COUNTRY REPORT

UK

Undocumented Migration

Counting the Uncountable. Data and Trends across Europe

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CLANDESTINO

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CLANDESTINO

Undocumented Migration: Counting the Uncountable

Data and Trends across Europe

This interdisciplinary project is a response to the need for supporting policy makers in designing and implementing appropriate policies regarding undocumented migration. The project aims (a) to provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries, (b) to analyse these data comparatively, (c) to discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use, (d) to propose a new method for evaluating and classifying data/estimates on undocumented migration in the EU. Twelve selected EU countries (Greece, Italy, France and Spain in southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe; Poland, Hungary, Slovakia and the Czech Republic in Central Eastern Europe) are under study in this project. Three non EU transit migration countries used as key 'stepping stones' by undocumented migrants en route to the EU, notably Turkey, Ukraine and one Maghreb country, are also analysed. Where relevant, the project considers the factors affecting the shift between legal and undocumented status among migrant populations. The project work programme is complemented by two regional workshops with policy makers and academics, 12 fieldvisits each resulting in a series of meetings with key policy actors, NGOs and journalists working on migration in each of the EU countries studied. The CLANDESTINO database on irregular migration in Europe, the Project reports and Policy Briefs are available at: http://clandestino.eliamep.gr

Each country report reviews all relevant data sources on irregular migration (e.g. apprehended aliens at the border or in the inland, expulsion orders, people registered through health or other welfare schemes for undocumented immigrants, municipal registers, statistical estimates from national and European statistical services), assesses the validity of the different estimates given and where appropriate produces a new estimate for the year 2008 for the country studied. The country reports cover the period between 2000 and 2007 and the last year for which data or estimates were available when the study was finalised in 2009, notably in some countries 2007 and in other countries 2008. This quantitative analysis is complemented by a critical review of qualitative studies and by interviews with key informants with a view to exploring the pathways into and out of undocumented status in each country. It is noted that the non-registered nature of irregular migration makes any quantification difficult and always produces estimates rather than hard data.

The Hellenic Foundation for European and Foreign Policy (ELIAMEP) is the coordinating institution of the CLANDESTINO consortium. CLANDESTINO Partners include the International Centre for Migration Policy Development (ICMPD) in Vienna, the Hamburg Institute of Economics (HWWI), the Centre for International Relations (CIR) in Warsaw, the COMPAS research centre at the University of Oxford, and the Platform of International Cooperation on Undocumented Migrants (PICUM) in Brussels.

The Centre on Migration, Policy and Society (COMPAS) at the University of Oxford is a research centre funded by the Economic and Social Research Council (ESRC). Its mission is to conduct high quality research in order to develop theory and knowledge, inform policy-making and public debate, and engage users of research within the field of migration. Since 2003 COMPAS has established an international reputation for original research and policy relevance. It has undertaken a strategic programme of multi-disciplinary social scientific research, publication and dissemination, events, knowledge transfer and user engagement activities with a broad set of academic and non-academic users in the UK and abroad. The work of COMPAS during its second term, 2008-2013, will continue to tackle the issue of migration, with projects centring around four main themes: The Dynamics of Migration; Migrants and Labour Markets; Migration, the State and Governance, and Migrants, Civil Society and Everyday Life. Under the Directorship of Professor Michael Keith, COMPAS

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Part I: Setting the frame

1. The regular migration framework

Policies and Data

Until the 1960s and early 1970s, the UK hardly sought to regulate immigration flows from the Commonwealth countries. By the introduction of new legislations, the incumbent government of the Labour administration at the time, as it happened in many other European countries, gradually closed its doors to further immigration. As for instance in Germany, the 'guestworkers' programme was stopped in 1973, however, previous migrants had established themselves and stayed in Germany, which led to an increasing number of family reunification in the following decades. While the late 1980s were more and more characterised by external pressures of refugees from areas of armed conflict, irregular migration became a prominent way of movements into the UK in the 1990s. Regular immigration was fostered by relatively low levels of unemployment and a continuing demand for workers in the UK. Between 1998 and 2007, new legal migration channels for groups of certain characteristics such as highly skilled workers or seasonal workers were introduced and some previous restrictions have been lifted. The expansion of the 'working holiday makers' programme from the Old Commonwealth countries only to almost all Commonwealth countries – which was however abandoned after a sort period - stood for such liberalising tendencies in the light of stimulating effects between economic growth and migration dynamics. In 2004, high migration flows from these new EU Member States were facilitated by policy schemes that fostered the more or less open doors for people form Eastern and Central Europe. It stood in stark contrast with policy regimes towards these new Member States that could be found in the rest of EU. Not as other Member States, the UK enjoyed low unemployment rates and a deficit in the labour force due to constantly rising economic growth. However at the same time, policies in the 1990s up until today were strongly geared towards the reduction of asylum seekers and other 'unwanted' population movements leading to an envisaged managerial approach of regularised migration flows as it was symbolically announce in a White Paper published by the Home Office entitled "Secure, Borders, Safe Havens: Integration with diversity in modern Britain" (Home Office 2002), where the term 'managed migration' was mentioned for the first time.

Traditionally, the United Kingdom was regarded as a country of emigration (see also Graph 1 below) and the need for a systematic recording system was rather seen lax (Coleman 1987, Holmes 1982). General passenger lists were started in 1803, but only for 'driving' travellers, however these, were only enforced on a weekly basis even after a follow-up legislation in 1857 (Carrier and Jeffery, 1953). No immigration policy was existent at that time and until 1876 there was also no requirement for ship' masters to list alien passengers. In 1906, by the aliens Act 1905, immigrants that intend to stay longer than one year were distinguished from other immigrants, and so were all sea voyages recorded from 1908, and air passengers from 1920 onwards. However, the data was only recorded as total including no details about passengers such as the passenger's name or country of origin. Parliamentary and other official reports drew attention to this lack of statistics. As consequence, milestones were set by the introduction of the Aliens Registration Act 1914, the Aliens (Registration) Act 1919 and the Aliens Order 1920 which provided the basis for the following Immigration Rules (secondary legislation) that fine-tuned the conditions of immigration admission until 1971. Alien became 'foreign citizens' and

may not enter the country without 'leave', i.e. permission, of an Immigration Officer.[1] This required such foreign citizens to fill in a landing and embarkation cards. These two documents were the basis for statistics that were ever since published by the Home Office. In 1971, short visits and foreign citizens that intend to settle were differentiated. The latter were again subdivided into groups of "work", "marriage" or "dependents". The term "alien" or "foreign citizen" did not apply for residents of the dominions, colonies and dependencies of the UK. These were "British subject", which were not subject to immigration control, i.e. unrecorded by the Home Office. However, this has changed with the 1962 and 1968 Acts, and most significantly with the Immigration Act 1971 which equalised the control of Commonwealth and foreign citizens.

In 1961, the Board of Trade started a survey known as the International Passenger Survey (IPS) that simply recorded arrivals and departures. This survey and the Control of Immigration Statistics published by the Home Office are the two major sources for regular migration in the UK. However, the recording systems were often criticised or as Holmes put it as "not always possess a copper-bottomed quality" (Holmes 1982: 8). In 2004, the National Audit Office evaluated in a report that "asylum data and statistics are in most respects reliable including the Home Office's reporting", however admitted that there are "several weaknesses in the process of compiling the statistics and in their presentation (National Audit Office 2004).

The main data sets are:

- International Passenger Survey (see below for more details)
- Population Census (see below for more details)
- Annual Home Office's "Control of Immigration: Statistics United Kingdom"
- Annual Labour Force Survey (LFS)
- Statistics from the Department of Social Security

The methods of data collection vary for each data set, which makes the comparability and analysis inconsistent. The population census covers the country of birth, but does not include the immigration status, while the, the Home Office's immigration control figures and IPS records only annual inflow of people and does not indicate the status or size of the foreign population in the country.

Flows

Non-European immigration can be subdivided into several periods, which can be at the time categorised according to its areas of origin. In 1948, the steamship 'Empire Windrush' arrived at the British shore and symbolised the beginning of post-war post-World War II Caribbean immigration. Between 1948 and 1976, the Black Caribbean immigrant population in the UK grew up to 500,000 people. The second period is dominated by Asian mass immigration, which began in the late 1950s, approximately 10 years later. Indian, Pakistani and Bengali immigration grew constantly until the 1960s and continued on such high levels up until the 1970s, reaching over one million people at the end of the 1970s. A third period was characterised by the arrival of Asian population from African states that newly acquired independence from British hegemony. Having gained independence, Kenya (1963), Malawi (1964) Uganda (1962) and Tanzania (1961, 1964) expelled most of their Asian population so that by 1981, 155,000 Africans Asians had immigrated to the UK. Other immigrant populations were Chinese, West Africans countries such as Nigeria, Gambia, Ghana, Sierra Leone *et cetera*, but also Cyprus, which was likewise under British control until 1960, as well as Somalis. A

[1] The word 'leave', which usually has a different meaning in everyday language as in 'departing', inherits in this legal context the meaning of 'permission' or 'let remain'.

substantial proportion of those migrants were refugees or internally displaced persons who suffered from ethnic or religious discrimination. In the early years, the UK had rather a laissez-faire approach towards migrant workforce for its post-war economic development. However, this attitude changed by an economic decline that the UK experienced and therefore first immigration restrictions in 1962, 1968 and 1971 were introduced.

As regarding migration flows, net migration, i.e. the balance of emigration and immigration, became positive as late as 1983. And even then the annual gain was low and net migration turned negative in 1988 and 1992. The turning point took place in 1994, while the most dramatic increase took place between 1997 and 2006 when there was a positive net migration flow of 1.623.000 persons. Table 1 allows a closer look on the most recent figures available.

Table 1: Net Migration 1997 – 2006

Year	Inflow	Outflow	Net Migration
1997	327.000	279.000	48.000
1998	391.000	251.000	140.000
1999	454.000	291.000	163.000
2000	479.000	321.000	158.000
2001	479.000	306.000	173.000
2002	513.000	358.000	155.000
2003	508.000	361.000	147.000
2004	586.000	342.000	244.000
2005	563.000	359.000	204.000
2006	591.000	400.000	191.000
TOTAL	4891.000	3268.000	1623.000

Source: Official Papers, Control of Immigration Statistics UK, 1995-2006.

The sudden rise in 2004 is related to the 2004 EU enlargement. From the eight accession countries of eastern and central Europe, the numbers of passenger arrivals almost doubled from 677,000 in 2003 to 1.29 million arrivals in 2004. The most significant increase can be observed between the second (262,000) and third quarter (602,000) (ONS 2005b). A total of 232,000[2] persons form EU-8 countries registered with the Workers Registration Scheme (WRS). This figure increased to 345,000 by the end of 2005 (Home Office 2006a). The numbers of the countries of origin were as follows (Table 2). Nevertheless, the majority of these applicants of the WRS only stayed for a short period of time, most of them in fact stayed for one month (Association of Labour Providers 2005) and an approximated 30 per cent of workers were working 'off the books' since they never registered themselves, i.e. irrespective from the immigration status, these workers became 'informal workers'.

[2] There is a difference between the total number and the number listed in the table due to people having registered multiple times.

Table 2: Countries of origins registered with the WRS in 2004

Country	Numbers (Total)
Poland	131,290
Lithuania	33,775
Slovakia	24,470
Latvia	16,625
Czech Republic	14,610
Hungary	6,900
Estonia	3,480
Slovenia	250

As to flows of asylum seekers, most recent official statistics published by the Home Office has indicated that excluding dependants, the number of asylum applications received by the UK in 2006 was 23,610, 60,520 less than in 2002 when there were 84,130. The number has decreased drastically at a constant rate (Table). Between 2000 and 2002, asylum applications rose to its peak caused by an increasing number of arrivals from Democratic Republic of Congo, Iraq, Sierra Leone, Somalia, Zimbabwe and other counties (Table 3).

Table 3: Most relevant countries of origin in terms of asylum applications[3]

	1998	1999	2000	2001	2002	2003	2004	2005	2006
Afghanistan	2,395	3,975	5,555	8,920	7,205	2,280	1,395	1,580	2,400
Algeria	1,260	1,385	1,635	1,140	1,060	550	490	255	225
China	1,925	2,625	4,000	2,390	3,675	3,450	2,365	1,730	1,945
Dem. Rep. Congo	660	1,240	1,030	1,370	2,215	1,540	1,475	1,080	570
Eritrea	345	565	505	620	1,180	950	1,105	1,760	2,585
India	1,030	1,365	2,120	1,850	1,865	2,290	1,405	940	680
Iran	745	1,320	5,610	3,420	2,630	2,875	3,455	3,150	2,375
Iraq	1,295	1,800	7,475	6,680	14,570	4,015	1,695	1,415	945
Pakistan	1,975	2,615	3,165	2,860	2,405	1,915	1,710	1,145	965
Romania	1,015	1,985	2,160	1,400	1,210	550	295	115	75
Serbia & Montenegro	7,395	11,465	6,070	3,230	2,265	815	290	155	70
Sierra Leone	565	1,125	1,330	1,940	1,155	380	230	135	125
Somalia	4,685	7,495	5,020	6,420	6,540	5,090	2,585	1,760	1,845
Sri Lanka	3,505	5,130	6,395	5,510	3,130	705	330	395	525
Turkey	2,015	2,850	3,990	3,695	2,835	2,390	1,230	755	425
Zimbabwe	80	230	1,010	2,140	7,655	3,295	2,065	1,075	1,650
Total of Applications (including all nationalities)	**46,015**	**71,160**	**80,315**	**71,025**	**84,130**	**49,405**	**33,960**	**25,710**	**23,610**

Source: Control of Immigration Statistics UK, 1995 - 2006

[3] Anonymous informant from the UK BA confirmed that annually 2,500 - 3,000 are 'in-country asylum applications'. These applicants do not make their application at the border, but they have already entered the UK and make their application at a later point in time. It was stated that the majority of this group of applicants have entered 'illegally'.

Stocks

As regarding the migration stock, the Home Office in 2001, reported 4.9 million people, which was 8.3 per cent of the total population of the UK (58.7 million), were born outside the UK (Hansen 2000, ONS 2001). Comparing it with the foreign-born population in 1951, the number has almost doubled as the percentage amounted only to 4.2 per cent of the total population. Notably, close to a third of the total immigrant population living in the UK arrived during the last decade reiterating the increases in immigration through the newly created channels over this period as mentioned above (Kempton 2002). Slightly over 10 per cent of the population, in total number 5.75 million people including Irish people, indicated to have community roots outside of Britain (Parekh 2000: 372). Such 4.9 million people were defined as 'belonging to ethnic groups 'other than white' (ONS 2001), however, from those people 'belonging to ethnic groups' nearly 50% were estimated to be born in the UK (Commission for Racial Equality 1995: 1), which means that these people were not counted into the category of foreign-born population. It therefore leads to the assumption that the size of the people belonging to an ethnic minority is somewhat imprecise.

As shown in the table 4 below, overseas-born population may not related to specific ethnic origins, in fact overseas-born people having a White ethnic background are the most diverse group regarding their countries and continents of origin. 21 per cent of this group were born in the Republic of Ireland and 41 per cent were born scattered over Europe. But also, a substantial proportion of overseas-born White people were born in Asia, which accounts to 11 per cent. Other continental origins are North or South America (11 per cent), Africa (10 per cent) and Oceania (6 percent).

Table 4: Population by ethnicity 2001[4]

Ethnicity	Number	Born overseas	% of total population	% of all ethnic minorities
Total population	**58,789,194**	4,900,000	100	
White[5]	**54,153,898**		92.4	
- Irish	691,000		1.0	
All ethnic minorities	**4.635.296**		7.9	
Mixed	677,117		1.15	11.0
All black	1,148,738		1.95	
- Black Caribbean	565,876	238,000	1.0	13.6
- Black African	485,277	322,000	0.9	12.9
- Black Other	97,585		0.1	1.5
All Asian	2,331,423		3.97	
- Indian	1,053,411	570,000	1.7	21.7
- Pakistani	747,285	336,000	1.3	16.7
- Bangladeshi	283,063	152,000	0.5	6.1
- Chinese	247,403	176,000	0.42	4.2
Other Asian	247,664		0.4	4.7
Other ethnic	230,615		0.39	7.4

Source: Census 2001 (http://www.statistics.gov.uk/)

[4] The Home Office still refers to these numbers as being the most accurate ones available (http://www.statistics.gov.uk)

[5] There are no further categories for the 'White' ethnic group. Distinct backgrounds such as East, South-East and Central Europeans, such as Poles, Russians, citizens from the Baltic republics, citizens from former Yugoslavia, Hungarians, or Turks and Cypriots were not separately indicated.

Ethnic minority populations are mostly concentrated in the large urban centres. Some 45 per cent of the total ethnic minority population lived in London where they made up 29 per cent of all residents. 13 per pent of the ethnic minority population were living in the West Midlands, 8 per cent the South East, also 8 per cent in the North West as well as Yorkshire and the Humber 7 per cent each. 1.6 per cent of the Scottish population were from an ethnic minority in 1999. Sub-dividing the different major ethnic minority groups, one can find high variations. A substantial majority of Black Africans (78 per cent), Black Caribbeans (61 percent), Bangladeshi (54 per cent) lived in London. Especially the Pakistani population showed a quite weighted dispersed concentration as only 19 per cent of Pakistanis resided in London, 21 per cent lived in the West Midlands, 20 per cent in Yorkshire and the Humber, and 16 per cent in the North West. An overall view of a ranking of nationalities living in the UK in 2004, can be derived from Table 5.

