



Citizenship Consultation
UK Border Agency
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'Earning the Right to Stay: A New Points Test for Citizenship' Consultation Yorkshire & Humber Strategic Migration Group (YHSMG) Response

Introduction

This consultation response was submitted by the Yorkshire & Humber Regional Migration Partnership (YHRMP) on behalf of our cross-sector, regional Strategic Migration Group (YHSMG). Background on the YHRMP can be found at: www.migrationyorkshire.org.uk/?page=aboutus.

Due to the range of organisations we work with, we are unable to complete the consultation questions pro-forma which required discrete 'yes' or 'no' responses. Instead, we are submitting some of the responses and questions raised by our partners during discussions on this consultation. Of course, not every individual in each organisation may agree with our submission in its entirety; it is however, a fair representation of regional views expressed to us.

As a general point, we are concerned to note that all proposals should specifically consider the particular needs of vulnerable groups (such as refugees, dependants, and those with healthcare needs), and maximise the ways in which they can fairly demonstrate their commitment to citizenship.

Points Test

A new Points Test for migrant workers raises long-term concerns that some very skilled and 'desirable' potential immigrants will be discouraged from choosing the UK as a destination, due to multiple hurdles to citizenship such as the new Points Test. This may harm our interests in the long term.

If a Points Test is going to be implemented, then it should be significantly different to the initial points test under the Points Based System for entry to the UK; mere repetition would be a waste of resources and cause much frustration. The suggested criteria at the moment appear to be very similar to the existing initial Points test.

The suggested Points Test criteria focus almost exclusively upon economic and criminal attributes; it would be a more balanced process if the Points test captures other kinds of contributions to society beyond economics and criminality. For example (despite the design group suggesting that active citizenship should not be included) evidence of any previous voluntary activity suggests that the applicant intends to make efforts to be part of a community.

The criteria for which points may be deducted need to be much more specific; the ambiguity of phrases such as 'failure to integrate' or 'active disregard for UK values'

are highly subjective, hugely discretionary and therefore potentially open to inconsistent or prejudicial decision-making.

We welcome the clear intention to allow refugees and families to effectively pass the Points Test automatically. However, it is imperative to make clear which forms of immigration status are classed here as a 'refugee'. For example, we suggest that this should include anyone who has been granted permission to stay in the UK as a result of a process that began with an assessment of international protection needs. This would then include:

- Former asylum seekers who have been granted refugee status or Humanitarian Protection through the New Asylum Model (limited leave to remain)
- Former asylum seekers who were granted refugee status (Indefinite Leave to Remain) (ILR) prior to the New Asylum Model
- Former asylum seekers given permission to stay in the UK outside the usual immigration rules, such as those processed under the Case Resolution Programme (ILR)
- Former asylum seekers granted Discretionary Leave
- Refugees arriving in the UK under the Gateway Protection Programme (who were granted refugee status with ILR prior to arrival in the UK).

If it is decided that some of these groups are not classified for Citizenship purposes as 'refugees' then the consequences for them in terms of the Points Test should be clearly outlined.

It is not clear to us what will happen to those classed as 'refugees' who do not pass the English language and Life in the UK tests; presumably they will continue to reside in the UK indefinitely, in line with our international obligations. The proposed system of additional language and knowledge of the UK testing is likely to discourage refugees from seeking citizenship, and encourage them to simply keep their permanent residence here in the UK. This is contrary to the intention behind the creation of the 'earned citizenship' process, though which the government clearly wishes to encourage greater take up of citizenship rather than permanent residence.

Local Authority roles

There are a number of concerns surrounding the proposed increase to the Local Authority role in the 'Earned Citizenship' process:

The goal of 'full cost recovery' of citizenship services appears unrealistic; an increased local authority role is likely require them to impose fee levels that either discourage certain potential citizens from applying for citizenship (such as refugees on low incomes) or will result in local authority deficits. Therefore it is possible that such services will require subsidy from central government – to keep fees low or to waive fees for vulnerable groups - which would need to be assured prior to authorities taking on such a role.

