

Scottish Affairs Committee

Oral evidence: [Immigration and Scotland](#), HC 488

Tuesday 27 March 2018

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Members present: Pete Wishart (Chair); Deidre Brock; David Duguid; Christine Jardine; Ged Killen; John Lamont; Paul Masterton; Danielle Rowley; Tommy Sheppard; Ross Thomson.

Questions 620 - 702

Witnesses

I: Rt Hon David Mundell MP, Secretary of State for Scotland; and Rt Hon Caroline Nokes MP, Minister for Immigration.

Written evidence from witnesses:

- [Scotland Office – November 2017](#)
- [Scotland Office – March 2018](#)

Examination of witnesses

Witnesses: David Mundell and Caroline Nokes.

Q620 **Chair:** Can I welcome our two guests this afternoon? First of all, Secretary of State, could we pass on the condolences of the whole of the Committee for your recent bereavement? We are glad to see you back and it is good that you were able to join us today. Welcome, Minister. I think it is the first time you have appeared in front of the Scottish Affairs Committee, so we are very much looking forward to sharing this session with you. Perhaps just for the record, you could say who you are—we know who you represent—and anything by way of a short introductory statement. Do you want to start first, Secretary of State?

David Mundell: I will, Mr Wishart. Thank you, not just for the condolences of the Committee, but the Committee's indulgence in moving this evidence session in the light of my own personal circumstances. I am very grateful for that.

I am David Mundell, Secretary of State for Scotland, and I am grateful to have the opportunity to appear before the Committee today, along with my colleague, the Minister for Immigration. I assisted the previous Committee in its inquiry into demographics in Scotland and there is of course a degree of overlap in the subject matter of this inquiry and the previous one. I have noted the areas of interest identified by this inquiry so far and the priority the Committee has given to the UK's forthcoming exit from the European Union, which the Immigration Minister will say more about shortly.

First of all, given the focus of the public hearing so far, let me be clear about the Government's position on immigration and Scotland. Both the Immigration Minister and I recognise the great contribution that generations of migrants from other parts of the UK and outwith the UK have made and continue to make to the socioeconomic wellbeing of Scotland. We both start from the position that a degree of continued net EU and non-EU immigration is in Scotland's socioeconomic and broader cultural interests.

I do not think that Scotland's interests are best served by reducing the debate on immigration to absolute terms, where the only policy alternative to the status quo is one that differentiates Scotland from the rest of the UK. It remains my view that the most important union for Scotland is the one with England and the rest of the UK. Access to the UK's internal market presents vital social and economic opportunities for people and businesses in Scotland. The lack of internal borders lends itself to the movement of people and goods between Scotland and the rest of the UK. As part of this arrangement, there is a steady turnover of people migrating to and from Scotland for a variety of reasons.

Nor do I think it is worth jeopardising this harmony by experimenting with a form of new immigration system, which could add additional layers



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of bureaucracy and make the movement of people between Scotland and the rest of the UK and beyond more difficult. This view is consistent with public opinion. According to the British social attitudes survey published earlier this year, two-thirds of voters in Scotland think that once the UK leaves the EU, the rules on immigration should be the same in Scotland as in the rest of the UK. Many of the sectoral representatives who have appeared before this Committee were non-committal or expressed opposition to the prospect of Scotland having its own immigration system and controls.

Let me be clear, a vote for Brexit is not a vote for pulling up the drawbridge. In future, the UK will need to continue to welcome EU and non-EU migrants to this country for a variety of reasons, as the case may be now. While I remain to be convinced that Scotland has fundamentally different immigration requirements from other parts of the UK, I do acknowledge the need to develop a deeper understanding of the labour market in Scotland before making final recommendations on choices for a future UK immigration system, a point that I was able to raise with the Chairman of the Migration Advisory Committee when I met him and his colleagues last November.

The Scottish Government does of course already have a variety of policy levers at its disposal to make it easier for individuals and families to remain in or move to Scotland, such as housing, education and training, and of course now the Scottish Parliament has additional tax-raising powers, which have the potential to be used to shape the working-age population in Scotland in line with local need.

Finally, Mr Chairman, I can assure you that the Government are committed to the view that immigration will continue to make an important contribution to the vitality of Scotland, but it should not dominate discussion about Scotland's demographic challenges. I would suggest it is necessary to have a broader look at the wider change that is required to have a healthy, sustainable population and economy in Scotland.

Chair: Just before we bring in Ms Nokes, Minister, just to let you know that Ms Jardine and Mr Sheppard may have to leave us to contribute in the debate that is going to be coming up in the next few minutes. Though they may wander out, it is not to do with anything that you are saying.

Caroline Nokes: Thank you, Mr Wishart. I am Caroline Nokes, the Minister for Immigration. Like the Secretary of State, I very much welcome the opportunity to appear in front of the Committee today and would like to speak briefly about the commitments we have made for EU citizens.

I know that you have taken evidence from a wide range of organisations and individuals, but I wanted to start with speaking about the Migration Advisory Committee's interim report, which you will know was published this morning. This follows the Government's commission to the MAC last



July to look at future EEA migration patterns and the impacts on the UK labour market. Today's report has provided a helpful summary of the views from over 400 businesses, industry bodies and Government Departments, including many Scottish organisations. The MAC has looked explicitly at regional issues, but has been clear that this should not be taken to imply that the MAC endorses a sectoral and/or a regional approach to post-Brexit migration policy. We look forward very much to receiving the MAC's full report in September of this year and we will be considering this evidence to support the design of the future immigration system.

From the very beginning, the Prime Minister has been clear that safeguarding the rights of EU citizens living here and UK nationals living in the EU was her first priority for negotiations. This is a commitment we have delivered. The agreement reached and set out in the withdrawal agreement text will provide them with certainty about their rights going forward. It will enable families who have built their lives together in the EU and the UK to stay together. It also gives people more certainty about residence, healthcare, pensions and other benefits.

The agreement back in December means that EU citizens and UK nationals will have their rights preserved so that they can carry on living their lives broadly as they do now. EU citizens and their family members who obtain settled status in the UK will be granted indefinite leave to remain. This will provide the holder with the same rights and access to benefits, education and healthcare as those who obtained it before the UK joined the EU. This recognises the valuable contribution that EU citizens make to the UK, to our society and to our economy, and indeed that those UK citizens living in the EU do in the communities they have settled in.

On 19 March, we agreed a reciprocal deal for our citizens during the implementation period. We will extend the December deal to those who arrive during the implementation period. EU citizens coming to the UK and UK nationals going to the EU will be able to live, work and study as they do now, but there will be a registration scheme for EU citizens who arrive in the UK during this period. We also agreed in March that we will extend the December deal to those who arrive during the implementation period. Individuals who want to stay beyond the end of the implementation period will have to apply for leave to remain in the UK by June of 2021. Very short.

- Q621 **Chair:** Yes, that was very concise and we are very grateful for it. Just to get things started, I think I roughly know this answer, given the Secretary of State's response. Do you at all accept that Scotland has different population and demographic issues from the rest of the United Kingdom? I noted you have said you remain to be convinced. What would convince you? We have the National Records of Scotland, the ONS and the Scottish Government's paper, which shows in a range of different factors and issues that we have different population and demographic



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issues compared with the rest of the UK. What will convince you that is the case?

David Mundell: As I said in my opening remarks, I think this is very similar to the evidence I gave at the previous hearing on demographics and is reflected in the MAC's interim report. There are many specific issues in Scotland, but these issues also apply in other parts of the United Kingdom. Scotland has specific issues that need to be dealt with. We have talked about demographics; we have talked about depopulation. We have a very large seasonal workforce, which your hearings have already touched on, but these issues apply in other parts of the United Kingdom. There are more seasonal workers in Lincolnshire than there are in Scotland and there are—

Q622 **Chair:** Secretary of State, I know you are going to compare Scotland with regions in England. I know that is helpful and useful to you, but Scotland is a nation where we have a range of disposal powers, and we could get some extra ones from yourself. Do you not accept that Scotland has a range of demographic and population issues that are different from the United Kingdom—I am not bothered about English regions—as a whole?

David Mundell: I take a different approach, Mr Wishart, because I do not want always to see Scotland in a separatist—

Chair: Separatist?

