



# Scotland's Migration Futures

## Challenges, opportunities, options

Edited by Sarah Kyambi

**MIGRATION  
POLICY  
SCOTLAND**



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SCOTLAND**

Migration Policy Scotland

64A Cumberland Street

Edinburgh EH3 6RE

[www.migrationpolicyscotland.org.uk](http://www.migrationpolicyscotland.org.uk)

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#### About Migration Policy Scotland

Migration Policy Scotland is a new, independent, think tank in Scotland. We work to promote and sustain a constructive approach to migration. Migration Policy Scotland fosters dialogue on migration and migration policy supported by sound evidence and inclusive engagement.

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# Introduction

Sarah Kyambi

One of the key challenges for policy work on migration is its cross-cutting nature. Migration, at its core, is about the movement of people and brings with it the complexity, and the contrariness, people embody. To forefront this, our publication adopts a multifaceted, multidisciplinary, approach with the authors focusing their chapters on different dimensions of migration in relation to Scotland: dynamics and flows, economics and labour markets, demographics, public attitudes, political and constitutional matters, human rights and society. We are fortunate to have the benefit of their assessments of the current state of play, their predictions on key future challenges and opportunities, and their views on the options for Scotland within that.

What is striking across the different authors' contributions is the sense of the end of an era regarding migration to Scotland. Several note the step-change in migrant arrivals to Scotland over the last 20 years and the key role this has played particularly in relation to labour supply and population. Migration to the UK from central and eastern European countries following the accession of the 'A8' countries<sup>1</sup> to the European Union (EU) in 2004 was distinctive in that it involved migration to parts of the UK that had little history of previous migration. For Scotland as a whole, the effect of this was such that the nation changed from being one of net out-migration to net in-migration in the 2000s. Poles (who make up the largest A8 migrant group) have become the largest migrant group in Scotland.

It feels commonplace to observe that at times of great upheaval, the one thing we can be certain of is change; but what is less apparent is what the analyses in the following chapters reveal about the dimensions of the change that we should

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<sup>1</sup> A8 'accession' countries were: Czech Republic · Estonia · Hungary · Latvia · Lithuania · Poland · Slovakia · Slovenia. Cyprus and Malta joined The EU at the same time. This was followed by the accession of Bulgaria and Romania (A2) in 2007.

anticipate. For the moment, the consequences of Brexit on the UK's immigration system appear to be fairly fixed. Free movement has ended and a new immigration system is in place that applies skills and salary thresholds to labour migrants. Although many have predicted that this shift to a significantly more restrictive system for newly arriving EU nationals is likely to become riddled with caveats as the pressure of labour shortages on particular sectors leads to ad hoc concessions.<sup>2</sup>

The end of free movement is the single most significant change in recent immigration history yielding a far more restrictive immigration regime for EU nationals arriving in the UK. It is change that has been effected against the wishes of Scotland, in terms of Scotland's majority vote against leaving the EU in 2016 and the Scottish government's repeated support for retaining free movement, welcoming EU nationals and advocating for automatic recognition rather than the registration requirement of the EU Settlement Scheme – Christina Boswell's chapter covers more on this. The repercussions of the end of free movement and the adequacy of the settlement scheme for EU nationals will become more apparent over the coming months and years.

We should also remember that for non-EU nationals the UK's immigration system has become more liberal. In his chapter, Jonathan Portes estimates that the about half of all full-time jobs should in principle qualify for visa applications, making the new system as liberal as those in most major developed economies. In many ways the difficulty is more related to the distribution of those jobs geographically – with more remote rural areas generally having fewer visa qualifying jobs.<sup>3</sup> In terms of salary levels, the main divide is between London and the South East and the rest of the UK, rather than between the constituent UK nations – although David Bell's data shows that, at aggregate level, wages in Scotland pushed past UK levels in 2020.

The desire in Scotland to diverge from the more restrictionist aspects of the UK immigration policy agenda remains prominent. Consequently, several contributors note the options for Scotland within the current devolution settlement to attract and retain migrants post-Brexit. These include making the most expansive use of the new system, for instance by promoting use of the shortage occupation lists or paying fees and costs related to the points-based system. Another possibility is to maximise Scotland's use of new visa routes such as graduate visas and those for British overseas nationals from Hong Kong. And finally, promoting Scotland's attractiveness as a migration destination in a wider range of source countries and developing reception and integration services to better support retention where possible.

For Migration Policy Scotland the aspiration to provide more capacity on migration policy also implies a need to focus on what can substantively be achieved on migration in Scotland under current constitutional arrangements.

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2 See for instance the recently announced temporary visa scheme for lorry drivers, BBC News online, 27 September 2021 and Kyambi S (2020) 'Divergence Needs Dialogue: Scottish devolution and immigration', IPPR Progressive Review, Vol 27, Issue 3, pp. 295-392. <https://doi.org/10.1111/newe.12218>

3 See Expert Advisory Group (2019) *UK immigration policy after leaving the EU: impacts on Scotland's economy, population and society*, <https://www.gov.scot/publications/uk-immigration-policy-leaving-eu-impacts-scotlands-economy-population-society/>

In part, this should involve finding ways to foster better coordination across the cross-cutting issues that migration impacts. Andrew Copus' chapter on the challenges Scotland faces on migration in relation to demographics offers an exemplary case of both the need to appreciate the complexity of the issues and the need for more joined up deliberation and design. Migration can form part of a response to demographic challenges, but there are no easy answers. The level of resourcing and persistence of engagement required to make progress currently remains elusive.

This struggle to translate the rhetorical into realities on the ground is foregrounded in Mhairi Snowden's observations on trends relating to human rights. Walking the walk on human rights in Scotland often lags behind talking the talk – shortfalls on hardship and equality remain familiar and persistent, despite expansionist declarations. Her chapter has an interesting mirror in Christina Boswell's where the symbolic role migration plays in the devolution debate contrasts with substantive considerations. Divergence on immigration between Holyrood and Westminster undoubtedly leads to frustration. But we should resist the temptation to conclude that the dilemmas migration poses in different spheres would be resolved if only Scotland had greater powers over these issues. Boswell's point that it is likely the very lack of competence over immigration that is at the root of the broadly positive cross-party consensus is pertinent in this respect.

One helpful approach is to consider what the scope for action is. Softening attitudes to migration offer greater scope for more liberal action – though whether this is acted upon is another question. Heather Rolfe and Sunder Katwala's analysis of public attitudes show on what issues and to what extent attitudes in Scotland are more liberal than those in other parts of the UK. They note the likely importance of clear messages from parliamentarians and council leaders on the value of migration and the impact of a more positive media discourse on migration and these do need to be recognised and commended. As a number of contributors point out Scotland is not immune to the factors that drive anti-immigrant hostility elsewhere.<sup>4</sup> One sobering finding of their analysis is how limited public awareness is of demographic challenges and the role migration can play in meeting them.

Looking ahead it is probable that the composition of migrant inflows to Scotland will undergo a shift towards more migrants arriving from outside the EU. We should expect to see migrants arriving in Scotland from a wider range of countries and without the flexibility and the protections that characterised free movement. A key question will be how service providers and community supports adjust. Rebecca Kay's chapter explores some of the challenges, and suggests new ways of thinking about integration service provision. Making those adjustments will be critical to ensuring migration works well for both migrants and the communities they join.

This publication celebrates the launch of Migration Policy Scotland by bringing together leading experts' views on migration in Scotland from a range of perspectives. It is hoped their assessment of the current situation and their predictions of the opportunities and challenges ahead can provide a touchstone for those of us working on these issues across a range of roles in the Scottish

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4 See also Sobolewska M and Ford F (2020) *Brexitland: Identity, diversity and the reshaping of British politics*, Cambridge University Press. Chapter 9.

public, private and third sectors. Through publications like this one, Migration Policy Scotland seeks to promote the type of informed and open discussion that is necessary to sustain a constructive approach to migration. As a new, independent, think tank Migration Policy Scotland aims to add an impartial and authoritative voice on migration (outside of asylum and refugee migration) to the third sector landscape in Scotland.<sup>5</sup> Migration is an integral part of a globalised world. Resourcing a constructive approach with evidence and opportunities for dialogue will be key to making it a success.

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5 On the need for increased policy capacity on migration in Scotland see: Kyambi S (2020) *Migration Policy Scotland Project: Report of a scoping exercise on the need for greater policy capacity on migration in Scotland*, [https://migrationpolicyscotland.org.uk/wp-content/uploads/2021/07/Migration-Policy-Scotland-Scoping-report\\_2020.pdf](https://migrationpolicyscotland.org.uk/wp-content/uploads/2021/07/Migration-Policy-Scotland-Scoping-report_2020.pdf) and Migration Exchange (2020) *Taking Stock and Facing the Future: The infrastructure and resources of the UK migration and refugee sector*, <https://global-dialogue.org/taking-stock-and-facing-the-future/>

# Chapter 1

## Immigration and devolution in Scotland

Christina Boswell

### Migration policy preferences: Scotland v. the UK

A surprising feature of the debate on Scottish independence is how frequently migration has surfaced as a topic. Over the past few years, it has become one of the key issues of contention in debates on Scottish devolution and independence. The Scottish Government has pointed to diverging policy preferences between Scotland and the UK: while the Scottish National Party (SNP) is keen to promote a more liberal approach to immigration (and indeed, such an approach is also embraced by other mainstream parties in Scotland), Conservative-led administrations at UK level have pursued restrictive approaches that aim to limit immigration. Thus, the goal of increasing immigration to Scotland is seen as being thwarted by the current UK government agenda. As the First Minister has expressed it, 'Fundamentally, the UK Government's approach to immigration is creating a major long-term problem for Scotland'.<sup>6</sup>

This divergence in Scottish/UK preferences on migration is not new – it reflects a long-standing difference of perspective. Part of this divergence relates to how immigration issues are framed. In the UK, immigration policy (encompassing

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<sup>6</sup> Plan for Scottish Visa: First Minister Speech (January 2020), <https://www.gov.scot/publications/plan-scottish-visa/>

migration for work or family, not asylum) has been developed in the context of labour market needs. The government has introduced schemes to attract (generally ‘skilled’) migrants as a means of meeting skills shortages and boosting productivity. Particularly schemes – such as Tier 2 of the previous points-based system, and the new Skilled Worker Route – have been informed by analysis of labour market needs, as well as the fiscal impact of immigration. By contrast, the debate in Scotland revolves strongly around demographic factors. Successive administrations, both SNP and Labour, have seen immigration as a crucial, or even the only, way of offsetting population decline and ageing.

The demographic framing of immigration reflects the fact that the Scottish population is ageing more rapidly than the average of the rest of the UK.<sup>7</sup> It also captures a preoccupation in Scotland with the challenges of depopulation in remote and rural areas. The focus on remote rural areas is not just socio-economic issue, but is imbued with immense symbolic significance in Scottish culture and politics. And because immigration is seen as part of the solution to population decline, the focus of policy reform has been firmly on encouraging migrants to settle and integrate in local communities. In this sense, debate around Scottish immigration has been more holistic and long-term, concerned with encouraging migrants to move to and settle in communities across Scotland in the longer term. This contrasts with a UK focus on immigration to address economic and labour market needs. Indeed, the strikingly inter-disciplinary approach to thinking about immigration issues is reflected in the broad composition of the Expert Advisory Group on Migration and Population, which I chaired from 2018-21, which brings together labour economics with demography, sociology, political science and geography.<sup>8</sup>

These divergences between Scottish and UK perspectives have taken on renewed force in the run-up to, and immediate aftermath of, Brexit. Free movement is widely considered to have been beneficial to Scotland. It provided a flexible and accommodating framework for mobility, encouraging migration of EU/EEA nationals to almost every part of Scotland. It allowed migrants to take up jobs in any sector or at any skills and salary level, and to bring extended family to support them with childcare and integration. Importantly, it allowed freedom to come and go, including to take up seasonal work – and to relocate within the UK, for example from urban to rural areas. The upshot was a significant rise in net migration to Scotland from the early 2000s.<sup>9</sup>

The end of free movement, as a consequence of the UK leaving Europe, was seen as a real blow to Scotland – the First Minister describing it as ‘almost heartbreaking’.<sup>10</sup>

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7 National Records of Scotland (2021) Mid-2020 Population Estimates, Scotland <https://www.nrscotland.gov.uk/files//statistics/population-estimates/mid-20/mid-year-pop-est-20-report.pdf>

8 See: <https://www.gov.scot/groups/migration-and-population-expert-advisory-group/>

9 Expert Advisory Group on Migration and Population (2019), *UK immigration policy after leaving the EU: impacts on Scotland's economy, population and society*, <https://www.gov.scot/publications/uk-immigration-policy-leaving-eu-impacts-scotlands-economy-population-society/>

10 Plan for Scottish Visa: First Minister Speech (January 2020), <https://www.gov.scot/publications/plan-scottish-visa/>

Not only are migration routes more restricted, but pathways to settlement and family migration have become more complicated.<sup>11</sup>

## The political context

Let's now consider the political context of this debate. I mentioned at the beginning of this piece that it was surprising that immigration had become a key issue of contestation in debates on independence. The reason for this is that aiming to increase immigration is rarely seen as a vote-winner by political parties. While there are typically a wide range of good reasons to encourage immigration (economic, cultural, diplomatic), electorates tend to favour restricting immigration. Clearly, there are nuances. If asked in a more variegated way, members of the public typically agree that migrants bring valuable skills for the economy and public services such as the NHS.<sup>12</sup> And some surveys have found that public attitudes in Scotland are somewhat less hostile to increasing immigration than averages for the UK. But there is not a huge amount in it: indeed, research by the National Centre for Social Research found that public opinion in Scotland is more similar to that of the UK than is often claimed.<sup>13</sup> For more on public attitudes see Rolfe and Katwala's chapter.

In this sense, the Scottish Government's more open approach to immigration appears to be somewhat out of kilter with public opinion. But the SNP is not the only political party to back a more liberal approach. Labour, the Lib Dems, the Greens, and most Scottish Conservative politicians, are all persuaded of the demographic and economic case for attracting more migrants to Scotland. Given the party unity over this issue, it is a relatively safe space for the SNP to occupy – at least for now.

Yet this creates a paradox for Scottish Government. One of the challenges with pegging independence arguments on this issue is that it becomes imbued with symbolic weight – it becomes a litmus test of how far Scotland can meet its objectives within the current constitutional arrangements. This creates the risk that policy proposals and debate in this area become a question of posturing, rather than attempts to meet substantive goals. It shuts down scope for flexibility, compromise, or pragmatic workarounds. The implication is a trade-off between securing (at least some of) the government's migration policy objectives; and retaining the ability to use the issue as a signal of the limitations of devolution.

It is uncertain whether compromises on migration could be reached in the current political climate, given the acknowledged strains in intergovernmental relations,

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11 Expert Advisory Group on Migration and Population (2019) *UK immigration policy after leaving the EU: impacts on Scotland's economy, population and society*, <https://www.gov.scot/publications/uk-immigration-policy-leaving-eu-impacts-scotlands-economy-population-society/>

12 Rutter J and Carter R (2018) National Conversation on Immigration, British Future and Hope not Hate, <https://www.britishfuture.org/national-conversation-final-report/>

13 Curtice J and Montagu I (2018) Do Scotland and England & Wales have different views about Immigration? Natcen and Scotcen, <https://natcen.ac.uk/our-research/research/do-scotland-and-england-wales-have-different-views-about-immigration/>

including cooperation between the Home Office and Scottish Government.<sup>14</sup> So perhaps this is a moot point. But in the event of more constructive working relationships – for example, with a Home Secretary more open to accommodating Scotland’s needs – this could become a stumbling block to moving towards a policy that might better meet Scotland’s goals.

