



House of Commons
Home Affairs Committee

**Policy options for
future migration from
the European Economic
Area: Interim report:
Government Response
to the Committee's
Eighth Report**

Eleventh Report of Session 2017–19

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 22 October 2018*

Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

[Rt Hon Yvette Cooper MP](#) (*Labour, Normanton, Pontefract and Castleford*) (Chair)

[Rehman Chishti MP](#) (*Conservative, Gillingham and Rainham*)

[Sir Christopher Chope MP](#) (*Conservative, Christchurch*)

[Stephen Doughty MP](#) (*Labour (Co-op), Cardiff South and Penarth*)

[Kate Green MP](#) (*Labour, Stretford and Urmston*)

[Kirstene Hair MP](#) (*Conservative, Angus*)

[Tim Loughton MP](#) (*Conservative, East Worthing and Shoreham*)

[Stuart C. McDonald MP](#) (*Scottish National Party, Cumbernauld, Kilsyth and Kirkintilloch East*)

[Alex Norris MP](#) (*Labour (Co-op), Nottingham North*)

[Douglas Ross MP](#) (*Conservative, Moray*)

[John Woodcock MP](#) (*Independent, Barrow and Furness*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publications

Committee reports are published on the Committee's website at www.parliament.uk/homeaffcom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Elizabeth Hunt (Clerk), Harriet Deane (Second Clerk), Simon Armitage (Committee Specialist), Penny McLean (Committee Specialist), Robert Sabbarton (Committee Specialist), David Gardner (Senior Committee Assistant), Mandy Sullivan (Committee Assistant) and George Perry (Senior Media and Communications Officer).

Contacts

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The Report

1. The Committee published its report on policy options for future migration from the European Economic Area on 31 July. In accordance with the Government's commitment, wherever possible, to answer select committee reports within two months (recorded in the 'Osmotherley Rules'¹) we expected to receive the Government's reply to our report by 1 October.
2. On 17 September, however, we received a letter from the Home Secretary indicating that he did not "propose to respond now to the specific recommendations and conclusions" in our report because we had described it as an interim report.² We replied on 19 September to draw the Osmotherley Rules to the Home Secretary's attention, and provided examples demonstrating that the Government has responded to interim reports in the past. We advised the Home Secretary that we consider it unacceptable that the Government should seek to pick and choose which recommendations by a select committee it will respond to, and when it will reply.³ Since the Government was at that time still within the two month window following publication of our report, we confirmed that we expected to receive a considered reply by 1 October.
3. That response was delivered to us late, on 12 October. We have appended it to this Report. **We are disappointed that the Government has responded in such a cursory manner to our report which the Home Secretary, in his letter of 17 September, had described as "extremely valuable"**.
4. **We are particularly concerned that the Government has shown so little inclination to engage with scrutiny of its preparations for Brexit. We have previously written to the Home Office about the Government's dilatory approach to our work on UK-EU security co-operation after Brexit: in that instance it took more than five months for the Government to reply to our report of 21 March.⁴ Having initially sought to avoid responding to our migration report, the Government response in this instance is derisory. As the UK's withdrawal from the EU approaches, the Home Office has not shown us that it feels any urgency about addressing these challenges at all.**
5. In our migration report in July we concluded that the Government had failed over the two years since the referendum to build a public consensus on migration, to address the risks of polarisation in the migration debate or even to set out the information on its post-Brexit plans for migration which might support the negotiations. The Government's response has done nothing to change our minds.

1 Cabinet Office, [Osmotherly Rules: Giving evidence to select committees – guidance for civil servants](#), October 2014

2 [Letter from the Home Secretary to the Chair of the Committee](#), 17 September 2018

3 [Letter from the Chair of the Committee to the Home Secretary](#), 19 September 2018

4 Home Affairs Committee, Fourth Report of Session 2017-19, [UK-EU security cooperation after Brexit](#), HC 635; Home Affairs Committee, Ninth Special Report of Session 2017-19, [UK-EU security cooperation after Brexit: Government Response to the Committee's Fourth Report of Session 2017-19](#), HC 1566; [Letter from the Chair of the Committee to the Minister of State for Policing and the Fire Service](#), 5 October 2018

Appendix: Government Response

Recommendations

1. **This is an interim report published to inform Parliament and the public about the limited statements so far from the Government on future migration policy, the range of options for EU/EEA migration during, and after, the transition period that have been raised with us in evidence hearings, and the potential trade-offs between future immigration policy and future economic and trade relationships. We will await the conclusions of the Migration Advisory Committee in the autumn, and—we hope and expect—some substantive proposals from the Government before making recommendations on the future shape of EU migration policy. (Paragraph 3)**

The Government is considering a range of options for the future immigration system in light of the report published by the Migration Advisory Committee (MAC) on 18 September. We are grateful to the MAC for its thoughtful contribution to the debate which the Government is considering carefully. We will set out our intentions shortly.

