

# Ensure controlled, fair migration that protects the public and contributes to economic growth PSA Delivery Agreement (CSR 2007): Equality Impact Assessment

## 1. Background

### Context

- 1.1 The Government introduced Public Service Agreements in 1998 and these are now a key step in the budget allocation process for Government departments and agencies, setting out the level of service delivery expected in return for the public investment made. PSAs are set out in documents called Delivery Agreements.
- 1.2 The purpose of PSAs is to:
  - Articulate the government's ambitions for public service delivery.
  - To ensure that public services deliver the expected levels of service delivery and can be held to account for this.
- 1.3 Current PSAs cover the period from 2005/06-2007/08. The process for developing the next set of Public Service Agreements, reflecting current and likely future priorities and budgetary considerations, is now complete for the period from 2008/09 to 2011/12.
- 1.4 The Migration Delivery Agreement document sets out: the vision; measures; delivery strategy; relationship with the local government in delivering the PSA; and consultation with key actors in the delivery chain.

### Aims and objectives

- 1.5 This equality impact assessment relates to the Migration PSA Delivery Agreement. The aim of this is to:

*Ensure controlled, fair migration that protects the public and contributes to economic growth.*

- 1.6 The PSA is then broken down into four more detailed strategic objectives as follows:

*Strategic Objective 1: Strengthen our borders; use tougher checks abroad so that only those with permission can travel to the UK; and ensure that we know who leaves so that we can take action against those who break the rules.*

*Strategic Objective 2: We will fast-track asylum decisions, remove those whose claims fail and integrate those who need our protection.*

*Strategic Objective 3: To ensure and enforce compliance with our immigration laws, removing the most harmful people first and denying the privileges of the UK to those here illegally.*

*Strategic Objective 4: Boost Britain's economy by bringing the right skills here from around the world, and ensuring that this country is easy to visit legally.*

- 1.7 The delivery strategy for the Migration PSA is as set out in the Agreement, underpinned by the following strategies:

“Securing the UK Border: Our vision and strategy for the future”, March 2007.

“Enforcing the rules: A strategy to ensure and enforce compliance with our immigration laws”, March 2007.

“A Points-Based System: Making Migration Work for Britain”, March 2006”.

- 1.8 These are supported by “Managing Global Migration: A strategy to build stronger international alliances to manage migration”, published in partnership with the Foreign and Commonwealth Office in June 2007.

- 1.9 The Border and Immigration Agency publishes a Business Plan outlining priorities in the coming year as well as progress achieved in the last year.

## Scope

- 1.10 There has been a drive to ensure greater coherence and alignment between PSAs, recognising that many of the issues covered by the PSAs are interrelated; aspects of the Migration PSA therefore support the achievement of other PSA objectives emerging from CSR 2007 and vice versa. However, this equality impact assessment relates exclusively to the Migration PSA.

## **2. Methodology**

### Data collection

- 2.1 The performance indicators proposed in the draft Migration Delivery Agreement to measure achievement of the four objectives of the PSA will be published in the annual Home Office Departmental Reports and Home Office Targets Autumn Performance Reports to Parliament. Detailed immigration (annual), asylum (annual and quarterly) and nationality (annual) statistics is published by the Home Office Research Development and Statistics Directorate.

- 2.2 Some of the Home Office published statistics contain details of particular migrants' characteristics, for example, age and gender, where it has been possible to ascertain these data. These information sources are supplemented by more detailed management information held within the Border and Immigration Agency. This information supports the capacity to assess the impact of policies and delivery against equality factors.
- 2.3 The Agency is in the early stages of a project to develop the capacity to improve the detail of the management information that is collected. This project has a particular focus on gathering equality monitoring data, to support the objectives of the "Border and Immigration Agency: Race, Disability and Gender Equality Scheme", April 2007.
- 2.4 Additional sources of information include a range of research outputs from the Home Office, other government departments, associated agencies and non-governmental organisations to provide contextual information to support the quantitative data. These might include evaluations, for example of the SUNRISE project to support refugee integration (Home Office), or surveys such as, the International Passenger Survey from which the International Migration statistics series is produced and the Labour Force Survey (Office of National Statistics) or the National Employers Skills Survey (Learning and Skills Council).
- 2.5 SO1 - For unique secure IDs we will establish a process which means that those nationals who do not have a unique secure ID on arrival will be fingerprinted and have a digital photograph taken prior to the grant of entry. There is no existing data for unique secure IDs. The concept is a project and not a numerical target. As a result, it is an absolute measure – the ID either qualifies as secure and unique or it does not – and therefore a baseline is inapplicable.

### **3. Consultation and involvement**

#### Stakeholder Meetings

- 3.1 The Agency actively engages stakeholders in various forums including:
- Migration Impacts Forum – To bring together interested parties from outside government to consider the wider impacts of migration so that information and stakeholder concerns can inform government thinking, both on migration and on community cohesion.
- Corporate Stakeholder Group – To work at Chief Executive level with a small number of key stakeholders to improve the development of strategic policy and delivery.

