

# The Green Party of England and Wales Migration Policy Background Paper

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*Authors: Graham Woodruff, Laura Lundahl, Walter Houston*

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## Executive Summary

The chapter in PSS entitled Migration (MG) sets out the immigration rules a Green Party in government will implement. However, this dates largely from 1990, with a very few light revisions, and needs updating.

Green Party Conference passed an enabling motion in Spring 2019 enabling this Policy Working Group to rewrite this chapter and that on Refugees & Asylum (RA). The rewrite of the RA chapter was approved by the Autumn 2021 conference and is now published.

Our updated migration policy complements the rewritten RA chapter and details how migrants who are not refugees or asylum-seekers are to be treated.

The current hostile environment is designed to ensure migrants are discouraged from staying in the UK. After years of repeated applications and large fees, many who do finally reach settled or citizenship status will have developed an understandable distrust and dislike of the Home Office.

Instead we propose a fair and humane alternative which treats all new migrants as potential citizens and ensures that they feel at home here.

The Green Party in government will:

1. Implement a fair and humane system of managed immigration
2. Treat all migrants as if they are citizens
3. Give all residents the right to vote
4. Help families to be together
5. Dismantle the Home Office
6. Abolish the No Recourse to Public Funds condition
7. Abolish the ten year route to settlement
8. Stop the profiteering from application fees
9. Stop putting people in prison because of their immigration status
10. Accept our responsibility for the climate emergency and support the people forced to move

This document sets out our full policy and the research that informed the conclusions we came to.

Each section of the new policy is taken in turn, with the proposed policy text highlighted. We also include a full bibliography, costings, general statistics and some of the feedback we have already received.

## Principles

**MG100 The Green Party wants to see a world without borders, until this happens the Green Party will implement a fair and humane system of managed immigration where people can move if they wish to do so.**

*Borders are a function of states. They produce territories (countries) by delimiting and securing spaces and their contents/populations. They produce an inside and an outside, insiders and outsiders, and establish a system to control whose movement is acceptable and whose is not<sup>1</sup>.*

In an ideal world, most border controls would not exist. They are relatively modern inventions, and encourage us to see those wishing to come here as a problem and a threat rather than as regular human beings who just happened to have been born elsewhere. Our media is full of stories moaning about economic migrants and migration, probably written by people who themselves have moved to London from elsewhere in the UK to look for work.

In the Green Party we are not normally shy of making policies for our ideal world. However to unilaterally remove our border controls seems a step too far and is a tough sell on the doorsteps. Instead here we propose a system of managed migration, with visas and rules. This will enable us to welcome migrants to the UK and treat them with dignity, and to also not dismantle the system of control in case we need to restrict movement in the future for whatever reason.

This approach seems to be preferred by the general public, a report by the Institute of Public Policy Research in November 2022<sup>2</sup>, stated *Past studies have shown that the public place a strong preference on having a controlled and well-managed system of immigration<sup>3</sup>. Crucially, this is not simply a question of limiting numbers: when asked whether they prefer an immigration system based on controlling who can enter the country, regardless of whether this leads to a significant fall in numbers, or an immigration system based on deterring arrivals to ensure numbers are low, the public opt for the former option by nearly two to one (Ipsos 2022<sup>4</sup>).*

**MG101 The Green Party believes that migration is not a criminal offence under any circumstances.**

The phrase “illegal Immigrant” is still often heard from politicians and the media here in the UK, despite years of people trying to correct them<sup>5</sup>. The UK currently imprisons over 23,000 people each

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<sup>1</sup> King, Natasha. No Borders: The Politics of Immigration Control and Resistance (pp. 1-2). Zed Books.

<sup>2</sup> <https://www.ippr.org/research/publications/a-new-consensus>

<sup>3</sup> Rutter J and Carter R (2018) National Conversation on Immigration: Final Report, British Future and HOPE not hate. <https://www.britishfuture.org/publication/nationalconversation-immigration-final-report/>

<sup>4</sup> Ipsos (2022) ‘Attitudes towards immigration: survey conducted in collaboration with British Future’, slides. <https://www.ipsos.com/sites/default/files/ct/news/documents/2022-03/attitudes-towards-immigration-british-future-ipsos-march-2022.pdf>

<sup>5</sup> <https://www.theguardian.com/us-news/2015/dec/06/illegal-immigrant-label-offensive-wrong-activists-say>

year<sup>6</sup> just because they don't have the correct visa. This criminalising of thousands of people for actions (or inactions) that have no detrimental effect on wider society needs to stop.

We maintain that it should not be a criminal offence to simply be in a different country.

Additionally, we will continue to push against the phrase "illegal immigrant". While there is irregular immigration, no human being is illegal. No other crime is described with the same dehumanising terminology - you do not hear the phrase 'illegal rapist' or 'illegal murderer', despite those being two crimes which are substantially more terrible than simply existing in a location without permission. The term "illegal immigrant" is meant to divide communities and make it easier to justify immoral and inhumane policies against non-citizens. The Green Party stands against these divisions and this treatment of residents of our country.

***MG102 The Green Party will treat all migrants fairly and humanely and without discrimination.***

This is a core Green Party value.

The current hostile environment is designed to not treat migrants humanely, and the rules and regulations can appear arbitrary and unfair. Policies such as the No Recourse to Public Funds condition seem to be in place specifically to make life more difficult for vulnerable people, and the delays in processing applications are causing harm<sup>7</sup> for people with no regard to their situation or their immigration status.

Currently the Home Office is exempt from the obligations of the Equality Act 2010<sup>8</sup> and has been found to have discriminatory policies in a number of areas, including the racially-discriminatory immigration policies for UK's Highly Skilled Migrants<sup>9</sup>.

***MG103 The Green Party is opposed to forced migration and forced repatriation unless standard exclusions apply.***

In 2021, there were around 2,800 enforced returns<sup>10</sup>. As the Windrush scandal highlighted, a number of these people will not have known any other country than the UK<sup>11</sup>.

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<https://www.theguardian.com/uk-news/2022/sep/30/uk-visa-delays-causing-rent-employment-and-healthcare-issues>

<sup>8</sup> Equality Act 2010 Part 4 Paragraph 17

<sup>9</sup>

<https://migrantsrights.org.uk/2021/02/01/home-office-fostered-disproportionate-and-racially-discriminatory-immigration-policies-for-uks-highly-skilled-migrants/>

<sup>10</sup>

<https://migrationobservatory.ox.ac.uk/resources/briefings/deportation-and-voluntary-departure-from-the-uk/>

<sup>11</sup> <https://www.theguardian.com/commentisfree/2020/feb/10/windrush-deporting-people>

We propose deporting only those who have committed a serious crime, or are a threat to national security but only if they are not settled or not citizens.

Deportation is a double-punishment, as citizens are considered rehabilitated following their prison sentence. Further, certain ethnicities are more likely to be arrested, as well as more likely to receive harsh sentences, than others. There are more black men in prison in the UK than in the US, per capita, for example. This then makes migrants of colour more likely to face the threat of deportation. Tied back to MG101 and MG102, we wish to ensure migrants of all backgrounds are treated fairly and equally.

## Objectives

*MG200 The Green Party seeks to establish a system that recognises that all migrants are treated as citizens in waiting and therefore supports and encourages them to put down roots in their new home.*

Policies reflect the way a country views migrants. According to MIPEX, an international group of academics who study migrant integration across the 56 richest countries, the UK's current policies encourage Britons to view migrants as temporary 'guests' rather than future citizens. Migrants themselves face large legal barriers to remain (including an increase in over 200% in visa fees since 2014 – the UK has some of the highest visa fees in the world, set well over the administrative costs). When citizens are led to believe that immigrants are temporary, and migrants themselves are encouraged to leave, integration can be quite difficult.

At present, xenophobia is granted more legitimacy than the actual lives of migrants. Diane Abbot said in 2019 that 'a lot of the talk you hear about Englishness and the British [is] about how they're the real victims of immigration trends.' At present, non-Commonwealth migrants have very little political power, which only allows this problem to be exacerbated.

The Green Party wishes to change this narrative. Migrants should be treated as future citizens (if they wish to become so). Other parties either discuss immigration as a problem, or as something that is only welcome when it benefits the British economy. We as a party want to remind voters that immigrants are people first and foremost.

The current hostile environment is designed to ensure migrants are discouraged from staying in the UK. After years of repeated applications and large fees, many who do finally reach settled or citizenship status will have developed an understandable distrust and dislike of the Home Office. A humane alternative would be to welcome all new migrants as potential citizens and support their journey to citizenship if they wish to stay, ensuring that these new citizens feel at home here.

Policies which do not promote integration instead promote the idea that immigrants are outsiders, which in turn encourages hostility.. This obviously also prevents integration, as it is more difficult for communities to trust one another. Meanwhile, integration is currently put solely on migrants despite policy playing a huge role in the process. The hostile environment prevents integration, the Conservatives' refusal to fund English language programmes prevents integration, and the general mindset that has been encouraged prevents integration.

Hiroshi Motomura is a teacher and scholar of immigration and citizenship, with influence across a range of academic disciplines and in federal, state, and local policymaking. His book, *Americans in*

*Waiting: The Lost Story of Immigration and Citizenship in the United States* (Oxford 2006) won the Professional and Scholarly Publishing (PROSE) Award from the Association of American Publishers as the year's best book in Law and Legal Studies, and was chosen by the U.S. Department of State for its Suggested Reading List for Foreign Service Officers.

He argues in his related paper *Who Belongs?: Immigration Outside the Law and the Idea of Americans in Waiting*<sup>12</sup> that

*The most persuasive justification for immigration and citizenship laws is that national borders create bounded societies in which equality and individual dignity can flourish.*

*Furthermore, Borders foster equality in any society because they reinforce civic solidarity—some sense of bonds among members of a community, some sense of being involved in a joint enterprise for some common purpose.*

However, by treating migrants and citizens differently then society becomes unequal, and so immigration integration is the *key to a civic solidarity that is consistent with equality and individual dignity.*

He concludes. *The core argument in this Essay has three main elements. First, there is a basic tension between borders and equality. Second, immigrant integration plays an essential role in reconciling that tension. Third, both immigration as contract and immigration as affiliation offer strong justifications for including unauthorised migrants within this imperative to integrate immigrants, and thus to treat them as Americans in waiting.*

Colin Yeo is a migration and asylum barrister, blogger, writer and consultant at Garden Court Chambers in London and founder of the Free Movement immigration law website. In his 2020 book *Welcome to Britain: Fixing Our Broken Immigration System*, he argues that

*We should see newly arriving migrants as citizens-in-waiting. Given that, as I will show, migrants arriving as family members, workers and refugees are ultimately going to be allowed to remain anyway, would it not be better to stop actively obstructing their integration into society? This means ending the failed attempts at deterrence, which do not actually deter migrants from coming but do nevertheless significantly handicap them as they live their lives here. At the same time, immigration and citizenship laws should be reformed in an inclusive way to help the current unauthorised population become full members of the society of which they are already part and prevent a replacement unauthorised population arising in future.*<sup>13</sup>

***MG201 The Green Party accepts we all have a collective responsibility for the climate emergency and that the UK has a duty to support people forced to move due to the changes in their home environment, whether internally or from abroad.***

Estimates on the number of people migrating due to the climate emergency vary enormously but all agree there will be many millions of people displaced. For example, the Institute of Economics &

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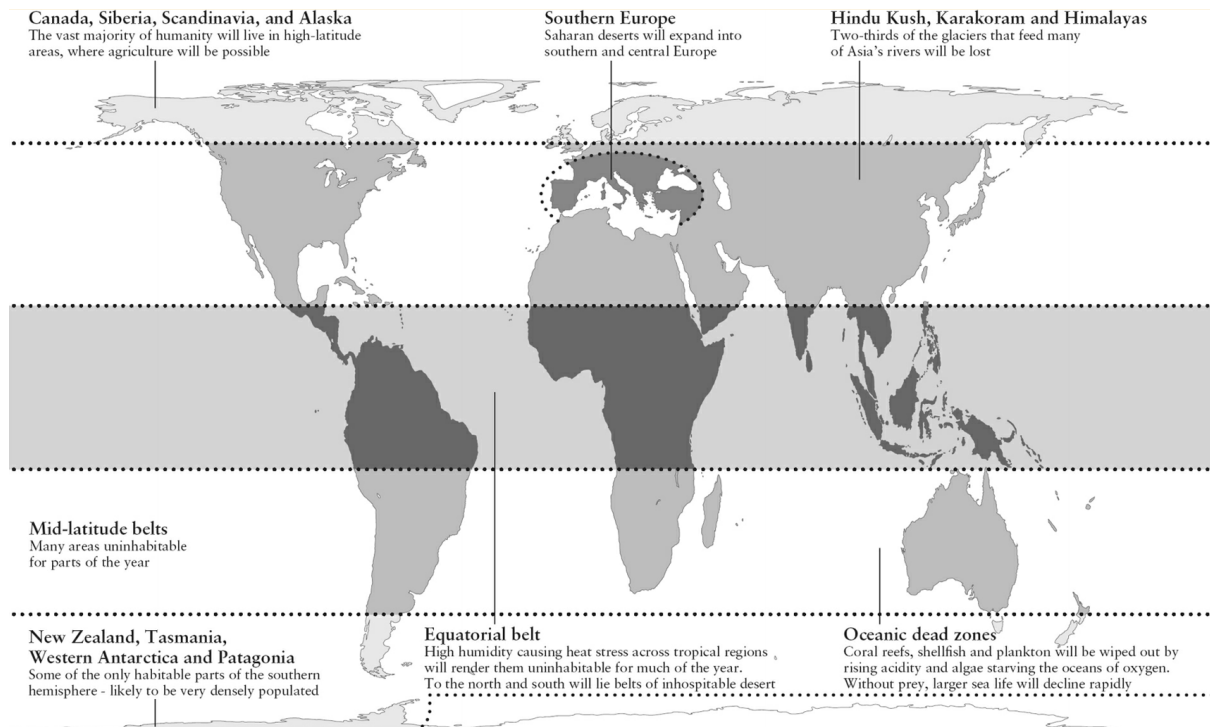
<sup>12</sup> Hiroshi Motomura, *Who Belongs?: Immigration Outside the Law and the Idea of Americans in Waiting*, 2 U.C. Irvine L. Rev. 359 (2012).

