

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL

First Sitting

Tuesday 12 February 2019

(Morning)

CONTENTS

Programme motion agreed to.
Written evidence (Reporting to the House) motion agreed to.
Motion to sit in private agreed to.
Examination of witnesses.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 16 February 2019

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The Committee consisted of the following Members:*Chairs:* †SIR DAVID AMESS, GRAHAM STRINGER

Badenoch, Mrs Kemi (<i>Saffron Walden</i>) (Con)	† McGovern, Alison (<i>Wirral South</i>) (Lab)
† Blomfield, Paul (<i>Sheffield Central</i>) (Lab)	† Maynard, Paul (<i>Lord Commissioner of Her Majesty's Treasury</i>)
† Brereton, Jack (<i>Stoke-on-Trent South</i>) (Con)	† Newlands, Gavin (<i>Paisley and Renfrewshire North</i>) (SNP)
† Caulfield, Maria (<i>Lewes</i>) (Con)	† Nokes, Caroline (<i>Minister for Immigration</i>)
† Crouch, Tracey (<i>Chatham and Aylesford</i>) (Con)	† Sharma, Alok (<i>Minister for Employment</i>)
† Dakin, Nic (<i>Scunthorpe</i>) (Lab)	† Smith, Eleanor (<i>Wolverhampton South West</i>) (Lab)
† Davies, Glyn (<i>Montgomeryshire</i>) (Con)	† Thomas-Symonds, Nick (<i>Torfaen</i>) (Lab)
Duguid, David (<i>Banff and Buchan</i>) (Con)	
Green, Kate (<i>Stretford and Urmston</i>) (Lab)	Joanna Dodd, Michael Everett, <i>Committee Clerks</i>
† Khan, Afzal (<i>Manchester, Gorton</i>) (Lab)	
† Maclean, Rachel (<i>Redditch</i>) (Con)	† attended the Committee
† McDonald, Stuart C. (<i>Cumbernauld, Kilsyth and Kirkintilloch East</i>) (SNP)	

Witnesses

Professor Bernard Ryan, Professor of Migration Law, University of Leicester

Professor Alan Manning, Chair, Migration Advisory Committee

Lord Green of Deddington, Chair, Migration Watch

Dr Benedict Greening, Head of Research, Migration Watch

Chai Patel, Legal Policy Director, Joint Council for the Welfare of Immigrants

Public Bill Committee

Tuesday 12 February 2019

(Morning)

[SIR DAVID AMESS *in the Chair*]

Immigration and Social Security Co-ordination (EU Withdrawal) Bill

9.25 am

The Chair: Before we begin, I have a few preliminary announcements. As usual, please switch off your mobile phones—I have done so. Tea and coffee are not allowed, and we have been told to be strict about that—I am a tea-oholic myself, but I am afraid it is just water.

Today we will consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication, and then a motion to allow us to deliberate in private about our questions before the oral evidence session. In view of the time available, I hope that we can take these matters formally, without debate.

I call the Minister to move the programme motion, which was discussed yesterday by the Programming Sub-Committee for the Bill.

Ordered,

That—

(1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 12 February) meet—

- (a) at 2.00 pm on Tuesday 12 February;
- (b) at 11.30 am and 2.00 pm on Thursday 14 February;
- (c) at 9.25 am and 2.00 pm on Tuesday 26 February;
- (d) at 11.30 am and 2.00 pm on Thursday 28 February;
- (e) at 9.25 am and 2.00 pm on Tuesday 5 March;
- (f) at 11.30 am and 2.00 pm on Thursday 7 March;

(2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 12 February	Until no later than 10.30 am	Professor Bernard Ryan, Professor of Migration Law, University of Leicester; Professor Alan Manning, Chair Migration Advisory Committee
Tuesday 12 February	Until no later than 11.00 am	Migration Watch UK
Tuesday 12 February	Until no later than 11.25 am	Joint Council for the Welfare of Immigrants
Tuesday 12 February	Until no later than 3.00 pm	Universities UK; TUC; Royal College of Nursing;

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 12 February	Until no later than 4.00 pm	Liberty; Justice
Tuesday 12 February	Until no later than 4.30 pm	CBI
Tuesday 12 February	Until no later than 5.00 pm	Focus on Labour Exploitation
Thursday 14 February	Until no later than 12.30 pm	Detention Action; The Children's Society; Immigration Law Practitioners' Association; Deloitte LLP; Amnesty International UK
Thursday 14 February	Until no later than 1.00 pm	Hilary Brown, Director, Virgo Consultancy Services; Martin Hoare, Senior Partner, H & S Legal Solicitors
Thursday 14 February	Until no later than 2.30 pm	National Farmers Union Scotland
Thursday 14 February	Until no later than 3.00 pm	Professor Steven Peers, Professor of EU, Human Rights and World Trade Law, University of Essex
Thursday 14 February	Until no later than 3.30 pm	Professor Stijn Smismans, Director of the Cardiff Centre for European Law and Governance; The 3 Million
Thursday 14 February	Until no later than 4.30 pm	Institute for Government
Thursday 14 February	Until no later than 5.00 pm	Britain in Europe

(3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1; Schedule 1; Clauses 2 to 5; Schedules 2 and 3; Clauses 6 and 7; new Clauses; new Schedules; remaining proceedings on the Bill;

(4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 7 March.—(*Caroline Nokes.*)

The Chair: That means that the deadline for amendments to be considered at the Committee's first sitting for line-by-line consideration will be the rise of the House on Thursday 21 February.

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Caroline Nokes.*)

The Chair: Copies of written evidence that the Committee receives will be made available in the Committee Room.

Resolved,

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—(*Caroline Nokes.*)

9.27 am

The Committee deliberated in private.

Examination of Witnesses

Professor Bernard Ryan and Professor Alan Manning gave evidence.

9.30 am

The Chair: Welcome, everyone. I want our two witnesses to enjoy the session. I do not know whether you have appeared before parliamentarians before, but you are not on trial. You both look innocent as far as I am concerned. It is really just a question of Committee members getting information from your good selves, which will help them when they deliberate the Bill.

We will now hear evidence from Professor Bernard Ryan, of the University of Leicester, and Professor Alan Manning, who chairs the Migration Advisory Committee. I remind all Members that questions should be limited to matters within the scope of the Bill, and that we must stick to the timings in the programme motion that the Committee has agreed—I hope that colleagues have the timings in front of them. They are either half an hour or an hour.

The scope of the Bill is quite narrow. It is not a wide-ranging immigration Bill. It would end free movement of European economic area and Swiss nationals in the United Kingdom, and questions should be focused on the effects of that, rather than on wider immigration matters. I ask that witnesses also try to keep their comments focused on the scope of the Bill. We have until half-past 10 for this witness panel.

Do any members of the Committee wish to declare any relevant interests in connection with the Bill?

Paul Blomfield (Sheffield Central) (Lab): In relation to this afternoon's sitting, I am a founding trustee of Focus on Labour Exploitation, but I cannot be here for that part of the sitting anyway.

Q1 The Chair: It is very good of you to make us aware of that. I assume that there are no further interests to declare. Would the panel members please introduced themselves?

Professor Ryan: I am Bernard Ryan. I am professor of migration law at the University of Leicester.

Professor Manning: I am Alan Manning, current chair of the MAC and professor of economics at the London School of Economics.

Q2 Afzal Khan (Manchester, Gorton) (Lab): Good morning, both of you. Let me start with two questions for Professor Ryan. You said in your written evidence that we need a legislative guarantee for EU citizens' rights in the event of no deal. Why is that necessary?

Professor Ryan: I see the Bill as an historic measure. If you take a long view, it is one of the moments at which the basic categories of immigration law are being redefined. In relation to EU citizens, it is essentially just a framework for switching off the rights that exists, but what about the people who are here already? If it is such a fundamental change, should provision not be made for them? Particularly in a no-deal scenario, which of

course we have to look at, there is clearly a question about the people who are here now. If we get a withdrawal agreement, there will be implementing legislation for that, but there is no clear plan to have implementing legislation or equivalent legislation in the absence of an agreement. That would leave the people who are already here exercising rights without legislative protection.

Q3 Maria Caulfield (Lewes) (Con): Professor Ryan, may I ask you about clause 2, which relates to Irish citizens? Obviously, the rights of Irish citizens and the common travel area were outlined in the Immigration Act 1971. What does the Bill do to that? Does it add to it? Is clause 2 necessary?

Professor Ryan: I welcome clause 2. Some of us have been arguing for a long time, particularly since the referendum in 2016, that there is not full provision for Irish citizens in immigration law. There is, in a somewhat obscure manner, recognition of Irish citizens coming from other parts of the common travel area—that, in practice, means coming from the Republic—but, of course, that does not give protection or recognition to the position of Irish citizens who might simply enter the United Kingdom from elsewhere, or indeed who are born in the United Kingdom. That is the gap in legislative terms. Of course, the policy in practice is not to require of Irish citizens leave to enter or remain. That has always been the position, but it has never been clearly expressed in legislation. Clearly, this is the time to do it.

Q4 Maria Caulfield: Am I understanding you correctly? You feel that clause 2 is necessary to add to the existing rights.

Professor Ryan: In terms of legislation, Irish citizens are protected only when they enter the United Kingdom from elsewhere in the common travel area; they are not exempt from immigration law when they enter the United Kingdom from the rest of the world. That is the large gap that clause 2 addresses.

Q5 Afzal Khan: Where do you see the risks of the Government rolling back their promises to EU citizens?

