
Immigration

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Immigration, in the run-up to the 1997 election, was not an issue Labour was keen to discuss. Critical of the impact of Conservative measures, it was nevertheless convinced that immigration was an issue on which it could only lose votes. Labour did, moreover, agree with the Conservatives that tough immigration controls were essential for good race relations. Its intention was simply to mitigate some of their harshest effects. Labour's manifesto commitment was thus modest, affirming the importance of 'firm control' while promising to remove certain 'arbitrary and unfair' results: just six lines addressed the issue which would later preoccupy the Prime Minister, asylum, promising 'swift and fair' decisions to tackle the backlog and crack down on fraud. There was no mention of labour migration where Labour was fundamentally to change the parameters of policy and debate. In contrast to other major policy areas, Labour thus came to power with no vision, no policy goals, no anticipated 'third way'.

The Conservatives' legacy was a backlog of 52,000 asylum cases and a tabloid press convinced that the vast majority were 'bogus', drawn to Britain, in the language of Michael Howard, because it was a 'soft touch'. For the public, immigration was not a salient issue in the 1997 election, just 3% rating it among the top three concerns facing Britain.¹ The opportunity to give the backlog cases the right to stay, when the mistakes of the previous administration could have been blamed, was nevertheless rejected. A major computerisation failure and pre-election staff cuts in the Immigration and Nationality Directorate (IND), coupled with rapidly rising asylum applications ensured that the backlog grew rapidly to 125,000 by 1999. Asylum numbers would dominate the Home Office agenda and preoccupy the Prime Minister until, by 2005, he was finally satisfied that they were under control.

¹ Ipsos Mori *Political Monitor: Long Term Trends* www.ipsos-mori.com/polls/trends/issues.shtml#2007.

Meanwhile, with little public acknowledgement, the Conservatives had quietly overseen a steady increase in the number of work permits to meet skill shortages in the health service, teaching and parts of the private sector, including a growing number of multinational inter-company transfers. Big business, however, was critical of a bureaucratic, slow and unpredictable work-permit system, later to prove ripe for reform by an incoming administration with a business-friendly deregulation agenda.

The limited ambition in the 1997 manifesto was reflected in a White Paper, *Fairer, Faster, Firmer*, the following year.² The subsequent Immigration and Asylum Act 1999 continued the path the Conservatives had set, extending measures to prevent and deter asylum-seekers from reaching the UK. Only at the margins, in the removal of the much criticised ‘primary purpose’ rule,³ and later in cutting waiting times for families wanting to come to the UK, did Labour alleviate some of the negative impact of entry controls, responding to pressure from ethnic minorities, not least in the Home Secretary Jack Straw’s own constituency. While the number of migrants arriving for family reunion and marriage continued to rise, this early focus of reform was quickly eclipsed by the two groups of migrants which dominated Blair’s period in office, asylum-seekers and migrant workers.

Asylum

The nightly TV pictures of asylum-seekers from Calais’s Sangatte refugee camp scaling fences to board trains bound for Dover in 2001 was a visible symbol of government’s inability to control migration. But the pressure began much earlier, with disturbances in seaside towns and complaints from local authorities in the south-east that they were shouldering an unfair burden in welfare provision and electoral risk. Applications rose from 32,500 in 1997 to a high of 84,000 in 2002 (ranking sixth, per capita, across the EU).

Media pressure to act was relentless, egged on from 2002 by the ‘think-tank’ Migration Watch, and often misinformed; the debate polarised between those convinced all applicants were abusing the system and those convinced they should all be allowed to stay. The Opposition rammed home its advantage, proposing extreme, unworkable ‘solutions’.

² Home Office, *Fairer, Faster, Firmer, A Modern Approach to Immigration and Asylum*, Cm. 4018 (London: TSO, 1998).

³ The primary purpose rule put the onus on those seeking entry on grounds of marriage to show that the primary purpose of the marriage was not to gain entry to the UK.

Ministers and special advisers speak of this period as ‘extraordinarily tense’ and ‘consistently problematic’, with the ‘media onslaught unrelenting’. Only in such a climate could asylum have remained on the agenda of the cabinet meeting held two days after 9/11 in 2001.

David Blunkett, Home Secretary from 2001 to 2004, saw the threat not as asylum-seekers per se but as their impact on a public already unsettled by the pace of change, fearful of crime and resentful of newcomers accessing resources which they themselves needed. Mindful of the surge in right-wing parties elsewhere in Europe, he saw tough measures as essential to prevent such a drift in the UK. He felt ‘grossly misinterpreted by the liberal left’, who failed to support him in that approach.⁴

The evolving strategy was threefold: to raise the barriers to asylum-seekers reaching the UK; to restrict access to work, benefits and health-care as a deterrent; and to increase the through-put of cases at IND while limiting access to appeals. A senior adviser to the Prime Minister during this period says, ‘The Government realised that if you want to get numbers down you have to prevent people arriving in the first place. You can do what you like to try to make life more unpleasant for people once they got here but that was never going to reduce the overall numbers.’⁵

The 1999 Act had extended penalties on transport providers which delivered passengers with no right of entry to the UK, and visas were introduced for countries from which numbers of applicants were rising.⁶ The measure which had the most immediate impact, however, was the closure of the Sangatte refugee camp. Talks with the French government achieved minimal cooperation until Nicolas Sarkozy, with whom David Blunkett had an immediate rapport, took charge. Agreement to close the camp was reached in December 2002.

