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SERIES FILE TITLE: Immigration and Asylum HOME AFFAIRS PART 38 PART BEGINS PART ENDS CAB ONE 15 April 2005 29 January 05 Labour Administration PART 38 CL0880 15- 4,05

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PART

38

CLOSED

DATE CLOSED

15.4.05

Series: HOME AFFAIRS

File Title: IMMIGRATION & ASYLUM

Part: 38

Date	From	То	Subject	Class	Secre
31/01/2005	PD(KEG)	НО	Email - Immigration and Asylum 5 year plan	U	
31/01/2005	FA/APS	fco	Asylum Returns Country Action plans	С	
31/01/2005	MS/HO	CST	Uprating of the levels of support for NASS supported Asylum seeker	U	
31/01/2005	PD(KEG)	НО	PM's asylum and immigration stocktake	С	
02/02/2005	PD(EM)	PM	Cabinet Discussion on immigration five year strategy	R	
02/02/2005	ss/dti	MS/HO	Ministerial Committee on social and economic aspects of migration i	U	
02/02/2005	НО	PD(KEG)	Immigration and Asylum five year plan	U	
03/02/2005	HS	DPM	Charges for immigration applications	U	
03/02/2005	PD(KEG)	HS	Immigration and Asylum Five - Year Plan - Prime Minister bilateral wi	R	
04/02/2005	SS/DCA	DPM	Charges for immigration applications	U	
04/02/2005	SS/WAP	HS	Asylum and immigration 5 Year plan	U	1 1 1 1
04/02/2005	ms/cabinet office	DPM	Changes for Immigration Applications	U	
04/02/2005	НМТ	DPM	Charges of Immigration Applications	U	
04/02/2005	НО	DFES	Leave to Remain Charges	U	
04/02/2005	ss/dti	DPM	Charges for Immigration Applications	U	
04/02/2005	SS/DFID	HS	Immigration and Asylum Five Year Plan	R	
07/02/2005			Controlling our borders : making migration work for britain	U	
07/02/2005	DPM	HS	Charges for Immigration Application	R	
08/02/2005	FCS	DPM	Charges for immigration Applications	U	
08/02/2005	SS/DoT	DPM	Direct Airside Transit visas	U	
09/02/2005	PD(KEG)	PM	Zones of Protection/Fantasy Island	С	
09/02/2005	PD(KEG)	НО		C	
09/02/2005	PD(EM)	PM	Thank You letters from the Immigration Five Year Strategy	U	
10/02/2005	I B(LIVI)	НО	Five ear Strategy for Asylum and Immigration	U	
11/02/2005	ss/defra	НО	Ministerial committee on social and economic aspects of migration -	U	
15/02/2005	PD(EM)	PM	Health screening of immigrants	R	
15/02/2005	PPS PPS	HO	Third Country Nationals' Entitlement to Benefits and Public Services	U	
16/02/2005	PD(EM)	Cab Off	Next PMs stocktake on asylum	C	
17/02/2005	HO HO		Implementation of immigration and asylum 5 year strategy	U	
17/02/2005		PD(KEG)			
	PM	DDC	to Charlotte Taylor personal thanks for your work on the HO 5 year pl		
17/02/2005	DFES	PPS	Invitation for Minister to sit on Ad Hoc Ministerial Group to look at thir		
18/02/2005	1	PM	From Del/Dir & PD(JR): Monthly Asylum/Immigration Report	R	
18/02/2005	ss/dfes	1.00.00	John Brennan Home office strategy on immigration and asylum	U	
18/02/2005	MS/DTI	MS/HO	Joined up workplace and illegal migrant working	U	
22/02/2005	HMT	НО	National asylum support service (NASS)	U	
26/02/2005	MS/DWP	DTI	Joined up Workplace Enforcement and Illegal Migrant Working	U	
28/02/2005	DPM	HS	Direct Airside Transit Visas	R	
04/03/2005	ms/ODPM	MS/HO	Joined up workplace Enforcement and Illegal Migrant Working	U	
07/03/2005	SS/DEFRA	HS	Joined up workplace enforcement and illegal immigrant working	U	100
08/03/2005	ms/cabinet office	MS/DTI	Joined up workplace enforcement and illegal migrant working	U	
11/03/2005	ms/cabinet office	PM	Third country nationals' entitlement to benefits and services	U	
17/03/2005	MS/DTI	HS	Joined up workplace enforcement and illegal migrant working	U	
21/03/2005	ss/defra	HS	Joined up workplace enforcement and illegal migrant working	С	
22/03/2005	PRESS	PD(JR)	Asylum figures - email	U	
23/03/2005	FA/APS	PM	Asylum Returns	С	
24/03/2005	DelivDir	PM	Monthly Asylum/Immigration Report	R	
29/03/2005	FA/APS	fco	Asylum Returns	С	
06/04/2005	MS/CO	ms/ODPM	Third Country Nationals' Entitlement to Benefits and Public Services	U	
07/04/2005	CST	DPM	DA Clearance for legislation to implement 5 Year Strategy	U	
07/04/2005	SS/DCA	DPM	DA Clearance - Legislation to implement Five Year Strategy for mmi	U	
07/04/2005	AG	DPM	DA Clearance: Legislation to implement the five year strategy for im	U	

Series: HOME AFFAIRS

File Title: IMMIGRATION & ASYLUM

Part: 38

Date	From	То	Subject	Class	Secret
07/04/2005	SS/DWP	DPM	DA Clearance: Legislation to implement the five year strategy for im	R	
08/04/2005	SS/DWP	DPM	Managed Migration Review: Sectors Based Scheme	R	
08/04/2005	ss/dti	DPM	5 Year Immigration and Asylem Strategy	R	
08/04/2005	leader/HOL	FCS	UK Response to the European Commisions Green Paper on Econo	U	
09/04/2005	SS/DFID	HS	UK response to the EC Green Paper on managing economic migrati	U	
11/04/2005	FCS	DPM	DA Clearance: Legislation to implement the Five Year Strategy for I	R	
11/04/2005	ss/dfes	DPM	Managed Migration Review: Sectors Based Scheme	U	By All
13/04/2005	ss/dti	DPM	Managed Migration - Sector Based Scheme	U	S. S. S. S.
14/04/2005	PM		HJ note of thanks to Bill Jeffrey for work at IND	C	
14/04/2005	PD(EM)	PM	Bill Jeffrey - suggested text for thank-you letter	U	
15/04/2005	FCS	HS	UK Reponse to European Commission's Green Paper on and EU Ap	U	
15/04/2005	DelivDir	PM	Monthly Health Report: Final February and provisional 2004/05 year	R	

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From

Michael Barber

Date:

15 April 2005

PRIME MINISTER

CC

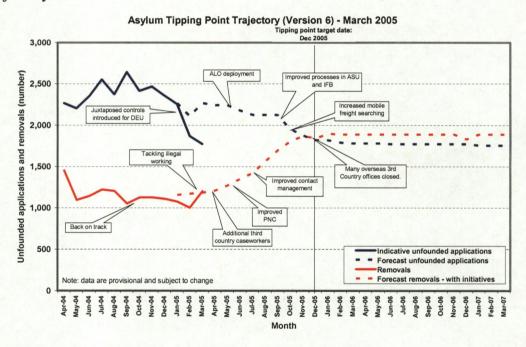
Andrew Turnbull Ivan Rogers Alan Milburn David Miliband Godric Smith Nigel Sheinwald Justin Russell Kim Darroch

MONTHLY ASYLUM/IMMIGRATION REPORT

'Tipping Point'

Monthly asylum applications and removals

The latest modelling suggests that the gap between overall unfounded intake and removals is estimated at 568 in March. This sustains performance toward tipping the balance (February 819, January 1,164). As well as IND's impressive performance on reducing intake, we welcome the improved removals' performance which is back on trajectory.

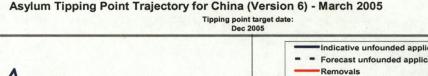


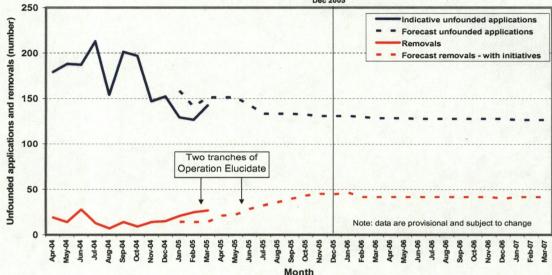
As things stand, delivery of the tipping point target is ahead of schedule and IND modelling indicates that, if performance hits a 'realistic' trajectory, the tipping point will be reached in December 2005. Progress on both intake and removals is extremely welcome and now must be sustained.

Country Update: China

We know that returns can have an impact on bringing down intake. Toward this end PMDU are maintaining pressure on IND to maximise returns to those countries that dominate intake. Maintaining a focus on specific countries must be a key element of the IND programme to deliver the tipping point target.

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China has traditionally been one of our highest intake countries, a problem exacerbated by their extreme reluctance to accept back their nationals. Accordingly, we have pushed very hard to increase the number of returns to China in the hope it will impact on intake.

Operation Elucidate, a joint effort between IND and the Chinese to increase the numbers of FAS we can document and return, is finally bearing fruit. As the chart above shows, IND are making steady, if extremely resource intensive, progress with returns to China. However (unlike Zimbabwe, which we have reported on in previous notes), this has yet to have an impact on intake. We will continue to monitor the situation to see how the first charter flight to China which returned 31 FAS last week, impacts on intake.

Asylum Removals

March has seen a significant improvement in removals' performance (Chart 1). We are cautiously optimistic that IND's programme to get back on track is beginning to kick in. Removals' performance had struggled since November 2004 (1,131) but the provisional figure for March 2005 is 1,204, a 15 percent increase on February's figure of 1,051¹.

Weekly removals' performance continues to fluctuate between 250 and 300 (Chart 3). As yet, we cannot be sure whether this performance (which, week to week, creates mood swings ranging from "euphoria to depression" within IND's management) can be either sustained or improved.

For the top 6 intake nationalities (Chart 2) removals to Iraq rose significantly in March (to 130 from 20 in February). This is largely the result of an increase in AVRs following the opening up of the overland route to Iraq after the elections. We are hopeful that returns to Iraq will continue to rise over the coming months with the introduction of a charter flight to Iraq from the end of May.

¹ This figure may be revised following data cleansing and tends to increase

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Removals have increased or remained stable for Iran (to 53 from 25), Somalia (to 16 from 7), China (to 27 from 25) and India (to 33 from 31) but have slightly decreased for the Democratic Republic of Congo (to 6 from 11).

Asylum Intake

Intake for March (Chart 4) was 2,201 and well below the trajectory of 2,510. Early indications are that April's intake will also be between 2,100 and 2,200.

IND have maintained their focus on prosecuting those applicants who destroy their documents (over 150 convictions since introduction), increased freight searching at the Channel ports and intelligence work at Asylum Screening Units. In terms of risks, the Calais ferry berth which has been out of action (fewer ferry sailing = fewer clandestines) will come back on stream and this may impact on intake.

Of the top 6 intake nationalities in March 2005 (Chart 6), there were substantial decreases in claims from February's top two intake nationalities, Iran and Iraq. Claims from Iranians, which is still the largest intake nationality, fell to around 240 (from 285 in February), the lowest figure since June 2004. Somalia became the second largest intake nationality with a slight rise in claims (to 159 from 154 in February). Intake for China (152 from 140 in February) and the Democratic Republic of Congo's (111 from 106) also rose slightly.

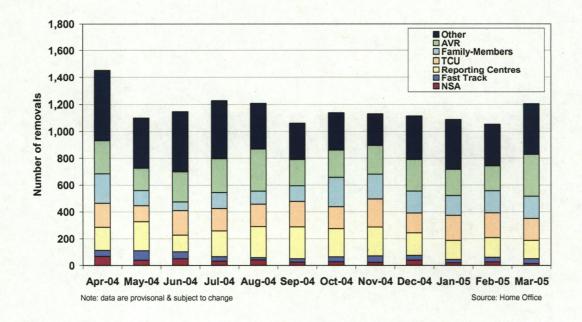
India became the fifth largest intake nationality in March but this increase is likely to have resulted from increased enforcement activity in relation to illegal working, which led to an increase in people who, once detained, subsequently have claimed asylum. As India is now an NSA nationality, these applicants will be detained and fast tracked to removal, and early indications are that April's figure has fallen.

MICHAEL BARBER

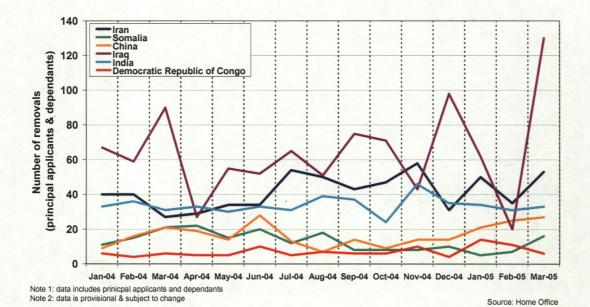
Michael Bolo

Removals charts

Chart 1. Removals of failed asylum seekers by type of removal: April 04-March 05

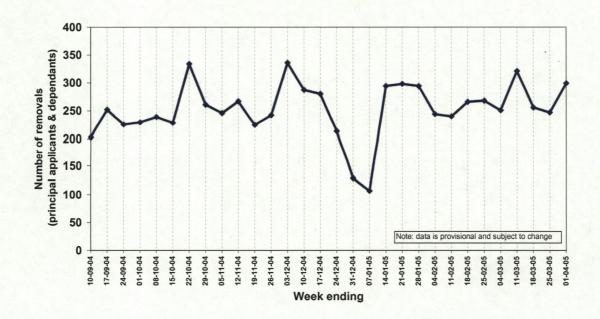


<u>Chart 2.</u> Monthly asylum removals (incl. dependants) for the top 6 intake nationalities (ranked by latest month's application data)



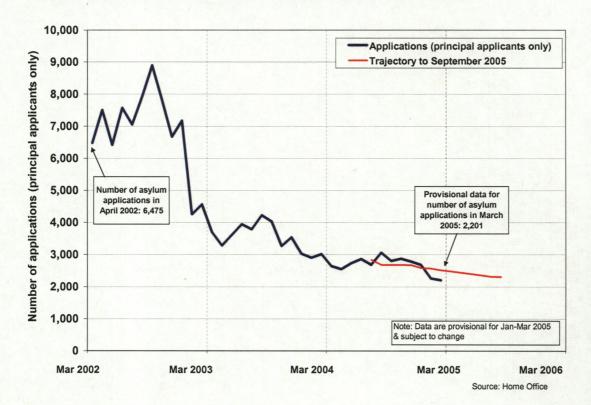
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Chart 3. Weekly removals of failed asylum seekers (FAS) (including dependants)



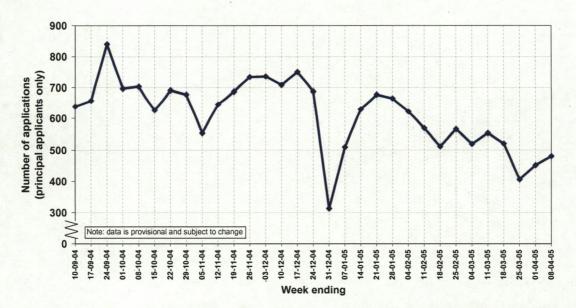
Intake charts

Chart 4. Monthly asylum applications (principal applicants only)

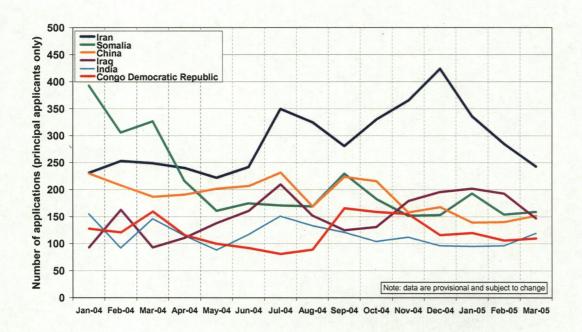


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<u>Chart 5.</u> Weekly asylum applications (principal applicants only): September 2004 – March 2005



<u>Chart 6.</u> Top six asylum claiming nationalities in March 2005 (principal applicants only)





FSC/05/098 HOME SECRETARY

UK Response to the European Commission's Green Paper on an EU Approach to Managing Economic Migration

Summary

1. This minute gives you EP clearance to submit the Government's response to the Commission's Green Paper. Clearance is subject to the drafting changes suggested by Committee members, which have been communicated to your officials, and to points that Committee Members want considered during the ongoing consultation process with the Commission.

Detail

- 2. Thank you for your letter of 31 March seeking EP clearance for the UK response to the European Commission's Green Paper on an EU Approach to Managing Economic Migration.
- 3. Ruth Kelly replied on 6 April. She was content with the terms of the response, but expressed concern that migration policy should balance the need for firmness and fairness with the recognition that migrants are needed to fill skill and labour shortages in the UK.



- 4. Alan Johnson replied on 7 April. He supported the proposed response but was concerned to ensure that proposals for rights for third country nationals would not damage Government policy on benefit access. He noted that the issue of benefits for third country nationals was under consideration by David Miliband's group on third country national entitlement to public services and benefits, and asked that the group be kept aware of possible developments in the EU.
- 5. Denis MacShane replied on 8 April. He agreed with the proposed response, but expressed disappointment that the Commission had decided to treat the issue of Third Country Nationals seeking to enter the EU for economic reasons as separate from that of intra-EU mobility of EU workers. He pointed out that the economic arguments in favour of labour mobility and flexibility within the EU were persuasive and this should be the cornerstone of EU economic migration policy. He also suggested drafting changes, which have been communicated to officials.
- 6. Hilary Benn replied on 9 April. He welcomed the emphasis in the Commission's paper on co-operation with third countries and the need to take account of such issues as 'brain drain' and measures likely to facilitate the sustainable return of migrants to their countries of origin. However, he argued that the UK response could be strengthened by referring to the Commission's forthcoming communication on Migration and Development, and that the UK should make clear that paying compensation to developing countries was not an attractive policy. He also suggested drafting changes, which have been communicated to officials.



- 7. Patricia Hewitt replied on 13 April 2005. She agreed with the proposed response, but was concerned to ensure that any eventual proposal from the Commission is business-friendly and would not place unnecessary administrative burdens on businesses. She argued that the overriding priority should be that employers are able to employ someone that has the right skills for the vacancy, whether that is an EU or third country national.
- 8. As no other Minister replied, you may take it that you have EP clearance to submit the draft response to the Commission, once the drafting suggestions made by members of the EP Committee have been taken into account. The points made by Committee Members should be considered during the ongoing consultation process with the Commission.
- 9. I am copying this letter to the Prime Minister, Members of the EP Committee, Jack McConnell, Rhodri Morgan, Sir Andrew Turnbull, Kim Darroch and Sir John Grant

JACK STRAW

Jan Ras

Foreign and Commonwealth Office
15 April 2005

From: Emily Miles

Date: 14 April 2005

PRIME MINISTER

cc:

Jonathan Powell

Justin Russell Ivan Rogers

BILL JEFFREY

It is Bill Jeffrey's last day at IND tomorrow (Friday). It would be great if you could write to thank him for the change he has brought about at IND since he arrived in September 2002.

A draft is attached, or, if you have time, I'm sure he would appreciate a short handwritten note from you - he has had one or two thank you letters from you while he has been at IND, but not a handwritten one.

Many thanks

EMILY MILES

Enily Mila



10 DOWNING STREET LONDON SW1A 2AA

THE PRIME MINISTER

14 April

Dear Dill, 12 you trave (N), I just writes to day what a star you have been. I know how tough it has deer to do but for the brint time I bell compidere me con get on top of it. Mat i, a Compe mentive, dans to you. So: trank you, well done and eyong the next tough task! best mishes your ene, 1 my



THE PRIME MINISTER

PM DID HANDWRITTEN LETTER INSTEAD

Den Dill,

As I always said to you at asylum stocktakes, I only want good news - and you have usually managed to provide it. You have achieved a lot on your watch, and there are some achievements which I particularly welcome.

The situation you inherited on asylum intake was incredibly worrying, but intake on your watch has been cut by almost three-quarters, to below 2000 a month.

The Asylum and Immigration (Treatment of Claimants etc.) Act 2004 is making a real difference to dealing with undocumented arrivals, and cutting spurious appeals.

IND's spend on support for asylum seekers is falling.

The Immigration and Asylum five-year strategy sets out a radical and coherent plan for reforming the immigration system, bringing strict controls that work to ensure that migration is in the interests of Britain. You have tightened up the system for foreign students and bogus marriages, and you are now recovering your costs for immigration applications.

Most importantly, IND has new direction and new purpose.

The road has not been smooth, and there is still a way to go. But we have made considerable progress, and I know much of it is down to your leadership.

I'm sure I will be seeing just as much of you in your new role, but in the mean time, thank you for all you have done.

Moglim & langutum



From: Emily Miles
Date: 14 April 2005

PRIME MINISTER

cc:

Jonathan Powell

Justin Russell
Ivan Rogers

BILL JEFFREY

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Many thanks

EMILY MILES

Enily hila



THE PRIME MINISTER

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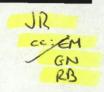
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I'm sure I will be seeing just as much of you in your new role, but in the mean time, thank you for all you have done.





dti

The Rt Hon Patricia Hewitt SECRETARY OF STATE FOR TRADE AND INDUSTRY

13 April 2005

The Rt Hon John Prescott Deputy Prime Minister 26 Whitehall London SW1A 2WH

Dear John,

MANAGED MIGRATION: SECTOR BASED SCHEME

I have seen Charles Clarke's letter of 17 March seeking DA clearance for proposed announcements in relation to the future of the Sectors Based Schemes.

I very much support the policy aims outlined in Charles' letter. We must crack down on abuse of the immigration system and there is no point in continuing a scheme if it has not really served its stated purpose. However I am concerned that announcing that the hospitality sector quota will end on 31 May will give those companies affected little or no time to prepare.

As we have evidence that this scheme has been subject to abuse in the past, I recognise that we would not wish to give advance warning in such a way as to encourage speculative applications. Equally, companies need time to make alternative arrangements.

In the circumstances, I would ask Charles to consider whether there might be any scope to introduce transitional arrangements of some sort – perhaps by allowing those already cleared by the scheme to extend their stay for a further period (which would avoid the problem of speculative applications) – rather than end the scheme giving so little notice.

I am copying this letter to the Prime Minister, DA colleagues, Jack Straw and Sir Andrew Turnbull.

PATRICIA HEWITT

Department of Trade and Industry

LG 52 1 Victoria Street London SW1H 0ET

Direct Line +44 (0)20 7215 5000 Fax +44 (0)20 7215 5329 Minicom +44 (0)20 7215 6740 Enquiries +44 (0)20 7215 5000 www.dti.gov.uk dti.correspondence@dti.gsi.gov.uk



Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT tel: 0870 0012345 dfes.ministers@dfes.gsi.gov.uk

Rt Hon Ruth Kelly MP

The Rt Hon John Prescott Deputy Prime Minister 26 Whitehall London SW1A 2WH

Dea John

CCAA CCAA GC JR

April 2005

Managed Migration Review: Sectors Based Scheme

I am responding to Charles Clarke's letter of 17 March to you seeking DA agreement to the proposed announcement concerning the Sectors Based Scheme.

I am content with the proposals that the hospitality sector quota be terminated on 31 May 2005 and for the food-processing sector scheme to continue as a pilot until June 2006, when it will be evaluated again.

However, I believe it is very important that managed migration schemes, such as the Sectors Based Scheme, complement our policy priorities as set out in the recent White Paper *Skills: Getting on in business, getting on at work,* which was published last month. The White Paper outlines how we propose achieve our goal of a dynamic economy where our productivity is enhanced through high skilled, well rewarded employees working in companies committed to long term investment. Only in this way will we improve the nation's economic productivity so we are fit to compete in the world market. I would not want to undermine the message that employers should be moving up the value chain and employing fewer low skilled staff as a result. Therefore it is most important that a full evaluation of the food-processing scheme should include a clear assessment of how its operation impacts on our skills agenda.

I am copying this letter to the Prime Minister, DA colleagues, Jack Straw and Sir Andrew Turnbull.

RUTH KELLY

You Par Tomps

department for

education and skills



FCS/05/094

DEPUTY PRIME MINISTER

DA Clearance: Legislation to Implement the Five Year Strategy for Immigration and Asylum

Summary

1. I can agree to the proposals on the basis that they flow directly from the Strategy agreed by Cabinet in February. There would need to be further consultation before any legislative power on charging for family visit appeals were to be used. We should clarify whether the proposals on collection of biometric identifiers should be extended to include British nationals applying overseas for passports. The Foreign Office needs to be involved in proposals on e-borders given the international angles.

Detail

- 2. I have seen Charles Clarke's letter of 24 March seeking collective agreement for the scope and contents of a bill to implement the Five Year Strategy. I note his assurance that these legislative proposals flow directly from the Strategy agreed by Cabinet in February. On that basis I can agree that work should proceed as he suggests.
- 3. I support the proposals on <u>appeal rights</u> for work and study routes and for family visits. I remain opposed to <u>charging</u> for family visit appeals and note that the Five Year Strategy only states that we will "review whether to charge for these appeals". However, I am prepared to agree with the proposal to take a legislative power to charge for such appeals on the

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understanding that this power would only be used following further consultation and Cabinet agreement.

- 4. On biometrics, I agree with the proposal to enable out sourced partners and officers of EU Member States to collect biometric identifiers on the Government's behalf from entry clearance applicants. I understand that the legislation would enable this to be done anywhere in the world and agree this makes sense to allow for any future changes in the structure of our visa issuing operations. We shall need a similar approach for collection of biometrics from British nationals applying overseas for passports. There may be a case in some instances for shared facilities serving both entry clearance applicants and passport applicants. It would be useful to clarify whether current legislation allows for this and, if not, whether we might take this opportunity to make the necessary provisions.
- 5. I also agree with the proposals on <u>e-borders</u>. As Charles notes, these will require careful handling. The Foreign Office will need to be involved to ensure consistency with EU obligations and other international commitments.
- 6. I am copying this minute to the Prime Minister, members of DA and LP Committees, Hilary Benn, Sir Andrew Turnbull and First Parliamentary Counsel.

Janhas

JACK STRAW

Foreign and Commonwealth Office 12 April 2005



From the Secretary of State

Rt Hon Charles Clarke MP Home Secretary Home Office 2 Marsham Street London SW1P 4DF



Telephone: 020 7023 0134 E-mail: h-benn@dfid.gov.uk

9 April 2005

De Charles

Thank you for sending me a copy of your letter of 31 March to Jack Straw in which you invite agreement to the proposed UK response to the Commission's Green Paper on managing economic migration into the EU.

I welcome the emphasis in the Commission's paper on cooperation with third countries and the need to take account of such issues as 'brain drain', 'brain circulation' and measures likely to facilitate the sustainable return of migrants to their countries of origin; but I think the proposed response (pages 17-19 of the enclosure to your letter) could be strengthened by referring to the Commission's forthcoming communication on Migration and Development, which will cover these issues in more depth and on which Member States have already been invited to provide informal views. We should also make clear that paying compensation to developing countries is not an attractive policy.

I hope the attached drafting suggestions will be helpful.

I am copying this letter to the Prime Minister, members of EP Committee, Sir Andrew Turnbull, Kim Darroch and John Grant (UKRep Brussels).

HILARY BENN

K RESPONSE TO COMMISSION GREEN PAPER ON 'AN EU APPROACH TO MANAGING ECONOMIC MIGRATION'

DFID drafting suggestions

Q: In line with EU development policies, what could the EU do to encourage brain circulation and address the potentially adverse effects of brain drain?

Add the following:

The UK Government's White Paper, 'Making globalisation work for the poor', published in 2000, made the point that rich countries must be sensitive to the impact of skills outflow on developing countries and balance our needs with theirs. We welcome the recognition given to this issue in the Green Paper, and look forward to considering the detailed proposals which the Commission will be setting out in its communication on Migration and Development by the middle of this year. Weighing up the costs and benefits of skilled migration for sending and receiving countries is not easy, and impacts vary by country and sector and over time; and migration is just one of many factors contributing to skills shortages in developing countries – and often not the most important factor. We need to continue working to strengthen the contribution which Community development programmes can make towards improving the lives of poor people wherever they live and building partnerships for sustainable development.

Q: Should developing countries be compensated (by whom and how) for their investment in human capital leaving for the EU? How can negative effects be limited?

Various ideas for compensation have been floated over the years; but, as the question implies, all seem to raise a host of difficult conceptual and implementation issues: who should pay (the receiving country, employer or the migrant concerned), how should compensation be calculated; how should resources be channelled and what conditions attached to their use; what administrative machinery and monitoring arrangements would be required and so on. The UK considers that other policy options are likely to be more effective in strengthening capacity in developing countries to help them manage the impact of skilled migration.

Q: How can return be managed for the mutual benefit of host and home countries?

Add the following:

A wide range of factors – economic, political, social and family or life-cycle considerations – influence the decision to return; and the overall environment in the country of origin plays an important role in shaping such decisions. The issue of return, therefore, needs to be seen as part of the Community's wider efforts to help improve the lives of poor people.







The Leader of the House of Lords

The Rt Hon Jack Straw MP Foreign Secretary Foreign and Commonwealth Office King Charles Street London SW1A 2AH

8th April 2005

Dear Jack,

UK RESPONSE TO THE EUROPEAN COMMISSION'S GREEN PAPER ON AN EU APPROACH TO MANAGING ECONOMIC MIGRATION (5436/05com(2004)811 Final)

I have seen Charles' letter of 31st March and I am in complete agreement with the proposed response.

I suggest that we stress to the Commission the need for effective management and political processes to secure long term public support for a managed migration policy.

I agree strongly with the point on page 17 that we need to look at community cohesion. And also on page 17, I agree that the EU needs to look at the issue of brain drain.

I am copying this letter to the Prime Minister, members of EP Committee, Sir Andrew Turnbull, Kim Darroch and Mr John Grant (UKRep)

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The Rt Hon Patricia Hewitt MP

SECRETARY OF STATE
FOR TRADE AND INDUSTRY

8 April 2005

The Rt Hon John Prescott MP Deputy Prime Minister Cabinet Office 26 Whitehall LONDON SW1A 2AS

Dear Japaty Prime Livister,

I am writing in response to Charles Clarke's letter to you of 26 March, seeking agreement for the scope and contents for the Bill to implement the 5-year immigration and asylum strategy, published on 7 February.

Whist I agree with overall principles behind the Bill I believe it would be helpful to have more time to consult with interested parties, such as the CBI and TUC in order to avoid any unintended consequences.

Turning to specific issues:

Rights of Appeal

I agree that the new points based system should make it easier for applicants to understand what is needed to qualify for entry to the UK and that removing the right of appeal against a refusal of entry clearance or leave to remain is probably justified. However the points based system is still under development and I would not want to close down discussion on this issue until this process has been completed for all four Tiers of the proposed regime.

Civil Penalties

I welcome the thrust of Charles' proposals to tackle businesses that knowingly use illegal migrant labour through civil penalties for negligent use and criminal sanctions for deliberate use. I also welcome his assurance that this can be achieved without

Department of Trade and Industry

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Charging

As you will know from previous correspondence I share Ruth Kelly's concerns about whether charging solely on the principle of cost recovery is the right approach. For this reason, I think that we should take the opportunity presented by the Bill to explore whether a policy that balanced cost recovery against other policy considerations when setting visa charge levels would be better.

I am copying this letter to the Prime Minister, members of DA and LP, Jack Straw, Hilary Benn and Sir Andrew Turnbull.

Your sincerely,

PATRICIA HEWITT

Opproved by the Secretary of State and signed in her absence



From the Secretary of State for Work and Pensions

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Department for Work and Pensions

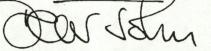
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8 April 2005

The Rt Hon John Prescott Deputy Prime Minister 26 Whitehall London SW1A 2WH



MANAGED MIGRATION REVIEW: SECTORS BASED SCHEME

I am writing in response to Charles Clarke's letter of 17th March that seeks DA clearance to the proposed announcements in relation to the future of the Sectors Based Scheme (SBS) following a Home Office review of this scheme.

I can agree in principle with the proposed timing concerning the discontinuation of the Sector Based Scheme in the Hospitality Sector and to extend the Sector Based Scheme pilot in the Food Processing sector.

I would, however, welcome a thorough evaluation of the impacts of the Food Processing SBS when the proposed extension of the scheme runs out in June 2006. It is important that managed migration routes continue to make a positive impact on the UK economy and my officials will be happy to continue to work with Home Office officials on these issues from a labour market and economic viewpoint.