David Mundell: —separatist manner, that everything in Scotland has to be separate and different, if that is not the best way to deal with it for people—

Q623 **Chair:** I find that language bizarre—

David Mundell: I am sorry that you do.

Chair: It is not useful and helpful at all to talk about separatism. What we are trying to achieve here is an evidence-based inquiry to see what we can do to improve the immigration situation in Scotland. To use language like that is not helpful. I am asking you a very straight and obvious question, whether you agree that Scotland has different population and demographic issues to the rest of the United Kingdom.

David Mundell: I am not agreeing with the basis on which it appears to me you make that statement. I think that we have to deal with issues of depopulation in Scotland; I think we have to deal with issues of an ageing population; I think we have to deal with issues of ensuring that we have seasonal workers in Scotland. But these issues affect other parts of the United Kingdom and therefore the solutions that can be found to those issues are best found on a United Kingdom-wide basis. Therefore, when we design a revised UK immigration system, what I want to see is a system that deals with those issues, deals with them in Scotland, but deals with them in other parts of the United Kingdom.



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Chair: I want to come back to that, but I know Ms Jardine and Mr Sheppard have to leave soon and I know they have questions on this.

Q624 **Christine Jardine:** I have two brief questions. You do not agree that there is a different situation in Scotland, but hypothetically, if there were or if you were to find that there was a different need in Scotland for immigrants and a need for a different immigration policy, could this be accommodated within the existing set-up and would it be possible to differentiate immigration in Scotland without the need to devolve immigration and make it separate from the rest of the United Kingdom?

David Mundell: In the past the Liberal Democrats proposed regional immigration. As I recall, on most occasions when that was debated, the bureaucracy and complexity involved was cited as being a very significant reason for not doing that. I do not think that such an approach is necessary. We should be looking at all the reasons. It is not just about encouraging people to come to Scotland. We should look at why—as the MAC points out—people leave Scotland, and how we make Scotland as attractive as possible for people to want to be there. I remain to be convinced that there is a rationale for the additional bureaucracy that would be created by having a regional immigration system that is separate to Scotland or Wales.

Q625 **Christine Jardine:** Do you not agree that there is a danger that if we keep arguing about whether immigration should be devolved and differentiated, we miss the actual point about immigration and do not think about what is the best policy, because we are simply getting involved in a constitutional argument that benefits nobody and is to the detriment of all of us?

David Mundell: I absolutely agree with that. That is why I said in my opening remarks that migration is not the answer to all the issues. There are lots of other answers. One issue on which I would expect to agree with the Chairman is that Scotland, through the Scottish Government and Scottish Parliament, already has lots of powers, responsibilities and things that it can do to make Scotland more attractive for people to come to and more attractive to stay in. These are levers that should be contemplated as much as migration.

Christine Jardine: Can I just associate myself with the Chairman's remarks at the beginning?

Chair: Sure, yes.

Caroline Nokes: Can I add something to the Secretary of State's response? I think it is important to reflect that when it comes to migration, what we know particularly about people who have come to the UK from EU member states is that they move around employers. We know that 25% of them will move from one employer to another. We also know that they move across sectors, so somebody who comes to the UK and starts working perhaps in the agricultural sector might move on to the hospitality or retail industries. I am conscious that people who come



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here to work can be very mobile and very willing to move not just within particular regions, but across regions. I think that we need to maintain an element of flexibility and say perhaps that confining people to work in one region or country of the UK would be incredibly limiting.

It is important to reflect that there are different circumstances and of course we maintain a separate shortage occupation list for Scotland. It is broadly very similar to the rest of the UK and I think the MAC, in its report today, has indicated that parts of Scotland are very similar indeed to northern parts of England, and to have a line that divided along regions or countries would be incredibly limiting. We do look at the shortage occupation list. We have no plans to not maintain a separate shortage occupation list, because there are some differences, but they are very minor ones. If you look at the SOL today, it specifically refers to certain grades within radiology, anaesthetists; they are all within the medical sector.

Christine Jardine: Certainly when we had the oil industry here to speak to the Committee, their representatives were concerned about exactly that. Their companies are not confined to operating within Aberdeen and Scotland, they would be working with England as well and a visa system that differentiated Scotland from the rest of the UK might not be beneficial to organisations like that.

Chair: I know Mr Sheppard needs to get in because he will have to leave. Tommy.

Q626 **Tommy Sheppard:** Secretary of State, I know that you have no sympathy for either the need or the desirability of there being separate arrangements for immigration in Scotland, either within a devolution settlement or anything else. Can we leave that to one side, because there is no point having an argument about it? We will disagree on that.

I am concerned that that should not close your mind to the possibility of there being differentiated policies within the Home Office. Frankly, we regard—or I regard—Scotland as a country with its own devolved Government within the United Kingdom and it is not comparable to an English region, but if the price of having the ability to think on a differentiated basis, to tailor the needs of an immigration system to Scotland, was that you did so on a regional basis throughout England as well, then I am not going to stand in the way of that. I am trying to tease out whether there is any possibility that Government might understand the benefits of having a differentiated policy within the United Kingdom, taking account of different demands for labour, of different circumstances and different migration movements in different parts of the United Kingdom. Is it possible that you might consider it or is your mind completely closed to it?

David Mundell: My mind is never completely closed, Mr Sheppard. I have made that clear to this Committee on other occasions, when we had different views in relation, for example, to student visas. I think when you state, as we have done, that we want to proceed on any evidence-



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based response, then you have to accept the evidence. I was not, in my response to Mr Wishart's question, comparing the devolved arrangements of Scotland to a region of England where obviously such arrangements do not work. I was identifying the fact that such issues exist in other parts of the United Kingdom and therefore my view at this time is that a United Kingdom-wide approach to these issues is the best approach.

But I will, as I always do, look carefully at whatever this Committee brings forward and evidence-based and vouched viewpoints are ones that we will always look at. But the position of the Government at the moment is to proceed on the basis of the division of responsibilities agreed at the time of the Smith Commission and that would have immigration reserved.

Q627 Tommy Sheppard: Can I just press you on this? This might also be for the Minister as well. Looking at this from your perspective, you talk about there being a United Kingdom-wide approach. Let us take that as a given and talk within that framework. Is it the case that even within a United Kingdom approach, administered by United Kingdom Home Office, it might be possible for differentiated arrangements to apply in different parts of the country, or is your view that doing that would damage the integrity of there being a United Kingdom system in the first place?

David Mundell: All the evidence that is available currently to me—but this is part of the reason for the MAC inquiry and part of the reason for your own inquiry—is that there would be no benefit, and as I said in response to Ms Jardine's question, considerable disbenefits to there being some sort of variation. I think I could not have been clearer: we will look carefully at anything that the Committee brings forward that is evidence-based.

Q628 Chair: Minister, as it is the responsibility of the UK Government to address our needs and requirements, how is UK policy dealing with our higher dependency ratio in Scotland and our slower population growth? What are you actively doing in terms of a policy agenda that is assisting Scotland to deal with these particular issues?

Caroline Nokes: It is really important to reflect that the MAC report was commissioned last July and we are waiting for its evidence. I am a firm believer in evidence-led policymaking. The MAC has been asked, as part of its review, to look not just at sectors of the economy, but at labour flows and at regions. It is important that when we have the evidence we can reflect thoroughly on what we have been told, but as I said in answer to the previous question, we already maintain a shortage occupation list for Scotland that is distinct, because we recognise that there are differences. Certainly in some of those shortage occupations, they are not in shortage in the rest of the United Kingdom, but they are in Scotland, which is why they are represented on that list.

Q629 Chair: I have not had the opportunity to examine properly the MAC provisional report, but I have had a look at it. I looked particularly for the



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references to Scotland. There were not very many, Minister, in that report at all, which was disappointing. There was a reference that Scotland should do more to stop emigration and that seemed to be the main theme, but there was no considered evidence that looked at Scotland's particular issues to do with things like our dependency ratio, which is a lot higher than the rest of the United Kingdom, and nothing to do with our slower population growth, which is again below the United Kingdom. What I am trying to get at is what evidence do you have that you deploy and use in your approach to Scotland as a nation, given you have the responsibility for that?