Convinced that asylum-seekers were attracted to the UK in part by access to welfare benefits, the 1999 Act had replaced benefits with a controversial voucher system. TGWU leader Bill Morris led a successful coalition of protest, damning a ‘cruel’ system that had ‘deepened the misery of

⁴ Rt Hon. David Blunkett MP, Home Secretary 2001–4, interviewed by the author on 17 April 2007, from which other quotes in this chapter are also taken.

⁵ Interviewed by the author on 23 March 2007, from which other quotes in this chapter are also taken.

⁶ The number of countries from which visas were required was extended from 19 in 1991 to 108 in February 2005. *Joint Refugee Council and Oxfam Response to the Home Affairs Select Committee Inquiry into Immigration Control* (London: Refugee Council and Oxfam, 2005), p. 4.

those in need while lining the pockets of supermarkets and black marketeers'.⁷ Cash benefits at 70% of regular income support were restored for those who would otherwise be destitute but legislation in 2002⁸ withdrew support from asylum-seekers who did not apply on arrival ('S55', later overturned by the courts) and the 'concession' that asylum-seekers were allowed to work after six months was withdrawn in July that year.⁹ Although numbers were falling by 2004, another Act¹⁰ further limited access to an appeal, while regulations excluded failed asylum-seekers from accessing secondary healthcare.

Reducing the backlog of cases could only be tackled by faster processing at the IND. Critics argued that 'front-loading' the system to enable case-workers to make fast but also fair decisions would prove the best deterrent to those without a strong claim to refugee status. The IND was, however, singularly ill-equipped to provide it. When Barbara Roche took over as Immigration Minister in July 1999 she was told that there were only fifty case-workers trained to handle asylum cases, in a year when there were 71,000 applications.¹¹ Public expenditure controls had been deemed to prevent rapid investment in this area, though Maeve Sherlock, former Treasury adviser and later head of the Refugee Council, is convinced that a well-argued case to the Treasury to 'invest to save' would have proved convincing. The cost of maintaining asylum-seeker families, and of funding appeals, was hugely counter-productive in terms of cost, loss of political capital and the effect on the lives of the families concerned. 'If you had front-loaded a lot of those costs you would have ended up with a much fairer, faster, and more efficient system. The business case was overwhelming.'¹²

In practice, reform was slow. As the number of applications rose, so did the backlog, and it was brought down only by fast-tracking cases at the expense of quality of decisions, the number of successful appeals rising to more than one in five by 2002. A fundamental overhaul of the case-handling system was finally initiated in 2005. Meanwhile, a series of 'backlog clearance' exercises had quietly processed long-standing applications through to

⁷ Bill Morris, 'Are Civil Liberties at Risk? Yes, Says Bill Morris', *The Observer*, 30 September 2001, <http://observer.guardian.co.uk/libertywatch/story/0,,561488,00.html>.

⁸ The Nationality, Immigration and Asylum Act 2002.

⁹ Later restored for those still waiting for a decision after twelve months, in line with EU Directive 2003/9/EC.

¹⁰ The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

¹¹ Barbara Roche, interviewed by the author on 5 April 2007, from which other quotes in this chapter, except where stated, are also taken.

¹² Maeve Sherlock, interviewed by the author on 4 April 2007.

a discretionary right to stay. Fiona Mactaggart, Race Relations Minister from 2003 to 2005, is convinced nevertheless that this humane solution to the backlog was not an option until the government had restored a level of public confidence in its capacity to deal with unfounded claims. 'The salience of immigration and race issues was so high it had the capacity to take off. It didn't because we didn't do things like amnesties.'¹³

Blair's preoccupation

Blair was mindful of asylum as a growing issue during the first term but by 2002 it absorbed an increasing amount of his time. 'By the end of 2002 the situation was unsustainable', a senior adviser to Blair says: 'We were just getting slaughtered on asylum. It wasn't unusual for there to be an asylum story on the front page of a tabloid every day of the week.' Asylum became one of the top ten delivery priorities for the PM's Delivery Unit and a constant focus of his stock-takes and briefings. Looking back, Blunkett says: 'I think one of the things that over the ten years affected Tony most of all was the idea that the government should be seen to be powerless; that issues such as this were out of our hands, that there was nothing we could do, and would therefore be dubbed inadequate or incompetent.'

Wholly unconvinced by arguments from lawyers and officials that more radical measures – including large-scale detention – were not feasible, Blair consistently challenged the Home Office to do more. Blunkett's adviser Nick Pearce, who was present at many such meetings, compares Blair's style to throwing a ball into the distance, leaving officials and advisers to scurry over and bring it back to a sensible place, only to have him throw it again: 'he would continually push as far as you could go on an issue, get 20% of what he wanted, then push again and get another 20% and just keep doing it'.¹⁴

Blair stunned the Home Office by announcing on *Newsnight* in February 2003 that asylum applications would be halved within a year. While numbers were beginning to fall, this was wildly ambitious. Blunkett was not confident it could be achieved and recalls 'gentle words' with Blair; his biographer intimates that the conversation was more heated.¹⁵ Blunkett nevertheless characteristically used the Prime Minister's commitment to

¹³ Fiona Mactaggart MP, interviewed by the author on 22 March 2007, from which other quotes in this chapter are also taken.

