

# Life after free movement:

Making future immigration  
policy work for Wales.

January 2019



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Our vision is for Wales to be a nation where everyone has a decent standard of living, a healthy and fulfilled life, and a voice in the decisions that affect them.

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## SUMMARY

In June 2016 Wales and the UK voted to leave the EU - a huge factor in that vote was immigration and free movement. Currently EU citizens have the right to live and work in the UK under free movement, whereas non-EU citizens must follow the immigration rules set out in the UK's points-based immigration system. Free movement - and therefore the rights for new EU citizens to live in the UK - is due to end on 31 December 2020 causing one of the biggest changes in the UK's immigration system in decades. This paper discusses the possibilities of life after free movement and the options available to ensure that the future immigration system works for Wales.

Following proposals from the Migration Advisory Committee (MAC), the recent Immigration White Paper published on 19 December 2018 proposes adding EU citizens directly into the current points-based system under Tier 2 for skilled workers with job offers. The effect would be to create a single route into the UK for skilled workers from all countries. They also proposed to:

- Remove the current cap on Tier 2 visas and abolish the requirement for employers of skilled workers to carry out a resident labour market test;
- Add medium skilled workers into Tier 2;
- Hold a consultation on the £30,000 minimum earning threshold for Tier 2 visas;
- Provide no specific route for lower-skilled workers with a proposal to add a transitional measure allowing lower-skilled workers to work in the UK for 12 months, with a further 12-month cooling-off period; and
- Allow no regional variations within the immigration policy for different parts of the UK.

The Welsh Government has previously stated that it will not ask for a 'specially-differential' or any regional variations within the future immigration system unless it fails to meet the needs of Wales. Furthermore, research shows some public support for giving devolved governments more visa powers and a lack of confidence in Westminster's ability to manage immigration policy. But what would regional variations within immigration policy look like?

There are small and large variations ranging from a different minimum earning threshold for Tier 2 visas or a Tier 2 Shortage Occupation List to having different visa requirements for Wales. There is also the question of who should decide and manage these variations. Whether it be the UK Government, which would be easier for the smaller variations, or the Welsh Government, which might be better for larger variations. Then there are different arguments, largely economic, demographic and political arguments, for and against regional variations. Different regions in the UK have different economic and demographic needs, although assessing these needs can be difficult. Some regions also have devolved governments that might be better placed to manage migration, however should regional variations be based on a matter of principle or on empirical evidence?

In October 2018 we convened a symposium of stakeholders from across Wales along with leading immigration policy experts to discuss why Wales needs migration and whether Wales should seek regional variations in the future immigration policy post-Brexit. During this discussion, stakeholders brought up many concerns about the changes to the system.

Firstly, there were concerns about how changes to the immigration system could affect UK citizens living in Wales. Demographically, stakeholders were concerned about the projected

decline in Wales' working age population paired with an increase in the population of retirement age. Economically, there were concerns that maintaining the £30,000 minimum earning threshold for Tier 2 visas could reduce the number of higher skilled workers into Wales, alongside concerns about what a reduction in lower-skilled migration could do to certain sectors in Wales. There were also concerns about losing staff in health and social care, staff and students in higher education, the lack of regional skills focus in new proposals and local population needs.

Equally as important were the concerns about how changes to the system could affect non-UK citizens. Many stakeholders were anxious about the public's view of migration and the narrative used in Wales, calling for a change in narrative centred around the benefits that migration brings and not only the challenges. There were concerns about the lack of effective community cohesion and integration plans in Wales and about the life experiences of non-UK citizens especially around labour exploitation and hostility towards migrants. Although it was noted that Wales' is doing good work with refugees and asylum seekers the Welsh Government were criticised for its lack of focus on other migrants. The impact the recently rolled out EU Settlement Scheme could have on EU citizens and the rights of EU citizens in the future was also on people's minds.

During the discussion stakeholders were unanimous in thinking that Wales should have more powers over immigration policy with a strong business case for regional variations. However, what was less unanimous was who should make and manage these regional variations. Some advocated for full devolution arguing that immigration policy should be linked with other policies such as integration and community cohesion. Although it was agreed that devolving immigration policy to the Welsh Government was indeed feasible, there were questions about capacity and delivery.

So, rather than full devotion of immigration policy, stakeholders opted for regional variations within the UK's immigration system that are decided between the Welsh and UK Government. Most thought that smaller variations were very achievable, with some calling for larger variations to visa requirements in Wales, similar to those seen in Australia and Canada.

While there was broad support for regional variations there were huge concerns around the relationship between the Welsh and UK Government. There were claims that Wales is often left out of the UK immigration debate, raising serious questions about how the Welsh Government is going to challenge the UK Government proposals to ensure that the needs of Wales are met.

The UK's immigration system is going to change. This will not only affect many aspects of the economy and public services in Wales, but also determine some of the most fundamental rights of people born outside the UK. With this in mind, there is currently very little discussion around this in Wales. This needs to change, and Wales needs to discuss immigration in a way that it has never done before. This paper sets out some key questions that need to be discussed and opens the debate around immigration in Wales and what options Wales has going forward. Over the next 12 months, the UK Government will be engaging with stakeholders from across the UK including devolved governments about the proposals set in the White Paper. This is Wales' chance to influence future immigration policy to ensure that the immigration system is fair, transparent and balanced for all.

# 1. INTRODUCTION

Immigration has dominated political and public debate both before and since the EU referendum in 2016. The vote to leave created an exceptional moment for the UK's immigration policy: the end of freedom of movement for EU citizens<sup>1</sup> means that a new immigration policy is required. To prepare the way, the Migration Advisory Committee (MAC) published its report on EEA migration in the UK in September 2018. Many of the MAC's proposals have since been adopted by the UK Government in their recent Immigration White Paper.

The changes to EU immigration have significant implications for people and organisations in Wales, affecting not only the 80,000 or so EU nationals resident in Wales and 6,000 EU students but also affecting their families, communities and employers. To explore possible effects of a new immigration policy, the Bevan Foundation organised a symposium in October 2018. Stakeholders from different sectors across Wales including hospitality, business, the NHS, social care, higher education, asylum seeker and refugee organisations, local government, the Welsh Government and more participated in the discussion. The symposium featured expert speakers including:

- Marley Morris, Senior Research Fellow at the Institute for Public Policy Research (IPPR) who spoke about the UK's immigration policy climate since Brexit;
- Jill Rutter, Director of Strategy and Relationships at British Future who presented findings from the National Conversation on immigration on the public's view of migration;
- Madeline Sumption, Director of the Migration Observatory at Oxford University who took us through the arguments for and against regional variations in immigration policy; and
- Sarah Kyambi, Independent Immigration Policy Expert who told us about immigration policy from a Scottish perspective.

This paper<sup>2</sup> highlights the key points made in the symposium in order to inform future debate about immigration policy in Wales. It firstly lays out current immigration policy in the UK, the MAC proposals and the UK Government's proposed changes. Secondly, the paper focuses on the public's views of immigration, drawing on research by British Future, paying particular attention to different areas of Wales. It then outlines arguments for and against regional variations in immigration policy focusing on economic, demographic and political positions. Lastly, the paper summarises the stakeholder discussion on the implications of a new immigration system for UK and non-UK citizen alike and policy options for the future.

The Bevan Foundation is working on immigration policy as part of a wider project funded by the Paul Hamlyn Foundation. The aim of our work is to open the debate in Wales on a very important issue, to increase Wales' capacity to discuss and influence immigration and immigration policy, and to provide a foundation for longer term work on migration in Wales.

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<sup>1</sup> In most cases, references throughout this paper to EU citizens also relate to citizens of the European Economic Area (EEA) and Switzerland.

<sup>2</sup> This paper was correct at the time of writing on 21 January 2019. Any changes since this date will not be included.

## 2. BREXIT AND THE UK'S IMMIGRATION SYSTEM

Immigration had a huge role to play in the UK and Wales' decision to leave the EU in June 2016, with promises that leaving the EU would reduce the number of people coming into the UK from the EU. Since then the UK Government have been explicit that the free movement of people will end, and that there will be big changes to the UK's immigration system.

This section outlines the current immigration system and looks at options for a new immigration system when the UK leaves the EU. It draws on the presentation by expert contributor to the symposium, Marley Morris. Since the symposium, the UK Government has published a White Paper on immigration and also draft legislation. The provisions in the Brexit Withdrawal Agreement are also now on hold following parliament's rejection of the agreement on 15 January 2019.

