Does Immigration Enforcement Matter (DIEM)?

Irregular Immigrants and Control Policies in the UK

Policing, Law Enforcement and Immigration Law Enforcement in the UK: Introduction and Background

Project Report 1

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About the author

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About the project

This three-year ESRC-funded project aims to explore and explain why, in the UK, despite increasingly strict immigration policies and enhanced law enforcement (e.g. entry screening, ID and work permits checks, workplace and other raids, and employer sanctions), irregular migration continues at significant levels, and at least until 2008, even increased. This study looks specifically at in-country immigration law enforcement and its effects and limits, an aspect that has so far received very little academic attention. It complements another project based at COMPAS that studies border controls.

The overarching theme of this project is to study the impact of increasingly tight legislation and robust enforcement measures on irregular migration and on irregular immigrants. In particular, it aims to: (1) investigate immigration law enforcement agencies and practices; (2) analyse the political, legal, practical and ethical limits of law enforcement; (3) investigate the interaction between irregular immigrants' strategies, employer practices and enforcement measures; (4) find how irregular migrants navigate and survive internal immigration controls; (5) identify the impact of enforcement on irregular migrants' access to fundamental rights; (6) show how all this is perceived by the affected immigrant communities; and finally, (7) highlight the effects and effectiveness of such enforcement.

Introduction

Originally, the terms police and policing were synonymous with governance and governing the populations of a nation state (see Brodeur 2007: 26). Policing essentially means maintaining social and political order; it thus goes well beyond mere crime control or public order. Policing migration and migrants is essentially policing the boundaries of belonging, i.e. the boundaries between citizens and non-citizens; policing migration is thus policing of state sovereignty and territorial integrity under conditions of cross-border geographic mobility of people (see Weber 2013). However, migration control is not only about managing actual migration but also about managing the risks associated with migration (ibid.); resources are thus allocated to both areas, the management of what is actually happening and the management of what could happen, the risks or threats.

One of the first modern police forces was established in France in 1722, another one followed more than a hundred years later in Great Britain. The British police was established in 1829 by the Metropolitan Police act; by 1856, the police was rolled out across the country (Carrabine et al. 2004, Garriott 2013). This occurred in the context of the 'age of revolutions' as Hobsbawm characterised this era, of the industrial revolution, fast growing cities and the emergence of the primacy of private property but also the rise of the working or 'dangerous class', as it was sometimes connoted (see Comaroff 2013). The first British immigration enforcement units were established 150 years later during the 1970s as a split-off from or supplement to the police, both embedded in the Home Office. This coincided with the consolidation of a modern post-colonial citizenship, at least in Britain, the deepening of global integration (globalization) and the expansion of post-colonial to more diversified migration. As the police was the 'prerogative of the modernist capitalist state' (Comaroff 2013: 15) so, one could argue, was the immigration service the prerogative of the modernist immigration state. Whilst since its introduction the police has become considered 'an indispensable component of any modern state' (Garriott 2013: 2) and its sovereignty this is also true for the immigration service even though this was only introduced 40 years ago. Police and immigration service alike are more than simply institutions of governance but a 'tool of sociability' (Karpiak 2010: 23) that preserve as much as they create a certain social order. And both are modalities of governance concerned with achieving and sustaining a well-regulated society.

Police and policing are inseparable from issues of class (Reiner 2013) and race (Brown 1974, Smith and Gray 1985). Whilst in principal the subject of the police is the entire community in practice certain classes, social groups or communities have often raised more attention than others, notably the lower classes. In contrast, the subject of the immigration (enforcement) service is only non-citizens, thus there is a foreigners issue inherent in the subject of the immigration service. And Anderson (2014: 46) argues that even though contemporary migration policy rather focus on economic status and nationality and thus 'claim to be "raceless", yet in consequence seem to be unavoidably race-ful'. The relationship between the police, respectively the migration service and the police also seems rather different. In the context of developed and democratic countries there is ideally some continuity between the police and the public as to cooperate in a common project (Garriott 2013) aiming at security, crime prevention and fighting and public peace. This continuity also is what gives the police its legitimacy (the right to govern and the recognition by the governed of that right, see Beetham 1991, based on what is considered 'appropriate, proper and just', see Tankebe 2014). But whilst on