¹⁴ Nick Pearce, Special Adviser to the Home Secretary 2001–4, interviewed by the author on 16 March 2007, from which other quotes in this chapter are also taken.

¹⁵ Stephen Pollard, *David Blunkett* (London: Hodder and Stoughton, 2005), p. 278.

lever cooperation from other departments. Blair, having used this tactic successfully to galvanise action, did so again in 2004, promising to reach the ‘tipping-point’ – a greater number of removals of failed asylum-seekers than new applicants each month – and then insisted on tougher measures in the Asylum Bill of that year to achieve it. ‘The tipping-point was a good rhetorical device’, Mactaggart argues. ‘Nobody was getting around to deporting them – it made the system get around to it and that did help change people’s views.’

Blair’s role was also pivotal in silencing opposition from other departments – from Lord Chancellor Derry Irvine on curtailing asylum appeals, the Foreign Office on extending visa controls and sceptical cabinet colleagues on ID cards. A senior adviser confirms: ‘The advantage of having the PM involved was that you could bring around the table departments which had not been that cooperative on some of the things the Home Office wanted to do. That made a big difference.’

Dispersal

The 1999 Act had also provided for the dispersal of asylum-seekers away from the south-east and the National Asylum Support System (NASS) was set up in 2000 to manage it – an ambitious scheme to create a welfare and accommodation system for a transient, diverse population with significant needs. Highly centralised, with little buy-in from local authorities and hence reliant on private landlords, and dispersing asylum-seekers to areas where local residents themselves experienced multiple disadvantage, the system was beset with difficulties from the start. The Home Office had no previous relationship with local authorities, no experience of housing provision, and no infrastructure to organise the transport of people at short notice. Pearce says: ‘The whole thing was mad – a Thomas Cook model: give them a voucher and put them on a bus.’ The consequence was asylum-seekers arriving in local communities with scant preparation for the services they would need nor the reaction of their neighbours.

Blunkett sought to replace dispersal with a system of accommodation centres, removing asylum-seekers from local housing, education and health provision, an idea earlier rejected by Straw following violent attacks on such centres in Germany. Strong opposition from Brown on cost grounds, a rare example of Treasury opposition on migration matters, and public resistance in areas designated for the new centres, relegated the idea to a pilot scheme.

Success?

A cursory look at asylum figures would suggest that the government achieved its overriding objective: the number of applications fell sharply after 2002 to 49,000 the following year, the beginning of a steady decline to 23,500 in 2006. The backlog was, by 2006, no longer significant. (Removal figures remained more stubborn, never coming close to the number told they had no right to stay.)

It is an open question, however, to what extent the control or deterrent measures led to the fall in applications, relative to the impact of events beyond the government's control in the conflict zones from which the majority of asylum-seekers came. Insiders and critics are in a level of agreement that the imposition of visa controls contributed to falling numbers from countries such as Zimbabwe where there was no improvement in the conditions causing people to flee; but the end of the war in former Yugoslavia and the peace process in Sri Lanka, for instance, also contributed.

Advisers themselves question whether welfare benefits were ever an incentive for asylum-seekers to choose Britain (the academic evidence suggested not)¹⁶ and hence whether their withdrawal had any impact other than to leave many destitute. Blunkett himself thinks there are measures, such as the power to remove the British-born children of failed asylum-seekers, on which he expended considerable political capital, but 'hasn't made any difference at all'. Nor is it known how many would-be asylum-seekers, deterred by a slow system that provided neither work nor adequate welfare support, chose not to apply but to work illegally instead in a labour market with employers ready to overlook the immigration status of those willing to do the job.

Measures to prevent asylum-seekers reaching the UK did, however, breach the spirit if not the letter of the UK's obligations under international law, including the fledgling Human Rights Act.¹⁷ How many of those prevented from reaching the UK had a genuine need for protection will never be known. Restrictions on benefits and the right to work were severely criticised on humanitarian grounds and as counter-productive, public resentment focusing on asylum-seekers' dependence on the taxpayer and visibility on street corners with nothing to do. The Joint

¹⁶ Vaughan Robinson and J. Segrott, *Understanding the Decision Making of Asylum Seekers* (London: Home Office Research Study 243, 2002).

¹⁷ Shami Chakrabati, 'Rights and Rhetoric: The Politics of Asylum and Human Rights Culture in the United Kingdom', *Journal of Law and Society*, 32(1), 2005: 131–47.

Committee on Human Rights concluded in 2006 that: ‘by refusing permission for asylum-seekers to work and operating a system of support which results in widespread destitution, the treatment of asylum-seekers in a number of cases reaches the Article 3 ECHR threshold of inhuman and degrading treatment’. . .[it] falls below the requirements of the common law of humanity and international human rights law’.¹⁸ Blunkett insists criticism of this kind considers only one side of the argument – the rights of individuals not the wider public good: ‘We were dealing with individual rights of course but we were dealing with public policy as well. You had to see the two in balance if you weren’t in the end to destroy any kind of confidence in what a democratic government was trying to do.’

