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All immigrants are equal, but some are more equal than others. The introduction of a points-based immigration system in the UK will intensify workers' vulnerability to the state and employers, reports Javier

[IMAGE]

Image: Lee Galpin, *Numbers Game*

The new Points-Based System (PBS), will gradually come into force in 2008. According to the Home Office, the starting point is that employers should look first to recruit from the UK and the expanded EU before recruiting migrants from outside the EU. The latter are allocated points depending on their 'benefit to the UK' and will all have to fit into one of five tiers which, in turn, determines what rights they are entitled to during their stay. Most non-EU migrants will need a sponsor – business or educational institution – to come into the country.

The Five Tier Hierarchy:

Tier 1 – Highly Skilled Migrants

Similar to existing schemes to attract 'the best and brightest' of migrants that will 'increase the productivity and growth of the UK economy'. They will be able to bring their families and allowed to settle after a further two years of testing. They are the only group that do not need a sponsor.

Tier 2 – Skilled workers with job offer

It is expected that this will be the route for most arrivals. This tier is basically employers recruiting overseas, either for jobs identified as suffering a shortage of labour, or after proving that the new arrival is not displacing a UK or EU potential worker. For example, the employer may have to show it will pay a competitive salary that will not undercut average wages for the job. Tier 2 migrants will be allowed to bring dependants and settle after five years. They can change employer and even move to Tier 1, but will have to go through a re-assessment by the Home Office.

Tier 3 – Low skilled migration

These are the migrants who will suffer the worst restrictions. The Home Office's five year plan is to 'phase out' schemes for impoverished non-EU migrants. Again, recruitment of overseas workers will be limited to sectors with a shortage of labour, where cheap EU workers cannot be recruited, and only from countries that sign a 'returns arrangement' with the UK. These workers will only be allowed into the UK for a maximum of a year, without families, and they will not be allowed to switch to other tiers. Options considered to ensure workers return at the end of their leave include bonds, compulsory remittances, open return tickets and biometric capture.

Tier 4 – Students

The main change here is the greater responsibility for educational institutions to police immigration compliance. Students will be allowed to change courses but not institutions without a fresh claim, and will be allowed to bring in their family. Current UK working regulations remain unchanged for this category.

Tier 5 – Youth mobility and temporary workers

This is a rag-bag of schemes for people coming to the UK mainly ‘to satisfy non-economic objectives’. Au pairs, artists, volunteers for charity, etc. will fall in the Temporary Workers category. They will be allowed a maximum stay of 24 months without the possibility of changing tiers, and will be allowed to bring dependants. Youth mobility schemes will be set up with specific countries that act as sponsors vouching for their youngsters’ return. Countries will be rated, quotas and even bans will be imposed ‘according to immigration risk’. This scheme will cover people aged 18-30, who are allowed a maximum of 24 months, no family and no change of tier.

How Points Work

Points are meant to provide a structured and objective decision making process so infallible that the right of appeal will be replaced by administrative review.

Points are awarded for:

- Attributes: qualifications (bonus to have a UK education), previous earnings (relative to local economy), work history, age (to compensate for lower youth earnings), English language (compulsory for Tiers 1 and 2).
- Control factors: Certificate of Sponsorship, funds, history of compliance with migration controls.

There are great variations on how points work for each tier and we do not have the space here to fully explain it. The system is designed for a trade off in points, but a central part is the Certificate of Sponsorship.

Sponsorship:

The main radical departure from the existing migration model is the outsourcing of migration controls, and associated costs and responsibilities, from the Home Office towards those perceived as ‘benefiting from migration’. The PBS converts employers and educational institutions into sponsors, who must select the right migrants – both in skills and compliance – make sure they follow their stated role and that they leave in due time. Sponsors ‘will be expected to report any prolonged absence from work or discontinuation of studies’.

All sponsors will have to be approved by the Home Office, who will rate them as A or B depending on their ‘track record and policies’. A-rated sponsors will always bring in good migrants and get their paperwork right, etc. According to the Home Office, they

can expect that the applications from the migrants they sponsor will generally be successful... and a light touch from us.

Resources thus will focus on policing B-rated sponsors and their migrants.

It is obvious how this will save time and money at the Home Office, but it is equally clear that this leaves workers in an incredibly vulnerable position in relation to their employers. The words ‘bonded labour’ come to mind. The first casualty of the sponsor system will be imported domestic workers. After endless cases of maids being beaten, imprisoned, deprived of their documents and generally treated like modern slaves, the government agreed some years ago that it might be a good idea to let them look for alternative employers. Alas, with the PBS they will be once again tied to their sponsor, come rain or shine.

What It All Means

In fact the PBS will directly affect a relatively small number of those coming into this country in a vulnerable position. It is mainly a repackaging of existing schemes, where the devil will be in the detail of how points are allocated, the assessment of perceived labour shortages and the issues with sponsors mentioned above.

The big problems with the PBS lie elsewhere. It further reduces migration policy to a one-way street of 'benefit to UK' that does not take into account the realities of both globalisation and human aspirations. The assumption is that migrants are informed individuals making cost-benefit decisions that match the cold calculations of the government on how many hands, divided by two, we must import to keep inflation at bay. Chance, poverty, love, war, family ties, repression, rumours, etc. do not win you any points here. The alternative for most migrants will be more of the same: hyper-exploitation in illegal work or the destitution of asylum.

We also need to see how the PBS will impact all migrants. The stated focus on the UK and EU first could easily be understood by many as government sanctioned racist discrimination against non-whites. The three quarters of a million people trapped in the current system, both visa over-stayers and legacy asylum cases, are simply ignored in the PBS plan.

Finally, the implementation of the PBS depends on the development of a comprehensive electronic control apparatus. Basically a 'management information system' that will keep track of every migrant entering, staying in, and leaving the UK, producing patterns of non-compliance for migrants from particular countries and job sectors. This in turn will only be possible with biometric controls and ID, not just for migrants but for everyone, as one cannot make racist assumptions on who is and who is not a UK citizen.

This text is based on 'The Points-Based Immigration System: Making Migrants Work for Britain', <http://www.indymedia.org.uk/en/2007/04/369098.html>