

## **Comments on Home Office Green Paper “Paths to Citizenship” May 2008**

### ***About Oxfam***

Oxfam is a British international development agency working in nine regions around the world, and in the UK. Oxfam’s purpose is to overcome poverty and inequality all over the world including in the UK. We develop projects with people living in poverty that improve their lives and show others how things can change. We raise public awareness of poverty to create pressure for change. And we work with policymakers to tackle the causes of poverty. Oxfam’s programme includes work with partners on the ability of people experiencing poverty to have a decent standard of living and make a sustainable livelihood, to live a life free from discrimination and have their rights to gender and race equality respected, and the right of refugees be free from destitution and live in dignity.

Our programme includes support for the rights of migrant workers, media monitoring and encouragement of good practice in the reporting of refugee and asylum issues, a programme on attitudes and beliefs of the British public, and work with partners to tackle gender and race discrimination both for resident black and minority ethnic communities and for new arrivals to the UK. For further details about Oxfam’s work in the UK, see [www.oxfam.org.uk/uk](http://www.oxfam.org.uk/uk).

Our response to the Green Paper is in two parts: a response to the consultation questionnaire (sent separately) and more detailed comments below on the Paper and its implications based on our work in England, Scotland and Wales.

**In summary, while welcoming the intention to simplify and clarify the immigration system, Oxfam is concerned that the proposals create a more complex, less transparent and less welcoming system for migrants. We would like to see greater recognition of the value of migration in the struggle to reduce poverty and inequality. We suggest the Government review the language and proposals of the Green Paper in the light of their potential to harden public attitudes towards migrants. The new proposals for probationary citizenship, and measures to ensure would-be citizens meet criteria for “active” citizenship, would make them more vulnerable to discrimination and potential exploitation. Oxfam is reassured by the re-stated commitment to those in need of protection, but would like to see forced migrants excluded from the proposal completely. Finally, Oxfam fears that an additionally punitive regime would lead to many migrants being afraid to ask for legitimate entitlements, and opposes any restriction in benefits which would result in people resident in the UK being denied basic rights to food, water, shelter, and protection, whatever their immigration status and nationality.**

### ***Key recommendations:***

***Oxfam urges the Government to be more explicit about the value of migrants to the economy, and to reconsider its proposals, which make it more difficult and expensive for migrants to consider citizenship.***

***We suggest the language of the Green Paper be reviewed, in the light of the risks of discrimination through its reinforcement of negative public attitudes and beliefs towards migrants.***

***Oxfam urges the Government to abandon the concept and terminology of “probationary” citizenship, and instead use the concept of “transition”, putting in place active measures to support participation and integration rather than make them a condition of citizenship.***

***Oxfam urges the Government to retain and not lengthen the existing time limits in which migrants are considered for residence.***

***We recommend the Government consider making financial resources available for a strong and supportive programme for would-be migrants, in the interests of community cohesion.***

***Oxfam urges the Government to reconsider both the concept of “active citizenship” as outlined, and the measures proposed, as discriminatory against migrants in poverty and with family responsibilities.***

***Oxfam recommends the Government promote measures whereby British citizens and new migrants are supported to work together in the community – formally and informally.***

***Oxfam recommends that the Government clarify what its commitment to refugees as prospective citizens will mean in practice. Ideally, Oxfam would like to see forced migrants excluded from these proposals completely.***

***We urge the Government to abandon its proposals to charge migrants fees for their applications and find alternative ways to predict migration-driven demand on public services, through more forward planning.***

***We urge the Government to review its proposals in the light of its human rights obligations, to ensure the safety and security of all those living in poverty, whether permanent citizens or not.***

***Oxfam urges the Government to use the Green Paper consultation as an opportunity to work with organisations supporting migrants, and with migrant workers themselves, to ensure it lives up to the high standards of tolerance and fairness of Britain to which it refers.***

## ***Introduction***

Migration represents an opportunity to reduce poverty and inequality, including gender and race inequality, both for migrants and for Britain. Yet certain policies and practices relating to migration and migrants can create or exacerbate poverty and inequality, or lessen the potential benefits of migration – for migrants and for the communities that send them or host them. For Oxfam, the eradication of poverty and inequality should be fundamental criteria for judging immigration policy. As detailed in our comments below, we are concerned that proposals in the Green Paper ‘Pathways to Citizenship’ would worsen the poverty and suffering of many current and future migrants, and could reduce the benefits of immigration to certain sectors and populations of the UK.