Although clearly the detailed process of verifying active citizenship activity is being progressed through the Design Group, our stakeholders are reluctant to support the overall proposal without a clearer understanding of what this would entail. For example at one extreme, verification could involve merely ensuring that applicants

have ticked a checkbox on the application form, or it could involve extensive communication with a small organisation in a different local authority area which is difficult to contact. Depending upon the level of verification required, this service could require intensive setup and ongoing costs which would need to be financed by central government. Local authorities should not be liable for verification of citizenship activity which is later found to be a fraudulent claim. Finally, the level of verification required should encourage the informal, local level of voluntary work that is fundamental to developing good relationships between community members. The potential impact of a dramatic increase in demand for volunteer placements to a range of organisations will also require managing, otherwise these organisations may suffer a range of associated difficulties such as a huge surge in volume of requests.

Those unable to undertake voluntary work to reduce their probationary period need to be clearly acknowledged. This might include vulnerable groups in line with other government policies, including those with disabilities/healthcare needs, single parents, and refugees (as the Home Office policy is for them to focus upon 'work first'). This list needs to consider how to reduce unfair discrimination against particular groups (such as women) who may also struggle to volunteer due to particular cultural norms, and against those who will struggle to pay a number of related costs including the citizenship application itself, the 'check and send' service and the cost of a CRB check prior to taking up formal volunteering.

Additionally, the implications of facilitating citizenship progress across a local authority area need to be clear and likely to encourage a fair process. For example, an increase in the number of new citizens may be thought to increase the burden of service provision upon a local authority.

It would be helpful to know how the expanded role of local authorities will be communicated nationally to potential clients.

The expanded information role of local authorities requires careful consideration, although any means of making the application process as straightforward as possible would be supported (we were given an example of a refugee who had lost their entire fee due having received poor advice on entitlement to apply). This kind of service would be much more intensive and require different skillsets among staff – with possible accredited advice status required. Local Authorities may wish to commission this work to organisations who may be better placed to provide this service, such as the CVS.

Supporting Integration

The principle of increasing the range of appropriate integration support to migrants is supported in the Y&H region.

Two stages of language and knowledge of the UK testing

- The main concern in this region is about the ability to provide sufficient and accessible ESOL instruction to meet current demand – let alone future increases due to the proposed increase to two language tests for those on the path to citizenship.

- While developments in progress mean that in future local authorities will themselves define the ESOL needs in their area, this citizenship requirement could effectively force them to prioritise anyone on the path to citizenship. They would also need to be able to provide subsidised or free classes to disadvantaged groups such as refugees on low incomes. Finally plans to extend ESOL requirements need to take some gender / cultural issues into account – for example, some women will find it difficult to attend classes at all. These considerations are likely to mean that additional funding will need to be provided from central government to meet future demand.
- Some of the health experts in our region are keen to ensure that the first ‘Life in the UK’ test covers healthcare issues and gives instructions on accessing health services.
- In order to develop an evidence-based policy on these citizenship tests, it would be useful to know how effective the current tests are. We would welcome an evaluation of the current tests to see, for example, whether they increase the sense of integration and belonging in the UK.

Mentoring for all new migrants

It does not seem realistic that sufficient numbers of mentors could be recruited to provide a mentoring service to all migrants on the path to citizenship. It is also uncertain whether migrant workers would want to participate in such a scheme. If mentoring were in place, it would be more appropriate when new migrants arrive in the UK rather than, as proposed, after having spent at least 5 years in the UK already.

Orientation days

Orientation days are expected to be unsuccessful if they are compulsory. If optional, then local authorities would be free to provide these if they wish – as is currently the case. However, it seems that the content of orientation days would be very similar to the information provided in the proposed information/advice services, and therefore it would be unnecessary to provide both. It is difficult to see how online orientation would improve integration between people, and a number of immediate difficulties (e.g. assumptions about IT literacy) are apparent.

International development policy

Our stakeholders are generally supportive of aligning international development policy and migration policy, and of the suggested ways of doing this. Again we would encourage an evidence-based approach to this policy which ensures its effectiveness, such as evaluating the current NHS policy and determining whether it does indeed reduce the ‘brain drain’ problem in targeted countries of origin.



Councillor Olivia Rowley
Chair
Yorkshire & Humber Strategic Migration Group