Caroline Nokes: With respect, this was the interim report, which focused very heavily on who the MAC had received evidence from. There was a wide range—I would say a really pleasingly wide range—of different organisations: academics, employers' groups, the Scottish Chamber of Commerce, the Scottish Government. I know that the Secretary of State also spoke to the MAC and provided them with evidence, so we absolutely are reflecting upon different parts of the UK, different regions. But I think it is imperative to wait until we have their full report and not jump to conclusions on the basis—

Q630 **Chair:** The full report will have regional breakdowns, national breakdowns, we will have strong evidence—

Caroline Nokes: As part of the review, we asked the MAC to consider both sectors of the economy and regions of the United Kingdom. I very much hope what we see very distinct evidence, a report from a group of leading economists, including specialists in the labour market, which will give us the evidence that we need.

Q631 **Chair:** We had the Chair of the MAC here only last week and I found it a particularly unfulfilling session; I will put it like that. He said that no evidential base studies were being undertaken by the MAC to look specifically at Scotland and our issues of depopulation and demography. Are things going on beyond what he is doing?

Caroline Nokes: We have asked him to look at all of the regions of the UK.

Q632 **Chair:** You have asked him. Do you know it is doing it then? You seemed to suggest that it was not.

Caroline Nokes: I received the report from the MAC possibly after you, because I would have been elsewhere engaged at 10 o'clock this morning when it was released, but I want to look at the interim report and that will give us the opportunity to go back to the MAC with any challenges around that. I would argue that it would also be perfectly appropriate for this Committee to go back to the MAC. If you found the session with the Chair disappointing, then you will have the opportunity to go back to him and outline your concerns. I am sure they will reflect upon the report that this Committee brings forward as a result of your inquiry.



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Q633 **Chair:** If it is not going to be a differentiated solution for Scotland when it comes to these issues, we just want to know that somebody is addressing the difficulties that we have specifically with our own dependency ratio and our slower population growth. Who is addressing it, how is it being addressed and should we worry about this in the future?

Caroline Nokes: As you will know, immigration remains a reserved matter. We will be bringing forward an Immigration Bill after we have received evidence from the MAC and in order for us to address a whole-nation solution to the challenges that will undoubtedly be thrown up by the EU exit and our ability to continue to attract the brightest and the best to the whole of the United Kingdom to work. Scotland is an integral and important part of that.

Chair: I have tried my best on this one to find out what is happening to address our issues. I do not think I am going to get much further in this just now, so Deidre Brock.

Q634 **Deidre Brock:** Thank you, Chair. With regard to evidence, we took evidence from Dr Hepburn, who is the Director of PolicyScribe, and who did a well-regarded report, I think, for the Scotland Parliament on options for differentiating the UK's immigration system. If I can just quote from her, she says, "If you look at the comparative evidence, virtually all advanced-level democracies are multilevel states that have various nations and regions within them and they have developed immigration systems that take into account those sub-state needs and interests in terms of migration. The UK currently is one of the few multilevel states in the world that does not take regional and sub-state interests and needs into account". Can you explain why that is?

Caroline Nokes: We take them into account by maintaining a separate shortage occupation list for Scotland.

Q635 **Deidre Brock:** I do not think that is what she is saying, is it, Minister? I think she is pointing out that virtually all advanced-level democracies apart from the UK do take these needs and separate requirements into account and the UK does not. We are not hearing any plausible reasons for not allowing that to take place.

Caroline Nokes: While not wishing to revisit the Smith Commission, it is very clear that immigration remains a reserved matter. I cannot say that often enough: by maintaining a separate shortage occupation list for Scotland, we do take into account the different circumstances.

Q636 **Chair:** Could you tell us what is different in Scotland's shortage occupation list from that of the UK?

Caroline Nokes: I can indeed. In addition to all the occupations on the United Kingdom list, the shortage occupation list for Scotland includes non-consultant, non-trained medical staff posts in clinical radiology, CT3 trainees and ST4 to ST7 trainees in clinical radiology, all grades except CPT1 in psychiatry, all grades in anaesthetics, paediatrics, obstetrics and gynaecology—I did say earlier that they were all medical posts—medical



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physicists and staff working in diagnostics radiology, including magnetic resonance imaging.

Chair: Is that it?

Caroline Nokes: Yes.

Chair: Thank you. Lots of radiologists.

David Mundell: Indeed.

Q637 **Deidre Brock:** Just with regard to that shortage list, I think one of the organisations or individuals who gave evidence to us suggested that this occupation list is retrospective rather than looking forward as to what might be needed in the future. Would you agree with that?

Caroline Nokes: We review the shortage occupation list through the MAC very regularly, but I think what is also important to reflect—and they are all medical posts; I am very conscious of that—is that of course we are working very hard with colleagues in the Department of Health to increase training posts to make sure that we have adequate numbers of doctors. Of course nurses are on the shortage occupation list for both Scotland and the rest of the United Kingdom.

Q638 **Deidre Brock:** That is great, but what is the MAC doing in terms of trying to guesstimate, if you like—hopefully in an evidence-based way—on what the future needs of the different regions and nations of the UK will be?

Caroline Nokes: Obviously it considers vacancies in posts that have not been filled, and it considers training availability going forward, but it takes evidence, as you will have seen, from a wide range of organisations who feed into it when there are shortages. It reviews the list very regularly, because it is important that our tier 2 visa system reflects where we have shortages and where we need to attract people to the United Kingdom.

Q639 **Deidre Brock:** The suggestion is that the MAC is insufficiently flexible in order to be able to project the needs going forward. Is that something that you would agree with? Yes, you can take evidence on the current situation, but where is the forward planning?

Caroline Nokes: I believe the MAC has a strong track record of providing us with impartial expert advice from a range of economists working across a wide variety of sectors.

Q640 **John Lamont:** Can I say in response to some of the questions you have had to endure that I thought the MAC was very clear last week about how it incorporates Scottish needs? Maybe my colleagues on the Committee were listening to a different set of answers.

The UK Government have a target to reduce net migration. Could you give us a rationale for that target?



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Caroline Nokes: The net migration target has set a clear direction of travel, has been included in successive manifestos at a number of general elections, and has been endorsed by the electorate in the outcomes of those elections. Previously there were no targets and I believe that the British people sent us a very clear message during the referendum in 2016 that they want the United Kingdom to have more control over immigration and our borders. I am very conscious that people who come here to work contribute a great deal to our country. They bring significant benefits. However, there is no consent from the British people for uncontrolled immigration.

Q641 **John Lamont:** How is that going to be captured in our immigration policy post Brexit? Will it be in the Immigration Bill, or how is it captured moving forward?

Caroline Nokes: The absolute imperative in the Immigration Bill is that it turns off free movement and we have to set that down in primary legislation. We have the opportunity through the immigration rules also to redefine our immigration policy, but it is important that we do that from a position of strength, through evidence. It is why we have commissioned the MAC and it is why we are considering very carefully what our needs will be going forward. I am very conscious that post free movement there will be a need for people to come to the UK to work in a wide variety of sectors and what I must reflect on is how we do that through the prism of no consent for uncontrolled immigration and a determination to continue in the direction of travel that we are currently are on.

Q642 **John Lamont:** My next question is to the Secretary of State, following on from some of the earlier discussion. The Scottish Government appeared to have the view initially that they wanted to have immigration policy fully devolved to the Scottish Parliament. They now talk about differentiation. Have you noticed a change in their policy on that and why do you think that might be?

David Mundell: Obviously they will be aware of anticipated public opinion. As I said in my opening remarks, the study that Professor Curtis—who is always held in high regard by this Committee—carried out indicated that about two-thirds of people in Scotland wanted to see immigration remain as a reserved United Kingdom issue, but reflecting on my exchange with Mr Sheppard, the case has to be made for having more complex and bureaucratic arrangements. We have to understand how that would benefit Scotland and particularly the economy. As I think came through in earlier evidence that Ms Nokes gave, people are moving about the UK. Particularly, for example, if we take the seasonal worker arrangements, many people work not just in more than one location, but more than one industry. You have to look at how it is playing out. I do not believe reaching in a knee-jerk sort of way for a Scotland-only solution is taking into account how best to tackle these issues. That is already reflected in the initial MAC report, which says migration is not, in



a sense, a panacea to a range of issues like depopulation and demographic challenge.