### 2.1. Current immigration system

Currently, EU citizens and their families have treaty rights to live and work in the UK. Under the Directive 2004/38/EC<sup>3</sup>, which was transferred into UK legislation by the Immigration (European Economic Area) Regulations 2006, EU citizens have the right to reside in the UK for up to three months without being subject to any conditions. After three months, EU citizens have the right to reside if they are workers or looking for work in the UK or have sufficient resources to reside and do not become an 'unreasonable burden on the social assistance system'. Once an EU citizen has resided in the UK for five years, they have the right to permanent residence. Additionally, those who wish to come to the UK to study can do so with only light-touch requirements.

However, non-EU citizens who want to live and work in the UK are subject to the immigration rules under the UK's points-based immigration system which is made of up 5 Tiers<sup>4</sup>:

- Tier 1: for highly skilled individuals, who can contribute to growth and productivity and consists of several different strands;
- Tier 2: for skilled workers with a job offer, to fill gaps in the UK's workforce and is also made up of different strands and has a minimum earning threshold of £30,000 per year;
- Tier 3: for limited numbers of low-skilled workers needed to fill temporary labour shortages. This Tier is closed for applications;
- Tier 4: for students who wish to study in an institution that is not an academy, or a school maintained by a local authority; or short-term study visas up to six months, or 11 months for English language courses;
- Tier 5: for temporary workers and young people covered by the Youth Mobility Scheme, who are allowed to work in the UK for a limited time.

Non-EU citizens wishing to bring their families to the UK or UK citizens wishing to bring their non-EU families into the UK need to meet the family immigration rules. A family member may consider various work and study options to enter and remain in the UK on their own visa.

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<sup>3</sup> Official Journal of the European Communities, [DIRECTIVE 2004/38/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004](#)

<sup>4</sup> UK Government, [Immigration Rules part 6A: the points-based system](#)

Alternatively, they can make an application with their spouse/partner acting as a sponsor in which various criteria will need to be met. One criterion is financial independence, in which the sponsoring partner will need to meet the income requirement of £18,600 per year. This figure rises to £22,400 for sponsoring a partner and child from outside the EU, with an additional £2,400 for each further child. Other requirements include learning and speaking English and taking a Life in the UK test<sup>5</sup>.

The UK Government has already announced that free movement for EU citizens will end at the end of the Brexit transition period. It was planned that this would be 31 December 2020, although the absence of a deal at the time of writing makes that date uncertain. Nonetheless, free movement will end and will be replaced by a new immigration system. The proposed new system raises many questions not only about what the immigration system might entail and the implications for EU citizens either already residing in Wales or wishing to migrate in the future, but also about the wider impact of a new immigration system on the population, economy and society of Wales in the years ahead.

## 2.2. EU negotiations

Negotiations between the UK and the EU have covered three main elements. The first element was the negotiations between the UK and EU that resulted in the Brexit Withdrawal Agreement which was rejected by Parliament on 15 January 2019. Alongside many other things, this agreement set out the rights of EU citizens who currently reside in the UK, including the right to continued residence<sup>6</sup>. Since the agreement was rejected there have been claims that the rights of EU citizens outlined in the agreement will remain the same, however it is entirely possible that they could change in future agreements.

The second element, if the UK leaves the EU with a deal, involves maintaining free movement for the length of the Brexit transition period and rolling out the EU Settlement Scheme. In line with the draft Withdrawal Agreement EU citizens who wish to stay in the UK beyond 31 December 2020 will need to apply for leave to remain through the EU Settlement Scheme<sup>7</sup>, which the UK Government aims to roll out by 30 March 2019. According to the Home Office, the scheme will enable EU citizens resident in the UK and their family members to continue living in the UK permanently<sup>8</sup>. During the Brexit transition period, EU citizens and their family who have resided in the UK for five years or more by 31 December 2020 will be eligible for 'settled status' giving them indefinite leave to remain. EU citizens and their family who arrive by 31 December 2020 but have not been continuously resident in the UK for five years will be eligible for 'pre-settled status', enabling them to reside in the UK for five years until they are eligible to apply for settled status. EU citizens will have just over two years to apply for their status, with the deadline set at 30 June 2021. In the event of no deal, only EU citizens who are resident in the UK by 29 March 2019 will be eligible to apply for settled or pre-settled status under the EU Settlement Scheme. They would also have less

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<sup>5</sup> UK Government, [Immigration Rules part 8: family members](#)

<sup>6</sup> UK Government, [Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as endorsed by leaders at a special meeting of the European Council on 25 November 2018](#)

<sup>7</sup> UK Government, Department for Exiting the European Union, [Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#)

<sup>8</sup> Home Office, [EU Settlement Scheme: Statement of Intent](#)

time to apply for their status with the deadline set at 31 December 2020 rather than 30 June 2021<sup>9</sup>.

The third element is negotiations between the UK and EU to secure a future partnership and trade agreement. As the UK Government has made it clear that free movement will end, negotiations on the future relationship will only cover labour mobility, with a possible focus on temporary migration, business visitors etc. However, mobility could still be used as a bargaining tool during negotiations.

### **2.3. Ending free movement**

There are three main alternatives for ending free movement and bringing EU citizens into the current points-based system, all of which effectively mean adding EU citizens into Tier 2, the route for skilled workers. According to Marley Morris, one option is to include EU citizens in Tier 2 automatically. This would mean that Tier 2 rules would apply, including rules on salary thresholds, graduate level job requirements, certificates of sponsorship and the resident labour market test, as well as visa fees and charges such as healthcare surcharge and immigration skills charge<sup>10</sup>. It is of course possible that these Tier 2 rules could change.

The second option is to bring EU citizens into Tier 2 but expand eligibility, by for example extending the Shortage Occupation List, adding medium skilled jobs or even opening Tier 3 for lower-skilled workers.

The third alternative is a preferential scheme for EU citizens, therefore distinguishing between EU and non-EU citizens within the current points-based system. This could be done by lowering salary thresholds for EU citizens or exempting them from the resident labour market test or immigration skills charge. These may be possible to negotiate with the EU in discussions on the future trade agreement.

These alternatives are all feasible. Although some have been ruled out by the MAC, the consultation period on the immigration White Paper could well see them emerge in future legislation.

### **2.4. Migration Advisory Committee**

In July 2017, the UK Government commissioned the MAC to report on the current and likely future patterns and impacts of European Economic Area (EEA) migration in the UK. In September 2018, the MAC published its report titled 'EEA migration in the UK'<sup>11</sup>, which aims to provide an evidence-base for a new system. The report's findings are crucial, and the key points are summarised below.

In terms of evidence on the labour market, the MAC found that EEA migrants have little to no impact on the levels of employment, unemployment and wages of the UK-born workforce. The evidence on possible negative effects for lower-skilled workers was uncertain. They also

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<sup>9</sup> UK Government, Department for Exiting the European Union, [Citizens' Rights - EU citizens in the UK and UK nationals in the EU](#)

<sup>10</sup> UK Government, Immigration Rules part 6A: the points-based system, Tier 2 (General) Migrants, [Tier 2 \(Minister of Religion\) Migrants and Tier 2 \(Sportsperson\) Migrants](#)

<sup>11</sup> MAC, [EEA migration in the UK: Final report](#)

found that higher-skilled EEA migrants have a positive impact on productivity and innovation, but that lower-skilled migrants have slightly negative impacts on these features. Subsequently, they found no evidence that migration affects training among UK-born workers.

In terms of social policy, the report found that EEA-born citizens pay more in taxes than they received in benefits and contribute much more to the health service and social care in financial resources and through employment than they consume in services. Lastly, the report found no evidence that EEA migration has an impact on crime or that migration has reduced the average level of subjective well-being in the UK.

There is some concern that the MAC's recommendations for the future immigration system do not reflect its own findings, particularly on the question of the impact of migration on specific economic sectors. The controversy centres around the MAC's recommendations to:

- Give no preferential treatment for EEA citizens and adding EEA citizens into the UK's current Tier 2 scheme;
- Abolish the Tier 2 visa cap (which is currently 20,700) and add medium-skilled jobs to the Tier 2 scheme;
- Retain the £30,000 salary threshold throughout the UK for the Tier 2 scheme, including medium skilled jobs in Tier 2;
- Reject a specific work route for lower-skilled workers (with the exception of seasonal agricultural workers scheme). If there is to be a route for low-skilled migrant workers they recommend using an expanded Youth Mobility Scheme rather than employer-led sector-based routes;
- Restrict access to migrants with below Level 3 qualifications on the Regulated Qualifications Framework to work in the UK; and
- Reject the introduction of regional variations.

