



Choices Ahead: Approaches to lower skilled labour migration after Brexit

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Contents

Acknowledgements.....	1
Executive Summary.....	3
Introduction.....	7
PART ONE: REVIEWING THE POLICY OPTIONS	9
1.1 Immigration programmes for lower-skilled work in industrialised countries	9
1.2 Case Studies	11
1.3 Insights from the Case Studies	15
PART TWO: IMMIGRANT DECISION-MAKING.....	16
The Data Sets	17
Findings	18
PART THREE: CONCLUSIONS	31
ANNEXES.....	35
Annex 1: Table of Scoped Lower-skilled Labour Migration Programmes	35
Annex 2: Background: Free Movement Migration and Lower-skilled Work in the UK	37
Annex 3: The Case Studies	43
Annex 4: Overview of Data Collection	63
References	64
Note on the Authors:	70

Executive Summary

The UK's departure from the European Union (EU) implies the end of free movement rights for European Economic Area (EEA) and Swiss nationals to the UK. This is likely to have substantial impacts on the supply of EEA nationals to the UK labour market, including immigration to lower-skilled jobs. Around 220,000 EEA nationals enter the UK each year, of whom the majority work in lower-skilled, lower-paid jobs, which do not meet the skills or salary thresholds for admission under Tier 2 of the UK's points-based system. Key questions therefore arise as to how a post-Brexit immigration system will affect the supply of workers into lower-skilled jobs in the UK; and what kinds of programmes should be put in place to regulate such flows.

Policy debates thus far indicate that low-skilled immigration might be regulated through sectoral and temporary programmes. This would be in contrast to current provisions on free movement, which offer a generous and flexible framework, allowing EEA immigrants access to extensive rights, including family reunion and pathways to settlement. They also allow immigrants in low-paid and insecure jobs to supplement their income through tax credits and welfare benefits, to switch and combine part-time or short-term jobs, and to freely move between places of origin and destination.

Replacing the free movement framework with more restrictive provisions could therefore have wide-ranging consequences for the mobility and settlement of migrants. The aim of this paper is to (1) explore the options for regulating immigration to lower-skilled jobs after Brexit, drawing on examples from other industrialised countries; and (2) to assess how successful different types of programmes would be in attracting and retaining (especially EEA) immigrants.

Reviewing the Policy Options

The report analyses a range of schemes designed to meet labour market, demographic and social goals. *Sectoral schemes* focus on recruiting workers to particular sectors or occupations; they aim to address specific sectoral or occupational shortages, at a range of skills levels. *Employer-led schemes* select workers based on employer demand; they assume that employers are best placed to identify shortages, and often build in 'tests' for employers to demonstrate they cannot fill vacancies from the domestic labour force. *Human capital schemes* select workers based on their individual characteristics, such as work experience, family status, language skills or ties with the country/region, and allow them more generous rights and flexibility in choosing employment. These schemes are often targeted at immigrants with higher skills, but may also be aimed at attracting those with lower skills, in order to address aggregate shortages and/or to meet demographic goals.

These three types of programme can be further subdivided according to the package of rights they grant. Possible rights include: opportunities for switching job or employer (employer mobility); opportunities for switching location within the host country (regional mobility); access to welfare; family rights, including family reunification; length of stay; and pathways to permanent settlement or citizenship. Typically, these dimensions are grouped together across schemes: thus schemes that restrict migrants' access to welfare and rights tend to operate on the basis of short-term stays; where migrants stay longer, a more generous package of rights is needed. The study explores 6 case studies from other industrialised countries, including examples of each type of programme and with a variety of associated packages of rights.

Sectoral schemes: The sectoral schemes studied include two restrictive regimes which recruit workers mainly into agriculture – the New Zealand RSE programme and the German Temporary Seasonal Worker programme. These both provide short-term, often circular, migration to fill seasonal labour demand, with an emphasis on enforcing return (at 9 months in New Zealand and 3 months in Germany). There are no opportunities to extend stay or switch to another status, and no family rights or access to welfare.

Both schemes are regulated through bilateral agreements, which ensure the return of migrant workers. The programmes also meet various foreign policy and development goals.

By contrast, the Canadian caregiver programme enables households requiring live-in care to hire a foreign worker, subject to a labour market test. Caregivers can apply for permanent residence after 2 years, and can be accompanied by their family under certain conditions. The generosity of the scheme reflects the challenges in attracting suitable candidates for this kind of work.

All of these programmes tie migrant workers to an employer, and this can make workers more vulnerable to exploitation. The more generous Canadian scheme has attracted workers with higher skills levels who trade off working at the level of their qualifications with the opportunity to access more generous rights and settlement in Canada after the initial 2 years.

Employer-led schemes: The Swedish 2008 Immigration Law and the Spanish Catalogue of Hard-to-Fill vacancies both allow employers to recruit across the skills spectrum, including to lower-skilled, lower-paid jobs. Both also grant increasing access to social and family rights and pathways to settlement over time. Under the Swedish scheme permits are granted for 2 years for migrants with job offers; permits may be extended for a further 2 years, after which migrants can apply for permanent status. Access to welfare rights and family reunion is granted after the first year. The Spanish scheme operates a similarly staged route (with some variations). Both systems have been flexible in adapting to changing employer demand.

In both countries, the more generous rights are partly driven by the need to attract migrants to settle, in order to offset ageing populations. In Sweden, there is also concern about attracting migrants, given language barriers. In Spain, the key factor driving the more generous approach is the desire to channel irregular flows through legal routes. The relative generosity of these programmes also shows that social norms and values are reflected within immigration systems. In both Spain and Sweden ideals of equality and non-discrimination work against a stratification of rights that excludes immigrants in the longer term.

Human capital schemes: The Manitoba Provincial Nominee Programme is a points-based system, which selects migrants at a range of skills levels, with the goal of increasing settlement migration to Manitoba. This reflects a need to meet labour market gaps, but also to counter population decline and ageing. Migrants are selected based on their personal characteristics and ties to the province, and more recently there has been a requirement that the nominee have a job offer. This shift reflects concern that the programme was not effectively matching immigrants to the right jobs – a type of ‘deskilling’ that can be a problem across programmes with generous rights, as they are likely to attract migrants who are overqualified for the jobs being offered. However, the programme has been successful in attracting and retaining more settlement migration to the province.

Immigrant Decision-making

The report examines how different types of schemes might affect the mobility decisions of immigrants, an oft neglected aspect of immigration policy making, drawing on data on EEA migrants resident in Scotland. The project draws on extensive interview data gathered before the Brexit vote, supplemented with further focus groups and interviews. The data suggests that a change to a more restrictive system with a more complicated entry regime would reduce the attractiveness of the UK as a destination, placing it in direct competition with other English-speaking destination countries such as the USA and Canada, as well as with countries maintaining free movement. This double competition may particularly affect decision-making among younger migrants with good English-language skills and for those wishing to settle longer term as a family.

The research focused on the six different dimensions of programmes outlined above (employer mobility, regional mobility, welfare, family rights, length of stay, and pathways to settlement). It found that:

- The ability to *change employer* was a popular feature of free movement, and many EEA migrants made use of this mobility to secure better pay and conditions, especially over the longer term. Nonetheless, others had found it impossible to progress remaining in insecure, low paid work below their skills level. Therefore, some would be prepared to be tied to a job, at least initially, if this implied better safeguards.
- *Regional mobility* was a valued feature of free movement, and had led some people to relocate to Scotland from elsewhere in the UK and/or to more rural or remote areas once in Scotland. On the other hand, regional mobility can also draw people away from areas with less attractive employment opportunities, smaller existing migrant communities or fewer leisure and cultural facilities. The potential impact of restricted mobility differed by age and lifestage, with younger migrants most likely to be deterred by such restrictions.
- Participants were keen to stress that access to *welfare and social security* was not a driver for migration decisions. However, in many cases social security had played a crucial role in longer-term settlement, making low paid work viable and sustainable, especially for families.
- Views on *family rights* differed by age and lifestage, with younger, unattached migrants not finding such rights a priority. However, for those with families rights to family reunion were extremely important and determinative in decisions to settle longer term. The larger data set also contained a number of non-EEA nationals who reported significant distress and complications generated by their lack of family rights.
- Decision-making regarding *length of stay* is complex and open-ended. The majority of EEA nationals did not originally arrive with a long-term stay in mind. Thus restrictions on length of stay would not deter most people. However, the flexible nature of free movement has facilitated the development of longer-term settlement over time. In areas where longer stays are desired due to demographic, social or labour market needs, the loss of such flexibility, accompanied by straightforward *pathways to settlement* may be more problematic, and is likely in particular to deter families with children.

Conclusions

Policy makers need to balance a range of labour market, demographic and social goals in developing policies to regulate low-skilled migration. But crucially, they also need to consider how different programmes are likely to affect decisions on mobility and settlement. A shift to a more restrictive system is likely to have substantial effects on the supply of EEA nationals into lower-skilled jobs and reduces the likelihood of migrants settling for the longer term.

Our data show how decisions made during a period of free movement have been shaped by the flexibility that this framework affords. Whilst it is difficult to predict precisely how decisions will change under a new migration regime, it seems highly likely that certain groups of migrants, in particular families with young children, and those seeking longer-term settlement and stability, will be deterred by a more restrictive system.

Whatever programme is adopted, the UK and Scotland will have to compete with other countries as potential migrant destinations. For EEA nationals, other countries within the EEA will become attractive alternatives. Other English-speaking countries (USA, Canada or Australia) with more complex entry requirements may also begin to emerge as more attractive destinations, especially for younger migrants with good English-language skills.

Clearly, a decline in the availability of EEA nationals as a source of lower-skilled labour may be offset by recruiting immigrants from non-EEA countries. However, it is important to recognise the potential consequences of such a shift. The predominance of EEA immigration over the last 10-15 years means that migrant networks, employer strategies and practices, transport links, and support infrastructures, have developed to suit the linguistic, social and cultural characteristics of people from EEA countries. A shift in source countries would require adjustments, and raise a range of social and resource considerations.

In summary, our findings suggest the need to take into account two main considerations when deciding on a future programme. First is the immigration policy goals being pursued – whether labour market, social, demographic, or enforcement-related. Different programmes with distinct bundles of rights and pathways to longer-term stay may be more or less appropriate, depending on the precise goals across sectors and regions. Second is the potential effect of the programme on the mobility and settlement decisions of migrants. This is especially important where the programme aims to encourage longer-term settlement; and where there may be challenges to recruiting migrants linked to the region or type of work available.

Introduction¹

The UK's departure from the European Union (EU) is expected to imply the end of free movement rights for European Economic Area (EEA) and Swiss nationals to the UK. There are currently around 2.4 million EU-born nationals active in the UK labour market², and around 220,000 EU nationals entering the UK each year³, the majority of whom enter in order to take up or look for work. Brexit is therefore likely to have substantial impacts on the supply of EEA nationals to the UK labour market.

The free movement of EEA nationals has been particularly important in supplying labour into lower-skilled, lower-paid parts of the UK economy. In fact, under the current UK points-based system for labour immigration there is no route for immigration from third countries into lower-skilled jobs, with the assumption being that these needs are met through free movement. Yet while much of the debate on immigration policy after Brexit has focused on higher-skilled immigration, the question of lower-skilled labour has been relatively neglected. The Migration Advisory Committee's (MAC) Interim Update notes that concern about the future UK immigration system is particularly high in relation to lower-skilled sectors (MAC 2018). Key questions arise therefore as to how a post-Brexit immigration system will affect the supply of workers into lower-skilled jobs in the UK; and what kinds of programmes should be put in place for migration into lower-skilled work.

UK government statements and draft documents thus far suggest that lower-skilled immigration might be regulated through newly established sectoral schemes, and/or through temporary and seasonal programmes. This emphasis on temporary programmes would be consistent with the predominant pattern of recruiting immigrants into lower-skilled work across industrialised countries. Most states admitting immigrants for lower-skilled work have channelled entry through temporary and seasonal programmes, typically with limited rights (OECD 2014). These types of programmes have been especially prevalent in the agricultural sector, but have also been used in construction, hospitality and food processing. Such schemes typically build in limitations and checks to require immigrants to leave after a fixed period of time, usually under 1 year.

By contrast, the current provisions for the free movement of workers offer a generous and flexible framework, allowing EEA immigrants in lower-skilled work access to extensive rights, including family reunion and pathways to settlement. They also allow immigrants in low-paid and insecure jobs to supplement their income through tax credits and welfare benefits, switching and combining part-time or short-term jobs, and freely moving between places of origin and destination. In this way, the current, more permissive, framework has worked well for EEA migrant workers and employers in many sectors. Free movement has also facilitated settlement and integration across the UK, including in remoter areas that may be dependent on retaining immigrants for social and demographic reasons. Free movement has thus been able to accommodate a range of economic, social and demographic goals across different parts of the UK.

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² Estimates for 2017, based on Labour Force Survey data (Vargas-Silva and Markaki 2017)

³ Data for year ending September 2017 Office for National Statistics, Migration Statistics Quarterly Report, February 2018 <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/february2018#differing-migration-patterns-seen-for-eu-and-non-eu-citizens>

Replacing the free movement framework with more restrictive provisions could therefore have a number of effects on mobility and settlement, as well as on local communities. The aim of this paper is to examine the implications of a range of types of schemes for post-Brexit immigration. We ask:

- What types of schemes have different industrialised countries put in place for regulating lower-skilled immigration, and how effective have they been in meeting immigration policy goals? How might such schemes meet UK economic and social goals in relation to immigration?

The paper also pays particular attention to how features of schemes – and in particular the package of rights they offer – might affect the choices of EEA migrants in lower-skilled jobs. Our second question therefore asks:

- How might different types of schemes impact on the patterns of mobility and settlement of EEA migrants?

Future schemes may seek to source migrants for lower paid work from outside the EU. This would introduce a new set of considerations regarding the attractiveness of the UK as a destination and potentially require new infrastructure and networks to develop to support new migration patterns. Consideration of these new issues are outside the scope of this report.

In analysing different schemes, we draw on examples from across Europe, North America and Australasia. Of these schemes, we focus on six programmes that appear particularly relevant for addressing UK and Scottish immigration goals: three sectoral programmes (from Canada, New Zealand and Germany), two employer-led programmes (Sweden and Spain) and one human capital focused programme (Manitoba, Canada). We examine the main features of these schemes, noting their objectives, the social and family rights granted to migrants, and other features such as the opportunity for migrants to change employer or region and the scope to extend stay. We briefly assess how effective they have been in meeting their goals, examining the economic and social impacts of the rights and opportunities granted. We also consider any unanticipated effects they may have produced, including in relation to challenges of implementation and enforcement. The case studies are provided in Annex 3 of this paper.

Part two of the paper builds on this analysis to provide a more in-depth examination of how the features of such schemes might affect the mobility and settlement patterns of EEA nationals in Scotland. Drawing on extensive qualitative data on EEA immigrants in Scotland, and supplementing this through focus group data, we review the effects of existing provisions focused on six dimensions: employer mobility, regional mobility, access to welfare, family rights, provisions on length of stay and pathways to settlement. We analyse how these dimensions have affected mobility to date, and go on to anticipate how potential changes in these provisions, and the balance between them, may affect future mobility.

A brief word on definitions. Within this paper we focus on migration to take up jobs which do not meet the current skills threshold set under current Tier 2 provisions for immigration of non-EEA nationals as migration into 'lower-skilled' work. The current tier 2 skills threshold is pegged at National Qualifications Framework (NQF) level 6 which is equivalent to a university degree.⁴ However, it should be noted that some occupations which are classed below NQF6 level require considerable amounts of training, and are characterised by an increasing reliance on soft skills. As such, distinctions between skills levels can be problematic (Kyrieri and Roidou 2012). The MAC Interim Report notes the wide variation of skill levels in jobs that would not meet the Tier 2 skills threshold (2018: 24). Moreover, it should also be noted that the majority of EEA nationals working in lower-skilled occupations are not necessarily themselves lower-skilled. Indeed 36% of EEA nationals in Scotland possess a degree-level qualification or above.

⁴ <https://www.gov.uk/what-different-qualification-levels-mean/list-of-qualification-levels>

PART ONE: REVIEWING THE POLICY OPTIONS

1.1 Immigration programmes for lower-skilled work in industrialised countries

In order to understand the variety of programmes that exist for immigration into lower-skilled work we analysed a range of schemes in other industrialised countries. We looked at schemes designed to meet a variety of goals, including labour market, demographic and social goals. We also looked at schemes with a range of rights and pathways to longer-term residence and settlement.

The programmes reviewed can be broadly divided into three types: sectoral schemes, which focus on recruiting workers to particular sectors or occupations; employer-led schemes, which select workers in line with employer demand; and human capital schemes, which select workers based on their individual characteristics, such as work experience, family status, language skills or ties with the country/region.

These three types of schemes can be further subdivided according to the package of rights they grant. This package includes varying access or entitlement to rights, benefits and services across six dimensions: opportunities for switching job or employer (employer mobility); opportunities for switching location within the host country (regional mobility); access to welfare; family rights, including family reunification and access of family members to the labour market and other services; length of stay, and, pathways to permanent status accommodated in the scheme. Typically, these features are correlated across schemes. Thus schemes that restrict migrants' access to welfare and rights to family unification tend to operate on the basis of short-term stays; where migrants stay longer, a more generous package of rights is needed. Both sectoral and employer-led schemes may be associated with more or less generous packages of rights across these dimensions. By contrast, human capital schemes tend to incorporate more generous packages with pathways to permanent residence. It is worth briefly reviewing how programmes across the three types might accommodate more or less generous packages of rights.

Most programmes regulating labour migration into lower-skilled jobs fall into the first category of *sectoral schemes*, and most of these are associated with limited rights. Thus seasonal and temporary worker programmes involve recruiting workers for specific jobs for a limited period of time, often for a season (e.g. 3 or 6 months) or for a maximum period of time (e.g. 1 or 2 years). Such schemes tend to be developed to fill labour shortages in areas where it is difficult to attract local workers, because of low remuneration, working conditions and status; because of their seasonal or time-limited nature; and/or because the work is located in remote or less populated areas. For example, such schemes are prevalent in the agricultural sector, where there is a strong dependence on seasonal labour. Such schemes are often targeted at single and younger workers (e.g. students) who work for a fixed period of time, with limited rights and no pathway to longer-term work or stay. In many cases they are regulated through bilateral agreements that help ensure workers return to their country of origin once the specified period of work/stay has been completed.

