



BRIEFING PAPER

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Brexit and UK immigration and asylum policy: a reading list

By Melanie Gower

1. Options for a future agreement with the EU on 'free movement of people'

- Is it feasible that the UK will be able to secure a trade deal with the EU as well as a greater ability to control EU immigration?
- To what extent do the EEA/EFTA (i.e. Iceland, Norway, Liechtenstein and Switzerland) agreements with the EU require them to apply EU free movement of people laws?
- Might the EEA/EFTA arrangements be suitable models for the UK to seek to emulate?

Jonathan Lindsell, Civitas, [The Norwegian Way: A case study for Britain's future relationship with the EU](#), February 2015

This publication considers in detail Norway's relationship with the EU. It notes that Norway has not sought to make use of the safeguard provisions in the EEA Agreement to suspend the free movement of people, but rather has pursued integration policies in an attempt to manage the social and economic impacts of immigration.

HM Government, [Alternatives to membership: possible models for the United Kingdom outside the European Union](#), March 2016

Chapter 3 details Norway, Switzerland, Canada and Turkey's relationships with the EU, including the free movement obligations, and considers their suitability for the UK.

Sam Bowman, Adam Smith Institute, [Time for the EEA Option](#), 24 June 2016

This article proposes that the UK should seek to gain membership of the Single Market without membership of the European Union ('the EEA Option'). Its arguments include that the safeguard clauses in the EEA Agreement might be sufficient to satisfy a desire for control over immigration.

2 Brexit and UK immigration and asylum policy: a reading list

Stephen Booth, Open Europe, '[Britain must think in grander terms to reach new European settlement](#)', 3 July 2016

This article argues that rather than narrowly focusing negotiations on access to the Single Market and immigration restrictions, the UK and EU should seek to establish "a new strategic European partnership, encompassing defence, security, trade and immigration".

Jonathan Portes, National Institute of Economic and Social Research, '[The 'EEA minus' option: amending not ending free movement](#)', 3 July 2016

This blog post suggests some potential ways to restrict EU immigration, which the UK might seek in return for limited access to the Single Market, and considers the associated difficulties. The ideas considered include applying a quota on the number of EU nationals allowed to work in the UK, and restricting EU migrants' associated rights in the UK, such as to access welfare benefits and public services on a similar basis as citizens.

Marley Morris, IPPR, '[Beyond free movement? Six possible futures for the UK's EU migration policy](#)', 13 July 2016

This paper identifies six different options for future controls on EU immigration, ranging from retaining full free movement rights to imposing full visa restrictions on EU migrants. It assesses their potential impact in various areas, including the economy, public concerns, wages and public services, and future UK access to the Single Market.

LSE European Politics and Policy Blog, '[There are sound practical reasons why free movement should accompany free trade](#)', 14 July 2016

This article identifies reasons for providing for free movement of people alongside free movement of goods, services and capital, arguing that "A market with severely restricted labour mobility is a rigged market, not a free market."

Richard North, EUReferendum.com, '[Brexit: free movement and the Single Market](#)', 18 July 2016

This article discusses Liechtenstein's special agreement with the EU, which allows it to apply a quota system to control the number of EEA citizens given permission to reside in the country, and the safeguard measures in the EEA Agreement.

John Springford, Centre for European Reform, '[Britain's limited options](#)', 18 July 2016

This article summarises the different deals on trade and free movement of people the EU has made with Canada, Liechtenstein, Norway and Switzerland, and considers whether they suggest that the UK might be able to stay in the Single Market whilst gaining the ability to impose restrictions on EU immigration. It argues that "there is a logic that explains why [the deals] are different – and it suggests that the UK is heading for a harder Brexit than many in Britain appear to realise."

Karin Fløistad, EU Law Analysis, [‘Free movement of persons in the European Economic Area – different from the EU?’](#), 27 July 2016

Drawing on recent caselaw, this article discusses two differences in free movement of people rights as provided for under EU law and through the EEA Agreement, namely that the EEA Agreement does not provide for citizenship of the European Union, or cover immigration from non-EU countries.

Ayesha Christie, Matrix Chambers, [Joining the European Economic Area, and the implications for free movement of persons](#), July 2016

This briefing outlines the main features of the EEA Agreement and the role of the EFTA Court. It considers whether the UK might be able to secure powers to restrict immigration similar to Liechtenstein’s, or unilaterally impose restrictions as per Article 112 (the ‘safeguard clause’) of the EEA Agreement. It concludes that it is unlikely that the UK would be able to impose restrictions of the nature envisaged by ‘Leave’ campaigners.

Chalmers & Menon, Open Europe, [Getting out quick and playing the long game](#), July 2016

This paper advocates a 3-step process for leaving the EU, in which the UK would leave the EU towards the end of 2018, and then enter into a transitional arrangement for several years whilst a longer-term settlement was negotiated.

It outlines what the transitional agreement could look like, including arrangements on future free movement of people rights. It suggests that free movement residence rights could be restricted to EU workers who have a full-time job offer, but that Scotland could continue to apply full free movement of people rights in the context of a closer ongoing relationship with the EU.

Richard Bronk, LSE European Politics and Policy Blog, [‘Let young people move: why any post-Brexit migration deal must safeguard youth mobility’](#), 30 July 2016

This blog post argues that post-Brexit restrictions on free movement rights should retain avenues for EU youth mobility, in light of the economic, social and political benefits of such arrangements. It cites the [Tier 5 \(Youth Mobility\) visa](#), which is available to certain non-EU nationalities, as a possible example of how this could be achieved.

