



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Culture, Tourism, Europe and External Affairs Committee

**Thursday 10 September 2020**

**Session 5**



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**CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE**  
**20<sup>th</sup> Meeting 2020, Session 5**

**CONVENER**

\*Joan McAlpine (South Scotland) (SNP)

**DEPUTY CONVENER**

\*Claire Baker (Mid Scotland and Fife) (Lab)

**COMMITTEE MEMBERS**

\*Annabelle Ewing (Cowdenbeath) (SNP)

\*Kenneth Gibson (Cunninghame North) (SNP)

Ross Greer (West Scotland) (Green)

\*Dean Lockhart (Mid Scotland and Fife) (Con)

\*Stuart McMillan (Greenock and Inverclyde) (SNP)

\*Oliver Mundell (Dumfriesshire) (Con)

Beatrice Wishart (Shetland Islands) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Patrick Harvie (Glasgow) (Green) (Committee Substitute)

Ben Macpherson (Minister for Public Finance and Migration)

Rachel Sunderland (Scottish Government)

**CLERK TO THE COMMITTEE**

Stephen Herbert

**LOCATION**

The Robert Burns Room (CR1)



# Scottish Parliament

## Culture, Tourism, Europe and External Affairs Committee

Thursday 10 September 2020

*[The Convener opened the meeting at 10:00]*

### Immigration

**The Convener (Joan McAlpine):** Good morning, and welcome to the 20th meeting in 2020 of the Culture, Tourism, Europe and External Affairs Committee—our first hybrid meeting. We have received apologies from Ross Greer and Beatrice Wishart. I am pleased to welcome again to the committee Patrick Harvie, as a substitute for Ross Greer.

I remind members, witnesses and staff that social distancing measures are in place in committee rooms and across the Holyrood campus. I ask everyone to take care to observe those measures over the course of this morning's business, including when entering and exiting the committee room.

I welcome all the people in the committee room and members who are participating virtually, and I remind members not to touch the microphones or consoles during the meeting. Those of you who are participating virtually should give the broadcasting staff a few seconds to operate your microphones before beginning to ask your question or to provide an answer. I would be grateful if questions and answers were kept as succinct as possible.

Our first agenda item is evidence on immigration. I welcome Ben Macpherson, the Minister for Public Finance and Migration, and Rachel Sunderland, the acting deputy director for population and migration at the Scottish Government. Before we move to questions, I invite the minister to give a brief opening statement of no more than two or three minutes.

**The Minister for Public Finance and Migration (Ben Macpherson):** Thank you for the opportunity to speak to the committee. I am mindful that this is the first time that I have appeared before the committee to speak about migration, and I am grateful for the opportunity to discuss matters.

My predecessor Alasdair Allan spoke to the committee about migration back in March 2017, and there have been significant policy developments over the past three years.

We are not perfect, but, in the main, Scotland is a welcoming and inclusive nation. We are a country that has been shaped by migration. In the past, that was predominantly by young people leaving Scotland to build a future elsewhere. We are shaped by their absence, while they have helped to shape other countries across the world.

I am pleased to state that the situation has changed. Scotland is now a nation of in-migration, with a growing population. Over the past 20 years, Scotland has experienced positive net migration—from the rest of the United Kingdom, the European Union and internationally—of around 20,000 people per annum. Yet, as a nation, we still face significant demographic pressures. All our future population growth is projected to come from migration.

First, that means that we need people who are here to stay. At the end of this year, freedom of movement will end. Our message to EU citizens has always been clear: this is your home, you are welcome here, and we want you to stay. However, I recognise that words alone are not enough. That is why we are committing more than £1 million to our stay in Scotland campaign. That work has been supporting and will support EU citizens during and beyond the transition period to continue living, working and studying in Scotland. I continue to encourage as many stakeholders as possible, including fellow MSPs, to promote the stay in Scotland campaign, and I reiterate that request today.

Secondly, Scotland has distinct migration needs, and we need a tailored approach to meeting those needs. The expert advisory group on migration and population has set out very detailed evidence about the impact of the UK Government's proposed immigration policies on Scotland's economy, population and communities. Its report, together with detailed evidence to the UK Government's Migration Advisory Committee from the Scottish Government and employers across Scotland, demonstrates very clearly why Scotland requires a tailored approach.

After free movement ends, from January 2021, the UK Government intends to introduce a points-based immigration system, and the Scottish Government has a range of concerns about its current policy positions. In order to provide constructive and viable alternative solutions, the Scottish Government's policy papers "Scotland's population needs and migration policy: Discussion paper on evidence, policy and powers for the Scottish Parliament", which was published in February 2018, and "Migration: Helping Scotland Prosper", which was published in January 2020, set out clear, evidence-based proposals for a tailored approach to migration for Scotland, including the introduction of a Scottish visa.

The Scottish Parliament was established to enable the development of distinct solutions to distinct challenges. For example, the fresh talent programme, which was introduced in 2005, was an instance of a tailored approach to migration for Scotland that worked.

We need an immigration system that meets Scotland's needs at all skill levels. Scotland, like many countries across the globe, is facing a falling birth rate, and we will be dependent on inward migration to support our economy and communities. It is in all our interests that Scotland is able to attract the people we need.

I have spent two years speaking to employers, local authorities, academics, trade unions, the private sector, the public sector, elected members, individual members of the public and various organisations about how we can develop proposals that meet the requirements for Scotland in the short, medium and longer terms. I welcome the opportunity to discuss the proposals and other matters with the committee.

**The Convener:** Thank you for those opening remarks. Like the Government, this committee has spent a long time looking at Scotland's migration challenges. Indeed, previous reports have recommended that Scotland should have the powers to take a tailored approach to its migration needs. I note that the Scottish Government published on 31 August its response to the MAC consultation, which provided evidence of recruitment needs in different areas but particularly in health and social care and the key sectors of tourism, hospitality, culture and the creative industries.

Obviously, since the beginning of the year, we have experienced the pandemic, which has had profound economic effects, particularly in areas such as tourism, hospitality and culture, where the needs for labour and talent were the greatest. Those areas now face mass unemployment. Has the Scottish Government made any calculation of the long-term effects of Covid on our migration needs? Do you intend to revise some of the work that you have done in order to take account of the post-Covid economy?

**Ben Macpherson:** That is an extremely important question, which I have been mindful of in recent weeks and months, in particular. On the figures on which we base our analysis, those from December 2019 stipulated that there were 222,000 non-UK workers in the Scottish economy, 69,000 of whom were classified as key workers. That gives us an indication of the important contribution that those who have made Scotland their home make to our economy; and they have made a hugely important contribution to key aspects of our economy during the pandemic period.