Regional Strategic Coordination Groups – A regional multi-sector agency forum of those involved in the planning and impacts of current / failed asylum seekers, refugees and their integration. To work in partnership to consider the impact of migration and to find solutions.

National Migration Group – To provide a national consultative forum on migration issues for the Agency, the Regional Strategic Migration Partnerships and other key partners, with representatives from each of the Regional Strategic Coordination Groups and other national and local stakeholders from health, police, voluntary sector.

National Asylum Stakeholder Forum – To facilitate a regular and ongoing dialogue between the Border and Immigration Agency and key national asylum stakeholders on asylum policy, with statutory and voluntary sector stakeholders.

Managed Migration Employer Taskforce – To provide a joint forum to consider the development and implementation of the new points-based system. Representatives including: Confederation of British Industry, British Chamber of Commerce, Federation of Small Businesses, Recruitment & Employment Confederation, Employers, Trades Union Congress and from Other Government Departments.

Managed Migration Joint Education Taskforce – To support the development and delivery of policy that assists the Government's strategy to attract more genuine international students to the UK. Representatives from across the education sector including: Universities UK, English UK, British Council, UK Council Overseas Students, Association of Colleges and the Association of Scottish Colleges.

Managed Migration Illegal Working Stakeholder Group – To provide advice and guidance to Government on the development of legislation to tackle illegal migrant working and to provide advice and guidance to business and the public on policies to reduce illegal migrant working and the problems associated with it, with senior representatives from UK business, Trade Unions, migrant workers and communities, Government Departments.

Simplification Stakeholder Forum – To provide a sounding board for emerging ideas, and for attendees to put forward comments and suggestions for simplification of legislation, rules and guidance, with membership from Other Government Departments and the devolved administrations.

Business Advisory Panel – As part of its Simplification Plan and its commitment to the Better Regulation aim to reduce regulatory burdens, the Agency's Chief Executive chairs this panel to provide a joint forum for the Home Office and the business community to consider the development and implementation of Home Office Policy at a strategic

level. It also provides an informed and independent voice, through a two-way shared dialogue with the business community.

### Regional Directors

3.2 Regional Directors have been appointed in 2007 for the Agency's operations in: North West; North East, Yorkshire and the Humber; London and South East; Scotland and Northern Ireland; Midlands and East of England; and Wales and South West. The establishment of a network of directors in the regions allows the Agency to react more quickly to issues raised across our estate. The Agency will be able to handle stakeholder engagement in a more locally-sensitive manner than has been possible before, leading to a better service being delivered to our customers.

### Migration Advisory Committee

3.3 The MAC will provide independent and evidence-based advice to Government on specific sectors and occupations in the labour market where shortages exist which can sensibly be filled by migration.

3.4 The Government may, from time to time, ask the MAC to advise on other matters relating to migration.

### Delivery Partners from Other Government Departments

3.5 The Ministry of Justice, Foreign and Commonwealth Office and UKvisas are represented on the Asylum and Immigration Ministerial Strategy Board, the Border and Immigration Agency Board, the Joint Approvals Committee and on various Management Boards and Tasking Groups.

### Public and Other Consultations

3.6 The Agency consults widely to inform its policies. For example, on:

Strategic Objective 1 – Strengthen Our Borders: the Agency has consulted and will continue to consult with key players in the delivery chain (Home Office, FCO, UKvisas, Ministry of Justice, Judiciary and local authorities) to ensure areas of work that involve interdependency operate successfully.

Strategic Objective 2 - Fast track asylum decisions: the Agency has consulted and will continue to consult with key partners in the delivery of case conclusion targets.(FCO, UK Visas, PMDU, Ministry of Justice and local authorities). The Agency consulted on its proposals to change the way refugee integration services are funded and structured.

Strategic Objective 3 – Ensure and Enforce Compliance: the Agency consulted on the implementation of new powers in the Immigration,

Asylum and Nationality Act 2006 to prevent illegal migrant working in the UK.

Strategic Objective 4 – Boosting Britain’s economy by bringing in the right skills here from around the world: the Agency responded to the consultation document “Selective Admission: Making Migration Work for Britain” for 16 weeks in November 2005” before publishing its response in “A Points-Based System: Making Migration Work for Britain” in March 2006.

#### 4. Assessment

##### Analysis

4.1 The table below sets out the key equalities considerations in respect of the Strategic Objectives and Performance Indicators of the PSA, as expressed in the Delivery Agreement.

Strategic Objective (SO)/Performance Indicator (PI)	Relevance	Consideration/Action
<p><b>SO1:</b> Strengthen our borders; use tougher checks abroad so that only those with permission can travel to the UK; and ensure that we know who leaves so that we can take action against those who break the rules.</p> <p><b>PI:</b> Require non European Economic Area (EEA) nationals to have unique, secure IDs before they are allowed to enter, have in place a process for tracking the entry and exit of travellers to and from the UK.</p>	<p>Relevant: non EEA nationals would be affected. The introduction of enhanced immigration processes may be perceived to impact disproportionately on members of specific diversity groups, if not to deliberately target groupings with explicit national, ethnic, faith or other backgrounds. The use of biometrics is likely to raise issues of data security and perceptions of the possible abuse of such data, either deliberately or by accident. In addition, there are issues surrounding the ability to physically capture data where the applicant is</p>	<p>This is necessary for security and control of our borders.</p> <p>The concept is designed for the protection of all persons legitimately in the UK and is targeted strictly on harm reduction (NOT against members of any diversity grouping). The development of an approach designed to impact on abuses which lead to the greatest risks/cause the most harm may reasonably be expected to have a positive effect on the perceptions of diverse groups. Confidence will be established that the processes are not only secure (a factor that will extend to all who engage with the process), but can be used by all qualifying travellers irrespective of their physical circumstances. This concept also introduces multi-modal units enabled to process more than one biometric – enabling the appropriate biometric to be</p>