the one end the police create experiences of security on the other end it might create feelings of being harassed and experiences of fear or anger. Thus, occasionally, this continuity between the police and the public breaks up, notably between the police and certain parts of society. Usually these are either from lower class communities, youth cultures, political activists or demonstrators and ethnic minority communities who challenge the legitimacy of certain police practices, overdone surveillance or alleged heavy-handed policing (for instance, the 1981 Scarman and 1999 MacPherson reports highlight these issues). Thus this continuity has not always been given and its break-downs have become most noticeable during riots in 1981, 1985, 2001 and 2011. Between 1981 and the 2014, meaning between the Scarman, Macpherson and the lesser relevant Ellison report inquiries the British police went through almost a catharsis that resulted in major reforms of the force; these fundamentally changed the culture of the police - from classic to modern cultures - and more or less realigned it with the various communities (Loftus 2009). There probably is a similar level of continuity between the immigration enforcement service and the public at large but there might not be the same level of continuity between the immigration enforcement service and some parts the immigrant communities – notably 'new' immigrant communities' seem to agreeing less with immigration restrictions than 'older' communities - and thus not the same level of agreement with the legitimacy of the migration service and its politics. So far, the police seem to more actively engage with society over issues of policing whereas the migration service does not seem to engage in such kind of community relations. If this is true then these differences in the continuity between the police, respectively the immigration enforcement service and the policed could be related to the fact that the migration service never went through the type of scrutiny and thus catharsis as the police. It may also be that the police acts on behalf of society on society whilst the immigration enforcement service acts on behalf of society but only on those who are to be excluded from society.

The current era is characterized by a 'police fetishism' as Reiner (2010: 3) argues and it appears an equally strong immigration control fetishism. This refers, in his view, to the ideological assumption that 'the police are a functional prerequisite of social order so that without the police force chaos would ensue' (ibid.). In just the same sense there seems to be an ideological assumption that the immigration service is a functional prerequisite to territorial and cultural integrity and social order so that without immigration control chaos would ensue. The types of chaos that are commonly assumed to ensue, however, are rather different. In the absent of the police the mostly commonly assumed form of chaos is large scale violation of property rights ranging from theft, burglary, robbery and looting to vandalism, violence ranging from rape to murder and a general collapse of public order and peace resulting in widespread unrest. In the absent of immigration law enforcement the most commonly assumed type of chaos is probably being flooded and subsequently overcome by foreigners who would squeeze out the indigenous people from jobs, housing and public services to finally cause these to collapse and who would loiter, beg or commit crimes. Related to this is the intuitively plausible assumption that police numbers matter, meaning that the more police there is and the more visible the police is the higher the crime prevention effect and the lower the crime rate. Research, however, demonstrates that police numbers only have a limited effect on crime, also changes to policing 'can have some effects, but these are likely to be based on special circumstances, to be marginal and short-lived' (Reiner 2013: 8). Falls in crime rates are rather attributed to political-economical changes, public culture (the social roots of crime) combined with advances in security technology (ibid.). This implies that coercing compliance with the law is a less efficient means to sustain social order than

securing normative compliance. How the matter of staff numbers, technical control, tactical changes and addressing normative compliance relate to the level of immigration offences and detection rates are open questions.

Brief History

Traditionally it was the Home Office that was responsible for police and immigration matters. The police has not changed its principle structure since 1856 though it was reformed by the Police act 1964 further repealed by the Police acts of 1994 and 1996. The first piece of British immigration legislation was introduced in 1836 by the Registration of Aliens act. It was repealed by the more famous 1905 Aliens act and has since been successively expanded.[1] The 1905 Aliens act also introduced for the first time a specialised authority, the Immigration Boards, who were appointed by the Secretary of State. Immigration officers, however, were part of Customs and instructed by the Board of Customs (London 1992). In 1914, the Aliens Restriction act came into force which was 'continued and extended' by the 1919 Aliens Restrictions (Amendment) act. Both acts were meant to be mainly 'exercisable to aliens at any times when a state of war exists ...or when an occasion of imminent national danger or great emergency has arisen'; hence they were not initially meant to regulate the entry of any other aliens or indeed British subjects from the Commonwealth. These acts also involved the introduction of visa or entry certificates though these were successively abolished again during the mid 1920s (London 1992). The subsequent Aliens Order 1920 determined that foreigners were required to register with the police; one of the first amendments granted 'the immigration officer or any constable' powers to arrest and remove (sic) the alien without leave to remain within one month of arrival. From this time, it was the police's and the immigration service's shared responsibility to enforce internal after-entry immigration controls. Around the 1914 act, the Immigration Boards were abolished and a Home Office's Division B for Aliens was set up. From 1919, instead, the Home Office's first comprehensive Immigration Service began emerging; in 1920 it had around 160 'aliens officers' (Hansard 1920). During the 1930, there was a Home Office Passport Control Department which also had an office in London (FCO 1938). During this era, the immigration authorities were seeking collaboration with the affected communities, notably with refugee, meaning Jewish organisations (e.g. there were Jewish members on the Aliens and Nationality Joint Standing Committee (ANJSC) and the Aliens Deportation Advisory Committee (ADAC) and 'the Jewish Board of Deputies['s] Aliens Committee had regular meetings with the Home Secretary'), and sought some kind of consent and collaboration (London 1992: 63). This early migration service structure existed beyond 1945 and during the first post war years, the migration service was still a small service with only 314 officers (Hansard 1952).