On how we assess the impact of immigration on the needs of the economy, we will analyse, as you would expect, the next set of statistics in that context and consider how that affects short-term needs and our overall immigration requirements. However, I strongly caveat that by saying that we want the Scottish economy to respond, recover and continue on a growth trajectory out of the present crisis. We want industries such as tourism and a number of the other key sectors that were highlighted in our 31 August submission to the MAC consultation to come back strongly, which would also benefit other areas. For example, the food and drink sector in Scotland projected, prior to the Covid crisis, that it would require 40,000 additional workers to meet the sector's productive capacity and demand. We want those industries to come back strongly. For that economic growth to be achieved in the short to medium term, we will require people.

The need for people is still strong, and there are industries that have struggled to recruit throughout the pandemic and have relied on the migrant workforce. For example, our agricultural sector still requires migrant labour to assist with realising the yield of this year's harvest. The migrant workforce also makes a profound contribution to the social care sector. Recruitment to that sector will continue to be important. We value those in that sector and we are concerned that recruitment in social care will be challenged by the salary thresholds that the UK Government plans to implement from January.

I emphasise the demographic position: all of Scotland's projected population growth is from inward movement; no natural growth is projected. The proportion of the population that is of pensionable age is projected to increase, rising from 19 per cent to 22.9 per cent by mid-2043. Over the same period, the proportion of Scotland's population that is of working age is projected to decline from 64.1 per cent to 62.4 per cent. Without migration, the sustainability of our working-age population is a worry. That is one of many reasons—including the wider enrichment of society by migration—why the Scottish Government continues to emphasise the need for continued inward migration. The pandemic and its impacts on the labour market should not distort or undermine the necessity for Scotland to attract people to come here.

**The Convener:** Social care is of great interest to the committee and I know that some members will ask you about that later.

I want to ask about your relationship with the UK Government on immigration matters. When the Secretary of State for Scotland gave evidence to the committee in March this year, he

acknowledged that some sectors will face workforce challenges as a result of Brexit. He said:

"Yesterday, Jackson Carlaw and I met the Prime Minister ... I spoke about the challenges of migration in relation to tourism, hospitality and seasonal agricultural workers ... I will not go into the detail, because it is a work in progress, but I am sure that we will come up with a solution for those industries."—[*Official Report, Culture, Europe, Tourism and External Affairs Committee*, 5 March 2020; c 38-39.]

Do you think that they have come up with a solution for those industries? How has the Scottish Government been able to influence the development of UK policy? What intergovernmental arrangements exist to discuss immigration policy?

**Ben Macpherson:** Our understanding is that much of the UK Government's focus is on the shortage occupation list. We can talk more about that later, but there have been challenges with that list because it has not been agile enough and because the Scottish Government does not have a direct route to inform and influence it on behalf of Scottish stakeholders and Scotland's wider interests. Apart from proposals to evolve the shortage occupation list, the UK Government has proposed no solutions.

I want to engage with the UK Government and to work as constructively and collaboratively as possible on the issue. Since I came into my post, I have taken a solution-focused approach to immigration. It is in the wider interests of all of Scotland and both Governments to approach the issue in a way that benefits the Scottish economy and society.

Unfortunately, the last time that I met a UK Government minister was 23 July 2019—that was my birthday, which is why I remember the date. I met Caroline Nokes, who, to her credit and despite policy differences, had established fairly regular engagement with me and ministers from the other devolved Administrations. There has been an unfortunate breakdown in that engagement, to put it mildly, since the Johnson Government came to power. It is disappointing, given the importance of these issues.

I have now written seven times since July 2019 to the various different ministers in post: to Brandon Lewis twice, to Seema Kennedy, to Kevin Foster three times including just recently, in August, and to Priti Patel, asking for a meeting, and I have had no positive responses. I have had some responses in writing but no positive responses on having a meeting, no phone calls—nothing.

10:15

It is astonishing and deeply disrespectful to the devolution process that an issue as important as

immigration has not been engaged with by the UK Government, which, in other areas of Government policy, has at least some regularity of intergovernmental exchange. I would urge the UK Government to engage with me and my Welsh and Northern Irish counterparts on these important issues.

You also asked what we have done to try and influence UK Government policy. We have commissioned and presented detailed evidence to the UK Government, from expert advisory group and Scottish Government analysis, and we have developed proposals on how tailored migration could work for Scotland, as we did for our January policy paper, "Migration: Helping Scotland Prosper". We put forward a range of constructive solutions for the UK Government to engage with us on in discussing how to find solutions that work for the Scottish economy and wider Scottish society, and that help us to meet our short-term, medium-term and longer-term challenges.

I will continue to be constructive and to seek dialogue, but we really need the UK Government to come to the table on the issue. It is in all our interests that it does so.

**The Convener:** It is very worrying that you have been unsuccessful in trying to contact the UK Government on seven occasions. In its previous reports, the committee was unanimous in calling for bespoke Scottish solutions and constructive engagement around those solutions. It is a disappointment to hear that constructive engagement has not been forthcoming.

**Claire Baker (Mid Scotland and Fife) (Lab):** The minister mentioned the document "Migration: helping Scotland prosper", which was published in January. As he has outlined, the UK Government's response at the time was very disappointing. It was a strong response in which the UK Government said that it would not introduce regional salary thresholds or different arrangements. The document was dismissed fairly quickly by the UK Government.

What is the status of that document? Because there was an immediate shutdown from the UK Government, are you still attempting to engage with the UK Government on it?

I will try not to ask too technical a question, but the document is a fairly high-level policy discussion, and I struggle to see what would actually have to be devolved. I cannot see what actual pieces of legislation would need to change at a UK level. That might be too technical to go into at the moment, because there is no acceptance that the proposals would happen, but is someone working on that? There are five options, and options 2 to 4 involve devolution within a UK framework. Who is doing the work on

what would need to be changed in reserved responsibilities or what legislation would have to be amended?

**Ben Macpherson:** Since before the 2020 paper was published, and even in considerations around the 2018 paper, we were thinking about what legal mechanisms and changes in primary legislation at Westminster would be required. Primary legislation would be required to devolve any power to the Scottish Parliament.

The reason why we presented the propositions according to the five models in the 2020 paper was to go to the UK Government with a range of options that would be achievable and practically implementable, so that we could start a discussion in good faith, allow the UK Government to consider the options and then have a mature dialogue between Governments. The fact that the paper was dismissed on the floor of the House of Commons before UK ministers would have had a chance to discuss it in detail was highly disappointing.

We continue to push the document and the proposals in it to the UK Government, because they are practical solution-focused proposals that I have discussed with stakeholders across Scotland, including business, the third sector and public service providers across a range of industries. We put forward the propositions on behalf of and for the benefit of all of Scotland, not the Scottish Government, and we believe that there is wide consensus. A Survation poll in June showed that 59 per cent of the Scottish public believe that Scotland should be able to set its own tailored immigration policies. There is wide-ranging support.

