

Immigration

- 358. What will independence mean for immigration in Scotland?**
Independence will enable Scotland to build a fair, robust and secure immigration system that meets our own social, economic and demographic needs.

359. What will an independent Scotland's policy be on immigration? How will it be different from the rest of the UK?

Scotland's differing demographic and migration needs mean that the current UK immigration system has not supported Scotland's migration priorities. The current Westminster approach is strongly focused on reducing the overall numbers of migrants and introducing number caps for certain categories of skilled individuals.

With independence, each of these decisions would, in future, be for Scottish governments, with policy choices taken on the basis of Scotland's needs and priorities.

For non-EU nationals, independence will enable us to develop and operate a controlled, transparent and efficient immigration system that best meets Scotland's needs and supports our future growth. The current Scottish Government will take forward a points-based approach targeted at particular Scottish needs.

A particular issue for Scotland is the post-study work visa. There are more than 45,000 international students from every corner of the world studying in Scotland, bringing important investment, diversity and welcome expertise to Scotland. The current Scottish Government plans to reintroduce the post-study work visa.

We plan also to lower the current financial maintenance thresholds and minimum salary levels for entry to better align them with Scottish average wages and cost of living. This will open up greater opportunities for key skilled individuals from overseas who could play important roles in our society and economy, filling vital vacancies in individual businesses.

Our detailed proposals on immigration are set out in Chapter 7.

360. I am living in Scotland on a UK visa, what would happen to me at day one of independence? Would I need to get a Scottish visa straight away?

All those legally in Scotland at independence will be able to remain in Scotland under the terms of their existing visa or

entry. When their visa expires they will be expected to leave Scotland (and the rest of the UK) or apply for a new visa or extension under Scottish immigration rules.

361. Do you know how many immigrants would come to Scotland after independence and how would Scotland control this? Would there be a cap on the number of migrants who can come to Scotland?

We plan that an independent Scotland will introduce a controlled immigration system to meet our own economic, social and demographic priorities and needs. Each individual who wishes to come to Scotland to work, study or live will have to meet a set of reasonable and fair requirements to gain entry or approval to remain in Scotland. If there are higher than required numbers of non-European Economic Area/Swiss migrants entering Scotland, then this can be addressed through the points-based system using targeted changes, rather than a cap.

362. Is there a danger that those who have been denied permission to stay in the rest of the UK because of their stricter policies would move to Scotland?

Under our proposals for independence, Scotland will operate its own visa system. Therefore anyone who is subject to immigration controls and denied permission to stay in the rest of the UK will have to apply for a visa to enter Scotland and their application would be assessed under Scottish immigration rules. They would have no automatic right to move to Scotland.

363. Do immigrants put a strain on public services?

Evidence suggests that migrants overwhelmingly pay their way in terms of public services and make a positive financial contribution.

The Scottish Government's policies are designed to ensure an appropriate level of immigration based on economic needs.

364. How will an independent Scotland's policy on immigration impact on the diversity of Scotland as a nation?

Scotland values our diverse ethnic minority communities, the contribution they make and the important role they play in enriching Scotland socially, culturally and economically.

Healthy population growth is essential for Scotland's economy. The main contributor to our population growth is from migrants who choose to make Scotland their home.

365. Will increased immigration break down community cohesion?

No. Scotland is already a welcoming society that is stronger for being a culturally rich and diverse nation and will continue to be so.

366. How will immigration rules at ports be enforced in an independent Scotland?

Under our proposals, criminal activity at ports of entry to Scotland, whether it is related to immigration, customs offences or organised crime will be dealt with in a timely and appropriate fashion by a Scottish Borders and Migration Service. Due process will be followed to detect, investigate and deal with all criminal and immigration matters at ports of entry.

Asylum

367. What will independence mean for asylum policy in Scotland?

As a nation playing a socially responsible role in the world, an independent Scotland will continue to provide a place of safety for those seeking asylum. Asylum is granted to those fleeing persecution or serious harm in their own country and in need of international protection.

Asylum is a separate issue from immigration. The current Scottish Government proposes that an independent Scotland will put in place an independent asylum agency. It will handle asylum applications from the initial submission, throughout the assessment process and make the decision on whether to grant refugee status to an individual.

The opportunity of independence will also allow Scotland to adopt a new humane approach to asylum seekers and refugees in line with our values and commitment to upholding internationally recognised human rights.

The new powers Scotland will gain at independence around equal opportunities, including race equality and anti-discrimination will be important in supporting Scotland's ambition to be a progressive, welcoming and inclusive state.

368. What makes asylum seekers different from other migrants that come to Scotland?

Migrants apply for visas to come to Scotland to work, study or to join family members here. They make a decision to move to Scotland and have to show that they have sufficient resources to support themselves and their family while they are here.