<sup>13</sup> Yeo, Colin. *Welcome to Britain: Fixing Our Broken Immigration System*. Biteback Publishing (2020).

Peace in 2020 estimated one billion people live in 31 countries where the country's resilience is unlikely to sufficiently withstand the impact of ecological events by 2050.<sup>14</sup>

In her 2022 book *Nomad Century*<sup>15</sup>, honorary senior research fellow at UCL Gaia Vince explores what the world will look like with the current and predicted rise in temperatures.

Her book contains this map illustrating the belts of habitability in a 4°C world



And she concludes *This coming mass migration has been clearly signposted for at least a decade, as we have accelerated towards global climate change. There is no excuse for lack of preparedness from our leaders. The way migration is 'managed' today is a moral, social and economic failure – lives are being needlessly wasted daily. It is time to begin the conversation about how we address this; it is time for a global collaborative*

## Administrative

**MG300 The functions of the Home Office will be divided between a Department of the Interior and a Department of Migration, which, among other duties, will handle all visa applications.**

This is to mirror the existing RA400 clause in the Refugees and Asylum Policy (agreed 2021).

The 2019 GPEW Manifesto declared the intention of replacing the Home Office with a Ministry of the Interior and a Ministry for Sanctuary. In RA400 we retained the intention of splitting the Home Office,

<sup>14</sup>

<https://www.economicsandpeace.org/wp-content/uploads/2020/09/Ecological-Threat-Register-Press-Release-27.08-FINAL.pdf>

<sup>15</sup> Vince, Gaia. *Nomad Century* (2022). Penguin Books Ltd.

but in the Voting Paper have replaced these names with ‘Department of the Interior’ and ‘Department of Migration’ to better reflect Whitehall terminology and the full remit of each department.

The immediate reason behind this split is the concern about the toxic environment in the current Home Office after years of the “hostile environment”. It is further proposed that by creating a humane and welcoming system of asylum and migration then it is not appropriate for it to be managed in the same department as the department which manages crime and criminality.

## Applications

***MG301 All visas can be applied for on entry, while in the UK, or before entry.***

The current immigration rules maintain a Visa National List<sup>16</sup>, which is a list of nationalities requiring entry clearance *prior* to travel to the UK as a Visitor, or for any other purpose for less than six months.

We view having different rules for different nationalities as racial discrimination, and we do not agree that the Home Office should be exempt from the obligations of the Equality Act 2010 as it is at present<sup>17</sup>.

The Ukrainian refugee crisis of Spring 2022 illustrated how damaging requiring visas prior to entry can be. The UK was alone in the EU requiring visa from these refugees and the chaos and delays were well documented in the media<sup>18</sup>, at the time a petition calling for the UK to waive these visa reached over 188k signatures<sup>19</sup>.

***MG302 All fees charged for visas will be at cost and not for profit.***

At present, the UK is one of the most expensive immigration systems in the world, charging immigrants substantially higher for visas than the administrative cost to process them. This keeps migrants poorer than their peers, which can lead to integration issues for the second and even third generation due to the poverty that can be associated with the visa costs.

A recent long-running legal battle and campaign led by the Project for the Registration of Children as British Citizens (PRCBC) and Amnesty International against the Home Office exposed the high profit margins made by the department on their fees. The case involved child citizenship fees and it emerged that the cost of processing was £416 whereas the fee levied was £1,012, resulting in a £596 profit made on each application. This, of course, ensured that many children who are otherwise entitled to British citizenship - many of whom were even born in the UK - could not obtain the citizenship that is rightly theirs.

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<sup>16</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-visitor-visa-national-list>

<sup>17</sup> Equality Act 2010 Part 4 Paragraph 17

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<https://www.theguardian.com/uk-news/2022/mar/18/ukrainian-refugees-with-uk-relatives-frustrated-by-home-office-visa-delays>

<sup>19</sup> <https://petition.parliament.uk/petitions/609530>

In May 2022, the UK government finally announced they will waive the £1,012 child citizenship fee for children whose parents and guardians cannot afford to meet the fee, along with a total exemption from the fee for all children looked after by a local authority.<sup>20</sup>

Solange Valdez-Symonds, CEO at PRCBC, said *For years the Home Office has been raking in millions of pounds, shamelessly profiting on children's rights.*

Despite this above legal success, fees across all types of applications continue to be extortionately high<sup>21</sup>; for example, for a spouse joining their partner in the UK from abroad, the initial fee will be £1,538 plus a compulsory Immigration Health Charge of £1,872<sup>22</sup>, which will only give 33 months leave to remain. This will need to be renewed for a further fee of £1,048 and a repeated Immigration Health Charge of £1,872 at least once more if on a 5 year route, or three times more if on a 10 year route. These fees are repeated, to various extortion, across the board.

Once an individual has managed to survive the system long enough to reach their Indefinite Leave to Remain qualification, it will cost them £2,404 to apply for Indefinite Leave to Remain, then £1,333 for naturalisation plus a whole list of fees for language tests, biometrics, fast tracking etc. The cost for an ILR application in April 2010, right before the Coalition government came to power, was £840 - this is already significantly more than the administrative cost, which is £252. Overall, visa fees have tripled (on average) since 2010<sup>23</sup>. This government is trying to price migrants out of their rights and we firmly disagree with it.

It is rare to find other countries which charge this much for residential rights - as of December 2022, France charges €225 for permanent residency, a student visa in Germany costs €70 (as opposed to £363 + the NHS fees in the UK), a work permit in Spain costs €80-€120 (compared with £625-£1,235 + NHS fees in the UK), a dependant visa in Belgium costs €180 (£1,538 + £1,872), etc. .

Fee waivers are available for some applications, but the bar is set high for qualification and the application is complex; in most cases, an immigration advisor or lawyer is required to be successful, which is difficult for applicants who are already facing financial hardship.

Not only are these fees detrimental to migrants, but they are harmful to British businesses as well. According to a finding published in 2020 by the All Party Parliamentary Group on Migration, who partnered with the global immigration firm Fragomen to survey nearly 100 British businesses across 17 sectors<sup>24</sup>, the fees are huge barriers for small and medium-sized businesses which cannot afford them. Nearly half of all non-sponsor licence holders did not apply for one despite their need for workers because of the administrative costs, and a whopping 80% of those which did hold a sponsor licence said that the visa fees for their migrant workers had had a negative impact on their business. Only businesses with the largest turnovers can easily absorb the visa and sponsoring fees.

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<sup>20</sup>

<https://www.amnesty.org.uk/press-releases/uk-home-office-introduce-citizenship-fee-waiver-after-years-raking-millions-pounds>

<sup>21</sup>

<https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-9-november-2022>

<sup>22</sup> <https://freemovement.org.uk/what-is-the-immigration-health-surcharge/>

<sup>23</sup> <https://migrationobservatory.ox.ac.uk/resources/briefings/migrant-settlement-in-the-uk/>

<sup>24</sup> [http://appmigration.org.uk/wp-content/uploads/2021/09/Report\\_APPG-Inquiry-Paper\\_-1.pdf](http://appmigration.org.uk/wp-content/uploads/2021/09/Report_APPG-Inquiry-Paper_-1.pdf)



We believe that profiteering from migrants is not acceptable. We do not want to force citizens-in-waiting to be overwhelmed with debt, therefore all fees charged for visas will be at cost and not for profit. We also do not wish to harm British businesses, which current policies do. While migrants are more than their economic outputs, we must acknowledge that foreign workers are crucial to many sectors across the UK. Without access to much-needed workers, everybody suffers.

Further, expensive visa fees are one of many political decisions which cause people who are otherwise legally resident to become undocumented migrants. Once undocumented, the hostile environment awaits them - additionally, there is no route back to legality, as the UK currently has very little in the way of amnesty programmes and a lack of ability to pay for government fees is not considered grounds for amnesty.

Finally, charging such fees for migration discriminates against potential migrants from poor countries, as even a good salary in many countries will not allow a person to save enough to pay the fees. This extortion is just one of many ways the current system treats migrants from different countries and backgrounds differently. We wish to create a fair system which will allow people from Uganda to have the same possibilities as someone coming from the United States.

### **Costs**

Based on the figures for April 2021<sup>25</sup>, the Home Office currently makes a profit £769.17m from application fees. Our policy would remove this profit.

*MG303 The visa application process will be as straightforward and accessible as possible, and so minimise the need for legal advice in most circumstances.*

For most routes and circumstances, applying for a visa is complex and even understanding which visa to apply for can be difficult for those not used to dealing with the Home Office. In recent years, online application forms have become more common but with patchy success. In some cases the same form is used for multiple application types resulting in confusing and irrelevant questions being asked.

One simple mistake on a form can be the difference between a grant or a refusal, and many migrants cannot afford the legal help often necessary to ensure they receive the grant they are otherwise entitled to. Given the current fees attached to the visas, even fewer people can afford the legal assistance.

This new policy will simplify the visa requirements and we will ensure that any forms used will be simple and clear.

*MG304 Physical visas will be offered in addition to digital documents.*

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<sup>25</sup>

<https://www.gov.uk/government/publications/home-office-outcome-delivery-plan/home-office-outcome-delivery-plan-2021-to-2022#a-executive-summary>

Electronic visas can be useful, easy to use, and cost effective and we envisage that in the majority of cases this will be the norm. At present, the government's current plan is to phase out all physical Biometric Residence Permits (BRPs) by 31 December 2024.

However, we are aware that technical issues can arise with their use and it will be beneficial for people to have physical proof of their immigration status in addition to digital proof.

A current example is for migrants in the UK who have visa renewal applications pending. These renewals often take many months; thus, the applicants' current leave expiry date passes while they are waiting. In theory this is not a problem, as they benefit from *3c leave* and keep their current leave until a renewal decision is made. However, for many this causes difficulties with landlords and employers who have no physical proof of this leave and little to no knowledge of immigration law.

Research by the Refugee and Migrant Forum of Essex and London (Ramfel), which offers support with immigration casework, said more than 30% of its clients had experienced difficulties while they were on *3C leave*. Employers and landlords are often unfamiliar with the concept, and because they are anxious to avoid being fined for employing or renting to an immigrant without the right to remain, they often view lack of documentation as evidence of unlawful status, the charity states.<sup>26</sup>

As a PWG we would like to offer physical proof of visas to applicants, on an optional basis if requested, to aid those who may be having issues. As the hostile environment has internalised our borders, landlords, hospital workers, employers, and bank tellers have not been trained in how to use the new digital systems - a physical Biometrics Residence Permit is a safeguarding tool for migrants to prove their rights, even in a world where we hope to abolish the hostile environment altogether.