Professor Ryan: I would not want to be specific about what might happen in future. I am conscious that the Bill will potentially define a framework for decades regarding EU citizens. We just have to look at the Windrush story. The way in which Commonwealth citizens of that generation still rely on the Immigration Act 1971 to protect them is not fully understood. Section 34 conferred upon them automatic indefinite leave to remain. That is more than 40 years ago. What was put in place then is still being used. We have to think in that kind of timescale. I do not want to be specific about what might change in the future regarding public policy for EU citizens.

Q6 Afzal Khan: Professor Manning, in the White Paper the Government proposed a temporary 12-month work visa to help businesses to transition. What do you think are the possible problems with the proposed route?

Professor Manning: The first potential problem is that an employer-driven system can lead to workers being extremely vulnerable. They are here only for short periods and do not really understand the system, and so on. We would need quite extensive regulation to prevent potential abuse of those workers.

Secondly, if you are concerned about the social integration of migrants, it will not help with that. Inevitably, there is no point in people who are here only for a short period investing in building a life here, and links to the wider community.

Thirdly, historically it has been the case that, because it is quite artificial—at the end of 12 months a worker has to leave, perhaps to be replaced by another—it generally sets up some kind of pressure for employers to extend the 12 months. It may start off in that form, but there is a risk of drift into a more permanent migration route.

Q7 Jack Brereton (Stoke-on-Trent South) (Con): How do you see the changes to free movement affecting the economy? Do you think they will have a positive or negative impact, or do you have more detailed concerns?

Professor Manning: The view in the report that we published in September is that EEA migration has not had very big costs. It has not had very big benefits either. The technical analysis in the White Paper indicated that. There would be impacts here and there. The general point is that after 2004 free movement, more by accident than design, was a system for primarily lower-skilled migration. Most countries have a preference for higher-skilled migrants. The proposals that we made, and that were taken forward in the White Paper, were essentially to alter the balance towards more higher-skilled migrants.

Q8 Jack Brereton: Do you think that lower-skilled labour has had any impact on wage levels?

Professor Manning: Not to any great extent—we are fairly confident about that. There is some evidence of a small effect but, because of the minimum wage, there has been quite a substantial protection against that at the bottom end of the labour market. It has certainly not had a positive effect on wages—the evidence there is neutral to negative. I would not say that any of that effect has been very big.

Q9 Nick Thomas-Symonds (Torfaen) (Lab): Professor Manning, you may have seen the CBI Wales analysis showing that 58% of workers in the manufacturing sector in Wales, over one quarter of whom are EU nationals, earn below the £30,000 threshold. There is real concern about how this would impact on manufacturing, in Wales in particular and across the country. What analysis have you done about the potential adverse impact on the manufacturing sector?

Professor Manning: Our proposal was to maintain the existing system of salary thresholds, of which £30,000 is one but not the only one. A lot of commentary omits that important detail. If you take that number, we think that the argument for having migrants is normally that there is a shortage of workers in the domestic labour market to do that job. Our proposal is that you should be able to employ migrants, but you have to be paying above the going rate for wages; you must not be employing migrants to undercut the domestic labour market. The absolute minimum salary threshold that you would consider would be something like the average, which is about 50% of workers. When you say it is 58% of workers, I think it is entirely reasonable to think that there is some upward pressure on wages in the manufacturing sector. I understand that the CBI is not very keen on that, because to the CBI wages are a cost, but to other people it is their income.

Q10 Nick Thomas-Symonds: No one is suggesting that migrants should be exploited or paid less than they deserve, but there is also a concern in Wales that the average salary for the whole of Wales is below £30,000. Let us take the care sector, for example, which relies heavily on those coming to this country to work. If you are enforcing the £30,000 salary threshold, what on earth is the care sector in Wales supposed to do?

Professor Manning: Care is a very particular problem, as we singled out in our report. It faces very serious recruitment and retention problems. The root cause of the problem is that it does not pay enough. The root cause of why it does not pay its workers enough is because no one has sorted out the funding situation for social care, even though it has been known for many years that this is not a functional system. We understand that there is a real problem in social care, but it is important to focus on the root cause of the problem, and that will not be solved by immigration.

Q11 Nick Thomas-Symonds: No one would disagree that social care is in need of reform. Assuming that reform does not happen any time soon, I take it from your answer that the £30,000 will have an adverse threshold on the care sector.

Q12 Tracey Crouch (Chatham and Aylesford) (Con): We have already fallen into the trap that we fell into on Second Reading, which is to start discussing issues around the Government's White Paper on immigration. Do you think that the Bill and the Government's White Paper on immigration have set out a coherent position—a position that allows them to work together beautifully?

Professor Ryan: Because I work in immigration law, I see the Bill and the White Paper as quite separate from one another, and the discussion about future labour migration policy and other aspects of immigration policy as very much apart from the Bill. I see the Bill as providing a system for switching off EU rights and dealing with the particular case of Irish citizens. I see them as very separate from one another.

Q13 Tracey Crouch: We do, too—we should be doing so as well—but in terms of them working alongside each other, do you think they set out a coherent position?

Professor Ryan: I see them as essentially different projects, if you wish—different aspects of where things are going. They certainly can fit together, but it seems to me that the Bill does not predetermine anything about what future policy would look like.

Q14 Tracey Crouch: Professor Manning?

Professor Manning: The Bill does not have any details on exactly what the future system will be. The White Paper talks about a consultation as well, and there is still quite a lot of detail to be filled in. There is still considerable uncertainty about exactly what that future system would be.

Q15 Paul Blomfield: I wonder whether I can go back to your earlier points about the historic nature of the Bill, Professor Ryan. You commented that citizens of Commonwealth origin still draw their rights from the 1971 Act. Do you think that the Bill adequately defines the rights that those acquiring settled status will have?

Professor Ryan: It does not, because it does not really attempt to do that. In a sense, that is the gap that I am identifying. In relation to EU rights, the Bill provides

for switching off, but it does not provide anything about prior residents or people who are already exercising rights. There is nothing said about that in the Bill. We do not know the exact intentions on how transition arrangements would be operated, for example, under the powers in the Bill. Nothing has been said so far to indicate that the Bill is going to provide protection to anyone who is here already.

Q16 Paul Blomfield: Do you not find it extraordinary that such a historic measure, which affects so many people in this country, does not have that provision?

Professor Ryan: Yes, indeed. That is why I started with that observation—to try to ask for the Bill to be seen in those terms. Understandably, because of the politics around leaving the European Union, everyone is concerned with the moment, as it were, but I urge the Government to take a longer view of what the Bill really means and think about other things that could go in the Bill because of the long life that it may have.

Q17 Alison McGovern (Wirral South) (Lab): Professor Manning, on behalf of the Migration Advisory Committee, in relation to EEA nationals working in this country, you were careful to say just now that the root cause of low wages in the care sector is not immigration, but rather the funding of the system. In relation to other sectors, you seem to be saying that you believe that constraint in the labour market could have a positive effect on wages. Could you just say a little bit more about what you think the channel to that is? Is it excess profits in manufacturing that management will decide to divert to wages? Is it efficiencies that the manufacturing industry has not invested in, and now will? What do you think the channel will be? It is one thing to say that immigration has been neutral to negative—your words—but another to say that constraint in the immigration system affecting the labour market will push up wages. This is not simple supply and demand, is it?

Professor Manning: It is not just simple supply and demand, but supply and demand is relevant. It is important not to exaggerate the role that immigration plays in everything that is happening in the labour market as a whole. We have a very tight labour market at the moment, and demand for labour is running ahead of supply in many sectors. There are complaints about shortages and vacancies in a lot of places. Solving that through immigration, it is said, means increasing the supply of labour to bring demand and supply into line, but in our view that will not work because when immigrants come, they increase supply. They earn money, spend money, and add to labour demand more or less in balance. That is why the overall effect is neutral.

We think the way in which you should respond to imbalance in the labour market is through raising wages. Where do those rising wages come from? Partly, employers are put under pressure to use labour more efficiently when labour is scarce, so that is part of the efficiencies that you talked about. There might be some sectors that have been quite profitable in recent years, so there is some scope to squeeze profits, although there are many sectors where margins are tight. If you talk to employers, they would say they really have not got that much choice.

It is also the case that workers will vote with their feet and go to work for employers that they think offer them the best deal. In that process, there are good employers

and bad employers. When labour markets are tight, good employers do well and bad employers find it harder. That is a natural process by which we have rising living standards in the economy.

Q18 Alison McGovern: I just want to be clear about what you are saying. Obviously, there are second order effects, so there is the simple function of supply and demand, which might put pressure on employers to raise wages, but the second order effects will depend on their business circumstances. For example, take a manufacturing firm in the north of England where they have already heavily invested in machinery and robotics, where the nature of what they do has not been profitable. The car industry has not been massively profitable over the past few years. They will find it quite difficult to put wages up and maintain viability for their business.

Professor Manning: There are British employers at the cutting edge of new technology, so it is very hard to find productivity gains. But we also know that productivity in British industry across the piece lags behind our competitors, notably in Germany, quite substantially. Within all sectors there is a huge range of productivity. There are very efficient employers, but a lot of research suggests there is quite a long tail of not-so-productive employers where there are potential productivity gains to be had by moving to current best practice.

Q19 Alison McGovern: Has MAC disaggregated that data? Productivity gains and where they could be made affect different regional economies in quite a diverse manner. Areas dominated by manufacturing, where there has been investment, would be different from areas that have many more firms that are less productive. Does MAC have any evidence on the regional impact of the Bill?