I am copying this letter to the Prime Minister, DA Colleagues, Jack

Straw and Sir Andrew Turnbull.

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Rt Hon John Prescott MP Deputy Prime Minister Office of the Deputy Prime Minister 26 Whitehall London SW1A 2WH

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7 April 2005

In- John

DA CLEARANCE: LEGISLATION TO IMPLEMENT THE FIVE YEAR STRATEGY FOR IMMIGRATION AND ASYLUM

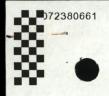
I refer to Charles Clarke's letter to you of 24 March seeking DA clearance for legislation to implement the five year strategy for immigration and asylum. I am content to agree the proposals subject to what is said below about the civil penalty scheme and new criminal offence in relation to illegal working.

The letter says that the existing offence of employing illegal workers (section 8 of the Asylum and Immigration Act 1996) would be revised to create a civil strict liability type offence. I was somewhat confused by the concept of a civil offence but understand from discussions between officials that the section 8 offence would in fact be repealed and would be replaced with a civil penalty scheme. I am pleased that Charles says that, in devising the civil penalty scheme, he will take into account the jurisprudence on the existing civil penalty schemes. This is a complex area in ECHR terms, and I stand ready to advise as and when necessary.

Charles intends to create a new offence of knowingly employing a person The inclusion of the mental element without entitlement to work. "knowingly" will make this offence very difficult to prove and will mean that the offence will only be capable of being used in the most blatant cases.

I am copying this to the Prime Minister, members of DA and LP Committees, Jack Straw, Hilary Benn, Sir Andrew Turnbull and First Parliamentary Counsel.

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Rt Hon John Prescott MP **Deputy Prime Minister** Office of the Deputy Prime Minister 26 Whitehall London SW1A 2WH

April 2005

DA CLEARANCE: LEGISLATION TO IMPLEMENT THE FIVE YEAR STRATEGY FOR IMMIGRATION AND ASYLUM

I am writing in response to Charles Clarke's letter of 24th March that seeks DA clearance for legislation to implement the five year strategy for immigration and asylum.

Whilst the measures set out are relatively minor parts of the strategy, it is nonetheless important to get them right if we are to maintain a flexible and strong labour market. My key concern is with regards to the proposal for additional penalties on employers who employ illegal migrants (under section 'Civil Penalties' p.5). I agree with the principle that employers should be held responsible for knowingly employing or actively recruiting illegal migrants. However, we need to consider carefully which actions should incur such penalties. Of particular concern, for example, are cases where illegal migrants are working in illegal and exploitative conditions. On the other hand, we would want to look more leniently on an employer who inadvertently employs a migrant who does not have the right to work, or has outstayed their leave to remain.

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It is important that we do not impose an excessive bureaucratic burden on employers that might impede the flexible functioning of the labour market. It is also important that we do not discourage employers from recruiting migrants who are already legally in the UK. At around 65%, the employment rate of immigrants is already ten percentage points below the UK average and we must ensure that they are not unfairly disadvantaged in the labour market. I am concerned that the accelerated timetable means we risk getting the balance wrong on this measure and I would support Patricia Hewitt's request for more time to consult with industry.

I can agree to the rest of the measures set out in your letter. On removing rights to appeal, however, the independent monitoring system will become particularly important under the new entry route system and any teething problems that might accompany its introduction.

Biometric data and e-borders may potentially provide assistance in the fight against benefit fraud and error, as well as illegal migration. This is to be welcomed, although it must be weighed against any costs.

My officials will be happy to continue to work with Home Office officials on these issues and, more importantly from a labour market and economy point of view, on the development of the single points-based entry route.

I am copying this letter to the Prime Minister, members of DA and LP Committees, Jack Straw, Hilary Benn, Sir Andrew Turnbull and First Parliamentary Counsel.

ALAN JOHNSON

07-APR-2005 09:15 TO 908707394163

P.01/02



Constitutional Affairs Justice, rights and democracy

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2005

DA CLEARANCE:

LEGISLATION TO IMPLEMENT FIVE YEAR STRATEGY FOR IMMIGRATION AND ASYLUM

I have seen a copy of Charles Clarke's letter of 24 March to you in which he sought agreement to a Bill to implement the strategy on immigration and asylum. I agree to the proposed scope and contents of the Bill in principle, but this is conditional on an assessment of the financial impact on legal aid and the courts, and thereafter agreement on funding.

A number of the key proposals in the Bill will have an impact on the immigration and asylum appeals system, which is the responsibility of my department, and the Home Office will need to work closely on these proposals with DCA. In particular, we should have regard to the potential impact of these measures on the workloads of the end-toend asylum and migration systems, including the Asylum and immigration Tribunal, and ensure we have a comprehensive handling plan for the appeals proposals.

The proposed changes in this area will no doubt be considered controversial, especially the potential re-introduction of fees for family visitor visa appeals and the move to paper-only appeals, and we must ensure that the appeal changes are presented as an overall package with improvements in the quality of decision-making by IND decision-makers, Entry Clearance Officers and the Tribunal - and other new checks such as an enhanced role for the independent monitor.

I should also raise legal aid. Although restricting or removing appeals rights will reduce the asylum and immigration legal aid bill, other provisions, such as the creation of new criminal offences and the introduction of civil penalties, may risk additional legal aid expenditure. That is why agreement is conditional on a full assessment of the financial Impact on legal aid and the courts, and thereafter agreement on funding. It would be



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P.002/002

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P.02/02

helpful If your officials could provide volume projections and other relevant planning assumptions so that a detailed assessment of the financial implications can be made

I am copying this letter to the Prime Minister, Charles Clark, members of DA and LP, Jack Straw, Hilary Benn, Sir Andrew Turnbull, and First Parliamentary Counsel.

LORD FALCONER OF THOROTON



HM Treasury, I Horse Guards Road, London, SWIA 2HQ

The Rt Hon John Prescott MP Deputy Prime Minister and First Secretary of State Office of the Deputy Prime Minister 26 Whitehall LONDON SW1A 2WH EM, GC JR GN RB

7 April 2005

DA CLEARANCE FOR LEGISLATION TO IMPLEMENT 5 YEAR STRATEGY

I have seen Charles' letter of 24th March seeking DA clearance for legislation to implement the 5-year strategy on asylum and immigration.

- 2. I am broadly content with the proposals, subject to a number of specific comments. This is very much in the context of my broader view that while I strongly support the need to tackle abuse where it occurs, it is essential that in considering specific legislative changes, we remain aware of the possible impact they may have on achieving the strategy's broad aim of delivering a genuinely flexible immigration system that supports our labour market and economic needs. I am grateful to Charles and his officials for their constructive engagement in this agenda.
- 3. As Charles indicates many of the proposals for amending rights to appeal decisions were agreed in principle when the strategy was published. However, it remains the case that a substantial proportion of initial decisions on employment-related cases are currently over-turned on appeal. The new system should hopefully mean that more decisions are right first time with consequent efficiency savings. However, it will be important, before implementing any new legislation, that there is clear evidence that the decision-making process has indeed improved. The independent monitor will need to have demonstrated that it is an effective function in challenging situations where the decision-making is poor. This should also free up resources.



- 4. The proposals outline provisions to amend the powers that currently exist to charge migrants for certain services. I cannot clear these before I've seen full details of what will be involved. Further, although I recognise this might be a good legislative opportunity to take forward proposals alluded to that are not related to the strategy, I would need to see any changes before reaching a considered decision.
- 5. Finally, before I can give final clearance I would be grateful if Charles' officials could share with mine the final costings of the proposals and confirm their affordability within existing resources. On the creation of a new criminal offence for knowingly employing an illegal immigrant, which would potentially carry a custodial penalty, I would be grateful for a clear estimate of the potential impact on prisons. The introduction of this type of measure needs to be handled sensitively if we are also to achieve an overall stabilisation in sentencers' behaviour as set out in the Carter Report and the recent Sentencing Guidelines. It would be helpful if at the same time they were able to discuss the latest costs on the full implications on the strategy.

6. I am copying this to the Prime Minister, members of DA and LP Committees, Jack Straw, Hilary Benn, Sir Andrew Turnbull and First

Parliamentary Counsel.

PAUL BOATENG

CabinetOffice

David Miliband MP

Minister for the Cabinet Office

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The Rt Hon Lord Rooker
Minister of State
Office of the Deputy Prime Minister
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JR CCEM SPM

6 April 2005

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THIRD COUNTRY NATIONALS' ENTITLEMENT TO BENEFITS AND PUBLIC SERVICES

When the Ad Hoc Ministerial Group on Third Country Nationals' Entitlement to Benefits and Public Services (TCNE) met on 21 March we discussed a draft 'narrative' setting out our policy and agreed that some additional material should be incorporated and a revised version circulated to members of the Group. I attach an amended version which takes account of the Group's views.

I am copying this letter to the Prime Minister, other members of TCNE (Jeff Rooker, Dawn Primarolo, John Hutton, Des Browne, Chris Mullin, Chris Pond and Ivan Lewis) and to Sir Andrew Turnbull.

May

DAVID MILIBAND



THIRD COUNTRY NATIONALS' ACCESS TO BENEFITS AND PUBLIC SERVICES: DRAFT NARRATIVE

Headline message:

Temporary migrants are only allowed into the UK on the condition that they make no recourse to public funds. They are not entitled to benefits, except where they have paid sufficient national insurance contributions. They do not automatically qualify for unrestricted free healthcare. Their children are expected to attend school.

Migrants who have settled in the UK permanently have the same access to benefits, education and healthcare as British citizens.

Lines to take:

- Migrants benefit our economy and society. Migration into Britain has contributed to improved productivity and cultural diversity; a successful economy needs the skills and contribution of migrants to continue to thrive.
- We already have tight rules about migrants' eligibility for benefits and public services.
- Migrants cannot simply arrive in the UK and claim benefits. Anyone who is subject to immigration control is admitted subject to a condition which prohibits 'recourse to public funds'.
- We said in the Immigration and Asylum Five Year Strategy we would review the existing rules and how they are enforced to see whether any tightening is necessary.

Temporary Third Country Migrants (i.e. those from outside the EEA)

- Temporary migrants entering the UK (for example for a visit, to study or to work) are not entitled to claim income-related or other non-contributory benefits (e.g. income support), tax credits, child benefit, local authority housing or homelessness assistance.
- If migrants have paid sufficient contributions, they are eligible for contributory benefits like contributory Job Seeker's Allowance or Incapacity Benefit. The Government believes it is fair that people who contribute to the UK's economy and who pay tax and National Insurance are able to claim the benefits they have contributed to.
- We recognise that some temporary migrants are benefiting from National Health Services to which they are not entitled. We are taking action to tackle this. Last year, we tightened the rules on non-emergency hospital treatment, to make it clearer when overseas visitors should be charged for using NHS hospitals. We will introduce similar rules for GP services and we are also taking action to

recover more of the money owed by overseas visitors who have received treatment from the NHS. We are committed to protecting the NHS from abuse and will keep this area under review.

We believe everyone should be entitled to emergency treatment from the NHS.
 Accident and emergency staff should not be expected to turn away those who might need life-saving treatment.

Permanent Third Country Migrants

- Permanent migrants (that is people who are entitled to stay here indefinitely but have not taken up British Citizenship) are entitled to UK benefits and services in the same way as British Citizens.
- This is consistent with our policy on managed migration which is to allow a small proportion of people who come here to settle permanently where there is a clear economic benefit and where they are prepared to integrate socially.
- We are tightening the conditions for indefinite leave to remain. Those who want to settle here will be required to pass tests on English language and knowledge of the UK. Settlement for economic migrants will be restricted to skilled workers; and genuine refugees will be given temporary status to begin with while we assess whether the situation in their country improves, rather than permanent status as now. These are stringent criteria. Once they are met, migrants should be able to access UK benefits and services. To deny them access would hinder their integration into UK society and would fail to recognise their contribution to the UK.

EEA nationals:

- EEA nationals have different eligibility rules which are substantially determined by European law.
- We tightened the UK's eligibility rules for income-related social security benefits, Child Tax Credit, Child Benefit and housing and homelessness assistance in May 2004 to coincide with the enlargement of the European Union. Between May and December 2004, around 130,000 people from the new Member States have registered to work here; only a small number (less than 800) have claimed out of work benefits and 97% have been refused immediately.

Asylum seekers:

 Destitute asylum seekers may receive support and accommodation from the National Asylum Support Service while their claim is considered. They may use the National Health Service and they and their dependants are entitled to education (school and further education). This basic support reflects the UK's moral and international obligations to people who seek refuge here.

DEFENSIVE Q&A

NB. A third country national is someone who is not a national of the European Economic Area (EEA). EEA nationals' rights are generally defined by European law.

Why should temporary migrants receive contributory benefits? These include the state pension and incapacity benefit. Surely they should only be available to those who have made a long-term commitment and contribution to the UK?

In practice, people subject to immigration control may only claim these benefits if they have paid sufficient contributions. Somebody who had worked here for a very short time would not be eligible. For example, a person would need to have contributed for over 10 years to claim a state pension and even then it would not be a full pension.

Could migrants work for a short period and then qualify for contributory benefits?

Migrant workers would still need to have made at least 2 years of contributions to be able to claim, for example, incapacity benefit. It is fair that migrants should be able to claim benefits to which they have contributed.

And, if they do claim, they will not qualify for an extension of leave if they are no longer in employment approved by the Home Office.

We also need to bear in mind that while some migrants may claim, there are far more who do not.

Does tightening up temporary migrants' access to healthcare mean treatment could be withheld if they are unable to pay?

We will never withhold immediately necessary treatment. But people cannot just visit the UK and expect free treatment

Treatment in an Accident and Emergency department is free to all as is treatment of communicable diseases, for public health reasons. We do not intend to change this. However, people from overseas who are not settled here should be charged for any non-emergency hospital care and, in future, GP services.

Why should A&E treatment be free?

If treatment is immediately necessary, then the first priority of medical staff is to treat the patient irrespective of his or her immigration status.

The Government is committed to ensuring that the maximum time anyone spends in A&E from arrival to admission, discharge or transfer will be four hours. Introducing

charging for A&E treatment would inevitably cause delays for everyone, to say nothing of the risk of delaying essential treatment. In any case, only treatment within the confines of the A&E department itself is free – any in-patient treatment, for example, is potentially chargeable.

Doesn't this mean that migrants will simply turn to A&E departments for all manner of treatment?

In that scenario, only the treatment which takes place in the A&E department is automatically free. If a migrant is admitted via A&E or referred for an outpatient appointment, they should be charged for their further treatment.

Can temporary migrants benefit from UK education?

In some circumstances - yes.

Any child of compulsory school age is entitled to receive appropriate education. There are no residency or nationality criteria. We must be guided by what is in the best interests of the child. However, children may not come to the UK purely to receive a state education

(Children coming to the UK solely for education (i.e. those admitted as a student under the Immigration Rules) are required to be educated privately.)

16-18 year olds accompanying parents with leave to enter or remain in the UK are eligible, subject to the practicality of finding a place if the person is only in the country for a short stay.

Temporary migrants who have been legally in the UK for over three years may also access further education. A spouse of a person settled here, provided he or she has been both married and resident in the UK for at least one year; destitute asylum seekers and their dependants; and people with leave for humanitarian purposes are also entitled.

Temporary migrants are not eligible for home fee status and tuition fee grants for higher education.

Is it fair that temporary migrants can access state education?

Yes. In general it is Government policy that `overseas' students should not be subsidised from public money, but should be expected to meet the full cost of their study in the United Kingdom.

The exceptions are:

 children of compulsory school age and 16-18 year olds accompanying their parents, where we believe acting in their best interests outweighs other considerations:

- people who have been legally here, working and contributing to the UK economy for over three years.
- people admitted to the UK as spouses of people settled here. It is reasonable to assume such people are making a long-term commitment to the UK, so access to further education is consistent with integrating them into UK society;
- people with humanitarian protection or discretionary leave, where again access to further education – for example, English language classes – can help them integrate into the UK; and
- asylum seekers who are prohibited from working, so some further education can provide them with means of using their time productively and assist them with adapting to life in the UK while their claim is considered.

Why do migrants have preferential access to social housing?

<u>They don't</u>. Temporary migrants entering the UK (for example for a visit, to study or to work) are <u>not</u> entitled to claim local authority housing or homelessness assistance.

Permanent migrants (that is people who are entitled to stay here indefinitely) are entitled to UK benefits and services in the same way as British Citizens. This is consistent with our policy on managed migration which is to allow a small proportion of people who come here to settle permanently where there is a clear economic benefit and where they are prepared to integrate socially.

Any applications from permanent migrants for local authority housing or homelessness assistance would <u>not receive preferential treatment</u> – each application would have to be assessed on its own merit.

DEFENSIVE BRIEF - HOUSING SUPPLY AND MIGRATION

Lines to Take:

- With or without a change in the level of migration, we need a step change in
 housing supply to house our nation. We simply have not been building sufficient
 homes to accommodate changing lifestyles, smaller families, and longer lives.
 Over the last five years in England, there have been 500,000 new households but
 only 350,000 new homes.
- A majority of these new households around two thirds, are people born in the country.
- Our economy has had a period of unprecedented stability and rising incomes.
 There are 1m more homeowners than in 1997.
- This successful economy needs the skills and contribution of migrants to continue to thrive. Migrants have on average higher wages indicating that they are on average more productive. On average foreign born employees earn 17% more than the UK-born (Labour Force Survey - up to 1st quarter 2004).
- It is true that migrants, like anyone else, need homes and we are making excellent progress in delivering the homes that are needed. 55,500 homes were built last year in London and the South East, an increase of 27% on the 43,700 built to June 2001.
- The impact of this additional housebuilding should not be overstated. We are not concreting over the countryside the 1.2m houses suggested in the Sustainable Communities Plan would occupy 0.3 percent of the 13m hectares in England. The 480,000 homes likely to be built on greenfield occupy just 0.1% of the land in England.
- Our policies on the use of brownfield land and residential densities have enhanced our ability to accommodate new households. We can deliver the 1.1m homes in the Sustainable Communities Plan using 3300 hectares less green field land than the 900,000 in the earlier plan - saving an area of green fields the size of Oxford.

Q. Aren't all these new homes you want to build just for migrants?

A. No. A large majority - two thirds — of the new households are people already living in the UK. We are living longer, marrying later and living in smaller households. And rising prosperity means we want to have our own homes. With or without a change in the level of migration, we need a step change in housing supply.

- Q. Isn't it true that if we cut immigration we wouldn't need all these new homes?
- A. We would need to cut immigration by a very large amount pretty much to zero. And the economic impacts of such a drastic cut would be very severe companies unable to recruit and trade restricted. In 2001-02, before the Sustainable Communities Plan began to deliver a step change in the level of housing supply, there were 130,000 homes built in England. But we expect 189,000 households to form every year between now and 2021, of which one third, around 60,000 are migrants. We would have to cut that to zero to ensure that 130,000 homes were sufficient.
- Q. The South East is full. Where are you going to put all of these new people and homes? Why won't you realise that Southern England is reaching its environmental limits?
- A. We must not overstate the impacts of these new homes. The South East (excluding London) is just 11% urbanised, and this is not going to change substantially. To give you an idea, the 1.2m houses proposed in the Sustainable Communities Plan would occupy 0.3% of the 13m hectares in England. The 480,000 homes likely to be built on Greenfield land would occupy just 0.1% of the land in England.

The Government is working hard to minimise and mitigate any environmental impacts. We are building at higher densities and using more brownfield than ever before. Residential densities are up from 25 to 33 since 1997, and the proportion of homes built on brownfield from 56% to 67%. That means we can build the 1.1m homes in the Sustainable Communities Plan on less greenfield land - 3300 hectares less greenfield land (the area of Oxford) than the 900,000 homes in the 1996 plans.

Q. Why are they all going to London and the South East?

A. It is true that London and the South East offer a high quality of life, have strong economies that need workers, and attract many migrants. But the new Immigration and Nationality Directorate 5 Year Strategy will target immigration on those sectors, industries and places that need overseas staff most. The proposals will allow Home Nations and local authorities to sponsor migrants to meet their particular needs - meaning that the benefits and impacts are likely to be more broadly spread.

Q. Aren't all these immigrants just going to push up house prices - making it harder than ever for families to get a decent home?

A. It's important to realise that many new migrants are likely to be here for only a short time - not permanently - and are unlikely to buy homes but to rent short-term. Latest figures show that the number of people coming to this country for formal study has risen significantly. In 2002 net inward international migration was 162,000, of

this 100,000 (nb these are figures for England and Wales not the UK) came here for formal study, which is 62% of migrants.

Those in formal study will often stay in the UK for a limited period and would probably be leaving the UK (visas associated with study are carefully monitored) once their studies are complete (in 3-4 years' time). In the meantime, they are contributing very significantly both financially and intellectually to our colleges and universities.

If required - UK international student figures 2002
Net international migration - 153,000
Reason (Formal Study) - 105,000
Proportion of students - 69%

BENEFITS OF MIGRATION

- Migration has always been a source of labour and skills in Britain and has contributed to improved productivity and cultural diversity.
- Far from being a burden on the public services, migrant workers are essential to their success. 25% of health professionals are migrants.
- Treasury estimates are that forecast migration accounts for approximately 15% of the HMT trend growth forecasts for the UK economy. (Source: Trend Growth: Recent Developments and Prospects, HM Treasury, April 2002)
- Migration can improve productivity and therefore GDP per head if workers bring complementary skills and fill labour market shortages (as happens with the work permit system).
- Migrants have on average higher wages indicating that they are on average more productive. On average foreign born employees earn 17% more than the UKborn (Labour Force Survey (up to 1st quarter 2004).
- Home Office research showed that in 1999/2000 migrants contributed £2.5 billion more in taxes than they consumed in public services
- Migrants contribute to our culture and society, bringing the range of backgrounds, cultures and faiths that is one of the most positive hallmarks of life in Britain in the 21st century
- Migrants fill important jobs. Rather than competing with the resident population for jobs they expand sectors and create opportunities.
- There are over 600,000 job vacancies in the UK, many of them in London and the South East. We need to ensure that infrastructure and public services can cope with the growth in population due to people coming to fill these jobs. This applies whether they come from abroad or from other parts of the UK.
- International students bring huge academic, cultural and economic benefits to the UK. They enrich the academic experience for all our students, are vital to our research base, ensure the continuing existence of key taught postgraduate programmes, and contribute an estimated £5 billion a year to our economy.
- Because migrants are more likely to be of working age than the general
 population, migration makes a helpful contribution towards counteracting the
 effects of an ageing population on the economy and the pension system although it is not feasible for migration alone to solve these problems.

TEMPORARY MIGRANTS' ACCESS TO FREE NHS CARE

Category of migrant	Level of access					
Visitor	All visitors are entitled to free treatment in Accident and Emergency Departments and for treatment for a defined range of communicable diseases and sexually transmitted diseases (although in the case of HIV/AIDS only the diagnosis and initial counselling is free).					
	Some visitors from outside the European Economic Area may be eligible for immediately necessary treatment under bilateral health agreements					
es transper La Milliante de la Recenya	Otherwise visitors are not eligible for free NHS hospital care					
Student	Students who are attending a bona fide course of more than 6 months duration are entitled to free NHS care. Students attending a shorter course which is substantially funded by the UK Government are also entitled to free NHS care.					
Worker	People working legally for a UK-based employer are entitled to free NHS care.					
Asylum Seeker	Asylum seekers are entitled to free NHS care whilst their claim is being considered. Failed asylum seekers are not charged for the completion of a course of treatment, but are chargeable for any new course of treatment.					
Humanitarian Protection/Discretionary Leave	Generally they would be regarded as ordinarily resident and therefore entitled to free NHS care in the same way as a British Citizen.					

Ministers are currently considering responses to the consultation on proposals by the Department of Health to strengthen and clarify the rules on the eligibility of overseas visitors for free NHS primary medical services so that they better match, as far as practicable, those on the eligibility of overseas visitors to receive free NHS secondary care as set out in the National Health Service (Charges to Overseas Visitors) Regulations 1989; and for those overseas visitors who are not eligible for free NHS primary medical services to be offered treatment by GP practices for which they would be charged

PENSIONS

Line to take

Because migrants are more likely to be of working age than the general population, migration makes a helpful contribution towards counteracting the effects of an ageing population on the economy and the pension system - although it is not feasible for migration alone to solve these problems.

[Only if pressed:-

With no net migration, we would have fewer workers and taxpayers. So, if we wanted to keep National Insurance contributions and benefits - like pensions - in balance, we would have to raise NI contributions or cut benefits. Long-term forecasts are very uncertain, but Government Actuary figures imply that, if there were no net migration, we would have to raise NI contributions (or income tax if the money were raised that way) by more than a penny - or pensions and other National Insurance benefits, like Incapacity Benefit, would have to be cut by nearly 10 per cent."]

Explanatory note

Table 8.3, paragraph 8.7 on page 59 of the Government Actuary's Quinquennial Review of the National Insurance Fund as at April 2000 (Cm 6008, October 2003, http://www.gad.gov.uk/publications/docs/qr5-fullreport.pdf) provides the basis for the latter statement. Essentially, this is saying that if migration were to be at the "low" [90K/yr] rather than the "central" [130K/yr] projection - i.e. about 1/3 lower than that projection - then National Insurance Contributions (NICs) would have to be about 0.5 percentage points higher in the long run to keep the National Insurance Fund in balance. Alternatively, you could keep the NIF in balance by cutting pensions (and other NIF benefits) by about 3%. (This is because 0.5 percentage points is about 3% of the overall NIC effective rate.) A simple extrapolation to no (net) migration at all in other words, if net migration were zero rather than the central projection of 130K/yr - suggests that the impact would be three times as big - i.e. NICs would have to be about 1.5 percentage points higher, or NIF benefits about 10% lower.

Cabinet Office April 2005 CONFIDENTIAL



O' JPO NS IR AP JR

From the Assistant Private Secretary

29 March 2005

Dear Geoffrey,

ASYLUM RETURNS

The Prime Minister has seen the joint FCO/Home Office paper on asylum returns, outlining a strategy for reaching the tipping point target.

He is grateful for the large amount of work that has gone into the strategy and believes that it represents the right overall approach.

In particular, the Prime Minister agrees that all necessary steps must be taken to ensure the immediate return of some failed asylum seekers to key countries where a few returns can have a disproportionate impact. He believes we should also continue to look at source countries outside the top 20 list: if there are countries to which it is easier to remove, we should devote additional effort there.

The Prime Minister believes that the roll-out of biometrics to the top 20 countries could speed up some re-documentation processes for returns. I would welcome an update on this.

Finally the Prime Minister hopes that DFID will be able to make a transfer into the new Migration Fund, as requested by the Home Secretary.

You, and Home Office, will need to ensure that all the actions in the paper's annexe are followed up, so that the measures can take effect as quickly as possible. I would welcome an update on progress in early May.

CONFIDENTIAL

- 2 -

I am copying this letter to Emma Churchill (Home Office), Margaret Aldred (Cabinet Office), Moazzam Malik (DFID), Mark Bowman (HMT) and Michael Barber (PMDU).

Yours,

GRACE CASSY

Geoffrey Adams FCO

From:

Michael Barber

Copy refurned 6 ms

Date: 24 March 2005

PRIME MINISTER

c.c.

Ivan Rogers Alan Milburn David Miliband Andrew Turnbull

Jonathan Powell Godric Smith Matthew Taylor

Nigel Sheinwald Justin Russell Sally Morgan Kim Darroch David Hill

MONTHLY ASYLUM/IMMIGRATION REPORT

'Tipping Point'

Monthly asylum applications and removals

The gap between unfounded intake and removals at the end of February is estimated at 843. This is less than the gap for December (1,238) and January 2004 (1,161).

Asylum Tipping Point Trajectory (version 5), February 2005 Tipping point target date: 3,000 Unfounded applications and removals (number) nd IFB 2,500 2,000 1.500 1,000 Indicative unfounded applications 500 Forecast unfounded applications Removals Forecast removals with initiative Note: data are provisional and subject to change Feb 05 Mar 05 Apr 05 Jun 05 Aug 05 Sep 05 Oct 05 Jan 05 Jul 05 Month

The decrease stems solely from progress on reducing intake and this compensates for a fall in the monthly removals figures.

The latest modelling indicates that if performance hits IND's 'realistic' trajectory, the tipping point will have been reached in December 2005. However, given the failure to turn around removals performance, we suggest this projection must be treated with considerable caution. To be sure of success, we cannot rely on reducing intake alone and have to ensure that ensure IND delivers the sustained improvements in removals performance. And without this we cannot be sure that they can react to the new returns routes being opened up (See related briefing "Asylum Returns to Top 20 Source Countries").

Asylum Removals

The provisional removals figure for February 2005 was 1,005, a seven percent decrease compared with January 2005 (1,077) and a ten percent decrease compared with December 2004 (1,111)¹ (Chart 1).

In terms of removals to the top five intake nationalities (Chart 3), numbers have increased for China and Somalia, but have decreased for Iran and the Democratic Republic of Congo. Removals to Iraq have fallen to a third of those in January (to 20 from 62) primarily because of a fall in voluntary returns (AVRs).

Overall, removals performance is extremely disappointing and we must conclude that, despite the considerable efforts being devoted to improving performance, these are not having the expected impact on numbers.

It is now six months since IND started their programme to get "back on track" but performance is still some 200 removals below IND's own trajectory. The weekly breakdown of removals performance (Chart 2) confirms that IND are struggling to generate any sustained improvement. Our early assessment for the first half of March offers little assurance of an upturn.

IND have offered a number of reasons to explain performance. These include the suspension of returns to tsunami affected areas and the impact on assisted voluntary returns to Iraq due to the election. While these offer some context, it is clear that IND as a whole cannot be galvanised around the importance of removals. As a result the organisation is not driving home the actions required to deliver improved performance.

Turning around this situation is the focus of PMDU's work programme with IND. We continue to push very hard and are now working with IND to drive performance management down the organisation through league tables that identify poor performance at the local enforcement office level. We are also putting more resources into the PMDU asylum team and this will allow us to extend both our work programme and influence over the coming crucial months.

Asylum Intake

Some better news, intake for February 2005 was 2,246; a 16 per cent decrease compared with January 2004 (2,675) and is now well below the trajectory figure of 2,563 (Chart 4).

IND state that the decrease in intake stems from the impact of juxtaposed controls in Belgium and people remaining in Iraq for the elections. They are however, cautious about whether this drop can be maintained over the coming months.

For the top five source countries (Chart 6) the key points to note are

• Iran, Somalia and the Democratic Republic of Congo had fewer claims than in January 2005.

¹ NB The February figure may be revised following data cleansing and tends to increase.

- Claims from Iran (the largest intake nationality) continue to fall and are now below 300 for the first time since September 2004
- Claims from Somalia (third largest) fell by a fifth to 154 from 193 in January 2005.
- Claims from Iraq (second largest intake nationality) fell slightly to just below 200 (193 from 202 in January 2005) and for China (fourth) remained stable (138).
- Afghanistan dropped out of the top five intake nationalities following a halving of its claims (to 73 from 130 in January 2005).

Following the commencement of enforced returns Zimbabwe's intake has continued to decline from 80 in January to 60 for February. This further demonstrates the impact of enforcing removals to a high intake country and the necessity to focus on opening up return routes to the top twenty source countries (see related paper).