## What are the options?

Given the standoff between UK and Scottish Government on migration issues, what kinds of scenarios can we expect to emerge?

One scenario is Scottish independence, and a (relatively) independent immigration policy. On this scenario, Scotland would in principle have free rein to design a more expansive approach. However, as others have argued, such a policy might not be quite as autonomous as Scottish Government may like. If Scotland joins the European Union (EU) but is unable to obtain an opt-out from Schengen, it would be extremely difficult to reconcile EU membership with retaining an open border with the UK, or being part of the Common Travel Area with Ireland and the (rest of the) UK.<sup>15</sup> Even if Scotland were to secure an opt-out (as Ireland has done), the UK Government may still be concerned that EU nationals (or third country nationals) who were permitted to enter and work in Scotland would exploit opportunities to cross the border and move on to the UK.

However, as I have argued elsewhere, unauthorised migration is unlikely to be a major headache.<sup>16</sup> Given the difficulties in sustaining a life without having regular status in the UK – difficulties rendered more acute in the so-called ‘hostile environment’ where immigration status is checked by employers, banks, landlords and health providers – the vast majority of regular migrants to Scotland would have limited incentives to move to the UK where they would be treated as ‘illegal’.

However, this situation has not been seriously tested, as Ireland’s immigration policy has tended largely to align with that of the UK. In the event of Scotland introducing a largescale migration programme for lower skilled migration in sectors that are commonly associated with casual or irregular work (such as domestic services, construction, catering, parts of agriculture), this may raise concerns south of the border about the potential for irregular flows. Scotland would need to think carefully about enforcement.

A second issue would be public opinion. While there are relatively low electoral risks in supporting a more generous immigration policy while Scotland does not

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14 Kyambi S (2020) *Migration: How Scotland hoped to do things differently*, LSE Brexit Blog, <https://blogs.lse.ac.uk/brexit/2020/02/21/migration-how-scotland-hoped-to-do-things-differently/>

15 Kyambi S (2021) ‘In what ways have the immigration issues raised by Scottish independence changed since the 2014 referendum?’ in Hepburn E, Keating M and N McEwen (eds) *Scotland’s New Choice: Independence after Brexit*, Centre for Constitutional Change, <https://www.centreonconstitutionalchange.ac.uk/sites/default/files/2021-03/Scotlands-New-Choice.pdf>

16 Boswell C (2020) *After border control: how internal controls are becoming the most potent tool in immigration enforcement*, blogpost <https://christinaboswell.wordpress.com/2017/08/20/after-border-control-how-internal-controls-are-becoming-the-most-potent-tool-in-immigration-enforcement/>

have competence in this area, experience from governments with responsibility for migration policy tends to be more cautious. Independence would trigger a realignment of political parties, and is likely to see either the Scottish Conservatives, or a smaller populist party, occupying an anti-immigration space. This could make immigration issues more salient in Scotland, especially if the right-wing media becomes critical of more liberal approaches – making it far less tactically appealing for the SNP or Labour to back more liberal policies.

What about the scenario of non-independence? As discussed elsewhere, there may be ways of meeting (at least some of) Scotland's demographic goals without full independence.<sup>17</sup> Recent studies have suggested that this might be achieved in three main ways.

The first, more ambitious option, is for a decentralised immigration system. This could involve Scotland introducing its own visa, as proposed by the First Minister (see above); or it could involve a bespoke points-based system, along the lines of the Canadian or Australian systems.<sup>18</sup> The main challenge here is in offering sufficiently expansive rights and opportunities to attract migrants with the profile and preferences that would best meet Scotland's economic and demographic needs, including encouraging settlement in remoter areas. Expansive rights also imply freedom to relocate to other parts of Scotland or the UK – a challenge encountered in many Canadian schemes aiming to attract migrants to less populated areas. In previous reports, we have discussed ways around this issue and proposed how a pilot scheme might operate;<sup>19</sup> but as Jonathan Portes argues in his chapter, more thought needs to be given to ways of achieving these goals as part of a differentiated approach.

The second main option is to introduce adjustments within the existing UK migration system, which are tailored to address Scotland's needs. Options include expanding the Scotland Shortage Occupations List; reducing salary or skills thresholds for particular areas of Scotland or for Scotland as a whole; or introducing a more expansive graduate work scheme for Scotland, along the lines of the previous Fresh Talent programme. These options all come with their own challenges – whether in terms of creating labour market distortions between parts of the UK, introducing more complexity into the UK migration system, or managing enforcement across different parts of the UK. Nonetheless, there are

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17 See Boswell C, Kyambi S and S Smellie (2017) *Scottish and UK Immigration Policy after Brexit – Evaluating Options for a Differentiated Approach*, <https://www.scer.scot/database/ident-2735>

18 Kay R, Kyambi S and C Boswell (2018) *Choices Ahead: Approaches to lower skilled labour migration after Brexit*. Centre on Constitutional Change, [https://www.pure.ed.ac.uk/ws/portalfiles/portal/74744987/Boswell Etal CCC 2018 ChoicesAhead.pdf](https://www.pure.ed.ac.uk/ws/portalfiles/portal/74744987/Boswell_Etal_CCC_2018_ChoicesAhead.pdf)

19 Expert Advisory Group on Migration and Population (2019) *Immigration policy and demographic change in Scotland: learning from Australia, Canada and continental Europe*, <https://www.gov.scot/publications/immigration-policy-demographic-change-scotland-learning-australia-canada-continental-europe/>

options worth exploring in more depth, that might achieve a viable compromise between UK and Scottish Government perspectives.<sup>20</sup>

Thirdly, there is also scope to use ‘softer’ levers to attract and retain migrants, without changing formal programmes that regulate entry and stay. For example, many local authorities in Scotland have introduced measures to provide additional support for migrants to remote and rural areas, help with learning English, or integrating into local communities. The Scottish Government has also launched campaigns to raise awareness of Scotland as a destination, and has been highly successful in sending a more welcoming message to EU nationals living in the country, encouraging them to stay. Such measures can have some influence on patterns of both internal (intra-UK) and international migration, as well as promoting longer-term settlement.<sup>21</sup> But of course, local authorities have very limited budgets, and such ‘soft’ measures run up against constraints where UK policy involves restrictions on access to rights and pathways to settlement.

From the perspective of the Scottish Government, these options, and especially the last two more modest adjustments, will be no substitute for substantial policy change. But the risk is that they are not given sufficient reflection or discussion, in a highly charged debate on constitutional change. Migration Policy Scotland is ideally placed to inform and shape debates on these various scenarios. Crucially, it will seek to develop solutions that transcend the debate on independence – prioritising approaches that further substantive goals, making immigration policy work for Scotland, rather than deploying the issue as part of wider constitutional battles.

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20 See, for example, proposals set out in our report Expert Advisory Group on Migration and Population (2021) *Designing a pilot remote and rural migration scheme: analysis and policy options*, <https://www.gov.scot/publications/designing-pilot-remote-rural-migration-scheme-scotland-analysis-policy-options/>

21 See Expert Advisory Group on Migration and Population (2020) *Internal migration in Scotland and the UK: trends and policy lessons*, <https://www.gov.scot/publications/internal-migration-scotland-uk-trends-policy-lessons/>

## Chapter 2

# Dynamics of migration flows to Scotland: challenges and opportunities

Jonathan Portes

Over the last two decades, immigration has become increasingly important to Scotland's economy and labour market. The number of Scottish residents born abroad has more than tripled to more than half a million.<sup>22</sup> While this still represents a lower fraction of the population than for the UK as a whole, it is similar to that for the UK outside London. It may also be an underestimate, at least in respect of the EU-origin population; nearly 300,000 EU/EEA nationals have applied to the EU Settled Status scheme on the basis of residence in Scotland, significantly more than the number estimated to be resident in 2019 (although some may have since left the country).<sup>23</sup>

At a time when Scotland's fertility rate has been in steep decline (it was 1.37 in 2019, and fell further during the pandemic) and with natural change (births minus deaths) now negative, migration, particularly from the EU in recent years,

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22 Office of National Statistics, Population by Country of Birth and Nationality <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/populationoftheunitedkingdombycountryofbirthandnationality>

23 Home Office, EU Settlement Scheme Statistics, retrieved 25 August 2021, <https://www.gov.uk/government/collections/eu-settlement-scheme-statistics>

has allowed Scotland's population to grow (along with a smaller contribution from net migration from elsewhere in the UK).

Against this background, the most radical set of changes to the UK immigration system for at least forty years – the introduction of the new post-Brexit immigration system – means both challenges and opportunities for Scotland. The Westminster government has been extremely unwilling to allow even modest flexibilities for Scotland within the UK-wide immigration system - see Boswell's chapter for a discussion of the divergence between the UK and Scottish Governments on migration. This means that the new system is largely a fait accompli as far as Scotland is concerned. But that does not mean that Scotland has no control over future migration flows; there are number of ways in which it could take advantage of recent developments.

## How the post-Brexit immigration system impacts Scotland

First, what will the impacts of the new system be on immigration to Scotland? The report by the Scottish Government's independent Expert Advisory Group on Migration and Population warned that the ending of free movement could lead to a sharp fall in migration to Scotland, with significant negative fiscal and demographic impacts over the longer term.<sup>24</sup> However, that was based on the proposals set out by the Theresa May government in 2018. In fact, the new system implemented in January 2021 is considerably more liberal than that originally proposed, and has incorporated a number of the recommendations made by the Advisory Group and others for a simpler and more flexible system, with a lower salary threshold.

The key elements of the new system are that new migrants – whether from the EU or elsewhere – should be coming to work in a job paying more than £25,600, roughly equal to median earnings in both the UK and Scotland, or the lower quartile of the average salary, whichever is higher, and in an occupation requiring skills equivalent to at least A-levels ("RQF3"). There will be a lower initial threshold for new entrants and for those in shortage occupations, meaning that for some occupations the salary threshold may be as low as about £20,000. Moreover, for the National Health Service and education sectors, there will in effect be no salary threshold. If the job is at an appropriate skill level (again, roughly the equivalent of A-levels, and including not just nurses and doctors but radiographers and technicians), then paying the appropriate salary according to existing national pay scales will be sufficient.<sup>25</sup>

The new system will represent a very significant tightening of controls on EU migration compared to free movement. Migrants coming to work in lower-skilled

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24 Expert Advisory Group on Migration and Population (2019) *UK Immigration Policy after leaving the EU: Impacts on Scotland's economy, population and society*, <https://www.gov.scot/publications/uk-immigration-policy-leaving-eu-impacts-scotlands-economy-population-society/>

25 For a discussion of the post-Brexit migration system and the political and economic background, see Portes J (2021) Immigration and the UK economy after Brexit, UK in a Changing Europe Working Paper 5, <https://ukandeu.ac.uk/wp-content/uploads/2021/06/Immigration-and-the-UK-economy.pdf>

and paid occupations will in principle no longer be able to gain entry. Even those who do qualify will need their prospective employers to apply on their behalf, will have to pay significant fees, and will, as is the case for non-EU migrants at present, have significantly fewer rights, for example in respect of access to the benefit system. The Migration Advisory Committee estimates that had such a system been in operation since 2004, then more than 70% of EU migrants moving to Scotland during that period have been excluded, and Scotland's population would have been about 2.5% lower.<sup>26</sup>

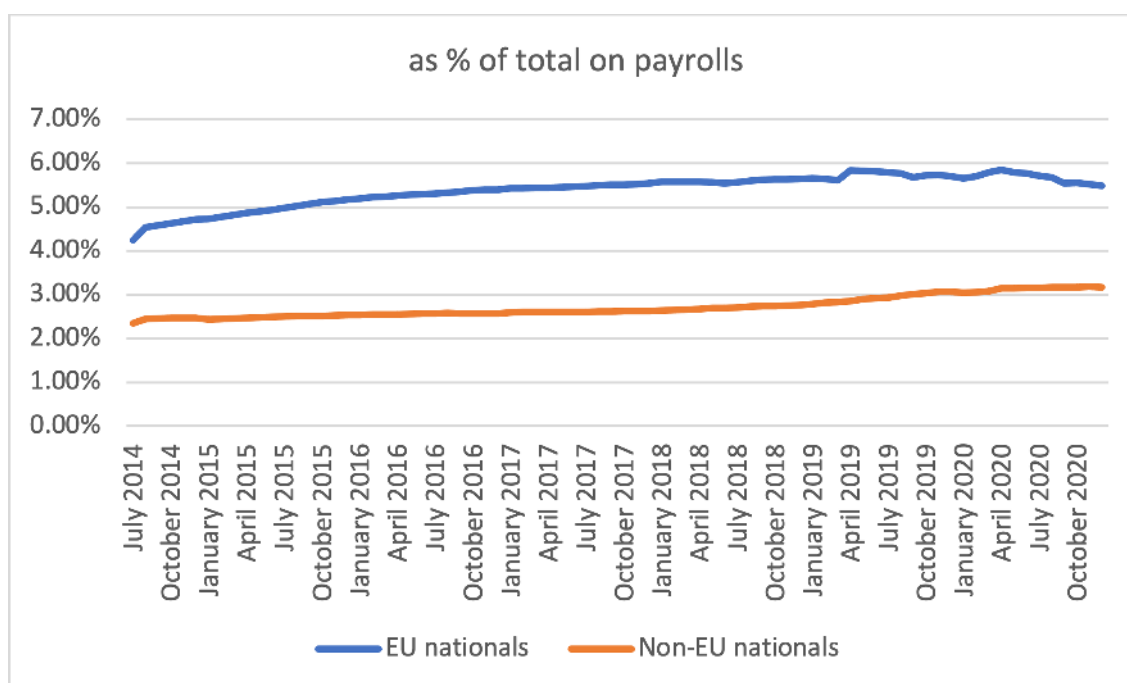
So – as the Scottish government has pointed out – the new system is likely to lead to a painful period of adjustment in a number of sectors, particularly those that employ EU nationals on relatively low wages: tourism, agriculture and food, hotels and restaurants, and social care.<sup>27</sup> There was a substantial outflow of EU-origin workers from Scotland, as from the rest of the UK, during the pandemic: HMRC data shows that after rising by about 40,000 in the period 2014-2020, the number of EU nationals on Scottish payrolls fell by about 11,000, or 8%, between March and December 2020. And although Brexit was by no means the main driver here, it may well make it harder for Scottish employers to fill those jobs as the economy reopens and recovers. These effects are already visible in widespread reports of skill and labour shortages in the sectors most affected (see also David Bell's contribution on labour markets)

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26 Migration Advisory Committee (2020) A Points-Based System and Salary Thresholds for Immigration, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/873155/PBS\\_and\\_Salary\\_Thresholds\\_Report\\_MAC\\_word\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/873155/PBS_and_Salary_Thresholds_Report_MAC_word_FINAL.pdf)

27 Scottish Government (2020) Shortage occupation list 2020: call for evidence: our response, <https://www.gov.scot/publications/scottish-government-response-migration-advisory-committee-2019-20-call-evidence-shortage-occupation-list/pages/3/>

Figure 1: Non-UK National Employees in Scotland



Source: Office of National Statistics (2021) Coronavirus and the Impact on Payroll Employment, <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/coronavirusandtheimpactonpayrollemployment/experimentalanalysis>

However, this is only part of the story. Compared to the current system, the new proposals represent a considerable liberalisation for non-EU migrants, with lower salary and skill thresholds, and no overall cap on numbers. Approximately 68% of UK employees (and a broadly similar number in Scotland) work in occupations requiring RQF3 level skills or above; given the requirement for new migrants to be paid at or above the lower quartile of earnings for that occupation, that implies about half of all full-time jobs would be in principle qualify an applicant for a visa under the new system.<sup>28</sup> This represented a very substantial increase - perhaps a doubling compared to the previous system for non-EU nationals, which was also for most of the 2012-19 period subject to an overall quota and a resident labour market test. For non-EU citizens, this system is arguably as liberal as that found in any other major developed economy.

