The [BBC has recently \(April 2018\) reported that immigration rules are hampering their ability to recruit doctors.](#)

<sup>9</sup> Dustman, Fabbri and Peston's *The Impact of Immigration on the British Labour Market* (2005) was the first systematic study to show that immigration had no statistically

far more to reassure people on this with proper enforcement and strengthening of the minimum wage laws – this is why it is Liberal Democrat policy to double the number of inspections on employers to ensure that their workforce is being paid at least the minimum wage. Moreover, there are also policies that should be developed to meet the skills shortage domestically, building on the work on apprenticeships and advanced apprenticeships led by Vince Cable when he was Business Secretary.

3.1.5 Our whole approach to the way migration supports the economy needs to be more flexible and able to deal with future challenges. The possibility of Brexit and the dawn of automation may very well make the UK a less attractive place for people from abroad to move for work. Our policy needs to be able to respond to these future pressures.

## 3.2 Policy proposals

3.2.1 **Liberal Democrats would begin our reform of work permits by moving policy responsibility from the Home Office to the Department for Business, Energy and Industrial Strategy (BEIS).** This department already has much better links into what skill shortages industry and commerce face. We would moreover place an obligation on BEIS to consult regularly with other Government departments to ensure it also was assessing the needs of the NHS and the rest of the public sector properly too.

3.2.2 **Liberal Democrats would also reform the current Tier 2 points-based system for work visas with a system modelled largely on Canada's, which would bring back some of the previous positive aspects of the points-based system that have been lost** The Canadian system not only looks at the labour and skill needs of the economy, but also places merit at the heart of its migration system. Candidates receive points according to their level of education, ability to speak English, work experience, age, whether they have a job offer and “adaptability” – whether they come with family or already

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significant effect on the employment outcomes of UK-born workers and this has been borne out by subsequent studies. The University of Oxford's Migration Observatory [argues that there is no evidence that migration has a substantial impact on wages.](#)

have family in the country. This new system would continue to support intra-company transfers.

3.2.3 We would also borrow from the Canadian approach to temporary workers, not least because it has similarities to the old British system for skilled workers in short supply. This would, for example, help restaurants seeking specialist chefs from outside the EU. We would also promote a British version of Canada's International Mobility Programme – identifying occupations for which people can be hired without needing permission from the government: this might include researchers, health and social care professionals and other workers with in-demand and specialised knowledge. These workers would be initially eligible only for fixed-term contracts and the list of occupations would be regularly reviewed so as to flexibly meet changing labour-market demand.

3.2.4 We would end all existing practices, where currently the Home Office actively discriminates against this type of migrant worker. The Home Office's abuse of section 322(5) of the immigration rules, for example, where highly skilled workers are being deported or refused permit extensions by categorising them as a security threat if they have made minor errors on tax forms, is a classic example where the culture of the Home Office has been infected by Theresa May's policies of arbitrary targets and caps. We would establish a new non-political organisation with responsibility for the processing of visas (for more detail see §8.2.4).

3.2.5 People who come to the UK to work bring with them a variety of skills. We restate our proposal to launch "Training up Britain": a mentoring scheme that would be aimed at using highly skilled migrants to develop the skills of British workers. This would be a recognised accreditation for the development of skills by UK graduates and apprentices gained by working alongside highly skilled migrant workers. The scheme would be voluntary and organisations that participate would be recognised by a kitemark. A more skilled UK workforce would diminish the temptation for employers to advertise positions abroad and we would prohibit the practice of UK employers only advertising positions abroad.

**Liberal Democrats would:**

- **Replace caps on work-related visas** with a Department for Business-led policy of identifying sectors with serious skill shortages – for the economy and public sector.
- **Replace the Tier-based system** with a merit-based system and a temporary workers scheme, along the lines of Canada’s system, to provide a more flexible and higher quality work permit system.
- **Establish a “Training up Britain” programme** – a mentorship scheme to get highly skilled migrants working with British workers to help them develop their skills.

## **4. People who migrate to live with their family**

4.1.1 There are a wide variety of situations in which people may seek to bring their family to live with them in the UK, and this makes family migration one of the most complex types of migration to address.

4.1.2 In this section, we focus on the family members – partners/spouses, children and elderly dependents – of British citizens or those who hold indefinite leave to remain (permanent residence) in the United Kingdom. We also consider the rules around registration of children as British citizens.

### **4.1 The current situation**

4.1.3 During the Coalition, there was a major though unreported disagreement between the Conservatives and Liberal Democrats over reforming the rules for family reunification. The Conservatives wanted to make it much more difficult, complex and expensive for families to be together, whilst Liberal Democrats argued that the then-system was already one of the toughest in the world, not open to abuse and, if anything, already damaging to family life for some people.

4.1.4 In Government, after losing the “in principle” argument when Theresa May dug her heels in, we fought to ensure the threshold was set at the lowest level of income whereby the applicant was no longer eligible to recourse to public funds through mechanisms like in-work benefits; the Conservative wanted a much higher threshold.

4.1.5 The amended rules required the British citizen partner of a non-EEA partner/spouse wanting to come to the United Kingdom to show a minimum income of £18,600 gross or savings of £62,500 or a complicated mixture of the two. The £18,600 figure was “justified” as a figure that ensured a family would be able to support themselves in the UK, and not place any additional cost on the taxpayer. The threshold rises if non-British citizen children are accompanying them. And, partly because the system is so complex, the Home Office makes multiple mistakes in assessing applicants – adding to costs, delays and misery.

4.1.6 The rules are restrictive as they do not take account of the particular circumstances of each applicant, any third-party support that would be available, or any earnings potential of the migrant partner. They discriminate against young people who, for example, meet their partner while studying abroad, and they often mean children are separated from one of their parents for months and even years.

4.1.7 In addition to requiring that there be no reliance on public funds, the current rules to bring an **elderly** dependent parent to the UK require that:

1. The applicant must as a result of age, illness or disability require long-term personal care to perform everyday tasks; and
2. The applicant must be unable, even with the practical and financial help of the sponsor, to obtain the required level of care in the country where they are living, because it is not available and there is no person in that country who can reasonably provide it; or it is not affordable.