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MICHAEL BARBER

Removals charts

Chart 1. Removals of failed asylum seekers by type of removal: April 2004-February 2005

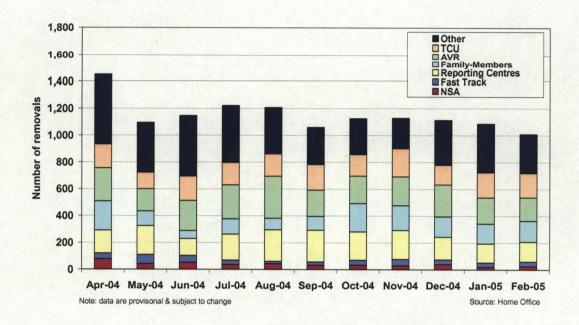


Chart 2. Weekly removals of failed asylum seekers (FAS) (including dependants)

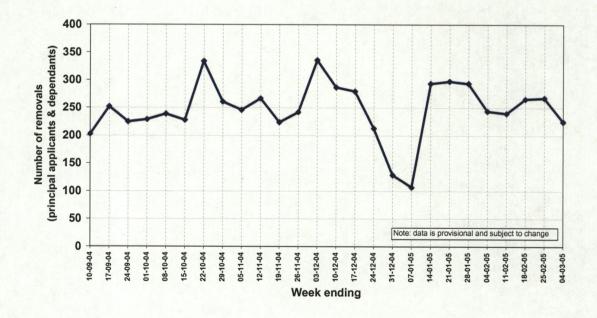
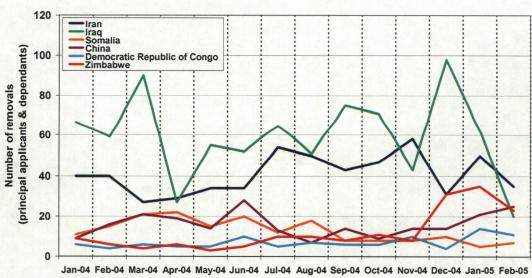


Chart 3. Monthly asylum removals (incl. dependants) for the top 5 intake nationalities & Zimbabwe (ranked by latest month's application data)



Note 1: data includes prinicpal applicants and dependants Note 2: data is provisional & subject to change

Source: Home Office

Intake charts

Chart 4. Monthly asylum applications (principal applicants only)

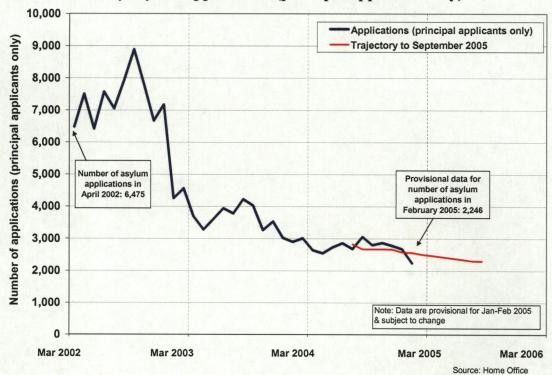


Chart 5. Weekly asylum applications (principal applicants only): September 2004 – March 2005

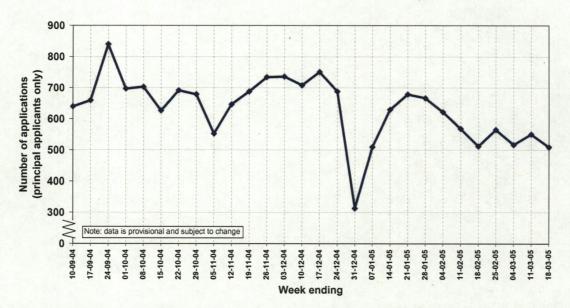
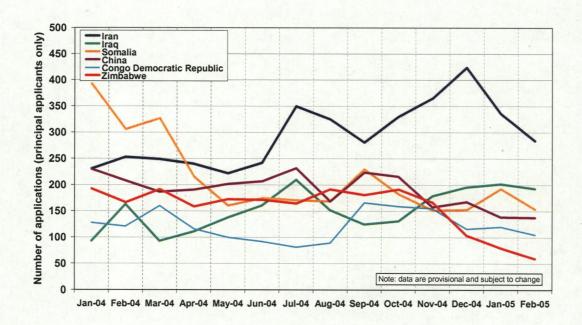


Chart 6. Top five asylum claiming nationalities in February 2005 & Zimbabwe (13th) (principal applicants only)



CONFIDENTIAL

From: Grace Cassy
Date: 23 March 2005

PRIME MINISTER

cc: Jonathan Powell

Nigel Sheinwald

Ivan Rogers

Antony Phillipson

Justin Russell Emily Miles

ASYLUM RETURNS

I attach a Home Office/FCO joint paper that draws together recent work on reaching the tipping point target. It focuses on increasing returns of failed asylum seekers (FAS), on which performance remains disappointing overall (see the separate delivery update). The paper merits reading in full, but the key recommendations are:

- To divide the Top 20 source countries into 4 broad categories, according to the ease of potential progress and to prioritise returns effort where we can achieve most impact. Examples are Turkey, Vietnam, Afghanistan, Nigeria.
- To devote effort nonetheless to the more difficult countries (eg Iran, Pakistan, Algeria), where the deterrent effect of achieving a small number of returns can lead to a drop in unfounded claims.

The annexe provides more detail on actions planned in individual countries.

You should note that there are a number of important challenges to overcome in reaching the target. These include:

- ensuring proper co-ordination between the policy and operational arms of the Home Office.
- managing pressure on detention space.
- maintaining pressure on key Embassies to speed up provision of travel documents.
- getting the agreement of foreign governments to run charter return flights.

Overall, the paper represents good progress. A lot of work has been done, and there is a real sense that the FCO are now more closely engaged, and working better with the Home Office. We have seen steps forward on agreeing/improving MOUs with, for example, Nigeria, India and Iran.

The paper sets out the right approach. But we need to ensure that all of the necessary actions in the annexe are followed up, so that these measures kick in as quickly as possible.

You response might also highlight some areas for further work:

- Are there countries outside the top 20 to which it is easier to remove? If so, we should devote additional effort there.
- Roll-out of biometrics to the top 20 countries could speed up some redocumentation processes for returns. We should press the Home Office for an update on their plans.
- Encouragement to Hilary Benn to contribute to the new Migration Fund (as set out in the paper).
- Seek an update by early May.

This will need continued close monitoring by the Cabinet Office and PMDU, and through your stocktakes. Reaching the target will be very challenging, and is likely to require some difficult political decisions in due course (eg on visa restrictions).

Cracelassy les land at an areal and the contract of people with the contract of the contra Are you content to endorse the paper, and for a reply in the terms above?

GRACE CASSY

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ASYLUM RETURNS: STRATEGY FOR REACHING TIPPING POINT

Summary

1. Meeting the Tipping Point for return of failed asylum seekers is a major challenge. This paper sets out an agreed HO/FCO strategy for achieving it, based on focusing the maximum effort where it can make the most difference at home and abroad.

Introduction and context

- 2. The Prime Minister's Tipping Point target is that by the end of 2005 the number of failed asylum seekers removed each month should exceed the number of unfounded asylum claims each month. Progress is being made in intake reduction, with fewer than half as many unfounded claims now than at the peak in 2002. But with the monthly gap between unfounded claims and returns averaging 1,100 in 2004, a step-change in performance is needed to reach Tipping Point.
- 3. The Home Office "Tipping the Balance" initiative is a set of measures to reduce intake further, process asylum claims faster, and return more failed asylum seekers. "Tipping the Balance" is expected to deliver:
 - (a) 400 per month reduction in unfounded intake, from around 2,200 per month in 2004 to 1,800 per month by the end of 2005;
 - (b) 300 per month increase in returns to countries outside the top 20 asylum intake list, from around 700 per month in 2004 to 1000 per month by the end of 2005;
 - (c) 450 per month increase in returns to top 20 asylum source countries, from around 450 per month in 2004 to 900 per month by the end of 2005. (ie a 100% increase)
- 4. This paper and its annex set out the Home Office/FCO strategy for achieving (c), which, with (a) and (b), would achieve Tipping Point. Ministers will wish to be aware, however, that the figures are based on assumptions that still need to be tested. The strategy may also involve difficult political decisions such as introduction of visa restrictions.

Recommendations

- 5. Ministers are invited to:
- (a) Note the principles on which the Strategy is based (paras 6-7)
- (b) Agree the division of the top 20 countries into four broad categories (para 8)
- (c) Agree the November 2005 returns targets for the top 20 as a reasonable basis for helping to reach tipping point (Annex)
- (d) Note the operational implications (para 9)
- (e) Note the risks to delivery and the proposals for managing them (para 10-13).

Principles

- 6. Given the range of activity underway or planned under "Tipping the Balance", there is limited capacity to do more. Additional effort must be carefully targeted. Where new work can only be resourced through reprioritisation, it must be more cost-effective in delivering Tipping Point than the old discontinued or reduced activities. This means recognising in particular that:
- The <u>majority of returns are to countries outside the top 20</u> asylum intake list¹. We aim to improve performance with these countries even further while at the same time accelerating returns to the top 20 a difficult balancing act;
- The benefits from focusing on the top 20 countries may derive less from the immediate impact on returns than from the deterrent effect on future intake. As Somalia and Zimbabwe have shown, success in securing a small number of returns can lead to a sharp drop in unfounded claims.
- While we aim to exceed Tipping Point for some countries, it is not realistic or
 cost-effective to aim to reach Tipping Point for all top 20 countries. Stretching
 but achievable country-specific returns targets need, in sum, to deliver overall
 Tipping Point across all countries.
- 7. The <u>criteria</u> for prioritising returns effort among the top 20 countries are:
- Size of the potentially removable pool of failed asylum seekers;
- Within that pool, the number of people with whom the Immigration Service is in regular contact and its ability to locate, detain and remove them;
- Willingness of countries of origin to redocument and readmit their nationals, including enforced returnees;
- Practicalities of transport linked to availability of scheduled flights or possible use of charter flights to return failed asylum seekers;
- Likely deterrent effect on future unfounded asylum claims, particularly where intake is high and returns are difficult;
- Scope for increasing returns to safe third countries in the EU, which currently average around 200 per month;
- Scope for increasing voluntary returns, which is cost-effective, but generally attracts few takers without a credible threat of enforced returns.

Prioritising among the top 20

- 8. We have identified four main categories of countries from these criteria:
- (i) Countries to which <u>increased operational activity in the UK</u> is the key to accelerating returns: **Turkey**, **Vietnam**, **Afghanistan**, **Bangladesh**;

¹ In 2004 the top 10 countries for asylum returns in declining order were: Serbia and Montenegro (including Kosovo), Afghanistan, Iraq, Albania, Romania, Pakistan, Iran, Jamaica, Sri Lanka, India.

- (ii) Countries for which a <u>combination of operational effort in the UK and political pressure overseas</u> is required: Nigeria, Iraq, India, China, DRC, Ethiopia, Jamaica;
 - (iii) Countries to which it may be possible to accelerate returns but where <u>political</u> obstacles need to be overcome first: **Pakistan**, **Iran**, **Algeria**;
 - (iv) Countries to which it will be <u>difficult to accelerate returns but where effort is justified</u>, because even small numbers of returns would deter unfounded claims: **Somalia**, **Zimbabwe**, **Sudan**, **Eritrea**, **Liberia**, **Occupied Territories**.
 - 9. The Annex provides further country-by-country analysis, including revised returns targets for November 2005.² The plans include:
 - <u>Increased detection and arrest activity</u> in the UK by the Immigration Service initially focused on Turkey, Afghanistan and Nigeria. Country-specific analysis suggests that these countries offer the greatest immediate potential for further progress towards tipping point. Iraq is likely to be added soon;
 - <u>Fast-tracking new applicants</u> as part of the new asylum model thus maximising the benefits of speedy return arrangements;
 - <u>Charter flights</u> to return immigration offenders to countries such as China and Nigeria and (depending on political sensitivities) Afghanistan and India;
 - Sustained support for <u>voluntary returns</u> to Afghanistan, introduction of similar measures for Iraq, and awareness raising in the UK targeted at other nationalities to which the voluntary return option may appeal (e.g. Turkey);
 - <u>Capacity building for Embassies/High Commissions in London, such as Nigeria and Jamaica so they can help us deter unfounded claims and deliver returns:</u>
 - Projects to lever more assistance from countries such as Turkey (fact-finding visits/secondments for immigration officials); Nigeria (ditto); Vietnam (IOM project on return of Unaccompanied Asylum Seeking Children, technical and English language training for immigration officials); Bangladesh (project to facilitate UASC returns; forgery detection equipment);
 - Enhanced diplomatic efforts to improve returns arrangements with Iran, Pakistan, China, India, Nigeria, Turkey, Afghanistan and Jamaica;
 - Visa restrictions, reduced access to managed migration routes, and other <u>punitive</u> <u>action</u> if necessary against Iran, Pakistan, India and Jamaica and possibly Nigeria, Ethiopia and Eritrea.

² For seasonal reasons the monthly rate of returns can be expected to fall in December as can the level of applications. November 2005 is therefore used as the internal target date for reaching tipping point.

Risks to delivery

- 10. Putting all this into practice will be challenging. While we will push them hard, foreign governments will not always meet our requests to act differently and/or their attitude to returns may change in a negative way. As the net tightens, potential returnees will stop complying with reporting requirements and disrupt return on scheduled airlines. Key challenges include:
- Tasking the Immigration Service in a way that is clear and realistic given resource constraints. Too many targets and frequent change can be counterproductive;
- Getting incentives right so Enforcement/Removals staff get credit for the disproportionate impact enforced returns can have on intake reduction;
- Ensuring close cooperation between policy initiatives to open up return routes (Country Action Plans) and operational efforts to use the routes available (Enforcement/Removals);
- Managing pressure on detention space by detaining nationalities which can be removed swiftly;
- Obtaining and dealing with travel documents quickly from foreign Embassies to minimise the time people have to spend in detention. Lengthy detention results in bail grants;
- Dealing with legal challenges. There has recently been a 20 percent increase in the number of judicial reviews resulting from efforts to remove people. The new appeals process should end the acceptance of late appeals by adjudicators;
- Providing sufficient escorts to accompany people on aircraft. Some people
 physically resist removal to the point of boarding the aircraft and beyond.
 Airlines need confidence that returns will not disrupt flights;
- Getting the agreement of foreign governments to running charters with large numbers of returnees. This requires foreign governments to synchronise their provision of documents with agreement to accept charters and can create serious handling issues in receiving countries;
- Increasing the number of seats available for returnees on scheduled flights. BA presently only takes a maximum of 2 per flight on grounds of risk and potential disruption for other passengers.

Practical implementation and performance management

11. We have developed new Country Action Plans (CAPs)³ to coordinate the work for priority countries. UKvisas will play an increasingly important role in the CAPs process as it establishes Risk Assessment Units in new countries.⁴

³ Country Action Plans focus on asylum source countries where systematic HO/FCO cooperation is needed to reduce unfounded intake and accelerate returns. They summarise the latest asylum trends, highlight major problems and set out who is doing what to tackle them. They will be updated regularly and form the basis for submissions to Ministers on key issues (e.g. whether to introduce visa restrictions in countries that won't cooperate on returns).

⁴ Fingerprinting visa applicants can also help make it easier to verify the identity of failed asylum seekers and return them. We currently fingerprint all visa applicants in Sri Lanka and a number of East African countries, including Ethiopia and Eritrea and are committed to global roll-out by 2008. This may require new legislation to enable collection of fingerprints and other biometrics by UKvisas' growing network of outsourcing centres in countries such as Pakistan and India.

- 12. To improve integrated working the Home Office's "Tipping the Balance" Board will include a senior FCO official responsible tasked with delivering this agenda through our Posts abroad.
- 13. The Home Office and FCO are pooling programme budgets to set up a small (£5m) Migration Fund for technical assistance, capacity building and other projects to facilitate returns agreements. On 11 March the Home Secretary wrote to the Secretary of State for International Development asking him to transfer into the Migration Fund the £2m previously offered from the Africa Conflict Prevention Pool for the migration partnership with Tanzania.

Conclusion

14. The Tipping Point target is challenging. But we judge that the strategy set out here offers the best prospect of meeting it.

FCO/Home Office March 2005

⁵ DFID programmes in some of these countries are supporting a range of activities that assist refugees in their region of origin and help create conditions in which returns are more likely to be sustainable. However, DFID maintain that there are strong reasons, grounded in the International Development Act 2002, why development assistance cannot and should not be linked to cooperation on returns.

ANNEX: ASYLUM RETURNS TO TOP 201: PROPOSED TARGETS AND NEXT STEPS TO ACHIEVE THEM

	Number of removable	2004 m		November 2005 forecast/target		Recent action, next steps and leverage options
	failed asylum seekers in UK ²	Unfounded claims	FAS removals	Unfounded claims	FAS removals	
Turkey	2400	77	31	77	90	64 applications for documents made in January 2005, well exceeding the 30/month ceiling agreed with Turkey. HMA Ankara asked Turkish Interior Minister to double the ceiling to 60 – to be pursued during his visit to the UK on 31 March (tbc). Increased targeting of Turkish FAS for enforced and voluntary returns.
Vietnam	100	36	2	30	20	Use the MOU signed in October 2004. Consider Fast-tracking new claims. Bring Vietnamese police to UK to help redocumentation (c.f. similar work with China). Given lack of direct flights, consider joint charters with French. Probe Vietnamese willingness to handle backlog of FAS who claimed before October 2004 in the spirit of the MOU.
Afghanistan	3400	98	66	78	100	Maximise new air-routes through Azerbaijan and Turkey. Fill vacant Returns Liaison Officer slot in Kabul and ensure MOU is successfully renewed in October. Consider resumption of charter flights towards end of 2005. Maintain voluntary returns and support for reintegration and reconstruction. Raise awareness of Afghans in UK of Home Office resettlement packages. Consider starting return of families. (NB: While potential removable pool is large, many are from areas of the country to which we cannot return).

Countries are listed in accordance with the four categories in para 8 of the accompanying paper, i.e. the most difficult countries for returns are at the end.

All figures on the "removable pool" of failed asylum seekers rounded to nearest 100. This is internal management data and there are questions over reliability.

	Number of removable			November 2005 forecast/target		Recent action, next steps and leverage options
	failed asylum seekers in UK ²	Unfounded claims	FAS removals	Unfounded claims	FAS removals	
Bangladesh	700	32	27	32	40	Highlight voluntary returns options. Pursue work on unaccompanied asylum seeking children. Consider measures to improve governance and build capacity of immigration services. (NB: Relatively small potential removable pool. Limited intelligence and community cohesion concerns a barrier to increasing removals).
Nigeria	1400	79	28	76	80	Chris Mullin recently lobbied President Obasanjo. Des Browne and Chris Mullin separately met the Nigerian High Commissioner. Use forthcoming visit of MFA official Shodipo to complete negotiations on MOU. Then consider fast-tracking new intake, prioritise for enforced and voluntary returns, and draw attention to new arrangements to help deter unfounded claims. Increase third country returns. If necessary restrict visa service.
Iraq	3800	148	63	105	120	Returns MOU signed on 26 January. Security assessment being carried out so first enforced returns can happen in May/June. Carry on work with IOM and Turkey to open voluntary return routes and create interest among potential returnees, particularly in NASS reporting centres and to recipients of Section 4 support. Increase the voluntary returns package. Consider assistance to Iraqi Ministry of Migration and Displacement.

	Number of	2004 m	onthly	November 2005		Recent action, next steps and leverage options
	removable	average		forecast/target		
	failed asylum	Unfounded	FAS	Unfounded	FAS	
	seekers in UK ²	claims	removals	claims	removals	
India	2300	103	34	72	60	Returns MOU extended during the Foreign Secretary's visit in February. Foreign Secretary told Indian Interior Minister Patil that performance needed to improve. Patil has since agreed new arrangements with provincial authorities and BHC Delhi. Next steps: Manage MOU tightly and deliver cases quickly to Indian HC. Possible charter flight for enforced returns. Lift restriction on returns to Tsunami-affected areas. If necessary, restrict visas and managed migration (e.g. Working Holidaymakers).
China	2300	169	15	160	50	HMA Beijing has done further high-level lobbying. Second batch of MPS secondees have joined IND as part of Operation Elucidate. Next steps: Charter flights to return Operation Elucidate cases and demonstrate UK resolve, to deter future intake. Review impact after three months and repeat as appropriate. Increased targeting of illegal work-places to generate returns in the UK. Consider scope for using EU/China Summit to secure EU/China readmission agreement.
DRC	1400	107	6	90	20	Further work by Immigration Service to clarify obstacles to removing Congolese FAS. Test by sending back small numbers on EU letters. Given lack of direct flights, explore cooperation with EU partners (France, Belgium, Netherlands). When/if new government takes office, consider finalising MOU and engage with them on security sector reform issues. Use Ministerial contacts to underline importance of asylum. If no cooperation, restrict visa service.

	Number of	2004 monthly average		November 2005 forecast/target		Recent action, next steps and leverage options
# 77 JR 103	removable					
	failed asylum	Unfounded	FAS	Unfounded	FAS	
	seekers in UK ²	claims	removals	claims	removals	
Ethiopia	400	31	3	24	20	Following lobbying by HMA Asmara, Ethiopian Foreign Minister has agreed new returns arrangements with Ethiopian immigration authorities. If implemented in good faith these should be a major improvement. HO officials will now follow up with Embassy in London. Next steps: increased targeting of Ethiopian FAS; consider a regional Returns Liaison Officer in Addis or Nairobi to cover Ethiopia and/or Sudan, Eritrea and Somalia; use close links with PM Meles to get across the asylum message; provide help with retraining of returnees. If needed, restrict visa service or tilt towards Eritrea on the border issue.
Jamaica	600	26	38	26	45	Asylum returns mentioned in PM letter to his Jamaican counterpart. Conclude MOU and increase targeting of Jamaican FAS. Offer capacity building support to the Jamaican HC in London. Withold cooperation on criminal records until cooperation improves. If it doesn't, tell Jamaicans we will control intake through Direct Airside Transit Visas and review their access to managed migration schemes such as Working Holidaymakers.
Pakistan	2500	194	40	186	60	Foreign Secretary told Pakistanis that full visa service could not be restored until we agree a returns MOU. During his visit to Pakistan (15-16 March) Chris Mullin handed over a letter from the Foreign Secretary threatening visa restrictions if the MOU was not agreed by 1 June. Pakistanis have now undertaken to come to London on 14-15 April for further talks. Meanwhile continue removing under <i>ad hoc</i> arrangements, targeting large number of Pakistanis on NASS support.

	Number of removable	Number of 2004 monthly removable average		November forecast		Recent action, next steps and leverage options
	failed asylum seekers in UK ²	Unfounded claims	FAS removals	Unfounded claims	FAS removals	
Iran	2600	258	39	132	80	Foreign Secretary wrote to Kharrazi about the importance of agreeing an MOU on returns; proposing a pilot project for a target of 100 removals over 3 months; and threatening visa restrictions if there was no progress. Talks in Tehran on 14 March went better than expected – HO/FCO working urgently on follow up. Some returnable FAS now detained but a limit to how long they can be held. Possible scope for more voluntary returns and third country returns.
Algeria	1100	30	17	30	20	Need to clarify how hard we can push at this stage given ongoing negotiations over return of terrorist suspects. Engage Algerian Embassy at technical level to see if they will reconsider time-frame for returns (emergency travel documents expire within 24 hours of issue). Consider joint approach with EU partners using leverage provided by Association Agreement. Increase visits to Algeria by HO official based in Cairo. Use multilateral fora (e.g. Mediterranean Transit Dialogue) to air concerns. Raise on the CT/defence net. If no progress, consider restricting visas for students.
Somalia	1000	84	13	65	20	Failed state. Continuing warlordism in parts of country. Returns therefore very difficult and primary focus will remain on reducing intake. Consider using a private security company to deliver small number of returns, primarily for deterrent effect. Engage Transitional Federal Government and highlight migration concerns. Step up third country returns. Take account of UNHCR-led Comprehensive Plan of Action for Somali refugees when agreed later this year.

	Number of	2004 m		Novembe		Recent action, next steps and leverage options
	removable	aver		forecast		
	failed asylum seekers in UK ²	Unfounded claims	FAS removals	Unfounded claims	FAS removals	
Zimbabwe	3500	150	9	116	30	Deteriorating conditions and poor bilateral relations place limits on what we can do. Review restrictions on returns via Air Zimbabwe. Promote voluntary returns, working with IOM. Engage BA on their ceiling of two enforced returns per flight. Work with governments in the region, particularly South Africa, to improve immigration controls and discuss measures to counter irregular Zimbabwean migration.
Sudan	300	69	19	65	30	Continuing conflict and persecution in parts of the country. Intake trend upwards. Difficult bilateral relations. Raise asylum issue with Sudanese Ambassador in London, offering a package of help with redocumentation and technical discussions with Home Office. Lobby in Khartoum on use of EU letters. Consider a joint approach with EU partners, including help in tackling transit migration through Libya.
Eritrea	500	65	4	52	5	Autocratic government. Rules on redocumentation make it almost impossible to return people. Few levers. Focus on measures to cut intake. On returns, lobby in Asmara for more flexibility on redocumentation, in particular lifting of requirement for applicant's nationality to be vouched for by three established Eritreans. Offer technical assistance if this will help. Consider a joint approach with EU partners (particularly Italy).
Liberia	300	26	5	26	5	Vacuum of authority. Liberian Embassy in London uncooperative. Little prospect of change before elections in 2006. Lobby Liberians to be more consistent in accepting returns on EU letters. Offer technical assistance/training. Explore scope for joint lobbying with the US and/or EU partners.

	Number of removable	2004 monthly average		November 2005 forecast/target		Recent action, next steps and leverage options
	failed asylum seekers in	Unfounded claims	FAS removals	Unfounded claims	FAS removals	
	UK ²					
Palestinian OTs	200	29	2	29	5	Complex situation, with a number of countries in the region responsible for redocumentation and returns. Clarify the problem before proceeding further. Talk to Palestinian delegation in London. Improve our knowledge of the key obstacles, including policy of other Arab countries (e.g. Egypt) on accepting returns. Follow up with lobbying in Jerusalem and regional capitals as appropriate.
All Top 20	30800	1811	461	1471	900	
All Other	N/K	400	700	340	1000	
Grand Total	N/K	2211	1161	1811	1900	

Jonathan Powell

David Hill

Sent:

22 March 2005 09:35

To:

Justin Russell; Paul Brown; Jonathan Powell; Emily Miles

Subject:

RE: [UNCLASSIFIED] [Non-Record]

Any inventive ways of getting this out early?

----Original Message-----From:

Justin Russell

Sent:

22 March 2005 09:31

To:

Paul Brown; Jonathan Powell; Emily Miles

Cc:

David Hill

Subject:

RE: [UNCLASSIFIED] [Non-Record]

NB - figures for Jan and February have been v.good so far. Estimated intake figure for is - 2300, down from 2646 in January and the lowest monthly figure since March 1997.

----Original Message----

From:

Paul Brown

Sent:

22 March 2005 09:28

Jonathan Powell; Emily Miles

Cc:

Justin Russell; David Hill

Subject: RE: [UNCLASSIFIED] [Non-Record]

Next asylum figures are 17th May (January to March quarter).

(We do have some difficult stats in "March or April" on other things, including crime. I'll do a list when wanted.)

P

----Original Message----

From:

Jonathan Powell

21 March 2005 18:22

To: Paul Brown; Emily Miles Cc: Justin Russell; David Hill

[UNCLASSIFIED] [Non-Record]

Are we publishing more asylum figures in March or April? do they take us below the 1997 figures?

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Telephone 08459 335577 Email secretaryofstate@defra.gsi.gov.uk Website www.defra.gov.uk

The Rt Hon Charles Clarke MP Secretary of State Home Office 2 Marsham Street London SW1P 4HT



21 March 2005

From the Secretary of State
The Rt Hon Margaret Beckett MP

Dear Charles

JOINED UP WORKPLACE ENFORCEMENT AND ILLEGAL MIGRANT WORKING

I have seen a copy of Gerry Sutcliffe's letter of 17 March concerning the proposed announcement on joined up workplace enforcement and illegal migrant working.

The intention to widen the scope of the announcement to include measures to protect low paid workers is to be welcomed. This will ensure the proposed announcement is much more balanced. So far as the need for new powers to share information, I have no difficulty with Gerry's proposal to link this to the Joint Workplace Enforcement Pilot. However, this problem is not confined to enforcement activities in relation to illegal working. There is also a need to review our ability to share information in relation to the enforcement of legal workers' rights. Gerry will wish to consider reflecting this in the announcement.

As Gerry's letter indicates we will need to look at the way we deliver enforcement and compliance activities in the context of the Hampton report. This could have a bearing on the future operation and structure of the Gangmasters' Licensing Authority. I am aware that key stakeholders are questioning why the Hampton report suggested that the Gangmasters' Licensing Authority should be merged with the Health and Safety Executive (HSE). They are concerned that subsuming the Authority within the HSE will reduce its visibility and reduce the effectiveness of the new licensing arrangements and the protection of workers rights.

The Gangmasters' Licensing Authority does have a role not only in protecting worker rights, but also in ensuring the provision of labour by gangmasters becomes a well regulated legitimate operation. Whether this will be best achieved by linking the Authority with the HSE or through the Joint Workplace Enforcement project or both is something we will need to consider as we decide how to take the joined up working and Hampton agendas forward.

10:45

As you know, we are pressing ahead with the establishment of the Gangmasters' Licensing Authority as quickly as possible and anticipate that this will lead to the issue of first licences in early 2006. We have also indicated our intention to review the operation of the Authority after 3 years. This is consistent with the Government's plans to implement the Hampton agenda and we would not wish to see final decisions made on the future operation of the Authority any earlier than this. In the short term nothing must be allowed to distract the work of the Authority to ensure the successful introduction of licensing.

I am copying this letter to members of MISC20 and ER-W, Gerry Sutcliffe, Liz Kendall, Robert Hill, Geoffrey Norris, Martin O'Donovan, Sir Andrew Turnbull and Janice Munday.

Rejards

MARGARET BECKETT

dti

17 March 2005

Rt Hon Charles Clarke Home Secretary Home Office 2 Marsham Street London SW1P 4HT Gerry Sutcliffe MP

MINISTER FOR EMPLOYMENT RELATIONS, CONSUMERS AND POSTAL SERVICES

> EM JR GN RB

Dear Charles,

JOINED UP WORKPLACE ENFORCEMENT AND ILLEGAL MIGRANT WORKING

I am grateful to colleagues for their helpful responses to my letter of 18 February to Des Browne about announcing our intention to consult on a package of measures to join up existing workplace enforcement activity to tackle illegal migrant working.

As we have discussed, since I wrote we have decided that this work should form part of a wider announcement of measures to protect the lowest paid workers. We envisage that the package will announce measures to strengthen enforcement of the National Minimum Wage; and indicate that, in line with the Hampton report, we are considering ways to improve compliance with, and enforcement of, wider employment regulation and target those who employ illegal migrant labour. This means that the text I previously circulated on illegal migrant working will be significantly condensed. We discussed the view of some colleagues that, in light of the work of the West Midlands Joint Workplace Enforcement pilot (JWEP), the announcement should not contain any reference to new powers. We agreed that the reference needed to be retained, but that it should be put more clearly in the context of the JWEP, using the following formulation:

Department of Trade and Industry

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Direct Line +44 (0)20 7215 5568 Fax +44 (0)20 7215 5560 Minicom +44 (0)20 7215 6740 Enquiries +44 (0)20 7215 5000 www.dti.gov.uk MPST.sutcliffe@dti.gsi.gov.uk "We will consider whether new powers are needed to enable agencies to more effectively gather and share information about illegal migrant workers. In doing so, we will build on our work in 'hotspot' sectors, where illegal migrant working is common, and in the pilot we are currently conducting in the West Midlands which brings together a cross-government team to share intelligence and test different ways of working more closely."

I have also noted Paul's concern about the risk of causing confusion by consulting on new powers in relation to illegal migrant working at the same time as he is reviewing the powers of the new Revenue Department. Our officials will, of course, have to work closely together to minimise scope for confusion – this will also be an issue in the context of the follow-up to the Hampton Review.

I hope to make this announcement early next week. It would therefore be helpful to have any further comments overnight. I am copying this letter to members of MISC20 and ER-W, Liz Kendall, Robert Hill, Geoffrey Norris, Martin O'Donovan, Sir Andrew Turnbull and Janice Munday.

GERRY SUTCLIFFE

(approved by the Minister and signed in his absence)

CabinetOffice



David Miliband MP

Minister for the Cabinet Office

File

PRIME MINISTER

THIRD COUNTRY NATIONALS' ENTITLEMENT TO BENEFITS AND SERVICES

You asked me to chair a Ministerial group to consider how the rules governing third country migrants' access to benefits and services might be reformed and their enforcement improved. We have now had our first meeting.

This is a complex area and more work is needed to get to the bottom of all the issues and develop credible and robust policy options. However, it is clear that:

- a proactive strategy in this area would be risky, but we need strong defensive lines in case we are attacked;
- there are robust red lines against access to means-tested benefits;
- health is the trickiest area;
- we need a closer look at housing.

We considered whether the eligibility of both temporary and permanent migrants to benefits was consistent with our approach to migration and settlement. Temporary migrants are not entitled to claim non-contributory or income related benefits, such as income support or housing benefit. Permanent migrants have the same rights to benefits as British citizens and are entitled to claim benefits provided they pass the habitual residence test. We believe this is consistent with our policy on managed migration. Permanent migrants will have met the stringent criteria we have now introduced for settlement and, once they have



done so, should have access to the same benefits as UK nationals. However, in contrast, temporary migrants are here to work and should be able to support themselves; they should not have the same right to benefits as British citizens.