We welcome the overall intention of creating a simpler and more transparent system for welcoming migrants to the UK. We also welcome the recognition that the current system has faults and the genuine desire to improve it. However, we fear that in practice the Green Paper creates a more complex, less transparent, and less welcoming system for migrants. We also have concerns about the implications of the proposals, which we fear would worsen the vulnerability to poverty and suffering of many current and future migrants.

## ***Social and economic benefits of migration – to the UK and to countries of origin***

We welcome the Green Paper’s account of the benefits of migration (paragraphs 25 - 30). These are both economic and social, filling skills shortages and meeting labour market demands, making

Britain more prosperous and productive by bringing skills and experience complementary to the native population, and socially, enriching the diverse cultures of communities. The Paper draws attention to the fact that the average migrant pays 10 per cent more in tax than they receive in services, and collectively migrants add £6bn to the economy and provide labour market flexibility.

Oxfam works in countries which both send and receive migrants and so has a unique standpoint from which to comment on both the benefits and the problems created by migration. On the one hand, many of the developing countries where Oxfam works experience a “brain drain” of skilled workers to richer countries, which benefits the UK but creates issues for countries of origin. This group is particularly those targeted by the new points-based system. In addition to bringing significant benefits to the UK especially in key sectors such as health and construction, migrants also remit large sums back to support and enrich their home countries. It is now well known that remittances make a bigger contribution to the GDP of countries of origin, than official aid disbursed by governments.<sup>1</sup> Therefore Britain benefits from migration even more than the Green Paper acknowledges.

In addition, certain sectors and populations in the UK receive considerable benefits from migration. Recent reports have documented the dependence of tourism and agriculture on migrant labour. Moreover, people dependent on carers receive significant benefits from ‘unskilled’ as well as ‘skilled’ migrant workers. Migrants fill many jobs caring for the elderly, infirm and the very young – arguably, migrants are reducing the poverty and suffering of dependent populations in the UK, since without migrant labour the level of services would be lower. Furthermore, migrants filling the gap in the labour force for caring services - both in private homes and public institutions – allows other (British) adults to spend more time in paid work. As the public provision of a high level of health, education and caring services is a significant factor in reducing gender inequality in society and the economy, the migrant labour force is critical to gender equality strategies. It is ironic, therefore, that the Government’s proposals on immigration policy run the risk of making these same migrant workers – often women – from black and minority ethnic groups, more vulnerable, poor and without access to public services. *We would like to see greater recognition, without caveats, of the contribution of migrants to Britain.*

### ***Views of the public: negative attitudes and beliefs about migrants***

We are seriously concerned that the tone of the Green Paper is not likely to contribute to a full appreciation of the migrant contribution to the economy and the life of the nation. The Government’s immigration policy is not wholly responsible for determining the potential benefits or the problems associated with migration. Clearly, many factors influence whether migration works to reduce poverty or is fraught with conflict, violence, discrimination and exploitation. Migrants experience is shaped by the policies of countries of origin and international economic development, by private sector companies’ policies and practices, by initiatives of migrant organisations as well as public attitudes and beliefs. *Yet we believe that the UK government’s positions, language and policy on immigration play a critical role in framing the debate.* We would like to see the Government making proposals that unequivocally value the contribution of migrants to the UK economy and society, and highlight the opportunity of migration in the struggle to reduce poverty and inequality. Alternatively, official policy runs the risk of reinforcing historical notions about migrants and unintentionally legitimising exploitative practices of employers and negative or racist public beliefs.