The different models would require primary legislation at Westminster to devolve powers to the Scottish Government and the Scottish Parliament. The reason why we propose models 3 and 4 in particular is because they would enable the Scottish Parliament to feed into the rules and criteria for a visa mechanism in order to meet the needs of the Scottish people and provide democratic accountability. Those models would also give a greater degree of stability. If powers were devolved, the Parliament could, we would hope, set a prolonged position that would give us a greater sense of longevity in our policy making, which is what we need to tackle the demographic challenges that we face.

With models 1 and 2, there is capacity for the UK Government to deliver to an extent through mechanisms such as the shortage occupation list, if it did so well and responded to the criticisms and challenges that have historically arisen with regard to the list. The UK Government could also use its points-based system to give more weighting to people who want to come to Scotland.

There are solutions that the UK Government could utilise. The reason why we believe that powers should come here is that it would be more democratic and more beneficial in the long term, and it would allow us a greater degree of flexibility and capacity to set tailored solutions. We kept our proposals broad in order to have a conversation, but we are clear on what we believe would be the best way to proceed in a UK framework.

**Claire Baker:** Although there is a degree of consensus in the Scottish Parliament on the need for a tailored response—we have had parliamentary debates on that—the UK Government could be concerned about issues such as a porous border. I know that the Scottish Government is interested in linking a system to the tax code. Who would police that system? I think that you have said previously that the expectation would be that the UK Government would police any system, and it would be the UK Government's responsibility to deal with issues if people had concerns about a porous border.

**Ben Macpherson:** The latest report from the expert advisory group is interesting, as it addresses the misapprehension that people come to Scotland to go to England. In fact, the evidence shows that people stay and settle in Scotland, which is what we want. It is worth looking at that data and the analysis.

We are, of course, thinking about enforcement. Our approach is to say that the UK Government and the Scottish Government would have to work collaboratively on the implementation of a Scottish visa or tailored solutions. Short of the implementation of model 5, which would involve full separation with powers and policy going to the Scottish Parliament, whether through full devolution or independence, there would, under models 3 and 4—and potentially models 1 and 2 as well—be an onus on the Home Office to continue to play a role in enforcement. We would be in a position in which existing enforcement would be the default for managing the system within the business community and society.

For example, we believe that the Scottish tax code and the fact that we have the institution of the Scottish Parliament are the key mechanisms for enabling the delivery of a Scottish visa. Employers could hire someone on a Scottish visa only if they had a Scottish tax code. Part of the process of issuing the visa would be issuing the tax code, which would require engagement between the Scottish Government, the Home Office and the Department for Work and Pensions. As part of the process of devolution and implementation, we would need a discussion about how those institutions would work together.

We already have public service checks for the current immigration system. We have proposed a



Scottish visa and tailored solutions as an additional way into Scotland. Employers could still look to the five tiers of the current system, if that was their preference, but if they just needed somebody to work in Scotland, the Scottish visa would be a potential additional solution. The delivery of that using the Scottish tax code would give the visa differentiation in the system.

I presume that your question is about an instance where somebody wanted to go from Scotland to seek work in England. The answer is that someone with only a Scottish visa and, as part of that, a Scottish tax code could not seek legal employment in England. However, if your concerns are about illegal employment, that is an issue that the wider state needs to continually address; it is not an argument against the Scottish visa.

I emphasise that this is about people living in Scotland. Somebody with a Scottish visa working for, say, a Scottish logistics company could drive elsewhere in the UK, but they would live in Scotland.

Perhaps Rachel Sunderland would like to say more on that.

**Rachel Sunderland (Scottish Government):** The only thing to add is that visas that place controls on where people can work are already an embedded feature of the immigration system. We are talking about a geographic control rather than an employer control, but we are not talking about a significant shift in how the system is set up.

**Claire Baker:** Thank you for exploring the issue, which is what I was looking for.

**Annabelle Ewing (Cowdenbeath) (SNP):** I regret to say that I missed a bit of the discussion because I had computer problems, so I hope that I do not repeat anything that has already been addressed.

I return to the issue of the UK Government's response to the options paper that the Scottish Government published earlier this year. When the UK Government Secretary of State for Scotland came before the committee in early March, I tried to get to the bottom of whether the UK Government had produced any detailed analysis of the options paper, but I did not get a clear response. However, from the responses of the minister and his officials, it was reasonable to conclude that there had been no written analysis.

What is your understanding of the situation?

**Ben Macpherson:** We have not had a detailed, thoughtful or evidence-based response to our proposals. That is a great disappointment, because we have worked collaboratively and constructively with stakeholders around Scotland to build a solution-focused approach that puts

forward practical solutions to issues that affect us all.

If the UK Government cares about designing an immigration system that works for the whole of the UK and the sustainability of Scottish society in terms of our demographics and the performance of our economy, it should engage constructively on the issue. It seems to be an ideological position of the UK Government that, as things stand, it will not entertain the possibility of tailored approaches for Scotland. Based on the evidence, that is a mistake.

10:30

We have put forward solutions that work for the wider interest, so it is bemusing and deeply disappointing to me that the UK Government has taken such a dismissive approach. Other countries do it very well and sensibly—particularly Canada and Australia, which recognise that different parts of the nation state face different challenges. The homogeneous nature of the UK Government immigration system does not work for the wider benefit of the UK, because different areas have different challenges.

When I make that point, people sometimes argue, "What about the north-west and north-east of England? They face similar challenges." They do, but those challenges are not as acute as Scotland's, because of our story of immigration and because we have remote island communities that we want to sustain. The north-west and north-east of England do not have an institution like the Scottish Parliament to deliver something different, whereas we have that. We have a Parliament, a Government, a tax code and various institutions, so we are practically set up, through the devolution settlement, to implement tailored solutions that would work.

The UK Government is being ideological but not logical on the issue. It makes eminent sense to more and more people and stakeholders in Scotland that not only would tailored solutions be beneficial but they will become increasingly required when freedom of movement ends and the new immigration system that the UK envisages coming into force from January 2021 begins to take hold, because that much more restrictive environment will make it more challenging for employers to obtain the people that they need to prosper and succeed.

**Annabelle Ewing:** It is eminently sensible to have tailored solutions for different challenges. The minister cited international precedent. To what extent can the UK Government be considered by any reasonable person to be acting in the interests of the people of Scotland on the matter? Will the minister comment on whether he feels that the UK

Government's non-response to a perfectly reasonable position paper displays an extreme discourtesy to the Scottish Government, and indeed to the people of Scotland, and suggests that the so-called respect agenda that was promised if we voted no in 2014 does not exist?

**Ben Macpherson:** The response to our proposals poses a deeply undermining question about the so-called respect agenda. The fact that there has been no intergovernmental interaction on such an important issue since July 2019, despite my writing seven times to request a meeting, is demonstrative of the lack of respect. It is not a sustainable position for the UK Government, because the arguments for tailored solutions are compelling, and they will become more compelling from January 2021. There is a range of support for tailored solutions, including among organisations in the business community and other parts of Scottish society, those who deliver public services and members of the public, and that support is growing all the time. It is not tenable for the UK Government to ignore that in the long term, and it is not sensible.

