

Home Office

Review of the Balance of Competences:

Asylum and Immigration.

Response form

May 2013

Please use this form to answer the questions contained within the call for evidence published at <https://www.gov.uk/government/publications/review-of-the-balance-of-competences--2> .

Your evidence should be objective, factual information about the impact or effect of the competence in your area of expertise.

Please keep responses limited to the outlined box sizes. If the response form is not suitable for the expert evidence you wish to submit, please let us know to the below e-mail address. We may be able to accommodate attachments in the form of expert reports.

The closing date for the submission of responses is **midday 5th August 2013**.

Responses can be returned by email to
Asylum&ImmigrationBoC@homeoffice.gsi.gov.uk

A summary of the evidence received will be published alongside the final report in late 2013 and will be available on the Government website www.gov.uk

We will share your responses with other Government departments if your evidence is relevant to other balance of competences reports.

We expect to make available all evidence alongside our report, unless there is a good reason not to do so, or if the evidence is similar to contributions already submitted. In the meantime we may use section 22 of the Freedom of Information Act (FOIA) to exempt such material from any FOIA requests. Please note that, even if you ask us to keep your contribution confidential, we might have to release it in response to an FOIA request. We will publish the name of your organisation unless you formally ask us not to, but will not publish your own name unless you wish it included.

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Organisation Type (if applicable)	<i>Please mark / give details as appropriate</i>	
NGO/Civil Society	<input type="checkbox"/>	
Public Sector	<input type="checkbox"/>	
Retail Sector	<input type="checkbox"/>	
European bodies/institutions	<input type="checkbox"/>	
Business/Industry/Trade Bodies	<input type="checkbox"/>	
Other (please give details)	<input type="checkbox"/>	

Note: on the form below, please leave the response box blank for any questions that you do not wish to respond to.

The EU and the UK Border

1. What are the advantages or disadvantages of the UK opting out of the border and visa aspects of the Schengen Protocol?

In my view the disadvantages outweigh the advantages. It increases the cost of border control because there have to be two controls at EU/UK borders. If the UK were part of the Schengen Protocol costs could be saved and used more effectively, maybe on issues like people trafficking.

The message that the opt-out sends is that the UK does not trust other EU Member States to control borders effectively. That is not a helpful message. By being part of the protocol, the UK could have more input into sharing best practice and ensuring that common standards are adopted across all EU borders.

It is, in other words, not just about cost savings but also about effectiveness and solidarity with other EU Member States who might benefit from UK participation.

2. If the UK had decided not to opt out of the border and visa aspects of the Schengen Protocol, what impact would this have had on the EU competences? Would this have been in the UK national interest?

As far as I understand it, a UK (or other Member State) opt out has no impact on EU competences as such; it only has impact on EU competences in relation to the particular policy area subject to the opt-out and only in the Member State concerned.

So, essentially, the EU continues to make decisions, which in one way or another impact the UK but the UK has no say in the matter. In my view, that is not in the interest of the UK as a full member of the EU. It's always better to have a say than not to have one.

The question regarding the 'national interest' is impossible to answer as there is no clear definition or even common understanding of the term 'national interest'; my view is that being part of the EU is in our best interest; but I know that many would not agree with me.

3. What future challenges do you see in the field of borders and visas and what impact might this have on the national interest?

The challenges are clear: there is a serious problem of people trafficking and a kind of slave trade which is significantly helped by the difficulties people face in obtaining access to legal immigration.

People trafficking and slave trade cannot be in the national interest of any country that is democratic and based on the rule of law.

The question is: how do we deal with this? The general response is to batten down the hatches. But this just makes it a bigger problem. The greater the barriers to legal immigration the higher the price that can be extracted from people who try to get round the barriers; that makes people trafficking more attractive because more money can be made. Hence, it's more of a problem.

The answer would be to have more liberal immigration policies, coupled with policies that will support a just global economy, which will reduce the incentives for migration.

4. Could action be taken in a different way i.e. could the EU use its existing competence on borders and visa matters differently which would deliver more in the UK national interest?

5. Are there any other general points you wish to make which are not captured above?

Some of the questions are reminiscent of A-level essays rather than short questions for short answers.

The reference to 'the national interest' without defining at least what you mean by this, imports an undertone of the sort of answer you are seeking or expecting.

I welcome a society that is diverse in all sorts of ways. We should celebrate that.

I think it is a pity that as a result of the ill-judged rhetoric of a vocal minority (UKIP and co) this government has allowed itself to be painted into this corner of having to weigh up the national interest against cooperation across the European Union.

There is a lot wrong with the EU, no doubt; there is also a lot wrong with most national governments - ours included. But we won't improve things by harking back to some island mentality in the midst of ever-growing globalisation of everything.

Globalisation may not be to our taste - and in some areas it has had serious detrimental effects on the lives of many - mainly in developing countries; but it is a fact that can't be rolled back.

