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Chapter 6

Migration, Race Equality and Discrimination: a Question of Social Justice

Philomena de Lima

Introduction

Despite the positive discourses on encouraging migration into Scotland by policy makers in the last five years or so, evidence suggests that race and racism continue to be significant factors in shaping the lives of minority ethnic groups. Some minority ethnic groups, for example, continue to be vulnerable to disproportionate levels of poverty, inequalities and racial discrimination (Rolfe and Metcalf, 2009; GARA, 2007). Racialised frames of reference, used interchangeably with 'ethnicity' to emphasise cultural differences, continue to exert influence on people's lives and experiences (Block and Solomos, 2010; Gunaratnam, 2003; Omi and Winnant, 2002). Hence, an understanding of the impact of discrimination on specific groups, and within specific national contexts and social structures, is an essential element of any discussion about social justice, as well as an important prerequisite for devising appropriate social policy responses. The focus of this chapter is on the Scottish Devolutionary context, while also making appropriate links to

wider contexts - for example, the UK parliament, as well as European Union policies.

Whilst recognising the diversity within and between ethnic groups, the focus will be on long established minority ethnic groups (for instance, Asian, African, etc) and more recent migrant workers from Eastern and Central Europe, with a brief discussion of asylum seekers and refugees. The latter groups and Gypsy /Travellers are highly discriminated and the prevalence of 'anti-English' sentiments and religious sectarianism does complicate the issue of racism in Scotland (Bruce et al, 2004; Lomax et al, 2000). However, lack of space precludes the possibility of giving these issues, as well as the complex interaction of race or ethnicity with other social identities (for instance, class, age, gender, disability, sexual orientation and faith, etc) the due consideration they deserve (Anthias, 1998; 2001; Arber, 2000).

This chapter will start by providing a brief overview of the recent concerns about population trends in Scotland and their perceived impact on the Scottish economy, as these concerns have provided the backdrop for discourses on migration in Scotland and have implications for the existing and new minority ethnic groups in Scotland. This shall be followed by a discussion on the following, identifying relevant continuities and discontinuities following devolution in 1999:

- Legislative and policy context in relation to immigration and race equality and discrimination
- Overview of demographic trends in Scotland, focusing on minority ethnic groups, recent migrant and asylum seekers and refugees in Scotland
- Discussion of the policy – practice gap in relation to migration, race equality and discrimination.

The chapter will conclude by arguing that positive policy discourses on immigration and the role of migrants are not enough. If discrimination of Scotland's minority ethnic groups is to be addressed, migration policies need to foreground social justice considerations as well as economic stability. These are essential prerequisites not only for minority ethnic groups, but also for those members of Scottish society who feel that minority ethnic groups threaten their livelihoods because of their own precarious economic circumstances (Bromley et al, 2007).

Population Trends, the Scottish Economy and Emerging Policy

Scotland's population trends – an ageing population and declining fertility rates - are not unique, but a phenomenon affecting most of the Westernised world (UN, 2007). However, in Scotland, these demographic trends have led to immigration receiving significant policy attention as a means of addressing concerns about the consequences of such trends for the sustainability of the economy and society (ESRC,

2005; The Scottish Government, 2007; Wright, 2006). This contrasts with the UK Government where the policy discourses have focused predominantly on reducing immigration.

The Scottish fertility rate in 2009 was reported to be lower than the UK average (i.e. Total Fertility Rate 1.94 children per woman) estimated at 1.77 children per woman (ONS, 2010). ONS (2009) predicted that in contrast to the UK population which is projected to increase by 4.3 million by 2018, the Scottish population increase is predicted to be the lowest in the UK: 4 % in contrast to 7% in England and Northern Ireland and 5% in Wales, respectively. This difference between Scotland and the rest of the UK is primarily attributed to lower fertility and life expectancy rates. These latter trends have provided the basis for Scottish Government policy and the assumption that population growth is 'a key contributor to, and consequence of, a more vibrant society and a more dynamic economy' (The Scottish Government 2007:16). The fundamental assumption that a successful economy and society is predicated on having a growing population and vice-versa, is deeply embedded in Scottish policy discourses.