We also considered whether migrants should be able to claim contributory benefits, such as incapacity benefit. Both permanent and temporary migrants are eligible for these benefits once they have made contributions through the National Insurance system for a couple of years. This approach is defensible - workers should be entitled to draw down benefits from a system they have paid into. We would also face some difficult legal questions if migrants were not entitled to claim – would they be entitled to a refund on their National Insurance payments? But I have asked for further work on whether people who come here to work could then have extended periods being paid not to do so.

The position on healthcare raises different issues. The public, and in some areas professional, perception is that the capacity of the health service, particularly in London, is under pressure from migrants. The current system is that in respect of A&E (including NHS Direct and Walk In Centres), migrants have access. In respect of GP services, there is local discretion, which basically means they get treated: one DH estimate says 360,000 of 7.5 million visitors visited a GP. The overall costs to the NHS of migrants accessing the health service are hard to pin down. The best estimate is that the cost to the NHS is around £100 million per year, but it could be larger. Costs associated with HIV, which the Cabinet discussed last year, are outside this figure and are high.

The Department of Health are developing proposals to align the rules for access to GP services with those they introduced last year for non-emergency hospital treatment. This will be a big step forward, clarifying that overseas visitors are not entitled to free care from a GP and enabling GPs to charge such patients in advance of treatment as though they were private patients. However, there is a small but difficult problem over the position of failed asylum seekers who cannot be removed that needs to be resolved before the new policy can be implemented.

One way of bearing down on cost would be to require visa nationals, or some of them, to have health insurance before entering the UK. This could be introduced on a targeted basis; it might, for example, be a more effective way of recovering the costs of maternity services than attempting to recover charges from the patient. We have commissioned more work on this option.

The Department of Health are also taking action to improve our knowledge about the extent to which migrants use health services and to improve the way the current rules are enforced. They are focusing particularly on the situation in London and discussing with the London Strategic Health Authorities how they might crack down on migrants receiving treatment to which they are not



entitled. They are also working with the NHS Fraud experts to develop and implement systems and guidance that will reduce the opportunities for abuse.

The group will meet again before the end of March to keep this work moving forward. We will review progress, consider new policy options, such as on health insurance, and ensure that there is a clear narrative on entitlement to benefits and services and defensive material we can deploy if necessary. We will also consider the rules for access to social housing, and the different residence tests which are used to restrict access to benefits and public services.

Are you content with the approach we are taking?

Quil Milila



RB EGN TR EM

CabinetOffice



Rt Hon Ian McCartney MP Minister without Portfolio

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Gerry Sutcliffe MP
Department of Trade and Industry
1 Victoria Street
London SW1H 0ET

Tuesday 8 March 2005

Den Gery.

JOINED UP WORKPLACE ENFORCEMENT AND ILLEGAL MIGRANT WORKING

Thank you for my copy of your letter of 18 February to Des Browne. I have also seen Jane Kennedy's letter of 26 February to you.

I am in full agreement with your proposals. An announcement on joined up workplace enforcement before a General Election will signal to social partners that we remain committed to implementing the pledges in the Warwick Agreement.

As noted at the first meeting of the Employment Relations (Warwick) Sub-Committee, there is a need to explore the options for extending the powers of agencies. I accept that there might be value in delaying the announcement of the consultation on this matter, so that we have the opportunity to examine lessons from the Joint Workplace Enforcement Pilot. But it is also important to remember that the Pilot may not produce meaningful evidence for some three years. Given this and the fact that DTI will work up a detailed options analysis prior to consultation, I believe that including the proposals on information-gathering powers in the announcement would be worthwhile.

I am copying this letter to members of MISC20, ER-W, Liz Kendall, Geoffrey Norris, Martin O'Donovan and Janice Munday.

Rt Hon Ian McCartney MP



INVESTOR IN PEOPLE

03/2005

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The Rt Hon Charles Clarke MP Secretary of State Home Office 2 Marsham Street London SW1P 4HT



7 March 2005

CD ... IR

From the Secretary of State
The Rt Hon Margaret Beckett MP

Dear Charles,

JOINED UP WORKPLACE ENFORCEMENT AND ILLEGAL IMMIGRANT WORKING

I saw a copy of Gerry Sutcliffe's letter of 18 February in which he sought MISC 20's agreement to an announcement of the Government's intention to consult on measures to join up workplace enforcement activity.

As the proposed announcement makes clear, the focus of the measures is on employers who use illegal migrant labour. However, the letter also recognises the importance of delivering for legal workers but this is not reflected in the announcement itself. I suggest the addition of a bullet immediately before the list of measures on which we propose to consult along the following lines

"Measures are also needed to protect the interests of vulnerable workers who are legally working in this country but who are being exploited by their gangmasters and other employers."

Gerry also asked for views on the inclusion of a bullet about the possibility of new powers for agencies to pass on intelligence to the Immigration Service. I am content with this, which reflects the position which will obtain for the Gangmasters' Licensing Authority from its establishment in April.

I am copying this letter to members of MISC 20, ER - W, Liz Kendall, Geoffrey Norris, Martin O' Donovan, Sir Andrew Turnbull and Janice Munday.

Rejards

MARGARET BECKETT



Des Browne MP Minister of State Home Office 2 Marsham Street LONDON SW1P 4HT Top: JR GREM GREB

The Rt Hon Jeff Rooker

Minister for Regeneration and Regional Development

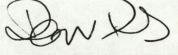
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www.odpm.gov.uk

Our Ref: LR/003559/05

- 4 MAR 2005



JOINED UP WORKPLACE ENFORCEMENT AND ILLEGAL MIGRANT WORKING

I have seen the letter from Gerry Sutcliffe MP of 18 February 2005, seeking the agreement of Misc 20 to an announcement of a consultation on measures to improve workplace enforcement activity.

I am content for the announcement to go ahead, with the key messages as proposed, including the suggestion on new powers to gather information.

Officials from my department will continue to be involved in the work of the cross-government group led by DTI drawing up more detailed proposals. However I would like to register two areas of concern at this stage.

Firstly, I hope that the focus on work on tackling the use of illegal migrant workers does not lead to a lack of attention and priority given to the goal of ensuring that *legal* workers gain full access to their rights at work. The work of the Employment Relations (Warwick) Subcommittee and the Hampton review of regulatory inspection and enforcement present an opportunity to ensure that vulnerable workers gain the full benefit of new rights that we have introduced in the last seven years, which should not be missed.

Secondly, it is important that as the more detailed proposals are developed, the implications for any new burdens on local authorities, and how they might be funded, are considered fully.

I am copying this letter to members of Misc 20 and ER-W, the Prime Minister and Sir Andrew Turnbull.

JEFF ROOKER







OFFICE OF THE DEPUTY PRIME MINISTER 26 Whitehall London SW1A 2WH

Tel: 020 7944 8623 Fax: 020 7944 8621

The Rt Hon Charles Clarke MP Home Secretary Home Office 50 Queen Anne's Gate London SW1H 9AT

28 February 2005

The Clubs

DIRECT AIRSIDE TRANSIT VISAS

Your letter of 26 January sought DA colleagues' agreement to introducing Direct Airside Transit Visa (DATV) regimes for nationals of Congo-Brazzaville, Guinea-Conakry, Guinea-Bissau and Mongolia. You also sought to provide for an exemption from the DATV requirement for holders of visas issued by Australia and New Zealand and to restore the exemption for holders of valid US and Canadian visas who are transiting the UK on journeys from the USA and Canada. This letter confirms policy clearance for your proposals.

Responses to your letter were received from Alistair Darling and Jack Straw. No other DA colleagues commented.

Alistair was prepared to agree to your proposals. He recognised that the impact on legitimate travel for Guinea-Conakry, Guinea-Bissau, Congo-Brazzaville and Mongolia is likely to be small in commercial terms, but noted his view that the deterrent effect on legitimate travel brought about by DATV regimes can in some cases be out of proportion to the benefits in terms of immigration control.

Alistair welcomed the proposed extension of the categories of those who are exempt from the DATV requirement. He also considered that widening the exemptions further to include holders of Japanese visas and Category 'C' Schengen would be worth further examination.

Jack was also content with the immediate application of DATV requirements for Guinea-Conakry, Guinea-Bissau, Congo-Brazzaville and Mongolia and with the proposed exemptions for holders of Australian, New Zealand, US and Canadian visas.

Your letter mentioned the possibility of a DATV regime for Jamaica in the future. Alistair noted that the work the Home Office and Department for Transport are doing with the airlines on unaccompanied minors travelling from Jamaica is likely to have spin-off benefits for asylum numbers while having little impact on legitimate travel. He therefore considered that in this case the focus should be on making a success of this project rather than using another DATV regime. Jack also welcomed the proposal to defer the decision on a DATV regime for Jamaica until the current round of DfT air service talks is complete. He noted that the immigration returns MoU under negotiation and general cooperation with the Jamaicans on drugs and crime issues will also need to be taken into account. He advised that FCO, HO and DfT should remain in close touch on this issue.

Jack also highlighted that when further changes to the DATV coverage are considered, his reservations about the universal application of the regime to all visa nationals are likely to remain.

I am copying this letter to the Prime Minister, members of DA Committee, Jack Straw and Sir Andrew Turnbull.

JOHN PRESCOTT



From the Minister of State for Work on Convey co

Gerry Sutcliffe MP
Department of Trade and Industry
1, Victoria Street
London SW1H 0ET

DWD

Department for Work and Pensions

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1 1 1

ministers@dwp.gsi.gov.uk www.dwp.gov.uk

Dear Genny

26th February 2005

JOINED UP WORKPLACE ENFORCEMENT AND ILLEGAL MIGRANT WORKING

JR

Thank you for your letter of February 18th 2005 to Des Browne. DWP and HSE are supportive of the proposals outlined in your letter and the overall aim of tackling employers using illegal migrant labour whilst reducing the regulatory burden on employers.

CEM RB

As such I agree with most of the content in the Core of announcement. However, I strongly suggest that we should await emerging findings from the Home Office Joint Workplace Enforcement Pilot (JWEP) before making any announcements regarding the possibility of new information gathering powers. It may be more prudent to collect further information on what can be done within the powers currently available to departments and agencies before considering a legislative route.

DWP is facing a substantial reduction in overall headcount and we will need to balance any resource commitments against the scale of the threat posed to our business.

My officials will continue to work closely with yours in taking forward the various options currently being explored. We are also represented in the Home Office JWEP which should provide some useful read across.

I am copying this letter to Des Browne, members of MISC 20, ER – W, Chris Pond, Andrew Turnbull, Liz Kendall, Geoffrey Norris, Martin O'Donovan and Janice Munday.

7our ever

RT HON JANE KENNEDY MP MINISTER OF STATE FOR WORK



HM Treasury, I Horse Guards Road, London, SWIA 2HQ

Des Browne MP Minister of State Home Office 3rd Floor, Peel Building 2 Marsham Street London SW1P 4DF

Siegen.

≥ Z February 2005

NATIONAL ASYLUM SUPPORT SERVICE (NASS)

Thank you for your letter of 31 January seeking to increase the cash support provided by the National Asylum Support Service (NASS) in line with increases in levels of income support being introduced by the Department for Work and Pensions.

2. I am content to agree these changes which maintain the ratio of NASS support for asylum seekers in relation to DWP income support at 70% for adults and 100% for children. I note that you estimate the resulting increase in cost to be of the order of £1.5m per annum and welcome your assurance that this increase has been taken into account in your financial planning. Overall support costs should of course decline with falling numbers of asylum applications and faster processing times.



3. I am copying this letter to the Prime Minister, Alan Johnson and Sir Andrew Txirnbull.

PAUL BOATENG

dti

18 February 2005

Mr Des Browne MP Minister of State Citizenship, Immigration and Community Cohesion Home Office 2 Marsham Street London SW1P 4HT Gerry Sutcliffe MP

MINISTER FOR EMPLOYMENT RELATIONS, CONSUMERS AND POSTAL SERVICES

Dear Des,

JOINED UP WORKPLACE ENFORCEMENT AND ILLEGAL MIGRANT WORKING

As Chairman of Employment Relations (Warwick) Sub-Committee (ER-W), I am seeking the agreement of MISC20 to an announcement of the Government's intention to consult on a package of measures to join up existing workplace enforcement activity so that we can more effectively target employers who use illegal migrant labour, while still delivering for legal workers. The announcement would follow up the launch of the Five Year Strategy on Asylum and Migration, which indicated that we would introduce a new approach to workplace enforcement.

Officials from the ER(Warwick) working group are looking at options in each of the main areas covered by the proposed announcement. These are:

Promoting and enabling compliance

Introduction of new powers to gather information and pass it to the Immigration Service

Practical measures to make existing information-sharing powers work more effectively

 Co-ordinated or joint action in "hotspot" sectors with a high incidence of illegal migrant working (IMW).

The group is seeking to design proposals that we can build on in implementing Warwick commitments on compliance and enforcement of other workplace regulation, for example, we may be able to tackle one or more IMW hotspot sectors within one or more

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of the new sector policy fora that we have undertaken to establish with the social partners. The group will ensure that proposals are consistent with the emerging conclusions of the Hampton review of regulatory enforcement and properly aligned with legislation establishing the statutory powers of the new Department of Her Majesty's Revenue and Customs (HMRC).

The early experience of the Joint Workplace Enforcement Pilot (JWEP), and other joint working initiatives, will be important in testing different ways in which agencies can work together more effectively. The group will also inform the development of proposals to remove legislative, cultural and practical barriers to information gathering and sharing. In the case of legislative barriers, it might be argued that we should wait for the lessons from JWEP before announcing plans to give agencies powers to gather information about IMW. My own view, that will tested by the JWEP and in working up a detailed options analysis prior to consultation, is that such powers will probably prove beneficial and that, properly drawn, they need not be resource intensive for agencies or divert resource significantly from their core remits. I should be grateful however, for views as to whether the square bracketed bullet should be removed from the annexed text.

An important element of the work on "hotspots" will be to test the hypothesis that employers who are non-compliant with one or more aspects of workplace regulation are more likely than others to use illegal migrant labour. It certainly appears to be the case that some sectors are recognised as "hotspots" for several agencies as well as for UK Immigration Service. We need to establish whether this is more than coincidence and, if so, we need to understand more about the relationship. It may be that some areas of regulation are better indicators than others of possible IMW, or that an employer needs to be non-compliant on a threshold number of fronts in order to present a greater risk of being a user of IMW. Similarly, it may be possible to identify causative links that could help to target action more effectively.

In due course we will need to consider the relative priority we wish to give to illegal working as against wider compliance and enforcement; and, within illegal working, to removing illegal workers as against taking enforcement action against employers who use illegal labour and those who supply it. But I do not believe that we need to resolve these issues prior to an announcement of the kind proposed, which gives us flexibility to choose between a number of options in each of the areas in which we are undertaking to bring forward proposals.

I believe that this announcement will give an important signal of our determination to choke off demand for illegal migrant workers by making it too costly and difficult to be worthwhile for employers to use them. I should be grateful for early agreement, to ensure that we can make the announcement before Easter.

I am copying this letter to members of MISC20, ER-W, Liz Kendall, Geoffrey Norris, Martin O'Donovan, Sir Andrew Turnbull and Janice Munday.

GERRY SUTCLIFFE

(approved by the Minister and signed in his absence)

Joining up workplace enforcement to tackle illegal migrant working Core of announcement

[Nature and timing of announcement not yet determined. Likely core messages as follows]

- As the Prime Minister said in the Five Year Strategy for asylum and immigration, the movement of people and labour into the UK economy is vital to our economy and prosperity.
- But use of illegal migrant labour is socially harmful and undermines business competitiveness. Government is determined to act decisively against employers who use illegal migrant labour.
- These employers are often known to several agencies because they
 may contravene a range of workplace regulations, including by running
 unsafe workplaces. A more joined up approach to tackling multiple
 offenders will make it less worth their while to use illegal labour.
- We will consult on proposals to:
 - promote and support compliance we already provide advice and information for employers through websites and helplines¹ and will do the same for employees; and we will look at what more we can do
 - □ [consider giving agencies new powers to gather information about illegal migrant working and pass it to the Immigration Service]*
 - make existing powers work better, eg with single national or local hotline numbers, streamlined processes and clear guidance to inspectors on information-sharing, standardised ways to record and assess the value of information; and
 - identify hotspots for illegal migrant working and undertake joint or co-ordinated operations to tackle other breaches of workplace regulation at the same time.
- These proposals develop existing initiatives. Through a pilot in the West Midlands a cross-government team will share intelligence and test different ways of working more closely. The Gangmasters

www.businesslink.gov.uk; www.ind.homeoffice.gov.uk; IND dedicated employers' helpline

Continuation 4

Licensing Authority remains on track to be established in April. And the proposals will be consistent with the recommendations of the Hampton review of regulatory enforcement², due for publication at the time of the Budget.

* Views especially appreaciated on this aspect.

² Reducing administrative burdens: effective inspection and enforcement; Philip Hampton; HM Treasury

Letter to Des Browne MP re Joined Up Workplace Enforcement and Illegal Migrant Working.doc



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Rt Hon Ruth Kelly MP

Dr John Brennan Chief Executive Association of Colleges Fifth Floor, Centre Point 103 New Oxford Street London WC1A 1RG

/8 February 2005

Dear Dr Brennan

Thank you for sending a copy of your letter of 13 January, addressed to the Prime Minister, about the Home Office's strategy on immigration and asylum, and charges for leave to remain visa extensions in particular.

As you know, the Home Office announced on 7 February that, from 1 April, there would be a planned increase in the charges for applications for leave to remain, from the current £155 for postal applications and £250 for the premium service, to £335 and £500 respectively.

Decisions on charges for immigration services are a matter for the Home Secretary. However, my Department has taken a keen interest in charging, since it directly affects international students who choose to study in the UK. Following the introduction of fees in August 2003, the revised fees from 1 April 2005 represent the second part of a phased approach by the Home Office to introducing fees for processing in-country applications for extensions of leave to remain. The revised fees reflect the Home Office's increased emphasis on improving the quality of the service, and on the need to identify and tackle abuse of the immigration system.

I very much appreciate that these represent significant costs for some international students. I also recognise the unique contribution international students make to the UK economy in tuition fees and other spending. We therefore secured the agreement of the Home Secretary to a reduced fee for students of £250 for the postal service. This means that students using the postal service will pay no more than those who used the premium personal service have done up to now.

Your letter to the Prime Minister set out very clearly your concerns about the higher levels of fees, which I fully understand. I believe it is now important that we work together to ensure that these increases do not impact adversely on bona fide overseas students who want to come to this country to study.

I am pleased to say, therefore, that a Home Office-led task force will be set up with representatives of the education sector and other stakeholders to better understand their needs and identify ways in which the Home Office can work with them to achieve further improvements in the service - which is in the interests of all. This task force will be chaired by Alan Bucknall, Customer Services Director, Managed Migration in the Home Office. Over the coming months the review will support the implementation of the Home Office's Five Year Strategy, including considering the fees structure for leave to remain applicants and

department for

education and skills

creating opportunity, releasing potential, achieving excellence



appellants, with a particular focus on international students. We will be asking that AoC are presented on that task force.

One of the main purposes of the task force will be to review the impact of the fee regime for 2005/06, in good time to make decisions for 2006/07. As part of the wider work, we have also agreed with the Home Office that we will develop a good practice guide for institutions, to support the improvements in the performance of the visa service which the Home Office has undertaken to make; for example, we will want to encourage as many students as possible to use the postal service (including through increased use of the Student Batch Service), and thus keep costs down.

I am copying this letter to the Prime Minister, Home Secretary and Kim Howells.

RUTH KELLY

Your oricerely Rutt belly

From:

Michael Barber **Emily Miles**

18th February 2005

PRIME MINISTER & b & word c.c.

MONTHI V ASVI IDATE:

Ivan Rogers Alan Milburn David Miliband Andrew Turnbull Jonathan Powell Godric Smith Nigel Sheinwald

Justin Russell Sally Morgan Kim Darroch David Hill Matthew Taylor

MONTHLY ASYLUM/IMMIGRATION REPORT
Timing issues

Publication of asylum statistics next week: Q4 statistics will be published on 22nd February; these show that there has been a 60% decrease in intake since 2002 and a 31% decrease compared to 2003; there were 84,130 applications made in 2002 and 34,045 in 2004. Total 2004 intake will be in the region of 34,100. Q4 asylum intake was marginally lower than Q3 (around a 1-2% decrease)(CHART 7). Removals performance for 2004 is 14,715, a decrease of 18% since 2003 when 17, 895 FAS were returned. The quarterly byeakdown for 2004 confirms that performance has stalled in 2004 (CHART 8).

• The next asylum **stocktake** is provisionally scheduled for 11th March.

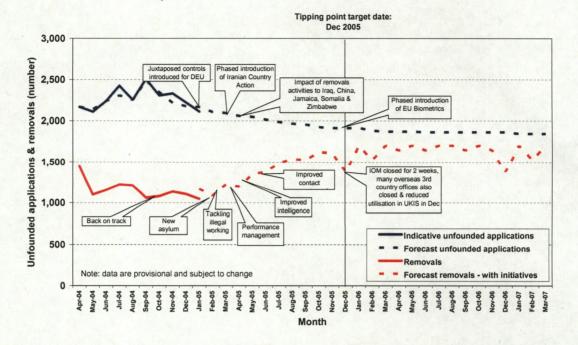
An NAO report on "Returning Failed Asylum Seekers" is likely to be signed off at the end of March.

Sully Wallet.

'Tipping Point'

Monthly asylum applications and removals

The gap between unfounded intake and removals at the end of January is estimated to be 1,064. The "improvement" since December 2004 (1,400) relates to refinements to the assumptions behind the tipping point model. have Etitore?



However, the latest modelling indicates that if performance hits a 'realistic' trajectory, there will still be a gap of 500 to 600 in December 05. IND have modelled in the fact December is a difficult month to remove people. Given this we'd be closer to hitting the target in October/ November.

In order to see what additional steps can be taken to improve performance and close the gap Michael Barber chaired an Officials' Stocktake on 7th February with IND, FCO, UKvisas and OD Sec. He concluded that although the target appears daunting, the balance can be tipped with sustained focus and improvement in **four priority areas** over the coming months.

- 1. IND must increase momentum on system improvements: e.g. they must proactively "work" more cases to eliminate barriers to removal, make better use of contact management and much more targeted use of their reporting centres. Roughly 6000 cases become appeal rights exhausted every month. In the region of 360 are removed within 7 months. The rest end up in "Work in Progress" files. This hit rate has to significantly and quickly improve.
- 2. IND must deploy additional resources in a way that maximises impact: e.g. redocumenting FAS is a key barrier to removal. 75% of all ARE cases need documents, as removal numbers increase, so does the demand for documents. It follows that more resources must go into the early redocumentation of FAS and performance here must be monitored and exposed.
- 3. FCO, working with IND and other government departments, must **open up new returns routes to high intake countries**: even low numbers of enforced returns can have a dramatic impact on the numbers from some high intake countries (see commentary on Zimbabwe below).
- 4. IND must deliver removable cases when routes are opened up: caseworkers, detention, redocumentation and enforcement resources must be deployed and ready to maximise our impact on the newly removalable pool/s of cases. Operation Elucidate is focusing on redocumenting Chinese nationals. It requires the assistance of Chinese officials who are work with IND to redocument their nationals. It is now working

well but suffered from a delayed start and an inability to track down a number of people once they had been had been documented. The coordination required to "operationalise" returns must be a priority.

These are all "work in progress" but to deliver the target our focus must be relentless and sustained.

The specific issues of opening up returns to high intake countries and IND's ability to target FAS to these countries will be the focus of your next asylum stocktake (provisionally scheduled for 11th March).

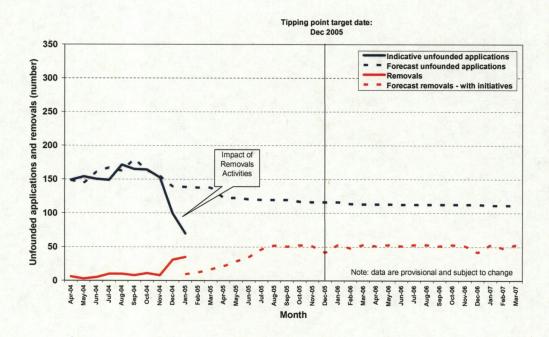
Asylum removals

The provisional removals figure for January 2005 was 1,046, a five percent decrease compared with December 2004 (1,101) when removals performance normally drops. This figure may be revised following data cleansing and tends to increase.

Since the first week of the New Year period, weekly removals performance has increased and hit nearly 300 per week for three weeks (CHART 2). As such, the elusive step change required to move off the performance plateau is getting closer. We need to be consistently delivering 325-350 removals per week as evidence of the improvement required and build from there.

There is some good news. **Zimbabwe** continues to demonstrate the impact of **country** targeted removals and that these also give us a swift and significant impact on intake.

Asylum Tipping Point for Zimbabwe



In November 04 there were four enforced removals to Zimbabwe. In January 2005 enforced returns increased to 31. **Intake has halved as a result**. During 2004 Zimbabwe was a top 5 intake country- as at January 2005 it is ranked 13th.

The Zimbabwe example underlines the importance of making and sustaining progress on returning "no go" nationalities at your next stocktake.

Asylum Intake

Intake for January 2005 was 2,646, a seven per cent decrease compared with 2,841 for December 2004. Early indications are that February's intake will be between 2,350 and 2,450 (CHART 4). This is broadly encouraging progress.

We still have concerns about the high percentage of "in country" claims (78% for Oct-Dec 04) and the fact that many of these asylum seekers enter the UK on legitimate documents and visas which are subsequently destroyed. To try and tackle this IND have continued to spot check direct flights from **Iran**, which remains the highest intake country, to establish connections between travellers with visas and subsequent asylum applications.

Last month we reported on an exercise that revealed that of 338 Iranian visa applications spot checked, 16% had links with asylum seekers. A family of three subsequently claimed asylum.

Since then, further evidence that connects visa applicants and asylum seekers has been gathered. A spot check of 84 passengers from Teheran revealed that 6 subsequently made applications for asylum. IND can confirm these because the applicants used the same names they used for their visa applications. Other passengers may also have made asylum applications but, without biometrics, it is impossible to link asylum seekers who have destroyed their documents back to the original visa applications. Another exercise on Iranian sponsors for visas applications revealed that 14% of the 167 checked were either failed asylum seekers or had outstanding asylum claims. Another 2% of sponsors checked were visa overstayers.

To try and combat and deter document destruction IND have prosecuted over 100 document destroyers. We are awaiting an evaluation of impact after two outstanding legal challenges are concluded.

Bill Rammell is visiting Teheran in March. He is looking for the Iranians to agree a returns programme. Failing this, IND and FCO/UKvisas will start a three month exercise to refer all Iranian first time visitor applications back to the UK to check the sponsorship details.

Michael Barber is pursuing further details of what can be done to ensure that we are robust in tackling potential abuse of the visa system.

Michael Bolo Enily Mile

MICHAEL BARBER

EMILY MILES

RESTRICTED - POLICY **APPENDIX** - Key removals and intake charts

<u>CHART 1:</u> Removals of failed asylum seekers by type of removal: April 2004-January 2005

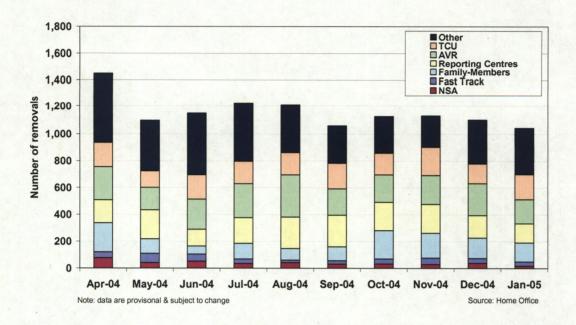


CHART 2: Weekly removals of failed asylum seekers (FAS) (including dependants)

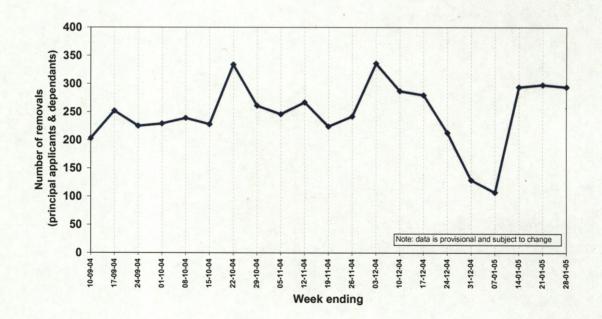
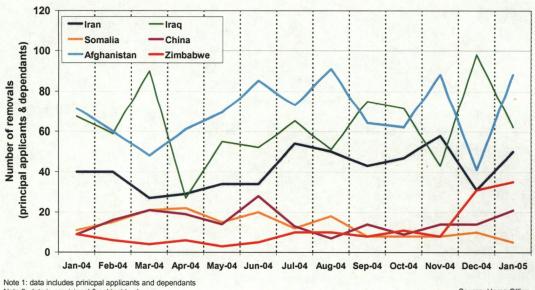


CHART 3: Monthly asylum removals for the top 5 intake countries & Zimbabwe (ranked by latest months application data)

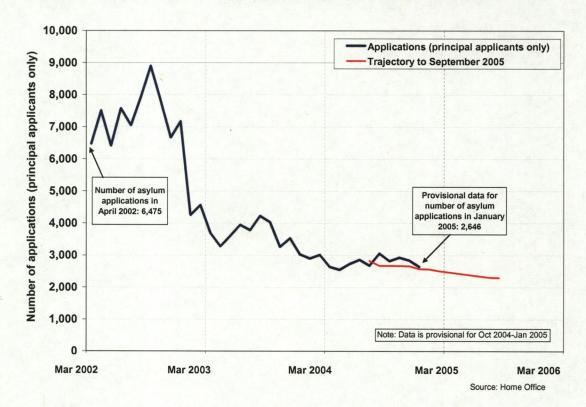


Note 2: data is provisional & subject to change

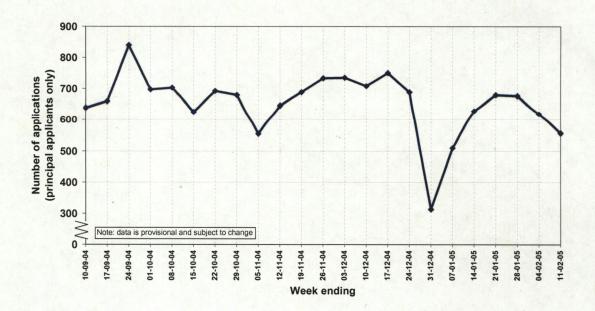
Source: Home Office

• For the top five intake nationalities, removals have increased for Iran, Afghanistan and China, but have decreased for Iraq and Somalia

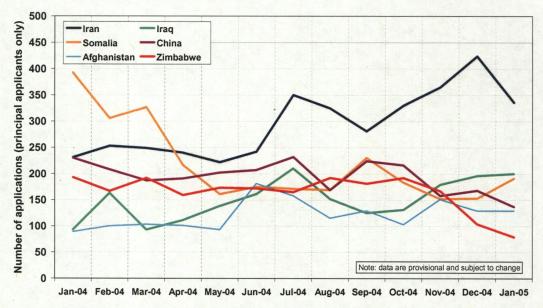
CHART 4: Monthly asylum applications (principal applicants only)



<u>CHART 5:</u> Weekly asylum applications (principal applicants only): September 2004 - February 2005

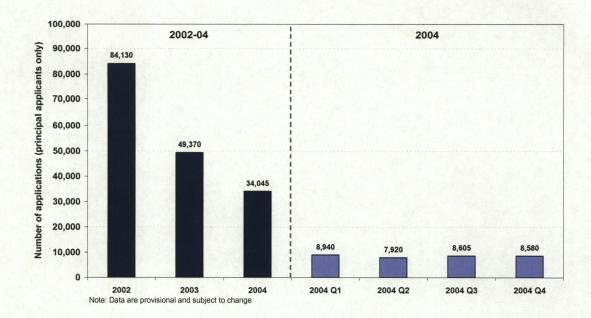


<u>CHART 6:</u> Top five asylum claiming nationalities in January 2005 & Zimbabwe (principal applicants only)



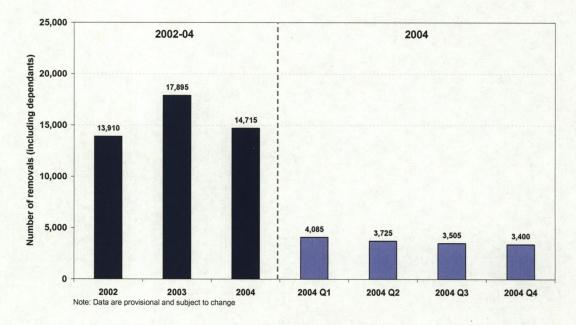
- For the top intake nationalities for January 2005, claims from **Iran** are more than one and a half times higher than those for **Iraq** (the next highest). However, there has been a relatively large drop in intake (21 per cent) for Iran, compared to December 2004 (to 336 from 424), which explains nearly a half of the decrease in overall intake.
- Somalia is the third largest intake nationality and of the top five nationalities, it is the only one to have seen a significant increase in intake in January (to 191 in Dec 04 from 153).
- Sudan has dropped out of the top five intake nationalities for January following a decrease in intake (to 110 from 149 in December 2004) and was replaced by Afghanistan. However, intake for Afghanistan did not change (129).