We are trying to provide solutions and proposals for the benefit of all, and I urge the UK Government to listen to the propositions that my colleagues and I are putting forward in a constructive way. We are doing that not only on behalf of the Scottish Government—we are representing wide-ranging concerns and aspirations for tailored solutions.

**Oliver Mundell (Dumfriesshire) (Con):** No one disputes the need for solutions and creative thinking about immigration, but it is disingenuous to pretend that this is a constructive approach when it is yet another example of the Scottish Government refusing to recognise the constitutional settlement in the UK and another attempt to further the cause of independence. It shows exactly why the UK Government is right to continue to pursue a points-based system that works well in other countries. The minister has spoken a lot about stakeholders, but why are organisations such as the Confederation of British Industry still in favour of finding a UK-wide solution to prevent disruption for businesses?

**Ben Macpherson:** I challenge Mr Mundell's assertions and ask what evidence he has behind his questioning.

**Oliver Mundell:** The CBI has said that it is not too late to find UK-wide solutions. Why would it want that if it was in the best interest of businesses in Scotland to take a disruptive approach at a critical point as we leave the EU?

**Ben Macpherson:** For clarity, I was alluding to the points that you made about the way in which the Scottish Government has approached the

issue. The fact that our policy paper proposes different models and advocates models 3 and 4 rather than 5 is demonstrative of the fact that we have tried to reach a compromise position for the wider benefit for Scotland. We have tried to improve the immigration system for the UK as whole and to relay our concerns about it as whole, but with particular regard to Scotland. It is clear from the evidence that the UK Government policy proposals, which are due to be implemented from January 2021, will have a significant effect on the short to medium-term economic position and on our demographics in the longer term.

I have had really good engagement with the CBI, and we have listened to each other. The CBI has not ruled out support for tailored proposals.

**Oliver Mundell:** It says that it would be better if the system was run and managed at UK level. Is that correct?

**Ben Macpherson:** Of course, the CBI is one of a range of business organisations and not the only one—

**Oliver Mundell:** It is quite an important one.

**Ben Macpherson:** Would you like me to answer the question?

I would need to find the exact quote, but the CBI has said that it is open minded and is not dismissive of the propositions on a tailored approach. It would like the UK's immigration system as a whole to work better, but it does not support the UK Government proposals for January 2021. The CBI has raised its concerns about those policy proposals at Scottish and UK levels.

It is therefore wrong of the member to insinuate that the CBI is not open minded about tailored solutions. It has not come out in categorical support but, during the engagement that I have had with it, and publicly, it has said that it does not dismiss the idea, although it wants the UK Government to improve the system across the UK, as does the Scottish Government.

However, we also think that, in the longer term and for the benefit of the delivery of effective immigration solutions for the challenges that we face, as well as Scotland's longer-term demographic position, it would be better to have a tailored system, similar to the ones in Canada and Australia, which are modern countries that have a reasonable approach, considering that there are different needs and aspects. The homogeneous nature of the UK Government immigration system has not been effective up until this point. Certainly, a more restrictive environment from January 2021 is not in the interests of Scotland or in the interests of the business community, which has made that very clear.

**Oliver Mundell:** I feel that you are trying to misrepresent what I said. I was looking for a simple clarification. Is it correct that the CBI's preference is for a UK-wide immigration policy that works for the whole of the UK?

**Ben Macpherson:** The CBI has said that the proposals from January 2021 are not the policy position—

**Oliver Mundell:** That was not my question. Is the CBI's preference for a UK-wide system—yes or no?

**Ben Macpherson:** The CBI has said that it would like to see changes to what the UK Government is proposing for the UK system and it has been open minded in its engagement with me on the possibility of tailored solutions. I do not want to speak for the CBI, because that is not fair or appropriate. With regard to those comments, I would want to seek an updated position from the CBI, because we have not engaged on that issue for a number of weeks.

I draw Mr Mundell's attention to what other business organisations have said. The Federation of Small Businesses Scotland has said:

"We have argued that there should be a system in Scotland which responds to the particular needs of Scottish industry and demography."

The Scottish Council for Development and Industry said:

"SCDI supports greater flexibilities on immigration for Scotland to respond to its distinct demographic and employment needs".

It went on:

"Other countries successfully operate regional migration schemes which target the specific needs of their economies and SCDI believes that there are workable options for more differentiation in the UK's system."

A number of other institutions have come forward with support. It is important to emphasise that the business community understands that, from a practical solution-focused position, there is much merit in considering and exploring together how tailored solutions could work better than the current homogeneous approach.

**Patrick Harvie (Glasgow) (Green):** Good morning. This far into the discussion, I am afraid that I feel rather the same way that I do in the Finance and Constitution Committee, where we are talking about the internal market, the continuity bill and the prospect of trade agreements. With the best will in the world, even if both Governments wanted to co-operate, meet and discuss properly, they appear to have objectives that are fundamentally at odds. That seems to be the situation here. The UK Government wants to significantly reduce immigration, and it operates a "hostile environment" and is ending free

movement in order to achieve that objective, whereas the Scottish Government welcomes and values immigration and does not want to turn off the taps in that way.

I ask you to expand on what—if any—dialogue there has been in the past six months. At the committee's meeting in March, which I think Annabelle Ewing referred to, the Secretary of State for Scotland said:

"Yesterday, Jackson Carlaw and I met the Prime Minister ... I will not go into the detail, because it is a work in progress, but I am sure that we will come up with a solution".—[*Official Report, Culture, Tourism, Europe and External Affairs Committee*, 5 March 2020; c 38-39.]

There was a cunning plan in the works, but, from what you said to the convener, it sounds as though the plan has not been announced and I am unclear as to whether there has been any dialogue at all between the two Governments. Has there been dialogue on the cunning plan that was in the works in March? If there is dialogue, is it possible to get a solution that meets both Governments' objectives, or are their objectives fundamentally at odds?

**Ben Macpherson:** Unfortunately, there has not been any dialogue, whether in person or online. As I said, on 16 June, I received a written response from the Minister of State for Immigration to one of my letters, in which I emphasised some of our determinations—for example, on how the immigration system should value those who have been engaged in responding to the Covid crisis. I also urged the UK Government not to increase the immigration health surcharge, which, unfortunately, it is increasing.

We also provided commentary around our concerns around the EU settlement scheme, such as the lack of physical proof; the requirement that people have to apply for pre-settled status and then transition to settled status if they have not been here for five years; the fact that people's rights are still not guaranteed in primary legislation; and the fact that a declaratory system would have been a much better approach.

10:45

We have been making all those points for some time. I relayed them, and the UK Government responded to them in writing on 16 June. It did not agree to my constructive request for a meeting. It is simply astonishing that, on an issue of such importance, the UK Government is not showing respect or the good sense to engage.