Consequently, influencing fertility rates and encouraging migration into Scotland have come to occupy a salient place in Scottish policy discussions on population and the economy. However, there is little reference within these discourses on addressing ongoing concerns about the ways in which race and racism continue to be significant in shaping

the lives of new and more established minority ethnic groups in Scotland. Migration, race equality and discrimination provide a useful lens through which to explore both, the specificity of social justice issues in Scotland, and the potential to effect change in these areas, especially given that legislation related to immigration and equality are reserved to the Westminster Parliament, as well as being shaped by European Union Legislation. These issues are discussed next.

Legislative and Policy Context

Addressing immigration and migration within a devolved context

Matters related to nationality, immigration, asylum seekers as well as equalities and anti-discrimination legislation remain 'reserved powers' to the Westminster Parliament. Considering the policy context in relation to migration and immigration, Somerville et al (2009) argue, following the Labour Party victory in 1997, that:

The direction of policy has been one of "selective openness" to immigration, with a commitment to economic migration on one hand and development of a tough security and control framework on the other. (Somerville et al 2009)

In a context where the focus of immigration is mainly driven by utilitarianism i.e. an emphasis on the economic benefits of immigration which is expected to accrue to the receiving society and security concerns, social justice considerations seem absent. In the context of this

chapter social justice is perceived as encompassing multiple dimensions, including, inter alia, policies that promote recognition and redistribution, with an emphasis on equality of opportunities and outcomes and treatment and the reduction of disparities between groups (Craig et al,2008).

Between 1997 and 2009 the New Labour Government passed six major pieces of legislation on immigration and asylum (see Somerville et al, 2009). Throughout this period, on the one hand, the emphasis on economic migration has led to policies encouraging international students, introduction of a points based system in relation to recruitment of labour for applicants outside the EU and the decision to allow citizens from the recently enlarged EU to access the UK labour market. A focus on security, on the other hand, following the September 11 2001 attacks in the United States has led to a greater emphasis on visa controls, countering 'illegal' immigration and reducing the number of asylum seekers. The Labour Government embarked on developing a 'firm-but-fair' approach to managing the migration system based on a points based system (EHRC undated a: 9-11).

Within this evolving legislative and policy context, to what extent has it been possible for Scotland to influence immigration policy and migration to meet its objectives of increasing population and addressing skills shortages? The Scottish Executive, under the leadership of the then First Minister Jack McConnell, launched the Fresh Talent Initiative in 2004 in

an attempt to address Scotland's declining population and skill shortages. Fresh Talent included a number of strategies to attract and retain primarily overseas labour migrants to Scotland: promoting Scotland as a destination for migrants as well as the Scottish Diaspora; a one-stop Relocation Advice Service to assist potential migrants and Scottish employers in navigating through the immigration system; and finally, but most importantly it enabled foreign students at Scottish universities and further education colleges to live and work in Scotland for two years after their study and subsequently move into other legal migration categories (Scottish Executive, 2004a). The latter scheme was subsumed into the UK Border Agency's revised immigration scheme (i.e. Tier 1 Post Study Work), which allows international students who have studied in the UK to remain and look for work. However, this is presently (in early 2011) under review by the UK Conservative Liberal Democrat Coalition Government.

A study undertaken by Cavanagh et al (2008: 15-16) of the Fresh Talent scheme estimated that 8181 individuals had gained Fresh Talent Working in Scotland Status by April 2008. Just over half were male, a third were Indian, a quarter were Chinese and just over one in ten were Nigerian. The success or otherwise of this scheme in addressing labour skills shortages or a declining population is difficult to assess in the light of lack of clear criteria and evidence (EHRC, undated a). Furthermore, apart from the question of whether immigration is the appropriate strategy to address Scotland's population decline, there are also social justice

implications that emerge in this context: the ethics of 'poaching' skilled talent from countries where their labour and skills may be essential; and concerns about the capacity of Scotland's labour market to absorb highly skilled labour at the appropriate rate of pay and conditions (EHRC undated a: 15). The latter not only reinforces doubts raised about Scotland's ability to compete with other nations in attracting immigrants (Crawford, 2004), but also raises questions as to whether enough is being done to address the circumstances of existing minority ethnic groups who are qualified but cannot access work commensurate with their qualifications (EOC, 2007).