**MG305 Minimum income requirements will be removed from all applications, as well as any benefits from having a higher income.**

In 2020, the Joint Council for the Welfare of Immigrants (JCWI) released a report into the impact of the Minimum Income Requirement on families;<sup>27</sup> the executive summary is reproduced here:

*British citizens who earn less than £18,600 a year cannot live in the UK with a partner from outside the European Economic Area, because of a rule called the Minimum Income Requirement (MIR).*

*Across the UK, over 40% of the population do not earn enough to establish a family life with a partner from outside the EEA. Due to regional pay discrepancies, this is as high as 60% in some regions.*

*The rules in place before the introduction of the MIR in 2012 already prevented the non-EEA spouse from accessing benefits for at least 5 years, and this continues to be the case. Having an additional income requirement simply means that genuine couples are being kept apart purely on the basis of the British partner's income.*

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<sup>26</sup>

<https://www.theguardian.com/uk-news/2022/sep/30/uk-visa-delays-causing-rent-employment-and-healthcare-issues>

<sup>27</sup> <https://www.jcwi.org.uk/the-minimum-income-requirement-and-its-impact-on-families>

*It also means that thousands of British children across the UK are growing up without one of their parents – the Children’s Commissioner has found that this enforced separation has a severe impact on these children’s mental health and development.*

*Women are hit particularly hard, particularly those who care for children or other family members – 80% of women in part-time work don’t earn enough to meet the MIR.*

*The Supreme Court in 2017 found that the MIR discriminates against women and people from ethnic minority backgrounds. A fixed income requirement set at any level will inevitably cause discrimination. Based on this, and the devastating impact these rules have been shown to have on children and families, the MIR should be repealed, with a return to pre-2012 rules.*

As a PWG we believe that families come before finance, and take on board the conclusion of this report that any minimum income requirement is bound to be discriminatory. Therefore, it has no place in a humane and fair immigration policy.

Further, if we look at this from an economic standpoint, barring spouses and children from coming to the UK on the basis of the British spouse’s income does not make economic sense either. People on spouse visas have the full right to work and thus would be a second income in the household. Additionally, many of the women with child-caring responsibilities are unable to work due to the need to care for their children. Without the support of their spouse, the situation is unlikely to change. This not only ensures the family remains in financial hardship and possibly force them to remain on public benefits (a concern which is supposedly the reason that the minimum income requirement exists in the first place), but also comes with the loss of dignity that comes with one desiring to work yet being unable to do so. This will have an impact on the mental health of those impacted, in addition to the cruelty of family separation. The current system is not only inhumane but it is illogical.

It is important to note that according to the aforementioned MIPEX, the UK is ranked 55 out of 56 rich countries regarding family reunification rights (only Denmark is worse<sup>28</sup>). The minimum income requirement is a major contribution to this ranking - a ranking the Green Party is not proud of and does not wish to maintain.

***MG306 Language requirements will be removed from all applications. Free language classes will be made available to promote and encourage integration.***

In the current UK immigration rules, there are language requirements for a broad range of visa applications<sup>29</sup>, with exemptions based on country of origin, age, and medical history.

Applications for settlement also have an exemption if the applicant can *provide confirmation from a qualified English teacher that the applicant has attended an English language class for at least 75 guided learning hours (not unsupervised study or preparation time) in the 12 months before the date of application and the teacher’s view is the applicant is unlikely to attain B1 level through further study.*<sup>30</sup>

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<sup>28</sup> <https://www.mipex.eu/family-reunion>

<sup>29</sup>

<https://www.gov.uk/government/publications/english-language-requirements-for-immigration-applicants/assessing-the-english-language-requirement-accessible>

<sup>30</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-english-language>

Approved tests for the English language requirements generally cost between £150-180<sup>31</sup>.

There have been serious problems in the past for some migrants<sup>32</sup> where the Home Office has (wrongly) accused them of cheating on these English tests<sup>33</sup>. It seemed clear at the time that the Home Office was using these tests and accusations to limit numbers. Furthermore it laid bare how limited these tests actually were in their usefulness to assess how well a migrant has or will integrate into British society. While language skills are important for the long-term integration of an individual, community and political support are far more crucial in the early days of their time in a new country.

We do not think that the lack of language skills should be a barrier to families being together, or to businesses who desperately need non-client facing workers, and therefore would remove these from visa resident applications. The current rules are not especially onerous and so we have come to the conclusion that it would be better to just not have them at all, and therefore cut costs for the applicant and application administration.

However we do recognise that learning English is important to help people integrate and to feel part of the wider society; we also note that people whose main language at home is English are more likely to be employed and have higher average earnings.<sup>34</sup>

Therefore we would offer the support of free language classes, based on the Australian Adult Migrant English Program (AMEP)<sup>35</sup> This program offers migrants and humanitarian entrants with low English levels to improve their English language skills and settle into Australia. The classes are available for as many hours that are needed until the student reaches a vocational English standard, and childcare is made available if the student's child is under school age.

### **Costing**

The Australian Adult Migrant English Program (AMEP) had a budget of AUS\$20 million (£11.3m) in 2022-2023<sup>36</sup>. This programme teaches 50,000 to 70,000 people each year.

According to the Census 2021, there are 161,000 people in the UK who say they cannot speak English, with a further 880,000 who said they could not speak it well.

With exclusions for age and medical reasons, it is difficult to estimate how many would take advantage of the free language lessons. Government figures for ESOL courses are 179,000 in 2009-10 and then down to 114,000 in 2016-17<sup>37</sup> although in that year long waiting lists were reported. Based

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<sup>31</sup> <https://www.trinitycollege.com/qualifications/SELT/UKVI#live>

<sup>32</sup>

<https://www.theguardian.com/education/2019/may/21/international-students-accused-cheating-english-toeic-windrush>

<sup>33</sup>

<https://www.theguardian.com/uk-news/2019/may/24/facing-destitution-the-student-accused-by-uk-of-cheating-at-english>

<sup>34</sup>

<https://migrationobservatory.ox.ac.uk/resources/briefings/english-language-use-and-proficiency-of-migrants-in-the-uk/>

<sup>35</sup> <https://immi.homeaffairs.gov.au/settling-in-australia/amep/about-the-program>

<sup>36</sup>

<https://www.refugeecouncil.org.au/budget-2022-funds-for-language-classes-and-visa-assessment-dwarfed-by-extra-spending-on-offshore-processing/>

<sup>37</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-7905/>

on these figures we would estimate at around 150,000 per year and therefore an estimate of cost based on the AMED model would be £28m per year.

Current funding for ESOL courses comes out of the Adult Education budget (AEB) and we have found it difficult to pin down exact costs, Refugee Action report a budget of £105m in 2017/18<sup>38</sup> which we have been unable to confirm. Suffice to say though that this policy would not seem to increase costs based on current spending by a significant amount.

It is also worth noting again that The Migration Observatory has found that migrants with English language skills had an average of 18% - 20% higher earnings<sup>39</sup>, and therefore pay more tax back into the system, than those without.

**MG307 A Green Party led Government will ensure that sufficient staff and resources are available to effect these policies.**

The current problems of long waits<sup>40</sup> for visa application decisions are well publicised. For example, the current 10 month wait for a simple renewal of Leave to Remain on a 10 year route can leave the applicant without a valid BRP card and make it difficult for them to get a new job, leave the country, or move house.

As a PWG we believe that if a government insists on putting rules in place it must provide the funds to ensure that applicants are not punished unduly.

This clause is in the existing migration policy MG418<sup>41</sup>.

As we also propose simplifying the rules extensively, we can assume that there need not be an increase in costs in implementing them compared to the current situation.

**MG308 The Department of Migration will be responsible for ensuring free and independent guidance and support is available when a person's visa is due to expire to help them make the next steps. This support will be available in an applicant's first language if requested.**

This is based in part on the recommendation of the UNHCR outlined below in MG309.

We would expect the Department of Migration to fund this advice, through the Citizens Advice service or similar. There may be a conflict of interest if the Department provides the advice itself; additionally, there is likely to be lingering trust issues from migrants themselves accessing the service.

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<sup>38</sup>

<https://www.refugee-action.org.uk/new-research-shows-refugees-suffering-from-lack-of-english-classes-despite-strong-public-support-for-action-by-government/>

<sup>39</sup>

<https://migrationobservatory.ox.ac.uk/resources/briefings/english-language-use-and-proficiency-of-migrants-in-the-uk/>

<sup>40</sup> <https://www.gov.uk/guidance/visa-decision-waiting-times-applications-inside-the-uk>

<sup>41</sup> <https://policy.greenparty.org.uk/home/long-term-goals/mg.html>

## Costing

We have looked at the Citizens Advice (CA) service as a way to compare costs. They already do give immigration advice and run a dedicated immigration advisor helpline for the different CA offices.

Their financial review for 2021/22<sup>42</sup> does not break down the different advice areas, but we know the total amount spent in that year was £151m. However we can see that they received £33.1m from the Department for Work and Pensions to deliver Help To Claim advice to people eligible for Universal Credit. Providing immigration advice within the same organisation would cost a similar or less amount.

We would expect this service to have the effect of reducing the costs at the Department of Migration by ensuring applications are correctly formed.

***MG309 Unless standard exclusions apply, no person will be held in detention because of their immigration status.***

According to gov.uk figures, 23,226 people entered immigration detention in the year ending September 2022<sup>43</sup>. At the end of June 2022, there were 2,038 people in immigration detention (including those detained under immigration powers in prison), close to three times more than at the end of June 2020 (698) when the impact of the pandemic was most pronounced and 24% more than pre-pandemic levels at the end of December 2019 (1,637).

In Q1 2022, the average cost to hold one person in immigration detention was around £107 per day<sup>44</sup>, hence the annual cost of immigration detention is in the region £79.6m. In addition to the expense, the Home Office also takes bail money from the detainees to release those who can afford it, trapping those who cannot.

Compared to countries in the European Union, the UK is the only one which has no limit on the amount of time a migrant can be detained in this manner. 87% of people are released within a month of detention, but 13% are held for longer - indeed, in March 2022 one inmate was reported to have been in the detention centre for nearly four years<sup>45</sup>.

In 2015, the UN High Commissioner for Refugees (UNHCR) released a paper detailing the alternatives to detention and recommended that alternatives will work when asylum seekers and migrants:

1. are treated with dignity, humanity and respect throughout the relevant immigration procedure;
2. are provided with clear and concise information about rights and duties under the alternative to detention and consequences of non-compliance;
3. are referred to legal advice including on all legal avenues to stay;
4. can access adequate material support, accommodation and other reception conditions; and

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<sup>42</sup> <https://www.citizensadvice.org.uk/about-us/our-work/annual-reports/>

<sup>43</sup>

<https://www.gov.uk/government/statistics/immigration-statistics-year-ending-september-2022/how-many-people-are-detained-or-returned>

<sup>44</sup> <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

<sup>45</sup> <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

5. are offered individualised ‘coaching’ or case management services.

As a PWG, we believe this is the correct approach and in accordance with the principles of this policy.

## Standard Exclusions

*MG310 Visa applications from specific individuals may be rejected on grounds of public safety. These grounds are restricted to serious crime and threats to national security.*

The current immigration rules contain Part 9 Grounds for Refusal<sup>46</sup>. These grounds apply to all routes and are in addition to other requirements. They include criminality grounds such as committing an offence that causes serious harm (s9.4.1(c)). We propose keeping these grounds as standard exclusions.

The current Part 9 contains other grounds, for example rough sleeping (s9.21.1), which we do not agree with and therefore state a restriction to grounds of serious crime and threats to national security.

## Visitors

*MG400 All arrivals to the UK without a visa will be granted a visitor visa for a period of three months regardless of where they have come from unless standard exclusions apply. They will then have this period of time to apply for a different visa if they so wish.*

*MG401 Visitors will not have access to welfare benefits or Universal Basic Income.*

*MG402 Visitors will have access to the NHS for urgent and medically necessary procedures only.*

The current immigration rules maintain a Visa National List<sup>47</sup>, which is a list of nationalities requiring entry clearance *prior* to travel to the UK as a Visitor or for any other purpose for less than six months.

We view having different rules for different nationalities is racial discrimination, and we do not agree that the Home Office should be exempt from the obligations of the Equality Act 2010 as it is at present<sup>48</sup>.

In the year up to September 2022:

Total visitor visa applications	1,669,562
Total visitor visa applications resolved	1,554,853

<sup>46</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-9-grounds-for-refusal>

<sup>47</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-visitor-visa-national-list>

<sup>48</sup> Equality Act 2010 Part 4 Paragraph 17

Total visitor visa applications approved	1,256,998
Total visitor visa application grant rate	81%
Total visitor visa applications rejected	285,106

At present, regardless of whether you need a visa before entry or not, you can visit the UK as a visitor for tourism, business, study (courses up to 6 months) and other permitted activities. You can usually stay in the UK for up to 6 months. You might be able to apply to stay for longer in certain circumstances, for example to get medical treatment.

You can visit the UK as a visitor:

- for tourism, for example on a holiday or vacation
- to see your family or friends
- to volunteer for up to 30 days with a registered charity
- to pass through the UK to another country ('in transit')
- for certain business activities, for example attending a meeting or interview
- to take part in a school exchange programme
- to do a recreational course of up to 30 days, for example a dance course
- to study, do a placement or take an exam
- as an academic, senior doctor or dentist
- for medical reasons

If you are a visa national, then the cost of a visa is £100<sup>49</sup>.