Table 5: Foreign nationals living in the UK, largest twenty-five groups in 2004

Rank	**Nationality**	**Number in UK**	**Per cent**
1	Ireland	368000	12.9
2	India	171000	6.0
3	USA	133000	4.7
4	Italy	121000	4.2
5	Germany	96000	3.4
6	France	95000	3.3
7	South Africa	92000	3.2
8	Pakistan	86000	3.0
9	Portugal	83000	2.9
10	Australia	80000	2.8
11	Zimbabwe	73000	2.5
12	Bangladesh	69000	2.4
13	Somalia	60000	2.1
14	Former Yugoslavia	54000	1.9
15	Philippines	52000	1.8
16	Turkey	51000	1.8
17	Netherlands	48000	1.7
18	Poland	48000	1.7
19	Jamaica	45000	1.6
20	Former USSR	44000	1.5
21	Nigeria	43000	1.5
22	Spain	40000	1.4
23	Greece	37000	1.3
24	Canada	37000	1.3
25	Iran	36000	1.3
All foreign nationals		2,857,000	100

Source: Adopted from Vertovec (2006)

In Parekh (2000), numbers of religious faiths are divided in 37 million Christians of which 26.2 million are Anglican or Episcopalians, 5.7 million Roman Catholics, 2.6 million Presbyterians, 1.3 million Methodists, and 500.000 belong to Pentecostal and Holiness Churches communities. Further religious groups are Muslims (1.55 million), Hindus (550,000), Sikhs (330,000), Jews (260,000) and Buddhists (144,000). Numbers demonstrate that the UK is more culturally diverse than ever before – Vertovec (2006) denoted an emerging ‘super-diversity’.

There exist around 85 different immigration categories, each with specific rights, conditions and possible restrictions. The three major immigration categories are the European Economic Area (EEA) and Swiss nationals, EU-8 nationals[6], and non-EU/non-EEA nationals, while non-EU nationals are split up into sub categories on the basis of the individuals' purpose of their entry into the UK. Such purposes or reasons for entering range from reunification with family members, business, labour migration to studying, asylum seeking or seeking to enter as a au pair or as a tourist. Then again labour migrants subdivided into work permit and permit-free categories. Depending the profession or level of skills, workers are categorised accordingly. For instance overseas domestic workers and agricultural workers are limited to certain quotas. The labour migration systems and its underlying regulations are highly sensitive to the ongoing and forecasted economic performance of the country, which results in a constant change of such regulations. Latest channels were created in certain work 'programmes' designed for specific groups. The 'Highly Skilled Migrant Programme' offers non-EEA nationals opportunities to obtain an entry leave for seeking work without being recruited by an UK employer beforehand. This is based on a point-system regarding criteria such as qualifications (degree, experience, English language skills), previous earnings, age *et cetera.* The second programme is the so-called 'Seasonal Agricultural Workers' Scheme' was designed for non-EEA nationals with low skills who were allowed to do seasonal agricultural work - quota applied. Working Holiday Makers' Scheme allowed Commonwealth citizens aged between 17 and 30 to work during an extended holiday (up to two years) as long as this work was considered as 'incidental' to the holiday. Two-thirds of these 'holiday-workers' are from the 'Old Commonwealth', while a substantial number of these workers are from Ghana, India and Malaysia (Salt, 2006: 86). Another programme, the 'Sectors-Based Scheme', started in May 2003 when shortages in lower skilled occupations were identified, for instance in the sectors of food processing and hospitality. Ongoing channels are the groups of 'domestic workers' who are allowed to work with their employer or in a private household to the UK (usually for 12 months), which needs to be registered with the Home Office. Likewise, students have the right to work for a limited number of hours.

Overall, the evident majority of migrants are temporary migrants, which include work permit holders, migrants under the Workers Registration Scheme as well as students and au pairs (Table 6). Notably, in the beginning of May 2004, nationals of the A8 countries of Central and Eastern Europe –having joined the European Union - were granted the right to work under the condition of a formality only, which was to register with the Worker Registration Scheme.

Table 6: Immigrants in the UK by immigration status (latest numbers)

All immigrants/foreign nationals (1960 – 2006)		3,420,770
Work Permit holders incl. dependants (2006)		145,120
Workers Registration Scheme (2004-2006)		299,055
Seasonal Agricultural Workers Scheme (SAWS) (Quota: 2007)*		16,250
Sectors Based Schemes (SBS) (since 2007, for Romanians and Bulgarians only) (Quota, 2007)**		3,500
Highly Skilled Migrant Programme (2005)***		17,600
Domestic workers (Quota)		12,500
Working holiday-makers (2006)		43,700
Au pairs (2006)		1,800
Students (2006)		309,000
Husbands, wives and children (probationary year, 2006)		47,100
Refugees	Refugees, exceptional leave to remain incl. dependants (1996-2006)	184,210
	Asylum applicants awaiting decision in 2006	****30,010

[6] Poland, Hungary, Lithuania, Estonia, Latvia, Slovakia, Slovenia, Czech Republic.

Source: Control of Immigration Statistics UK 2007, otherwise indicated; Author's compilation
* Hansard, House of Commons, 23.4.2007, Vol. 18, col. 974W.
** Official Papers, HL Paper 82-I.
***http://www.hsmp-services.co.uk; Salt and Millar (2006)
****Application received (23,610) plus cases awaiting decision (6,400)
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1.1. "Illegality" in UK laws and regulations

The section predominantly refers to the changes in primary legislations, which explicitly changed the range of offences that lead to an 'illegal' status (see Table 7). Only some secondary legislations[7] as well as judicial cases will be considered. The objective of controlling ports of entry and its underlying principle of 'the British sovereign state shall not be fooled' epitomises the past decades of immigration legislations and regulations. Lastly, the main categories of 'illegality' will be briefly summarised.

Notably, UK law does not explicitly distinguish between 'illegal entry', 'illegal residence' and 'illegal work'. Many EU Member States follow this distinction in their legal codes and therefore the CLANDESTINO definition was adopted accordingly. The CLANDESTINO project (see introduction of the CLANDESTINO's final report) focus on 'illegal residence' as this category is most relevant for estimating the stock of an irregular migrant population. However, the legal as well as judicial term that has become an 'umbrella-category' for people in the UK who do not comply with immigration law and regulations is 'illegal entrant'. Through new legislation this category gradually equated immigration offences. For example when a person is apprehended and convicted as such at the port of entry. The same applies when a persons is in breach with his or her "leave to enter", which specifies the conditions of entering and staying in the country. These conditions may concern restrictive working conditions, limited length of staying etc., which the person can be in breach with and thus the person could be deemed as 'illegal entrant' (see also Clayton 2006). The below sections will elaborate on this furthermore.

Chronology 1971-2007
For decades, 'illegality' was almost exclusively regulated by the Immigration Law 1971. Couper and Santamaria (1984) reviewed the origins of immigration control in UK and refer to the first piece of legislation in 1905, the Alien Act, which symbolically and among other things was designed to protect the British from 'undesirable aliens'. The Aliens Order 1914 granted exceptional powers to the Home Secretary; the Aliens Order 1920 introduced additional powers for Immigration Officers; the Commonwealth Immigration Act 1962, made such powers likewise applicable to Commonwealth citizens who until 1962 under the British Nationality Act 1948 were not subject to immigration control; the Commonwealth and Immigration Act 1968 refined checks and controls on Commonwealth citizens. The first legal definition of the term 'illegal entrant' followed by the Immigration Act 1971 and section 33 clarified that "a person unlawfully entering or seeking to enter in breach of a deportation order of the immigration laws and includes also a person who has so entered".

A crucial reinforcement and first major legislative change – which is however not listed in the below table (Table 7) since it did not create a new offence but created an externalised control mechanism - was the Immigration (Carriers' Liability) Act in 1987. This new statute aimed at improved control and restricted the entry to the UK by imposing fines on all carriers who transported people to the UK

[7] Primary legislation are statutes, i.e. Acts of Parliament, while secondary legislation are 'commanded' by the Secretary of the State – underlying minimal parliament scrutiny – and coordinate the statutes' fine-tuning.

without the appropriate documentation. Effectively, this shifted sovereign powers to employees of airline and shipping companies, which were made responsible to detect anyone travelling with the false or no travel documents.

The Asylum and Immigration Appeals Act 1993, which came into force on the 26 July 1993, removed the right of appeal from those people seeking to come as visitor and short term students (section 1), however, it provided a definition of a claim of asylum and granted asylum seekers a right to remain in the country pending appeals (section 6). It amended the appeal process by abbreviating the process in cases which are certified to be without foundation, so-called 'fast-track' or accelerated appeals process (section 8 and sch.2, para. 5).

The Asylum and Immigration Act 1996 received royal assent in July 1996. It aimed at a faster handling of asylum seekers and therefore a 'fast track' procedure was introduced (amending Asylum and Immigration Appeals Act 1993, sch 2, para. 5) as well as a list of designated countries where "in general no serious risk of persecution" appeared to exist (sch 2, para. 5 as amended).

The Asylum and Immigration Act 1999 changed the British immigration law as regards irregular immigration substantially. It increased the penalties of 'illegal entry' and similar offences that regulated obtaining leave to enter or remain by means of deception including means by another person. This expanded 'illegal entry' to the capacities of third parties, which could facilitate the entering by deception.

The Nationality, Immigration and Asylum Act 2002, did try to 'improve' existing instruments as well as to introduce new provisions with regards to the Act 1999. The Act 2002 increased likewise the carriers' liability fines to £ 4,000 per stowaway and an additional 'authority to carry scheme' in order to put some more pressure on airlines (section 124).

The Asylum and Immigration (Treatment of Claimants) Act 2004 counts 50 sections and deals principally with a new appeal system, but also with removal and detention as well as further immigration offences and further enforcement power such as the power to arrest persons. But specifically, it aimed at preventing the practice of destroying identity or travel documents. It was an offence to attend an asylum interview without a passport or similar document (section 2) unless it is produced in a three days period after the interview (section 2(3)(b)). In addition, new offences were introduced such as (1) the assistance of unlawful immigration that applies also for citizens form EU member states; (2) immigration documents (as distinct from passports) were added to the Forgery and Counterfeiting Act 1981; (3) and trafficking into, within or out of the UK.

On 22 June 2005, the Immigration, Asylum and Nationality Bill was introduced in the House of Commons. Most provisions in the Bill concerned the tightening of enforcement powers either though Immigration Officers or higher sanctions in employers. Clause 23 extended the power of allowing Immigration Officers to retain passports or other documents 'for any purpose' until it was decided upon the 'leave to enter'. Clauses 11-16 set out a new scheme for a civil penalty for employers who give work to 'illegal entrants', including overstayers or any sort of breach of their conditions. It intensified the sanctions for a criminal offence for employers, which was already given by section 8 of the 1996 Act. This new offence will also be punishable by a period of imprisonment as well as a fine.

Subsequent legal issues surrounded mostly the sophistication of technologies that were developed to advance immigration surveillance systems as well as the empowerment of 'border guards'. Lastly, the

UK Border Act 2007 did not change the condition of paths into 'illegality', but it changed the modalities of the 'UK Border' concerning specific powers and practices (such section 5-15 specifying biometric registration procedures or section 32-39 specifying the deportation of criminals). The Act 2007 likewise inherited major institutional changes as this will be elaborated in more detail below.

Most recently, 'The Criminal Justice and Immigration Act 2008' received Royal Assent on 8 May 2008. It included further, but relatively politically uncontroversial, immigration provisions. However, another Bill currently in drafting stage, which is planned by the government that it will be introduced in January 2009, is the draft (partial) 'Immigration and Citizenship Bill'[8]. This draft Bill is partial, i.e. incomplete, but the areas that were included at this stage and which may touch on 'illegality', were: further regulations of entry and stay; immigration powers to examine individuals; immigration powers to detain and bail; immigration offences; illegal working.

The following table 7 summarizes single legal provision that can be in breach with a person's migratory conduct, thus leading to an offence. The below table distinguished between offences that could be committed by the migrant him/herself and offences that could be committed by 'third parties', i.e. facilitators of irregular migration. For reasons of completeness, offences regarding trafficking or employers being engaged with 'illegal work' or serious criminal offences were also included.

Table 7: Overview of immigration offences according to UK law

Act and section	In breach with/ Offence committed
From 1971	
Immigration Law 1971 - 24(1)(a)	i.) Entering the UK in breach of deportation order ii.) Entering the UK without leave
Ibid - 24(1)(b)(i) and 24(1)(c)	Overstaying time limit of leave as indicated by the Immigration Officer
Ibid - 24(1)(b)(ii) and 24(1)(d)	Failure to observe conditions of leave – for instance if the leave's condition is attending a course in an educational institution and the her/his attendance was seen as poor (see *Kan Zhou v. SSHM*)
Ibid - 24(1)(e)	Failure to observe restrictions under Schedule 2 or 3 - as in failing to report to police or an Immigration Officer regarding residence
Ibid - 25(2)	Knowingly harbouring an illegal entrant or person who is in breach of the conditions of his leave
Ibid - 26(1)(a) and (b)	Refusing to submit to an examination; refusing to produce documents; withholding information to an Immigration Officer or Medical Inspector
Ibid - 26(1)(c)	Deceiving - making false statements to an Immigration Officer
Ibid - 26(1)(d)	Deceiving - having possession of forged passport or other documents; or without authority altering documents such as overwriting the conditions or applicable dates
Ibid - 26(1)(f)	i. Foreign nationals failing to register with police or to produce documents *et cetera* ii. Failing to keep records of persons staying at hotels *et cetera* iii. Failing to supply necessary information when staying at hotels *et cetera* iv. Other offences in connection with police registration such as having effect or generally prejudices the given leave to enter or remain
Ibid - 24(1)(f) and (g) 26(1)(e), (g) and 27	Further offences such as disembarking in the United Kingdom from a ship or aircraft after the person were placed on board in process of her/his removal from the United Kingdom
From 1999	
Ibid - 24(A) - Immigration and Asylum Act 1999, Section 2, replacing Immigration Law 1971, section	Seeking leave to enter or remain or postponement of revocation by deception – i.e. hindering the immigration officers' work that might lead to a

[8] www.ukba.homeoffice.gov.uk

24 (1) (aa)	refusal of entry or removal
From 2002	
Ibid - 26(A)(3)(a)(b)(d)(e)(f)(g) and 26(A)(3)(c)(h)(6) - added by Nationality, Immigration & Asylum Act 2002, Section 148	Making/possessing false registration card – i.e. ranging from producing registering card having the intent to deceive or to enable another person to deceive, or the mere possession without reasonable excuse
Ibid - 26(B) - added by the Nationality, Immigration & Asylum Act 2002, Section 149	Immigration stamp offences – Altering of faking a stamp in the immigration documentation
Nationality, Immigration & Asylum Act 2002 - 54	Withholding or withdrawal of support - Provision for support to be withheld or withdrawn in certain circumstances. Person to whom this paragraph applies shall not be eligible for support or assistance under provisions ranging from articles in the Health Services and Public Health Act 1968 concerning welfare of elderly, to Children Act 1989 concerning the welfare and other powers which can be exercised in relation to adults
Ibid - 106(5)	Failure to attend before an adjudicator or the Tribunal, or failing to give evidence or to produce a document
Ibid - 136(3) and 137(1)	Without reasonable excuse failing to provide the Secretary of State with the information specified in the 'Notice' and its formalities of handing this notice in according to the manner in which it is to be provided, the period of time within which it is to be provided (no longer than ten working days) *et cetera*
From 2004	
Asylum and Immigration Act 2004 – 2(1)(9)	Being unable to produce an immigration document at a leave or asylum interview in respect of her/himself
Ibid - 2(2)(9)	Being unable to produce an immigration document at a leave or asylum interview in respect of a dependant child
Ibid - 35(1)(3)(4)	Failure to comply with a requirement to take specified action as the Secretary of State required
From 2006	
Immigration, Asylum and Nationality Act 2006 – 21	Knowingly or unknowingly employing a migrant who does not have permission to work

Immigration offences committed by a 'third party' according to UK law	
Act and section	**In breach with/ Offence committed**
From 1996	
Immigration Law 1971 - 25(1)(a) (3) – amended by Asylum and Immigration Act 1996, Section 5	Knowingly facilitating the entry of an 'illegal entrant' – A third party of actors is involved such as smugglers
Ibid - 25(1)(b) (3) - Immigration Law 1971 amended by Asylum and Immigration Act 1996, Section 5	Knowingly facilitating the entry of an asylum claimant or having reasonable cause for believing that entry might be facilitated to an asylum claimant
Ibid - 25(1)(c) (3) - Immigration Law 1971 amended by Asylum and Immigration Act 1996, Section 5	Knowingly facilitating leave to remain of persons by means of deception - A third party of actors that provides forged documents to a person for instance
From 2002	
Immigration Law 1971 - 25 - added by Nationality, Immigration & Asylum Act 2002, Section 143	Assisting unlawful immigration – A third party that knows or has reasonable cause for believing that she/he facilitates the commission of a breach of immigration law by another individual who is not a citizen of the European Union, while the term 'immigration law' refers to laws which has effect in a member State and which controls 'migration' of persons who are not nationals of the member State in question
Ibid - 25(A) - added by Nationality, Immigration & Asylum Act 2002, Section 143	Helping asylum seeker to enter the UK –'asylum-seeker' is meant inter alia by a person that might intend to claim that to remove him from or require her/him to leave the United Kingdom would be contrary to the United Kingdom's obligations under the Refugee Convention or the Human Rights Convention
Ibid - 25(B) - added by Nationality, Immigration & Asylum Act 2002, Section 143	Assisting entry to UK in breach of deportation or exclusion order – i.e. facilitating an 'illegal' re-entry into the UK
Ibid – 145	Trafficking in prostitution – A serious offence that addresses an involved third party, i.e. traffickers.

From 2004	
Asylum and Immigration Act 1996 8&6 (7) - amended by Asylum and Immigration Act 2004, Section 35	Employing a person aged 16 and above subject to immigration control – Addressing a third party in this case employers who are engaged with employing people leading to a breach with their immigration status
Ibid - 4(1)(5), 4(2)(5), 4(3)(5)	Trafficking people into the UK for the purpose of exploitation – complementing the section 145 above

Most relevant categories of *'illegality' - Illegal entrants*

Originally, the Immigration Act 1971 distinguished between those categories of persons who are subject to immigration control and those who were not, i.e. between people who have or have not the 'right to abode' (or do not need to obtain permission), also referred to 'partials and non-partials' respectively. If such a status of 'entering without leave' may be produced, immigration law has been breached according Immigration Act 1971, Section 3, which says:

"Except as otherwise provided by or under this Act, where a person is not a British Citizen (a) he shall not enter the UK unless given leave to do so in accordance with this Act."

