Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled European Migration Network (EMN) Focused Study. The contributing EMN National Contact Points have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN National Contact Point’s Member State.
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Introduction

The European Migration Network (EMN) United Kingdom Annual Policy Report (APR) 2015 has two main aims:

- to outline the significant developments (political, legal and administrative) in 2015 in migration and asylum in the UK; and
- to document the state of implementation of EU legislation and the impact of European policy developments at a national level.

As in previous APRs a synthesis report will be compiled by the EU. This will summarise and compare the findings of the reports from participating Member States, presenting a comparative perspective for policymakers.

Methodology

This report covers developments in the UK in the period 1 January to 31 December 2015. This is the eighth UK APR.

The report is based on desk-based research and no primary research was undertaken. Most of the information was provided by individuals from the Home Office, other government departments and from Home Office press releases and published reports. These reports are publicly available and can be found at: https://www.gov.uk/government/organisations/home-office

Events and developments deemed ‘significant’ are presented. A significant event or development is defined as one that has been discussed in the national Parliament and has been widely reported in the media.
Executive summary

The Immigration Bill 2015/16

A new Immigration Bill was announced in the Queen’s speech on 27 May 2015. The Immigration Act 2014 put in place many effective measures intended to reduce illegal immigration and the 2015 Bill will build on these measures. Some of the policy changes are:

- landlords will be able to evict illegal migrants more quickly;
- access to driving licences and bank accounts will be further protected; and
- an ‘immigration skills charge’ will be introduced.

As well as the Immigration Bill there were a number of key policy changes in the following areas.

Resettlement

The Gateway programme, which resettles 750 refugees each year, has been in place since 2004. In addition, in September 2015 the Prime Minister announced a significant extension of the Vulnerable Persons Resettlement Scheme (VPRS) for Syrian refugees, which was established in 2014. The Government intends to resettle up to 20,000 refugees from Syria’s neighbouring countries over the next five years. Those with the greatest vulnerability will be resettled. By Christmas 2015 over 1,000 people had been resettled through this scheme.

Integration

As part of the VPRS, local authorities deliver various forms of integration support services including £460 million from the overseas aid budget, which will be used to resettle Syrians under the VPRS. The Government will provide a further £130 million by 2019/20 to local authorities to contribute to the costs of supporting and integrating refugees beyond their first year in the UK.

Economic migration

In the UK all third-country nationals have to be employed under the same market legislation as any UK citizen and their jobs have to abide by the minimum wage and other regulations. To stop individuals from working illegally and therefore being open to exploitation, illegal working has now been classified as criminal behaviour, thus allowing authorities to seize illegal workers’ earnings as the proceeds of crime.
In 2015 the Migration Advisory Committee reviewed the Tier 2 Skilled workers route. Some of the key changes that the Government will implement (in 2016/17) as a result of the review are:

- to increase the Tier 2 (General) minimum salary threshold to £30,000 for experienced workers and maintain the current threshold of £20,800 for new entrants;
- to introduce the Immigration Skills Charge at a rate of £1,000 per visa per year; and
- to add nurses and four digital technology roles to the shortage occupation list.

Family reunification

On 2 March 2015 a new scheme to tackle sham marriages and civil partnerships was introduced across the UK under the Immigration Act 2014. Where there are reasonable grounds to suspect a sham, the notice period can be extended from 28 days (the new period for all couples) to 70 days in order to investigate the genuineness of the couple’s relationship and, where a sham is established, take appropriate enforcement or casework action.

Asylum

While ensuring a fair and efficient asylum system and providing support for those in need of protection, the UK Government recognises the need to return people who are not in need of protection wherever possible. A number of changes support these goals, including:

- suspension of the detained fast track process while a review is conducted on its fairness;
- proposed restrictions to support for failed asylum seekers in the Immigration Bill 2015/16; and
- asylum claims from EU nationals being made ‘inadmissible’.

Actions addressing trafficking

The Modern Slavery Act 2015 has made several changes to policy and practice with the aim of abolishing modern slavery and human trafficking. The new legislation:

- significantly enhances support and protection for victims;
- gives law enforcement agencies the tools they need to target today’s slave drivers;
- ensures that perpetrators can be severely punished; and
• includes a provision to encourage businesses to take action to ensure that their end-to-end supply chains are slavery free.

Enhanced border management at the external borders

From April 2015 the Government successfully introduced exit checks to all international air, sea and rail journeys. These checks are combined with data from the existing Advanced Passenger Information (API) checks, which already cover a large proportion of travel and are collected by travel operators. The checks provide valuable information confirming an individual’s exit from the UK.

The UK also connected to the Schengen Information System II (SISII) in April 2015. Since then data on European arrest warrant (EAW) alerts can be checked against inbound and outbound API.

In addition, the Counter-Terrorism and Security Act 2015 provided new powers to seize passports at the border from those suspected of travelling to Syria or Iraq. The measure bolsters existing passport removal powers and allows police to disrupt individuals of concern.

In June 2015 the UK Government set up the Organised Immigration Crime Taskforce (OIC). The Taskforce is 100-strong, including experts from the National Crime Agency (NCA), the UK Border Force, Immigration Enforcement and the Crown Prosecution Service. It is deployed in source countries, in transit countries at key pinch points in Europe, and at the UK border, to bear down on the activities of criminal groups involved in organised immigration crime. Through the work of the OIC, real time intelligence on OIC activity, migration routes and migrant flows is developed and disseminated to the relevant UK law enforcement body to take action.

