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Rt Hon Priti Patel MP
Home Secretary

Home Office
2 Marsham Street
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24 September 2021

Dear Home Secretary,

Changes to the Immigration Rules: Proposals to the UK Government to address acute labour market shortages in the UK

It is clear that changes are required to the immigration system in order to address the acute labour market shortages being faced across multiple sectors of our economy and public services. Scottish Ministers warned the UK Government about the impact of the ending of freedom of movement and the limitations of the current immigration system. We are now seeing that impact.

Migration is not the sole solution to this wide-spread problem. The Scottish Government is working productively with business and is taking action in those areas within our responsibilities including promoting fair working practices and provision of upskilling and retraining opportunities aimed at hardest hit sectors, but the UK Government needs to urgently address the immigration challenges.

I understand that our respective Government's views on migration differ, however, the solution to this cross-cutting problem must take the issues faced by all communities and stakeholders that we are democratically responsible for into account, and therefore include our important devolved perspectives. In order to best respond to the current pressures the UK Government must make urgent changes to the Immigration Rules.

Immediate Action

I ask first that you urgently revisit your previously proposed Temporary Worker Route, which was intended to prevent a post-Brexit 'cliff-edge' for employers who were reliant on free movement. It is pertinent that this route should be implemented immediately, extended to 24 months, with the opportunity for workers to switch onto other visa routes once they are in country and have obtained employment.

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To further mitigate the loss of EU free movement, I suggest that rather than removing access to benefits or further facilitating a hostile environment approach for EU citizens, a route modelled on the previous European Temporary Leave to Remain (ETLTR) scheme should be implemented immediately. This will allow EU citizens to stay and work in the UK for up to three years and encourage further positive contribution to our communities, economy and society.

Furthermore, the UK Government's immigration fees are some of the most expensive in the world. Scottish Ministers have called, several times, for these to be reduced, as they create an insurmountable barrier for both workers and employers. Given the gravity of the current situation, I am surprised that the UK Government are still insisting that organisations must pay up to £1000 for the first 12 months of employment, and £500 thereafter for each additional 6 months on the Immigration Skills Charge. Even workers in shortage occupations are expected to pay £928 (and up to £1,220 otherwise) in application fees. Thus, I am clear that the UK Government must reduce excessive costs of the immigration system in order to meet the needs of workers and employers amidst this labour crisis.

I presume that as in previous years the UK Government is planning to bring forward changes to the immigration rules in the Autumn and suggest that these changes could be included in those rules in order to immediately address the difficulties being experienced across key sectors.

Shortage Occupation List

The UK Government's 'points-based system' is too heavily focused on high earners, and leaves almost no route for some of our country's most important roles. It is imperative that the UK Government act on the recommendations from its own Migration Advisory Committee (MAC), and include key roles such as butchers, bricklayers and welders on the Shortage Occupation List (SOL). Crucially the whole SOL must be reviewed given other changes in the immigration system so that there is clarity as to its role and the benefits that inclusion on the SOL allows. We need a process which is able to quickly respond to pressures within the economy and it is clear that the SOL is not currently fit for purpose. The fixation with salary levels and qualifications does not recognise the social value of workers to their communities and to the wider economy. We need a system that is focused on the skills that are needed rather than the salary.

Further to my proposal set out above, Scottish Ministers must have a formal role in commissioning advice upon, and determining, what occupations are in shortage in Scotland. We need people to contribute at all levels of our economy, and the UK Government's characterisation of people working in some of Scotland's key sectors such as tourism, hospitality and agriculture, as 'low skilled' is offensive. Scottish Ministers and the Scottish Parliament are best placed to decide how to accommodate our distinct labour market needs.

Tailored Approach

The impact of the UK Government's immigration policy confirms the need for a tailored approach to migration in Scotland. Our January 2020 policy paper *Migration: Helping Scotland Prosper* outlines how the devolution of migration could work, within a UK framework, with powers for Scottish Ministers accountable to the Scottish Parliament. The Scottish Government proposals are widely supported amongst key stakeholders.

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This includes the Federation of Small Businesses in Scotland, COSLA, SCDI, the Scottish Tourism Alliance, IPPR, Universities Scotland, the David Hume Institute, Reform Scotland, the Royal Society of Edinburgh, and NFUS.

The current immigration system is not meeting the needs of Scotland. At the moment it is not meeting the needs of sectors across the UK. This position is not sustainable and I would ask you to work with us to urgently develop and implement change. I would welcome an immediate discussion on these proposals.

I am copying this letter to: my colleague, Minister for Culture, Europe and International Development, Jenny Gilruth; and the Welsh Minister for Social Justice, Jane Hutt.

Best wishes,

A handwritten signature in black ink that reads "Angus Robertson". The signature is written in a cursive style with a large initial 'A' and 'R'.

Angus Robertson

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