Many of the recommendations appear to be based on the results of a public consultation which concluded that migrants should “speak the common language, make an economic contribution, and obey the law”. Yet there is no recognition in the Green Paper that these are precisely the intentions of the majority of migrants to the UK. Whilst we welcome the wide-ranging consultation to find out what the public thinks about reform of the immigration system, we are concerned that neither the views of migrants themselves or of migrants’ organisations appear to have been

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<sup>1</sup> World Bank website:

<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20648762~menuPK:34480~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>

sought, and this lack is likely to contribute significantly to the problems and barriers experienced by poor migrants.

Our work and others' research on public attitudes towards migrants and refugees leads us to a concern that the views of the British public are often based on negative assumptions drawn from inaccurate media reporting, and punitive public policy reflecting media assertions<sup>23</sup> which portray migrants as spongers who come to Britain to claim public benefits to which they are not entitled. In 2006, Oxfam commissioned the Cardiff University School of Journalism to consider broadcast news coverage of asylum. This report identified that whilst, on the face of it, the British media are moving towards a more positive representation of asylum seekers and refugees, a more detailed analysis reveals a very different emphasis. They suggest that the narrowness of the news agenda combined with more than one hundred years of policy making which considers non-white immigration and asylum as a problem results in the concept of asylum itself being seen as a negative phenomenon; "Even if the words remain unspoken or censored, asylum now means 'illegal immigrant', 'bogus', 'scrounger', 'criminal', 'terrorist'. It only has to be mentioned for the negative mythology to be re-activated."<sup>4</sup>

Our partners report racism experienced by a wide range of groups perceived to be "foreign", including workers outside the mainstream employment system (home workers and Roma people), people from black and minority ethnic communities (who are full British citizens) and migrant workers lacking access to information and experiencing exploitative treatment. *We ask the government to review the language of the Green Paper in the light of these risks.*

The tone of the paper is based on several assumptions about migrants that our experience refutes – that they are unwilling to learn English and integrate in their local communities, that they are economic "takers" rather than "givers", and that they are more likely to be involved in crime than native British citizens. Oxfam currently works directly with migrant worker leaders in Manchester: members of this group report that migrants are eager to learn English, and if they do not do so it is because they work such long hours that they cannot, or because English classes are over-subscribed and therefore unavailable, or beyond their financial means. Migrant workers in Manchester contacted by the Oxfam Migrant Worker Project expressed their concern that the unsocial hours they worked prevented them from attending classes regularly. Our experience of working directly with poor migrant workers is that they are no more or less hard working and willing to pay their taxes and therefore make an economic contribution as any British citizen. Finally, there is no evidence that migrant workers are more likely to be involved in criminal activity than the rest of the population, a conclusion supported by the recent report by the Association of Chief Police Officers (insert footnote). Rather, migrants are keen to avoid trouble or contact with the police because of the potential risks to their immigration status, to their own and their families' livelihoods and their ability to send remittances of badly-needed cash to their families in their country of origin.

We believe that negative stereotypes about migrants are likely to be reinforced by the overall tone and assumptions of the Paper, which could therefore contribute to a hardening of public attitudes and further undermine community cohesion. Oxfam's work on creating positive images of refugees and migrants has monitored the extent and damage of hostile reporting and attempted to overcome it. Our work demonstrates the importance of understanding the barriers and difficulties faced by new migrants; of sympathetic and better-informed media reporting and the value of training for media practitioners in providing unbiased coverage of the issues; and promoting a community atmosphere in which community cohesion is likely to be successful. *We would like to see the Government making proposals for positive valuing of the contribution of migrants and refugees alongside its proposals in the Green Paper.*

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<sup>22</sup> Communicating asylum, Naomi Newman and Miranda Lewis, ippr, May 2007

<sup>3</sup> Joint Committee on Human Rights Inquiry into the treatment of asylum seekers

<sup>4</sup> Broadcast News Coverage of Asylum April to October 2006 "Caught Between Human Rights and Public Safety", Bernhard Gross, Kerry Moore & Terry Threadgold 2006. Cardiff School Of Journalism

### **Three stages of citizenship: the likely consequences**

The Green Paper outlines a **three-stage journey to citizenship**, which requires migrants to “demonstrate a more visible and substantial contribution as they pass through successive stages”. It proposes that after a period of “temporary residence”, migrants will pass into the stage of “probationary citizenship”, a period which could stretch to five years or more, and will be dependent on “earning the right to stay” while at the same time able to access only restricted benefits and subject to extra charges and taxes. After this time, the migrant could acquire citizenship or permanent residence.