On students, a previous MAC report found that international students have a positive economic impact on the UK and are important for the local economies where they study. The majority of international students on Tier 4 visas leave the UK after they have completed their studies, but the international students who moved from a Tier 4 visa to a Tier 2 visa moved into Science, Technology, Engineering and Mathematics (STEM) or business-related jobs. However, they also found that a sizeable group of international students have lower earnings than UK graduates. This evidence led to the following proposals for future student migration:

- Retaining no cap on the number of international students coming into the UK with the Government and higher education institutions making additional efforts to increase the numbers of international students;
- Widening the time period in which international students can apply to switch from Tier 4 to Tier 2 visas, which is currently 4 months;
- Extending the post-study leave period for Master's students to six months;
- Incorporating the 12 months leave to remain after PhD completion into the original visa duration; and

- Giving previous Tier 4 students, who passed their level 6 or above qualification, entitlement to a two-year-period in which they can apply out of country for a Tier 2 visa under the same rules as current in-country Tier 4 to Tier 2 switches.

Important though the MAC report is, it is worth noting that it was a product of the time at which it was prepared: it could not factor into the analysis or recommendations the outcomes of future EU negotiations.

## 2.5. UK Government

The MAC's recommendations have helped shape the UK Government's Immigration White Paper<sup>12</sup> published on 19 December 2018. The White Paper covers proposals for a new skills-based immigration system for EU and non-EU citizens that will be phased in from 2021. The main proposals for workers include:

- A single route which gives access to highly skilled and skilled workers from all countries;
- Removing the current cap on Tier 2 visas for skilled workers;
- Abolishing the requirements for employers of skilled workers to carry out a resident labour market test as a condition of sponsoring a worker;
- Adding medium skilled workers with qualifications between Level 3 and 5 on the Regulated Qualifications Framework (A-levels and equivalent) into Tier 2, alongside graduate and post-graduate;
- Holding a consultation on the £30,000 minimum earning threshold for Tier 2 visas with business and employers to assess what salary it should be set at;
- No specific route for lower-skilled workers with a proposal to add a transitional measure which would allow lower-skilled workers to work in the UK for 12 months, with a further 12-month cooling-off period until a full review in 2025; and
- No regional variations within the immigration policy.

For students, the immigration White Paper explicitly says that the UK Government will continue to welcome and encourage students to study in the UK and that there will not be a limit on the number of international students coming into the UK. It also proposes to add EU citizens to the current Tier 4 and short-term study visas system with limited changes. They have proposed six months' post-study leave for master's and bachelor's students, with those completing a PhD receiving one year. Students with bachelor's or higher qualifications could switch to a Tier 2 visa up to three months before the end of their course in the UK, and from outside the UK for two years after graduation.

No change is proposed to family immigration, so EU migrants and their families will need to meet the existing rules that apply to non-EU citizens. The White Paper does not include any provision should the UK leave the EU with no deal.

The UK Government have stated that over the next 12 months they will engage with a wide range of stakeholders before publishing the Immigration Rules, meaning that we can expect some changes. It is also still possible that EU immigration could be part of future trade negotiations. Many trade deals include agreements on visas within them, although it is not inevitable. The Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada, for example, has a number of short-term visas agreed within it, but not many

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<sup>12</sup> UK Government, [The UK's future skills-based immigration system](#)

long-term visas. If the UK entered into similar sort of deal, then future immigration for EU citizens could be different to the White Paper proposals.

Following the publication of the White Paper, the Immigration and Social Security Co-ordination (EU Withdrawal) Bill 2017-19 (the Bill) had its first reading in the House of Commons on 20 December 2018<sup>13</sup>. Put simply, the Bill will end free movement bringing EEA and Swiss nationals and their family members under UK immigration control. The Bill does not set out any specifics about the new immigration rules post-Brexit, instead allowing the new system to be passed through secondary legislation, essentially giving the UK Government freedom to remake the Immigration Rules.

### Potential impact on Wales

The new immigration policy will inevitably have significant consequences for Wales, with the main impacts being around removing the Tier 2 visa cap, adding medium-skilled workers and plans to reduce lower-skilled migration.

Removing the cap and adding medium-skilled workers to Tier 2 could increase the number of high to medium skilled workers from all over the world coming into Wales. However, if migrants earn less than the £30,000 threshold then the change could make very little difference to the number of migrants coming into Wales. However, the £30,000 threshold is subject to consultation and could well change. Additionally, abolishing the requirements for employers of skilled workers to undertake resident labour market tests could make it easier for small and medium size businesses to recruit people from overseas.

On the other hand, the changes to lower-skilled migration could have serious implications for some sectors in Wales who rely on lower-skilled workers from the EU, namely construction, manufacturing, tourism, hospitality and social care. In addition, the proposed transitional measure for lower-skilled workers could increase the churn of migrants, as they stay in Wales for a shorter period. This in turn could have huge negative implications for integration and community cohesion. The higher the turnover of people the less chance there is of migrants integrating into their local communities. There is also a risk that temporary worker schemes or temporary visas schemes could also increase labour exploitation among migrant workers<sup>14</sup>.

As expected, the UK Government rejected any regional variations or devolved decision-making, maintaining that they “remain committed to delivering [an immigration policy] for every nation in the UK”<sup>15</sup>. As the UK Government will engage with stakeholders, including devolved governments, on the White Paper over the next 12 months, this gives devolved nations and regions an opportunity to influence the White Paper proposals. Yet it also offers another source of uncertainty into the shape of the final immigration system.

## 2.6. Welsh Government

The Welsh Government’s perspective on immigration and proposals for the future immigration system differs somewhat from the UK Government. The Welsh Government

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<sup>13</sup> UK Parliament, [Immigration and Social Security Co-ordination \(EU Withdrawal\) Bill 2017-19](#)

<sup>14</sup> FLEX, [Preventing Exploitation in the Shadow of Brexit: The risks of temporary migration programmes](#)

<sup>15</sup> UK Government, [The UK’s future skills-based immigration system](#)

position on immigration policy post-Brexit is set their 'Brexit and Fair Movement of People'<sup>16</sup> paper published September 2017.

In this paper and their paper 'Securing Wales' Future'<sup>17</sup> published earlier in 2017, the Welsh Government made a strong stance on the rights of EU citizens already residing in Wales and the UK, calling for the UK Government to provide reassurance to EU citizens on their rights to reside in the UK after Brexit. They also have concerns surrounding the EU Settlement Scheme, especially around EU citizens who will miss out on their settled status due to vulnerabilities hindering their ability to apply<sup>18</sup>.

The Welsh Government recognises that "migrants make a positive contribution to Wales' economy and to society more widely". That many sectors in Wales rely on the skills of EU citizens, including universities, construction, the food and drink sector, the creative sector, health and social care, and tourism. In line with this, they have stated that it is 'vital' that these sectors are able to meet their recruitment needs when the local labour market cannot. The paper also points to concerns around the high rates of skill shortages and skills gaps in Wales, especially in construction, manufacturing and hospitality. The growth projected in some lower skilled occupations and the need to find workers to fill new vacancies is also a concern<sup>19</sup>.

Due to these concerns the Welsh Government have called for longer-term migration to be linked to employment, whilst maintaining substantial access to the Single Market. They also want a preferential approach to immigration for EEA nationals and stronger enforcement of existing legislation to tackle exploitation of low paid workers. They do not support the UK Government approach to reducing migration numbers to meet their target of 'tens of thousands', claiming that that this approach would cause intra-UK competition for workers that would most likely take workers away from Wales to other parts of the UK, notably to the South East of England. Nor do they support a sector-based scheme that would not benefit the sectors in Wales that rely on EU workers the most, such as those mentioned above.

For students, the Welsh Government knows that international students are a significant source of income for universities in Wales and help to sustain some university courses. To maintain the benefits of student migration the Welsh Government believes that EU students should continue to have free movement across Europe. They do not want to see the restrictions placed on non-EU students through the Tier 4 route placed on EEA students. The difference in opinion between the Welsh Government and UK Government on student migration shows how changes to a non-devolved policy area like immigration can affect a devolved policy area like higher education<sup>20</sup>.

Family migration is also important to the Welsh Government. The freedom to bring family members to the UK that free movement gives attracts EU workers to Wales and the UK. The Welsh Government maintains that restrictions on family migration, such as the current restrictions placed on non-EU families could reduce the number of EU workers coming into Wales. Instead of restricting family migration, the Welsh Government wants the UK

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<sup>16</sup> Welsh Government, [Brexit and Fair Movement of People](#)

<sup>17</sup> Welsh Government, [Securing Wales' Future](#)

<sup>18</sup> Welsh Government, [Letter to Home Secretary - Scottish and Welsh Ministers outline concerns over EU Exit Settlement Scheme](#)

<sup>19</sup> Welsh Government, [Brexit and Fair Movement of People](#)

<sup>20</sup> Welsh Government, [Brexit and Fair Movement of People](#)

Government to change the current rules for family migration to make it easier for migrants with 'genuine' family connections to join their families in the UK.

