THE MIGRATION DEBATE

Sarah Spencer

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Contents

Glossary

A2	Bulgaria and Romania, which joined the EU in January 2007
A8	Eight Central and Eastern European countries that joined the EU in May 2004 (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia)
BIS	Department for Business, Innovation and Skills
CBI	Confederation of British Industry
CIC	Commission on Integration and Cohesion
CLG	Department for Communities and Local Government
DCSF	Department for Children, Schools and Families
DfID	Department for International Development
DWP	Department for Work and Pensions
e-Borders	A system of collection and analysis of data provided by transport providers in respect of journeys to and from the UK
ECJ	European Court of Justice, now the Court of Justice of the European Union
EEA	European Economic Area, a free trade area made up of the (now) 27 EU member states plus Iceland, Liechtenstein and Norway
EEC	European Economic Community
EU	European Union
FCO	Foreign and Commonwealth Office
GATS	General Agreement on Trade in Services
GDP	Gross Domestic Product
HRA	Human Rights Act 1998
HSMP	Highly Skilled Migrant Programme
ILO	International Labour Organisation
ILR	Indefinite Leave to Remain
IND	Immigration and Nationality Department

IOM	International Organisation for Migration
JCHR	Joint Committee on Human Rights
LFS	Labour Force Survey
MAC	Migration Advisory Committee
NGO	Non-governmental organisation
NHS	National Health Service
NQF	National Qualifications Framework
OECD	Organisation for Economic Cooperation and Development
ONS	Office for National Statistics
PAC	Public Accounts Committee
PBS	Points-Based System
PSA	Public Service Agreement
RLMT	Resident Labour Market Test
SAWS	Seasonal Agricultural Workers Scheme
TCN	Third Country National (not a citizen of a country in the EU)
TUC	Trades Union Congress
UASC	Unaccompanied Asylum Seeking Children
UKBA	United Kingdom Border Agency
UNHCR	United Nations High Commissioner for Refugees
WRS	Workers Registration Scheme

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Introduction: migration policy in the 21st century

Migration presents us with a paradox. The vast majority of the public say that fewer migrants should be allowed to come to the UK and each new government promises tighter controls, yet a significant number of people continue to come. That divergence alone makes migration an intriguing area of public policy to explore.

Of those born in the UK, 83% want fewer migrants (foreign born) to come, as do a majority of those who were themselves born abroad (Lloyd, 2010: Table 73). More than a third of the public now regularly cite race and immigration as among the most important issues facing the country, significantly higher than in most European countries and a sharp increase from a decade ago (Eurobarometer, 2009: 11; MORI, 2009). During that time, national policies on labour migration, asylum, family migrants and international students have been radically overhauled. Yet the public is evidently far from reassured.

Nor is the UK alone in this experience. No country in Europe set out to expand its post-war population through permanent migration or made a conscious choice to become a multicultural country. Yet, by 2008, more than 30 million foreign citizens were living in the 27 member states of the European Union (EU), 6.4% of its population, of whom two thirds were citizens of countries outside the EU (Eurostat, 2010b). The social, economic and political effects of migration are inextricably interwoven into the fabric of Europe and its future (Hansen, 2002).

In the decade 2000–09, towards 1.9 million more people came to live in the UK than left to live abroad (ONS, 2010a). A British immigration minister insisted in 2009 that 'The British people can be confident that immigration is under control' (Woolas, 2009) but they

were not, 71% rating the government's management of immigration as poor (Transatlantic Trends, 2009). Migration was a salient issue in the 2010 general election and the Conservative policy to set tighter limits was popular on the doorstep. Yet its manifesto anticipated the tensions it would face:

> We want to attract the brightest and the best people who can make a real difference to our economic growth. But immigration is too high and needs to be reduced.… We want to encourage students to come to our universities and colleges, but our student visa system has become the biggest weakness in our border controls. (Conservative Party, 2010)

No sooner had the Coalition government taken office than its policy faced opposition at home and abroad that it could not afford to ignore.

Competing policy objectives

Migration has a significant bearing on many of the core responsibilities of government and therein, for politicians, lies the rub. Government choices are constrained by the significance of migration to competing policy objectives: from economic competitiveness and capacity to deliver public services to international relations and compliance with human rights law. There is, however, no consensus on the weight that should be placed on those priorities: should we value the remittances migrants send home as a contribution to international development (Van Hear et al, 2009), for instance, or bemoan them as a loss to the British Exchequer (Migration Watch, 2009)? Options are further constrained by the legacy of migration trends and legal precedents from the past; and immigration controls cannot always deliver what governments aspire. These constraints, however, are rarely transparent. Eager to reassure, governments over-promise and under-inform. A polarised, highly charged public and media discourse inhibits reasoned debate on policy options. The public does not know why governments cannot simply shut the door.

Ask why migration should be curbed and the answer, with differing emphases, focuses on the impact on jobs, public services, community cohesion and the environment. While critics near-universally acknowledge that migration has brought economic and social benefits, the suggestion that it will be the primary cause of the UK population rising to an estimated 70 million prompts tabloid headlines that it is 'a time-bomb ticking under our environment' (*Daily Mail*, 2009), putting pressure on housing (Green, 2009), stretched public services and natural resources (Balanced Migration, 2010). Some argue that migrants damage the employment prospects for British workers (Migration Watch, 2010) or undermine the trust and mutual belonging on which support for the welfare state depends (Goodhart, 2004). Tight restrictions are also, critics argue, what the public want, and failing to respect their views fuels support for the far right.

