

Migration Policy – Brexit Implications

Policy Development

To advise Leaders of recent COSLA activity on Brexit relating to future migration policy.

Summary and Recommendations

COSLA continues to make the case that the very real possibility of a reduction of immigration to Scotland from European Economic Area (EEA) countries will adversely impact on Scotland's local authorities.

Leaders are invited to:

- i. Note the meeting that has taken place with the Minister of State for Immigration and agree to continue with these discussions;
- ii. Note the meeting with the Minister for International Development and Europe and agree that COSLA support the proposed regional events regarding EU citizens;
- iii. Agree COSLA's response to the Scottish Affairs Committee Inquiry on Immigration and Scotland (see appendix 1);
- iv. Agree COSLA's key messages to the Scottish Affairs Committee inquiry (see paragraph 13);
- v. Note and support the drafting of a COSLA response to the Migration Advisory Committee call for evidence on European Economic Area-workers in the UK labour market; and
- vi. Note and support COSLA's roundtable event with the Migration Advisory Committee and local authorities.

References

Previous reports:

- Brexit Update – Leaders, January 2017
- Migration: Implications for Local Authorities – Leaders, January 2017
- Brexit Update & Mandate – Leaders, February 2017
- Stocktake Report on UK Withdrawal from the EU (Brexit) – Leaders, August 2017
- UK Withdrawal from the EU: Governance and Update – Leaders, October 2017

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Current COSLA Position

1. COSLA wants to ensure that we leave the EU with a migration policy that suits Scotland's needs.
2. In January 2017, Leaders agreed that COSLA officers should continue to work with individual local authorities, professional organisations and academics to gather evidence and case studies on how Brexit will impact at the local level, and seek to ensure Scottish Local Government concerns are considered in any negotiations for an immigration system.

Policy Development

Meeting with Minister of State for Immigration

3. COSLA Community Wellbeing Spokesperson, Cllr Kelly Parry, had a positive and productive meeting with the UK Minister of State for Immigration, Brandon Lewis, on 30 October 2017. The two key areas discussed regarding Brexit were the need for an immigration system that can respond to Scottish requirements and the rights of EU nationals living in the UK before and after withdrawal. (For the purposes of this paper, the term "EU nationals" refers to nationals from EU countries other than the UK.)
4. Cllr Parry stated COSLA's position that migrants make a valuable contribution to our workforce and our communities, and that Scotland should be a welcoming place. She clarified the need for a flexible immigration system that can consider local requirements. The Minister was clear that a devolved Scottish immigration system is not an option for the UK Government. However, Mr Lewis did express an understanding of regional differences (particularly in rural areas) and listened to the concerns that Brexit and reduced in-migration will have, with significant implications for demographics, local economies and workforce in particular areas of Scotland. The discussion appeared to leave the option for a regional approach to migration on the table.
5. Mr Lewis clarified that we can expect an Immigration White Paper by the end of this year and an Immigration Bill (described as a 'skeleton Bill') in Spring 2018. The Migration Advisory Committee will report on their call for evidence on European Economic Area (EEA)-workers in the UK labour market in September 2018 and will inform policy on border controls and systems. Mr Lewis was clear that the UK Government will continue to drive the commitment to get net migration down to sustainable levels.
6. Cllr Parry also voiced COSLA's concerns about the current uncertainty around the rights of EU nationals living in the UK before and after Brexit. The Minister stated that the UK Government recognised these concerns and is confident this will be resolved in the near future. He also outlined a new, easier way of applying for residency for EU citizens in the UK.

7. Further to this meeting, the Minister has agreed to attend and speak at a celebration event marking 2 years of the Syrian Resettlement Programme, which will be hosted by COSLA on 18 December.