Following the 1962 Commonwealth Immigration act the Home Office's Immigration Branch or Immigration Service became the Immigration and Nationality Department (IND). In 1965, there were assumed to be 'not fewer than 10,000 illegal immigrants' in the country' who have entered over a period of two years, they were suggested to only be a small proportion of a total of 800,000 entrants (Hansard 1965). At that time, it was argued about 'it [is] unlikely that any substantial proportion of them could be traced', it was further explained that 'It might well prove difficult also to establish that

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1 1836 Registration of Aliens act, 1905 Aliens act, 1914 Aliens Restrictions act, 1919 Aliens Restrictions (Amendment) act, Aliens (Amendment) Order 1920, 1948 British Nationality act, 1962 Commonwealth Immigrants act, 1968 Commonwealth Immigration act, 1971 Immigration act, 1981 Nationality act, visa requirements (1986), asylum applications and appeals (1993), 2002 Nationality, Immigration and Asylum act (NIA), Immigration, 2006 Asylum and Nationality act, 2007 UK Border act, 2008 Criminal Justice and Immigration act, 2009 Borders, Citizenship and Immigration act.

there was any reason for deportation' hence to prove that they had actually violated immigration law (Lord Stonham in ibid §1260). Indeed, in 1972 only 10 persons were prosecuted for illegal entry and another 56 removed without prosecution (Hansard 1972). In 1973, the 1971 Immigration act finally came into force. Amongst others, pre-entry controls were (re) introduced conducted at overseas consular posts in cooperation by the Home Office's immigration service and the FCO's diplomatic service (National Archives 2005). This created some confusion and overlap over the responsibility structures (ibid.). The Immigration act also introduced the concept of 'illegal entrants', it thus clarified the legal situation of irregular immigrants, simultaneously declared it an offence and set the conditions for deporting immigration offenders. By 1970, the immigration service had grown to 1,666 staff (Hansard 1971). During the early 1970s, the IND set up an Immigration Service Intelligence Unit to support and collaborate with the police (Hansard 1983). In 1972, the London Metropolitan Police (Scotland Yard) too set up a Central or Illegal Immigration Intelligence Unit - there is some confusion over the exact name - with 10 officers (Hansard 1976, also see Gordon 1985); later, the Metropolitan Police had a serious Crime Squad of 24 officers which also targeted illegal immigration (Hansard 1980). During this period, the type of collaboration between immigration communities and refugee/Jewish community organisations found during the 1920s and 1930s seems to have been abandoned to give way to rather more adverse community relations.

The 1971 Immigration act had confirmed the 1920 Aliens Order regarding powers of police constables and immigration officers and granted these further powers to enter a premise and search and arrest individuals. But whereas the police had power to arrest and detain they had no power to actually remove people which were held by immigration officers only; this complicated enforcement matters. In practise, however, the immigration enforcement service relied heavily on the police and would require police collaboration for any enforcement action. Thus, a complex double structure of police intelligence and enforcement units and IND intelligence and enforcement units had been created. In addition, another double structure of pre-entry controls involving the Foreign and Commonwealth Office and the Home Office had been installed.