4.1.8 In our policy paper 116 *“Making migration work for Britain (2014)”* we argued that the current rules are too restrictive. We maintain that position. These conditions are almost impossible to meet and they cause a great deal of heartache to the relatively small number of families affected: a 2016 Home Office review showed that across 2013 and 2014 an annual average of only 162 such applications were granted, compared with a still relatively small number of 2,300 prior to the new rules.

4.1.9 Regarding the registration of children as British citizens, Parliament has legislated through the British Nationality Act 1981 and its subsequent amendments, so that:

- (i) Certain children have an entitlement to register as British citizens, and
- (ii) There is a discretion for the Secretary of State to register children as British citizens if they apply.

4.1.10 We recognise that many children are prevented from applying because of the high fees, currently set at £1,012.

## 4.2 Policy proposals

**4.2.1 The Liberal Democrats would return the Immigration Rules for settlement visas for spouses/partners to the pre-July 2012 position with regard to income, reducing delays and inefficiency in the Home Office and stopping families being split up.**

4.2.2 The rules before 2012 required the applicant spouse or partner to show there would be no extra recourse to public funds in the United Kingdom. This would achieve the aim of no additional burden on the taxpayer, without an arbitrary income threshold, while allowing applicants flexibility to meet this requirement. This may mean relying on a job offer to the non-EEA partner, or on third-party support, or through the particular circumstances of the couple, for example if they have free accommodation and therefore the living costs are lower.

**4.2.3 There would continue to be restrictions on extra recourse to public funds until the migrant reaches indefinite leave to remain (permanent residence) after five years.** No extra funds could be claimed from the Government to support the spouse during these five years.

**4.2.4 Regarding elderly parents, we propose that we *maintain* the following requirements:**

- (i) The applicant must provide evidence that they can be adequately maintained, accommodated and cared for in the UK by the sponsor without recourse to public funds.
- (ii) If the applicant's sponsor is a British Citizen or settled in the UK, the applicant must provide an undertaking signed by the sponsor confirming that the applicant will have no recourse to public funds, and that the sponsor will be responsible for their maintenance, accommodation and care, for a period of five years from the date the applicant enters the UK if they are granted indefinite leave to enter.

4.2.5 However, we will amend the requirement that the parent "*must as a result of age, illness or disability require long-term personal care to perform everyday task*" and the additional requirements that even if those

circumstances exist, they should look to obtain that care in the country where they are living.

**4.2.6 We propose a new system for elderly parents where successful applications must show:**

- **A parent is over state retirement age.**
- **The British-based sponsor gives a legally-binding undertaking that they will support the parent without recourse to public funds.**

4.2.7 More restrictive rules would be applied to those under the age of state retirement age but they could still have a successful application if they were not emotionally, physically or financially reliant upon the state.

**4.2.8 For family visitor visas, we also see the family case for extended visitor visas for grandparents, and would consult on a “Grandparents’ Super Visa”.** We would develop the existing party policy to introduce a “grandparents’ super-visa” for a period of up to two years, linked to a potential payment of an actuarially-assessed health levy, alongside options for extending six-month visas by a further three months at a time, rather than the current rule of no extensions at all.

**4.2.9 We would consult on this proposal for an actuarially-assessed health levy.** We understand the desire of parents to be able to join their children, as we recognise extended family units are an important source of emotional and practical support. However, the UK has an ageing population and changes to the migration system won’t work if they have the potential to impose significant extra burdens on health and social care services.

**4.2.10 The Liberal Democrats also propose that the cost of nationality registration for children is limited to that which covers the administrative costs of processing the application.** This is currently estimated at £372. We will also introduce the ability to apply for a fee waiver for those children who can demonstrate they cannot afford even the administrative cost – we would expect this to be particularly important for children who are in care.

**To make family migration more humane and efficient, Liberal Democrats would:**

- **For spouse and legal partner settlements**, replace income thresholds with the pre-2012 rules, with the “no recourse to public funds” test able to be met in various ways.
- **For dependent adult relatives**, amend rules to make them less restrictive for elderly parents living with their British children, keeping a “no recourse to public funds” test, and consulting on an upfront actuarially-assessed health levy.
- **For family visitor visas**, consult on a new “Grandparents’ super visa” enabling grandparents who can be adequately supported to visit for a period of up to two years on condition of payment of the actuarially-calculated health-levy.
- **For registering a child**, we would reduce the fee so it only covered the cost of administration, with a fee waiver for those who prove they cannot afford any fee.

## 5. People who come to the UK to study

5.1.1 Higher Education is one of the UK's most successful exports. The UK economy is estimated to gain an extra £25bn a year from students travelling to the UK to study (Universities UK, 2014-15). Plus, there will be further, unquantified benefits from UK-educated foreign graduates later in their careers. Indeed, many other countries now recognise the benefits of foreign students to their economies and so there is fierce international competition to recruit students from other countries, especially other English-speaking countries like the USA and Australia.

### 5.1 The current situation

5.1.2 Regrettably, the Conservatives' policy and rhetoric around foreign student coming to the UK has become so negative it is damaging the UK's higher education sector. Liberal Democrats warned this would happen and that it would, for example, encourage students to apply elsewhere – and universities reporting that this is already happening.<sup>10</sup> And this is not just explained by Brexit: students from some non-EU countries are being put off coming here.<sup>11</sup>

5.1.3 If Brexit happens, this will only get worse – with the greater freedoms and opportunities provided within the EU for research and co-operation being reduced. While top teaching staff and researchers in global academia will still want to come to the UK, universities fear it will become more difficult to be as competitive creating even more damaging long term economic consequences.

5.1.4 One of the most controversial elements of Theresa May's attack on foreign students coming to UK to study here has been including student numbers in her target number for reducing immigration. Liberal Democrats have always argued that this doesn't make sense because students are only here temporarily, yet the Conservatives argued, contrary to evidence, that

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<sup>10</sup> 2017 UCAS figures showed a 4% decline in the number of EU students applying to study in the UK.