**Patrick Harvie:** The minister has never met you.

**Ben Macpherson:** I have not met an immigration minister since the previous Government—the May Government.

**Patrick Harvie:** The Home Secretary has never met you.

**Ben Macpherson:** The Home Secretary has not met me or the cabinet secretaries.

**Patrick Harvie:** Clearly, there is a dysfunctional intergovernmental relationship on a number of fronts, and an unwillingness—it is more on the part of the UK Government—to resolve the situation. Although I have no doubt that others might blame the Scottish Government for that, it seems that the Scottish Government is the one asking for meetings and being rebuffed. Nonetheless, if the situation persists and the UK Government has its way, deepening the hostile environment and reducing immigration, we will have to consider the internal domestic impact.

The Scottish Government's advisory group contained mostly academic and economic experts. What input has there been from the Convention of Scottish Local Authorities in relation to the impact on local government services? Similarly, what input has there been from the care sector or the national health service in relation to the impact on those increasingly vital public services if that reduction in immigration happens?

If the UK Government continues with its plans is there any scope for the Scottish Government to be more successful in attracting talent and energy to Scotland from whatever amount of immigration to the UK remains permitted?

I do not wish to compete with other parts of the UK; I wish, frankly, that all our borders were open. However, if we are forced to compete for a declining pool of inward talent, what more can we do to ensure that Scottish public services and other areas that need it benefit from that talent?

**Ben Macpherson:** Since I came into post, I have built regular engagement with stakeholder representatives from across our economy, from social care to local government and different industries and sectors.

I will invite Rachel Sunderland to speak about official engagement in a moment, but there is regular and extensive engagement with COSLA, on behalf of local government, Scottish Care and different business organisations, as I discussed with Mr Mundell.

We are in regular engagement with our expert advisory group to make sure that we hear its evidence, which is independent. We commissioned what we would like it to examine, but its analysis and conclusions are independent, which we value. In addition to our engagement with the expert advisory group, we are constantly involved in stakeholder engagement in the round. Our shortage occupation list submission was an amalgamation of our engagement with the expert

advisory group's evidence and analysis and our wider stakeholder engagement.

The question of how we remain attractive is the most important one. We are leaving the European Union, which makes the decision to go to other parts of the EU easier for people who are looking for work and opportunities to utilise their skills for the common good. It is more difficult to come to the UK—it certainly will be from 31 December this year. The UK is sending out that message and the message that—in effect—it does not want more people to come here. That messaging is clearly part of the hostile environment policy and the UK Government's position.

The wider, international environment is one in which other countries, including those in Europe, are also facing demographic challenges and looking to attract and retain people in their nations.

We are doing all that we can to continue to attract people from Europe. Our Scotland is open campaign ran in many European countries and was very successful in its reach, particularly on social media. It emphasised the message, over and above the UK Government statements, that Scotland still wants people to come here.

We also ran the Scotland is now campaign in London and other parts of the UK in order to attract people from the rest of the UK, and we will continue to do that. As the expert advisory group report that came out last week emphasises, we are now receiving net migration from the rest of the UK—we are in a positive place and we want to improve on it.

In terms of the—

**Patrick Harvie:** I have a specific question. When the settled status scheme for EU citizens began, the Scottish Government said that it was willing to help people meet the costs involved, before those costs were scrapped. Have you done any work on whether it would be financially beneficial for Scotland to meet some or all of people's visa costs under a new system, in order to attract people to work here and become Scottish taxpayers?

**Ben Macpherson:** That is not a proposition that we have scoped out. We have not done the analysis that we would need to apply to that. We continue to emphasise that the fee regime—both the fees that need to be paid by individuals, employers and family members, and the health surcharge—is extremely prohibitive. The fee levels should change and the UK Government should change them.

We are in the development phase of a welcome to Scotland initiative. Some of that work had to be paused because of the Covid crisis, but it is up and running again. The initiative is a commitment

in the programme for government this year. As to how it will be taken forward, and how that package will support individuals when they come here and continue to play a role in attracting individuals and talent—

**Patrick Harvie:** Can you assure us that part of that work will involve looking at whether it would be beneficial for Scotland to help meet some of the costs that those people face, in order to attract them to become Scottish taxpayers?

**Ben Macpherson:** I certainly give Mr Harvie an undertaking that we will take away that idea and give it due consideration.

**Patrick Harvie:** Thank you.

**Ben Macpherson:** Rachel, do you want to add anything on this point?

**Rachel Sunderland:** Obviously, there are constraints on what we can do, particularly in terms of paying visa fees and so on, and allocation and operation, because of the issue of reserved matters. We have done a little bit of work to look at that area. It raises complicated issues, which we would need to explore further. It is not entirely straightforward.

**Patrick Harvie:** I appreciate that, but I gather that it is now acceptable to break the law in specific and limited ways, so perhaps we could look at that again.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Minister, I listened intently to your discussion with Oliver Mundell. He indicated that things are working well, but I do not recognise that in the area that I represent. Since 1979, my area's population has been decimated, thanks to Mr Mundell's party. They came in and closed down shipyards and heavy engineering, and people had to leave to find work. You will remember Mr Tebbitt telling people to get on their bike. People did that, and the Inverclyde area has lost more than 30,000 people. National Records of Scotland figures from 1998 to 2019 do not make for not positive reading, and the demographic challenge in areas such as mine is projected to continue.

You mentioned a tailored approach. You also mentioned the population strategy that was announced in the PFG last week. Will that piece of work take a tailored approach?

**Ben Macpherson:** It is not just about attracting people to Scotland; as you would expect, how we consider depopulation and migration trends in Scotland is pertinent to our analysis in the round. Fiona Hyslop set up the ministerial population task force last year to look across Government at how we can assess internal migration challenges and intervene, if appropriate, in areas where we have devolved competence.

A number of aspects of devolved policy making can help make an impact—a difference—when trying to tackle depopulation in different parts of Scotland. The commitment in the PFG is that we will analyse that and present that analysis, with solutions, to Parliament.

The pandemic has emphasised the potential for digital to assist with some of those challenges. People will be more amenable to living in one place and living in another if we embrace home working and the real opportunities of digital. Those opportunities have been accelerated—one of the very few positives of the Covid-19 situation is the development of the use of digital technology.

If we were successful in working with the UK Government so that the Scottish Parliament was able to deliver tailored solutions for Scotland, we in this Parliament could together look at the potential for using those powers to weight the Scottish visa in favour of individuals who wanted to move to specific parts of Scotland, rather than to Scotland in general. That would require a degree of flexibility in whatever arrangement we came to.

There is a lot of scope for action, particularly if we had more powers and the ability to implement tailored solutions. The Government is actively looking at our existing powers to see how, using the means available to us, we can make a difference.

