



## Home Office Review of the Balance of Competencies

### Asylum and Immigration

#### Migration Watch UK Evidence

#### Asylum

1. HMG's approach to EU policy has been well judged. The UK has opted-in only to those relatively few Directives that will bring benefit. Others which might well have impeded the operation of the British asylum system have not been opted-in to. The government are also right not to have opted-in to the recast Directives on Reception Conditions, Qualification and Asylum procedures for the reasons given in the call for evidence.

2. That is not to say that the present position is satisfactory. 60% of applicants are refused, after all appeals, while only half of those are removed. Backlogs have developed repeatedly, with many subsequently granted Indefinite Leave to Remain under some aspect of Human Rights legislation. Other asylum seekers who stay on illegally can also benefit from human rights claims.

4. The fact that asylum seekers queue up in Calais waiting for an opportunity to get themselves smuggled into the UK suggests that they regard their prospects in the UK more favourably than in the safe countries that they have already crossed. The statistics confirm this; they are about twice as likely to get asylum or some other form of protection in the UK as they would be in France or Belgium.

Table 1. Percentage of applications granted asylum and percentage granted any form of protection in Belgium, France and the UK, 2011 and 2012. Source: EUROSTAT. (Note: The second column includes all those granted asylum as well as individuals granted protection under human rights legislation.)

	Percentage Granted Refugee Status		Percentage Granted Protection*	
	2011	2012	2011	2012
<b>EU15</b>				
Belgium	14%	12%	18%	16%
France	11%	12%	14%	15%
<b>UK</b>	<b>23%</b>	<b>28%</b>	<b>35%</b>	<b>39%</b>

5. It follows that this weak and expensive system (which costs over £500 million a year) is in no position to handle a sudden influx arising, for example, from a crisis in some Middle Eastern country. The government should therefore continue to support EU efforts to encourage Regional Protection Programmes which are intended to allow refugees to remain close to their home country and thus, in practice, to have a much better of prospect of eventual return. It is also right to facilitate in-country extensions for nationals of countries such as Syria so as to avoid costly asylum claims.

6. Judicial decisions have greatly widened the scope for asylum. For example, many Christians in Pakistan, Egypt and Iraq would have a strong claim to asylum if they were able to reach the UK. The same applies to those persecuted as a result of their sexual orientation in a wide range of countries, particularly given a recent court ruling that they should not be obliged to conceal their way of life in their home countries. However, for as long as the UK remains a member of the European Union, we will be tied in to the 1951 Convention by the terms of the Lisbon Treaty and any question of withdrawal remains a moot point.

## **Immigration**

6. The UK is already, with Holland, the most crowded mainland country in the European Union. We also have a relatively high birth rate (with a Total Fertility Rate of 1.84) which means that we have no need of any significant immigration to maintain our population.

7. Our age structure is, of course, growing older as elsewhere in the Western world but immigration is no answer to this unless allowed to continue indefinitely and at a growing pace. All serious studies have ruled out immigration for this purpose, pointing to the advantages of working longer as we live longer.<sup>1</sup>

8. Our birth rate puts us in a completely different category from countries such as Germany, Italy and Spain with birth rates around 1.3 and populations that would decline sharply without immigration.<sup>2</sup>

9. This may partly explain why there is no public support for, or even discussion of, the UK joining the Schengen area. The effect of that would be to open our borders to what would be almost certainly a substantial flow of illegal migrants. Such migrants compete with native workers, driving down wages and enabling dishonest employers to compete unfairly with employers who offer decent wages and conditions.

10. There are, however, a number of impacts arising from EU competence. The main one is the difficulty completing the e - borders system in the face of opposition from the European Commission who insist that there should not be the slightest diminution of free movement for EU citizens. Until e - borders is fully in place we will have no clear evidence that a person has left the UK.

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1 Pensions Commission, Pensions: Challenges and Choices, The First Report of the Pensions Commission, 2004, URL: <http://image.guardian.co.uk/sys-files/Money/documents/2005/05/17/fullreport.pdf>

2 Most recent EUROSTAT data shows that in 2011 Germany's fertility rate was 1.36, Italy's 1.4 and Spain's 1.36.

11. The present arrangements also involve a number of loopholes in our immigration system;

- a) Non-EEA family permits  
Some 20,000 were granted in 2012 with 5,000 applications rejected. This is a significant loophole which may expand. It enables EU citizens to bring a family member to Britain without any control by the UK immigration authorities.
- b) Bogus marriages  
These are often conducted with EEA citizens in order to take advantage of the family permit loophole.
- c) Mode 4  
So far limited in extent but this route for foreign workers is negotiated under Free Trade Agreements and, as such, falls under EU competence. Again this means that the UK immigration authorities have no control over the number of third country employees posted to the UK.
- d) The Services Directive  
Similar considerations apply as set out in the call for evidence.
- e) Special arrangements for Turkey  
These date back to 1973 and have not, so far, been substantially used but that situation could change.

12. A related aspect, covered in our evidence to the DWP/HO review, is the question of access to benefits.<sup>3</sup> In practice, most EU migrants from Eastern Europe can gain access to the UK benefit system almost on arrival. Furthermore, the tax credit system is heavily weighted in favour of the low paid. The overall effect is that a worker from Romania or Bulgaria can, even working at the minimum wage in Britain, earn between four and nine times as much as he or she would earn in their home country - after the difference in the cost of living has been taken into account.<sup>4</sup> This is clearly a massive pull factor which needs to be attended to if the government's immigration objective is to be achieved.

13. As regards the benefits from East European migration, a study by the NIESR found that the medium term contribution of A8 migration to the UK's GDP per head was expected to be "negligible".<sup>5</sup>

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3 Department of Work and Pensions, 'Nationality at point of National Insurance number registration of DWP benefit claimants', January 2012, URL: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/196677/nat\\_nino\\_regs.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/196677/nat_nino_regs.pdf)

4 Migration Watch UK, Briefing Paper No 4.20, Incentives for Romanian and Bulgarian Migration to the UK, February 2013, URL: <http://www.migrationwatchuk.org/briefingPaper/document/290>

5 National Institute of Economic and Social Research, 'Labour mobility within the EU – The impact of enlargement and the functioning of the transitional arrangements', Discussion paper 379, April 2011, URL: [http://niesr.ac.uk/sites/default/files/publications/270411\\_143310.pdf](http://niesr.ac.uk/sites/default/files/publications/270411_143310.pdf)