By 2003, the IND's 'in-country enforcement staff' had grown to 2,463 (Hansard 2004). In 2000/1 the IND conducted a pilot and established immigration 'arrest teams' who could enforce the law on their own account; these were later and rolled out across the country (Hansard 2001). In the same period, 'in 2003, the Immigration Service reported carrying out 446 illegal working enforcement operations, compared with just 301 in 2002' (ibid. § 673). In 2007, the IND was replaced by the short-lived Border and Immigration Agency (BIA) only to be replaced soon by the UK Border Agency (UKBA) which had attained full agency status in 2009. In 2008/9, local immigration teams were set up to (a) expand the reach and effectivity of the enforcement service whilst (b) improving the community sensitivity of the service (Home Office/UK Border Agency 2008, ICI 2010). In 2012, a new agency, the UK Border Force was separated from UKBA. By April 2013, the 'Home Secretary abolish[ed] the UK Border Agency and in its place create[ed] the UK Visas and Immigration and the Immigration Enforcement Directorates' (ICIBI 2013: 5) but by July 2013 sceptics felt that 'despite abolition nothing appears to have changed apart from the name' (Vaz 2013). Meanwhile, UK Border Force is continued.

Table 1 - History of the British resp. UK immigration authority, 1905-2013

1905	Home Office, Immigration Boards
1912	Home Office, B Division for Aliens, Nationality and Naturalisation
1914	Home Office, Aliens Division, later becoming the Aliens Department, also known as Aliens Branch
1918	Home Office, a comprehensive immigration service is emerging
1930s	Foreign and Commonwealth Office, Passport Control Department
1939	Foreign and Commonwealth Office, Refugee Section, later becoming the Refugee department
1970	Home Office, Immigration and Nationality Department
1971	Home Office, London Metropolitan Police, Illegal Immigration Unit
1973	Home Office, Police, Central Immigration Intelligence Unit
1970s	Home Office, IND, Immigration Service Intelligence Unit
2001	Home Office, IND, arrest teams
2007	Home Office, Border and Immigration Agency
2009	Home Office, UK Border Agency
2013	Home Office, UK Visa and Immigration Directorate, Immigration Enforcement Directorate

Table 2: Immigration law enforcement

1920	110 prosecutions in London for evading immigration restriction (Hansard 1920)
1972	10 persons prosecuted for illegal entry, another 56 removed without prosecution (Hansard 1972)
1975	95 arrests of irregular immigrants in London by IIU (Gordon 1985)
1980	1,075 Convictions for visa overstaying (Hansard 1982)
1988	4,000 people detected for illegal working (Hansard 1995)
1994	10,000 people detected for illegal working (Hansard 1995)
2000	8,370 persons removed (Hansard 2002)
2002	301 illegal working enforcement operations (Hansard 2004)
2003	446 illegal working enforcement operations (Hansard 2004)
2011	41,482 enforced removals and voluntary departures (Blinder 2011)
2012	29,000 immigrants in detention (Home Office Immigration Statistics 2012)

These tables throw some spotlight on various non-comparable immigration law enforcement measures – detections, arrests, prosecutions, detentions and removals. It seems to illustrates that over the decades the UK immigration service has significantly increased the level of its operational activities and enforcement actions.

The history of the British immigration service can be tentatively distinguished by three periods. The first or early period from 1905 to the late 1950 saw the emergence of a rudimentary migration service mostly geared up to address the security concerns associated first with political upheavals and second with the wars in Europe. The second or middle period from 1962 to the early 1990s saw the emergence of a comprehensive migration service mainly addressing migration mainly from the overseas Commonwealth territories. The third and ongoing period from around 1998, 2000 has been addressing and struggling with the effect of globalization and the diversification of challenges. This continues until today and characterizes the ongoing legal and institutional crisis and reforms.

Mandates

Broadly speaking the police can be defined as the institution that has been 'charged by the state to lawfully generally execute the monopoly over the means of coercion' (Deflem 2010: 2) in social conflicts (Reiner 2000: 2). Equally, the immigration service can be broadly defined as the institution that has been charged by the state to lawfully execute the monopoly over the means of coercion specifically in the areas of pre-entry, on-the-border and internal migration controls.