Asylum seekers are fleeing persecution or serious harm in their own country. They often arrive in the country in which they claim asylum by chance and with very little forethought or preparation. Scotland will play a responsible role as a good global citizen, supporting vulnerable people fleeing persecution.

369. Will an independent Scotland attract more asylum seekers than the rest of the UK?

There is no reason why this would be the case. Scotland will play a responsible role as a good global citizen, supporting vulnerable people fleeing persecution.

There is no empirical evidence to suggest that the reception conditions provided for asylum seekers constitute a "pull factor" or an incentive to seek protection in a particular country.

370. Will failed asylum seekers be detained?

Some people will fail any asylum process and there need to be arrangements in place to deal with those people with fairness and compassion. There is therefore no need to detain people just because their claim has been unsuccessful and they are awaiting removal. Detention by default, along with the practice of dawn raids, would not form part of the current Scottish Government's proposed approach to asylum.

Failed asylum seekers who represent a danger to the public need to be accommodated securely whilst steps are taken to remove them, but this should be addressed in other ways. Prison will be a legitimate alternative in some, though very few, cases – for example where a criminal offence has been committed.

371. Will failed asylum seekers be forcibly removed?

Our intention is to encourage voluntary return for failed asylum seekers wherever possible. However, we accept that there will be a need for some forced removal. Such operations will be undertaken in a sensitive and compassionate manner. There will be an end to dawn raids and a commitment not to forcibly remove vulnerable asylum seekers, such as young children or heavily pregnant women.

Citizenship

372. What will independence mean for citizenship in Scotland?

Our proposal is that on day one of independence, all British citizens who live in Scotland and all British citizens born in Scotland but residing elsewhere would automatically be considered Scottish citizens. Others may be able to apply for citizenship following independence through routes such as citizenship by descent or by naturalisation.

Under these proposals Scotland would not create a barrier to individuals holding Scottish citizenship alongside British or any other citizenship.

373. What would being a Scottish citizen mean and how would I prove that I am a Scottish citizen? Would there be a registration process?

As outlined above, all British citizens who are habitually resident in Scotland at the date of independence and all British citizens born in Scotland but resident elsewhere would automatically be considered a Scottish citizen. There would be no registration required and there are no plans to have a Scottish ID card.

We intend that the rights and responsibilities which accompany Scottish citizenship will be broadly in line with those currently aligned with British citizenship. However, there is no written record of what rights and responsibilities are associated with British citizenship. We would support the inclusion of the rights and responsibilities of Scottish citizens in the permanent written constitution of an independent Scotland. Those rights and responsibilities will reflect the European Convention of Human Rights.

374. What different routes to citizenship will exist under the Scottish Government’s proposals and who will qualify for these?

Current Status	Scottish Citizenship?
At the date of independence	
British citizen habitually resident in Scotland on day one of independence	Yes, automatically a Scottish citizen
British citizens born in Scotland but living outside of Scotland on day one of independence	Yes, automatically a Scottish citizen
After the date of independence	
Child born in Scotland to at least one parent who has Scottish citizenship or indefinite leave to remain at the time of their birth	Yes. Automatically a Scottish citizen
Child born outside Scotland to at least one parent who has Scottish citizenship	Yes. Automatically a Scottish citizen (the birth must be registered in Scotland to take effect)
British national living outside Scotland with at least one parent who qualifies for Scottish citizenship	Can register as a Scottish citizen (will need to provide evidence to substantiate)
Citizens of any country, who have a parent or grandparent who qualifies for Scottish citizenship	Can register as a Scottish citizen (will need to provide evidence to substantiate)
Migrants in Scotland legally	May apply for naturalisation as a Scottish citizen (subject to meeting good character, residency and any other requirements set out under Scottish immigration law)
Citizens of any country who have spent at least 10 years living in Scotland at any time and have an ongoing connection with Scotland	May apply for naturalisation as a Scottish citizen (subject to meeting good character and other requirements set out under Scottish immigration law)

375. Must I be a Scottish citizen? Can I opt out of Scottish citizenship and retain my British citizenship?

Our proposals will allow people to opt out of Scottish citizenship. However, under international law, when setting nationality rules a country has a duty to avoid making people stateless. Therefore, those people who would automatically be considered a Scottish citizen will only be able to opt out if they already hold citizenship of another nation.

British nationality rules will be a matter for the rest of the UK. Should you qualify for British citizenship under the rest of the UK's rules post-independence then you will be able to opt out of Scottish citizenship or hold dual citizenship. Information on how to opt out will be made available before independence. We aim to keep the process simple yet robust.

376. Can I have both Scottish and British citizenship?

Our proposals for citizenship in an independent Scotland are based upon an inclusive model and will include dual citizenship, recognising our shared history with the UK. We will not place obstacles in the way of individuals holding Scottish citizenship alongside British or any other citizenship.