We welcome the Government's desire to simplify the immigration system and make it clear and transparent. However, we are very concerned that the proposals outlined do not deliver clarity or transparency for those workers outside the proposed system. We are also concerned about the impact of “probation” on would-be citizens, and the potential for discrimination inherent in the concept of “active citizenship” for those unable to meet the criteria. The very public emphasis through “active citizenship” on the concept of “earning” citizenship, which others have as a right through birth, would damage social solidarity and undermine efforts at community cohesion.

We welcome the desire to make the immigration system clearer. However, the Green Paper makes no reference to those **migrants and their families already in the UK**, who do not fit into the new categories. It does not make clear what the intended course of action is for such workers, nor what they can expect if they do not wish to seek citizenship but do wish to work in Britain. Oxfam works with employers in the social care sector, who report that the migrant workers they employ are filling vacancies and meeting short term demands for labour that they would otherwise find very hard to cover. These employers were concerned that one of the likely consequences of the points-based system is that it would be much harder for them to recruit migrant workers to fill these vacancies and therefore provide consistent care for some of the most vulnerable UK citizens. In addition, experienced migrant workers who have been in post within care homes for some time but who lack the qualifications required (NVQ Level 3) may find it difficult to renew their visas – thus creating severe problems for employers who lose experienced staff.

Oxfam works with poor migrant workers many of whom are unlikely to be eligible under the new points-based system. Many of these workers would wish to regularise their position in a way that respects their rights to fair treatment as people who live and work in Britain, and have rights under employment and other areas of existing law. We believe that, faced with the prospect of a lengthy period of “probation” and the awareness that they would not qualify for citizenship, many of these migrants would simply go underground, which increase the costs of detection and punishment. Many workers in this situation are likely to be left with no alternative but to work informally, where they become even more vulnerable to exploitation by unscrupulous employers who then have an unfair advantage over legitimate companies.

Oxfam has a number of concerns about the concept of “**probationary citizen**”. The status of “probation” is significantly different from the status of “indefinite leave to remain”, which it replaces in part. “Leave to stay” gives full permission for a period of time; “probation” is a continuous state of being under watch and implies wrong-doing. The concept of probation would mean that all in this category, which could be a large number of people over a number of years, are in a lengthy limbo where their status is not clear, their behaviour is under scrutiny, and their value to the nation is under question. During this time, they have to prove their worth and they are not seen as “real” citizens in any sense. Oxfam's programme experience demonstrates that many migrants already feel discriminated against and live in fear of public prejudice and racism, and that employers and agencies often use these fears to deny them access to information and proper pay and working/living conditions. The creation of a category of people on “probation” would exacerbate these existing vulnerabilities, over a longer time-scale, and over a greater range of suspicion – of whether they pay taxes, are “active” in their communities, and are beyond suspicion of involvement in crime. Faced with greater uncertainty of status, migrants are likely to experience greater stress and ill-health, which would be exacerbated by a fear of any kind of involvement with the police or

the law, through no fault of their own, and fear of discrimination by members of the resident community.

The “probationary” status would particularly affect women living with domestic violence, feeling powerless to protest against abuse because of fear of losing residence rights. Oxfam’s partner Saheli has researched the destitution and suffering of South Asian women in this situation, with no recourse to public funds. There would also be an increased risk of migrants suffering a range of discrimination and abuses to their rights, over a longer period of time for all who are not progressing clearly in the citizenship process. *We urge the Government to retain and not lengthen the existing time limits in which migrants are considered for residence.*