In essence, it can be assumed that all immigration *per se* is prohibited, unless it is explicitly permitted; all migration that is not permitted can be denoted as 'illegal'. As amended by the Asylum and Immigration Act 1996, section 2 para. 4, a person subject to immigration control is required to obtain leave to enter the UK. Section 33 (1) of the Asylum and Immigration Act 1996 defines an "illegal entrant" as a person

1) unlawfully entering or seeking to enter in breach of a deportation order, or of the immigration laws,
2) entering or seeking to enter by means which include deception by another person.

Section 24 created the offence of 'illegal entry' and other generic offences, while section 25 made it an offence to assist 'illegal entry' and to harbour 'illegal entrants'. Section 26 provided that those who fail or refuse to comply with certain administrative directions under the Act 1971 were liable to prosecution.

As section 33 (1) defined an 'illegal entrant', deception is one of the major categories. The fine-tuning of deception was achieved by section 2 para. 4 (b) that says "deception by another person". By this section deception can take the form of use of false documents irrespective from the person's knowledge. If the person does not know about the falsity of the document, another third party must have been involved, which would be in breach with section 33(1) para. (b), and therefore 'illegal entry' is at stake.

Other "means of deception" as the crucial phrase the section in the Asylum and Immigration Act 1996 says, is by silence. If a person says nothing when they are being questioned, it may be due to concealing facts. If this is the case, the person could be deemed as an 'illegal entrant'. In *R v SSHD*[9], a person was granted a leave to enter for two years on the basis for studying and under condition that the person would not work. The person re-entered the country at later point in time and made a false, 'silent presentation' and therefore 'silently deceived' the authorities breaching the Asylum and Immigration Act 1996, section 26 (1) (c), i.e. 'illegal entrant'. Further qualifications apply as immigration officers need to differentiate between 'wish' and 'intention' by the person, which again

[9] *R v Secretary of the State for the Home Department es p Kuteesa* [1997] Imm AR 194.

may affect the immigration offence at stake. A newer form of deception established in 2005, is to be in no or temporary possession of travel documents, i.e. passport or similar identification documents (see *R v Bei Bei Wan))*[10].

Breaking conditions of 'Leave to Enter'- Overstaying

The Immigration and Asylum Act 1999 (section 10), becoming effective on the 2 October 2000, made overstayers *per se* liable to removal. Provisions of this kind were already made in the 1971 Act, such as section 24 (1)(b)(i) and (1)(c), however, legal provisions were tightened. Not only when entry at port was refused, but also people overstaying their leave irrespective from the length of stay were liable to removal by this new provision. Before this legislation a person who overstayed or breached their condition of their leave, however resided in the country for a given period and made their living, were treated differently form 'illegal entrants' who were apprehended at the port of entry. This rationale became obsolete with the principle of 'entry by deception' (see above) deeming overstayers as 'illegal entrants'.

Significantly, cases such as *R v IAT*[11], suggested that persons who break the condition of temporary admission by overstaying, did factually annihilate their 'entry status' and therefore were held as an 'illegal entrant'. As to the Master of the Rolls put it "so long he obeys the conditions he is not an illegal entrant; indeed, he is not an entrant at all. But his right to be here is conditional and a breach of conditions, in my view, destroys the statutory presumption that such a person has not physically entered. […] And in those circumstances, as I understand the Act, he becomes an illegal entrant […] within the meaning of the Act and liable to be treated as such." (Ibid.: 431)

In 2005, this rationale of the *R v IAT*[12] case was revived once more in *Yilmaz v SSHD*[13] where the person claimed not to be treated as 'illegal entrant', since discretion could be exercised in the case of overstaying on the grounds of 'conduct and employment record'. On 16 December 1999 the SEA co-coordinator agreed to proceed to "absconder action" and "detention was a realistic prospect". It was held that the claimant was in the United Kingdom 'illegally' due to his failure to comply with the conditions of his temporary admission.

However, there are some requirements according to the Immigration Rule 1994 that were relevant for the case of overstaying which needed to be reviewed "before direction for removal under section 10 are given" (Official Paper HC 395: para. 395C). Paragraph 346 refers to factors of i) age; (ii) length of residence in the United Kingdom; (iii) strength of connections with the United Kingdom; (iv) personal history, including character, conduct and employment record; (v) domestic circumstances; (vi) previous criminal record and the nature of any offence of which the person has been convicted; (vii) compassionate circumstances; (viii) any representations received on the person's behalf.

After 14 years of residence either regular or irregular, indefinite leave to remain may be granted on discretion of the Secretary of the State as it was the case in *R v S of S, ex Ofori*[14]. Indefinite leave to remain is normally granted if the applicant has ten or more years of lawful continuous residence. But there is no legitimate basis that a long residence, for instance more than ten years irrespective from

[10] *R v Bei Bei Wang* [2005] EWCA Crim 293.
[11] *R v IAT ex p Akhtar* [1993] Imm AR 424.
[12] Ibid.
[13] *Yilmaz v Secretary of the State* [2005] EWHC 1068 (Admin).
[14] *R v S of S, ex Ofor* [1995] Imm AR 34.

being regular or irregular, is a guarantee for a leave to remain. Although a ministerial statement in for instance *Gyeabour (Domfeh)*[15] where an overstayer stayed nearly 11 years, it was held that a person can have legitimate expectations to be allowed to stay.

Conditions of work and additional restrictions

There might also be imposed conditions of staying such as (1) restricted employment or occupation; (2) being able to maintain and accommodate oneself including all dependents without recourse to public funds; (3) registration with the police. *Sabir*[16] established that breaches of such conditions, also having a retroperspective effect, i.e. a breach that has taken place in the past, make a person liable for deportation including the family members of the person. The inclusion of family members was likewise extended to the general offence of 'illegal entrants' by the introduction of the Nationality, Immigration and Asylum Act 2002, section 73 (amending the Immigration Act 1971 by inserting para. 10A).

A rather common pattern is the breach of condition of restricted employment. Restrictions may vary in terms of hours permitted to work per week as for instance in the case of students or au-pairs, as well as in terms of purpose of stay. Sanctions depend on the degree of breach and on the status that was originally granted. Students who work in breach with the condition of leave were also liable to removal. In earlier cases of breaking the condition of prohibited employment, there were often concessions that genuine students do not merit removal. However in *Ex p Amoa*[17], the person was deported since they have seriously broken a prohibition on employment.[18]

Minor breaches of condition as indicated in the leave to enter, can be the unauthorised transfer from one employer to another employer. By this switch of employers, the original 'purpose of stay' would be resolved and therefore a breach of condition would be at stake. The same applies for 'working holiday makers' who are only allowed to work half of their time being in the country. If the person would work more than half of the time of the stay, which is usually two years, the person is in breach with the condition of leave and may be deemed as 'illegal entrant'.

An additional condition is entering for the purpose of marriage. Approximately four years ago, this was rather a matter of deception, since a number of marriages where one partner was liable to immigration controls, were declared as so-called 'sham marriages', i.e. marriages that do allegedly not take place due to reasons of partnership or love, but are purposely arranged for people in order to obtain a regular immigration status in the UK. However, sections 19 - 25 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 addressed and regularised marriage practices, which concerns partnerships where one of the parties is subject to immigration control. This legal provision required the superintendent registrar to be satisfied that the person who is subject to immigration control has an entry clearance granted explicitly for the purpose of marriage in the in the United Kingdom. Thus, the breach of this purpose could deem the person as 'illegal entrant'. Subsequently, on the 1 February 2005, a new scheme came into force in section 19 of the Asylum and Immigration (Treatment of Claimants, etc.) 2004.[19] No longer, marriage confers automatically any immigration benefits. The liable

[15] *Gyeabour (Domfeh)* [1989] Imm AR 94.
[16] *Sabir* [1993] Imm AR 477.
[17] *Ex p Amoa* [1992] Imm AR 218.
[18] In other occasions of detected 'illegal work', it may even lead to detention. Person may have 'only' broken prohibition on employment, however, the conduct that broke the condition on employment may have been possession of false documents in order to obtain work. Thus, on the basis this offence (i.e. false documents), 'illegal working' can lead to a sentence of nine months in prison representing another step towards the criminalisation of irregular migrants (Webber 2008).
[19] Home Office Immigration Directorates' Instructions ch. 1 s. 15.

to immigration controls person would still be required to apply in the standard way for leave to remain as a spouse.

Another pathway into 'illegality' was created by the renewal of Immigration Rules published in September 2006 and taking effect on the 9 October 2006 (Official Papers Cm 6918). Several additional paragraphs were inserted, which had the effect of an expiry of the refugee status if it was once granted. A formerly planned 'Five Year Strategy for Asylum and Immigration' published in February 2005 declared that most categories of immigrants should be subject to a minimum five year residency requirement before becoming eligible for permanent settlement, which also included persons with refugee status (Home Office 2005). With reference to the subsequent Immigration Rules 2006, paragraph 339 was extended by the "revocation or refusal to renew a grant of asylum". Provisions were set out that persons need to proof an array of still existing conditions under which their refugees status was produced the first instance, otherwise person's grant of asylum under paragraph 334 will be revoked or not renewed. Significantly, a person's grant of asylum will be revoked or not renewed if the Secretary of State is satisfied that (1) person is able to return to the country of habitual residence, because the circumstances in connection with which he has been recognised a refugee have ceased to exist (339A, vi), (2) the person has voluntarily re-established himself in the country which he left or outside which he remained owing to a fear of persecution (339A, iv), (3) misrepresentation or omission of facts led formerly to the grant of asylum (339A, viii). In effect, the first status becomes an entry in the first instance and needed to be approved once more, which puts the person another time liable to offences towards the immigration agencies. This assessment sought by the immigration authorities and its implications of reaching a conclusive evaluation represent an additional grey zone of 'illegality'.

Notably, this grey zone has expanded over the years. In *Yassin v SSHD*[20], it was described that asylum seekers has three major options, which are 1) knowingly deceiving UK authorities in the country where the visa is tried to be obtained, 2) acquire a forged visa, 3) stop over in the UK by obtaining an airline ticket to a third country. *Yassin* established that the state wanted to "prevent (the person from) unauthorized entry", hence an offence which was not the case in the present but it was 'expected' to be the case in the future. Likewise, in *Saadi and Others*[21], the *anticipation* by the authorities was sufficient for being in breach with the law. It was stated that "they were detained because there was a risk that they would abscond", and therefore it was decided that detention is necessary. It becomes questionable where 'legality' and 'illegality' starts and where it begins.

Concepts of 'illegality' and 'legality' were elusive in 1984 and are still in 2008. Regulations become more and more complex, and paradoxically have become gradually equated in the category of 'illegal entrant'. The development of police and immigration officers gained ever-more powers in order to prevent irregular migration or 'anticipated' irregular migration. This in the view of a still elusive conceptualisation of 'illegality' in conjunction with a scarcity of rigorous estimations (see part II), may be denoted as a rather precarious framework of policy-making. Some aspects of the political and public discourses, which mobilised such developments of criminalisation as well as the above-elaborated legislative evolutions, will be demonstrated below.

[20] *Yassin v Secretary of the State for the Home Department* [1990] Imm AR 354 at 359.
[21] *R v Secretary of the State for the Home Department ex p Saadi and Others* [2002] UKHL 41.

2. Irregular migration discourses and policies

The general picture of irregular migration in the UK

How many people successfully evade detection and enter the UK, or enter legally and move into an 'illegal' status is unknown (see part II). With reference to various sources (e.g. Cholewinski 2005; Düvell and Jordan 2003), it can be concluded that overstaying and breaking conditions of work restrictions make up the largest proportion of people who could potentially count as irregular migrants in the UK. An overwhelming majority enters legally and subsequently move into an irregular status. The smallest group can be assumed to be clandestine border crossings or people who are travelling with false documents. Although the popular image of the 'illegal migrant' is a person 'invading' the British territory by hiding in lorries, trains, ships, or containers, as it is often depicted by the media, this cannot be found in qualitative and quantitative research. Another distorting factor is the summarising legal category of 'illegal entrants' as demonstrated above, for this purports the image of irregular migrants as being mostly 'illegal invaders'. This might not only have a distorting effect on the public understanding of the phenomenon, but also have an effect on circles of enforcement agencies. According to an officer of the UKBA, it is estimated that more than 75 per cent of all 'illegal' border crossers made their way into the UK by using the assistance of smugglers.[22] This estimation is highly questionable and can be evaluated as an exaggeration.

Regarding proportions of nationalities, there are only tentative indications available, as this will be demonstrated in more detail in part II. Indicative data from detention centres show that the highest ranked nationalities in detention between 2001 and 2006 were Jamaica, Nigeria, Pakistan, China, Turkey, India (in descending order). Even more vague indicators are available for irregular migrants working in certain industry sectors (likewise more elaborately stated in part II).

For long, UK authorities dealt with irregular migration in a rather liberal fashion concerning cases of overstaying and other breaches of conditions such as restricted work. In contrast, and this has roots in the UK traditions of enforcing immigration controls, cases of 'illegal' entry were handled in a much stricter fashion. Nevertheless, this has changed and may change in an even more drastic manner in the near future. Not only due to the introduction of national identity cards for foreigners (see also part III), but also due to rigorous internal controls that were additional designed in order to tackle the issue of 'absconded asylum seekers', overstayers or other offenders of migration law. New enforcement collaborative projects between Metropolitan Police London, the UK Border Agency (UKBA) and other related enforcement agencies were introduced. These were designed to spot, identify and arrest offenders of migration law (see below part III for more details)

Grey zones of enforcement practices that imply certain toleration in some cases do not officially exist. However in the past, cases of 'turning a blind eye' in certain incidences were found at the implementation level of enforcement control. According to Düvell and Jordan (2002) in some incidences during enforcement raids, immigration offences committed by migrants themselves or employers committing an immigration offence by employing migrants illegally, were ignored and such offenders only received a 'warning'. It was argued that such practices were applied for operational reasons facing limited resources. At the time, enforcement agencies worked in accordance with fixed priorities, which may have changed nowadays, since the personnel of enforcement officers has increased substantially and powers were extended likewise. However, there is no new knowledge on revised priorities regarding such operational practices available. And yet, it can be noted that

[22] Anonymous interview with UKBA.

enforcement agencies seem to work towards 'symbolic effectiveness', i.e. towards results, for instance removals, that can be presented to the public.[23] The above-mentioned estimation by an UKBA Officer that 75 per cent of irregular migrants are smuggled into the country underlines such ambitions.

The political and public discourse on irregular migration has changed substantially in the past 10 years. In the late 1990s, the panic over asylum seekers, which started in the beginning of the 1990s due to increasing figures of asylum seekers, was still present and a dominant element in both discourses. Concerns were directed towards the exploitation of the UK's migration regime and asylum seekers were often depicted as 'bogus asylum seekers' or 'economic asylum seekers'. These two terms became established synonyms for irregular migrants. The change that took place at the end of the 1990s was the fortified criminalisation of this population group. The act of breaking migration law became more and more 'criminal' (Düvell 1998; Koser 1998).

The political discourse in particular has made another gradual shift in the beginning of the 21st century. Discourse elements such as security and threat became increasingly dominant. These elements always existed in the political discourse, but by the emerging forces of globalisation and terrorism, these elements became somewhat intensified. Symbolic politics nourished the grossly negative image of irregular migrants, and as demonstrated in more detail below, the media contributed vividly to this overall process of stigmatisation of this particular group. But, at the same time, the public discourse changed likewise to some extent. As represented by an active campaign supporting the regularisation of irregular migrants living in the country (e.g. Strangers into Citizens), civil movements became increasingly louder. No large-scale regularisation programme has ever taken place in the UK, and the Strangers into Citizens campaign calls for an overall regularisation of irregular migrants, while conditions apply. A broad concensus among the public as well as the London authority could be found (see part III).

More specifically, four underlying elements have navigated discourses of irregular migration and immigration controls over the years.

Sovereignty

The issue of the principle of sovereignty concerns the upholding of authority and capacity of governing the UK territory. This includes the organisation of physical as well as metaphysical borders. Combined with the UK's scepticism towards the emergence of the European Union and its partial effect of the erosion of national sovereignty, irregular migration in particular was perceived as to undermine sovereignty. One of such powers is to administer the maze of primary and secondary legislations which regulate migration and aim to prevent irregular migration. The move into such a sensitive political and administrative turf stood for a loss in sovereign capacities, since further EU integrative ambitions led to sharing powers and harmonised policies among Members States. The developments by the Treaties of Maastricht (ratified in 1993) and Amsterdam (ratified in 1999) were important steps towards this sharing of powers since it moved several aspects of immigration and asylum decision-making process to the EU involving the Commission, the European Parliament and the European Court of Justice (Title IV, Amsterdam Treaty). As the EU combined the endeavours of economic integration and the free movement of people, the UK developed a rather reluctant stance towards this venture. The UK opted-out from the Schengen Agreement and Community Title IV of the Amsterdam Treaty and demonstrated herewith the importance of upholding full sovereign power over its borders.

[23] Anonymous interview with UKBA.

Traditionally, and also due to the unique geographic feature of the UK in Europe, the UK is especially focussing on its external sovereignty concerns. These address border control, having power over the 'in and the out' flows of the country. Of less but increasing concern are controls that uphold internal sovereignty, i.e. controls on UK territory such as policies that touch on law and order. However, the relation between society and state can be denoted as liberal in the UK and as less regulated than in other European counties. It led to a rather liberal tradition of policy measures that addressed the internal control of people. This tradition has been revived and reinforced by the creation of a new Border and Immigration Agency (BIA) that has symbolised the competence of managing borders, which is 'fundamental to the interests of the United Kingdom' and that 'our immigration system must allow us to manage properly who comes here' as stated on the agency's own website (Border and Immigration Agency 2007). In addition, external sovereignty is put into practice by the ever-increasing list of countries whose people are required to apply for a Visa if they wish to enter the UK. In 2004, there were more than one hundred countries on the list (see for instance: Official Paper HC 949). Most recently, the British government reassessed the countries on the so-called 'white and black lists'. On the 10 July 2008, Liam Byrne from the UKBA announced to consider putting another 11 countries[24] on the black list so that people from these countries would need a visa to enter the UK. This would further the distinction between the 'black and white lists' of the UK in comparison with the Schengen area.