Irregular migration for students

In 2015 the UK Government introduced a number of reforms to clamp down further on immigration abuse in the student migration system, whilst continuing to welcome the brightest and best international students to the UK’s world-class institutions.

New sites and teaching partnerships guidance was published in February 2015, to ensure that Tier 4 sponsors take responsibility for the international students they teach.

From August 2015 new students at publicly funded colleges have been prevented from being able to work in the UK, bringing their rights in line with international students at private colleges.

The rules relating to academic progression were amended to give effect to the key principle that Tier 4 students who wish to extend their study visa and start a new
course in the UK must be moving up an academic level on the National Qualifications Framework. Also the time limit permitted for study under Tier 4 at further education level was reduced in November 2015 from three to two years, bringing the maximum period in line with the length of time British students generally spend in further education.

Maximising development impact of migration and mobility

The Department for International Development (DFID) has pledged over £1.1 billion in response to the crisis in Syria and the surrounding region, the UK Government’s largest ever humanitarian response to a single crisis. DFID is investing £1.8 billion globally on economic development in 2015/16, refocusing priorities to be more on creating jobs and livelihoods than ever before.

1. The Immigration Bill 2015/16

A new Immigration Bill was announced in the Queen’s speech on 27 May 2015. The Immigration Act 2014 put in place many effective measures intended to reduce illegal immigration and make it more difficult for illegal migrants to live and work in the UK. The 2015 Bill builds on those measures.

This Bill will make it harder for people to settle in the UK when they have no right to do so, building on the Immigration Act 2014 to continue to restrict access to services for illegal migrants. Landlords will be able to evict illegal migrants more quickly and access to driving licences and bank accounts will be further protected as services only available to the lawfully resident population.

To help to reduce the demand for migrant labour, the Bill will establish a new ‘Immigration Skills Charge’ that certain employers will have to pay if they wish to bring certain workers into the country. The funds raised will be used to develop skills in the resident labour market. The Bill will also ensure that all front-line public sector workers can speak fluent English.

The Bill will restrict the support available to people whose claims for asylum have been found unsubstantiated (and their dependants), and instead only offer support to those who are destitute and face a genuine obstacle to leaving the UK. The UK will continue to meet all of its obligations towards asylum seekers, refugees and children, but illegal migrants will not receive support and are expected to leave the country.

The Bill will make it easier to remove people who should not be in the UK by introducing new powers to tag foreign national offenders released on bail, and extending ‘deport now, appeal later’ certification powers to more immigration cases. The UK will also be equipping immigration officers with additional search and seizure powers to improve the enforcement of its immigration laws.
2. Resettlement and integration

2.1 Resettlement schemes

The UK continues to operate the Gateway Protection Programme. This programme is the UK resettlement scheme for refugees identified by the United Nations High Commissioner for Refugees (UNHCR), and has been operating since 2004.

Each UK financial year around 750 refugees are resettled in the UK through the Gateway Programme from pre-agreed locations. Nationality profiles vary each year but Iraqi, Democratic Republic of the Congo (DRC), Ethiopian and Somali nationals have accounted for over three-quarters of arrivals in recent years. A total of 418 people were resettled under this scheme from 1 January–30 September 2015. (Source: Home Office Immigration Statistics, 2015.)

On arrival in the UK Gateway refugees are provided with 12 months resettlement support including a caseworker and access to the benefits system. They are granted indefinite leave to remain in the UK on arrival and so have the right to take up paid employment in the UK.

The UK also operates the Mandate Resettlement Scheme. This scheme allows the UK to resettle refugees who have close ties to the UK. To meet the close ties requirements:

- the refugee must be a spouse, a minor or a parent/grandparent over 65 of someone living in the UK; and
- the UK sponsor must be willing to accommodate them.

These family members in the UK must have settlement or immigration status leading to settlement in order to be eligible (but do not themselves have to be refugees). The applicant must have been granted Mandate refugee status by the UNHCR and also demonstrate a resettlement need in accordance with the UNHCR criteria on resettlement. The case for resettlement must be submitted by UNHCR. Around 30 refugees from around the world are resettled annually in the UK through the Mandate Scheme.

On 29 January 2014 the UK established the Syrian Vulnerable Persons Resettlement Scheme (VPRS). The scheme runs in parallel with the UNHCR’s Syria Humanitarian Admission Programme (HAP). The scheme prioritises those who cannot be supported effectively in their region of origin. Individuals are resettled from Egypt, Iraq, Jordan, Lebanon, Turkey. The UK works closely with the UNHCR to
identify cases deemed to be in need of resettlement according to agreed vulnerability criteria.

The VPRS initially resettled individuals against three vulnerability criteria:

- survivors of torture and violence;
- women and children at risk; and
- those in need of medical care.

On 7 September 2015 the Prime Minister announced a significant extension of the VPRS for Syrian refugees. The Government intends to resettle up to 20,000 refugees from Syria’s neighbouring countries over the next five years. The vulnerability criteria has been widened to:

- women and girls at risk;
- survivors of violence and/or torture;
- refugees with legal and/or physical protection needs;
- refugees with medical needs or disabilities;
- children and adolescents at risk;
- persons at risk due to their sexual orientation or gender identity; and
- refugees with family links in the resettlement countries.