These claims have been seriously challenged by scholars, questioning the data, assumptions and value judgements on which they are based and the fearful tone in which they are expressed. It is argued that the UK experience of migration is unremarkable in an international and European context; that claims about the impact of migration on population growth are based on a questionable use of statistics; that evidence on the economic impact of migration is finely balanced (Chapter 3); and that migrants take up less space and use no more resources than other residents. Members of minorities are not choosing to live parallel lives, neighbourhoods are becoming more ethnically mixed not more segregated and diversity has not threatened support for the welfare state (eg Banting and Kymlicka, 2006; Phillips, 2006, 2007; Peach, 2009; Finney and Simpson, 2009). NGOs have similarly been sceptical of claims about the impact of migration on the environment (FOE, 2006).

Nor are public attitudes as clear-cut as they might seem. Dig beneath the headlines and we find that opposition to migration is not uniform or consistent. The government's own Citizenship Survey found young people less likely than their elders to be hostile to migration and no less than 84% of the public in England (2008–09) see their local area as a place where people from different backgrounds get on well together

(Lloyd, 2010). The public are considerably less concerned about legal migration than illegal migrants and fewer than half believe migrants bring down wages. Just 54% think migrants reduce the number of jobs available, despite mistakenly believing that they comprise 27% of the population, almost three times the actual figure (Transatlantic Trends, 2009).

Migration is, moreover, a freedom many British people want for themselves: the freedom to study in Japan, work in Canada, retire to Spain or have a gap year in Africa and to bring home the soulmate they meet on the way. Every year, thousands of British citizens leave the UK to live abroad (some 364,000 in the year to March 2010), around 5.5 million living permanently overseas and a further 500,000 for part of the year (Sriskandarajah and Drew, 2006; ONS, 2010c). As an employer, moreover, we want the freedom to employ a brilliant scientist from China or migrant carer to look after our kids; freedoms that require reciprocity: British citizens free to live and work in the other 26 EU member states, for instance, in return for the freedom of their citizens to live and work here. Some UK residents, however, have not themselves benefited from migration and question the impact on Britain and their neighbourhoods of those who do come to work, study or seek refuge here.

This book

No student of public policy would suggest that strengthening the evidence base will in itself be sufficient to reconcile these conflicting views. This book, nevertheless, in providing an overview of policies, their development and some alternative options, aims to put the debate on a more informed footing and to throw light on the politics of migration policymaking: the conflicting objectives, constraints and trade-offs from which policies and practices emerge (Spencer, 2003). As in earlier volumes in this series, the intention is thus not simply to set out what policy is and how it has developed but to explain *why*, to explore whose interests it serves and the ways in which the concepts and language used in policy discourse can privilege certain ideas over

others (Ball, 2008), a process that can accord the status of 'common sense' to views which are not necessarily highly evidence-based.

While the central focus of the book is on the UK, its experience can only be understood in a global and European context. The UK itself, moreover, is not one nation, but four. While the central tenets of migration policy are not devolved, the text notes some policy divergence in Scotland in particular, as well as the central importance of local policymaking in relation to migrants living across the UK. The book makes reference to policies towards source countries and to emigration, but focuses primarily on entry to the UK and on policies towards migrants remaining on a temporary or permanent basis. It notes evidence on policy outcomes and considers alternative options that academic, parliamentary and civil society critics have proposed.

In this chapter I begin by identifying the global migration trends that provide part of the context for migration policy. I move on to show how our understanding is enhanced by migration theory, enabling us to critique some common perceptions about migrants, their motivations and future intentions. Mistaken assumptions and a poor evidence base are by no means the only hazards for policymakers in this field. The section that follows, drawing on the emerging literature on migration policymaking, sets the context for understanding the politics and process of policymaking itself. We cannot understand policy today without knowing something of its history and the chapter continues with a brief review of how we came to this juncture. It concludes with an explanation of the significance of recent data on migration and migrants before outlining the structure of the rest of the book.

Terminology

Before we continue, it is necessary to clarify what is meant by the terms used in the text and their significance. Why 'migration', for instance, rather than 'immigration'?

Immigration is defined by the International Organisation for Migration (IOM) as 'a process by which non-nationals move into a country for the process of settlement' (IOM, 2004: 31). Thus, *immigrant*

has connotations of long-term stay. In more common usage in recent times is *international migrant*, defined by the UN (and in UK statistics) as someone who changes their country of residence for at least a year so that their destination effectively becomes their country of usual residence. Unlike *immigrant*, it encompasses those whose movement is relatively temporary or circular (moving on or back home). It can also refer to those leaving to live abroad; unless they are citizens or long-term residents, referred to as *emigrants*. Technically, those who come to the UK from other parts of the EU are not migrants but *EU citizens* exercising their right to free movement within its borders.

Whether the term *migrant* refers to foreign nationals (non-citizens) or the foreign born depends on the data available. UK data (where it exists) is generally on the foreign born (thus including UK citizens born abroad). While *migrant* can refer to all those born abroad, it is used in common parlance to refer to those who have relatively recently arrived. *Refugees* are often identified separately because of their distinct legal status (see Chapter 2). An *asylum seeker* is someone who has applied, or intends to apply, for that status.