We would not change the above; we would, however, propose the time limit changes to three months' to be in line with other countries, as well as to off-set what will likely be higher numbers of tourists and other visitors.

## Comparisons

Citizens from some non-EU countries are required to hold a visa when travelling to the Schengen Area<sup>50</sup>. The EU has a common list of countries<sup>51</sup> whose citizens must have a visa when crossing the external borders and a list of countries whose citizens are exempt from that requirement.

Generally, a short-stay visa issued by one of the Schengen States entitles its holder to travel throughout the 26 Schengen States for up to 90 days in any 180-day period. Visas for visits exceeding that period remain subject to national procedures.

A citizen of a foreign country who wishes to enter the United States must first obtain a visa unless they are eligible for the visa waiver program<sup>52</sup>. Visitor visas are non-immigrant visas for persons who

<sup>49</sup> <https://www.gov.uk/standard-visitor/apply-standard-visitor-visa>

<sup>50</sup> [https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-area\\_en](https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-area_en)

<sup>51</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R1806>

<sup>52</sup> <https://travel.state.gov/content/travel/en/us-visas/tourism-visit/visa-waiver-program.html>



want to enter the United States temporarily for business (visa category B-1), for tourism (visa category B-2), or for a combination of both purposes (B-1/B-2), these are generally up to 180 days. Visa waivers are valid for visits up to 90 days.

## Policy Effects

This policy may encourage more temporary visitors from countries where the requirement to apply for a visa was a deterrent; however they do not have access to benefits and so extra costs to the government are not expected.

Similarly, access to health services is restricted to emergencies only, and at present any increases in usage could be offset by reciprocal agreements with other countries.

At present, the costs of the Standard Visa are £100, it would not be against the principles of this policy to continue to charge a small fee for entry visas to cover administrative costs, as many other countries do<sup>53</sup>.

It is worth noting that travel and tourism contribute significantly to the economy in the UK. In 2021, an estimated £131.5 billion of the country's gross domestic product was generated, directly and indirectly, by this sector. Furthermore the contribution of travel and tourism to the UK's job market accounted for 4.1 million jobs in 2021<sup>54</sup>.

## Visa Residents

*MG500 For the purposes of this policy, visa residents are defined as migrants who have a non-visitor visa, do not have settled status and are not British citizens.*

*MG501 All visa residents will have the right to vote in all elections and referendums.*

Visa residents are taxpayers and, more importantly, members of our community. Currently, visa residents from the Commonwealth can vote in all elections and Europeans who exercised their free movement rights before Brexit can vote in local elections in England. Meanwhile, in both Wales and Scotland all visa residents can vote in local elections. We applaud the devolved governments for these policies and wish to widen these voting rights to all visa residents in all elections across the country.

In addition to being taxpayers who have a say in their communities, the current policy of denying all non-Commonwealth, non-citizen residents means that immigrants themselves have no say in immigration policy which dictates their lives. The famous example of the lack of European voters in the Brexit referendum is echoed time and time again with each General Election, and we wish to be a country which offers enfranchisement programmes to all community members of voting age.

## Referendums vs Referenda

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<sup>53</sup> <https://uncorneredmarket.com/visa-costs-travel-around-the-world/>

<sup>54</sup> <https://www.statista.com/topics/3269/travel-and-tourism-in-the-united-kingdom-uk/#topicOverview>

According to the Cambridge University Press: *Scholars often use referenda as the plural for referendum. This choice is a hypercorrection—it may sound like proper Latin, but it is not. Referendums is always the correct choice. However, we maintain that there is value in using referendums for multiple events and referenda for multiple propositions.*<sup>55</sup>

Also, we agree with the then Speaker of the House of Commons, Betty Boothroyd, in 1998 when she said: *"I do notice on the Public Bill List that the word referendums for Scotland and Wales is used there. The word referendum was first used in English 150 years ago, according to the Oxford English dictionary which I've just been able to refer to.*

*"So I imagine after 150 years the House will be quite used to it now. I think the plural is a matter of taste but I've always preferred the use of the English language to any Latin form if that is of some guidance."*<sup>56</sup>

**MG502 Access to the NHS will be free and comprehensive for all visa residents.**

The National Health Service is one of Britain's proudest traditions, and once which migrants have made vital contributions to since its very beginnings. But instead of recognising their contribution, not to mention acknowledging them as taxpayers and community members, the UK currently charges most visa residents to use it.

The Immigration Health Surcharge was introduced by the Coalition government in 2015 in an attempt to cover the cost of their disastrous austerity policies. As with every other Home Office fee, it has tripled since its introduction - in 2015 it was set for £200, today it is an extortionate £624 per year - thus, for a five year Skilled Worker visa for a migrant worker, their spouse, and their two children, the family must pay £12,480 in IHS fees alone. Further, if a migrant switches visa categories and must apply for a new visa, the government requires them to pay the IHS *again*.

Visa residents are taxpayers; further, we must not lose sight of the vital contribution immigrants have played in the NHS since its beginnings. While the pandemic brought an end to charging NHS workers the IHS, all other migrants are required to pay this fee before being issued their visa. Charging migrants twice to use the NHS is morally wrong and the Green Party would abolish the Immigration Health Surcharge upon entering into government.

### **Policy Costs**

The IHS raised £297.9m in 2018/19<sup>57</sup> (£240.5m in 2017/18), and this revenue goes to the NHS after the Home Office processing costs. This revenue will be lost with this policy.

Something to bear in mind is that health is devolved in Scotland and Wales. The Scottish government has repeatedly stated that it does not support the IHS and has demanded Scottish-based migrants need not pay this fee. The Home Office has refused this request. Additionally, it has also not released devolved-specific costings.

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<sup>55</sup>

<https://www.cambridge.org/core/journals/ps-political-science-and-politics/article/referendum-conundrum-referenda-or-referendums/FF2D4AAE426D7FCB68FE0056A1D4C78E>

<sup>56</sup> [http://news.bbc.co.uk/1/hi/uk\\_politics/news/105751.stm](http://news.bbc.co.uk/1/hi/uk_politics/news/105751.stm)

<sup>57</sup> <https://researchbriefings.files.parliament.uk/documents/CBP-7274/CBP-7274.pdf>

***MG503 Any No Recourse to Public Funds conditions will be abolished and visa residents will have access to welfare benefits or Universal Basic Income.***

### **The No Recourse to Public Funds (NRPF) condition**

The NRPF condition restricts access to benefits that are classed as 'public funds', including Universal Credit, Pension Credit, and Child Benefit. However, people with no recourse to public funds are also excluded from some government funded childcare schemes, and some families cannot access free school meals. Even Boris Johnson thinks this is a policy which should not exist!<sup>58</sup>

At the end of 2021, at least 224,576 non-EEA citizens under age 18 would be expected to have 'no recourse to public funds' (NRPF)<sup>59</sup>.

Visa holders can apply for this condition to be removed. However, it is a complex application, normally requiring the help of an experienced advisor, and it needs to be demonstrated that the applicant is destitute or at risk of imminent destitution. In the last 12 months (up to 2022 Q3), 3,129 applications were made to remove this condition with a 61% acceptance rate.

Until 2022, any approval for a NRPF fee waiver was accompanied with a punishment from the Home Office to double the length in time the individual or family must remain on a visa - and thus spending the visa costs - until they qualified for Indefinite Leave to Remain; we welcome the shift that now each case will be assessed individually before a 10 year route is confirmed. However, we continue to advocate for all NRPF applications to remain on their five year routes, if applicable<sup>60</sup>.

### **NRPF as a deterrent**

Further, the lack of access to benefits is seen by the current government to be a deterrence measure against new migrants arriving in the country. However, study after study after study has found that deterrence measures make very little difference, as migrants rarely know anything about the benefits system of a country before they move to it.

This can be seen with asylum deterrence as well; claimants do not know the specific policies of countries. leave where they are and come to a new country for a myriad of reasons, benefits never being one of them. Pushing the easily-debunked narrative that migrants want to come to claim benefits only feeds into xenophobia which allows for policies like NRPF to be passed in the first place.

### **The hidden costs of NRPF**

If a migrant with the NRPF condition attached to their status gets into financial difficulties such as being unable to work due to health issues, they have no safety net, so often end up becoming destitute. If children are involved then the local authority may provide accommodation and financial support based on Section 17 of Children Act 1989<sup>61</sup>.

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<sup>58</sup>

<https://news.sky.com/story/coronavirus-pm-given-explanation-of-how-some-migrants-cant-access-government-funds-11995825>

<sup>59</sup> <https://migrationobservatory.ox.ac.uk/resources/briefings/children-of-migrants-in-the-uk/>

<sup>60</sup> <https://www.jcwi.org.uk/news/good-news-for-families-struggling-with-nrpf>

<sup>61</sup> <https://www.project17.org.uk/resources/about-section-17/>

This act states that the local authority has a responsibility towards children 'in need' in their area. It is a form of support available from social services and is available to everyone, including to families who have NRPF.

In the NRPF Connect data report 2021-22<sup>62</sup> it was found that by the end of the 2021-2022 financial year, 72 councils were providing 3423 households with accommodation and financial support at a collective cost of £64 million per annum.

Collective data underlines the role that councils continue to play in alleviating destitution faced by families, adults and children leaving care who are not able to access benefits and housing because of having 'no recourse to public funds' (NRPF).

Ending the NRPF condition would also help address many of the problems of destitution and poor housing that local authorities and third sector services are currently seeing and enable investment in other areas.<sup>63</sup>

### Scrapping NRPF - The Benefits

Research commissioned by the Mayor of London has concluded that the benefits of scrapping the NRPF policy far outweigh its costs.<sup>64</sup>

The report calculated the longer term gains in social value and social welfare of scrapping the condition and put these against the costs of providing welfare benefits.

*Table 44: Costs by category, Year 0 and ten present value, both options (central estimates)*

Category of expenditure	Option 1		Option 2	
Child Benefit	£164 million		£164 million	
Universal Credit	£143 million		£296 million	
Free childcare	£51 million		£51 million	
Pupil premium	£11 million		£11 million	
Free school meals	£4 million		£4 million	
Administration costs (central + local)	£8 million		£8 million	
<b>Point estimate of total costs in Year 0</b>	<b>£382 million</b>		<b>£535 million</b>	
	-	+	-	+
Range of total costs in Year 0	£306 million	£458 million	£428 million	£642 million
Less BAU costs (central + local government)	-£160 million		-£160 million	
<b>Central estimate of costs net of BAU, Yr 0</b>	<b>£222 million</b>		<b>£375 million</b>	
<b>Present value of costs, 10 years</b>	<b>£1,744 million</b>		<b>£2,797 million</b>	

<sup>62</sup> <https://www.nrpfnetwork.org.uk/news/nrpf-connect-data-report-2021-22>

<sup>63</sup>

<https://www.london.gov.uk/programmes-strategies/communities-and-social-justice/migrants-and-refugees/access-benefits-londoners-no-recourse-public-funds>

<sup>64</sup>

<https://www.london.gov.uk/programmes-strategies/communities-and-social-justice/migrants-and-refugees/access-benefits-londoners-no-recourse-public-funds>

To calculate the gains it relied on a body of evidence, much of which has been accepted or indeed produced by successive governments over the last 20 years.

The gains were split into six main categories and the benefits projected over ten years.

*Table 45: Direct and indirect gains by category, Year 0 and 10 year present value, both options (central estimates)*

Category of gain	Option 1	Option 2
Education and childhood development	£209 million	£209 million
Better/more affordable housing	£50 million	£78 million
Relief of problem debt	£43 million	£73 million
Earlier health diagnosis	£26 million	£50 million
Reduction in domestic abuse	£10 million	£10 million
Employment & productivity	£3 million	£8 million
<b>Central estimate of total gains</b>	<b>£341 million</b>	<b>£428 million</b>
<i>(Range)</i>	<i>(£274 - £414 million)</i>	<i>(£346 - £516 million)</i>
<b>Present value of gains, 10 years</b>	<b>£2,616 million</b>	<b>£3,225 million</b>

The report found that, over ten years, removing the NRPf condition just for households with children and other vulnerable individuals (Option 1) would result in a net gain of £872 million. Removing the condition for all those on limited leave to remain visas (Option 2) would result in a £428 million net gain.<sup>65</sup>

*Table 46: Overall SCBA outcome summary: central estimates*

	Option 1	Option 2
Value of gains Year 0	£341 million	£428 million
<i>Gross public sector costs Year 0</i>	<i>£373 million</i>	<i>£526 million</i>
<i>Less business as usual* costs Year 0</i>	<i>-£160 million</i>	<i>-£160 million</i>
Net public sector costs Year 0	£213 million	£366 million
<b>Year 0 net outcome</b>	<b>£128 million</b>	<b>£62 million</b>
Present value of gains 10 years	£2,616 million	£3,225 million
<i>Present value of 10-year gross public sector costs</i>	<i>£2,846 million</i>	<i>£3,898 million</i>
<i>Less present value of 10-year business as usual costs</i>	<i>-£1,101 million</i>	<i>-£1,101 million</i>
Present value of public sector costs (net of BAU) 10 years	£1,744 million	£2,797 million
<b>Present value of 10-year net outcome</b>	<b>£872 million</b>	<b>£428 million</b>

*\*Costs for households who would likely have had access to public funds through Change of Conditions, or assistance from local authorities*

**MG504 All visa residents will be able to apply for settled status after five years.**

<sup>65</sup>

<https://www.london.gov.uk/programmes-strategies/communities-and-social-justice/migrants-and-refugees/access-benefits-londoners-no-recourse-public-funds>

Settled status is also known as indefinite leave to remain (ILR).