<u>CHART 7</u>: Asylum applications (principal applicants only): year-on-year and per quarter for 2004



- Figures due to be published next week show that there has been a 60 per cent decrease in intake since 2002; there were 84,130 applications made in 2002 and 34,045 in 2004. The decrease between 2003 and 2004 was 31 per cent; from 49,370 in 2003
- However, quarterly data shows a "plateauing" of 2004's intake between 8,000-9,000 per quarter.

<u>CHART 8:</u> Asylum removals (including dependants): year-on-year and per quarter for 2004



• Figures confirm that 1/4ly removals performance has stalled since impact of EU accession.



Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT tel: 0870 0012345 dfes.ministers@dfes.gsi.gov.uk Rt Hon Ruth Kelly MP

EMCC.

Mr Ivan Rogers
Principal Private Secretary
10 Downing Street
London
SW1A 2AA

Dear Man,

17 February 2005

Thank you for your invitation for a Minister to sit on the Ad Hoc Ministerial Group to look at third party nationals' entitlement to benefits and public services. My Secretary of State has indicated that Ivan Lewis, Parliamentary Under Secretary for Skills and Vocational Education will sit on this Group.

I have asked officials here to provide information on access to non-statutory education for third country nationals. This will be with the Economic and Domestic Secretariat by the stated deadline of 25 February.

I am copying this letter to the private secretaries of John Prescott, Gordon Brown, Jack Straw, John Reid, Alan Johnson, David Miliband and Sir Andrew Turnbull and Robin Fellgett (Cabinet Office).

Francesca Orpen Private Secretary

Kind regards,



THE PRIME MINISTER

17 February 2005

fla Charlotte,

I wanted to thank you personally for all the excellent work you put into the Home Office's immigration and asylum five-year strategy. I am very pleased with the package that we ended up with, which is radical and will mean that our immigration system is genuinely in the interests of Britain. It is a tribute to the hard work that you have put in over the past few months that the strategy was concluded smoothly. I very much appreciate all that you have done and would be grateful if you could pass on my thanks to your colleagues as well.

Copies of this letter go to Charles Clarke, Des Browne, John Gieve, and Bill Jeffrey.

yours ever, Tony blair

Ms Charlotte Taylor



THE PRIME MINISTER

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Copies of this letter go to Charles Clarke, Des Browne, John Gieve, and Bill Jeffrey.

RT. HON. TONY BLAIR MP

Charlotte Taylor
Chief of Staff's Team
Immigration and Nationality Directorate
Apollo House
36 Wellesley Road
Croydon CR9 3RR



THE PRIVATE SECRETARY TO THE HOME SECRETARY

2 Marsham Street, London SW1P 40F www.homeoffice.gov.uk

Kate Gross

No 10

17 FEB 2005

Dear Kate,

IMPLEMENTATION OF IMMIGRATION AND ASYLUM 5 YEAR STRATEGY

You asked for a draft implementation plan for the strategy. I attach at Annex A a grid covering all the provisions and giving some initial indications of milestones. The headlines to pick out of this are that we believe a full implementation of the four-tier points system in the financial year 2006/7 is realistic and that we will stagger consultation on the key areas beginning with the top tier in March with further consultation to follow in June. We would propose establishing the new consultative body, at least in shadow form in March as well. There are a number of issues (including restricting settlement to the highest skilled areas) which will have to await the establishment of the points based scheme – but there is further work to be done on which elements we may be able to implement sooner (including extending the period before settlement can be granted). A phased implementation of the New Asylum Model is underway and Project Semaphore will commence the e-Borders project on a number of key routes from this April.

As requested I also attach at Annex B a draft timetable for possible announcements building on elements of the strategy. I also enclose at Annex C a list of the elements of the strategy, which we believe will require primary legislation. As I said in my letter of 10th February, working up the

detail of these provisions may throw up additional legislative requirements but these are those we have identified on an initial analysis.

I hope the attached material gives you the information you need to brief the Prime Minister on these issues for the time being. This is going to Home Office Ministers at the same time and a final implementation plan will follow their consideration of these proposals. They would of course welcome input from Number 10 before this is finalised.

Yours, alids

Nicola Thomas

Private Secretary to the Home Secretary

OGD and other Home Office interest	Primary / secondary legislation?	Nature of operational impact (e.g. IT requirements, training, process re-engineering etc.).	Key milestones for full implementation	RIA / consultation / evaluation / business case needed to finance	Progress Green = Implemented Yellow = In progress, but further work required Red = Yet to be started
ID cards programme	Rules change or admin change- new guidance etc	Depending on the option adopted, could lead to increased numbers of in- country applications(and pre-entry applications from those planning a stay >3<6months) Guidance/training	Options to be assessed-new system needs to be in place by 2007-08		Yellow / Red
HMT DWP DTI DfES FCO ODPM Scottish Executive and Welsh Assembly Strong input	Secondary (maybe some primary tidying up consequenti als)	Significant recasting of the system- new rules, new IT, guidance, rebranding of WP(UK)	Within 2006-07 realistic implementation- maybe third quarter Consultation from 2005-06	Yes	Red / Yellow
	other Home Office interest ID cards programme HMT DWP DTI DfES FCO ODPM Scottish Executive and Welsh Assembly	other Home Office interest secondary legislation? ID cards programme change or admin change- new guidance etc HMT DWP (maybe some primary tidying up consequenti als) Executive and Welsh Assembly Strong input	other Home Office Interest legislation? legislation? legislation? legislation? legislation? legislation? requirements, training, process re-engineering etc.). Depending on the option adopted, could lead to increased numbers of incountry applications (and pre-entry applications from those planning a stay >3<6months) Guidance/training HMT	other Home Office interest secondary legislation? impact (e.g. IT requirements, training, process re-engineering etc.). for full implementation ID cards programme Rules change or admin change- new guidance etc Depending on the option adopted, could lead to increased numbers of incountry applications (and pre-entry applications from those planning a stay >3<6months) Guidance/training	other Home Office interest secondary legislation? impact (e.g. IT requirements, training, process re-engineering etc.). for full implementation consultation / evaluation / business case needed to finance ID cards programme Rules change or admin change- new guidance etc Depending on the option adopted, could lead to increased numbers of incountry applications (and pre-entry applications from those planning a stay >3<6months)

Financial bonds	НМТ	Secondary	Significant feasibility issues	Feasibility assessment to be put forward in June/July- link with e borders?	Yes- undertaking in plan	Red
Expansion of Gateway	FCO, DfID		Mainly financial; also implications for management of NASS dispersal		No RIA; consultation ongoing with voluntary sector	Yellow
New Asylum Model Expansion of detention capacity for fast track Move towards norm for FAS to be able to be detained Bicester accom centre	DCA	Possibly primary	Training, process changes, move to multi-functional teams and only minor (at least initially)IT changes	Likely March announcement of plans for phased implementation — intro of tightly managed non- detained routes for late and opportunistic/pote ntial NSA, etc will be first		Yellow

Maximise returns to safe third countries		Secondary to take forward 2004 safe list		- countries identified by March - research completed by Aug - laid Sept / Oct		Yellow
Abolition of work and study route appeals Limits on family appeals; papers only;	DCA, UKVisas DfES DWP HMT etc	Secondary for papers only		Need to link with single employment and study scheme and improved performance at appeals		Red
English language / knowledge of UK tests for settlement	DfES DWP	Secondary	New guidance and training for caseworkers	Options- link with overall change to the system or bring in earlier – would recommend the former	Consultation mainly with ABNI	Red
Ending grants of settlement in line with refugee status	DWP, DoH, DfES	Secondary but may be consequenti al primary changes needed on benefit entitlement/ refugee loan				Red

Consideration of raising minimum age for spouse to 21	FCO (strong views against) Domestic violence and forced marriage unit	Rules change	New guidance and training for caseworkers	2005-06	?yes	Red / Yellow
Lengthening period before settlement	HMT DWP DTI DfES FCO ODPM Scottish Executive and Welsh assembly	Secondary	Could be applied to existing routes in 2005-06 but suggest that this is done as part of implementing the new points based systeminterim rules change would be confusing	2006-07	Not in itself	Yellow
Ending chain migration		Secondary	Could be introduced in 2005-06			Red
Consideration of regulating overseas immigration advisors	FCO, UKVisas	T.b.c.	Depends upon options analysis.	End of 2005		Red
Fingerprinting all visa applicants abroad	UKVisas, FCO	Primary		100% by 2008; certain nationalities already finger- printed		Yellow / Green

Achieving access to EU Visa Information System	UKVisas, FCO			First half of 2005 should provide greater clarity on terms of UK acccess,		Yellow / Green
Targeted health screening for TB	FCO, DoH, UKVisas	Secondary (Rules change)	Process re-engineering; training	Phased implementation - eg agreement with IOM on screening preentry	No (existing policy being implemented more rigorously)	Yellow
 Expansion of ALO network Provision of up-to-date equipment for ALOs 				Announced 16/02/05		Green
e-Borders		Primary needed for enhanced data capture and data sharing provisions. Charging provision also relevant		- April 05 10 key routes - Full roll-out by 2008 - Semaphore already underway - Iris from 28/02 at LHR 1&3		Yellow
Further roll-out of document copying by airlines	Cabinet Office, HMT, DCMS, DfT, FCO, (DTI participated in earlier	Primary legislation (held in reserve)	Operational staff will need to download the scanned images of passengers' passports from CDs.	Jo'burg pilot ended December 04. Freetown ends 28 th February. Meeting carriers	12 weeks' consultation process on voluntary scheme ends 17 th April.	Yellow

OGD meetings)	operating from Jo'burg on 18 th Feb to discuss
	reintroduction of copying there.

Digital photographs and fingerprints in passports	UKPS	Primary				Red / Yellow
Gangmaster licensing authority	DEfRA lead; DTI, DWP,	No Home Office legislation required	Policy and practical. Home Office supporting DEFRA in work to establish new licensing regime – will need to feed into consultation on licensing criteria in Spring/ Summer 2005, and provide practical assistance to DEFRA/GLA staff in terms of training, intelligence sharing and possibly vetting of some gangmaster applications.	2005-06 realistic implementation. GLA to be established April 2005. Licensing to commence in September 2005 following consultation on criteria. New offences commenced in mid 2006	Yes, but by DEFRA and GLA	Yellow
Fixed penalty fines for employers using illegal labour	DTI, DWP, DefRA, HMRC, HSE	Primary	Policy, legal, practical, IT, training, new process	New legislation summer 2005 with a view to implementation end 2005/ beginning 2006	Need for both RIA and public consultation, but period will need to be limited if measure to be included in Bill by June	Red / Yellow – some work started with LAB on shape of scheme and with RDS on RIA, but much more to do.
Joined up workplace enforcement	DTI, HMRC, DWP, HSE, DEFRA, ODPM	Primary needed to share data, but may not be included in Home Office Bill	Policy, legal and practical/ procedural. DTI are leading thinking within Government in the context of the "Warwick" agenda on the need for new powers to gather and share information for purpose of tackling illegal working and	To be determined; pilot ongoing	Yes, but led by DTI	Yellow

exploitation. DTI will make announcement w/c 4 March on general Govt intention to take action, to	
be followed by detailed consultation and possible separate legislation. This process may rule out	
inclusion of measures in June Bill, but there may be some things we can include.	

ID cards		Primary (ID Cards Bill)		By 2008	Yellow
Arrangements with source countries for FAS	FCO, DfID	None	Negotiation of satisfactory returns arrangements	Various: forward programme by end February 2005	Ranges Green - e.g. India through to Red
Migration fund	FCO, DfID, HMT	Unlikely	Availability of funding stream to support mainstream delivery	2005-06 financial allocations	Yellow
Returns of UASCs	FCO, DfID, DWP			Being piloted in Albania	Yellow
Increase voluntary returns	FCO, DfID			Advertising to begin in summer	Yellow

SINGLE EMPLOYME NT & STUDY SCHEME	Policy lead	Operational lead	LAB lead	OGD and other Home Office interest	Primary / secondary legislation?	Nature of operational impact (e.g. IT requirements , training, process reengineering etc.).	Key milestones for full implementati on	RIA / consultation / evaluation / business case needed to finance	Progress Green = Implemented Yellow = In progress, but further work required Red = Yet to be started
Sponsors for Tiers 2, 3 and 4	Lorraine Rogerson	Mandie Campbell Chris Hudson Christina Parry	Stephen Braviner Roman	HMT DWP DTI DfES FCO ODPM Scottish Executive and Welsh assembly	Secondary- maybe primary to give teeth, but that's not currently what's in mind	To be developed as part of the new system	As above	Yes	Red / Yellow
Availability of Tiers 3 and 4 routes to countries with returns agreements	Lorraine Rogerson and Colin Allars	Mandie Campbell Chris Hudson Christina Parry	Stephen Braviner Roman	HMT DWP DTI DfES FCO ODPM Scottish Executive and Welsh assembly	Secondary	As above	Already begun for WHMS-could introduce early for SAWS and SBS(what remains of it)		Yellow
Specific review of overseas domestic workers route	Lorraine Rogerson	Mandie Campbell Christina Parry	Stephen Braviner Roman	FCO	Secondary	To be developed as part of the new system	As above	Yes	Red / Yellow

Skills Advisory Body	Lorraine Rogerson			DfES/DTI- draw on existing Skills bodies		The key issue will be how to provide the support analysis	Could be introduced early to advise on the current system as well as the new one-2005-06-potential operational savings for WP(UK)	Yes-through the Skills for Business Network	Yellow
Phase out existing low- skill routes	Lorraine Rogerson	Mandie Campbell Chris Hudson	Stephen Braviner Roman	FCO, UKVisas DefRA DTI DWP HMT DfID	Secondary		From June 2005 Beef up existing SBS review report and clear with DA Agree methodology for SAWS review		Yellow-for SBS Red for SAWS

ANNEX B

LIST OF POTENTIAL ANNOUNCEMENTS EMERGING FROM STRATEGY

February

- From 28th February, Project IRIS will be commenced at Terminals 2 and 4 at Heathrow. Roll out to Heathrow Terminals 1 & 3, Gatwick North and South Terminals, Birmingham, Manchester and Stansted will follow during the remainder of 2005.
- Order to give effect to Chinese ADS
- WRS monitoring report on 24 February

March

- Possible early consultation on design of tier 1 of the 4 tier points based scheme for work and study routes; announcement on removal of the hospitality quota of SBS and timetable for review of SAWS and the foodprocessing quota of SBS; Will stagger other elements of new scheme (including, sponsors and bonds) for later consultation (possibly June).
- Establishment of the consultative body, a first meeting of the shadow group to meet in March
- DTI are planning to make an announcement about joined up workplace enforcement
- We could potentially announce in March phased implementation of the new asylum model, including, from May, a fast, tightly managed route for late and opportunistic claims (or that could be in April alongside single tier). And we would also have the option of announcing its introduction in April/May, if we chose.
- UASC returns to Albania March is the earliest the first returns could happen.
 It may be April. Although this is not an announcement that is likely to attract
 positive coverage and would certainly not lend itself to pictures of first
 returns
- Further expansion of number of nationalities requiring Direct Airside Transit Visas
- Health screening could announce in more detail what we are proposing however as this has been used extensively by Des Browne in recent media coverage may not warrant a further separate announcement.
- Document copying pilot ends. Johannesburg Trial ended on 14th December and the Freetown trial is due to end a the end of Feb will then go out to consultation with airlines potential opportunity to release initial results

April

 Commencement of the single tier of appeal – (as said above could be opportunity to push elements of the new asylum model) • Possibly make the change from immediate ILR to 5 years for refugees (this is the earliest we believe this could be done).

- Commencement of Project Semaphore piloting aspects of e-Borders programme on 10 key routes. From that point onwards there could be a number of opportunities for positive announcements.
- Extending fingerprinting on arrival to high risk ports
- Gangmaster licensing authority to be established (although will not begin licensing until September) this is a DEFRA lead.
- Launch of the joint workplace enforcement team in the West Midlands
- Launch of the MBA provision in HSMP- more details of planned transition to tier 1
- First meeting of joint taskforce with education sector re fees and service levels for international students

May

- Potentially set out contents of further legislation in Queen's Speech
- Possibly tighten up on Chain Migration- this will require a rules change and may need a new category of ILR/new stamps- will need to do more work to establish whether this is feasible
- On settlement need to decide whether we move quickly to extending qualifying period for ILR from 4 to 5 Years and impose further requirements in advance of limiting it to high skilled individuals (which will have to wait until tiers 1 & 2 are up and running)

June

- Introduction of Bill implementing strategy
- Document copying will roll this out to further routes in the light of the piloting on two routes
- Begin phasing out low skilled routes- see above- will need to be announced sooner[may be a link to WRS monitoring report this month]
- Second phase of consultation on four tier scheme- tiers 2,3 and 4; sponsorship [and bonds].
- Second meeting of the skills body- more formally by this time
- Launch of Fresh Talent Scotland- more details of how Scotland's needs will be reflected in the points system

July

- feasibility assessment of bonds completed- no announcement?
- Rules change on age for marriage

• Introduction of new Asylum and Immigration Bill

September

- · Affirmative Order extending the list of safe third countries
- · authority to carry needed for minors

December

 Target date for achieving the tipping point of more removals than unfounded applications.

Ongoing areas where announcements may be possible:

- · successes from Semaphore, other e-Borders roll out
- work on the section 2 criminal offence of being undocumented. As we have had over 100 convictions for this offence in under 5 months it is a provision Ministers may want to make something of.
- There will in addition be MOUs on returns or other immigration matters.
 Announcements on these are likely to have most impact when linked to tangible activity (e.g. first returns) and can be very sensitive to relations with the country concerned.

Annex C

Measures in the Bill which may require primary legislation to implement

1. Undertakings in the strategy which we believe will require primary legislation

Charging fees for family appeals

- the strategy commits us to reviewing whether to impose charges for family appeals (in an attempt to deter unmeritorious appeals).
- Believe this would require primary legislation. Given the potential changes to charging policy across a wide range of areas in future it might be more sensible at this stage to take a general enabling power to impose charges on all aspects of immigration routes into the UK.

e-Borders

 legislation is needed to fully implement this programme which is intended to create an integrated border control. Measures would include: a statutory duty of cooperation between the frontier agencies, the partnership functions to be exercised by them and powers to allow them to share data.

Appeals removed for work and study routes

- work to take this forward will depend on the development of the new single points based scheme for managed migration routes (given that in future any appeal rights would apply to decisions taken as part of that scheme).
- we might also look to use this Bill to tidy up in-country migration appeals and limit non-protective human rights appeals

Civil penalty for employers

- similar to the carriers liability provision we already operate for carriers except in this case employers found to be employing illegal workers would be liable to fixed notice penalties for each illegal employee.
- 2. Elements of the strategy which are primarily intended to be non-legislative but may create consequential requirements for primary legislation in other areas

New asylum model

 Will be based on segmenting asylum intake into a number of categories and then putting these down different fast track processing routes. Mainly intended to be achieved by non-legislative means but some minor changes may be required to ensure this segmentation process works.

 The possible issue is about curtailing the leave of in country asylum applicants and detaining them for a short time to screen them.

Fingerprinting all visa applicants

 while we can currently fingerprint all visa applicants, so could be achieved non-legislatively, there is a limited range of individuals who can carry out that function, may want to legislate to extend this, particularly given need to outsource to private contractors.

Decisions consequential to proposal to end refugee's automatic entitlement to ILR

 Will not in itself require primary legislation but the consequent changes it would require to entitlement to provisions on entitlement to benefits might, and the operation of the new refugee integration loan will, be affected.

Karen Lovesey

1.55 lmm3.

From: Sent:

Emily Miles

16 February 2005 11:12

To: Andrew Templeman (E-mail); Matthew. Findlay (E-mail); Sophie Barrow (E-mail); Nicola

Thomas (E-mail); Grace Cassy; Dodd Tom - Secretariat F -; Morrison Paul (E-mail);

Charlotte Taylor (E-mail)

Cc:

Justin Russell; Kate Gross; Matrix Filing

Subject: next PM's stocktake on asylum

Many thanks for joining the conference call today. To confirm:

1. The next PM stocktake on asylum will focus on **returns**, reporting back on Grace's letter of 31 January (attached), and following up next steps. We will not have the usual delivery presentation at the start of the meeting.

- 2. We expect the PM to focus on the **7 priority countries** and possibly to look at the further 13 which have been the subject of work led by the OD Secretariat.
- 3. We suggest that FCO and HO prepare a **slide** for each country (possibly some of the group of 13 could share slides), and use these as a resource for the discussion on each country. These slides would need to have key data (removable pool, tipping point information, etc), and list main action points for discussion. We propose that Bill Jeffrey and James Bevan both talk to each country, with Bill Jeffrey focusing on generation of removals cases, and James Bevan on the key foreign policy decisions to be made/progress made so far.
- 4. The **papers** for the meeting would be those commissioned by Margaret Aldred last Friday i.e. A. a paper recommending which countries we should push hardest to achieve the tipping target and which measures we should use; B. firmed up trajectories for likely intake and returns, and targets for the 20, helping to inform the paper; C. and packs of information containing elements for the first seven countries examined by OD Sec, and grids on the further 13.
- 5. We would **invite** HO, FCO, MOD, DFID, DFES, DCA, AG, UK Visas, DTI and HMT to the meeting. We didn't mention DfT but we should probably invite them too.
- 6. Representatives from those departments will be invited to Tom Dodd's **officials' meeting** at 11am next Wednesday, to examine the recommendations in paper "A" above and prepare for the stocktake.
- 7. HO and FCO will liaise with each other and with Tom Dodd over the preparation of the slides.
- 8. We will confirm the date of the stocktake as soon as possible. Matthew Findlay will be in touch with No. 10 about Foreign ministers' availability. If the stocktake is on 3 March, then papers would need to be with No. 10 by close on Thursday 24 February.

Thanks

Emily

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mso21C_.doc

Emily Miles 020 7968 3291

CONFIDENTIAL



From the Assistant Private Secretary

31 January 2005

Dear Geoffrey,

ASYLUM RETURNS: COUNTRY ACTION PLANS

Further to Daniel Thornton's letter of 23 December to Nicola Thomas, the Overseas and Defence Secretariat has now drawn together grids of available levers on returns for seven key source countries. The Prime Minister has seen them. His view remains that performance on returns should be given a higher priority in our bilateral relationships with source countries.

The grids provide a useful first step towards comprehensive country action plans. They will need to be combined with ongoing IND/PMDU work to tie in analysis on intake, returns and individual tipping point targets. The final plans will need to give a clear sense of headline objectives, lobbying opportunities and detailed action points. The Cabinet Office will continue to co-ordinate this work. The Foreign Office will need to work closely with the Home Office to deliver progress against the final plans.

In the interim, the Prime Minister has agreed to a range of priority actions in each country. In the first group of countries, our priority is to achieve a framework for co-operation (in most cases, a returns agreement).

On Iran, the Prime Minister believes that we should:

- Pull forward the timeline for the next round of talks to the end of February (Action: FCO).
- Seek a pilot project, based on incentives for a target number of returns (80 per month, from the current 40), over three months.
- As incentives, offer the Iranians funding for training for returned asylum seekers, plus funding for a border control project.
- Tell them that if we cannot agree the pilot, and make it work, we will be compelled to tighten our controls, and refer all visa applications, (causing considerable delay and reduced service).

• Devote IND Special Operations resources during the pilot period, to ensure we can identify, detain and return sufficient numbers (on the model of successful temporary operations working with the Chinese).

On Iraq, the Prime Minister believes that we should:

- Produce a strategy for securing a returns MOU within 2 months of the establishment of a new Iraqi Government (Action: FCO)
- Speed up voluntary repatriation, including building appropriate infrastructure in N. Iraq (Action MOD/FCO/HO).
- Address genuine problems of Iraqi administrative capacity, through immediate technical assistance to the Embassy on redocumentation.
- Agree to expansion of UK visa service in Iraq.

On Pakistan, the Prime Minister believe that we should:

- Inform the Pakistanis that if agreement is not secured by the Foreign Secretary's visit in mid-February, we will be compelled to divert resources into greater control (Action FCO).
- Acknowledge that this will delay resumption of a full visa service, and probably reduce availability in specific categories.

On Nigeria, the Prime Minister believes that we should:

- Target the Obasanjo visit in March to secure returns agreement. Home Office to send a negotiating team to Nigeria by mid February (Action: HO).
- Offer technical assistance.

In the second group of countries, we have already achieved frameworks for co-operation, but need to improve implementation. In some cases, this will require changes to HO/IND procedures: we need to ensure that when countries do redocument their nationals, we are able to deliver their removal.

On China, the Prime Minister believes that we should:

 Pass a message to the Chinese on the need to work together to make substantial progress in advance of his visit to China in September and the inward State Visit in November.



- Acknowledge problems at our end and seek open discussion to remove obstacles to removal.
- Seek specific co-operation on biometrics as a medium term solution.

On India, the Prime Minister believes that we should:

- Secure extension of the current returns MOU by the time of the Foreign Secretary's visit in mid February.
- Agree new returns target for 2005 during the Foreign Secretary's visit.
- Ensure an immediate visit by UK review team to identify problems with current implementation.
- Offer funding/equipment to overcome delays in redocumentation.

On Turkey, the Prime Minister believes that we should:

- Reach the current 30-person ceiling for forced returns in March (Action: IND).
- Develop a negotiating strategy to raise the ceiling after March, exploiting our position as Turkey's EU champion (Action: FCO/HO)

The Cabinet Office will arrange a further series of meetings to finalise these action points. The Prime Minister will hold a ministerial meeting in one month to review progress.

I am copying this letter to the Private Secretaries of the Home Secretary, Chief Secretary to the Treasury, the Secretaries of State for Constitutional Affairs, International Development, Transport, Education and Skills, Trade and Industry, Defence, the Attorney General, and Des Browne - and to Sir Andrew Turnbull, Michael Barber, Margaret Aldred and Robin Barnett.

Yours.

GRACE CASSY

Gracilassy

Geoffrey Adams, CMG FCO

From: Emily Miles

Date: 16 February 2005

PRIME MINISTER

cc:

Alan Milburn, David Miliband Ivan Rogers, Jonathan Powell Julian Le Grand, Alexandra Norrish Justin Russell, Hilary Coffman Catherine Rimmer, David Hill, Kate Gross, Sarah Tyerman (CO)

HEALTH SCREENING OF IMMIGRANTS

Issue: Information on government policy on health screening.

Timing: Conservative proposals were made on Monday 14 February. You may want this information in the next few days.

Advice: Annex A takes you through existing UK policy on screening for TB, Hepatitis B and C, and HIV, and information on comparator countries.

The Conservatives propose: (press release at Annex B)

1. to screen all non-EU migrants for TB if they are coming to the UK for more than 6 months from countries where there is a high incidence of TB.

This is identical to that we have just announced in the immigration and asylum five-year plan:

"Our approach to health checks is based on expert advice on protecting the nation's health. We are implementing our existing powers by targeted health screening for tuberculosis in high risk areas at the entry clearance stage. Those who are diagnosed would then need to seek treatment at home before being allowed to enter the UK." (Section 4, para 52, page 26).

2. Not to screen for non-EU migrants coming for less than 6 months, unless they intend to work in childcare, healthcare or teaching.

We have not got a testing regime for non-EU migrants coming for less than 6 months unless the entry clearance officer spots signs of ill health.

- 3. To require all non-EU migrants coming to settle permanently in the UK to prove they are unlikely to be a danger to public health in the UK; and unlikely to impose significant costs or demands on Britain's health system; and are able to undertake the work or study they have applied for.
- This would be done by way of a <u>medical exam</u> checking for TB, HIV, Hepatitis, and an overall health check up.
- In these cases, only TB would automatically preclude the grant of a visa. All other conditions will be dealt with on a case-by-case basis to consider what costs if any they will impose on the NHS.
- These proposals would not apply to refugees, who would be tested pre-entry but treated in the UK on arrival.

General medical test: Although we have a <u>policy</u> of medical checking for anyone coming to the UK for more than 6 months, in <u>practice these principles</u> have not been applied. Diplomatic service procedures instruct visa officers to refuse entry in cases of active TB, leprosy, trachoma, a mental disorder, senility, conduct disorder (alcoholism, drug addiction etc) or any disease which would prevent them from supporting themselves or their dependants, but UK Visas told me today that this is not enforced. In the light of the five-year plan, visa officers will start to refer cases for chest x-ray alone, and not to ask for a more general medical check. <u>Do you agree we should ask for the existing policy of a general medical check to be implemented more comprehensively?</u>

The Conservative proposal in their press release seems to confine the medical exam to those coming to settle permanently, and only asks those coming for more than 6 months to undergo a chest x-ray. In 2003, only 2690 people were granted settlement on arrival, so this approach seems rather odd. However several newspapers yesterday reported that anyone coming for more than 12 months would have to go through the more general medical examination.

The confusion might be explained by the fact it looks like their policy has been lifted directly from the **New Zealand screening policy for permanent migrants**, i.e. that residence applications must have an acceptable standard of health, which is considered to be those who are:

- unlikely to be a danger to public health, and
- unlikely to impose significant costs or demands on New Zealand's health services and/or education services, and
- able to undertake the functions for which you were granted entry.

HIV: We do not currently, and have no plans to, test for HIV or Hepatitis B and C. The Cabinet Office Working Group looking into this concluded that the health risk to the UK population from these imported infections was significant but not acute.

As you know, the Government considered **pre-entry screening for HIV** at the immigration stocktake on 25 January, but there were strong feelings against. The arguments are

- There are clear UN and EU policies which state that **those with HIV should not be discriminated against**. A screening policy will seem counter to the image of UK as a world leader in fight against HIV/AIDS
- HIV/AIDS is seen as an illness that can be managed, is less directly communicable as TB and so is **not so urgent** at this stage.
- In the comparator countries, like USA and Australia, where they do test, there is a **broad waiver policy** on humanitarian grounds greatly reduces actual exclusions
- Screening for HIV is **not necessarily reliable**. The long asymptomatic preclinical phase for HIV means that many infections will only be detected some time after arrival in this country.
- All of the 20 countries worst affected by HIV infection are in sub-Saharan **Africa**.

To note.

EMILY MILES

Enily Mile

ANNEX A

Existing UK policy and comparisons with US, Canada and Australia

1. Tuberculosis

On 7 February we announced, in the immigration and asylum five-year plan, that we would implement our existing powers to screen for TB before entry:

"Our approach to health checks is based on expert advice on protecting the nation's health. We are implementing our existing powers by targeted health screening for tuberculosis in high risk areas at the entry clearance stage. Those who are diagnosed would then need to seek treatment at home before being allowed to enter the UK." (Section 4, para 52, page 26).

These proposals will cover about a quarter of a million people per year, i.e. all applicants for entry-clearance from countries that are high-risk for TB, other than short-term visitors.

Past practice: The policy for many years has been to make routine checks for TB on prospective long-stay entrants to the UK who are at a high risk for TB, and to offer screening to all asylum seekers. Referrals for checks are made either by entry clearance officers at overseas posts or by immigration officers at ports of entry in the UK. Returning residents would not be excluded on medical grounds but other travellers could be.

In the case of **pre-entry checks** by entry clearance officers, an Entry Clearance Officer can refer for a medical examination anyone who appears unwell, or who mentions health as the reason for their visit to the UK. They are also meant normally to refer anyone coming for more than 6 months.