Public hostility

In contrast to the expansion of labour migration, Labour’s asylum reforms required primary legislation, ensuring a consistently high profile for a contentious and divisive political debate. Blair and successive Home Secretaries were convinced that maintaining a high profile for the tough measures they were taking was the way to reassure the public that they were bringing migration under control. Polling evidence shows this was not successful. A window of opportunity in the first three years, when no more than 10% rated immigration and race in the top three issues facing Britain, was lost as it rose to 27% in 2001, and reached 39% as asylum numbers and the media fever pitch reached their peak in 2002. By April 2007, as Blair prepared to announce his resignation, 36% of the public rated immigration and race issues second only to crime. Eurobarometer data confirmed that where immigration is separated from broader race issues, concern remains as high: 40% of the UK public in 2006 rated immigration *the* most important area of concern. Across the EU as a whole, immigration came fourth.¹⁹

The reasons for this are not difficult to see. The public did not hear messages direct from ministers but via the press, and the tabloids continued to headline anti-asylum-seeker stories on a regular basis, despite

¹⁸ Joint Committee on Human Rights, *The Treatment of Asylum Seekers*, Tenth Report of Session 2006–2007, vol. I, *Report and Formal Minutes*, HL Paper 81-1, HC 60-1 (London: TSO, 2007), p. 41.

¹⁹ Ipsos Mori, *Political Monitor: Long Term Trends*; Eurobarometer 66, *Public Opinion in the EU*, Autumn 2006, http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_uk_exec.pdf.

falling numbers. Second, the rhetoric of new measures to tackle asylum, emphasising abuse of the system, reinforced the perception of asylum-seekers as a threat, not people in need of protection. Finally, the public did not, as the government had anticipated, readily tell the difference between an asylum-seeker, a migrant worker or an international student in their neighbourhood. Pearce says,

With hindsight, we weren't communicating in the way the public were thinking. Locality has more impact than we realised – people talking to their friends and neighbours – and there was a naivety in thinking they would understand the different categories of migrant as we did. Even if they heard the message, the effect of the tough rhetoric was to wind up their concerns, not reassure them. We should have taken down the temperature and worked with local authorities and the local press to change attitudes. But the pressures at the time were immense.

Mactaggart agrees that the rhetoric was damaging: 'It created a belief that claiming asylum was an abusive act, against the community. The rhetoric told them that they had something to worry about. It didn't reassure people. And the way we treated asylum-seekers was also damaging.' Don Flynn, director of the Migrants' Rights Network, suggests that the government's style of politics provided a context in which latent anxieties about migrants could be mobilised: 'It assumed in 1997 that the electorate would always respond to immigration negatively, at a time when public opinion was as sanguine on the issue as it had ever been. If Blair had brought migration within his modernising rhetoric he could have led a progressive current within public opinion which undoubtedly existed.'²⁰ Roche argues, however, that even by the time she became Immigration Minister in 1999, it was already very difficult to change the terms of the debate. There was no interest in positive messages, such as the refugee integration strategy. 'It was positive, progressive stuff – on refugee doctors for instance – but there was little interest in that.'

Immigration 'control' to 'managed migration'

In contrast to asylum, Blair initially had little concern about labour migration. Employers critical of the work-permit system were soon satisfied by relaxation of work-permit controls and streamlined procedures, enabling skilled migrants to fill vacancies in the public and private sectors. Eager to

²⁰ Don Flynn, director of Migrants' Rights Network, interviewed on 21 May 2007, from which other quotes are also taken.

shift the focus of political and media debates, it was on these migrants that Roche focused in a path-breaking speech to the Institute for Public Policy Research (ippr) in September 2000. Emphasising the economic and social benefits of migration to the UK, she said: ‘we are in competition for the brightest and the best talents, the entrepreneurs, the scientists, the high technology specialists who make the global economy tick . . . the evidence shows that economically driven migration can bring substantial overall benefits both for growth and the economy’.²¹

‘I wanted’, she says now, ‘to be the first Immigration Minister to say “immigration is a good thing”, that we are a nation of migrants. But it has to be legal, and it has to be well managed.’ It was only with the arrival of Blunkett at the Home Office after the 2001 election, however, that Roche’s theme was reflected in a marked shift in language and policy from that of immigration ‘control’ to ‘managed migration’. A report commissioned by the Prime Minister from his Performance and Innovation Unit had set out the evidence and rationale for a shift in approach, a report received with some enthusiasm at the Treasury, if less so within IND itself.²²

Blunkett came into office having overseen the growth in labour migration at the Department for Education and Employment. With the break-up of that department he took this responsibility with him to the Home Office, bringing recognition of the economic benefits of migration into a department that had traditionally focused only on keeping migrants out. It created the opportunity to join up policy on family migration, asylum and migrant workers for the first time.

Blunkett saw that policy on labour migration and asylum could not be addressed in isolation. High job vacancy rates and the lack of legal channels for migrants to take those jobs were both encouraging illegal immigration and lengthening the asylum queues. Conversely, clamping down on illegal migration and asylum would mean closing off some sources of much needed labour. He recalls discussing it with Brown because the Treasury was ‘very jumpy’: ‘We knew that if you didn’t have very substantial legal routes for working in this country our economy would be closed down.’

The growth in work permits had, moreover, been a tangible demonstration that labour migration flows could be managed and had, at that stage, aroused little opposition. Within days of taking office Blunkett had

²¹ Barbara Roche MP, ‘UK Migration in a Global Economy’, presentation to ippr event, 11 September 2000.