While responsibility for asylum seekers and refugees remains with the UK government, Glasgow is one of the primary dispersal areas in the UK for asylum seekers, following the 1999 Immigration and Asylum Act. This led to increased numbers of asylum seekers in Scotland. Scottish government policies and activities have evolved in response to their needs and diverged in some respects from the rest of the UK. For example, in Scotland funding of integration programmes is provided for all asylum seekers when they arrive, rather than when they are given leave to remain or granted refugee status. This contrasts with the approach taken by the Home Office which funds integration activities only to those granted refugee status, discretionary leave or humanitarian protection. The integration fund in Scotland has provided opportunities for a variety of organizations to work with asylum seekers, refugees and local communities to promote their integration, since 2001

<http://www.scotland.gov.uk/Topics/People/Equality/Refugees-asylum/support>). Furthermore, in contrast to the rest of the UK where those granted refugees status can only apply for social housing within a dispersal area, in Scotland those granted refugee status can apply for social housing outside the dispersal area, which in this case is Glasgow. (EHRC, undated a)

The examples cited above suggest that the devolved Scottish Government has managed to make small policy changes in relation to immigration and asylum seekers and refugees. However, the dialogue on Scotland's ability to influence immigration has continued under the 2007-2011 minority SNP Scottish Government. The thrust of the argument has centred around regional/national flexibility in the allocation of extra points to provide an incentive for individuals to migrate to Scotland, following similar policies in countries such as Canada (EHRC, undated a: 24-29; Wright, 2006). What is unclear and difficult to assess is how the conflicting discourses of an instrumentalist approach to migration on the one hand – primarily to meet labour skills and market shortages – will work with the Scottish Government's wider objective of stemming population decline on the other hand. On the question of whether greater devolved powers on migration would lead to increase in population growth, EHRC in Scotland (undated a: 31) concludes:

...targeting the right groups and linking them into the labour market is likely to be more important for successful outcomes than the level of government at which this occurs. Variations within the

immigration rules could give Scotland a competitive advantage over the rest of the UK in attracting migrants, but, unless Scotland then manages to capitalise on that advantage, by offering migrants the economic opportunities and welcoming environment that will induce them to stay, retention will prove difficult.

In other words, attracting migrants to Scotland is not enough; equally important are retention strategies that address the wider quality of life and social justice issues that impact on their lives (de Lima and Wright, 2009).

Addressing race equality and discrimination in Scotland

Turning to issues related to race equality and anti-discrimination, both the UK and the European Commission (EC) have significant roles to play in determining policy and legislation in these areas (see European Commission Justice, 2010a &b). The present EC measures on equal treatment and discrimination which member states have to adhere to can be traced to the Treaty of Amsterdam in 1999. The latter brought together existing and new provisions, including a ban on discrimination based on nationality (Article 12) and a new Article 13 adopted in 2000 which ‘...empowers the EU to **combat all discrimination based on sex, racial or ethnic origin, religion, disability, age and sexual orientation**’ (bold in original) (European Commission Justice, 2010a, Part 1). In addition to defining direct and indirect discrimination, the directive prohibits discrimination in a number of areas including employment, social security, education, health care, housing and provision of goods

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and services. Alongside attempts and initiatives by the EC to address discrimination, there has also been an emphasis on member states adopting a European framework on integration, based on some common principles considered essential to integrating migrants:

...employment; basic knowledge of the host society's language, history, and institutions; education; and "access to institutions, as well as to public and private goods and services, on an equal basis to national citizens and in a non-discriminatory way. (Watt and McGaughey, 2006:3)

Whilst UK anti-discrimination and equalities legislation have to take into account changes initiated by the EC, the legislative context and the mechanisms for the delivery of equalities and human rights have been undergoing changes since 2004. The core of these changes have been about extending legislation to cover new areas - such as for example, age, sexual orientation, transgender, faith or belief - whilst also rationalising both, institutional structures and legislation on different aspects of equalities.

The passing of the Equality Act in 2006 and the establishment of the Equality and Human Rights Commission (EHRC) on the 1st of October 2007 led to the new Commission incorporating the work of the then existing three Commissions: the Equal Opportunities Commission, the Commission for Racial Equality, and the Disability Rights Commission. It

also took on the responsibility for new protected equality areas: sexual orientation, transgender status, religion or belief and age, as well as assuming responsibilities for building good relations and the promotion of human rights. EHRC, although a UK body, has a Scottish and Welsh EHRC Commission respectively, whose work one commissioner in each country oversees. Working with a committee comprising of seven individuals in Scotland, the commissioner has responsibility across all equalities.