This is to ensure more of those in the greatest need are resettled in the UK.

On arrival in the UK, resettlement individuals are given five years humanitarian protection. They are also provided with 12 months resettlement support, including a caseworker, access to English language provision and access to the benefits system. Individuals have the right to take up paid employment in the UK. By Christmas 2015 over 1,000 people had been resettled through this scheme.

2.2 Integration

The central UK Government has been working closely with local authorities and other groups at the local level to improve integration of migrants. This is best demonstrated through the work that local authorities have carried out in resettling vulnerable individuals under the VPRS. This scheme involves local authorities working in partnership with central government both to resettle and integrate beneficiaries of the programme into society. The scheme runs on a voluntary basis, with local authorities being able to sign up to participate in the programme. In addition to allocating £460 million of the overseas aid budget to resettle Syrians under the VPRS, the Government will provide a further £130 million by 2019/20 to local authorities to contribute to the costs of supporting and integrating refugees beyond their first year in the UK.
As part of the scheme, local authorities deliver various forms of integration support services that are outlined in the programme’s ‘Statement of Requirements’. These include:

- arranging for individuals to greet the programme’s beneficiaries on arrival and providing welcome packs and local orientation;
- providing suitable accommodation;
- providing caseworker support for at least 12 months;
- providing integration support including registering with local schools, GPs, translation services and access to English for Speakers of Other Languages (ESOL) if necessary.

Local authorities are also expected to work closely with the Department for Work and Pensions to assist individuals with getting into work. In addition to this, there is an expectation for local authorities to work closely with a range of local statutory and non-statutory partners to ensure that resettled individuals are integrated into all different aspects of British society.

Several non-governmental organisations (NGOs), such as Refugee Action and the British Red Cross, have set up contracts with local authorities to help them to deliver the provisions required under the Syrian VPRS’s statement of requirements. Other NGOs have been operating in a voluntary capacity to assist local authorities, including Cinnamon Network, which has been involved in the delivery of welcome boxes to newly arrived refugees.

Additionally, as part of the Immigration Bill 2015/16, the UK Home Office also plans to work alongside local authorities to simplify the manner in which they assess and provide accommodation and subsistence support for destitute families without immigration status. Moreover, the Bill will facilitate the transfer of responsibility for caring for an unaccompanied asylum-seeking child from one local authority to another, ensuring that they are more evenly spread across local authorities. To continue to improve the integration support available to unaccompanied asylum-seeker children, the Home Office has set out clear instructions outlining the funding that local authorities can receive for supporting these individuals. Through using these guidelines, local authorities will more easily be able identify the funding that they are entitled to, and will consequently be able to ensure that unaccompanied asylum-seeker children receive the integration support that they require.

Furthermore, the UK Government has made recent announcements to target specific minority groups currently living in the UK. In January 2016 the UK Government announced that £20 million of new funding for community-based English language tuition in England would be introduced in 2016/17. The programme will be informed
by the findings of Louise Casey’s Review into how to improve opportunity and integration in the most isolated communities in England, and by the learning of DCLG’s current projects. Although this scheme is not solely accessible to migrants, individuals from this group are among the beneficiaries of these schemes.

The Department for Communities and Local Government (DCLG) has worked with local organisations to support integration projects aimed at specific groups. For example, during 2015/16 DCLG provided £350,000 to Sheffield Council to assist in the integration of Roma migrants in the city.

2.3 Improving language skills

To ensure that migrants applying for settlement or naturalisation as British citizens have sufficient English language skills to enable them to interact with the wider community, the Government has extended the Secure English Language Test (SELT) system to these applications. A specific test in speaking and listening at B1 Common European Framework of Reference for Languages (CEFR) has been introduced. Moreover, two new providers have been selected to deliver these tests: Trinity College London (UK only) and International English Language Testing System (IELTS) SELT Consortium (UK and the rest of the world). The new permanent SELT test centres are spread throughout the UK, including Cardiff, Glasgow and Leeds, and across the rest of the world including Buenos Aires, Lahore and Seoul. These will continue to provide easy access for applicants, alongside a number of new ‘pop-up’ centres in locations where testing was previously not available, such as Malta, Mozambique and Peru.

In a similar vein, although not specifically directed at improving language skills for their own sake, the Government has introduced a rule requiring that all public sector workers should be fluent in English. This policy is mainly directed at improving the service that British citizens receive when accessing public services. The code of practice to be introduced will outline:

- the standard of spoken English to be met;
- the action to be taken by a public authority where someone does not meet that standard;
- the procedure to be operated to deal with any complaints; and
- how the public authority can comply with its other duties, including its obligations under the Equality Act 2010.

DCLG has spent £8 million over 3 years on 6 community-based English language programmes to help with integration, which by the end of March 2016 will have supported 33,500 isolated adults, mainly women, to improve their language skills. In January 2016 the UK Government announced that £20 million of new funding would
be made available via DCLG for a community-based English language programme to be introduced in 2016/17. The new programme will be informed by the findings of Louise Casey’s Review into how to improve opportunity and integration in the most isolated communities in England, and by learning from the DCLG’s current projects. Although this scheme is not specifically aimed at migrants, this group is likely to be a key beneficiary of the programme.