The Welsh Government has more flexible views on a 'spatially-differentiated' or a regional approach to immigration policy compared to the UK Government. Unlike the Scottish Government, they are not seeking a regional approach. However, they have maintained that if the new immigration system does not recognise the needs of Wales, by for example being a sector-based scheme (which has similar disadvantages to Wales that the proposed skills-based approach does, especially with lower-skilled migration), then their preference would be for:

*"...a spatially differentiated approach, where the Welsh Government would have a stronger role in determining how future migration to Wales would be managed, in order to ensure that Wales' key sectors, public services and universities can continue to recruit from Europe".*

In the longer term, the Welsh Government wishes to discuss a reform of the wider immigration policy with the UK Government which would recognise that the needs of Wales cannot be easily met through the current immigration system. They believe that this might be best placed through a regional approach that would meet the needs of the Welsh economy and could provide Wales with "quantitative allocations of Tier 2 visas" that could respond to the skills and labour shortages in Wales.

With this in mind, the Welsh Government have made very few comments about the MAC proposals and the Immigration White Paper. In October the Welsh Government stated that they are fundamentally opposed to the MAC proposals to limit immigration that will harm Wales<sup>21</sup>. Subsequently, on 19 December, Mark Drakeford, the First Minister of Wales, published a statement about the White Paper on Twitter saying:

*"Nurses, junior doctors, teachers and a range of workers that we need for our public services and industry will find it much more difficult and less attractive to come to Wales under these proposals. The immigration system should help our economy and people, not stifle it and limit its potential."*<sup>22</sup>

Though in light of these statements, the Welsh Government are yet to make any new proposals about their future plans for immigration in Wales.

## Conclusions

There is very considerable uncertainty about the future of EEA migration to Wales and the UK. Even though the White Paper has set out a potentially radical shift in approach, it is by no means clear that subsequent legislation will reflect the proposed changes. The potential for the proposals to change as a result of engagement with stakeholders, including industry and devolved governments, possible revisions to the Withdrawal Agreement and future trade negotiations is huge. While there may be concerns about the impact of the White Paper's proposals on the labour market, communities and EU citizens themselves, the scope to change them remains, giving the Welsh Government the opportune moment to set out their agenda.

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<sup>21</sup> BBC News, [Post-Brexit immigration plans will hurt Wales, UK ministers told](#)

<sup>22</sup> Twitter, [First Ministers Statement](#)

### 3. PUBLIC PERCEPTION OF MIGRATION

Immigration has been at the forefront of public debate and concerns for some time. This section of the report draws on the presentation to the symposium by Jill Rutter from British Future. British Future and Hope not Hate undertook a National Conversation on Immigration<sup>23</sup> last year, which explored the public's views in depth. The research included an open online survey, nationally representative polling, and 60 visits to towns and cities across the UK. In Wales researchers visited Aberystwyth, Merthyr Tydfil, Newport, Swansea and Wrexham, where they conducted stakeholder meetings and guided conversations with a citizen's panel. The findings are revealing and dispel some commonly-held perceptions about public opinion.

The National Conversation found that the majority of people were happy that the debate around migration had begun. At a UK level the face-to-face discussions were very different from the online debate. The online debate is much more polarised into 'for' and 'against' migration positions, whereas the face-to-face debate was more balanced, with many people seeing both the benefits and challenges of migration. The research also showed that social contact with people born outside the UK shaped people's views on migration, with those having little contact with migrants having harsher views on immigration. The harsher views on migration tended to be anti-Muslim, a view that affected the wider immigration debate.

Interestingly the National Conversation found that although many people had little knowledge of the UK's immigration policy, they had little confidence in how migration was managed or the UK Government's ability to manage it. The common theme was that people wanted immigration in the UK to be controlled, to focus on the contributions that migrants make, and to be fair for migrants themselves. A controlled immigration system seemingly meant different things to different people: some wanted to protect UK sovereignty while others wanted immigration to be more selective, with criminal record checks, control over numbers, competent enforcement, and more comprehensive data on who lives in the UK.

When it came to refugees and asylum seekers, the National Conversation found that people supported the principle of refugee protections and wanted refugees to be treated fairly. Though labour migration was viewed through a 'common sense' economic and fiscal lens that considered skills, unfilled vacancies and tax contributions. In particular there was strong public support for skilled migration, and pragmatic support for low and medium skilled migration, especially when particular jobs were discussed. For example, most people wanted low skilled migration to be controlled but not ended, with agricultural workers and those working in health and social care viewed favourably. There was scepticism about temporary migration and questions raised about its enforcement, fairness and the impact it can have on integration. When it came to student migration, many people did not regard students as part of the immigration debate and most were welcoming of international students.

#### 3.1. Immigration through a local lens

In Wales, as in the rest of the UK, there were local differences in the themes raised. These differences were easily attributable to local factors including housing pressures, assumed failures of integration, residential segregation, neighbourhood decline or lack of employment

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<sup>23</sup> British Future and Hope not Hate, [National Conversation on Immigration](#)

opportunities. They also found that integration and local pressure points, such as those mentioned above, need to be addressed in order to get public consent for immigration.

Each of the five citizens panels saw positive and negative aspects of migration. In Aberystwyth, the citizens' panel were concerned about the effects of large-scale migration on Welsh language and culture. In Merthyr Tydfil, people were more concerned by migrants claiming welfare benefits and not making a financial contribution to society. They also discussed the challenges of integration in close-knit communities, with researchers finding that valleys civic identity seems to struggle to accommodate newcomers. In Newport, there were concerns about integration while in Swansea immigration was not a salient issue, because of relatively low levels of migration and a long history of immigration in a port city. Finally, in Wrexham, the citizens' panel talked about the pressures on the NHS and neighbourhood decline in parts of the town with private rental properties.

### 3.2. Views of devolution

The National Conversation found that a number of respondents had lost trust in Westminster to govern immigration policy. When asked if “the devolved governments in Scotland, Wales and Northern Ireland should have the powers to decide how many visas are issued for people who want to work in these parts of the UK” 58 percent of those in Wales and the South West answered ‘yes’. These views were echoed by stakeholders and citizens' panels in Wales, with participants suggesting that greater devolution would mean that immigration policy would take the needs of the Welsh economy into account. Below is a quote from one participant in a citizens' panel in Aberystwyth:

*“I think, rather cynically, it is the lesser of two evils on that one. Who are you going to trust? Are you going to trust somebody from your country who knows the dynamics of the area, the Welsh Assembly members or are you going to trust someone in Westminster, some of them haven't even been to their constituency?”* Citizens' panel participant, Aberystwyth<sup>24</sup>.

### Conclusions

The findings of the National Conversation are an important corrective to the assumption that the majority of the population is opposed to immigration. It has revealed a more nuanced position, in which many people are in favour of a system which manages migration effectively, addressing concerns about security, contribution and skills. While the research found high levels of distrust of Westminster, participants were more favourable to the notion of devolved governments having a role in immigration policy.

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<sup>24</sup> British Future and Hope not Hate, [National Conversation on Immigration](#)

## 4. REGIONAL VARIATIONS WITHIN IMMIGRATION POLICY

Immigration policy is reserved to the UK Government and not is devolved. Despite this, there have been some discussions around devolving some powers. As mentioned already, the Welsh Government have alluded to asking for a 'spatially differentiated' or a regional approach to immigration if the UK's future immigration system does not meet the needs of Wales. The public also support some devolution of decision-making.

However, the UK Government have rejected regional variations in the new UK immigration system, agreeing with the MAC who "do not consider that there is a strong economic case for regional differentiation in migration policy"<sup>25</sup>. This section explores arguments for and against regional variation, drawing on the expertise of Madeline Sumption, Director of the Migration Observatory.

### 4.1. Regional variations

Regional variation in immigration policy has several meanings. It could mean relatively minor differences in specific requirements such as:

- a different earning threshold for Wales for Tier 2 visas, e.g. to take account of lower average earnings in Wales.
- a Shortage Occupation List for Wales, with Wales-specific occupations which may be different to those elsewhere in the UK.

Regional variations could also refer to a larger divergence such as creating visa categories for different types of migrant that are specific to Wales. For example, there could be a Welsh student visa to increase the number of international students in Welsh universities, or Welsh visas for low or medium skilled workers in certain sectors or areas in Wales.

As well as the variations themselves, a key issue is who takes decisions and on what basis. For example, decisions could be taken by the National Assembly for Wales acquiring legislative powers over immigration, or by the Welsh Government liaising and negotiating with the Home Office, or by the Home Office itself. Smaller regional variations such as a regional earning threshold could easily be decided by the UK Government, but larger variations would be more appropriately determined by the National Assembly for Wales.