In practice most TB checks have taken place at **ports**. Most direct flights from the main countries that are high risk for TB come into Heathrow. There are 3 x-ray machines at Heathrow and 1 at Gatwick. At Heathrow, medical inspectors are available on site 24 hours a day, and at Gatwick for 12 hours a day. At other times, and at smaller ports, the medical inspector is called to port if the need arises. Facilities at ports are provided free of charge.

In 2003/4 the health control unit at Heathrow handled 175,000 referrals, and 70,000 chest x-rays, and at Gatwick, around 10,000 referrals and 1,700 chest x-rays. Of these, 205 suspected TB cases were referred from Heathrow for further

investigation and 11 from Gatwick. Checks carried out at Heathrow and Gatwick usually identify about 100 people a year who are infectious to others. NHS treatment for TB is provided free to all, including overseas visitors, on public health grounds.

Of the first 8,500 asylum seekers screened at induction centres, 10 cases of TB came to light.

Other countries' practice: Australia, Canada and the USA screen for TB for migrants from any country seeking 'permanent residence'. Applicants are temporarily excluded from entry while they seek treatment in the country of origin. Once treatment has been completed, Australia then admits about 20,000 applicants per year (8% of the 300,000 screened) and Canada 9-12,000 (about 12% of the 60-70,000 screened). There are no figures for the USA. In all 3 countries, only a handful of applicants are permanently excluded.

New Zealand requires (from 4 April 2005) all temporary and permanent entrants to be screened for TB but TB sufferers may simply have a decision on their entry deferred until they receive and complete treatment.

2. Hepatitis B and C

There is no current requirement for testing to ascertain whether an individual is carrying hepatitis B or C, either pre-entry or at port.

The Immigration and Imported Infections Working Group concluded in 2003 that at present, hepatitis B and hepatitis C present a significant, but not acute, risk to public health.

The estimated annual 3000 transmissions of infection within the UK are likely to result in only around 200 chronic infections each year.

The practical implications of assessment for hepatitis B and hepatitis C are more complex. Testing to determine chronic infection with these viruses requires more sophisticated technologies than a straightforward antibody test. Also progression to serious disease is not inevitable therefore. This is the route that other resettlement countries have taken.

Other countries' practice. I have no specific information on this at this time, but assume that tests for Hepatitis B and C are included in the general medical tests

for Canada, Australia and the US. Taking all the criteria together (TB, HIV, Hepatitis, excessive demand on resources, drug abuse, mental disorder), of those screened, Australia excludes about $1000 \ (0.3\%)$ per annum, Canada $1500 \ (2\%)$, and the US $1060 \ (0.3\%)$

3. HIV

There is no current requirement for testing to ascertain whether an individual is carrying HIV.

The Immigration and Imported Infections Working Group concluded in 2003 that at present, imported HIV presented a significant, but not acute, risk to public health.

The number of new HIV diagnoses in the UK in 2001 of people probably infected in Africa was 2061 (this figure is liable to rise further with late reporting and investigation of exposure categories). This figure represents 42% of the total number of new HIV diagnoses in the UK. Most of the recent rise has been associated with infection contracted in countries in south-eastern Africa, especially Zimbabwe. Over 700 new diagnoses in 2001 were attributed to infection in Zimbabwe.

In December, the Cabinet Office advised that we should not yet test for HIV/AIDS, even though there is considerable overlap between the countries of high prevalence for TB and high prevalence for HIV/AIDS. This was because

- There are clear UN and EU policies which state that those with HIV should not be discriminated against. A screening policy will seem counter to the image of UK as a world leader in fight against HIV/AIDS
- HIV/AIDS is seen as an illness that can be managed, is less directly communicable and so is not so urgent at this stage.
- In the comparator countries, like USA and Australia, where they do test, there is a broad waiver policy on humanitarian grounds greatly reduces actual exclusions
- Screening for HIV is not necessarily reliable. The long asymptomatic preclinical phase for HIV means that many infections will only be detected some time after arrival in this country.
- All of the 20 countries worst affected by HIV infection are in sub-Saharan Africa.

For these reasons, Paul Boateng, Valerie Amos and Hilary Benn have opposed preentry screening for HIV/ AIDS.

Of those born outside the UK for whom year of arrival is known and who were newly diagnosed in 2001, 56% arrived in the UK in the same year or the year prior to diagnosis, a further 28% arrived 2-5 years before diagnosis and 15% arrived more than 5 years before diagnosis

Other countries' practice.

Canada, Australia, and USA all screen permanent entrants for HIV, though the number of those excluded as a percentage of those screened is tiny. In Australia the percentage excluded is 0.04%, in Canada it is 0.001%, and in the US it is 0.01%. This is largely because of waiver policies for refugees, those whose treatment will not be a significant economic burden (for example HIV is in the early stages) or those who are joining family.

In 2002 Canada detected 300 HIV positive migrants, of whom 225 were still allowed entry either for compassionate or exceptional reasons.

ANNEX B: CONSERVATIVE PARTY PRESS RELEASE www.conservatives.org.uk, 14 February 2005

New medical checks for people coming to live and work in Britain



A practical system of medical checks for people coming to live and work in Britain have been proposed by the Conservatives in a bid to reduce health risks in the UK and safeguard access to the NHS.

New moves to adopt schemes already proving their worth in countries like Canada, New Zealand and Australia, have been unveiled by Party Leader

Michael Howard.

He said: "The British people deserve the best standards of public health. We need to control who is coming to Britain to ensure that they are not a public health risk and to protect access to the NHS. It's plain common sense. And it's exactly what they do in New Zealand, Canada and Australia.

"At the next election people will face a clear choice: limited and controlled immigration under the Conservatives or unlimited immigration under Mr Blair."

Under the new proposals to be introduced when the Conservatives return to power, people coming to Britain on a temporary basis for less than six months would not be required to undergo a medical test unless they intend to work in health care, childcare or teaching. But those coming from outside the EU on a temporary basis for over six months but less than 12 months from a high incidence TB country would be required to undergo a chest X-ray followed up by tests if necessary.

People coming to settle in Britain permanently from outside the EU would have to demonstrate that they have an acceptable standard of health and that they are unlikely to be a danger to public health in the UK; and unlikely to impose significant costs or demands on Britain's health system; and are able to undertake the work or study they have applied for.

The proposed medical examination would include an overall health check-up, chest X-rays for TB (except for children and pregnant women) and tests for hepatitis and HIV (for those over 16 years old). Only TB will automatically preclude the grant of a visa. All other conditions will be dealt with on a case by case basis to consider what costs if any they will impose on the NHS.

The proposals will not affect asylum applicants' claims. Refugees are currently offered health checks paid for by the British Government. Under the Conservatives, all genuine refugees taken from the UNHCR would undergo health checks to ensure that they receive any necessary medical treatment and do not spread infectious diseases on arrival.

emailed 16/2 LA > DCO Inbox



10 DOWNING STREET LONDON SW1A 2AA

From the Principal Private Secretary

15 February 2005

THIRD COUNTRY NATIONALS' ENTITLEMENT TO BENEFITS & PUBLIC SERVICES

The Prime Minister believes it is essential that non-British, non-EEA nationals' (i.e. third country nationals') entitlement to benefits and services is coherent, consistent, fair and has a clear rationale. This is particularly the case for residence tests, where he believes that greater objectivity and consistency in these tests could be less confusing for the public, and bring efficiency gains. The five year strategy for asylum and immigration commits us to reviewing migrants' eligibility for benefits and public services, and how it is enforced, to see whether any tightening is necessary. The rules need to reflect the general approach published in the strategy.

Last year, the Office of Public Service Reform reviewed the different eligibility rules. To follow up that work, the Prime Minister has asked David Miliband to chair an Ad Hoc Ministerial Group:

'To consider how the rules governing third country migrants' access to public services and benefits might be reformed to ensure a coherent, consistent and fair regime; and how enforcement of those rules might be improved; and to make recommendations to DA.'

The Prime Minister would be grateful if your Secretary of State and those of copy recipients above could nominate a departmental Minister to sit on the Ad Hoc Group. Nominations should be sent to Nicola Smith in the Economic and Domestic Secretariat (<u>nicola.smith@cabinet-office.x.gsi.gov.uk</u> tel.020 7276 1072) as soon as possible and no later than close on 18 February.

David Miliband would like the group to meet in early March to discuss proposals from officials. To that end, the Prime Minister would be very grateful if

- the Home Office could lead work to consider the rationale for migrants' current access to benefits and services against the strategy in the five year plan, and any options for change this suggests;

- in respect of migrants' access to the NHS, the Department of Health could provide an assessment of current levels of abuse of existing entitlements, details of work already underway to tackle this and advice on further policy options; and
- DWP could set out the rationale for the current 'habitual residence test', so far as possible comparing its practical effect on different groups of people with that of the comparable residence tests for access to non-emergency health treatment, further and higher education and tax credits and any options for change this suggests.

The Prime Minister would also be grateful if other departments, particularly ODPM, DfES and the Inland Revenue could contribute as necessary to the Home Office and DWP workstreams. To focus the work, at this stage it need not cover the position in relation to devolved public services and can concentrate on access to DWP benefits, tax credits, housing, social services, non-emergency NHS services and non-compulsory education.

The results of this work will be required by **25 February** to inform a Ministerial meeting in early March. I apologise for the short deadline but Cabinet Office has been in touch with relevant officials for some time about this. Cabinet Office (Economic and Domestic Secretariat) will co-ordinate the work and will provide the secretariat for the Ad Hoc Ministerial Group in the usual way. Cabinet Office is also leading work to compare the position of third country nationals in the UK with those in some EU and other countries; this is the fourth workstream.

I am copying this letter to the private secretaries of John Prescott, Gordon Brown, Jack Straw, John Reid, Alan Johnson, Ruth Kelly, David Miliband and to Sir Andrew Turnbull and Robin Fellgett (Cabinet Office).

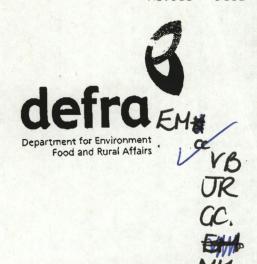
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Des Browne MP Minister of State for Citizenship, Immigration and Nationality Home Office, Queen Anne's Gate London SW1H 9AT

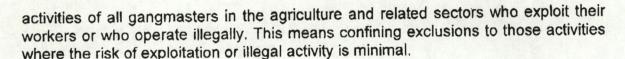
11 February 2005

From the Office of Lord Whitty Minister for Food, Farming and Sustainable Energy

MINISTERIAL COMMITTEE ON SOCIAL AND ECONOMIC ASPECTS OF MIGRATION: IMPLEMENTATION OF THE GANGMASTERS' **LICENSING ACT 2004**

At the Ministerial Committee on Social Economic Aspects of Migration on 27 January, there was broad agreement to my proposed approach to consultation on the Gangmaster Licensing (Exclusions) Regulations in relation to second stage processing activities. However, in the absence of a Department of Trade and Industry (DTI) Minister, you concluded that it would be inappropriate for the Committee to reach a formal decision at the meeting itself. Following the meeting, Patricia Hewitt wrote to you on 2nd February and David Milliband wrote on 26th January . Both expressed concerns with my proposed approach. I would like to respond to colleagues' concerns and propose a way forward.

The Gangmasters Licensing Act 2004 was drafted in deliberately wide terms. As it stands the Act applies to all processing and packaging activities involving any produce derived from agricultural work or shellfish, fish or products derived from shellfish or fish. This was intended to ensure the licensing arrangements can be brought to bear on the activities of exploitative gangmasters wherever they are active in the food chain. This approach was collectively agreed last year as the Gangmaster Licensing Bill was being taken through Parliament. It was our clear intention at the time that the licensing arrangements would be used to curb the



Some of the concerns expressed by Patricia and David, if taken literally, would undermine the effectiveness and flexibility of the new machinery to deal with what is an appalling problem of exploitation. I can't, therefore, accept that we should revert to excluding completely second stage processing without looking at the options. Moreover, I remain concerned by the ongoing press coverage highlighting gangmaster abuse, including workers undertaking second stage processing activities.

We must also bear in mind the likely reaction of our industry stakeholders if we propose the supply of labour to undertake second-stage processing should remain completely outside the scope of the licensing arrangements and that this issue should not be considered further. With one exception (one stakeholder who reserved its position), all those present at the most recent stakeholder Consultative Committee were of the firm view that no second-stage processing activities should be excluded. If we introduce a blanket exclusion for all second stage processing activities we will be accused of significantly watering down legislation designed to protect workers and level the playing field for legitimate labour providers. Members present at the last MISC20 meeting accepted this.

However, I do reluctantly have to accept Patricia's view that it would not be appropriate to regulate the whole second stage processing sector on the basis of anecdotal evidence of abuse. Our consultation strategy was intended to address this by gathering evidence through research and stakeholder comment to identify those areas where gangmaster activity in relation to second stage processing work is a cause for genuine concern. Our clearly stated preference is to target licensing only on those second stage processing activities where the evidence of exploitative activities by gangmasters justifies regulation. I don't think there is any real dispute that this is the right way forward, although I accept this needs to be done on the basis of hard evidence and that those affected must have adequate notice of our intentions. This would normally be done through the collection of evidence followed by consultation.

To move things forward and to avoid unnecessarily delaying the introduction of licensing, I propose undertaking the evidence-gathering exercise (which our researchers are happy can be carried out in 12 weeks) in parallel with the consultation exercise on the draft Exclusion Regulations. This consultation will be open i.e. we will seek views on all four options proposed in my MISC20 paper. We will ensure that the consultation document is widely circulated within the second stage food processing sector. We will also ensure food processors are aware of the requirements associated with licensing and the offences the new legislation establishes. The consultation document will make it clear that if evidence of exploitative or illegal gangmaster activity is found in particular areas steps will be taken to introduce licensing to such activities. However, we will make it clear that, if the evidence suggests that gangmaster activity in some second stage processing

areas should be licensed, we will consult further on the detail. Given that we will already have used the first consultation to specifically seek food processor views and evidence, and that we will be consulting on a single issue, I would intend to consult for a six week period, targeting food processors in the relevant sectors. Of course, in the event of a major gangmasters incident or set of evidence, I reserve the right to come back to MISC20 and discuss whether to regulate more quickly.

The outcome of this further consultation could lead to a second round of exclusion regulations amending the scope of the exclusions in relation to second stage processing later in the year.

If we take things forward in this way, I see no reason to oblige the Authority to review second stage processing activities within a year. However, I think there is merit in requiring the Authority to keep <u>all</u> areas of excluded activity under ongoing review.

This approach – which I have discussed with Gerry Sutcliffe – will allow the Gangmasters Licensing Authority to take licensing forward during late 2005 in relation to primary production and first stage processing. The Authority could then move on to deal with any second stage processing activities where the activities of gangmasters are causing concern during early 2006.

I do not think, if you are happy, there is a need for a further meeting on these issues at Ministerial level, and I look forward to your rounding up correspondence accordingly However, I have asked my officials to circulate a revised draft of the regulations, the Regulatory Impact Assessment and consultation document to all interested Departments before they are published. I have also asked them to circulate the research strategy for comment before the work commences.

I am copying this letter to MISC 20 members, the Prime Minister and Bir Andrew Turnbull.

LARRY WHITTY



KEG TR TR EM.

The Private Secretary to the Home Secretary

Kate Gross No 10

10 FEB 2005

Dear Kate,

You asked for advice on what might need to go into a short Bill to give effect to the initiatives the Government announced in its five-year strategy for asylum and immigration and whether a June/July introduction was realistic. An initial consideration suggests there will be a number of areas where we will require primary legislation. We are in the process of drawing up a detailed implementation plan, which we will let you have in the course of next week, which will identify these in more detail.

As to the feasibility of a June/July introduction, that will largely depend on the scope of the Bill. If it is based solely on the small defined number of provisions where we are already clear of our legislative needs this would be extremely challenging but probably achievable. However the process of developing and implementing the new initiatives will almost inevitably throw up other areas where legislation is needed. While the implementation plan will try to predict these it is unlikely to be entirely comprehensive until more of the detail has been worked through.

In order to deliver legislation to implement every aspect of the strategy we would probably either need to look for a later introduction, heavily amend the Bill during its parliamentary passage or accept that there will need to be more than one legislative vehicle.

I am copying this letter to Justin Russell and Emily Miles.

Nicola Thomas

Private Secretary

From: Emily Miles

Date: 9 February 2005

PRIME MINISTER

cc:

Justin Russell

Ivan Rogers Alan Milburn Sally Morgan David Miliband

THANK YOU LETTERS FOR THE IMMIGRATION FIVE-YEAR STRATEGY

Issue: It would be a huge boost to the Home Office staff who worked on the immigration five-year strategy if they were to get personal letters from you thanking them for their work.

Timing: To go out in the next week if possible.

Enily Mile

EMILY MILES



10 DOWNING STREET **LONDON SW1A 2AA**

16 February 2005

THE PRIME MINISTER

Dear Emma.

I wanted to thank you personally for all the excellent work you put into the Home Office's immigration and asylum five-year strategy. I am very pleased with the package that we ended up with, which is radical and will mean that our immigration system is genuinely in the interests of Britain. I very much appreciate all that you have done, especially in drafting the strategy, and would be grateful if you could pass on my thanks to your colleagues as well.

bell done.
yours sinerely,
Tony blair Copies of this letter go to Charles Clarke, Des Browne, John Gieve, and Bill Jeffrey.

Ms Emma Haddad



THE PRIME MINISTER

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Copies of this letter go to Charles Clarke, Des Browne, John Gieve, and Bill Jeffrey.

veli done, Your six welly, Tony blair

Ms Nicola Thomas



THE PRIME MINISTER

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hold dane, Yarre tri erely, Tony blair

Mr Nick Baird



THE PRIME MINISTER

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Mr Richard Westlake



THE PRIME MINISTER

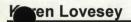
Den Lorraire.

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Copies of this letter go to Charles Clarke, Des Browne, John Gieve, and Bill Jeffrey.

helledane, yann sin welly Tony Alair

Ms Lorraine Rogerson





From:

Kate Gross

Sent:

09 February 2005 16:09

To:

'nicola.thomas@homeoffice.gsi.gov.uk'

Cc:

Justin Russell; Jonathan Powell; Emily Miles; Matrix Filing; 'robert.hill@homeoffice.gsi.gov.uk'; 'nick.baird@homeoffice.gsi.gov.uk'

Letter to MH

Nicola -

Subject:

You discussed this earlier with Justin and I. Following his exchange with Michael Howard at PMQs this morning, regarding his letter to Costas Simitis on zones of protection/ transit processing centres in the run up to Thessalonica, the Prime Minister would be grateful if the Home Secretary could send a response to Howard to put the record straight on what happened, and why what was proposed then isn't the same as the Opposition's proposals.

I attach a note on the background to the Simitis letter as background - which might be helpful. Happy to talk this through and grateful for sight of your draft response.



KG-NT esfantasy island not

Thanks

Kate

ASYLUM: FANTASY ISLAND/ZONES OF PROTECTION

Facts

In 2003 the UK proposed two ideas to the European Council:

- 1) **Zones of protection**: these were intended to be regional protection zones, near conflict zones, e.g. in Africa. We proposed to send back <u>failed asylum seekers</u> from the UK to such places. Asylum seekers would not have had their claims processed there.
- 2) Transit processing centres: these were conceived as centres outside the EU, to which EU MS could send back those asylum seekers who arrived 'spontaneously' i.e. who claimed asylum at port to actually have their claims processed. We abandoned this idea some weeks before the June European Council (but after the PM's March letter to Simitis) on the basis that there was no support from our EU partners, and indeed the Germans were openly likening such centres to concentration camps.

These ideas emerged from the Strategy Unit work on the Future of Migration, but were also part of UNHCR thinking in their 'Agenda for Protection' (though UNHCR were never in favour of merely processing asylum seekers abroad or returning failed UK asylum seekers to a 3rd country). The PM and David Blunkett discussed these ideas with Ruud Lubbers when he visited the UK in February 2003.

Chronology

The PM wrote to Costas Simitis (Greek PM) on 10 March 2003, asking for a brief discussion of our proposals at the March European Council [because these letters are copied around all other EU MS they usually leak to the press very quickly]. In event, the European Council remitted the issue to the European Commission for further thought. It then returned for a substantive debate on the subject at the June 2003 European Council. All this was in the public domain at the time, and was referred to by the PM in the House in his post-Council statement.

At the June European Council the UK just managed to secure agreement to pursue our ideas on regional protection (1) above, but only through pilot projects with other interested MS. This agreement was secured in the face of serious hostility from France, Germany, Sweden and others. There would be no formal EU badge to any pilot projects. The idea of transit processing centres was wholly abandoned before the Council, not least because during the process of working these ideas up FCO could not find any other countries who would be interested in hosting such a centre [no

formal approaches were made but the Romanians and others told us informally 'no'].

Following the June European Council, the UK continued to negotiate with Tanzania over a limited pilot project to develop a regional protection zone, including a scoping visit by HO officials last summer. The idea was that the Tanzania would accept undocumented failed UK asylum seekers who we thought to be Tanzanian but who had posed as Somalis. The UK would supply additional funding for refugee protection in the region. The PM referred to this in an exchange with Charles Kennedy in the House and subsequently wrote to him about it – all correspondence in library of House so public. PM made clear that we were not pursuing a policy of processing UK asylum claimants abroad (and indeed that the Tanzanian Government had anyway ruled that out).

Lines to take

- True that in 2003 we tried work with UNHCR and EU to launch some new ideas about better protecting refugees in their region of origin and transit processing centres.
- No surprise: this was public knowledge at the time and PM referred to it in the House in his 23 June 2003 statement following the European Council, and then again in an exchange with Charles Kennedy in Feb 2004.
- The key point is that the Govt did not pursue proposals for transit processing centres because they were not supported by the EU, or by UNHCR, and it seemed extremely unlikely that any other country would want to be the host of such a centre.
- And as the PM made has consistently made clear, even if you could find a country willing to host it, such a centre would never be able to deal with the bulk of asylum claims [which are made in-country, not at port] which have to be tackled by the serious and real reforms we are making to the system here in the UK.
- Which is precisely why we know that the Tory policy is an impractical, unworkable fantasy.
- A key difference between Govt policy and Tory policy is that our proposals built on the UN's 1951 Convention, whereas the Tory policy is to pull out from it.

PM quotes

Letter to Costas Simitis 10 March 2003:

"Our idea is designed to achieve better management of the asylum process globally through improved regional management and transit processing centres. We have raised our idea with Commissioner Vitorino, Ruud Lubbers, and the International Organisation for Migration.."

HoC statement following June European Council: 23/6/03

"Among the issues discussed is one where we have been working very closely with the European Commission and the UN High Commissioner for Refugees. The aim is to strengthen the protection of refugees in their regions of origin so that in a crisis it is possible to offer them effective and accessible sanctuary closer to their homes. To test whether such a scheme could work, we, with the support of the European Commission, proposed pilot projects. These had widespread support. Whilst the unanimity requirement in the Council prevented the idea from being specifically endorsed, this will not prevent pilot projects from being taken forward by a number of member states and the Commission will report back on them within the year.

Exchange with Charles Kennedy, 25/02/04

Mr. Charles Kennedy (Ross, Skye and Inverness, West) (LD): Can the Prime Minister clarify whether his Government are currently in negotiations with the Government of Tanzania over our paying them to accept failed Somali asylum seekers from Britain?

The Prime Minister: We are in negotiations with the Tanzanian Government on how we can process claims for asylum nearer to the country of origin-

Mr. Bernard Jenkin (North Essex) (Con): Offshore!

Mr. Speaker: Order. Mr. Jenkin, I expect better from you-[Interruption.] Order. I am not responsible for the answers of the Prime Minister, but I am responsible for good order in the House. I will not have this shouting.

The Prime Minister: If anyone thinks that this is the fantasy island, they are wrong. Let me point out to the right hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy) and to the Conservatives that if we get an agreement on this provision, it will allow us to process some of the claims, but it could not conceivably deal with the main issue of asylum.

Mr. Kennedy: In the light of that answer, does the Prime Minister recognise that this could be the beginning of an international trade in displaced people? That would be a very bad precedent to set. Will he

therefore tell the House whether, in addition to those negotiations, he is negotiating with the Governments of any other countries on this issue?

The Prime Minister: I honestly cannot understand the objection to seeing whether it is possible, if people are going to make asylum claims and begin their asylum journey close to the country of origin, to try to process some of those claims there. That is what we are negotiating with the Tanzanian Government, and those negotiations are being conducted in a perfectly amicable atmosphere. I do not think that there is any question of this ending up in a trade of displaced people. That is an absurd thing to say. I repeat, for the benefit of the Conservatives, that even if we manage to establish some of these centres, there is no way in which they can possibly deal with the bulk of the asylum problem. That has to be dealt with by the measures that we take here.

And PM's subsequent follow up letter to Charles Kennedy: 8/3/04 "We believe that some of those who claim asylum in the UK are in fact of other East African nationalities, including Tanzanians. The Tanzanian government has made clear to us that they would accept such people, if confirmed, back to Tanzania, if their asylum claim is not found to he genuine.

I would also like to clarify that since replying to you in the House I have been informed by officials that the Tanzanian Government have already ruled out processing any UIK asylum claimants as part of these continuing negotiations, and therefore we are not pursuing this option with them."

CONFIDENTIAL

file

From: Kate Gross

Emily Miles

Date: 9 February 2005

PRIME MINISTER

cc:

Jonathan Powell, Ivan

Rogers, Sally Morgan Pat McFadden, Justin Russell, Kim Darroch

ASYLUM: ZONES OF PROTECTION/FANTASY ISLAND

History

In 2003 the UK proposed two ideas to the European Council:

1) Zones of protection: these were intended to be regional protection zones, near conflict zones, e.g. in Africa. We proposed to send back <u>failed</u> asylum seekers from the UK to such places. Asylum seekers would not have had their claims processed there.

2) Transit processing centres: these were conceived as centres outside the EU, to which EU MS could send back those asylum seekers who arrived 'spontaneously' – i.e. who claimed asylum at port – to actually have their claims processed. We abandoned this idea some weeks before the June European Council (but after the PM's March letter to Simitis) on the basis that there was no support from our EU partners, and indeed the Germans were openly likening such centres to concentration camps.

These ideas emerged from the Strategy Unit work on the Future of Migration, but were also part of UNHCR thinking in their 'Agenda for Protection' (though UNHCR were never really in favour of processing asylum seekers abroad or returning failed UK asylum seekers to a 3rd country).

You and David Blunkett discussed these ideas with Ruud Lubbers when he visited the UK in February 2003.

You then wrote to Simitis on 10 March 2003, asking for a brief discussion of our proposals at the March European Council. This letter was leaked to the press at the time. In March, the European Council remitted the issue to the European Commission for further thought. The issue then returned to the June 2003 European Council for substantive discussion.

At the June European Council the UK <u>just</u> managed to secure agreement to pursue our ideas on regional protection (1) above, but only through pilot projects with other interested MS. This agreement was secured in the face of serious

hostility from France, Germany, Sweden and others. The idea of transit processing centres was wholly abandoned before the Council, not least because during the process of working these ideas up FCO could not find any other countries who would be interested in hosting such a centre. No formal approaches were made but following press speculation and discreet enquiries the Romanians and others told us 'no'.

The issue next came up at PMQs last February after the Guardian reported that the Government was negotiating a deal to send failed asylum seekers to Tanzania in exchange for development funding. You wrote to Charles Kennedy after PMQs explaining that the policy of sending asylum seekers abroad to have their claims processed was not being pursued and setting out what negotiations were taking place.

Where the policy is now

Transit processing centres are not being pursued.

The Home Office continues low-level negotiations with <u>Tanzania</u> over the idea of a 'migration partnership' (this is what Zones of Protection came to be known as). Following a visit from HO officials last summer, Tanzania has accepted back 2 Tanzanians who were posing as other nationals (Somalis etc) but has made it very clear privately that it would not accept forced returns, or the resettlement of third-country nationals onto its soil. The Home Office has also provided training and some low level equipment (UV lights etc) to the Tanzanians to help detect fraudulent documents. However, our High Commissioner has just advised that the Tanzanians are very unlikely to give the Home Office anything further, and that a line should now be drawn under negotiations. Home Office officials are in the process of advising Charles Clarke on next steps.

Bill Jeffrey visited South Africa last year. They wanted assistance in stamping out corruption in their immigration service. In return, South Africa offered help with South Africans posing as Zimbabweans. In practice this did not work out very well (the South African citizenship database is very unreliable and even those with South African documents whom we returned were not, it emerged, always South African and we had to bring one or two back to the UK), and this caseload is now being influenced more effectively by returns direct to Zimbabwe. South Africa was highly sensitive about taking in any third country nationals, such as genuine Zimbabweans.

The <u>European Union</u> agreed the Hague Programme on future JHA work in November 2004, which puts much emphasis on <u>regional protection for asylum seekers</u>. It calls for Commission proposals for June, with a view to agreeing a

pilot programme by the end of this year. This is programme of work is focused on building partnerships with source countries and is not linked to returns from the EU. Separately, Schily, the German Interior Minister, made a proposal last September for camps in Libya to house those illegal immigrants picked up in the Mediterranean, rather than them being accepted by Italy. The proposal was very similar to the UK's original transit processing centres – ironic given that Germany had rubbished them at the time. There was little EU support for Schily, with France and Spain adamantly against the proposal and it is not being pursued at EU level.

Suggested line

- True that in 2003 we tried work with UNHCR and EU to launch some new ideas about better protecting refugees in their region of origin. Also transit processing centres.
- No surprise: this was public knowledge at the time and PM referred to it in the House in his 23 June 2003 statement following the European Council, and then again in an exchange with Charles Kennedy in Feb 2004.
- The key point is that the Govt did not pursue proposals for transit processing centres because they were not supported by the EU, or by UNHCR, and it seemed extremely unlikely that any other country would want to be the host of such a centre.
- And as the PM made has consistently made clear, even if you could find a
 country willing to host it, such a centre would never be able to deal with
 the bulk of asylum claims [the vast majority of which are made in-country,
 not at port] which have to be tackled by the serious and real reforms we
 are making to the system here in the UK.
- All this explains precisely how we know that the Tory policy to send all asylum seekers to an island to have their claims processed is an impractical, unworkable fantasy which would cost the UK taxpayer nearly £1.8bn double what the Tories want to save from the IND budget.

Kate Gross

KATE GROSS EMILY MILES

PM quotes

Letter to Costas Simitis 10 March 2003:

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"Among the issues discussed is one where we have been working very closely with the European Commission and the UN High Commissioner for Refugees. The aim is to strengthen the protection of refugees in their regions of origin so that in a crisis it is possible to offer them effective and accessible sanctuary closer to their homes. To test whether such a scheme could work, we, with the support of the European Commission, proposed pilot projects. These had widespread support. Whilst the unanimity requirement in the Council prevented the idea from being specifically endorsed, this will not prevent pilot projects from being taken forward by a number of member states and the Commission will report back on them within the year.

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addition to those negotiations, he is negotiating with the Governments of any other countries on this issue?

The Prime Minister: I honestly cannot understand the objection to seeing whether it is possible, if people are going to make asylum claims and begin their asylum journey close to the country of origin, to try to process some of those claims there. That is what we are negotiating with the Tanzanian Government, and those negotiations are being conducted in a perfectly amicable atmosphere. I do not think that there is any question of this ending up in a trade of displaced people. That is an absurd thing to say. I repeat, for the benefit of the Conservatives, that even if we manage to establish some of these centres, there is no way in which they can possibly deal with the bulk of the asylum problem. That has to be dealt with by the measures that we take here.

Subsequent follow up letter to Charles Kennedy: 8/3/04

"We believe that some of those who claim asylum in the UK are in fact of other East African nationalities, including Tanzanians. The Tanzanian government has made clear to us that they would accept such people, if confirmed, back to Tanzania, if their asylum claim is not found to he genuine.

I would also like to clarify that since replying to you in the House I have been informed by officials that the Tanzanian Government have already ruled out processing any UIK asylum claimants as part of these continuing negotiations, and therefore we are not pursuing this option with them."



From the Secretary of State

diem mer

Department for Transport

Great Minster House 76 Marsham Street London SW1P 4DR

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E-Mail: alistair.darling@dft.gsi.gov.uk

Web site: www.dft.gov.uk

OUR REF: AD/002201/05

The Rt Hon John Prescott MP
Deputy Prime Minister
26 Whitehall
LONDON
SW1A 2WH

Dear Deputy Prine Minister, -8

DIRECT AIRSIDE TRANSIT VISAS

Charles Clarke's letter of 26 January requested agreement to further Direct Airside Transit Visa (DATV) regimes for four further countries, accompanied by an extension of the categories of those who are exempt from the DATV requirement.