The Department for Business, Innovation and Skills (BIS) is also involved in funding and coordinating English language provision for individuals, including migrants. BIS allocates funding annually to skills providers in England, which is known as the ‘adult education budget’. Providers use this budget to decide on the type of skills provision to offer adults (aged 19 and over) in their local communities, depending on local priority and resources. This can include ESOL provision for refugees, European Economic Area (EEA) nationals and other migrants.

Such ESOL provision is prioritised for people on work-related benefits, e.g. Jobseekers Allowance (JSA) and Universal Credit in the work-related activity group, whose English is a barrier to work. People offered humanitarian protection are immediately eligible for adult (aged 19 and over) skills funding. However, the amount of funding support that is provided will depend on the type of benefits being claimed by the individual. A full fee remission to cover the costs of ESOL provision is available for all individuals who receive ‘active benefits’, e.g. JSA and Employment Support Allowance (ESA). Full fee remission is also provided for individuals in other circumstances, including those aged 19 to 24 who are studying for their first level 2, 3, or 4 qualification. Those on ‘inactive benefits’, i.e. those unable to work, are usually required to pay 50 per cent of the course fees, but there is some flexibility allowing providers to offer full fee remission if the applicant is studying English to gain employment.

In 2014/15 BIS spent £104 million on 131,000 learners and funded 15,000 community ESOL courses in 2013/14 through the family English, maths and language (FEML) budget, which makes up part of the adult education budget. Although this scheme is not solely available to migrants, individuals from this group are among the beneficiaries of these schemes.

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1 Louise Casey is the Director General for Troubled Families in DCLG
3. Economic migration

3.1 Illegal working

The UK has a strong legal framework in place to ensure that minimum standards are met for workers. There are three main public bodies responsible for enforcing these requirements:

- a team in HM Revenue and Customs (HMRC), which enforces the National Minimum Wage;
- the Gangmasters Licensing Authority; and
- the Employment Agency Standards Inspectorate ('the enforcement bodies').

For skilled workers in Tier 2, it has always been a requirement that migrant workers are paid at least the appropriate UK rate for the occupation in question. These rates are taken from national salary surveys and pay scales. This requirement prevents migrant workers in Tier 2 from being exploited as cheap labour and used to undercut UK workers.

To reduce the exploitation of third-country nationals as cheap labour, as part of the Immigration Bill 2015/16 a new director has been appointed to oversee the relevant enforcement agencies and provide a comprehensive enforcement strategy. To stop individuals from working illegally and therefore being open to exploitation, illegal working has now been classified as criminal behaviour, thus allowing authorities to seize illegal workers' earnings as the proceeds of crime. To support this policy, it has been made easier to prosecute employers who deliberately 'turn a blind eye' to employing illegal workers. It has also been made easier to implement tougher sanctions on these companies. Powers have been given to close businesses and apply special compliance measures to employers who continue to flout the law in this area.

Powers have also been introduced to enhance protection for overseas domestic workers. These aim to ensure that they will be paid at least the national minimum wage and hold a contract that reflects UK employment.

Furthermore, the Government is looking to crack down on illegal migrants working in off-licences so as to avoid these workers from being exploited. The Immigration Bill 2015/16 will help to accomplish this by only allowing businesses that have not breached the immigration laws to hold or apply for the necessary license to operate.

3.2 Satisfying labour market needs

In terms of Tier 2 (skilled workers), nurses and four digital technology roles have been added to the shortage occupation list. The list of government-authorised
exchange schemes has also been slightly altered, along with changes to clarify the charity worker rules for sponsors and applicants. Furthermore, the annual allocation of places available under the Tier 5 youth mobility scheme for 2016 has been set. Plans have also been made for April 2016 to introduce a minimum £35,000 earnings limit for Tier 2 migrant settlement, which was originally announced in 2012.

In June 2015 the UK Government commissioned the independent Migration Advisory Committee (MAC) to advise on how to refocus Tier 2 for genuine skills shortages and highly specialist experts, but with sufficient flexibility to include high value roles and key public service workers. The MAC published its report on 19 January 2016 and the Government responded with changes in March 2016. The proposed changes are balanced to ensure that employers are incentivised to up-skill and train resident workers, whilst making sure they can continue to access migrant workers when needed. The main changes include:

• Increase the Tier 2 (General) minimum salary threshold to £30,000 for experienced workers (there may be higher rates for specific occupations), maintaining the current threshold of £20,800 for new entrants. Nurses, medical radiographers, paramedics and teachers in mathematics, physics, chemistry, computer science, and Mandarin will be exempt from the new salary threshold until July 2019. However, the Home Office has agreed with the Department of Health and the Department for Education a declining trajectory to 2020 of numbers in the exempt categories, to ensure that they do not squeeze out other occupations from the overall cap of 20,700 on Tier 2 (General) numbers. Nurses will remain on the shortage occupation list, but employers will need to carry out a resident labour market test (RLMT) before recruiting a non-European Economic Area (EEA) nurse.

• Introduce the Immigration Skills Charge at a rate of £1,000 per visa per year. The Government has set a lower rate of £364 applicable to small and charitable sponsors. PhD roles, intra-company transfer (ICT) graduate trainees, and Tier 4 to Tier 2 switchers will be exempt.

