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CHECK AGAINST DELIVERY

Mr Chairman.

I welcome the opportunity to make this short presentation.

I want to draw on the work carried out by my own committee and other committees of our Parliament over the past two years. Over this time, most elements of legal migration, illegal migration and asylum policy of the British Government have been subjected to detailed scrutiny by Parliament, as have the various EU debates and proposals.

It might be helpful to start by drawing out some broad conclusions about the development of migration policies. Although the United Kingdom is in an unusual position, being an island, outside Schengen, and not sharing a southern coastline I still hope that some of our conclusions will be relevant to a wider audience.

Firstly, the context. Our societies and economies cannot function without being open to the movement of people: for work, for leisure and tourism, to study and to visit families and friends. Our own citizens want to travel for the same reasons. Our economies are strengthened by all these activities.

Faced with the rising numbers of would-be migrants some have argued in evidence to my Committee that we should accept that the economic pressures are irresistible and, in effect, turn a blind eye to much illegal migration.

All parties on my committee reject this view. Indeed, we believe that we can only win public support for legal, managed, migration if we can demonstrate that illegal migration is under reasonable control.

It is against that background that I make my remarks.

Firstly, if we could secure our borders absolutely against the most obvious forms of cross border illegal migration, we would still face significant illegal migration from those who exploit loopholes in the visa system, overstayers, failed asylum seekers who do not leave, fake marriages and so on. I won't say much about physical border controls; other speakers this morning have more expertise and are from countries and regions with greater immediate pressures.

But it is worth saying that even in the UK, where physical border controls have been significantly strengthened and where our geography is an ally, it is not possible to have absolute border security. And illegal migration by the other routes remains a serious challenge.

I will just make one point about external controls. If we want to control illegal migration that comes through quasi legal channels- the fraudulent use of visas, for example – the quality of initial decision-making on external visa applications is crucial. Our recent review found that too little was being spent by Britain on determining external visa applications, even though the ultimate cost of wrong decisions was very high when the cost of tracing and removing individuals was taken not account.

Secondly, a few key observations about internal arrangements.

We should have procedures that allow illegal migrants a proper right to have their individual case considered in a way that is compatible with the Human Rights Convention. However, very great care needs to be taken in the design of such procedures.

In our experience, badly drafted legislation can make the removal of individuals almost impossible as each decision is subject to repeated legal and procedural challenge. Lengthy delays are harmful to the integrity of the system.

The longer the gap between the decision and removal, the harder it is to remove someone. People disappear into the informal economy; people form relationships and, perhaps, start families, which give them new grounds to challenge removal; they may become accepted in local communities who offer them practical support.

In a well designed system there must be a very close link between the decision to require a migrant to leave, or allow them to stay, and the arrangements that are made to implement the decision. A refusal must lead immediately and inexorably to voluntary or forced removal. An approval to stay must automatically initiate the process of integration.

It is difficult to stress how important this is to effective functioning of the system and to public confidence in it. There must be a reasonable certainty that a decision to remove will be implemented. If it is clear the decisions are not implemented potential illegal migrants have nothing to fear. This in turn is exploited by people traffickers who claim that once the destination country is reached, migrants will be able to stay. It is for this reason that my Committee has opposed general amnesties as counter-productive in all but the short-term.

Successive British Governments have found it difficult, despite several attempts, to draft legislation and design procedures which have no loopholes and cannot be exploited in order to delay removal. Our current framework is still not satisfactory and further changes have been promised.

Parliamentary Committees have also regularly criticised the British Government for its failure to align decision-making on asylum and on illegal

migrants with removal or integration. This criticism has now been accepted by the Government. Changes in the removal system are now at the heart of a fundamental reform of the immigration service.

This experience suggests that we should not underestimate the difficulty of designing *common* EU legislation and procedures for handling illegal migrants, given the different legal systems and the absence of any common policy on admissions against which decisions to remove could be based.