In the UK, the police have no clear single mandate set out in a single law or policy. However, the 'Peel's principles' assumed to have emerged in the 1820 but only spelled out in the early 20th century (IPC 2013) refer to 'preventing crime and disorder' and to seek 'public approval of their existence, actions and behaviour' (ibid.: 29). Other than this diverse documents refer to 'catching and convicting' criminals (Home office 2011a: 6), 'community safety and crime prevention' (Police Reform and Social responsibility act 2011: part 1, chapter 1, art. 5b), 'leading the fight against crime and anti-social behaviour' (Home Office 2010a: 6), 'improve the safety and well-being of people, localities and communities' (Police and Fire Reform (Scotland) act 2012), 'maintaining a just and fair society, ...safeguard the rule of law' (College of Policing 2013: v), 'keeping your home and property safe (London Met 2014), 'serving the common good' (IPC 2013: 14), 'contribute to the creation of a safer, more coherent and more just society' (IPC 2013: 13), 'contribute to the well-being of all our citizens' (Lord Kirkwhelpington in IPC 2013: 12). Over time, the mandate of the police was broadened and elements of the mandate of the police diffused everywhere into the social and institutional order (Comaroff 2013). Policing became the expanded version of law enforcement (ibid.) to 'regulate conflict in society' (Reiner 2000: 2). This is not simply based on top-down policies but also driven by the way the public calls on the police, meaning that less than 20 percent of calls to the police are about crime and half of all public-police contacts are 'service contacts' (see Reiner 2013). Therefore, 'a great deal of police work is mundane and not directly related to crime', the police officers have thus been taking on an additional role as service officers (Carrabine et al. 2004: 277, also see Reiner 2013). This has substantially changed the role and with it the public perception of the police (ibid.).

The UK immigration service, until 2013 represented by the UK Border Agency and the UK Border Force has a clear though diverse mandate that is to 'securing the UK border and controlling migration in the UK. We manage border control for the UK, enforcing immigration and customs regulations. We also consider applications for permission to enter or stay in the UK, and for citizenship and asylum' (UKBA 2010). In addition, UKBA has been mandated to 'facilitate legitimate international trade and travel' (UKBA 2009). The UK Border Agency as the name of the organization so pointedly demonstrates was set up and is designed with the view to secure the borders of the UK; indeed, securing borders is a powerful if not dominant narrative or discourse in the UK. This implies that any other aspect of immigration control ranging from visa, work permits and residence cards to detecting, detaining and removing immigration offenders is thought of from the perspective of securing borders. In fact, however, UKBA and presumably also its successors operate in the countries of origin of travelers and migrants to conduct pre-entry controls (visa), on the border where on-entry controls are conducted and within the country were all work is administered and immigration law is enforced. In this context the question arises whether the 'border security' paradigm is suitable to inform (a) policies aiming at securing the territory, to stick to this paradigm and (b) to also inspiring the facilitation of the 'trade and travel' element of the mandate. And again, elements of the mandate of the migration

service diffused into the social and institutional order. This overall trend has been analysed as the 'securitisation of migration' (e.g. Huysmans 2000), meaning that migration is perceived as a security issue, addressed from a security perspective and thus dealt with by the ministries of interior but not, for instance, ministry for foreign affairs, economics or social affairs.

From the above it becomes apparent that by and large the police strictly operate within the boundaries of the United Kingdom; only exceptionally are investigators sent abroad to assist and collaborate with other national forces. In contrast, UK Border Agency is a 'global organisation operating in local communities and in about 130 countries worldwide' (UKBA 2014). Notably, its international operations are a regular feature. Further to this, the police mostly deal with perpetrators that are lay members of society whereas the immigration service by definition rather deals with outsiders. It also occurs that the police has a dual mandate of dealing with perpetrators and victims of crime; their mandate is to apprehend the criminals and protect and act on behalf of victims of crime – take their statements, protect their interests and rights and prepare taking their cases to court. In contrast, the immigration enforcement service seems to rather deal with offenders only and rather rarely considers their client group as victims to be protected, except maybe in cases of human trafficking.

However, there also is significant similarity and overlap between the police and the immigration enforcement service. Indeed, Stumpf (2006) claims that the mentality of crime control inspires the mentality of migration control. He argues that the boundaries between the two fields have become blurred and thus introduces the concept of 'crimmigration'. This suggests that the police also equal the immigration enforcement service and vice versa that the immigration enforcement service equals the police; Pickering studying Australia are more reserved and rather talks of the immigration enforcement service as a 'police-like' force (2013: 93). However, in the UK, police officers and those immigration enforcement officers 'who have successfully completed the specialist immigration arrest and criminal investigation training' (Home Office 2013a) largely have the same powers (see Home Office 2013b), like to conduct investigations, obtain and execute search warrants, confiscate certain items (money, documents) and arrest people. This is in particular true for immigration officers in an 'immigration criminal and financial investigation team' (see Home Office 2014).[2] Finally, several hundred police officers have crossed the line between the two organisations and have been seconded to immigration criminal investigation teams (GovToday 2009). Whether this implies that some immigration officers could almost be considered something like immigration police officers and whether some or all of the immigration enforcement service could be considered an immigration police service remains to be discussed.