Migration is 'a process of moving, either across an international border or within a state' – reminding us that the impact of the latter can also be significant, if beyond the remit of this book – the term 'encompassing any kind of movement of people, whatever its length, composition and causes' (IOM, 2004: 41). It is in that inclusive sense that I use the term and equally *migration policy*. *Irregular migration*, the term I use in preference to its many alternatives (see Chapter 5), is movement that takes place outside of the regulatory norms of the sending, transit and receiving countries. There are other terms, like '*integration*', the meaning of which I shall explore in Chapter 6.

A global phenomenon

The UK is far from alone in experiencing migration on a significant scale. Across the world, only 3.1% of the world's population are living abroad and that percentage has barely risen in the past two decades. In that sense, migration remains the exception, not the norm. Absolute

numbers, however, grew from 155 million in 1990 to 214 million in 2010, and in Europe (including Russia) from 49 million to 70 million (UNDESA, 2009). Of the world's migrant population, 16 million people (8%) are refugees, most remaining near the country from which they fled (with a further 26 million internally displaced). Just over one third of international migrants have moved from a developing to a developed country. An estimated 50 million people are living abroad with irregular migration status (UNDP, 2009).

International mobility has become easier since the 1980s because of political reform, cheaper transport and a communications revolution that has opened up access to information, ideas and networks hitherto the prerogative of the few. As before, people migrate to work, study, and rejoin their families or to find a safe place to start a new life; but now we also see new reasons for moving: for retirement in sunnier climes, commuting across borders to work, the temporary migration of young working holidaymakers and migration within what was once but is no longer the same country. In the new global and European map of migration, the old dichotomies of migration analysis – forced versus voluntary, temporary versus permanent, legal versus illegal – blur as the motivations for migration and the forms it takes have become much more diverse (King, 2002: 89). People in the poorest countries remain the least mobile. Rather than development reducing the likelihood of migration, however, development and migration can go hand in hand (UNDP, 2009).

Castles and Miller (2009), in their classic text in migration studies, *The Age of Migration*, identify six broad trends in current patterns of migration: *globalisation*, the tendency for ever more countries to be affected and to receive migrants from a large range of source countries; *acceleration* in the number of people involved; growing *differentiation* in the range of categories of migrant; *feminisation*, the significance of women in current migration flows; *politicisation*, in its impact on domestic politics and prominence in bilateral and international agreements; and *transition*, where countries of emigration become countries of immigration. The outcome is societies that look very different from those in which the older generation grew up. Migrants

can be distinct in terms of ethnicity, culture, faith, physical appearance, language, legal status and residential concentration, but the social relevance of this depends on a changing economic, social and political context over time and on the significance attached to it by existing residents (Castles and Miller, 2009: 10). It is likely, moreover, that migration will continue, shaped by a complex interplay of economic, geopolitical, social, technological and environmental factors, though it is difficult to forecast either its scale or direction (OECD, 2009).

Understanding the dynamics of migration

Migration policies can be posited on unspoken assumptions about the reasons why people move, choose to come to Britain or their behaviour after arrival. Migration theory provides a lens through which we can interpret more accurately what is happening and help to explain why, as so often the case, policies do not achieve their stated objectives (Massey et al, 1993; Brettel and Hollifield, 2000; Castles and Miller, 2009).

Decision to migrate

From the 'new economics of migration' theorists (eg Stark and Bloom, 1985), for instance, we see that the decision to migrate may not be that of an individual but part of a collective strategy of a family or household to enhance its economic security; a strategy in which risk may be spread by other members remaining to work in the local labour market. Equally, the viability of a refugee's return to a post-conflict society may be predicated on other family members retaining their capacity to send remittances from abroad (Van Hear et al, 2009). It is thus the household that needs to be the unit of analysis in explaining motivations, and for policy interventions intended to attract migrants (when competing for skilled workers for instance) or to deliver durable solutions for refugees.

Those considering migration, however, are not necessarily in a position to make rational choices. Neoclassical economics originally envisaged individuals weighing up the costs and benefits, moving from

areas with high population density, low living standards or political repression to areas in which they could maximise their economic opportunities and political freedoms. Yet few can in practice assess potential relative earnings in different countries, still less know the rules governing access to their welfare systems (as has at times been assumed in the UK in relation to asylum seekers).

Nor can migrants necessarily exercise choice at all. While it is possible to identify migrations that are unequivocally forced (as from ethnic cleansing) or voluntary, the distinction between choice and compulsion is often less clear. Entry channels label them as labour migrants, asylum seekers, students or dependants, masking the overlapping reasons why people have left their homes and their experiences on arrival. Some of those who anticipate temporary residence will change their intentions as job opportunities or relationships lead them to stay (whether or not with permission). In the chapters of this book I separate out the main categories of entry to enable readers to access quickly the material they need, but those labels can make more sense to policymakers than to migrants themselves.

Structural causes

Neither 'voluntary' nor 'forced' migration can in fact adequately be explained at the level of individual or household decision-making, but instead require an understanding of the structural conditions in sending and destination countries that set the context in which those decisions are made. In sending countries, conflict may be a trigger to move but poverty, insecurity, lack of the rule of law, environmental degradation, youthful populations and the income differential between the developing and developed world can be underlying structural factors (Malmberg et al, 2006; OECD, 2009). Migration can in turn be part of the development process. It can hinder development through loss of highly skilled people ('brain drain') but can also make a vital contribution through acquisition of skills, trading and investment connections. Remittances from within the EU to non-EU countries totalled €21.5 billion in 2009, with a further €8.1 billion to countries

within its borders (Eurostat, 2010a). It is regularly argued that migration policies could more effectively take into account development outcomes and, in the UK, that the Department for International Development should therefore be more centrally involved in their formulation (Select Committee on International Development, 2004; Chappell and Glennie, 2009; UNDP, 2009).

