



**UNISON Scotland consultation response.
Scottish Parliament Culture, Tourism, Europe and
External Relations Committee
Immigration**

Introduction

UNISON Scotland is the largest trade union representing members across the devolved public sector. We have a significant number of members who are EU nationals and who provide essential public services. UNISON Scotland welcomes the opportunity to respond to this consultation.

Inquiry

We welcome the remit of the inquiry to consider the options set out in Dr Hepburn's report for giving Scotland greater control of immigration policy including:

1. Developing Scottish Migrant Integration & Reception policies
 - a. Codifying the services and rights of migrants in Scotland
 - b. One Scotland, Many Cultures campaign
2. International Outreach Activities in Immigration
 - a. Creation of multi-media resources to advertise Scotland abroad
 - b. Adding an advisory immigration remit to current Scottish offices abroad
 - c. Expanding the number of Scottish offices abroad
 - d. Promote immigration to Scotland during trade talks
3. Increasing Scottish influence in UK decision-making
 - a. Scottish representation on the Migrant Advisory Committee
 - b. Revising and expanding the Scottish Shortage Occupation List
 - c. Creation of JMC sub-committee on Immigration
 - d. Dissemination of Population Strategy for Scotland
4. Scottish Sectoral Agreements
 - a. Creating a new postgraduate work visa for Scotland
 - b. Temporary work permits for seasonal migrants in Scotland
 - c. Creating 'European Talent: Working in Scotland' schemes
5. Devolving administrative aspects of immigration
 - a. Creation of a Scottish Work Permit processing office(s)
6. Scottish Visa Sponsorship Schemes
 - a. Create a statewide visa framework that all regions are eligible for
 - b. Create a single regional visa framework for Scotland only
 - c. Create multiple bilateral programmes for each region
 - d. Create a single bilateral programme for Scotland only
7. Devolving Control over Selection to Scotland
 - a. Creating a Scottish PBS alongside the UK PBS
 - b. Enabling Scotland to create a new immigration system

In our previous submissions^{1,2} to the Committee we set out our broad concerns in relation to EU exit and in particular the impact on public service delivery. Our specific concerns largely relate to the health and care sector.

UNISON Scotland believes that there is overwhelming evidence and a broad consensus that immigration has had a positive impact on the Scottish economy and in the delivery of our public services. The biggest increase in demand for new jobs in Scotland is in health and care with some 65,000 extra jobs needed by 2020. The numbers of working age Scots to support our ageing population is unlikely to meet the labour market requirements without immigration.

UNISON Scotland has long argued for greater devolution of immigration powers, even before EU exit. In our submissions to the Calman and Smith Commissions we argued that Scotland's immigration needs are different to other parts of the UK. We strongly supported initiatives such as *Fresh Talent*³ and subsequent Scottish Government campaigns. We opposed the subsuming of *Fresh Talent* into the new points based UK immigration system. Not only did this initiative support the retention of students, but it also sent an important message to the world that Scotland was a good place to study and work. However, we also recognised that it had limitations and that greater powers were needed.

Devolved immigration options

UNISON Scotland's primary concern is with the outcomes of any immigration policy. That policy should be fair to migrants who come to Scotland and ensure that we attract people with the skills needed to address Scotland's demographic challenges. We do not claim any particular expertise in the administration of immigration systems.

We welcome the report commissioned by the Committee. While the Scottish Affairs Committee report on this issue was helpful, this new report provides a practical study of what has actually worked in other jurisdictions at the substate level.

Soft levers

Soft levers such as migrant integration, awareness and education have been an important part of successive Scottish government policies to encourage migration to Scotland and ensure its success. Economic, political and social initiatives would also help ensure that migrants stay in Scotland, if harder levers were adopted. Paradiplomacy has a role in promoting Scotland as a destination for migration. However, we note the evidence that this is best done in co-operation with the UK, rather than establishing separate systems with the cost and loss of expertise involved. That does not exclude developing the current modest international outreach activities. This can be done under existing devolved powers.

