

Illegal Working Group - third meeting, 10 February 2003

Date: 10 February 2003; Time: 1330

Location

Home Office, 50, Queen Anne's Gate, London SW1

Chair

Beverley Hughes MP, Minister of State for Citizenship, Immigration and Community Cohesion.

Present

Lutfur Ali (DoH), Susan Anderson (CBI), Ian Barr (CRE), Nick Clark (TUC), Martin Couchman (BHA), David Frost (BCC), Denise Keating (M&S), Shaun Leavey (NFU), Justin McCracken (HSE), Paul Williams (SBS).

Officials attending

Chris Mace, Colin Allars, Mick Seals, Graeme Hopkins, Neil Roberts, Miranda Kent and Russell Bain.

Apologies

John Adshead OBE (J Sainsbury), Debbie Mellor (DoH), Tony Merricks CBE (CSCS).

1. Introductions

The Chair welcomed all attendees and apologised for the revised timing of the meeting, which had occurred at very short notice.

2. Minutes

The Minutes of the second Illegal Working Steering Group and steering group members, held on 18 December 2002, were agreed. The minutes would be published on the Home Office website in due course.

Matters arising from the minutes had been swept up into the agenda for the current meeting.

3. Presentations and Discussion

Graeme Hopkins outlined the policy context for the Government's initiatives on managed migration.

[Graeme Hopkins' presentation on managed migration \(PDF 37K opens in a new window\)](#)

- The Government was pursuing a balanced immigration policy, welcoming legal migration and tackling asylum and immigration abuses.
- Important to recognise that migration was not a new phenomenon and that the Government was seeking to manage it.
- Managed migration important because of the increasingly global modern economy with the UK having to compete for skills.
- Managed migration not an alternative to developing the skills of the existing population.
- There were a variety of legal migration routes, including well-recognised, traditional routes such as work-permits and newer, innovative routes.

Mick Seals provided a detailed presentation on three of the legal, economic, migration routes to the UK:

[Mick Seals' presentation on migration routes to the UK \(PDF 92K opens in a new window\)](#)

- The UK Work Permit scheme was designed to ensure that UK-based employers are able to recruit people from overseas without undermining the employment prospects of resident workers.
- The WP scheme featured a skills threshold and an availability test. 160,182 applications were received for WP in 2002, of which around 90% were approved. More detailed information could be provided to IWSG members if they were interested.
- The Highly Skilled Migrant Programme (HSMP) was a recent innovation, designed to attract individuals with exceptional personal skills or talent to the UK. It allowed individuals, whose applications were assessed against a points system, to enter the UK to look for work or business opportunities.
- The scheme had been launched on January 28, 2002 and was now receiving approximately 300 applications per month, of which just over half were approved.
- Two new schemes were being developed in order to help employers meet short-term labour needs and to contribute to the reduction of illegal working and illegal entry to the UK.
- These schemes are not yet finalised but will be sector and quota based, low-skilled and involve a temporary period of entry to the UK. The two schemes will be rigorously monitored and evaluated.

Shaun Leavey spoke about the Seasonal Agricultural Workers Scheme (SAWS) and its impact upon the farming industry:

[Shaun Leavey's presentation on the Seasonal Agricultural Workers Scheme \(SAWS\) \(PDF 287K opens in a new window\)](#)

- The SAWS had come into existence in the immediate post-war years, as the Government sought to facilitate the movement of people from across Europe to work on the land. It acts as an additional source of labour to help farmers

during their peak season, whilst also retaining a cultural element, allowing participants to learn about the UK and the English language whilst they are here.

- The scheme has traditionally attracted students from Eastern Europe and the former Soviet Union, whose primary motivation is to earn money in an area of work relevant to their studies.
- Wages are paid in accordance with the Agricultural Wages Orders at all times and there were stringent conditions designed to ensure that the health, safety and welfare of the participants are properly catered for.
- There was a recognition of the importance of the scheme to the industry, and the recent review sought to consolidate the key purpose whilst expanding and improving where possible. A key change was to extend the parameters of the scheme so that participants could work in periods without the current May to November limits.

The proposed changes were broadly welcomed - a key point to be borne in mind was that a very high proportion of crops would not be harvested if the SAWS was not in place.

The Chair invited questions and a discussion of the issues raised in the presentations. The following questions and issues were raised:

- If figures were available on the number of people in the UK on student visas who exercised their right to work for up to 20 hours a week.
- If statistics were kept on the number of self-employed persons from the candidate countries who had entered the UK.
- The recognition that was given to qualifications gained overseas in cases where people had been given settlement in the UK.
- Importance of ensuring that bureaucratic rules did not impact upon the efficacy of the new sector-based schemes.
- Importance of establishing that those who come here to work legally do not subsequently move into illegal employment.
- If managed migration schemes were really meeting the needs of business, in terms of numbers.
- What role, if any, could agencies play in facilitating managed migration? Could they be involved in policing the process?
- The use of gangmasters in agriculture and the costs involved in utilising legitimate agencies.
- The danger of diminishing the responsibility for employers if too much was expected of the agencies who were supplying the staff. The possibility of certifying agencies as the way in which this could be monitored.
- Impact of the accession to the EU of the 10 new countries is an important variable. It will make it much less likely that certain groups will be able to claim asylum.
Concerns about the impact on source countries if the UK takes large numbers of skilled, young workers - "brain drain" effect.
- Economic arguments - does a managed migration policy lead the UK towards a low-skilled, low-wage economy? Obviously important to maintain a balanced approach so that UK maintains a healthy economy.

4. Revised Work Programme

Russell Bain outlined the work that had been carried out since the last steering group meeting, including the meetings that had been held with Illegal Working Steering Group and steering group members which provided the platform for taking forward detailed work on secondary legislation and guidance.

The Chair invited discussion of the work that needed to be taken forward over the coming months. The following issues were raised:

- The importance of getting the timing right in the production of new information. Careful consideration should be given to the content and form of the guidance as well as the methods used to promulgate it. Need to be very clear about what the scope of the new guidance should be.
- Shouldn't consider this as a "one-off" leaflet - need to look at guidance as a whole package including direct links between Home Office and employers.
- Importance of highlighting the positive aspects of employment - how one can legitimately employ people needs to be presented, alongside how to avoid employing people illegally.

The Chair requested that a paper be produced for the next Illegal Working Steering group and steering group members meeting mapping out the process for producing the guidance and the practical steps that would need to be taken.

5. Any other business

No other business was raised.

6. Agenda for next meeting

The Chair suggested that the next meeting discuss in greater detail the guidance and secondary legislation. It would also be helpful to get a perspective from employment agencies and possibly gangmasters, on how these businesses dealt with illegal working.