However, some countries also operate a second type of sectoral scheme: one incorporating more generous rights and/or pathways to longer-term or permanent settlement. Such schemes may be more appropriate in sectors where jobs are more open-ended and there is perceived to be a longer-term structural demand for labour. A prime example of such a scheme would be the Canadian live-in care workers programme; but these conditions could also apply to other types of social care, food processing, or domestic services. Like temporary/seasonal schemes, such programmes typically tie workers to particular jobs and employers, at least for an initial period of time. Given the nature of the work (e.g. for live-in domestic/care work), they may also imply restricted family rights. However, such schemes may offer expanded rights after a specific period of time, including accumulation of family, welfare and residency rights, as well as increased mobility in terms of employer, sector and region.

The availability of a more attractive package of rights may reflect the need to attract migrants to the scheme, even at the risk of facilitating movement out of the sector once initial restrictions are removed. Such schemes may address demographic goals, for example the goal of retaining migrants in less populated areas, or of encouraging families to settle.

Sectoral schemes such as those listed above can be contrasted to employer-led schemes. These typically involve employers identifying where they need to recruit migrant workers and are usually subject to a labour market test. Workers are then recruited to fill these specific roles, and so are, by definition, tied to particular jobs/employers, at least initially. However, such programmes are compatible with a spectrum of rights and pathways to settlement. Again, the precise package of rights will partly depend on the goals of the programme. Where the aim is to address immediate labour market shortages and there is less concern about short-term stay or 'churn', and where there is confidence that such schemes will be appealing to potential migrants, they may offer limited rights and no pathways to longer-term residency. However, such schemes may build in more generous provisions where they anticipate longer-term needs across the sector; or where there are demographic reasons to promote settlement; or in cases where there are challenges to attracting workers to the scheme, necessitating a more generous package.

It is worth bearing in mind, however, that longer-term stay will be associated with granting more flexibility to workers in terms of switching employer, sector, or region. For example, many countries grant rights to family reunion after 2 years (indeed, the 2003 EU Family Reunification Directive, which the UK has not opted into, specifies this⁵); and many allow access to permanent residency status after 5 years. While more generous rights may make the programme more appealing and encourage settlement, they may also allow migrants to move out of a sector or region that they find less attractive.

Finally, human capital programmes select migrants based on their characteristics, such as occupational/sectoral experience or preferences; language skills; family status or age; or ties with the region. Human capital programmes are typically associated with higher-skilled migrant programmes, but some countries also offer streams for lower-skilled categories (e.g. some of the Canadian provinces). Such schemes for lower-skilled migrants are often devised to address demographic goals, or longer-term aggregate shortages across sectors or skills levels. Once an applicant has met various criteria, they may be allowed to enter without a specific job offer, although the experience in Canada suggests a move towards pinning entry to job offers, to ensure migrants are economically active once they arrive.

These three types of programme included in the research are shown in Table 1, sub-divided according to whether they bestow limited rights, or incorporate (pathways to) more expansive rights and settlement.

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0086&from=EN>

Table 1: Scoped Immigration Programmes - by type of scheme and extent of associated rights⁶

	Sectoral	Employer-led	Human Capital
Fixed term and limited rights	Seasonal Agricultural Workers Scheme and Sector Based Scheme (UK) Sector Based Scheme (UK) Temporary Seasonal Workers programme (Germany) Recognised Seasonal Employer Programme (New Zealand) Seasonal Agricultural Worker Scheme (Canada) H-2A Temporary Agricultural Worker Scheme (USA)	H-2B Temporary Non-Agricultural Worker Scheme (USA)	N/A
Open-ended and includes more extensive rights	Live-in Caregivers Scheme (Canada)	2008 Immigration Law (Sweden) Catalogue of hard to fill vacancies (Spain)	Provincial Nominee Programme (Manitoba Canada) Provincial Nominee Programme (Alberta, Canada) ⁷

1.2 Case Studies

We identified 12 schemes regulating immigration to lower-skilled occupations, and analysed their objectives and characteristics (see table in Annex 1). We then selected six schemes for more in-depth study. These were selected to illustrate a range of goals and features, and in particular to provide examples of schemes aiming to meet broader demographic and social goals, as well as those offering more generous rights and pathways to settlement. We were also keen to ensure a reasonable geographic spread, including examples from across Europe, North America and Australasia.

Three of the programmes selected for in-depth case studies are sectoral schemes, focusing on the recruitment of agricultural and social care workers in Germany, New Zealand and Canada. Two are employer-led schemes, which allow employers autonomy in identifying labour needs in Spain and Sweden. Finally, we included one human capital based scheme in Manitoba, Canada. Human capital programmes are usually focused on highly-skilled migrants, but the Manitoba scheme includes provisions for lower-skilled migrants with connections to the province. The schemes and their key features are outlined in the table below. The case studies are included in full in Annex 3.

⁶ In practice, schemes do combine elements across the three types, however it is generally possible to classify schemes according to this typology

⁷ For semi-skilled workers this entry route is employer led and restricted to particular sectors.

Table 2: Features of the In-Depth Case Studies

Scheme	Employer Mobility	Regional Mobility	Welfare Rights	Family Rights	Length of Stay	Pathway to Permanent Settlement
Temporary Seasonal Worker Programme (Germany)	Tied to Employer Could seek permission to change	Tied to Employer	None	None	Up to 90 days	None Return to country of origin required
Recognised Seasonal Employer Programme (New Zealand)	Tied to employer	Tied to employer	None	None	Up to 9 months	None Return to country of origin required
Live-in Caregiver Programme (Canada)	Tied to employer Scope to change employer but must work as live-in caregiver	Tied to role but can change employer Must live in with employer	Access to most once become a permanent resident	Family required to live in therefore generally deferred	Initially 2 years	Eligible to apply for permanent residence after 2 years working as live-in caregiver
Catalogue of Hard to Fill Vacancies (Spain)	Tied for first year	Tied for first year	Access to some	Permitted if have more than one year's stay and can meet conditions	Renewable	Eligible to apply for long term residence permit after 5 years
2008 Immigration Law (Sweden)	Tied for first 2 years	Tied for first 2 years	Access to all after first year	Permitted if have more than 1 year's stay and can meet conditions	Renewable	Eligible to apply for long term residence permit after 4 years
Manitoba Provincial Nominee Programme (Canada)	Yes	Yes	Access to most	Yes	Indefinite	Permanent Residence Status

1.2.1 Sectoral Schemes

Sector specific schemes restrict the recruitment of labour migrants, or particular sub-sets of labour migrants to particular sectors that are deemed to experience significant seasonal or longer-term shortages. The sectoral schemes studied include two restrictive regimes, the New Zealand RSE programme and the German Temporary Seasonal Worker programme, which recruit workers into agriculture and seasonal hotels in the German case. We also analysed a more permissive regime: the Canadian live-in caregiver programme, which allows migrants greater access to family, welfare and settlement rights over time. The restrictive regimes both focus on providing short-term, often circular, migration to fill seasonal labour demand and include a clear emphasis on ensuring migrants return to their countries of origin after short periods of working – a maximum of 9 months in New Zealand or 3 months in Germany. There are no opportunities to extend the period of stay or to switch category in-country. There are no family rights or access to social security. Both schemes are the product of bilateral agreements between governments in specified sending and receiving countries and the economic disparity between the sending region and the receiving one results in an abundant supply of potential workers. Close co-operation ensures the return of migrant workers to their countries of origin. In addition to meeting seasonal labour demand these programmes pursue foreign relations and development goals through co-operation on migration. Providing legal routes to foreign labour in these sectors has helped to reduce irregular immigration to meet labour demands.

The Canadian live-in caregiver programme enables households requiring live-in care to obtain a work permit to hire a temporary foreign worker for this role, subject to a resident labour market test. This scheme provides a route to settlement with eligibility for permanent residence after 2 years work as a live-in caregiver. The scheme also provides for caregivers to be accompanied by their family, but this is predicated on the ability of the family to live with the caregiver and so, in practice, this tends to be deferred. The live-in caregiver scheme originates from the 1970s and may for that reason have more generous terms than most sectoral schemes. However, the generosity of the terms is also related to the relative difficulty in attracting suitable candidates for this kind of work. Applicants are required to have qualifications, training and language proficiency.

All of the sectoral programmes tie migrant workers to an employer and there are concerns within each that workers are thereby more vulnerable to exploitation. Efforts have been made to reduce this by introducing safeguards to ensure employers adhere to required labour standards, and, in the case of the caregivers programme, providing the option to change employer within a set timeframe. In common with other programmes that have more generous provisions (see below), the caregivers programme is associated with deskilling of migrant workers. More generous programmes tend to attract workers with higher-level skill sets who trade off working at levels in accordance with their qualifications for the opportunity to access settlement or more generous social rights in destination countries. More generous schemes can also struggle to retain migrants in the roles into which they were recruited at the end of the tied period.

1.2.2 Employer-led Schemes

Employer-led schemes allow employers themselves to identify their labour needs across the economy. In practice, employer identification of labour needs is often subject to labour market tests where employers have to show that resident labour is not available. Many employer-led schemes also include sector or occupational restrictions within which such a demand driven system is allowed to operate, and some operate with caps to restrict overall numbers. The employer-led schemes studied are the Swedish 2008 Immigration Law and the Spanish catalogue of hard-to-fill vacancies.

These programmes all allow for migrant labour recruitment across the skills spectrum, including into lower-skilled jobs. Both the Swedish and the Spanish systems allow employers to initiate the request for labour migrants to fill shortages. Under the Swedish system there are expedited procedures where employer expression of labour demands coincides with shortage lists compiled by state agencies. In Spain, employers can recruit workers for jobs listed in the catalogue without a resident labour market test. Both programmes include access to social and family rights and pathways to permanent settlement over time.

Under the Swedish 2008 Immigration Law, work permits are granted for 2 years for migrants with job offers consistent with collectively agreed pay and conditions above a minimum salary threshold. Permits can be extended for a further 2 years after which migrants can apply for permanent status. Access to welfare rights is granted after the first year and migrants with more than one year's stay can be accompanied by family members. The Spanish catalogue operates a similarly staged route to longer-term stay, with work permits initially granted for one year. This can be extended for 2 additional 2-year periods with eligibility to apply for permanent status after 5 years. After the first year of stay, migrants can access family rights and some welfare payments.

Despite the similarity of these programmes the underlying drivers and context appear to be quite different. In the Swedish case the very open and generous labour immigration system operates in the context of a tightly regulated labour market with collectively agreed pay and conditions. The subsequent recruitment of labour immigrants to Sweden under this system has been quite limited in numbers, particularly compared to humanitarian and family migration. The generous rights attached to the labour immigration system derive from a perception that attracting labour migrants to Sweden is difficult due to language barriers, as well as some concern to attract migrants to offset demographic issues. Spain's changes to its labour migration system also include some concerns about demographic issues but the key factor in developing easily accessible and attractive legal routes for labour migration was concern to tackle burgeoning irregular migration in the context of severe labour shortages. Alongside a series of regularisation programmes, the provision of legal labour migration routes in Spain has reduced the scale of irregular work, but general labour market regulation is far weaker than in Sweden.

Both systems have shown the ability to adapt to changing employer demand: the numbers of labour migrants recruited through these mechanisms has declined in times of economic downturn. However, in both countries there is concern about high rates of unemployment and underemployment among the immigrant population – although less favourable employment outcomes for migrants is common across industrialised countries. Debate on immigration in both countries includes consideration of demographic needs and, in both cases, the social and political context remains such that stratification of rights by immigration status has limited acceptability. Both systems provide relatively swift access to rights to family reunification and welfare rights in line with values of equality and non-discrimination. In Sweden concerns about labour exploitation resulting from tied work permits have resulted in more regulation and greater oversight of employers in sectors considered higher risk.

1.2.3 Human Capital Schemes

The Manitoba Provincial Nominee Programme aims to increase settlement migration to Manitoba in order to serve a wide array of interconnected economic and demographic goals. It is a human capital scheme that recruits migrants on the basis of their personal characteristics with a particular focus on ties to the province. However, more recently, a more strongly employer-led element has emerged as securing a job offer within the province has become a key criterion for nomination. This shift to securing employment prior to arrival has arisen from general concern that human capital programmes were not proving successful in terms of labour market outcomes.

The programme provides lower-skilled migrant workers with connections to Manitoba access to permanent residence. Applicants are scored based on language proficiency, age, work experience, education, and adaptability. Nominees under the programme are screened by Immigration, Refugees and Citizenship Canada before being granted permanent residence status.

The Manitoba PNP is seen as successful in attracting more settlement migration to the province and matching labour demand across a wide range of industries. Despite the fact that permanent residency cannot be tied to any specific region in Canada, Manitoba has been relatively successful in retaining the migrants it recruits. This has been achieved by focusing, initially, on particular ethnocultural groups – in turn raising criticism that this potentially entrenches inequalities between groups or binds particular groups to specific economic roles. However, over time the programme has successfully increased diversity within the province and its focus has moved to recruiting a wider range of groups. As with other programmes offering a generous package of rights and permanent stay, underemployment and deskilling of migrants arriving through these routes is a concern. Similarly, recent changes tying migrants to employers have raised concerns about the risk of exploitation given migrants' greater reliance on employers in order to secure permanent residence status.

1.3 Insights from the Case Studies

The case studies undertaken for this project illustrate a number of trade-offs policy makers should consider when designing programmes for immigration into lower-skilled work. Firstly, while temporary, restrictive programmes are common in this area, not all entry routes for migration into lower-skilled work in industrialised countries are temporary or restrictive. Short-term restrictive programmes work best in those contexts where demand for such labour is also temporary and short-term, as is the case of seasonal work. Where labour needs are longer-term the mismatch with short-term programmes can make these difficult to enforce as both migrants and employers have incentives for noncompliance. It is difficult to see how programmes allowing for longer stays can be made attractive to migrants without access to family and social rights at some stage.

Secondly, where the package of rights is more generous, the case studies highlight that deskilling and underemployment are common side-effects. In order to access permanent status and a wider range of rights, more highly-skilled migrants may often decide to work well below the level of their skills and qualifications.

Thirdly, policy makers may try to channel labour migration into specific sectors or occupations using tied visas and permits. However, the case studies tally with widely-accepted evidence that tying workers to particular sectors or employers increases the risk of exploitation. This then gives rise to the need for safeguarding efforts to counter exploitative practices. Over the longer-term, temporary restriction to particular occupations can also encounter retention problems as migrants may move on to better paid, or otherwise more desirable, jobs once those restrictions are lifted.

Fourthly, while restriction to particular regions is subject to retention problems, the careful selection of migrants can mitigate such effects. The Manitoba case study suggests that human capital schemes can select migrants with ties to particular regions in ways that successfully retain them.

Finally, how programmes work is strongly influenced by contextual factors such as overall labour market regulation and social norms and values. Broader economic and social drivers inform how actors respond, and influence how programmes operate.

The case studies show labour migration schemes balancing different policy goals, be these labour market, social, economic, developmental, demographic or related to foreign policy aims.

This is made all the more challenging in that the measures and mechanisms required to pursue some aims may undercut others. Policymakers will find they need to determine a set of priorities and balance conflicting goals.

The question is not so much whether more or less migration is the right choice, but what goals are appropriate for labour migration policy, and how they can be achieved while minimising risks and maximising returns (OECD 2014:145).

In the case of the UK's post-Brexit immigration system, this need to balance trade-offs and compromise is made more difficult by diverging priorities in different parts of the UK.

Thus far, the analysis has focused on the domestic (and in some cases foreign policy) considerations driving the selection of labour immigration programmes. We have looked at the range of goals industrialised countries have tried to meet through such schemes – whether economic/labour market related, demographic, socio-cultural, or linked to enforcement. And indeed, most assessments of migration programmes focus on how far programmes meet such policy objectives, often focused on labour market goals. However, less attention has been devoted to how the features of different programmes affect the decisions of migrants themselves.

A focus on migrant decision-making is especially important in the context of Brexit. EEA nationals have thus far enjoyed extensive rights and a flexible framework accommodating mobility between sectors and regions, and enabling permanent settlement. How would the introduction of more restrictive programmes affect the decision-making of these migrants and other EEA nationals; and, importantly, how far would such programmes be capable of attracting migrants to address the labour market and demographic goals of the UK and Scotland?

PART TWO: IMMIGRANT DECISION-MAKING

In this second part of our paper we explore how different programmes might impact on the decision-making processes of EEA nationals. Drawing on extensive qualitative data on EEA nationals living and working in both urban and rural areas of Scotland, collected in 2014-15, and supplementing this through a smaller number of focus groups undertaken in 2018, we review the ways in which existing provisions for visa-free movement, employment, welfare and family rights, as well as the open-endedness of pathways to settlement, have affected migration to lower-skilled jobs. We also anticipate how potential changes in these provisions, and the balance between them, may affect future mobility. Following a section discussing experiences of free movement and the potential impacts of a more restrictive visa-based scheme more broadly, our analysis is structured to explore the dimensions of rights identified in Part One: employer mobility, regional mobility, welfare rights, family rights, length of stay and pathways to settlement.

The Data Sets

The qualitative analysis presented here draws on two distinct but interconnected data sets. Firstly we have undertaken a targeted analysis of a large qualitative data set gathered as part of a five year ESRC-funded study 'Experiences of Social Security and Prospects for Long-Term Settlement in Scotland amongst Migrants from Central Eastern Europe and the Former Soviet Union' (SSAMIS) 8. This project sought to foreground migrant experiences of living and working in both rural and urban contexts and to explore decision-making regarding both migration to and longer-term settlement in these areas. Fieldwork undertaken between June 2014 and December 2015 involved the collection of 207 in-depth interviews with migrants from Central and Eastern Europe in four locations: the cities of Glasgow and Aberdeen and the rural regions of Aberdeenshire and Angus in North-East Scotland. Our participants had been resident in Scotland for more than one and less than ten years at the time of interview. The overwhelming majority of participants were employed in lower-skilled jobs, with the largest subset employed in agriculture and food processing, and other significant subsets in cleaning, hospitality and catering, and health and social care. For further details of participants, see table 1, Annex 4.

In order to supplement this existing data with more recent insights and with a specific focus on potential changes to the migration system following Brexit, a set of six focus groups and three interviews were conducted involving a total of 31 migrants in January and February 2018⁹. We sought to both mirror and complement the geographic and sectoral profile of the SSAMIS data set. We returned to Aberdeenshire and Angus where three focus groups were organised through employers in agriculture and food processing, as well as through community initiatives we had worked with in the past. We also organised three further focus groups through new contacts in Ayrshire and the Highlands, targeting in particular employees in hospitality and catering. Additionally we conducted individual interviews with three people working in care and education. For further details of participants, see table 2, Annex 4.