• Simplify the provisions by requiring all intra-company transferees to qualify under a single visa category with a minimum salary threshold of £41,500. At present those coming for less than 12 months in the short-term ICT category (mainly IT contractors) have to meet a minimum salary level of £24,000. By April 2017 the UK will have closed the ‘Skills Transfer’ and ‘Short Term visa’ categories to new applications. There will continue to be a separate ICT category for graduate trainees, with a lower salary threshold of £23,000.
• End the exemption for intra-company transferees from the Immigration Health Surcharge. In addition, the Government will lower the high earners’ threshold from £155,300 to £120,000 for intra-company transferees looking to stay in the UK for between 5 and 9 years and remove the 1 year experience requirement for all applications where the worker is paid over £73,900.

• Weight overseas graduates of UK universities more heavily in the Tier 2 (General) limit and enable graduates to switch roles within a company once they have secured a permanent role. In addition, the Government will waive the RLMT and give extra weighting to applications within the Tier 2 (General) limit where the application is associated with the relocation of a high-value business to the UK or, potentially, supports an inward investment. The Government will not count students in an increased Tier 2 (General) cap or require a RLMT for Tier 4 students switching to Tier 2.

• Review the use of allowances to ensure that the UK has sufficiently robust measures in place to prevent under-cutting, and undertake a separate review of skills in the IT sector.

The changes will be phased in between October 2016 and April 2017.

3.3 Entrepreneurs

Changes to Tier 1 (Entrepreneur) now require initial applicants to submit a business plan and apply a ‘genuine entrepreneur’ test to all applicants, including those making an initial application and those looking for an extension or indefinite leave to remain in the UK. The test for initial applications requires individuals to show that they genuinely intend and are able:

• to establish, take over or become a director of one or more businesses in the UK within the next six months; and

• to invest the requisite money in the business.

A pilot scheme has been introduced that will enable the Home Office to verify information regarding overseas offences of certain Tier 1 individuals. The Government has introduced a requirement to provide an overseas criminal record certificate for entry clearance for main applicants under the Tier 1 (Investor) and Tier 1 (Entrepreneur) categories.
3.4 Family reunification

The guidance for decision makers on considering applications for family reunion is being revised. It contains a specific section on what decision makers should do if they find out through family reunion enquiries that the refugee in the UK has gained this status by deception. Any application for family reunion will trigger a review of the sponsor’s status where there are any concerns.

On 2 March 2015 a new scheme to tackle sham marriages and civil partnerships was introduced across the UK under the Immigration Act 2014. All couples where one or both parties could gain an immigration advantage from the marriage or civil partnership are now referred to the Home Office. Where there are reasonable grounds to suspect a sham, the notice period can be extended from 28 days (the new period for all couples) to 70 days in order to investigate the genuineness of the couple’s relationship and, where a sham is established, take appropriate enforcement or casework action. On 18 November 2015 the UK Supreme Court found the A1 level English language requirement for non-EEA national spouses, partners and parents applying to come to or remain in the UK under the family Immigration Rules to be lawful (Ali and Bibi v. SSHD [2015] UKSC 68). This requirement was designed to aid integration of those third-country nationals seeking to settle in the UK for the purpose of family reunification.

4. Asylum

4.1 Asylum policy changes

The UK Home Office is concerned that the asylum policy is fair and efficient and that support is provided for those in need of protection. However, people who are not in need of protection should be returned from the UK wherever possible. A number of changes support these goals including changes in the Immigration Bill 2015/16, which contains measures to restrict the support available to individuals who have been refused asylum. The key changes are as follows.

- Those with children with them when their asylum claim and any appeal are rejected will no longer be treated as though they were still asylum seekers and will cease to be eligible for support (accommodation and a living allowance to cover other essential living needs).

- All failed asylum seekers will in future only receive support if they are destitute and there is a practical obstacle that prevents them from leaving the UK.

Further changes to the asylum system in 2015 included the following.
In March 2015 the Home Office revised the further submissions policy to require all failed asylum seekers who want to lodge further submissions on protection grounds to do so in person in Liverpool. This centralised process allows the Home Office to consider most cases within five working days – offering a much improved service that delivers a firm but fair and efficient asylum system.

On 2 July 2015 the Minister for Immigration announced the suspension of the Detained Fast Track (DFT) process. The suspension was to enable its review and ensure that the right structures were put in place to minimise any risk of unfairness. This followed a series of litigation challenges.

The Minister for Immigration explained:

“Recently the system has come under significant legal challenge, including on the appeals stage of the process. Risks surrounding the safeguards within the system for particularly vulnerable applicants have also been identified to the extent that we cannot be certain of the level of risk of unfairness to certain vulnerable applicants who may enter DFT.

“In light of these issues, I have decided to temporarily suspend the operation of the detained fast track policy. I hope this pause to be short in duration, perhaps only a matter of weeks, but I will only resume operation of this policy when I am sure the right structures are in place to minimise any risk of unfairness.”

The UK will only resume operation of DFT when:

- the Government has fully considered the findings of an independent review of the broader immigration detention estate; and

- there is certainty that the right structures are in place to minimise any risk of unfairness.

The UK is also engaging with the Tribunal Procedures Committee to discuss proposals for new fast track appeals procedure rules, following the outcome of recent litigation that found the 2014 rules ultra vires.

In August 2015 the level of the living allowance provided to destitute asylum seekers and their dependants was harmonised so all persons receive the same amount (£36.95 per week). Previously, the level of the allowance was higher for child dependants.