<sup>11</sup> For example, according to the [most recent HESA statistics](#) there has been a drop in the number of students coming to the UK from India and Nigeria. Meanwhile the most recent figures from Australia show a 13% increase in applications.

students are a key source of illegal immigration, asserting that many overstay their student visas.

5.1.5 The Home Office's latest estimate based on new exit checks at Britain's borders, is that fewer than 5,000 students, or 3% of the total, overstay.<sup>12</sup> Thus the Conservative policy of keeping students in their target doesn't make sense, even on their own terms. It is these illogical elements of the Conservatives' immigration policies that make Liberal Democrats so angry about Britain's current unfair and disgraceful system.

5.1.6 There is some evidence that limits on the amount of time foreign students are allowed to do paid work during their studies (20 hours per week) and limits on how long they are allowed to stay after graduating has put some off. Currently international students are permitted to work in the UK for a maximum of four months after the completion of their course or until the expiry of their visa – whichever is sooner. After that period, international students are only able to stay in the UK if they successfully apply for a Tier 2 visa.

## 5.2 Policy proposals

**5.2.7 Liberal Democrats would reverse the Conservatives' approach towards foreign students, from a policy of deliberately discouraging students to a new encouraging approach. Liberal Democrats would start this, by stripping the Home Office of responsibility for policy on student visa and migration policy and give this work to the Department for Education.**

**5.2.8 This would begin with the language of Ministers and lead on to a new partnership agreement with UK universities and colleges,** to repair the damage by the Conservatives and to develop a new strategy to maximise the UK's competitiveness for academics, researchers and students.

5.2.9 A key element would be to make the system more efficient and reduce the idiotic bureaucracy. We would create within the Department for Education

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<sup>12</sup> Home Office, [Second report on statistics being collected under the exit checks](#) programme

a dedicated **Student & College Compliance and Liaison Team** to support education institutions to administer international visas, to reduce costs and make the system more effective. This would enable Government to target better any remaining “bogus” colleges and courses. Given that administering Tier 4 visas currently can cost universities as much as £500,000 per year,<sup>13</sup> this would produce substantial savings to the taxpayer.

**5.2.10 In our new partnership with universities and colleges, we would focus on quality – both for the UK and the student.** We have concerns that some institutions offer foundation and pre-sessional courses as a way of circumventing the need for a student to be appropriately qualified for the course just to generate the fee income. While not essentially an immigration issue, it is an issue of fairness and our country should not be exploiting foreign students.

**5.2.11 For foreign students, we would ask the Departments for Business and Education to commission jointly a review on the evidence on limits on time working during and after their course, to see how big a barrier these are.** We would introduce new student visas that would enable students to stay in the UK for up to two years after they have graduated. If students do not find work within six months, they would be expected to return to their home country. After the initial two-year period has expired, we would expect those who can contribute further to be successful in applying for a work visa under the new points based system.

**To make student migration work for the UK’s economy and education sector, we would:**

- Make the Department for Education the lead department, with a policy objective of encouraging foreign academics, researchers and students to come to the UK and report student migration as a separate category of migration.

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<sup>13</sup> [Time Higher Education](#) reports that the University of Nottingham spends £500,00 per year, the University of Manchester spends £485,000 per year and other universities spend similar amounts.

- Develop a new partnership with UK universities and colleges, including a new Student & College Compliance and Liaison Team in the DfE, aimed at reducing bureaucracy and costs for the sector, and to improve compliance with the rules.
- Create a new tier of visa for post-graduates to stay for two years after their course, and review existing time limits on work during and after study for all other students, to assess the evidence on how big a barrier these are to attracting students.

## **6. Seekers of sanctuary**

**6.1.1 The UK was a founder signatory to the United Nations Geneva Convention on Refugees and we have had a proud record of providing sanctuary to many asylum seekers over many years – from Jews escaping Nazi Germany to people escaping brutality in countries in the former Yugoslavia.**

6.1.2 Article 1 of the Geneva Convention defines a refugee as “a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, or membership of a particular social group or political opinion is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country [and return to it]”. Liberal Democrats firmly support this and aspire to a new and improved asylum system to both uphold that commitment, and minimise any abuse in the system.

6.1.3 As an internationalist party, we believe the UK should prioritise work with other countries to reduce the causes of people needing to seek asylum, by addressing war and poverty everywhere in the world, while supporting countries to build resilience. From continuing to support the UK’s legal commitment to spend 0.7% of gross national income on overseas aid, to our international climate change programmes and work in the EU, World Bank, UN and elsewhere, the UK must redouble our efforts for peace and progress globally.

6.1.4 Climate change is going to add to the push factor for flows of displaced people towards Europe. International cooperation is the only way to address these global problems. There can be no such thing as a national approach to these issues: cooperation with other countries is essential. Seekers of sanctuary who reach the UK from other continents have come through other countries; people trafficking is a matter of extensive international networks; and the numbers involved require international cooperation in responding.

### **6.1 Current situation**

6.1.5 The good news is that the current Conservative Government continues to engage properly with our partners to promote peace and progress around

the world. With the alarming exceptions of Brexit, FCO cutbacks and the erratic behaviour of the former Foreign Secretary, it does seem that, for now, the Conservatives appear to remain committed to key policies like the 0.7% aid budget.

**6.1.6 Nonetheless, as far as their management of Britain's asylum system generally goes, the Conservatives have got it seriously wrong – making it far too harsh and unwelcoming, as well as expensively inefficient.**

6.1.7 While there are many examples of the harsh regime, arguably (apart from immigration detention, see §7) the worst is the longstanding policy that asylum seekers cannot work while they wait for a decision on their claim. They can apply to work only if the initial decision is delayed for twelve months, and even then, only for jobs on the Shortage Occupation List – which is a highly restrictive list of jobs, out of reach of almost all asylum applicants.

6.1.8 But it's more than just this employment restriction. From housing to access to education, the UK's system for supporting people waiting to have their asylum claims heard is very unwelcoming, given that many of these people have suffered trauma and great suffering.