Professor Manning: In the interim report that we published last spring, we did a broad sectoral analysis in which we looked at trends in productivity. We also did a regional analysis, but we have not done a full mix of regions by industry. I don't know if you can say a particular industry in a particular region, but I have a particular view on that.

Q20 Alison McGovern: Okay. Professor Manning, you are saying that we do not fully understand how the Bill will affect the different locations in our country, even though, economically speaking, we know we have a pretty unequal country. We do not really know, do we?

Professor Manning: We did an analysis of how it would impact different regions. For example, when one talks about salary thresholds, we have tables on how this would affect different regions. But you are right to point out that there are very big regional inequalities in the UK that probably have been allowed to fester for too long. One of the reasons, for example, why we do not recommend regional variations in salary thresholds is because we do not want to institutionalise some parts of the country as low wage and other parts as high wage.

Q21 Alison McGovern: One final question, if I may. Professor Ryan, you have said to us on several occasions that there is a major gap in this Bill as regards EU nationals who will have settled status. You mentioned a

[Alison McGovern]

parallel with the Windrush scandal. Is the message we should take from your evidence that unless the Bill is amended, it will open us up to another Windrush?

Professor Ryan: I would not want to be that dramatic.

Q22 Alison McGovern: Or it could.

Professor Ryan: It is more that Parliament needs to think about future-proofing the immigration arrangements that are put in place, to think about whether this will work over the long term and not leave people out. To take the Windrush parallel, it is the children from those times who, later in life, are having to prove their status. Exactly the same could happen with EU citizens; the children of those citizens may struggle later if things are not designed correctly to establish what is happening now. Whatever arrangements are put in place, that should be part of what is being addressed.

I believe that, somehow, through primary legislation, guarantees need to be put in place for current residents. I recognise that could be done in subsequent legislation—the withdrawal agreement Act would be another opportunity to consider this question—but, of course, if we do not have that legislation because there is no deal, this seems to be the opportunity. I realise that is a difficulty, but perhaps it should be addressed now.

Q23 Alison McGovern: The clock is ticking.

Q24 Nic Dakin (Scunthorpe) (Lab): You are being very clear, Professor Ryan, that something should be written into the Bill that protects the rights of people who are here at the moment.

Professor Ryan: This is not the only opportunity to do it, but if there is no deal, this may be the best opportunity to do it. That is really what I am saying.

Q25 Nic Dakin: If you were advising the Committee, you would say, “You might as well do it now.”

Professor Ryan: Yes.

Q26 Nic Dakin: To use your words, that would help us in “future-proofing” the Bill and make it less likely that 40 years down the line, there will be a Windrush scandal in relation to this.

Professor Ryan: Yes. The numbers are massive; we are talking about more than 3 million people who potentially have claims. It is not realistic, in my view, to think that they will all come forward and that everyone who needs to prove later on that they made those claims will be able to do so. It is just too large a cohort.

Q27 Nic Dakin: Because of what has happened with Windrush, we should have our eyes open to this problem in a way that perhaps people in the past did not.

Professor Manning: Yes, indeed.

Q28 Nic Dakin: Professor Manning, could I come back to the issue of thresholds? At the moment, £30,000 is the threshold written in, but I think you suggested that the threshold needs to be less than that in certain areas. We talked about care, but we might also talk about something such as butchery in the food sector. Clearly, there is a shortage of those skills, and this could be a way of addressing it over the short term. Immediately,

there would be a problem: a £30,000 threshold for something such as butchery would create significant problems in the food sector if you are at an edge.

Professor Manning: I am not sure that is quite right. There is a system of salary thresholds, of which £30,000 is one, but there are others. For example, there is a new entrant rate of £20,800; for NHS staff and teachers, the national pay scales are the relevant salary thresholds. To take the two examples you gave, butchery is one of the medium-skill occupations that we recommend should become eligible for non-EU migrants, but it is one of the lower-paid occupations. We do think that the sector needs to offer more. It is not terribly attractive work, particularly when one is talking about the big food-processing plants; I have visited one. That sector is, again, not paying wages that are competitive in the domestic labour market.

I do not think it is unreasonable to expect it to be able to compete for labour in a tight labour market. We want people to have high-quality jobs, which is partly about high wages but also about good terms and conditions. I do not feel that that sector is fully stepping up to the mark at the moment.

Q29 Nic Dakin: What my hon. Friend the Member for Torfaen said about Wales could well be said about the Lincolnshire area I am in, where average salaries are not at £30,000. You are setting a bar at a high level compared with what people are already being paid in those areas. I am with you in terms of pushing up wages. I am happy about that, but it needs to be done in a way that allows business continuity. I am trying to understand how that works.

Professor Manning: Across the piece, if you take the medium-skilled jobs that would be brought within the non-EU system, we recommend the existing salary thresholds. I keep pushing back a bit when anyone says £30,000, and saying that it is actually wider than the £30,000.

Across the piece, our estimate for April 2017—it will be slightly lower now—was that something like 60% of people in those medium-skilled occupations are currently paid less than £30,000 on a full-time basis. We view that as appropriate because, as I said, we want the salary thresholds to be above the average wage.

We want sizeable amounts. We want to be able to say to employers, “Fine. You need migrants, but you have got to pay above the going rate in order to have access to them.” We think the salary thresholds have to be a little bit above at least the minimum—a bit above the average salaries.

Q30 Nic Dakin: A little bit above.

Professor Manning: There is a debate. When I say “a bit above”, I accept that there is a contentious issue about how much above. Some people are saying, “The absolute minimum salary threshold you would consider would be the current average,” and yet some people are talking about salary thresholds that are well below average earnings in many of these sectors.

Q31 Nic Dakin: Going back to care, for example, a little bit above would not get you to £30,000, would it?

Professor Manning: I go back to what I said earlier. When people say, “We have to have migrants,” they only feel as though they have to have migrants because they

are not competitive in the domestic labour markets. To work as a care assistant—the main job in social care—does not require formal qualifications.

There are currently quite large numbers of people in the UK who are not in work but who report their last occupation as being in social care. There is a labour supply for social care out there at the moment, but people do not want to work there, because the labour market is quite tight and the terms and conditions are very poor.

Q32 Nic Dakin: That is partly because, at the other end, Government are not putting enough money into the system. There is a bit of a dilemma there, isn't there?

Professor Manning: We accept that, and we singled it out as a big problem. The issue with financing social care is not just with this Government; it is a long-lasting issue that has not been addressed, and I am not sure it is being particularly addressed at the moment.

There is a risk if you have a carve-out for social care. A good example is Canada, which had a live-in caregiver programme. It was about live-in carers, but it was similar. That programme expanded incredibly rapidly, but as soon as the migrants who had come in under that route had the opportunity to leave the sector, they left the sector because—just as the existing residents found—the terms and conditions were poor and they could get better elsewhere. After 10 years, only something like 10% of workers were still working in care. The Canadian Government shut that programme down last spring, because it did not solve the problem.

Our concern about this is that a carve-out for social care will be a short-term fix. It will stop the real, underlying problems being addressed. It will look successful in the short run, but in the medium to longer run it will not work.

Q33 Maria Caulfield: I want to get your views on clause 1, which will repeal free movement of EU citizens. What effect will that have on overall immigration to the UK?

Professor Manning: I must confess that I am not absolutely sure what clause 1 says.

Maria Caulfield: Clause 1 basically repeals free movement between the EU and the UK. Do you think that that will have an effect on overall immigration to the UK?

Professor Manning: We do not focus so much on numbers. In general terms, it is about being more restrictive on the EU side, but liberalising on the non-EU side. We think that what is more important is not the overall numbers but ensuring that migration is for the benefit of existing residents, which is the criterion that we use in deciding on policy. We think that making migration easier for higher-skilled than for lower-skilled workers would serve that end, but the numbers will depend on how the British economy is doing and lots of other factors. We do not really focus on the numbers so much; it is about making sure that we think each individual migrant who comes in under a work migration scheme is contributing to the UK.

Maria Caulfield: Professor Ryan, do you have a view on that?

Professor Ryan: I think it would be surprising if it did not have an effect on numbers.

Maria Caulfield: But do you have an idea of what the scale of that effect will be?

Professor Ryan: No, but impressionistically, there has been a significant increase in EU migration over the past decade or more. Presumably that will be slowed by switching off the rights.

Q34 Maria Caulfield: You have both said in your evidence that the scope of the Bill does not cover future immigration policy, but do you have a view on how quickly that future immigration policy should follow the Bill?

Professor Ryan: Only that they should go together, I suppose, at the commencement of the switch-off, the moment it happens. I am thinking particularly about a no-deal scenario; that has to be in step with the arrangements for the future.

Q35 Afzal Khan: Professor Ryan, you said earlier that there was not enough in the Bill. Is the Bill's lack of detail a problem?

Professor Ryan: I was focusing particularly on the question of guarantees for people who are exercising rights already—prior residents, as it were. That is the key detail that is left out. Apart from that, it is understandable that it is a framework and that details will be filled in later, particularly as regards timing.

Q36 Afzal Khan: Professor Manning, you talked about the need to regulate against the risk of abuse of a 12-month visa. What safeguards would be needed to prevent that sort of abuse?

Professor Manning: One example that you could use is the old seasonal agricultural workers scheme. In its early years, there were issues with some undesirable practices, but in later years the MAC's view—it was before my time, so I was not involved in that piece of work—was that it was a fairly well run system. What is envisaged in the White Paper is potentially on a much bigger scale, which would mean much more expenditure on enforcement and so on. At the moment we do not really have the infrastructure in place for enforcement; it would have to go along with development of the programme itself.