So it is not the case that the new system represents an unequivocal tightening of immigration controls; rather, it rebalances the system from one which was essentially laissez-faire for Europeans, while quite restrictionist for non-Europeans, to a uniform system that, on paper at least, is expensive but has relatively simple and transparent criteria, and covers up to half the UK and Scottish labour markets.

<sup>28</sup> This is an approximation, based on the analysis in Migration Advisory Committee (2020). As noted above, some jobs not covered by this would qualify in the health and education sectors, and salary requirements are lower for new entrants and Phds; on the other hand, for some jobs the £25,600 threshold, which also applies, will be higher than the lower quartile of earnings.

The system has also been liberalised in other respects. The reintroduction of the Post-Study Work Route for students graduating from UK universities means that such students can stay in the UK for two years after graduation, and work in essentially any job. And the government's decision to offer visas (leading eventually to settlement) for British National Overseas Citizens from Hong Kong (and their dependents) extends eligibility to approximately 5 million people.

## How Scotland can meet its migration goals

So while the government has rejected pleas both from the Scottish government and those sectors most affected to modify the new system to allow visas in those sectors currently grappling with the impacts of covid and Brexit, the current environment offers a number of opportunities for the Scottish government, business and civil society to promote Scotland as a destination for international migrants.

Those employers who rely on EU/EEA nationals need to ensure that their employees have applied for settled status; in most cases they will have done so already, but some may have slipped through the net. But they don't need to stop there. Those now suffering recruitment difficulties that have been exacerbated by the end of free movement should remember that there is a very large pool of EU/EEA nationals – now well over 5 million – who have secured settled status and have the right to live and work in the UK, even if – as will be the case for many – they are not currently resident.<sup>29</sup> Attracting them back may require a mixture of financial and other incentives, but if they moved here once, there is no obvious reason they should not do so again.

The Scottish government and employers in sectors that recruit middle and highly skilled workers should consider what they can do to attract such workers to Scotland. As described above, the new system is considerably more liberal for non-EU nationals than the one it replaced – but awareness of this is low in key potential source countries like India. The UK government is currently doing little to promote the UK as an attractive destination; that is unfortunate for the UK as a whole, but potentially could be an opportunity for its nations and regions.

The recreation of the post-study work route means non-UK graduates of Scottish universities can remain in the UK for 2 years and work freely. More than 50%, or 1 in 5 Scottish students are from outside the UK; retaining a significant fraction of them would be a major boost to Scotland's skills base and long term growth. The Scottish government and universities, building on the experience and evidence base of the Fresh Talent scheme should consider what incentives/schemes could encourage international graduates to stay in Scotland.<sup>30</sup>

Hong Kong visa route. The UK government's decision to offer visas to British Overseas nationals in Hong Kong opens up the potential for large-scale migration

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29 Home Office (2021) EU Settlement Scheme Quarterly Statistics, June 2021, <https://www.gov.uk/government/statistics/eu-settlement-scheme-quarterly-statistics-june-2021>

30 Scottish Government Social Research (2008) Fresh Talent: Working in Scotland Scheme an evidence review, <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.606.8786&rep=rep1&type=pdf>

from Hong Kong to the UK. While many of such migrants will choose to move to London, not all will; many will have few or no connections anywhere in the UK and may therefore be open to a variety of location choices. While they are unlikely to move to areas with no existing Hong Kong/Chinese community, such communities do already exist in Edinburgh and Glasgow. The potential benefits of attracting significant numbers of migrants from Hong Kong to Scotland would be substantial. The UK government is funding a “Welcome Hub” in each nation/region; the Scottish government could (as soon as possible!) scope out with community organisations and local authorities what more could be done to “market” Scotland as an attractive destination for Hong Kong migrants.

Refugees. Scotland has a good record on refugee resettlement and integration, and is well placed to welcome refugees from Afghanistan and elsewhere; this is not just an act of altruism, but will potentially generate long-term economic and demographic benefits (in general, over the very long term, politically driven refugee flows tend to integrate well socially and economically).

The Migration Advisory Committee has recommended that the Government consider a Remote Areas Pilot Scheme, to address the specific problems of rural areas facing severe demographic challenges; many of these areas are in Scotland.<sup>31</sup> The Government accepted this recommendation in principle, and the Scottish Government has commissioned a study of how such a pilot might operate.<sup>32</sup> While such a scheme (as the MAC noted) would be unlikely to be transformative in itself, it is still worth pursuing.

So while the end of free movement will certainly mean a difficult set of adjustments for some sectors and businesses, prospects are far better than they appeared immediately after Brexit. From refugees to students to skilled workers, there is ample scope to expand migration to Scotland; but only if Scotland works with the grain of the new system to create a strategy that makes Scotland an attractive destination for international migrants to come to live and work. That in turn could go a long way towards addressing Scotland’s long run economic, fiscal and demographic challenges.

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31 Migration Advisory Committee(2020) *A Points-Based System and Salary Thresholds for Immigration*, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/873155/PBS\\_and\\_Salary\\_Thresholds\\_Report\\_MAC\\_word\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/873155/PBS_and_Salary_Thresholds_Report_MAC_word_FINAL.pdf)

32 Expert Advisory Group on Migration and Population (2021) *Designing a pilot remote and rural migration scheme: analysis and policy options*, <https://www.gov.scot/publications/designing-pilot-remote-rural-migration-scheme-scotland-analysis-policy-options/>

## Chapter 3

# Migration and the Scottish economy

David Bell

Migration and economic development are inextricably linked. One of the principal reasons why individuals and households move is to improve their economic prospects. This is as true of Scotland as of other jurisdictions.

Economic motivations for migration include increased wages and/or employment prospects. But there are also costs to migration: the most obvious is the cost of physically moving, but there are also the psychological costs of adapting to a new environment. The decision to migrate involves comparing circumstances at the current location and those at feasible alternative locations. Moving from a high-income country to a low income one is relatively rare, whereas a move from low income to high income is much more common. Migration is also intimately associated with risk, because both the benefits and the costs of moving to a new location cannot be known with certainty prior to the move.

The costs of migration can be mitigated, and the risks reduced. Persuading employers to cover moving costs, moving to rental rather than owner occupation, moving to a location which already is home for friends or relatives or moving back to somewhere already lived in are each mechanisms that reduce the uncertainty of moving location.

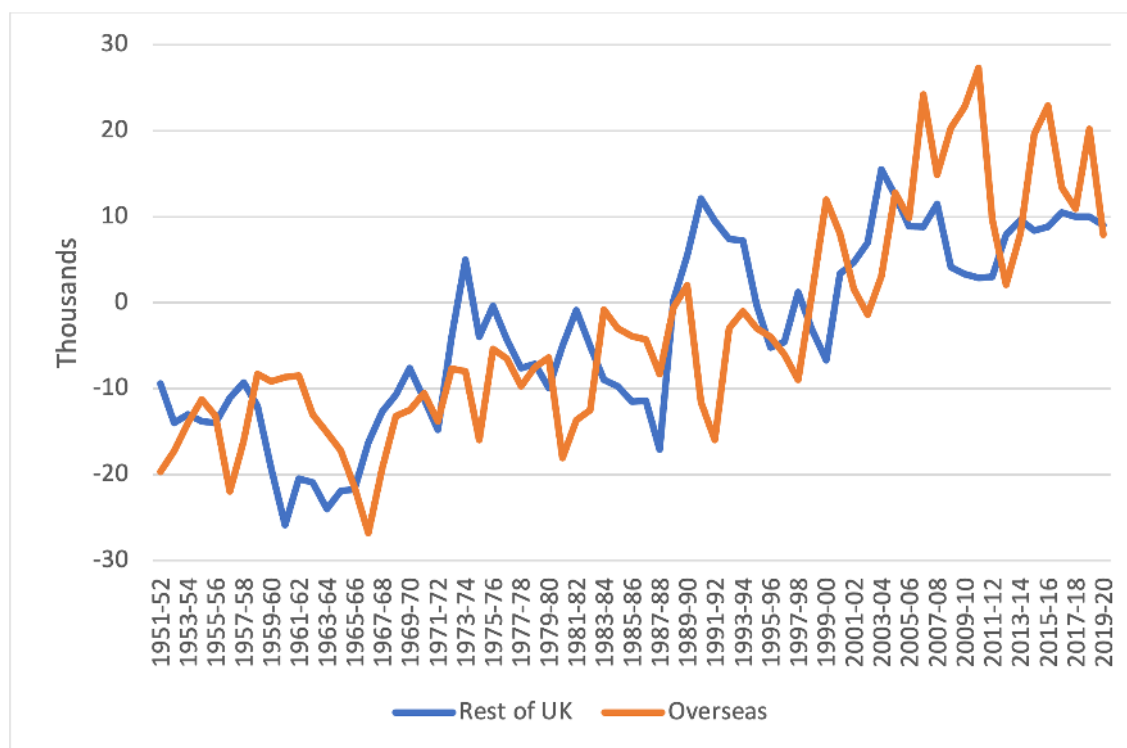
Moving an entire household adds complication to the migration decision. If both partners work and wish to continue working after migration, the job matching process becomes more complex since a suitable position must be found for both. Suitability of educational provision for children at the destination is another

important consideration that households may take account of. The data suggest that migration is more prevalent among young unattached adults than among older age groups, perhaps reflecting the lower costs of migration for singles compared with households and the longer period over which they can reap the rewards of migration.

## The Interaction between migration and the economy

These cost and benefit calculations apply whatever the location and potential destination. But how have they particularly applied in Scotland and how do they relate to the Scottish economy? Figure 1 shows net migration flows between Scotland and the rest of the UK between 1951-52 and 2019-20. It also shows the net flows between Scotland and overseas.

Figure 1: Net Migration to and from Scotland, Rest of UK and Overseas

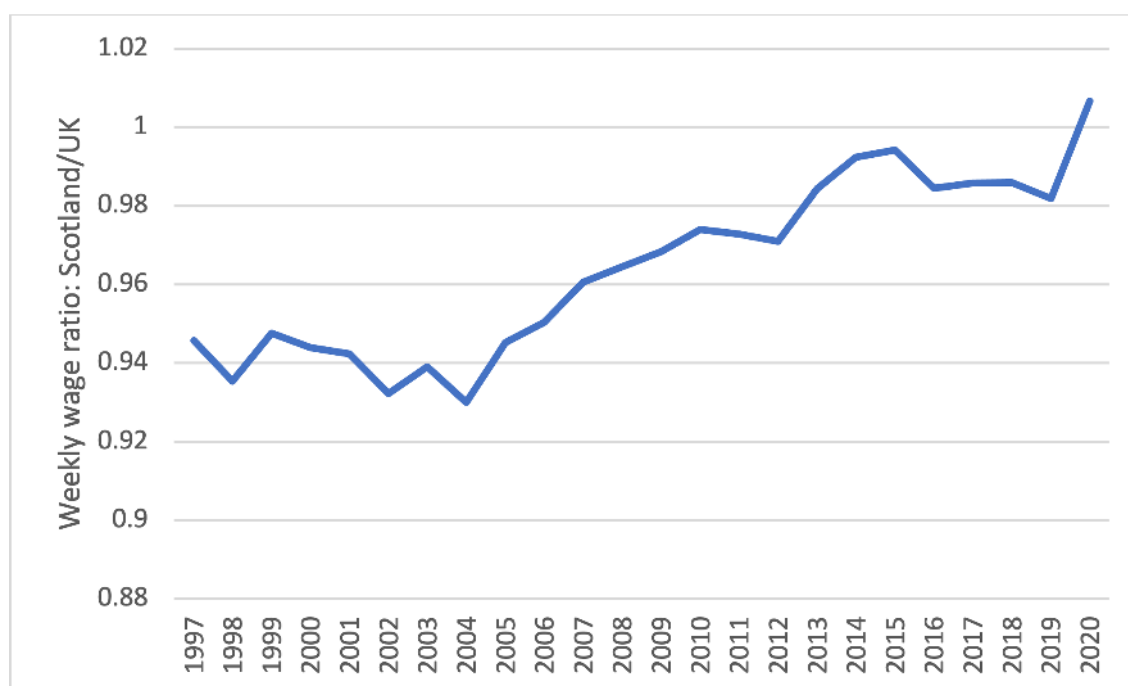


Source: National Records of Scotland

Scotland typically experienced net outflows of population both to the rest of the UK and overseas during the 20<sup>th</sup> century. Much of this movement was driven by economic opportunity. Scots moved to other parts of the world where access was relatively easy and economic prospects more favourable. They also moved to other parts of the UK, again to seek out better prospects. Yet as the 20<sup>th</sup> century came to an end, so too did the net outflows of population. They were replaced by net inflows, almost unprecedented in Scotland's demographic history. An important contributory factor was the UK decision to admit individuals from the "EU Accession States" - Poland, Lithuania etc. Relatively higher pay in Scotland attracted many workers from the new EU member states where wages were typically much lower.

There was also a net inflow to Scotland from the rest of the UK. Again, this was largely unprecedented. This may reflect a gradual “catch up” of Scottish pay levels to those in the rest of the UK. Figure 2 shows the ratio of weekly wages across all categories of worker (male and female, full-time and part-time) in Scotland to those of the UK as a whole for the period 1997 to 2020. The ratio has risen steadily from 2004. In 2020, for the first time, wages in Scotland exceeded those in the UK as a whole. Though this is a relatively coarse indicator, it suggests that, on average, those considering a move from other parts of the UK to Scotland are less likely to face pay cuts than was previously the case.

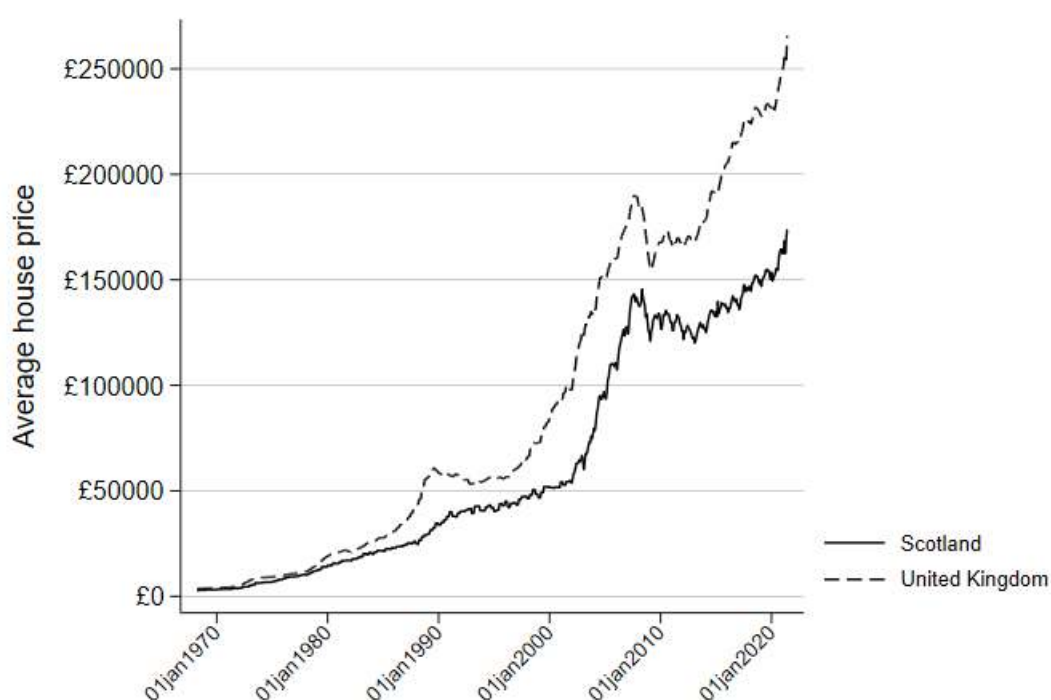
Figure 2: Scotland as share of GB: Median Total Pay (all workers)



Source: Annual Survey of Hours and Earnings, Office for National Statistics

Housing is one of the major costs of migration. Again, trends in house prices have been working in favour of those considering a move from the rest of the UK to Scotland. Figure 3 shows average house prices in Scotland and the UK as a whole from 1970 to 2021. Whereas during the 1970s, there was little difference in average house prices between Scotland and the UK, a considerable gap has since emerged. Though somewhat attenuated during the Great Recession, the gap in house prices exceeded £80,000 in June 2021. Since rents are closely linked with house prices, those considering moving to Scotland will be less deterred by housing costs than in many other parts of the UK whether considering renting or purchasing a property.