²² S. Glover, C. Gott, A. Loizillon, J. Portes, R. Price, S. Spencer, V. Srinivasan and C. Willis, *Migration: An Economic and Social Analysis*, RDS Occasional Paper 67 (London: Home Office, 2001).

announced his intention to open up new skilled and low-skilled routes for legal migration in order to 'undercut the people smugglers'. The willingness to open up low-skilled routes, and the overt intention to use this to avoid migrants resorting to alternatives, was a significant departure from past Labour and Conservative policy. 'My view was that legality breeds confidence in the system, illegality undermined all that we were trying to do and encouraged the theory that everything was falling apart which the right wing press reinforced over and over again.'

A 2002 White Paper, *Secure Borders, Safe Havens: Integration with Diversity in Modern Britain*, thus sought for the first time to set out an integrated approach. Largely written by Blunkett and Pearce, in the face of some incomprehension in the IND, it anticipated opening up labour migration channels; further restrictions on asylum-seekers; and developing a new approach to citizenship as a tool of integration for those remaining in the long term. Published within months of the events of 11 September 2001, and in the midst of constant media pressure on asylum, it was already clear that control measures would dominate debate. Reform of labour migration did not, however, require primary legislation, enabling controls to be relaxed under the radar of media interest. Growing recognition in the Treasury of the contribution migrants were making to economic growth and productivity ensured pressure on IND officials to cut red tape. 'The Treasury was always pro migration', Pearce says. 'You could always count on their support.' New schemes were introduced for the highly skilled to enter without a job offer and the number of work permits rose from 29,000 in 1997–8 to 68,000 in 2001–2, holding steady above 59,000 each year since.²³

Labour shortages in hospitality and food processing led to an entry scheme for low-wage jobs and to more seasonal agricultural workers. Working holiday-makers, once restricted to part-time non-professional work, were allowed greater mobility in the labour market, as were overseas students. Employers eager to access low-skilled migrants welcomed the initiatives but, significantly, had applied little pressure for them, suggesting that they were experiencing little difficulty finding irregular migrants, including asylum-seekers, who were willing to do the work.²⁴

²³ Report of the United Kingdom SOPEMI correspondent to the OECD, 2006, www.geog.ucl.ac.uk/mru/docs/Sop06_final_200207.pdf.

²⁴ See research findings in Bridget Anderson, Martin Ruhs, Ben Rogaly and Sarah Spencer, *Fair Enough? Central and Eastern European Migrants in Low Wage Employment in the UK* (York: Joseph Rowntree Foundation, 2006), on employers willing to 'bend the rules' to employ irregular migrants.

Independent research showed that the growth in migrant labour was bringing benefits to the UK labour market and the Treasury, albeit modest (except for the firms and public services otherwise unable to get staff) and that fears about the impact on wages and unemployment were proving unfounded.²⁵

EU enlargement

It was in that context that the decision was taken to open up Britain's labour market to nationals of the new EU member states on 1 May 2004. Anticipating that the net total who would take advantage of this opportunity could be in the region of 20,000 a year, the decision initially aroused little political or public interest. Only in the weeks leading up to 1 May did media anticipation that a significant number of Roma might come, and that migrants might choose to live on benefits rather than work, lead Blair to focus on the issue. Blunkett stood firm, insisting that the migrants were needed for low-skilled jobs which would otherwise be taken by illegal migrants. A compromise was reached: a Worker Registration Scheme, recording the migrants' employment and monitoring their highly restricted access to benefits – a scheme which had the downside of recording those arriving but not those returning home, thus inflating the figures.²⁶ Nevertheless, the net figure was undoubtedly greater than the government had anticipated, as was the impact on local communities and local authorities in areas lacking experience of migration.²⁷ Once again, research confirmed benefits for the UK economy (with some evidence that these are recognised by a minority of the public);²⁸ if not always acceptable working conditions for the workers

²⁵ Jeremy Kempton, *Migrants in the UK: Their Characteristics, and Labour Market Outcomes and Impacts*, RDS Occasional Paper 82 (London: Home Office, 2002). The evidence on the impact on source countries, meanwhile, is mixed: remittances from migrants can contribute to development goals but recruitment of professionals in some cases exacerbates an unwelcome brain drain. Select Committee on Development, *Migration and Development: How to Make Migration Work for Poverty Reduction*, Report of the Sixth Session, HC 79-1 (London: House of Commons, 2004).

²⁶ 630,000 registered between May 2004 and March 2007. *Accession Monitoring Report A8 Countries, May 2004–March 2007* (London: Border and Immigration Agency/DWP, 22 May 2007).

²⁷ See Audit Commission, *Crossing Borders, Responding to the Local Challenges of Migrant Workers* (London: Audit Commission, 2007).

²⁸ *Sunday Times* poll, August 2006, found 14% strongly agree that immigration is generally good for Britain and a further 29% tend to agree.

themselves.²⁹ ‘The objective was always to meet the needs of the economy’, Don Flynn, says. ‘It did not take into account the needs of the migrants themselves.’

Free movement for EU nationals nevertheless had one effect on migrants which passed almost unnoticed. For those who had been working in the UK illegally before 1 May 2004, the decision to allow free movement was in effect an amnesty, transforming them overnight into EU citizens with a right to live and work in the UK.

Media reaction to the number of Eastern Europeans, coupled with the pressures on local services, ensured that citizens of the two newest EU member states, Bulgaria and Romania, were not allowed free access to the UK labour market in 2007. The economics said yes, but the politics no. With a Home Secretary, John Reid, now keen to impose restrictions, Blair played little part in the decision.