6.1.9 Not only do we treat asylum seekers poorly, the Home Office has a shockingly poor record on correctly assessing their claims. In both 2016 and 2017 approximately 40% of appeals against asylum decisions were upheld. This is an unacceptably high percentage of decisions for the Home Office to be getting wrong: it is vitally important that as many decisions as possible are right first time, as it saves time, money and prolonged misery.

6.1.10 Finally, the system is riddled with nasty, unfair elements that Conservative Ministers continue to defend despite the evidence being they are not necessary. For LGBT+ applicants, there can be a culture of disbelief about their sexuality; for Christian converts, the Home Office appears astonishingly unsympathetic; for children wanting their parents to join them, the UK Government is outrageously opposed to copying the rest of Europe in allowing such family reunification. We need to ensure that caseworkers making these decisions have the appropriate training and skill set to understand the key issues and to question sensitively.

6.1.11 With respect to conflicts like Syria the UK has failed lamentably to play a leadership role in helping asylum seekers, even though the UK only has around 20,000 to 30,000 asylum seekers seeking protection in the UK a year, a low figure relative to most other European countries.

6.1.12 The Government's response to the crisis in Syria - a 2015 announcement that the UK would take 20,000 refugees from the country by 2020 - was a welcome step in the right direction. However, this step also reveals the shortcomings of the UK's current approach: our offer was significantly below offers of homes made by some other European countries and it created a two-tier system for refugees, with those seeking asylum from Syria effectively being given a better service than refugees from other conflicts or regions.

## 6.2 Policy proposals

**6.2.1 Liberal Democrats would establish a dedicated unit for dealing with asylum applications that will work with DfID, with the aim of improving the speed and quality of decision-making without the threat of any political interference.** We would invest heavily in training and recruitment, to develop a cadre of specialist, highly trained staff better able to assess asylum claims quickly and accurately. We would focus on developing emotional intelligence in staff and bringing new personnel and thinking in to the workforce as a means to encourage first time accuracy.

**6.2.2 Liberal Democrats would give seekers of sanctuary the right to work three months after lodging their application.** Not only is this the right policy to give dignity to people who may have fled persecution and worse, but it also makes sense for the British taxpayer. We would lift the current restrictions on the occupations in which seekers of sanctuary can be employed, so that they can use and develop their skills. We would also allow them to volunteer after three months. So that seekers of sanctuary can better support themselves, we would require all working age asylum seekers who are able to look for work after six months. We would ensure that appropriate safeguards are in place so that nobody who is not fit to work is compelled to seek work.

### 6.2.3 In those three months before employment becomes an option for the asylum seeker, the new unit would be required to:

- Complete an initial assessment of the applicant. If, as a result, there were any serious concerns about the individual taking up their presumed right to work, or evidence that they have overstayed a previous work, student or visitor visa, the unit would have to apply to a Tribunal to seek permission to remove that right.
- Make preparations to assist the asylum applicant into work, for example, arranging for a National Insurance number to be issued and facilitating access to ESOL, conversational and higher-level English, mentoring, training and accreditation of relevant qualifications.
- Be notified of the employer by asylum applicants who find . Applicants would still have to regularly check-in, but with much more appropriate and convenient reporting arrangements.

6.2.4 Recognising that some people who seek sanctuary in the UK will not be able to work – whether due to mental health or physical disability, the Government rightly provides support. This is currently set at a level of £37.75, unless the application has been refused when it is set at £35.59. At the lower level, the ASPEN card which is used to transfer payments, cannot be used to take out cash – meaning that it can be monitored. **We propose providing the same level and less intrusive type of support to all seekers of sanctuary** – while the successful appeal rate is so high it is not right to treat unsuccessful applicants so differently to those whose application is still being considered. We would also launch a review into the current low level of support with a view to raising it to ensure that it is enough to live on. We think it likely that the tax revenue raised by allowing seekers of sanctuary to work, would more than pay for such a raise in this allowance. We restate support for our existing policy that support rates should go up in line with benefits.

6.2.5 **Liberal Democrats would provide free basic English lessons to any seeker of sanctuary.** We would start these lessons at the earliest opportunity, so that they would be able to integrate and work in the UK as soon as possible. Our aim would be to offer a spectrum of provision, from structured English language tuition that's intensive and in an education setting to flexible language tuition for people who have work/childcare

responsibilities. Such provision can be provided by trained volunteers, if very modest support is given to the many charities already striving to offer such options for seekers of sanctuary and refugees.

**6.2.6 For asylum-seekers and refugees unable to work due to insufficient English, we would offer intensive, full-time English language tuition, and scrap the 16 hours per week rule with respect to financial support.**

6.2.7 Housing for asylum seekers is notoriously poor, with too many reports of NASS-contracted accommodation being unfit for human habitation. **Liberal Democrats would reassess all government-tendered contracts for asylum seekers' housing. If we find poor value-for-money contracts or housing conditions that compromise people's basic right to dignity, we will end those contracts.** All future contracts will be designed to be capable of being broken down to local authority level, so that a local authority or a group of local authorities can compete for the contracts if they wish to. All future contracts would specify a minimum acceptable level for NASS accommodation, based on existing laws on rental housing standards and ending the indignity of forced bedroom sharing for unrelated adults.

6.2.8 We will also monitor the progress of community-sponsorship projects for looking after refugees in the UK. Based on a successful Canadian model, which brings together local groups who welcome and support refugees when they first arrive in the country, this approach has so far helped more than a hundred Syrian families. We will provide additional funding to Local Authorities to support further such programmes.

**6.2.9 Liberal Democrats will review and reform all aspects of current asylum rules and operations that offend basic measures of fairness and justice.** We would seek to change the culture of disbelief that affects people applying for asylum on the grounds of religion, political opinion, gender identity or sexuality. So, under the Liberal Democrats, the asylum system would, for example:

- Have a presumption in favour of family reunification except in those rare cases where it is not in the interests of the child; seek to improve arrangements where unification is deemed to be in the interests of the

child; implement new laws in line with the Bill introduced into the House of Lords by Liberal Democrat peers.

