

**COUNTRYSIDE ALLIANCE WRITTEN EVIDENCE**

**IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL  
2019-21**

**June 2020**

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**Executive Summary**

1. The Countryside Alliance is a membership-based organisation that works for everyone who loves the countryside and the rural way of life. We reflect the views and interests of 100,000 members and supporters who come from all walks of life and every part the United Kingdom.
2. The Countryside Alliance recognises that the Bill is largely an enabling measure to amend the existing legal framework around immigration and movement of persons ahead of the end of the transition period, and to ensure that the Government has the necessary powers to introduce the new immigration rules to apply from the 1 January 2021. The powers contained in the Bill are broad and sweeping and rely on the use of secondary legislation to make fundamental to the UK's law on the movement of people. Secondary legislation is not subject to the same level of scrutiny as primary legislation and is not capable of being amended. It is therefore essential that the Government gets this new immigration system right. Against this background the Alliance would like to highlight again the issue of seasonal workers, and that new regulations must take account of the rural sector's need for access to seasonal workers.
3. The Alliance welcomes the Government's ambition to use the UK's departure from the European Union as an opportunity to upskill the domestic workforce and to modernise agriculture, using the latest in mechanisation and other technologies.
4. However, there will remain a need for workers to undertake tasks especially, but not exclusively, in the horticultural sector. There are also seasonal jobs on game farms, in forestry, and other businesses that are not capable of being replaced by automation and where there is no immediately available domestic workforce willing to undertake these types of jobs.
5. The UK currently relies on over 70,000 seasonal workers and the Alliance does not believe that the Government has fully recognised the importance of seasonal workers in the UK food supply chain, or elsewhere, and believes the new immigration rules must reflect need, rather than setting arbitrary limits.
6. There will need to be a long-term system beyond 2020, when both the pilot seasonal workers scheme for non-EU citizens and EU free movement end, which enables all agricultural sectors to access the seasonal workers they need. Numbers should be determined by industry need and not government targets. This system should complement the Government's welcome ambition to increase UK employment in the sector,

underpinned by improved wages, as well as mechanisation. However, this is a process which needs to be supported by funding, enabling farmers to make the capital investment necessary to modernise and reduce reliance on cheap labour. Government needs to make clear how it intends to drive and fund this change, and the immigration system should be structured so that it can adjust in line with the UK's changing needs.

7. The Alliance welcomes the Government's statement that: "The seasonal agricultural visa pilot scheme will be expanded - recognising the significant reliance this sector has on low-skilled temporary workers", but we would like to see the detail of this scheme and would oppose any arbitrary limit on numbers, or restriction to one sector of agriculture, as with the pilot scheme.
8. While the Bill contains no details, the powers must be exercised so as to ensure access to labour. Failure to have such a scheme would be disastrous, as the impact of COVID-19 on access to seasonal workers has clearly demonstrated. Detail of how the Government intends to facilitate seasonal workers and any associated scheme is urgently needed, and it should be presented to Parliament before the current pilot scheme ends, and ideally before this Bill progresses further, so parliamentarians can have some clarity as to how the Government intends to exercise the powers given under the Bill.

### **Background:**

- The Government commissioned the Migration Advisory Committee (MAC) to report on the impact of migration from countries within EU and to make recommendations for a future immigration policy outside the EU. The MAC published a report in September 2018 which showed that the vast majority of seasonal agricultural workers are from countries within the EU and acknowledged that "it is difficult to imagine a scenario in which this workforce can come from the resident labour market" (p.119).
- The MAC report recognises that if no new seasonal agricultural workers scheme is introduced "it is likely that there would be a contraction and even closure of many businesses in parts of agriculture in the short-run" (p.119). It also states that failure to allow for seasonal workers "may lead to modestly higher prices for consumers" (p.120).
- The Alliance welcomed the recognition in the MAC report of the importance of seasonal agricultural workers from the EU, although we were disappointed that the MAC did not use this opportunity to call for a new seasonal agricultural workers scheme to be introduced and instead, chose to focus on the conditions around any new provisions for seasonal agricultural workers.
- Shortly before the MAC report was published, the Government announced that Defra and the Home Office were planning to implement a pilot seasonal workers scheme. The scheme is due to run to the end of 2020. The original scheme was only to allow up to 2,500 seasonal agricultural workers from outside the EU to work on farms in the UK. Given the fall in EU seasonal workers since the Brexit referendum this number has since been increased to 10,000 non-EU workers. However, as of 1 January 2021 the distinction between EU and non-EU seasonal worker migrants will cease and 10,000 is far short of the over 70,000 seasonal workers currently deployed in the UK agricultural and rural sector.
- While the Countryside Alliance welcomed the Government's recognition of the need for a new seasonal agricultural workers scheme, we also expressed concern that what was being proposed would be too little too late for many sectors of the rural economy. We also expressed disappointment that the proposed new scheme was limited to fruit and

vegetable farmers, meaning that other sectors such as forestry and game farming were not be able to benefit from the provisions, although until 2021 they still have access to workers from the EU under European freedom of movement. This remains the case and uncertainty on whether other sectors will be able to benefit when the pilot scheme ends.