Following extensive consultations, a single Equality Act came into force on the 1st of October 2010, which subsumes previous race equality (for example, The Race Relations Act 1996 and the Race Relations (Amendment) Act 2000) and other equalities legislation, and according to the EHRC:

...brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that will provide a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Act will simplify, strengthen and harmonise the current legislation to provide Britain with a new discrimination law, which protects individuals from unfair treatment and promotes a fair and more equal society. (EHRC, undated b)

In the devolved context, although matters related to equality and anti-discrimination legislation remain 'reserved powers', the Scottish

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Parliament has the authority to encourage and ensure the observance of equal opportunities, and to ‘impose duties on Scottish public authorities and cross –border public authorities in relation to their Scottish functions’ (Scottish Executive, 2000: 31). An Equal Opportunities Committee – one of eight mandatory committees – was established by the Scottish Parliament in 1999, to report and monitor equal opportunities (<http://www.parlarnaid-alba.org/s3/committees/equal/index.htm>). The Scottish Parliament can, and has on occasion used its powers to place more specific duties on some bodies with regard to aspects of housing, education, care and social services (Fitzgerald, 2009). There is also a requirement that all proposed legislation is assessed to ensure that equal opportunities considerations are taken into account. However, in 2009 a review of the progress made by the Scottish Parliament and Scottish Government in using the equal opportunities powers granted under the Scotland Act 1998 suggests that although equality considerations were to be found in public policy discourses, overall there was limited progress. Lack of progress was attributed to a number of factors including a limited understanding of the equality opportunities powers available through the Scotland Act and ‘a perceived lack of scrutiny and leadership from the Scottish Government’ (Fitzgerald 2009: iv-v).

Given some of the challenges and opportunities presented by the legislative and policy context in relation to Scottish discourses on migration and equalities, who are Scotland’s minority ethnic groups and what is their profile?

Migration and Demographic Trends: Minority Ethnic Groups

Recent statistics suggests that in mid 2009 the population of the UK was 61,792,000, an increase of 394,000 (0.6 %) since mid-2008, largely attributed to net migration (Office of National Statistics (ONS), 2010). Between 1997 – 2007, net immigration contributed 1.8 million to the UK population, including workers, asylum seekers, those coming to join their families and students. Between 2004 and 2008, non-British nationals were reported to have increased by 41%: approximately 45 % of this increase was attributed to the arrival of Accession 8 (A8) nationals and 52% to nationals from outside the EU (ONS, 2009:44). However, some caution needs to be exercised in interpreting net migration figures as these may be as a result of a decrease in emigration of British citizens rather than an increase in immigration (ippr, 2010) .

Scotland is also reported to have experienced a population increase to 5.19 million: an increase of 25,500 (0.5% between 1 July 2008 and 30 June 2009). The latter is mainly attributed to net migration of people from the rest of the UK to Scotland and from overseas (ONS, 2010:7; GROS, 2010:9). Between June 2008 and June 2009, GROS (2010:13) estimated that in-migration exceeded out-migration by 21,700 comprising a net gain of approximately 4,100 from the rest of the UK and a net gain of around 17,500 from overseas (including asylum seekers). The marked increase in immigration, has been partly driven by the economic growth sustained

by the UK during the last 15 years and boosted by mobility from Central and Eastern European countries, following enlargement of the EU in 2004 and the guaranteeing of free movement and labour rights by the UK, Sweden and Ireland to Accession 8 nationals (Sumption and Somerville, 2009).

Undoubtedly one of the main contributors to increased migration from overseas in recent years has been the accession of eight Central and Eastern European Countries (Accession 8 countries) in May 2004, joined by two more (Accession 2) in 2007: Romania and Bulgaria. The migration of A8 (since May 2004) and A2 (since January 2008) nationals into the UK is considered to be one of the most significant phenomena in contemporary migration into the UK, both, in terms of its scale and characteristics and composition (Pollard et al,2008). Although there are serious concerns about the accuracy of data on Accession 8 migrants (Rolfe and Metcalf, 2009), it is widely acknowledged that migration from the Accession 8 states in particular was both 'unprecedented and unexpected. It is estimated that around 1.5 million Accession 8 nationals have come to the UK since 2004, and approximately 700,000 are resident in the UK (Sumption and Somerville, 2010:5). Of the estimated 427,095 successful applicants to the Worker Registration Scheme (WRS) in the UK between 1st May 2004 and 30th June 2006, 32,135 registered in Scotland (COSLA 2007; Home Office, 2006a cited in de Lima et al, 2007: 22). COSLA (2007) reports that there were 34,931 National Insurance numbers also allocated to A8 nationals in Scotland over the same period.