If an individual has settled status then they have permanent residency and are no longer subject to the immigration rules. However, it can be revoked in certain circumstances.

These circumstances in the current immigration rules are if the individual:

- is liable to deportation but cannot be removed for legal reasons, such as the UK's obligations under the Refugee Convention or the European Convention on Human Rights (ECHR)
- is found to have obtained leave by deception
- was granted leave as a refugee and now ceases to be a refugee
- stays outside the UK for 2 or more years (5 or more, if granted settled status under the EU Settlement Scheme) at a time<sup>66</sup>.

As per clause MG308 we would envisage the Department of Migration working with individuals if they wished to leave the UK for extended periods and not revoke their status as a matter of course.

We would further wish to amend the current policies regarding those who have obtained leave by deception. Our more humane system would ensure that fewer people are forced to resort to deceptive tactics to jump through the hoops of the system; however, no bordered-world can protect every individual and we acknowledge that deception would still occur. It would be up to the Department of Migration to deem whether the deception was administrative (such as lying about nationalist to encourage a more favourable visa outcome) but otherwise off-set by having lived in the country long enough to obtain settled status, or a threat to national security; in the unlikely event of the latter, we would support the revocation of settled status to the individual.

Additionally, in the rare case discussed above, we would provide more rights to the dependents of those who lose their settled status. At present, dependents also lose their permanent residency if the main applicant is found to have obtained their leave by deception. We do not believe in punishing innocent bystanders for the crimes of others and thus only those who have been deemed to have obtained leave by known deception would lose their settled status (and no child under 18 would lose their settled status even if both their parents were found to have knowingly obtained their settled status through deception deemed to be a security threat).

## **Settlement in Five Years**

In the current immigration rules, some individuals are required to be on a ten year route to settlement. Certain routes, including students, certain work routes, and youth-visa holders, do not qualify at all for settled status and thus the years spent on these visas do not count until they have reached ten years of legal residency. This is not only very expensive for these individuals at present, as they must keep paying the extremely high visa and NHS fees for years, but this also keeps people in limbo, as without settled status they do not have the right to permanently remain in the homes they have created for themselves. This also, of course, creates barriers to integration.

This is especially unfair to students, who have often spent an eye-watering amount - sometimes even their parents' entire savings - on extortionate fees for their studies and visas, to not qualify for

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<sup>66</sup>

<https://www.gov.uk/guidance/indefinite-leave-to-remain-in-the-uk#can-my-indefinite-leave-to-enter-or-remain-be-taken-away>

residency after five years when nearly every other long-term residency visa route allows it. As further explored below, international students play a vital role in the British economy and higher education sector, in addition to being new members of our society. We should compete for them with other countries, and we welcome the return of the post-study visa in 2021. However, this post-study visa is still not a route to settled status. Canada, for example, allows permanent residency for most students following the completion of their post-study visa. The UK, meanwhile, does not count student or Graduate visa years towards residency for students for the normal five year route and thus forces them onto a ten year route.

For those who might otherwise qualify for settled status after five years, a ten year route is usually imposed because they fail to meet the standard criteria for leave to remain, for example they may not meet the minimum income requirements and thus have made an application based on human rights. This is often applicants who have family in the UK, such as a British child or partner, or have lived here continuously for over 20 years.

Being on the ten year route still means renewing permission every 30 months and paying the large fees associated with this (see MG302 above).

Additionally, some current rules have a stipulation that a migrant must remain on one specific visa route for five years before obtaining settled status. That is to say, if you arrive on a work visa but wish to switch to a spouse visa two years after arrival, your clock towards settled status would be reset to zero. We would abolish these rules and allow for settled status after five continuous years in the UK, no matter the routes taken.

As a PWG we believe that five years is long enough for individuals to put down roots in a new home. We also see no reason that those who are able to demonstrate they should be in the UK on human rights grounds should be made to wait longer for settlement.

This view is shared by multiple charities in the migrant support sector who campaign for the end of the ten year route, notably Praxis and their recent Stop the Waiting campaign<sup>67</sup> and We Belong who state, *A shorter route to permanent status would ensure that children and young people who have grown up and been educated in this country are able to fully integrate both financially and socially, alongside the benefit of permanent residence. It would reduce the risk of them falling back out of the system if they are unable to raise the funds for application and legal fees and would ease the burden on the Home Office in processing these applications.*<sup>68</sup>

Setting a period of five years is a bit arbitrary, why not four, or six or seven, but in adopting this figure we are in line with some current legislation and with our EU neighbours, where individuals automatically acquire the right of permanent residence in another EU country if they have lived there legally for a continuous period of five years.<sup>69</sup>

This is discussed at length in Joseph Carens' book, *The Ethic of Immigration*, where he concludes that *It is more a matter of the social psychology of coordination, given the need to settle on one point within a range. But if one asks why five years rather than one or ten, it is easier to make the case that*

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<sup>67</sup> <https://act.praxis.org.uk/stop-waiting>

<sup>68</sup> <https://www.webelongs.org.uk/latest/we-belong>

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[https://europa.eu/youreurope/citizens/residence/documents-formalities/eu-nationals-permanent-residence/index\\_en.htm](https://europa.eu/youreurope/citizens/residence/documents-formalities/eu-nationals-permanent-residence/index_en.htm)

*one is too short and ten too long, given common European understandings of the ways in which people normally settle into the societies where they live.*<sup>70</sup>

## Students

***MG505 Students with an offer of a place from a recognised education institution will automatically receive a visa to study unless standard exclusions apply***

The wording of course implies that there will be a list of recognised educational institutions, and that no questions will be raised if one of these offers a place. There have been recent attempts to cast doubt on the legitimacy or suitability of some less high-powered institutions, largely in pursuit of the will o'the wisp of the net migration target maintained (but never reached) by the Cameron and May governments.<sup>71</sup> In order to admit non-EU students (before Brexit), a university or college had to have a sponsor licence. As with any other activity of the Home Office, this could be withdrawn at will. No clear criterion was established for distinguishing between institutions in this way, and students have suffered from the recategorising of their colleges during their courses.<sup>72</sup>

It is unarguable that international students contribute to the economy and the social and ethnic diversity of the UK. The former is particularly true because they are charged much higher fees than home students. Indeed, they appear to be seen as fair game for exploitation. Many universities, especially major research institutions, rely on income from overseas student fees to subsidise their teaching of home students. Yet, despite this, Cameron and May were determined to drive down their numbers. Yeo suggests this was partly because of the net migration target and partly because of the perceived political advantage in reducing the numbers of racialised ethnic communities in the country.<sup>73</sup> These drives, along with Suella Braverman's current threats against the dependents of international students, have had consequences: while raw numbers have risen, the UK has actually dropped in its share of international students as students are choosing to study elsewhere<sup>74</sup>. While there are, of course, many external factors impacting this, we cannot ignore the impact that xenophobia, expense, and lack of rights offered to students here is having.

As of 2022, universities are more dependent than ever on international students, as home student fees have not been increased in ten years, while teachers' salaries have increased (though not in line with inflation). The result is that international students' fees, which are not capped, have steadily climbed. ED 267 notes that 'in some cases this can lead them to accept international students who are less able than EU students who they reject.'

A question is raised for Green Party policy, in that ED 263 provides for the abolition of tuition fees, yet ED 268 envisages the possibility of fees for international students. While the general ethos of this MG policy is that migrants should not be disadvantaged in relation to citizens, in this case we agree that international students can be subject to fees. However, we also believe that these fees should be capped and not imposed in their current, extortionate manner.

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<sup>70</sup> Carens, Joseph. *The Ethics of Immigration (Oxford Political Theory)* (p. 114). Oxford University Press.

<sup>71</sup> Yeo 2022: 353-58.

<sup>72</sup> Yeo 2022: 346-48.

<sup>73</sup> Yeo 2022: 358-63.

<sup>74</sup> <https://migrationobservatory.ox.ac.uk/resources/briefings/student-migration-to-the-uk/>



**MG506 Residents on student visas will be permitted to stay for three years after their studies are completed to look for work.**

As discussed, students are members of our communities just as any other migrant; to deny them the right to remain in their new home - especially after their economic contributions - is just as cruel here as it is to any other route denied access to settled status. Further, it makes little economic sense to train people and then bar them from applying their skills in this country.

The vast majority of international students leave the country upon the completion of their course, even when post-study visas are available. 2021 graduates were the first cohort eligible for the renewed Graduate route and 56,315 students took advantage of this route to remain here and search for jobs. That is, again, 56,315 people who we trained who wish to remain here and contribute their resources to this country. It is also a small percentage of the total number of international students who graduated in 2021; the vast majority of students choose to leave, and we should welcome those who wish to stay.

The higher education sector was damaged by the revocation of the post-study visa in 2012. The number of work permits issued to students fell by 84% after the loss of the post-study visa, which cost the UK untold talent and economic contributions, not to mention the loss of community members who otherwise would not have left.

We applaud its return in 2021. However, it is still not as generous as the countries we must compete with for international students. Canada offers settled status upon completion of their post-study visa, Australia offers up to four years for PhD students, and New Zealand just extended their post-study visa to three years. As such, we propose to match New Zealand - and the current policy for PhD students - and allow all students to remain for three years to look for a work visa. These years will also, as discussed in MG504, count towards permanent residency; if a student reaches five years while on the Graduate route, they will be allowed to apply for settled status.

## **Visa Fees**

At present a student visa is one of the cheapest, presumably in recognition of the high tuition fees. It is £363 for an initial visa, and £490 for an extension.<sup>75</sup> We do not envisage increasing these fees and would instead look to lowering them to be in line with administrative fees and the rates which our competitor countries charge. Students, like others, must currently also pay the health surcharge. As in line with the rest of our ethos, we wish to abolish the NHS fee entirely.

## **International Comparisons (as of December 2022)**

UK: £363 + £624 per year of visa for IHS for students, £715 + IHS for post-study visa

Canada: \$150 (£92) for student visa, \$255 (£156) for a post-study visa; easy for migrants on a post-study visa to then obtain permanent residency

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<sup>75</sup> <https://www.gov.uk/student-visa> (accessed 23.12.22)

Germany: €75 (£66) for students, €80 (£70) for a post-study visa (only 18 months, but if they find a job they switch to a work visa and then they can apply for permanent residency after two years on the work visa)

France: €50 (£44) for a student, €225 (£198) for post-study visa (very limited, only for 12 months, there are many work restrictions, and it is only open postgrads and certain undergrads)

USA: \$510 (£423) for students, very few post-study options

Australia: \$630 (£354) for students, \$1,730 (£971) for post-study (bachelors can stay for two years, masters three, and PhDs four)

New Zealand: \$530 (£280) for students, \$495 (£260) for post-study

## Work Migration:

*MG507 Workers with a confirmed contract of employment satisfying UK employment laws will automatically receive a visa to work unless standard exclusions apply.*

*MG508 Residents on work visas can switch employers or if made redundant have six months to look for work automatically as part of their visa conditions.*

While as a Working Group we prefer to approach immigration from a perspective which centres migrants as individuals rather than economic entities, we also fully acknowledge the need for immigration in the British economy. Thus, we recognise the need for immigrants - at all skill levels - and want to make it easier for British businesses to employ non-citizens, as well as safeguard the rights of non-citizen workers to avoid exploitation..

The British economy needs more workers to fill the roles which were created here when Britain still had free movement with Europe. While the skilled work route has liberalised since Brexit, the barriers from high visa and business fees, salary requirements, and skill requirements ensure that this liberalisation does not remotely off-set the loss that has come with the end of free movement rights for 500 million potential workers.