Q643 Danielle Rowley: In the Scotland Office submission, it stated, “The Prime Minister has made clear that safeguarding the rights of EU citizens living in the UK and UK nationals living in the EU is a priority”, but this Committee has heard—and certainly in my office, having EU nationals come in who have dealt with the Home Office—that there is still quite a level of uncertainty about future status and rights. What are the Government doing to reassure EU nationals in Scotland and what information is being given to them about their possible future status?

Caroline Nokes: This is a really important point, because the Prime Minister has given a very clear message. We know that EU migrants provide a great deal for our communities, our society and our economy. We have embarked upon an enormous-scale communication project to make sure that we are engaging with consulates, that we are engaging with community groups. Since we published the proposals, more than—and I know this sounds a small number, but I do not want people to disregard it—170,000 people have signed up for official e-mail updates on citizens’ rights. The last message on that went out on Friday. They get regular messages.

Two weeks ago we launched a direct digital advertising campaign to encourage EU citizens to visit the specially-created pages on gov.uk that explain the agreement that we have reached with the EU and gives up-to-date information on the settlement scheme. We have noticed that visits to the Home Office pages have increased significantly since the ads went live. There is bespoke digital content for the Scottish audience, which was provided by the UK Government in Scotland. That is also doing well on social media.

It is important that we have the support of our partner networks to complement the digital and direct outreach. We speak regularly to large groups of stakeholders drawn from business, community groups, local government and policy organisations. Three different user groups meet every month and we are doing as much as possible to involve our partners in the design of the settled-status scheme, which we anticipate will go live on a voluntary basis from the autumn of this year. There is going to be a significant public information campaign in advance of the scheme going live and detailed planning is under way to prepare the 3 million or so EU citizens living in this country to apply.

I cannot emphasise strongly enough that we have a significant communications campaign in train. There are three phases of it, but engagement events are being undertaken in Scotland specifically with the Polish diaspora. Back in December, the user groups met in Scotland and again the Scottish user group met on 19 March. It says here, “The previous Immigration Minister visited Scotland last October. It is on my priority list of visits to make over the coming couple of months”.



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David Mundell: However, Ms Rowley, if you or the Committee have further thoughts on what we can do, then we are very open to that. The Immigration Minister referenced the very strong Polish community groups in Scotland. I have had the same experience as you; I have met people who have not been clear as to what the position is. As the Minister stated, we have done a great, great deal, but we cannot deny that there are still people out there who do not know exactly what the situation is. We are very open to taking on board any thoughts or views as to how that can continue to be promulgated.

Q644 **Danielle Rowley:** It sounds like there has been a great deal of focus digitally, but of course lots of people might not be online. Minister, you mentioned visits in Scotland and events in Scotland. What areas have they been focused on?

Caroline Nokes: I will have come back to you with the precise locations of the events, because I do not know. You are absolutely right that sometimes in this place we can think that by repeating in the Chamber or indeed in the Select Committee that we want EU citizens to know what their rights are, it will be communicated to the wider world, but that is not so. It is important that we are prepared to engage not only with user groups, but also with the media. I had somebody—and it was an EU citizen living here—contact me on Facebook last week saying, “Why aren’t you doing op-eds in foreign national newspapers that are published in France, Germany, wherever?”, because a lot of information that people receive comes from their home country. I think there are a lot of important initiatives that we have to communicate out there.

The voluntary settlement scheme will go live from the autumn and we are ramping up the programme of the three phases of education, preparation and delivery of communications, but I think it is important that we do not keep a closed mind and only look at traditional channels; we must keep encouraging people to spread the word as widely as they can

Q645 **Ged Killen:** I think probably part of the confusion for EU citizens living here is that we hear people like the Secretary of State saying, as he did in his introduction, that we will continue to welcome EU and non-EU migrants to this country, but then the Prime Minister recently reiterated the Government’s desire to control the number of migrants entering the UK. In what ways will the Government seek to control the number of EU migrants coming to the UK after Brexit?

Caroline Nokes: If I can break this down into two distinct periods of time, because we have agreed with our EU partners that between the exit date of March next year and December 2020, EU nationals will still be able to come here. They will have to register if they are here for more than three months, but they will then be able to accrue the five years to achieve the settled status scheme. I think that is an important change.

Through our immigration policy, which will come forward in due course, we have some challenging decisions to make about how we best continue



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to be an outward-facing nation, how we continue to encourage the brightest and the best, the individuals in shortage occupations who we wish to continue to come to the UK, and how we do so through the prism of successive general election results and the 2016 European referendum, which I believe sent a very clear message that the British public do not wish there to be uncontrolled migration, and through a determination to reduce the number of migrants coming here to a sustainable level.

Q646 **Chair:** On that point, is it your view that the referendum in 2016 to leave the European Union was primarily about immigration and there is a sense—

Caroline Nokes: No, I do not. No, I believe that was part of it.

Q647 **Chair:** You think it was part of it. How would you categorise it then in terms of other issues that might have been relevant? Was immigration a big feature, do you think?

Caroline Nokes: I think people voted in the referendum on a wide range of issues, but anybody who saw some of the posters dotted around the country as part of various campaigns cannot help but draw the conclusion that immigration played a part in it.

Q648 **David Duguid:** Is the Government considering utilising a tier 3 visa system for lower-skilled migrants post Brexit?

Caroline Nokes: I do not intend to pre-empt what may come forward as part of an Immigration Bill. It is really important that I listen to evidence and make up my mind accordingly. What I am very conscious of is that we have five tiers to our immigration system and one of those is currently dormant, but I certainly am not going to sit here and make up policy on the hoof.

Q649 **David Duguid:** Tier 3 is the system for lower-skilled migrants. As you are probably aware, the Scottish Fishermen's Federation has provided evidence to this Committee, as did the MAC, that there is a shortage of qualified and experienced fishermen. Despite being regarded by the immigration system as unskilled, they have suggested that tier 3 could be an option for those from outside the EEA, places like the Philippines etc. Is that something you think may be worth looking at?

Caroline Nokes: I am of course conscious that the agriculture and fisheries sectors have been very keen to emphasise to me, both through direct contact, individual meetings with Members of Parliament and indeed debates in the House, that there are specific parts of the economy where there are shortages. I think it is important to reflect on the evidence of the MAC to understand that until December 2020, we will still have the ability to attract migrant workers to this country from within the EEA and reframe our immigration policy to take into account all of those sectors that face challenges in attracting individuals to work in them.



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But part of the issue is that we have to make sure that all sectors in the economy are working hard to attract both skilled and unskilled workers and to train them. My right honourable Friend, the Secretary of State for Environment, Food and Rural Affairs, with the publication of the recent Green Paper, “Health and Harmony: the future of farming and food in a Green Brexit”—I could have the words roughly in the right order there—has put quite a lot of emphasis on the need for apprenticeships within the agricultural sector. I think the same could apply to fisheries, but we have to look at wages, and we have to look at working conditions.

I am conscious that the Taylor report, which was issued probably last month now, spoke specifically about making sure that all sectors were providing workers with payslips and that they were paid at least the living wage. There are a range of possibilities to make sure that sectors across the UK attract both our own domestic workforce and migrant labour that is the brightest, the best and the most skilled.

Q650 David Duguid: That was going to be my next question, surprisingly enough. The National Farmers Union Scotland has said that urgent action is required to introduce a new seasonal agricultural workers scheme or something similar. Are there any plans to do that?

Caroline Nokes: You will have heard the comments of the Secretary of State at the recent NFU conference. I think it is fair to say that we are listening to the calls for a seasonal workers scheme very closely. Of course the previous scheme was stopped in 2013, when limitations were dropped and there was free movement for all of the EU 27. What I am conscious of is a very loud voice from the agricultural sector and a pretty loud voice from hospitality and from the wider food production sectors. I think we have to consider very carefully how we can go forward within the prism of what I said earlier, that effectively workers will be able to continue to come here from the EU until December 2020.

Q651 David Duguid: Finally on that subject, and going back to what you were saying earlier about the shortage occupation list, the difference between the UK list and the Scottish-specific list does seem to be focused purely on the medical side of things. I have not seen the report that came out today, but from your understanding from the MAC, is there any scope to include some of these lower-skilled roles on that as well, bearing in mind that there will be regular—

Caroline Nokes: The shortage occupation list is specifically looking at tier 2, which is graduate level and above roles. I think we have—and you might expect me to say this, as somebody who spent a very happy year in the Department for Work and Pensions—a real challenge with making sure that young people and the not so young in this country have the necessary training opportunities, salary incentives and working condition incentives. Sectors where there are gaps and which need to attract more people need to do a great deal to make sure that our young people get the opportunities that they might want and need in order to work in their own areas. We are very conscious, as I said earlier, that people move



around for work now and it is important that, particularly in rural areas, there are incentives for young people to take up some of those traditional occupations that they have been leaving.