**Rachel Sunderland:** We have commissioned the expert advisory group to work up some proposals for rural migration pilot projects and to look at the opportunity for a slightly more tailored solution. That arose from evidence that the Scottish Government presented to the Migration Advisory Committee, which it accepted, that it was clear that the current migration system was not working for some areas, and, therefore, that more geographically tailored solutions were required. We will take that work forward, look at it specifically and bring forward a proposal on what such solutions might look like, on the basis of evidence and in partnership with local government and other partners.

**Stuart McMillan:** Thank you. I would be happy to have some input on that, because the situation in my area is one of the worst in terms of population—the situation in Kenneth Gibson's constituency is not far behind. Since 1998, East Lothian has had a 21 per cent increase in population while Inverclyde has had a 9.4 per cent decrease. Clearly, the current immigration system is not working for my area in any way, shape or form.

I accept that it is not just about Government; it is about all levers of public responsibility, including local authorities. There has to be a full partnership

approach to turning this type of situation around. Ideas on home working and the use of digital activity could be positive for areas such as mine and for all the eight local authority areas in which there has been population decline.

11:00

I come to my question. In the context of Government policy and activities, if any new agencies are to be created and established, could those eight local authority areas—obviously, I would make a pitch for mine—be considered first in line for siting them? Using such a tailored strategy could be a way of helping to bring additional people and resources to areas that face those acute challenges.

**Ben Macpherson:** The Government thinks in the round about how its institutions create employment—about how they are established and dispersed across the country in a way that is considerate of depopulation issues and of the need to create employment opportunities.

It would be presumptuous of me to engage now in discussing where any Scottish migration agency that might be created could be located. However, that is an interesting topic to raise, and it is also covered in the “Migration: helping Scotland prosper” paper, which the Government published in January.

The paper says that the establishment of our social security agency, and the way in which the Social Security (Scotland) Act 2018 was taken through Parliament as an enabling act that would deliver the relevant powers, sets an interesting precedent for how we might deliver tailored immigration policies in Scotland. Our social security agency is now working with the DWP; on immigration, the Scottish Government would have to work with the Home Office. On social security, we took the position—and the Parliament agreed—that we should set up an agency rather than a Government department. One of the greatest challenges that working with the Home Office would present is that, as a Government department, it is not necessarily performing in the way that the people who access its systems would wish it to. Therefore, creating an agency might be a better approach for us.

Of course, we would undertake a robust and serious analysis before we made any decisions about delivering tailored migration policies. However, I can say that there is a lot of opportunity for us to do things in an agile and more effective way that would draw inspiration from the way in which our social security powers are being delivered.

**Dean Lockhart (Mid Scotland and Fife) (Con):** Good morning, minister. There is a widely held

consensus that the Covid crisis provides us with an opportunity to reshape Scotland’s economy. You have already mentioned developments such as the growth in digital activity and the adoption of new technologies. However, some sectors of our economy will see high levels of unemployment. If we are to reshape the economy, there will be a massive need to reskill our workforce across the country, but our policy on that will have to sit alongside our immigration policy. Will you set out the Scottish Government’s approach to addressing that need, and will you explain how that might sit alongside its immigration policy?

Before Covid, Scotland’s training participation rate for 25 to 39-year-olds was only 12 per cent, which highlights the scale of the challenges that would be involved in reskilling our workforce and how the Scottish Government’s policy on that would have to interact with its immigration policy.

**Ben Macpherson:** Thank you for raising those important questions. I refer you to the initiatives set out in the programme for government, particularly those on our commitments to reskilling and providing more resource in that area, and to the work that Jamie Hepburn is doing in that regard.

The circumstances that Covid has created—the downturn in our economy and the impact on our key sectors such as tourism—are pertinent to the immediate situation, as regards the requirements of our labour market and the difference from our position at the end of last year, when unemployment was at such a low rate and demand for labour was high. However, I refer Mr Lockhart to my earlier comments about not only reskilling, once we get through the Covid crisis—I appreciate that there are uncertainties around how that will progress—but being determined collectively to ensure that those industries return to their previous healthy state and with the same demand or perhaps an increased one. We will need people to fulfil that.

I understand the logic of the question with regard to the immediate term, but there is also the demographic challenge, as well as the longer-term aspects of the immigration question and the need to attract people to Scotland. If we are to sustain our working-age population, we need migration; there are no doubts about that—the evidence is overwhelming. Of course, we should be arguing for immigration not just from an economic perspective but because of its enrichments in the round. However, simply from an economic perspective, we will continue to need to bring people here to sustain our working-age population across all skill levels.

One of the big challenges of the system coming into force from next January, though, is its salary threshold of £25,600, because people in 53 per

cent of job roles in Scotland earn less than £25,000. Most concerning is that that applies to up to 90 per cent of those in the social care sector. We need to continue to attract the migrant workforce to work in parts of the economy that still require them and have benefited from them, for the good of all, during the pandemic. We need to attract people for our recovery from the crisis in the medium to longer term, and we need to attract people in the longer term because of our demographic challenges.

**Dean Lockhart:** Thanks for that. Part of the reason for my question was to seek assurance from the minister that there is a whole-Government approach to the Covid crisis in terms of reskilling the economy and addressing the fact that there will be unemployment in many sectors across Scotland. The minister said that that would be short term, and I hope that it is. It is reassuring to hear from the minister that there is an integrated approach in terms of training and immigration.

I want to address the discussion around the new shortage occupation list compiled by the Migration Advisory Committee, which I believe is scheduled to be updated soon. The tier 2 shortage occupation list comprises 34 occupations on a UK-wide level, with an additional two occupations for Scotland. In other words, Scotland's occupational shortages seem to be similar to those for the rest of the UK. Does the minister recognise the similarity of the lists of occupations identified as being in shortage in Scotland and across the rest of the UK?

**Ben Macpherson:** No, but I will come back to that shortly. First, though, in your earlier question, you rightly emphasised the need for a co-ordinated, cross-Government approach to such an important area. It might therefore be useful to Mr Lockhart and the committee if I undertake to write to the committee on that important matter, with input from Mr Hepburn and his officials, to ensure that we are providing you with as much helpful information as we can.

A real issue with the shortage occupation list is that, in the past, the process for revising and reviewing the list has not been agile in response to shifting needs, particularly in circumstances such as the current context or in relation to other aspects that can change quite quickly. Historically, the whole process around the shortage occupation list has not been effective. We want it to be better, so we have engaged in good faith in our submission and our dialogue with the Home Office to try to improve it.

We have proposed that there should be a process for reviewing the SOL to ensure that there is a formal role for the Scottish Government and Scottish ministers in determining the occupations where there is a shortage in Scotland. In response

to your question, we do not think that the SOL in its current form is representative of the shortages that exist in Scotland. We certainly do not think that it will be representative from the end of December this year, going into the new system.

One of the big worries and challenges with the immigration system that is coming into force from January is that there will be no entry route for those who are earning less than £25,600, unless they are on the SOL. In that context, the SOL will take on greater significance. As I said earlier, a large portion of the workforce in Scotland falls under that salary threshold. If the shortage occupation list is going to be in any way effective in addressing some of the challenges that removing freedom of movement will create, it needs to be improved.

