

Immigration law and policy in an independent Scotland

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What might happen at the border if Scotland votes for independence? Pro-Unionists have claimed border controls would be inevitable because migration rules would differ. Anti-Unionists agree the immigration rules in an independent Scotland would change. However, they deny no border controls would become necessary when joining the Common Travel Area (CTA) with the UK and Ireland.

Each side is mistaken. CTA membership does not necessarily rule out border controls and its terms are likely to become renegotiated if Scotland becomes independent. Furthermore, the SNP propose much relaxed migration controls whose effects must be taken into account. There could be concerns that plans for increased migration to Scotland could undermine border control for the rest of the United Kingdom.



‘One of the major gains from independence for Scotland will be responsibility for our own immigration policy. [...] Scotland has a different need for immigration than other parts of the UK. Healthy population growth is important for Scotland’s economy’.
Scotland’s Future (2013), chapter 7

‘There are two questions needing answers. Will Scotland join the EU and Common Travel Area? Would independence improve Scotland’s ability to control migration? *Scotland’s Future* assumes the answers are yes, but this is uncertain. Common Travel Area rules would likely change and reducing entry barriers to Scotland risks it becoming an easier entry point to the rest of the UK’.

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Would there be *increased* net migration to an *independent* Scotland?

The Scottish Government published *Scotland's Future* which argues the case for Scotland's independence. It commits itself to increased net migration to Scotland by citing its importance for Scotland's economy. Alex Salmond, Scotland's First Minister, has stated that an independent Scotland would aim to increase net migration to about 24,000 each year. This is only about 2000 above average net migration to Scotland between 2001 and 2011. Increased migration is aimed at expanding Scot-

land's workforce to support financing state pensions.

An independent Scotland would fuel increased migration by reducing entry barriers. The SNP confirmed its plans to end citizenship tests currently in use, reintroduce post-study work visas to encourage international students to remain in Scotland for work and support a points-based approach targeting the needs of Scottish society, such as incentivizing migrants to live and work in more remote geo-

graphical areas.

But would reduced entry barriers support increased net migration to Scotland? There is a risk that migrants might apply for entry to Scotland so they can live and work in the rest of the UK without border checks — undermining the current Government's efforts to reduce net migration.

See <http://www.scotland.gov.uk/Publications/2013/11/9348/11>.

Independent Scotland's changes to immigration law and policy

Increase net migration

Net migration to Scotland is currently 22,000 and the SNP confirmed its plan to increase this by 2,000 annually to increase the workforce to support state pensions if Scotland becomes independent. These plans are opposed to the current UK Government's aim to reduce net migration.

End use of citizenship tests

The SNP confirmed it will not introduce a citizenship test. The 'Life in the UK' citizenship test is a requirement for permanent residency to the UK currently.

End use of English language tests?

The UK includes proof of English language proficiency as an additional requirement for permanent residency. It is unclear if a similar test would be introduced

in an independent Scotland.

Dual citizenship?

Scotland's Future states that British citizens habitually resident in Scotland or born in Scotland and residing elsewhere on day one of independence can automatically acquire Scottish citizenship. An independent Scotland would permit dual Scottish and British citizenship. This is likely to resemble dual citizenship rules in Northern Ireland where an individual can hold an Irish and British passport, but holding the second nationality at the same time would not be automatic and would require naturalization.

Independence without the SNP?

Scotland's Future makes the case for an independent Scotland governed by the SNP. It is certainly possible the future could be very different if the referendum succeeds, but the SNP fail to form a majority in a new Scottish Parliament.

Scotland & the Common Travel Area

* The Common Travel Area (CTA) includes the United Kingdom, Republic of Ireland, Isle of Man, Guernsey and Jersey.

* Persons entering one part of the CTA do not normally require leave to enter other parts of it.

* The CTA is not a free movement zone and there can—and often are—border checks to ensure individuals possess any valid visas, leave is not overstayed and that they have not been excluded from entry to the UK by the Secretary of State

* CTA members have discussed changing its terms for some time. Scotland's application to join would provide an ideal opportunity for revising membership terms.

See UK Immigration Rules, para. 15

'This Government proposes an inclusive model of citizenship ... People in Scotland are accustomed to multiple identities, be they national, regional, ethnic, linguistic or religious, and a commitment to a multi-cultural Scotland will be a cornerstone of the nation on independence'.

Scotland's Future

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Recent publications include: Brooks, Thom (2012). 'The British Citizenship Test: The Case for Reform', *The Political Quarterly* 83: 560-566.

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