Q37 Afzal Khan: On expenditure, are there any further details that you can give us on what you expect, or in which area?

Professor Manning: That kind of scheme was not in our report. We laid out reasons why we were not terribly enthusiastic about it, but it was a feature of the White Paper more than of our report.

Q38 Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Professor Ryan, I think everyone welcomes what clause 2 does to protect the rights of Irish citizens and their leave to enter, but your written evidence and other submissions that we have received seem to suggest that it does not go far enough. What else should the Bill do to protect the position of Irish citizens?

Professor Ryan: That is correct: I have argued in the written evidence—and I believe they will be saying something similar—that there are some adjustments that one could imagine. As it stands, the Bill does not guarantee equality as regards family migration for Irish citizens. That is thinking especially about Irish citizens

who might want to relocate to the United Kingdom: they are not guaranteed to be in the same position as British citizens. That is a provision that could be made—or, one hopes that a commitment could be made that the rules will be framed so that Irish citizens will be treated in the same way as British citizens as regards family migration.

There are questions about the deportation provisions as well. I am not disputing that it should be possible to deport Irish citizens or to exclude them, but we need to recognise that the policy has been to do that only in exceptional circumstances. That is somewhat different to the “conducive to the public good” standard that is usually applied in deportation cases. It is important to get clarity about the intentions going forward as regards use of the deportation power. There is a specific issue about Northern Ireland, because of the Belfast Agreement and the entitlement of people from Northern Ireland to identify as Irish citizens. It is important that that entitlement is not compromised by the possibility of deportation of Irish citizens that is confirmed in the Bill.

I have suggested that it could be done through amendments, but the Government could clarify their intentions in relation to Northern Irish citizens.

Q39 Stuart C. McDonald: A couple of times you have referred to the possibility of things happening in the rules—when you were asked about separating out the immigration White Paper from the Bill. Is that not one of the problems we have in this country—that we leave so much to rules? We have had something like 5,000 changes to the immigration rules since 2010, and that gets virtually no attention in this place. Should we be rethinking how we go about setting out people’s rights and obligations in immigration law? Are you happy enough to see these constant changes to the immigration rules?

Professor Ryan: Immigration policy is complex and it evolves so there has to be a structure that permits that to proceed. Perhaps immigration rules could be drafted differently; I know that work about that is going on. I am certainly not against the idea of having immigration rules, and doing the bulk of immigration policy in that way.

Q40 Stuart C. McDonald: But key rights, for example?

Professor Ryan: Exactly. The question is whether certain guarantees should be written into primary legislation. I suppose that that is what I am asking for.

Q41 Stuart C. McDonald: Turning to the question about the Government’s settled status scheme for EU nationals, one of my colleagues, the hon. Member for Scunthorpe (Nic Dakin) referred to 40 years down the line. The problem would arise sooner, as things stand, because you are talking about a cut-off date of December 2020. It could be June 2021, if there is a deal. The issue then arises that people might miss that deadline. What can be done to avoid that happening—with tens, if not hundreds, of thousands of people missing out on a status that they have a right to?

Professor Ryan: Are you assuming that the withdrawal agreement—

Q42 Stuart C. McDonald: Yes. Well, there are different deadlines, depending on whether there is a deal or no deal. Regardless of that, within the next couple of years tens, if not hundreds, of thousands of people will be passing that deadline.

Professor Ryan: I question why we even need a deadline for applications under the settlement scheme. There will be advantages to individuals to registering through that scheme, regardless. I do not see why we need a hard line that says, if you do not register by x date, then unless you come within some exception that we formulated, tough luck. I do not see why we need a deadline at all.

Q43 Stuart C. McDonald: And the benefit of that would be that in 10 years’ time, if somebody had not realised—for instance, the grandmother about whom we heard earlier; she tries to change house but fails the right to rent check, because she does not have the documentation—she would be able to apply for settled status, whereas as things stand, she would be in limbo.

Professor Ryan: Children are the key test here. A child who is here now is eligible under the settled status scheme. Other people are taking those decisions for them, or failing to register. Even if they are registered, how do they know that and prove it later on? The opportunity for them to come back and make the application much later is a way of fixing any difficulties that arise. It would solve a lot of problems if there were no hard deadline for the settlement scheme.

Q44 Stuart C. McDonald: It would have a similar effect, but probably going slightly further. Just now, obviously, an EU national’s right does not depend on them having a bit of paper or a bit of code—depending on how you do it. They get the rights directly from EU law. Would it be preferable if, in this Bill, we said, “Here are the rights for people who qualify for settled status right now”? They get their rights from the statute and applying to register simply proves they have that right, rather than that they have no rights if they do not have that bit of paper. This, essentially, echoes what happens now for EU citizens: they all have rights whether or not they have a settled status document or anything else.

Professor Ryan: It would be possible to formulate a guarantee in that way as well. I have been focusing on the people, ensuring that individuals are protected without specifying what protections they get. It clearly would also be possible in a guarantee to consider the core rights that would be obtained by the beneficiaries of any guarantee.

Q45 Stuart C. McDonald: Professor Manning, the Government’s White Paper suggests that the proposals, if implemented, could mean that GDP is between 0.4% and 0.9% lower than it would have been otherwise in 2025, which represents a reduction in GDP per capita of between 0.1% and 0.2% in 2025 and a cumulative fiscal cost to the Treasury of between £2 billion and £4 billion over the first five years to 2025. Have you any reason to dispute those Treasury figures?

Professor Manning: I am not sure it is just Treasury—

Q46 Stuart C. McDonald: White Paper figures.

Professor Manning: Yes, of course. It is important to realise that it is only modelling being more restrictive on the EU side. It is not modelling at all the liberalisation on the non-EU side. So it is not modelling the whole package at all.

Q47 Stuart C. McDonald: To follow up on that, the White Paper modelling is based on, essentially, a status quo for non-EEA.

Professor Manning: That is my understanding.

Q48 Stuart C. McDonald: So, then, to try and avoid these costs to the Treasury in GDP and GDP per head, you would have to liberalise non-EEA migration?

Professor Manning: The numbers that you quote make the point we made in our report that neither the costs nor the benefits have been very large. When you take that £4 billion over five years, quoted on the public finances, that adds up to a bit under 25p per person per week for a really quite substantial reduction in migration.

Q49 Stuart C. McDonald: You could do quite a lot with £4 billion. It is easy to be relaxed about £4 billion disappearing from the Treasury.

Professor Manning: I could do quite a lot with £4 billion, yes, but it is under 25p per person per week. You can say that is not a good idea, but you cannot say it is a big negative impact. It is what we said: the impacts, both costs and benefits, have been modest.

The Chair: May I remind colleagues that this session finishes at 10.30 am? I have got two people waiting to catch my eye, one of whom we have not heard from before. I also want to give the Minister a chance.

Eleanor Smith (Wolverhampton South West) (Lab): Do you have any concerns, Professor Ryan, about British nationals living in the EU?

Professor Ryan: It is not something I have looked at, to be honest with you. Clearly, their protection requires an agreement between the two sides. It is far more secure with an agreement than without. The European states, the EU27, are now starting to take or announce measures to protect British citizens themselves in the event of no deal. That could be co-ordinated at the European Union level as well. I suppose that if we do end up without the withdrawal agreement, we cannot rule out a special agreement concerning citizens' rights in the future as well. Even in a no deal situation, there are mechanisms by which British citizens in the rest of the EU could be protected.

Nick Thomas-Symonds: The previous Government policy was to reduce net migration to the tens of thousands, but the Home Secretary seems to be saying now that immigration should be at sustainable levels. Professor Ryan, what sort of factors do you think we should take into account to decide what sustainable levels are? Professor Manning, should the Migration Advisory Committee have some sort of role in assisting the Home Office to set what these sustainable levels are?

Professor Ryan: I would rather not answer that question. The question of what sustainable levels are is not really a legal question.

Professor Manning: We make our recommendations based on what we think is in the interests of the resident population. The Migration Advisory Committee has never focused on numerical targets for net migration. We have always been more interested in actual migration policy. We think of the net migration target more as a statement of political intent that might influence policy. It is not, in itself, a policy. We do not see ourselves as making recommendations to meet that particular target. We always make recommendations on what we think is in the interests of the resident population.

Q50 Nick Thomas-Symonds: My question is slightly different though. I was referring to "sustainable levels". Would you ever express—or wish to express—a view on what that might be in a given year?

Professor Manning: I do not think that is a phrase that we would particularly use. I go back to what I said earlier: the right system is one in which you make sure—as best you can—that migrants coming to the UK on work systems are providing benefits to the resident population. The word "sustainable" does not seem to fit into that sentence very easily.

The Chair: If no other colleagues wish to ask questions, I will bring in the Minister.

Q51 The Minister for Immigration (Caroline Nokes): I have a number of questions. Professor Manning, thank you for your hard work on the various reports, and indeed your ongoing work on students and on the shortage occupation list. In your report you veered away from sectoral schemes. Would you expand on which sectors of the economy you think might be most impacted by the end of free movement? Why do you suggest that sectoral schemes are perhaps not the solution?