The SOL is not a panacea, and it will certainly not be as effective or as beneficial as freedom of movement has been. Nevertheless, we want to make it better, so we want the Scottish Government—on behalf of Scotland and Scottish stakeholders—to have a more direct way of influencing the SOL and what is on it for Scotland.

We also want the list to evolve in the way that it addresses shortages. Instead of listing specific job titles, it could take more of a sectoral approach, for example, and be broader, which would be much more useful for employers. That would be helpful in particular for the health sector, given that the SOL currently includes a number of job titles such as nurses and social workers but does not include care workers. That is indicative of some of the problems with the list. Rachel Sunderland might want to say something on that.

**Rachel Sunderland:** A number of stakeholders across Scotland have consistently provided evidence of what they see as shortages. The feedback that we get from stakeholders often mentions that they feel that it is very challenging to get jobs added to the shortage occupation list. For example, there was an argument, and evidence was provided, from local authorities and the Convention of Scottish Local Authorities about a shortage of Gaelic teachers, but it was only last year that they were added to the Scottish SOL. Stakeholders find it a challenge to get across that threshold.

**Dean Lockhart:** I have a brief follow-up question. At the risk of having a circular discussion, given the economic destruction that is expected over the short term—possibly one, two or three years—and the potential impact on the free movement of people and migration, has the Scottish Government looked at how reskilling can address some, or many, of those skill shortages in the next 12, 18 or 24 months?

11:15

**Ben Macpherson:** I will take that away as part of the undertaking I gave to provide more information in writing about Mr Hepburn's position.

There are parts of the economy where, no matter how hard employers try to recruit locally, they are unable to meet demand and to get people to fill those roles. I know that Mr Lockhart is not proposing that, but it is not as simple as reskilling or pushing those who face unemployment due to the Covid crisis into industries where there are vacancies. It is much more complex: employers are looking for and have welcomed the specific skills, experience and commitment that the migrant workforce has been able to provide.

Migrants have been productive and active. They make a net contribution to our public finances and to gross domestic product. They also contribute to the sustainability of rural communities. Freedom of movement and EU migration has also contributed to our demographic position. Families have come and are welcome.

Mr Lockhart asks important questions about the relationship between immigration policy and the labour market under the current circumstances. I am happy to come back on some of those points and to provide the committee with more detail.

**Kenneth Gibson (Cunninghame North) (SNP):** [*Inaudible.*]—population growth of any nation on earth in the 20th century and huge levels of net outward migration, averaging out at around 40,000 a year. That is why there are more people of Scottish ancestry in Canada and America than there are here.

According to the National Records of Scotland, that has turned round somewhat. Although 80,600 people migrated to Scotland in 2018, we still had 15,700 leave. To put that into perspective, our 51,308 live births that year was the second-lowest figure since records began, in 1855, and it came from a total population of 5.438 million.

Migration to Scotland is important. Does the Scottish Government accept, however, that migration is only part of the story and that outward migration, particularly by the young, skilled and well educated, remains an issue, exceeding, as it does, our annual birth rate? What will the Scottish Government do to retain people who were born and brought up in Scotland and address our abysmally low birth rate?

**Ben Macpherson:** I did not hear the beginning of the question, but I will answer what I heard.

Your point about Scotland's story of outward migration is important for context and for how we understand our current demographics. There is some cause for optimism. The expert advisory group's most recent report on migration within the

UK was published last week, and it was encouraging to learn that most people who arrive in Scotland are aged 18 to 29. There has been a net positive contribution from the rest of the UK to Scotland in the past 20 years, reversing that trend of more people leaving to the rest of the UK than were coming here.

We are in a more positive position than we were two decades ago, but there is more work to do. Part of that work is about how we continue to attract people, which has been the focus of the majority of our discussion this morning, but it is also about retaining people. I agree that that is not just about doing all that we can together to encourage EU citizens to stay and acquire their settled status before the end of June next year, but about working collectively to encourage people to stay in Scotland after leaving school or graduation, or at different stages of their lives. That policy is, of course, in the round and it covers questions of housing, education, quality of life and the wellbeing of the economy as a whole. That is exactly what the population task force has been looking at.

The population strategy that will be taken forward in the next year, to which we are committed in the PFG, will bring together those issues. We will analyse the situation and bring to Parliament, and beyond, the Government's proposals for solutions. Some of the solutions that have already been implemented are, for example, the commitment to deliver more affordable homes across the country, which is covered by Mr Stewart, and the commitment to deliver more free childcare through the work that Ms Todd is doing. All those different elements are fundamental to the wider question. The Government needs to look at the issue in the round, which is exactly what the population task force is doing, and it is what the population strategy will centre around.

**Kenneth Gibson:** You talked about different areas facing different challenges. As you are aware, there are probably 20 times more migrants in your Edinburgh constituency than there are in my Ayrshire one, where gross value added is only 30 per cent of what it is in Edinburgh, our capital. Surely, in order to attract migrants and retain people, an inclusive policy to grow the economy, such as Stuart McMillan touched on, is essential. How will the Scottish Government address that and the huge divergence within Scotland in terms of our economic base? That is the most important thing when it comes to attracting migrants. No matter what policies we have vis-à-vis the UK, if we do not have the jobs for migrants to fill, they simply will not come here.

**Ben Macpherson:** In recent history, the challenge has been in attracting migrants to some of the prominent industries in rural Scotland, for



example. In the current situation, the problem is still with attracting people to work in agriculture, parts of the fishing industry and, indeed, social care in different parts of Scotland. The jobs are there; the issue is how we fill them.

I do not mean to be repetitive, but the population task force will look at Government policy as a whole to provide the facilities as well as the incentives, from a devolved context, to enable people to take up roles in the parts of Scotland that are facing depopulation or that have the most acute demographic positioning. That is part of the on-going work of Scottish Government policy making, and it has been the focus of the population task force, which has been looking at the issue for the past year. As I said, the population strategy, which is being led by Ms Hyslop, will bring together the work that the Scottish Government has done and what we still need to do.

In relation to reserved policy, I highlight that, if the Scottish Parliament was able to design and implement tailored immigration policies, we could consider how we could weight a Scottish visa, within the rules and criteria, to parts of Scotland where the challenge is most acute. Mr Gibson's example of the differences between Edinburgh and his constituency is very powerful in that regard.

**Kenneth Gibson:** That is helpful, minister.

You talked about migration from the UK, but such migration involves not only those who are aged between 18 and 30. In my constituency, many of those who have migrated from the UK are elderly retired people, who come to enjoy the coast, the islands and the beautiful scenery. They can outbid local residents for housing, and they clearly have an impact, given that they use local health provision and other services—in fact, as you will be aware, some of them come to Scotland for that reason.

