



The JCWI (Joint Council for the Welfare of Immigrants) is an independent national organisation which has been providing legal representation to individuals and families affected by immigration, nationality and refugee law and policy since 1967. JCWI actively lobbies and campaigns for changes in law and practice and its mission is to eliminate discrimination in this sphere.

### **Frequently asked questions about regularisation and some answers**

#### **Regularisation – that’s the same as an amnesty for illegal migrants isn’t it ?**

An amnesty suggests some sort of free for all for people who have committed a criminal offence. JCWI is asking for a carefully managed programme whereby migrants who have been living in the UK for at least two years can earn the right to indefinite leave to remain and obtain legal protection that is currently denied to them because of their immigration status. The main categories of people we are proposing should benefit are people who entered the country legally but who have overstayed their work or student visas or have failed asylum claims. However we think that people who entered illegally but have suffered forced labour or labour of sex exploitation should have the opportunity to obtain temporary leave to remain.

#### **Wouldn’t regularisation be a pull factor to more irregular migration?**

It’s difficult to predict how much of a pull factor regularisation could be. However regularisation is far outweighed as a pull factor by the economy and the number of jobs that need doing compared to the ability of the UK domestic labour and regular migrant labour forces to fulfil these jobs. Month on month the Office of National Statistics figures demonstrate that even with a recent small rise in employment around half a million vacancies remain unfilled at any one time. The Sector Skills Development Agency predictions for the period until 2014 suggest a decline in low-skilled occupations but overall there will be a substantial increase vacancies across all sectors with more need for male workers to fill jobs previously done mainly by women. At the moment it is likely that most irregular migrants are doing jobs that are classified DDD: “dirty difficult and dangerous.” However this does not mean that some of them may not be highly skilled and be capable of job mobility. A 2005 Queen Mary College survey of London migrant workers doing unskilled work found that around a half had obtained a tertiary level qualification in their own country before entering the UK.

#### **What about Spain? And the US? Their regularisation programmes haven’t prevented irregular immigration; and Spain gets increased numbers of people applying for regularisation every time it announces a new programme.**

It’s true that there have been applicants for successive regularisation programmes in Spain but that’s because applicants in previous regularisation programmes were only ever given temporary leave to remain. That means people who have exhausted this temporary leave just reapply for each programme. If people had had the chance to earn indefinite leave to remain this phenomenon would have been controlled. It should be noted that the US had an overly prolonged application and processing programme lasting over six years. In addition it tried to up enforcement action. We think the US would have obtained better results if it had recognised that that its economy was the major pull factor to migration and accompanied regularisation with a programme for opening up legal routes to migration with meaningful rights attached. If people are only given sharply limited leave to remain when they have to

make a large initial investment in their migration they will always have some incentive to go irregular. Our recommendations – that legal routes need opening up and that all migrant groups should be able to earn indefinite leave to remain - recognise these issues.

### **We have no information on how a one-off regularisation will impact on public services**

True – but not having a regularisation is impacting on public services. Service planners are having to estimate delivery with no knowledge of the real migrant flows to particular areas to the numbers of individuals who are living here as members of UK society. Regularisation might enable local authorities and government to get a handle on the resources that are actually needed. Whether regularising people already here is likely to have a large *additional* impact on public services is also questionable because we are talking about people already present and accessing resources. Currently these individuals are limited in the claims on the health services they can make for non-urgent health care and benefits. However they are already using public transport, may be sharing both social and private sector housing, and may be using local education facilities.

If we are talking about access to money benefits, under the criteria JCWI is proposing those obtaining limited temporary leave of five years under a tiered regularisation would have no automatic recourse to benefits until they obtained indefinite leave to remain. In any case it is our experience that most migrants whether here in an irregular or irregular capacity do not have as a primary aim accessing public services or benefits. A proportion of them need human rights protection. Almost all want to work, have opportunities for personal development, and send some money home.

There is also the issue that many irregular individuals may be making delivery of public services possible because their jobs could not be filled by UK nationals or regular migrants. There seems no point in deporting these individuals just so that public services have to recruit more individuals to fill their shoes.