Another exemplification of the traditional focus on external control and the laissez-faire approach of internal controls, is the political and public debate on ID cards, which appeared from time to time at the surface of discourses, and touches on rather wider discussion on the between society and the state as such. Nonetheless, significant changes have been taking place which put an end to this tradition. For instance the introduction of the Identity Cards Act in 2006 stand for such changes as this will be discussed in part III.

Race Relations

Second is the issue of race relations. Politics of immigration are closely intertwined with the social and political constructions of race and race-related issues (Solomos 2003). Particularly in the view of racially distinct immigration groups, immigration regulations were determined by this referent aiming at a prominent policy of good race relations. The 'race question' or the frame of 'race relations' or often also referred to as 'community relations' can be observed as powerful frame in the irregular migration discourse in the UK over the past 30 years. The race relation frame has been used as a mobilizing tool by different coalition groups in parliament forwarding one or the other outcome of Bills discussed in parliament. Evidently, it was ever-since a prominent subject, partially due to the colonial past including all its negative implications, and partially due to the racial diversity that has consequently developed in the UK over the years. However, it became more sensitively treated after the first major immigration restriction for people from the Commonwealth, and especially the New Commonwealth, which came into force by the Immigration Act 1971. Even more so, when the Thatcher administration promised to re-industrialize and revitalize the UK economy, a 'one nation' campaign was initiated. This did not involve economic caveats, a framework of identity-building. It encompassed an affirmation of identity policy that initiated a new immigration law, namely the British Nationality Act in 1981. In essence, it created five forms of citizenship which were (1) British citizenship, (2) British citizenship of the British dependent territories, (3) British overseas citizenship, (4) Persons being under British protection, (5) British subjects without citizenship. Significantly, only the first category enjoyed the 'right to abode'.

[24] These are: Bolivia, Botswana, Brazil, Lesotho, Malaysia, Mauritius, Namibia, South Africa, Swaziland, Trinidad and Tobago, and Venezuela.

This affirmation policy was accompanied by a revival of right wing extremist groups and sections of the Conservative Party, which demanded additional repatriation programs. Warnings made by Enoch Powell from the 1968/1969 were reworked and revised the issue of the 'enemy within' or the 'mugging issue' pointing on communities such as Brixton, Handsworth as well as urban localities in Liverpool and other cities. In addition, the Thatcherite attack on the welfare state by unprecedented neo-liberal economic policies had a substantial effect especially on ethnic minorities and led more and more to a politicised criminalisation of certain urban communities. These communities were predominantly communities with an immigration background from the New Commonwealth. Finally, public outrage emerged in form of a series of so-called riots. These occurred among other places in the UK in Brixton, Moss-Side and Toxteth between 1981 and 1985. Substantial street battles between the police and so-called rioters took place.

Security – Threat perception

Third, the issue of a perceived threat – closely related to the discourse of sovereignty – became increasingly a dominant element of political discourse. The factor of the 'uncontrollable' has produced insecurities among policy-makers and civil society alike advancing the perception of irregular migration as threat. Partly driven by the mass media as described in subsequent sections and partly fostered by remarks given by politicians such as Mr. Blunkett's response when he was asked about the numbers of irregular migrants which he answered by "I haven't a clue". Successively, and this was observed in other EU member states in the same way, discourses over asylum seeking and clandestine migration became intertwined and were finally framed as a security issue as such.

Usually, threat perceptions are tuned towards three connected areas of (1) internal (or national) security, (2) cultural security (i.e. identity) and (3) the crisis of the welfare state. These threats are seen to challenge a nationally bounded society's ability to maintain and reproduce itself (Faist 2005). Thus the ability to control immigration *per se* – particularly irregular entry – became a political test or *status quo* for governments. The increasing trend of legislation and policy measures to control immigration became more and more shifted into the domain of security (Palosaari 2004, Widgren et al. 2005). A growing array of tools was deployed to control entry ranging from traditional methods of visa requirements to biometric passports of intelligent surveillance systems as elaborated in this report. Such so-called 'securitisation of migration' has provoked profound institutional reforms and the reallocation of considerable resources to immigration control. Symbolic rhetoric in the discourse of irregular migration established the legitimacy for further legal provisions across Europe (Bigo 1997, 2005; Vollmer 2008).

In 2006, Mr Reid, the incumbent Minister of State, announced that the department was "not fit for purpose" following a series of controversies over immigration failures. It was evaluated as being "inadequate in terms of its information technology, leadership, management systems and processes" as reported in *The Guardian* (*The Guardian* 23.5. 2006). He furthermore pointed to 85 serious foreign offenders who were released from prison without being considered for deportation. The Home Office Immigration and Nationality Directorate (IND) needed a "fundamental overhaul", he added (Ibid.).

In 2007, the organisational structure of the UK immigration controls regime was completely restructured. A new organisation called Border and Immigration Agency (BIA) was born and took over all responsibilities from IND. The BIA was furnished with extended autonomy from the Home Office in the view of developing politics, operations and management. Six subdivisions were set up which are: 'strategic directorates: asylum, border control, enforcement, human resources and organisational

development, managed migration, and resource management.[25] However, the BIA only functioned as a 'bridging' institutional arrangement, since in early 2008, the BIA was replaced by the UKBA. This brand new agency will incorporate the competences of the former BIA, UK Visas (umbrella institution of 162 UK embassies, high commissions and consulates) and the work of HM Revenue and Customs staff at the border.

Such a new 'management' approach was reinforced through newly developed tools of control such as 'e-Borders and greater use of biometrics', which involved automatic cross-checking of data and large-scale passenger screening.[26] More subliminal strategies of control and surveillance were set in place by the Immigration Asylum and Nationality Act 2006. For instance, checks on foreign worker's documentation was shifted to the responsibilities of employers. According to the Points Based System employers need to register before employing foreigners and will have to report their employee(s) to the Home Office in case these people disappeared and did not 'show up' for a certain period of time.

Other recent technologically advanced developments at European level that aim to control irregular movements are programs such as the European Border Surveillance System (EUROSUR) which involves the technical advances such as Earth Observation Satellites (EOS) and unmanned aerial vehicles (UAVs), which is an unpiloted aircraft being remote controlled. It aims at the enhancement of border surveillance supporting measures to be taken against persons who have crossed the border 'illegally' as well as facilitating the fight against cross-border criminality. Earth observation (EO) satellites cover most of the earth surface including the open sea as well as third country coasts and territories. UAVs can provide the Member States with detailed images as long as they are placed over the target area as this can be demanded by the Member State. Both would provide the capacity of tracking a vessel in European and international waters (COM 2008).

Economic: tax and social benefits

Under the Nationality, Immigration and Asylum Act 2002, irregular migrants do not have any access to public services. This includes access to income supplements, child benefits, housing benefits. Nevertheless, the public discourse indicates deep concerns about people who mange to do on some or the other way. According to empirical research, a tiny portion of 'illegal' migrants managed to obtain state benefits (Black et al. 2005). Instead, a vast majority lived on help from friends and families. There was rather a substantial number of persons who claimed welfare benefits as well as housing and other support during their temporarily regular period such as during their time when they applied for asylum. The access to health services is likewise highly limited. However there is (1) free 'immediately necessary' treatment in a hospital, i.e. accident or emergency cases (emergency treatment elsewhere and not taking place in a hospital is not free); (2) free routine and emergency primary health care including midwifery; (3) free treatment of certain infectious diseases; (4) treatment at a sexually transmitted disease clinic (diagnostic testing and counselling only free for HIV patients); (5) compulsory treatment under the Mental Health Act 1983. An additional 'grey area' of access to services for irregular migrants is free state schooling for children. There is a number of schools accepting children of irregular migrant families, simply by ignoring to ask if parents have legal status in this country. Some schools have a policy to accept children with no status, although this would be on a formal basis against the law.

[25] http://www.bia.homeoffice.gov.uk/, accessed: 10.5.2008
[26] http://www.bia.homeoffice.gov.uk/, accessed: 10.5.2008

Confusion in the public discourse is widely spread concerning the established categories of persons, especially when it comes to asylum seekers and irregular migrants. A general accusation of producing an 'economic burden' for the welfare state towards these groups were frequently appeared in the public domain. The mass media and in particular the vivid newspaper landscape in the UK presented immigration and asylum issues in particularly negative way. The attacks focussed in particular on two principal issues, which are social welfare benefits, and increasingly on crime and security since 11 September 2001. Refugees, asylum seekers and 'illegal immigrants' have become a prime target of attack in the popular tabloid press (including *The Sun*, *The Daily Star*, *The Daily Express* and *The Daily Mail*). Headlines could be found that said "Britain invaded by an Army of Illegals" (*The Sun* 4 February 1989). "We resent the scroungers, beggars and crooks who are prepared to cross every country in Europe to reach our generous benefits system" as it was claimed in *The Sun* on the 7 March 2001. Over the years, it was made common sense that such people abuse the UK welfare system, which the British citizens people have to pay for. By such inaccurate and misleading information presented, the newspapers stigmatised 'the irregular immigrant' as an economic exploitive category of people, which tended to have an impact on xenophobic attitudes and in the long run would lead to the marginalization and social exclusion of the country's ethnic minorities as such.

The most recent report by the House of Lords Select Committee on Economic Affairs was highly cautious on doing explicit indications of costs of 'illegal immigration'. Instead, the report refers to the vulnerability of those people in the labour market due to their unprotected status towards employers. The report recommended further studies and did not comment in any more depth (Official Papers Cm 7237).

In this context, regularisation programmes or so-called amnesties became a widely discussed policy issue. The legal framework allows individual regularisations in form of 'concessions' granted on compassionate grounds by the Secretary of State for the Home Office. Amnesties normally stand for the case of collective regularisations. The UK is normally not included on the list of countries known for having adopted major regularisations. Some small-scale regularisations related to Commonwealth citizens took place between 1974 and 1978. However, more attention might deserve another two more recent policy measures. In 2003, a discretionary 'family amnesty', as ordered by the Home Office, was granted to all asylum seekers who had a dependant minor regardless of the status of their case, i.e. pending or being refused. As a result, 16,870 families had benefited from this discretion by January 2006. In 2004, 4,080 settlements were granted on humanitarian and compassionate grounds (IND 2005).

Likewise, the UK granted free movement of workers to nationals of the A8 central and eastern European countries in May 2004 and introduced the Worker Registration Scheme. This scheme could have unintentionally regularised a number (which is unknown) of people who did not only came to work at the point of time when the programme was launched, but people from A8 central and eastern European countries that were already residing in the UK, regardless from their status. In fact, *The Guardian* referred to this programme as an 'amnesty' for Eastern European workers (*The Guardian*, 25.2 2004). As consequence, British embassies in the A8 central and eastern European countries, such as Prague, published that there will be retrospective sanctions for formerly irregularly employed workers, which were at least 70.000 (Düvell, 2006a).

In summer 2006, the new Border and Immigration Minister Liam Byrne rejected a prospective amnesty for irregular migrants in the near future (*Daily Telegraph*, 14 June 2006). The subject was heatedly discussed various circles beforehand, also due to a paper released on 31 March 2006 by the Institute for

Public Policy Research (IPPR) calling for regularisation of irregular migrants residing in the UK. It recommended issuing three year work permits and ID cards. The paper suggested savings for the Treasury of about £1bn a year due to the income tax and national insurance contributions that would be paid as a result. In addition, another £4.7 billion would be saved taking into account the possible removal costs of 'illegal entrants' (IPPR 2006). There were certainly critical views on such recommendations and the future planning of large-scale amnesties, which argued among the lines of a wrong principle to reward 'illegal' behaviour and the mere impracticability of such amnesties. One of the major critics was Migration Watch UK (2007), for instance.

In other words, the theme of regularisation programmes is subject to a substantial political controversy. In general terms, allowing irregular immigrants access to the labour market invokes interests on both sides of the stakeholders' spectrum since it inherits a matter of principle that goes beyond this specific issue and might influence the general stance on the immigration policy regime as such. As in other EU Member States, for instance in France from 1997 - 1998, *sans papiers* protests involved groups of irregular migrants occupying churches, which initiated the organisation of immigrants' networks across Europe. Such networks developed petitions to regularisation programmes such as "Call for Regularisation of all Illegal Residents in Europe" in response to the European Council meeting held in Seville in 2002.

Recent developments are new cross-Government enforcement strategies, which aim to improve the restriction of benefits to 'illegal immigrants'. It is envisaged to progressively deny work, benefits and services to those category of people. The Immigration and Nationality Directorate (IND) prospected to cooperate in this respect closely with tax authorities, benefits agencies, Government Departments (including HM Revenue and Customs, the Department for Work and Pensions, the Department of Trade and Industry), local authorities, police and the private sector (Home Office 2008b).

Part II: Estimates, data and assessment of total size and composition of irregular migrant population

1. Most relevant data sources and studies

Studies

In the UK, only a few publications on irregular migrants date back to the 1980s (Ardill and Cross 1988, Couper and Santamaria 1984, MacDonald 1973), but more and more publications appeared during the mid and late 1990s (Anderson 1999, Düvell 1998, Jordan and Vogel 1997, Gibney 1999). This trend intensified from 2000 onwards as this research area became a field of expertise in the UK (Black et al. 2005, Bloch 2000, Cinar et al. 2000, Düvell 2003 2006a 2006b 2007, Jordan and Düvell 2002, Jordan and Düvell 2003) In the same way, interest groups such as trade unions (TUC 2004), NGOs and think tanks became increasingly active, also in terms of research as for instance JCWI (2006), IPPR (2006), Migration Watch UK (2002, 2005), PICUM (2003) *et cetera* .

Early expert estimations were achieved by the work of the Commission of Racial Equality as to find in the Annex B of the 1985 report entitled 'Evasion of Immigration Control'. With reference to paragraph 37, it was believed that a tiny percentage (less than 1 per cent) of those Commonwealth citizens and non-EC foreign nationals who were granted to enter the UK for 6 months as *bona fide* visitors or short-term students overstay and move into an 'illegal' status. The annual number was deemed to be 'immeasurable'. The only way seemed to be tracing such overstayers for information. The report referred likewise to such tracing operations jointly conducted by the Immigration Service and Police Services. Between 1978 and 1981 the number of overstayers detected were about 4,750 and another 500 people being charged with working in breach of their condition of stay (Official Papers, Standing Committee D: Col. 395).

The most prominent and widely known estimate – and at the same time the only ones being accomplished so far - is Woodbridge (2005) commissioned by the Home Office and the subsequent reaction of this study, the Migration Watch UK[27] (2005) response. In terms of methodologies of estimating the stock of irregular migrants in the country, the Pinkerton et al. (2004) provided a comprehensive overview of applied methods of estimations in other European Member States as well as the U.S.. It likewise evaluated the applicability and feasibility of such methods available for the case of the UK. Also taking into account the available data in the UK, the most appropriate method according to Pinkerton et al. (2004) was the so-called Census method, which the CLANDESTINO methodology report referred to as a variation of the residual method (Jandl *et al.* 2008). This conclusion was not challenged or criticised elsewhere and it stood for a methodological affirmation paving the way for the Woodbridge (2005) where the Census method was correspondingly applied.

In terms of expert assessments, scholars are very cautious and the common conclusion tend to refrain from uttering concrete numbers since the scientific ground is too vague and the political repercussions might be highly sensitive.

Sources

[27] Migration Watch UK is a think-tank, which is closely related to the Conservative Party in the UK.

As it was pointed out in the above section on regular migration, there are a variety of data sets while the most relevant concerning international migration records are: International Passenger Survey (IPS), 2001 Population Census, annual 'Control of Immigration: Statistics UK', Labour Force Survey (LFS) as well as the statistics from the Department of Social Security. When it comes to deriving or estimating irregular migration from such numbers, it depends on the employed methods of estimation to which extent which data set might be appropriate. As the methods of data collection vary for each data set, estimation methods might be adopted accordingly.

The IPS is a large multi-purpose survey gathering information from passengers entering and leaving the UK.[28] The dataset contains over 110 variables. Such variables contain answers to the questions asked in voluntary interviews or they contain information that has been derived from those answers. For instance, variables include information on times of arrival, flows (UK/overseas arrival or departure), nationality, town/country of residence, purpose of visit, length of visit, port of entry, carrier, age, sex, martial status, *et cetera*.

The LFS is a survey of households and their private addresses in Great Britain - Northern Ireland conducts its own LFS. Evidently, the LFS ignores people living in communal establishments, which might be hostels, hotels, boarding houses *et cetera*. This was one of the major reasons for initiating a Census as in 2001. The Census database aims to cover the entire population in the UK at a specific date of the year including also communal establishments. It stands for the most complete source of information about the population that lives in the UK. It claims to be unique since it covers everyone at the same time and asks the same core questions everywhere, which makes it accessible and easy to compare. People are obligated to answer such questions, which provide the input for variables of the survey. These include information on household accommodation, relationship, demographic characteristics (for example, sex, age, marital status), migration, cultural characteristics, health and provision of care, qualifications, employment, workplace and journey to work.

Home Office databases are administrative databases held by the Immigration and Nationality Directorate (IND), now the UKBA. The two major sources are the annual 'Control of Immigration: Statistics UK' and the quarterly asylum statistics, which are published regularly in paper as well as on-line. In sum, the Home Office databases hold information on all persons officially entering the UK (i.e. IPS) as well as information on settlement data, data on admissions and expiry dates of visas or its granted extensions as this can be drawn from the IND's Casework Information Database, while the latter are not open to the public. There are also databases on applications in process, i.e. applications for asylum and settlement or appeals in process, i.e. against asylum refusal or entry clearance – here, the Immigration Appellate Authority is also involved. In other words, various databases and various authorities are involved, which are correspondingly responsible for the collection of the information for the individual databases.