Regional variations, whether large or small, within a UK wide immigration policy are feasible, however should they happen? Madeline Sumption has usefully set out the economic and political arguments for and against regional variations in immigration policy,<sup>26</sup> and they are summarised below.

### 4.2. Economic and demographic arguments

There is a good theoretical case for regional differentiation in the immigration system, to reflect different economic circumstances and needs across the UK. For example, areas with low unemployment could be expected to have greater demand for low and middle skilled workers than areas with relatively high unemployment. Similarly, different demographic trends and trajectories within the UK mean some nations and regions – including Wales and

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<sup>25</sup> MAC, [EEA migration in the UK: Final report](#)

<sup>26</sup> Migration Observatory, [Location, Location, Location: Should different parts of the UK have different immigration policies?](#)

some local authority areas - may experience population decline without immigration<sup>27</sup>. It is important to note the demographic and economic cases for immigration are not necessarily the same.

However, it can be difficult to identify the needs of different regions in an objective way, for example because of poor data. In Wales, economic and demographic data is often either not available or is unreliable. The lack of data increases the risk of interest groups having undue influence on decision-making, rather than decisions being based on robust evidence.

In addition, nations or regions might not be most appropriate spatial unit at which to determine immigration policy. It is well known that differences within regions often exceed those between regions, and potentially mask variations between types of place e.g. rural areas or cities.

A third challenge is that regional variations might not be a suitable mechanism for addressing higher skilled migration. For example, a Welsh visa could attract migrant's ineligible for a Tier 2 visa if the Welsh visa had less stringent requirements, for example a lower skills or earning threshold. This could be a good mechanism for filling gaps in lower-skilled occupations. However, it would only encourage workers with low or medium skills into Wales. If Wales wanted to attract higher skilled workers, it might need to look to other means to make Wales more attractive to higher skilled workers.

The final argument against introducing larger-scale regional variations is that they add complexity to an already complicated system. Some businesses, especially small and medium sized enterprises, find it difficult to manage and navigate the rules, and regional variations would greatly increase the complexity they face. Larger, multi-site companies or those with mobile workforces, drivers for example, could also struggle to manage staff across different regional visas in the UK, not only to understand the immigration rules are but also to ensure that employees are in the right place for the relevant amount of time.

### **4.3. Political arguments**

There are, in addition, political arguments in favour of regional variations in immigration policy. One is that public opinion and politics varies across the UK - regional variation would allow nations and regions to make immigration policy more consistent with public opinion. This argument has been used in Scotland and London, where administrations claim to have 'softer' views on immigration that should be reflected in their own immigration policies.

It is also argued that there is an inherent benefit to having decision making closer to communities affected, which would also increase accountability. Regional variations are regarded as providing a sense of autonomy and control, improving dialogue about regional needs and the management of migration.

Immigration policy has strong links with other devolved policy areas, for example, the delivery of public services, community cohesion and integration policy. If immigration policy had a greater regional or national component, it could be better linked with those areas. In practice, devolving some immigration decisions could allow Wales to develop an integration policy that was more clearly linked with those migrating to Wales.

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<sup>27</sup> Bevan Foundation, [Demographic trends in Wales](#)

Political counter-arguments include that differences in public opinion about migration are relatively small and are not sufficient to warrant variations. Distinctions between rural, urban and suburban areas are often as important as regional differences, with urban areas often having more liberal attitudes to migration. It is also argued that variations in public opinion within regions or nations are at least as great as those between regions, and that there is not a homogenous regional or devolved nation view.

The question of public understanding of regional variations in immigration policy is also important. Would devolving some decision-making reassure the public that the system is effectively managed? One of the findings from the National Conversation<sup>28</sup> is that people do not have detailed knowledge of the current immigration system, so regional variations could add to increase concerns rather than adding to understanding.

Lastly, most arguments for regional variations to immigration policy focus on work visas and do not address other reasons for migration, including family migration and study. For example, in 2015, more than half of the people coming into Wales from outside the UK came to study rather than to work. Regional variations in labour migration would not therefore provide the Welsh Government with decision-making powers over the majority of migrants coming to Wales.

Any regional variations in immigration policy would need to operate within a rational UK system. If this is not the case, or if a UK system clearly does not fit Wales' needs and values, then an alternative is full devolution of immigration powers – very different to regional variations. This would allow Wales to develop its own immigration policy, covering all forms of international migration.

## Conclusions

The question of regional variations in immigration policy raises some deep and complex questions which go much further than simple technical tweaks to rules. At the centre is the principle of who decides people's rights to work, study and live in Wales. Following on from that is the question of whether the case for Wales-specific immigration rules is sufficiently strong to outweigh the increased complexity to the system that they would bring. And finally, there is the question of the basis of decision-making, i.e. whether it should be based on principle and values, or on evidence of need and opinion.

These are major issues about which there has been very little informed debate in Wales to date. The next section begins that discussion, by summarising the views of stakeholders who participated in the symposium.

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<sup>28</sup> British Future and Hope not Hate, [National Conversation on Immigration](#)

## 5. STAKEHOLDER DISCUSSION

Our symposium on October 2018, brought stakeholders from a wide range of organisations and interests together to discuss the following:

- What are the migration needs of Wales?
- What would be the advantages and disadvantages of a UK immigration system based on the MAC proposals?
- Is there a case for regional variations in immigration policy for Wales?
- If so what regional variations would be appropriate?

Stakeholders expressed strong reservations about some of the recommendations made by the MAC, and about the relationship between the MAC, the UK Government and Welsh interests. It was suggested that as the MAC is instructed by the UK Government it looks at migration from a UK-only point of view, without recognising that devolved governments might have a different perspective. For example, comments on regional variations are seen only in terms of possible detriment to the UK Government rather than possible benefits to nations and regions. Stakeholders also considered that the MAC and UK Government could more effectively distinguish between popular opinion and pragmatism, with some claiming that the MAC's recommendations did not reflect its findings.

Stakeholders generally agreed that Wales has distinctive needs in respect of migration and also different values, that may not be the same as elsewhere in the UK. The main areas of divergence have been set out in three different themes: the implications for UK citizens in Wales, the implications for non-UK citizens in Wales, and regional variations within immigration policy.

### 5.1. Implications for UK citizens in Wales

The end of free movement and the changes to the UK immigration system has some implications for UK citizens living in Wales. Stakeholders were particularly concerned about how the changes to the pattern of migration into Wales will change Wales' demographics, its economy and higher education sector, how it will change the NHS and social care sector and change local communities in Wales.

#### Demography

A significant concern expressed by stakeholders related to recent demographic trends in Wales (as well as the rest of the UK). Many stakeholders thought that the MAC and UK Government focus too much on the economy and political assumptions and not enough on broader societal needs, especially the demographic projections.

Although Wales' population is increasing, in 2016/17 this increase was mostly due to net migration. Wales' low fertility rate and relatively high mortality rate means that deaths exceed births, resulting in natural population change of -874 people. Alongside this, Wales' population is ageing with the working age population (between 16 and 64 years old) and younger ages projected to decrease<sup>29</sup>.

Stakeholders were concerned that a reduction in migration could have serious implications for Wales' population and society. A decline in the working age population could mean that fewer people are in employment and paying less income tax and national insurance

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<sup>29</sup> Bevan Foundation, [Demographic trends in Wales](#)

contributions, which could have implications for both the UK and Welsh budget in time. At the same time, the demand for and cost of providing health and social care services could rise. As one participant stated, “without a growing or stable working age population who will support our older population?”.

Comments were made that the Welsh Government, local government and civil society only discuss Wales’ demographic trends in terms of ageing, rather than the wider challenge of having a population that is not replacing itself naturally and whose working age population is projected to shrink. It was suggested that Scotland’s approach to debates about demography was a good model - in 2010<sup>30</sup>, the Scottish Government invested in research on demographic change. Since then migration has been framed as a demographic issue rather than one of integration.

A declining population also raises a wide range of other policy issues, ranging from housing and education, to the sustainability of the Welsh language and depopulation of rural areas, that need to be addressed. Participants stressed that temporary migration was not a solution, with a seasonal agricultural workers scheme regarded as inappropriate because of the small size of the Welsh arable sector. Stakeholders maintained that long-term migration could help to stabilise populations in some rural areas, and some suggested that encouraging longer-term migrants could enable them to put down roots and help mitigate concerns about the Welsh language.

### Economy and skills

One of the biggest concerns raised by stakeholders was how a new immigration system could affect Wales’ economy and labour market. Although the proposals to include medium skilled jobs in Tier 2 and to remove the cap on the number of Tier 2 visas was widely welcomed, there were strong reservations about maintaining the £30,000 minimum earning threshold for EU migrants. Stakeholders felt that this threshold did not take into account the huge variations in median salaries across different parts of in the UK. In 2017, the average gross salary in Wales for full time workers was £26,327<sup>31</sup> and salaries for some medium- to highly-skilled jobs are below the £30,000 threshold.