2. **We welcome the Government's efforts to secure the status of EU citizens currently living in the UK—and we join the European Parliament in urging the Members States to provide clarity and support for British citizens living in the European Union. However, we are extremely concerned about the current lack of information over future UK immigration policy towards EEA nationals. The shifting timetable for the publication of a long-awaited White Paper on Immigration—and the Immigration Bill announced in the 2017 Queen's Speech—is not the result of design, but indecision. Whilst we recognise the need for evidence from the Migration Advisory Committee to inform final decisions, we believe that public consultation on broad options is needed. So, it is shocking that it has taken more than two years since the referendum for the UK Government to set out any information on future arrangements at all. (Paragraph 7)**

Taken with

3. **It is a serious disappointment that in the two years since the referendum there has been no attempt by the Government to build a consensus on immigration reform, to consult the public on options for change. We welcome the Home Office commissioning evidence from the Migration Advisory Committee and the work it is doing to consult employers on their needs. However, we are concerned that the Government has left a wider debate until late in the process. (Paragraph 10)**

The Committee will be aware that the Settlement Scheme has been operating on a private beta testing basis since 28 August as part of a phased rollout that will be extended to encompass a wider group of people as part of the testing process.

As for the immigration system that will apply to EU citizens arriving after the end of the implementation period, we wanted to ensure we have the best possible evidence base which is why we waited for the MAC report to be published.

4. **Geography and the shared economic, social and cultural bonds between the UK and the European Union mean that the movement, or mobility, of people will remain vital. It is therefore imperative that the debate about our future EEA migration policy**

does not see a resurgence of the polarisation that characterised some elements of the 2016 referendum campaigns. We warn all those involved in the debate on the Brexit Withdrawal Agreement over the next few months not to exploit or escalate tensions over immigration when it should be possible to hold a sensible debate and build greater consensus instead. (Paragraph 12)

The Government shares the Committee's view that future policy should, wherever possible, be based on consensus.

5. The lack of detail on immigration in the White Paper on the future relationship stands in stark contrast with the proposals being brought forward in the areas of customs, trade and security. It is unfortunate that by waiting so long to commission work from the Migration Advisory Committee the Government now finds itself without the information it needs for negotiations that are underway. We agree that final decisions should ideally be informed by information from the Migration Advisory Committee, but we believe that consultation on different options should still take place. In the meantime, we caution the Government against implying that the only EEA migration post-Brexit will be in the limited categories referred to in the White Paper, as that is not conducive to an open and transparent debate. (Paragraph 28)

The Committee will now have seen the MAC's report and the breadth of the areas that it covers. It is important not to conflate the issues of what we are ready to negotiate with the EU on, and the wider immigration system applicable after 2020.

The Government takes the view that it is important that proposals and debate are informed by the best evidence. That is why we have waited for the MAC report.

6. We repeat our recommendation in previous reports that meeting the net migration target should not be an objective of EEA migration policy. It is not working and should be replaced. (Paragraph 29)

The Government is committed to ensuring that the future immigration system works in the national interest but we also remain committed to reducing net migration to sustainable levels.

This means an immigration system that attracts and retains people who come to work and bring significant benefits to the UK, but does not offer an open door to those who do not.

7. There is clear public appetite for debate and discussion of immigration policy. Even at this late stage in the process the Government could be doing more to consult and build public consensus on the future of EEA immigration rules. It would be wrong for the Government to make simplistic assumptions, or underestimate the public's interest in debating and engaging with the necessary trade-offs in forging a new relationship with the European Union. (Paragraph 36)

The Government engages widely with stakeholders and will continue to do so as it develops future immigration policy.

The committee will be aware that the MAC's report was based on receiving evidence from over 400 individuals and organisations.