An array of changes and aimed improvements are on its way. The IPS is planned to receive special techniques such as so-called 'filter shifts' in order to improve data on the survey comparing the intended and actual length of stay of people or the geographic distribution of people. Methods to combine the LFS and IPS data are envisaged as well as further and new developments such as an Integrated Household Survey (IHS). The HIS is planned to be introduced in 2008 and another Census in 2011. Estimated figures shall be complemented with data from ONS and the Home Office that is in line with the e-Borders Programme. It envisages a cooperation between the Immigration Service,

[28] The IPS defines migrants as people who stay or intend to stay in a country other than of their habitual residence for a period of at least twelve months.

Customs, the Police and UK Visas "to record electronically the passport details of all persons entering and leaving the UK" (ONS 2006: 23). In addition these data sets may be linked to administrative sources with information about international migrants "or that have this potential" (ONS 2006: 29). These are i) Landing cards and other proposed systems for monitoring entry (e.g. Points–based System), ii) National insurance numbers (NINo), iii) Linked tax and benefit records (WPLS), iv.) NHS register information (NHSCR/PDS), v) Higher and further education records (e.g. HESA, LSC), vi) School Census (formerly pupil registers -PLASC), vii) Migrant worker registration (WRS). In sum, the planned improvements, and in special regard the 2011 Census, seem to be designed to evidently improve statistics of regular migration stocks and flows, but also to provide a improved statistical bases for estimations on irregular migration stocks and flows.

2. Estimates, data and expert assessments on stocks

2.1 Total stocks

Official figures of irregular migrants are listed as 'illegal entrants' under the section of 'enforcement' figures in the annual 'Control of Immigration: Statistics UK', so-called 'Commanded Papers'. These figures represent the only 'hard facts' of the scope of the phenomenon of irregular migration in the UK and can be summarised in the below tables.[29] As it was elaborated in the above sections, it may be reminded on the term 'illegal entrant' includes also cases of 'illegal residence' and 'illegal work', i.e. migrants in breach with the conditions of their 'leave to enter'. The below figures are the most recent available due to concerns about "data quality" regarding more recent figures (2003 – 2007).[30]

Table 8: Illegal Entrants 1999 – 2007

	1999	2000	2001	2002	2003	2004	2005	2006	2007
Cases[31]	21,165	47,325	69,875	48,050	n/a	n/a	n/a	n/a	n/a
Removals[32]	5,225	6,115	6,760	8,870	n/a	n/a	n/a	n/a	n/a

Source: Home Office. 2006. Control of Immigration: Statistics United Kingdom

Complementary official figures which may serve as an additional indicator of an irregular migration population in the UK are the total figures of person being removed from the UK territory (Table 9). These figure do not represent people who were removed on the grounds of having been convicted as 'illegal entrants', but include an array of other migratory categories.[33]

[29] The figures in table 8 are based on apprehensions figures, which refer to 'cases' of apprehension and not to individuals. Concerning the figures of apprehension at the port of entry, it may be assumed that figures for individuals are lower than figures for apprehensions measured by cases, since various sources show that irregular migrants who aim to clandestinely cross borders try more than once. Some people try several times until they succeed, others however give up and either remain in the country of their present residence or return home. The recording per case distorts statistics and produces higher numbers. A more accurate number would be provided if enforcement agencies would record apprehensions per individual.

[30] Anonymous informant, Research Development and Statistics (RDS), UK Home Office.

[31] Persons against whom enforcement action was initiated, i.e. 'Illegal entrants' detected and persons issued with a notice of intention to deport, recommended for deportation by a court or proceeded against under Section 10.

[32] Enforcement action initiated due to 'illegal entry' action.

[33] These include 1) persons refused entry at port and subsequently removed (includes persons departing 'voluntarily' after enforcement action had been initiated against them), 2) persons removed as a result of enforcement action and voluntary

Table 9: Total Removed Persons 1999 – 2007

	1999	2000	2001	2002	2003	2004	2005	2006	2007*
Total Persons Removed	37,780	46,645	50,625	68,630	64,390	61,160	58,215	63,865	60,365

Source: Home Office. 2006. Control of Immigration: Statistics United Kingdom
* Provisional data (Hansard, 16 Oct 2008: Col. 1434W)

2.1.1 Illegal employment

There are no clear-cut official numbers on the scope of illegally employed foreign workers in the UK. The number is interwoven with the figure that is given in official statistics, which refers to the immigration offence by 'breaching the condition of leave' or 'in breach with working restrictions' – as elaborated above.

In terms of enforcement actions against illegal employment – as it has also been referred to above in relation to section 8 of the Act 1996 (see also Düvell and Jordan 2003) – a House of Lords report underlined the government's high ambitions on stepping up enforcement against employers, while it remained unclear how effective the new measures would be (Select Committee on Economic Affairs 2008). In fact, only 45 employers were prosecuted against for illegally employing immigrants of whom 27 were found guilty in England and Wales between 2002 and 2006 (Official Papers, Control of Immigration Statistics UK 2006: 88).

The GHK (2007) report estimated that there were 216,850 illegal migrants in work in the UK. No methodological background was indicated, only a reference to an OECD (2000) publication entitled 'Combating illegal employment'. But this number could not be found in the given publication.

The IPPR (2006) examined the economic impact of irregular migration. The potential tax revenue of irregular migrants who are working, was calculated assuming that irregular migrants have the same age characteristics and employment rate of recently arrived (regular) immigrants. By using this assumption they referred to study by Kyambi (2005). In this study, aggregated Labour Force Survey data for 2000-2004 were examined and demonstrated that, in 2004, "some 82 per cent of immigrants in the UK since 1990 were of working age (aged 16-64) and had an employment rate of 61.5 per cent." IPPR (2006) adopted the total number of irregular migrants of 430,000 given by the Woodbridge estimate (see also below; Home Office 2005a) and then merely stated "we would expect there to be some 216,850 irregular migrants who are working."

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departures (excludes 'Assisted Voluntary Returns'; includes people removed under AVR-FRS (Facilitated Return Schemes) in 2006; since January 2004, figures include management information on the number of deportations), 3) persons leaving under Assisted Voluntary Return Programmes (persons leaving under Assisted Voluntary Return Programmes run by the International Organization for Migration. May include some cases where enforcement action has been initiated; in 2006 there were 5,340 persons who had sought asylum at some stage leaving under Assisted Voluntary Return Programmes, of whom 5,330 left under Voluntary Assisted Return and Reintegration Programme (VARRP) and 10 left under the Assisted Voluntary Return for Irregular Migrants (AVRIM) Programme).

Discussion
The calculation could have been explained further, which was 82 per cent of 430,000, that is 352,600, and then 61,5 per cent of this 352,600, which is then 216,849. However, the assumption that was used does not underlie scientific knowledge. The typography of irregular migrants is largely unknown and only a few studies – as elaborated below - demonstrate some indications of the age, sex and employment composition of irregular migrants. There are similarities in the typographic structures, but working and living conditions of regular and irregular migrants are significantly different. Nevertheless, this estimate could be seen as the currently most reliable estimate available.[34]

2.1.2 Illegal entrants

Salt (1998)/ Tapinos (1999) – no estimations available
Although starting off with a 'non-estimation', it is worthwhile mentioning the OECD study conducted by Tapinos (1999). For one, a numerical puzzle developed from this study, as briefly discussed below, and for two, it established the critical parameters that will accommodate the quality of estimations in the subsequent years. The study encompasses the history and emergence of attempts that tried to estimate the population of irregular migrants in various EU member states as well as the US.

Significantly, Tapinos (1999) provided an overview (Table III.2.) of tested or conceived methods to estimate clandestinity in EU Member States where in all member states but one, which is the UK, various methods were applied for accomplished estimates or collaborators' proposals were forwarded. The blank column indicating that at the point in time neither methods nor estimation have been approached at all, demonstrated quite evidently the lack of research in this field in the UK.

The study by Salt (1998) is likewise only a proof that there are no estimations so far available in the UK, while it did also pinpoint on the necessity as well as the methodological pitfalls of future estimations that were to follow in the field of research.

Discussion
The studies established the need for a methodological appropriate and rigorous estimation on stocks of irregular migrants in the UK. It clearly demonstrates the issues and implications that might exist in the view of databases in the UK.

It might be briefly noted that the figure of 200,000 estimated irregular migrants that was affiliated with the Tapinos (1999) or the OECD (1999) publication, could not be found. Boswell and Straubhaar (2004) referred to a stock estimate of 200,000 which they have found in Djajic (2001) who indicated this figure as an estimate. Although Djajic (2001) referred explicitly to all available estimates as being unreliable, he indicated a stock figure for the UK of 200,000 irregular migrants in the country. No methodological background of how the figure was accomplished was provided in the text, only a reference to three further studies which elaborate on methods of stocks and flows. The referenced studies are Espenshade (1995), Tapinos (1999), Warren and Passel (1987), however, none of these studies made an estimation of 200,000 irregular migrants in the UK. Espenshade (1995) and Warren and Passel (1987) demonstrated estimations of irregular migrant's stocks for the US, while Tapinos

[34] It should be noted that this is the same number (216,850) that were used by the GHK (2007). GHK (2007 referred to OECD (2000) where this number could not be found, but it may be assumed that sources were simply confused.

(1999) presented methodological approaches and made cases for EU Members State as well as the US. Djajic (2001) referred to an OECD study from 1999, which was entitled 'Trends in International Migration - Continuous Reporting System on Migration', of which part three was composed by Georges Tapinos. Neither in Tapinos' part three nor in the other parts of the OECD publication was a figure - or any other figures leading to this result - of 200,000 indicated.

Woodbridge (2005) – 310,000 and 570,000; central estimate of 430,000 (in April 2001)

The Woodbridge study (2005) is the only formal attempt of estimating a number of irregular immigrants in the UK. The estimated number - as the study was commissioned by the Home Office - was acknowledged by the government at the time.

The estimation was based on the data set of the last UK nation-wide Census from 2001 upon which a so-called 'Residual Method' was applied. This Residual Method simply looks at the total number foreign-born population recorded in the UK census and deducts an estimate of the regularly residing foreign-born population. The difference is an estimate of the number of irregularly immigrants present in 2001.

This can be expressed by the following equations:

$$R = FB - [L - (ML + EL)] + [T - (MT + ET)] + [Q - (MQ + EQ)]$$

where:
FB = Foreign-born
L = Permanent legal migrants
T = Temporary legal migrants
Q = Quasi-legal migrants
M = Adjustment for mortality to migrants in the group represented by the subscript
E = Adjustment for emigration of migrants in the group represented by the subscript
R = Residual foreign-born (unauthorised migrants, i.e. irregular migrants)

The variable of 'Quasi-legal migrants' might be briefly clarified, as these were regular immigrants living in the UK, but without an 'established' legal status. These included people awaiting a decision on their asylum application or people awaiting the outcome of an appeal after their application to stay have been refused in the first instance.

The final estimation of the irregular resident population in the UK in April 2001 was given by a central estimate of 430,000 ranging between 310,000 and 570,000.

Discussion

The Woodbridge (2005) estimate is the most rigorous and systematic estimate – and the same time it is the only one of this methodological calibre – that is currently available in the UK. With reference to Pinkerton et al. (2004), the Census method does in fact seem to be the most appropriate method that shall be used for the case of the UK. Nevertheless, it was corrected by other voices as being underestimated (Migration Watch UK, 2005), and rejected *per se* by other critics as one shall refrain to name numbers in the context of irregular migrants in general (Dorling 2007).

The inclusion of failed asylum seekers as defined for this estimate is controversial. To include migrants who "abscond during the process" is underlying an assumption (not explicitly stated in the text), which purports the assumption that people would not leave the country and this has in fact no scientific base, but relies on guesswork.

As to draw from Dorling (2007) there are uncertainties towards the general practicality as to attempt estimating this population group. He demonstrated that the census might not be an appropriate source for estimating irregular migrants as the results deliver highly inaccurate numbers. Knowing how many people are living in the United Kingdom could be possibly counted as accurate as to range of 100.000 people. Moreover, it appeared with regards to the methodological description in Woodbridge (2005) that the estimation "may have included a large number of US armed forces personnel living and `working' in the United Kingdom" (Dorling 2007: 1040).

Although the estimation is applied for specific point in time (April 2001), the date of publication (2005) should have led to at least noting another critical point. This point might be the exclusion of the impact of the Worker Registration Scheme as elaborated by Düvell (2006a). As the UK granted free movement of workers to nationals of the A8 central and eastern European countries in May 2004, a substantial number of (irregular) workers were effectively regularised. A closer look at the data of the Worker Registration Scheme indicated that 26 per cent of applicants of the first cohort were in the UK prior to accession and another 12 per cent have chosen to disguise their arrival in the UK, which does not proof any kind of 'breach of condition' such as work, but there might be a certain probability. It might be cautiously quantified; however, such quantification would be based on guesswork.

Nevertheless, the Woodbridge estimate and its applied method seem - in comparison to other available estimates in the UK - to reduce guesswork and suggestive assumptions to a minimum.

Migration Watch UK – 515,000 to 870,000; central estimate of 670,000 in March 2005

The Migration Watch UK (2005) estimate took the Woodbridge estimate as a basis to extrapolate to a new estimate for March 2005. The extrapolation was made by adding failed asylum seekers that were estimated for the period between April 2001 and March 2005. In addition, they indicated that they made some corrections and adjustments of the original estimate which were not commented in detail so that they cannot be discussed. There was one explicit correction: They added children to Woodbrigdes calculation, assuming lower percentages of children in the irregularly resident population than in the foreign resident population.

By referring to an earlier study conducted by Migration Watch UK[35], the ratio of UK-born dependent children to the overall foreign born population was set at 1 to 5, i.e. 1 child to 5 adults (17 per cent). Considering that "illegal population are far more likely to be single than the foreign-born population generally", it led Migration Watch UK to the conclusion of suggesting an addition ranging between 5 per cent (low estimate), 10 per cent (median estimate) and 15 per cent (high estimate) ending up in numerical additions of 15,000, 43,000 and 85,000. The corrected estimate would be ranging form 325,000 to 655,000, with the mid-point of 473,000.

[35] Migration Watch Research Paper 1.5 Contribution of Immigration to GDP at: http://www.migrationwatchuk.co.uk/frameset.asp?menu=publications&page=publications.asp

Secondly, an accumulative number of failed asylum seekers since April 2001 were included, which were approximately 220,000 in total. It was referred to official records of about 45,000 failed applicants that have been recorded as being removed and possibly some that may have left without being recorded, i.e. 175,000 (non-removed) failed asylum seekers. However, it was assumed that people would not leave simply "to their own accord" (Migration Watch UK 2005: 3), and the 10% given by the Office of National Statistics was rejected. It was underlined as being "counter-intuitive to believe that such a significant number of people would leave" and therefore a range of 10%, 5% and 0% was suggested. This added another 153,000 and 175,000 with the midpoint of 164,000 as for the number of asylum claimants whose claims have been rejected but who have not been removed. Another 25% was added to allow for dependants, which resulted in total addition of 190,000, 205,000 and 218,000 respectively.

In sum, the overall adjusted and updated (as to the end of March 2005) estimate would accordingly range from 515,000 to 870,000 with a central estimate of 670,000.

Their estimate was lastly commented by so-called offsetting factors such as possible amnesties in the near future, the accession of the 10 Eastern and Southern European countries to the EU – and numerous people from these countries registered under the Workers Registration Scheme - as well as the amount of visas issued every year alluding on the number of 'potential' overstayers. These factors, but the Visa overstayers, would effectively reduce the actual number, but it hints on an unknown number that was finally commented by the "true total is therefore more likely to be at the higher end of the range" (Ibid.).

Discussion

This 'correction' of the Woodbridge estimate was not complemented by a rigorous methodological elaboration of how the figures were met. It does refer to the sources of the numbers that have been included, but it left some critiques in the open.

More specifically, there are plausible reasons to include the two categories of dependents of irregular migrants as they may count as a number as well. As mentioned recurrently, there are weaknesses of statistical sources and accuracy on this subject matter, hence the dependents of irregular migrants were estimated on the basis of a rule-of-thumb. The estimation was derived from an estimation made for the (legally residing) foreign population and there were no explanation why the ratio of 1 to 5 (17%) can be transferred to the group of irregularly residing population. It was only stated that the "illegal population are far more likely to be single" and therefore the top-up for children was reduced to 5 per cent, 10 per cent or 15 per cent, instead of 20 per cent as it would have been added for the case of 'legally residing' migrants. The choice of such percentages has no firm empirical basis and available studies such as Anderson (1999) elaborate on the rather difficult living conditions of this social group, which may lead to the conclusion that the added percentages may be too high.

The category that was likewise included in the Woodbridge estimate, however, according to the time lag of the estimate in 2005 and the actual Census in 2001, Migration Watch UK up-dated this second category of 'failed asylum seekers'. Again, it was a worthwhile and justified adjustment of the Woodbridge estimate since numbers have presumably accumulated over the years. Nevertheless, the inclusion of the category of 'failed asylum seekers' is, apart from being again based on a rule-of-

thumb, related to an act of suspicion. As it was assumed for the Migration Watch estimates from 2002 (see below), such numbers were based on the suspicion of people not leaving the country or to put it in their words: these people do not leave "to their own accord" (Ibid.: 3). The inclusion of additional people under these premises points to ethical implications as these have been touched upon in the CLANDESTINO report on ethical research in the field of irregular migration.

2.1.3 Expert's estimations

Anderson (1999) - 40,000 (total) – 250,000 (Latin Americans only)
Anderson (1999) referred to various expert interviewees that gave a range from the official Home Office figure of 40,000 irregular migrants up to an experts' estimate of 250,000 Latin American irregular migrants alone in the UK. In conclusion, interviews included a wide range of experts, which resulted in a number of the total of irregular migrants. On the grounds of pooling all categories of offences, it was decided to make no estimate, not even in approximate terms. However it was found that the actual total number must exceed official figures (40.000) considerably. Conclusions as such are only tentative, but are based on empirical findings. The range once more is vast and only provides an indication, and yet, the conclusions do appropriately deliver the picture that could be found with the applied methods.

