

UK IMMIGRATION UPDATE:

Submissions on UKBA Consultation must be received by end of this week



Monday, 13 September 2010

John Greager (Consultant) and Kate Chisholm (Immigration Solicitor) of Magrath LLP Solicitors attended the UK Border Agency's presentation on Thursday, 9 September 2010, kindly hosted by the Canadian High Commission. Guests included representatives of the Australian, New Zealand and Canadian High Commissions, as well as trade commissions, businesses and other interested parties.

The speakers were Ian Robinson of the UK Border Agency, and Vanna Aldin and Stephen Earl of the Migration Advisory Committee.

Background

One of the Coalition Government's aims is to reduce net migration to the UK from the 'hundreds of thousands' to the 'tens of thousands' by the end of this Parliament. On 28 June 2010, the Home Secretary, Theresa May, published a consultation paper asking how the UK should operate limits on non-EU economic migrants entering through the UK's Points Based System.

The UK Border Agency ("UKBA") (in its role as part of the Home Office) is responsible for securing the UK border and controlling migration into the UK. It has the task of overseeing the consultation as well as implementing the *changes* to the current UK immigration system to meet the Coalition Government's aims.

The consultation process is open until this **Friday, 17 September 2010**. (For information on and access to the consultation document, please see the link: [UKBA Consultation on Non-EU Economic Migration Limits.](#))

In addition, upon the request of the Government, the Migration Advisory Committee ("MAC") (a non-statutory and non-departmental public body) launched a consultation regarding the *first annual limit* on economic migration to the UK by non European Economic Area ("EEA") nationals. The MAC was asked to consider the economic, social and public service impacts of migration in developing its advice to the UKBA. The closing date for the MAC consultation has already passed (being 7 September 2010), and it will be reporting to the Government shortly.

Concerns raised and questions asked

According to the MAC, in 2008 there was a total net inflow of around 250,000 people to the UK: 63,000 from within the European Union, and 187,000 as non-EU citizens. In the same period, there was a net outflow of 87,000, resulting in net total migration to the UK of **163,000 people**.

Many questions have been asked about how the new immigration system will work in practice. The answers are far from clear, and will not be known until UKBA reports to Government.

By far the biggest concern for businesses dependent on economic migration from outside the EEA is *certainty*. If businesses operating in the UK cannot know whether particular individuals will be eligible for entry to the UK to work, they will be unable to offer those individuals new employment positions or intra-company transfers. This creates business uncertainty and may cause instability.

Another cause for concern is that the UKBA has no means of controlling migration from within the EEA. Since the expansion of the EU in 2004 (to include many of the former Eastern Bloc states such as Poland and the Czech Republic), as well as the inclusion in 2007 of Bulgaria and Romania, migration from the EU has accounted for 25-40% of total migration to the UK each year.

The UK Government did not impose the same tough restrictions on migration from the new EU Member States that Germany and Austria did, and therefore has virtually little control over the number of migrants from the EEA into the UK.

As a result of this, the Coalition Government's decision to reduce total net immigration to fewer than 100,000 people can only be achieved by reducing the numbers of **non-EEA citizens** migrating to the UK (including from Australia, New Zealand, Canada and the USA). Based on the 2008 figures, this would, over the next few years, mean a *reduction of up to 40% for non-European immigration*.

Finally, questions have been raised about the UK's reputation internationally as being 'open for business' (particularly coming out of a recession), and the risk of other governments around the world imposing 'tit-for-tat' measures in response to the new UK immigration regime.

There is still time to respond

The Immigration Group at Magrath LLP have been working on behalf of clients globally in drafting submissions to the UKBA consultation.

As at Thursday, 9 September 2010 the UK Border Agency has received around 2,500 submissions, and expects to receive at least a further 1,000 by the closing date.

There is still time to make a submission, but you must act quickly. All submissions must be received by the UK Border Agency no later than the close of business, this **Friday, 17 September 2010**.



For more information, please contact **John Greager** at **Magrath LLP** on 020 7317 6796 or john.greager@magrath.co.uk.

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