Organisational Structure and Accountability Compared

The most striking difference is that the police is an independent force, a principle that has been reinforced by the then new Home Secretary May ('we are best served by a police force run by professionals rather than politicians', May in Home Office 2011a), although there is a minister of state for policing. In contrast the immigration service is not independent but directly led by politicians, the minister of state for security and immigration.

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2   'Immigration criminal investigators working in the Home Office (in what was the former UK Border Agency) have responsibility for investigating immigration crimes' (Crime & Courts act 2013, section 55, para 641)

The police of England and Wales are not a national force but instead an almost federal structure that consists of 43 separate police forces and the Scottish Police or the City of London Police who all have operational independence (Home Office 2010a). A separate force is the British Transport Police specifically mandated to police the private space of trains; another separate force is the Nuclear Police whereas the military police is part of the Ministry of Defence and thus a different organisation. Each police force is supervised by an elected Police and Crime Commissioner (PCC) and headed by a chief police officer. This structure is meant to guarantee (a) the political impartiality of the police and (b) good community relations. The UK Border Agency and presumably also its successors are a rather centralized structure though some if its departments are now geographically dispersed across the UK and partly even overseas. UKBA, respectively its successors 'integrate[s] the work of Customs, the Border and Immigration Agency and UK Visas (UKBA 2009). It thus merges agencies that were formerly under the mandate of three different ministries, Customs was under HM Revenue and Customs (HMRC), the Border and Immigration Agency was under the Home Office (HO) and UK Visa was under the Foreign and Commonwealth Office (FCO). In the rationale for this structure there is neither reference to impartiality nor to community relations.

It thus appears that the accountability structures of the police and the immigration service are rather different. On the one hand, the home secretary is answerable to parliament and public for the police and the migration service. Further to this, the police are controlled by Her Majesty's Inspectorate of Constabulary (HMIC) and the Independent Police Complaints Commission (IPCC) whilst the migration service is controlled by the Independent Chief Inspector of Borders and Immigration (ICIBI) and both are supervised by the National Audit Office (NAO). On the other hand, the fundamental principle on which police accountability is built is 'policing by consent' enacted through a tripartite system consisting of the government (Home Office), local police authorities supplemented by neighbourhood police committees (both representing the public) and the police. Even more so, the current policy reforms are aimed at improving this by introducing more democratic accountability structures. Meanwhile, no such arrangement covers the work of or regulates accountability of the migration service and there is no immediate accountability to the community. Further to this, the organisation of the police in 43 separate forces resembles a more federal structure whereas the organisation of the migration service resembles a national structure; this difference is similar to that of the USA structural (see Vogel et al. 2009). In any case, this difference raises questions for the consequences it has for the cooperation of these different structures as well as for the consequences of the different types of accountability.

Conceptual Troubles

Certain issues trouble the study of immigration law enforcement in the UK, and maybe also in other contexts. The immigration service is under the authority of the Home Office, just as the police, it is a split-off from the police but no part of it, it resembles in part a police force but yet is a separate service, and just as the policy has authority to enforce the law but yet the immigration service is not the police or part of it. Also the police's mandate and operational area is restricted to the territory of the UK whilst the mandate of the migration service encompasses domestic and international activities and is thus almost globally in scope. And more generally, the processes both agencies are involved in are similar and partly covered by similar regulations but nevertheless different. The police is policing meaning a 'set of processes with specific social function (Carrabine et al. 2004: 270) whilst the processes the migration service is involved in are similar but different as it seems, it might also be

understood as policing though neither is the immigration a police force nor is it targeting the entire community but only its immigrant elements.

Public Opinion, Policy Narratives and Social Reality

Around 60 percent of the British people believe that crime has increased and 10-13 percent worries about crime (Home Office 2011b). In reality, however, crime fell by 53 percent since 1995 to 3.7 million recorded, respectively 8.9 million offences reported in a survey (ONS 2013a). In general, 'there is a huge exaggeration of the prevalence of crime and of its seriousness [which] has become much more pronounced [in recent times]' (Reiner 2013: 4). In a recent statement Home Secretary May (2012: 2) insisted 'the core mission of the police is cutting crime. That is the priority; that is the focus; that is the aim'. This, however, is in stark contrast to reality as demonstrated above which sees the police doing more service and public peace work than fighting crime.