Professor Manning: The proposals are mostly going to affect those sectors that have relied heavily on lower-skilled EEA workers: food processing, hospitality, warehousing and transport. It is not care assistants, for example, who account for a lower fraction of EEA migrants than the national average. It is not the NHS, which has a lower fraction of EEA migrants than the national average. There is also agriculture. Our view is that if you have a special scheme for a sector, you are giving that sector privileged access to labour; you are preferring that sector over some other sector. Generally, we think there should be a level playing field of competition, particularly in lower-skilled sectors. It is reasonable to think that people working in hospitality might also work in retail and so on, and those sectors should be competing for workers.

The one exception is that we did recommend a seasonal agricultural scheme, because seasonal agricultural workers are 100% migrant at the moment. No other sector gets close to that. We do not think it is realistic to fulfil seasonal work with a resident settled population. That is the one exception, but generally we do not see a strong argument for giving preference to one sector over another, particularly when that sector may use that privileged access simply to keep terms and conditions worse than they would otherwise have to be in the wider labour market.

Q52 Caroline Nokes: I am conscious that the Migration Advisory Committee has, over many years, given close thought to the whole issue of migration, particularly when it comes to free movement and the analysis of the impact that has, and will have. What role do you see for the Migration Advisory Committee going forward?

Professor Manning: There was a page or two in the White Paper about expanding the role of the Migration Advisory Committee. We particularly welcome two aspects of that. First, we have more independence, in a way, to set our own agenda at times, and not just take commissions from Government. Secondly, a big issue is the availability of data. We strongly feel that at the moment—this is very long standing—there is insufficient evaluation of

policy. When a policy is announced there is really not that much follow-through, looking at what exactly the impact of the policy was. Did it actually achieve what it set out to?

Q53 Caroline Nokes: I have a final question for you, Professor Manning, on shortage occupation lists. We have heard about shortages in the care industry and other parts of the economy. Do you see the SOLs, and potentially regional shortage occupation lists, as one mechanism by which you can resolve those challenges after the end of free movement?

Professor Manning: Potentially. At the moment we are doing some work on the shortage occupation lists, although that is within the current system, so it is eligible only to graduate-level occupations. It is really important that it is used in a discerning way. It is not a solution to generalised shortages of labour; it is for targeted solutions to particular bottlenecks in the economy. When a sector reports a shortage, it is always really important to ask why it has a shortage, and why migration is the only solution to the problem. For some of the sectors that we have been talking about, the answer is really due to a failure to offer jobs that are sufficiently attractive in the domestic labour market. In such cases, we are not clear that migration would not actually worsen rather than alleviate the problem.

Q54 Caroline Nokes: Thank you. Professor Ryan, thank you for your really extensive written evidence, and for the thought that went into it—it is very impressive and helpful. I want to talk to you a bit about the settled status scheme, and whether from a legal perspective you think that the rights of EU citizens would be best enshrined in this Bill or in a specific vehicle, namely the withdrawal Bill, which will encompass all the elements of the withdrawal agreement should we get that agreed by Parliament.

Professor Ryan: I think I have made the point that, if there is not a deal, there is a difficulty with relying on subsequent legislation that may never come. There may be a case for making provision just for that scenario in this Bill. If there is a withdrawal agreement that is then implemented through legislation, one has to recognise that the settlement scheme is, in many ways, more generous than the withdrawal agreement. It has taken out the requirement for qualifying conditions to be met by EU citizens, and the approach to evidencing residence is pretty open.

The question arises: would the second Bill actually protect everyone who is in the settlement scheme? I would hope that, in the end, anyone who gets recognised through that scheme can rely on those rights, and that, even if they are not covered by the withdrawal agreement, anyone who gets recognised through that scheme, without fraud and misrepresentation, has statutory protection for their position going forward.

There is a separate issue about people who do not apply. I have already said that I do not really understand why we have to have a hard deadline. One could imagine—in either Bill, I suppose—legislation ensuring the right to come back at a later date to apply, for those who are entitled to do so.

Q55 Caroline Nokes: The settlement scheme is already up and running in public testing mode now. The legislation is in both secondary legislation and immigration rules. I

concur with you that it is important to have it in primary legislation. Do you see any legal difficulty with the status quo prevailing, where the scheme is open, and we have it enshrined in secondary legislation, albeit not primary? Does it matter if there is a timing gap?

Professor Ryan: I am sorry, but I did not quite follow the question.

Caroline Nokes: The settled scheme is up and running. We are awarding EU citizens their status, and we have achieved that by secondary legislation; we laid various statutory instruments that enabled us to open the settlement scheme. Whether as part of the withdrawal Bill or potentially as part of this Bill, do you see any challenge whatsoever with a gap between the end of free movement and the rights of individuals through the settlement scheme being enshrined in primary legislation?

Professor Ryan: Do you mean a gap with regard to timing?

Caroline Nokes: Yes.

The Chair: Order. I am afraid that we will never know the answer to that question, because we have come to the end of our allotted time. On behalf of the Committee, I thank both witnesses for their time. Thank you very much indeed, gentlemen.

Examination of Witnesses

Lord Green of Deddington and Dr Benedict Greening gave evidence.

10.31 am

The Chair: Welcome, Lord Green and Dr Greening. We have until 11 o'clock for this session. I think we all felt that the previous session went very quickly, and I am sure this will go even more quickly. First, could you please introduce yourselves?

Lord Green: Thank you, and good morning. I founded Migration Watch 18 years ago and have been the chairman ever since.

Dr Greening: I am Ben Greening. I have worked for Migration Watch for three years.

The Chair: Splendid. Which colleague would like to ask the first question? I call Afzal Khan.

Q56 Afzal Khan: I have a question for Lord Green. Would you agree that there are certain professions that are not highly paid but are nevertheless highly skilled?

Lord Green: Yes—probably medium skilled. Before I answer your question, can I just thank the Chairman for the invitation? I notice that you have about 25 witnesses and we are the only ones whose view is that immigration should be reduced. In saying that, we have the support of some 38 million people. I just leave that on the table as something that the Committee might like to be aware of.

Certainly there are medium skills that are not very well paid. I would have thought that very high skills probably are well paid.

Q57 Afzal Khan: I believe you have expressed concern about the Government's ability to enforce the deadline on the 12-month visa. Can you elaborate on your concerns?

Lord Green: Yes, certainly. First of all, we are very doubtful about it in principle. It seems to us to be a rather obvious way of avoiding getting people into the official immigration statistics. I think that is a mistake in terms of public trust. We are assuming, by the way, that EU citizens will be eligible for this, and there are indications that that will be so. There is no difference in effect between somebody who is here for 11 months, goes away for a year's cooling-off period, and who can then come back and work for a period that has not yet been defined. I only have to say that to illustrate the difficulties of knowing who these people are, where they are and how long they have been here. We simply do not have the necessary information to do that.

Q58 Afzal Khan: Do you think the Government will be able to make sure that anyone who comes on a 12-month visa leaves at the end of that period?

Lord Green: No, absolutely not.

Q59 Afzal Khan: What do you think of Border Force? Is it adequately resourced at present?

Lord Green: No. Its funds have been cut back as part of general cuts in public funds. It does not have the people it needs and it is simply not able to do the job that I am sure it would wish to do. You only have to look, for example, at the number of people who are here illegally and are removed, which has declined very sharply in recent years.

Q60 Afzal Khan: What are the risks associated with giving the Government carte blanche to introduce a replacement immigration system?

Lord Green: I think you are implying that the Bill does just that—that it is a framework Bill. I think it has to be read in conjunction with the White Paper. We have looked at that to see what the risks might be, and today we are publishing an estimate that it will lead to net foreign migration of about 430,000 a year in a few years' time. It could even hit half a million unless serious moves are taken to reduce it. From that figure, you have to subtract roughly 50,000 a year, which is the 10-year average of British emigration. You are looking at something like 380,000 net migration quite soon, which is higher than the previous peak of 340,000. Reaching that calculation—as I said, I will send it to the Committee—has very serious political implications, but I will leave that to you. In reaching it, we have deliberately ignored the 11-month workers to whom you referred in your first question, Mr Khan. We think that is misleading, and in practice there will be circular migration that amounts to significant numbers of low-skilled workers.

Let me just explain the proposal to weaken the highly skilled department. As you probably know, the proposal is to reduce the level of skills from degree to A-level, to reduce the salary level from £30,000—even £21,000 has been mentioned—to remove the requirement to advertise a job beforehand, and so on. You would be left with pretty much free movement, because 50% of EU migrants who have come here already are in those higher-skilled categories that the Government are now talking about. The other 50% could come as the 11-month brigade.

You would be looking at something that is very close to free movement, and you would have enormously increased the scope for migration from around the world. As outlined in the White Paper, these moves will open 9 million UK jobs to worldwide competition. That is bound to have a very substantial effect, partly because employers will understandably scour the world for less expensive employees. What is more, there will be a substantial number of employees who would want to come here, because those routes will lead to settlement. Our view is that this is a very dangerous policy in terms of numbers, and therefore in terms of the public response to immigration and immigrants.

The Chair: Lord Green, the Clerk has taken careful note of your remarks about the balance of witnesses. I did not have any hand in it, and we will reflect on the issue.

Lord Green: It is not a criticism. This is life—we are the only body in the UK that makes these points.

Q61 Jack Brereton: Would you agree that delivering on free movement and on the control of free movement, which the Bill would achieve, would be a key part of delivering on the 2016 referendum result?

Lord Green: Yes, I certainly would, and I think the public would certainly take the same view. As we have mentioned before, the Bill is only a framework. I think the Scottish National party and the Lords have pointed out that it has enormous secondary powers, which I am sure you will consider. In effect, it opens the door to whatever the Government might later decide. Reading the White Paper, I think we will all be in difficulty.