Q652 **Chair:** Can I come back to the seasonal workers issue? I know that you responded to the debate and you did not give me the courtesy of an intervention when you were winding up, so now I have the opportunity to put this question to you. It is on the NFUS report, which I think we have all seen, and we heard from NFUS when we were in Scotland a few weeks ago. What it said was really alarming: 100% of those who did the survey were concerned or very concerned about the impact labour shortages would have on their business in 2018 and beyond; 48% said they had difficulty in harvesting last year; 58% said they were likely or very likely to downsize their business; 42% said they would cease current activity. Why the dilly-dallying and delay about a seasonal agricultural workers scheme? Surely the evidence is now profound and overwhelming that it is required. Why don't you just get on and do it?

Caroline Nokes: My right honourable friend here assured me, Mr Wishart, that you were not a grudge-holder and that you would forgive me for not taking your intervention.

Chair: I am not so sure about that, but anyway—

Caroline Nokes: I hope you are going to forgive me for this next one. You focused on 2018 and to quote back at you what you said on 1 March, "We will probably just about get by this year".

Chair: Probably will, yes.

Caroline Nokes: I am conscious that the MAC will report in September of this year at the end point of the harvest—nearly the end point. As someone who was married to a farmer, I am conscious that after harvest you then have planting going on well into October. Look, it is important to reflect the fact that we are looking at this very closely. I am hearing the calls from the agricultural sector and indeed from colleagues across the House that we need to reflect on what will happen to agricultural sector if they cannot attract migrant labour from across the EU post Brexit.

I think it is also important to note, and I heard this repeatedly during that debate, that the recovering economies in Romania, Poland and Bulgaria have made it much more attractive, and indeed the fall in the pound has made it more attractive, for potential migrant workers in the agricultural sector, to be quite frank, to stay at home and work there. It is important that we wait for the MAC evidence, but I will continue to discuss this with the Secretary of State at DEFRA, because he is as acutely aware as I am of the pressures we are hearing from not just the growers, but the orchards of Kent and the soft-fruit farmers in Scotland, from whom we heard a great deal. It is important that post Brexit our own agricultural industry is able to provide us with the food that we will all want.



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Q653 **Chair:** I represent, as this Committee knows, the finest berry fields in the whole of the UK, as I am always prone to remind everybody. I want to go home from this session to say, "Look, there is reasonably good news here. The Minister is looking very seriously at this and there is a possibility, or what I am hearing is a prospect of, securing some sort of scheme". What would be the impediment, what would be the reasons for not doing it? What are the concerns that you might have as Immigration Minister about the prospect of a seasonal agricultural workers scheme?

Caroline Nokes: There are a number of concerns. First, I think that it is important that any scheme be very tightly time-limited. I think it is important that we would need to find mechanisms so that people who came here to work in agriculture were restricted to working in agriculture. I saw a statistic earlier that—

Q654 **Chair:** But you know that with the old seasonal agricultural scheme, it was really difficult to work beyond the terms and conditions of the contract you were employed on. There must be virtually no seepage into the general economy, so surely that is not a concern, is it?

Caroline Nokes: As I have said, I am looking at this very seriously. I will continue to look at it seriously and work with DEFRA colleagues to find solutions going forward.

Q655 **Chair:** Would you have any interest at all in the idea that, if, for whatever reason, you did not feel that you could proceed with such a scheme, the Scottish Government might be able to have the responsibility, so at least Perthshire farmers could be saved?

Caroline Nokes: Immigration is a reserved matter.

Q656 **Chair:** That is it?

Caroline Nokes: Yes.

Q657 **Chair:** We are up against this all the time when it comes to us trying to help and assist our sectors, "Immigration is reserved. Nothing can be done and we will leave it alone".

Caroline Nokes: When you look at the list under the old SAWS scheme of those parts of the country that brought in the most workers, I think Perth and Kinross was about fifth on the list behind Hereford and Lincolnshire.

Chair: Probably, yes.

Caroline Nokes: Immigration is a reserved matter and we are not going to grant an ability to the Scottish Government that I might not also be granting to Lincolnshire County Council.

Q658 **Deidre Brock:** Very quickly, Professing Manning last week did admit that the current inquiry around EU migration that they are conducting at the MAC is not going to address current shortages, but he also said, "The Government can take action now if they want to. They do not have to



consult on that". Why isn't the Government taking action? I think there is plenty of evidence, from everything we have heard in this Committee; surely the MAC has heard it too. Surely the UK Government has had countless representations from different parts of the sector. Why isn't the Government taking action now? We are already hearing about crops rotting in the field.

Caroline Nokes: The honourable Lady will be aware that until December 2020 farmers and growers across the United Kingdom will be able to attract workers from the EU 27.

Q659 **Deidre Brock:** Yes, but at the moment they are having shortages because of the drop in the pound, for example, and some of the other things that we have heard—the increasing attractiveness of the countries that the workers came from originally and the increasing attractiveness of those countries as places to work. Why isn't the Government doing something about this now? Surely the sector is crying out for help.

Caroline Nokes: As I have said to other colleagues on the Committee, this is about considering it very carefully. I am looking seriously at a seasonal agricultural worker scheme, but I certainly have no intention of deciding to do one right now. I am waiting for the MAC evidence. As I have said—

Q660 **Deidre Brock:** The MAC says itself that you do not need to wait. In fact, it is not going to be looking at current shortages in the evidence that you are awaiting. As it is expressing these views now, why don't you listen to the sector and do something about it?

Caroline Nokes: The same views are being expressed by the hospitality sector, by the retail sector, by wider food production. I think it is important that we frame an immigration policy that is rounded, that considers all the regions and all sectors as one.

Chair: It is a curious way to proceed, but we will leave that aside just now. John Lamont.

Q661 **John Lamont:** When Dr Allan was here on behalf of the Scottish Government, he was a bit reluctant to fully support the seasonal workers scheme. What correspondence have you had from the Scottish Government in regard to the seasonal workers scheme and whether they have indicated that they are supportive of it? Certainly the impression I got from Dr Allan was that he remained to be convinced.

David Mundell: I certainly have not had any specific correspondence from the Scottish Government on the seasonal workers scheme itself.

Caroline Nokes: To the best of my knowledge, I have had none, but I do reflect upon the fact that the Home Office gets the most amount of correspondence of any Government Department. It may have not yet reached my desk, but I have not seen any.

John Lamont: That is interesting. Thank you very much.



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Q662 **Ged Killen:** The tier 3 visa is the one area of the current system where there is some differentiation between Scotland and the rest of the UK via the shortage occupation list, which we have been talking extensively about. However, there are very few roles currently on that list. Does that show that this method of differentiation is not working or does it show that Scotland's skills needs are not significantly different from the rest of the UK?

Caroline Nokes: I think it shows that Scotland's skills needs are very broadly similar to the rest of the UK. In particular, there are a few additional radiology posts, but I think it gives us a general picture that Scotland's shortage occupation list is broadly the same as the rest of the UK's.

Q663 **Ged Killen:** The Scottish Government have recommended that Scottish Ministers be given a formal role in deciding the Scotland shortage occupation list. What is your view of those proposals? If we can also hear the Secretary of State's view on that, that would be helpful.

Caroline Nokes: Sure. The shortage occupation list is drawn up by the MAC. I do not have a formal role in setting the shortage occupation list. It is not my view of what is a shortage occupation. It is expert economists who decide. They are always very happy to hear from anybody who chooses to provide them with information and evidence. Certainly from the list of people who have been in contact with them over their recent review, I can see that the Scottish Government is very well represented on that.

Q664 **Chair:** There is a Home Office official on the MAC, isn't there?

Caroline Nokes: There is indeed, yes, but there is not a Minister, is there?

Q665 **Chair:** Would there be any difficulty then, for example, with a Scottish Government official being on that?

Caroline Nokes: Yes, because immigration is a reserved matter.

Q666 **Chair:** That big sign again. Is that all we are going to hear today, immigration is reserved—

Caroline Nokes: Possibly, yes.