In November 2015 new rules were introduced that make asylum claims from EU nationals inadmissible unless exceptional circumstances apply. The new rules are contained in Part 11, paragraphs 326A to 326F of the Immigration
Rules. These changes invoke the Spanish Protocol of the Treaty of Amsterdam, which allows Member States to treat such claims as inadmissible on the basis that EU countries are considered to be safe countries. Where a claim is treated as inadmissible in accordance with the Immigration Rules it will not be considered. There is no right of appeal against a decision to treat a claim as inadmissible, although this may be challenged by way of a judicial review.

4.2 Actions addressing trafficking

The Modern Slavery Act 2015 has made several changes to policy and practice with the aim of abolishing modern slavery and human trafficking. The new legislation:

- significantly enhances support and protection for victims;
- gives law enforcement agencies the tools that they need to target today’s slave drivers;
- ensures that perpetrators can be severely punished; and
- includes a provision to encourage businesses to take action to ensure that their end-to-end supply chains are slavery free.

The Act will strengthen the response of law enforcement agencies and the courts by:

- increasing the maximum sentence available for the most serious offenders from 14 years to life imprisonment;
- ensuring that perpetrators convicted of slavery or trafficking face the toughest asset confiscation regime;
- consolidating and simplifying existing modern slavery offences into one Act;
- introducing Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders to restrict the activity of individuals where they pose a risk of causing harm;
- strengthening law enforcement powers to close loopholes that can prevent the police and Border Force being able to act on board vessels at sea;
- creating a statutory defence for victims of modern slavery so that they are not inappropriately criminalised;
- giving the courts new powers to order perpetrators of slavery and trafficking to pay Reparation Orders to their victims;
- providing for child advocates to support child victims of trafficking;
• extending special measures so that all victims of modern slavery can be supported through the criminal justice process;

• providing statutory guidance on victim identification and victim services, including an enabling power to put the relevant processes on a statutory basis; and

• introducing protections for victims of abuse on an overseas domestic workers visa.

The new changes to the Modern Slavery Bill will ensure that child victims find it easier to access the statutory defence for victims, and provides for child advocates to support child victims of trafficking.

In addition, from March 2015 all new British passports have been issued with an ‘important information’ leaflet that provides essential guidance on protecting passports from the threat of traffickers and the vital steps to take if an individual believes that a child is at risk of being abducted and taken overseas. The leaflet carries a clear warning that taking a child under the age of 16 out of the country without appropriate consent is a criminal offence. It urges anyone who believes that their children may be at risk of being taken out of the UK illegally to contact the police or the International Child Abduction and Contact Unit. The leaflet also provides information for anyone who is concerned that they are a victim or may be at risk of slavery and human trafficking, detailing advice and contacts for organisations that can help them.

5. Enhanced border management

5.1 Exit checks

In April 2015 the Government successfully introduced exit checks to all international air, sea and rail journeys. These checks are combined with data from the existing Advanced Passenger Information (API) checks, which already cover a large proportion of travel and are collected by travel operators. The checks provide valuable information confirming an individual’s exit from the UK. While predominately an immigration and data tool, the checks will also improve national security by helping national police and security services track the movements of known or suspected criminals and terrorists, supporting the wider work across government and law enforcement agencies. Exit checks will collect data by checking or scanning individuals’ documents on departure.

5.2 Schengen Information System II

The UK was connected to the Schengen Information System II (SISII) in April 2015. Since then data on European arrest warrant (EAW) alerts (Article 26 of SISII) can be checked against inbound and outbound API. From December 2015 all EAW,
vulnerable missing person (Article 32) and discrete person (Article 36) alerts have been available to Border Force officers at the UK’s immigration control points. Accompanying guidance to operational staff was provided with release of these alerts.

5.3 Counter-Terrorism and Security Act 2015

The Counter-Terrorism and Security Act 2015 has provided new powers to seize passports at the border from those suspected of travelling to Syria or Iraq. The measure bolsters existing passport removal powers and allows the police to disrupt individuals of concern who are attempting to leave the UK while further investigations are carried out. It gives the Home Secretary the power to relocate those subject to terrorism prevention and investigation measures (TPIMs) and require them to attend meetings with probation staff and others as part of their ongoing case management. The Act introduced new temporary exclusion orders, which will disrupt the return to the UK of a British citizen suspected of involvement in terrorist activity abroad.

Further measures have been put in place to prevent individuals suspected of posing a terrorism-related threat from travelling to or from the UK. Those subject to TPIMs, or whose passports have been seized under new regulations enshrined in the Counter-Terrorism and Security Act, may be placed on a ‘no fly’ list to prevent them from leaving the UK. Further changes have included extending the scope of the ‘no fly’ scheme to cover individuals who pose a terrorist or terrorism-related threat and are seeking to leave the UK. Moreover, amendments have been made requiring carriers to use passenger data systems capable of receiving and acting upon instructions to offload or screen any passenger.

Sanctions are also to be introduced to impose civil penalties on carriers that:

- fail to supply information about passengers or crew when required;
- neglect to offload or screen passengers when instructed; or
- breach the ‘no fly’ scheme.