Figure 3: Average House Prices in Scotland 1970-2020



Source: Office for National Statistics

As mentioned previously, migration is largely driven by the quest for economic advantage and is also concentrated among the young. For employers, educational qualifications are important signals of potential productivity and hence young people are incentivised to maximise the quality and quantity of their qualifications. This process itself causes migration since the supply of qualifications is not evenly spread across space. In particular, higher education provision tends to be concentrated in cities: this is as true in Scotland as elsewhere. And although, college education is less spatially concentrated, increased take-up of degree-level courses has led to increased migration towards Scotland's cities. While these processes are important for migration within Scotland, they also are relevant to movements between the rest of the UK and Scotland and international migration to Scotland. This largely stems from the attractiveness of Scottish HE institutions to students from the rest of the UK and overseas. The desirability of attending a Scottish institution stems partly from their quality, but also from their relatively low cost.

The importance of Scotland's cities for international migration is illustrated in Table 1 which shows numbers born inside and outside the UK and the share of those born outside the UK in 2004, 2015 and 2019. These years were chosen as the earliest and most recent available.

It is firstly evident from Table 1 that the proportion of the population born outside the UK is markedly higher in Scotland's main cities than in the rest of the country. Aberdeen, Edinburgh and Glasgow (in that order) have a substantially higher proportion of their population that were born outside the UK. Both Aberdeen and Edinburgh have a share of non-UK born four times higher than is the case outside

the main cities. This marked difference is partly, but not wholly, explained by the role of higher education in attracting young people to Scotland's main cities.

Secondly, Table 1 illustrates that the proportion of those born outside the UK increased sharply during this century. In Aberdeen, Edinburgh and Dundee this share more than tripled between 2004 and 2019. This is consistent with the national migration data, but illustrates how the cities are predominantly the “port of entry” for migrants to Scotland.

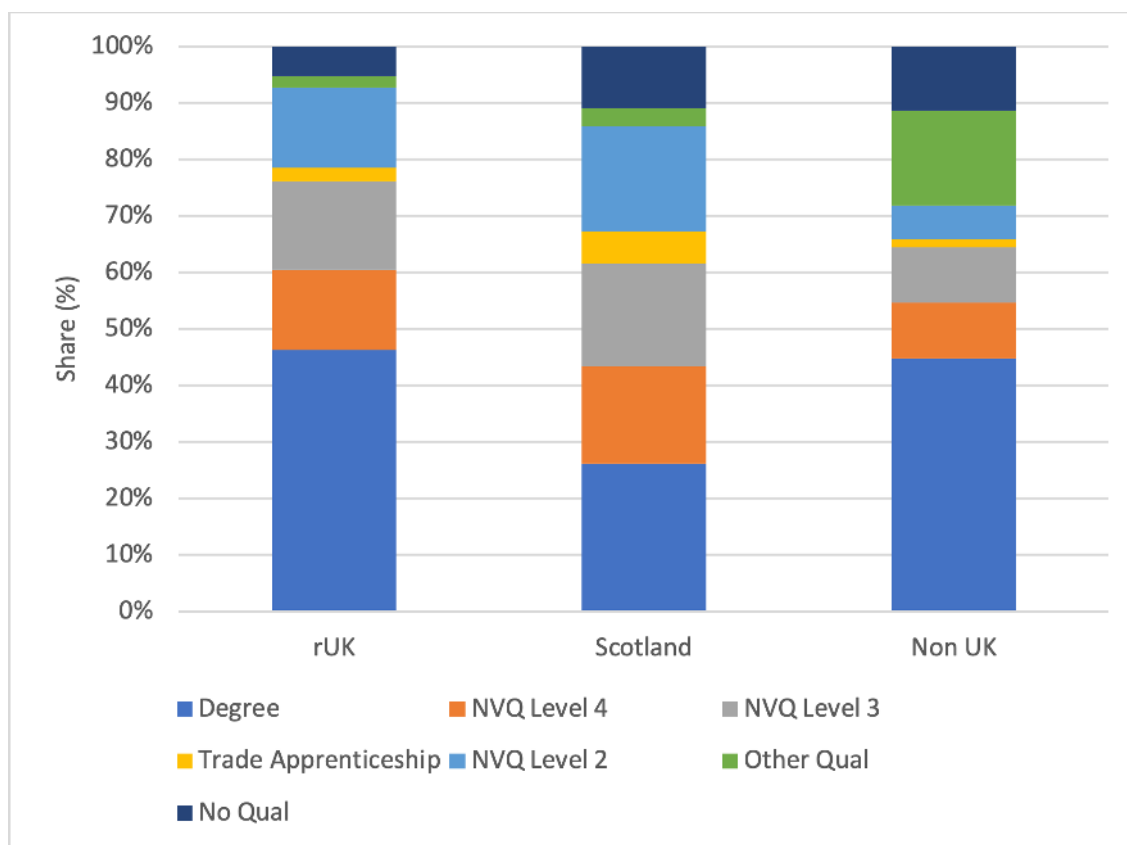
Table 1: Scottish population by whether born inside or outside UK, 2004 and 2019 (thousands)

|                  | Born Inside UK |      | Born Outside UK |      | Born Outside UK as Share of Total |       |
|------------------|----------------|------|-----------------|------|-----------------------------------|-------|
|                  | 2004           | 2019 | 2004            | 2019 | 2004                              | 2019  |
| Aberdeen         | 195            | 183  | 8               | 44   | 3.9%                              | 19.4% |
| Edinburgh        | 413            | 420  | 26              | 92   | 5.9%                              | 18.0% |
| Glasgow          | 527            | 522  | 34              | 94   | 6.1%                              | 15.3% |
| Dundee           | 137            | 132  | 4               | 13   | 2.8%                              | 9.0%  |
| Rest of Scotland | 3617           | 3725 | 54              | 166  | 1.5%                              | 4.3%  |

Source: National Records of Scotland

There is a strong case that the increase in the share of those born outside the UK has led to an increase in productivity. Figure 4 shows the breakdown of the Scottish born, rUK born and those born overseas by qualification derived from responses to the Labour Force Survey since 2017. Those born outside Scotland are better qualified than the native population. For example, 46% of those born in the rest of the UK and 45% of those born outside the UK have degree level qualifications compared with only 26% of those born in Scotland. Productivity increases with levels of qualification and though there is some evidence that those born overseas take jobs for which they are overqualified (EAG Report), they may still be more productive within such jobs.

Figure 4: Qualifications by Place of Birth



Source: Labour Force Survey, Office for National Statistics

## Economic challenges

Given this background, what are the main challenges for the Scottish economy in relation to migration? Answers to this question at the turn of the millennium would have been quite different from those that might be proposed now. Not only have there been unprecedented increases in net migration to Scotland, as already illustrated, there have also been three significant developments that will affect future migration patterns.

First, Brexit has cut off the principal source of new migrants to Scotland in the last two decades. EU citizens now require visas to work in the UK. Shortage of EU workers has already caused difficulties in Scottish industries such as food processing, hospitality and agriculture. The UK Government has produced a new points-based immigration policy which will be part of the context for Scotland in the future.

Second, the pandemic has led to a significant reassessment of how the labour market works. Predictions that it would lead to a substantial increase in unemployment appear to have been unfounded. However, it has led to serious questions about the *location* of work: established workplaces have seen significant falls in attendance at the expense of homeworking. The result may be that many workers will choose their home location based on lifestyle attractions rather than

on proximity to an office. This may have implications for migration, particularly for online businesses.

Third, and in the longer-term, climate change will affect migration patterns across the world. Scotland is one of the countries least at risk from climate change<sup>33</sup> and therefore may come under some pressure to accept migrants from elsewhere. Scotland is also at low risk of being seriously disrupted by the kinds of conflict that have occurred in other parts of the world. Whereas these may be longer-term risks, there is a need to develop policy, perhaps jointly with other low-risk countries, on how to deal with these forms of migration.

## Migration policy

In the light of these challenges, and given the influences on migration described earlier, the Scottish Government have several strategic questions to consider. These include whether there is a case for continuing net migration to Scotland and, if so, what is the most desirable distribution of migrants across Scotland? Third, how can these objectives be realised, given that migration policy is reserved to the UK Government?

The case for increasing the Scottish population through migration has been made by the Scottish Government.<sup>34</sup> It is largely based on fiscal considerations, (projected decline in the number of taxpayers and increasing numbers of pensioners), economic growth (based on higher qualifications and skills among migrants) and population distribution (the sustainability of rural populations). On the other hand, it is not clear that increasing the size of Scotland's population is consistent with net zero objectives, given the net carbon cost of additional people. And the effect of migration on inequality, which previously was thought to be negligible, may have been called into question by recent sharp increases in earnings among low paid British workers, caused by shortages of EU workers following Brexit.

There are tradeoffs involved in such a strategic decision, and not all of the evidence is clear. But if, on balance, positive net migration remains a policy objective for Scotland, then there is a need to determine how the post-Brexit UK policy environment can be utilised to Scotland's best advantage. While free movement from EU countries is no longer available, the new migration framework is in some ways more flexible than that which pertained previously for non-EU nationals. For example, the UK government has removed the cap on Tier 2 visas - implying that there is no limit on the number of skilled workers who can come to the UK. However, entry is rationed using a points system, which is weighted in favour of those on high salaries. There are large sections of the Scottish economy where salaries are too low to meet the required criteria.<sup>35</sup>

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33 Jonathan Whiting, Countries Most Likely to Survive Climate Change, <https://www.theecoexperts.co.uk/blog/climate-change-map>

34 Scottish Government, *Scotland's population needs and migration policy*, <https://www.gov.scot/publications/scotlands-population-needs-migration-policy/pages/3/>

35 Scottish Government Expert Advisory Group on Migration, *UK immigration policy after leaving the EU: impacts on Scotland's economy, population and society*, <https://www.gov.scot/publications/uk-immigration-policy-leaving-eu-impacts-scotlands-economy-population-society/>

This is likely to be particularly relevant for women. One way around this problem would be to apply different criteria in Scotland, which has a more acute population ageing problem than other parts of the UK. The UK government has rejected this approach although regionally-selective migration policies are in place in other countries such as Australia and Canada.

One concession that the UK Government has made is to grant students a two-year work visa post-graduation. This is potentially attractive for Scotland, where EU student numbers dropped by 64 per cent from 3700 to 1320 between 2020 and 2021,<sup>36</sup> partly due to having to drop free tuition for these students. Since students are a key source of potential talent for the Scottish economy, policy might be directed to ensure that Scottish educational institutions are as attractive as possible to the international market.

To the extent that such student policies are successful, the more skewed is the likely distribution of migrants arriving in Scotland as between the main cities and other areas. The Scottish Government policy framework may, or may not, respond to this development. This is an example of whether policy should support people in whatever location they choose or support places to attract people. This tradeoff is an important element of regional policy, for which neither the UK, nor the Scottish Governments have produced a clear framework.

Pandemic-related changes to migration policy are more speculative, but the idea of making Scotland an attractive place to live with relatively low-cost housing and an excellent digital infrastructure may help attract or retain workers who would otherwise be required to commute to workplaces outside Scotland. This may also be a policy that would help redress the drift towards Scotland's cities, though again there are associated costs as well as benefits, such as the less efficient provision of public services.

Finally, the prospects of finding that Scotland is an attractive location for migrants due to climate change, or due to conflict in other parts of the world, may seem remote, but recent experience shows that even low probability events sometimes occur and can have profound consequences. There is therefore a case for scenario planning for such eventualities.

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36 Source: Times Higher Education, September 1, 2021, <https://www.timeshighereducation.com/news/uk-university-population-becoming-more-british-post-brexite>

## Chapter 4

# The role of public attitudes in Scotland's immigration policy options

Heather Rolfe and Sunder Katwala

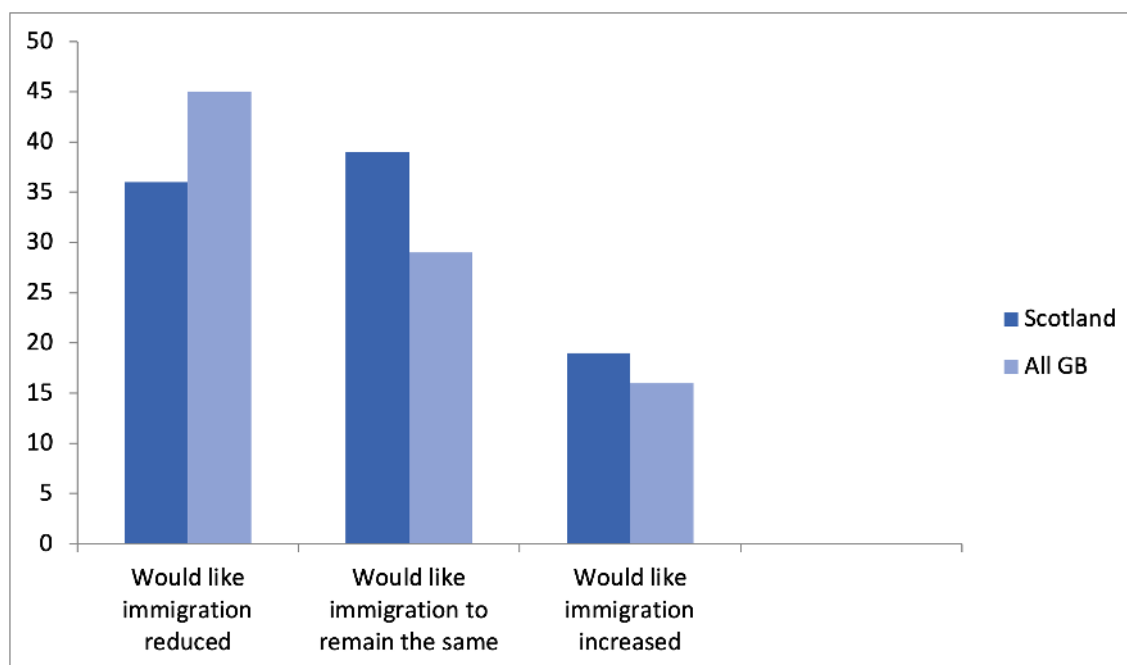
### Attitudes to immigration in Scotland

Scotland is recognised to have a more liberal immigration discourse than in other parts of Britain, with a broad political, business and civic consensus on the benefits of migration to meet Scottish needs. Yet it is now subject to the most significant reforms to immigration for several decades, driven by political changes outside of Scotland.

