



UK'S NEW IMMIGRATION BILL: CLAMPING DOWN ON MIGRANTS

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(Views expressed in the brief are those of the author, and do not represent those of ISSI)



On January 28, 2019, the British parliament voted in favor of the government's proposed *The Immigration and Social Security Co-ordination (EU Withdrawal) Bill 2017-19*.¹ The Bill resolutely sticks to the electioneering pledge of Theresa May. The Bill was passed with 297 votes in favor to 234 against,² and would be implemented from January 1, 2021.

As one of the most ardent supporter of the restraints on immigration from the Conservative Party, quite like her predecessor David Cameron's 2010 manifesto, May has proposed to reduce the number of immigrants to tens of thousands in a year. Control over the type and quantity of people is already ensured in the UK's erstwhile White Paper on immigration.³

The immigration of UK is based on two distinct systems:⁴

1. The immigration to UK is regulated by the free movement laws of EU.

¹ "The Immigration and Social Security Co-ordination (EU Withdrawal) Bill 2017-19", www.parliament.uk/services.parliament.uk/bills/2017-19/immigrationandsocialsecuritycoordinationeuwithdrawal.html

² "The Bill was passed with 297 votes in favour to 234 against", *Euronews*, January 28, 2019. www.euronews.com/2019/01/28/uk-parliament-votes-in-favour-of-post-brexit-immigration-bill

³ Charles Wolfson, "The Politics of Brexit; Progressive Nationalism, European Free Movement of Labor and Labor Standards", *Research Gate*, June 2017. www.researchgate.net/publication/316878223_THE_POLITICS_OF_BREXIT_PROGRESSIVE_NATIONALISM_EUROPEAN_FREE_MOVEMENT_OF_LABOR_AND_LABOR_STANDARDS

⁴ Hannah Wilkons, "The Immigration Bill: the end to free movement", *House of Commons Library*, March 15, 2019. commonslibrary.parliament.uk/home-affairs/immigration/the-immigration-bill-an-end-to-free-movement/

2. The UK domestic immigration laws are applicable to non-EEA (European Economic Area) nationals.

In her Mansion House speech on March 2, 2018, May reiterated that free movement would end whether Brexit happens or not.⁵ The new visa regime would be more restrictive and "reduce annual net migration to sustainable levels as set out in the Conservative Party manifesto."⁶ At present, the government allows entrance to 20,700 highly-skilled workers into the UK each year on tier 2 visas out of the 273,000 in total.⁷

Though the Bill does not provide a framework for the future UK immigration system, yet it would still apply to the immigrants from the "low-risked" countries. The Home Office has decided to appraise UK specific needs, "For the first time in decades, it will be this country that controls and chooses who we want to come here."⁸ The Bill is more sympathetic towards skill-based and talented people regardless of their country of origin. They will be required to meet a minimum salary threshold of £30,000.⁹ Though the policy would be continually reviewed yet would enjoy execution till 2025.

Earlier this year, the independent Migration Advisory Committee has also expressed expropriation of highly-skilled immigrants. May has not agreed to the removal of students from the immigration figures, yet for the discounted study visas under the Youth Mobility Scheme (Tier-5 visa), the surcharge has been increased from £150 to £300.¹⁰

On the other hand, although there had been a wide public support for the help to National Health Service (NHS) and social care staff, yet, only this year, visa applications of 1,500 doctors with NHS job offers had been turned down. Moreover, the surcharge for non-EU nationals has been raised to £400 a year from 200.¹¹

UK has also increased the visa prices for non-EU migrants and has introduced a new "e-gate visa checks" for businessmen and tourists. However, free movement has yet not come up in the

⁵ Theresa May's Brexit Speech at Mansion House-annotated", *Financial Times*, March 2, 2018. [ig.ft.com/may-brexite-speech-annotated/](https://www.ft.com/may-brexite-speech-annotated/)

⁶ Thomas Koson, "The UK government announces plans to slash immigration after Brexit", *Business Insider*, December 19, 2018. nordic.businessinsider.com/the-uk-government-announces-plans-to-slash-eu-immigration-after-brexite-2018-12/

⁷ "Immigration: White Paper sets out post Brexit rules for migrants", *BBC News*, December 19, 2018. www.bbc.com/news/uk-politics-46613900

⁸ Tom Mctague, "Theresa May unveils new UK immigration system", *Politico*, February 2, 2018. www.politico.eu/article/theresa-may-unveils-new-uk-immigration-system/