Each focus group lasted between 45 and 90 minutes and covered three main areas: firstly, gathering general background information regarding individuals' migrant pathways and in particular why they chose to move to Scotland; secondly, using a task where people were asked to arrange different aspects of a package of rights and pathways to settlement in order of importance; and thirdly, using these activities to prompt further discussion about the potential impacts of a new system for managing migration to lower-skilled work in future. Individual interviews covered the same themes and activities but on a one-to-one basis.

⁸ This project is a collaboration between the Universities of Glasgow and Swansea and was supported by the UK Economic and Social Research Council (November 2013 – November 2018, ESRC ref: ES/J007374/1). The underlying data are available from the UK data archive DOI: <http://dx.doi.org/10.5255/UKDA-SN-852584>. For further information on the project, see www.glasgow.ac.uk/research/az/gramnet/research/ssamis

⁹ This additional fieldwork was funded by an Economic and Social Research Council Impact Acceleration Award (ESRC REF: ES/M500471/1)

Findings

2.1. Experiences of migration and settlement in an era of free movement

SSAMIS findings

Our findings from the SSAMIS project show clearly that for many migrants the relative ease and speed with which decisions to relocate can be made in the context of free movement have helped to make the UK/Scotland an attractive destination. Stories of relatively unplanned and spontaneous decisions to move, often prompted by a friend or relative who was already living in the UK/Scotland, or who had previous experience of migration, or who simply suggested a joint venture were common. Bozena for example, had moved to rural Angus in 2008 following a brief visit to a family friend already living there:

I came to have a look around, I'd reached the conclusion that I'll manage here, and that's how I arrived. After half a year I reached the conclusion that I'd like to stay here so I went back to Poland, dealt with all the formalities that needed to be dealt with, and I stayed here. (Bozena, 56, Poland, Angus)

In Vasylyna's case, a relative of a work colleague had previously moved to rural Aberdeenshire and had been asked by her employer to assist in recruiting more staff to the food processing factory where she worked. Vasylyna explained how a brief conversation with her colleague transformed quickly into a decision to move:

I asked her where, and she said Scotland, and I said, oh, how interesting! What is the pay? ... It was very interesting – when we agreed to take the job, I only had one question for the manager: I have two children back in Estonia, for the first year I need to go back every three months to visit them. He said, yeah, no problem. So that decided it for me: a week of leave [in Estonia] every three months, and that was it. (Vasylyna, 38, Estonia, Aberdeenshire)

Vasylyna's temporary job subsequently turned into permanent employment, and at the time of interview in 2015 she had been working for the same employer and settled in a nearby village for over 6 years.

For many SSAMIS participants, free movement had enabled them to live and work in one or several other EEA countries prior to their arrival in the UK/Scotland. In such cases, participants often attributed their initial decision to migrate to the same factors which had eventually drawn them to Scotland, namely the availability of jobs, the possibility of family reunion, pre-existing networks of family and friends. In many cases, participants still had family or friends living and working across the EEA. Such patterns of migration suggest that the UK/Scotland have attracted migrants to work in lower-skilled jobs by dint of belonging to a wider area of free movement. Departure from this area may mean that such migrant trajectories stay within the remaining EEA territory and that other countries within that space become attractive alternatives to the UK/Scotland.

Focus-group findings

In focus group discussions participants also described the trajectories which had brought them to Scotland, and similar patterns of spontaneous decision-making as well as multiple migrations through a number of EEA countries were found. Focus group participants were asked specifically to reflect on how the introduction of a visa regime governing migration to the UK would have impacted on their decision making.

Here, as well as the potential for other EEA countries to appear as more attractive destinations, participants stated very clearly that in the absence of free movement, the UK would have to compete more strongly with other English-speaking countries such as the USA, Canada and Australia, particularly with regards to migration to lower-skilled jobs.

That's why we came here [freedom of movement], because it was so easy, you know? ... And in other countries there's a lot of restrictions - interviews and papers and visas and everything. (Justina, 36, Lithuania, Ayrshire)

During the focus group in Ayrshire, participants spoke about a recent Canadian jobs-fair organised locally for hospitality and catering workers, which they interpreted as a direct move to entice away workers in lower-skilled jobs in the context of Brexit negotiations. Several focus group participants spoke of how other English-speaking countries are becoming a more tempting prospect for some migrant groups, due to stronger economies and better climate.

If I can be honest, in my opinion, it will be a problem after Brexit to move to the UK - I'd prefer to move to a country like the USA or Australia. It's also a problem if I go there, but if I go there, it's better cash. (Jan, 33, Czech Republic, Ayrshire)

Even if you work for minimum wage in Canada, it would be a better standard of living than here I think. (Jakub, 35, Poland, Ayrshire)

In short, both data sets show very clearly that a more complicated post-Brexit immigration regime will deprive the UK/Scotland of some of its main advantages over other possible migrant destination countries, both within the EEA and beyond, at least amongst some groups of potential EEA migrants. As part of the EU, some EEA migrants have perceived the UK favourably compared to other EU countries as an English-speaking destination. However, reflecting on the situation once the UK leaves the EU, those with better English language skills and for whom an English-speaking destination is preferable, may compare the UK as a destination with other English-speaking countries such as the USA or Canada which are seen as more attractive. Whilst controlling spontaneous and unplanned patterns of settlement may be a deliberate goal of migration policy at a UK level, this will have significant implications for Scotland and/or for specific regions which may wish to encourage longer-term patterns of migration and settlement in order to meet demographic, social or labour market needs.

2.2 Employer mobility

SSAMIS findings

The findings from our SSAMIS research show clearly that during the period of free movement employment remained the primary motivation for migration to Scotland amongst EEA nationals from Central and Eastern Europe. With relatively few restrictions concerning the type of work that EEA nationals could undertake, nor any need to be sponsored by a particular employer, many of our participants were very mobile employees, moving frequently between jobs and employers, particularly in lower-skilled and low-paid jobs¹⁰.

¹⁰ Migrants from Central and Eastern European states which joined the EU in 2004 and 2008 were subject to certain restrictions which may have impacted their mobility, including a Worker Registration Scheme (2004-2011), which required an initial 12-month period of continuous employment (with no more than a 28 day period between jobs) in order to qualify for certain benefit entitlements.

This mobility was both a result of and a response to precarious and sometimes exploitative employment conditions. The majority of participants were employed in jobs below their levels of qualification and experience, and often accepted any available job, at least in the first period after arrival. For some, moving employer was a successful strategy, allowing them in the longer term to find better jobs more suited to their capabilities, or at least where employment conditions and rates of pay were better. However, others found that they became stuck in a series of low-skilled and low-paid jobs, even over a period of several years.

The first few months after arrival to the UK were often the most challenging. Indeed, the lack of a formal sponsorship role for employers, or a more formal set of support structures tasked with ensuring that the necessary formalities were successfully completed, could leave migrants vulnerable and unsupported. Participants spoke about difficulties they had experienced with getting a national insurance number, setting up a bank account or understanding the implications of zero-hours contracts or agency working conditions. Ezster had worked in a number of retail outlets and cleaning jobs before finding work as a kitchen porter and felt very vulnerable to exploitation by employers:

They are constantly taking advantage of you. For example in our place they are constantly making sure that you don't know your rights. And they take advantage of it. ... The contracts here have many forms, and people take advantage of this ... they give you whatever type they want, especially in the beginning when you have no idea, and then take advantage of it. And if you say anything, or complain, then in every work place the usual story is that they start cutting your hours. (Ezster, 35, Hungary, Aberdeen)

Many SSAMIS participants had travelled to Scotland without the offer of a job and with limited savings. Those who had secured employment in advance of their arrival generally did so through an employment agency. A combination of low English language ability, financial precarity and a general lack of awareness regarding working rights and entitlements left many participants vulnerable to exploitation by their employers or employment agency. As well as non-payment of wages, SSAMIS participants reported underpayment or late payment of wages, a lack of holiday entitlement, having to work long and unsociable hours, and dangerous working conditions – in some cases resulting in strained relationships with employers. This was particularly common in industries which utilised agencies to recruit staff.

I had blood running from cuts in my hands, you had to fillet the fish so fast. [...] A woman came up to me to help a bit, she said "do it like this". She started to explain how to do it another way, but then another woman, a Scottish woman, started to shout at us – "no chatting, you're at work!" That highlights what kind of rights you had. (Anastasia, 38, Lithuania, Aberdeenshire)

While employment was the main factor drawing migrants from Central and Eastern Europe to Scotland in the first instance, simply having a job was not the only factor leading migrants to settle on a longer-term basis. For participants who continued to work in the lower-skilled, low-paid sectors where they had first found work, even several years after arriving in Scotland, much depended on employer relationships and job satisfaction. Where employers helped newly-arrived migrants secure good quality accommodation, gain worker registration or with other formalities, those migrants tended to feel more secure and happy in their work. As they became more established, migrants might be less in need of direct assistance, but still greatly appreciated employers who were able to be flexible: for example, in relation to their need for extended leave for trips home, in providing support for language learning, or simply in offering stable employment where they felt that their rights were respected and their contributions recognised.

In such cases we encountered a significant number of people who had come back to the same farm repeatedly over several years as seasonal workers, before gaining year-round contracts and settling more permanently in rural areas of Scotland.

It's a small farm, everyone knows everybody [else]. We're close with our boss. It's a very friendly environment here ... so that's the reason I come back to this farm. (Paskal, 26, Bulgaria, Aberdeenshire)

Nonetheless, participants were conscious of the insecurity of low-skilled, low-paid work, and expressed a preference for improved pay, more responsibilities and some degree of career development. For those deciding to stay longer-term, a more personally satisfying, financially stable and better integrated lifestyle was only possible if they were able to change jobs. For many this remained an elusive goal, however, some were able to move into jobs with more social/flexible working hours e.g. in order to facilitate language learning, and further study or to accommodate child care, to develop their careers through secondments or in-house training and eventually to take up more highly skilled and in some cases professional employment. Thus, a number of SSAMIS participants who had settled on a longer-term basis reported employer mobility as a key factor in their willingness and ability to make a life in Scotland.

Focus group findings

Focus group participants were asked directly about issues relating to employer mobility. In particular, they were asked whether being tied to one employer would have affected their decision to move to Scotland. They also discussed how important the freedom to move between jobs was to them currently and how this might impact on decisions regarding longer-term settlement.

Generally, focus group participants viewed being tied to an employer as a negative thing that would have put them off coming to Scotland to work.

I wouldn't like to be tied to one employer, because I know different, you know? Scenarios like you're not able to communicate with your boss, and I can't imagine staying in a place where anything could happen – bullying, different problems. (Emilija, 52, Latvia, Angus).

Jakub, who took part in the Ayrshire focus group, stated that his decision to move to Scotland had depended specifically on employer-mobility, and that any restriction on this would have made him consider a different destination, where “you can move between jobs”.

However, a few agriculture and hospitality workers said that being tied to one employer would not necessarily have put them off. They felt people would still want to try Scotland/the UK, in order to “have a go to see what it's like”. People expressing such views, often went on to discuss whether such a system might in fact offer more stability to new migrants. If employers were more strictly regulated due to their role as sponsors for a migrant visa scheme, this could contribute towards greater stability for new migrants, who can be particularly vulnerable to exploitation, as borne out in some of the SSAMIS data presented above. On the other hand, and again, reflecting our SSAMIS findings, some focus group participants felt that it was precisely the freedom to move between jobs which empowered migrants to escape potential exploitation, firstly, because they could move to a different job if they were unhappy with their employment conditions, but also because employers' awareness of this would mean they had to treat workers with greater respect.

Employer mobility became even more of a priority when discussing the prospect of longer-term settlement. Whilst those who had good experiences with a particular employer had sometimes stayed in the same job for a long period, most were clear that the ability to move between jobs was important for many reasons. Being able to change jobs was seen as important in terms of personal development and career prospects, and, as such, as an important facilitator of greater integration.

Case Study – Amelia, 32, Poland, Glasgow

Amelia, had arrived in Scotland without a job offer and worked at first in a low-skilled position in the hospitality sector. After 9 years and once her English language skills had improved she moved to work in the care sector. This change afforded her greater flexibility, allowing her to study on a part-time basis as well as accommodating her childcare responsibilities. She summed up the importance of employer mobility as follows:

“Employee mobility is important ... because at the moment you can change jobs as many times as you want, so if you have to stay with one employer it must really affect your status and relationship [with your employer] ... Or maybe you don’t have more opportunities for promotion or to develop a new skill, you’re just staying in one place and doing the same thing all the time”.

Considered together, both SSAMIS and focus group data show that migrants highly value their ability to change employer, and an immigration regime which restricted employer mobility, especially over the longer term, could therefore be problematic. While not all newly arrived migrants experience difficulties with their employer, those who do, seek to move jobs early on in their stay. The removal of this option could be off putting to prospective migrants. More significantly, employer mobility plays an important role in migrant settlement decision-making and allows those who stay longer-term to find jobs which better match their skills and experience. As noted in Part One above, more generous migration schemes, including free movement, have tended to encourage de-skilling as migrants trade off a willingness to work below their qualifications and experience in return for more extensive social and family rights, and/or pathways to settlement. The right to move between employers, and indeed sectors can help to mitigate this, facilitating more successful outcomes with regards to longer-term settlement.

2.3 Regional mobility

SSAMIS findings

SSAMIS research found that regional mobility was valued by migrants, and the ability to move freely played an important role in the most common patterns of migration from CEE observed during the course of the study. As few migrants we spoke to had planned how long their stay in the UK was going to be, unrestricted movement to, and within, Scotland/the UK, allowed many participants to ‘try out’ life in a number of locations or regions without being required to make concrete plans about the future. There was a subset of participants for whom regional mobility within the UK had specifically facilitated relocation to, and then long-term settlement in, Scotland. These participants spoke favourably about life in Scotland in comparison to elsewhere in the UK, perceiving a more reasonable standard of living on low wages and more positive social attitudes towards migration and migrants.

Others commented on the beauty of the landscape, the opportunities for outdoor leisure activities such as hiking and camping and a sense of general friendliness and welcome. These ‘softer aspects’ whilst perhaps secondary in initial migration decisions, became more important where longer-term decision-making was involved.

For many SSAMIS participants who had moved within the UK after arrival, this move was motivated by the pursuit of improved economic security – such as more stable and better paid jobs, or jobs with better conditions, as well as more affordable housing. Thus, the flexibility afforded by a combination of regional mobility and employer mobility offered migrants the opportunity to search out more stable work, to develop their career, or to work in a field more suited to their skills, experience and/or qualifications. Whilst regional mobility could bring people to rural places, this search for improved economic security and employment opportunities could also draw migrants away from such locations where the effects of deskilling and a lack of occupational mobility were often most keenly felt.

Focus group findings

The focus groups discussed the potential impacts on their decision-making of restrictions on their rights to move freely within the UK. In general, focus group participants felt that such mobility was important. However, the level of priority they ascribed to it differed in relation to participants’ age and life stage. There was a feeling within each of the focus groups that young people want more freedom to travel, and may move for mobility’s sake, while older migrants, and those with families, felt mobility within the UK was less important, at least once they had found a place where they were happy to settle.

Overall, the lack of restrictions on mobility was seen as important in terms of motivating people to come to the UK, and one which had also enabled several who had initially come to other parts of the UK to move on to Scotland.

I arrived two years [ago] and my first target was the UK, anywhere. But around London and the English part wasn’t so nice ... And the people, the Scottish people are friendlier, I think. So when I was in Glasgow I got plenty of experience there. Here too... (Andras, 44, Hungary, Highlands)

Across both SSAMIS and focus group data it is clear that EEA migrants have taken advantage of regional mobility within the UK available to them under conditions of free movement. This has certainly brought EEA nationals to Scotland and to rural areas within Scotland as part of migration journeys which began in other parts of the UK, or in more urban destinations. However, regional mobility can also draw people away from areas with less attractive employment opportunities, smaller existing migrant communities or fewer leisure and cultural facilities. Life stage and lifestyle preferences also play a role in decision-making and the extent to which movement between locations versus longer-term settlement in a particular region is seen as desirable.

2.4 Access to welfare

SSAMIS findings

In keeping with other studies we found no evidence that welfare rights were a driver behind initial decisions to move to the UK/Scotland amongst SSAMIS participants.

Nonetheless, at the time of our fieldwork, EEA-migrants' access to welfare rights was being highlighted in political, media and public rhetoric as one of the most contentious aspects of free movement and SSAMIS participants were clearly aware of and affected by this. Indeed, a significant proportion of SSAMIS participants positioned themselves very explicitly in contrast to any rhetoric of dependency upon or abuse of the UK's welfare system.

I did not come here to live on benefits. I have never looked into it... If I can afford, I will rent a flat and I will pay for it, I don't want somebody to pay that for me. (Viktoras, 27, Lithuania, Glasgow)

Nonetheless, in the UK's low-wage economy it can be very difficult to get by in lower-skilled employment sectors without some supplement to wages. This is particularly the case for those with families and those staying longer term. SSAMIS research showed that access to social rights and welfare were important supplements to migrant household incomes and played a key role in facilitating longer-term settlement. SSAMIS participants and their families drew, or had drawn, on a wide range of social rights and benefits during their time in the UK, including social housing, child benefit, child-tax credits, NHS services, disability living allowance, job seekers allowance and others. In-work benefits were particularly useful as supplements to the low wages available in low- and mid-skilled employment sectors and especially so where migrant families were supporting children or other dependents.

We wanted to go back to Poland... but everything changed after our children were born. Social assistance is much better here... it gives you a sense of security ... I mean the NHS. Even though I tend to complain ... I still think it's better here. (Julita, 33, Poland, Angus)

Access to social housing was also of particular importance for low-income families. Whilst there were concerns about wider issues of social deprivation and inequalities in some of the neighbourhoods where migrants were offered housing, many of those who received social housing stayed long term.

Actually we got it [council house] one year after [applying]. So this was fantastic ... and then we could move in like this. And that's an incredible help. (Judith, 40, Hungary, Aberdeen)

We found some evidence of migrants moving to smaller towns and more rural areas, for example in Aberdeenshire, precisely because of the availability of social housing outside of the larger cities.