The EU and Asylum

6. What are the advantages or disadvantages of participating in a Common European Asylum System for the UK?

Clearly, by having common rules across all Member States, the implementation of these rules is simpler and more straightforward and should also assist asylum seekers in understanding the system.

Whether that is born out by reality is another issue.

One of the disadvantages is that a common system and common rules can lead to a race to the bottom (i.e. the lowest standards are applied so that all can agree) and that is a negative aspect of such a system.

Refugees are people who need our help; to deny them this is wrong.

I am proud to live in a country that protects refugees; but much more needs to be done to protect people who have fled war, torture and persecution. The UK should lead from the front and be part of a common system.

7. If the UK had used its opt-in differently in the area of asylum, what implications would this have had for the EU competences? Would this have been in the UK national interest?

See my response to Q 2 above.

8. What future challenges do you think the EU will face in terms of asylum and what impact might this have on the national interest?

So long as there is war, famine, torture, and oppression anywhere in the world there will be refugees. The only answer to this problem is to solve these underlying issues in a peaceful way.

This won't be done overnight; so the UK and other EU Member States will continue to find themselves in a position where refugees will continue to come and will need protection.

Climate change may well make this worse.

We should ensure that we have the systems in place to ensure that we can help people who need our help.

All people are created equal and are entitled to the same human rights; if we believe (and I do) that no one should be tortured than that must include all people in all countries.

9. Could action be undertaken by the EU in a different way using existing competence that might provide better outcomes for the UK national interest?

Again, without a definition of national interest, this question can't be answered properly.

However, and given that refugees are people who need and deserve and have a right to assistance, then I think questions of national interest - almost irrespective of how they are defined - have no place in this discussion.

10. Are there any other general points you wish to make which are not captured above?

I think refugees should be treated well; they should be given a place of safety; financial, social and psychological support; a warm welcome, and time to put their lives together again.

Only if that is the basis on which we deal with this policy area - whether in the UK or at EU level - will we have any chance of getting it right.

The EU and Legal Migration

11. What are the advantages or disadvantages of the UK deciding not to opt into the EU competences around Legal Migration and returns and admissions?

Given that I can see little difference in the general approach to migration between the UK and most other EU Member States, I don't see why the UK isn't willing to be part of the overall system.

One system would make it more transparent, easier to understand, and less likely to be circumvented; the UK being part of this would mean the UK would have as much influence as the other Member States on the rules.

The government is kidding itself and the electorate if it is saying that having a different set of rules ensures that there is somehow more control.

And in any event, I don't believe stricter controls are in our best interests.

12. If the UK had used its opt-in differently in the area of legal migration what impact would this have had on the EU competences? Would this have been in the UK national interest?

See my response to Q 2 above

13. What future challenges do you see in the field of legal migration and what impact might this have on the national interest?

The main challenge in my view is the media hype around migration; that's what needs to be addressed.

At the moment and at a time when public services are under pressure from an ideology and rhetoric which sees everything as inherently inefficient and bad if it is delivered in the public sector, there is a real problem with people feeling they aren't getting 'their fair share' of public services - such as housing and health care and education.

The media, and to a certain extent political parties in and out of government have decided (apparently) to take the option of blaming 'immigrants' for the pressure on public services. This is shameful and the government should do all it can to counter this - rather than to play into this narrow-minded and misguided ideology.

14. Could action be undertaken by the EU in a different way using existing competence that might provide better outcomes for the UK national interest?

Unfortunately, the UK is not alone in being obsessed with 'keeping migrants out'. So in that sense it is hard to understand why the UK has to go it alone on some of the border and visa competences.

Migration is normal in society; some people want to up sticks and go elsewhere to find a better life; Britain in particular should understand this, as that is what underpinned the Empire.

So it would be far better to have policies that welcome migration and migrants **and** policies that contribute to a fairer global economy; that way, people wouldn't come to Europe (and the UK as part of that) because they are escaping hunger and hardship but because they actually want to be here.

I moved from Germany to the UK many years ago because I actively wanted to live in the UK; it wasn't an escape from anything. It is a far better basis than coming in desperation and illegally. But stopping illegal immigration could also be done by not making it illegal.

15. Are there any other general points you wish to make that are not captured here?

Migrants contribute significantly to the UK economy; some parts of our economy would fall apart if migrants weren't here to do the jobs.

Migrants do not make disproportionate demands on public services, so the government has, in my view, a responsibility to say so and to lead on this discussion at EU level.

There may be some degree of abuse (there have been stories about access to the NHS being sold abroad - see Panorama programme in Oct 2012) but the short answer is that by opening borders and being more welcoming - coupled with global economic justice policies adopted by the richer nations - we would actually stop the abuse and remove lucrative sources of income from criminals. That would be a goal worth working for and it could be done at EU level.