Chair: —and anything we are trying to do to improve the situation of Scotland will be right up against that buffer, so that every time we bring forward sensible suggestions and proposals to you, you say, "Immigration is a reserved matter"?

Caroline Nokes: The MAC takes evidence and information from a wide range of organisations, bodies and individuals. I do not think that there is any greater case to put a Scottish Government official on it than there is to put one from the Welsh Assembly or indeed any county council who wanted to come forward, pointing out that there was a specific shortage in their area. We have chosen a range of expert economists from York



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University, King's College London, from Oxford, to give us the very best expert information that we can have.

Chair: And of course it is a reserved matter.

Caroline Nokes: It is indeed.

Q667 **Paul Masterton:** Could we move on to the immigration skills charge? That was something that Alasdair Allan was quite critical of when he was here. From your perspective of the UK Government, could you perhaps just outline the rationale behind the charge and whether or not you feel it is successful in achieving what you believe it set out to do?

Caroline Nokes: The immigration skills charge was introduced to encourage employers to at all times think about UK employees first and to use that to make sure that there were training opportunities to fill skills gaps. It is an important part of our suite of policies to make sure that we have a vibrant UK labour market that, while facilitating the attraction of the brightest and the best to the UK, also very clearly reinforces the message that we want employers to look at home-grown talent first.

Q668 **Paul Masterton:** One of the things that has come through from evidence is almost frustration that migration policy is looked at in silos and it is just used in and of itself as a solution and that you have to kind of wind migration or immigration policy into other areas. When you are looking at the evidence and deciding what you think you might want to do, are you having discussions with other Government Departments about these issues around home talent, skills, education and training to make sure it all joins up across Government?

Caroline Nokes: Absolutely. It is really important that we tackle this in a joined-up manner. Look at the shortage occupation list: it is very clear that we have taken the right action in increasing training places for doctors and nurses. I think there is a very strong bias towards medical professions, but we also have a great deal of work to do and the modern industrial strategy that has been brought forward by BEIS very clearly indicates the tech sector. We know that we need to make sure that young people have opportunities to learn more about the digital economy and how they can play their role in a whole wide range of careers that, to be quite frank, we had not even dreamt might exist 10 years ago. It is an interesting and evolving area, but absolutely, working with partners in DfE, DWP, BEIS, DoH, the whole way across Government, it is really important that we continue to do that.

Q669 **Paul Masterton:** I want to come to the shortage occupation list, because it is interesting it is so health-focused, which would suggest there are not enough people in Scotland being trained, ready to take on those roles. Obviously that is a Scottish Government policy, as health policy is devolved and I think we probably know who the Health Minister was at the time that some of these shortages transpired, but what kind of discussions or influence do you have with the Scottish Government in



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terms of saying, “What are you doing? You can help here too by this wider cross-Government—”

Caroline Nokes: Predominantly discussions on that will be best framed by DoH colleagues and DfE. I am very conscious that it is health and it is particularly engineering jobs. I think some of the work that we are doing with DfE on things like T-levels and making sure that we equip young people with the wide range of skills that they need is crucially important. But I think specifically, when it comes to shortages within the health sector, that would be one where I would defer to the Secretary of State for Health. I am not sure if you wanted to add anything.

David Mundell: I think there are established channels for discussing the number of doctors being trained across the whole of the United Kingdom. Although health is devolved, the Department of Health is in contact with the Scottish Government, but ultimately the arrangements that prevail in Scotland for training are essentially devolved.

Q670 **Paul Masterton:** Just to move on to my next question, which was in relation to international students. I see they still remain counted within the target at the moment. Does that remain Government policy? Is there any consideration about whether or not that is still appropriate?

Caroline Nokes: There are very good reasons for including students in the migration numbers, because they come to this country, they use public services, they require housing, and they will use transport, doctors etc. A significant number of nations across the globe—I emphasise the USA, Canada, New Zealand—all include students in their net migration numbers. This is of course a figure that is produced by the Office for National Statistics. There is of course no cap on the number of students that can come to this country to study. We are—and remain—second to the United States in the number of overseas students that we attract. I am conscious that Scotland has some great universities that do attract large numbers of overseas students.

The position remains that we will continue to include students in the net migration stats for the reasons that I have outlined, but I do think it is important—and I did say this last time the statistics were released, which was only a month ago—to emphasise that we want international students to come here, we welcome them. There is no cap on them. I have been very conscious that I have not only had the Russell Group universities beat a path to my door, but also the MillionPlus—I am old enough to remember it: it is the organisation for the former polytechnics—who came to speak to me about the importance to our economy, but also to our wider soft power. We know that international students will come here, they will study, and then in the region of 97% of them then go home and carry back the message of the great education that they have had in the UK. It is important that we enable them to continue to do so.

Q671 **Danielle Rowley:** We have heard from a number of witnesses who have called for a post-study work visa to be reintroduced in Scotland. Why is



Government opposed to that?

Caroline Nokes: We are currently running the tier 4 pilot with a number of universities, including Edinburgh and Glasgow—I think it is 24 universities nationwide—which increases the length of time that students have to secure their transition to a tier 2 work visa. We will be carefully evaluating that before potentially it is deemed to be a success and rolling that out to other universities.

Q672 **Chair:** We did an inquiry into post-study work schemes in the last session of Parliament. What we found was just an overwhelming consensus about the beneficial aspects of securing such a scheme. I do not think there was any cross-party disagreement about that. Everybody in the Scottish Parliament thought it was a good thing. The higher education sector was calling out for it and yet when we presented this to Government, it was totally rejected, probably because immigration is reserved. That was the big sign that was going to be shown above it. What is the problem with a post-study work scheme?

Caroline Nokes: What I am really keen to ensure is that graduates move into graduate-level jobs. I do not want to open up any route whatsoever that would enable graduates to move into low-paid jobs that might otherwise be taken up by British people who perhaps do not have that level of qualification. That is a really important consideration. As I said, we are doing the pilot with the tier 4 visas, involving 24 universities at present.

Q673 **Chair:** I am pleased you recognise the success and outstanding achievements of Scottish universities, because another thing that they told us is that attracting international students is very competitive and we are up against a series of other Anglophone countries like Canada, New Zealand and Australia, which offer a post-study work scheme as an incentive for international students to go there. The Scottish universities feel themselves at some sort of competitive disadvantage. We had Fresh Talent a few years ago that allowed us to keep people in Scotland. What is wrong with Scotland being able to do this in order to try to do better in the international market for students? Why should we be held back?

Caroline Nokes: What I would observe, and it is a conversation that I had with the former Immigration Minister, is that those universities who do best in attracting international students are the ones who have had significant outreach programmes—they have gone across the globe attracting students. Many have set up both international offices and campuses even in different parts of the world to attract international students. I do not think we are doing badly. As I said, we are second behind the United States, a much bigger country, and many students come here from China, where I think we saw a 40% increase last year, and a 15% increase in the number of students coming from India. We are doing really well, but obviously it is important to me that we continue to do so and that our great academic institutions continue to attract international students.



Q674 **Chair:** Of course we are very grateful that Glasgow and Edinburgh were included in the pilot scheme, and I think that has been very helpful for them. Would you consider maybe extending that to more universities in Scotland and maybe putting it on a permanent footing? What are you trying to assess with this? When you are at the end of these pilots, what do you expect to see and what sort of results do you think you will find?

Caroline Nokes: There is one point that I would like to make that is important to me. We wanted a range of universities to take part, not just Russell Group universities. We wanted there to be two universities from every region of the United Kingdom. We worked quite hard to achieve that, but we also wanted to partner with those universities that had the lowest refusal rates for visas, and we have done that with the initial universities. We have recently extended the number and what matters to me is that we evaluate how that has gone. We can see what the success rate is in graduates moving into tier 2 occupations, and we continue to monitor very closely the number of graduates that return back to their own countries or potentially apply for a further visa for Master's PhD study. But it is important that we reflect on all the outcomes of the pilot.

Q675 **Deidre Brock:** Just returning to the idea of the greater influence from the Scottish Government in policy making on immigration and the suggestion that we could have some sort of representation on the MAC, can I get a bit more of your thoughts on what might be the potential benefits of their further involvement in this?