	<p>unable to provide a specific biometric for processing</p>	<p>matched to a passenger's individual circumstances.</p> <p>The Race Relations (Amendment) Act 2000 provides exception for certain acts in immigration and nationality cases: this includes Examination of Passengers (prioritisation of examination of arriving passengers for examination on the basis of nationality where certain conditions are met).</p> <p>Monitoring of exception: the Secretary of State appoints a Race Monitor to provide an independent oversight of the use of powers immigration staff hold to discriminate on the grounds of nationality, ethnic or national origin, and is required to report findings to Parliament on an annual basis.</p>
<p><b><u>SO2:</u></b> We will fast-track asylum decisions, remove those whose claims fail and integrate those who need our protection.</p> <p><b><u>PI:</u></b> Reduce the time to case conclusions.</p>	<p>Relevant: asylum applications from persons of particular nationality or ethnic or national origin, where a significant number of claims are unfounded or raise similar issues in relation to the Geneva Convention or European Convention on Human Rights, would be affected.</p>	<p>The Race Relations (Amendment) Act 2000 provides exception for certain acts in immigration and nationality cases: this includes Asylum work-streaming (prioritisation of asylum applications from persons of particular nationality or ethnic or national origin where a significant number of claims are unfounded or raise similar issues in relation to the Geneva Convention or European Convention on Human Rights); Language analysis (asylum applicants from high risk countries may be required to undergo language analysis where there are doubts about the person's nationality); A list of authorisations is available on the Border and Immigration Agency's website.</p>

		<p>Children (UASC) are treated as a separate group to which special provisions apply (child trained case owners, responsible adults at interview). This might have a minor impact on the time taken to conclude the consideration process. However, these provisions apply to all children and young people who claim asylum in their own right and do not discriminate against any particular group.</p> <p>Monitoring of exception: The Secretary of State appoints a Race Monitor provides independent oversight of the use of powers immigration staff hold to discriminate on the grounds of nationality, ethnic or national origin, and is required to report findings to Parliament on an annual basis.</p> <p>The Secretary of State appoints a Certification Monitor to consider procedures used to determine whether claims are unfounded and quality and effectiveness of decisions made under the procedure.</p>
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<p><b><u>SO3:</u></b> To ensure and enforce compliance with our immigration laws, removing the most harmful people first and denying the privileges of the UK to those here illegally.</p> <p><b><u>PI:</u></b> a) Whilst increasing the overall number of removals year on year we will increase the removal of 'harm' cases, as a proportion of total cases removed.</p>	<p>Relevant: those who are here illegally and / or being harmful are to be denied privileges of the UK and removed.</p>	<p>In the Enforcement Strategy, "Enforcing the rules, A strategy to ensure and enforce compliance with our immigration laws", March 2007, the Agency undertakes to take account of our legal and international obligations and of necessary regulatory and equality impact assessments when developing detailed plans for implementing proposals in the strategy. This included compliance with the Human Rights Act 1998.</p>
<p><b><u>SO4:</u></b> Boost Britain's economy by bringing the right skills here from around the world, and ensuring that this country is easy to visit legally.</p> <p><b><u>PI:</u></b> By the effective management of migration to reduce the vacancy rate in shortage occupations as defined by the Migration Advisory Committee by 2011.</p>	<p>Relevant: this would mean allowing only foreign nationals with the right skills to fill shortage occupations.</p>	<p>In the Points-Based System paper, "A Points-Based System: Making Migration Work for Britain", March 2006, the Agency committed to carry out impact assessments of the proposals before they are implemented.</p>

### Further Actions

4.2 The Government intends to bring forward legislation to create an Independent Inspectorate to provide oversight of the Agency, and place the remit of the Certification Monitor and the Race Monitor mentioned above within the new Inspectorate. The Inspectorate's focuses include the treatment of individuals, and provide confidence to the Public and to Parliament that the system is working efficiently and effectively. Consequently the Chief inspector's role includes considering and making recommendations about the Agency's

compliance with all law about discrimination. The role of the Chief Inspector is broader than that of existing entry clearance and race monitors, and the Inspector will provide an effective mechanism for ensuring the Agency is held properly to account for mainstreaming equality issues in its policy development and service delivery functions.

- 4.3 The Agency is to carry out impact assessments of the Points-Based System proposals before they are implemented. It would take account of necessary equality impact assessments when developing detailed plans for implementing proposals in the Enforcement Strategy.