- End the culture of disbelief faced by Christian converts, that automatically appears to assume applicants are lying about their religious beliefs.
- Not operate in a culture of disbelief and never unjustifiably state that an applicant is not LGBT+ merely to justify a refusal.
- Never, in any circumstances, refuse an LGBT+ applicant on the basis that they could be discreet.

6.2.10 On UK policy towards specific programmes for accepting refugees, Liberal Democrats would review all the UK's current programmes, and compare them with other similar countries, to check to see if the UK is taking our fair share. This review would take, as an absolute minimum current programme shares and commitments – from the Gateway Resettlement Programme to the places pledged for Syrians. The review would consider extending the “additional offer” made to Syrian refugees to refugees from other acute humanitarian disasters and events, for example, the Congo and Myanmar. The review would also consider how the UK can best work with other countries, particularly in Europe, to address other situations which can already be anticipated such as the rapidly expanding population of Nigeria and the impacts of climate change.

**Liberal Democrats would reform positively the excellent current policy of generously funding refugee camps in safe areas near to people's original homes.** We want to ensure there is greater flexibility in such funding so that refugee hosting communities could use it to fund integration initiatives, so refugees could become part of the host country, if that was acceptable. We want to avoid perverse outcomes where refugees and refugee host countries can only use UK funding if it is spent in providing support in a designated refugee camp as opposed to within the host community outside a camp.

**To improve Britain's record on assisting people seeking sanctuary, Liberal Democrats would:**

- Establish a dedicated unit for asylum applications, with the aim of improving the speed and quality of decision-making.
- Give seekers of sanctuary the right to work three months after lodging their application
- Require initial assessments by the new seekers of sanctuary unit within three months to cover, inter alia, any security concerns and caseworker assistance to prepare the individual to be able to work.
- Provide free basic English lessons to any seeker of sanctuary.
- Offer intensive, full-time English language tuition, and scrap the 16 hours per week rule with respect to financial support for asylum-seekers and refugees unable to work due to insufficient English.
- Reassess all government-tendered contracts for asylum seekers' housing – ending those that compromise people's basic right to dignity and ensuring that future contracts can be broken down to local authority level.
- Review and reform all aspects of current asylum rules and operations that offend basic measures of fairness and justice, with an initial focus on how the rules affect Christian converts, LGBT+ applicants and child-led family reunification applications.
- Increase the timescale whereby an applicant must find their own accommodation after receiving a decision from 28 days to 60 days and remove the time limit entirely for vulnerable people.
- Ensure children are able to access education and all seekers of sanctuary can access health care during the application process

and, if necessary, after they have been refused.

- Expand the Syrian refugee resettlement programme so that it covers other zones of conflict.

## 7. People without migration status

7.1.1 For any immigration system to be successful it must carry the confidence of the people already living in the country it represents. The number of people in the UK without migration status – by which we mean both people who have overstayed their visas and people who have entered the country illegally and not subsequently been able to secure the right to stay – is one of the reasons people have lost faith in the UK's immigration system.

7.1.2 **Liberal Democrats agree that illegal immigration must be properly dealt with, otherwise support for legal immigration and even asylum seekers will also be questioned.** While recognising that illegal immigration is wrong and should be prevented, it is important that we treat the people involved with dignity and do not drive them underground: this is central to our approach. Even when deporting people, we will only do so with humanity – following the NICER recommendations,<sup>14</sup> seeking to keep families together, allowing people to exhaust appeals in-country and securing safe destinations for people to go to.

7.1.3 There are many more people who lack migration status because they have overstayed their visa than there are people who have entered the country illegally in the first place.<sup>15</sup> It is important that any migration policy deals appropriately and fairly with people who have either entered the country illegally or whose visas are no longer valid.<sup>16</sup>

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<sup>14</sup> National Independent Commission on Enforced Removals, [Additional Findings and Recommendations](#)

<sup>15</sup> While there are not precise figures available for this, [Oxford University's Migration Observatory reports](#) that there are estimated to be between 417,000 and 863,000 people in the UK without a migration status and that the consensus is that the vast majority of these are likely to be people who have overstayed a visa rather than people who have entered illegally.

<sup>16</sup> The policies in this section do not refer to people whose asylum claim has not yet been determined – these people do have a migration status.

## 7.1 The current situation

7.1.4 For over a decade, Governments have attempted to tackle such illegal immigration by making it more difficult for people without a valid visa to live in the UK. Theresa May appears to have personally set out to make the “hostile environment” approach to tackling this situation as unpleasant as possible.

7.1.5 In practice, “hostile environment” policies have included checks on the immigration status of an individual by employers, landlords, banks, the NHS and councils, and have involved removing all access to benefits, housing, healthcare, education and employment. While employment checks make sense and need not unduly inconvenience employers, using hospitals and schools as tools in the immigration system have the potential to lead to public health emergencies and unfairly criminalise children.

7.1.6 The shortcomings of a “hostile environment” approach, especially the Conservatives’ most recent incarnation of this idea, are now strikingly apparent – not least in the aftermath of the Windrush Scandal, where it appears British citizens who had lived in the UK most of their lives were wrongly deported back to countries they had no memory of. The hostile environment does not just impact people who are in the country illegally – it impacts everyone who either is a migrant or looks like they might be one.

7.1.7 This outrageous situation must be radically overturned. Whilst the new Home Secretary has moved to rebrand these policies as aiming for a “compliant environment”, until there is significant change in policy, legislation and practice, it is only a rebranding exercise. People will continue to suffer. British people will be required to act on behalf of the Home Office applying policies which do not have popular support (such as the “right to rent”) and immigration policy will encourage discrimination.

7.1.8 It is very difficult to accurately gauge the number of people who are in the UK who have either entered illegally or who have overstayed their visas.

7.1.9 For illegal entry, it is inherently the case, that it is difficult to know how many people have entered. There is mounting concern however that after significant cuts in Britain’s Border Force under Theresa May as Home

Secretary, illegal entry may have increased – especially illegal entry arranged by organised criminal gangs.