¹ <http://www.unison-scotland.org/library/Submission-European-and-External-Relations-Committee-on-Brexit.pdf>

² <http://www.unison-scotland.org/2017/08/17/brexit-citizens-rights/>

³ <http://www.gov.scot/Publications/2008/08/15155422/2>

While Scotland has some experience, we do believe that initiatives like *One Scotland-Many Cultures* and *New Scots* need refreshing and incorporated into a comprehensive migrant integration initiative. Scotland has the devolved powers to do this now as there is no explicit reservation in the Scotland Act. A new initiative would benefit from stronger governance and the role of local authorities is important. Any expansion of their role would need to be properly funded.

Mid-range levers

Greater input into the UK decision making process would seem to be a logical way forward and the Canadian experience is very relevant here.

There is some experience of this approach in Scotland through dialogue with the Migration Advisory Committee (MAC) and the creation of a Scotland-specific Shortage Occupation List (SOL). However, in practice according to the Migrant Rights Network, “the variations in the Scotland-specific shortage list have been limited to date.” In 2010, the “additional shortage occupation list for Scotland was restricted to ‘Consultant Radiologists’ only”. The MAC has argued that it found it difficult to get evidence about shortages in Scotland in the format it requires. While we accept that labour market data in Scotland has many shortcomings, evidence of particular shortages is clearly available and the MAC needs to be more flexible on format.

This dialogue could be strengthened with a Scottish seat on the MAC and a role for the Scottish Government in setting the SOL. It may also require some revisions to the devolution protocols to strengthen dialogue and cooperation with the relevant UK departments. An annual population strategy report might also help the MAC’s concerns over the format of data.

We are less attracted to short-term migration programmes to address perceived temporary skill shortages. Scotland has long-term demographic challenges that will not be addressed in a short period of time. Temporary systems do not encourage the level of integration that can be achieved using the soft levers above.

This does not rule out sectoral schemes such as health and care to address specific industries on a long term basis. We are also attracted to the idea of ‘*European talent – working in Scotland*’ schemes, which include the option of permanent residence. This could work well with a new post-study visa scheme like *Fresh Talent*.

We have no difficulty with the devolution of administrative competencies of the sort that exist in Canada, Finland and Switzerland - particularly if that addressed the backlog and staff shortages. However, the focus should be on substantive powers that deliver the desired outcomes, rather than simply on processes.

Hard levers

We are sceptical that the creation of a Scotland sponsorship and nomination scheme would deliver the required outcomes. Under this approach the UK Government would retain the final decision and experience to date is not encouraging. The UK is an asymmetrical state and UK institutions often struggle to understand devolution and the specific needs of its constituent nations and regions.

We are attracted to the devolution of exclusive competencies over immigration on the Quebec model – even if that is within an agreed framework of regional visas. The evidence shows that the incidence of regional visa violations is low.

The main criticism of this approach is that there is a leakage of migrants to other parts of the UK, once the geographical limitation period comes to an end. We believe the international evidence in the report shows that high retention rates can be achieved. Scotland is not an isolated, low wage, underdeveloped nation, comparable to regions in other countries that have sustained lower retention rates. There is a good quality of life, a developed economy and a generally welcoming population. While we need to do more on all of these issues, these factors favour the higher retention rates we have seen internationally – as high as 90% in Quebec.

Conclusion

Any immigration system after EU exit has to recognise Scotland's particular demographic needs. We have long argued that this requires greater devolution of powers to Scotland over immigration, recognising that these will always have some limitations without undesirable hard borders. Even without free movement of labour after EU exit, it should be possible to retain at least the spirit of that approach.

We therefore broadly support the options set out in the Hepburn report. While the soft and mid-range levers can contribute to better outcomes, we believe that hard-range levers will also need to be adopted given the demographic challenges facing Scotland. Some of these actions can be achieved using existing devolved powers, but others require a more positive and co-operative approach from the UK government.

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