Q62 Jack Brereton: What do you think would be the consequences of not delivering on the control of free movement?

Lord Green: That is a political question and your Members will know better than I do, but I think they will be serious.

Q63 Nick Thomas-Symonds: I think you have been very firm in your views on levels of migration being too high. What is the right level of migration?

Lord Green: Until 1998, the level of net migration had never been more than 50,000 a year, and on some occasions it had been negative. Times were different, but we did not really need large-scale migration until then. You probably remember—you may have been an MP at the time—that when the Labour Government eased the immigration system, the numbers trebled in a couple of years. You will also remember that when the points-based system was introduced in 2008, we found very soon that we had something like 40,000 bogus students arriving in one year, mainly from the Indian subcontinent. We also found that 1,000 bogus colleges had to be closed. I am not trying to criticise the Labour party in this matter. My point is more general: the pressures on our immigration system worldwide are very strong indeed. We have seen it twice and there is every risk that we are going to see it again.

Q64 Nick Thomas-Symonds: I became an MP in 2015, as it happens, but I remember the history you are setting out. Surely it is not the case that the needs of the economy in the 2020s will be the same as they were in the 1990s.

Lord Green: No, but I agree with almost everything that Professor Manning said. The needs of the economy change, but we also need to make sure that there is an incentive or pressure on employers to use their labour more efficiently, to increase productivity and so on. If you look at a graph, you will see that productivity in the UK, apart from being well below France and Germany, has been flat for 10 years, and immigration has been several million in that period. You cannot possibly argue that immigration on its present scale is improving productivity or anything else.

It is also a key point that there is no evidence for the UK that immigration adds to GDP per head. I think there are one or two studies in the United States about Mexicans providing home assistance for computer experts, or something, but in the UK there is no such evidence. The basic pressure for large-scale immigration comes from employers who make money out of it. They are there to make money if they are able to do so.

Q65 Nick Thomas-Symonds: The right level of migration for the 2020s will be very different from what it was in the 1990s.

Lord Green: Not necessarily. We would settle for the Government's policy until very recently at 100,000. I think that is a reasonable number. While we are on the general point, if we go on as we are, we will continue to add 1 million to our population every three years by reason of immigration. This has enormous effects, starting with housing, and they cannot just be put aside.

Q66 Tracey Crouch: Once we have left the EU, can you envisage any scenario in which EU citizens should be given preference in a future immigration system?

Lord Green: I do not see any need for it.

Tracey Crouch: We have just heard from Professor Manning about seasonal workers, for example. The NFU has sent out a briefing for a debate this afternoon, which makes it clear that the food and farming business is worth £113 billion to our economy. As we have just heard from Professor Manning, seasonal workers mainly from EU countries make up a significant percentage of that. Can I ask the question again: once we have left the EU, can you see any preference within that system for EU citizens?

Lord Green: I am sorry; I did not realise you were including that. We do not oppose a seasonal agricultural workers scheme, for the reasons you have described, but they are not immigrants; they are shipped in for the season and shipped out again. The system was run for about 50 years after the war and only closed down when the eastern Europeans arrived. It should be possible to reinstate a system that does not affect migration but does provide these workers—hopefully not so many that British workers will be unable to get jobs of that kind.

Q67 Tracey Crouch: Can I ask about reciprocal arrangements? Do you have any concerns about British nationals living in the EU? Do you think there should be any preference for British nationals living and working in the EU? If you see no preference for EU nationals here, what would the reciprocal arrangements be?

Lord Green: The arrangements are not reciprocal, in the sense that in the EU these matters are very largely a national decision—almost the only things that are—so

we cannot run, as it were, a reciprocal policy that relates to what is happening in the EU. The EU is introducing a blue card scheme, which is the equivalent of our tier 2, but it is not being very widely used. The only point I would make about British citizens is that they are not being given enough attention, in terms of their future in the countries where they are. I do not think the Commission has been very effective, frankly. While we are paying great attention to the European Union citizens who are here, as we should, we should pay equal attention to Brits in Europe.

The Chair: We are more than halfway through this session, and we have not heard anything from Dr Greening.

Q68 Alison McGovern: If I may say so, I would hesitate to describe anybody who comes to work in this country as “shipped in”. I think that is unfortunate. I want to ask about our ageing population, to follow up on the question asked by my colleague Nick Thomas-Symonds. Do you think that the dependency ratio, under the situation that you envisage with reduced immigration, will get better or worse?

Lord Green: First of all, what was the word that you were worried about?

Q69 Alison McGovern: You described people coming to work in this country as being “shipped in”.

Lord Green: Oh yes—well, they were shipped in.

Q70 Alison McGovern: It is unfortunate language, with respect, Lord Green. It is dehumanising language.

Lord Green: I want you to understand how this system worked. It was actually employers who brought them in—can I say in bulk?—together, as a group, in order to work in the fields.

Q71 Alison McGovern: The point has been made. How do you see your proposal as improving—or otherwise—our dependency ratio in the labour market?

Lord Green: Of course it would increase the dependency ratio. There is no doubt about that. Equally, there is only one way to deal with that, which is to raise the retirement age. If you are going to try to use immigration to deal with the dependency ratio, it becomes a Ponzi scheme, because as the new migrants get older you have more older people, and therefore you need more migrants in order to restore the balance. That is the oldest story in the book.

Q72 Alison McGovern: What would you like the retirement age to be raised to—something like 70 or 75?

Lord Green: You can do various calculations on that. I do not have them in my head. I think that so long as we live longer and healthier, there is perfectly good reason to raise the retirement age.

Q73 Gavin Newlands (Paisley and Renfrewshire North) (SNP): I want to follow on the back of Ms McGovern's question. You did speak of humans as being shipped in and shipped out, as if they were canned goods rather than actual human beings. That leads me to a point you raised in the oral evidence session for the previous Immigration Bill, when you described asylum seekers,

and victims of exploitation and traffickers, as “these people”. Would you agree that this sort of careless and dehumanising terminology has fuelled much of the anti-immigrant rhetoric in the UK, and has perhaps even led to Brexit itself?

Lord Green: No, I think that is completely irrelevant, frankly. I hope that this is a meeting in which I can speak to you clearly and simply. If I was making some public speech, I would use different words. This is not a public speech, I hope.

Q74 Gavin Newlands: It may not be a public speech, but it is very much on the record, and I have to say that that is not very helpful. In terms of the Bill itself and border enforcement, I think that during evidence on the previous Immigration Bill—this was in late 2015—you said that something around £750 million a year was being spent, which you described as absolute peanuts. Do you think that the Border Force and the Home Office are adequately resourced to deal with the post-Brexit migration system?

Lord Green: No, I don’t think they are.

Q75 Gavin Newlands: Would you care to elaborate on how much more should be spent or is required?

Lord Green: The first thing is to restore the cuts that have been made, but I think they will probably need more than that, because they will have a new situation to deal with. But I am not an expert on the administration of the Home Office.

Q76 Stuart C. McDonald: Do you have any thoughts on how the settlement scheme has been set up for EU nationals who are already there? Do you anticipate any difficulties in making sure that as close as possible to 100% have applied for settled status by the deadline?

Lord Green: There are bound to be problems. You are talking about literally millions of people, most of whom have good English, but not all. There is certainly a possibility—a probability—that by the time the deadline comes, there will be people who have not registered. I listened to what the previous witness said about that.

We will need to be careful that we do not accidentally find that a large number of people have rights that they are not aware of—have rights through their parents that they are not aware of, as one of the Committee members put it. There is a risk there, but that is administration and I am sure that the Home Office will do its best.

Q77 Stuart C. McDonald: Professor Ryan specifically suggested removing the deadline altogether. Do you think that is a sensible proposal?

Lord Green: I do not have a strong view on that, but it does seem sensible to have a deadline, otherwise people will leave it and leave it and never get it done. The deadline helps to get people in and do the registration, so it is at least a line in the sand, but I do not think it should be the end of the world.

Q78 Stuart C. McDonald: The motivation to apply for settled status is that if you do not have it, you will not be able to work or rent, and so on. Even without an official deadline, surely that would be enough in itself. You are saying, “All this will come into force for you on a certain date,” and surely that is sufficient motivation to encourage people to apply in advance.

Dr Greening: I have seen something from the Government in which they specified that the deadline was somewhat flexible, so if there were good reasons why people had not applied by the deadline, they would be treated on a case-by-case basis.

Q79 Stuart C. McDonald: Is that really a satisfactory response, when we are probably talking about a couple of hundred thousand people?

Dr Greening: It is reassuring to see in the White Paper that the Government said:

“The EU Settlement Scheme...will ensure that those who successfully apply for it have a clear immigration status in the UK, safeguarding against what happened”

to some members of the Windrush generation. The Government are clearly aware of the lessons to be learned from Windrush and are applying them in applying the EU settlement scheme. There are bound to be some teething issues and problems.

Q80 Stuart C. McDonald: Two hundred thousand people being unable to access employment or housing or whatever else is not a teething problem, with respect.

Dr Greening: That would be a major problem. I hope that the Government take—

Stuart C. McDonald: Lord Green has highlighted the problems in terms of funding for Home Office administration. I think the Home Office is pulling out all the stops and doing its best to try to register as many EU nationals as it can, but even if it achieves a 90% success rate, 400,000 people will still be in a similar situation to the Windrush generation.

Dr Greening: We do have concerns about that. We will be watching closely to monitor it and ensure that it is efficient, that it works for the millions of people who will use it, that it reaches everyone and that it makes sure that no one who has rights loses their rights.