The ability to access social housing, or to claim job seekers allowance for shorter periods of time were also important for those migrants who worked seasonally, and who periodically found themselves with gaps in their income. For a very small subset of participants who found themselves in crisis situations, often as a result of exploitation by landlords or employers, or as victims of domestic violence, access to public funds and crisis support had provided an important safety net allowing them to stabilise their situation and regain a higher level of self-sufficiency more quickly. Expert participants from local authorities and service providers reported much greater difficulty in managing such cases well where individuals from outside of the EEA and with no recourse to public funds were involved¹¹.

¹¹ For a more detailed analysis of migrant experiences of claiming welfare in Scotland, see Taggart (2017)

Focus group findings

The focus group participants discussed their attitudes towards welfare, including their knowledge of the social security system in Scotland, whether welfare had influenced their decision to move to Scotland and to what extent welfare factored into their decision-making with regards to settlement.

Reflecting our SSAMIS research findings, focus group participants did not link welfare rights to their initial decision to move to Scotland. Participants spoke about media reports of migrants abusing welfare rights and the UK state's 'generosity', and described how vulnerable such portrayals made them feel. In contrast, they asserted that it was the opportunity to work, not to rely on benefits which drew migrants to the UK, and described 'living on benefits' as something which many locals did.

Nevertheless, the social rights available to them as EEA nationals had been useful in some cases, for example in order to overcome an initial period of insecurity or uncertainty on arrival to Scotland.

I wasn't in a situation where I could have supported myself. It took me six months to find a job, I had a little bit of savings, but [claiming welfare] certainly helped. (Ursula, 54, Germany, Aberdeenshire)

For Ursula, who had arrived in 2004, this initial period of insecurity, once overcome had led to a much longer period of settled life and contribution to the Scottish economy.

Where questions of longer-term settlement arose, participants were more assertive in their claims to welfare rights:

I believe when people are living here for a long time and paying their taxes, they have a right to welfare, because basically we don't know what is happening. Because you can work for ten years and then lose your job, and if you don't have the right to welfare it would be a disaster for you. (Amelia, 32, Poland, Glasgow)

Taken together data from SSAMIS and the focus groups suggest that access to social assistance is not something that people had taken strong account of in planning their moves and was not a key motivation for migration per se. However, there was a strong sense of entitlement over time, and also good evidence that for those who settled longer-term, especially with families, access to social rights was crucial, particularly if they continued to be employed in low-skilled jobs. In any future UK immigration system it is likely that all immigrants will be subject to the 'no recourse to public funds' rule. The impact of this on the sustainability of migration into low-paid work in the UK, especially among those with children, will need to be considered.

2.5 Access to family rights

SSAMIS findings

Family reunion was a key theme which recurred throughout the SSAMIS study. For many participants, the presence of family members already in Scotland had been a significant factor in the decision to migrate, influencing not only migrant destination, but also length of stay, and in some cases helping to secure employment and accommodation. Many SSAMIS participants reported staged processes of family migration, whereby one family member had initially moved to work in Scotland, often planning only a temporary stay. However, where these 'pioneer' migrants came to feel more established, often thanks to a more secure financial position, they had decided to bring their families to Scotland rather than return home.

These patterns of staged family migration ranged from the male 'pioneer' model - whereby the father moves first with the family following later - to instances of female 'pioneers', or adult children moving first, who were then followed by parents, siblings and others (Kay and Trevena 2017).

I moved only when Mum felt secure here – only then. That's when Mum invited me, because she never planned to live here. She never planned it, she just thought she'd live, earn some money for her debts in Latvia, then maybe go back. By then she [came to] Scotland, decided she liked it and to live here forever. She's definitely not gonna change her mind. (Karlis, 19, Latvia, Aberdeenshire)

SSAMIS research also found that many younger migrants and migrant couples, once established, decided to start a family in Scotland rather than returning to their country of origin to do so. Once children were born, or settled, in Scotland, and particularly in the education system, the likelihood of returning to their country of origin greatly diminished, as parents worried about the potential impacts of uprooting their children (again) and feared that they would not be able to 'fit (back) in' to a different linguistic and educational environment.

I don't want to go back to Latvia. [My daughter's] happy here, she's at school. I can feel she is happy, so therefore I am happy. (Lilija, 48, Latvia, Aberdeenshire)

While the majority of SSAMIS participants were young, the study also observed a wave of 'older' migrants (45+) from Central and Eastern Europe who either followed, or were followed by their adult children in a more permanent move to Scotland. Overwhelmingly, these older migrants had moved to take up opportunities of paid employment in Scotland having experienced age as a barrier to continued employment in their home countries.

Such processes of family building/reunion were not open to all SSAMIS participants due to the differences in rights offered to non-EEA participants. There were some non-EEA participants in the SSAMIS dataset, from countries such as Russia, Ukraine or Moldova, whose experiences provide an instructive comparison on the importance of family rights. We found a lack of family rights severely complicated their journeys towards longer-term settlement, in some cases causing considerable distress. Similarly for those without EU citizenship and with close family members still in their countries of origin, the difficulties associated with visits to their country of origin to see relatives, attend funerals, weddings etc. made longer-term settlement problematic and drew envious comparisons with the experiences of EEA migrants who could make regular trips and/or receive visitors, for example over the summer, or during breaks between seasonal working.

Focus group findings

As with a number of other dimensions of low-skilled migration, age and life stage determined the salience of family rights amongst focus group participants. The groups discussed whether or not being able to bring family members with them to Scotland mattered to them, and the extent to which restrictions on family reunion would affect decision-making – both in terms of migration and settlement.

In general, younger and unattached participants tended not to prioritise family rights, whereas migrants with families in Scotland felt it to be an extremely important issue. The discussions of family rights often touched on the issue of settlement, with most participants recognising how their length of stay *could* be determined by whether they could bring over close family members to join them in Scotland in future. Lukas, for example, had moved to Aberdeenshire in his late teens and had already been followed by his father.

He explained that they were planning for other members of their family to join them, and if this were to become impossible “maybe I would go back to Lithuania” (Lukas, 18, Lithuania, Aberdeenshire).

In keeping with data from SSAMIS, several participants expressed anxiety about elderly parents in their countries of origin, and had hoped to be able to bring them to Scotland should they need the support:

(M)y mum’s getting on a bit and my thought was that if she needed the support, she could come here. And it’s totally unclear if that will still be possible. (Ursula, 54, Germany, Aberdeenshire)

For migrants who had settled on a longer-term basis, family rights emerged as key to their decision to stay and make a life for themselves in Scotland. One participant stressed the role her family had played as a source of emotional support, and that without them she would have felt isolated here. Others spoke of the emotional difficulties of being cut off from family members.

In both SSAMIS and focus group data, family rights emerged as a significant issue. For many younger or more recently arrived migrants the ability of family members to join them in Scotland was not an immediate concern – however it was considered important when considering a prospective longer-term stay. For older migrants, and those with dependents in Scotland or in their home countries, family rights was a priority from the outset. The relative ease with which EEA migrants have been able to bring family members to join them in Scotland/the UK has been a key factor in long-term settlement decision-making. Moreover, once families have formed or reunited in a particular location further migration, including between regions within the UK, becomes less likely.

2.6 Length of stay

SSAMIS findings

The flexibility afforded by free movement within the EU meant that the majority of SSAMIS participants had not migrated to Scotland with a specific length of stay in mind. The majority had initially viewed their time in Scotland as a temporary stay - to work, to save some money, and to return home – and only a few had moved with an intention to permanently settle. Nevertheless, many had, for a variety of reasons, decided to stay another year or two, or to settle on a longer-term basis. Ivo, who had been living in Aberdeenshire for six years at the time of interview explained:

So for me, I thought I’d come here for a season, finish and go home. But after the season finished, something [else came up] - okay, one more month, one more month, two more... (Ivo, 32, Latvia, Aberdeenshire)

Often a short-term stay developed into something longer-term as a result of a perceived sense of security offered by life in Scotland. Many participants felt that Scotland offered a higher standard of living compared to their country of origin, thanks to a combination of the availability of work, a national minimum wage, access to social rights, favourable exchange rates, and a relatively low cost of living when compared to other possible migration destinations. As a result plans to return to their country of origin were put on hold, sometimes permanently.

As mentioned above, there was a small group of SSAMIS participants who had come to Scotland from countries outside of the EU for whom length of stay should have been determined by their visa status. Of these, most had stayed longer than their original intention and often by a combination of irregular and subsequently regularised means.

Case study: Kyrylo, 34, Ukraine, Aberdeenshire

In 2002, Kyrylo came to Scotland from Ukraine on a 6-month student visa to harvest strawberries. When he arrived at the farm where he was assigned to work, he was astonished by the 'awful' conditions he found. The workers were forced to live in cramped conditions, sleeping in unheated caravans which got so cold that workers slept in their clothes. With no money left, Kyrylo unsuccessfully tried to transfer to another farm, after which he was put in contact with a friend of a friend who secured him work in a fish factory. His visa had expired by then, but he continued to work... "in those days we were working illegally... there was no way to find a normal job". It was only when Kyrylo married a fellow migrant, who became an EU citizen in 2004, that he could obtain the right to reside in the UK, bring his son to live in Scotland, and begin a successful business.

Focus group findings

Focus group participants discussed how long they had been in Scotland, how long they intended to stay, and if this had changed since they arrived. Length of stay emerged as a more important concern for older migrants and those with children, while for younger participants it was not something that they considered a high priority.

There was a general feeling that if young people want to come and work, a restriction on length of stay would not necessarily be off-putting. This was consistent with SSAMIS research, which found that many migrants did not move to the UK with a longer stay in mind. However, while the focus groups recognised the trend for younger migrants to arrive without longer-term plans, they also acknowledged how restrictions would remove possible routes to longer-term settlement. For example, one newly arrived EEA participant considered length of stay to be the top priority when it came to decision making,

I can decide myself if I want to stay for a few months, or, if I settle down, I know I can create my life here. (Irka, 31, Latvia, Highlands)

Length of stay was highlighted by those with children as a particularly significant issue. They felt that being limited to a shorter period could complicate their plans for longer-term settlement, and potentially disrupt their children's lives, especially if visa/residency processes involved returning to their country of origin periodically to reapply for the right to work. A number of participants with children ruled out working in the UK if this meant spending long periods away from their family,

Because it's a far-away country for us, I wouldn't come just for a season – to have my children in one country and myself in another. Because of my family, I couldn't live happily... if I had to leave my children for a few months. I don't think [I would do that]. I would look for another country that I could live in permanently. (Greta, 48, Lithuania, Aberdeenshire)

In one group the potential for a complex and restrictive visa regime to lead to an increase in illegal working was explicitly raised, echoing the experiences of Kyrylo discussed above.

People don't care about (legal status) though - like in the USA, they just go there and work illegally instead. So if the policy was coming to work for 3 months, people just wouldn't bother leaving and stay illegally. (Attila, 35, Hungary, Ayrshire)

For the majority of participants in both SSAMIS and focus groups, length of stay was not something which had been calculated in advance of coming to Scotland. Thanks to the flexibility of freedom of movement, migrants have not been faced with the prospect of a time restriction on their length of stay in the UK, and so many had moved without any fixed length of stay in mind.

Migrant decision-making regarding settlement is an ongoing process rather than a binary decision (Piore 1979; Piętko-Nykaza and McGhee 2016) – people do not always actively decide to stay, they may simply delay returning to their country of origin most commonly due to an increased sense of security and improved prospects for the future. Thus, limited migration periods would not deter most people from initially coming to work in Scotland/UK. However, there is some evidence to suggest that in the absence of either strict, and potentially costly, enforcement or reasonably straightforward pathways to extended stays, migrants who wish to remain longer-term may resort to irregular activity and overstaying.

On the other hand, as discussed in Part One, longer stays may be a desired goal of migration policy due to demographic, social or labour market needs. In such cases, our evidence shows that many migrants to lower-skilled jobs, who might initially take up an opportunity for work with a limited length of stay, would subsequently be keen to extend their stays. Straightforward pathways to longer-term residency, especially if these bring with them more generous welfare and family rights, would likely be popular with migrants and could bring policy goals and migrant decision-making processes into alignment under these circumstances.

2.7 Pathways to settlement

SSAMIS findings

Longer-term stays generally bring with them questions about residency rights and pathways to citizenship. In the context of freedom of movement however, these were often trumped by the extensive rights afforded to all EEA nationals. Formalised residency rights and citizenship therefore did not emerge as key concerns for the majority of participants in the SSAMIS research.

For some of those who had started a family since arriving in the UK or were definitely planning for longer-term settlement, citizenship status was a consideration, but the cost and bureaucracy involved was often seen as outweighing the potential benefits.

I've thought about it but, my partner, he's the one persuading me to do this but he did it and said it cost about 2 thousand? A couple thousand pounds so I don't have money for this. (Zuzanna, 29, Poland, Glasgow)

This lack of concern amongst SSAMIS participants is further explained by the fact that the research took place before the referendum on the UK's membership of the EU had been called and thus before questions regarding the legal status and residency rights of EEA nationals became such a salient issue.

Focus group findings

Focus group participants, on the other hand, were much more concerned by such questions. They were asked whether they had considered pursuing UK citizenship as a result of the Brexit vote, and whether a visa requirement might have affected their decision-making regarding migration to, or settlement in, Scotland. This part of the focus group discussions showed very clearly the participants strength of feeling and levels of anxiety surrounding ongoing Brexit negotiations. The most clearly articulated finding was that any future system should be transparent, straightforward and consistent.

Across all focus groups, there was a strong sense of uncertainty over legal status. Many participants reported feeling anxious about how the Brexit negotiations were progressing and what a future UK and EU deal might entail. They resented the uncertainty about their rights that had resulted from the Brexit vote, and felt that the contribution they had made to the UK economy and society over many years had been disregarded. Some participants stated very forcefully that without clarity on their legal status they could not make any kind of informed decisions about the future. Some participants wondered about how to get residency, and how this would be regulated in future. Again, above all they wished for a clear and straightforward system, but were not very hopeful that this would transpire.

Where gaining British citizenship was a concern this was almost always amongst participants with children and linked to issues relating to longer-term family settlement and fears about the potential consequences of a future uncertain status.

If my son goes to university... he might not be able to stay here, I might not be able to stay here. I don't see myself moving back to Lithuania. So [British citizenship] is very important, for me and for my children. (Greta, 48, Lithuania, Aberdeenshire)

Some focus group participants had already begun the process of applying for a British passport due to Brexit, having previously established permanent residency.

Most people are waiting and scared, but there is no update so we're not really sure what's happening: if it will be settled status or something else. So I decided I would apply for my British passport soon. I got my permanent residency last year, so I have to save a little bit more money and I will apply. ... I think there's more pressure on me now, because even having permanent residency, there is no guarantee that at work they won't ask me for my British passport. (Amelia, 32, Poland, Glasgow)

Looked at in parallel the data from SSAMIS and the focus groups show that pathways to permanent residency and indeed citizenship do become important in the absence of free movement and particularly where families are looking towards a longer-term settled future. The prospect of ongoing uncertain status is a source of considerable anxiety and people feel a strong need for a clear and straightforward system.

PART THREE: CONCLUSIONS

Britain's anticipated departure from the EU will have a significant effect on immigration to lower-skilled jobs, raising important questions about what sort of programmes should be developed to regulate such migration after Brexit. This paper has examined a range of possible schemes for regulating migration to lower-skilled jobs. In the first part of the paper we set out three types of programme: sectoral, employer-led and human capital schemes. Within each of these three types, schemes can be more or less restrictive in terms of employer mobility, regional mobility, access to welfare, family rights, length of stay and pathways to more permanent settlement.

At present it appears that plans for migration into lower-skilled work post-Brexit are confined to short-term programmes with limited rights, probably tied to specific sectors and employers. This may be suitable for those areas where demand for labour is genuinely short-term and seasonal. But such programmes will be less effective where needs are longer-term, and where employers have an interest in retaining particular workers. They will also be less appropriate where governments or regions want to encourage longer-term settlement and integration for social or demographic reasons. Moreover, they may raise particular challenges with enforcement. Indeed, the in-depth case studies provided examples of programmes that have tackled rising irregular migration by expanding legal routes. Our research with migrants also confirms the risk that, without adequate programmes in place, practices such as overstaying may become more widespread.

Crucially, policy makers will need to consider how features of programmes are likely to affect decisions on mobility and settlement. Free movement has offered a high degree of flexibility to both employers and immigrants, and a generous package of rights to EEA nationals. A more restrictive system is likely to have substantial effects on the supply of EEA nationals into lower-skilled jobs. Our data show some clear patterns in the decision-making of EEA migrants in Scotland relating to both initial migration to the UK/Scotland and longer-term settlement in a range of urban and rural locations. Decisions made during a period of free movement have been shaped by, and taken advantage of, the flexibility that this affords. Whilst it is difficult to predict precisely how decisions will change under a new migration regime, it seems highly likely that certain groups of migrants, in particular families with young children, and those seeking longer-term settlement and stability, will be deterred by a more restrictive system. It is important therefore that policy makers consider carefully the various goals – economic, social, demographic; short-term and long-term – that they wish to achieve through a new immigration policy and how these dovetail with other areas of policymaking and with wider economic, social and cultural contexts.

3.1 Sectoral programmes

These types of programmes have the advantage of steering immigration into those sectors facing particular shortages. The case studies of different schemes across industrialised countries show that these kinds of schemes are widespread and particularly common for seasonal agricultural work. Often such schemes are restrictive in terms of the rights and length of stay afforded to migrants. Our data from EEA migrants show that younger, unattached migrants, and those intending simply to work in the UK short-term in order to gain an income unavailable in their country of origin, are relatively unlikely to be deterred from coming to work in the UK by restrictions on length of stay or indeed access to welfare or family reunion.

However, the open-ended nature of free movement may mean that the impact of restrictions on stay in the future are hard to discern from previous migration and settlement patterns amongst EEA nationals. Our research shows very clearly that EEA migrants' early intentions regarding length of stay do not necessarily match longer-term outcomes.

Where a desire to remain longer-term emerges over time, an overly restrictive system, especially if perceived to be unfair or over complicated, may encourage irregular activity. The prospect of overstaying was mentioned in both datasets by migrants who had arrived in the UK under the Seasonal Agricultural Workers programme and we would expect similar programmes instituted after Brexit to face the same challenge. The challenge overstaying represents is evident across restrictive temporary programmes generally. The in-depth case studies show both Germany and New Zealand using bilateral agreements to improve co-ordination between sending and receiving countries in an effort to ensure that expected returns are enforced.