Caroline Nokes: As I said earlier, I am not going to revisit the Smith Commission. We decided that immigration was a reserved matter. As I have said, the MAC is always happy to receive evidence and information from the Scottish Government, whether it be from officials or Ministers. I am not sure that I have anything to add to that.

Q676 **Deidre Brock:** Do you not think there is benefit to be had from listening to people who deal with issues relating to migrants on a daily basis and to concerns about population growth and so on in Scotland, and for that to feed in more directly to the UK Government?

Caroline Nokes: I think there is benefit in listening to a range of academic expert economists, as we have on the MAC commission.

Q677 **Deidre Brock:** I see. There was a suggestion that potentially a new Joint Ministerial Committee could be set up. Is that something the UK Government could consider?

David Mundell: We can always consider new Joint Ministerial Committees and, I think, inter-governmental relations in the wider sense. It is obviously an issue that this Committee has demonstrated interest in in the past. I regard it as an evolving issue. I think it is clear that people in Scotland want the two Governments to work together. I want the two Governments to work well together and we need to continue to evolve the mechanisms that allow us to do that most effectively.



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Q678 **Deidre Brock:** You are suggesting that that could be a possibility for the future, in an attempt to try to find a way forward together on the challenges that face Scotland?

David Mundell: We do address the challenges that face Scotland.

Deidre Brock: Specifically immigration challenges.

David Mundell: Indeed, because the UK Government—because Scotland has two Governments—is responsible for immigration matters in Scotland and it does indeed take into account Scotland's issues and needs. But I do think there are clearly opportunities for Scotland's two Governments to work better together. I continue to be very alive to that and to look at ways as to how we might achieve that.

Q679 **Deidre Brock:** I see. I am sorry, I am a little bit confused. Are you saying that the possibility exists of a future Joint Ministerial Committee on Immigration between the Scottish Government and the UK Government?

David Mundell: I am not signing up to a Joint Ministerial Committee on Immigration. What I am saying is that we are always looking for ways in which the two Governments can work better together. If you are looking for a specific, no, I am not signing up to a Joint Ministerial Committee on Immigration. I think that is too narrow a discussion. I think there are a number of existing arrangements that could be enhanced. For example, there is a joint group in relation to the economy. There are things that could be fed back.

Q680 **Deidre Brock:** It could be incorporated into that. Are you saying there is a JMC on the economy and that could be incorporated into—

David Mundell: No, there is not a JMC on the economy.

Deidre Brock: I did not think there was, no.

David Mundell: I have forgotten the exact term, but there is a joint working group or economic council or whatever, which is co-chaired by my colleague, Lord Duncan, and Keith Brown. There are a number of mechanisms where issues and concerns can be jointly discussed. I am keen that we enhance them, but I am not signing up to the idea that there should be a specific Joint Ministerial Committee on Immigration. Of course we do have the—

Q681 **Deidre Brock:** It all sounds very vague, Secretary of State. It does seem to me from the evidence we have received at this Committee that, for the most part, there is a creeping feeling of panic from some of the organisations that have spoken to us about the Brexit and the shortage of EEA workers and so on. Don't you think something needs to be done now to look at these things, as Secretary of State for Scotland, supposedly Scotland's man in the UK Government?

David Mundell: I also speak to these organisations and I do not identify panic in those organisations. I identify serious issues that they raise,



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concerns that they raise and we take those forward. We want to work closely with the Scottish Government on a whole range of issues. I am saying that I think there are improvements that can be made to inter-governmental working. I am always looking at ways of doing that, but specifically I do not think setting up a Joint Ministerial Committee on Immigration would achieve that.

Chair: We will leave that there just now. Ross Thomson. You have the next question.

Q682 **Ross Thomson:** Thank you, Chair. Just a supplementary to that question and to deal with this issue, there seems to be some surprise and panic at the fact that immigration is reserved. I think both of you will accept that there are people in this Committee as well as in this House who do not believe anything should be reserved and in fact there should not be the existence of a UK Parliament to deal with these issues, but there are a majority on this Committee that do, as well as a majority of the people of Scotland.

I have two questions, the first of which is to the Minister for Immigration: when it comes to looking at a future immigration system and the Bill, naturally there are Members of this Parliament that are representing Scotland constituencies and they will be able to engage in the process like any other Member of Parliament and to scrutinise the Bill and make those representations. It is just to get the confirmation that that will happen.

Caroline Nokes: Absolutely.

Q683 **Ross Thomson:** Secondly, to the Secretary of State for Scotland, there seems to be an intimation that, when it comes to all things Scottish, the only body that seems to be able to provide a view that is Scottish is the Scottish Government. Would you agree or disagree with that? I would be grateful to hear your view.

David Mundell: Scotland has two Governments. That is what people voted for in the referendum in 2014. I think people in Scotland do want to see those two Governments work together as effectively as possible. I am committed to achieving that, but we do have clarity on the relative responsibilities of both Governments. Immigration, whether some people like it or not, is a reserved matter. As I said in my opening remarks, Professor Curtis's study earlier in the year indicated that two-thirds of Scots were very clear that immigration should remain a reserved matter.

Chair: Your next question, Ross?

Q684 **Ross Thomson:** Thank you very much, Chair. The Scottish Government have suggested that there is now an opportunity to redesign the UK immigration system post-Brexit. One option that they are advocating, as we have heard in evidence to this Committee, is a regional approach with Scotland-specific visas, requiring a person to live and work in Scotland. What are your views on this proposal?



David Mundell: I think we have stated those views in answer to previous questions. I have not seen anything that would convince me of the benefits of having a regional immigration system that would outweigh the disbenefits, but as I indicated to Mr Sheppard, we proceed on evidence-based responses and therefore we look forward to what this Committee or anybody else might produce, including the MAC.

Q685 **Ross Thomson:** Secretary of State, perhaps you may be best placed to answer. Are you clear on what the asks of the Scottish Government are around this? Because—I will be honest—I have heard conflicting views. For example, Fiona Hyslop stated, “There is now an overwhelmingly strong case for Scotland to have the power to tailor its own migration policy to reflect its own unique circumstances” yet in evidence to this Committee, Dr Alasdair Allan was talking about maybe a more tailored approach. He said they would like to see things fixed at a UK level and, “I am not here to argue for a separate policy for Scotland”. Can you outline what you believe the position in the Scottish Government is in the discussions that you have had?

David Mundell: There has not been—again, subject to the caveats that Ms Nokes gave—a formal request to devolve immigration, as far as I am aware. I have heard talk of devolving immigration and I respect that people are entitled to hold a view that immigration should be devolved. I certainly do not dismiss the right to have that view, but there has not been a formal suggestion. It has not been tabled through any of the formal processes that we were talking about with Ms Brock. From time to time specific issues have been raised through these channels previously in relation, for example, to the student visas. But there has been no formal request for devolution of immigration.

Q686 **Ross Thomson:** Minister, in terms of regional approaches, we see evidence in Australia where different states have a regional approach, but it means that people who are coming into the country, one region can permeate through into another region. Given that there is no hard border between Scotland and the rest of the United Kingdom, what assessment do you have of the risk of having a differentiated regional approach?

Caroline Nokes: I do not think it is desirable. We do not have a hard border. We do not want a hard border with Scotland. I think it is important that we have the flexibility to reframe an immigration system in the interests of the United Kingdom as a whole and do that from a position of evidence and information. I am not inclined to support a regional immigration policy.

Q687 **Ross Thomson:** Following on from that, we had evidence from Alix Thom, who represents Oil & Gas UK, who said that what they would ideally like is a clear and simple-to-administer system for immigration. They would not want to see any cross-border divergence within the UK that would cause any unnecessary problems or create any unwanted barriers in terms of attracting some of the top-level staff that they need, particularly for companies based in Aberdeen. What risk do you think



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there is around increasing bureaucracy and regulation on businesses if there is a separate approach?

Caroline Nokes: There is a significant risk in increasing bureaucracy on business. We try very hard, as the UK visas and immigration system, to make our application process straightforward. It is not easy. Immigration is complicated, but we process millions of visas, whether they are tourist visit visas, tier 2 work visas, tier 5 youth mobility visas, tier 4 student visas or tier 1 exceptional talent visas every single year. What is important is that we process as many of them as swiftly as we possibly can and that we do not add levels of complication and bureaucracy that, to be quite frank, would not be welcome.