### **Regularisation will present a problem for integration.**

We are talking about regularising people who have already been in the UK for some time. We are only asking for automatic indefinite leave to remain for people who have been here for seven years and we are asking for people who have been here for at least two years to be given the opportunity to earn it after five years' temporary leave. We are talking about people who are already living and work as members of UK society albeit they are denied their full social rights. They probably already speak some English and are in the workplace. They are likely to have friends and family some of whom who may be legally resident here. Many of them are active in communities, churches and trade unions. What is dangerous for integration though is that these individuals are currently at risk of deportation so less likely to enforce their rights. This undermines a culture of equality and non-discrimination for all, particularly when it comes to work.

### **We should not drain the developing world of talented professionals**

Whether we regularise or not those individuals are here and are here by choice whether irregularly or under the Highly Skilled Migrant Programme. Talented professionals frequently come here because there are no opportunities for them to use their qualifications and skills at home: qualified doctors who want to train as surgeons will not do that in developing countries if there are insufficient or inadequate hospital facilities for them to train in. Development aid will have to do much more to rival migrant remittances if there is going to be infrastructure and opportunities in those countries so as to ensure that remaining at home is better strategy than migrating. For example migrant remittances, not overseas aid, currently constitute the major external revenue to Somalia – this suggests the population that has managed to leave is helping to keep the country afloat.

## **Regularisation will provide an incitement to anti migrant groups and the far right**

These groups have always been anti-migrant. We don't agree that regularisation will make a substantial difference to their strategy or demands. Even with the Government pursuing a relatively harsh strategy towards asylum applicants, with asylum seekers on sharply restricted and differentiated service provision via the National Asylum Seeker Support Service, these groups still lead people to believe that asylum seekers and other migrants are entitled to all sorts of services and benefits that plainly they are not.

For example it was reported in The Guardian on Saturday 8 July 2006 that one such anti-migrant activist claimed "They're (migrants are ) flooding in," "We checked the additions to the electoral roll and between May and July 5 there were 1,600 new additions and I can't even begin to pronounce their names. They sound African." Charles Fairbrass, the council leader, says he is exasperated by continuing claims that outsiders - usually foreigners - are being given housing stock before local people. The council has a policy of putting its residents first. "They are making these claims and whipping up racial tension," he says. "Often, it is based on the colour of a person's skin. There is a growing black middle class in London and many of them want to get on the property ladder. Because we have some of the cheapest housing in London, they choose to buy here. And when they buy ex-local authority property, people often assume that those properties are still local authority and they've been allowed to jump the queue" In fact, according to the local council, of its 20,250 council homes, just four are occupied by asylum seekers or refugees. (Guardian Saturday 8 July 2006)

## **Aren't the numbers involved an obstacle to regularisation?**

The estimates suggest that there are half a million people here irregularly. As a proportion of population the irregular population is less than one per cent of population so the numbers should not be exaggerated. However those people will not be easily or cheaply deported as enforced deportation can cost up to £11,000 per head and at present deportation rate of 20,000 a year they could take 25 years to deport. So any political party opposing regularisation on the basis of numbers needs to put forward a strategy that is both humane and shows how they will meet deportation rates that have a significant impact on an irregular population of half a million and how the cost benefits of deportation outweigh those of regularising those here. Otherwise objecting to regularisation on the basis of numbers is a pointless pie in the sky exercise.

## **In the end isn't regularisation just going to cost the tax-payer money?**

The IPPR has estimated that regularisation could generate up to £1 billion in Treasury receipts compared to £4.7 billion deportation costs. In addition benefits which are not solely financial outweigh these costs. The biggest benefits would be social justice and social integration. We cannot justify a situation whereby disproportionate numbers of people from the developing world trying to earn money for their families at home do the worst jobs with no rights attached or no acknowledgement of their presence or contribution by the UK. This just perpetuates global injustice within the UK's borders. We can't see how the millions of people who support the goal of Make Poverty History would want to tolerate this state of affairs.