

The Radical Response to Policy Paper 131

Our case for a reference back



THE RÀDICAL
ASSOCIATION

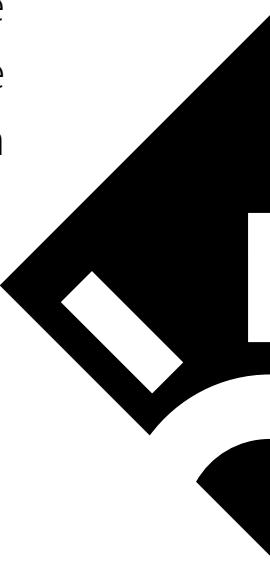


Policy Paper 131, produced by the Party's Working Group on Immigration and Identity, is being presented to Autumn Conference for approval in motion F16.

The Radical Association believes that – in part due to a flawed consultation process and insufficient post-consultation discussion with stakeholder groups such as Liberal Democrat Immigrants – the Working Group has produced a Paper with unwelcome rhetoric, policies which are not sufficiently radical and, particularly in advocating increased funding of the Border Force, will have illiberal consequences.

We have produced a set of nine recommendations that we would want to see taken on board before we could give our full support to the Paper. These recommendations cannot be achieved solely by amendment, so **we are asking Conference attendees to vote for a reference back** on motion F16 so that the Paper can be extensively reworked.

These recommendations are not an exhaustive list of concerns that have been raised about the Paper, which is why we are also calling for a new consultation to take place. We are also calling for the Working Group to be reconstituted so that a majority of members are from migrant backgrounds.



We need a boldly liberal approach to migration

Point 1.1.2

The Paper notes that: "Fuelled by the failure of governments to spread economic prosperity widely, some people feel that their concerns about employment, housing, and social and welfare resources are somehow linked to immigration." These people are entirely wrong in their views, and it is not appropriate to allow this to come into the consideration of what a fair and equitable migration system would look like.

We must absolutely reject any rhetoric or policy that suggests 'controls' on migration are necessary to reap the economic benefits of migration. A liberal approach to migration is inherently good for the economy and attempts to take 'good' economic migrants while deterring 'bad' economic migrants are inhumane and economically illiterate.

Point 1.1.3

The Paper claims that: "Government migration policy has led many British people to lose trust in the migration system and to sense that things are out of control." But to put it bluntly – racists don't form their opinions based on the success, or otherwise, of Government policy. Their views are based on pure prejudice, that we must not pander to in any circumstance.

Point 1.1.6

The Paper cites British Future's work showing that:

"approximately half of the population see both the pressures and gains of immigration. The remaining half is evenly split between migration liberals and migration sceptics."

We believe that pursuing a core vote strategy is essential for rebuilding our party. If 25% of the population are migration liberals, they represent a solid core vote for a truly liberal migration policy. Even amongst the half of the population who have mixed views, this polling does not suggest that these views are always strongly held, or that voters could not be won over to a truly liberal migration policy if we make the case for it.

Recommendation 1

A fundamental principle for a fair and equitable migration policy is treating migrants as human beings, not as mere units of economic output. Migration is an area of policy where rhetoric has a significant effect, so we must ensure that no language in our Policy Paper panders to or perpetuates views that dehumanise migrants, even inadvertently. Federal Policy Committee must work with a migrant interests group to ensure that this is

unequivocally the case.

Diversity is not a threat to community cohesion

Point 2.1.1

We strongly reject the statement that "history clearly shows that immigration can lead to tensions within some communities". It is not diversity which threatens community cohesion, but prejudice. Migrants are not the cause of prejudice; they are the victims of it.

Point 2.1.2

The statement that "Liberal Democrats believe that stronger integration policies must also be married to more concerted efforts to celebrate the contribution immigration has made and continues to make for the UK" implies that 'integration policies' should be targeted specifically at migrants themselves, rather than the whole community.

Prejudicial and bigoted attitudes are often directed at multiple marginalised groups by the same organisations and individuals. True community cohesion can only be achieved by reducing bigotry and prejudice across society as a whole.

Point 2.2.5

While the establishment of diaspora-based trade advisory boards is not an objectionable trade policy, its inclusion under the header of 'social cohesion' implies that social acceptance of migrants is linked to their economic contribution. Liberal Democrats should be steadfast in our rejection of this narrative.