Sectoral programmes can also be more expansive in terms of migrants' family and social rights and access to settlement, as shown by the example of the Canadian live-in caregiver scheme. The case study shows that such more expansive programmes can result in the deskilling of migrants who trade-off working at a level appropriate to their skills and training for such opportunities. However, underemployment has also been a widespread phenomenon within free movement migration to the UK, particularly among EEA nationals from the new member states. Nevertheless, where longer-term stay is a desired goal of immigration policy, we found clear evidence that social and family rights are crucial. Indeed, in many rural areas of Scotland where migrants are overwhelmingly employed in lower-skilled and lower-waged jobs, it is precisely the combination of these rights that have encouraged and facilitated the settlement of young families with children. In terms of extensions of stay and access to permanent status, we also found that although some cohorts of migrants were unlikely to be deterred by restrictions, clear and straightforward pathways to legal status and citizenship are likely to play a more decisive role in attracting and retaining migrants.

3.2 Employer-led programmes

Like sector-based schemes, employer-led schemes can have more or less restrictive packages of rights incorporated. The ones studied in more depth here (Spain and Sweden) are restrictive for an initial period only, allowing for subsequent extensions of stay and the acquisition of greater rights, including pathways to permanent settlement. The case studies show both schemes successfully adapting to changing economic circumstances with employer demand adjusting downwards during economic downturns. The programmes tie migrants to an employer or occupation at first. However, tied visas in any type of immigration scheme are associated with greater vulnerability to exploitation and in several cases countries introduced measures to counter this. Restrictions on employer mobility may appear favourable in ensuring that migrants go to the jobs where they are most needed and where the locally born population is unable or unwilling to fill vacancies. However, our evidence suggests that migrants may be less willing to come to the UK on such a restrictive basis, particularly if their loss of autonomy to seek better wages and conditions is not offset by strong enforcement of labour rights and measures to prevent exploitation and discrimination. The ways in which both employer mobility and regional mobility have been used by migrants under free movement has enabled them more successfully to navigate the challenges associated with working in low-waged sectors, helping in turn to facilitate longer-term settlement.

As with sectoral programmes, more generous social and family rights play a key role in persuading migrants to stay and settle, as do opportunities to extend stay and access permanent settlement. Consequently, these features have a heightened importance where policies aim to encourage longer stays.

3.3 Human capital programmes

Migrants selected under the human capital schemes studied are given permanent residence from the beginning of their stay. As such these programmes provide migrants with an expansive array of social and family rights and the option to settle. These schemes are generally reserved for highly-skilled migrants, but our in-depth case studies included the Manitoba PNP programme which offers entry routes for lower-skilled migrants with ties to the province. While retention is an issue for such schemes (as onward movement is not restricted), Manitoba has generally been successful at retaining the migrants it selects. Our research with EEA nationals in Scotland shows that many of those settling in rural or remote destinations have arrived there through a series of relocations made possible by the flexibility of free movement provisions. However, others had arrived through direct recruitment schemes or through employers using migrant workers' home country networks to recruit within sending countries. Analogous to the Manitoba programme, direct links and recruitment methods can be a mechanism for attracting migrants to less popular destinations and can improve retention if properly focused. In either case, the likelihood of further onward movement was significantly reduced once families had formed or been reunited in situ. Given the divergent immigration goals of different UK regions, programmes like the one operated in Manitoba could provide a useful model for allowing different parts of the UK to pursue distinct immigration aims. This could offset the disadvantages less popular destinations may face in attracting and retaining migrants.

Finally, in relation to all three types of labour immigration programme it is important to bear in mind that if the UK's withdrawal from the EU is accompanied by an end to free movement, this will mean that the UK, and Scotland within it, have to compete in new ways with other countries as potential migrant destinations. For EEA nationals, other countries within the free movement area, which offer geographical proximity to their countries of origin and where there are established networks of EEA migrants in situ, will become attractive alternatives. At the same time, other English-speaking countries such as the USA, Canada or Australia that have hitherto been less attractive due to their more complex visa regimes may begin to compete more strongly, especially for younger migrants with good English language skills. These findings are supported by polling data on the most popular destinations, which show that while the UK is the most popular destination within Europe, globally the USA and Canada are preferred options (OECD 2014:160). The impact of leaving the EU on the UK's position as a destination country within global migration patterns is hard to predict, but policymakers will need to keep an eye on potentially significant shifts in migrants' preferences and take these into account when developing the UK's future immigration system.

Clearly, a decline in the availability of EEA nationals as a source of lower-skilled labour may be offset by looking to recruit potential immigrants from non-EEA countries. Thus the UK's post-Brexit immigration regime may seek to source migrants for lower-paid work from countries further afield than the EU, and there may well be more potential to attract migrants from other countries. However, policy-makers need to recognise the potential consequences of such a shift. The predominance of EEA migration into such jobs over the last 10-15 years means that migrant networks, employer strategies and practices, transport links, and support infrastructures (both formal and informal), have been developed and shaped to suit the linguistic, social and cultural characteristics of people from this particular set of countries. This migration has been supported and facilitated by the rules governing free movement that offer a generous package of rights. A major shift in the geographical flows would require adjustments, and raise a range of social and resource considerations that are beyond the scope of this report.

Taken together, what our findings suggest is the need to take into account two main perspectives when deciding on a future programme. First is the immigration policy goals being pursued – whether labour market, social, demographic, or enforcement-related, and the ways in which these align with one another. Different programmes with distinct bundles of rights and pathways to longer-term stay may be more or less appropriate, depending on the precise goals across sectors and regions.

The second factor to be considered is the potential effect of the preferred programme on the mobility and settlement decisions of migrants. This consideration is especially important where the programme factors in social and demographic goals favouring longer-term settlement, and also where there may be challenges to recruiting migrants linked to the region or type of work available.

ANNEXES

Annex 1: Table of Scoped Lower-skilled Labour Migration Programmes

Programme	Description
Live in Caregiver Programme, Canada	A sector specific programme with labour market and demographic aims. Recruits migrants with grade 12 education, training in domestic work and language proficiency. Migrants tied to role for 2 years, can be accompanied by family if can live in – in practice family unification often deferred. Eligible to apply for permanent residence after 2 years ¹²
Provincial Nominee Programme Alberta, Canada	A human capital programme. ¹³ Nominees apply for permanent residence pre-arrival. Migrants have family rights and most social rights.
Provincial Nominee Programme Manitoba, Canada	A human capital programme. Nominees apply for permanent residence pre-arrival. Migrants have family rights and most social rights.
Seasonal Agricultural Worker Programme, Canada	A sector specific programme with labour market and development aims. Recruits from countries under bilateral agreements. Migrants are tied to employers and have no family or social rights. Stay limited to 9 months.
Temporary Seasonal Worker Programme, Germany	A sector specific programme with labour market and development aims. Recruits from countries under bilateral agreements. Migrants are tied to employer, have no family rights. Stay is limited to 3 months.
Recognised Seasonal Employer Programme, New Zealand	A sector-specific programme with labour market and development aims. Recruits from countries under bilateral agreements. Migrants are tied to employer. Stay is a maximum of 7 months.
Catalogue of Hard-to-Fill Vacancies, Spain	An employer-led programme with labour market and social aims. Migrants are tied to employer for the first year. They gain family rights after first year if meet conditions. Migrants can access to some welfare payments. Stay can be extended and migrants become eligible to apply for permanent stay after 5 years
2008 Immigration Law, Sweden	An employer-led programme with labour market and demographic aims. Migrants are tied to employer for the first 2 years. They gain welfare rights after 1 year. Family rights apply if have migrants have more than 1 years stay and can meet conditions. Stay can be extended and migrants become eligible to apply for permanent stay after 4 years.
Seasonal Agricultural Worker Programme UK	A sector-specific programme with labour market aims. Migrants are tied to sector and have no family rights. Maximum stay is 6 months.
Sector Based Scheme UK	A sector-specific programme with labour market aims. Migrants are tied to sector and have no family rights. Maximum stay is 12 months.

¹² Details accurate until 2014 when programme was reformed

¹³ For semi-skilled workers this programme is employer led and restricted to specific sectors

H-2A Temporary Agricultural Worker Visa (USA)	A sector specific programme with labour market aims. Migrants are tied to employers. Family members can apply for H-4 visa which does not allow them to work. 1 year visas are granted and can be renewed to a maximum of 3-years stay
H-2B Temporary Non-Agricultural Worker Visa (USA)	An employer-led programme with labour market aims. Migrants are tied to employers. Family members can apply for H-4 visa which does not allow them to work. 1 year visas are granted and can be renewed to a maximum of 3-years stay

Annex 2: Background: Free Movement Migration and Lower-skilled Work in the UK

Overview of patterns of EEA migration into lower-skilled work

Immigration from the EU has become an increasingly significant aspect of immigration to the UK as a whole: in 2014 60% of foreign nationals in the UK were nationals of EU27 countries. (Sopemi 2014, 2009) These trends are, if anything, more apparent in immigration to Scotland. Here EU27 nationals constitute a slightly larger proportion of the foreign national population than for the UK as a whole, 61% compared to 57%. Similarly, the rising proportion of immigrants from the new EU member states is more evident in Scotland: 65% of EU27 nationals are from accession states, compared to 55% for the UK as a whole (Hudson and Aiton 2016).

As well as making up a rising component of overall immigration, a far greater proportion of EU migrants enter the UK to work than do non-EU migrants. Quarterly statistics for November 2017 show 52% of EU nationals entered the UK to take up a job, a further 16% entered as jobseekers. The corresponding figures for non-EU migrants were just 22% and 8%.¹⁴ Analysis of Labour Force Survey data puts the number of EU migrants in the UK labour market at almost 2.4 million in 2017 (Vargas and Markaki 2017). These data are supported by recent analysis by the Migration Advisory Committee (MAC), which estimates that around 80% of working age EEA-born immigrants in the UK are economically active, compared to 70% of UK-born and 67% of third country nationals. Their share of employment has risen from 2% to 7% over the period 2004 to 2016 (MAC 2017: 16-17). Therefore, any resulting reduction in immigration is projected to have significant effects on the supply of labour across key sectors of the economy.

In terms of skills levels, the MAC's preliminary analysis shows a greater proportion of working EEA-born people are engaged in low to medium skilled occupations which fall below tier 2 of the points-based system for labour migration to the UK.¹⁵ Indeed, this group comprises 75% of economically active EEA-born compared to 70% of the UK-born and 64% of those born elsewhere. The EEA born are also the only group to have seen an increase in the share of those engaged in low skilled jobs. This rose from 42 to 49% of the EEA born between 2004 and 2016 (MAC 2017, 11).

The MAC briefing paper provides figures for those occupations with the highest numbers of EEA born workers. In 2016 the top three occupations were cleaners and domestics, elementary storage occupations and food, drink and tobacco process operatives). Of these, EEA workers form a particularly high concentrations (over 40 per cent) as food, drink and tobacco processing operatives and as packers, bottlers, canners and fillers (MAC 2017, 13-14). The MAC preliminary analysis shows that 33 per cent of EU migrants in high skilled jobs earn less than the £30,000 tier 2 income threshold, the same is true for 76 per cent in medium skilled jobs and 93 per cent of those in low skilled jobs. This means most EU migrants working in the UK at present would not have been able to come into the UK to work under the current points-based system. Analysis of 2015 Annual Population Survey data shows that earnings in Scotland are lower with EU nationals earning a median hourly wage of £8.60 in Scotland, compared to £9.10 UK-wide (Hudson and Aiton 2016, 15).

In terms of sectors, the MAC analysis shows the top five sectors for EEA-born nationals are: retail trade, food services activities, education, manufacturing of food and human health activities.

¹⁴ <https://fullfact.org/immigration/eu-migration-and-uk/> accessed 28 January 2018

¹⁵ Here low skilled occupations are defined as those at level NQF2 and below, medium skilled occupations are defined as at level NQF 3 and 4. High skilled occupations are defined as level NQF6 and above. On details on UK skill level classifications see: <https://www.gov.uk/what-different-qualification-levels-mean/list-of-qualification-levels>

These make up about one third of all EEA-born workers. Within the 25 sectors with the highest number of EEA workers the highest concentration is found within the manufacture of food products (over 30 per cent). The Scottish Government's analysis of sectors shows that two thirds of EU nationals working in Scotland are in just three sectors: Distribution, hotels and restaurants; Public administration, education and health or Banking, finance and insurance (Scottish Government 2017b, 31). This analysis also shows the concentrations of EU nationals in some sectors: 8.2 per cent of workers in manufacturing are EU nationals, 6.9 per cent in distribution, hotels and restaurants and 6 per cent in banking, finance and insurance. Table 1 below shows employment by major occupation group. The prevalence of EEA workers in lower-skilled work is highlighted by the largest number being engaged in elementary occupations. They also make up the largest share of all employment in relation to elementary occupations. Table 2 provides analysis the same data by minor occupation group and shows that the highest shares of EEA-born in Scotland are in: elementary process plant occupations where they make up 26.4 per cent of all employees, followed by process operatives (23.7 per cent) and elementary cleaning occupations (20.9 per cent),).¹⁶

Table 1: Employment by major occupation for all and EEA-born nationals, Scotland, 2016

Occupation Major Group	All in employment	EEA-born nationals in employment	% of EEA-born in occupation
Elementary Occupations	288,000	33,000	11.3
Professional Occupations	532,000	31,000	5.7
Process, Plant and Machine Operatives	161,000	15,000	9.4
Associate Professional and Technical Occupations	343,000	14,000	4
Skilled Trades Occupations	278,000	13,000	4.5
Caring, Leisure and Other Service Occupations	248,000	12,000	4.9
Administrative and Secretarial Occupations	264,000	8,000	3.1
Managers, Directors and Senior Officials	226,000	8,000	3.6
Sales and Customer Service Staff	231,000	8,000	3.2

Source: Annual Population Survey Data, Jan-Dec 2016 (ONS)¹⁷ proportions based on unrounded data

¹⁶ Proportions based on unrounded data

¹⁷ Data analysis provided by the Scottish Government

Table 2: Employment by minor occupation for all and EEA-born nationals, Scotland, 2016

Occupation Minor Group	All in employment	EEA-born nationals in employment	% of EEA-born in occupation ¹
Elementary Cleaning Occupations	66,000	14,000	20.9
Other Elementary Services Occupations	96,000	6,000	6.5
Food Preparation and Hospitality Trades	41,000	5,000	12.9
Business, Finance and Related Associate Professionals	55,000	5,000	9.6
Process Operatives	22,000	5,000	23.7
Teaching and Educational Professionals	127,000	5,000	4.1
Caring Personal Services	119,000	5,000	4.2
Elementary Process Plant Occupations	19,000	5,000	26.4
IT and Telecommunications Professionals	69,000	5,000	6.9
Elementary Storage Occupations	29,000	4,000	15.1

Source: Annual Population Survey Data, Jan-Dec 2016 (ONS)¹⁸ proportions based on unrounded data

A Scottish Government report identifies the tourism and hospitality sector as one that would be particularly hard hit by restrictions on immigration into lower-skilled work with food processing and manufacturing also identified as areas of concern. Agriculture is heavily reliant on seasonal workers from the EU. In general, the rural economy in Scotland is a key area of concern (see further: Scottish Government 2017a, Bird 2017).

Low skilled immigration: cui bono?

Free movement has been hugely beneficial for employers in a number of sectors, who have been able to hire workers for lower-skilled jobs from EEA countries without facing barriers to recruitment. This has been of particular benefit in areas struggling to attract workers, because of a lack of indigenous workers willing or able to take up work in these areas. The MAC Interim Report summarises employer responses to the possible restriction of EEA migration (2018). In relation to workers in lower-skilled jobs it found evidence to support employers' perception that particularly migrants from the new EU member states were more willing to work anti-social hours and were more reliable.

Employers with higher proportions of lower-skilled work were understandably more concerned about the future immigration system, and small to medium enterprises had greater concerns about the possible administrative burden of navigating future restrictions.

¹⁸ Data analysis provided by the Scottish Government

A number of public sector and business organisations and employers' groups have been vocal in articulating their concerns about the possible reduction in labour for lower-skilled jobs. The Association of Labour Providers reported deepening fears of an insufficient supply of EU workers threatening the horticultural and food manufacturing sectors.¹⁹ The National Farmers Union 2017 manifesto notes: "[f]or successful farm businesses, continued access to non-UK seasonal and non-seasonal workers on-farm is critical."²⁰ The Federation of Small Businesses reported the labour recruitment challenges facing small businesses should free movement be restricted (FSB 2017). The Scottish Government report: *Brexit: What's at stake for businesses* highlights the important role EEA labour plays within Scottish companies and sectors (Scottish Government 2017).

While some have been alarmed at the prospect of labour shortages, other groups have argued that Brexit represents an opportunity to rethink the reliance of many businesses and public sector organisations on migrant labour for lower-skilled work. There are suggestions that certain sectors would benefit from capital investment in less labour-intensive production models to reduce the need for lower-skilled work. From this perspective, it is argued that the ready supply of cheap migrant labour has impeded restructuring and contributed to lower productivity across many sectors (House of Lords 2008²¹). At the same time, it has also been suggested that labour shortages in some sectors could be addressed by more attractive remuneration and conditions, which would create more incentives for UK residents to take up such work. EEA migration into lower-skilled jobs in the UK is also seen as creating a barrier to employment for native workers who find themselves unable to compete with young, often degree-level educated, migrants willing to work in low paid jobs and live in low cost areas (MAC 2014, House of Lords 2008).

There are pros and cons to making such adjustments - whether they take the form of a switch in production, capital investment, and/or better remuneration. These would need to be weighed up carefully for each sector. Such an assessment would also depend on how different considerations were prioritised, such as the goal of restricting immigration, and the importance of sustaining certain UK-based products and services. It also has to be borne in mind that implementing such adjustments would bring its own political and economic challenges. For this reason, many countries have tended to see programmes to recruit immigrants for lower-skilled work as an easier 'fix' than obliging firms to raise salaries or switch the products or services they supply. We raise these issues because they are important considerations in the wider debate about the UK's future immigration policy, although a more detailed discussion is beyond the scope of this paper.