IOM (2003) – up to 1 million
IOM's World Migration Report (2003) published, among several other estimations concerning the stock of the irregular migrants population in EU Member States, the figure of "up to 1 million" in the UK (IOM 2003: 253). No methodological background was provided, only that this information stems from an association of Immigration Officers, the so-called UK Immigration Service Union. This estimation cannot be evaluated, since there is no methodological background provided, thus it may be assumed that this so-called estimate is based on guesswork forwarded by the UK Immigration Service Union. In addition, this 'estimate' seemed to be comparatively high and it shall be likewise noted that the UK Immigration Service Union is commonly known as an ideology-imbued association, which usually is not consulted for scientific expertise.

Levinson – 123,300 or more
Once more Levinson (2005) pointed to wide variations and the high probability of inaccurate estimations of the numbers of irregular migrants living in the UK. Official numbers are not based on a standardized system for estimations, but one has to rely on border apprehensions, internal checks and its arrests, or estimations of numbers of visa applicants. By summing up enforcement actions of people who have been i.) refused entry at port and removed, ii.) removed by enforcement action and persons iii.) against whom enforcement action was taken in the year 2002, Levinson referred to a figure of 123,300 irregular migrants in the UK, which is, as proposed by the author, a large undercount. This total number does not taken into account overstayers or other people being regarded as irregular migrants. Generally, aggregating border enforcement data is no adequate method for estimating the stock of irregular migrants. Those refused entry have never been part of the irregularly resident population. Entry refusal data are sometimes used as indicators for those who have passed without being detected, and thus for an inflow.

Düvell (2007) – below the average of other European - 120 000 to 380 000 in 2005
By referring to the only officially stated figures by the Home Office ranging between 310,000 and 570,000 irregular immigrants in the UK, Düvell pointed to 70,000 who have regularised their stay due to EU accession (Home Office 2006a), while another 120,000 have been considered as having ignored registration procedures and continued working irregularly (ALP 2005).

This could be interpreted in the light of the Woodbridge that if the estimate was only adjusted for this EU legalisation effect, and assuming that other changes of the irregular population would add up to nil, one needs to subtract 190 000 formerly irregular Third country citizens who became legal EU citizens (although partly working irregularly and avoiding registration obligations). Thus, one would find an adjusted estimate of 120 000, 240 000 and 380 000 irregularly residing foreign nationals for 2005. Although this estimate is only an expert estimate with no empirical foundation of the assumption about other flows since 2001, it points to an influential change which has not been accorded for in the Migration Watch UK estimate. In addition, Düvell (2007) argued that the number of irregular immigrants should be assessed below the estimated average of other European countries for two reasons. First, the shadow economy in the UK was 12.6 per cent of the total GDP in 1999/2000, which is below the OECD average of 18.0, and second, comparatively low taxes and less regulated entrepreneurship leads to fewer incentives for irregular strategies of employment.

2.1.4 Guesstimates and Statements

Due to the neglected attitude and the closely related high degree of caution concerning concrete numbers of irregular migrants in form of estimates in the UK, there are so-called 'guesstimates'. Such figures did not underlie a rigorous method, but rely purely on a rough-rule-of-thumb or were simply statements. In the view of accuracy or reliability, such figures can be evaluated of poorer quality than estimates.

Especially politicians or journalists tend to forward guesstimates in political or public discourse. In the late 1990s, most references to numbers of irregular immigrants were related to single incidences, i.e. to cases of apprehension or enforcement action.

Between 2000 and 2005 the voices for an estimation of irregular migrants in the UK increased in frequency and directness. Until the official Woodbridge estimate was published, government members predominantly refrained from stating any kind of figures in form of estimations, but referred to officially published statistics as collected by the Home Office. On the 8 January 2001, the Minister of the State for the Home Office, Mrs. Roche, answered the question put by MP Robathan concerning the "assessments he has made of the numbers of (a) illegal immigrants and (b) disappeared asylum seekers who reside in the UK",[36] by referring to "no government have ever been able to give reliable estimates of that nature, but we have hugely increased investment in the immigration and nationality department and staff to enable effective enforcement" (Ibid.). At another occasion it was then pointed to "those whose asylum cases have been decided and all of whose appeals have failed", assuming that "well over 100,000 of people are […] in the country".[37]

Members of parliament representing a particular political spectrum referred to astonishingly high figures. As in late 2002, MP Letwin addressed the House of Commons on the subject 'illegal

[36] Hansard, House of Commons, Vol. 360, col. 700.
[37] Ibid.: col.701.

immigration' as regards to Northern France and underlined the "prospect of 700,000 additional people, who are failed asylum seekers, coming to this country and remaining in it for the next 10 years".[38] Such figures were usually refuted as for instance in this case by Mr. Blunkett, the incumbent Secretary of the State for the Home Department, who stated "let us have no silliness about 700,000 unreturned entrants to this country" (Ibid.).

Journalists do refer to such figures in forms of guesstimates, however, those too, were uttered rather rarely. Reports focus more frequently on single incidences, as for instance in 2000, the case of 58 suffocated Chinese migrants in a tomato lorry at Dover.

Nevertheless, some guesstimates or hints on trends were made, such as in 2000, *The Economist* reported about "illegal flow in to Britain has been rising relative to other European countries" and added by cross-referencing *Le Monde* that "[…] just six people had applied for asylum in Calais in the whole of 1999, while hundreds crossed over into Britain each week" (*The Economist*, 24.6.2000). In 2002, *The Economist* pointed to the study by Salt (2000) and referred to findings in this report as "fuzzy numbers" (*The Economist*, 2.11.2002). In 2005, the figure of irregular migration was again commented by stating that "official statistics underestimate the number, perhaps hugely" (*The Economist*, 10.12.2005).
A more recent guesstimate on 'illegal' migrants living in the UK was given by the Liberal Democrats' spokesman on home affairs Mr. Clegg on 30 August 2007 who referred to the relatively wide range of 300,000 – 900,000 – once more published by the *The Economist* (*The Economist*, 30.8.2007). *The Economist* pointed to that figure as "some of Britain's illegal residents" that Mr. Clegg proposed to regularise in future, which subliminally implied an unknown higher number as presently assumed. Such figures and complementary commentary may vary starkly. When looking at other sources such as *The Guardian* where Mr Clegg referred diplomatically to the mid-point figure of 300,000 and 900,000 by stating "some estimate that there are as many as 600,000 living in the country", however, conceding that the "figure may be higher" (*The Guardian*, 19.9.2007). In November 2008, the London mayor Boris Johnson referred to "an estimated 400,000 people living illegally in London." Again, this so-called 'estimate' did not clarify how this number was calculated or which method was used that has generated this number. Thus, this number needed to be classified as guesstimate (*The Guardian*, 2008).

Not only journalists but also a think tank recently forwarded a guesstimate without providing any explanations for its 'guessing'. In August 2007, Migration Watch UK responded to the IPPRs cost calculation for an amnesty of irregular migrants in the UK. The costs were recalculated using a guesstimate of a number of irregular migrants in the UK, which was assumed to be "between 500,000 and 750,000, […] the mid point of this estimate i.e. 625,000 illegal immigrants" (Migration Watch UK 2007). A justification for such number was provided, which was an 'up-date'. However, no explanation or any background information was given.

2.2 Gender composition

As the research on numbers or estimations is minimal, there are only a few studies that indicate demographic distinctions. Kofman et al. (2005) underlined the lack of gender distinction in data sets as well as the lack of qualitative research exploring the experience of female migrants in the UK.

[38] Hansard, House of Commons, Vol. 395, col. 613.

Nevertheless, Kofman et al. (2005) found that the trend of migrant women migrating irregularly to the UK is increasing.

Official statistics of detained migrants as published by the Home Office demonstrate a seemingly dominant majority of men being detained, which again shall only provide an indication of the gender composition and should not be understood as representative in any respect.

Table 10: Detainees[39] 2001 – 2006[40]

Year	Female total and (%)	Male total and (%)	Total
2001	170 (11,00)	1,375 (88,99)	1,545
2002	115 (10,04)	1,030 (89,95)	1,145
2003	155 (9,60)	1,455 (90,09)	1,615
2004	215 (11,02)	1,735 (88,97)	1,950
2005	280 (14,36)	1,670 (85,64)	1,950
2006	130 (6,47)	1,880 (93,53)	2,010

Source: Control of Immigration: Statistics United Kingdom 2001 – 2006

Black et al. (2005) provides a sample of irregular resident population in detention, which was not meant to be representative sample, but which, indicates some pattern of numbers of gender differences (see section below table 11 and 12). It demonstrated that in terms of the sex composition, the sample in Black et al. (2005) was quantitatively very similar in relative terms when comparing it with the overall population in detention at the time of the study. No overall conclusions were drawn as to the representativeness of the irregular migrant population in the UK as a whole.

Another study was conducted by Anderson and Ruhs (2007), which needs to be understood in an again only indicative manner, since the study did not exclusively include 'illegal residence' as it was defined by the authors, but also legal workers and the relevance of their moving in and out of the status of 'illegality'. About 600 migrants and over 500 employers of migrants were surveyed and interviewed in this study. The sample represented a selected and not a random sample of people, which underlines its non-representative character of wider populations of irregular migrants. The respondents were subdivided in industry sectors, which were agriculture, construction, hospitality and the au pair sector.

In detail, the overall gender distribution of the survey sample was 54 per cent male and 46 per cent female. While among Czech and Slovak respondents, female respondents outnumbered male respondents. In the industry sector of construction all respondents were male, and among au pairs the majority was female. Sorted by the group of irregular migrants' nationalities, the following table could be displayed as adopted from Anderson et al. (2006)[41]:

[39] These include persons detained solely under Immigration Act powers and excluding those detained in prison service establishments, i.e. under criminal Act powers.

[40] Figures are only available from 2001 onwards; figures for 2006 were recorded up until 30 September 2006.

[41] It should be noted that Anderson et al. (2006: 107) used a slightly different definition of 'irregular migrant' that allowed them a "more nuanced analysis" for the their study which is the relation between immigration status and employment. Anderson et al. (2006) introduced the notion of compliance with laws and rules governing rights to reside and work in the UK. Apart form the migrants being in compliance with their leave to remain or migrants having no leave to remain (i.e. non-compliant), Anderson et al. (2006) uses 'semi-compliant' for people having a valid leave to remain but are working in breach of some or all of the conditions attached to their immigration status. Nevertheless, this definition is in line with the definition used by the CLANDESTINO project. From a judicial perspective and the in the eyes of Police or Immigration Officers, these 'semi-compliant' migrants can be deemed as 'illegal entrants' as demonstrated in part I above.

Table 11: Gender and Nationality Composition of Sample Population

	Czech Republic	Lithuania	Poland	Slovenia	Bulgaria	Ukraine	Total
Male	33	65	58	40	56	63	315
Female	44	49	36	46	32	54	261
Total	77	114	94	86	88	117	576

Source: Based on survey as adopted from Anderson et al. (2006)

Looking at the above and the following composition of age, it becomes clear that the group of irregular migrants is highly heterogeneous. There are indicators of some characteristics, however, these are only suggestions. The lack of research becomes evident once more. It may be argued that there are less males in the irregularly residing population than in the detention data, because one can assume that men run a higher enforcement risk. However, it is not possible to make such an assessment for the Anderson-study, because they selected immigrants by sector and included sectors which are male dominated (construction) and female dominated (au-pair) apart from agriculture, so that a clear gender-bias cannot be achieved.

2.3 Age composition

There are almost no studies available, which elaborate on an age composition of irregular migrants in the UK. Valuable studies using qualitative methods are available, which however do not refer to quantitative aspects of age compositions (e.g. Bloch, et al.). An indication of an age composition of irregular migrants can be derived from a study by Black et al. (2005) who provided a sample of 168 respondents detained in the UK of which 83 were identified as irregular migrants (mostly overstayers and the study defined these as 'illegal residents'). The age composition of 70 valid persons were illustrated by the below table 11, who are persons that were detained due to 'illegal' residence in the country. This can be compared with the overall detained population of three different detention centres: Tinsley House, Harmondsworth, Campsfield (Table 12).

Table12: Age and Sex Composition of Sample Population

Age	Total	in %	Male Total	in %	Female Total	in %
0-4	0	0	0	0	0	0
5-9	0	0	0	0	0	0
10-14	0	0	0	0	0	0
15-19	3	4	3	5	0	0
20-24	14	20	14	23	0	0
25-29	25	36	19	31	6	67
30-34	14	20	13	21	1	11
35-39	7	10	7	12	0	0
40-44	5	7	4	7	1	11
45-49	1	1	1	2	0	0
50-54	0	0	0	0	0	0
55-59	1	1	0	0	1	11
60-64	0	0	0	0	0	0
65-69	0	0	0	0	0	0
Total	70	100	61	100	9	100

Source: Based on interviews as adopted from Black et al. (2005)

Table13: Age and Sex Composition of resident populations in detention[42]

Age	Total	in %	Male Total	in %	Female Total	in %
0-4	16	1	9	1	7	5
5-9	8	0	2	0	6	4
10-14	0	0	0	0	0	0
15-19	138	7	122	7	16	11
20-24	433	22	413	23	20	14
25-29	561	29	508	28	53	37
30-34	380	20	361	20	19	13
35-39	211	11	200	11	11	8
40-44	113	6	107	6	6	4
45-49	47	2	41	2	6	4
50-54	23	1	22	1	1	1
55-59	4	0	4	0	0	0
60-64	0	0	0	0	0	0
65-69	4	0	4	0	0	0
Total	1938	100	1793	100	145	100

Source: Based on resident sheets of the three detention centres as adopted from Black et al. (2005)

In the view of these two tables, the population in detention as well as the sample population was rather youthful. The average age of the sample population was 29 and was only raised as to the fact that there were very few children. In average, respondents arrived three years ago so that the age of arrival was on average at the age of 26. As indicated above, over 70 per cent of all respondents were aged 20-35. In the sample, women were more frequent in the age band of 25-29. There were slightly more women in total (12 per cent) in the sample than in the population in detention.

Comparatively, in the study by Anderson et al. (2006) the average age of interviewees was 27, while respondent from Ukraine were 30 years in average and from Bulgaria 28 years making the respondents from the accession states 26 years old in average.

2.4 Nationality composition (most relevant groups)

The Home Office statistics of migrants detained in the UK between 2001 and 2006 could be found as follows (Table 13). It shall be noted that such figures do not represent the numbers of persons detained for 'illegal entry' *per se*, but include those detained in prison service establishments, i.e. under criminal Act powers. In addition one shall keep in mind that some nationalities may be more likely to be apprehended than other due to 'racial features'.

[42] The resident populations in the three detention centers were recorded on three sample days. The reason for detention was not specified.

Table 14: Migrants in Detention[43] - Most Relevant Nationalities 2001 – 2006[44]

	2001	2002	2003	2004	2005	2006	Total 2001-2006
Jamaica	135	150	195	190	175	155	**1000**
Nigeria	115	50	95	140	230	140	**770**
Pakistan	105	80	90	60	155	110	**600**
China	85	20	130	205	65	75	**580**
Turkey	30	50	110	90	170	105	**555**
India	75	55	95	95	90	115	**525**
Sri Lanka	65	75	70	45	55	105	**415**
Algeria	60	75	55	60	40	95	**385**
Afghanistan	5	15	45	80	115	65	**325**
Ghana	30	20	25	45	50	40	**210**
Bangladesh	35	5	25	40	45	55	**205**
Iraq	15	20	15	55	35	55	**195**
Iran	10	10	20	40	35	55	**170**
Ukraine	40	35	40	20	15	20	**170**
Eritrea	n/a	n/a	10	15	35	85	**145**
Total of most relevant nationalities	**805**	**660**	**1020**	**1180**	**1310**	**1275**	
Total Detained (including all nationalities)	**1545**	**1145**	**1615**	**1950**	**1950**	**2010**	

Source: Control of Immigration Statistics: United Kingdom, 2001 - 2006

Another indicative picture can be derived form Black et al. (2005) where a regional composition of detainees can be found as follows (Table 14).

Table 15: Regional composition of detainees

Region	Number of detainees
Balkans	12
Caribbean	13
Eastern and Central Europe	17
East Asia	6
North Asia	4
South Asia	13
Sub-Saharan Africa	3
West Africa	15
Total	83

Source: Adopted from Black et al. (2005)

Düvell (2007) found that irregular immigrants do not only come from the commonly stereotyped countries of emigration such as India, Pakistan, Poland *et cetera* when considering the most relevant flows to the UK. There also irregular immigration flows stemming from the Australia, Canada or the U.S. Indeed, it is estimated that up to 40,000 irregular immigrants from Australia alone live in the UK

[43] These include persons detained solely under Immigration Act powers and excluding those detained in prison service establishments, i.e. under criminal Act powers.

[44] The table only indicates the most relevant nationalities - from a quantitative perspective - nationalities are listed when the number of detainees reached 40 or more in one or several years

(JCWI 1999). These are assumed to be mostly overstaying their working holidaymaker visa or working longer than their limited amount of time, i.e. more than half of the time being in the country.

2.5 Economic sector composition (most relevant sectors)

The majority of irregular migrants work in jobs that are mainly considered as dirty, difficult and dangerous, the so-called 3-d jobs (IPPR: 2006). The GHK (2007) report refers to sectors in the UK, which were construction, agriculture and horticulture, domestic work, i.e. housework or cleaning, catering and other hospitality services.

Evans et al. (2005) who did not take into account current status of migrants found that migrants constituted 90 per cent of all low-paid workers in the industry sectors of cleaning, hospitality, home care and food processing. It was also found that almost every second migrant working in low paid jobs has at least obtained a tertiary qualification. These two findings may be transferred to population of people with an irregular status which potentially constitute an even higher percentile of the labour force in these 3-d jobs.