At the same time as a new, post-Brexit immigration policy has been developed, and now implemented, public attitudes have softened across the UK. Scottish public attitudes have followed the same course, and are in some respects more liberal than in other parts of Britain. As Figure 1 shows, a recent Ipsos MORI poll finds six out of ten Scots (58%) would not choose to reduce immigration levels, while over a third (36%) would prefer to see overall immigration fall, by a little (17%) or a lot (19%). Respondents in Scotland are twice as likely to favour maintaining current levels of migration (39%) as to actively prefer an increase in

migration (19%) – with 11% favouring a small increase and 8% preferring large increases in immigration.<sup>37</sup>

Figure 1: Views on whether immigration should be increased or reduced, Scotland vs whole of GB



Base: all respondents (4,000); Scotland 326. Fieldwork dates 18 June to 10 July 2021

These July 2021 results flip the outcome found in Migration Observatory's 2014 study,<sup>38</sup> which had reported that 58% of respondents in Scotland favoured reduced migration (as three-quarters of respondents across Britain did then). Respondents across Britain are now much more evenly divided between reducers (45%) and those content with current migration levels (45%), including 16% who would like to see immigration rise. In Scotland, only 36% would like to see immigration reduced. Correspondingly, Scots are much less likely to express a preference for a migration system that reduces numbers (15%, compared to 24% across the UK), over one that delivers control (45%), even if numbers are not reduced. This preference is shared by people across Britain.

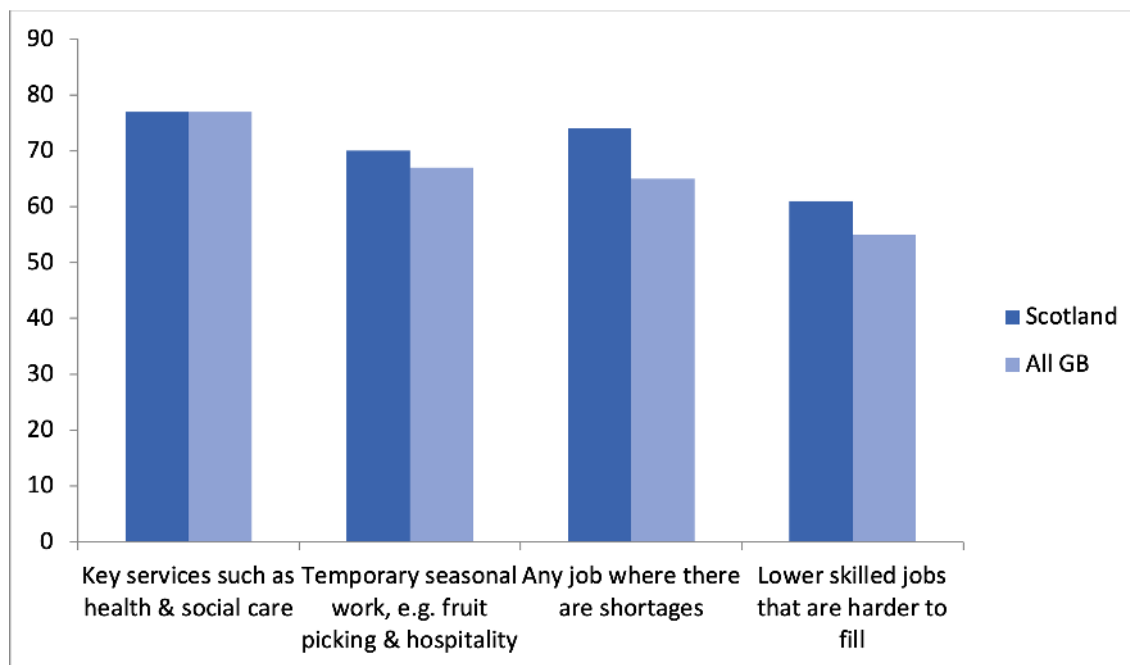
As Figure 2 shows, Scots are in favour of a range of measures which would make it easier for employers to recruit from overseas. However, these also get strong support from respondents across Britain.

37 Ipsos-Mori immigration tracker, fieldwork in July 2021, reported in British Future (2021) *Immigration: a Changing Debate*

38 Migration Observatory (2014) *Scottish Public Opinion*, <https://migrationobservatory.ox.ac.uk/resources/reports/scottish-public-opinion/>

Figure 2: Migration for work: public support for overseas recruitment, Scotland vs whole of GB

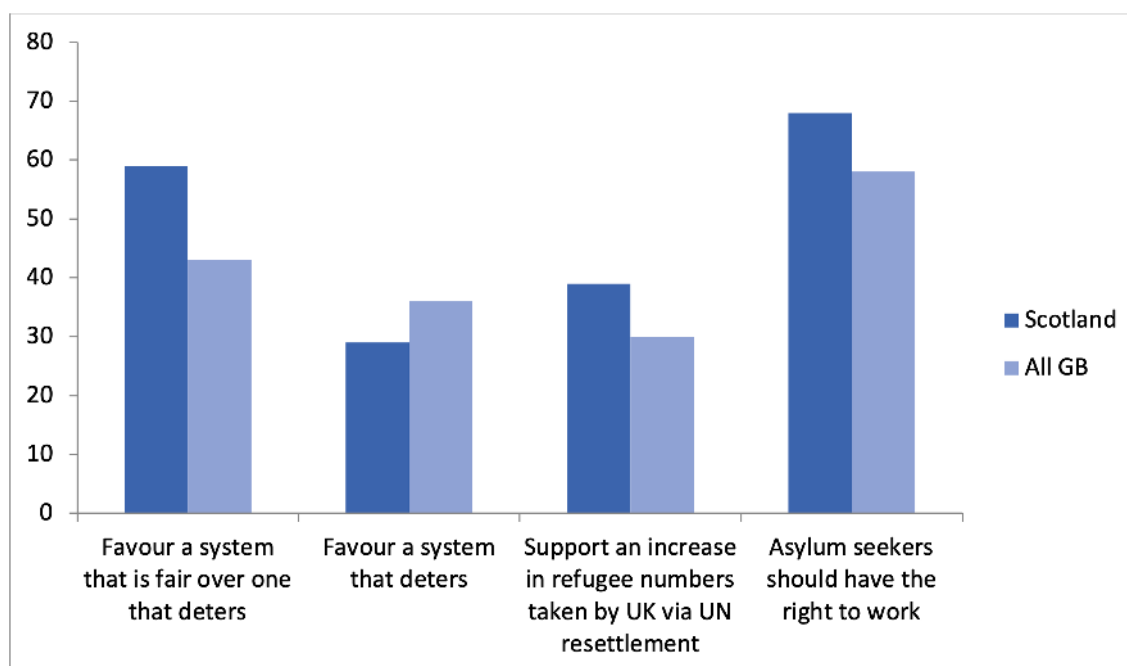
'Current immigration policy allows employers to recruit people from overseas in some circumstances and not in others. For each of the following circumstances, please say whether the government should allow or not allow employers to be able to recruit from overseas'



Base: all respondents (4,000); Scotland 326. Fieldwork dates 18 June to 10 July 2021

Attitudes show more divergence is on the issue of asylum seekers and refugees, where there is stronger support among Scots for a more compassionate asylum system. As Figure 3 shows, Scottish respondents believe an asylum system should prioritise fairness over deterring applicants, by 53% to 29% (+24), a wider margin than the 43% to 36% (+7) who agree across Britain. More than two-thirds (68%) in Scotland support asylum seekers having the right to work, as good for integration, compared to 55% of respondents across Britain. Scots would also support allowing all people with Hong Kong British National (Overseas) visas to come to the UK, though their views on this new group of migrants are not markedly different to those in other parts of Britain.

Figure 3: Attitudes to asylum seekers and refugees, Scotland vs all GB



Base: all respondents (4,000); Scotland 326. Fieldwork dates 18 June to 10 July 2021.

These new Ipsos-MORI findings provide a snapshot of a less sceptical centre-of-gravity in Scottish public attitudes. They also illustrate how Scotland's broad moderate majority on migration is made up of those with both liberal and 'balancer' views, with many Scots seeing both gains and pressures of migration.<sup>39</sup> These are particularly apparent in qualitative research which has found concerns varying by locality: people in cities expressed concern about growth and pressure on services, alongside positive sentiments that Scotland welcomes migrants.<sup>40</sup> Scotland's political, business and civic society consensus on the economic and demographic case for increased migration was unfamiliar to public participants, most of whom had simply not heard these arguments previously.<sup>41</sup>

Scottish attitudes towards immigration are also likely to reflect clear messages from parliamentarians and council leaders on the value of migration to Scotland, including influential messages of welcome to asylum seekers and refugees. Scotland's more positive media and political discourse may also have impacted on the nature of everyday political discussion in public and private spaces. The UK-wide National Conversation on Immigration reported two-thirds support for Scottish control of migration policy. Depending on what flexibilities are proposed, there is likely to be little challenge for policy makers in securing public consent for migration reforms.

39 Analysis of responses to the question 'On a scale of 0 to 10, has migration had a positive or negative impact on Britain?' finds 18% of Scots scoring 0-3 (sceptical), 49% scoring 4-7 (balancer) and 33% scoring 8-10 (liberal)

40 British Future (2018) National Conversation on Immigration

41 Ibid

## Scotland's choices

The question of how Scotland should respond to the challenges of new, post-Brexit, immigration policy has been put on hold by the pandemic, until recently. However, falling unemployment and rising labour market participation rates in Scotland, combined with an increase in vacancies, signal pressures ahead.<sup>42</sup> Job vacancy figures show increases in demand in sectors which have come to rely on migrants, including many in jobs which do not meet the skills threshold required by the new points-based system.<sup>43</sup>

Employers in sectors such as road haulage have secured temporary flexibilities to the points-based system and the Scottish government has written to the UK Government suggesting seasonal visas and a refocus away from highly skilled roles.<sup>44</sup> More significant changes seem unlikely in the short term, despite evidence of public support presented here. The Scottish government cannot introduce its own flexibilities, with little scope for differentiation beyond the Scotland Shortage Occupation List, over which it has no control. While Scotland's hands are tied by the UK Government's policy choices, it faces another perhaps bigger challenge – of how to attract and keep migrants to Scotland.

## Scotland faces new challenges to attract migrants

While free movement boosted immigration, its end and timing during the pandemic has seen a dramatic fall. This is observed in a drop in arrivals at Scottish airports, and much smaller numbers of seasonal migrant workers.<sup>45</sup> Applications for National Insurance Numbers have fallen sharply.<sup>46</sup> Covid has also affected numbers of international students.<sup>47</sup> While similar changes are being experienced across the UK, in Scotland, they look set to disrupt the role played by migration in stabilising the national population, particularly in remote and rural parts of the country.<sup>48</sup>

The end of free movement closes a simple process, and message. Yet it is important to remember that many migrants who came to Scotland via free movement were

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42 Scottish Government (2021) Monthly Economic Brief, July 2021, <https://www.gov.scot/publications/monthly-economic-brief-july-2021/pages/4/>

43 UK Government (2020) *The UK's Points-Based Immigration System: Policy statement*, <https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/>

44 Scottish Government (2021) *Labour Shortages: letter to UK Government*, <https://www.gov.scot/publications/labour-shortages-letter-to-uk-government/>

45 Scottish Government (2020) *Scotland's Wellbeing: The Impact of COVID-19*, <https://nationalperformance.gov.scot/scotlands-wellbeing-impact-covid-19>

46 National Records of Scotland (2021) Migration Statistics Quarterly Summary for Scotland, <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/migration/migration-statistics-quarterly-summary-for-scotland>

47 Universities Scotland (2020) *An Existential Challenge: the financial threat facing Scotland's universities as a result of COVID-19*, <https://www.universities-scotland.ac.uk/wp-content/uploads/2020/04/COVID-19-HE-finance-v1.0.pdf>

48 National Records of Scotland (2020) *Scotland's Population – The Registrar General's Annual Review of Demographic Trends*, <https://www.nrscotland.gov.uk/files/statistics/rgar/2019/Pages/pop-sec.html>

encouraged to make the move. Employers across sectors, including hospitality, agriculture and food processing actively set out to recruit and attract migrants from the new central and eastern EU member states to jobs in the UK.<sup>49</sup>

Employers and agencies engaged in high volume recruitment from Eastern Europe, some providing assistance with settling in the UK – including language training, accommodation, ‘orientation training with advice on schools, banking and services.’<sup>50</sup> It is no coincidence that these practices were in place during some of the years of highest net migration into Scotland – 33,000 in 2006-7.<sup>51</sup> Their use became less necessary as time went on, and word of mouth and social networks played a stronger role.<sup>52</sup>

Scotland has continued to send a message of welcome to migrants, including through the Government’s ‘Moving to Scotland’ and ‘Stay in Scotland’ initiatives.<sup>53</sup> This message is particularly necessary in post-Brexit Scotland, and should be combined with support and encouragement to those with pre-settled status wishing to live in Scotland. More broadly, Scotland should seek to actively benefit from changes which make the new immigration policy regime more open for non-EU nationals.

## Despite its restrictions, the new system offers opportunities for a Scottish migration strategy

There are several ways in which the current system could be used to help ensure that Scotland can attract and retain the new citizens it needs:

- Encourage EU migrants concentrated in lower skilled work to stay in Scotland through opportunities to move into skilled roles. This should include help to improve their English language and to gain qualifications.
- Use the points-based system to attract skilled migrants to growth sectors, including by reducing the cost to migrants by paying visa and health surcharge fees, either by individual employers or through a Scottish Government initiative. Employers should combine the employment offer with opportunities for training and development to encourage permanent settlement.
- Build on existing success in attracting students, by raising awareness of the Graduate visa which gives permission to stay for at least two years.<sup>54</sup>

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49 Rolfe H and Metcalf H (2009) *Migration into Scotland: the evidence base*, Report to the Scottish Government, NIESR, <http://www.migrationscotland.org.uk/rolfe-and-metcalf-2009-recent-migration-scotland-evidence-base>

50 Metcalf H, Rolfe H and A Dhudwar (2008) *Employment of Migrant Workers: case studies of selected employers in Wales and Scotland*, report to Scottish and Welsh Governments, NIESR, <https://www.niesr.ac.uk/publications/employment-migrant-workers-case-studies-selected-employers-wales-and-scotland>

51 National Records of Scotland, 2020

52 Rolfe H and Metcalf H (2009) *Migration into Scotland: the evidence base* op cit

53 #Scotland is now (2021) *Moving to Scotland/Live in Scotland*, <https://www.scotland.org/live-in-scotland/moving-to-scotland> and Scottish Government (2021) *Help and advice for EU citizens in Scotland*, <https://www.mygov.scot/help-eu-citizens>

54 UK Government (2021) Graduate visa, <https://www.gov.uk/graduate-visa>

- Support progression so that graduate visa holders work at, or progress to, skilled level so that they can score the points required for a work visa at the end of the two years. As with skilled visa holders, employers should be encouraged to pay visa and health surcharge fees.
- Use the opportunities presented by the extended Youth Mobility Scheme to fill short-term labour and skills gaps in sectors such as hospitality, *as well as* building alliances to advocate extending the scheme to EEA countries.<sup>55</sup>
- Scotland should continue its policy of welcoming refugees and asylum seekers, including new refugees from Afghanistan. National and local governments need to ensure effective integration, through language and other support.<sup>56</sup> The Scottish government should propose a pilot scheme to enable asylum seekers to work.
- The Scottish government should be aiming to attract significant numbers of people taking up the new Hong Kong British National (Overseas) visa offer through making an attractive offer.

## Conclusions

Research findings on public attitudes suggest that the Scottish public would favour changes to the UK's immigration system. However, a general shift in attitudes mean these are not too dissimilar to those of the rest of Britain at least in relation to immigration for work. This gives strength to broad, UK-wide, political and economic alliances aimed at introducing flexibilities.