I think the oil and gas industry is a really good example because it is not just Scottish, and it is not just UK. This is a global industry and I think it is really important that we are absolutely in a position where we can attract the brightest and best people to work in that industry from around the globe, if necessary, but that we also work hard at making sure that we have the necessary skills within our own workforce to be able to support that industry.

Q688 **Paul Masterton:** My final question is to the Secretary of State, because I asked this question of Dr Alasdair Allan, which was again in that same evidence session. Alix Thom, when talking about the difficulties in recruiting people into the oil and gas industry, said, "There were problems during the 2014 independence referendum, where companies struggled to get executive level staff to move north of the border due to the level of uncertainty". Alasdair Allan refutes that. It would be interesting to know your view on whether that was a factor, and whether the ongoing threat of a second independence referendum would also deter people from coming to Scotland.

David Mundell: I think I am on the record as being clear that the threat of a second independence referendum would be unhelpful, not just to Scotland's economy, but on a whole range of other levels. I would like to see it taken off the table.

Chair: I am glad we have that on the record, thank you.

Q689 **Deidre Brock:** I want to return to Dr Hepburn's point that I made previously, in that, "virtually all advanced-level democracies are multilevel states that have various nations and regions within them and they have developed immigration systems that take into account those sub-state needs and interests in terms of migration". Why can't the UK? I have not yet heard anything that sets out to me why it is impossible for the UK to do this and to make some allowance for different needs in different parts of the United Kingdom.

Caroline Nokes: You know that, with the shortage occupation list, which is separate for Scotland, we have made allowance for some needs.

Q690 **Deidre Brock:** But we have heard lots of evidence suggesting that is



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insufficient.

Caroline Nokes: A single immigration policy for the United Kingdom was agreed as a reserved matter by the Smith Commission, and I am not going to revisit that.

Q691 **Deidre Brock:** But how does that address areas of depopulation, for example? Where is the flexibility that could start to look at those issues at a UK-wide level?

Caroline Nokes: I think it is important that we use the opportunity of a new Immigration Bill to consider our immigration policy in the round. We are fortunate to be an outward-looking nation that attracts many people to the UK who wish to come to work here and study. We wish to maintain that position. I do not believe that having a regional immigration policy will be the way to secure that.

David Mundell: As I said in my initial remarks, we cannot see the migration policy as the answer to these issues. There are significant other levers that can tackle depopulation. In Scotland, many of those levers are the responsibility of the Scottish Government.

Q692 **Deidre Brock:** But this is specifically entitled, "Immigration in Scotland" so obviously we are looking at issues around that.

David Mundell: Indeed it is, but as I think I said in my initial remarks, immigration cannot be the sole focus of the discussion around issues such as depopulation.

Q693 **Chair:** Just before we lose it there, there is no good reason or impediment why we could not have a specific Scottish visa. We heard from the Institute for Government Migration Observatory and the IPPR, who said there is no good reason why it can't happen. There are several checks that the previous Government introduced, like landlord checks and work checks, so this can be done, can't it? It happens elsewhere in the world, so there is nothing unique about the UK. Why we should not be able to do this? Is there some good reason?

Caroline Nokes: I would argue that there is a great deal that is unique about the United Kingdom.

Chair: In terms of immigration.

Caroline Nokes: However, I am going to specifically focus on the fact that we are a United Kingdom and we took a decision that this would be a reserved matter, and that we will have one immigration policy for the whole of the UK.

Q694 **Chair:** I hear that. I know you do not want to do it and I know you do not feel there is a need for it, but there is no reason why it can't be done is my question. If all of a sudden you said, "Right, we really want to challenge Scotland's demographic and population challenges. We will set up a Scottish visa to help them do it", there is no good reason why that



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could not happen?

David Mundell: That is a very loaded question, because it implies that doing that would be the answer to that question.

Chair: But just say you decided as a policy choice—

David Mundell: I think we have been very clear that we do not believe that that is the answer to that question.

Chair: But there is no reason why it could not be done, that is my question.

David Mundell: Lots of things can be done, but they carry cost, they carry bureaucracy and ultimately they can often lead to impediments to the very thing that is trying to be achieved.

Q695 **Chair:** Which is the very thing the last Government introduced.

David Mundell: At the moment, we have said that we are open to hear what your inquiry says. I have not heard any evidence to suggest that such an approach would benefit Scotland.

Chair: Seriously?

Q696 **Christine Jardine:** Would either of the Ministers agree that there is a difference between could and should, and that perhaps the answer to Scotland's immigration policy lies in the economy of Scotland? Areas like the Highlands have traditionally suffered from immigration policies, which could be addressed through economic development and the use of some of the levers, as you mentioned earlier, rather than something that, if it were taken to its ultimate extreme, might be the start of the breakup of the United Kingdom.

David Mundell: I absolutely do agree on that. I think there are a range of issues. Although Ms Brock has of course confirmed this is about immigration, there are many levers, including taxation, for example. It does not seem to me, in some of the occupations that were read out from the list—which are reasonably well-paid jobs—how people paying more income tax in Scotland would lead people who are in those professions to want to come to Scotland. We have issues in terms of significant infrastructure and connectivity failings in our remote and rural areas. A focus on tackling some of these issues might not just encourage people to come, but as the MAC points out, a very significant issue for migration in Scotland, encourage people to stay.

Q697 **David Duguid:** You touched on the income tax issue, and the differentiation in Scotland. I do not think anybody here is denying that inward migration is vital for Scotland, but do you think the Scottish Government could be doing more or maybe should not be doing some things to make Scotland an attractive destination, not just for migrants from outside the UK, but from the rest of the UK itself?



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David Mundell: I always begin, of course, Chairman, by making clear that I do not tell the Scottish Government to do anything. These are devolved decisions and matters for the Scottish Parliament, but I think it is appropriate to say that certain things are ill-advised. In my view, making Scotland the highest-taxed part of the United Kingdom is ill-advised. It sends out the wrong message to people who might be thinking about coming to Scotland. We have seen issues that have already been directly raised by service personnel. I think that we need to have a wider look at why areas are depopulating. As Ms Jardine suggests, there are a range of issues that need to be dealt with in order to both encourage people to stay in these areas and to bring people in.

Many of those levers do rest with the Scottish Government in terms of, for example, infrastructure. In my own area—I have given this evidence before, but I will repeat it—in Dumfries and Galloway, the population is declining, but it is the west of Dumfries and Galloway that is declining, which is at the end of the A75, which is a very, very poor trunk road. The area around the M74 motorway, the population is increasing because of the connectivity there. There are significant other factors that can determine where people are within Scotland, which is important, and coming to Scotland. I would like to see a greater focus on those issues.

Q698 **Chair:** On that, do you have any evidence to suggest that recent taxation changes in Scotland have led to people leaving the country? If you have, could you share that with the Committee?

David Mundell: I do not think I said that.

Chair: Sorry, I must have picked you up wrong there.

David Mundell: You did.

Chair: I thought you were agreeing with Mr Duguid.

David Mundell: No, I said that I thought that it would make Scotland more unattractive for people to come to.

Q699 **Chair:** The evidence that we have had is that we are attracting more people from the rest of the United Kingdom to Scotland just now and it is something I think we want to continue to do. If you have that evidence, and if you want to share it with the Committee, we would be grateful.

David Mundell: We all want to encourage people to come to Scotland.

Q700 **Chair:** Thank you, Secretary. Lastly—this is for you, Minister—when are we going to see the Immigration White Paper and is there anything that you think might please this Committee in that White Paper?

Caroline Nokes: The White Paper will come forward in due course and when I have had the opportunity to reflect on all of the evidence that I need.

Q701 **Chair:** You did intend to bring it out last year, did you not? We were supposed to have seen it in 2017.



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Caroline Nokes: I was not the Immigration Minister then.

Q702 **Chair:** You were not the Minister, but your Department was intending to bring it forward. Was there any particular reason for that delay?

Caroline Nokes: I think that it is important that we bring forward the White Paper—

Chair: You don't need to sound like a Minister in that response. You can just tell us, if you want.

Caroline Nokes: We will bring it forward when it is ready and when the time is right.

Chair: We will maybe just leave it at that. Very, very grateful to you, your first-ever appearance at the Scottish Affairs Committee, Minister. It is a pleasure as always, Secretary of State, to see you with us.