The effects of a reduction in labour migration are not, however, restricted to labour market dynamics and economic effects. Indeed, the movement, employment and settlement of EEA nationals has had a wide range of social and demographic impacts. The demographic effects of immigration have been expounded in a number of recent papers, and most strongly articulated in the case of Scotland. The Scottish Government sees migration to Scotland as playing a central role in tackling population ageing and sustaining healthy support ratios (Scottish Government 2017a, 10-12). The challenge of a falling population motivated the Fresh Talent Initiative enabling international students in Scotland to access post study work visas (Scottish Executive 2004). The SNP government further underlined the significance of population needs by adopting a population target of matching average EU15 population growth in 2007. While this has been achieved, the reliance on immigration to meet demographic goals is clear, with all of Scotland's projected population growth now attributed to migration, with 58 per cent of that coming from overseas (Scottish Government 2017a).

¹⁹ <http://labourproviders.org.uk/wp-content/uploads/2017/08/Food-Industry-Labour-Sourcing-Fears-deepen-July-ALP-Labour-Survey-Results-%E2%80%932nd-August-20171.pdf>

²⁰ <https://www.nfuonline.com/news/featured-article/back-british-farming-brexit-and-beyond-the-nfu-20/#brexit>

²¹ <https://publications.parliament.uk/pa/ld201617/ldselect/ldecom/121/12107.htm>

The divergence in demographic goals between the Scottish and UK Governments has been discernible for at least a decade and has underpinned various calls for differentiation within the UK's immigration system, including from the Scottish Government itself (2016) (see also Boswell et al 2017, Hepburn 2017, Kyambi 2009). There have also been various calls for a regionalised UK immigration policy to allow different regions more scope to meet their demand for labour migration (for example APPG on Social Cohesion 2017, Griffith and Morris 2017, Sumption 2017, City of London Corporation and PwC 2016, LCCI 2016). Focusing on Scotland, the interest among policymakers in a differentiated immigration policy can be attributed to the fact that population growth in Scotland relies more heavily on inward migration than does the rest of the UK (see Scottish Government 2017a and 2017b).²² Cangiano concurs that while net migration is a major component of population growth in England, for Scotland and Wales it is the only determinant and without it the population of those nations is likely to stagnate initially, and decline in the longer term (2017). Given that EEA nationals are the largest international inflow to Scotland (44 per cent compared to 19 per cent Commonwealth citizens and 38 per cent for citizens from other countries) restricting free movement poses a significant obstacle to Scotland's population goals.

Yet while the pursuit of demographic goals from immigration has become an established feature of policy and political debates in Scotland, the same discussion has not been evident elsewhere in the UK. Indeed, there has been some criticism of the viability of using immigration to pursue population goals, as well as the argument that easing support ratios is more clearly achievable by raising the retirement age (HM Government 2014, Murphy 2016, UN Population Division 2001). Most recently, in its interim report of March 2018 the MAC argued that:

While a working-age migrant reduces the share of the old in the population today, they will eventually become old themselves and contribute to the size of the old age population later on. Rises in the pension age have a much larger impact on dependency ratios though face the challenge of increasing employment rates among older workers. (2018, 13)

Moreover, within Scotland there are indications that the policy and political discussion does not find itself reflected in public understanding of the issues. The interim report of the *National Conversation on Immigration* found that the need for immigration for demographic needs did not resonate with the citizens' panels (Rutter and Carter 2018²³).

Linked to these demographic considerations is a range of social impacts of EEA immigration. Debate at the UK level has tended to focus on the perceived negative social impacts of lower-skilled immigration. However, the evidence base is limited. Dustmann and Frattini find that:

Little however is known about the precise distribution of immigrants from EEA and non-EEA countries in the public sector in the UK, and how this has changed over time, where they work in the public sector, and how they compare to native born workers in terms of their education, wages, and other characteristics (2011, 10)

In contrast to mainstream policy debates in the UK, the Scottish Government has been vocal in pointing to the social value of EEA immigration and the particular need for the economic and demographic benefits of such migration in sustaining rural economies (Scottish Government 2017a, 26).

²² Although other factors will also play a role including different views on the role of immigration in labour markets, on the social benefits and challenges of immigration, as well as, the pull towards securing more powers for the Scottish Government.

²³ See also: <https://ems.ipsos-mori.com/Assets/Docs/Polls/immigration-es-2017-topline.pdf>

In terms of impacts of migration on public services in Scotland (such as health and social care, education, housing and crime and justice) the evidence is sparse and at times difficult to interpret, but generally suggests uptake rates are lower than migrants' share of population (Scottish Government 2016).

In terms of the broader fiscal impact of immigration, research has consistently found that more recent immigration has generated a net fiscal contribution (OECD 2013, House of Lords 2008). Dustmann and Frattini (2014) have disaggregated the fiscal effects to find that migrants from the EEA made a positive contribution overall, including in years when the UK had an overall budget deficit. In addition, EEA nationals from the countries that joined the EEA in 2004 have made a strongly positive contribution. Nonetheless, the overall effect can vary depending on which factors are included in calculations. A House of Lords review of the evidence found that fiscal effects vary significantly across different groups (2008, 41). We would expect that the fiscal effects of those immigrants in lower-skilled and therefore lower paid work are likely to be lower or negative. Turning to the impact of immigration on economic growth the evidence is similar, with a small positive increase in GDP per capita the most likely effect. However, the specific impact of those in lower-skilled occupations on economic growth is less clear, as it depends on the complementarity of the immigrant population to the resident workforce. Much depends on the dynamic effects and spill over effects of a bigger economy and a more diverse workforce which could be positive or negative. In terms of wages a general positive effect on wages was found to be the most likely effect of immigration to the UK, but this was coupled with a small negative effect on the wages of the lowest paid (House of Lords 2008, 28).

In terms of public attitudes on immigration, polls and survey data consistently reveal concerns about pressure on public services, housing and competition for jobs. As has been widely discussed, respondents in Scotland tend to be more likely to believe immigration provides benefits for Scotland and less likely to want immigration reduced than in Britain as a whole (Migration Observatory 2014). However, these differences are not significant and subject to change.²⁴ Perhaps more relevant is that attitudes to immigrants tend to vary depending on the type of immigrants. It is generally the case that certain groups, such as international students, elicit less concern than others. Feeding into this it is interesting that while the National Conversation citizens panels predictably found low skilled immigration to be less popular and sought after than high skilled, it also found that when the occupations of low skilled immigrants were specified, people seemed far more inclined to accept the need for certain groups of lower-skilled migrants – for instance those needed to work as fruit pickers or in social care (Rutter and Carter 2018).

²⁴ <https://www.economist.com/news/britain/21596541-immigration-worries-scots-less-other-britons-could-change-wish-you-were-here>

Annex 3: The Case Studies

Sectoral Case Study: Live-in Caregiver Programme, Canada²⁵

Goals

Canada's programmes for the admission of immigrant caregivers have been a response to long-term labour market needs. While Canada has a long history of immigrant domestic labour that precedes the more recent trends of population ageing and increases in women's labour force participation, contemporary programmes have served labour needs arising from those two trends, for child care and elder care (Bourgeault, Parpia, and Atanackovic 2010).

The main goal of the Live-in Caregiver Program (LCP) was to provide Canadian households a way to hire foreign workers to fill their caregiving demands. Historically this demand has been for childcare, but care for the elderly has represented an increasing part (though still a minority) of demand for caregiving labour. Live-in caregiving work requires some skill and qualification – which, indeed, must be demonstrated as part of the work permit application process – but is seen as unattractive to resident workers because of the particular difficulties of live-in work. However, the programme contained an aspect unique among Canada's temporary labour immigration programmes, with a distinct goal: it offered a two-year path to permanent residency (which has been narrowed since 2014), intended to help combat the exploitation of workers and improve their rights and integration amid the process of filling demand for live-in caregiving work.

Features

The LCP was driven by the demand of individual Canadian families seeking live-in domestic labour, and tied the immigrant's work permit to a specific employer, rather than to work in the sector. The family or individual seeking to hire a temporary foreign worker for live-in caregiving would apply for a permit. They had to demonstrate that someone in the family needed live-in care, pay a fee for an official assessment of labour market impacts of hiring a foreign worker (which was increased dramatically in the 2014 changes), and demonstrate that resident Canadian workers could not be found to fill the role.

The immigrant who was hired then had to apply for a work permit. The required qualifications were relatively high – caregivers needed to have a grade 12 education, training in domestic work, and sufficient English or French language skills. In practice, many applicants were overqualified for caregiving work (Salami and Nelson 2014). Agencies were often important intermediaries in placing workers.

While the LCP tied the worker to both a specific employer and to living in the employer's home, there were, in principle, also a substantial number of guaranteed rights. If the worker's job was lost, they could try to find another live-in caregiving job without leaving Canada. Employers had to follow certain procedures, including providing a written contract, paying prevailing wage rates, providing appropriate private living space, and meeting provincial labour standards. Workers could not be expected to do household work apart from "light" duties directly involved in the provision of care (meaning they could not be required to cook or clean).

²⁵ This programme was renamed and reorganised in 2014, with its labour immigration channel and pathway to permanent residency separated. To examine the programme as a model, here we largely discuss the programme as it existed until 2014, with some notes on the recent changes.

Workers in principle could bring dependents to Canada, but this depended on employers providing adequate living space, and many workers would wait until they gained permanent residency to try to reunite their families.

Importantly, as previously mentioned, the LCP provided a pathway to eligibility for permanent residency after 2 years or 3,900 hours worked as a live-in caregiver.

Context

Canada has a long history of immigration for domestic work. The places of origin of these immigrants shifted first from Europe to the Caribbean post-WWII, and then to Asia; in recent decades, the vast majority of immigrant live-in caregivers in Canada have been women from the Philippines. Unlike under previous programmes, traditional domestic work was not allowed under the LCP, which focused on caregivers for children (which still represents the bulk of demand) and people with advanced medical needs. The annual numbers of foreign live-in caregivers rose considerably from the start of the programme in 1992.

The path to permanent residency that formed an important part of the programme emerged from advocacy and worker activism in the 1970s (Galerand, Gallié, and Ollivier-Gobeil 2015), aimed at improving caregivers' rights and working conditions. While this did not eliminate issues in the programme (see below), this pathway was indeed seen to be very advantageous for workers, especially relative to other Canadian temporary foreign workers who lacked a pathway to permanent residency. This pathway constituted a major incentive for such workers to go to Canada, which became a favoured destination among Filipino emigrants. Most immigrant caregivers worked in Ontario, Quebec, and British Columbia, the three major destination provinces for immigrants to Canada generally.

Issues

Many of the issues with the programme surrounded worker exploitation, which was widely seen as enabled by the live-in nature of the work that the programme required – work that occurred within the private space of the home, often isolated from the rest of society (Brickner and Straehle 2010; Galerand, Gallié, and Ollivier-Gobeil 2015). While employers could not require general domestic work, employees often reported that this was expected, and declining to perform it could result in the loss of a job. While immigrant caregivers who lost a job could look for new work, they might not find it, and this affected the completion of 24 months of live-in work required to apply for permanent residency.

The introduction of the two-year pathway to permanent residency was adopted as a result of worker activism and advocacy, with the argument that workers good enough to work in Canadian homes were good enough to stay in Canada. While this was seen as important in making workers less vulnerable, especially after gaining permanent residency – and as giving LCP workers advantages above other temporary foreign workers in Canada – live-in caregivers were nonetheless seen as remaining vulnerable to exploitation.

The live-in requirement for the work necessary to earn eligibility for permanent residency was removed as part of changes to the programme in 2014. While generally welcomed, it was questioned whether this change would have a great effect. It was thought that most live-out caregiving work could be filled through resident Canadian labour, and thus immigrant workers would in effect still only be able to enter for more difficult and problematic live-in work. However, in principle, immigrant workers who worked in any kind of caregiving for children or people with advanced medical needs (live-in or live-out) could still earn permanent residency after two years, providing they met other requirements.

However, backlogs often meant that the time spent to process a legal residency application was longer than the 24-month qualification period. At the same time, low wages often meant that saving money for family reunification, a goal of many workers, took many years. This has had profound effects on the whole families of live-in caregivers (see below), while the de-skilling of workers during this time has affected their social mobility (McKay 2003).

Effects

The programme was a boon to middle-class Canadian families who sought to hire immigrant workers to provide child or elder care. However, it was criticised for the ability of people who had themselves immigrated to Canada to later hire extended family members to work for them as caregivers, and for the relatively liberal residency provisions, which were also extended to dependants. These criticisms helped spur changes to the programme in 2014 that deemphasized the path to legal residency as one of its core components (Kelly 2014a). These changes also raised the costs to Canadian families of hiring a temporary foreign worker and capped the number of permanent residency applications from immigrant caregivers that would be processed in any one year.

Canada has been a preferred destination for Filipinos who look to work abroad as care workers – a phenomenon which is a major source of remittances to the Philippines, though only a small proportion of the millions of Filipinos working abroad as caregivers live in Canada. In addition to concern about exploitation, many live-in care workers, especially those who care for the elderly, experience social isolation. Indeed, the LCP has been the route by which an overwhelming majority of Filipinos in Canada have arrived there – and thus the attributes of this programme have had profound effects on the social trajectory of this entire community.

While the path to legal residency made Canada a favoured destination, outcomes for LCP workers and their families are often seen as troubling (Atanackovic and Bourgeault 2014). De-skilling, which occurs during years of performing caregiving work for which workers are often overqualified, limits the future labour market potential of participants, who have often trained in the Philippines as nurses. Research has also suggested that the nature of immigrant live-in caregiving work negatively affects the educational attainment and social mobility of Filipino children, especially males, who re-join their parents in Canada (Kelly 2014b). The long periods of time spent apart from parents during childhood, the precarious work that predominates in their social networks in Canada, and the de-professionalisation of their parents all contribute to poor outcomes.

Researchers have recommended a number of social policy interventions to improve the status of these workers and their children. A common proposed change to the immigration system from activists and academic critics is to allow live-in caregivers permanent residency on arrival – or, to ensure they at first do live-in caregiving work, a conditional permanent residency, where the condition could after two years be lifted. Such a change is seen as one that would reduce the precariousness of these workers. However, recent policy changes have, if anything, gone in the opposite direction.

Sectoral Case Study: Seasonal Temporary Worker Programme, Germany

Goals

The seasonal temporary worker programme, among other micro temporary programmes in Germany in the 1990s that targeted specific labour markets, sought to redirect rapidly rising, and increasingly irregular, migration into Germany from the East into legal, but temporary, channels. The programmes provided ways to channel the inevitable upheaval of the period around the fall of the iron curtain. Providing legal, short term, migration routes was also intended to tackle rising irregular immigration and increasing exploitation of migrants in the workplace linked to this. The undercutting of pay and conditions had become a growing concern particularly in low paid sectors and for immigrants in irregular situations. Additionally, the bilateral agreements between states setting up these programmes helped to build links between states' governments and labour ministries helping to strengthen foreign relations in the new political landscape post-1989. The programmes' aims included fostering development in sending countries through income transfers and reduced unemployment. Finally, these programmes also helped German employers access foreign labour to fill shortages, particularly in seasonal and lower paid work. This work remained unattractive to local workers even in periods where unemployment levels in Germany rose.

Features

The seasonal temporary worker programme allowed employers in agriculture, forestry and seasonal hotels to recruit labour to fill vacancies if local labour was not available. Workers could come for up to 90 days, but would pay less tax if they came for less than 2 months. Workers could also come to work in fairs and exhibitions for a longer period of up to nine months. The programme was based on bilateral agreements and required co-operation between the German Federal Employment Agency and labour administrations in Eastern and Central European countries. Employers requesting workers would submit proposed contracts to local labour offices, which were then tested against labour market conditions before approval. The proposed contracts covered pay and conditions including living and travel arrangements and employers were responsible for recruitment fees. Workers could not generally change employers and needed to seek permission to do so. Those coming to Germany under this route had no rights to be accompanied by family or to access welfare support. Workers under the scheme were required to return to their sending country. There was concern under these new programmes to ensure that the rotational principle would be strictly adhered to.

Context

Following the end of the Cold War, Germany instituted a number of temporary worker programmes in the 1990s in an effort to steer rapidly increasing migration from East and Central Europe into legal and temporary channels, as well as a means for building relationships with governments in that region. The liberalisation of border policies led to an exponential rise in the numbers of immigrants arriving from Poland and other Eastern and Central European countries, the number of Poles migrating to Germany rose from 105,000 in 1986 to 455,000 in 1989. The rising number of immigrants from former Soviet Bloc countries appeared both inevitable and overwhelming at the time.

This increase in the numbers arriving, particularly from Poland, from 1987 onwards led to measures being introduced to reduce opportunities to settle in Germany with the result that by the early 1990s permanent migration from this region had given way to circular migration. Previously the Cold War resulted in such migration being predominantly permanent because return to Poland was not possible as these migrants were treated as refugees from communism (see Pallaske 2002, Miera 2008 and Miera 2007).

Regulating this increased migration from the East was complicated by the fact that among those coming to Germany were those claiming to be ethnic German *Aussiedler*. A status which, if confirmed, provided this group with citizenship under the German basic law. At the same time political refugees who had arrived before 1989 found their continued stay in Germany in doubt as return to their countries of origin became possible again. Germany's response was to tighten criteria for *Aussiedler* status, while many political refugees with *Duldung* became irregular undocumented migrants as the status was revoked.

Generally, these more restrictive approaches to immigration were being driven by rising public resentment and outright hostility towards immigrants in the wake of a rise in the numbers arriving. However, the continuing economic disparities between Germany and its eastern neighbours led to ongoing immigration to Germany for the purposes of work. This was also driven by demand in Germany for labour, particularly in sectors like construction and agriculture. This continuing immigration increasingly became active in irregular work raising concerns about exploitation and the undercutting of pay and working conditions.

The various micro temporary programmes operated to take some of the pressure out of the situation providing legal, but temporary, avenues to work in Germany. Apart from the seasonal temporary worker programme there were programmes for project workers, for trainees, and for commuters in border areas. These programmes met the labour needs of German employers, while ensuring that potential immigrants from Germany's eastern neighbours did not settle in Germany. Instead they provided routes to come to Germany to work, and then return. The programmes also alleviated unemployment in sending countries and boosted economic development through income transfers, while reducing more permanent migration to Germany.

These programmes pre-date Germany's official recognition of itself as an immigration country in the early 2000s. Officially a ban on the recruitment of foreign workers remained in place throughout the 1990s. The period is also beset by difficult debates on immigration as the newly unified Germany needed to come to terms not only with the legacy of the guestworker programmes operated in the former West Germany in relation to southern European states and Turkey, but also the consequences of the immigration programmes that had operated in the former Democratic Republic that had kept migrants from Vietnam and Mozambique in precarious and isolated situations over decades on migration programmes ostensibly linked to international development.