The British people believe that 31 percent of the population are immigrants whereas according to official figures these are only 13 percent; people also believe that 30 percent of the population is Black and Asian whereas these are only 11-14 percent (see Ipsos MORI 2013). Since 2001, net immigration oscillates around the +200,000 mark (ONS 2013b). This demonstrates that the public is aware of a significant influx of immigrants but gets the level and origin of immigration rather wrong; whereas numbers are perceived much higher than in reality also the origin of migration as rather perceived as lying outside Europe whereas it is rather within Europe. Further to or maybe even based on such misperceptions around 'three quarter of British people favour reducing immigration' (Blinder 2012). In parallel, the government has committed itself to the goal to significantly reduce net migration, 'net migration needs to come down radically from hundreds of thousands a year, to just tens of thousands, and as we bring net migration down so we must also make sure that Britain continues to benefit from it' (Cameron 2013).

These two cases imply that there is a nexus or at least a coincidence between public perception of the respective social problems, i.e. crime and immigration. Both are perceived on higher levels than they are in reality, subsequent expectation of tough government responses and subsequent government policies regarding 'cutting crime' and 'cutting net immigration'. This implies that these emphasises on crime fighting and reducing immigration appear to be at least in part driven by public perception and expectation; one commentator (Reiner 2013) argues that this is thus partly populist and opportunistic.

Context

The context to the project is set by a recent change of government from a labour to a conservative/liberal democrats coalition government, the aftermath of a global economic crisis with continuously high levels of unemployment, an austerity policy and further reconfiguration of the welfare towards a workfare state, a shift from a liberal almost 'open-door' to a restrictive immigration policy aiming at bringing down net immigration, another reforms of the police and the migration service, continuously falling and almost unprecedented low levels of crime versus continuous (estimated) significant levels of irregular immigrants, high levels of prison populations and unprecedented high levels of immigration detention and removals. The aftermath of the economic crisis and the subsequent austerity policy

affects the institutions that manage and control migration as well as migrants, their families and communities though in different ways.

Times of arguments and reforms, times of uncertainty?

For long, the police had not changed its principle structure since 1856 though it was reformed by the Police act 1964 further repealed by the Police acts of 1994 and 1996. However, 'the changes in governance developed by the Coalition government since 2010 are certainly "the most far-reaching for half a century" (Jones et al., 2012: 219) and arguably in the nearly two centuries since the establishment of the modern British police' (Reiner 2013: 11). For instance, in 2011, the government issued the Police Reform and Social Responsibility act to reform the British police forces. Notably, the (largely elected) local police authorities were replaced with elected Police and Crime Commissioners (PCCs). In addition, the budget of the police has been cut by 20 percent in 2014/15 with further cuts of up to 6 percent to be expected in 2015/16; In 2010/11 around 6,800 jobs were lost expect to rise to 15,000 by 2015 (IPC 2013).

The immigration service has instead been changed fundamentally from its first rudimentary form when it was part of customs in 1905 via the 1962 Immigration and nationality department to its recent three separation of UK Border Agency into now three agencies, UK Border Force, UK Visas and Immigration and the Immigration Enforcement Directorates. In addition, the UK migration service too faces budget cuts. In 2010/11 £200 million of savings were made and another £350 million of cuts its budget of £2.17 billion were to be anticipated in 2012; accordingly its staff will have been downsized from 24,474 in 2010 to a predicted 18,000 in 2015, that is a loss of a quarter of all jobs (UKBA 2011, NAO 2012).