In destination countries, a key insight, initially from dual–labour market theory (Piore, 1979), is that demand for migrant labour is a structural feature of advanced industrial economies in which there is a permanent demand for workers willing to accept poor conditions, low wages and lack of security. The decline in women fulfilling that role is one factor increasing demand for migrant labour. Another 'pull factor' is ageing populations, creating a demand to replace the declining numbers of young workers as well as for caregivers to look after the elderly (OECD, 2009: 10). The emphasis in this analysis on demand rather than an exclusive focus on 'push factors' in source countries is highly relevant to analysis of the UK's reliance on labour migration today (see Chapter 3).

A structural analysis of supply and demand in individual source and destination countries does not, however, give us the full picture. World systems or globalisation theory (eg Sassen, 1988; Castells, 1989) has shown that migration is grounded in the operation of the global market economy – shaped in part by foreign investment in developing countries and the disruption that ensues – and that the extent and direction of global migration flows can reflect the consequent cultural, communications and transport links between the industrialised and developing world. As many European countries have found, mobility is particularly evident between former colonial powers and colonies because of the trade, transport, communication, cultural and linguistic ties that remain. The implication of these structural analyses is that if the intention is to change migration patterns, then the fundamental solution lies not in regulating the symptom, migration, but in addressing the underlying conditions that drive it.

Finally, there is a further factor with which policymakers have to contend. From within and beyond migrant communities, a 'migration

industry' of recruitment agencies, lawyers, advisers, travel agents and smugglers has emerged to provide services for profit (see Chapter 5). As organisations that depend on migration proliferate, it becomes more institutionalised and independent of the underlying structural factors that originally caused it (Massey et al, 1993; Salt and Stein, 2002).

Self-perpetuating dynamic of social networks

If we want to understand the direction and continuity of migration to particular destination countries, we need to take on board a further significant dimension. Network theory drew on the earlier concept of 'chain migration' to explore the ways in which networks of kin and shared community of origin can incentivise both migration and choice of destination. Networks, a form of social capital (Portes, 1998), reduce both the cost and risk of migration by helping migrants secure access to jobs and accommodation, providing information, contacts and support. Access to networks can contribute to a migrant's decision to remain, start a family or be joined by dependants; while the presence of children with evolving networks of their own further reduces the likelihood of return. As the network is reinforced, migration becomes self-perpetuating because new migrants in turn reduce the costs for later arrivals. Thus migration can become progressively more independent of its original drivers; new arrivals less reflective of economic demand in the destination country and more representative of the sending community from which they come. This analysis has particular resonance in family migration (Gurak and Caces, 1992; Haug, 2008):

> It is this powerful internal dynamic of the migratory process that often confounds expectations of the participants and undermines the objectives of policy-makers in both sending and receiving countries. (Castles and Miller, 2009: 33)

The trend for some migrants to retain political, economic and social links with their country of origin led to a new body of thinking on

transnational communities, which built on earlier work on diasporas (Vertovec, 1999). Transnational links facilitate circular migration and transnationalism has helped to raise awareness that migrants cannot be categorised as temporary or permanent settlers. Patterns of migration are now more fluid over time and migrants' intentions on arrival are a poor predictor of long-term behaviour. Significantly, while governments may fear that retaining transnational connections will reduce migrants' motivation to participate in the economic and social life of the country, studies have shown that this is not necessarily the case (eg Jayaweera and Choudhury, 2008). It is thus important not to overestimate the significance of continuing transnational links for migrants whose primary focus may nevertheless be their lives and aspirations in their country of residence. I look at what the literature tells us about 'integration' processes in Chapter 6.

Impact of policy intervention

Early theories of migration tended to overlook a further factor: the impact of the state on migration flows. Political scientists have sought to address this omission, arguing that:

> the speeding train of international migration is fuelled by economic and social forces, but it is the state that acts as a switching mechanism, which can change the course of the train, or derail it altogether. (Hollifield, 2008: 196)

Migration analysts disagree, however, on the extent to which states can regulate migration. Some argue there is in fact a pattern of states failing to prevent unwanted flows: 'The more that states and supranational bodies do to restrict and manage migration, the less successful they seem to be' (Castles, 2004: 205). The extent of irregular migration in particular can suggest that migration is driven by forces governments cannot control. This is attributed to a range of causes including a failure to take account of the long-term dynamic of migration processes (including the actual motivations of migrants and demand for their

labour); a tendency to overestimate the efficacy of regulation; and constraints within the policymaking system itself, leading to 'poorly conceived, narrow and contradictory policies, which may have unintended consequences' (Castles, 2004: 222).

Policy failure in liberal democracies has been attributed in part to 'political hyper activism', when politicians gain 'points' with the media and party colleagues from new initiatives but see less political mileage in efficient implementation or in evaluating past initiatives (Dunleavy, 1995: 61). Political hyper activism is indeed evident in the recent history of migration in the UK: no less than seven major pieces of legislation in the decade 1999–2009[1] and 47 changes to the Immigration Rules in the five years 2004–09 alone (UKBA, 2010). The consistency with which government policy on most aspects of migration is criticised from all sides suggests that the policy failure thesis has some traction in the UK.

In contrast, however, there are scholars who argue that far from exhibiting weakness, states have recently been intent on maximising their intelligence, technical efficiency and inter-agency collaboration to strengthen border and internal surveillance, blurring the boundary between immigration controls and other law enforcement (Bigo, 2002; Bigo et al, 2009). There is evidence to support this 'securitisation' thesis in the UK (see Chapter 5), notwithstanding that it may attribute greater coherence to policymaking than is always the case.