Further powers have been granted to allow immigration officers to seize and pass on evidence where there are reasonable grounds to believe it has been obtained through, or is evidence of, a crime and where it is necessary to prevent it being concealed, damaged, or destroyed. The Bill creates new powers to allow officers to search for and seize evidence of illegal working or of illegal renting. The Bill also ensures warrants for immigration officers to enter premises are aligned with police warrants. All these measures are designed to enhance the effectiveness of external border controls.
Looking ahead, the Immigration Bill 2015/16 will bring about greater compliance by airlines, ships and port operators with presenting arriving passengers to immigration controls. This will be achieved through introducing a new civil penalty for airlines or airport operators that fail to direct passengers to immigration controls. The details of this scheme will be in secondary legislation and codes of practice. New travel bans will also aid in the process of effectively controlling external borders. Previously, secondary legislation was necessary to implement travel bans. The Immigration Bill 2015/16 will remove the need to update this secondary legislation. Instead, international travel bans against non-EU nationals will take effect in the UK automatically.

5.4 The Organised Immigration Crime Taskforce

In June 2015 the UK Government set up the Organised Immigration Crime Taskforce (OIC). The Taskforce is 100-strong, including experts from the National Crime Agency (NCA), Border Force, Immigration Enforcement and the Crown Prosecution Service. It is deployed in source countries, in transit countries at key pinch points in Europe, and at the border, to bear down on the activities of criminal groups involved in organised immigration crime. Through the work of the OIC, real time intelligence on OIC activity, migration routes and migrant flows is developed and disseminated to the relevant UK law enforcement body to take action.

5.5 Registered Traveller service

Border Force is committed to ensuring the security of the border whilst offering regular travellers a faster and more convenient entry to the UK. The Registered Traveller service was launched in April 2015 to offer a dedicated and more efficient service to applicants aged 18 and over from Australia, Canada, Japan, New Zealand and the USA. On 25 January 2016 this was extended to include Hong Kong, Singapore, South Korea and Taiwan.

Before being accepted by the service applicants undergo advanced security checks. Most immigration categories are eligible, including the majority of visa holders. Regular visitors can also apply if they can demonstrate that they have entered the UK a minimum of four times in the previous two years.

At the time of this report The Registered Traveller service has over 40,000 members who collectively have made nearly 200,000 secure, expedited journeys through the UK border.

5.6 Global Entry

Global Entry (GE) is a US Customs & Border Protection (CBP) programme that offers expedited clearance for pre-approved, low-risk travellers upon arrival in the
USA. GE members can use automated kiosks or dedicated lanes at passport control and do not need to complete paper customs declarations.

The USA requires that applicants are first screened by their home country before they can apply for the CBP programme. In November 2015 the Government, working closely with US CBP, launched the ‘Register to Apply for US Global Entry’ service for British citizens.

British citizens can apply through Border Force on the GOV.UK website. There is a £42 processing fee. If the applicant passes the background checks they receive a UK access code, which is required when applying for GE through the CBP’s Global Online Enrolment System (GOES). The fee for a five-year GE membership is $100. Once the application is approved, a CBP officer will conduct a scheduled interview with the applicant and then make a final eligibility decision.

Both the UK and USA have a mutual interest in operating secure border controls, where frequent, low-risk travellers are offered excellent customer service. The GE service supports border security by ensuring low risk cohorts are screened in advance, freeing up border officers’ time and allowing them an even greater focus on security work.

6. Irregular migration through the misuse of the student route

6.1 Continued work to monitor the Tier 4 (study) route of the UK ‘points-based system’

In 2015 the UK Government introduced a number of reforms to clamp down further on immigration abuse in the student migration system, whilst continuing to welcome the brightest and best international students to the UK’s world-class institutions. The reforms are designed to make it more difficult for non-genuine students and education providers to abuse the system. Reforms were primarily made to the Tier 4 (Study) route of the points-based visa system.

New sites and teaching partnerships guidance was published in February 2015, to ensure that Tier 4 sponsors (i.e. institutions holding a Tier 4 licence permitting them to sponsor international students in the UK) take responsibility for the international students they teach. This change prevents the UK’s Immigration Rules being circumvented by universities sponsoring international students who were actually studying elsewhere – increasing transparency of the system and ensuring that students receive the appropriate conditions of stay in the UK. The guidance published in February also ensures that no institution or corporate group holds more than one Tier 4 licence unless in exceptional circumstances – to ensure that sponsors take their sponsorship responsibilities seriously.
6.2 Strengthened Educational Oversight requirements: Checking standards and credibility of Tier 4 teaching institutions

The Educational Oversight arrangements used in the UK’s Tier 4 visa system were strengthened in March and April 2015, to ensure that Tier 4 sponsors demonstrate that all of their teaching sites meet acceptable educational quality standards, and that their financial sustainability, management and governance is assessed. Education providers can no longer hold a Tier 4 sponsor licence if an independent Educational Oversight body reports that they require improvement in any area.

Further changes introduced at the same time mean that privately funded education providers must have a two-year track record of teaching courses that meet Tier 4 requirements to domestic students before they can apply for an Educational Oversight inspection from an independent review body. This is to protect international students from enrolling onto substandard courses at institutions that have not demonstrated that they meet required teaching standards. In addition, the independent Educational Oversight bodies were handed a discretionary power to 'fail' an institution where they have doubts about the credibility of an institution. This is to help to ensure that non-genuine institutions are not able to gain or maintain a Tier 4 sponsor licence and misuse the student migration system.