Issues

The great disparities in living standards, wages and currencies created strong migratory pressures in East and Central European states. The fall of the iron curtain led many to migrate to Germany in search of better opportunities. One downside was that many ended up underemployed in the German labour market, unable to use their qualifications and skills. Many of those employed in temporary seasonal work in the 1990s had university level education. While the temporary programmes offered opportunities to work, they provided no routes for migrants to find places in the labour market that matched their labour market profiles. The programmes also make no provision for integration of these migrants more widely into German society, or into its social security system or welfare state, despite clear reliance on this labour, particularly in agriculture. However, one could argue that the circular migration fostered between Germany and its eastern neighbours through these programmes is focused on developing a transnational space of back and forth migration rather than pursuing an assimilationist end of integration into the receiving society (Becker and Heller).

Effects

The seasonal temporary worker programme and other micro temporary programmes in the 1990s may have seemed a small bulwark against the great inflows expected to come from central and eastern European countries at the time. However, statistics show rising inflows stabilising at around 230,000 after a peak of almost 380,000 in 1990. It is difficult to establish what may have happened had these programmes not been in place. It is likely that the opening up of the eastern borders to return migration played a significant part in rendering permanent migration into more temporary forms. However, the programmes do appear to have been successful in converting some of these inflows into legal and temporary channels – although irregular migration and the arrival of co-ethnic Germans from those regions certainly persisted over the period. It could be said that rather than providing immigrants routes to migrate into Germany, they provided them with opportunities that facilitated their staying at home. For instance, providing the opportunity to top up wages in sending countries by working in the German agriculture over their summer holidays eased many through a period when living standards remained low. Research into the migration to Germany from Poland, by far the largest source country, suggests that temporary migration is likely to have been the preferred option for many who felt pushed onto making decisions to migrate permanently because the political situation ruled out return in the 1980s. Thus, the micro programmes in the 1990s can be seen as catering to these flows rather than shaping them.

In terms of tackling the growing number of irregular migration, the programmes had some positive effects in channelling these flows into legal avenues. In agriculture the evidence suggests that these programmes were able to significantly reduce the use of irregular labour and practices eroding wages and working conditions (Dietz 2004). Other sectors, such as construction, fared less well, and Germany continued to experience irregular immigration although it is presumed at reduced levels to what would otherwise have occurred (see Pallaske, 2002, Hoenekopp 1997 see also Cyrus and Vogel 2009).

It is worth noting that these temporary programmes in the 1990s, and the bilateral agreements that underpinned them, have mostly become obsolete as the sending countries joined the expanded European Union. However, they form the backdrop to the large scale seasonal temporary programmes that managed migration from the A8 countries that joined the EU in 2004 in the transition period before Germany opened its labour market to this group in 2011. Between 2005 and 2010 Germany operated the largest seasonal worker programme among OECD countries bringing in 300,000 workers annually (this figure outstrips the next largest intake nearly five-fold) (OECD 2013a, 57). However, it should also be remembered that circular and seasonal migration flows in this region, particularly between Germany and Poland, stretch back over centuries and the resumption of flows back and forth across that border is a return to a previous normality rather than the advent of a new regime (see Cyrus 2001).

Goals

The Recognised Seasonal Employer (RSE) programme aims to provide unskilled labour during periods of peak labour demand in New Zealand's horticulture and viticulture industries, without generating immigration for settlement. Economically, the programme responds to a recognised long-term shortage of resident workers to perform (for the most part) low-skilled harvesting work, which is seen as difficult and unappealing. This lack of labour supply resulted in inefficiencies in economically important export industries. The design of the programme is intended for workers to return home at the end of a season (with the possibility of working again the next season).

The RSE programme also has significant development and diplomatic goals bound up with a circular design that prevents settlement migration. Workers normally must come from one of twelve Pacific island nations, and through the favoured status of these countries, the program aims to further the economic development of these countries through worker remittances earned in New Zealand. The programme thus forms a significant piece of New Zealand's diplomatic policy toward small, developing island nations in its Pacific neighbourhood.

Features

As the name implies, the programme is often framed as one for employers, and has a "clear 'New Zealand first' dimension" (Ramasamy et al. 2008, 177). Employers must first apply for status as a "recognised seasonal employer," and as part of this demonstrate that they fulfil good employment practices (including the ability to pay the minimum wage for at least 30 hours per week, and provide food, clothing, transport, access to banking, and necessary translation services). Subsequently employers can acquire an "agreement to recruit" upon demonstrating a specific seasonal labour shortfall, which is checked relatively rigorously against measures of available regional labour in a multi-agency process. After obtaining an agreement to recruit, the employer can then engage in recruitment of seasonal foreign workers. Often recruitment agencies connect employers and workers, though they are prohibited from charging fees to prospective workers.

Workers must work for their designated employer, and may work for up to either seven or nine months of an eleven-month period (depending on country of origin). They have no pathways to any other kind of visa category or residency, and no ability to bring family members or dependent children with them. Workers must be at least 18, and must normally come from one of twelve Pacific island nations. After obtaining a written employment contract – which, according to the rules, must provide them with a prevailing wage of at least the legal minimum – employees must submit to medical and police checks and acquire a return air ticket (of which employers must pay half the cost in advance). Workers then obtain a "Recognised Seasonal Employer Limited Visa." Before leaving for New Zealand, they must attend an orientation course. After returning home, workers may work again under the programme in subsequent years, which is seen to reduce the incentive to overstay.

Context

New Zealand's immigration system focuses its efforts to encourage settlement on higher-skill workers.

This – combined with a generally tight labour market, and the low pay, remoteness, and difficulty of agricultural work – means that seasonal agricultural labour demand has been difficult to meet with the resident workforce. Horticulture and viticulture represent particularly important export industries to the New Zealand economy. Changes in these industries (especially the consolidation of farms and changes in land use), along with the ageing of the rural population, resulted in routine labour shortages, with farms sometimes hiring unauthorised labour to fill the gaps (Lovelock and Leopold 2008). Within-season turnover, and the resulting need to find and re-train new workers, were seen as damaging productivity in these sectors.

The RSE programme was developed in the mid-2000s in response to industry pressure, and with close industry collaboration. The first workers arrived in New Zealand in 2007. The RSE programme is partly modelled on a previous bilateral guest-worker programme between New Zealand and Fiji, but its design also imitates Canada's circular migration programmes that are run on a bilateral basis with Caribbean nations (Hammond and Connell 2009). The government also designed the RSE programme with the explicit intention of aiding New Zealand's development goals in the Pacific region. World Bank experts provided policy design guidance, and internal evaluative mechanisms were included to reassure policymakers that the programme would not remain in place if proven ineffective (Winters 2016).

Issues

While overall the RSE programme has been considered relatively successful (see below), concerns have continued to be raised related to the vulnerabilities that often face temporary low-skilled workers. The lack of worker freedom inherent to the programme design (Bailey 2009) has resulted in some unwelcome surprises for workers (particularly in the programme's early years), including the cost of living (especially housing) in New Zealand. While in principle safeguards for workers under the programme are rigorous, the scheme's expansion – from a cap of 5,000 workers initially to 10,500 in 2017 – has raised concerns about whether oversight has kept up, amid occasional reports of underpayment and exploitative accommodation costs (Sachdeva 2017). Efforts to unionise workers reflect initial concerns in some quarters that unions were not involved enough in the programme design (Maclellan 2008). Instances of crimes and misbehaviour by workers, often alcohol-related, are occasionally raised as a concern or featured in the media.

On the development side, issues have been raised about the community effects of repeated long absences by workers, and whether recruitment in some countries has focused as intended on disadvantaged workers (McKenzie, Garcia Martinez, and Winters 2008). The dynamics of circular migration – and particularly the community role in selecting migrants to participate – have also raised some issues about whether workers are always selected in a fair way in line with policy goals. While in the past most workers have returned to work another season, sending communities sometimes select different workers to work in New Zealand notwithstanding others' desires to return, in order to spread the benefits of the programme (New Zealand Department of Labour 2012). In part because of the ability for workers to return in later seasons, overstaying is not seen as a major issue.

At an administrative level, because of the complexity of the programme's goals – and the tensions between the interests of its intended beneficiaries – the programme has been noted as requiring flexible and active administration to be continuously successful (Bedford 2013), entailing the need for significant bureaucratic attention and corresponding cost.

Effects

The success of the RSE programme is widely seen as measurable along three dimensions: for New Zealand employers, in filling their labour needs; for the New Zealand government, in aiding its domestic-political and foreign-affairs goals; and for migrants and sending communities, in increasing wealth and economic development.

Most assessments of the RSE programme have been positive about its achievements on all three of these dimensions (Bedford 2013), to the extent that policymakers have raised the possibility of extending it to additional economic sectors (Sachdeva 2017). The programme is ardently supported by the horticulture and viticulture industrial lobbies, which consider it to have solved many of the labour shortages affecting the sector. The programme has also been seen as a success for the government, which has addressed labour shortages without many immigration-related political tensions, while reports of worker abuse have been relatively rare. The programme has drawn cross-party political support.

Research on the development effects of the RSE programme have assessed it quite positively, to the extent that its effects “dwarf those of other popular development interventions” (Gibson and McKenzie 2013). However, some stated aims of the programme, such as to provide capital through remittances to support starting small businesses in sending communities, have little evidence of being achieved. Still, while sending communities experience trade-offs including long absences by parents or workers (with some not sending the level of remittances expected), overall, sending communities are seen to experience positive outcomes. Household income, consumption, and savings increase along with subjective standards of living; community leaders report more resources for community projects; and the programme overall is well assessed by workers.

Goals

This programme is intended to reduce irregular migration by facilitating legal labour immigration to fill immediate shortages in the economy. Irregular migration was seen as a key problem within the Spanish immigration system at the time. The labour-intensive economic boom of 2000-2008 was characterised by a mismatch between an expansive labour market and a weak immigration regime leading to increasing irregular migration. The catalogue of hard-to-fill vacancies was part of a raft of measures seeking to redirect employers' demands for labour into legal migration channels. The catalogue provides a faster recruitment path for employers than the general mechanisms for recruiting foreign workers, making it easier for employers to access immigrant labour legally.

Features

The catalogue of hard-to-fill vacancies is a list of occupations for which there are few or no native and EEA workers available. It is prepared on a regionalised basis, with different provinces providing a list of occupations that are hard-to-fill in their area. It is published by government every three months and based on official employment office information following negotiations with employment confederations and trade unions. Finotelli describes the resulting list of vacancies as the result of negotiation between the government, trade unions and employers, rather than the outcome of a rigid estimation formula (2013, 334). Foreign workers can be hired into vacancies listed in the catalogue without employers having to undergo a labour market test. The catalogue for hard-to-fill occupations does not distinguish the skill levels of occupations, and occupations across the skill spectrum have been included in the catalogue. There is wide variation in the number of occupations listed in different regions and the list is dominated by labour intensive and seasonal sectors such as agriculture and tourism with many jobs at lower skill levels (OECD, 2014).

Under this route immigrants are granted a one-year visa. This can be renewed for two more years, and then for further two years. After five years immigrants can apply for a long-term residence permit. This immigration scheme also allows immigrants to change jobs, or relocate to other provinces after the first year. Spain allows access to various social rights including limited unemployment benefits. The Immigration Act 4/2000 requires non-discrimination against immigrants, thereby ensuring that immigrants in Spain can access healthcare and education as long as they are registered in the *Padron Municipal de Habitantes*. Immigrants arriving under this route can bring family members after the first year, as long as they have authorisation for at least a further year's stay. Sponsors for family reunification need to demonstrate the ability to provide suitable accommodation, health insurance and sufficient financial resources. Potential beneficiaries of family reunification include spouses and children under 18 and others if dependency can be demonstrated. Beneficiaries of family reunification can be granted work permits.

Context

The catalogue was introduced in 2004, a time of high immigration for Spain. Following a slow shift to becoming a country of immigration in the last quarter of the 20th century, Spain experienced an immigration boom between 2000-2008. An exponential rise in its immigrant population saw the foreign-born population rising from under 1.5 million in 2000 to 6.5 million in 2009. In this period Spain became the second largest immigrant recipient country within the OECD (after the USA). Immigrants, as a proportion of the population, increased from 4-14% in the decade to 2011.

The main driver behind this growth in immigration was sustained economic growth that was labour intensive in nature. Labour shortages were exacerbated by rapid population ageing, with the native cohorts entering the labour market each year only filling half of the new jobs available (Arango 2011, 3). Given the paucity of legal avenues for labour migration, irregular migration flourished.

The catalogue of hard-to-fill vacancies was introduced as part of a package of immigration policy reforms focussed on reducing irregular immigration. The other measures included the regularisation of irregular immigrants in 2005 (the last and largest in a series of regularisations) and a wider and stricter inspection and sanction regime for employers of irregular migrants. The catalogue itself was designed to provide employers with a speedier route for recruiting legal labour immigrants. Employers wishing to recruit non-EEA nationals into occupations on the catalogue must make a formal job offer with which a prospective immigrant can apply for an entry visa in their country of origin. The catalogue is part of the 'general regime' for immigration into Spain, with labour market tests operating for other work permit offers to immigrants from outside the EEA. Alongside the general regime for labour migration into Spain is the *Contingente*. For the most part, the contingente allows temporary seasonal workers to enter Spain subject to agreements with sending country governments and an annual quota.

Issues

High levels of irregular migration remain a challenge for Spain, despite various measures to address this problem. However, irregular immigration seems to have reduced significantly and is no longer in the focus on attention. The main tool for reducing the number of irregular migrants living in Spain has been the six regularisations between 1986-2005. Since then policies place increasing emphasis on improving border controls and in-country controls. However, there remains recognition of the need to channel inflows into legal avenues.

The global economic downturn, and consequent high unemployment in Spain, has impacted on the rates of migrants returning to countries of origin and outmigration doubled between 2007 and 2013. (INE, Estadística de Variaciones Residenciales). However, following the downturn, migrant populations in Spain were subject to very high rates of unemployment with over 1 million jobless immigrants in 2009 (European Migration Network 2010, 35). Migrant workers are concentrated in low skilled jobs and 17.2% of low skilled workers are foreign nationals, compared to just 3.6% of workers in highly skilled jobs (European Migration Network 2010, 44). Many migrant workers were employed in sectors like construction that were particularly hard hit by the economic crisis. Therefore, the downturn has had a greater impact on immigrants who experienced a 72 per cent increase in their unemployment rate (12.4 per cent to 21.3 per cent) in 2008, while Spanish workers saw a 58 per cent increase (7.9 per cent to 12.5 per cent) (European Migration Network 2010, 52). To encourage unemployed migrants to return to their countries of origin Spain instituted a voluntary returns programme for economic migrants that incentivises return by paying out their unemployment benefit as a lump sum on leaving Spain.

Effects

Despite the economic downturn, the catalogue of hard-to-fill vacancies remains in use. As a mechanism it provides immigrants access to the Spanish labour market across all skill levels where vacancies are persistent. High unemployment has resulted in less demand registering on the catalogue: the vacancies listed dwindled to 28 in the third quarter of 2012, compared to more than 200,000 vacancies in 2008 (Urban 2015, 201).

A 2010 report describes the catalogue as 'a highly flexible mechanism that adjusts to reflect changing labour market needs' (European Migration Network 2010, 24).

Spain's comparatively liberal policies on family and social rights for migrants have also remained in place. Spain has continued to pursue more inclusive policies that give migrants access to some unemployment benefits and rights to family reunion more generous than in most other EU member states (MIPEX 2014). Similarly, despite some restrictions being introduced on access to healthcare these targeted mainly irregular immigrants and were resisted by five regions and professional medical associations and their members. The political and constitutional context remains strongly underpinned by adherence to values of equality and non-discrimination, with the effect that the stratification of rights between natives and immigrants has been less prevalent than in other EU member states.

Some have argued that Spain marks an exceptional case, bucking the trend towards more restrictionist immigration policies across Europe since the economic downturn (Arango 2013). While Spanish Observatory data shows increases in racism and xenophobia, a continued acceptance of immigration in Spain persists. The economic crisis and rising unemployment have not precipitated the closure of labour migration routes. Instead, these routes are seen as having mechanisms capable of adjusting to changes in demand for labour rather than requiring complete closure. Policy responses to high unemployment among immigrants in Spain have favoured initiatives such as improving the portability of migrant's social rights. Migrant advocacy groups have also begun to set up programmes resettling migrants with permanent residence rights in rural parts of Spain that are suffering depopulation, moving them out of the urban coastal areas where immigrant unemployment is high (Delle Femmine 2017). It appears that in a political and constitutional setting where stratifying rights between natives and immigrants is less acceptable, policy responses have been more varied than a restrictive turn to removal.

Finally, the impact of international immigration on Spain's rural areas has become a topic of increasing interest. Following a prolonged period of out-migration (and associated population ageing) in rural areas, the last two decades have seen an increase in the arrival of international migrants in rural locations. Collantes et al find this has reduced depopulation in rural areas, with some even seeing a reversal of depopulation and beginning 'not only to retain but also to gain population after decades of steady decline' (2013, 616). Pinilla et al reflect on the drivers of international immigration into rural area in Spain and note that this has been facilitated by the conversion of immigrant's status from temporary to permanent and the arrival of new contingents of permanent migrants. They note that the high rates of ageing and difficulties in replacing retiring workers in rural areas provide opportunities for immigrants seeking work. In addition, rural areas offer the prospect of better amenities and lower housing and living costs than urban conurbations and migrants find this attractive (2008, 13).

Goals

The Swedish 2008 Immigration Law aims to ensure that employers in Sweden can use immigration from outside the EEA to meet their labour needs. The 2008 law produces a demand-driven system where employers have the greatest say in determining labour needs by allowing migrants to fill labour market gaps where employers state these cannot be met within Sweden or the EEA. The new law is driven primarily by recognition of the need for foreign workers to meet Swedish labour market needs, but a secondary driver is recognition of the effects of population ageing. Consequently, this move to a much more liberal labour immigration regime was, in part, justified by the recognition that: “the population was rapidly getting older, and fewer people of working age would have to support an increasing percentage of the population in the near future” (Billstrom cited in Platanova and Urso 2012, 117).