This is especially true for jobs which are considered 'low-skill'. At present, the only visas which exist for 'low-skill' roles are temporary, such as the re-introduced Seasonal Worker visa following Brexit, and have come with warnings from experts regarding the ease of abuse which can occur with short-term schemes.<sup>76</sup> We often hear that only 'the best and brightest' should move here with any hope of permanency, but policy-makers are only too aware of the need for 'low-skilled' migration as well. As such, many other visa routes have very little in the way of work restrictions - individuals on family visas, student and graduate visas, youth visas, and ancestry visas, among others, are all allowed to work for nearly any employer they wish.

Rhetoric which claims immigrants steal jobs is meant to focus voters on the wrong targets - and lest we forget, at present many migrants have very little political power and so cannot fight back in the voter's booth - and thus ignoring more pressing economic problems, such as weak labour laws.

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<https://www.theguardian.com/global-development/2022/sep/29/review-of-uk-seasonal-worker-visas-to-increase-risk-of-slavery-experts-warn>

Indeed, in 2004 part of the reason so many A8 nationals came to the UK was because the UK had some of the weakest labour laws in the EU, which allowed employers to pay migrant workers less than what a local worker expected. Yet instead of blaming weak laws and abusive employers, politicians and the media whipped up distrust of new arrivals and, as a result, British employers now find themselves desperately needing workers who are no longer able to come.

As LSE lecturer Dr. Patrick McGovern said during a 2001 presentation, 'low-skilled migrants take jobs locals don't want and high-skilled migrants take jobs locals can't do. Considering the amount of discrimination that happens at the interview stage, immigrants are not taking jobs when they can't even get the interviews.'

As such, we wish to both make it easier for British businesses to sponsor migrant workers, and easier for migrant workers to switch jobs. Currently, employers must acquire a sponsor licence before they can sponsor people on a Skilled Worker visa. Sponsor licences require several official documents such as PAYE registration and Employer's Liability to prove the legitimacy of the business, and can be denied or revoked at the will of the Home Office. As proof of business legitimacy is an important component towards the prevention of abuse, we do not envision this aspect of the process changing. We would, however, in keeping with MG302, only charge administrative fees for a licence.

Crucially, we propose to get rid of the Immigration Skills Surcharge, which is nothing more than a fine on British businesses for hiring migrant workers. At present, small and medium companies must pay £364 per year of a Skilled Worker visa (so if a small, high-street curry house brings in a Tandoor Chef for three years, they are required to pay £1,092 purely because they were unable to find a local Tandoor specialist. For large companies, this fee jumps to £1,000 per year. As the above-mentioned 2020 publication by the All Party Parliamentary Group on Migration stated, most businesses are unable to afford these fees and thus unable to bring in much-needed help.

Regarding the fees for immigrants, again we propose only charging the administrative fees and abolishing the IHS altogether. As far as their employment rights go, we wish to see a system which allows for mobility. Studies from around the world find that work visas which tie immigrants to their employers, no matter the skill level, risk exploitation. While those at the lowest end of the wage ladder are more at risk, we need only see the hours currently being forced on migrant tech workers at Twitter headquarters to realise that every person who is dependent on a work visa faces the potential of abuse.<sup>77</sup>

Related to this, if made redundant a Skilled Worker currently has a mere 60 days to find a new employer before they must leave. This does not mean they must have an offer letter in hand but rather that they must be far enough in the hiring process to have a new work visa application submitted before that 60 day period expires. Anybody who has gone through a hiring process which requires background checks - as do many jobs which would qualify for the Skilled Worker route - knows that it is highly unlikely for a person to meet this 60 day requirement, even if they magically secured a successful interview within a week or two of losing their job, which is already extremely unlikely.

We propose to extend the period to six months, as not only are the individuals involved people who may wish to remain in their lives, especially if there are children involved, but also the British

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<sup>77</sup> <https://edition.cnn.com/2022/11/18/politics/twitter-layoffs-visas-h1b/index.html>

economy cannot afford to lose more talent than we already haemorrhaged during the immediate years following the Brexit vote and the pandemic.

### **“Brain Drain”**

A common argument is that we should be very careful to extend work permits to people from poorer countries, as those economies need their skills more. However, we need to be extremely cautious of the brain drain argument, as very few academic studies have found ‘significantly negative’ impacts in any country, even in the countries worst hit by an outflow of well-educated citizens (Skeldon, 2009). Some have found that in the longer term, this ‘brain drain’ is the exception rather than the rule<sup>78</sup>.

Indeed, it is more often found to be the exact opposite – the more emigration that occurs, the more development happens in the home country. One study found that an increase in migration was an important component to a 3.5% increase in secondary school enrolment in migrants’ home communities in the Philippines, as well as a general rise in income in the source area.<sup>79</sup> We should also remember that the more emigration there is, the more middle-income a country is. People from the richest countries don’t tend to emigrate because they don’t need to, and people from the poorest countries - where brain drain could be a genuine concern - don’t tend to emigrate because they do not have the financial means to do so.

Additionally, many middle-income countries across the world - famously across eastern Europe, certain countries in Sub-Saharan Africa such as Mali, and The Philippines, actively promote emigration in order to receive remittances and what academics like to call ‘brain gain’ - when *ideas* are sent home. Indeed, both China and India promoted brain gain in the late 20th century; we can all see how successful this was for both of them. Strict admissions policies against skilled workers in poorer countries can also lead to what is called ‘brain waste’, where skilled workers are unable to use their knowledge due to the lack of employment opportunities in their home countries. Too often in the immigration debates in the UK and across the western world, the desires of poorer countries are entirely ignored.

We believe that policies should promote transnationalism, not close the borders to people with the misfortune to be born into impoverished countries (countries likely impoverished in part due to British and other rich country colonialism and neocolonialism). A transnational system would, amongst other things, ensure it would be easy for people to leave and come back again, as well as ensure remittances are easier to send.

For example, agreements between countries could ensure that skills and technology investment by labour-poor host countries into labour-rich origin countries meet both nations’ needs, as well as migrants themselves. This could include the Global Skill Partnerships model<sup>80</sup>, where the country of destination finances training in the country of origin, with some recipients emigrating while others staying in their home country. This model was agreed by the 164 nations that signed up to the Global

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<sup>78</sup> John Gibson and David McKenzie, ‘Eight questions about brain drain’, *Journal of Economic Perspectives* 25:3 (2011) pp. 107–28.

<sup>79</sup> Caroline Theoharides, ‘Manila to Malaysia, Quezon to Qatar: International migration and its effects on origin-country human capital’, *Journal of Human Resources* 53:4 (2018) pp. 1022–49.

<sup>80</sup> Clemens, M.A. *Global Skill Partnerships: a proposal for technical training in a mobile world*. IZA J Labor Policy 4, 2 (2015). <https://doi.org/10.1186/s40173-014-0028-z>

Compact for Migration<sup>81</sup>, including the UK with the contradictory caveat (among others) that it was not committing to taking national steps to increase new legal pathways to migration<sup>82</sup>.

We do not deny that some countries that have experienced a large amount of skilled emigration, especially in the healthcare field, and thus schemes like the one above can also take steps to limit the attraction of emigration, and tempt back those who do leave. However, we do not believe that limiting the attraction of emigration or upping the attraction of a return 'home' should look anything like the closed, securitised borders we see today. We wish for any genuine 'brain drain' to be addressed through workable schemes rather than simply as a liberal excuse to deny admissions to people who happened to be born in countries which offer fewer opportunities - and, importantly, countries which also tend to be racialised.

One example, out of India, is a recent report into strengthening the healthcare workforce<sup>83</sup> had this quote from Capt. (Mrs) Usha Banerjee: Nurses have not been given enough attention in terms of recognition, perks, pay, and other privileges. Hence, most nurses are seeking jobs in other countries, and many only join the profession for the lucrative opportunities abroad. Moreover, a lot of nurses that graduate, though available in number, are not job ready. There is a need for a marketing strategy and building pride in the nursing profession as it gives an opportunity to women to have a respectful job.

The report goes on to recommend incentivisation and social for the healthcare workforce particularly in rural areas<sup>84</sup>. It also references the establishment of a rural professional society in Thailand – the Rural Doctor Society – which improved the skills of health managers and enhanced the social recognition of health workers and, hence, their job satisfaction.

## Family Migration

*MG509 Visa residents will have the right to bring members of their family to the UK who would normally live with them in their country of origin, or would do so if it were permitted by law or custom.*

According to the aforementioned MIPEX, the UK is currently ranked an appalling 55/56 for family reunification rights due to various restrictions and the definition of family – 'family-reunited migrants do not enjoy a fully secure future' in the UK; only Denmark offers worse family reunification rights. The reasons for this ranking are mainly down to the extremely high visa fees, minimum income requirements, and the lack of routes for any family members who are not partners and children.

The European Union protects family rights more than Britain does – indeed, it was much easier for non-EU partners and, if applicable, non-EU stepchildren of EU migrants to move here than it was for the non-EU family members of British citizens prior to Brexit. Before losing the right of free movement, many British citizens were forced to use something called the Suringer Singh route,

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<sup>81</sup> <https://www.un.org/en/migration2022/global-compact-for-migration>

<sup>82</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-8459/>

<sup>83</sup>

<https://home.kpmg/in/en/home/insights/2022/10/strengthening-healthcare-workforce-in-india-the-2047-age-nda.html>

<sup>84</sup>

<https://home.kpmg/in/en/home/insights/2022/10/strengthening-healthcare-workforce-in-india-the-2047-age-nda.html> - Recommendation 7

which meant that they could live in another EU member state for six months and then move back to the UK with their non-EU family members using their EU rights. Obviously, this route is no longer an option.

The two main arguments we often hear to justify these harsh requirements and forced family separation have to do with public finances and sham marriages. Let's address both here:

### **Public finances:**

As already addressed in MG503, non-EU immigrants (and now all new immigrants, unfortunately) have no access to public funds except for the NHS, which they pay extra for, and schooling. We already wish to abolish NRPF, as not only are migrants taxpayers who pay into the benefits system but we must not lose sight of the fact that virtually no migrant in history has ever gone through the arduous task and hoops of moving countries just to take up benefits. All the policy does is greatly harm the few who need it. Allowing more spouses to come would *increase* the taxpayer pool, as well as help individual households with their finances and keep fewer people in need of benefits.

Further, economic logics are not the only reason we wish to push against the narrative that family migration harms public funds - one of the cruellest policies enacted under the Coalition government was the near-abolition of the Adult Dependant visa, which means that migrants are no longer allowed to bring their elderly parents over to care for them, except in the most extreme of cases<sup>85</sup>.

Prior to this policy change, very few visas were granted under this route anyways, approximately 2,000 a year.; today, that number is around 100 a year (0.05% of all visa cases), with stories from solicitors across the country saying they have never seen a successful case in their post-2012 career, and they nearly always try to dissuade clients from even trying. In 2015, for example, 452 applications were made, of which only 50 11% - were successful<sup>86</sup>. As one lawyer put it on Twitter, "Theresa May decided that 2,000 grandmothers was 1,900 too many."

While at first glance, the above is a clear-cut case of protecting the public coffers, as elderly migrants are unlikely to contribute through taxation and will instead cost money if they need care. Ignoring that many could help with childcare and thus allow working-age parents to work and contribute taxes, the more important conversation is about humanity: imagine you moved here 20 years ago, the UK is now more your home than where you came from. After all the visa fees, after all the hoops you had to jump through, how does this country repay you? By forcing you to choose between abandoning your home or abandoning your parents. As a working group, we believe that humanity comes before economics. We are not against cost stipulations for an Adult Dependant visa so long as they are not extortionate, but we firmly stand against the current policy that parents of main applicants do not count as family.

### **Sham Marriages:**

One of many of the rules which came about in 2012 was the introduction of the Minimum Income Requirement. While the Conservatives tried to put this minimum income at an appallingly-high £25,700, but there was enough push-back that they settled on £18,600. This requirement - which, of course, disproportionately impacts relationships where the British partner is female, young, and/or an ethnic minority - currently prevents around 40% of British citizens from bringing in a non-EU

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<sup>85</sup> <https://freemovement.org.uk/out-with-the-old/>

<sup>86</sup> <https://migrationobservatory.ox.ac.uk/resources/briefings/family-migration-to-the-uk/>

partner, with nearly 50% of people in the North of England impacted<sup>87</sup>. The minimum income rises with each stepchild - for a partner and one stepchild, the minimum salary for the British citizen is £22,400 (which 51% of all British citizens do not make, including 60% of people living in the North East), and keeps rising with each stepchild.

Prior to the introduction of the minimum income requirement, the Home Office denied around 15% of spouse visas annually; that had risen to 34% by 2015. It is impossible to know how many families have been separated by this policy but we can use the Coalition government's own 2012 estimate - which the Conservatives then proudly bragged about at their conference that year - which was that nearly 20,000 British citizens would be separated from their families annually. If we follow that, that's around 360,000 couples separated in the last decade due to the British spouse's lower economic status (Yeo, 2020).