Our Parliamentary committees have supported the British Government in remaining outside the directive on the treatment of illegal migrants. The Parliament has been concerned that the current proposals could lead to a lowering of the highest standards currently in place within some member state. The Government has been concerned about the additional bureaucracy, and inflexibility it would place on the detention of illegal migrants who are otherwise likely to abscond. The development of law in this area must aim for very simple, clear and precise legislation and procedures and it is not yet clear that the Hague proposals will deliver this.

In summary, the need is for clear legislation that guarantees rights but which does not allow for delay or the exploitation or loopholes, and for a very close alignment between decision-making and the subsequent action on removal or for integration

[If time allows – I will not say much on integration, except that the UK Government has implemented the key conclusions of the Basic Principles on Integration developed under the Dutch Presidency. In recent years the Government has worked to give greater status to British citizenship and to ensure that applicants prepare more fully for it. This has proved popular with migrants and the British public alike. It may be worth stressing that in the UK, the term migrant mean recent arrivals – we do not use this term for British citizens in ethnic minority communities that may have been in the UK for 30 or 40 years]

The second major concern of my committee has been reducing the 'pull factor' for illegal migration. Having a fair but robust system of decision making that leads quickly to removal or integration is part of it. But the key challenge is to reduce the size of the illegal labour market. This is reflected in the Communication from the Commission on the 19th July.

In the UK, attempts to tackle illegal working have concentrated in two areas. Identifying illegal workers at the workplace and detaining or removing them from the country. And prosecuting employers for employing illegal workers.

Our studies have shown the limits of both activities. The supply of illegal labour does and will exceed the ability to identify and remove illegal workers from the workplace, and it is difficult to see that current activities are cost effectiveness. In a similar way, the prosecution of employers has not taken place sufficiently frequently, or attracted severe enough penalties to deter employers who are determined to exploit illegal migrant labour.

In the recent past, employers have been required to make more stringent checks on employee's right to work. This has had some effect but in the absence of an effective identity register – still several years away in the UK – it is still possible for employers to claim that they could not know an individual was illegal. Some parts of the state have undermined the immigration service by making social insurance documents too readily available to illegal migrants. Most recently, suppliers of casual labour in key industries like agricultural and food processing have been required to register.

But our Committee concluded that only a much more comprehensive approach to the illegal labour market was required. Companies that employ illegal labour are also likely to breach health and safety legislation, to be in breach of employment rights, and to be making false tax and social insurance returns. We concluded that only coordinated enforcement, involving every aspect of the law would be likely to raise the penalties for employing illegal labour. Some countries, including the UK, enable the authorities to make to take civil action to recover funds gained through crime. Our Committee has

urged the UK Government to take such action against employers who deliberately employ illegal labour.

It is worth stressing that coordinated enforcement action would have social benefits well beyond immigration control. We received convincing evidence that the employment of illegal labour and the flouting of tax and employment law, was putting out of business those companies with a commitment to legal employment. In turn, the effect was to pull down wages and employment standards for British employees.

My personal view is that we will need to go one step further. Most goods and services produced in the informal labour market support goods and services that are ultimately traded in the legal labour market. This is true of office cleaning, food processing for supermarkets and other services. At present, in the UK at least, major companies are able to deny responsibility for the use of illegal labour through their reliance on chains of contractors and sub-contractors to supply goods, service and labour. In my view we need to consider how we make major companies and indeed public services more accountable for ensuring not just that their own employees, but those of their suppliers, are entitled to work legally.

Of course, more effective enforcement will raise some costs in the EU economy. But this goes to the heart of the ambiguity in much of our approach to migration. We cannot say to the public, 'we will control migration', whilst at the same time, rely on the short-term economic stimulus that illegal migration can bring.

If, though, we conclude that the social risks of failing to tackle illegal migration outweigh the short-term economic benefits then we need to accept that the costs of enforcement will have to be met.

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