The governance of both agencies, the police and the migration service, as that of all other UK public agencies are inspired by ideas of new public management (NPM) (see Hood 1991, Ferlie et al. 1996), by ideas of accountability, performance management and managerialist strategies. These imply a strong emphasis on maximising performance and minimising cost (see Wood et al. 2008). NMP, however, may have come at a price. On the one hand, it is reported that NPM increases paperwork, as in case of the police, and overburdens and distracts individual officers of certain ranks (Butterfield 2004). On the other hand, performance targets aiming at speeding up decision-making processes, increasing productivity and output also introduce a specific logic into prioritisation meaning that whilst the easy cases are prioritised as to produce numbers the difficult cases tend to be delayed and pile up until they become backlogs. Notably 'the Police Service is one area of the public sector where the introduction of the NPM poses most dilemmas' (Butterfield et al. 2004: 399); notably working conditions, high level of discretion, social isolation, in-ward-looking and conservative culture are identified as impediments to change. In any case, the introduction of NPM to the police 'may not have resulted in improved performance' (ibid.: 412); instead NPM 'not only ...encourage[d] a focus upon output rather than outcome, but it also encouraged manipulating the system, and evasion' (ibid: . How institutional reform, modernisation and NPM impacted on the migration service seems so far under-researched.

It is generally suggested that the implementation and enforcement of policies is influenced by the level of ambiguity or conflict over the respective issues (e.g. Matland 1995). In our case, both major British law enforcement agencies, the police and the migration service, have in recent years been in the

spotlight of severe criticism. Frequently, the police have been in the spotlight over allegations on police misconduct or rule-bending (e.g. Carrabine et al. 2004: 283). More recently, the Independent Policy Commission (2013: 27) claims 'organisational failure and malpractice' and a 'dysfunctional structure' on the side of the police. Also UKBA received rather critical reviews. In 2006, then home secretary Reid admitted 'the system is not fit for purpose' (Home Affairs Committee 2006: Q 866), his predecessor Clark argued that 'that there were serious weaknesses in its management structures and information flows' (Home Affairs Committee 2006: QQ 866–967) and in 2012, the HoC (2013: 4) reported, 'that matters came to a head. HM Chief Inspector of Borders and Immigration had found that this Committee had consistently been supplied with misleading information about the immigration and asylum backlogs'. Also the ICIBI (2013) finds 'poor record keeping', deficiencies in the 'quality of services', too long waiting times, 'quality of decisions', lack of consistency in visa decisions and line management problems, 'poor implementation of a policy change' (in the area of asylum backlogs), 'lack of governance' 'and planning' (as in the case of introducing e-borders).

It must be assumed that this has significant impacts on the policy, on the organisational level as well as on the individual officers. First, as analysed in other contexts, those at the top of government agencies are often occupied and partly distracted from managing the organisation by battling external actors as from opposition parties, the media or other scrutinising agencies (see Wilson 1989). Second, in response to such criticism and revelations both forces now undergo major reforms partly inspired by the idea of modernising these agencies, partly inspired by the economic crisis, financial austerity and budget cuts. And third, it could be assumed that such criticism as well as the subsequent reforms impact on the individual members of the organisations and on their confidence and moral.

Finally, Reiner (2012), the doyen and leading critical voice when it comes to police matters in the UK suggests that all the latest police reforms have been driven by ideology (neoliberalism). In particular he argues that the contemporary police mandate - 'the key priority is for the police to cut crime' (Home Office 2010b: 9) - is inadequate to guide the work of the police notably because it neglects its service aspects. One might wonder whether the same could be said about the UK migration service, meaning that 'fighting irregular migration' and 'reducing net migration' might not adequately reflect the service side of the mandate.

Summary

This paper discusses in broader terms some of the issues that are relevant for the study of the two main institutions that are mandated with the enforcement of law and specifically with immigration law. We have chosen to look at these two institutions, the police and the immigration service, first and simply because these are the two state institutions that are mandated with law enforcement, hence for reasons of completeness. Second, we look at both these institutions for methodological reasons as comparison of the similarities and differences of two cases helps shaping and sharpening the research and analytical focus. And third, we consider these two institutions separately in the implicit, and only implicit Foucaultian assumption that there is not simply a homogenous state – 'the state' – with a single form of rationality but rather a diversity of governmental institutions and a diversity of governmental contexts displaying diverse partly complementary and partly conflicting rationales. Further to this we wonder whether the two arms of the migration service, the arm that governs admission and the arm that governs law enforcement (including preventing entry and removal) must also be considered separate governmental contexts with separate rationales that might not be easily reconcilable when merged into one organisation and thus be fuelling some of the troubles that the British migration service has recently been facing. Finally, whilst other government or private actors do not feature here they will nevertheless be considered in our study if and where they contribute to internal immigration law enforcement. This paper is as much sketching some state-of-the-art as it raises empirical and theoretical questions that are aimed to be addressed by the project.

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