An even more appalling number regards the British children of these relationships: according to estimates by charities which support separated families, there are approximately 40,000 children living in single-parent households at present, for no reason other than because their British or settled parent does not earn enough money to sponsor the other parent. This is a terrible statistic and will have long-term consequences on far too many children and families.

The application process is also extremely unfriendly; a question on family visa forms specifically asks why the couple cannot instead settle in the country of the foreign spouse, and the fees themselves are much higher than they are for any other migration route. Spouse visas are approximately double the next most expensive commonly-used visa route, as further disincentive for the couple to choose the UK (with Adult Dependant visas costing the most). Family reunification visa applications are also extremely complex and almost impossible to do without legal assistance, which only adds to the cost. At present, this country would rather see its own citizens leave than to welcome their family members.

When asked for the moral justification of these policies, government officials often claim they exist in part to prevent sham marriages. However, a minimum income requirement has nothing to do with sham marriages; if two people had made such an agreement, the migrant simply has to find somebody who makes above that threshold. Further, the supposed moral panic over sham marriages would surely seem more realistic if tv shows such as *Married at First Sight* weren't so popular.

More importantly than silly pop culture references: we do not deny that sham marriages exist, albeit to a much smaller degree than is often claimed by political and media rhetoric meant to stir up distrust. However, we wish to have the conversation around *why* they exist: if other routes were more easily attainable, people would not be pushed into marrying for reasons that do not involve genuine relationships.

The right to a family is a fundamental human right; at present, this fundamental right does not exist for all residents of the United Kingdom. Of all routes which we wish to change, this is likely the one

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<https://migrationobservatory.ox.ac.uk/resources/reports/the-minimum-income-requirement-for-non-eea-family-members-in-the-uk-2/>

that the average voter would be most horrified by if they knew the real rules, and the very real human consequences of these rules.

## Residents with Settled Status

*MG600 Residents with settled status are no longer subject to immigration rules.*

*MG601 Residents with settled status have the same access to benefits, student finance, and the NHS as British Citizens.*

*MG602 Children of residents with settled status will have access to student finance for their higher education and will not be liable for international fees.*

*MG603 Any resident with settled status can apply for citizenship if they wish to do so.*

Settled status is also known as Indefinite Leave to Remain (ILR).

If an individual has settled status, they then have permanent residency and are no longer subject to the immigration rules. While the above stances are the same as the current rules, we do wish to see certain changes.

As already discussed in MG504, in the current immigration rules then this status can be revoked in certain circumstances. We are against the revocation of ILR except in the most extreme of cases. Further discussed in MG502 is our preference for all visa residents to have the right to apply for settled status after five years of legal residence in the UK.

In effect, we envision that settled status provides virtually the same rights as does British citizenship. Many migrants come from countries which do not allow for dual citizenship, and we do not wish to force people to legally choose between their new home and their old one.

## Citizenship:

*MG701 All children born in the UK are automatically British Citizens.*

Birthright citizenship, or *jus soli*, is a clear mark of a society which is open and welcoming to integration, as the country is clearly welcoming the children of migrants as their own. The UK had birthright citizenship until 1 January 1983, when the Thatcher government abolished it. Both Labour and the Liberal Democrats pledged to bring back *jus soli* in their manifestos following this revocation; however, unfortunately, both parties have since been in government yet no attempts have been made to give rights back to UK-born individuals.

At present, 40% of all non-citizen children in the UK were born here. Of the remaining 60% of non-citizen children, a further 40% of them came before the age of three. Yet if their parents do not have settled status, these children - who have known no other country - have no access to benefits if needed, and if circumstances do not allow them to acquire settled status later, they are also often barred from voting, despite having lived their entire lives in the UK.

This, of course, includes the children of undocumented migrants. Due to the punitive policies surrounding undocumented migrants at present, their UK-born children have very little chance of acquiring settled status or citizenship, despite the fact that the children themselves broke no laws by



their own choice and have never known another country. Estimates place the number of undocumented children - including those born here - at 215,000, with a further 117,000 individuals between the ages of 18-25 who came to the UK as minors. Unfortunately, Brexit and the loss of free movement rights for Europeans will only increase these numbers under current policies.

We as a working group do not believe in punishing the children of parents who have broken laws, which is what current policy does. To address these issues, we would not only bring back *jus soli* but we would also look to have programmes similar to the DACA scheme in the United States which allows individuals who came to the US as undocumented migrants as children to enjoy the same rights as permanent residents. At present, nearly one million people have benefited from DACA.

For documented migrants who manage to jump through all legal hoops and acquire settled status, the fees for citizenship itself are obscenely high, especially for non-EU migrants and all new immigrants due to the cost of previous visa applications.. This obviously prevents people who otherwise have the right to obtain citizenship to get it. For adults, a citizenship application is currently £1,330 while for children it is £1,012. While we have already discussed the legal win to waive the latter's fee for families who cannot afford it, we as a working group believe these fees should be abolished for all; we once again reiterate MG302 where all Department of Migration costs will be to cover administrative aspects only and not be for profit. These costs are immoral for all, but especially for children who were born here or came at a young age, as they are British in all but name.

***MG702 A Green Party led Government will commit to tackling statelessness and will ensure that once citizenship is granted it cannot be removed.***

Once citizenship has been granted - whether through birth or through obtaining it later on in life - we would also be against stripping it. One need only look at what happened to Shamima Begum to understand the dangers of this precedent: while we do not at all condone her actions, she is a Briton - and a child when she committed her crimes - and she is our responsibility. It is entirely immoral of the British government to strip a person of their citizenship and (in this particular case, making somebody stateless), and forcing other countries to deal with our problems. Ms Begum was radicalised in the UK; she is not Bangladesh's responsibility, nor is she Syria's, where she has been forced to live in a refugee camp for four years now. While it is outside the remit of our working group to discuss what should be done with Ms Begum and others who commit similar crimes, what we can say - forcefully - is that these individuals are British and Britain's responsibility.

While Ms Begum is the most famous example, she is not the only one - nearly 500 individuals have lost their citizenship in the 17 years since protections against citizenship rights were loosened. We should note that not one person lost their citizenship between 1973 and 2006<sup>88</sup>. Around one-third of those who have lost their citizenship since 2006 were due to claims of national security, while the rest were due to claims of fraud.

Despite there being many examples, we will continue with Ms Begum, as she is such a prominent case: the precedent that second (or even third) generation citizens are not equal to others is a dangerous one to set. This is especially concerning to our Muslim residents, who are disproportionately targeted by policies such as the Prevent programme. While this scheme is said to

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<sup>88</sup>

<https://freemovement.org.uk/how-many-people-have-been-stripped-of-their-british-citizenship-home-office-deprivation/>

fight against all terrorism, it is notable that it only exists in Great Britain - thus, the region of the UK which has seen the largest number of terror attacks in the last 50 years, Northern Ireland, is not even included. Muslims have a 1 in 500 chance of being referred to Prevent, which is approximately 40% higher than the chance of a non-Muslim being referred<sup>89</sup>.

While we will further discuss this concern below under MG901 and MG902, we will briefly state here that we wish to see the UK do more to welcome the contribution of migrants and their families, as well as push for a deeper understanding of the impact of colonialism and neocolonialism. *This should not be read as excusing the above behaviour*, but rather as a statement in support of delving into the root cause Britain can most easily work on. The US State department has admitted that ISIS - the group a British teenager ran away to join - had the strongest propaganda machine ever seen by the agency<sup>90</sup>. Studies have found that second-generation Muslims living in Europe are more likely to be radicalised than Muslims living in Muslim-majority countries, and that the second-generation is much more likely to be radicalised than their parents<sup>91</sup>. To combat this, in addition to combating the terror groups themselves, integration policies must focus on strategies that will welcome second-generation citizens.

#### **MG703 Multiple citizenships are permitted.**

We see no conflict between allowing people to hold multiple citizenships and thus would continue the current policy which permits this. Indeed, not allowing this could be problematic because certain countries do not allow their citizens to hold multiple citizenships (China and India are two famous examples). This is a large reason why many people who otherwise qualify do not opt for British citizenship, as they do not wish to lose their original citizenship. While we obviously cannot control what other governments do, we would allow immigrants to retain their old citizenship when acquiring their British citizenship, as well as allowing British citizens abroad to retain their British citizenship in addition to acquiring their new one, if the other country allows it.

## **Undocumented Migrants**

#### **MG800 Undocumented migrants will be given free advice and support to help them to regularise their status without penalty for being undocumented.**

#### **MG801 Undocumented migrants who have been in the UK for at least five years will be invited to apply for settled status unless the standard exclusions apply.**

As a working group, we use the term 'undocumented migrants' to refer to residents who do not have permission to be in the UK. As discussed with MG101, we thoroughly reject the dehumanising term 'illegal immigrant'. To repeat what was written above, *while there is irregular immigration, no human being is illegal. No other crime is relegated to the same dehumanising terminology - you do not hear the phrase 'illegal rapist' or 'illegal murderer', despite those being two crimes which are substantially more terrible than simply existing in a location without permission. The term "illegal immigrant" is*

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<sup>89</sup>

<https://www.theguardian.com/commentisfree/2017/nov/10/prevent-strategy-statistics-independent-review-home-office-muslims>

<sup>90</sup> <https://www.cnn.com/2015/02/25/middleeast/isis-kids-propaganda/>

<sup>91</sup>

<https://www.realinstitutoelcano.org/en/analyses/moroccans-and-the-second-generation-among-jihadists-in-spain/>

*meant to divide communities and make it easier to justify immoral and inhumane policies against non-citizens. The Green Party stands against these divisions and this treatment of residents of our country.*

For obvious reasons, it is impossible to know how many irregular migrants live in any country. In general, countries tend to follow one of two models when addressing irregular migration to the public: some, such as Germany or Italy, claim that numbers are smaller than they likely are in order to pretend that current policies are effective against irregular migration. Other countries claim that numbers are larger than they likely are in order to create crisis narratives to justify harsh policies and distract the public from other, far more serious, problems that the government either is unwilling or cannot fix. This latter method also justifies pointing guns and war ships at families. It is obvious which of these two routes the UK tends to take.

We need only look at what has happened the week of finalising this paper to see this phenomenon in action: Rishi Sunak announced his top five priorities for 2023, with the Channel crossings being one of them. It would be one thing if the Prime Minister meant addressing the dangerous situation faced by these 45,000 people, but we all know that is not what he meant. The NHS is on the verge of collapse, with the worst excess death rate in five decades in 2022<sup>92</sup> (ignoring the COVID years, of course) and we are facing a terrifying cost of living crisis where people are being forced to choose between food and heating during dangerous cold snaps, yet the Prime Minister continues to push the narrative that 45,000 people arriving via boats in 2022 - just enough people to fill *half* of Wembley Stadium - is equally as large a problem as the other two things. The media is only too happy to help, and all we see from Labour is either silence or claims that they would do a better job at keeping these people out of the UK<sup>93</sup>. We need to be the party that acknowledges that the Channel crossings have risen because other routes have closed.

Policies and political decisions are at the root cause of irregular immigration and the status of undocumented migrants. Policies will never prevent all irregular migration, but they do entirely cover the rights allocated to people who live somewhere without permission (and with, as policy, of course, impacts the rights of documented migrants as well).

At present, the hostile environment - a very cruel and inhumane system - exists to combat irregular immigration. However, the government itself has acknowledged that the hostile environment's provisions - which include immigration checks for housing, the NHS, banking, and employment, amongst other things - do not reduce the presence of undocumented migrants and instead exist for cruelty purposes alone. While most countries check the right to work and access to benefits such as the NHS, we did not find another example of requiring the right to live for housing or banking.

Further, the Home Office has been taken to court multiple times over various aspects of this policy because the policy has led to countless examples of racial discrimination against British citizens, in addition to discrimination against documented migrants, as landlords, employers, etc wish to avoid being punished with fines of upwards to £20,000 and sometimes even a jail sentence for allowing irregular migrants a life. The hostile environment has in effect criminalised integration.

Abolishing the hostile environment is at the very top of our agenda as a working group.

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<sup>92</sup> <https://www.bbc.co.uk/news/health-64209221>

<sup>93</sup> <https://www.theguardian.com/commentisfree/2021/nov/23/labour-migration-opposition-tories-new-labour>

The hostile environment is allowed to exist because of the narrative surrounding irregular immigration in the UK. Denying people the right to a roof over their heads, or to a bank account, simply because they are existing here without permission - likely working and contributing their much-needed skills to the economy - is incredibly cruel. Again, we do not deny people who have committed substantially worse crimes their basic human rights, yet we deny them to irregular migrants for the simple crime of having been born elsewhere and having no options to regularise their status. And lest we forget, the costs of the visas themselves are one of the reasons people become irregular migrants - if a family of four cannot afford the expense to renew their visas, the inevitable consequence is a loss of status.