Resources are relevant to that. It is important to note that Lucy Moreton, of the Immigration Service Union, said that immigration enforcement is not adequately resourced at the moment to deal with illegal immigration. Combined spending on Border Force and immigration enforcement has fallen by £100 million over the last three years. The chief inspector of borders has said that the capacity simply will not deal with numbers. Officials have complained to him about security at southern ports being resourced to—

Q81 Stuart C. McDonald: The problem I have is not about enforcement. I do not want people who fail to meet the deadline to be enforced against; I want them to be able to apply and to have their cases processed in time.

Dr Greening: As do we.

Q82 Nic Dakin: I think you were saying earlier that this legislation as it stands, along with the White Paper, is likely to lead to an increase in inward migration. Is that right? That was my understanding.

Dr Greening: Yes.

Q83 Nic Dakin: Given that we are setting a future direction now, what would you like to see in this legislation to make that less likely to happen?

Lord Green: First, it is quite difficult to set out immigration policy in primary legislation. That is why this Bill is drafted as it is. I have, as I say, some sympathy with the Scottish National party in the House of Lords in saying that this is really very wide. We would like to see something pretty close to the existing tier 2 system, with a salary threshold of the order of £30,000, and the shortage occupation list developed. I think that can deal with a number of problems; it already does nurses, and it could do laboratory assistants, for example. We favour the seasonal agricultural workers' scheme, which has just been mentioned. We suggest that the way to deal with the lesser skilled—if I may use the term, meaning that middle group—is to have temporary visas for semi-skilled workers, limiting them to three years and having an escalating annual cost of £1,000, £2,000 and £3,000, so that there is a financial incentive for employers to train their own people. For the past 10 years, the training of apprentices and so on has gone through the floor, and it has done so because you can take a plumber or whatever from Poland without bothering to train them. We need to make sure that there is a financial incentive for employers of these skills to train British replacements.

Q84 Nic Dakin: So that is how you would tackle the issue of butchery, for example, which I raised earlier?

Lord Green: I am not an expert on butchery, and there will be special cases of various kinds, but for most of these skills we think that would be a sensible approach.

The Chair: If no other colleague wishes to ask a question, perhaps we will give the final opportunity to the Minister.

Q85 Caroline Nokes: We have three minutes to go, and I will try to give you time to answer, Lord Green. We have heard from employers' groups, among others, that what they want from a future immigration system is simplicity, and of course free movement has the advantage of being very simple. Do you think that simplicity is important, or would you prefer to see a much more complicated scheme, perhaps such as what you have just begun to outline, with differential costs of visas depending on which year of stay people are in?

Lord Green: I think simplicity is important, but effectiveness is more important. If you have a system that is wide open to these middle skills, you will lose control of the numbers. What you have to do, given that you cannot follow everyone around the country to remove them after x years, is to put a financial burden or incentive on employers to train the replacements that we need.

Q86 Caroline Nokes: A number of members of the Committee asked about flexibility and meeting the future needs of the economy. How important do you consider it to be that we should have a future immigration system that allows a level of flexibility?

Lord Green: The main flexibility is the free market system, where wages go up and attract people into the places where they are needed. Where you do not have that financial incentive, it does not happen. We should allow the market system to work. Indeed, as Professor Manning said, if your first reaction to a shortage is to

produce immigrants, you will never deal with the shortage and you will never improve the working conditions of those who are already in that industry.

Q87 Caroline Nokes: Taking the £30,000 threshold as suggested by MAC, do you see a case in which, potentially, that could go up year on year?

Lord Green: Did you say £30,000?

Caroline Nokes: Yes.

Lord Green: Possibly. I don't know. It depends on what happens. But I think that the £30,000 is a sensible level, and it does mean that you are then dealing with highly skilled people. I would not want to lower it, and there may be a case for raising it as time goes on.

Q88 Caroline Nokes: Do you think that salary level is always necessarily a proxy for skill?

Lord Green: Not always, but it is not a bad proxy. It is probably the best you have.

The Chair: Lord Green, thank you very much for your evidence to the Committee.

Examination of Witness

Chai Patel gave evidence.

11 am

The Chair: This final session is even shorter—we have only until 25 past 11. Will our witness kindly introduce himself?

Chai Patel: I am Chai Patel, I am the Legal Policy Director at the Joint Council for the Welfare of Immigrants.

Q89 Afzal Khan: Your organisation played a key support role in the Windrush scandal. Do you think the Government have addressed the systematic issues in the Home Office so that another Windrush for EEA citizens who are about to come under the UK's immigration system can be avoided?

Chai Patel: No. I think to some extent that is because of failings in the Home Office and the Government, but to another it is because the issues that were exposed most clearly by Windrush are very deep-seated in immigration law and the way we conduct almost all our immigration system. I would not necessarily have expected the Government to be able to do that in the time that we have had. The problem we face is that we are moving very quickly towards a situation in which between 3 million and 4 million more people's immigration status or leave to remain in this country will not be as clear as it once was. That is because European nationals will no longer simply be able to show a passport and have everyone immediately assume that they have the right to work, to rent, to access healthcare and to simply live their lives here.

Over a period of years, several Governments have introduced a compliant or a hostile environment where immigration checks are part of day-to-day life and where private individuals have to carry them out, which we know causes discrimination for non-EU citizens. For example in the right to rent, we know that landlords are

less likely to rent to people without British passports. We know that in some situations that can cause ethnicity discrimination. We are now proposing that the status of another 3 million to 4 million people should be potentially uncertain because their passport does not mean what it once did.

As an organisation, we do not have a formal position on the continuation of free movement or on exactly what the best political solution is to these problems. We are concerned with the human rights, the procedural rights and the legal rights of all people in this country, particularly migrants. The situation we are in and the way in which the Government have approached the settlement scheme and resolving some of these issues increases those risks.

Q90 Afzal Khan: Do you feel there is a real risk of EU citizens having the same difficulty as the Windrush people?

Chai Patel: Absolutely. I think you have already heard evidence that, at the end of the period allowed for people to make their settlement applications, potentially hundreds of thousands of people will not have been successful in doing so. Those people will be undocumented. They will be in exactly the situation that Windrush people found themselves in. If there is no deal, that could happen much earlier because it becomes very unclear what the difference is between the rights of EU nationals who arrived during the transition period and those of EU nationals who were already here. You might start to see some of those problems occurring much more immediately.

Q91 Afzal Khan: On clause 4, what concerns do you have about the scope of powers granted to the Home Office to create an immigration system through secondary legislation, and how well do you think the system of parliamentary scrutiny of immigration is working at the moment?

Chai Patel: At the moment, non-EU immigration law is extraordinarily complex. Supreme Court judges, Court of Appeal judges, immigration experts and immigration lawyers have all said in public that it is almost impossible for anyone to navigate, let alone for people who are expected to do so without necessarily having perfect English or legal aid. To a great extent, the reason why it is so complex is that immigration rules have been made over many years and over many Governments, and they are frequently made in response to political pressures, without very much consideration of the consequences or of the underlying evidence for making them. They just pile on top of each other and you end up with a system that does not work for anyone.

You have that in the context of a Home Office that has been underfunded for some time and which has seen real-terms cuts to its funding over the past few years. It is now about to be asked to move from a system of free movement, which was, as the Minister said, a light-touch and simple system, to one that is potentially very complex. You, as parliamentarians, are being asked not just to approve that move but to approve the Home Office taking complete control over how the new system is going to work at a time when successive Home Secretaries and Prime Ministers have failed to construct a system that works when they have had the power to do so. At this time, Parliament should not be abdicating its responsibility to scrutinise and to decide what the

immigration system should look like. At the moment, from everything that we have seen, the Home Office is not capable of administering the existing system.

Q92 Afzal Khan: In the light of what you have said about the complexity and difficulty of the system, would it have been helpful if the Government had followed the Law Commission's idea of simplifying immigration and then added the 3 million or 4 million, so that it would have been easier to operate?

Chai Patel: One of our recommendations is certainly that the Law Commission's exercise of simplification should be carried out before any substantial changes are made to the position of EU nationals.

Q93 Eleanor Smith: What changes would you like to see the Government make—I think you have just mentioned this—to the EU settlement scheme?

Chai Patel: We have a number of recommendations that we would make if the settlement scheme remained an application process, but we think that, by far the simplest, most cost-effective and safest thing to do is to make it a declaratory scheme immediately and for all EU nationals and all relevant individuals who are currently in the UK under the EU treaties to be granted a legal right, as of law, permanently to remain in the UK. They should then be given the opportunity, over a number of years and with no strict cut-off, to register for documents as they need them.

I understand that concern has been expressed about how to encourage people to apply if there is no cut-off. I think that people will need those documents as part of their day-to-day lives and will apply for them when they need to. It is really important that they are not at risk of becoming undocumented because they have not done so. I hesitate to suggest this because we do not agree with it, but at the moment, the penalty for failing to apply is to lose your status. I understand that there are potentially exceptional circumstances or even some good reasons that might mean that you do not lose it, but the default is that you will lose your status. It is not beyond the wit of Government, if they want to, to devise some other incentive scheme that does not involve losing immigration status.

Q94 Maria Caulfield: In your briefing, you said that you would prefer the UK to have a simpler immigration system overall. Does removing free movement for EU citizens and standardising it for citizens—whether from the EU, the Commonwealth or the rest of the world—not answer your request for a simpler immigration system?