State capacity subject to constraints

What is clear is that states' capacity to manage migration is not unfettered. They operate within political, legal, economic, technical and evidential constraints and are trying – through a process of trade-offs that are rarely explicit – to achieve differing and sometimes competing policy objectives. Motivations and capacity to intervene effectively can differ significantly in relation to different categories of migrants, combining openness to skilled migrants, for instance, with highly restrictive regimes in other respects. Some of the constraints derive from the dynamics of migration processes: the demand generated within

domestic labour markets, for instance and, as we saw, the impact of social networks. A further constraint derives from the history of migration to the country and past legislative and institutional responses, because the cost of reversal can be high or future options have been closed off by past choices, thus encouraging continuity along the original path (Hansen, 2002).

Academics seeking to explain a gap between restrictive public demands and the measures implemented by their governments (or between restrictive policies and their outcomes) have focused on the competing interests served by migration and the interest groups and state institutions that articulate them (Facchini and Mayda, 2009). While the impact of economic interests has had most attention, suggesting for instance that those who benefit from immigration are more influential than those who are 'cost-bearers', economic models have been found only partially to account for policies adopted (Freeman and Kessler, 2008).

We might expect labour market interests to be more evident in relation to some dimensions of migration than others, such as asylum policy. We might also expect that the capacity of some sections of society to articulate their interests will be less than that of the business sector, and not only because of the differing resources at their disposal. Research has found that collective action by interest groups is not a direct outcome of the costs and benefits of immigration 'but of the extent and way immigration is politicised and publicly mediated, and how certain positions are made to appear more feasible, reasonable, and legitimate, compared to alternative definitions of political reality' (Statham and Geddes, 2006: 251). States play a key role in setting that context. Far from merely reflecting the views of pressure groups, the interests of the state itself (and conflicts of interest within it) need to be explained if we are to understand why particular policies emerge in the form they do (Boswell, 2007; Hollifield, 2008).

Impact of international, European and domestic law

Obligations under international human rights law can be one significant constraint: foreigners now enjoy rights of entry and within the country that were once exclusive to citizens. States' autonomy has, in this respect, been curtailed (Soysal, 1994). That impact can be overstated but when rights are anchored in *national* legal systems they can impose limits on states' capacity to restrict entry, family reunion and the social rights of migrants after arrival (Joppke, 1998; Hollifield, 2008: 211). Governments can be further restrained by public adherence to the ethics on which these international standards are based, requiring respect (as we shall see, for instance, in relation to family life or deportation) beyond rights enforceable in any court of law.

In the UK, the UN Convention on Refugees has required successive governments to consider the protection needs of those who claim asylum; and the recent Council of Europe Convention on trafficking influenced the support provided for its victims (see Chapter 5). With these notable exceptions there has been limited endorsement of international standards protecting the rights of migrants per se. The UK is not among the minority of states that have ratified the UN Convention on the Rights of Migrant Workers and their Families (1990). States can also enter reservations on their compliance with international standards as the UK did for many years, in this context, in relation to the UN Convention on the Rights of the Child.

Both before and since it was brought into UK law by the Human Rights Act 1998 (HRA), the European Convention on Human Rights (ECHR) has imposed a range of constraints, in relation to family reunion for instance and to the return of foreign nationals to countries where they could face torture. The courts do from time to time ensure that these constraints are keenly felt. Nevertheless, most rights in the ECHR are not absolute and states have considerable leeway in their implementation (Jackson et al, 2008).

UK domestic law beyond the HRA has also constrained the government's options, notably in relation to asylum seekers within the UK (see Chapter 2). Race discrimination law, on the other hand,

has not prevented a disproportionate indirect impact of immigration controls on Black and Asian migrants, the law specifically providing a broadly worded exemption in relation to immigration control, carried forward by the Equality Act 2010. It was argued in 2002 that the absence of a Bill of Rights, a weak legislature and 'a timid judiciary' had 'allowed British policy makers to translate public preferences into public policy more directly than in any other liberal democracy', resulting in one of the tightest immigration control regimes in the Western world (Hansen, 2002: 265). Recent Home Secretaries, consistently challenged in the courts, might not share that view.

International governance framework

Recognition that neither migration flows nor their socio-economic and political impacts can be managed by the UK in isolation has led to negotiation of bilateral and multilateral agreements, the former including a 'Common Travel Area' allowing free movement to and from Ireland[2] and readmission agreements to return irregular migrants.

Multilateral migration governance, however, is limited. Responsibility at UN level is spread across institutions, including the UN High Commissioner for Refugees (UNHCR). The International Labour Organization (ILO) includes only limited categories of migrants within its focus; and the IOM was established in 1951 to promote practical solutions and provide services to member states, not binding agreements. Despite the very nature of migration necessitating cooperation across borders, states have been unwilling to commit fully to international cooperation because controlling who enters the territory is seen as integral to state sovereignty. Yet it is argued that neither sovereignty nor competition between states for skilled migrants need be undermined by more systematic sharing of information and expertise or greater policy coordination. The absence of a UN framework of governance has led to a proliferation of regional and international mechanisms for interstate dialogue, including the Global Forum on Migration and Development since 2007 (GFMD, 2010), demonstrating that migration cannot be addressed effectively on a unilateral basis (GCIM, 2005: 66; Betts, 2008).