7.1.10 For people overstaying visas, the difficulty in estimating the size of the problem was in large part caused by a decision to abandon exit checks by Blair's Labour Government: this meant the Home Office could not know who had overstayed their time-limited visa.

7.1.11 Thanks to Liberal Democrat policy pushed through in the Coalition Government, in spite of much heel dragging from Theresa May herself, the common-sense decision to re-introduce exit checks was taken. While exit checks are back, it's not clear how well this Liberal Democrat policy has been implemented by the Conservatives or how well they are acting on the information the checks are providing – not least because the resources devoted to tracking down irregular migrants have also been reduced.

7.1.12 Finally, there is the system of dealing with people who have overstayed their visas or entered the country illegally once they have been identified. Deportation is never easy and is normally very costly. The UK has opted for a particularly expensive and draconian model with its detention centres, where people who are subject to immigration control may be held while they wait for permission to enter or before they are deported or removed from the country.

7.1.13 To give a sense of these huge costs, as part of the "hostile environment" policy, between April 2013 and March 2017 the Government spent £523.5 million on detaining people for reasons related to migration and a further £16.2 million on damages paid to people unlawfully detained. As well as being expensive, the conditions in detention centres are too frequently inhumane and degrading: overcrowding, inadequate facilities and the threat of indefinite detention damages the mental health of detainees and contributes towards an unacceptable number of attempted suicides.

7.1.14 In the year ending September 2017, 27,565 people were detained. Of those who left detention in the year ending June 2017, more than a quarter (28%) had been detained for between 29 days and four months and 1,943 were detained for more than four months. Of these people, 172 had been in detention for between one and two years. Indefinite administrative detention

is very damaging to detainees, many of whom are already vulnerable, and its effects last long beyond release. The UK is the only country in the EU that practises indefinite detention and we have long opposed this: even Russia does not indefinitely detain people for reasons of migration and the UK should not either.

## 7.2 Policy proposals

**7.2.1 Liberal Democrats would end the “hostile environment” and create new fairer employer checks that will involve employers checking employment status of workers with Immigration Enforcement and an assumption of a right to work until they direct otherwise.** We will ensure that any demands on people to produce paperwork are proportionate, so that nobody is penalised unfairly for having kept less than meticulous records.

**7.2.2 We would develop the exit check system fully, so the Border Force could have a much more precise analysis of which visitors, students or workers had failed to leave the country by the time their visa had expired.** This would involve significant investment in IT system integration and staff training, but without accurate timely data on overstayers, immigration rules around visas cannot be properly enforced.

**7.2.3 To complement better data from Border Checks on overstayers, we would expand and enhance intelligence-led immigration enforcement operations.** We would invest in ensuring that data systems are joined-up – so that we have a clear record of when people’s visas expire and, through improved exit checks, when people have left the country. This would enable the appropriate agencies to identify those individuals who should have left the country but who do not seem to have done so. Existing multi-agency working – for example, with the police and minimum wage enforcement – would also be strengthened.

**7.2.4 To combat illegal entry at Britain’s borders, Liberal Democrats would invest heavily in more Border Force officers, additional training and enhanced technology.** Liberal Democrats would want to deepen our international collaboration against organised crime, and hope this can be done by the UK staying within the EU. It is worth emphasising that Brexit

would weaken our abilities to intelligently manage our borders, in contrast to what the Leave Campaign claimed.

**7.2.5 Funding for this new intelligence-led approach to tackling illegal immigration would come from two key sources: first, the savings from not operating the expensive “hostile environment” approach, and second, savings from closing eight of the UK’s ten immigration detention centres.**

**7.2.6 Our new policy of “Detention as an Absolute Last Resort”, involving the closure of eight of the UK’s ten detention centres, should generate a saving of around £100 million per year.** These funds would be diverted to expanding Border Force, to improve front line border enforcement, and to developing our intelligence-led approach. As part of this, we would invest in training officers to deal appropriately and sensitively with vulnerable people.

**7.2.7** People without status would be allowed, in the first instance, to continue to live and participate in their communities whilst the appeal process is either successful or exhausted. If they reach the end of the appeal process and have been unsuccessful they will be given a departure date. Overstayers would have a grace period of up to two weeks provided they can explain the overstay and demonstrate a willingness to leave. **This means that people will be able to stay in the community until they have either achieved lawful status or there is an agreed departure date and the ability to remove them.** Only at that point would they be detained, and they would be detained for the minimum possible period. **The maximum would be a 28-day limit on detention,** but we would expect that, under our new system, people would not normally be detained for more than a couple of nights. In the case of violent or particularly dangerous individuals, the remaining two detention centres would keep places so they could operate as “the absolute last resort”. We also restate our policy not to detain vulnerable people.

7.2.8 Should an individual abscond, there will be a dedicated unit responsible for tracking them down. Once found they will be placed in detention until the next flight to their country of origin. In these circumstances the individual would have forfeited the right to the support they might have enjoyed had they adhered to the rules of the system. There will be opportunity for appeal

and oversight in place to ensure that this does not lead to the removal of vulnerable people or people with a valid claim to asylum, but for those who deliberately flout the new liberal system, it is appropriate that they lose the support of that system.

**7.2.9 This policy represents a radical departure from previous policy regarding people who have either entered the UK illegally or who have overstayed their visa. It is more humane, by abolishing indefinite detention and allowing people to live in communities; more economically literate by abolishing costly and inhumane detention centres; more efficient by offering up eight large sites where housing could replace unnecessary detention centres.**

7.2.10 In some cases, people who have overstayed their visas have either brought children with them to the UK or had children while they were here, and – as a result – these children also have an insecure status. This may, for example, prevent them attending university on the same terms as UK citizens. We do not believe that this is fair: these children will often have no knowledge of the country that they came from and are not at fault for the actions of their parents. **We propose a UK equivalent of the US DREAM Act, by which individuals can apply for conditional resident status if they can show that they entered the country before the age of 16, have lived in the UK for 5 years, have attended a UK school and have no serious criminal record.**

7.2.11 Many people who enter the UK do so involuntarily or under false pretences through no fault of their own as the victims of people traffickers. People trafficking is essentially modern-day slavery and Liberal Democrats remain committed to its eradication. **We support measures in the Modern Slavery Act that increased maximum sentences from 14 years to life imprisonment.** There will remain, however, a difficulty in securing convictions while victims are concerned about the consequences of coming forward to the police. We must support victims and treat them with compassion.