8. Overall, we heard considerable evidence that refusing to discuss reciprocal immigration arrangements in the future partnership would make it much harder to get a close economic partnership with the EU. The need for a good economic deal, the fact that the EU is our closest neighbour and trading partner, and the shared economic, social and cultural bonds that exist between the UK and the EU mean that mobility of people will remain important. The proximity geographically, economically and socially between the UK and the EU, and the need for a good overall deal, supports a distinct arrangement for EEA migration in future, linked to our economic relationship. (Paragraph 37)

The Government is clear that there will continue to be a close relationship with the EU. Leaving the EU does not mean the end of EU migration to the United Kingdom.

We have said that we will negotiate but we are clear that Free Movement ends and we will bring in a single system.

9. Existing applicable controls, such as a registration scheme, combined with comprehensive and accurate exit checks, would give the Government information about migration from the EEA and would put in place a process of formalising employment and residency in the UK. Such a process need not be burdensome, but it would be a requirement upon citizens from elsewhere in the EEA wanting to live and work in the UK. Linking the right to residency to self-sufficiency—which would need to be defined but which the Government appears to suggest is its preferred way forward—would keep the focus on those coming to work, and is already an accepted EU principle, which could be further enforced. (Paragraph 45)

The Government will set out its recommendations for the future immigration system for EU citizens in due course. However, it is government policy to end free movement, not to manage it better.

10. The Government should not just look to immigration rules as it seeks to address public concerns over immigration. Regulation of the labour market, further measures to prevent exploitation, and increased funding for enforcement would benefit both domestic and migrant workers, subject to practical arrangements with business. That other countries inside the EU and in EFTA have far more regulated labour markets than the UK demonstrates that a close economic relationship with the EU is not a barrier for improving terms and conditions of workers in the UK. The Government should seek to improve labour market conditions as part of a holistic approach to addressing public concerns over the impact of immigration, irrespective of what the future relationship with the EU might look like. Plans to do so should be announced in or alongside the forthcoming White Paper on Immigration. (Paragraph 56)

We agree; this is why, for example, we established the office of the Director for Labour Market Enforcement. The Government shares the Committee's view that one of the objectives of immigration policy should be to prevent exploitation and abuse.

11. The existing safeguard measures available to EFTA states as part of their trade relationships with the European Union demonstrate that they can—in principle—exercise more controls on immigration while participating in the single market than

are available to EU Member States. Were the Government to change its red lines, such arrangements might provide a basis for drawing up means of controlling EEA migration from within the single market. (Paragraph 69)

Taken with

12. In its strategy for negotiations with the European Union, the Government has not considered the range of possible safeguard provisions that could be applied to a trade agreement that allowed the UK to participate in a single market after Brexit, which would combine new immigration controls and maintain economic benefits. It should immediately do so. (Paragraph 82)

Taken with

13. While we are not recommending any particular model for future migration from the EU, we do note that—based on the evidence we have received—there are options for controlling migration within the single market which go much further than the previous Prime Minister's negotiation with the European Union. We recognise that these options have not been the subject of negotiations between the UK and the EU, and that negotiations would be complex, but we believe these options should be explored. (Paragraph 87)

The Free Movement Directive does not provide safeguards to control migration. The registration procedure is an administrative formality. The EU has made clear that free movement is one of the four fundamental freedoms and is indivisible.

14. The DCFTA negotiated between the European Union and the Ukraine provides a precedent for partial integration in the single market without requiring the free movement of people. Despite the European Commission's repeated claim that there can be no 'cherry-picking' of the four freedoms of the single market, this is a political judgement rather than a technical or legal obstacle. We note that the EU-Ukraine package was agreed in the context of Ukraine moving towards the EU, rather than away, and the European Commission has so far insisted that, for the UK-EU negotiations, the four freedoms of the single market are indivisible. (Paragraph 97)

Taken with

15. A free trade agreement along the lines of CETA would only require limited immigration provisions. However, such an outcome does not remove the need for the Government to make decisions about long-term migration from the EU. UK universities will still want to take on students from EU Member States, employers will still want to be able to recruit the—to use the Government's phrase—'brightest and best', as well as low-paid workers in key sectors, and family migration will remain of huge importance. It is not the case, therefore, that an FTA would necessarily mean limited migration. A number of complex, important and inter-related policy decisions would still need to be made by the Government. (Paragraph 102)

The Government notes the Committee's observations. We agree that an FTA would not necessarily mean limited migration, because FTAs do not traditionally embrace immigration matters.