European Union

Highly significant in this context is the role of the European Union, the impact of which we shall see throughout this book. A core purpose of the EU is free movement of European citizens within its borders, a right extended in 1994 to the other three European Economic Area (EEA) countries, Iceland, Liechtenstein and Norway. At enlargement of the EU from 15 to 25 states in 2004, the UK could have chosen to restrict access to the UK labour market for a transitional period, but in this instance did not do so (see Chapter 3). With the right of free movement for EU nationals come associated rights that differ from those of other 'migrants', for instance, in relation to family reunion (see Chapter 4).

Cooperation in relation to migration of 'third-country nationals' from beyond the EU is unavoidable as many of those arriving in the UK have travelled through other member states. The 1997 Amsterdam Treaty established EU competency to legislate on international migration, replacing earlier intergovernmental arrangements such as the 1985 Schengen Agreement (to remove checks at internal borders), to which the UK was not a party. With Ireland it negotiated a selective opt-out from EU law which has enabled it to maintain a strongly national approach when it chooses to, while opting to collaborate where that helps to achieve its objectives, as on asylum and irregular migration (Geddes, 2005; Peers, 2009).

The EU's policy framework was set out in 1999 (Tampere), and revised in the Hague Programme of 2004 (CEU, 2004) and later the Stockholm Programme of 2009 (CEU, 2009). The aim is to work towards a comprehensive asylum, migration and border policy, from the root causes of forced migration through to integration or return, based on common standards and on cooperation with third countries. An early priority was establishing a mechanism for allocating responsibility among member states for handling asylum applications (the 'Dublin system', under which the UK returns asylum seekers to other states on a monthly basis) with separate Directives providing common procedures in the refugee determination process (to deter 'asylum shopping') and

minimum standards for the reception and treatment of asylum seekers (see Chapter 2).

EU law now sets out conditions for the admission and residence of third-country nationals including, for instance, Directives governing admission for study and for highly skilled workers. The UK opted out of these measures, as it did from the 2003 Directive on family reunification. It has shown more enthusiasm for cooperating with FRONTEX, an agency set up in 2007 to strengthen the EU's external borders (see Chapter 5); and opted in to Directives in 2002 providing a level of harmonisation on offences and penalties for illegal entry and trafficking, but not to a further Directive in 2009 covering sanctions on employers who employ those not entitled to work. Meanwhile, the EU has sought the cooperation of source countries in reducing irregular migration and provides some practical assistance, to which the UK contributes.

The UK's self-interested opt-out arrangement causes some resentment and hence resistance when it chooses to engage (Peers, 2009). The 2007 Lisbon Treaty increased EU competence to develop common standards on immigration and asylum, extended the jurisdiction of the European Court of Justice (ECJ)[3] and made all decisions subject to qualified majority voting. When the UK now decides to opt in, it can thus be outvoted.

The policymaking process

To understand migration policies, we also need to look at the complex processes through which they emerge. This is far removed from an idealised process of logical 'stages': from recognition of a problem, through consideration of the options, agreement on the way forward, to implementation. While it is possible in broad terms to identify these stages they do not necessarily occur sequentially. Moreover, a key stage occurs before that process begins: the way in which an issue is perceived ('socially constructed') and the language in which it is discussed is hugely important in setting the terms on which policy options are considered. Thus, for European countries that see migration

through the prism of nation-states with distinct territories and citizens, it is an anomaly. Hence, migration policies have largely been reactive and defensive in contrast to North America where immigrants have long been seen as central to the process of nation-building (Penninx and Martiniello, 2004). A further example is the aquatic language of 'flows' and 'floods', regularly used in relation to migration, which clearly carries connotations of threat rather than of the social, economic and cultural benefits that migration can bring.

Policy silos

UK policymaking has since the 1980s become increasingly fragmented between the international, European, national, regional and local levels, and involves a more diverse set of actors from the public, private and voluntary sectors. This is true in relation to migration, if less so than in some other fields, central government retaining a high level of control within the UK and negotiating an opt-out, as we have seen, from EU decisions not to its liking. Devolution of power to Scotland, Northern Ireland and Wales has led to policy divergence less than in other fields because immigration control is not devolved (Kyambi, 2009).

Early studies of national policymaking in the UK emphasised the vertical fragmentation of policymaking into discrete Whitehall departments (Jordan and Richardson, 1982). Serious attempts have been made in recent years to overcome departmental boundaries including cabinet subcommittees, interdepartmental taskforces and, under Labour, cross-cutting Public Service Agreement (PSA) targets (HM Government, 2009). Nevertheless, Whitehall's 'federal' structure continues to impede the handling of cross-cutting issues (Parker et al, 2010). On migration, the dominance of the Home Office has limited the influence of other departments and agencies keenly affected by it.

When Labour took office in 1997, the Home Office was the lead department on immigration, asylum and citizenship policy, the responsibility of its then Immigration and Nationality Department (IND). Policy on work permits, international students and seasonal agricultural workers (SAWs) had, however, long been in the hands

of the departments leading on employment, education and rural affairs, respectively. In 2001, Home Secretary David Blunkett took responsibility for those entry channels with him to the Home Office, making it possible, in theory, to develop a holistic migration policy for the first time: an ambition reflected in his 2002 White Paper (Home Office, 2002). The downside, reflected in the chapters that follow, is that each element of migration policy is isolated from the mainstream economic and social policies that it affects, and is affected by. No effective governance arrangement has been established to address that gap, nor the equally problematic isolation from the devolved administrations and local services.