Data sources for the UK consistently show that applications from Poles formed the majority (58%) of WRS applications, followed by Lithuanians (14%) and Slovaks (11%) (Gilpin et al, 2006: 14). Similar trends are also evident in Scotland (de Lima et al, 2005; 2007).

Obtaining accurate statistics on asylum seekers and refugees is also bedevilled with problems. The Scottish Refugee Council (2003, cited in Charlaff et al: 2004: 9) estimated that there were 10,000 refugees and asylum seekers living in Scotland, representing at least fifty different nationalities, the majority of whom were concentrated in Glasgow. According to a Home Office report (2009: 21) the number of asylum applications received in 2009 was 24,485, six per cent less than in 2008 (25,930). At the end of December 2009, 2,470 asylum seekers were dispersed in Scotland and a further 50 received 'subsistence only' support (Home Office, 2009: 29 and 69). With regard to refugees there is even less information. COSLA (2007), drawing on data from the Department of Work and Pensions, reported the presence of 2080 refugees in Glasgow registered with Jobcentre Plus during 2005.

Although, the 2001 Census is increasingly outdated until new statistics become available after the 2011 Census, it continues to be the main source of data available on minority ethnic groups in Scotland and the UK. The minority ethnic population comprised 7.9% of the total United Kingdom population, making up 2% (around 100,000) of the Scottish population (approximately 5 million) (Scottish Executive 2004b). The

majority (70%) of the Scottish minority ethnic population were Asian. Pakistanis were the largest minority ethnic group followed by the Chinese, Indians and those from 'Mixed Backgrounds' (Scottish Executive, 2004b). However, since 2004, the position may have changed and it is highly possible that the Polish community figure in the top three or four minority ethnic groups.

Despite the variations in size and ethnic composition, the minority ethnic populations across the UK shared some similarities with regard to, for example, age distribution, patterns of ethnicity, settlement trends, economic activity rates and vulnerability to poverty and inequalities (for example, poor access to services and employment). Overall the age distribution amongst minority ethnic groups revealed a younger age profile. More than 20% of all minority ethnic groups, except the Caribbean group, were less than 16 years old, with the 'Mixed' Group having the youngest age structure (Scottish Executive, 2004b: 6-7). The profile of A8 migrants also suggests a predominance of younger age groups, ranging from 18 to 34 years of age (COSLA, 2007).

According to the 2001 Census, all Local Authority and Health Board areas in Scotland had recorded a presence of minority ethnic groups. Sixty percent of minority ethnic people lived in Scotland's four largest cities: Glasgow, Edinburgh Aberdeen and Dundee, with the rest dispersed across Scotland (Scottish Executive, 2004b: 24-27). In contrast to the longer established minority ethnic communities, Accession

8 migrants were more likely to be dispersed across urban and rural areas (EHRC, undated a). The majority of asylum seekers and refugees are based in Glasgow with small numbers dispersed across Scotland (COSLA, 2007)

Overall immigrants into the UK are mainly from the EU and former Commonwealth countries, with India, Australia and Western European countries continuing to be the main labour source countries. However, allocation of National Insurance Numbers (an indication of those taking up employment for the first time) in 2007-8 showed a major shift in favour of Eastern European countries such as Poland, Lithuania, Slovakia and Romania in the top ten, replacing countries such as the Philippines, Ireland and Afghanistan (Sumption and Somerville, 2010: 10).

Having identified trends in migration and some of the demographic features of minority ethnic groups, the next issue to be addressed is the impact of policies and positive discourses, discussed earlier on in this Chapter, on minority ethnic groups living in Scotland.

Policy and Practice Gaps: Race Equality and Discrimination

Devolution, together with the Race Relations Amendment Act 2000 and the duties it placed on public bodies, undoubtedly led to a greater focus on the need to address race equality and to the involvement of

stakeholders from minority ethnic communities which previously was absent with a Westminster based Government (Scottish Executive, 2002; 2005; Scottish Government, 2008b). A plethora of activities also emerged following devolution, which includes: establishing advisory groups, such as Race Equality Advisory Forum (REAF) and the Scottish Refugee Integration Forum; commissioning research to address research gaps; the 'One Scotland many Cultures' Campaign launched in 2002; funding of organizations such as the Black Ethnic Minority Infrastructure in Scotland (BEMIS) and the Council for Ethnic Minority Voluntary Organizations (CEMVO); and funding of specific initiatives such as 'Race, Religion & Refugee Integration' and work with Gypsies/Travellers (see Scottish Government, 2008b; Williams and de Lima, 2005).