16. We note the many complaints we have received about the existing immigration policy toward non-EEA nationals. Whatever the Government's intention for post-Brexit immigration policy it should include an overhaul of the UK's immigration arrangements for non-EEA nationals. (Paragraph 109)

The Government keeps the immigration system under constant review to ensure that it operates as smoothly and efficiently as possible.

17. As we noted in our previous report, 'Immigration policy: basis for building consensus', we believe any future migration system should ensure that high-skilled—not just highly-paid—workers can come to the UK to provide skills that are needed in our economy, society and public services like the NHS. Immigration rules should allow UK businesses and organisations to attract easily workers from across the globe, with the skills they need in internationally competitive fields. (Paragraph 116)

The MAC's report covers these issues. The Government will set out its recommendations for the future immigration system for EU citizens in due course.

18. In our report, 'Immigration policy: basis for building consensus', we called on the Government to consider a new Seasonal Agricultural Workers Scheme. We noted evidence that access to the EEA labour market is already insufficient to meet demand. We are concerned that the Home Secretary has said that no new scheme will be introduced until after the transition period. We believe this is far too late—it should be introduced as soon as possible. We also recommend that it should be accompanied by measures to prevent seasonal workers being exploited, such as increased funding for the Gangmasters and Labour Abuse Authority, and enforcement of Modern Slavery legislation. (Paragraph 120)

A nationwide pilot to bring migrant workers to UK farms was announced by the Home Secretary and the Secretary of State for Environment Food and Rural Affairs on Thursday 6 September.

The pilot will mean fruit and vegetable farmers will be able to employ non-EU migrant workers for seasonal work for up to 6 months, even before the end of the implementation period when EU labour will be available. 2,500 workers from outside the EU will be able to come to the UK in 2019/2020, alleviating labour shortages during peak production periods.

Formal minutes

Monday 22 October 2018

Members present:

Rt Hon Yvette Cooper, in the Chair

Stephen Doughty Stuart C. McDonald

Kate Green Alex Norris

Tim Loughton Douglas Ross

Draft Report (*Policy options for future migration from the European Economic Area: interim report: Government response*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 5 read and agreed to.

The Government's response to the Eighth Report from the Committee was appended to the Report.

Resolved, That the Report be the Eleventh Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 23 October at 2.15 pm

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Home Office delivery of Brexit: customs operations	HC 540 (HC 754)
Second Report	Immigration policy: basis for building consensus	HC 500 (HC 961)
Third Report	Home Office delivery of Brexit: immigration	HC 421 (HC 1075)
Fourth Report	UK-EU security cooperation after Brexit	HC 635 (HC 1566)
Fifth Report	Windrush: the need for a hardship fund	HC 1200 (HC 1558)
Sixth Report	The Windrush generation	HC 990 (HC 1545)
Seventh Report	UK-EU security cooperation after Brexit: Follow-up report	HC 1356 (HC 1632)
Eighth Report	Policy options for future migration from the European Economic Area: Interim report	HC 857
Ninth Report	Domestic Abuse	HC 1015
Tenth Report	Policing for the future	HC 515
First Special Report	The work of the Immigration Directorates (Q1 2016): Government Response to the Committee's Sixth Report of Session 2016–17	HC 541
Second Special Report	Asylum accommodation: Government Response to the Committee's Twelfth Report of Session 2016–17	HC 551
Third Special Report	Unaccompanied child migrants: Government Response to the Committee's Thirteenth Report of Session 2016–17	HC 684
Fourth Special Report	Home Office delivery of Brexit: customs operations: Government Response to the Committee's First Report	HC 754
Fifth Special Report	Immigration policy: basis for building consensus: Government and Office for National Statistics Responses to the Committee's Second Report	HC 961

Sixth Special Report	Home Office delivery of Brexit: immigration: Government Response to the Committee's Third Report	HC 1075
Seventh Special Report	The Windrush generation: Government Response to the Committee's Sixth Report	HC 1545
Eighth Special Report	Windrush: the need for a hardship fund: Government Response to the Committee's Fifth Report	HC 1558
Ninth Special Report	UK-EU security cooperation after Brexit: Government Response to the Committee's Fourth Report	HC 1566
Tenth Special Report	UK-EU security cooperation after Brexit: Follow-up report: Government Response to the Committee's Seventh Report	HC 1632