- The Government's White Paper on immigration, published in December 2018, set out a skills-based approach to a new policy in this area with the "possible exception of seasonal agricultural workers" (p.54). The White Paper made it clear that the Government did not intend to open sectoral labour schemes, "except potentially" for seasonal agricultural work but it stated that "the introduction of any seasonal scheme for agricultural workers will be temporary" (p.54).
- The Countryside Alliance was deeply concerned about the lack of certainty in the White Paper regarding seasonal agricultural workers. References to a new seasonal agricultural workers scheme being the "possible exception" to Government policy in this area and that any new scheme would be "temporary" provided little reassurance to farmers and rural businesses, or people from the EU looking to work in the UK. The risk of labour shortages in the farming industry, which would have a broader detrimental effect on the rural economy in many places, cannot be overstated.
- The approach to immigration outlined in the White Paper was determined by the Government's goal of achieving "sustainable levels of net migration" which was stated in the then Conservative Manifesto as reducing migration to the "tens of thousands." The Government has since moved away from specifying immigration figures, notably absent in the 2019 manifesto, but it remains the Alliance's view that seasonal agricultural workers should not be included in the net migration figures on account of the fact that these people are in the UK for a time limited period. The seasonality of many rural businesses means that access to temporary labour is vital at important times of the year and attempts to forcibly reduce this form of temporary migration would be damaging to the rural economy. A clear distinction needs to be made between permanent migration and temporary migration.
- It is thus welcome that earlier this year the Government made clear that the "seasonal agricultural visa pilot scheme will be expanded - recognising the significant reliance this sector has on low-skilled temporary workers". This seems to reverse the previous White Paper position that any scheme would be temporary.
- However, the current pilot scheme runs out at the end of 2020, as does the transition period. With the 1 January 2021 only a little over six months away we have no clarity as to how the seasonal workers scheme is to be expanded. This is a matter of grave concern, as the current pilot scheme cannot meet the need for seasonal workers either in terms of numbers or across all the sectors where these workers are needed. It is simply too limited and restricted in scope.

### **Countryside Alliance Position:**

- Access to labour is one of the three central issues facing farmers and producers once free movement ends following the transition period of our departure from the EU, along with trade and support payments. People from the EU play an important role in harvesting, production, and processing across the food supply chain, in both skilled and unskilled jobs.
- Seasonal agricultural workers are particularly important in filling temporary and labour-intensive roles. This type of employment is not only important for farming, but also for other sectors of the rural economy such as forestry and game farming.

- Over 70,000 seasonal agricultural workers are employed in the UK every year and according to the Office for National Statistics, 99 per cent of these people are from countries within the EU.
- We need an immigration policy that reflects the importance of workers from the EU, as well as from elsewhere, to the food and farming industry and the broader rural economy. This must include a distinct policy for seasonal workers, including a permanent seasonal agricultural workers scheme that allows the numbers needed and covers all sectors needing access to seasonal workers.
- The Government's pilot seasonal workers scheme for 2019 and 2020 is limited to the horticultural sector, ignoring the need for seasonal workers in other areas of agriculture, such as forestry and game farms. It is also limited to 10,000 people from outside the EU. While an improvement on the previous 2,500 non-EU citizens, it clearly falls far short of the over 70,000 seasonal workers on which the UK depends, regardless of where those workers come from. The new immigration rules need explicitly to reflect this need.
- After the transition period, from 1 January 2021 the Government have stated that: "The seasonal agricultural visa pilot scheme will be expanded - recognising the significant reliance this sector has on low-skilled temporary workers". However, we have no detail as to whether the scheme will encompass agricultural and rural businesses beyond horticulture, and what number of seasonal workers it will allow, once the distinction between EU and non-EU citizens is abolished.
- Industry needs to see the detail of this scheme urgently, and it should be presented to Parliament before the current pilot scheme ends, and ideally before this Bill progresses further, so parliamentarians can have some clarity as to how the Government intends to exercise the powers given under the Bill. Any arbitrary limit on numbers, or restriction to one sector of agriculture, as with the pilot scheme, could be catastrophic across a wide range of agricultural and rural businesses. The vital importance of seasonal workers has been made abundantly clear as a result of the COVID-19 crisis, not least in terms of the nation's food security.
- It is clear that the Government needs to learn from the current crisis and ensure that the new immigration system allows UK agriculture, not just the horticultural sector, to access seasonal workers, and in the numbers actually needed by the industry, rather than arbitrary numbers set by government.
- The inclusion of seasonal agricultural workers in net migration figures distorts the true picture of immigration and seasonal workers should be categorised separately as their migration is temporary, even if for many it is undertaken annually.
- The Government must put in place a suitably flexible scheme which can meet the need for seasonal workers in the food supply chain, and within the rural economy as a whole, not just for 2021 but permanently.
- If the Government delivers on its ambition to drive up agricultural wages and modernise agriculture, reducing reliance on cheap labour, then demand for seasonal workers from outside the UK should fall. To cut off, or severely restrict, the supply of labour before these other measures are progressed, risks our food industry, food security and the wider agricultural and rural economy.