Chapter 3 states that **those in need of protection** and their dependents are one of the three routes to naturalisation as a British citizen. We welcome the clear reassertion of the Government’s obligations to refugees under international law, and the commitment to ensure “more sensitive treatment for children” (1:10). We welcome also the commitment (paragraph 117) to “not removing anyone from the UK where there are substantial grounds for believing that the person would face a real risk of suffering serious harm in the country of return”. However, Oxfam’s view is that forced migrants – those seeking asylum and needed protection – should be excluded from these proposals. Refugees should be accepted on the basis of the Refugee Convention and not any notion of their social and/or economic benefit to the UK. Our experience of working with refugees is that their experiences in countries of origin mean they are especially in need of reassurance and protection, are often at risk of destitution, and are most at risk of public prejudice against them. We note the recent release of the interim report of the Independent Asylum Commission, which while acknowledging the Government’s desire to do better in its reception and treatment of refugees, states that there is a long way to go before the system is “fit for purpose”. In particular we are concerned about the proposal that all would-be migrants must have a visa before they travel to the UK, which clearly discriminates against people fleeing persecution who cannot possibly meet those conditions. *Oxfam recommends that the Government spell out what its commitment to refugees as prospective citizens will mean, in practice. Ideally, Oxfam would like to see forced migrants excluded from these proposals completely.*

The Green Paper introduces a new concept of “**active citizenship**” in which migrants would be expected to “show current British citizens that they are being active rather than passive participants in British life” (paragraph 168). Probationary citizens who are able to undertake community involvement would be able to buy themselves earlier consideration for citizenship than those who are not able to. While we welcome the invitation in the consultation to contribute ideas about what “active citizenship” could include, becoming an active citizen is very difficult for a newcomer to an area, whether in the same or another country. We stress that such proposals represent discrimination against those who are not able to be “active” for reasons beyond their control – such as working long and unsocial hours, having insufficient financial resources which means for example that they cannot afford transport, and having family responsibilities, especially for women migrants. In addition, the concept of “active citizenship” as outlined in the Green Paper, solely applying to migrants, risks undermining community cohesion and solidarity. Oxfam’s work and research by others has demonstrated that meaningful contact (joint participation in a shared project) by people from different groups increases mutual understanding and sympathy, and promotes community cohesion and solidarity.

*We urge the Government to reconsider both the concept of “active citizenship” and the measures proposed, as discriminatory.*

*We recommend the Government considers making resources available for a strong and supportive active citizenship programme, in the interests of community cohesion.*

*Oxfam recommends the Government promote joint active citizenship whereby British citizens and new migrants are supported to work together in the community – formally and informally.*

## ***Restricting access to benefits and services: the dangers***

Oxfam is most concerned about chapter 5, which outlines proposals for the access to benefits and services which migrants should expect. It is proposed that migrants should pay an additional fee to alleviate “the transitional pressures” of migration on public services. It is also proposed (paragraph 207) that money for the fund would be raised from fees particularly for those who “tend to consume more in public services – such as children and elderly relatives – paying more than others.”

We welcome the reassurance (Paragraph 186) that “the average migrant makes a greater contribution to the provision of public services than the average non-migrant” and therefore question the logic and equity of placing greater restrictions and charges on migrants when their positive influence on public finances is recognised.

In our view it is quite inappropriate to place additional charges on migrants themselves. Migrants contribute to taxes through employment in the same way as British citizens, and therefore if there are additional costs associated with migration they should be met by the taxpayer through the normal channels. Improved planning mechanisms by national and local government should be able to predict migration movement and make appropriate and timely arrangements. It is also discriminatory to suggest that those most burdened with family responsibilities and most likely to face poverty should face additional cost burdens. Double standards seem to apply here: British citizens receive particular help and support under child poverty and social protection policy, yet migrants who are often amongst those most likely to be in poverty are expected to contribute financially.

Our UK experience working with black and minority ethnic groups, both new and longer-term migrants, indicates that the remittances they make are often sent at considerable cost to them in terms of increased poverty. It is not appropriate that the additional costs in form of fees to create a fund to manage the transitional cost of migration should be placed on the shoulders of migrants who are already making a double contribution to the UK economy and to the country of origin. *We urge the government to abandon its proposals to charge migrants fees for their applications and find alternative ways to predict migration-driven demand on public services.*

From our current work with migrant workers, we know that many are denied basic employment rights yet they are often reluctant to report abuses to the authorities because they have no alternative employment. Any measures such as these which place additional financial demands on migrant workers would only serve to push migrant workers further into the informal economy and make it even harder for them to seek help for fear that they may then incur additional costs as suggested in the Green Paper.