The extent to which public policy in Britain is formulated within the executive has tended to marginalise the direct influence of Parliament, though its voice has been strengthened by the growing influence of Select Committees. On migration and integration, we shall see that Select Committees have indeed called government to account and have on occasion been highly critical, influencing aspects of policy if not the central thrust of its direction.

Party politics and personal influence

Studies have found a tendency for the Opposition to retain their rivals' legislation when elected to govern, ensuring continuity and incremental change where party politics might suggest there would be a sharp disjuncture (Dorey, 2005: 267–70). This will be evident when we look at the early years of the Blair government in its handling of the asylum crisis; yet significant shifts in policy were seen elsewhere, as with the subsequent Coalition government, and require explanation.

Analysis of recent policymaking in the UK has revealed the close working relationship between 'policy networks' and government in some policy fields and much greater distance in others. The literature highlights the influence of ministers' special advisers after Labour's election in 1997 (evident in the shift towards 'managed migration' during Labour's second term) and the continuing role of 'think tanks' as a source of policy ideas. Significantly, it also suggests that the exercise

of power by the executive 'is heavily dependent on circumstances, personalities, styles of leadership and the type of issues or policies involved' (Dorey, 2005: 2). The priorities of successive Home Secretaries and indeed of the Prime Minister have at times been highly significant in migration, within the broader context of the economic, political and international pressures to which they had to respond (Spencer, 2007).

Evidence base

The Labour government elected in 1997 was committed to greater use of evidence in the policymaking process, but was slow to apply this to migration. A Home Office conference in 2001, 'Closing the Information Gap', first signalled to researchers that policymakers were now interested in developing an evidence base on migration and government has contributed through research and funding of external studies. There has also been greater willingness to learn from policy experiences abroad and to pilot initiatives to assess impacts before deciding whether to roll out policies nationwide.

While evidence now plays a greater part in migration policy and political debates, the nature of its utilisation in the UK and at EU level has been found to be highly selective. Knowledge is rarely deployed in a politically neutral way and the validity of data and research findings (for instance, on the economic impact of labour migration) are frequently contested (Boswell, 2008, 2009). One former advisor on migration to the Conservative administration in the 1980s observed with some irony that 'the only decisions that are made primarily on the basis of research findings are politically unimportant ones' (Coleman, 1991: 420). This, he argued, is in part because some social and economic questions are not capable of effective testing, produce contested results or are overlooked in the truncated timescale in which policies are developed. There is, moreover, the primacy of politics: all governments are devoted to staying in office and options indicated by research may look unappealing to the electorate. The Coalition government's newly appointed Immigration Minister, in a tongue-in-cheek reference to

his predecessors, nevertheless promised he would be 'relying more on evidence than is customary in this role' (Green, 2010).

Implementation

The policies that emerge in legislative and broader forms evolve in the course of their implementation (Hill, 2009). Writing on education, but of a process that is equally true in migration and integration, Stephen Ball says:

> Policies are contested, interpreted and enacted in a variety of arenas of practice and the rhetorics, texts and meanings of policy makers do not always translate directly and obviously into institutional practices. They are inflected, mediated, resisted and misunderstood, or in some cases simply prove unworkable. (Ball, 2008: 7)

Implementation is often the stage at which policies unravel, are abandoned or have unforeseen consequences that become apparent when faced with the reality of the issues they are intended to address (Dorey, 2005: 3). This will be evident in the implementation of asylum policy, for instance, at the local and national level. It has been argued by immigration lawyers that the effectiveness and fairness of immigration control can depend as much on the quality and efficiency of those who are engaged in operating the system as the structure of the system itself (Jackson et al, 2008: 5).

Historical overview

To understand policy today it is necessary to step back and remind ourselves how we came to be here. In the chapters that follow, I shall take account in particular of policy development since 1997, but those developments were constrained by the legislation, institutions and paradigms shaped in earlier years. It is striking how themes that

emerge from this early history resonate with the policy debates and practices of today.

Parts of the UK have experienced migration for centuries. 'Immigrants, refugees and sojourners', as one social historian writes, 'have been continually present' (Holmes, 1988: 276). The origins of our plurality lie in conquest, flight from persecution, slavery, trade and even in the Middle Ages in the search for employment. While cities such as London and Cardiff had a long, pre-war, historical experience of migration, however, for other parts of the UK it has been a more recent development. Nevertheless, no one who has read a social history of immigration will doubt the pervasive if immeasurable influence that people from abroad have had for centuries on all aspects of British life, including employment, literature, entertainment and the culture, attitudes and identities of their fellow residents.

Commonwealth immigration

It was the arrival of Jewish people fleeing pogroms in Eastern Europe that led to the first modern legislative controls on immigration in the form of the Aliens Act 1905, providing the Home Secretary with considerable powers to control entry, residence and deportation. British subjects from the colonies and later the Commonwealth continued, on paper, to enjoy a right of entry but there was a de facto policy between the wars to 'keep out Asian and black settlers'. Historian Ian Spencer, drawing on cabinet papers released under the 30-year rule, found administrative barriers to prevent would-be migrants obtaining travel documents, the instructions for which were secreted in circulars and letters to officials. Documents revealed this to be prompted in part by fears of a repeat of inter-racial violence that had occurred in 1919, but also by 'underlying assumptions about the general undesirability of physically and culturally distinct groups', whether British subjects or not (Spencer, 1997: 8–24).