The spotlight had earlier focused on Bulgaria and Romania when a junior IND official alleged that staff had been told to fast-track visas from those countries. Home Office Minister Beverley Hughes unwittingly misled the House of Commons that she had been unaware of claims that fraudulent applications were slipping through the net. Costing the minister her job in April 2004, the incident also exposed the complexity of the labour migration system: a plethora of different categories of entry and a weak enforcement regime, leaving the system vulnerable to abuse.

At the Labour Party conference that year Blair announced a ‘top-to-bottom’ analysis of the immigration system. Charles Clarke, now Home Secretary, went on to launch a five-year developmental plan, *Controlling our Borders, Making Migration Work for Britain*, three months before the 2005 general election. With a dual focus on strengthening border controls and a points system to streamline the more than eighty different channels for entry to work, it launched migration policy into a third-term managerial phase, subsequent policy statements³⁰ optimistic that biometric technology and efficient administration could finally bring inherently unpredictable migration flows under control.

²⁹ N. Gilpin, M. Henty, S. Lemos, J. Portes and C. Bullen, *The Impact of Free Movement of Workers from Central and Eastern Europe on the UK Labour Market* (London: Department of Work and Pensions, 2006); Anderson et al., *Fair Enough?*

³⁰ Immigration and Nationality Directorate, *A Points-Based System: Making Migration Work for Britain* (London: TSO, 2006); Immigration and Nationality Directorate, *Fair, Effective, Transparent and Trusted: Rebuilding Confidence in Our Immigration System* (London: Immigration and Nationality Directorate, 2006).

International students

Labour migration had not been the first immigration channel overhauled to meet the needs of the economy. Fees paid by international students were of growing significance in higher education and in 1999 Blair launched an ambitious scheme for the UK to attract 25% of the English-speaking student market, a 100% increase in students. Visa restrictions were relaxed and students allowed access to the labour market while studying. By 2004, the UK had achieved 24% of the global market, the income from fees to higher education institutions growing from £622 million (1997–8) to £1,275 million (2003–4). The absurdity of forcing graduates trained at British universities to return home before applying to work in the UK was gradually ended, allowing them to switch into skilled labour migration schemes, not least in Scotland where the Scottish Executive's 'Fresh Talent' initiative sought migrants to reverse Scotland's declining population. In 2006 Blair launched a successor scheme, concerned at growing competition for students from abroad.³¹

Benefit or threat?

Ministers and advisers insist that the events of 9/11, while having a profound affect on the Home Office and the political climate, had not radically shifted immigration or asylum policy because, Pearce says, 'politicians and officials know, despite the press agenda, that terrorism and migration are only very remotely connected'. It is indeed striking that security considerations post-9/11 did not affect the opening up of new labour market channels nor the expansion in student numbers.

Within months of 9/11, nevertheless, the Anti-terrorism, Crime and Security Act had provided for the indefinite detention of foreigners suspected of involvement in terrorism, replaced, following a legal challenge, by control orders in 2005. Blair's personal response to the London bombings in July 2005 included the promise that any asylum-seeker involved in terrorism would be denied refugee status, a measure enacted in 2006 along with substantial provisions for information-sharing among transport, immigration and police authorities. Further legislation in 2007 will increase the policing powers of immigration officers, allow access to tax

³¹ See overview of UK policy and data on international students in Alan Findlay and Alexandra Stam, 'International Student Migration to the UK', Georgetown University, March 2006, www.12.georgetown.edu/sfs/isim/Event%20Documents/Sloan%20Global%20Competition%20Meeting/Findlay-UK.pdf.

data to identify illegal immigrants and require foreign nationals to have biometric identification cards, while enabling the automatic deportation of some offenders.³² Finger-printing of all visa applicants will be introduced by 2008 and electronic checks on those leaving and entering by 2014. In his last speech as leader to the party conference, Blair said the question is 'how we reconcile openness to the rich possibilities of globalisation with security in the face of its threats', arguing that biometric ID cards 'are not a breach of our basic rights, they are an essential part of responding to the reality of modern migration'.

In Blair's final years it was evident that the positive language on the benefits of migration, albeit rarely projected to the public at large, was being overtaken by the language of harm. This was perhaps most evident in Reid's enforcement strategy in 2007 which proposed 'Immigration Crime Partnerships' at the local level to target rogue employers, now subject to criminal penalties, and migrants working illegally.³³ With asylum numbers under control, the focus had now shifted to illegal immigrants, the number of whom the government had, under pressure, estimated to be between 310,000 and 570,000.³⁴ The Conservatives had introduced civil penalties on firms which employed people without permission to work but, failing to resource a system of inspection, ensured that the enforcement would be little more than symbolic. In Labour's first term there were only thirty-four successful prosecutions.

The introduction of ID cards was intended, inter alia, to enable employers and service providers to establish each individual's immigration status, extending immigration control from Heathrow to the hospital gate. Initially sceptical, Blair endorsed the proposal at the Labour Party conference in 2003. Given Treasury opposition, it may now not proceed. Meanwhile the 2006 Act extended the civil penalties on employers and enforcement units made periodic well-publicised raids. The growing use of detention triggered a series of critical reports, including from HM Inspector of Prisons, on poor conditions and failure to meet welfare needs. In a rare move to protect migrant workers, following the

³² Immigration, Asylum and Nationality Act 2006; UK Borders Bill 2007.