You will recall from previous correspondence that my view is that DATV regimes represent a poorly-targeted approach to dealing with asylum abuse, and that the downside created by their deterrent effect on legitimate travel may in some cases have been out of proportion to the benefits of the regimes. It was for that reason that the last round of correspondence on DATV matters ended with the understanding that there would be a full review of the operation of the DATV system before regimes for any further countries were proposed.

That said, I recognise that the impact on legitimate travel of additional regimes for Guinea-Conakry, Guinea-Bissau, Congo-Brazzaville and Mongolia is likely to be small in commercial terms. I am also grateful to Charles for re-examining the scope of the exemptions to the DATV regime, and while I think we should take another look at widening the exemptions further to include holders of Japanese visas and Category "C" Schengen visas, the widening of the exemptions proposed in Charles' letter goes some way to offsetting the harmful effects of existing regimes. I am therefore prepared to agree to this proposal.

Charles' letter also mentions the possibility of a DATV regime for Jamaica in the future. The work that both our Departments are doing with the airlines on

unaccompanied minors travelling from Jamaica is likely to have spin-off benefits for asylum numbers while having little impact on legitimate travel. I think we should therefore concentrate on making a success of this project rather than using the blunt instrument of another DATV regime in this case.

I am copying this letter to the Prime Minister, the Foreign Secretary, DA colleagues and Sir Andrew Turnbull.

Yours sincerely Between

ALISTAIR DARLING

(Agreed by the Sofs and signed in his absence)







FCS/05/031

DEPUTY PRIME MINISTER

Charges for Immigration Applications

Summary

1. I share some of the concerns expressed about the new charges and welcome Charles' agreement to lower the new student postal fee. On that basis I am content with the proposed announcement. I agree that the impact of the increased charges should be reviewed before FY 06/07, with the involvement of the British Council. The FCO will need to increase its scholarships for some foreign students affected by the new charges, leaving less funds available for other scholars.

Detail

- 2. I have seen Charles' letter of 3 February, the reply from Ruth Kelly, and the letter of 4 February from Charles' Private Secretary responding to Ruth's concerns. I have also seen the replies from Patricia Hewitt and Paul Boateng. I share some of the concerns expressed by Ruth and Patricia Hewitt and welcome Charles' agreement to lower the new student postal fee to £250 and to explain clearly that the £500 premium fee is a voluntary service for students, not a mandatory charge. I am content for the proposals to be announced on that basis.
- 3. During Ministerial correspondence on this issue last August,
 Bill Rammell noted the potential impact of the fee increases on the number
 of students and skilled people choosing to study or work in the UK and
 asked whether this might be mitigated by phasing in the additional charges.
 I accept Charles' arguments against this, but agree with Ruth that the impact



of the increased charges should be reviewed before the start of FY 06/07. I am pleased the British Council will be involved in conducting that review as part of the joint task force.

- 4. I should add that these changes will have resource implications for the FCO. Some of the scholars who come to the UK under FCO sponsored schemes have to extend their stay in the UK for legitimate reasons. A particular example is the US Marshall Scholars who are selected to stay on for a third year. Up to ten scholars a year are affected and, as they cannot be without their passports for long periods they are advised to use the premium service. The fee increases will therefore mean less money available for direct scholarship support. Similar concerns apply to the much larger Chevening Scholarship programme.
- 5. I am copying this letter to the Prime Minister, members of the DA Committee, Jack McConnell, Rhodri Morgan, Kim Darroch, Sir John Grant (UKRep) and Sir Andrew Turnbull.

(JACK STRAW)

Foreign and Commonwealth Office 8 February 2005

RESTRICTED - POLICY



OFFICE OF THE
DEPUTY PRIME MINISTER
26 Whitehall
London
SW1A 2WH

Tel: 020 7944 8623 Fax: 020 7944 8621

The Rt Hon Charles Clarke MP Home Secretary Home Office 50 Queen Anne's Gate London SW1H 9AT

NEG AA

February 2005

CHARGES FOR IMMIGRATION APPLICATION

Your letter of 3 February sought DA colleagues' agreement to your proposed new fees for immigration applications. I understand that following further discussions with DFES, you have agreed to lower the charge for student postal applications to £250, taking into account a contribution of £1m from DFES to the IND budget 2005-06. This letter confirms policy clearance for your revised proposals subject to taking account of Paul Boateng's points below.

Responses to your letter were received from Charlie Falconer; Patricia Hewitt; Ruth Kelly DFES – two letters of 4 February; and Paul Boateng. No other DA colleagues commented.

Charlie was fully supportive of introducing increased fees for immigration applications in the cases set out in your letter, and of the policy to achieve cost recovery for the provision of managed migration services. He noted there are separate issues relating to the introduction of fees for family visits.

Patricia expressed concern about the likely impact of the proposals regarding the extension of visa renewal charges for international students, on industry, our promotion of the knowledge economy and for the UK as a whole. She noted that DTI's five year programme stressed the importance of attracting students and other such highly skilled migrants to the UK and the key part this plays in addressing skills gaps and promoting innovation. She was not inherently opposed to the principle of cost recovery, but noted the risk to our wider economic and scientific policy for a relatively small amount of

revenue. It particular, she felt it would be difficult to defend the proposal to not only recover Home Office costs, but to recover a significant deficit and appeals costs as well, and in just one year. She considered that a phased recovery of the deficit (and consequent lower increase in fees) would be more defensible and would be interested to consider an even more significant rise in the premium fee if this could allow a lover basic charge.

Ruth was also concerned about the risk to the objectives of the initiative launched by the Prime Minister in 1999 to increase the numbers of overseas students coming to study in the UK, and noted that the university sector has been lobbying very hard against significant increases in the current charges. She observed that if a relatively low proportion of international students will be affected, then the revenue gains will be correspondingly small. In addition, the perception abroad of the new policy will damage the UK's efforts to maintain our competitive position in this sector.

Ruth considered that, given the depth of feeling on this issue within the education world, and the fact that elements of the Immigration and Asylum Five Year Strategy can only be delivered with their co-operation, the charge for postal applications should be further reduced. She also considered that it should be possible to phase in the new charges, thereby minimising the impact of introducing them in a single steep increase. She noted that it will be essential to involve the sector fully in discussions on future developments and welcomed the proposal for a Joint Taskforce.

Following further discussions between your officials and advisers and those at DFES and DTI, your Private Secretary wrote on 4 February to the Private Secretary of Ruth Kelly. This confirmed that you had agreed to lower the student postal fee to £250, which would take into account a contribution of £1m to the IND budget from DFES in 2005-06 towards the resultant IND budget deficit. Regarding the premium fee, the letter confirmed your position that, as an optional service, this warrants a higher fee of £500. However, you undertook to be very clear when presenting the fees that this is a voluntary service and not a mandatory charge for students.

Regarding Ruth and Patricia's proposal for a phased introduction, the letter set out your view that a phased introduction would not deliver advantages for students or for Government, given that most students make applications during the autumn and that a phased introduction would result in further criticism in the future, as fees would have to be set higher at a later date. The letter noted that students will receive nearly two months' notice of the new fee, in addition to the notice they have already had via the consultation last September.

In view of the concerns raised about the risk this new policy may pose to the UK's ability to attract international students, the letter reiterated your view that the risk to the UK's strong brand can be mitigated through an effective joined-up communications strategy and clearer explanation of the costs for students and immigration procedures.

Ruth responded to this letter on 4 February to confirm she is content with the lower student postal fee of £250, which will take into account a contribution of £1m to the IND budget. She also confirmed that she can accept the fee of £500 for the premium service,

on the understanding that this is presented as an optional service and not a mandatory charge. On the issue of phasing in the charging, she requested that the Joint Taskforce be asked to review the impact the increased charges have had on applications from international students before the start of the 2006-07 financial year. This evaluation should then feed into any discussions about the level of fees for that year. Home Office officials have confirmed that you are content with this proposal.

I understand that Patricia's Private Office have confirmed that she is also content with this position.

Paul was content, subject to a number of points. He considered it right that we should look to recover in full the costs of more rigorous checking of visa applications and costs associated with Immigration Service caseworking. However he felt that additional costs, over and above the direct cost of providing managed migration services to individual applicants, are more problematic. He was content for the fee increases to reflect appeals costs at the level proposed, on the basis that it could be argued that individual applicants benefit directly from access to a right of appeal. However, he asked that the case for charging for appeals and the levels should be reviewed again for 2006-07 in the light of a final ONS classification. Home Office officials have confirmed that you can agree to this. He noted that he will not be prepared to agree any retention of charges associated with enforcement activity, as these would clearly be above the direct costs of providing managed migration services and would be classified by ONS as a tax.

In relation to recovery of past deficits, Paul was content with your proposals. However, he noted that the fees should fall once deficits have been recovered, and the details of the necessary Section 102 order will need to be agreed with HMT officials. Home Office officials have confirmed that IND is already engaged in a programme of operational reform to cut costs.

He also noted that the revised proposed fees will represent a significant increase in retained IND income. He therefore will not consider any additional funding for asylum and migration in 2005-06 or the rest of the Spending Review 2004 period, including any further proposals for retention of income related to enforcement costs or to pure over-cost charging.

I am copying this letter to the Prime Minister, members of DA Committee, Jack Straw, the Devolved Administrations and Sir Andrew Turnbull.

JOHN PRESCOTT

CONTROLLING OUR BORDERS: MAKING MIGRATION WORK FOR BRITAIN

CHARLES CLARKE SETS OUT FIVE YEAR STRATEGY FOR IMMIGRATION AND ASYLUM

The next stage of the Government's comprehensive reform of the UK immigration and asylum system, putting in place a fair but practical system of controls, was set out today by the Home Secretary, Charles Clarke.

The Home Office five-year strategy for asylum and Immigration, 'Controlling our borders: Making Migration work for Britain', sets out a wide-ranging plan: to ensure that only those who benefit Britain can come here to work or study; to strengthen the UK's borders; and to crack down on abuse and illegal immigration and increase removals.

The strategy builds on the significant progress the Government has already made. Asylum applications are down 67 per cent from a peak at October 2002, four out of five new claims are now decided in two months rather than the 20 months it took in 1997, the number of claims outstanding is at a 10-year low and numbers receiving NASS support continue to fall. Border controls have been tightened with the introduction of detection technology and UK immigration officers in mainland Europe. Enforcement action on illegal working has been stepped up and removal of failed asylum seekers and illegal immigrants has doubled since 1997.

Key measures in the strategy include:

On migration

- A transparent points system for those coming in to work or study.
- Financial bonds for specific categories where there has been evidence of abuse, to guarantee that migrants return home.
- An end to chain migration no immediate or automatic right for relatives to bring in more relatives.
- An end to appeals when applying from abroad to work or study.
- Only skilled workers allowed to settle long-term in the UK and English language tests for everyone who wants to stay permanently in the UK.
- Fixed penalty fines for employers for each illegal worker they employ as part of the drive against illegal working.

On asylum

- Granting refugees temporary leave rather than permanent status to begin with and keep the situation in their country under review.
- More detention of failed asylum seekers

- Fast-track processing of all unfounded asylum seekers, with electronic tagging where necessary.
- Strong border controls with fingerprinting of all visa applicants and electronic checks on all those entering and leaving the country.
- Removals of failed asylum seekers to match failed claims.

Mr Clarke said:

"The public need to have confidence that our immigration system is properly run and enforced, with strict controls that work. People need to understand clearly who is allowed into the country and why, who is allowed to settle permanently and why - and that it is decided by what is in the interests of Britain.

"This country needs migration - tourists, students and migrant workers make a vital contribution to the UK economy. But we need to ensure that we let in migrants with the skills and talents to benefit Britain, while stopping those trying to abuse our hospitality and place a burden on our society.

"We will introduce a simpler, clearer, more effective scheme for those wishing to come and work here, focusing on the highly skilled migrants that can help us build our economy.

"Over the next five years we will use new technology to transform our immigration control including the roll-out of e-Borders and fingerprinting everyone who applies for a visa.

"We will build on our achievements with asylum, cracking down further on those who seek to exploit our system. More claims will be fast tracked and we will have tighter controls throughout the process. People who are genuinely fleeing persecution will be able to find a safe haven in this country but we will be tough on those trying to exploit the system.

"Swift removal is central to the credibility of our system. We will have a new drive to secure more effective returns arrangements with the countries which most of our failed asylum seekers have come. We will achieve all this through effective international cooperation not through isolation.

"Each year there are millions of visitors to our shores. We have global communications, global economies and global movement of people. We have to adapt to these developments, not by putting up the shutters, but by managing, controlling and selecting.

"The strategy we are setting out today will build on progress that has already been made to ensure we have a robust immigration system fit for the 21st century, that is fair and practical and working in the interests of Britain."

RESTRICTED



From the Secretary of State

Rt Hon Charles Clarke MP Home Secretary Home Office 50 Queen Anne's Gate London SW1H 9AT



1 Palace Street, London SW1E 5HE

Telephone: 020 7023 0134 E-mail: h-benn@dfid.gov.uk

4 February 2005

Dear Home Secretary

Further to our discussion at Cabinet yesterday about the Immigration and Asylum Five Year Plan, I am writing to confirm my agreement with the overall thrust of the package of measures which you propose.

On health screening, I am grateful for your clarification in responding to the discussion, that the proposals in the Plan are simply limited to implementation of existing arrangements for TB checks, and will not include any consideration of screening for HIV which, as you know, I do not support. In view of this, however, I note that in para 10 of the draft there is a reference to checks for 'serious infectious diseases' which ought to be changed to remove any scope for misunderstanding.

On asylum removals, a more systematic country by country approach is required to assess what approach will be most effective. The initial work led by the Cabinet Office shows how different each country context is, and the strength, in most cases, of making direct links with immigration levers. I think the exchanges in Cabinet, and at the Immigration Stocktake last week, have helped everyone's understanding of why we cannot and should not use development assistance as a lever.

I welcome your decision to set up a Migration Fund under the Home Office, rather than an interdepartmental Pool, for which it seemed to me no really convincing case had been made. DFID's most effective contribution will continue to be through our work on reducing poverty, conflict prevention and resolution and development, to help do something about the conditions which lead people to leave the land of their birth.

I am copying this letter to the Prime Minister and to other members of the Cabinet.

HILARY BENN

(Agreed by the Secretary of State and signed in his absence)



Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT tel: 0870 0012345 dfes.ministers@dfes.gsi.gov.uk Rt Hon Ruth Kelly MP

Rt. Hon John Prescott Deputy Prime Minister 26 Whitehall London SW1A 2WH

4 February 2005

CHARGES FOR IMMIGRATION APPLICATIONS

Dear Deputy Prime Minister,

I am responding to Charles Clarke's letter of 3 February asking for DA agreement for new fees for immigration applications.

I understand that officials and advisors from the Home Office, DfES, DTI and No 10 have met today to address the issues both I, and Patricia Hewitt, raised in previous correspondence on this subject and that a conclusion has now been reached. I am content to agree the lower student postal fee of £250. This revised, lower fee will take into account a contribution of £1m to the IND budget from my Department for 2005-06, which will assist in making up the IND budget deficit. I am prepared to accept the fee of £500 for the premium, sameday service on the understanding that this fee is presented as an optional service and not a mandatory charge for students.

On the issue of phasing in the charging, the Joint Taskforce should be asked to review the impact the increased charges have had on applications from international students before the start of the 06-07 financial year. This evaluation should then feed into any discussions about the level of fees for that year.

I am content for the Immigration and Asylum 5 Year Strategy to be announced on Monday, 7 February.

I am copying this letter to Private Secretaries of DA Committee, the Prime Minister, the Foreign Secretary, the Devolved Administrations and Sir Andrew Turnbull.

Agrined by the Eiselang of hate and signed in her absence.

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EM/CJR GC



HM Treasury, I Horse Guards Road, London, SWIA 2HQ

The Rt Hon John Prescott MP Deputy Prime Minister and First Secretary of State Office of the Deputy Prime Minister 26 Whitehall London SW1A 2WH

February 2005

Charges for Immigration Applications

I have seen Charles' letter of 3 February, proposing revisions to the fees charged for managed migration services. Given the very short notice, it has not been possible for my officials to give the revised fees the detailed consideration they would normally require. However, I recognise the importance of presenting new fees in the overall context of the asylum and migration five year plan, and I am therefore content to agree to the proposals – subject to a number of points.

- 2. I understand that the increase in basic costs set out in Charles' letter is largely accounted for by more rigorous checking of applications since early 2003. I understand that there are also costs associated with Immigration Service caseworking that have previously been overlooked. These costs relate to basic cost recovery for managed migration services and it is clearly right that we look to recover them in full.
- 3. However, additional costs over and above the direct cost of providing managed migration services to individual applicants are



more problematic. I am content for the fee increases to reflect appeals costs at the level proposed, on the basis that it could be argued individual applicants benefit directly from access to a right of appeal. However, the case for charging for appeals and the levels should be reviewed again for 2006-07 in the light of final ONS classification. I should note for the future that I will not be prepared to agree any retention of charges associated with enforcement activity, as these would be clearly above the direct costs of providing managed migration services and would certainly be classified by ONS as a tax.

- 4. In relation to recovery of past deficits, I am content with the Home Secretary's proposals. The fees should obviously fall once deficits have been recovered, and the details of the necessary Section 102 order will need to be agreed with my officials.
- 5. We have agreed that asylum and immigration policy, including all proposals set out in the five year plan, will need to be affordable within available resources. Together, the revised proposed fees will represent a significant increase in retained IND income. I will not consider any additional funding for asylum and migration in 05-06 or the rest of the Spending Review 2004 period, including any further proposals for retention of income related to enforcement costs or to pure over-cost charging.

PAUL BOATENG

This letter is copied to the Prime Minister, members of DA, Jack Straw, the Devolved Administrations and Sir Andrew Turnbull.







The Private Secretary to the Home Secretary

Mela Watts PS/Secretary of State for Education and Skills Sanctuary Buildings **Great Smith Street** London SW1P 3BT

-4 FEB 2005

Leave to Remain Charges

Dear Mela

Thank you for your letter of earlier today. The Home Secretary is grateful for your speedy response on this urgent issue.

The Home Secretary takes the point that the strength of the lobby in this country is already damaging perceptions and we must take account of that in the fee level. Home Office and DfES officials and advisers have held subsequent discussions and as a result the Home Secretary has agreed to lower the student postal fee to £250. This takes into account a contribution of £1m to the IND budget from DfES in 2005-06 towards the resultant IND budget deficit.

The premium fee is an optional service and one we believe warrants a higher fee of £500. Applicants can make an appointment and have their case considered on the same day. We will however, be very clear when presenting the fees that this is a voluntary service and not a mandatory charge for students; we are determined to avoid any misunderstanding within the education sector or abroad about the different charges.

On the proposal by the Secretaries of State for Education and Skills and Trade and Industry of a phased introduction, the Home Secretary is not clear what advantages this would deliver for students themselves, or for any of our departments. The Home Secretary believes we are introducing the change at the best time for students, as the vast majority of students make applications during the autumn. In handling terms, it is our view that a phased introduction would only result in further criticism in the future, as fees would either have to be set higher at a later date (either this year or in the future). Students will receive nearly two months notice of the new fee, in addition to the notice they have already had via the consultation last September.

We appreciate that you are concerned about the perception abroad of this new policy and that this may damage efforts to continue to attract international students to the UK. The Home Secretary is still of the view that the UK has a strong brand, and that this risk can be mitigated through an effective joined-up communications strategy and clearer explanation of the costs for students and immigration procedures, and we are pleased that you support the joint approach we have recommended through the new taskforce. This will be a key activity for it.

The Home Secretary is committed to providing an efficient service and charging provides us with the flexibility to do this. We trust that departments are now able to agree to the fees proposed which will be announced on Monday 7 February.

Copies of this letter go to Private Secretaries of DA Committee, the Prime Minister, the Foreign Secretary, the devolved administrations and Sir Andrew Turnbull.

Nicola Thomas

Your simenely.

Private Secretary to the Home Secretary

The Rt Hon John Prescott MP Deputy Prime Minister 26 Whitehall London SW1A 2WH The R

The Rt Hon Patricia Hewitt MP SECRETARY OF STATE FOR TRADE AND INDUSTRY

Dear Deputy Prime Unister,

CHARGES FOR IMMIGRATION APPLICATIONS

I have seen Charles Clarke's letter to you of 3 February. I am writing to express my serious concern about the likely impact of what he proposes regarding the extension of visa renewal charges for international students.

Clearly it is vital that the UK has a robust and effective immigration system and I entirely support what Charles is trying to achieve with the migration strategy. Indeed, I am most grateful for his willingness to address some of the issues I have raised previously. However, in respect of the charges he proposes, I would ask that he reconsider as I fear the consequences for industry, our promotion of the knowledge economy and the UK as a whole could be very damaging.

As a Government, we have made considerable effort to present the UK as a destination of choice for inward investment and academic research. More recently, in my Department's five year programme, we have stressed the importance we attach to attracting students and other such highly skilled migrants to the UK and the key part this plays in addressing skills gaps and promoting innovation. This is something we must encourage if our economy is to continue to grow in the face of global competition.

I am concerned that what Charles proposes works against the message we have all been striving to convey. I accept that we are, to some extent, talking about an issue of perception, but we need to take into account that our global competitors — educational and for inward investment - will seize on the very worst interpretation possible and use this to ensure that students and companies no longer see the UK as a destination of choice. I have seen the impact of such competitor action personally in recent trips overseas where it was pointed out to me with some feeling that the UK already 'made

Department of Trade and Industry

V 823 1 Victoria Street London SW1H 0ET

Direct Line +44 (0)20 7215 5428 Fax +44 (0)20 7215 5468 Minicom +44 (0)20 7215 6740 Enquiries +44 (0)20 7215 5000 www.dti.gov.uk mpst.hewitt@dti.gsi.gov.uk more than enough money' out of overseas students and that tuition fee differentials between home and overseas students already make the UK less attractive than the US or Australia.

I am not inherently opposed to the principle of cost recovery, but we will do a significant amount of damage to our wider economic and scientific policy for what is a relatively small amount of revenue. In particular, it will be very difficult to defend the fact that Charles is not just proposing to recover his costs, but to recover a significant deficit and appeals costs as well, and that he is proposing to recover it all in one year.

I am open to a range of ideas as to how to resolve this difficulty if we can achieve an outcome that does not result in such a significant rise in the postal or basic fee. I think we would find it much easier to defend a phased recovery of the deficit (and consequent lower increase in fees) and I would also be interested to consider an even more significant rise in the 'premium' fee if this could allow a lower basic charge.

I am copying this letter to the Prime Minister, members of DA, Jack Straw, the Devolved Administrations and Sir Andrew Turnbull.

PATRICIA HEWITT

(Approved by the Secretary of State and signed in her absence)



02072380661



From the Secretary of State for Work and Pensions

Rt Hon Charles Clarke MP Home Office 50 Queen Anne's Gate London SW1A 2WH

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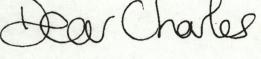
CM

Department for Work and Pensions

Richmond House 79 Whitehall London SW1A 2NS Telephone 020 7238 0800

Email ministers@dwp.gsi.gov.uk www.dwp.gov.uk

February 2005



ASYLUM & IMMIGRATION - 5 YEAR PLAN

Further to our discussion of your five year plan at Cabinet today, I thought it would be useful to set out my views in writing.

On economic migration, the discussion was constructive, and I am glad that you were sympathetic to my view, and that of the other economic departments, that the system must be flexible and non-bureaucratic, and the emphasis must remain firmly on people with job offers in high skill or high paid occupation. I hope we can make this clear in the plan and give a clear commitment to consult key stakeholders, such as employers. My officials have provided some drafting comments.

On refugees, as I said this morning, it is extremely worrying – and socially and economically damaging – that recognised refugees, with the full right to work, are still 6 times as likely to be unemployed as others. It is essential that the changes you propose do not detract from our efforts to integrate refugees into the labour market. In this respect, our Refugee Employment Strategy, alongside your Refugee Integration Strategy, will play a key role. I understand Jane Kennedy has been discussing this issue with Des Browne. I assume it is still your intention that these complementary strategies will be launched alongside one

RESTRICTED - POLICY

another. We have good news to give about the progress we have made to move refugees into work, and we would welcome the opportunity to present our strategy as soon as possible.

I am copying this letter to the Prime Minister, Cabinet colleagues and Sir Andrew Turnbull.

ALAN JOHNSON



Department for Constitutional Affairs Justice, rights and democracy

The Rt Hon John Prescott MP Deputy Prime Minister 26 Whitehall London SW1A 2WH JR/SM AA VSG The Rt Hon Lord Falconer of Thoroton

Secretary of State and Lord Chancellor Selborne House 54 Victoria Street London SW1E 6QW

T 020 7210 8380 F 020 7210 8597 E lordchancellor@dca.gsi.gov.uk

www.dca.gov.uk

4th February 2005

Dear Ouply Pine Minister,

CHARGES FOR IMMIGRATION APPLICATIONS

I have seen Charles Clarke's letter to you of 3 February seeking DA agreement for new fees for immigration applications. I am fully supportive of introducing increased fees for immigration applications.

As a joint delivery partner in managed migration services, the Department for Constitutional Affairs worked closely with the Home Office in conducting the fee review in respect of appeals. We support the policy to achieve cost recovery for the provision of managed migration services and I am therefore able to offer full support for the introduction of the fees in the cases in Charles' letter. There are separate issues relating to the introduction of fees for family visits.

I am copying this letter to the Prime Minister, members of DA Committee, Jack Straw, the Devolved Administrations and Sir Andrew Turnbull.

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LORD FALCONER OF THOROTON (Approved by the Secretary of State and signed in his absence)



02072733965



Home Secretary 50 Queen Anne's Gate, London SW1H 9AT

Rt Hon John Prescott MP Deputy Prime Minister 26 Whitehall London SW1A 2WH

N 3 FFR 2005

Dear John,

CHARGES FOR IMMIGRATION APPLICATIONS

I am writing to colleagues to seek agreement for new fees for immigration applications, which I would like to announce on Monday 7th, alongside the Immigration and Asylum Five Year Strategy. I am very sorry for the short notice but if I am to announce this on Monday 7th I need to ask for clearance by close tomorrow (Friday 4th).

As you know, the Home Office is proposing to introduce new fees for immigration applications from April 2005. We corresponded on this matter last summer, (Des Browne's letters of 16 July and 19 August refer), prior to a public consultation on the proposals.

The fees are part of a wider programme of reform - reflected in the five year strategy - to deliver a self-financing managed migration programme by 2008, which reduces reliance on the public purse, and which supports the modernisation of immigration services.

Following consideration of the outcomes from the consultation and discussions with departments, I am writing to seek agreement to new fees. The charges aim to:

(a) accurately reflect the full costs of running the managed migration services;

(b) recover the costs of other associated services, including the provision of an appeals

(c) recover deficits from previous years' fees where appropriate.

An appendix to this letter sets out the new fees.

Increases of this order are vital if I am to ensure that we have sufficient resources to manage the immigration system efficiently and effectively. We have a challenging programme of delivery over the next 12 months and without this income priority work could be in jeopardy.

The consultation responses demonstrated widespread opposition to the proposal to include the costs of enforcement activity in the application fee. As a result, the costs of enforcing the system have not been included in the application charges. This activity will continue to be funded through general taxation/the Home Office's settlement.

I know some departments have expressed concern about the level of the increases, which I shared, particularly in relation to the charges payable by international students.

During the consultation my officials have undertaken a detailed piece of work in partnership with DfES and the British Council to assess the likely impact of the fees on our ability to attract international students to the UK. It is worth noting that many international students seek and secure permission to study in the UK before travelling here; demand for student visas at posts abroad remains high. If their applications are in good order students can be granted entry clearance for the full period of their course, so avoiding the need for further leave to remain, at extra cost, an in-country. The students affected by this fee increase will be those wishing to extend their stay in the UK to undertake a further course of study.

The economic analysis we have undertaken suggests that even on a worst case scenario, the new fee is very unlikely to have a significant impact on the number of international students seeking further permission to remain in the UK. At worst we estimate that losses in income from tuition fees, across the education sector as a whole would be negligible. In the context of income from international students in tuition fees (around £1.3 billion) I do not believe these losses are significant. The costs to the sector and the UK economy (an estimated £22m overall) are outweighed by the financial benefits to the Home Office and savings to the UK taxpayer.

Nevertheless, I recognise colleagues have anxiety about this, and I believe that international students are something of a special case. I am therefore proposing to set the fee for student postal applications at a reduced price of £285; £50 lower than that payable by other applicants.

I am proposing that a joint task force formed from Government, Universities UK, the British Council, the Association of Colleges and other relevant organisations should conduct a thorough review of the whole charging structure for leave to remain arrangements - consistent with the cost recovery principle.

I plan to announce the new fees on Monday 7 February, as part of a package of measures related to the five year strategy, and I would be grateful for a quick turnaround. In order to deliver new fees for 1 April 2005, we need to lay the first tranche of secondary legislation on 10 February, at the latest. An announcement on Monday will allow us to demonstrate that we are serious in our strategy about delivering reform to the system without over-burdening the taxpayer. The fees for entry clearance (which are significantly lower than for in-country applications) are currently under review by UKVisas, to ensure that they too are set appropriately to achieve cost recovery. The results of the review will be announced in due course in the normal way.

I am copying this letter to the Prime Minister, members of DA, Jack Straw, the Devolved Administrations and Sir Andrew Turnbull.

Yours sincerely

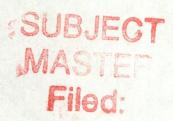
CHARLES CLARKE

New fees for immigration applications from April 2005

Application Types	Current Fee (C)	New (ce (£)		
Leave to Remain (postal)	155	335		
Student Leave to Remain (postal)	155	285	- !	
Transfer of Leave (postal)	155	160		
Leave to Remain (premium)	250	500		
Transfer of Leave (premium)	250	500		
IED LTR (postal)	121	335		
IED LTR (premium)	-	500		
HSMP	150	315		
SBS	153	153		
Travel Documents (CID)	67	195		
Child CID	N/A	115		
Travel Documents (CTD)	42	42		
Child CTD	N/A	25		
Nationality – ROA	20	120	120	
Nationality – 6(1)	150	200	200	
Nationality – 6(2)	146	200	200	
Nationality – Adult Registration	85	120	120	
Nationality – Minor single and multiple	144	200	200	
Nationality - renunciation	81	120	120	

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From the Private Secretary

3 February 2005

Dear Nicola,

Immigration and Asylum Five-Year Strategy: Prime Minister Bilateral with Home Secretary

The Prime Minister met the Home Secretary to discuss the handling of the immigration and asylum five-year plan this afternoon. Also attending were Des Browne, Jonathan Powell, Ivan Rogers, Julia Simpson, Emily Miles, Roger Hill, Hannah Pawlby, Liz Lloyd, and Godric Smith.

The <u>Prime Minister</u> favoured a strap line of "firm but practical", which would lead into an explanation of how we recognised the problem, we were tackling abuses, but we would not stop the people coming in who our economy needs. He thought the phrase, what is "Best for Britain" was also key. He wanted to communicate that, contrary to what people said, it was easy to talk about immigration and asylum - but it was hard to solve the issues raised.

Underneath this strap line the <u>Prime Minister</u> said 5 or 6 key proposals were needed on both asylum and immigration.

On immigration, he thought these should probably be,

- the points system
- bonds
- tightening up settlement including with English Language Test
- ending chain migration
- abolishing appeals.

On asylum, these would probably be,

- stopping clandestines
- · fast-track manifestly unfounded
- expand detention
- · keep closer tags on people

- no access to benefits once failed
- streamlined appeals

Many of these proposals had already been announced but often the public did not know they were underway. He asked that proposals for these two sets of bullet points be brought back to him shortly.

The <u>Home Secretary</u> also suggested that we should draw out the work on firm borders, for example biometric passports and visas and e-borders.

On **detention**, the <u>Prime Minister</u> felt that IND should be aiming at detaining as many failed asylum seekers as possible, as this would send a strong signal. He favoured saying that we were expanding detention facilities, that detained processes were being expanded, that processes in general were speeding up, and that increasingly, over time, those that failed would be detained prior to removal. The <u>Home Secretary</u> and <u>Des Browne</u> agreed that it was possible to use a strong line about extra detention capacity, though they did not want to publish something that would imply there was a rigidly blanket policy of detention, as this would have unhelpful legal implications. The <u>Prime Minister</u> appreciated this point.