6.3 New compliance and sanctions framework for Tier 4 sponsors

A new compliance and sanctions framework for Tier 4 sponsors was introduced in April 2015, which provides clarity as to how the UK Government will support institutions to reform in the event of non-serious compliance failings, and when the UK Government will take action to revoke their sponsor licence. To help to protect students and prevent abuse of the system, institutions that have their sponsor licence revoked now face a longer ‘cooling-off’ period of two years (unless exceptional circumstances apply) before they are able to re-apply for another Tier 4 sponsor licence. Previously the ‘cooling-off’ period was six months.

6.4 Removed right to work from further education college students

From August 2015 new students at publicly funded colleges have been prevented from being able to work in the UK, bringing their rights in line with international students at private colleges. This should reduce incentives to use the student migration system as a means to work in the UK.

6.5 Tightened rules around academic progression for students extending Tier 4 visas

In August 2015 the rules relating to academic progression were also amended to give effect to the key principle that Tier 4 students who wish to extend their study visa and start a new course in the UK must be moving up an academic level on the
National Qualifications Framework. There are some exceptions for those studying at a higher education institution where their new course is related to their previous Tier 4 Study, or the previous course and new course in combination support the applicant’s genuine career aspirations. This change is to ensure that international students are progressing academically and not starting new courses simply to prolong their stay in the UK.

6.6 Reduced time limit for Tier 4 study at further education level

The time limit permitted for study under Tier 4 at further education level was reduced in November 2015 from three to two years, bringing the maximum period in line with the length of time British students generally spend in further education. The UK Government believes that making sure that migrants leave the UK at the end of their visa is just as important a part of running a fair and efficient immigration system as controlling who comes here in the first place. From November, college students are prevented from being able to apply from within the UK to extend their Tier 4 study visa or switch to another visa route (unless they are at an embedded college with a formal, direct link to a university that is recognised by the UK Government). Instead they are required to leave the UK and apply for a new visa from overseas if they wish to extend or switch their visa.

6.7 Monitoring effects of reforms and future policy thinking

These reforms are expected to increase levels of compliance amongst those who use, and benefit from, the student migration system. The UK Government expects students to adhere to the requirements of the Immigration Rules, including leaving the UK when required to do so, and for institutions to adhere to all of their Tier 4 sponsorship duties. The UK Government will continue to reform the student visa system to tackle abuse and ensure that it works in the UK’s national interest. F

7. Maximising development impact of migration and mobility

7.1 Migration and development

The Department for International Development (DFID) is working closely with other UK government departments in the UK’s response to the migration crisis in the Mediterranean and Western Balkans. The UK is pursuing a comprehensive approach to tackling the drivers of irregular migration, supporting refugees and reducing the pressures that force people to migrate. DFID has pledged over £1.1 billion in response to the crisis in Syria and the surrounding region, the UK Government’s largest ever humanitarian response to a single crisis.

The comprehensive approach includes:
• helping vulnerable people to build resilience to the impacts of short-term and environmental pressures;

• providing humanitarian support for those forcibly displaced;

• supporting people facing long-term displacement through access to services and education for children; and

• setting up economic development programmes to provide jobs, livelihoods and skills opportunities.

DFID is investing £1.8 billion globally on economic development in 2015/16, refocusing priorities to be more on creating jobs and livelihoods than ever before.

7.2 Migrant remittances

The UK is committed to helping to reduce the global average cost of transferring remittances to 5 per cent, through supporting the development of technology-enabled payments infrastructure in developing countries through DFID’s global programmes. These include the £44 million ‘Harnessing Innovation and Financial Inclusion’ Programme. This comprises support for regulatory and policy reform, development of payments infrastructure and scale-up through the UK investing in successful business models.

The UK is one of the cheapest and easiest locations from which to remit money for a number of reasons including:

• no capital controls;

• its vibrant financial technology industry; and

• transparency and competition.

DFID is looking at ways to continue to encourage competition in the UK international money transfer market as this is a key avenue to lowering costs.

The UK is also concerned about the global trend of ‘de-risking’ – banks withdrawing banking facilities from consumers and businesses in a range of categories and sectors, such as money transfer organisations (MTOs) and charities. This has the potential to disrupt remittances, decrease competition, increase costs and isolate countries, particularly fragile and conflict-affected states, from the global banking system.

7.3 Working with diasporas

DFID recognises that diaspora groups can play an important role in development. Diaspora entrepreneurs can play a role in stimulating trade and the creation of jobs
in developing countries. Diasporas are involved in a range of disaster relief and can play a role in post-conflict states. DFID has supported different diaspora groups through many different mechanisms on a range of areas from project support and volunteering to research and capacity-building.

The main support mechanism is the Common Ground Initiative. This is a DFID-funded Comic Relief initiative that provides grants, training and support to diaspora-led and small organisations based in the UK, to enable them to improve significantly the lives of poor and disadvantaged people in Africa. DFID allocated £20 million funding for Phase 1, which ended in 2014. DFID has agreed to provide £12 million for Phase 2 of the Comic Relief initiative (2014–16). In Phase 2, Comic Relief is investigating working with Asian diaspora communities, exploring new approaches to supporting diaspora groups and identifying specific thematic opportunities such as on livelihoods and ending violence against girls and women.

DFID’s engagement with civil society, including diaspora groups, is being reviewed by the Civil Society Partnership Review. The review was commissioned in May 2015, as part of a suite of DFID strategic reviews and will define DFID’s objectives, approach and instruments for its work with civil society. The findings will be published in 2016.