³³ *Enforcing the Rules: A Strategy to Ensure and Enforce Compliance with our Immigration Laws* (London: Home Office, March 2007), www.ind.homeoffice.gov.uk/6353/aboutus/enforcementstrategy.pdf.

³⁴ Described by Home Office Minister, Tony McNulty, as the government's 'best guess'. BBC News Online, 'Illegal Immigrant Figure Revealed', 30 June 2005, http://news.bbc.co.uk/1/hi/uk_politics/4637273.stm.

Morecombe Bay tragedy and a concerted campaign by trade unions, the Gangmasters (Licensing) Act 2004 regulated migrant employment agencies in the agriculture and fisheries industries. A growing campaign for an amnesty for those who had been working in the UK for four years later won the support of trade union and church leaders.

EU cooperation

Blair's government was acutely aware that many EU member states faced similar challenges and that the measures those states took – or failed to take – impacted on the UK. Significant energy was invested in securing cooperation in strengthening external border controls and data-sharing. Nevertheless, the government negotiated an opt-out from EU immigration and asylum measures, allowing it to cherry-pick those that suited its objectives. While providing a forum for negotiation, the EU was thus less a driver of UK policy than an occasional means to achieve it.

Integration and citizenship

Innovative race equality legislation to address systemic discrimination in the public sector followed a public inquiry Straw instigated into the failure of the police to apprehend the killers of Stephen Lawrence, the victim of a racially motivated murder in South London. The focus of Straw's new equality strategy and of the social cohesion initiatives that followed riots in northern towns in 2001, were, however, on second- and third-generation ethnic minorities, not newcomers to the UK. While nominally part of the same department, officials responsible for the 'integration' of migrants – to the limited extent that responsibility existed – were not part of the cohesion team. Nor did ministers, until the establishment of the temporary Commission on Integration and Cohesion in 2006, hint that it might be time to bring migrants within cohesion strategies at the local level.

Back in 2000, the government had consulted on a limited integration strategy for refugees, *Full and Equal Citizens*, subsequently further developed in 2005. Providing somewhat limited support to refugees in finding accommodation and employment, the new strategy had its critics. Yet the recognition it accorded that refugees may need assistance in the integration process was not extended to other migrants: family members, labour migrants or students. 'The difference', an official told the author in 2006, 'is that we have obligations to refugees under international law and that

they could not plan their lives here. For other migrants, if it does not work out, they know where to catch the bus home.'

The evidence suggests, nevertheless, that failure to consider the needs of new arrivals and their impact on local services, or to provide a sceptical public with an explanation for the demographic change they see around them, has proved short-sighted.³⁵ 'My regret', Blunkett says, 'is that we didn't move fast enough in 2002 towards emphasising and supporting much greater social integration programmes. We didn't put enough time and resources into positive measures at a local level.'

Only for those seeking citizenship did the government take a new approach, introducing citizenship classes, tests and ceremonies for those applying for naturalisation and latterly tests for those given indefinite leave to stay, the intention being that this will 'contribute to mutual understanding and common values of tolerance and respect'.³⁶ Significant new resources were provided for English-language tuition, but competing demands on the skills budget later led to cuts in free provision. Long waiting lists remain for access to classes in many parts of the country.

Blair's interest in the integration agenda grew after the 2005 London bombings, focusing on Muslims and ethnic minorities rather than on migrants per se. In a valedictory speech on 'multiculturalism and integration', however, he explicitly included migrants, whose 'extraordinary contribution' he acknowledged, arguing that respect for diversity must be tempered by acceptance of 'common, unifying, British values'.³⁷

Immigration and Nationality Directorate

The inability of the IND to follow through from legislation to delivery was an enduring theme throughout the decade, to the deep frustration of the Prime Minister. That it did prove possible to overhaul the administration of the work-permit system at an outpost in Sheffield only deepened frustration at the IND's inability to transform the handling of asylum casework in Croydon. Successive governments' preoccupation with cutting immigration numbers, a culture of reaction to events, and the

³⁵ See Audit Commission, *Crossing Borders*; and Sarah Spencer, Martin Ruhs, Bridget Anderson and Ben Rogaly, *Migrants' Lives Beyond the Workplace: Central and East Europeans in the UK* (York: Joseph Rowntree Foundation, 2007).

³⁶ Advisory Board on Naturalisation and Integration, www.abni.org.uk/about/background/index.html.

³⁷ Tony Blair, 'Our Nation's Future, Multiculturalism and Integration', speech to the Runnymede Trust, 8 December 2006, www.number-10.gov.uk/output/Page10563.asp.

perception of the IND as a career backwater had, it seems, led to a department unable to think strategically or to join up related policy areas, even within the Home Office itself. The foreign prisoners' fiasco that ended Charles Clarke's period at the Home Office in 2005, and arose from the failure of the IND and the Prison Service to communicate on the deportation of foreign-born prisoners, was only one visible example. Clarke had overseen changes in the IND, including importing senior people with operational experience from outside government, but did not last to see the fruits of those reforms.

The frustration at the lack of both efficiency and transparency in case management was felt as deeply by immigration lawyers, who pressed repeatedly for migrants and their representatives to receive a better service. One suspects it was not this concern that Reid had in mind when he told the Home Affairs Select Committee in 2006 that his department was 'not fit for purpose', instigating a review of the IND which finally led to its separation in April 2007 into the Border and Immigration Agency.