On bonds, the <u>Home Secretary</u> relayed his concerns that a generalised approach would be bureaucratic. He approved of the suggestion that they should only be applied in high risk cases but pointed out there were still quite difficult definitional points about what was "high risk", and that he did not want to overcomplicate matters when the whole aim of the plan was to make things more simple. The PM said he thought sending the signal on bonds was very important for the public, and that language around having the power to demand bonds, or using the power to demand bonds, would be acceptable.

Des Browne said it would be important to have answers to the questions:

- How many illegal migrants were there? The answer would be something along the lines of the fact that, by definition, we do not know, and no government has ever known, but through e-borders we may get on top of that for the first time ever.
- Are we bringing these proposals forward to bring numbers down? The answer would be, yes, but by rooting out abuse, not by preventing those who will be good for Britain from coming here.

• Won't an increase in immigration put pressure on public services?

The <u>Prime Minister</u> and the <u>Home Secretary</u> agreed that a good story for Sunday would be to flag up ending the automatic right to settlement.

The <u>Home Secretary</u> raised the issue of the **increase in student fees** which he wanted to announce, with other caseworking fee changes, on Monday alongside the asylum and immigration five-year strategy. The <u>Prime Minister</u> asked the <u>Home Secretary</u> to sort this out one way or another but did not press for it to be deferred.

Emily Miles took the note of this meeting.

I am copying this letter to those attending the meeting and the private secretary to John Gieve.

Yours ever

KATE GROSS

Nicola Thomas PS/Home Secretary



Phologod No. Frace

The Private Secretary to the Home Secretary

Kate Gross

ear Kate,

No 10

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IMMIGRATION AND ASYLUM FIVE YEAR PLAN

In advance of the discussion of Immigration and Asylum Five Year Plan at Cabinet tomorrow I attach a draft of the document. The Home Secretary is very grateful to Cabinet colleagues and their officials for their constructive comments both on earlier drafts of the plan and the new initiatives we are proposing. We hope we have been able to address most of these in the current draft. He would also like to thank colleagues for their understanding and patience in accommodating the very tight timetable we have had to work to in order to get the Plan ready in time.

Copies of this letter go to Private Secretaries of all members of the Cabinet and the Cabinet Secretary.

Yours ever.

Nicola Thomas

Private Secretary to the Home Secretary

2 February 2005

Des Browne Esq MP
Minister of State for Citizenship,
Immigration and Nationality
Home Office
Queen Anne's Gate
London
SW1H 9AT

Dear W Brame,

MINISTERIAL COMMITTEE ON SOCIAL AND ECONOMIC ASPECTS OF MIGRATION: IMPLEMENTATION OF THE GANGMASTERS' LICENSING ACT 2004

At the Ministerial Committee on Social Economic Aspects of Migration on 27 January, Lord Sainsbury gave an undertaking that a DTI Minister would respond in correspondence to convey DTI's views on the Agenda item relating to Implementation of the Gangmasters' Licensing Act.

Let me be clear, the Secretary of State and I are in full agreement that where hard evidence of gangmaster abuse being prevalent in a particular second stage processing sector covered by the Gangmaster Act is found, the expectation should be that Government would take action. However, although we have carefully considered the points made in the paper, we feel that it is simply not tenable to agree to a process which would result in companies, many of them SMEs, being regulated without their having been properly consulted. While I accept that DEFRA would plan to identify in their current consultation document those second stage processing sectors where they consider the research project would be likely to identify abuse, this identification would pre-judge the research. In addition, such indications of possible likelihood of regulation could not adequately take the place of proper consultation of those to be regulated, which is a fundamental principle of better regulation. Moreover, what if the research identified abuse in an industry sector not highlighted in the consultation document? The

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The Rt Hon Patricia Hewitt MP SECRETARY OF STATE FOR TRADE AND INDUSTRY

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Department of Trade and Industry

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Direct Line +44 (0)20 7215 5428 Fax +44 (0)20 7215 5468 Minicom +44 (0)20 7215 6740 Enquiries +44 (0)20 7215 5000 www.dti.gov.uk mpst.hewitt@dti.gsi.gov.uk fact that work on regulation of first stage processing has identified so many examples of sub-sets of industry who can demonstrate that in their particular sub-set there is no abuse suggests to me that there is a high likelihood that what is proposed would result in burdensome and expensive regulations being placed, unnecessarily, on 'innocent' companies, many of them likely to be SMEs.

In these circumstances, the simplest way forward would be to include in the consultation document a reference to the Government's intention to conduct an additional 3 month consultation before regulating those sectors of the second stage processing industry identified by the research. Although, given that as we understand it, the intention is that the Authority should still conduct a 12 month review of all second stage processing in its first year, it might be simpler to feed the results of the research into the Authority's review and ask the Authority to report to Ministers at the end of the year. Ministers would then take the decision on whether and to what extent second stage processing should be included, but this would be on the basis of hard evidence and and more accurate assessment of the need for regulation in the industry.

Such a way forward (either a further consultation or a referral to the Authority review) will provide the necessary time to consult the industry properly, a need we think is all the greater given the intention to conduct the research (of what is not a well-documented sector) in such a short period as 12 weeks. It is clearly important for regulation to be based on sound evidence. We need to speak with business, including small business as part of the research. As you know these are notoriously difficult to find and then speak with, therefore 12 weeks is likely to be insufficient to gain the required hard information.

I am sure you will agree that, given the Government's public commitment to Better Regulation principles, we need to consider all these issues seriously – and to be seen to do so. In Parliament we gave assurances about the limitations of coverage, and the general assumption at the time was that the second stage would be initially exempted. I believe the option 4 approach in the paper, proposed by DEFRA will be problematic and undermines this. Although we are aware that there would be a further discussion at MISC 20 before the final regulations are agreed, we feel that if further consultation is not promised in the current consultation paper, the pressure to extend coverage immediately at the end of the consultation – whether or not it would cover areas where there is no abuse - will be huge.

There is already a good deal of work for us all to do to get regulation right for the first tier. I believe that, at this stage, our efforts and resources are best focused on this.

I should be grateful if you would ensure these views are fully taken into account.

DuraSherry

I am copying to MISC20 members.

PATRICIA HEWITT

(Approved by the Secretary of State and signed in her absence)

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From: Emily Miles

Date: 2 February 2005

cc:

David Miliband Alan Milburn Jonathan Powell Ivan Rogers Matthew Taylor Sally Morgan Justin Russell David Hill Liz Lloyd Paul Brittan

Julian LeGrand

CABINET DISCUSSION ON IMMIGRATION FIVE-YEAR STRATEGY

Issue: Advice on those areas you'll need to defend, either to CC or in Cabinet, tomorrow.

Timing: Cabinet considers the strategy tomorrow, where it needs to be signed off. Publication on 7 February.

Advice:

PRIME MINISTER

The version of the plan that has gone to Cabinet does not have the language you are looking for on **bonds** and **detention of asylum seekers**. You will want to note the position on **health checks**.

1. Bonds. CC has so far rejected your request to toughen up the language. At present it says,

"As part of a range of tools to ensure compliance we will <u>look further into</u> the concept of migrants or their sponsors depositing **bonds**, forfeited if they did not leave at the end of their stay."

You would like it to read

- "... we will introduce bonds in high risk cases, payable by migrants or their sponsors, and forfeited if they did not leave at the end of their stay.
- 2. Detention of asylum seekers. Your desired language did not get to the drafters in time for inclusion in the Cabinet paper. The present language is:

"We will expand the capacity of the existing detained fast track and we will open a new single female fast track facility. Overall we will expand our detention capacity from x to y spaces by 2009.

"We will introduce a new non-detained, faster track scheme for most other cases. Contact will be maintained through a variety of means, including managed accommodation; regular reporting requirements; support payments in person; service of appeal outcomes in person; and electronic means such as tagging.

"Through detention or these other means, we will be in contact with almost all failed asylum applicants when they become removable."

You wanted:

"Over time as asylum intake falls and removals increase we will get to a point where it becomes increasingly the rule that those who fail should be detained."

CC is unlikely to object to this but HMT may do so. They will be worried about public commitments to expenditure that can't be met.

3. Health checks. The existing language is:

"Our approach to health checks is based on expert advice on protecting the nation's health. We will build up our checks by targeted health screening for tuberculosis in high risk areas at the entry clearance stage. Those who are diagnosed would then need to seek treatment at home before being allowed to enter the UK."

This is the approach you signed off at the weekend.

The Cabinet Office brief covers the other departmental issues that may be raised.

EMILY MILES

Enily Mile



IMMIGRATION & ASYLUM FIVE YEAR PLAN

THE NEED FOR CLARITY AND PUBLIC CONFIDENCE



- We must be clear about:
 - who we <u>admit</u> to the UK and why
 - who we allow to stay in the UK and why
 - how we enforce the rules
 - that we will <u>remove</u> those not entitled to be here

WHO WE ADMIT AND WHY



For economic reasons:

- Visitors (7.5 m in 2003: long term trend upwards, dip since 2001)
- Work (150,000 in 2003: long term trend upwards, dip since 2001)
- Study (319,000 in 2003: long term trend upwards, dip since 2001)

Moral obligations:

Asylum (49,400 applications in 2003: trend downwards since 2002)

HOW TO ACHIEVE THIS

Home Office BUILDING A SAFE, JUST AND TOLERANT SOCIETY

POINTS BASED SYSTEM FOR ECONOMIC MIGRATION

<u>Tier 1</u> (High Skilled): Achieve necessary points from qualifications, experience, salary - eg doctors, engineers, IT specialists. No need for a job offer.

<u>Tier 2</u> (skilled): Also need job offer. Extra points for shortage sectors. NVQ level 3 and above.

<u>Tier 3</u> (low skilled): Phase out existing schemes in light of EU labour supply. Any new schemes temporary, tightly managed.

<u>Tier 4</u> (specialist): range of categories where little impact on domestic labour force eg Ministers of Religion, Intracorporate Transfers, Working Holiday Makers, au pairs. **Also students**.



Points based system for economic migration cont. Home

- For all except Tier 1:
 - need <u>sponsor/employer</u> with obligations to help us ensure they leave (including educational institutions).
 - bonds, for high risk categories returnable on departure.
- Skills advisory body to advise on points levels.
- Simplify process by merging entry clearance and employment checks.



REFUGEES

Those who meet our 1951 Convention and ECHR obligations

But tackle abuse:

- Safe Country Provisions: extend list
- Safe Third Countries: return bigger numbers to EU
- Pull factors reduced: no right to work, support levels tightened
- <u>Undocumented:</u> measures to crack down on this

Result: number of applications down 67% from peak in Oct 2002





- Abolish appeals for work and study. Entitlement not right but improve monitoring to ensure no perverse initial decisions.
- Retain for <u>family visits</u>: but introduce fee; restrict family members; papers only. Discourage speculative applications.

WHO CAN STAY HERE AND WHY



 Need to ensure those admitted permanently are as economically active as possible; put as little burden on the state as possible; socially integrated as possible.





- English language/knowledge of UK test for all who want permanent status.
- No immediate permanent status for refugees. Return to country of origin if situation improved.
- Lengthen qualification period from 4 to 5 years for workers.
- Only skilled workers get route to settlement: ie only tiers 1 & 2 of points based scheme.
- End chain migration: those who settle as dependents should not be able to sponsor further dependants for settlement for 5 years.





- export the control so those who we do not want are stopped before they get here;
- stronger <u>in-country checks</u>;

HOW TO ACHIEVE THIS:

Home Office BUILDING A SAFE, JUST AND TOLERANT SOCIETY

E-borders:

- people checked against UK databases and denied/approved before departure for UK.
- people counted out, so we know who has overstayed
- rapid introduction of biometric visas.

Health checks:

 Early introduction of systematic TB checks in high risk countries.

• <u>In-country checks:</u>

- more <u>illegal working</u> operations.
- new <u>civil penalties</u> on employers, with on the spot fines.
- pool departments' resources for joint workplace enforcement.
- ID cards.





- Prime Minister's tipping target
- Three key challenges to achieve effective removal: <u>Contact management</u>, stopping people <u>destroying their documents</u>, <u>returns agreements</u> with source countries





New fast track Asylum process.

 More will be detained. Contact with others managed through tagging, managed accommodation, reporting requirements, support arrangements.

Documents

<u>Criminal offence</u> to be undocumented.
 Airlines <u>photocopying</u> documents.
 <u>Fingerprinting</u> visa applicants and at ports.





- Systematically identify <u>levers</u> with main source/transit countries through enhanced <u>Country Action Plans</u>.
- Significantly increase resources we employ to get workable returns agreements.
- New <u>Migration fund</u>.
- Major new effort to work with <u>EU</u>.



- Single Points based scheme: Flexibility of current system retained
- Low skilled schemes: phasing out essential but no deadline
- Fee for family visit appeals
- Refugee settlement: Almost all other countries give temporary leave for a period before permanent status.
- Health checks: driven by health concern TB.
- Migration fund



CONFIDENTIAL - POLICY

The Emina miles



10 DOWNING STREET LONDON SW1A 2AA

> SUBJECT MASTER Filed

31 January 2005

From the Private Secretary

Dear Nicola,

PRIME MINISTER'S ASYLUM AND IMMIGRATION STOCKTAKE, 25 JANUARY 2005

The Prime Minister chaired a meeting last Tuesday to discuss the immigration and asylum five-year plan. Attending were the Home Secretary, Secretary of State for Transport and Scotland, Secretary of State for Trade and Industry, Chief Secretary to the Treasury, Minister without Portfolio, Secretary of State for Constitutional Affairs, Secretary of State for International Development, Secretary of State for Education and Skills, Harriet Harman, Chris Mullin, Maria Eagle and Larry Whitty.

The <u>Home Secretary</u> gave a presentation setting out the general narrative and approach for the five-year plan. Introducing his presentation, he noted that this was a very difficult area and suggested that the purpose of the meeting was to agree a general approach, with a view to publishing the five-year plan in the next two to three weeks. He underlined the importance of increasing public confidence by being clear about: who we admit to the UK and why; who we allow to stay and why; and how we control the system.

The <u>Home Secretary</u> proposed a series of **general criteria for admission**: according to: the UK's economic needs and moral obligations; the impact on public funds; the integrity of individuals; and assurances a person will leave when supposed to. To achieve this he outlined:

- · a four-tier, points-based system for economic migration;
- further measures to tackle asylum abuse;
- restricting migrants' rights to bring dependants to the UK; and
- simplifying and restricting migration appeals.

Continuing, the <u>Home Secretary</u> identified a need to ensure those admitted for **settlement** are as economically active as possible; place as little burden on the state as possible; and are as socially integrated as possible. Families represented the majority of those gaining permanent status; other categories entitled to

settlement included refugees, work permit holders, people with UK ancestry and some other long term and discretionary categories. There was an argument for abolishing settlement so that people are either here temporarily to work (with no access to public funds) or take on the full rights and obligations of citizenship. The arguments were finely balanced and he would welcome colleagues' views. Alternatively, the criteria for settlement could be tightened to include an English language and knowledge of the UK test; a longer qualification period; to restrict the categories with a route to settlement; to end chain migration by restricting the right of those who settle as dependants to sponsor further dependants for settlement; and, potentially, to introduce bonds against the use of public funds, although their were arguments for and against the latter which needed to be carefully weighed up.

The <u>Home Secretary</u> proposed improving **control of the system** by preventing those the UK does not want from travelling here; through stronger incountry checks; and through more effective removal arrangements. To achieve this he proposed:

- implementing E-borders and biometric visas;
- improved health checks for migrants from high risk countries
- more in-country checks (increased operations against illegal working; civil penalties for employers; pooling departments' resources for workplace enforcement; and, in the longer term, using ID cards);
- reducing asylum intake to the point where the majority may be dealt with through a fast-track, managed process which would assist in maintaining contact; and
- international action (identifying and utilising the levers for securing returns agreements and intensifying our work with EU partners).

The following points were made in discussion:

Economic migration

- The points-based system for economic migration was very welcome. It had the advantage of clarity and would be easy to explain to the public, employers and migrants.
- For ease of administration, it would be helpful to keep the points system as simple as possible.
- The distinction between tiers 1, and tiers 2, 3, and 4, was welcome.

- It would be desirable for the five year plan to include a reference to building a knowledge based economy, in particular by allowing people with PhDs in shortage subjects to stay in the country, and to refer to entrepreneurs.
- The impact of net inward migration on economic growth and productivity was 10% to 15% of forecast net economic growth, yet migrants represented only 8% of the UK's population. The UK's current system was one of the best for attracting highly skilled migrants. It would be important to retain the flexibility and responsiveness currently provide by the labour market test. We should not restrict the existing system to the point that flexibility and responsiveness were undermined. We needed to take care to retain the competitive edge the UK economy had in attracting migrants here. Shortage sectors were notoriously difficult to predict.
- It was right to include students in the fourth tier and welcome that there was
 no attempt to differentiate between types of student. DfES would need to
 work with the Home Office to clarify issues around sponsorship and
 obliging educational institutions to assist in ensuring students left at the end
 of their course.
- The proposal to phase out low-skilled (tier three) migration schemes needed careful consideration since this sector included some of the highest levels of illegality. Tightening the rules to remove routes to settlement and ensure returns was fine, but there were arguments for continuing with non-EU low skill migration to avoid the risk of labour providers, particularly but not exclusively in the agricultural sector, turning to illegal labour.

Removals

- IND had made substantial progress in processing new asylum cases, but the stock of old asylum cases was still a problem. Returns were still a major issue and needed to be improved to improve confidence in the asylum system.
- To justify a situation where there was no state support for failed asylum seekers for whom we could not enforce removal, we needed to be very clear that it was possible for them to return home voluntarily. (The Home Secretary clarified that it was possible for failed asylum seekers, who could neither be removed nor return voluntarily, to access support if they cooperated with the immigration authorities.).

- While ensuring failed asylum seekers did not slip into the informal economy, rough sleeping, criminality or prostitution, the Government also needed to rebut the (mistaken) belief that migrants received preferential treatment. This was a fairness issue, not a racism issue.
- A country-by-country approach to applying levers for returns was needed.
 For example, China made a major economic contribution to the UK,
 including through its students and visitors, which we should not jeopardise.
 On the other hand, China was seeking market economy status, which could
 provide a lever. Similar considerations applied in respect of India.
- The terms of the International Development Act (IDA) 2002 were inconsistent with using aid programmes as a direct lever for securing returns agreements. It would be undesirable to undermine the purpose or the politics of the IDA. Further, the aid budgets for the four key countries considered so far (Iran, China, Iraq and Pakistan) were either negligible or non-existent. In the case of Iraq aid spending was already hampered by the security situation.
- On the other hand, it was perfectly acceptable for the Government to put aside other resources to assist with returns. However, DfID had made £2 million available but only a tiny proportion had been spent.
- Particularly during the transitional period before full roll-out of a managed, fast-track asylum system, it would be helpful to have other incentives so that people did return, through bonds or sponsorship obligations. This could be a less draconian way of securing the Government's objectives on returns.

Costs

• More work was required on the resource implications of the five-year plan, bearing in mind the limitations on the Home Office's current budget and the need to avoid pre-empting the next spending review.

Health checks

• We should be clear about why health checks were being considered. Was it on public health or on cost grounds? Discussions in DA Committee had established the UK had around 90 million visitors per year, all of whom could not be checked. Countries that had instituted health checks rarely turned people away on health grounds. There was also a danger that checks would drive the health problems underground, making them harder to treat.

- There was possibly a case for extending TB checks to certain countries but screening for HIV/AIDs was a more sensitive issue.
- It was right to abolish appeals for work, study and non-protection human rights cases, provided appeal rights remained in areas where they were necessary for social justice and provided the quality of the initial decisionmaking improved.
- Charging for family visit appeals needed to be carefully considered given the controversy this had generated previously.

Controlling the system

- There were some detailed points about enforcement, which the Secretary of State for Transport needed to discuss with the Home Secretary.
- The five-year plan should highlight the Government's work on trafficking, especially trafficking for sexual purposes.

Settlement

- The proposal to abolish settlement required careful handling. The Government needed to be clear how this would be achieved and why.
- If settlement remained but the criteria were tightened, how would the requirement to speak English impact on the dependants of settlement applicants?

Responding to the points raised in discussion, <u>Home Secretary</u> agreed that the **points-based system** for economic migration should be flexible and simple. There should be inter-departmental discussion to establish how the scheme would work, including the arrangements for low-skilled migrants. **Levers** should not be simplistic but should reflect countries' differing situations. What was needed was a collectively agreed position for each of the countries in question that could be used in all bilateral discussions between the UK and the relevant country. Further work would be required to agree the detail.

On **costs**, the <u>Home Secretary</u> said he would discuss the situation with the Chief Secretary to the Treasury. However, introducing biometric visas would generate some savings. The Government also needed to recognise the costs of not dealing with the migration issue. On **health checks**, the <u>Home Secretary</u> said the

aim was to safeguard the public health of the UK. He would discuss with the Secretary of State for Health how health checks might be taken forward. He would also speak to the <u>Foreign Secretary</u> about charging for **family visitor appeals**. The proposal on **settlement** required more work to clarify how there would be a clear graduation from settlement to citizenship.

Finally, the <u>Home Secretary</u> identified **returns** as the key to restoring credibility to the system. It was vital the Government changed the presumption that once in the UK likelihood of removal was slim. He was happy to consider incentives for voluntary return as part of the wider package.

Summing up the discussion, the <u>Prime Minister</u> emphasised the importance of viable returns arrangements. Returns were crucial to giving the system integrity, which would then allow the case to be made that migration was of benefit. He did not want to use aid as a crude lever but countries needed to understand that the UK was serious about wanting assistance on returns, especially those countries who had received substantial amounts of money from the UK. Returns needed to be part of our bilateral discussions with source countries at every possible opportunity and, where appropriate, we needed to make it clear that our relationship with countries would become more complicated if they were not helpful. People needed to see that the rules were being applied properly. It was agreed the **points-based system** should be sufficiently flexible to adjust to labour market shifts. The <u>Prime Minister</u> invited the Home Secretary to take forward work on the five-year plan, taking account of the points raised.

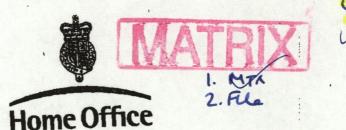
The five-year strategy is due to be discussed at Cabinet on 3 February.

I am copying this letter to the private secretaries of those Ministers at the meeting and to the offices of the Deputy Prime Minister, the Chancellor, the Foreign Secretary and the Secretary of State for Health, and to Sir Andrew Turnbull, Michael Barber and Sir Nigel Sheinwald.

Yours ever,

KATE GROSS

Nicola Thomas Home Office 02072733965



IR MG

Des Browne MP MINISTER OF STATE 50 Queen Anne's Gate, London SW1H 9AT

The Rt Hon Paul Boateng MP Chief Secretary to the Teasury **HM Treasury** Parliament Street LONDON SW1P3AG

3 1 JAN 2005

NG OF THE LEVELS OF SUPPORT FOR NASS SUPPORTED ASYLUM SEEKERS

I am writing to seek your agreement to increase the amount of cash support provided to asylum seekers supported by the National Asylum Support Service (NASS) in line with increases in levels of income support. The Department for Work and Pensions (DWP) will be increasing the levels of income support with effect from the week commencing 11 April 2005. I would hope to make any changes to the rates of NASS support on the same date as the DWP, thus ensuring that the Home Secretary meets his commitment of October 2001 to keep levels of NASS support at 70 per cent and 100 per cent of income support levels, for adults and children respectively.

Background

When the Home Secretary announced the outcome of the review of the voucher scheme for asylum seekers in October 2001, he indicated that he intended to return the rate of support for asylum seekers supported by NASS to the ratios stated above. This was achieved in April 2002 at the time that the DWP changed its rates of income support in line with inflation. However, as you are aware, the levels of income support will again be increased in line with inflation from the week commencing 11 April 2005. If we are to honour the Home Secretary's undertaking given in autumn 2001, we need to make a similar increase for NASS-supported asylum seekers.

→ PRIME MINISTER

02072733965

Proposal

Subject to your agreement, I propose to increase the current rates of asylum support for NASS-supported asylum seekers to the amounts shown below:

Current rate	Proposed rate	
£30.84	£31.15	
£38.96	£39.34	
	£61.71	
£61.11	201.71	
£38.96	£39.34	
£42.27	£43.88	
£33.50	£33.85	
	£30.84 £38.96 £61.11 £38.96	

These increases simply parallel the changes in DWP rates for those in receipt of income support payments.

Cost of proposals

NASS is currently supporting approximately 60,000 asylum seekers including their dependants. On that basis the increase in support costs of my proposal is estimated to be £1,500,000 per annum. These costs are based on current numbers of asylum seekers and their dependants receiving NASS support. There will also be a routine one-off cost of approximately £7,000 to update NASS's IT systems to take account of the change in rates. There are no additional staff costs in implementing the changes following extensive enhancements to IT systems in the past 24 months. We have taken these costs into account in our financial planning.

I would wish any changes to rates of NASS support to come into effect from the week commencing 11 April 2005, at the time that the DWP implements its 02.072733965

changes, and so amendments to the Asylum Support Regulations 2000 must be laid before the House 21 days prior to this. For this reason I would appreciate an early reply.

I am copying this letter to the Prime Minister, Alan Johnson and Sir Andrew Turnbull.

CONFIDENTIAL



50: The

From the Assistant Private Secretary

31 January 2005

Dear Geoffrey,

ASYLUM RETURNS: COUNTRY ACTION PLANS

Further to Daniel Thornton's letter of 23 December to Nicola Thomas, the Overseas and Defence Secretariat has now drawn together grids of available levers on returns for seven key source countries. The Prime Minister has seen them. His view remains that performance on returns should be given a higher priority in our bilateral relationships with source countries.

The grids provide a useful first step towards comprehensive country action plans. They will need to be combined with ongoing IND/PMDU work to tie in analysis on intake, returns and individual tipping point targets. The final plans will need to give a clear sense of headline objectives, lobbying opportunities and detailed action points. The Cabinet Office will continue to co-ordinate this work. The Foreign Office will need to work closely with the Home Office to deliver progress against the final plans.

In the interim, the Prime Minister has agreed to a range of priority actions in each country. In the first group of countries, our priority is to achieve a framework for co-operation (in most cases, a returns agreement).

On Iran, the Prime Minister believes that we should:

- Pull forward the timeline for the next round of talks to the end of February (Action: FCO).
- Seek a pilot project, based on incentives for a target number of returns (80 per month, from the current 40), over three months.
- As incentives, offer the Iranians funding for training for returned asylum seekers, plus funding for a border control project.
- Tell them that if we cannot agree the pilot, and make it work, we will be compelled to tighten our controls, and refer all visa applications, (causing considerable delay and reduced service).

• Devote IND Special Operations resources during the pilot period, to ensure we can identify, detain and return sufficient numbers (on the model of successful temporary operations working with the Chinese).

On Iraq, the Prime Minister believes that we should:

- Produce a strategy for securing a returns MOU within 2 months of the establishment of a new Iraqi Government (Action: FCO)
- Speed up voluntary repatriation, including building appropriate infrastructure in N. Iraq (Action MOD/FCO/HO).
- Address genuine problems of Iraqi administrative capacity, through immediate technical assistance to the Embassy on redocumentation.
- Agree to expansion of UK visa service in Iraq.

On Pakistan, the Prime Minister believe that we should:

- Inform the Pakistanis that if agreement is not secured by the Foreign Secretary's visit in mid-February, we will be compelled to divert resources into greater control (Action FCO).
- Acknowledge that this will delay resumption of a full visa service, and probably reduce availability in specific categories.

On Nigeria, the Prime Minister believes that we should:

- Target the Obasanjo visit in March to secure returns agreement. Home
 Office to send a negotiating team to Nigeria by mid February (Action:
 HO).
- Offer technical assistance.

In the second group of countries, we have already achieved frameworks for co-operation, but need to improve implementation. In some cases, this will require changes to HO/IND procedures: we need to ensure that when countries do redocument their nationals, we are able to deliver their removal.

On China, the Prime Minister believes that we should:

• Pass a message to the Chinese on the need to work together to make substantial progress in advance of his visit to China in September and the inward State Visit in November.

- Acknowledge problems at our end and seek open discussion to remove obstacles to removal.
- Seek specific co-operation on biometrics as a medium term solution.

On India, the Prime Minister believes that we should:

- Secure extension of the current returns MOU by the time of the Foreign Secretary's visit in mid February.
- Agree new returns target for 2005 during the Foreign Secretary's visit.
- Ensure an immediate visit by UK review team to identify problems with current implementation.
- Offer funding/equipment to overcome delays in redocumentation.

On Turkey, the Prime Minister believes that we should:

- Reach the current 30-person ceiling for forced returns in March (Action: IND).
- Develop a negotiating strategy to raise the ceiling after March, exploiting our position as Turkey's EU champion (Action: FCO/HO)

The Cabinet Office will arrange a further series of meetings to finalise these action points. The Prime Minister will hold a ministerial meeting in one month to review progress.

I am copying this letter to the Private Secretaries of the Home Secretary, Chief Secretary to the Treasury, the Secretaries of State for Constitutional Affairs, International Development, Transport, Education and Skills, Trade and Industry, Defence, the Attorney General, and Des Browne - and to Sir Andrew Turnbull, Michael Barber, Margaret Aldred and Robin Barnett.

Yours,

GRACE CASSY

Craulassy

Geoffrey Adams, CMG FCO



Kare ovesey

From:

Kate Gross

Sent:

31 January 2005 15:31

To:

'nicola.thomas@homeoffice.gsi.gov.uk'

Cc:

Emily Miles; Justin Russell; 'emma.churchill@homeoffice.gsi.gov.uk'; 'robert.hill@homeoffice.gsi.gov.uk'; 'paul.morrison@homeoffice.gsi.gov.uk';

'charlotte.taylor@homeoffice.gsi.gov.uk'; Matrix Filing; 'Des.Browne.Submissions1

@homeoffice.gsi.gov.uk'

Subject:

Immigration and asylum 5 Yr plan

Nicola,

The Prime Minister was grateful for the latest draft of the five year strategy which he considered over the weekend. He raised the following points:

Bonds

He still wants this idea to be in the plan - but recognises the detail still needs to be worked out. If a bond on all applicants below tier 1 is not possible he was attracted to the idea of an entry clearance officer being able to impose bonds on workers or students who fall into high risk categories (eg a combination of nationality / visa type that is showing up as an area of concern on the heat map).

Settlement

English requirement - how would this work in practice? I assume we can't block people from bringing their spouses or children in if they don't speak English but PM felt that there should at least be a requirement on spouses etc to learn English during their probationary period in the UK - with no grant of full settlement until this was up to scratch

Minimum salary threshold - the PM would like it to be made a condition of long-term settlement that a migrant earns above a minimum salary settlement (eg £25-30,000). The threshold would presumably need to be related to the minimum salary someone would need to earn to ensure that the net contribution they made to the UK over the longer term exceeded the costs they and their dependents imposed. Different options for setting the figure might be - link it to threshold for higher rate tax (£34,000); link to upper earnings limit for working families tax credit? Link to top 25% of wage earners? (My DWP colleague is digging out the relevant numbers). Figure would presumably be higher for those with families than for single workers. Alternatively - could specify that you have to have a degree level qualification to settle permanently?

Health checks

The Prime Minister realises this is a difficult issue but wants something in the document on it. At a minimum he feels we should say something about screening for TB - a "test and treat, then allow entry" approach if necessary.

Students

The PM still wants to find a way of bringing pressure to bear on high risk students from high risk nationalities - so he doesn't want to rule out ideas like charging high risk students a bond against their return or stopping certain nationalities coming here for course of a very short duration. Can you offer some words on this?

Sponsors

The PM was attracted to the idea that devolved administrations or local authorities, as well as employers, should be able to sponsor migrants. Can we have some reference to this?

Failed asylum seekers

As intake numbers fall the PM wants to get to a position where we detain all those failed asylum seekers whose initial application is rejected. Can we include this as a future aspiration in the plan?

Other issues

A number of issues on removals were raised at the Prime Ministers' meeting with frontline staff on 24 January (eg the need for a legal power to enable bulk data sharing between DWP and IND; the need for some regional detention capacity in the North West and elsewhere, need to raise the priority of immigration work for police and CPS). Can we have some reference in the document to these?

Could the document also flag up some of the measures included in the removals action plan which went to the PM on 21 Jar by in advance of that meeting. In particular the plan to roll out document photocopying from June and to start finger and non-asylum high risk arrivals from countries like Nigeria.

Thanks,

Kate