The UK allows dual or multiple citizenship for British citizens. If a British citizen acquires citizenship and a passport of another country, this does not affect their British citizenship, right to hold a British passport or right to live in the UK. It will be for the rest of the UK to decide whether it allows dual UK/Scottish citizenship, but if Westminster decided that Scottish citizens could not also be UK citizens it would be inconsistent with its approach to every other country.

377. As a Scottish citizen could I still visit or live in the rest of the UK easily?

Yes. Scottish citizens will be EU citizens and as such would have the right to live and work anywhere in the EU, including the rest of the UK.

378. Would Scotland's rules be different from British citizenship rules?

The Scottish Government's proposed rules on who is automatically a Scottish citizen are set out in Chapter 7. They will be broadly similar to existing British rules and will be based on residence and parentage.

379. Who would qualify for citizenship by descent?

Citizenship by descent will be open to those whose parent or grandparent was born in Scotland and qualifies, or would have qualified if living, for Scottish citizenship.

There will be a registration process for citizenship by descent and those who wish to register would have to prove their family connection with relevant documentation. Those who successfully claim citizenship by descent will have the same rights and responsibilities as other Scottish citizens, including the right to live and work in Scotland.

Passports

380. What will the rules be on passports in an independent Scotland?

We intend that Scottish citizens will be able to apply for a Scottish passport from the date of independence. Passport eligibility will be aligned with citizenship. If you qualify for Scottish citizenship then you will be entitled to carry a Scottish passport. Scottish passports will meet the standard requirements for EU passports.

381. When can I get my Scottish passport?

We plan that Scottish citizens will be able to apply for Scottish passports from the date of independence.

382. Who will issue my Scottish passport?

The current Scottish Government proposes a shared service agreement with HM Passport Office for a transitional period, with responsibility transferring to a new Scottish passport agency over the course of the first parliament of an independent Scotland.

383. How much would a Scottish passport cost and how long would it last?

Fee scales will be published prior to independence. It is the current Scottish Government's intention that passports in a newly independent Scotland will cost no more than the respective UK passport at that time.

Adult passports will last for 10 years and child passports for five years.

384. Who can have a Scottish passport?

Under our plans, anyone who is a Scottish citizen will be eligible for a Scottish passport.

385. Will I need to have a Scottish passport?

No. You will require a valid passport if you want to travel outside the Common Travel Area (Scotland, the rest of the UK, the Republic of Ireland, the Isle of Man and the Channel Islands), but we will not impose a requirement for Scottish citizens to have a Scottish passport – just as there is no requirement now to have a UK passport.

386. What would a Scottish passport look like and would it be valid for travel around the world?

Scottish passports will comply with EU standards for passports. They will look much the same as current UK passports in colour, size, and layout but will be identified as a Scottish passport on the front cover. Scottish passports will be recognised worldwide.

387. I still have a number of years left of my UK passport, can I keep it? Would I be able to renew my UK passport?

The Scottish Government plans to recognise valid UK passports until they expire. As set out above, the Scottish Government intends to allow dual nationality and would not place any obstacles in the way of individuals holding a Scottish passport alongside a UK passport.

Entitlement to UK passports will be a matter for the rest of the UK.

Borders

388. How will an independent Scotland protect its borders from terrorist threats?

The present Scottish Government plans that an independent Scotland will have a Scottish Borders and Migration Service which will be responsible for border control at airports and ports. Our overseas work through the consulate network, such as issuing visas, will help ensure that only those entitled to enter Scotland can do so.

As is currently the case, individuals known to be a threat to Scotland will not be allowed to enter the country. They will either be stopped at the point of application, or on attempting to enter the country. In certain cases the involvement of the police will be necessary, and there will be a key role for the Border Policing Command of Police Scotland in cases of criminality or persons wanted for criminal offences.

The Scottish Government will work with international partners to ensure that those deemed a threat to the security of Scotland are deported following proper investigation and processes. This will be consistent with relevant human rights legislation.

As a member of the EU, Scotland will uphold data and information sharing arrangements in place to contribute to, and benefit from, terrorism prevention processes such as watch lists of persons of interest.

389. Will Scotland have security posts at the land border with England?

No. Erecting border controls with Scotland would be inconvenient for all Common Travel Area partners, including Scotland and the rest of the UK, and will not be in the interests of any party. Our shared history, culture and borders make the Common Travel Area of benefit to all of the territories within it.

As is the case with Ireland in the Common Travel Area currently, Scotland will work with the rest of the UK to establish joint processes to manage the Common Travel Area.

390. How will Scotland police its international border controls at ports and airports?

Following independence, the Scottish Government's proposed Scottish Borders and Migration Service will have responsibility for ensuring that visas are issued appropriately and that only those with a right to enter Scotland can do so. In cases involving criminality there will also be a key role for the Border Policing Command of Police Scotland.