Scottish Ministers and Local Authorities Regional Engagement Events

8. During a positive introductory meeting between Cllr Parry and the Minister for International Development and Europe, Dr Alasdair Allan, in September 2017, the issue of EU nationals' rights was discussed. It was acknowledged that Scottish local authorities and Scottish Ministers are keen to lessen anxiety amongst EU nationals currently living in Scotland and communicate the benefits they have brought to our culture, economy and society.
9. As a result of this discussion, COSLA's Migration, Population and Diversity Team are keen to support the Scottish Government's Migration and Free Movement of People Unit's work with regional engagement events. The events will provide a platform for Council Leaders and Scottish Ministers (Dr Allan and Minister for UK Negotiations on Scotland's Place in Europe, Michael Russell) to communicate and reinforce messages on the value we place on EU nationals in Scotland and their contribution to our communities. This will also be an opportunity to hear the views and concerns of EU nationals living in Scotland in order to shape Scottish Government and COSLA's positions and best protect their interests. Leaders are asked to agree that COSLA pursue this work.
10. It is proposed there will be 5 to 6 events which will cover broad regions, and the events will be held over a period of 8 months. Fife Council has generously agreed to host the first event and other areas have yet to be agreed. Assuming Leaders' support for such events, COSLA's Migration, Population and Diversity Team aim to follow up these events with some more detailed work to generate a more nuanced understanding of EU nationals' key concerns.

Scottish Affairs Committee Inquiry on Immigration and Scotland

11. In January 2017, Leaders agreed COSLA would continue to work with local authorities to gather information to generate a clearer picture on potential impacts, and ensure Scottish councils' voices are heard and needs are reflected in any potential immigration systems that are developed as a result of Brexit.
12. As part of this work, COSLA will submit written evidence to the Scottish Affairs Committee Inquiry on Immigration and Scotland (see appendix 1 for the full draft response). This submission has been drawn from a substantial evidence base submitted to COSLA by our member authorities – with thanks to those authorities who have responded.
13. The key messages from COSLA's response to the Scottish Affairs Committee are:
 - Scotland is differentially dependent on migration to the rest of the UK. As such, COSLA and our member authorities support the need for a flexible immigration system that considers local requirements.
 - Councils are already facing acute shortages in a number of key sectors and these will only be exacerbated if or when the UK leaves the single market.
 - Councils have consistently voiced their concerns over the challenges to local business. This includes securing workers in agriculture, food processing, fishing and hospitality/tourism sectors; attracting workers in highly skilled and

highly specialist areas; and the significant impact on future economic development policies.

- The projected increase in Scotland's population is due to net inward migration to Scotland. We need a system that will allow us to encourage inward migration and incentivise young people to work and settle within areas of Scotland where local populations are facing the sharpest decline.
- Any potential future immigration system for EU nationals must not be purely focused on the principle that people are only required to fill temporary gaps in the labour market, and should not undermine the rights and benefits that are available through the single market.
- COSLA and our member authorities recognise that Scotland has benefited from membership of the single market, and therefore, the continuation of freedom of movement of workers would be the most advantageous system for Scotland.
- We cannot forecast what immigration system will be put in place post-Brexit but it is crucial Scottish Local Government's voice is represented and our needs are recognised and reflected in any potential systems.

Migration Advisory Committee (MAC) call for evidence on European Economic Area-workers in the UK labour market

14. The UK Government has commissioned the Migration Advisory Committee to advise on the economic and social impact of the UK's exit from the European Union and on how the UK's immigration system should be aligned with modern strategy. As referenced in our discussions with the Immigration Minister, the Migration Advisory Committee will report on their call for evidence in September 2018 and this will inform UK Government migration policy.
15. COSLA wants to ensure that the Migration Advisory Committee has a sound understanding of the potential implications of Brexit on Scottish local authorities. Therefore, COSLA will collate a response to the Committee's call for evidence. We view this as an opportunity to build a robust evidence base and ensure a strong Scottish Local Government voice is promoted in this policy area. We have invited local authorities to submit written evidence and have received a number of in-depth responses and would welcome more.
16. COSLA would like to take optimum advantage of this opportunity to influence the Migration Advisory Committee's report. We have invited the Committee to Scotland to discuss with Scottish local authorities their call for evidence on EEA workers in the UK labour market. COSLA will host a roundtable event; this will ensure the Committee hears directly from local authorities and has a sound understanding of the potential implications of Brexit on Scottish Local Government, particularly regarding demographics, work force, economy, and rights. It will take place on 1 December and invitations have been sent out to Chief Executives.
17. The final draft COSLA submission to the Migration Advisory Committee call for evidence on EEA-workers in the UK labour market will be taken to the Community Well-being Board on 15 December for discussion and agreement.

Summary and Recommendations

18. This paper provides detail on recent COSLA activity on Brexit and future immigration policy.

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- v. Note and support the drafting of a COSLA response to the Migration Advisory Committee call for evidence on EEA-workers in the UK labour market; and,
- vi. Note and support COSLA's roundtable event with the Migration Advisory Committee and local authorities.

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