



## Immigration – How to Achieve the Government’s Target

### Summary

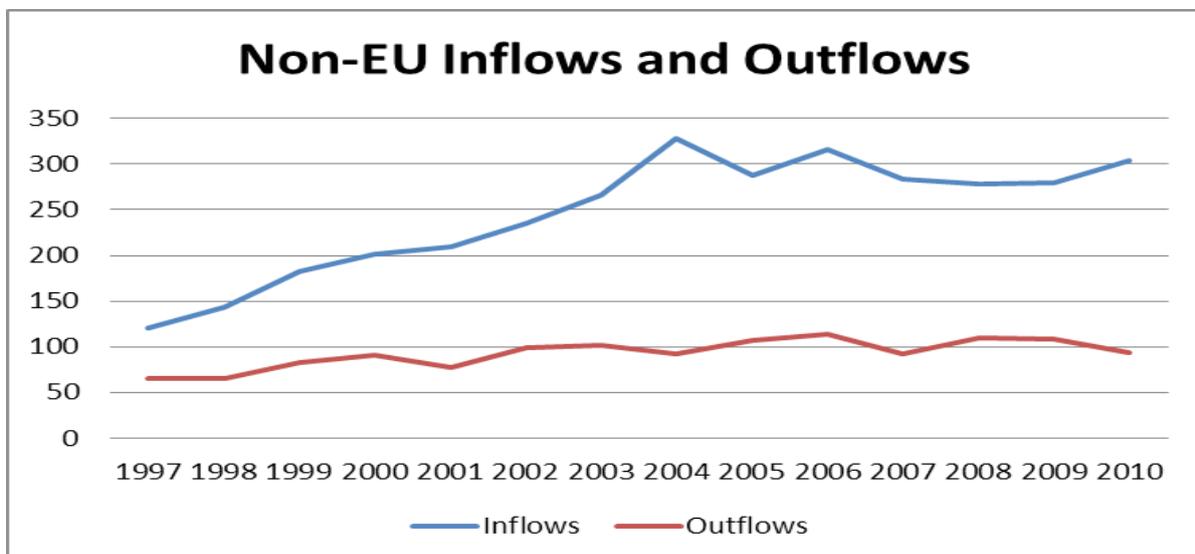
1 The central issue of immigration control has been largely misunderstood in recent public discussion. It is neither EU immigration nor British emigration as they largely cancel each other out (although neither, of course, is subject to government control). Nor is it the fact that emigration has not kept pace with immigration. The central issue is that, over the past ten years, non EU migrants have been arriving at the rate of some 300,000 a year but have only been leaving at the rate of about 100,000 a year. Some will have stayed on legally, others illegally. The focus of policy should now, therefore, be to encourage migrants to return home unless they are both legally present in the UK and of real and continuing benefit.

### Introduction

2 The first phase of immigration reform, a round of measures mainly addressed to inflows on the work, student and family routes, will shortly be in place. The next round of measures should therefore be addressed to outflows.

### The causes of net migration

3 The reason for the high net migration in recent years is the failure of non EU migrants to return home. Over the past ten years, the average non EU inflow has been nearly 300,000 per year but, on average, only 100,000 per year have actually left. This is illustrated in the graph below;