Where Scottish attitudes towards immigration diverge more from those elsewhere in Britain is on asylum seekers and refugees where they are softer, and more welcoming. This offers an opportunity for Scotland to make the most of opportunities to resettle new arrivals, and also to reach out to new arrivals from Hong Kong.

If policy-makers can succeed in maintaining and increasing migration to Scotland, the focus of debate can then shift to integrating migrants through progression into skills, training and social mobility, thereby helping to manage change fairly for incomers and the communities that they join. Migration from Hong Kong offers a particular opportunity to work with stakeholders in particular localities and sectors such as finance, tech and Higher Education to establish Scotland as destination for other future migrants.

Finally, while public support for immigration is quite strong, there could be challenges from some quarters. Making a stronger demographic case, while communicating the stories of old and new Scots working together, would help to popularise and broaden support for Scotland's role in welcoming migrants who come to contribute to its future.

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55 UK Government (2021) Youth mobility scheme visa, <https://www.gov.uk/youth-mobility>

56 Scottish Government (2020) Policies for English for speakers of other languages, <https://www.gov.scot/policies/languages/english-for-speakers-of-other-languages/>

## Chapter 5

# A simple answer? Could migration drive a demographic turnaround for Scotland's Sparsely Populated Areas?

Andrew Copus

The recent Scottish Government demographic strategy *A Scotland for the Future*<sup>57</sup> is structured around four building blocks. The last of these is (regional/geographical) 'balance'. Council area data supports the observation that population growth is generally found in urban areas and the East of Scotland, and decline is a feature of the countryside and the West. This issue of 'balance' requires further exploration in order to gain a clearer understanding of the challenge, the available policy options and the potential role of migration.

### Three 'simplicity traps'

Rural depopulation is a long-established policy issue, to which the answer may appear obvious. However, three kinds of 'simplicity trap' can lead to misunderstandings and hinder effective policy responses.

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<sup>57</sup> Scottish Government (2021) *A Scotland for the Future: The opportunities and challenges of Scotland's changing population*, Edinburgh

The first is the stereotypical association of rural areas with negative population trends, or by contrast, unwarranted complacency, based on more positive recent trends in accessible rural areas. The reality is that rural Scotland presents a complex patchwork of growth and decline, so policy needs to be ‘place-nuanced’, supported by an evidence base and statistics with sufficient ‘granularity’ to allow us to understand local challenges.

The second is the assumption that a (singular) policy response is required, and that there is a binary choice between the two main responses, mitigation (through in-migration) and adaptation (sometimes termed ‘smart shrinking’). Ignoring the complexity of the socio-economic processes which have delivered the demographic legacies of each individual place, and which continue to evolve in the context of changing technologies and patterns of human activity, will hamper both the diagnosis of the problem, and policy effectiveness. The real challenge is thus to calibrate the balance between mitigation and adaptation, orchestrating a coherent, systemic, and evidence-based strategy, across a broad policy landscape, encompassing all the local and national services and interventions which have a role to play. Clarity, and effective communication, of both goals and intervention logic, across a wide policy arena are essential.

The third ‘simplicity trap’ is due to underestimation of the scale of the problem, and the length of time that any form of mitigation would take to turn around slow-running cycles in which trends are ‘baked in’ for a generation or more. To say that “there are no quick fixes” is a serious understatement. The long-term commitment required is not easy to reconcile with policy horizons that are relatively short-term.

## Different kinds of rural

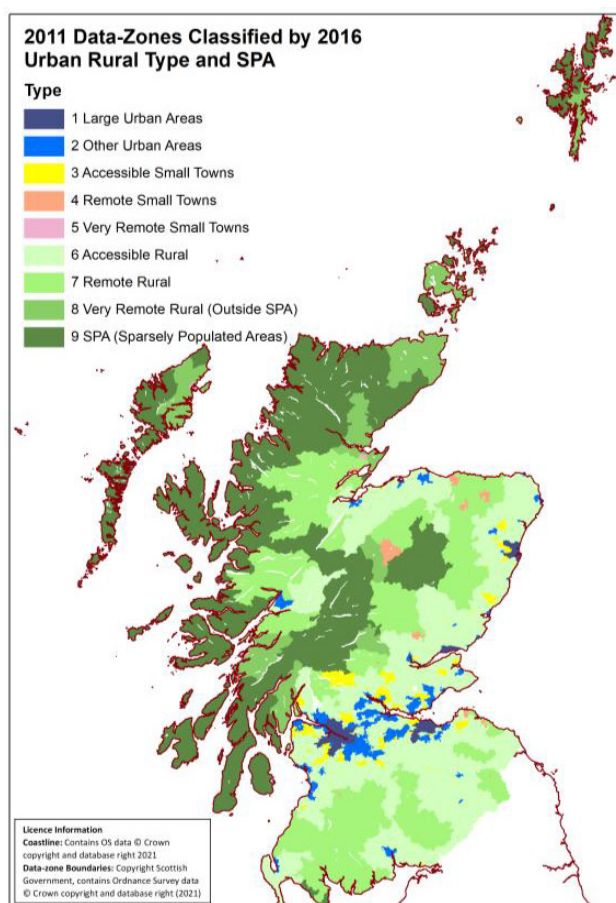


Figure 1: The Scottish Government’s 2016 8-fold urban-rural classification of data-zones, and the Sparsely Populated Areas

Source: EAG 2020a

In terms of demographic trends, a binary (urban/rural) classification is simplistic and unhelpful. Many parts of Scotland which are outside urban areas (according to official definitions) experience relatively positive population trends, whilst at the other extreme, there are rural areas which have long-established processes of demographic depletion.<sup>58</sup> A helpful starting point towards understanding this geography is the Scottish Government's eight-fold classification, which distinguishes urban areas, small towns and rural areas, with the last two categories subdivided (on the basis of travel time to the nearest urban area) into accessible, remote and very remote.<sup>59</sup> A further refinement, distinguishing Sparsely Populated Areas (SPA) from very remote areas close to small towns has been shown to be helpful in identifying 'pockets' of decline.<sup>60</sup>

Analysis of population estimates by National Records of Scotland (Figure 2)<sup>61</sup> shows that between the turn of the century and 2020, the population of the SPA shrank by 3%, and that of very remote towns by 5%. All other parts of rural Scotland had positive demographic trends, although 'remote' (+6%) and 'very remote' categories (+3%), lagged behind the national increase (+8%), whilst the population of accessible rural areas grew by 17%.

Although the Scottish Government's demographic strategy document tempers misleading urban-rural assumptions by pointing to East-West contrasts at the Council Area level, this generalisation obscures significant differences within Council Areas, notably mainland/outer isle contrasts in Orkney and Shetland, and growth around some very remote small towns.

The small area population estimates (SAPE) published each year by National Records of Scotland<sup>62</sup> provide some basic data on the size of the population, including age and gender structures, at a local level. However, it is important to keep in mind that these are *estimates*, based upon available indicators, and that their accuracy inevitably diminishes over the period between censuses. This proviso is unfortunately compounded by the postponement of last year's census due to COVID.

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58 Expert Advisory Group on Migration and Population (2020a) *Designing a Pilot Remote and Rural Migration Scheme for Scotland: Analysis and Policy Options*, Edinburgh, Chapter 1

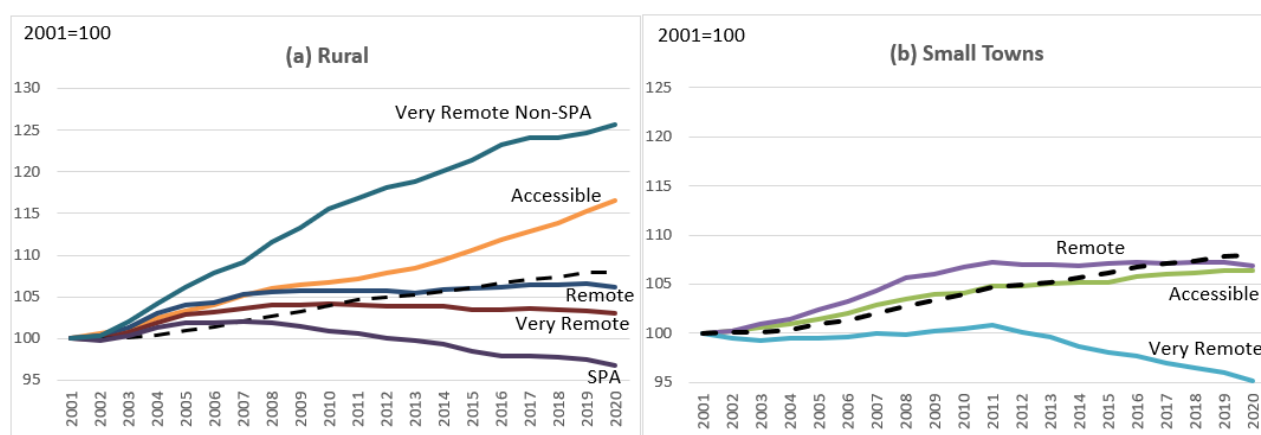
59 Scottish Government (2018) *Scottish Government Urban Rural Classification 2016*, Edinburgh

60 Expert Advisory Group on Migration and Population (2020a), Copus A and Hopkins J (2018) *Demographic change in the Sparsely Populated Areas of Scotland (1991-2046)*, <https://www.hutton.ac.uk/research/projects/demographic-change-remote-areas>

61 Figure 2 provides an updated version of a graph featured in EAG (2020a)

62 Published annually at: <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/2011-based-special-area-population-estimates/small-area-population-estimates>

Figure 2: Population trends in rural areas and small towns 2001-2020



Source: National Records of Scotland; Small Area Population Estimates

Notes: (i) Estimated by aggregating data zones classified according to the Scottish Government Urban-Rural Classification and the James Hutton Institute SPA classification.

(ii) Black dashed line is Scotland average.

The crucial parameters of the process of demographic decline (natural increase and migration) are not available for areas smaller than the 32 Council Areas.<sup>63</sup> The same applies to population projections. Whilst there are very understandable reasons for this, the administrative geography framework makes analysis of demographic issues affecting smaller areas difficult. Pockets of depopulation can remain 'hidden' within Council Area averages, which are 'weighted' towards the more populous and dynamic areas around the towns which act as their administrative centres. The full implications of this will become clearer below.

## The challenge of strategic coherence

As already mentioned above, there are, broadly speaking two main policy responses to demographic shrinking:

Direct *mitigation* by stimulating or encouraging in-migration. This is unusual, within the UK or Scottish context, but there are some examples of 'place making' to underpin attractiveness, and of schemes to support employment and enterprise among in-migrants.<sup>64</sup> There is also a long history of more general economic development strategies, notably by the Development Agencies, which have been justified by their anticipated impact upon employment and therefore, *indirectly*, upon population retention.

<sup>63</sup> Estimates of in, out and net migration numbers are provided for the 6-fold urban-rural classification of data-zones (<https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/2011-based-special-area-population-estimates/population-estimates-by-urban-rural-classification>). Technically it is possible to estimate natural increase by subtracting from total population change. However, as noted above, 'remote rural' in the six-fold classification, is a large area, containing a mix of demographic trends, so that the results are rather difficult to interpret.

<sup>64</sup> Expert Advisory Group on Migration and Population (2020b) *Internal Migration in Scotland and the UK: Trends and Policy Lessons*, Edinburgh. Chapter 4.

*Adaptation*, by contrast, seeks to sustain the well-being of a dwindling population, often by adjusting the way in which services are delivered. Here the range of local actors and stakeholders, which may have some leverage, is very broad, including the public sector (education, health, social services, housing, planning, emergency services, etc) private sector; (retail, entertainment, energy, telecommunications etc) and the third sector (various forms of care, community development etc). There is a danger that adaptation can be perceived by the dwindling population as a disguised withdrawal, which accelerates decline. However, in the US and European discourse it has been presented more positively as ‘smart shrinking’.<sup>65</sup> The ‘smart village’ concept is a key element of EU rural development thinking and policy.<sup>66</sup>

In Scotland, compared with many of our European neighbours, we have a rather complex system of local governance, with relatively centralised strategic direction provided by the regulatory structures within which Local Authorities deliver services, combined with national and regional agencies and quangos, and a dynamic civil society. As a consequence, the opportunities for adaptation to demographic change are spread among a large number of semi-autonomous bodies. This creates substantial challenges in terms of coherence. The Community Planning Partnerships are the obvious forum within which a coherent adaptation strategy could be developed, although at present their remit is focussed upon quality of services, and does not take full account of the perceived “chicken and egg” relationship between negative demographic trends and service adjustments. The ongoing Local Governance Review<sup>67</sup> may also present opportunities for more coherent, locally tempered, adaptation strategies.

The challenge of coherence is unfortunately not confined to the realm of adaptation, and there is real potential for conflict between mitigation and adaptation. For example, efforts to ‘market’ an area as an attractive place to live and work (mitigation), may be unintentionally undermined by reorganisation of local services, in order to adapt to changing patterns of demand. The level of ‘joined up thinking’ which is required across a broad policy arena is very exacting.

## No quick fixes

The demographic issue facing the Scottish SPA is not simply a function of the balance between (current) in and out-migration, which could be solved by discouraging those inclined to move away, and by attracting more incomers. Positive net migration rates are not enough to ‘turn things around’ in areas where the population structure has been ‘damaged’ by the outmigration of younger

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65 Ecorys, RED, and Origins for Sustainability (2019) *Final Report: Pilot Project Smart Eco Social Villages*, <https://op.europa.eu/en/publication-detail/-/publication/9ff90911-a0c9-11ea-9d2d-01aa75ed71a1/language-en>. Visvizi, A, Lytras MD, and Mudri G (eds) *Smart Villages in the EU and Beyond* (Emerald Studies in Politics and Technology), Emerald Publishing Limited, pp. 1-12. <https://doi.org/10.1108/978-1-78769-845-120191002>

66 Hollander JB and Németh J (2011). ‘The bounds of smart decline: A foundational theory for planning shrinking cities’, *Housing Policy Debate*, 21(3), pp.349-367. Peters DJ, Fisher H and Zarecor, K (2017) *Shrink-Smart Small Towns: Communities can still thrive as they lose population*, Iowa State University Extension and Outreach Publications 486, [https://lib.dr.iastate.edu/extension\\_pubs/486](https://lib.dr.iastate.edu/extension_pubs/486)

67 <https://www.gov.scot/policies/improving-public-services/local-governance-review/>

cohorts during past decades. Technically, demographic sustainability in this situation requires net migration to be large enough to compensate for the excess of deaths over births (natural decrease). The current age structure of an area determines the rate of natural decrease in future decades, (and therefore the level of migration required to achieve stability) in a predictable manner.

Furthermore, a lot depends upon the age structure of the in-migrants. Ideally the arrival of younger migrants, either families, couples, or singles, can in time boost fertility rates, and improve the age structure of the local population. However, such a process is characterised by slow-running cycles, measured in twenty-year 'generations', which are well beyond most policy horizons. If, as is often the case in rural areas, migrants are older, or retired, their arrival will not improve the age structure, indeed it will reinforce the downward demographic spiral.

As already mentioned, our understanding of the scale of the issue, and its detailed geography is hampered by the absence of published data on the components of population change, at a sub-Council Area level. Estimates of these components can of course be made, but even so, projections for thinly populated rural areas such as the SPA, are tricky, because of the relatively small numbers involved. However, adapting the projection model to allow for these considerations enabled the James Hutton Institute to show that the downward trend is set to continue in the SPA, so that by 2046 these areas are likely to have lost more than a quarter of their population.<sup>68</sup> The scale of net migration required to avert this outcome - more than 1% of the SPA population *each year*<sup>69</sup> - and sustained throughout the coming decades, would surely challenge the capacity of local communities to absorb newcomers.