**To tackle illegal immigration, Liberal Democrats would:**

- Replace almost every aspect of the Conservatives' "hostile environment" approach with a new, more targeted, intelligence-led approach to tackling illegal immigration.
- Develop the exit check system fully, to combat overstayers, so the Border Force could have a much more precise analysis of which visitors, students or workers had failed to leave the country by the time their visa had expired.
- Expand and enhance intelligence-led immigration enforcement operations, to complement better data from Border Checks on overstayers.
- Invest heavily in more Border Force officers, additional training and enhanced technology, to combat illegal entry at Britain's borders and assist seekers of sanctuary and others who are entering the country irregularly to have their claims processed and receive assistance.
- Fund this new intelligence-led approach to tackling illegal immigration from savings from not operating the expensive "hostile environment" approach, and from savings from closing 8 of the UK's 10 immigration detention centres, which time and again have been exposed as cruel and unnecessary.
- Generate a saving of around £100 million per year, primarily for strengthening the Border Force, with our new policy of "Detention as an Absolute Last Resort" –

involving the closure of 8 of the UK's 10 detention centres.

- Introduce a 28-day limit on detention, but plan that under our new system, even this is much longer than many people would normally be detained for.
- Introduce a UK equivalent of the US DREAM Act, by which individuals can apply for conditional resident status if they can show that they entered the country before the age of 16, have lived in the UK for 5 years, have attended a UK school and have a clean criminal record
- Examine the virtue of providing government funding to boost the capacity of the Modern Slavery Hotline
- Introduce a very short grace period of up to two weeks before official measures begin, which overstayers may be able to avail themselves of if they can provide reasoning for overstaying or a willingness to leave.
- Invest more in exit checks to finally establish a comprehensive system at all points of entry.

## 8. Machinery of Government

### 8.1 The current situation

8.1.1 All the best-intentioned policies in the world are worth nothing if the mechanisms for delivering them are not fundamentally fit for purpose.

8.1.2 The Windrush scandal represents just the most recent piece of evidence that the Home Office is institutionally ill-equipped to handle and develop immigration policy and apply it in practice in anything but a draconian manner. While the current Home Secretary is adopting a new tone, this does nothing without legislative changes and proactive steps to tackle a deeply-engrained damaging culture.

8.1.3 The overwhelming majority of civil servants working within the Home Office across the country are generous spirited, sincere and patriotic public servants. Sadly, due to a lack of political leadership the department has established a toxic reputation in this policy area: immigration sceptics do not trust the Home Office to properly enforce the rules; supporters of immigration think the department is institutionally committed to driving down net-migration figures regardless of the human consequences.

8.1.4 Something drastic needs to happen to change this.

### 8.2 Policy proposals

8.2.1 **Liberal Democrats would reduce the policy responsibilities of the Home Office**, giving policy over migration for work and to allow people to live together as a family to the Department for Business, Energy and Industrial Strategy (BEIS); policy over people moving to the UK to study to the Department for Education (DfE); and, policy regarding seekers of sanctuary to the Department for International Development (DfID).

8.2.2 We do not believe that the Home Office is any longer the right department to set policy related to every aspect of migration. They are institutionally inclined towards making policy that is intended solely to reduce numbers even when that is not in the country's interests. The right departments to make policy about the different types of migration are those departments who have a clear view of the interests of the UK in these areas:

- BEIS would make policy relating to work visas, because that department – through its relationship with businesses – has the best understanding of the needs of the UK labour market. BEIS would also make policy relating to family visas, as the ease with which people can bring their families to the UK with them will impact the attractiveness of the UK as a destination for work and it makes sense for the same department to control both aspects of policy.
- DfE would make policy relating to education visas, as that department best understands the educational landscape and is best equipped to accredit educational institutions to accept international students.
- DfID would lead on policy relating to refugees as it is best placed to appreciate the nature of the situations that have caused people to seek sanctuary in the UK. We would expect DfID to work closely with the Foreign and Commonwealth Office in this respect.

These departments would be responsible for coordinating across other relevant departments: for example, we would expect BEIS to consult with the Department of Health and Social Care to understand the demand for doctors, nurses and care workers and we would expect DfID to work with the Ministry of Housing, Communities and Local Government and local authorities in order to inform policy related to seekers of sanctuary. One of the failures of Government is that it does not manage cross-departmental work effectively: we see a role for the Cabinet Office in bringing this work together.

8.2.3 In line with this approach, **Liberal Democrats would replace the Conservatives' net migration targets**, with a new reporting framework that focuses on different net migration statistics, for each type of migration. The Conservatives' blunt aggregate net targets are responsible for driving perverse behaviour in the Home Office, encouraging the hostile environment policy approach and for diverting attention to the numbers of migrants coming to the UK rather than the country's needs.

8.2.4 **We would take political influence out of the decision-making process for visa applications and seekers of sanctuary.** It is no use moving policy-making to different departments if the Home Office retains control of the process of administering and assessing applications: a hostile Home Secretary, like Theresa May, could still use their role to frustrate this. We

propose a new non-political organisation to take the administrative functions associated with the policy that is being made in BEIS, DfE and DfID out of the Home Office. We would expect this to be a single organisation with two distinct units: one to deal with administration of individual migration applications and one to work with seekers of asylum. The new organisation would follow a case-worker model to seek fair and predictable outcomes that are right first time.

8.2.5 Alongside changes in departmental responsibilities for migration policy, **Liberal Democrats would actively promote a change of culture, away from the current unfriendly, poor quality approach towards a more normal customer friendly model, where staff see themselves as caseworkers, there to help people navigate the system and provide appropriate support**, whatever the outcome of their application. We believe that in the case of seekers of sanctuary, the right way to do this is by introducing a new dedicated unit that has a specific role in supporting refugees and asylum seekers.