The conversation around irregular immigration and undocumented migrants is so toxic that, again, the children of undocumented migrants are punitively punished for the decisions their parents made. To reiterate MG701, the working group agreed that children should not be punished for the actions of their parents. The number of children negatively impacted by the lack of birthright citizenship is far higher than the number of women who supposedly use their pregnancy as a means to sneak into the UK, as is so often claimed. Further, as with most negative narratives surrounding immigration, this claim falls apart pretty quickly - the most famous cases come out of the US, with the GOP claiming 'anchor babies' are a substantial problem. However, few studies have substantiated this claim; of studies conducted which focus on women who cross the southern border to give birth, the vast majority give the reason that the healthcare is better, and they promptly return to Mexico with an American citizen baby who, in 18 years, will have more opportunities than their neighbours.

While the majority of irregular migrants are people who overstayed an initial visa rather individuals who arrive via clandestine routes, it is the latter which receives an immense amount of attention (as already noted above with Smuggling networks also exist because of policies: the Channel crossings, or the Mediterranean crossings, did not happen before routes for migration and asylum were tightened to the point of virtual non-existence. Smugglers get the blame by politicians and the media, but this exploitative situation - which can quickly descend into human trafficking - exists because the smugglers take advantage of our immigration and asylum policies. In the fight against smuggling, trafficking, and general irregular migration, we have to acknowledge the role policy plays, as this is the root of the problem.

Due to all the above, we wish to have regularisation programmes which allow for humanity towards those who fall through the cracks in the system.

We also support the concept of sanctuary cities, and red walls between irregular migrants and the authorities - people need to be able to report crimes without fear of detention and deportation, for example. Studies out of the US have consistently found that sanctuary cities make communities safer.

Similarly to what was written for MG702, this should not be read as a statement in support of irregular immigration. We wish to simplify the visa process, as well as make it easier for migrants to come legally, both of which are the leading policy factors to irregular immigration, but we have already acknowledged that no policy can prevent all irregular immigration. Thus, we wish to discourage irregular immigration whilst simultaneously acknowledging that it will always exist in a world with borders. In this reality, we do not wish to continue the current cruel and inhumane circumstances for those who are undocumented.

## Other

*MG900 We will encourage periods of temporary residence in the UK and abroad, particularly by young people, to promote intercultural awareness.*

There are many benefits of international exchange schemes such as Erasmus and Turing, including from language learning to cultural awareness and understanding. We also support the Youth Mobility Scheme, where young people between the ages of 18-30 can come to the UK for two years, and young Brits can go to those countries as well. At present, 11 countries are eligible (though only six come without stipulations). We would like to work with other countries to expand this list, so that more young people can experience the UK for a short time and more British citizens have the opportunity to see more of the world.

A successful and humane migration policy will ensure that individuals are encouraged and helped to take part in these schemes. Regarding the Youth Mobility Scheme specifically, we would also include it in the five year path towards settlement discussed under MG504, should the individual switch to another visa category while in the UK. At present, these individuals are not allowed to use their time here towards settlement, which again forces them to pay more visa fees and remain without settlement rights for two years longer than necessary.

This clause is in the existing migration policy MG440<sup>94</sup>.

*MG901 The Green Party will recognise the contribution of migrants and their descendants to the UK by making the 1st Monday on or after 22nd June, Windrush Day, a public holiday.*

Windrush Day was introduced in 2018 to mark the 70th anniversary of the migration of around half a million British Caribbean people to the UK. The day was also introduced due to the Windrush Scandal in 2018, which saw people wrongly detained, deported and denied legal rights.

The government currently funds some community projects for Windrush Day, with £500,000 being allocated for 2022<sup>95</sup>

We propose that Windrush Day be a public holiday to raise its profile further. As mentioned above under MG200, current policy and rhetoric encourages migrants to leave and encourages citizens to want migrants to leave. Anti-migrant and anti-asylum policies are much easier to justify when this is the narrative. While a public holiday might not make much difference, it would be a step in the right direction towards encouraging a change in overall anti-immigration sentiments. It would also be an encouraging note towards immigrants and their descendents to let them know that they are valued.

We debated between several date options, including the official International Migrants Day in December, but ultimately decided that the Windrush generation should be the centre of a public

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<sup>94</sup> <https://policy.greenparty.org.uk/home/long-term-goals/mg.html>

<sup>95</sup> <https://www.gov.uk/government/news/government-funds-windrush-day-2022-celebrations>

holiday, despite the holiday being meant to celebrate all migrants and refugees. The Windrush scandal is a truly dark stain on modern Britain, and is unfortunately one which the current government has not learned the lessons from: despite promises of payouts to the victims, many are being refused and those who do get paid are often getting small amounts, with one man receiving just £250<sup>96</sup>, with very little public outrage. There was, however, large support for this generation when the scandal first made headlines in 2018. The public is not nearly as cruel as the government, as can be seen with examples as easy to find as the Homes for Ukraine scheme, and a public holiday would only continue to encourage community support and integration. We believe the public would be outraged to know what has happened to the victims of the scandal if they knew about it.

This clause is in the existing migration policy MG442<sup>97</sup>.

*MG902 The Green Party supports the teaching of the history of empire and colonialism, including from the viewpoint of those who were colonised.*

We support decolonising the curriculum<sup>98</sup>, as it is important that when learning we should always question whose viewpoint the information is coming from, and in particular being aware that history lessons are often written from a colonial point of view.

History is a crucial component of the identity of a nation and its members; when it is only taught from one standpoint, it not only ignores the viewpoints of other individuals and thus denies this version of events but it could be argued that it also denies these individuals from the nation.

Anybody who studies British immigration policy - not law, as that is very micro, but policy which is the macro flipside of law - will find it very difficult to ignore the empire's impact on past and present immigration policy and patterns. This is, of course, a pattern repeated across the rich world. Our modern understanding of race and the racialisation of populations stems heavily from empire (a related fact: as mentioned under MG103, the UK currently has more black men in prison per capita than the USA). Much of the immense wealth enjoyed by the UK, Europe, Japan, and the Settler States (amongst others) also come from various empires, which is too often forgotten.

Two famous examples of a change in curriculum that we would recommend, to better recognise a more inclusive version of history:

### **Slavery**

While all British children know that the UK abolished the slave trade in 1807 and slavery itself in 1833, what is very often left out is that before this the UK was the number one slave trading nation

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<sup>96</sup>

<https://www.independent.co.uk/news/uk/home-news/windrush-compensation-scheme-scandal-b2243670.html>

<sup>97</sup> <https://policy.greenparty.org.uk/home/long-term-goals/mg.html>

<sup>98</sup>

<https://www.liverpool.ac.uk/centre-for-innovation-in-education/resources/all-resources/decolonising-the-curriculum-toolkit.html?>

for nearly 170 years. Further, upon abolition, the government paid slave owners so much money that the country only officially paid off the debt in 2015. This is, in part, where David Cameron's wealth came from. Meanwhile, no freed slaves received any money or land - and we wonder why so many people in the Caribbean are still poor?

Also left out of the abolition conversation are slaves and freed black populations themselves: the abolition of slavery is too-often presented as a gift from the white man, when in reality there were countless violent uprisings against the system by those victimised by it.

Additionally, while the UK had abolished slavery, it still traded heavily with the United States - American cotton played a crucial role in the industrial revolution, for example, and many British companies and people were on the side of the Confederacy during the American Civil War due to concerns over access to cotton.

### ***The World Wars***

Commonwealth soldiers made up around 35% of all British troops in World War I and more than 40% of British troops in World War II, yet beyond the Australian heroes at Gallipoli it is rare for their contributions to be noted. We must also remember that very often the racialised troops were used as cannon fodder, sent in first, and they suffered high casualty rates. In the case of black soldiers specifically, they often received pay at a rate three times lower than their white peers, and when they died they were often not buried alongside their white brothers in arms<sup>99</sup>.

A recent study of modern GCSE textbooks analysed the World War II sections of four textbooks, with a total of 120 sentences<sup>100</sup>. It found only two sentences which mentioned racialised Commonwealth soldiers - one which mentioned 'Africa' and one which mentioned India. This same study also examined 86 photographs of soldiers, not one of which showed a person of colour. In the rare mentions of 'Allied troops' rather than just 'British troops, it was clear that this referred to UK-UK (and, sometimes, the USSR) partnership rather than imperial troops.

*More widely, decolonising is not about deleting knowledge or histories that have been developed in the West or colonial nations; rather it is to situate the histories and knowledges that do not originate from the West in the context of imperialism, colonialism and power and to consider why these have been marginalised and decentred<sup>101</sup>.*

After discussions with the Green Party Education Policy Working Group, we are aware that we do not want to interfere with education policy, so have purposely kept this clause vague but the working paper specific about what we, as a PWG, would like to see.

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<sup>99</sup> <https://www.theguardian.com/world/2019/feb/13/african-british-army-paid-less-than-white-soldiers>

<sup>100</sup> <http://www.blackhistory4schools.com/articles/empire%20in%20ww2.pdf>

<sup>101</sup> <https://www.timeshighereducation.com/campus/decolonising-curriculum-how-do-i-get-started>

## Appendix 1: Policy Costs

In this section we outline the financial costs of the policy.

For baseline information, this the Home Office breakdown of resources as of April 2021<sup>102</sup>

<i>Area of Work</i>	<i>Budget</i>
Migration and Borders Mission	£374.59m
Profit from Passport Office and UKVI	(£769.17m )
Borders and Enforcement	£1,278.13m

Note the profit of £769.17m made from application fees, this policy would remove this profit.

We estimate cost implications of our policy to be:

<i>Policy</i>	<i>Cost/Saving</i>	<i>Note</i>
MG302	£769.17	Removing the profit from application fees
MG307	£28m	Free language tuition
MG308	£33m	Providing immigration advice and guidance
MG502	£240m	Abolishing IHS
MG503	(£428m)	Net gain after removing NRPF condition after ten years
MG309	(£79.6)	Gain from abolishing immigration detention

All other policy clauses are expected to be cost neutral. We would also expect a significant saving on the current huge Home Office Borders and Enforcement budget due to the provision of safe routes and the dismantling of the hostile environment.

There will be some extra admin costs when splitting up the Home Office into the two departments (MG300).

**In conclusion**, it is likely that no overall significant increase in expenditure will occur if these policies are implemented in full.

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<sup>102</sup>

<https://www.gov.uk/government/publications/home-office-outcome-delivery-plan/home-office-outcome-delivery-plan-2021-to-2022#a-executive-summary>



## Appendix 2: General Statistics

Latest gov.uk statistics

<https://www.gov.uk/government/statistics/immigration-statistics-year-ending-september-2022>

General statistics:, % of population who are immigrants

- UAE = 88.1%
- Luxembourg = 47.6%
- Singapore = 43.1%
- Australia = 30.1%
- Switzerland = 28.8%
- New Zealand = 28.7%
- Canada = 21.3%
- Sweden = 19.8%
- Austria = 19.3%
- Germany = 18.8%
- Ireland = 17.6%
- Belgium = 17.3%
- Norway = 15.7%
- USA = 15.3%
- Spain = 14.6%
- Netherlands = 13.8%
- **UK = 13.8%**
- France = 13.1%
- Greece = 12.9%
- Denmark = 12.4%
- Italy = 10.6%
- Japan = 2.2%

## **Appendix 3: Feedback**

### **Association of Green Councillors**

Received 08/12/2022, based on v1.0 of paper, comments incorporated into v1.1

*Councillors discussed this voting paper briefly at their monthly zoom call last night.*

*In general, everyone was really positive about its content.*

*The main discussion was about how we communicate our policy rather than the content of it. Councillors are worried about losing votes in wards that we've won from Conservatives and so feel it's really important that we have having about migration that doesn't risk losing us votes in these wards. Cllrs are really pleased with the more nuanced messaging that they've been hearing from Benali and the Party Leadership recently and feel this paper strikes the right balance too. The messages that are hard for anyone to disagree with - even Tory voters in the shire counties that the Greens are targeting - are about safe routes that cut down on trafficking and exploitation; places where people can make a safe asylum application; having an efficient and effective system to deal with applications swiftly.*

*Thanks for all your work on this - generally very warmly received by AGC.*

*Sally Pickering*

*Coordinator: Association of Green Councillors*

### **Joint Council for the Welfare of Immigrants**

Received 20/12/2022, based on v1.2 of paper, comments incorporated into v1.3

*Thanks again for sharing this - the document looks really strong, and it's brilliant to see so many of our recommendations in there too.*

*Thank you for standing up for migrants' rights in a way no other party currently does !*

*Caitlin Boswell*

*Policy & Advocacy Manager, JCWI*

## Appendix 4: Bibliography

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