## Some reflections

Thinking through the implications of the three 'simplicity traps' described above points to three guiding principles for a practical policy strategy to respond to the challenge of regional balance:

The first is that the evidence base upon which interventions are designed and justified needs to be more detailed, in terms of its geography, than the 32 Council Areas. Although the eight-fold urban-rural classification of data-zones is a very good starting point, it could be 'tweaked' to make it more useful in this respect. More specifically the classification methodology would be improved if it took into account the 'sphere of influence' of small towns (not just larger urban areas). Relatively dynamic areas, for example close to the Island capitals, would then be distinguished from other 'very remote rural' data-zones which are struggling to retain their population. Provision of (SAPE-based) data for the components of demographic change, and of projections, for each of the urban-rural types would also significantly improve the evidence base.

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68 Copus and Hopkins 2018, op cit

69 This compares with an average net migration rate for Scotland in 2019 of less than 0.6% (Mid year population estimates 2019, Excel file, Table 4, <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2019>)

A coherent, holistic, multi-lateral strategy that achieves regional balance requires demographic concerns to be integrated into wider policy and planning processes, such as the Local Government Review or the work of Community Planning Partnerships. A necessary precursor to such ‘demographic proofing’ of policies would be some form of ‘national conversation’ about trade-offs between mitigation and adaptation, seeking consensus on overarching goals, and taking careful account of local preferences as well as national constraints.

Finally, it is important that all stakeholders have realistic expectations about the need for sustained and persistent long-term action, measured in decades, rather than short-term policy cycles.

## Chapter 6

# Migrants and human rights in Scotland

Mhairi Snowden

Scotland is at a crucial point in its human rights journey - a new Bill is being developed to put all of our rights in law. Since the passing of the Human Rights Act (HRA) in 1998, several organisations (including the Scottish Human Rights Commission) have advocated for the whole set of international human rights treaties to be incorporated into Scots law. The HRA incorporated the European Convention on Human Rights into UK law, meaning that its text was directly replicated and there is a direct link to Strasbourg case law. Individuals can directly enforce their HRA rights in Scottish courts if need be. However, this tale of potential Scottish human rights expansion is set against a regressive backdrop.

In the midst of the Brexit process, some human rights legal protections were lost when MPs voted not to keep the EU Charter of Fundamental Rights. Out of concern over further Brexit-related human rights regression, the First Minister set up a National Advisory Group on Human Rights Leadership. This group, chaired by Professor Alan Miller, was tasked with making recommendations around how Scotland could guard against rights regression, could continue to advance human rights, and, could not lag behind our European neighbours in progressing rights. The stated ambition is for Scotland to be 'world-leading' on human rights. In many ways both the public messaging and the direction of travel appears to imply that Scotland is taking positive steps to fully embrace human rights largely because the UK Government will not.

This National Advisory Group recommended a new human rights statutory framework be developed by a National Taskforce on Human Rights Leadership. This Taskforce has made a suite of bold and ambitious recommendations for new human rights law in Scotland, all accepted by the Scottish Government.<sup>70</sup> This law is to deliberately add the ‘missing rights’ in Scots law so that the full set of international human rights would be present in Scotland’s legal framework. They recommended that, for the first time, the International Covenant on Economic, Social and Cultural Rights (ICESCR) be directly incorporated into Scots law, alongside particular treaties on women’s rights (CEDAW), disabled people’s rights (CRPD) and rights on race (CERD). The Taskforce also said that the right to a healthy environment together with extra protections for older people and LGBTi people should be included. The law would place new duties on public authorities to implement these rights. There would be a National Human Rights Scheme, as well as monitoring and reporting on progress to realise human rights. The intention of the law is to increase rights-based decision-making, to drive a human rights culture in Scotland, and that people will be able to name and claim their rights, including in court if necessary.

## Putting expansive human rights trends into context

This upcoming Scottish Human Rights Bill is ambitious and aims to radically change the human rights landscape.

First, by incorporating ICESCR into Scots law, this new human rights statutory framework addresses many of the everyday rights infringements experienced by many migrants in Scotland. ICESCR includes rights such as the right to food, the right to adequate housing, the right to education, the right to social security, and the right to the highest attainable level of physical and mental health. We know that many migrants struggle to access these basics, whether due to language barriers, a lack of legal entitlement, unnecessary residency requirements, a lack of support to navigate the system, racism and racial discrimination, exploitative employment, living in poverty or persistent disadvantage, or other. Having these international human rights in our law means that public authorities will have to take an evidence-based, participative approach to ensuring that no one is left behind in their access to these basics. For example, if a local authority service provided for the majority does not work for a small minority migrant group, it is possible that this law would require the local authority to speak with that community to find out what would work, and take steps to progressively realise their rights. Human rights are at heart about power, and this law would place power in the hands of seldom-heard migrants to make sure their views and needs are not invisible, but are better taken into account in decision-making.

Second, this new law demonstrates an underlying concern for Scotland to be internationalist. As noted above, the Scottish Government talks about wanting to be ‘world-leading’ on human rights, a concern echoed and encouraged by Scottish

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70 National Taskforce on Human Rights Leadership recommendations, March 2021, <https://www.gov.scot/publications/national-taskforce-human-rights-leadership-report/>

civil society.<sup>71</sup> That said, there is a valid question to be asked around the extent to which Scotland is, in fact, playing catch-up with many other countries where economic, social and cultural rights have long been embedded in their constitutions and courts.<sup>72</sup> Nonetheless, at a minimum it indicates that the recommendations made by the UN to the UK on human rights hold some sway with the Scottish Government. For example, the Scottish Government has committed to introducing a practical tool that will show their progress to implement UN recommendations, and enable civil society to better hold government to account. This internationalist approach to human rights may present opportunities for migrants' rights as well. It means that where the government in Scotland, at whatever level, is not respecting the rights of migrants, this international monitoring can be an effective tool for spotlighting this and galvanising them into action.

This internationalist outlook also underscores a positive stance towards migrant integration in Scotland more generally. Throughout the Brexit process, positive messages and media from the Scottish Government consistently spoke of the aim that all EU citizens whose home is in Scotland should be able to remain here and feel welcome. This rhetoric set a tone which should not be underestimated for its ability to create a more positive environment for migrants in Scotland – certainly, migrant rights-holders who took part in the All Our Rights In Law Community Conversations spoke of the importance they attributed to this positive messaging.<sup>73</sup> There is arguably some evidence of this positive rhetoric leading to a distinctly different approach to migrants' rights. For example, the New Scots Refugee Strategy and the Ending Destitution Strategy are strongly human rights-based and present a determination to see all those in the asylum system have what they need to live on in contrast to an ever more restrictive system elsewhere in the UK. Similarly, in relation to the franchise, developments in Scotland are demonstrably more progressive than across most OECD countries. Voting rights in Scottish elections have been extended to all those with leave to remain, even temporary leave to remain, who are living in Scotland.

However, what we also see in Scotland is that rhetoric very often far outstrips reality for many people's human rights. We know that persistent, long-term, evidenced and well-known gaps in human rights still affect too many people in Scotland, including migrants. For example, poverty levels remain chronically high, with more than 1 in 4 children in Scotland living in poverty,<sup>74</sup> Furthermore, people from ethnic (excluding White) minority backgrounds are more likely than White British people to live in poverty (39.6% compared with 17.6%).<sup>75</sup> Evidence from Trussell Trust Foodbanks shows that the number of people who access

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71 See for example the Scottish Declaration on Human Rights, signed by around 200 organisations, at [www.humanrightsdeclaration.scot](http://www.humanrightsdeclaration.scot)

72 Boyle, K (2018) *Models of Incorporation and Justiciability for Economic, Social & Cultural Rights*, Scottish Human Rights Commission, <https://core.ac.uk/reader/199408050>

73 All Our Rights in Law was a public engagement programme to inform the National Taskforce. For more detail on this, see [www.allourrightsinalaw.scot](http://www.allourrightsinalaw.scot)

74 Scottish Government, Poverty and Income Inequality Statistics, Jan 2021

75 Equality and Human Rights Commission (2018) *Is Scotland fairer? The state of equality and human rights 2018*, <https://www.equalityhumanrights.com/en/publication-download/scotland-fairer-2018>

emergency food supplies continues to increase both before and during COVID.<sup>76</sup> There was a 4% increase in homeless households from 2018/19 to 2019/20<sup>77</sup> and in some parts of Scotland, a substantial proportion of rough sleepers are migrants from Central and Eastern Europe.<sup>78</sup>

The 2018 Equalities and Human Rights Commission's review of the state of equality and human rights in Scotland concluded: 'there is evidence of progress, but this progress is slow and not consistent or widespread.' It goes on to state that 'the evidence suggests that despite efforts made by Scottish Government and many others, the same problems and concerns which have been highlighted in previous reviews are still apparent. Unless action is taken, the disadvantages that many people face risk becoming further entrenched for generations to come.'<sup>79</sup>

What is also clear is that human rights policy direction is increasingly diverging across the four parts of the UK.<sup>80</sup> Whilst we sometimes refer to progress on human rights law as a 'race to the top' between devolved nations, this stands in stark contrast to UK-level human rights debate. Page 48 of the Conservative manifesto began a process of chipping away at avenues to hold government to account. The current Judicial Review and Courts Bill proposes reducing some powers of the courts. Liberty comments that: 'this Bill proposes to remove a vital safeguard that protects marginalised people, especially migrants, from mistakes being made by public bodies which could have a catastrophic impact on their lives.'<sup>81</sup> The UK Government has also established an Independent Review of the Human Rights Act. This review panel heard significant evidence around how well the Act is working, but there is considerable concern that the UK Government may simply ignore the panel's recommendations<sup>82</sup>. Meanwhile, the Nationality and Borders Bill poses very significant regressive measures for refugee rights, proposing to criminalise people who seek safety by any means that they can. The Scottish Refugee Council describes the Bill as: 'dangerous and cruel. If pushed

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76 Trussell Trust (2020) *Lockdown, Lifelines and the Long Road Ahead: The impact of Covid-19 on food banks in the Trussell Trust network*, <https://www.trusselltrust.org/wp-content/uploads/sites/2/2020/09/the-impact-of-covid-19-on-food-banks-report.pdf>

77 Scottish Government (2020) *Homelessness in Scotland: 2019-2020, Statistical bulletin*, <https://www.gov.scot/publications/homelessness-scotland-2019-2020/>

78 Fitzpatrick S et al (2015) *The Homelessness Monitor Scotland 2015*, <https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/homelessness-monitor/scotland/the-homelessness-monitor-scotland-2015/>

79 Equality and Human Rights Commission (2018) *Is Scotland fairer?* Op cit

80 For further insight into this human rights divergence see: Boyle K (2021) *Human Rights and Devolution: Understanding the role of judicial review in Scotland and the consequences of the independent review of administrative law*, Human Rights Consortium Scotland and Busby N (2021) *Human Rights and Devolution: The Independent Review of the Human Rights Act: Implications for Scotland*, Human Rights Consortium Scotland

81 Liberty response to the Judicial Review and Courts Bill, posted 21 July 2021, <https://www.libertyhumanrights.org.uk/issue/liberty-responds-to-judicial-review-and-courts-bill/>

82 The Independent Human Rights Act Review – information about the review and the evidence received <https://www.gov.uk/guidance/independent-human-rights-act-review#roadshows>

through it would have a devastating impact on people fleeing war, persecution and human rights abuses.’<sup>83</sup>

## Looking ahead: realising rights opportunities amidst rhetoric and regression

The brief overview of human rights trends above shows an expansionist moment in Scotland with the push towards incorporation. Yet at the same time there must be an awareness that these government commitments come in the midst of a reality that is shot through with too many examples of government inaction and rising hardship. Furthermore, the progressive trajectory indicated in Scotland comes against, or even yoked, to a regressive turn at UK level.

Protecting migrants’ human rights in Scotland then, requires a two-pronged approach - a collaborative defence against regression on migrants’ human rights and weaker accountability measures at a UK level, whilst embracing the positive opportunity of a new human rights statutory framework in Scotland. This new law is an opportunity to close the gaps in migrants’ economic, social and cultural rights. It will bring accountability on government action to address racial discrimination. The Bill is also an opportunity to see public authorities, from the outset, build in actions to address barriers to human rights that different groups of migrants face. Steps they take to increase information, support, and independent advocacy around human rights can be designed with minority groups in mind.

Lest we forget however, this new Scottish law will only be effective if government engages with migrants from diverse backgrounds, living in different circumstances and with different experiences and stories, to inform writing of the law, the accompanying guidance and its implementation. It is only as good as the change it brings. Only with full engagement of migrants will we make sure that this new law doesn’t just ‘sit on the shelf’<sup>84</sup> nor that good rhetoric masks a lack of improvement. Instead, the law can help to galvanise action to make human rights a reality for all those whose new home is Scotland.

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83 Scottish Refugee Council, *The Borders Bill: what you need to know*, posted 30 July 2021, <https://www.scottishrefugeecouncil.org.uk/the-borders-bill-what-you-need-to-know/>

84 All Our Rights in Law Final Messages to Scottish Government, [https://www.allourrightsinalaw.scot/wp-content/uploads/sites/24/2021/03/hrcs\\_final-messages-to-NT\\_A4\\_9pp\\_Final.pdf](https://www.allourrightsinalaw.scot/wp-content/uploads/sites/24/2021/03/hrcs_final-messages-to-NT_A4_9pp_Final.pdf)

## Chapter 7

# Migrants and communities in Scotland

Rebecca Kay

Over the last 20 years Scotland has seen increased international immigration to virtually all areas, significantly increasing the number and profile of local communities with direct experience of hosting migrants. Although most international migrants have continued to come to larger towns and cities, significant numbers have also come to small towns and rural contexts with much less history of welcoming and integrating migrant populations. The expansion of the European Union (EU) in the early 2000s, and the extension of rights to free movement to citizens of its new member states, led to increased numbers of migrants, predominantly from Poland and other East European countries, moving into and between Scotland's communities in new ways.

The rules governing free movement made it relatively easy for EU migrants to move to and settle longer-term wherever they could find employment and accommodation. Even where initial visits were speculative, migrant networks and communities developed, leading friends and family to follow, and often converting temporary stays into more permanent forms of settlement in both urban and rural communities. Many people arrived with a job offer in hand, responding to recruitment drives and initiatives by bus companies, farms, call centres and hotel chains. Others came planning to find a job on arrival. Under free movement rules EU migrants could move between jobs and locations relatively easily, establish themselves as self-employed or combine study, employment and family-based care roles in a variety of combinations.

As workers, migrants have contributed to and sometimes transformed local communities. They have taken up employment in sectors significant to maintaining local economies and identities – for example in agriculture, food processing, tourism and hospitality. They have filled posts in public services including health and social care; education and childcare; community development and other local authority departments. They have taken jobs as bus drivers, cleaners, waitresses, shop assistants or construction workers. Some have established themselves as self-employed or set up small companies offering a range of personal and domestic services. Host communities have undoubtedly benefitted from their labour in such public-facing roles.<sup>85</sup> This has been most poignantly evidenced by the high numbers of EU and other migrants employed as key workers during the COVID-19 pandemic.