8.2.6 **In order to encourage a change of culture in evaluating cases and moving towards a caseworker model there would also be recruitment drives outside the Civil Service to attract professionals with relevant skills and emotional intelligence from other sectors.** We need to reduce the number of agency staff, and promote a culture of professionalism. This would mean civil servants processing visa or asylum applications would need to be recruited at a more senior level: we propose that all such civil servants should be Executive Officer grade by 2022 with commensurate levels of skill and sensitivity.

8.2.7 While long-term policy-making and the functions of UK Visas and Immigration are taken out of the Home Office, there is also a decision to be made about the future of its other immigration-related departments: Border Force and Immigration Enforcement. For both organisations, there is an urgent need for culture change – however, we believe that this is possible within the Home Office. We would transform the way that these agencies function: ensuring that they are intelligence-led and targeted in their approach. Both agencies have significant powers and regularly exercise them over especially vulnerable people: for this reason it is vital that there is greater

oversight of how they exercise these powers and greater accountability for abuse of these powers.

8.2.8 To facilitate this, **Liberal Democrats would improve monitoring at our borders so that we have much more accurate records of who is entering and leaving the UK** – as well as their reasons for doing so. Such information is essential if we want to understand migration patterns better, and would assist work across Government Departments. This investment would enable Immigration Enforcement to identify people whose visas had expired and who should have left the country, but had not yet done so – enabling the intelligence-led approach that we believe is the appropriate way to deal with people overstaying their visas.

8.2.9 **Liberal Democrats would improve the democratic accountability for all aspects of migration policy, focused around an Annual Parliamentary Debate on Migration.** Here BEIS and DfE will report on their migration policies, explaining why they are set as they are and whether they are working. DfID would report to Parliament on their policies for seekers of sanctuary. There would also be a report made to Parliament by the Chief Inspector of Borders and Immigration. This would improve the level of debate in Parliament and it would ensure that the appropriate departments and ministers are accountable for the relevant types of migration.

8.2.10 We oppose the outsourcing of government functions related to migration. There have been particular problems reported relating to the outsourcing of detention centres.

8.2.11 In policy paper 116 *Making Migration work for Britain* we advocated a roll-out of the face-to-face visa processing based on the successful Public Enquiry Office model trialled in Croydon, which could process an application in two hours. Since then, a roll-out has taken place and there are seven additional such centres. However, they are branded as Visa Premium Service Centres, and charge an additional fee of £610. We believe that a quick, efficient and supportive visa service should be a priority and that people should be encouraged to take this route for their applications. We would review where there is the demand for such centres and would substantially reduce the additional application fee so that is no longer a barrier.

8.2.12 To bring back accountability that is about to be taken away, we would remove from the Data Protection Act 2018 the exemption for immigration data, which gives the Home Office the ability to block requests of any applicant or their legal advisers for a copy of their file. This new reduction in rights over people's data is an affront to natural justice, offends against the principle of the rule of law and is another example of the unacceptable culture in the Home Office which is the main justification for removing so many of the current policy responsibilities.

**8.2.13 On completion of these changes to the Machinery of Government, we would establish a cross-Government review of all fees and charges in the system.** Currently fees across the board are set at an extortionate rate, making it very expensive for people who wish to make the UK their home through legal routes to do so. This review would establish the full extent of the efficiency savings achieved, once our proposed investment plans are accounted for, especially our investment in training and move towards a caseworker-model of support for applicants. We would look to use any net savings to reduce the level of fees to as close to the cost of administering the applications as possible.

8.2.14 The question of the citizen's interaction with the state in the digital age is a complex one, which requires further examination. It would be our aim to collect and use service user data to help improve migrants' experience of the system – however, this needs review to ensure that migrants' data and rights are protected.

**To improve the machinery of government  
Liberal Democrats would:**

- Move relevant policy-making functions to the Business and Education departments for migration and the International Development department for seekers of sanctuary.
- Take political influence out of decision-making on applications for visas and sanctuary.

- Hold an annual parliamentary debate on migration at which the Chief Inspector of Borders and Immigration and ministers from BEIS, DfE and the Home Office report on migration.
- Scrap the net migration target and report migration statistics according to category rather than as a single blunt net number.
- Invest in exit checks and intelligence-led enforcement.
- Move towards a caseworker model that helps applicants navigate the system.
- Provide training for staff and ensure that all civil servants working in this role are Executive Officer grade by 2022.
- Establish a new dedicated unit to support seekers of sanctuary and process their applications.

## **A Fair Deal for Everyone: Prosperity and Dignity in Migration**

### **Policy Paper 131**

This paper has been approved for debate by the Federal Conference by the Federal Policy Committee under the terms of Article 8.4 of the Federal Constitution.

Within the policy-making procedure of the Liberal Democrats, the Federal Party determines the policy of the Party in those areas which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom.

The Party in England, the Scottish Liberal Democrats, the Welsh Liberal Democrats and the Northern Ireland Local Party determine the policy of the Party on all other issues, except that any or all of them may confer this power upon the Federal Party in any specified area or areas.

The Party in England has chosen to pass up policymaking to the Federal level. If approved by Conference, this paper will therefore form the policy of the Federal Party on federal issues and the Party in England on English issues. In appropriate policy areas, Scottish, Welsh and Northern Ireland party policy would take precedence.

## **Working Group on Immigration and Identity**

Note: Membership of the working group should not be taken to indicate that every member necessarily agrees with every statement of every proposal in this paper.

Adam Pritchard (Chair)	Margaret Lally
Thais Portilho (Vice-chair)	Louise Morales
Ed Davey MP	Alisdair Murray
Claire Bolt	Dan Norton
Michael Bukola	Fran Oborski
Sally Burnell	Barry O'Leary
Tamara Dragadze	Paul Richardson
Aparna Gari	Keith Sharp
Russell Hargrave	Rebecca Taylor

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Jonathan Everett

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