Chai Patel: It might if there were any proposal on the table for such a system, but we have not seen one. We have seen a White Paper that would increase the complexity of the system. There is the simplicity of system but also the simplicity of the ways in which people use the system.

At the moment, roughly half of all immigration to the UK occurs under a very simple system. We are now talking about moving all of it into a very complex system. A proposal to simplify the entire system and, importantly, to do so in a way that does not put EU nationals into the current system for non-EU nationals, which is frankly completely unfit for purpose, brutal in many ways and does not work, is something that might be welcomed, but we have not seen such a proposal.

Q95 Maria Caulfield: In a new system would you want to see any preferential rights given to EU citizens as opposed to citizens from the rest of the world?

Chai Patel: In an ideal world, people from all countries would be treated equally under the immigration system. What I would be careful about is the fact that we have heard a lot from people who have suggested that Brexit provides an opportunity for us to move to that, but the Government's plans in the White Paper certainly do not provide that because it specifically states that, of course, preferential treatment will continue to be given to people where trade deals require that to be the case. So, yes, in theory, but at the same time I would be reluctant to suggest that I think that is going to happen.

Q96 Stuart C. McDonald: Mr Patel, you have declared your preference for a declaratory EU settlement scheme, which I think is a very good idea. Professor Ryan's alternative would be simply to remove the cut-off date for applications. Have you any thoughts about the pros and cons of that argument?

Chai Patel: I think that in effect it is the same thing. I might be wrong if there is no cut-off date. What is someone's legal status at the end of the transition period or the grace period until they apply? If they are in legal limbo at that stage it seems simpler to grant them the legal right as of law, rather than saying they can apply later and be reinstated, because there might then be a question of what their status was in the intervening period.

Q97 Stuart C. McDonald: That is an interesting point, thank you. We heard Professor Manning talking about some of the challenges or problems with the one-year visas that are proposed in the White Paper, as a stop-gap measure for so-called lower-skilled forms of work. He talked about the potential for exploitation and problems with integration. Have you any thoughts on that type of visa?

Chai Patel: I think that will inevitably lead to exploitation. It contradicts the reasons that the Government have given for wanting to reduce immigration in the first place. Of course, we do not accept all of these, but in theory there is an idea—not borne out by evidence—that immigration reduces people's rights in the workplace, because immigrants can be treated less well. That only happens when immigrants are given fewer rights. If they are put on short-term visas, that increases the potential for exploitation.

We do understand that there is concern about integration and people wanting more integrated and cohesive communities. We do not think there is any contradiction between immigration and cohesive communities. What we do think is that, if people are required to come here for a year and then to leave, they will not be able to make those community links.

It may well be that people are rightly resentful of people who come in for a year and then leave, having left no long-standing mark. I think people welcome immigration whereby people are able to come to this country to live as people who belong to this country and, if they choose, to stay as long as they want to put down roots and build families here.

Q98 Stuart C. McDonald: On a different question, were you surprised there are no appeal rights for EU citizens in relation to the settled status scheme in the Bill? Or are they expected somewhere else?

Chai Patel: I am surprised. The withdrawal agreement clearly sets out that appeal rights will exist. The Government have said that legislation is required to make those appeal rights a reality, which is why we have not got them in the pilot scheme. Therefore, it seems very strange to us that the Bill does not contain that legislation.

Q99 Stuart C. McDonald: The Government might suggest that the best place for them is the withdrawal agreement implementation Act, or whatever it will be called, but does that leave us with a problem? The Government seem to be suggesting that there will not be formal rights of appeal in the event of no deal. What are your concerns about that?

Chai Patel: That is certainly a concern. All the rights that have been set out for EU nationals under the withdrawal agreement must be available to them in the event of no deal, if it is accepted that those rights are required. Certainly it must be right that people who are denied settled status have the right to appeal to an independent tribunal, rather than having to seek a Home Office administrative review or a judicial review, which is not sufficient to deal with the merits of their case and is very costly both for the Government and for the person pursuing it. There needs to be a simple and fair appeal system in which an independent tribunal can look at the merits of someone's case when they are denied the right to stay in this country.

Q100 Tracey Crouch: You have argued that the Bill should be withdrawn and should instead form part of a wider Bill that encompasses the future immigration system. How does that sit with the commitment to leave the EU and end free movement as soon as possible?

Chai Patel: First of all, our view is that it would be open to the Government to put forward an immigration Bill that did that very simply, but they would need a plan for the new system. No such plan exists; until it does, ending free movement simply cannot be tenable, for the reasons that we have given. We are not saying that it is invalid for the Government to choose to end free movement. We may disagree about precisely what system will replace it or about whether free movement was the best system in the first place, but that is fine. What you cannot do, however, is end free movement overnight, because that will lead to a situation in which between 3 million and 4 million EU citizens were here with no documentation beyond their EU passport, while new EU migrants were coming in with their EU passport plus some other document. We have in-country immigration checks, and people may want to leave and come back, but they will not be able to until they have been registered and a clear new system has been set out. The Government should have put that forward in the Bill.

Q101 Tracey Crouch: Do you not recognise that the Bill is a critical component of delivering the 2016 referendum result? That is the question that the previous witness was asked.

Chai Patel: I do not see how that is the case. This Bill is premature. If the Government want to deliver that result, they must put forward a system for immigration control that will apply afterwards. They have not done so.

Q102 Paul Blomfield: The question that I was going to ask about appeal rights has been largely covered, but may I ask whether you feel that it is rather exceptional within our immigration system to deny any appeal rights to a category of people who seek status within the UK?

Chai Patel: Unfortunately not. It is important that we also say that appeal rights should be reinstated across all immigration matters. The removal of appeal rights has caused significant problems, which we are seeing in our work—particularly because at the moment, unfortunately, the Home Office is not capable of making decisions correctly. Where people are allowed appeal rights, the success rates on appeal are remarkable: around 50%, or even higher in some categories of case. That should be fixed, and one of the ways to fix it is to have oversight. If caseworkers know that people will be given a right to appeal and legal aid to pursue that right, they will be incentivised to make good decisions in the first place.

Q103 Paul Blomfield: How confident are you that the option offered by the Home Office of administrative review, and ultimately judicial review, provides any real opportunities for challenge within the system?

Chai Patel: The chief inspector's reports on administrative review have raised some concerns. Simply as a matter of practical reality, administrative review is the

Home Office marking its own work. If it is not getting decisions right the first time, it is not getting decisions right the second time. The point is that people are trying to get through decisions. The Home Office is understaffed. The people making the decisions are undertrained and struggling to get through huge backlogs and delays.

I am not an expert on the internal workings of the Home Office, but in the decisions that it makes you see that frequently people have not read the papers, or have copied and pasted reasons across decisions. Very minor inconsistencies are picked up in order to make rejections. Those things cannot always be corrected by judicial review, because judicial review is a very restrictive form of court oversight. The court cannot remake the decision that the caseworkers made; it can look only at whether it was egregiously irrational or unlawful.

An appeal to the tribunal allows an independent person to look at the case as a whole and to decide what is fair. That corrective mechanism is a key part of ensuring that the Home Office improves its own systems, because there is an external oversight mechanism.

The Chair: Very brief questions and brief answers.

Q104 Jack Brereton: Following Brexit, do you think that there should be a preferential system for all EU citizens?

Chai Patel: I do not have any opinion on that, I am afraid. That is beyond our remit as a charity concerned with the human rights of immigrants going through the system.

Q105 Afzal Khan: You said the Bill is premature. Can you quickly give us your major concerns about the Bill?

Chai Patel: The Bill is premature because there is no plan for what follows. Our primary concern is the Henry VIII powers given to the Home Secretary to remove people's rights, without the new system having been clearly set out. I know that there is the White Paper, but I also know that it is contested in Cabinet, and is still subject to intense debate.

The White Paper itself raises concerns about, for example, the one-year visas, which would cause exploitation and problems with integration. It also misses the opportunity to fix many of the problems that we saw with Windrush. There is nothing to address Home Office capacity, with so many new people coming through the system, or the problems with the hostile environment, which remain. We know that it causes discrimination, and we have not seen anything from the Government to roll back those provisions, or to thoroughly review them.

Q106 Caroline Nokes: I am sure that *Hansard* will correct me if I misheard you, but I think you said very early on in your evidence that short-term visas inevitably lead to exploitation. Do you think that the same holds true for seasonal agricultural worker schemes, or perhaps the tier 5 youth mobility schemes?

Chai Patel: I think so, yes. Any kind of scheme relating to someone's rights in respect of continuing work, changing employment or changing the sector in which they are employed will result in exploitation, because they have fewer rights to move between employers than British nationals.

Q107 Caroline Nokes: Is it your contention that we should not have an agricultural worker scheme, and should perhaps seek to do away with tier 5?

Chai Patel: I would have to think about that. Perhaps we can respond in written evidence later. I am afraid I have not thought that through.

Q108 Stuart C. McDonald: One final question. Under the EU settlement scheme, the plan is that people are not to be presented with a physical document but essentially with a bit of code that the employer can go away and check. Does that give rise to any concerns about how that will work?

Chai Patel: Yes. The key reason why discrimination happens under, for example, right to rent is not that landlords, or whoever needs to do the check, are prejudiced; it is the administrative hassle of having to deal with it. It is simple just to check a British passport. By not giving people a physical document, you are creating a massive problem for them in terms of having equal access to work, housing or other things that they might need.

The Chair: That brings us to the end of the session. Thank you very much, Mr Patel, for the time that you have spent with the Committee.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