Recommendation 2

Section 2, "social cohesion", should be removed from the Policy Paper entirely. Federal Policy Committee should set up a separate working group to develop evidence-based social cohesion policy that tackles prejudice and bigotry directed at all marginalised groups.

Equitable treatment, not economic discrimination

Point 4.2.1

The Paper calls for a return to the pre-2012 position with regard to income of spouses, however this would still leave spouses without recourse to public funds for five years.

We believe that there are already adequate checks in place to prevent sham marriages for the purpose of benefit tourism; it is therefore wrong and discriminatory to maintain a restriction on recourse to public funds for spouses.

Point 8.2.13

The Paper is correct that fees across the board in the migration system are currently set at an extortionate rate, but as a policy response, a cross-Government review falls short. These fees bear no relation to the actual cost of processing applications and only exist to create an artificial economic barrier to claiming migration status. We believe that these fees should be abolished entirely.

Recommendation 3

The Liberal Democrats should call for the replacement of the spousal visa with a right to claim Indefinite Leave to Remain under the same criteria.

Recommendation 4

The Liberal Democrats should call for the abolition of any fees to process applications for migrant status.

No to a British ICE

Point 7.2.4

The Paper calls for a considerable expansion in funds for the Border Force. The Border Force is essentially an unaccountable paramilitary force under direct control of the Home Office – and despite its name, it currently has the authority to operate inland. Expanding the Border Force, without reforming it and increasing oversight, will create a British version of the US Immigration, Customs and Enforcement, resulting in a breakdown of trust between the Government and migrant communities, and threatening the civil rights of both migrants and British-born citizens. We feel that the full implications of this policy have not been considered, and that putting the money saved by closing eight out of ten detention centres straight into the Border Force is more of a political talking point than an evidence-based policy.

Point 7.2.7

Ending indefinite detention is a very welcome policy, yet the Paper suggests keeping a maximum 28-day limit on detention as a backstop measure. The Paper states: “we would expect that, under our new system, people would not normally be detained for

more than a couple of nights.” However, we believe that it is not enough to simply expect this to be the case. If this maximum detention is truly intended to only be used as a last resort, it must be subject to independent judicial review.

Recommendation 5

The remit of the Border Force must be significantly reformed in order to territorially restrict their activities to the border and to ensure accountability. The Liberal Democrats should oppose increased funding for the Border Force until this is the case.

Recommendation 6

Under the Liberal Democrats’ proposed system of detention as a last resort, immigration officers should only have the authority to detain for a few nights before having to apply to a magistrate for a warrant of further detention.

No person is illegal

Point 7.1.1

The Paper uses the terminology “people in the UK without migration status” – to avoid using the loaded and dehumanising term ‘illegal immigrant’. We would go further and propose avoiding the term ‘illegal immigration’ itself; terms like ‘illegal entry’ and ‘visa overstay’ are more specific in any case; ‘irregular immigration’ (immigration outside regular channels) can work as a more general term.

Point 7.1.2

Allowing people to exhaust appeals in-country is a very welcome policy. However the Paper does not deal with the appeals process itself. We believe that those who have entered or remained in the UK without official authorisation should be given the chance to be transferred onto a legal path to residency if possible, without prejudice to the fact that they initially entered illegally or overstayed their visa.

Recommendation 7

Liberal Democrats should propose that the state uses a less loaded, dehumanising term than ‘illegal immigration’ to describe people entering or remaining in the UK without authorisation.

Recommendation 8

Liberal Democrats should advocate for reform of the appeals process so that those without legal migration status can be transferred onto a legal path to residency wherever possible.

Recommendation 9

Federal Policy Committee should put the option of returning to our 2010 manifesto policy of an amnesty to a vote of Conference.

Conclusion

There are many welcome policies within this Policy Paper. However, our concerns about the tone, language and specific policy gaps are too fundamental to be fully addressed by amending motion F16. We call for:

- a. The paper to be referenced back to Federal Policy Committee;
- b. Federal Policy Committee to change the composition of the Working Group so that a majority of the members, including the Chair, are from migrant backgrounds;
- c. The Working Group to carry out an entirely new Consultation with members before presenting a new Policy Paper to Spring Conference.