We welcome the recognition that fluency in English increases the social and economic benefits of migration (paragraph 14) and that free ESOL provision should be targeted at those most in need to maximise the benefits of migration. Our programme experience demonstrates that poor migrant workers and refugees are not only keen but desperate to learn English, recognising it as a passport to British life. However, they are often unable to access ESOL provision because classes are insufficient and oversubscribed, because they work unsocial hours, because funding is unavailable or the fees are too high. We welcome the assurance of access to further education at “home” fee rates, but point out that many migrants have reported to us that they have found the education provision they wished to access has been often unavailable and oversubscribed. Asylum seekers should be exempt from fees as they are not allowed to work.

While we welcome the fact that the Government is conducting a review with the Department of Health on the rules governing access to healthcare, we would caution against any intended denial of basic rights to primary health care for migrants and refugees that the government appears to be considering. In the north of England our partners have reported a number of serious cases of poor health as a result of inappropriate denial of services. We believe that doctors should be able to provide medical care to those in need of urgent treatment regardless of their citizenship status, as

they are required to do under the Hippocratic Oath.<sup>5</sup> The recent High Court ruling that the Palestinian “A” must be given NHS treatment would indicate the direction in which this area of policy should go.

We welcome the Government’s proposed review (Paragraph 201) of “all legislation governing migrants’ access to benefits and services to ensure it is as clear and consistent as possible”. We are concerned about the potential impact of further restrictions in access to benefits for all migrants while in their probationary period, which is likely to be longer than previously, making them more vulnerable to poverty for longer. Migrants are entitled to protection under employment rights as are British citizen employees. They are also entitled to fair treatment and freedom from discrimination. We fear that an additionally punitive regime as proposed, which emphasises the probationers’ lack of entitlement, would lead to many migrants being afraid to ask for what they can legitimately claim even if they are aware of their rights, and fail to report discriminatory treatment for fear of trouble. Our partners already report an increase in destitution among migrants who have been badly treated by employers and were not able to access help or had assistance wrongly refused. This situation may well become worse if there is the intention to deny them access to benefits of any kind during their probationary period, which may well be lengthy. Our experience of working with poor migrants is that they may well become unemployed through no fault of their own but as a result of unscrupulous practice by employers, or by the nature of the contracts they are on (e.g. zero-hours contracts) or lack of understanding of the nature of their contract. Oxfam opposes any restriction in benefits which would result in people resident in the UK being denied basic rights to food, water, shelter, and protection, whatever their immigration status or nationality.

The Green Paper has the potential to reinforce a two-tier system in which those who are not and cannot become citizens are at increasing risk. The removal of benefits places an increasing number of people resident in the UK who do not fit the proposals at risk of denial of their basic rights to shelter and food. The proposed denial of most benefits to all those without permanent citizenship places migrants in the first two stages at greater risk of discrimination and poverty if they experience difficulties in their employment status and conditions, which the evidence of our programme reveals is often the case even though migrants may have employment rights of which they are not aware.

*We urge the Government to review its proposals in the light of its human rights obligations, to ensure the safety and security of all those living in poverty, whether permanent citizens or not.*

*We hope that the Green Paper will be taken as an opportunity to consult further with organisations working with migrants, and with migrant workers themselves, to ensure it lives up to the high standards of tolerance and fairness to which it refers.*

In conclusion, we welcome the Green Paper “Paths to Citizenship”, as opening public discussion on how people are welcomed to Britain, and their contribution to the economy is recognised. We believe that without significant revision the Paper will not succeed in its purpose of creating a clearer, more transparent and more efficient system for migrants. We have particular concerns that its proposals would worsen the poverty and suffering of many current and future migrants. We urge the government to consider Oxfam’s suggestions and would be willing to support this submission with further evidence from our programme in the UK.

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<sup>5</sup> First do no harm: denying healthcare to people whose asylum claims have failed, Nancy Kelley and Juliette Stevenson, Oxfam and Refugee Council, 2006