Rather than help to fill medium- and high-skilled jobs in Wales, retaining the minimum earning threshold at £30,000 could make it harder, as employers would be unable to pay above the threshold to fill vacancies. It was noted that the Tier 2 Shortage Occupation List only covers a small number of medium to higher skilled jobs in Wales which are reportedly hard to fill. It was recommended that research be conducted into the skills shortages in Wales to inform and develop a Shortage Occupation List for Wales, separate from the UK’s list.

The majority of other concerns around Wales’ economy centred around the MAC and UK Government proposal to reduce the number of lower skilled migrants entering the UK. It was argued that many sectors in Wales rely on workers from the EU. In their interim report<sup>32</sup>, the MAC highlighted that EEA workers make up a significant share of the workforce in some lower-skilled sectors in Wales, including 25.6 percent of the share of the ‘manufacture of food and beverages’ workforce and 5.4 percent of the share of the ‘accommodation and

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<sup>30</sup> Scottish Government, [Demographic change in Scotland](#)

<sup>31</sup> ONS, [Annual summary of earnings, place of residence by Local Authority](#)

<sup>32</sup> MAC, [EEA-workers in the UK labour market: Interim Update](#)

hospitality' workforce. According to the Welsh Government, 7 percent of the manufacturing workforce, 5 percent of the tourism workforce and 2 percent of the construction workforce in Wales are from the EU<sup>33</sup>.

Stakeholders were mostly concerned about the impact of a reduction in low skilled migration on manufacturing, small businesses, catering, the hospitality sector and the meat and meat packing sector. It was noted that a high percentage of those working in hospitality, especially in certain areas, are migrants and there were concerns about future recruitment and retention if migration ended. Representatives from the hospitality sector reported that there had already been a fall in applications from EU workers, which if continued could affect services and the local economy.

There were also arguments that current requirements for Tier 2 visas are effective for larger businesses but difficult for smaller businesses to manage. Stakeholders gave examples of migration restrictions making it hard for business to recruit staff, which is having a direct impact on their ability to continue trading. If EU migrants were incorporated into the Tier 2 system, the difficulties currently reported by businesses when recruiting non-EU staff would extend to EU staff as well.

Several stakeholders suggested that UK Government immigration policy was driven by politics rather than a skills perspective. Some argued that business needed to have a much stronger voice in future immigration policy, so that industry could identify their skills needs which the UK Government could then help to meet via the immigration system. Others responded that migration should not be the default solution for recruitment problems, with investment in training of people already resident in Wales being a better option.

Wales' labour market and skills policy was suggested to have been relatively weak at meeting local needs, although it was hoped that the new economic regions would be an effective vehicle to link the provision of training to employers' skills needs. Indeed, the decline in migration could force a debate about skills that could lead to the more effective approach to labour supply, based on a mix of migration and workplace skills development. The overall consensus was it was not a binary choice of training local people vs migration.

### Health and social care

There were specific concerns raised by stakeholders about the impact of changes to immigration policy on staffing in the NHS and social care. In its interim report<sup>34</sup>, the MAC stated that 3.1 per cent of the share of the 'health' workforce in Wales were EEA citizens. The Welsh NHS Confederation<sup>35</sup> reports that in April 2018, 1,462 EU citizens were directly employed by the NHS in Wales, 1.6 per cent of the total workforce. Additionally, 6.2 per cent of medical and dental professionals working in the Welsh NHS identified as EU nationals and 4 per cent of GPs qualified in the EEA. The number of EU citizens working in the social care sector is much higher than the NHS. According to the Welsh NHS Confederation<sup>36</sup> 28 per cent of care workers were born in the EU.

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<sup>33</sup> Welsh Government, [Brexit and Fair Movement of People](#)

<sup>34</sup> MAC, [EEA-workers in the UK labour market: Interim Update](#)

<sup>35</sup> The Welsh NHS Confederation, [The key issues for health and social care organisations as the UK prepares to leave the European Union](#)

<sup>36</sup> The Welsh NHS Confederation, [The key issues for health and social care organisations as the UK prepares to leave the European Union](#)

If changes to immigration policy add EU workers to the current Tier 2 scheme and the £30,000 minimum earning threshold is maintained, health and social care workers will need to earn in excess of this figure if they wish to remain in Wales. Some jobs in the NHS, including those high to medium skilled jobs, and many jobs in the social care sector are paid below this figure – for example, the salary for Band 1 and 2 nursing staff in Wales in 2017/18 ranged from £14,727 to £17,954, with salaries for Bands 5 nursing staff ranging from £22,129 to £28,747<sup>37</sup>. Nurses from Band 3 upwards are on the UK's Tier 2 Shortage Occupation List<sup>38</sup> meaning that nurses earning below the £30,000 threshold can be sponsored to work in the UK, however nursing staff below Band 3 are not.

Stakeholders were concerned that an ageing population coupled with a declining working age population will increase pressures on social care services and the NHS. It was felt that action was needed to future-proof these sectors by ensuring that there is an adequate labour supply, both by reviewing skills training and through migration. It was also argued that the terms and conditions in these sectors need to be addressed.

### Higher Education

Stakeholders were concerned about maintaining Wales' ability to attract, recruit and retain the "brightest and best" students and staff in higher education institutions. Higher education representatives said that many highly skilled international PhD students are from the EU and that EU students and staff are a significant part of universities' research networks, including post-doctoral research assistants. In 2016, approximately 11 per cent of higher education staff on academic contracts and 3 per cent of those on non-academic contracts were from the EU, which amounts to 7 per cent (1,425) of staff in total<sup>39</sup>.

Additionally, more people come into Wales to study than to work: in 2016/17<sup>40</sup> just under 17 per cent of students in higher education institutions were international students, 71 per cent of whom were non-EU born and 29 per cent were EU born. Although the number of international students enrolled in a higher education institution (including the Open University) has increased in the last 10 years, there has been a steady drop in international students since 2013/14 from 25,605 to 21,200 in 2016/17. Since 2015/16 the number of international students in Wales has dropped by 4.5 per cent, caused by an 11 per cent drop in non-EU born students while the number of EU born students increased by 14 per cent. However, in the last 10 years the number of EU-born students coming to Wales has fallen by 4 per cent.

Higher education representatives are concerned that increasing restrictions on international students and staff, especially EU students and staff, will reduce the numbers coming into Wales, adding to the already-declining numbers of international students. A reduction in international students could affect the economic benefits they bring,<sup>41</sup> including the income they generate for universities, and result in some courses becoming unsustainable. A reduction in overseas staff could also have ramifications for research and teaching, affecting their UK and international competitiveness.

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<sup>37</sup> RCN, [NHS pay scales 2017-18, Wales](#)

<sup>38</sup> UK Government, [Immigration rules Appendix K: shortage occupation list](#)

<sup>39</sup> Welsh Government, [Brexit and Fair Movement of People](#)

<sup>40</sup> StatsWales, [Student enrolments in Wales by home country and year](#)

<sup>41</sup> Universities Wales, [The Economic Impact of International Students in Wales](#)

## Community needs

Stakeholders commented that there is big variation in the local needs across Wales, which need to be taken into account. Cardiff, for example, is not only projected to grow faster than the rest of Wales as a result of migration and natural growth,<sup>42</sup> but as a city is also regarded as being more receptive to migrants than elsewhere. In contrast, areas that arguably need migration to maintain their population, such as Powys, Carmarthenshire and Pembrokeshire, may be less willing to accept and include migrants.

Some stakeholders noted the importance of local decisions and suggested giving local authorities the ability to make decisions about the migration. An increase or decrease in the local population has major implications for the number of school places, public transport, local jobs, housing and much more, and it was felt that local authorities currently do not have the capacity, resources or powers to plan for and manage these changes. Others were concerned about what would happen to some local facilities if migration falls - what happens to the local pub, shops, and schools in areas with high numbers of EU migrants if migration falls and if EU citizens leave?

There were also concerns that changes to EU migration would affect civil society organisations. EU citizens might seek support about their status and residency rights, without civil society organisations receiving additional funding for this work. One challenge that was highlighted was the lack of infrastructure to be able to work with people at the grass roots views, and also a lack of expertise and capacity on immigration issues.

## 5.2. Implications for non-UK citizens in Wales

As equally as important are the implications the proposed changes to the UK's immigration policy might have on non-UK citizens living in Wales. In this respect, stakeholders were predominantly concerned about the public's views around migration, community cohesion and integration, experiences of non-EU and EU citizens, and the EU Settlement Scheme.