This week, we have seen people raising concerns that the very survival of the Gaelic culture in Uist is under threat because incomers are displacing many indigenous communities. Given the Scottish Government's commitment to tailor-made solutions, how is that issue being addressed?

**Ben Macpherson:** That issue is, in principle, part of Kevin Stewart's portfolio, but I reassure Mr Gibson that Mr Stewart and I have already discussed it with regard to my portfolio in the round. The Scottish Government will continue to examine the housing challenge that Mr Gibson emphasised in his example. It is also pertinent to the question of how we sustain our rural island communities in an affordable way, as well as how

we attract people of working age to continue to take those communities forward.

**The Convener:** Thank you for that, minister. As we wind up, I want to cover a couple of specific areas that we have not yet covered in any depth. One area is our universities, which are currently suffering significant challenges as a result of Covid. What impact do you consider that the new immigration proposals, including the graduate route, will have on international students choosing to study in Scotland? What are you doing to promote Scotland to international students as a destination of choice?

The second area, on which I and the committee have focused quite a bit, concerns the impact of UK Government proposals on international festivals. I know that, on 26 February, just before the lockdown, you had a festival summit that looked at the challenges around that. I understand that the UK and Welsh Governments attended that summit, along with cultural stakeholders. What was the outcome of that summit, and how is it being taken forward?

**Ben Macpherson:** As the expert advisory group report emphasised from a UK perspective, and as has been emphasised in previous figures, attracting a student population is beneficial not only for our universities, and because of the contribution that students make to the local economy when they are here, but because many of the students, including those who come from the rest of the UK, stay in Scotland. It is important that we continue to attract people to our universities.

With regard to the international student population, since the post-study work visa was removed by the coalition Government in 2012, the Scottish Government has emphasised to the UK Government that it should be re-implemented. We therefore welcome the post-study graduate route to which the UK Government has committed. We are glad that that has happened, and we wish that it had happened sooner. The scheme will not be in force this year, so students who graduate this year will not benefit from it, but from next year it will start to take hold. It will be beneficial for Scotland, because we want people who are trained and skilled here to stay and work in our economy.

As, I am sure, you appreciate, Mr Lochhead engages regularly with Universities Scotland and the wider higher and further education sector on how we continue to attract people to study here from the rest of the UK, the EU—in the changing circumstances—and internationally. We work with the universities to help them to promote Scotland. Of course, our hubs across Europe and our international work play an important part in that, as does working alongside other agencies, including the UK Government, in good faith. I am happy to

engage with Mr Lochhead and provide further information on that in writing, if that would be useful for the committee.

11:30

**The Convener:** Thank you; that would be helpful.

**Ben Macpherson:** I am happy to do that.

The festivals summit was good, and Ms Hyslop was glad to see it happen. It was unfortunate that the UK Government engagement was not what we had hoped it would be, but there was a meaningful discussion, particularly with the international festivals.

The festival visa issue is broad; it can be about everything from the Edinburgh international festivals to local festivals, events and conferences. We make it very difficult for people to come here to showcase their work, give lectures or contribute to the wider understanding, knowledge and culture and wellbeing of Scotland and the UK as a whole. I had some good discussions with Caroline Nokes about that and she was understanding about it. There is a lot of progress to make and it will require the Home Office to see the need to be less prohibitive with regard to people being able to come here and showcase their work. The Scottish Government continues to make that case to the UK Government.

**The Convener:** Can I interrupt you? I was told that the UK Government participated in that summit, and you said that its engagement was not what you had hoped. It sounds to me as though it did not participate and that it has not agreed to bring forward any recommendations. Could you give more details?

**Ben Macpherson:** There was Home Office representation, but I am unclear about whether there was ministerial representation. The attendance was just at official level, which was unfortunate; there was no ministerial-level attendance by the UK Government.

We continue to make the case to the UK Government that it needs to introduce changes to the UK visa and immigration system as a whole, to make sure that it meets the needs of our festivals and wider cultural sector. Once we are through the Covid crisis, that will be extremely important as part of making sure that our festivals and cultural sector recover. The visa system is also relevant, for example, to lecturers who come to give talks at universities. We have had a range of challenges when it comes to visitor visas for business or culture. Does Rachel Sunderland want to add anything further?

**Rachel Sunderland:** As well as policy issues, the summit identified operational issues and came

up with good suggestions, which we are keen to pursue. We will look to pick them up with the Home Office at official level. Some should be fairly straightforward and some are more policy related.

**The Convener:** Have you publicised the outcomes and suggestions? Can you share them with the committee?

**Rachel Sunderland:** We can certainly share them.

**Ben Macpherson:** Yes, of course we can.

**The Convener:** Okay; I would appreciate that, because it is an issue that the committee has looked at as part of our cultural remit, to which the festivals are so important.

Do we have any more supplementary questions from members?

**Annabelle Ewing:** I appreciate that time is marching on, so I will speak briefly. We have only touched on the important issue of the care sector. Could the minister briefly clarify where matters stand in the Scottish Government's efforts and desire to see social care workers included in the shortage occupation list? I understand from the care sector that it is absolutely vital that that happens. Particularly in light of the experience thus far of Covid, one would have thought that the UK Government would recognise that those people—I call them angels—are key workers. They could not be more key, and it is disappointing to see the way that the UK Government continues to treat them.

**Ben Macpherson:** Thank you. That is an extremely important question.

As I said earlier, the high percentage of care workers who would not meet the salary threshold of £25,600 is extremely concerning. Scottish Care and Donald Macaskill have been very clear that the case for social care to be on the shortage occupation list is utterly compelling, and we also emphasised it in our submission to the MAC of 31 August.

The UK Government also introduced a health and care visa, which was welcome, to an extent. However, bizarrely, it does not include social care workers. It includes doctors, nurses and social workers, for example, but it does not include care workers and other people who work for the NHS, such as cleaners. The visa gives a benefit in cost savings, such as not having to pay the health surcharge, for example. The health surcharge is problematic and unjust because, in effect, it asks people to pay tax for their healthcare and then pay a surcharge. That is a wider issue. As things stand, it is astonishing that social care workers are neither on the shortage occupation list nor part of the health and care visa arrangements.

In a delayed update, the UK Government has said that there would be a potential reimbursement, from 1 October, for people who work in the NHS who are not on the list. However, that means that people who have worked throughout the Covid crisis, made such a huge contribution to the common good and played such an important role, whether in providing social care, in cleaning hospitals or in other aspects of the NHS, are going to have to go through an application process in order to be reimbursed. It is insulting and makes no sense.

**The Convener:** Thank you very much for that rather depressing conclusion.

I thank the minister for giving evidence today. We have no further supplementary questions, so that concludes our evidence session. The committee will shortly consider in private the evidence that we have heard.

The public part of the meeting will conclude. Before anyone leaves the room, I again remind members and witnesses to observe social distancing measures, particularly in exiting the committee room and across the campus.

11:38

*Meeting continued in private until 12:03.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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