The Blair effect

Blair must shoulder some responsibility for the party's failure to anticipate Britain's emerging position within the global movement of people – the inevitability that migration would have a growing economic and social impact in Britain – and consequently for the government's lack of vision and strategic objectives on taking power in 1997. Nevertheless, faced with significant skill and labour shortages, Blair showed a courage in opening up the UK's labour market that was lacking in most of his European counterparts. He leaves Britain on the map as a country which is firmly open to labour migration in a way that seemed inconceivable only a decade ago. When an ippr report in 1994 argued for the economic benefits of migration to be recognised, and suggested lessons could be learnt from countries of immigration such as Canada, it was a voice in the wilderness.³⁸ That view is now mainstream, and in a global economy it is unlikely that openness to labour migration – at different levels and in different forms – will be reversed. The job of government is no longer simply to control and exclude. 'Even the Tories will not row back on this', Pearce says: 'there has been a shift in the political landscape which is here to stay'.

³⁸ Sarah Spencer, *Strangers and Citizens: A Positive Approach to Migrants and Refugees* (London: Rivers Oram, 1994).

Blair made little attempt, however, to convince the public of the rationale for this new approach. Positive messages from Home Office ministers on the economic benefits of labour migration were drowned by the negative messages on asylum. Convinced that the public would only be reassured by tough messages and action on asylum, Blair gave it an extraordinary amount of his personal attention. In the period 2001–2004, a senior adviser says he attended more than fifty meetings Blair held on asylum, some lasting three to four hours, and doubts there was any single issue other than Iraq on which he had as many meetings:

It was the sheer drive, having set that Newsnight target that he put into delivery. If left to their own devices the Home Office would not have driven on asylum as much as they did. The Home Office is so driven by day to day events that, without pressure to keep going on an issue for months and months on end, it just doesn't happen. There was a consistent pressure from the PM which they couldn't ignore.

To the extent that the external controls and exclusion from work and benefits did contribute to the fall in asylum numbers, Blair must therefore take some credit. To the extent that those measures eroded the refugee protection regime, preventing individuals in need of protection from reaching Britain and leaving some of those who did destitute, he must share responsibility.

The issue on which Labour focused in its 1997 manifesto, the treatment of family members, should not be overlooked in assessing Blair's legacy. The 'primary purpose' rule had cast suspicion on anyone entering the UK for marriage, and the impact of correcting that injustice, Mactaggart, insists, was 'iconic', as was the decision in 2002 to restore citizenship to British Overseas Citizens whose right of entry had been withdrawn: 'They had been deprived of their citizenship. We gave it back to them. It was the morally right thing to do. We could change a rule and have a positive impact on people's lives.' With the focus by then on asylum, the government got little credit for righting this 'historic wrong'.

Giving substance to the acquisition of citizenship may also prove to have more than symbolic significance if those who acquire it feel a stronger sense of acceptance in British society. The failure to develop a strategy to address the needs of the 1,500 migrants who arrive in the UK each day and their impact on local communities was a surprising omission that left local authorities in a policy vacuum from which they have yet to emerge.

Blair inherited an Immigration and Nationality Directorate incapable of strategic planning, efficient casework management or effective

enforcement. Coping with six major Acts of Parliament in less than ten years arguably exacerbated its difficulties.³⁹ Frustrated that successive attempts at administrative reform did not deliver, Blair's insistence on results finally led to the IND's rebirth as the Border and Immigration Agency in 2007. It remains to be seen whether that will deliver the efficiency and joined-up administration that eluded it while in the Home Office. Leaving overall responsibility in a rump Home Office, now focused almost exclusively on security and policing issues, does not bode well for a policy that needs to have broader economic, social, human rights and international development objectives.

A clear lesson from the Blair decade is that migration cannot be managed solely through tighter controls and tougher enforcement when the powerful draw of jobs, education, family or a place of safety make migration an aspiration some will risk all to achieve. In this, the literature shows, Britain's experience mirrors that of other industrialised countries: policies which do not take account of the long-term dynamic of migration processes in source and receiving countries, of the actual motivations of migrants or the strength of demand for their labour, and which overestimate the impact of regulation, tend to fail.⁴⁰ Migration cannot be turned on and off like a tap.

Blair's overriding objective was to convince the public that migration was under control and to neutralise immigration as a political issue. In that he undoubtedly failed, polls showing public concern rising throughout his period in office, reinforced by the measures and rhetoric that were meant to reassure. That outcome, and the lessons that could be learnt from it, are his most enduring legacy to his successor. An immigration debate that revolves on numbers, that concedes that rising numbers are a threat per se, cannot be won. For the public and sections of the media any number is too many; and numbers are not within the government's control. Labour failed to shift the debate into more constructive territory in the early years when it had the greatest chance to succeed. When Blair left office there was still no sign that it seriously intended to try.

³⁹ Immigration and Asylum Act 1999; Anti-terrorism, Crime and Security Act 2001; Nationality, Immigration and Asylum Act 2002; Asylum and Immigration (Treatment of Claimants) Act 2004; Immigration, Asylum and Nationality Act 2006; UK Borders Bill 2007.

⁴⁰ Stephen Castles, 'Why Migration Policies Fail', *Ethnic Studies*, 27(2), 2004: 205–27.