Features

The 2008 immigration law allows labour migrants with a job offer to be given a work permit for two years across all skill levels. Employers can recruit third country nationals where they find they can recruit no suitable candidate within Sweden or the EU/EEA. The job offers made must be consistent with collective agreements in place on pay and conditions. To qualify for a work permit the job offer must be such as to allow a labour migrant to support themselves - a minimum a pre-tax threshold of SEK 13,000 (around £1,200). The work permits are initially restricted to the occupation and employer. But, they can be renewed for a further two years at which point the employer restriction is lifted. Work permits requested for those occupations on the shortage list compiled by the Public Employment Agency are expedited. Within this route, immigrants can apply for a new work permit without being required to leave Sweden and thereby change occupation – as long as the switch is completed within 3 months.

Migrants can bring their family members provided they have been granted more than a year of stay. Family members is generally restricted to spouses and civil partners and children, but can include parents, adult children and others in exceptional circumstances. Sponsors for family reunification must demonstrate suitable accommodation and sufficient resources. Family members entering Sweden through family reunification are granted work permits. Migrants gain access to welfare rights at the same level as Swedish nationals after one year, once they are registered on the Swedish population register. They are then also entitled to free Swedish language tuition. After 4 years residence labour migrants can apply for permanent residence. Labour migrants are allowed to leave Sweden for a period of up to 12 months without compromising their status or their path to permanent residence. These fairly generous rights and access to settlement are viewed as necessary to attract migrants to Sweden.

Context

Prior to the 2008 immigration law the Swedish labour immigration system was one of the most restrictive among OECD countries, now it is one of the most liberal. The opening up of Swedish labour markets to immigration from outside the EU marks a departure from the policies in place since the 1960s.

These were characterised by their restrictiveness towards labour migration driven by trades union pressure requiring any prospective labour migrants to have parity with Swedes, not only in terms of pay and conditions at work, but also in terms of access to housing, education and social benefits (Borang and Cerna 2015, 10). Policies to address labour shortages, therefore, turned instead towards increasing labour market participation rates among outsider groups already in Sweden, rather than recruiting migrant labour from outside Sweden.

The 2008 law reduces the role of unions to commenting on job offers made to labour migrants within 5 days. Unions can comment as to whether job offers are in line with collective agreements on pay, insurance and working conditions. This is a marked change from the previous system in which the Public Employment Agency assessed labour shortages more restrictively and only issued work permits in line with shortage lists produced. Unions arguably held decisive and restrictive influence over labour immigration policy under this system. By contrast, under the 2008 law, employers' expressions of demand for labour are now the key driver of labour immigration. This change from a centralised sectoral approach assessing labour shortages to a demand-driven approach led by employer demands came about due to a variety of factors. These include declining unionisation, the decorporatisation of the Swedish state and employer stakeholder bodies becoming more active on labour migration than had previously been the case. The resulting system is more open to using immigration to address labour market shortages. Additionally, concerns about ageing populations, a shrinking workforce and insufficient regional labour mobility have bolstered the case for more liberal use of labour immigration.

Although shortage lists have been replaced by employer demands within the immigration system the Public Employment Agency (and Statistics Sweden) continue to forecast labour market needs in Sweden producing regular reports. These reports cover both short-term shortages (up to 12 months) and longer-term projections (5 to 10-year range). The data is used to develop a shortage index which covers national and regional perspectives and provides breakdowns by sector and occupation. However, the shortage index is used by government for evaluation and forecasting only and does not constrain the ability of employers to make job offers to labour migrants where they cannot find a suitable candidate vacancy within the Sweden or the EEA/EU, although work permits for jobs on the shortage list are expedited

The 2008 system of determining labour migration levels via employer demand survived the economic downturn which followed as it was seen as self-regulatory. Employer demand for labour migrants increased in 2009 and then remained relative steady falling back to around 15,000 in 2014 (see figure below)



Source: Swedish Migration Agency Statistics²⁶

²⁶ <https://www.migrationsverket.se/English/About-the-Migration-Agency/Facts-and-statistics-/Statistics/Overview-and-time-series.html> accessed 18 January 2018

In more recent years labour migration has been overshadowed in Swedish policy considerations by humanitarian entry routes. In 2015 asylum applications peaked at just over 160,000. Legal and policy changes have attached more restrictive conditions to humanitarian migrants in Sweden, but the overall increase in such migrants adds to the supply of migrants available to work in Sweden. This in turn reduces employer demand for labour migrants.

Issues

The main issue arising from the 2008 change in the labour immigration system has been the need to ensure compliance from some employers who were seen as untrustworthy and not adhering to the employment conditions required. To address this issue some changes were made, such as the introduction of stricter controls on certain sectors in 2012 (including cleaning, hotels and restaurants, services, construction and agriculture). These measures include requiring employers to provide financial information to prove they have the resources to pay the required wages and providing tax statements to prove wages had in fact been paid. Businesses registered in non-EU countries are required to register a branch with the Swedish Companies Registration. These efforts are judged as having been successful in reducing exploitation of migrant workers and led to a reduction in the number of permits requested and granted within the affected sectors (Ollus et al 2013:184). This effort to combat exploitative practices in particular sectors was backed up with an inspection and sanction regime in 2014. The exploitation of foreign workers by disreputable employers has become a growing concern in public and policy debates on immigration (European Migration Network 2015, 3).

There is also concern that labour migration should not become a substitute for other labour market and social policies such as investment in training and education for Swedish workers or policies to help women or people with disabilities into work (Platanova and Urso 2012, 126). Access to social rights and family reunification remains generous for labour migrants. However, more stringent support requirements have been introduced for those wishing to be accompanied by family members.

Effects

Labour migration remains a much smaller entry route to the country compared to family reunification and humanitarian protection routes. Work permit issues made up just 16 per cent of total immigration permits for 2015, although 23 per cent of family unification or formation permits were for family members of work permit holders (Swedish Migration Agency Statistics²⁷). Sweden has also made steps to provide access to the labour market for other migrants. In 2014 it extended the opportunities for foreign students to get residence and work permits, including a post-study job seeking visa for up to six months. Similarly, in some circumstances asylum seekers with rejected applications can apply to remain on a work permit and there are new opportunities for self-employed persons to seek residence permits.

Work permit figures show the 2008 immigration system working to draw in labour migrants across different skill levels. The EMN Sweden report for 2015 provides data on employment of third country nationals for selected occupations. In this data third country nationals providing personal services were the largest group (1315) with most working as cooks (781), the rest providing cleaning and housekeeping in establishments like hotels and offices (189), domestic housekeeping (172) and working as waiters (23).

²⁷ <https://www.migrationsverket.se/English/About-the-Migration-Agency/Facts-and-statistics-/Statistics/Overview-and-time-series.html> accessed 17 January 2018

It is difficult to determine skill or salary levels in this data. A group likely to be at the lower end of the skill spectrum are the 193 third country nationals recruited to work in personal care occupations, where most worked in home-based settings (158). Other groups in this data are likely to be highly skilled: including 649 in ICT professions and 582 engineers. Data from 2013 shows that among the top ten occupations for which employers recruited third country nationals there were some for which no national shortage was reported in the shortage index produced by the Public Employment Agency. This indicates that employers perceived needs do not dovetail entirely with their analysis of labour needs. For instance, employers requested waiting and cleaning staff despite the Agency considering these to be in surplus. However, a Public Employment Agency study on recruitment of labour migrants found that relatively few employers considered hiring labour from outside the EEA to fill vacancies. Only 10 per cent of employers surveyed intended to try to recruit from outside the EU in the next two years. Employers continued to have very limited knowledge of how to go about recruiting foreign nationals. Swedish language proficiency and difficulties in assessing and recognising qualifications gained abroad also pose significant barriers. Despite the legislative change in 2008, by 2012 third country nationals in the Swedish labour market (including seasonal workers and the self-employed) totalled 27,100, representing just 0.6 per cent of the workforce.

Goals

The Manitoba Provincial Nominee Program (MPNP) – run by the Canadian province of Manitoba within Canada’s federalised approach to immigration policy – aims to increase settlement migration to Manitoba in order to serve a wide array of interconnected economic and demographic goals. Demographically, the MPNP supports population growth in a province that had been experiencing slow growth and substantial out-migration. The MPNP also works to attract a greater share of immigrants to rural Manitoba communities, in part to address acute ageing and out-migration problems there, dispersing immigrants beyond the main urban centre of Winnipeg that has been traditionally heavily favoured by immigrants to Manitoba. Economically, the MPNP aims to support economic growth by providing workers in a wide range of in-demand occupations across a variety of skill levels, both in the province’s urban centre of Winnipeg and in rural communities. The programme is also designed in particular ways to retain immigrants in the province.

Features

The MPNP provides permanent Canadian residency to qualified workers and their dependents. One of the MPNP’s most distinct characteristics across its two-decade history is its combination of skills-based criteria with immigrant selection based on existing connections to Manitoba. The latter is intended to help ensure that migrants admitted under the programme stay in the province.

Run under Canada’s federalised immigration system, the MPNP is operated independently by the province of Manitoba, with the Canadian federal government only screening prospective immigrants according to inadmissibility criteria and reserving the power to cap the programme’s size. Prospective migrants apply to the programme, either from within or outside Canada, through an “expression of interest” to receive a “nomination” for permanent residency from the province. Above federal visa application costs, once accepted, provincial nominees must pay the province a \$500 fee.

Throughout its existence, the MPNP’s strategic approach has been to adopt relatively flexible selection criteria that appeal to migrants who are unlikely to qualify under federal programmes (Baglay 2012, 129). In general, the MPNP increases the opportunity for skilled workers with ties to Manitoba, and temporary leave under different programmes, to gain permanent residence. It provides unique access to permanent residency for some lower-skilled workers with Manitoba connections (Baglay and Nakache 2014).

Two distinct pathways exist for graduates of Manitoba postsecondary institutions and business investors. Apart from this, the Skilled Workers Overseas pathway is a points-based system for workers living overseas, which requires them to have support of family or friends in the province, previous education or work experience in Manitoba, or an invitation as part of a strategic recruitment initiative. Applicants are scored based on language proficiency, age, work experience, education, and adaptability. Under rules being currently introduced, candidates who do not qualify for permanent residency under Canada’s “Express Entry” system must also work in one of a list of in-demand occupations, across a number of skill levels. The Skilled Workers in Manitoba pathway allows foreign workers in Manitoba under different immigration categories, who meet language requirements and are in continuous employment or have a long-term job offer, to receive provincial nominations for permanent residency. Workers in both streams generally must show they do not have stronger ties to another province, and must submit a settlement plan.

In recent years, the programme has been adjusted to favour applicants currently in work or with a job offer (Pagathkhan 2016), a shift from the previous emphasis on migrants' skills and connections to the province. The MPNP's traditional allowance for settlement immigration for workers outside of the highest skill levels has been distinctive (Leo and August 2009, 502). In the past, prospective immigrants could apply under a generous family stream, or under a "community support" stream that would allow them to immigrate with demonstrated support from an established ethnocultural community, a feature that has been described as unique (Carter, Morrish, and Amoyaw 2008, 176). While separate family and community pathways no longer exist, the programme still maintains a strong emphasis on attracting workers who show they have sources of support or ties to the province.

Context

Manitoba experienced low international immigration and few internal newcomers after the 1960s, as immigrants to Canada overwhelmingly settled in Ontario, Quebec, and British Columbia. Of those immigrants who did arrive in Manitoba, 90 percent settled in Winnipeg, whose metropolitan area contains 60 percent of the province's population.

In the 1990s, with immigration regarded as key to Canada's economic and demographic development, policymakers identified the lack of dispersal of immigrants within Canada as a national problem. A recognition also emerged that general federal immigration programmes could not adequately address the economic and demographic problems faced by particular provinces or communities (Baglay and Nakache 2014). This resulted in a substantial federalisation of the immigration system, as the federal government opened the door for provinces and territories to set up nominee programmes to attract immigrants. (Quebec has historically operated its own programme.) Following these reforms, Manitoba was the first province to operate a nominee programme. MPNP has historically been the largest and most ambitious of all the provincial nominee programmes, often being larger than all others combined.

Issues

The MPNP is a complex programme with a number of interlocking goals and has encountered a number of noted issues (Lewis 2010). Considering its economic goals, one of the most significant issues has been the question of whether immigrants under the programme are fulfilling their economic potential. While generally employment among MPNP nominees is high – as the programme favours people with locally desired skills and who are in their working prime – past surveys have found between 30 and 50 percent were not working in what they considered their long-term career area. However, the MPNP has given considerable effort to recognizing and upgrading workers' education and credentials (Carter, Morrish, and Amoyaw 2008, 175), mitigating this issue. At the same time, recent changes emphasising the need to work for eligibility have raised the possibility of exploitation, as workers are increasingly reliant on employers for the opportunity to gain permanent residency (Baglay and Nakache 2014).

One key issue for the MPNP has been retention, as permanent residents cannot, under Canadian law, be restricted in where they live. However, the MPNP has generally been seen as relatively successful at retaining nominees in the province through policy design that emphasises provincial ties. Especially in the programme's first decade, there was a strong emphasis in purposefully recruiting further immigration from ethnocultural groups already established in Manitoba as a key tactic in retaining migrants in the province. While this effort appeared key in retaining immigrants, it has also been criticised for entrenching inequality between ethnocultural groups and for binding certain cultural groups to certain economic roles (Lewis 2010).

Service provision has also arisen as an important issue in the MPNP, especially in rural communities intended to be major beneficiaries (Zehtab-Martin and Beesley 2007). Manitoba's agreement with the Canadian federal government to run its own integration programmes, as well as the province's flexible and feedback-soliciting approach to implementation, are seen to have mitigated problems in this area (Leo and August 2009). Still, services like language training, transportation, and childcare can be expensive and logistically difficult to provide in smaller communities. Smaller Manitoban communities experiencing high per-capita immigration – often due to quick influxes of provincial nominees working in particular local industries – have sometimes struggled to provide services, often relying on third-sector organisations (Carter, Morrish, and Amoyaw 2008, 181). For most of the programme's history, Manitoba had not charged its own fees to nominees, but the province introduced one for accepted nominees in 2016, ostensibly to fund programme administration and integration initiatives (Laychuk 2016).

While federal flexibility has been important in the programme's success, there are times when federal administration has emerged as a significant issue. Federal action was needed to regulate an immigration brokering industry that negatively affected potential participants in the early years of the programme. Likewise, while for many years the federal government did not cap the number of primary migrants the MPNP could nominate, these caps were reintroduced in recent years. Application backlogs, caused either by federal or provincial authorities, have also been a recurring issue.

Effects

The MPNP has generally been seen as a model for other provinces and as successful at meeting its goals.

The MPNP has been essential to Manitoba's success in drawing an increasing proportion of Canada's immigration. Early in the programme's history, the MPNP became the channel that accounted for a clear majority of total settlement immigration to Manitoba. At various points in the programme, Manitoba has received a higher proportion of immigrants relative to its population than any other province, and the MPNP contributed to Manitoba more than doubling its proportion of immigration among the Canadian total, from around 2 percent to around 4.5 percent (Lewis 2010). In 2014, the most recent year for which the Manitoban government released statistics, the MPNP granted permanent residency to nearly 5,000 primary applicants and 7,250 dependants (Manitoba Labour and Immigration 2015, 10), in the context of a provincial population of 1.2 million.

Especially in its first decade, the MPNP was seen as successful in drawing more immigrants to communities outside of Winnipeg, with the share of Manitoba immigrants settling in Winnipeg dropping to 76 percent by 2006 (Carter, Morrish, and Amoyaw 2008, 174) from more than 90 percent before the programme. While more recent statistics suggest that this figure has risen back into the mid-80s (Manitoba Labour and Immigration 2015), the MPNP is still seen as a model programme in drawing new residents to rural communities that are now economically and demographically revitalised (Dharssi 2016). However, these influxes have also sometimes resulted in stress on housing markets in smaller communities.

Economically, the MPNP has overall been seen as well-matched to labour market demand, and has supplied workers to an unusually wide range of industries (Carter, Morrish, and Amoyaw 2008, 172–73). Despite being assessed positively overall in terms of its economic impact, latter concern that too few applicants had employment in hand when arriving in Manitoba has spurred recent reforms to the programme.

The MPNP has also resulted in increased diversity in Manitoba. By its design, the programme draws from already settled groups, and in its early years two ethnocultural groups – Filipinos (mainly in Winnipeg) and German-speaking Mennonites (usually in farming communities) comprised a majority of nominees.

Despite concern that this emphasis would freeze out other ethnocultural groups (Lewis 2010), in recent years MPNP nominees have become majority-Asian, with Filipinos continuing to be the largest ethnocultural group in the programme, followed by immigrants from India and China (Manitoba Labour and Immigration 2015).

Annex 4: Overview of Data Collection

Table 1: Participant overview – SSAMIS

Locations	Aberdeen (n27); Glasgow (n37); Peterhead (n41) Fraserburgh (n9); other rural locations in Aberdeenshire (n25); Arbroath (n39); Montrose (n12); Brechin (n9); other rural locations in Angus (n8)
Employment sectors	Administration (n15); agriculture (n26); cleaning (n16); construction (n8); food processing (n26); full-time education (n10); health and social care (n13); hospitality and catering (n16); retail (n11); self-employed (n12); translation/interpreting (n5); not in employment ²⁸ (n19); other (n29)
Gender	Women (n129); men (n78)
Age group	18-24 (n13); 25-34 (n66); 35-49 (n91); 50+ (n36); unknown (n1)
Country of origin	Azerbaijan (n2); Bulgaria (n8); Czech Republic (n6); Estonia (n1); Hungary (n18); Kazakhstan (n1); Kyrgyzstan (n1); Latvia (n42); Lithuania (n28); Poland (n83); Romania (n5); Russia (n5); Slovakia (n4); Ukraine (n3)

Table 2: Participant overview - Focus Groups

Locations	Arran (n6); Fort Augustus (n2); Fort William (n2); Glasgow (n1); Montrose (n7); Peterhead (n9); Torridon (n4)
Employment sectors	Administration; agriculture; education; health & social care, hospitality and catering; food processing; retail
Gender	Women (n20); men (n11)
Age group	18-24 (n3); 25-34 (n9); 35-49 (n14); 50+ (n5)
Length of stay (yrs)	0-1 yrs (n7); 1-5 yrs (n6); 5–10 yrs (n7); +10 yrs (n9); unknown (n2)
Country of origin	Czech Republic (n2); France (n1); Germany (n1); Hungary (n6); Ireland (n1); Latvia (n6); Lithuania (n6); Poland (n7); Spain (n1)

²⁸ category includes jobseekers, retirees, participants on maternity leave/sick leave

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