As residents, migrants and their families have also had a significant impact on the localities and communities where they live. Their need for low-cost rental accommodation, whether through social housing providers or private landlords, has led to residential clustering in specific areas of both big cities, such as Aberdeen or Glasgow, and small towns, like Brechin or Peterhead. This, along with the clustering of migrant labour in particular sectors and kinds of jobs, has on one hand hindered some aspects of social integration, limiting opportunities for the development of meaningful relationships and friendships with ‘local’ residents and work colleagues.<sup>86</sup> On the other hand, it has brought new kinds of diversity and sometimes vibrancy to areas of intensive migrant settlement. Migrant families have often been keen to take up opportunities to access social housing. Some social housing providers have seen this as an asset, as migrant families agreed to rent and became long-term tenants in otherwise ‘low demand’ areas, contributing to their renovation and revitalisation.<sup>87</sup> The development of a migrant infrastructure has changed the physical landscape of many communities, with East European shops and cafes appearing even in small places like Montrose or Banff. In larger places these add to an already diverse mix of Chinese, Indian, Italian or African grocers, restaurants and takeaways. In some of Scotland’s rural settings they represent a more novel experience. Scotland’s linguistic landscape has also been affected, with East European languages heard regularly on streets and in shops, workplaces and schools. Polish is now the second most-commonly-spoken language in Scotland, after English.<sup>88</sup>

Certainly, host communities have also had to adapt, developing services and strategies to accommodate and support migrant families. Schools have expanded support for English as an additional language; health and social care settings have provided interpreting and translation services; local authorities have provided

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85 Hansen P (2021) *The True Economics of Migration*, Discover Society: New Series, 1(1), <https://doi.org/10.51428/dsoc.2021.01.0002>

86 Kay R and Trevena P (2021) *(Not) a good place to stay! – East European migrants’ experiences of settlement in disadvantaged neighbourhoods in Scotland*, Journal of Ethnic and Migration Studies, DOI: 10.1080/1369183X.2021.1886061.

87 McGhee D, Heath S and P Trevena (2013) *Post-accession Polish Migrants: Their Experiences of Living in ‘low-Demand’ Social Housing Areas in Glasgow*, Environment and Planning A: Economy and Space, 45(2): 329–343. doi:10.1068/a45158

88 <https://www.scotlandscensus.gov.uk/census-results/at-a-glance/languages/>

advice and orientation services. Public and third sector organisations have been involved in developing and expanding services tailored to the needs of migrant populations. There has been a significant expansion to the network of ESOL (English for Speakers of Other Languages) provision, encompassing both formal classes and community-based initiatives. The range of support structures and programmes developed in these ways has been uneven and imperfect. Nonetheless, they have required investment of considerable resource and time.

## What will the future bring? Challenges and opportunities

The UK's departure from the EU and introduction of new migration policies will undoubtedly change the numbers, countries of origin, places of settlement and length of stay of migrants to Scotland. Political rhetoric surrounding the 2016 referendum and the subsequent EU withdrawal process both responded to and set a more negative tone on migration. Scotland's political leadership has distanced itself from hostile rhetoric, insisting that migrants remain 'welcome', and there have been fewer reported instances of hate crime and direct discrimination in Scotland than elsewhere in the UK. Research with East Europeans in Scotland has found evidence of good relations and a sense of belonging to communities at both local and national level, alongside appreciation for the messaging from political leaders.<sup>89</sup> However, this does not mean that Scotland's communities are immune to tensions. There is also evidence of increased bullying in schools, conflicts in workplaces and increased uncertainty and insecurity.<sup>90</sup> The segregated working and housing environments noted above can compound experiences of social isolation and mutual othering, reducing opportunities for building a deeper sense of belonging.<sup>91</sup> The restrictions and uncertainties caused by the COVID-19 pandemic have also disrupted and destabilised community building efforts and support services and created new kinds of isolation and separation.

In introducing its new migration system, the UK government specifically set out to 'level the playing field' and treat migrants from EU and non-EU countries 'equally'.<sup>92</sup> Assuming that this does lead to a new profile of migration from EU and non-EU countries, then communities and support services will need to adapt to meet a different set of linguistic and cultural needs. Whilst the new migration system focuses primarily on routes for highly skilled migrants, the restricted and restrictive programmes for lower skilled migration, for example through the seasonal agricultural workers route, will be vital for Scotland. On one hand, where migrants come through such rigid temporary routes some of their needs,

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89 Gawlewicz A (2020) "Scotland's different": narratives of Scotland's distinctiveness in the post-Brexit-vote era, *Scottish Affairs*, 29(3): 321-335.

90 Sime D (2020) *New Scots? Eastern European young people's feelings of belonging and national identity in Scotland post-Brexit*, *Scottish Affairs*, 29(3): 336-353; Botterill K and Hancock J (2019) *Rescaling belonging in 'Brexit Britain': spatial identities and practices of Polish nationals in Scotland after the UK Referendum on EU membership*, *Population, Space and Place*, 25(1), e2217.

91 Kay and Trevena 2021, op cit

92 <https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement>

for example of support for family members, will be reduced. On the other hand, this type of programme will introduce a level of 'churn' in local communities and reduce the likelihood and opportunities for language learning and cultural integration. Migrants travelling alone will have less access to informal support through friends, family and migrant networks and are less likely to establish formal migrant-led support organisations. There is evidence internationally, and in Scotland, that such temporary and isolated migrant populations are more readily exploitable leading to worsening employment conditions and rates of pay<sup>93</sup> with potential knock-on effects for local workers and labour markets.

Migrants who come to Scotland to fill more highly skilled positions will also have support needs. The points-based migration system will demand prerequisite levels of English language proficiency. Nonetheless, they are likely to require new kinds of ESOL provision if they are to progress their careers, especially if they choose to settle longer term.<sup>94</sup> If they are accompanied by spouses, children or other dependents this brings opportunities for a further enriching and diversification of Scottish communities. Spouses with the right to work may find employment in some jobs which will otherwise struggle to recruit from abroad due to salary and skills thresholds. However, with numbers likely to be low(er) and coming to quite varied and disparate migration settings, particular efforts will be needed to avoid social isolation, deskilling and increased inequalities for migrant families.

This raises questions about where the political will and financial and social resource for such efforts might come from. Scotland has already shown willing, at both national and local levels of government, to use devolved powers to provide support and initiatives for migrants and refugees. Recent examples include ring-fenced funding for ESOL provision and development of an independent ESOL strategy,<sup>95</sup> accelerated resettlement of Syrian families across all of Scotland's 32 local authorities and the development of the New Scots Refugee Integration Strategy. And yet, Scotland has much lower levels of ethnic, linguistic and religious diversity amongst its long-settled population than many parts of England. This brings with it less visible and embedded diversity in statutory organisations, service providers and support agencies, particularly but not only in more rural contexts, and can make it harder for newcomers to blend in and find positive experiences of living together.

The pandemic and COVID restrictions have brought both challenges and opportunities for migrants and long-settled residents alike. Online community engagement activities, ESOL and other classes and services have supported new ways of interacting and staying in touch, which may have had advantages for some. In rural areas for example, the pooling of classes and services online to cater for clusters of smaller towns and villages has enhanced opportunities for

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93 Rye JF and Andrzejewska J (2010) *The structural disempowerment of Eastern European migrant farm workers in Norwegian agriculture*, Journal of Rural Studies, 26(1):41-51; Focus on Labour Exploitation and Fife Migrants Forum (2021) *Assessment of the risks of human trafficking for forced labour on the UK Seasonal Workers Pilot*, London, <https://www.labourexploitation.org>

94 Rolfe H and Stevenson A (2021) *Migration and English Language Learning after Brexit*, Learning and Work Institute, <https://learningandwork.org.uk/resources/research-and-reports/migration-and-english-language-learning-after-brexite/>

95 Although this ended in 2020 and has not been renewed.

participation and helped to forge new connections within and across geographic, linguistic and national communities.<sup>96</sup> Opportunities to work flexibly, from home or even internationally, may also have brought benefits for some migrants and their families, although many have continued to work throughout as key workers in health, social care, food processing, retail and distribution etc. As Scotland, its regions, cities and towns emerge from the pandemic and restrictions are eased, learning about where online activities, flexible working, different modes of travel and transport have been beneficial, and where recovery support and investment is required, needs to include and take account of migrant experiences.

## How can Scotland best meet future challenges?

As the profile of migration to different areas of Scotland changes, thought needs to be given to how existing support and advice services can best be adapted to meet the needs of two distinct groups of migrants with a new range of linguistic and cultural characteristics: those travelling on skilled worker visas, who may be accompanied by family members and may wish to settle longer-term; and those on more restrictive, temporary programmes, who are likely to be in Scotland for shorter periods, probably without family and less able to access support through informal migrant networks, or more formal migrant-led support organisations. Particularly in more remote areas, attention will need to be paid to assisting newcomers to make positive social contacts and informing them about their rights, responsibilities and entitlements. This might involve a range of stakeholders including employers, local authorities and third sector organisations. Such activity would best be supported by a centralised integration strategy aiming at a model of integration for all of Scotland's residents as a means of overcoming inequalities, injustices and divisions and building stronger, more inclusive and engaged communities. This could be adapted to local needs, capacities and migrant profiles; would support links to and learning from other areas; and recognise that integrated communities are a benefit to all.<sup>97</sup>

There are many examples of good practice and innovative programmes in Scotland, including community ESOL classes, creative and arts projects, befriending schemes and others. These could be shared and built upon as a way of further developing and maintaining good community relations. Some have been developed specifically with asylum seekers and refugees, but could readily be adapted to suit the needs of migrants, and other residents.<sup>98</sup> Examples of good practice can also come from outside of Scotland or the UK. Countries such as Portugal and Australia have established networks of hubs providing comprehensive

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96 McArdle K (2020) *Home-Hame-Дом-Дом: Evaluation Report*, Elphinstone Institute, [https://www.abdn.ac.uk/elphinstone/documents/HHDD%20Report\\_final.pdf](https://www.abdn.ac.uk/elphinstone/documents/HHDD%20Report_final.pdf)

97 All Party Parliamentary Group on Social Integration (2017) *Integration not Demonisation*, p.81, <https://socialintegrationappg.org.uk/wp-content/uploads/sites/2/2018/09/Final-Report-into-the-integration-of-migrants.pdf>

98 Hirsu L and Bryson, E (2017) *Sharing Lives, Sharing Languages: A Pilot Peer Education Project for New Scots' Social and Language Integration: Evaluation Report*, Scottish Refugee Council, [https://www.scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/Sharing\\_Lives\\_Sharing\\_Languages\\_REPORT.pdf](https://www.scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/Sharing_Lives_Sharing_Languages_REPORT.pdf)

support and services for migrants.<sup>99</sup> Such hubs could provide a package of support for integration, including legal advice, signposting to public services, language and other classes, support with finding employment and entrepreneurship, and potentially office space with wifi for remote working.<sup>100</sup> In line with the broader view of integration noted above, such hubs might provide services to all local residents, focusing on need rather than background,<sup>101</sup> but remaining alert to where particular groups, including migrants and their families, require specific services, targeted outreach or tailored support. Where migrants bring family members with them, for example, they may need tailored advice and information about childcare, access to suitable language classes and community development activities, or assistance in securing employment. Lone migrants on temporary visas and working in more remote areas may require targeted outreach to access services and advice.

These proposals are grounded in an assumption that migrants are much more than just workers. Migrants are part of the communities they live in, however temporarily, as neighbours, parents, pupils, volunteers, acquaintances, friends. They have needs that can be met through community-based support, interactions with a wide range of settled local residents and access to well-planned formal services. Many of these needs are not so different from the needs of other residents, although they may vary in emphasis or intensity. Therefore, approaches that meet the needs and challenges of migrants within a community are likely to enhance that community for all.

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99 <https://eportugal.gov.pt/en/servicos/centros-locais-de-apoio-a-integracao-de-migrantes-claim-> and <https://www.communityhubs.org.au/>

100 See Expert Advisory Group on Migration and Population (2021) *Family Migration: Understanding the Drivers, Impacts and Support Needs of Migrant Families in Scotland* for more detailed elaboration of this suggestion.

101 Collet E and Petrovic M (2014) *The Future of Immigrant Integration in Europe: Mainstreaming Approaches for Inclusion*, Migration Policy Institute Europe

# About the authors

**David Bell** holds visiting or honorary positions at the Universities of Stirling, Edinburgh and Glasgow. His principal interests are in labour economics, the economics of ageing and fiscal federalism.

**Christina Boswell** is Professor of Politics at the University of Edinburgh, where she serves as Dean of Research for Arts, Humanities and Social Sciences. Her work focuses on the role of expertise and research in immigration policy. She has extensive experience of policy engagement on immigration policy issues, including consultancy roles for the UNHCR, OECD and European Commission, and as Chair of the Scottish Government's Expert Advisory Group on Migration and Population. Christina serves as Chair of the Board of Trustees for Migration Policy Scotland.

**Andrew Copus** is a part-time senior researcher at the Karelian Institute of the University of Eastern Finland, based in Aberdeenshire. He is a member of the Scottish Government's Expert Advisory Group on Migration and Population. A Human Geographer by training, he graduated from the University of Wales in Aberystwyth, but has spent most of his career based in Scotland, with Scotland's Rural College, the Universities of Aberdeen and the Highlands and Islands, and the James Hutton Institute. In 2019 he completed a ten year part-time secondment to Nordregio, the international research centre for regional development and planning, funded by the Nordic Council of Ministers, in Stockholm.

**Sunder Katwala** is the director of British Future. He has previously worked as a journalist. He was general secretary of the Fabian Society thinktank from 2003 to 2011, and was previously a leader writer and internet editor at the Observer, a research director of the Foreign Policy Centre and commissioning editor for politics and economics at the publisher Macmillan.

**Rebecca Kay** is Professor of Russian Gender Studies at the School of Social and Political Sciences, University of Glasgow. Over the past decade her research has focused specifically on understanding lived experiences of Central East European migrants to Scotland and considering how these can better be drawn on to develop fit for purpose policy advice and practice. She has led an extensive 5-year study (2013-18) into the experiences of migration to and settlement in urban and rural areas of Scotland (SSAMIS) and is currently collaborating on a project exploring the linkages between language learning and migrant integration in Scotland (Llami). She is a member of the Scottish Government's Expert Advisory Group on Migration and Population and a Trustee of Migration Policy Scotland.

**Sarah Kyambi** is the founder and director of Migration Policy Scotland. She is an expert on UK immigration policy and holds a PhD in Law and Social Theory from the University of London. Sarah has experience advising government and other stakeholders on migration having worked for think tanks and NGOs in London, Brussels and Edinburgh. She has a strong track record on innovative policy thinking and is the author of the first UK reports on regionalised immigration systems (2009) and migrant superdiversity (2005).

**Jonathan Portes** is Professor of Economics and Public Policy at King's College London, and a Senior Fellow of UK in a Changing Europe. He was formerly Director of the National Institute of Economic and Social Research, and prior to that Chief Economist at the Cabinet Office. He is the author of numerous research papers and articles on the labour market impacts of immigration to the UK, and of "What do we know about immigration and what should we do?", published by Sage.

**Dr Heather Rolfe** is Director of Research and Relationships at British Future. Heather has carried out research on immigration since the 1990s, specialising in the impact of free movement on the labour market and on public attitudes. Before joining British Future in April 2021 she was Head of Research at Demos. She previously led the social policy team at the National Institute of Economic and Social Research where she carried out research on immigration funded by, among others, the Leverhulme Trust and Migration Advisory Committee. Heather has published research findings in a wide range of formats, including as editor of a collection of papers on post-Brexit immigration policy. With British Future colleagues, she has recently produced a report 'Immigration: a changing debate' using data from the Ipsos-MORI longitudinal immigration attitudes tracker.

**Mhairi Snowden** is Director at the Human Rights Consortium Scotland a civil society network to protect and promote human rights in Scotland.





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