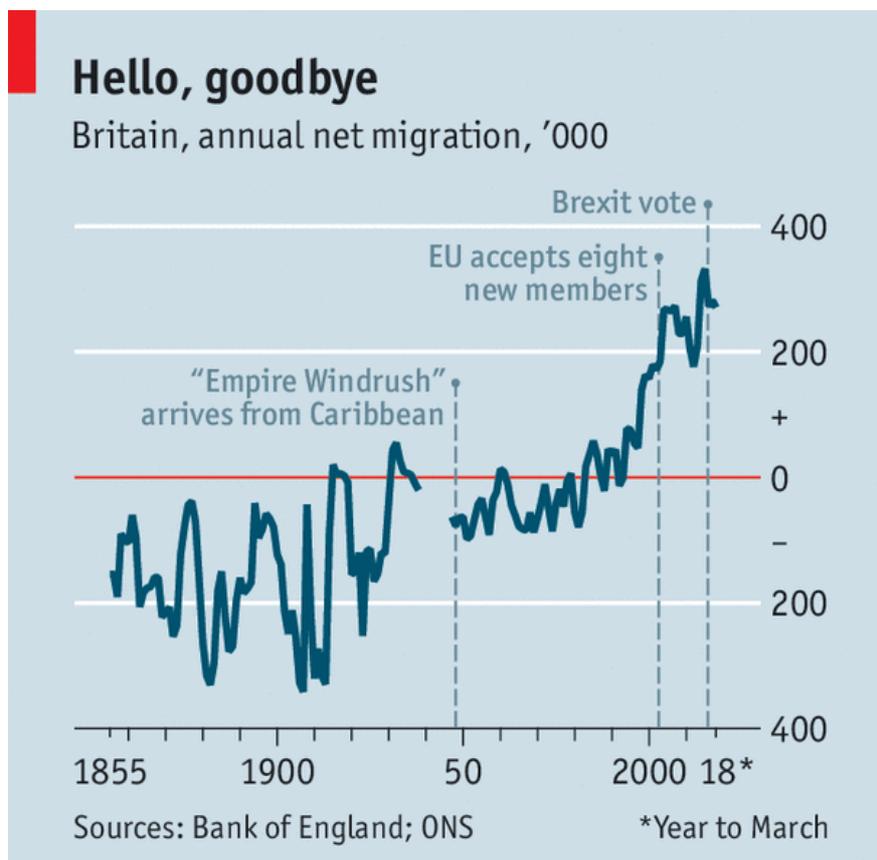
⁹ Ibid.

¹⁰ "UK to remain a hostile environment for immigration under nebulous new Brexit Policy", *The Conversation*, December 21, 2018. theconversation.com/uk-to-remain-a-hostile-environment-for-immigration-under-nebulous-new-post-brexite-policy-109095

¹¹ Ibid

discussions with EU [on Brexit], the issue has been the most crucial point even for the pro-Brexit politicians. A uniform immigration policy is recommended across the board and EU countries will also not be dealt any differently.

Moreover, the situation under a no-deal Brexit is unclear and the cutoff date for the EU citizens to settle was March 29, 2019. Its immigration policy has made UK the latest country in the West in the last 40 years to cut down in number of migrants after President Trump who has frequently emphasized on stricter screening for US visas. Similarly, Australia has also revamped its immigration program. The temporary work visas have been reduced to two years.¹²



Source: "What immigration system should Britain adopt after Brexit", *The Economist*, September 20, 2018. www.economist.com/britain/2018/09/20/what-immigration-system-should-britain-adopt-after-brexit

Contrary to the typical British style of "live and let live" immutable institutionalization of the new border and immigration system and taking back its control has placed UK's relationships with the rest of the world on a paradoxical milieu. Entrenched in hostility and racism, the trends are more inclined towards the reincarnation of imperialistic exclusivity. Such preconditions for the non-UK nationals would sync more in the populist tendencies permeating elitism and anti-pluralism. The

¹² "The new rules for temporary work visas: Seven key changes that every Australian business needs to know", *Compliance Quarter*, www.compliancequarter.com.au/temporary-work-visa/

question is: Is UK also rendering to the growing nationalism? Already, May's "right-to-rent scheme" introduced in 2016 faced public abhorrence since it encouraged discrimination, and prevented migrants, ethnic minorities and vulnerable people to find homes in the private sectors. The scheme authorized the landlord to check the identification documents of the occupants. The policy also does not comply with the human rights as core value of the EU.¹³

The questions on its public confidence and economic command are also unanswerable. UK could have used the system to negotiate for preferential trade deals in the post-Brexit period. Since 1990s, immigration to Britain arose sharply due to its strong economy which pulled in students, workers and their families from around the world. People from the poorer east –European countries also made it easily permissible to migrate to Britain by the EU's enlargement.

Although nationality- neutral policy of May harmonizes the relationship between the EU and non-EU countries with Britain, yet the punitive environment for the illegal immigrants or low-skilled immigrants who have already used the family reunion visas is more conducive for human trafficking and underground activities. The decision to expel the non-citizen descent nationals from UK and send them back to their respective countries would further complicate UK's relationship with the world. The identity crisis for such citizens would find more fodder for alienation. They have already braved through the discrimination even with their second or third generations living in Britain.

What does the Immigration Bill hold for the Pakistani immigrants who have their 2nd or 3rd generations living in Britain? UK Pakistanis are the most common non-British nationality. The estimated number of Pakistani nationals in Britain was around 188,000 in 2017.¹⁴ It doesn't include the figure of around 1.4 million British Pakistanis or Pakistani origin British nationals living in the UK on Pakistani passports".¹⁵ The picture is as elusive. Pakistan has dual nationality arrangements with the UK. Pakistan can use this opportunity to negotiate freer migration as a significant component of any trade agreement with UK like India.

The Bill needs a revisit to avoid its contribution to the discriminatory tendencies.

¹³ "Immigration Concern: Selected News and Views 2013-2015', <http://www.immigration-concern.info/seld2.htm>

¹⁴ Murtaza Ali Shah, "Pakistanis eighth highest number of non-British nationals living in UK", *The News*, May 25, 2018. www.thenews.com.pk/print/320965-pakistanis-eighth-highest-number-of-non-british-nationals-living-in-uk

¹⁵ Ibid.