**Immigration: more powers make sense**

 **Dave Watson**

 **Gordon Brown's *Commission on the UK's Future* makes a persuasive case for constitutional change across the UK. In particular, that powers must be decentralised to the right place - in the nations, regions and communities.**

On Scottish devolution, the focus is on embedding the constitutional settlement, strengthening the Sewel Convention and introducing mechanisms to improve cooperation across the UK. While devolving powers is not the only way to enhance devolution, the principle of subsidiarity demands that powers be devolved to the lowest practical level. It is here that the Commission’s report is weakest.

One issue the report entirely avoids is immigration. Not that it wasn’t raised; the Commission simply chose to duck it. This is all the more surprising when immigration has been part of the devolution debate for some time. This debate recognises that different parts of the UK have differing needs for immigration that are not accommodated in the current ‘one-size-fits-all’ model. This challenge is not unique to the UK, and other countries have established mechanisms to allow for varying levels of devolution.

In contrast, the Welsh Devolution Commission has at least had a transparent discussion about immigration. Labour’s London Mayor, Sadiq Kahn, has lobbied for London-only visas, with support from business organisations.

The Westminster Scottish Affairs Committee report on immigration also recommended that the UK Government commission a review of all options for increased regional differentiation, particularly for Scotland. Different approaches may reflect polling data that shows immigration is consistently of less concern to residents in Scotland and London.

Scottish Labour’s 2022 paper, mirroring the Brown Commission, focused on devolution processes rather than powers. The 2021 Scottish Labour Manifesto blurred the issue by talking about reform ‘so that it works for all nations and regions in the UK.’ This reticence reflects a lack of engagement on this issue by UK Labour under all recent leaders. In a 2020 House of Commons debate, the Shadow Immigration Minister said, ‘The widespread use of devolved powers in immigration could create a bizarre and unworkable recruitment process and practice across the regions.’ Clearly, she was not aware that other countries manage to devolve aspects of immigration policy without regarding such an approach as ‘bizarre’.

There is clear evidence that immigration has positively impacted on the economy and the delivery of our public services. Migrants have a higher employment rate than people born in the UK and are less likely to claim benefits or use the NHS. Skilled migrants can boost innovation, stimulate economic growth and encourage the local labour force to invest in training to specialise in jobs in which the nation or region has a comparative advantage.

There is arguably nowhere in the UK where the economic and social case for immigration is more robust than in Scotland. In Scotland’s population needs and immigration policy (2018) evidence showed that our working-age population is not projected to increase at the same rate as the rest of the UK, and the number of working-age Scots needed to support our ageing population won’t be available without immigration. Since 2007, Scotland has relied on migration for population growth more than any other region in the UK. 63% of Scotland’s growth has attributed to immigration, compared to 53% of the rest of the UK as a whole.

Brexit and UK immigration policy threaten this population growth with adverse economic consequences and staffing of our public services. Policy interventions to support new births have a limited impact and are long-term solutions at best. The only short-to-medium-term measures to grow the working-age population are increasing inward migration or raising the state pension age.

Devolved immigration initiatives have been deployed in Scotland, most notably through the Fresh Talent initiative *New Scots. Attracting fresh talent to meet the challenge of growth* (Feb 2004) introduced by the then First Minister, Jack McConnell, in 2004 to counter Scotland’s falling population. This limited initiative encouraged overseas students to stay in Scotland when they completed their courses.

Dr Eve Hepburn set out three sets of levers for differentiating the UK’s immigration system in a paper for the Scottish Parliament’s External Relations Committee in April 2017.

Soft levers such as migrant integration, awareness and education have been an important part of successive Scottish government policies to encourage migration to Scotland and ensure its success. Examples include One Scotland- Many Cultures, New Scots, and Welcome to Scotland, introduced under existing powers. Economic, political and social initiatives would also help ensure that migrants stay, but they don’t address the need to allow migration into Scotland.

Mid-range levers include working with the UK Migration Advisory Committee (MAC) to create a Scotland-specific Shortage Occupation List (SOL). In practice, the variations in the Scotland-specific shortage list have been limited. In any case, short-term migration programmes only address perceived temporary skill shortages. Scotland has long-term demographic challenges that will not be addressed in a short period. Temporary systems also do not encourage a high level of integration.

Hard levers would involve the devolution of exclusive competencies over immigration on the Canadian or Quebec model – even if that is within an agreed framework of regional visas. The main criticism of this approach is the risk of leakage of migrants to other parts of the UK once the geographical limitation period ends. However, the international evidence in the Hepburn Report shows that high retention rates can be achieved. Scotland is not an isolated, low wage, underdeveloped nation comparable to regions in other countries that have sustained lower retention rates. There is a good quality of life, a developed economy and a generally welcoming population. While we need to do more on these issues, these factors favour the higher retention rates we have seen internationally – as high as 90% in Quebec.

Approaches to asylum and refugee policy vary internationally, with some devolving the competence and others reserving this category to the nation state. There is no practical reason for treating refugees any differently from other migrants, and even under the hard levers approach, this could be done within a policy framework agreed between the devolved administrations and the UK Government.

While the soft and mid-range levers outlined above can contribute to better outcomes, hard-range levers must also be adopted to address Scotland’s demographic challenges. For example, the Scottish Government in its publication *Migration: helping Scotland prosper* (Jan 2020) proposes a Scottish visa to enter the UK that would let migrants live and work in Scotland, with a Scottish tax code. This would be similar to the Canadian Province Nominee Programme (PNP), which is not quite as extensive as the Quebec model. Holders of the Scottish visa would have to live in Scotland and could not live elsewhere in the UK. They argue that Scottish Ministers should set this. However, there would need to be a dialogue mechanism with the UK Government. This would be a partial devolution of immigration, sharing responsibility within the UK, a devolution approach consistent with the Scottish Labour and Brown Commission reports.

The chart below shows how the system could operate.

This approach has broad support within Scotland, including business organisations and trade unions. The STUC has said, *“Bespoke visa schemes for Scotland, combined with expanding international outreach activities in relation to immigration to advertise these new arrangements, would be an effective way of ensuring that immigration policy meets Scotland’s needs.”*

Devolution would also place responsibility for enforcement with the Scottish Government, addressing any perception that immigration is simply used to generate political grievances.

The partial devolution of immigration powers on the model set out above could address Scotland’s specific demographic challenges. The UK Government’s claim that this is impossible without internal borders is not supported by international evidence. A shared responsibility would allow the policy to be introduced gradually, providing an evidence base for further action.

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