In the view of single industry sectors, Mathews and Ruhs (2007) referred to a significant number of hospitality employers that employed migrants irregularly. Predominantly, the employment was either in breach with employment restrictions attached to migrants' immigration status. For instance in case of employing students for more hours than allowed or employing migrants without leave to remain such conditions were breached.

2.6 Former asylum seekers and refugee related groups

Another group that stands for a special case of a group and therefore needs to be distinguished, is of 'former', 'failed', 'disappeared' or 'absconded' asylum seekers. The most recent official number could be found in a report by the Public Accounts Select Committee which referred to the Home Office's Immigration and Nationality Directorate as the source of these figures. It stated that "the potential maximum number of unsuccessful asylum applicants awaiting removal from the United Kingdom was estimated at 283,500, in May 2004. At the same date, the Directorate's electronic database showed 155,000 failed applicants awaiting Removal". It provided an estimate ranging from 155,000 to 283,500 for the population of 'failed asylum seekers', in 2006 (Official Papers HC 602). However, no method or further background information was given in the report. It was only explained that the estimate could not be more precise as data could not be collected for people who had changed address or left the country without informing the authorities.

Migration Watch UK (2005) as elaborated above in more detail, referred to a range of 190,000 and 218,000 for numbers of asylum claimants whose claims have been rejected but who have not been removed (including dependants).

The JWCI (2006) acknowledged failed asylum seekers as segment of the population of irregular migrants. It was argued that many of them do not receive their benefits due to administrative failure and this is the reason why such people – which in fact also applies to asylum seekers whose

applications are still being considered - may resort to unauthorised work. The report also referred to the number of up to 283,500 published by and Home Office and added that most of these people have nationalities from the global south.

Although the 'concern' of 'absconded asylum seekers' seemed to be of highest priority as one immigration official explained (see Düvell and Jordan 2003: 309), the statistical continuity and consistency of statistical quality can be evaluated as rather poor as it can be demonstrated below.

In earlier periods, the constantly increasing numbers in the early 1990s of so-called 'absconders' could be found in parliamentary questioning. With reference to an answer by Mr. Kirkhope, the incumbent Secretary of State for the Home Department (Table 16), this group was referred to the term 'passengers on temporary admission'.

Table 16: Passengers on temporary admission who absconded

Year	1991	1992	1993	1994	1995
Total	601	530	667	1240	1577

Source: Hansard, House of Commons ,Vol. 260, Col. 62.

By 2000, this group was not mentioned in the annual 'Immigration Control: Statistics UK' at all, while 'absconders' were then in the 2001 annual report included in the figures of 'Illegal entrants – dealt with during the period' for the period 1990 to 1996. Then 'absconders' were excluded again for the period from 1997 to 2000 on the grounds that absconding does not necessarily signify the resolution of an enforcement case (Table 17).

Table 17: Persons dealt with as illegal entrants, 1991 - 2001

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Action commenced in the period -											
Illegal entry papers served	4,460	5,670	5,780	7,540	10,820	14,560	14,390	16,500	21,165	47,325	69,875
People dealt with[45] during the period	3,740	4,300	4,830	4,370	4,010	5,240	5,430	6,860	6,275	7,595	n/a

Source: Control of Immigration Statistics: United Kingdom 2001

In 2002 and 2003, it was merely referred to the issue that many cases of enforcement action has been initiated, but persons were not 'removable' because of an outstanding asylum application or appeal, while absconding was pointed out as 'another reason' (Control of Immigration Statistics: United Kingdom 2002; Ibid., 2003). However, the 2003 report stated for the first time the category of 'failed' asylum seekers' who face removal. In the report's section of 'main points', it stated a record of 17,895 failed asylum seekers including dependents who were removed, which made it 29 per cent more than in 2002 (13,910). In 2004, the number of 'failed asylum seekers' was shown in the section of 'enforcement'. This time the number of dependants was excluded and accounted to 54,600 people who

[45] "Dealt with" refers to people who were removed as illegal entrants; departed voluntarily; allowed to stay indefinitely; allowed to stay for a limited period. In addition, 'dealt with' included 'other categories' which are deportation cases (including overstayers), seamen deserters and most importantly in this context 'absconders' (from 1990 to 1996).

were removed (Ibid. 2004). In the section 'main points' of the same report in 2004, the number of removed 'failed asylum seekers' including dependants were 14,905 (Ibid. 2004: 5) – seemingly highly inconsistent. In 2005, this category were only appeared in the section of 'main points', where removals (including assisted returns and some voluntary departures) rose by 9 per cent (13,730, excluding dependants and 15,685, including dependants). However, for the first time, there were a footnote made that stated "an individual may be detained under Immigration Rules at any time during the immigration process. The decision to detain may be appropriate […] because of the risk of absconding" (Ibid., 2005: 4). This was also indicated in the 2006 report while the term 'failed asylum seekers' disappeared from the statistics. However, a further reference to another report was given. This was the report "Public performance target – tipping point results", which demonstrated the results of IND's target to remove more failed asylum seekers.

2.7 Other groups raising specific concern

A group, which was and still gets frequently confused with irregular migration, or as a matter of migration in general,[46] is the group of persons being trafficked by criminal groups and most commonly forced into sex industry in the destination country. This group denotes a feature of criminal exploitation and it does not refer to a migration status at all, however, it was recurrently intermingled with irregular migration processes. Nevertheless, it may be pointed out, since trafficking does raise special concerns as being a serious criminal act. Kofman et al. (2005) pointed out that sex industry and the related trade in sex workers in the UK has increased substantially since the late 1990s. It was referred to experts who estimated the annual figures of women trafficked for sexual exploitation ranging from 142 and 1,420 women.

3. Estimates, data and expert assessments on flows

3.1 Demographic flows (Birth and death in illegality)

There is no rigorous study available in UK addressing either the birth or death rate of irregular migrants.

3.2 Border related flows (entry and exit over ports of entry and green/ blue border)

Concerning flows of irregular migration into the UK, the amount of research and correspondingly the estimations that can be found, deliver a similar picture as the case of stock above. A minimal amount could be found. Most recent studies refer to the estimates that were already accomplished by others, but do not attempt their own estimations. For instance the GHK (2007) report indicated an estimate of annual inflow of 95,000 irregular migrants into the UK in year 2001. This estimate was however accomplished by Jandl (2003) at the Metropolis Conference in 2003. Jandl (2003) did not refer to a

[46] Notably, trafficking also occurs internally, i.e. within the countries, without crossing any border.

specific method that were employed for this UK flow estimate, but demonstrated estimation methods in more general terms for single EU Members States. As for the estimation of stocks, there is an evident lack of estimations of flows. One flow estimate flow from 2000 can be looked at in more detail. This is the Migration Watch UK flow estimate for the year 2000.

Migration Watch UK (2002) – Flows in 2000 - 110.00 - 120.000

Migration Watch UK (2002) categorised three groups which were (1) asylum seekers who overstay (at a later stage it was explained that 'disappeared' asylum seekers were meant), (2) other overstayers and (3) undetected immigrants. The stock of overstaying asylum seekers for the past 10 years up until the year 2000 was estimated. For the two latter categories, annual flows for the year 2000 were estimated.

The stock of the first group was derived from the Home Office official statistics, which indicate that over the past 10 years "just under 10 per cent are granted asylum, 17 per cent are granted exceptional leave to remain, and 12 percent are removed". It was concluded that the missing 60 per cent of people have disappeared which amounted according to the numbers of asylum seekers at the time to 50,000 to 60,000 for the year 2000.

The second group included legal visitors such as students who then overstay. In 2000, about 2.5 million visitors were admitted to the UK from "the third world", of those 140,000 students, and 1.1 million from Eastern Europe, of those 70,000 were students. The official statistics indicate marriages to UK citizens, but it is assumed that others stay in the UK and find undocumented work. It was claimed that since the mid-Nineties "there has been no recording of departures at British ports and airports so there is no means of knowing how many stayed on illegally". A "most conservative estimate of 1%" was suggested which amount to 35,000. Although, it was claimed "the number could be much higher".

The third group of 'undetected immigrants' referred to smuggled migrants into the UK. Once more relying on official Home Office statistics, in 2000, about 47,000 were detected. Considering that only one truck in 100 is searched, it was concluded to add another 50 per cent of 'undetected immigrants', i.e. adding another 25,000 in 2000.

In sum, this flow estimate of 'disappeared asylum seekers' in the 2000 - however not clearly indicated by Migration Watch UK - would suggest a figure ranging between 110,000 and 120,000.

In the same publication, under section 'total inflow', it was noted that the annual net inflow of about 180,000, as published by the Office for National Statistics, ignored overstayers or clandestine entrants. Those may be derived - as suggested - from the Home Office's estimate of 500,000 'illegal' immigrants entering the European Union every year, and combining with "those who seek asylum in the EU, a quarter come to Britain". It was concluded: "if undetected immigrants follow the same pattern about 125,000 would come to Britain every year. Nevertheless, we are taking much lower estimates of 35,000 and 25,000 per year for these two undetected categories" (overstayers or clandestine entrants) (Migration Watch 2002).

Discussion

First, this flow estimate was confusingly described and at some occasions misleading, which makes the estimate somewhat incoherent. At times, it was referred to figures "per year" and sometimes to "in 2000", which was the year of reference according to the sources that have been used. For instance it

was referred to "50,000 to 60,000 per year", instead of "in 2000", which could imply an annual inflow of this category of people for the time frame 1990-2000 that was generally referred to, i.e. a stock of 500,000 to 600,000 asylum seekers who overstayed by the end of 2001. It was assumed that this was not meant.

Second, using such mixed methods makes the estimate somewhat incoherent in terms of either speaking of flows or stocks. The past ten years were included for the first categorised group and the two other categories were estimated for the annual flow of the year 2000. The suggested approaches of estimating a figure may have been accomplished for the past ten years so one could speak of a stock estimation for a particular period of time, or the approaches of estimating a figure could have been applied for the year 2000 only, then one could speak of a flow estimate.

Third, the additionally confusing estimate of 125,000 'undetected migrants' evidently demonstrates the range of scale as to how much higher the actual annual inflow figure might actually be, but has no function as an estimate itself. It underlined the modesty as it was explicitly stated in the conclusive part that "we have chosen very low estimates to avoid any suggestion of exaggeration". The related reduction to 25,000 or 35,000, as the accomplished estimate has indicated, remained unclear.

Fourth, the accomplished estimate relied on assumptions that have no methodological or scientific background, but they are based on common sense and a most plausible appearing rule-of-thumb. The underlying basic assumption which is not explicitly mentioned, but can be implicitly derived – and in fact was pointed out in the Migration Watch UK estimate of 2005 – is that people would not leave the UK simply "to their own accord" (Migration Watch UK 2005: 3). This assumption has no scientific basis and implies a certain degree of suspicion. There are no studies at that point in time that would support this assumption. Such a study would comprise a survey of 'absconded' asylum seekers that records decisions and future plans of these individuals as to moving on to another country or simply going back to their country of origin.

Fifth, the estimations were derived from official data published by the Home Office, however, the rule-of-thumb that were used, for instance, concerning the one in 100 trucks rule, seemed to have no empirical evidence or there was no reference given. The estimations were clear-cut presented and appear plausible to the reader keeping in mind the political role of Migration Watch UK and its ties to the conservative-minded political actors across the partisan spectrum. Nevertheless, it is highly questionable, to present and disseminate such figures, although no rigorous methodology have been applied, or at least was not presented.

3.3 Status-related flows (regular to irregular, irregular to regular)

Legal provisions are given on case-by-case regularisations on so-called 'compassionate grounds'. Thus a status-related flow from an irregular status to regular status would be the case if compassionate grounds would be granted. No numbers are available.

As mentioned above, after 14 years of stay in the country irrespective from the legal status, persons can apply for leave to remain under the so-called 14-years-consession. Düvell (2002: 33) referred to 1,400 and 3,300 individuals each year since 1989, who "have qualified for such a form of individual regularisation" (i.e. residing in the country for more than 14 years).

Heterogeneity is once more the most prominent character, however, Jordan and Düvell (2002) found mechanisms by which migrants changed their immigration status. Such status trajectories were accordingly documented. Focussing on Brazilian and Polish irregular migrants Jordan and Düvell (2002) found that most Brazilians entered the UK as tourists and subsequently applied for student visas using language schools. After years of residence some of these people obtained European passports, while a few women got married to EU citizens. In the case of the Polish migrants who were interviewed during their fieldwork, most of them entered as tourists, almost none of them applied for asylum, a few women married EU citizens. The majority obtained new passports if they were returned to Poland and came back to Britain once more as a tourist. The principle of heterogeneity also applied to Turkish migrants. About 75 per cent of Turkish migrants applied for asylum during their stay, but a substantial number frequently moved from one status to the other. Working informally was very common regardless from having eventually obtained permission to work (as asylum seekers for instance), since this newly obtained status could be potentially used for claiming benefits as well.

In the meantime Poles have gained the right to work in the UK, however, there is no study that illustrates status transitions of Poles or any other groups of nationalities that faced the same opportunity of legal work in the UK. Such trajectories of irregularity that can be observed 'before' and 'after' a new creation of a legal channel as in the case of Poles in the UK, which is however unknown. Likewise unknown, is a 'before' and 'after' situation of different groups of nationalities when a regularisation of irregular migrants would take place. A study focussing on such research objectives is currently conducted for the case of Belgium by the Centre for Social Policy at the University of Antwerp (Corluy et al. 2008).

Part III: Discussion and policy implications

The impact of the estimations had an impact on policy-making, but it did not have an explicit or substantial impact that can be traced back to these figures. In parliament, it was mainly referred to the Woodbridge estimate and policy awareness of the phenomenon of irregular migration into the UK was present before the June 2005. This has been elaborated in sections above, which unravel the legislative and regulative framework on irregular migration over the past years. Nevertheless, a rather particular conduct of discourses towards estimations of irregular migrants in the UK may be derived from certain developments in political and public domains over the past years.

As to connect the threads provided above, the relationship between this peculiar discourse on estimations and the rather vivid public engagement in the view of the most recent developments of the migration policy framework shall be discussed in the following sections.

Three dimensions may be briefly elaborated as to provide an overview of the threads that run together.

- First, there is the absence of estimations and a tacit conduct of discourse at formal political level.
- Second, the contrasting public awareness of the phenomenon as for one, a demonising tabloid paper landscape and for two, a lively anti- deportation activism among members of civil society.
- Third, legislative and policy-making developments that encourages economic migration and offers 'legal pathways' (e.g. Points–based System) aiming at a reduction of irregular movements, but at the same time intensifying not only the combat against such irregular migration and employment at an external level (controlling ports of entry) but also at an internal level (gearing-up immigration enforcement by also new means, i.e. identity cards (IDs)).

Absence of estimations – until Woodbridge (2005)

In most EU Member States, but in the UK, a range of studies on methods and estimates of how to approach the scope of the phenomenon of irregular migration were available. There was no study up until the publication of the Pinkerton et al. (2004) study and the subsequent Woodbridge (2005) study, which executed a formal estimate for the UK. It is questionable why the Home Office did not commission such studies earlier or why other institutions, but Migration Watch UK, have not been getting involved in estimating irregular migrant populations. One reason might be the problematic statistical databases in the UK. Due to the UK's colonial past, databases or records of people migrating into and out of the UK received relatively early attention. However, these have been administered negligently in terms of introducing new statistical control caveats. Databases are scattered – partially due to the complex and blurred nature of 'illegality' as such - and do not provide the necessary features in terms of administrative control measurements in order to commence a rigorous estimate. Existing data exacerbates accurate measurement of the stock of immigrants at national, regional and local levels. There is also insufficient data about people leaving the UK as well as about short-term immigration to the UK. Nevertheless, the Home Office and other government agencies are aware of these issues and planned an array of improvements as demonstrated above in the section on data sources. In 2004, it was reported that no estimations on the irregular migrant population exist due to the situation of available data sources (National Audit Office 2004). In late 2006, an Inter-Departmental Task Force on Migration Statistics has published a report on how to improve statistics and records of immigrants as the statistical sources seemed to be the most prominent issue when it came to estimating the population

of irregular migrants (ONS 2006). In line with these commitments, the Immigration, Asylum and Nationality Act 2006 allows data sharing between the Immigration Service, police and customs to strengthen the border as part of the e-borders programme.

Another reason might be that there is a certain political culture that was rather reluctant to quote hard facts, i.e. figures on irregular migrants. By stating figures, governments immediately moved into the fire line of the media. The first time the official estimation by study conducted by the Home Office published on the 30 June 2005, was mentioned in the House of Commons on the 18 July 2005. From that point on most question have been answered in the same manner by pointing out that there is "by definition of the subject matter no number available" but there is a study that has been commissioned by the government – the reference to the study and where it is available is always provided.[47]

The publication of a number itself was seen as a matter of ethical dimension as it was refuted by other voices among members of civil society. After the publication it has been tacitly established, as it seems, that the finally 'official' number would cease the 'ideologised' and sometimes misused question over 'how many are there'? The formerly ongoing 'numbers game' of the 1980s and 1990s was possibly aimed at putting an end to this game of construing numbers in parliament or elsewhere. However, this game had shifted to the debate of accuracy of estimations as the reaction by Migration Watch UK demonstrated. The 'correction', as above shown, was methodologically and logically adequate, nevertheless, it made assumptions that underlie presumably political ideology and less scientific driven endeavours. Consequently, oppositional voices condemned this new estimation of even higher numbers of the stock of irregular migrants. In their view it fuelled the misguided discussion that was held over the years in parliament and in the public domain. Notably, this discussion of 'accuracy' forwarded by the correction by Migration Watch UK gained even further public attention in early 2007 as an expert in the field and co-founder of Migration Watch UK, David Coleman, openly supported such 'corrected' results. The 'Oxford Student Action for Refugees' launched a petition to reconsider the suitability of David Coleman's continued tenure as a professor of The University of Oxford. Although the petition was clearly rejected, it demonstrated the significance and concern among members of civil society regarding the publication of a number or correcting an estimate of the stock of irregular migrants in the UK.