Nevertheless, despite these activities and the production of numerous policy documents there is as yet no clear race equality strategy for Scotland (see for example, Scottish Government, 2008b). Despite successive governments in Scotland acknowledging the need to challenge racism since 1999, much of what exists in policy documents is repetitious. There is little or no evidence of policy that has evolved and developed systematically or monitoring of policies for impact, and messages about which groups are the targets of policy are confusing.

Looking beyond Government to the role of local authorities in addressing race equality and discrimination issues, an Audit Scotland report (2010),

whilst acknowledging that a wide range of initiatives had been undertaken by local authorities to address issues of race equality also argued that:

... the duty [*the race equality*] has not yet had a significant impact on the delivery of services on people from minority ethnic communities. We conclude that councils need to build a better understanding of the needs of their minority ethnic communities; mainstream their approach to race equality by ensuring it is integral to their routine management arrangements; and give more priority to race equality in delivering services. (Audit Scotland, 2010: 3)

On the positive side, there has been an increase in recruitment of minority ethnic individuals in the Scottish Executive/Government and to Non-Governmental Departmental Bodies (Scottish Executive, 2005). There are reported to be around 14 elected councillors from minority ethnic groups following the 2007 council elections (GARA, 2008:94). However, the lack of a significant minority ethnic presence in senior executive positions across the public sector and the lack of Members of Scottish Parliament (MSP) from minority ethnic groups (with the recent exception of one SNP MSP who has since deceased) suggests that Scotland is still a long way off achieving real social justice, as minority ethnic groups continue to lack an effective voice at the highest levels.

Despite the positive Scottish policy discourses - for example, the idea of Scotland as a 'welcoming nation' – in sharp contrast to the UK Government discourse - minority ethnic groups in Scotland, as in the rest of the UK, are more likely to experience poverty, unemployment, racial harassment, poor health and inadequate housing (Platt, 2007; Rolfe and Metcalf, 2009). The practical reality is that at least a third of the Scottish population perceive minority ethnic groups as a threat to their livelihood and culture (Bromley et al, 2007; GARA, 2008). However, according to the 2001 Census, minority ethnic groups were twice as likely to be unemployed than 'White' groups. There were also a much higher proportion of minority ethnic females of working age who had never worked. This was especially evident among the Asian groups, with Pakistani and Bangladeshi women more likely to be in this situation (Scottish Executive 2004b: 37-38). Whilst there are suggestions that the gap between minority ethnic groups and the rest of Scottish population may have been narrowing in the last few years, recent data suggests that the employment gap has been widening again during the recession of 2008 (Communities Analytical Services et al, 2010). In contrast to the more established minority ethnic communities, Rolfe and Metcalf (2009) suggest that the unemployment rate amongst the A8 was not significant – whether this continues to reflect the current situation given the economic recession is difficult to say. They also cite evidence of gender-based discrimination in recruitment and allocation of work in relation to migrant workers, which is also confirmed by an EOC study of 'visible minority ethnic' women in Scotland (EOC, 2007).

Overall, for those minority ethnic individuals who are employed, the evidence suggests that they tend to be employed in a narrow range of occupational sectors with little career progression prospects. An analysis of 2004–2006 WRS data in relation to A8 workers shows that, for the 32,135 registered workers in Scotland, hospitality, agriculture, and food/fish/meat processing, accounted for 60 per cent of A8 employment, in contrast to 15 per cent employed in administration, business and management services (Home Office, 2006a, cited in de Lima et al, 2007: 21). While there were differences between long term established minority ethnic groups in terms of sector of employment, they also tend to be concentrated in a fairly limited range of industries: Wholesale and Retail trade; Manufacturing; Health and Social Work, and Real Estate, Renting and Business Activities. The groups with the highest rate of self employment were Pakistani, Chinese and Indian (Scottish Executive 2004b: 38, 42-43).

There is also evidence of low pay amongst migrant workers (Rolfe and Metcalf, 2009) and the more established minority ethnic communities (GARA, 2008: 37) compared to the majority 'white' Scottish population. Lack of understanding and awareness of their employment rights can potentially exacerbate the exploitation of minority ethnic groups in the workplace and long working hours can impact on others aspects of their lives, for example, family , social, and engaging in education /training and civic activities (de Lima et al, 2007; Rolfe and Metcalf, 2009).

