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## **The Points Based System Why it will not stop our population hitting 70 million**

- **The Government's Points Based System (PBS) will not prevent the UK's population hitting - and then exceeding - 70 million.**
- **Unlike the Australian system, the PBS places no limit on the number of immigrants allowed to settle in the UK. It applies to just 20% of those granted a visa to enter Britain.**
- **The PBS would have cut net immigration in 2008 by 8%: that year, a reduction of about 66% would have been required to stop the UK's population hitting 70 million in 2029.**

### **Introduction**

1 Government claims for the effect of the PBS are deeply misleading. The PBS applies to just 20% of those granted entry visas; places no limit on those categories; and therefore will not stop the UK's population rising from the present 61million to 70 million in 2029 and 77 million in mid century. Furthermore the scheme largely eliminates the judgement of a British Immigration Officer, relying instead on a complex box ticking procedure. The key question "Will the applicant return home?" is essentially a matter of judgement and has largely been eliminated. Under the PBS the presumption is that a visa will be issued unless fraud can be proved. This turns the previous system on its head and risks a very large influx of people who have little intention of returning and extensive legal avenues to frustrate their removal. Finally, the scheme has been introduced before exit controls have been put in place. It could well collapse under the sheer weight of numbers.

### **The PBS will not prevent the UK's population hitting 70 million**

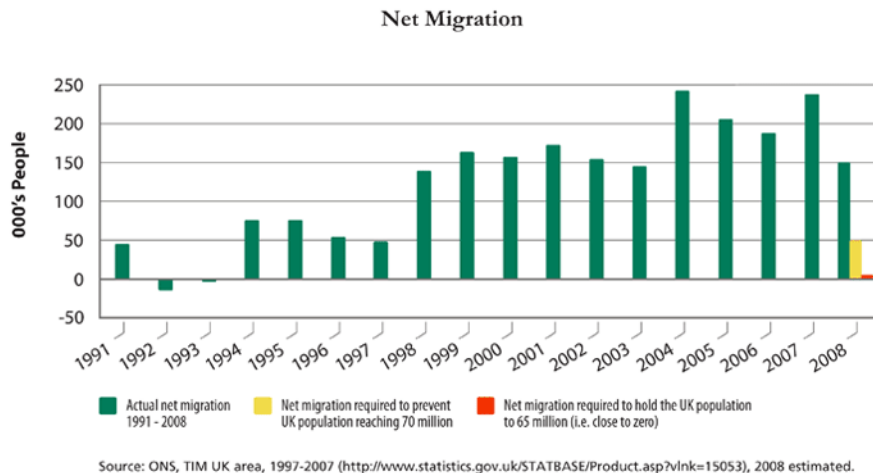
2 The Points Based System only applies to work-related migration and students. According to Government figures, these categories accounted for just 20% of all entry visas issued in 2008-9 [1].

3 The Government's own calculation is that, if the PBS had been in operation last year, it would have reduced work related immigration by 20,000 [2]. If the population is not to rise from 61 million today and to 70 million in 2029, immigration needs to be reduced to the levels it was in the 1990s - about 50,000 a year. In 2008 net immigration is expected to be about 150,000 so a reduction of 100,000 is required. The PBS falls far short of this.

4 The Immigration Minister therefore misled the public when he said "We are already introducing the Points Based System so I can give reassurances to people that that sort of figure (70 million)

is not on the horizon" (BBC Politics Show, 19th October 2008).

5 We would need a 100% reduction to hold the population below 65 million: this would not mean "no immigration", merely that the numbers allowed to settle here equalled the numbers emigrating ("balanced migration"). This is illustrated in the following diagram:



### **Most of the recent fall in immigration is not thanks to the PBS**

6 The International Passenger Survey (IPS) showed a drop in net arrivals of about 90,000 but most of this fall had nothing to do with the implementation of the PBS. Three quarters of the drop was due to more East European members of the EU going home. They are not, of course, covered by the PBS. A further part may have been due to the development of the recession. In the three most recent recessions immigration has fallen sharply for a few years before resuming its strong upward trend [3].

### **The PBS is entirely unlike the Australian system**

7 The system is quite different from the Australian system.

- The Australian system starts with a numerical limit on the number of immigrants who will be allowed to settle, decided in the light of political and economic circumstances: immigrants are then selected by means of its points based system.
- The UK system applies only to work related migration (and students); it is not intended to limit that migration in any way: there is no cap on numbers, a suggestion which both the Immigration Minister and the Home Secretary have dismissed.

### **The PBS effectively "contracts out" our immigration system**

8 The PBS places the initiative in the hands of thousands of employers and education institutions. Once granted a licence, they can issue certificates of sponsorship which are the key documents for applicants. All these institutions have a strong interest in the issue of a visa but much less interest (and very little capacity) to ensure departure. So far there have been 20,000 applications for these licences, but just 65 officials have been assigned to check on potential sponsors.

### **Wide scope for abuse**

9 Once granted a Certificate of Sponsorship, all the applicant has to do is to assemble the necessary supporting documents - professional qualifications, proof of funds etc. They are checked over by a commercial company employed by the British Government to collect applications and take photos and finger prints. The whole bundle is then sent to the British

Consulate for checking and approval. This is now a box ticking exercise with very little contact with a British Immigration Officer and very little scope to exercise judgement. Unless a document can be shown to be fraudulent, the presumption is that the visa will be issued – despite the fact that, in many countries, all these documents can be purchased. Furthermore, for posts under pressure it is far quicker and simpler to grant a visa than to make the case to refuse it. A recent Parliamentary answer revealed that, in the nine months to July 2009, only 29 visa applicants at Islamabad had been interviewed [4]. In 2008-9 there were 183,000 visa applications from Pakistan of which nearly 100,000 were granted [5]. Interviewed for the Donal MacIntyre programme on BBC Radio 5 live on 1 November, a Heathrow Immigration Officer admitted that, because of pressure of numbers, he and his colleagues were almost powerless to challenge those who they believed were bogus students. They already had visas under the PBS and it would take several hours work to prepare the papers necessary to send just one of them to a detention centre.

### **Huge complexity**

10 The UKBA website illustrates the complexity of the scheme. There are 795 pages of forms and guidance. This is a bonanza for immigration lawyers and a burden for industry. There are potentially 26,000 job titles and thousands of sponsors. Given that students are included (in Tier 4 of the PBS), there could well be half a million applications a year. On past form, the Home Office are most unlikely to have the staff and resources necessary to check on the authenticity of the applicants and their sponsors. The pressure from industry and academia will be to reduce waiting times and backlogs. It could well be only a matter of time before they are simply going through the motions for the sake of appearances, as we have seen so often in the past.

### **Weakness of removal**

11 The scheme is being put into effect before the e-borders system is fully operational (not due until 2014). It will therefore be some time before the authorities can be sure whether a visa holder has left at the end of the visa's validity. It is also important to note that, on arrival, foreign citizens have immediate access to the Human Rights Act, the 1951 Refugee Convention and the six EU Directives on asylum that the UK has opted into. This legal tangle partly explains why the current removal capacity (excluding failed asylum seekers and foreign prisoners on release) is only about 1,000 a month. We issue approximately two million visas a year.

11 November, 2009

## NOTES

1. <http://www.ukvisas.gov.uk/resources/en/docs/2958881/visastats2008-09> page 19.
2. UKBA Press Release 5 Jan 2009 text and Notes to Editors. Note 4
3. Migrationwatch Briefing Paper No 1.21
4. Hansard 21 July 2009 Col 1499 W
5. Entry Clearance Statistics 2008-2009