### Public views and narrative

The narrative surrounding migration from all origins was highlighted as a real concern. As the National Conversation has shown, most people in the UK have balanced views on migration, recognising the benefits and challenges it brings. Yet it is often the extreme views of migration that are heard the loudest. With this in mind stakeholders felt strongly that migration needs to be viewed as something normal that people have done for generations. Migrants should be regarded as human beings who have intrinsic social value, not just units of labour that bring economic advantages or problems. The debate on migration needs to change from 'bad but...' to 'good but...', and should highlight the benefits of migration without dismissing the challenges it can bring. Statements made included "it (migration) makes Wales more diverse, and a better country to live in", "It offers life experiences and shows Wales to be globally responsible by aiding people in need, and not seeing them as an 'issue'".

Stakeholders noted that the NHS promotes the benefits of migration in ways that other sectors could emulate. They suggested that the Welsh Government's discussion of migration needed to be nuanced and should be focused on people in the centre of public debate as identified in the National Conversation<sup>43</sup> rather than on the online extremes. Stakeholders

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<sup>42</sup> Welsh Government, [Local Authority Population Projections for Wales \(2014-based\): Principal projection](#)

<sup>43</sup> British Future and Hope not Hate, [National Conversation on Immigration](#)

also suggested that debate should be reframed in terms of the goals that immigration could help to achieve rather than 'immigration needs'.

Scotland was seen as having a positive approach to migration, which was less wary of perceived public opinion. Stakeholders felt that the Scottish Government uses more positive language about migration than in Wales. In contrast, the narrative in Wales has been less positive with much of the focus being on refugees and asylum seekers - labour migrants, international students or family migrants are largely absent from discussion. Some argued that this emphasis reflects the Welsh Government's concern with refugees and asylum seekers, with positive messages from the Welsh Government not being seen by the wider public. There was general agreement that the UK Government's emphasis on the number of migrants and targets exacerbates public concerns about migration.

There was a strong consensus that now is the time to reset the narrative around migration in Wales. Wales' specific circumstances need to be included in that new story, along with the population challenges and general economic and social benefits of migration. Stakeholders recognised that the relative weakness of the Welsh media made this challenging, but not impossible.

### Community cohesion and integration

Some stakeholders considered the Welsh Government's community cohesion plan to be weak and to focus more on refugees and asylum seekers with very little said about other migrants. Some stakeholders suggested that the cohesion framework was ineffective at local level, so that while the plan might look good it did not achieve anything on the ground. There are clear variations in migrant integration across Wales, with low integration in some areas fuelling negative views about migrants and migration.

There is consensus that a new approach to community cohesion and integration is needed in Wales that focuses on all migrants and not only refugees and asylum seekers. This new approach should focus on the shared ground between migrants and local people, which centres round wanting the best lives for themselves and their loved ones. To be healthy, to be safe and to have a future. The fundamentals in which families and communities are built and are joined together. The one thing we all have in common.

Some stakeholders suggested that the Well-being of Future Generations Act could provide a new approach to migration. Although the Act was not established with migration in mind, some of the pillars – such as a prosperous Wales, a Wales of cohesive communities and a globally responsible Wales – could contribute to developing a fresh approach.

### Non-EU and EU citizens

There were concerns from most stakeholders that the current uncertainty about the future of migration policy risks increasing the potential for exploitation of migrants in the work place. One example was given of some businesses trying to employ refugees on zero-hour contracts as EU workers are leaving the company. It was suggested that some migrants do not receive sufficient support, e.g. with language learning, and that employers as well as the state and civil society had responsibilities to their workforce. Temporary migration schemes such as the transitional measure for lower-skilled migration proposed by the UK Government in the White paper could increase exploitation further. This temporary nature of lower-skilled migration could also leave lower-skilled workers in Wales at a greater risk of not receiving the support they need in the workplace.

It was also argued that the perceived hostility towards migration could lead to existing overseas workers, particularly those born in the EU, leaving Wales in favour of other countries. This includes people who have lived in Wales for many years, uprooting their lives and their families to move to start a new life elsewhere, where the environment is less hostile.

With regards to international students, conversations about the future immigration policy largely centred around the impact it would have on the higher education sector than international students themselves. Saying this, some stakeholders did feel that the Welsh Government, universities and associated organisations could do more to make the case for international students. They questioned that international students were sometimes not valued for their wider contribution to higher education and communities, and that a more positive narrative about their role should be developed, making known the economic and social benefits that international students bring<sup>44</sup>.

As stated previously, most international students leave the UK soon after completing their studies. It would however be beneficial for Wales if international students with certain skills including in medicine, nursing, and STEM would stay in Wales after their studies to help fill skills gaps in these sectors. Though, if the narrative around migration and if community cohesion and integration is not improved, Wales might not only witness a drop in international students coming into Wales, but also see an increase in international students leaving Wales once qualified.

Bearing in mind that just under half of migrants living in Wales are family migrants (46 percent)<sup>45</sup>, one issue that was not brought up during discussions was the impact the UK's approach to immigration policy could have on migrant families. The UK Government's proposals to add EU citizens into the current rules for family migration while leaving these rules largely unchanged could have a severe impact on families. The UK's restrictive family migration rules already causes major issues for some non-EU families. For example, the English language and life in the UK tests that spouses/partners need to pass are often failed by family migrants from non-English speaking countries. As a result, families can live apart for long periods of time and risk family breakdown. This has recently been highlighted in Newport by Afghan interpreters who worked for the British Army having difficulties bringing their families into the UK due to family migration rules<sup>46</sup>. There is also the instance of UK citizens who are unable to live with their non-EU spouses/partners in the UK due to them not earning the income requirement of £18,600. So, the challenges currently faced by non-EU citizens could very well be experienced by EU citizens who wish to live in the UK in future.

Support for refugees and asylum seekers in Wales was widely considered to be good and stakeholders suggested that more should be made of the breadth and quality of activity. Mention was made of the refugee doctor scheme, nation of sanctuary, healthcare for asylum seekers and ending imprisonment of detainees in Cardiff prison as good examples that were not widely known. Other stakeholders argued that the goodwill shown to refugees and asylum seekers could be built upon and extended to all migrants including labour migrants.

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<sup>44</sup> Universities Wales, [The Economic Impact of International Students in Wales](#)

<sup>45</sup> Migration Observatory, [Where do migrants live in the UK?](#)

<sup>46</sup> BBC News, [Afghan interpreters' UK immigration rules 'anguish'](#)

Concerns that arose centred around UK provision rather than Welsh Government provision. The housing contracts for asylum accommodation was discussed and concerns emerged about contracting arrangements, including the duration of contracts (10 years), and the standard of housing offered. It was noted that local authorities often have to provide additional support to refugees and asylum seekers, especially on housing issues, without additional funding. There are clear concerns about this on a national level<sup>47</sup> and in Wales with organisations working with asylum seekers voicing their concerns. Since the discussion the asylum accommodation contract in Wales has been awarded to Clearsprings Ready Homes. Other issues that were discussed included lifting the ban on asylum seekers' right to work. Since the symposium discussion, the White Paper has stated that *"the Government has committed to listening carefully to the complex arguments around permitting asylum seekers to work"*<sup>48</sup>. Any progress on asylum seekers right to work will require continued engagement and advocacy from organisations in Wales and throughout the UK.

### EU Settlement Scheme

Currently, EU citizens have rights to live and work in Wales and the UK until free movement ends. The EU Settlement Scheme represents a fundamental change to these rights. As stated previously, the deadline to apply for settled or pre-settled status for those residing in the UK by 31 December 2020 will be 30 June 2021, after which date EU citizens coming into the UK will need to follow the new UK immigration rules.

There were strong concerns among some stakeholders around the EU Settlement Scheme. The majority of which were centred around vulnerable EU citizens that may find it difficult to apply for their status. This could include children and young people, the elderly, those who have lived in the UK for a long time and do not think they need to apply, those with mental and physical health problems, those who will find it difficult to supply the evidence needed including people experiencing domestic violence or labour exploitation and those who cannot afford the registration fees (£65 per adult and £32.50 per child)<sup>49</sup>. Some stakeholders also gave examples of EU citizens who were not vulnerable nevertheless experiencing problems applying for their status in the scheme pilot, due to administrative and system difficulties.

When the scheme is fully rolled out in March, the Welsh Government and civil society organisations will be expected to support EU citizens through the scheme without much additional funding. The Home Office has launched an 'EU Settlement Scheme Grant Funding Competition' offering up to £9 million to the voluntary and community sector to support vulnerable EU citizens and their families to make their EU settlement scheme applications<sup>50</sup>. Recently, the Scottish Government announced £800,000 funding for Scotland's Citizen Advice network to provide a new advice service to EU citizens living in Scotland<sup>51</sup>. It remains to be seen how much funding civil society in Wales will receive to support EU citizens with their applications and whether the Welsh Government will launch a scheme to offer extra support to EU citizens in Wales.