2. Options for immigration policy post-Brexit

- What implications does leaving the EU have for the future design of UK immigration policy?
- How might immigration patterns and flows be affected by changes to EU citizens' free movement rights?
- How should policymakers respond to the referendum result, in advance of the UK leaving the EU?

Vote Leave, '[Restoring public trust in immigration policy – a points-based non-discriminatory immigration system](#), statement by Michael Gove, Boris Johnson, Priti Patel and Gisela Stuart,' 1 June 2016

This statement set out proposals for a post-Brexit immigration policy. They included preserving the special status of Irish nationals in the UK, automatically granting permanent residence to EU citizens already lawfully living in the UK, and introducing a "genuine Australian-style points based immigration system" to apply equally to EU and non-EU citizens.

Migration Observatory, Commentary, '[Project Unclear: Uncertainty, Brexit and Migration](#), 10 March 2016

This briefing comments on the uncertainties surrounding i) post-Brexit immigration policy; and ii) the potential impacts of future policy on migration flows.

Migration Observatory, Report, '[Potential implications of admission criteria for EU nationals coming to the UK](#), 6 May 2016

The report considers the potential effects of introducing selection criteria for EU nationals coming to work in the UK, and notes that "in any selection system based on earnings and proposed occupation, there would be large differences in the implications for different industries, occupations and, to a lesser extent, regions."

Dr James Hampshire, Politics.co.uk, '[Think Brexit would mean lower immigration? Think again](#)', 18 May 2016

This article sets out some reasons to doubt that leaving the EU would result in a greater ability to control (and reduce) immigration.

Migration Observatory, Commentary, '[What would UK immigration policy look like after Brexit?](#), 9 June 2016

This briefing discusses some of the questions that (would) arise in the event of Brexit, including whether the UK might continue to apply EU free movement of people law; the implications of introducing an 'Australian style' points-based system; whether a new low-

skilled immigration route would be needed; whether the net migration target would become more achievable; and how the status of British and EU expats might be resolved. It concludes that designing a new immigration system without EU free movement provisions would be a “hugely complex” task which would need to address “Fundamental questions such as whether and how to satisfy demand for migrant labour in low-and middle-skilled jobs, as well as how to manage trade-offs between the costs and benefits of different types of migration”.

David Goodhart, Policy Exchange, [‘Five Point Plan for Immigration Reform, Prior to Free Movement Change’](#), 7 July 2016

The author suggests “five things a new PM could announce on day one in No 10 to mitigate the disruptive impact of high immigration and help to reduce numbers (at least in the longer run).” Namely, establishing a new Department for Immigration and Integration; creating a new Migration Impacts Fund; conducting an “immigration audit” of austerity cuts; establishing a commission to consider how to incentivise employers to recruit and train British workers; and establishing a population/household register.

Ryan Shorthouse, The Spectator, Coffee House Blog, [‘Brexit provides the perfect opportunity to crack the immigration question’](#), 25 July 2016

The author identifies three major reforms to align immigration policy with public concerns, namely securing an eventual end to EU free movement rules; abandoning the net migration target in favour of targets for different categories of migrant; and policies to ensure the benefits of migration are used to address its challenges. Similar ideas are set out by the author in greater detail in the publication from **Bright Blue, [A balanced centre-right agenda on immigration: a manifesto for immigration](#)**, July 2015.

Don Flynn, Migrants’ Rights Network, Blog, [‘Brexit: The residence, social and youth rights we must campaign to protect’](#), 25 July 2015

This article identifies three areas where loss of free movement rights is likely to adversely affect EU migrants, and suggests some policy solutions.

The Economist, [‘Somebody call a doctor’](#), 30 July 2016

This article considers the potential impact of reducing EU immigration on the cost of providing public services, and finds that recruitment difficulties may be exacerbated in some services, such as social care.

3. Implications for asylum policy

- What implications might leaving the EU have for asylum/refugee intake in the UK?
- Would leaving the EU require widespread changes to UK asylum laws?
- Would the UK be able to continue to participate in EU-wide asylum measures, such as the Dublin regulations?

EUObserver.com, '[Brexit would prevent UK from returning asylum seekers](#)', 20 June 2016

This article contends that the UK would be unable to return asylum seekers to EU countries they had already passed through if it left the EU, unless it was able to make a special agreement with EU Member States about continuing to participate in the 'Dublin' and 'Eurodac' regulations.

Dr Catherine Costello, COMPAS Breakfast Briefing 45, '[The UK and the CEAS – A Leaving Matter?](#)', June 2016

This briefing outlines the extent of the UK's selective participation in the Common European Asylum System (CEAS), and contrasts it with the position of non-EU states such as Norway. It concludes that the UK would lose influence over the design of legislation if it adopted a position similar to Norway's.

IRIN News, '[What does Brexit mean for refugees?](#)', 27 June 2016

This article considers how Brexit might affect the political landscape in the UK and EU and influence their future policy approaches to asylum seekers and refugees.

4. Other Library publications

A number of Library publications related to Brexit are collated on the intranet and Parliament website pages [EU referendum 2016](#).

Various other [topical Library briefings on immigration and asylum](#) refer to the impact of the referendum result, where relevant. See, for example:

- [Leaving the EU: Impact of a n EU exit in key UK policy areas](#), August 2016 (section 11)
- [The UK's points-based system for immigration](#), 18 July 2016
- [The Common Travel Area and the special status of Irish nationals in the UK](#), 15 July 2016