Although it is important to recognise the heterogeneity of minority ethnic groups, being employed in jobs for which they are overqualified, non-recognition of overseas qualifications and language barriers are consistent themes that emerge not just in Scotland, but also across the UK (de Lima and Wight, 2009; GARA, 2008). Whilst there is a recognition by the Scottish Government of the need to address the issue of overseas qualifications (SCQF, 2010), in the mean time some minority ethnic groups continue to experience barriers in accessing employment that is commensurate with their qualifications, consequently ending up in semi skilled and unskilled work (Charlaff et al, 2004; de Lima and Wright, 2009; Rolfe and Metcalf, 2009). In addition, even if overseas qualifications were recognised, the question as to whether Scotland's economy has the capacity to provide skilled jobs at competitive rates of pay and conditions remains doubtful (EHRC, undated a).

Conclusion: Continuities and Changes

Encouraging migration in the context of Scotland's demographic trends provides a useful illustration of how the discourses on race and ethnicity are shaped by the specific needs of the different countries that make up the UK as well as by policies set in the UK, European and global contexts. Each has a part to play in setting the direction and tone of

policies and discourses and constrains what can realistically be achieved in a Devolved Scotland.

Devolution has, undoubtedly, provided new opportunities in Scotland to address both migration issues suited to its circumstances and race equality and discrimination in ways that did not occur previously. It has opened up new spaces for debate and discussion on issues of identity and belonging. However, evidence on the extent to which these activities have made a real difference to the lives of minority ethnic groups in Scotland is mixed; both in relation to policy implementation and with regard to the vulnerability of minority ethnic groups to discrimination (Netto et al, 2001; GARA, 2007).

In contrast to the rest of the UK, the Scottish Government has used its devolved powers to respond to the needs of asylum seekers and refugees more flexibly. However, on migration, the ability of the Scottish Government to shape immigration policy has been limited and short lived- for example the Fresh Talent initiative launched in 2004, has now been overtaken by UK-wide changes to immigration rules. Even if there was greater scope for negotiating on immigration matters with the UK Government, evidence on whether migration can contribute to stemming Scotland's population decline is ambivalent and complex. For instance, evidence appears to suggest that highly skilled migrants are unlikely to stay in Scotland because of the limited capacity of the Scottish economy

to provide well-paid employment and career progression prospects (EHRC, Undated a).

Despite the Scottish Government's pronouncements on addressing population decline, Scottish discourses on migration have privileged instrumentalist considerations. The main emphasis has been on addressing labour market skill gaps and shortages in order to contribute to Scotland's 'sustainable economic growth' (Scottish Government, 2007). This is not much different from the way in which UK immigration policies are developing based on the points based system. The ubiquitous presence of 'sustainable economic growth' as an overarching objective has led to it being perceived as the end, rather than as a means for achieving other equally important goals, such as social justice. The absence of strong social justice considerations – reflected in discrimination of minority ethnic groups in employment for example- is reinforced by the evidence that suggests there is a lack of leadership and limited understanding of the equal opportunities powers already available through the Scotland Act (Fitzgerald, 2009). Consequently, much of the debate on migration, racial equality and discrimination continues to be underpinned by contradictory discourses and policies. The idea of Scotland as a 'welcoming' nation seems vacuous in a context where some minority ethnic groups and individuals continue to experience discrimination and a third of the Scottish population perceive minority ethnic groups as a threat to their livelihoods and cultures.

The Scottish Government and policy makers need to be bolder and take more radical steps to move from what Williams and de Lima (2006) call a 'politics of recognition' to a 'politics of redistribution', with a strong emphasis on real positive outcomes and where people from all ethnic backgrounds are treated equitably and fairly. This is unlikely to be achieved if policies on migration are purely instrumental and based on a labour market that cannot provide quality employment and developed in isolation from social justice concerns. What is needed is a strong emphasis on anti discrimination as well as immigration policies that are clearly thought out and where social justice considerations are foregrounded.

Further resources

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On the web...

Equalities and Human Rights Commission (EHRC)

<http://www.equalityhumanrights.com/>

General Register Office for Scotland (GROS)

<http://www.gro-scotland.gov.uk/>

The Scottish Government

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