Policy implications – stepping up deportation vs. regularisation

As it was pointed out above, the mass media coverage and with special regard to the sometimes propagandistic tabloid media news coverage, fuelled the discussion on policy developments in a grossly negative way. Article headlines that try to disturb the public such as "Britain invaded by an Army of Illegals" as displayed in *The Sun*, are regrettable. However, it is questionable in how far policy-makers are influenced by such media representations as one has to keep in mind the power of the media in the UK. For instance Simon Heffer's columns in the *The Daily Mail* provide an illustrative example. In February 2001, Heffer warned not to vote for Tony Blair for otherwise Britain would become home to "14 million illegal immigrants, few of whom speak a word of English" (*The Daily Mail*, 9.2.2001). Such comments were not disregarded at formal political level as the leader of the Conservative Party at the time, William Hague, referred to this very article and pointed to Blair's Britain becoming a "foreign land".

[47] see: Hansard, House of Commons, 24 October 2005, Vol. 438, col. 41W; Hansard, House of Commons, 9 November 2005, Vol. col. 540W; Hansard, House of Commons, 30 November 2005, Vol. 440, col. 594.

Verbs in political and public discourse were increasingly linked to immigration flows which were for instance 'invaded' and 'swamped' implying the powerlessness against the force, or the unimaginable or unmanageable sheer scope of the phenomenon. Providing statistical facts that prove the amount of work devoted to this question of scope and in conjunction with the metaphor of invasion, as this hints to military or operations of armed forces, numbers were used to purport the perception of threat. Estimates and guesstimates in political and public discourse from time to time furnished the numbers game of immigration as one main rhetoric objective, which is of associating immigration - and especially irregular immigration - and its quantity with the distorted perception of threat.

Symbolically, a recent press release by the Home Office referred to the UKBA "plans to increase the removal of 'illegal immigrants', allowing the fast removal of those who come to Britain and break rules. Last year the UKBA removed a record 4,200 foreign national prisoners, altogether deporting 63,140 illegal migrants from the UK – the equivalent of one every eight minutes." Apart from the confusing use of terminology in this press release, it is questionable why the UKBA perceived the calculation of their 'deportation frequency' in the unit of minutes as necessary piece of information. It symbolises the government's need of demonstrating effective enforcement measures combating irregular migration that are in a constant and ongoing process (Home Office 2008c).

Over the recent years, government policy seemed to move away from suggested policy proposals that were forwarded by organisations such as the JCWI, IPPR, or the Institute of Employment Rights (IER). All of these were demanding policies that enhance explicit rights to migrant workers as well as policies of regularisation programmes for irregular migrants (see JCWI, 2006).

In contrast, an active network of religious and community organisations in London and Birmingham, the Strangers into Citizens campaign as well as the umbrella organisation The National Coalition of Anti-Deportation Campaigns (NCADC), called for a one-off amnesty. Such a one-off amnesty would give irregular migrants who resided in the UK for more than four or more years a regular status for at least two years, i.e. a leave to remain. In April 2007, Strangers into Citizens initiated an opinion poll, which asked UK citizens whether or not irregular migrants who have been residing in the UK for more than four years and who work and pay taxes, should be obtain a leave to remain. 66 per cent of the UK citizens agreed to the regularisation of these people (Strangers into Citizens 2007).

Recent elections campaigns for the major of London in April 2008 included the issue of an amnesty of migrants with an irregular status, and notably, all three candidates, including the Tory candidate Boris Johnson acting against the official policy of his party, agreed to support such a policy in the future. On the 9 April 2008, *The Independent* reported on the Mayoral candidates who united in a call for irregular immigration amnesty. It stated that "all four major candidates in London's mayoral election join religious and business leaders in proposing a radical solution for illegal immigrants". Mr Livingstone pointed out a "fresh start" for migrants without regular status who "contribute hugely to the economic, civic and cultural life of London and the UK". He blamed the "deep-rooted failings in the immigration system". Significantly, the Government "steadfastly refused to agree" to such policy proposals of an one-off amnesty, since it would stand for an incentive for irregular migrants to come to the UK (*The Independent* 2008). Liam Byrne, the incumbent Immigration Minister, reaffirmed the Government's strategy to combat businesses employing foreign workers illegally. Most recently, the London mayor Boris Johnson called for an "earned amnesty" for irregular migrants living in the capital and launched "a review into the feasibility of granting an amnesty to an estimated 400,000 people living illegally in London" (*The Guardian*, 2008). Although this number was classified as guesstimate (see part II), it is

still remarkable that a number was mentioned by an authority in relation to a prospective regularisation. On this way, it makes this policy unusually explicit and at the same time politically toxic.

In London, a public consensus on the issue of an amnesty for irregular migrants seem to exist, which faces a partially demonising media coverage and a reluctant government that reaffirms policy of law and order, of combat strategies against irregularities in society – and yet, irregularity or 'illegality' represent an immigration status that is left blurred.

Reinforcing traditional control structures and shifting from external to internal logics of control

Publicising the estimation of the irregular migrants population in the UK had an effect on the future policy-making, however, it could not be found that this impact was the primary reason for such policy developments. Policy-makers were aware of the phenomenon for many years, however a caveat that drove policy developments furthermore was 'insecurity of the unknown'. The accuracy of the scope is still controversial and presumably influenced the production of policies that underlie logics of control and surveillance in order to overcome this very insecurity factor. Such a factor of the 'insecurity of the unknown' fuels the – above elaborated – perception of threat, which has evolved over the years and became an established discourse at formal political level as well as the public arena.

The traditional external control, i.e. controlling the port of entry, was reinforced by the empowerment of enforcement agencies. This was achieved by primary and secondary legislations, and notably by the latest UK Border Act 2007. The legislative evolution that took place over the years, as elaborated in part one above, demonstrates the enhanced power for an increased number[48] of personnel involved in administrative as well as enforcement procedures. Immigration Officers obtained competences equivalent with policemen, and at the same time the process of asylum seeking had been speeded up as part of the general deterrence strategy towards asylum seekers. It seemed that the perception of threat in conjunction with 'the unknown factor' was retrospectively interlinked with the panic over 'bogus' asylum seekers as this panic has dominated the discourse in the 1990s. The concept of 'bogus' asylum seekers or 'economic' asylum seekers became a synonym for irregular migrants during the early and mid 1990s. Corresponding legal provisions have been developed accordingly as shown in part one.

As complementing measure, further plans of developing technological sophistication were pointed out in parliament. For instance, in 2005, the question by Hendry, MP, on deployed technical surveillance equipment at ports of entry to the UK, it was answered by the Secretary of the State for the Home Department, Mr. Browne that there are "CCTVs recording arriving and departing passengers and New Detection Technology (NDT) to detect clandestine entrants." Mr. Browne went on and referred to NDTs "including Passive Millimetric Wave Imagers, Heart Beat Detectors, Gamma Ray Scanner and CO_2 probes" that are deployed.[49] Another exemplification of such newly developed technological advances at European level such as the EURSUR project was demonstrated above in part one.

The most prominent discussion concerns the introduction of identity cards in the UK. Especially in the UK, this change of newly enforced internal control measures stands for a shift in policy-making, which is not in line with the traditionally liberal understanding and the role of the state as such. For decades an introduction of an ID card as a measure of internal control was a political 'impossibility'.

[48] On the 11 March 2008, Jaqui Smith announced that there will be additional 3,000 police permanently based at borders 39 new Special Branch posts. The funding, as announced, for border policing increasing to around £75m in the new financial year (http://www.bia.homeoffice.gov.uk/sitecontent/newsarticles/borderpolicingstrengthened).

[49] Hansard, House of Commons, 4 February 2005, Vol. 430, col. 1151W.

The first attempt of a legislation introducing national identity cards took place 1952, which in fact passed the second reading in parliament. Several further attempts of legislations were initiated by the National Identity Card Bill (1988), by the Voluntary Personal Security Cards Bill (1992), which had a very similar function as an ID card, and by the Identity Cards Bills (1994, 1995). In the 1970s and 1980s the Bills were rather bluntly rejected in early stages of the policy process by formal political circles as well as in response by a wider public debate. The notion of requiring every citizen and resident to register for a national identity card was, in contrast to other EU Member States such as France or Germany, a culturally and politically sensitive issue. As the numerous attempts over a substantial period of time proof, it was an unacceptable policy among political actors and the public. Opponents feared advanced surveillance would permanently alter the relationship between citizen and state by unduly enhancing the state's powers over its citizens. IDs were perceived as an instrument that allows government and law enforcement to demand that people have to prove who they are, which contradicted with the principle of being free in a free society (*The Observer* 2002). In 1990s, in the course of a stark increase of asylum applications and the discursive demonisation of those, the government started another attempt in a slightly different spotlight, which was eventually successful.

In July 2002, the government launched a consultation on Entitlement Cards and Identity Fraud (Official Papers Cm 5557) followed by a draft Identity Cards Bill which was published on 26 April 2004 (Official Papers Cm 6178). And yet, the Fourth Report by the House of Commons' Home Affairs Committee on Identity Cards published on 20 July 2004, referred to the illegal working and immigration abuse, which can be opposed by the introduction of identity cards, but hesitation in its effectiveness was still at stake since the Committee did not "accept that identity cards would make a significant contribution" (Official Paper HC 130-I: 86). Emphasis was drawn to determined action against culpable employers. It was once more referred to the fifty-eight Chinese nationals who suffocated in June 2000 when they were being smuggled in a lorry into the UK, and "most unlikely that had identity cards been in existence it would have stopped" this incidence (Ibid.).

In the same manner, the fifth report on the Identity Cards Bill by the House of Lords' Delegated Powers and Regulatory Reform Committee published on the 10 November 2005, hesitated to asses the appropriateness of the Bill depending on "whether one considers this bill as introducing a voluntary scheme which may gradually be extended towards compulsion, or a bill which provides for a compulsory scheme preceded by a voluntary stage". Nonetheless, the Bill was enacted on the 30 March 2006 and took far more drastic developments, especially in the view of the UK Border Act 2007. The Minister of State for Borders and Immigration, Mr. Byrne, set out the interplay for the implementation of the Identity Cards Bill and the UK Borders 2007 (Home Office 2008a). He referred to 'The Strategic Action Plan for the National Identity Scheme: your identity' (Home Office 2006b), which explains the plans of covering everyone who is legally resident in the UK and additionally establishing a National Identity Register. From November 2008, compulsory national identity cards (IDs) for foreign nationals who apply for an extension of their stay in the United Kingdom as students or as the husbands, wives or partners of permanent residents, were introduced. Apart from becoming compulsory, Identity Cards for foreign nationals in the UK were linked to a Biometric registration and the non-compliance with such regulations can be accordingly sanctioned. Such sanctions are envisaged to be – as set out in a consultation paper by the Home Office (2008a) - immigration sanctions or civil penalty notices. Immigration sanctions are planned to be imposed, for instance the refusal or rejection of the applicant's immigration application for leave to enter or remain in the UK; or the variation (curtailment) or cancellation of a person's existing leave to remain in the UK.

The political attitude towards this sensitive policy issue has seemingly changed. In fact, sanctions such as the refusal or rejection of the applicant's immigration application for leave to enter or remain, would create a further pathway into 'illegality'. In a recent speech at the think tank Demos in London on the 8 March 2008, Jacqui Smith, the incumbent Home Secretary, referred to the National Identity Scheme as "the duty of public protection and the impetus for greater citizen convenience" that benefits from the fight against "illegal immigration and illegal employment". She explained further the modalities of the plan for this scheme, which "makes it illegal for anyone to possess false identity documents, or genuine documents belonging to someone else". The card will contain details of the person's immigration status including the person's permission to work or her/his access to benefits (Smith 2008).

In the public arena, the discussion ranges nowadays from campaigners such as 'NO2ID' to other interests groups such as Migration Watch UK. 'NO2ID' believes the ID is assaulting one's liberty and privacy by the rapid growth of the database state.[50] It thus deprives UK citizens' human rights. On the other hand, Migration Watch UK pleads for effective controls on access to the National Health Service, and for checks of the immigration status of children when applying for places at schools. In such cases the ID card would make a deception much more difficult. Migration Watch UK added that the ID would likewise effectively deter potential overstayers. It can be emphasised that the Identity Card Act 2006 stands for hegemonic shift in discourse of internal immigration control.

Not only in the domain of immigration policy-making *per se*, but also concerning other policy domains such as social and economic spheres as well as the management of databases, a certain shift to 'internal' control can be observed. With reference to the BIA webpage, partnerships between BIA, local authorities, police, HM Revenue and Customs and local agencies were planned to be established. A creation of a watch list of irregular migrants shall be set up to provide Government departments and agencies the necessary information when it comes to deny services such as NHS services or other social benefits.

This shift might stand for the most evident policy impact of the estimated scope of irregular migrants a well as the related 'insecurity of the unknown' that the number might be 'well-above' the estimated number. An improved 'partnership' among the government departments and police working with the Home Office were forwarded to enhance enforcement strategy and actions. These range from the prevention of so-called bogus students from entering the UK, often registered at 'fake colleges', to reducing the "harm caused by illegal immigration and making communities safer".[51]

This expansion of internal enforcement measures was likewise linked to the topic of criminal activity related to (irregular) immigrants as depicted by the Metropolitan Police London (Met) (*The Job* 2007). Operation Maxim was launched, which is a partnership among the Immigration Service, the Identity and Passport Service and the Crown Prosecution Service that aims at combating human smuggling, people trafficking and illegal passport factories. In July 2007, Operation Maxim uncovered a counterfeit-passport factory in north London. 'Immigration crimes' which were not addressed by Operation Maxim were planned to tackle in another initiative called Project Swale. As commissioned by the government, Project Swale is an ongoing partnership between the Home Office's Border and Immigration Agency (now UKBA). 66 Met officers set up three new regional teams to target several London districts. Focus will be tuned towards "foreign nationals living in the UK who, by their actions, are causing harm in the community" as stated by Det. Sgt. David Arthurs from the London, Hounslow

[50] http://www.no2id.net, accessed 18.5.2008.
[51] http://www.bia.homeoffice.gov.uk/, accessed: 10.5.2008.

team. According to the premise "Nowhere to hide", involved enforcement agencies seem to aim at further prospective operations.

Conclusive Remarks

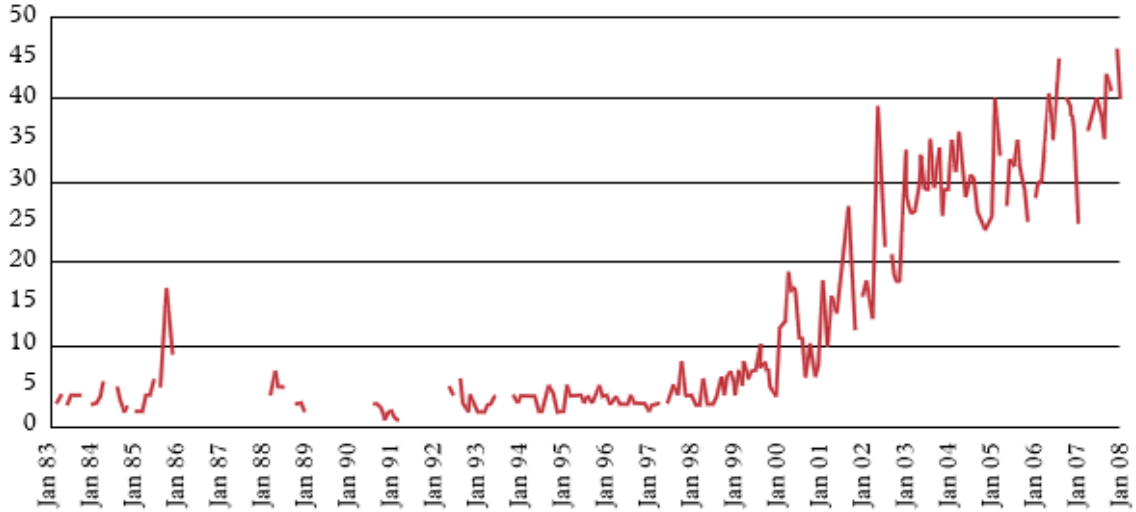
A paradoxical development has evolved over the years. This resulted in a traditional political culture of refraining from quantification of the phenomenon and proving a certain sensitively awareness of the subject matter, while at the same time, an increasing trend of measures towards enhanced control and surveillance has taken place, which stands for a shift in the UK's tradition of liberal values in this particular policy domain.

The 'numbers game' of the growth rate of Britain's black communities in the early 1980s (Dixon 1983) became a 'numbers game' of asylum or so-called 'bogus' asylum seekers in the beginning of the 1990s and shifted to a 'numbers game' of irregular migrants in the late 1990s. Insecurities or myths of an 'unknown number' have biased the mobilisation of policy initiatives and formations. Politics nourished an inaccurate and negative image of irregular migrants. Some parts of the media contribute to this process of stigmatisation and demonization.

It is questionable in how far administrative records and its related estimations of population groups may be omitted if they are not accurate and do not contribute to the political discourse constructively. It does, however, serve as a tool for future policy decisions such as regularisation programmes. To know the possible scope of people that might register for a legal status, is beneficial knowledge. As a basic rule, all publications quantifying irregular migrant populations should justify and make transparent its methodological framework. This should facilitate evaluation and assessment of such quantifications as well as the underlying ethical issues that need to be considered when dealing with irregular migrant populations.

The public awareness and concern on the quantification and the policy domain as a whole can be evaluated as significant (Graph 2). The effectiveness of the current repressive measures such as ID cards or new enforcement operations such as Swale or Maxim, initiated by UKBA, are questionable, and certain disruptive effects on community relations may be expected. Current efforts by the Home Office to demonstrate its effectiveness of removing people from the country in relation with reducing the phenomenon of irregular migration to a migratory process dominated by 'smuggling', might further criminalise and stigmatise this population group.

Graph 2: Share of adults mentioning immigration and race relations as the most important issue facing Britain[52]



Source: Ipsos Mori[53]

[52] Adopted from the House of Lords' Select Committee on Economic Affairs First Report, HL Paper 82-I.
[53] www.ipsos-mori.com

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