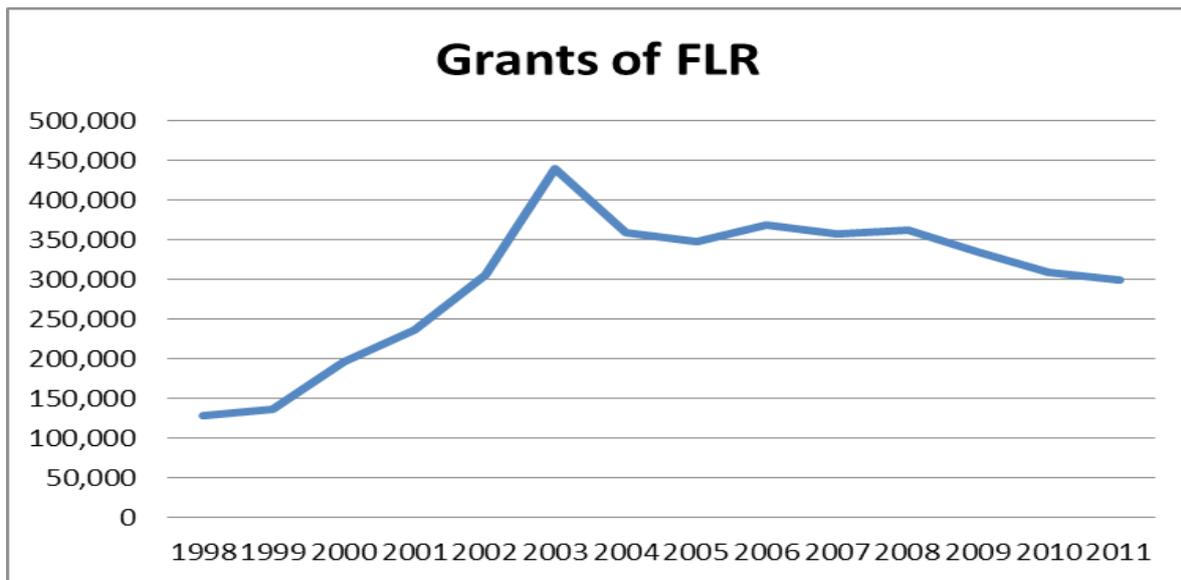


4 This net inflow of about 200,000 a year is clearly a result of non EU migrants staying on legally, by extending their leave to remain, or illegally. Current immigration data is too incomplete to get an accurate picture of who the net migrants are, by what routes they arrived, and where they come from. This needs urgent attention if policy is to be properly focused.

5 Although more difficult to control than inflows, non-EU outflows can certainly be managed by the government. If the outflow could be increased, by say 50,000 to 60,000 a year, the prospects of reaching the government's net migration target would be very greatly increased. Such an increase does not require an increase in removals of the same order since an effective removals policy would have a considerable deterrent effect.

### Further Leave to Remain

6 Grants of Further Leave to Remain (FLR) have been running at the extraordinary rate of more than 300,000 a year as shown in the graph below.



7 This total breaks down (in round numbers) to about 100,000 work related, 120,000 study, 20,000 family and 15,000 other persons granted Further Leave to Remain. Dependants add another 65,000 to 85,000 a year.

8 This scale of grants needs to be reduced. Family extensions cannot, and probably should not, be reduced but student and work extensions can be considerably tightened. The government have made a start on this. Students now have to show progression in their studies and, at graduate level, they are now restricted to a maximum of five years and three years below that level. For work permit holders (Tier 2 (General)) a salary threshold of £35,000 will now be required to apply for settlement otherwise the maximum stay will be six years. Also the minimum skill level will be raised to the equivalent of bachelor degree level from June 2012. However, these measures will not take full effect for several years.

### Overstayers

9 Migrants whose leave to remain is about to expire are now being contacted by UKBA and reminded to return home. Where a college is detected as bogus or where colleges have informed the UKBA about students who have failed to enrol on or continue to attend their courses, UKBA needs to act quickly to curtail their leave to remain. However, for these measures to be effective, they need to be backed up with strong enforcement action.

### Removals

10 The number of overstayers actually removed in recent years has been very small indeed. The published total has for years been inflated by the inclusion of roughly 18,000 non asylum cases refused entry at port. It has also been

inflated by the inclusion of those who depart entirely voluntarily (15,000 in 2010). The number of “enforced removals and notified voluntary departures” is a better reflection of the overstayers actually removed by the authorities. In 2010 the total was 14,000, of whom some 5,000 were foreign national prisoners. This means that **the number of overstayers removed was of the order of 9,000** in that year. Previous years have been slightly less. (Asylum removals are additional to these numbers - about 11,000 a year).

11 It will be apparent that the removal rate of overstayers is extremely low. It is only about one fifth of those who are refused an extension, to say nothing of those students and visitors who just decide to stay on (1.5 million visitor visas were issued in 2010). It will not be feasible to remove all those who overstay but more targeted and effective action against those detected could have a considerable deterrent effect.

### **Policy measures required**

12 We recommend that six measures should be put in place:

(i) **Increase enforcement on employers of illegal workers**

At present, only a proportion of fines are being collected and very few criminal prosecutions have been successful<sup>1</sup>. The number of fines issued and collected in full needs to be increased. In 2010 (the latest year available) only 14 employers were prosecuted of whom 9 were convicted<sup>2</sup>.

(ii) **Enforce planning regulations**

Local Authorities should be pressed to enforce planning regulations so as to eliminate “sheds with beds” which have sprung up in a number of neighbourhoods.

(iii) **Re- examine Further leave to remain**

In addition to the changes already made, procedures need to be tightened to ensure that extensions are only granted where there is a good case for doing so.

(iv) **Limit visitor visas to three months**

The present six months granted to all visitors is almost an invitation to overstay.

(v) **Redefine “family visitors” and remove rights of appeal.**

The present definition could apply to up to 120 relatives and even applies when visiting a family is not the chief purpose of a visit. Reform is overdue.

(vi) **Increase the detention estate**

The limited number of spaces to hold detected illegal migrants while efforts are made to deport them is already a constraining factor and will become more so. It takes some years to achieve an increase in the estate so a start should be made now with the necessary funds being made available

### **Conclusion**

13 Focused and effective action on reducing visa extensions and the removal of overstayers is now essential if the government’s target is to be achieved.

25 May 2012

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1 [http://icinspector.independent.gov.uk/wp-content/uploads/2010/11/Inspection-of-CPCT\\_Illegal-Working.pdf](http://icinspector.independent.gov.uk/wp-content/uploads/2010/11/Inspection-of-CPCT_Illegal-Working.pdf)

2 Hansard 27 Feb 2012 Column 78W