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<sup>47</sup> Home Affairs Committee, [Asylum accommodation: replacing COMPASS](#)

<sup>48</sup> UK Government, [The UK's future skills-based immigration system](#)

<sup>49</sup> Home Office, [Home Office publishes details of settlement scheme for EU citizens](#)

<sup>50</sup> Home Office, [EU Settlement Scheme Grant Funding Competition](#)

<sup>51</sup> Scottish Government, [Information and advice for EU citizens](#)

### 5.3. Regional variations within immigration policy

Overall, there was a positive reaction to a regional approach to immigration policy. It was considered that MAC's case for dismissing regional variations was relatively weak, with many stakeholders stating that they did not consider economic, societal and demographic variations within Wales and undermined the need for migration policy to more closely match Welsh circumstances.

What was less conclusive is who should take decisions about immigration and manage the variations, whether it be the Home Office, the National Assembly for Wales, or the Welsh Government. Some stakeholders called for full devolution of immigration policy to the Welsh Government, which would enable linkage of immigration policy with other devolved policy areas, including integration and social cohesion. However, if immigration policy were devolved there might be other policies that should also be devolved, for example, labour enforcement and exploitation policy, to ensure that migrants are protected.

Another argument was for different departments of the Welsh Government to have control over certain visas. Organisations and groups including The Resettlement, Asylum and Migration Policy (RAMP) project<sup>52</sup> have proposed that some immigration powers from the Home Office should be transferred to other departments. For example, student visas should be the responsibility of the Department for Education in England (DFE) while work visas should be the responsibility of the Department for Business, Energy and Industrial Strategy (BEIS). If this were to happen then there could be a strong case for devolution of these decisions to the Welsh Government.

The idea of giving more direct powers to Wales was also backed up by its perceived public support and the lack of trust in the UK Government. As mentioned above the National Conversation<sup>53</sup> found a lack of trust in Westminster to manage immigration policy and some support for giving visa powers to devolved governments. If this public perception of a democratic deficit continues there could be calls for devolution of immigration policy from the public which might make it harder for the UK Government and Welsh Government to ignore.

There was consensus that devolving immigration policy to the Welsh Government was feasible but there were concerns that Wales does not have the capacity or leadership at present to directly manage immigration policy. However, it was generally regarded that regional variations and some devolved powers within a UK-wide immigration policy would be more appropriate.

Regional immigration variations that were discussed included a lower earnings threshold and a Welsh Shortage Occupation List. Some stakeholders proposed a system that is similar to the regional migration programs in Australia and the Provincial Nominate Program (PNP) in Canada that are implemented alongside the national system<sup>54</sup>. In the regional migration programs in Australia states and territories, employers and sometimes family can nominate people who have narrowly missed out on being eligible under the national points-based system. Additionally, the PNP in Canada allows provinces and territories to have their own selection criteria and nominate people to migrate to their areas. Based on these examples, if Wales had a similar system the Welsh Government could design its own criteria and

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<sup>52</sup> RAMP, [Building the Future: Immigration and Integration in the Next Decade](#)

<sup>53</sup> British Future and Hope not Hate, [National Conversation on Immigration](#)

<sup>54</sup> Sumption, M (2014) [Giving cities and regions a voice in immigration policy: Can national policies meet local demand?](#)

nominate people to migrate to Wales who may not meet the eligibility criteria under Tier 2, including lower skilled migrants.

Other regional variations discussed included variations in family migration, as just under half of migrants living in Wales are family migrants<sup>55</sup>. The UK currently has a restrictive and complex policy for family migrants<sup>56</sup> so Wales could either have the option to ‘opt out’ of the current policy or work with the UK Government to change it. For example, Wales could have work permits for people that allow them to bring their immediate family and could ease reservations of family reunion policy for refugees and asylum seekers. The Welsh Government themselves have acknowledged the importance of family migration – “*the majority of EU nationals who live in Wales are part of a family unit; future policy must recognise that migration is not just about individuals but families too*”<sup>57</sup>.

One issue with regional variations within a UK immigration system is that it relies on good relationships between the Welsh Government and the UK Government. However, there was a strong view among stakeholders that the Welsh Government was not and continues not to be listened to by the MAC and UK Government, and is not included in the UK debate on immigration because it is not a devolved matter. This raises serious questions about how the Welsh Government is going to challenge the UK Government proposals to ensure that the needs and goals of Wales are heard and met.

Most stakeholders thought that Wales could and should do more to encourage people to come to Wales to live, work and study, by highlighting why Wales is a good place to live and to bring up families, and by stressing the attractiveness of Welsh Universities. Some places, including areas in Canada, use incentives to attract people to certain areas. It was suggested that the Welsh Government could have a campaign advertising Wales to migrants, especially those eligible for Tier 2 visas and students, to attract higher skilled people and international students into Wales.

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<sup>55</sup> Migration Observatory, [Where do migrants live in the UK?](#)

<sup>56</sup> UK Government, [Immigration Rules part 8: family members](#)

<sup>57</sup> Welsh Government, [Brexit and Fair Movement of People](#)

## 6. CONCLUSION

With the end of free movement comes big changes to the UK's immigration system after Brexit. The UK Government's proposals for a new skilled-based immigration system are set out in the recent Immigration White Paper published in December 2018, which draws heavily on the recommendations of the Migration Advisory Committee. However, it is by no means certain that the proposals in the White Paper will be implemented. The period of consultation on the White Paper is protracted, allowing a wide range of different interest groups to suggest changes. Moreover, some of the proposals could well be superseded by changes to the Withdrawal Agreement, trade deals or indeed a change of UK Government direction. With British politics and the Brexit negotiations being what they are, it is by no means fixed.

The White Paper has, perhaps inadvertently, created space for a dialogue within Wales about migration and immigration policy, raising many questions that as yet have no answer. The migration symposium hosted by the Bevan Foundation helped to identify the following agenda for future debate on immigration in Wales:

### 1. **Who should decide who has the right to live, work, study or seek protection in Wales?**

Immigration has always been a UK Government matter, and it is clearly the intention of the White Paper to continue that position. However, Welsh Government and other devolved administrations recognise that some spatial or regional variation in the future immigration system may be desirable. Although there is no recognition in the White Paper of the potential for regional differentiation, there is still an opening in Wales and indeed the UK for a wider discussion about who decides what.

Is there a case for regional variations giving Wales more power over migration into Wales and if so, to which groups of people does it apply, who should decide what variations and how would the provisions be administered?

There is a general consensus that Wales does have specific requirements in respect of immigration that are not recognised in a UK-wide immigration system. These range from a greater reliance on migration for population growth, to the importance of migrant workers in the NHS, social care and higher education as well as other economic sectors, alongside below-average median earnings that may not meet current visa requirements.

If immigration policy is to recognise these specific needs, then Welsh institutions need as a matter of urgency to prepare their case for regional variation, determine the nature of any variation sought, and address the counter-arguments ably outlined by Madeleine Sumption. To stimulate debate, we can see a strong case for a lower minimum earning threshold, a Welsh Shortage Occupation List, a Welsh student visa and rights to work after graduation, and a Welsh family visa.

### 2. **How can EU citizens and other migrants in Wales be supported?**

The new EU Settlement Scheme is a radical change to the rights of EU citizens, some of whom have lived in Wales for decades. Is there more that could be done to ease the process, for example by creating a welcoming environment and encouraging integration, by improving advice and guidance or by providing assistance with registration fees? Similarly, how can the experiences of other migrants in Wales be enhanced and the risks of exploitation be reduced, whether migrants are low-paid seasonal workers, international students, family migrants or refugees and asylum seekers?

### **3. How can the narrative about migration be changed from negative to positive?**

British Future's National Conversation revealed that there is strong centre ground, which is generally in favour of well-managed immigration. Public policy needs to speak to this group, constructing a narrative that recognises the intrinsic human value of migrants, as well as the economic, demographic, social and fiscal benefits. While the Welsh Government should be proud of many of its policies on refugees and asylum seekers, its achievements are not championed or extended to other types of migrant. Alongside this, how can the Welsh Government reassure the public that migration is well-managed and that migrants are treated fairly but not favourably?

Immigration policy is just one of the many changes underway in the economic, social and political fabric of Wales and the UK resulting from Brexit. It affects not only many aspects of the economy and public services in Wales, but also determines some of the most fundamental rights of people born outside the UK. This paper sets out some key questions that need to be discussed and opens the debate around immigration in Wales and what options Wales has going forward. This is Wales' chance to influence the future immigration system to ensure that devolved or not, the future immigration policy is fair, transparent and balanced for all.

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