This account challenges the perception that Commonwealth citizens had free access to the UK until 1962 and that, facing labour shortages post-1945, the government welcomed their arrival. Labour

shortages were intense and it was this that drew in immigrants from the Commonwealth (Rose et al, 1969). Notwithstanding limited recruitment initiatives to meet shortages in the health and transport sectors, the government discouraged immigration from the New Commonwealth while actively recruiting white people from the 'Old Dominions' and Europe. Relations with the Commonwealth required that the 'illusion' of openness be maintained but officials in the 1950s:

> raised the invention of techniques to keep Britain white without using legislation almost to the level of an art form. The contrast between the public face of a mother country open to all and the private calculation to exclude was sharp. (Spencer, 1997: 153)

For the Labour and Conservative administrations of the early post–war years, the benefits of legislation to limit entry did not outweigh the costs for Britain's standing in the Commonwealth if legislation were to appear racially discriminatory. Only when a formula was found that avoided that appearance, a system of employment vouchers restricting the entry of those without a job offer or skills in short supply, was the Commonwealth Immigrants Act 1962 brought onto the statute book.

Contemporary relevance of the 1962 Act

The politics of the 1962 Act, despite the passage of time, is instructive. First, approaches taken within Whitehall were strongly affected by departmental interests. While the views of the then Commonwealth and Colonial Offices were tempered by their need to maintain good relations with governments highly sensitive to restrictions applied only to their citizens, the Home Office was 'singularly and unrestrainedly opposed' to further immigration, believing it likely to lead to unrest. The Treasury, in contrast, argued that there was no economic justification for restrictions as immigration had been beneficial for the economy and there would be costs if it were curtailed (Spencer, 1997: 45, 115).

Second, this period demonstrates how shifts in foreign policy can alter the balance of policy options. In the 1950s, the political cost to Commonwealth relations of legislation to exclude New Commonwealth citizens was too high; by the 1960s, that cost was outweighed by domestic considerations and the shift in focus towards Britain's place in Europe, consolidated by entry into the then Common Market in 1971. While in 1945 Commonwealth citizens had (at least in theory) free access to live and work in the UK, by the 1970s their position was largely reduced to that of aliens; while the fortunes of Europe's citizens was the mirror opposite: aliens in 1945 but enjoying free movement within the European Economic Community (EEC) three decades later (Spencer, 1997: 150).

The unintended outcome of the Act is also instructive: contrary to intention, it marked the *beginning* of the process of significant Black and Asian immigration, not the end. By the 1981 Census, well over three quarters of Asian immigrants had arrived after the 1962 Act, not before. There were three reasons for this: a 'beat the ban rush' in the many months between announcement of the Bill and the Act coming into force; that the law encouraged those in the UK to stay as it would prevent re-entry; and, as migrants could bring their families, each voucher issued led on average to 3.7 people arriving to settle (Rose et al, 1969: 77; Spencer, 1997: 129–55).

Immigration becomes an electoral issue

The strength of anti-immigrant feeling and overt racism in the 1964 general election led the incoming Labour government to impose further restrictions on entry, with all-party support. Setting a pattern to become familiar in subsequent years, rights of entry were often curtailed not through primary legislation but Immigration Rules. Low-skilled permits were no longer issued, the definition of family members was more tightly drawn, the standard of proof required to establish family relationships was made more rigorous and administrative delays were used to regulate entry numbers.

The year 1968 saw the passing in just three days of legislation to curb the entry of UK passport-holders after 10,000 Kenyan Asians arrived in one month (prompted by hostility in Kenya and fears that their bolt-hole to Britain would soon close). Using a formula that was later to form the basis of comprehensive reform in 1971, the Act made British citizens subject to immigration control (with access controlled by an annual quota) unless they, a parent or grandparent were born, adopted or naturalised in the UK. When Enoch Powell made his 'Rivers of Blood' speech one month after the Act came into force calling for an end to all non-white immigration, his was not an isolated voice. In 1969, 327 out of 412 Conservative constituency associations surveyed wanted all 'coloured' immigration stopped indefinitely (Dummett and Nicol, 1990; Spencer, 1997: 143; Hansen, 2002).

At the 1970 general election, immigration was the fourth most salient issue. The seminal Immigration Act 1971 consolidated the now tight restrictions on all primary immigration, allowing access for work only through a work permit system linked to specific jobs. The grandparent rule, allowing not only access but also a 'right of abode', was a qualification far more likely to be met by would-be migrants from Old Commonwealth countries such as Canada than by their New Commonwealth counterparts. The Act gave the Home Secretary huge discretion to make further changes under Immigration Rules: those governing the entry of husbands, for instance, changed five times between 1974 and 1985 (Dummett and Nicol, 1990).

Symbolically, the 1971 Act came into force on the day the UK entered the EEC, 1 January 1973, giving freedom to live and work to people from countries with which, in some cases, the UK had been at war less than 30 years before. Yet this huge shift in the parameters of immigration control attracted little political or public attention. It led initially to modest and largely unnoticed numbers of people, not withstanding enlargement of the EU to include countries less prosperous than the UK: Greece in 1981 and Spain and Portugal five years later (Rechi, 2008).

Meanwhile, Commonwealth citizens within the UK retained rights that they had previously enjoyed, including access to

employment in most parts of the civil service and to be a candidate and to vote in parliamentary and local elections. For those seeking to be joined by their dependants from abroad, however, entry was rationed by long delays and intrusive procedures to establish identity (see Chapter 4). Nevertheless, grants of settlement to Commonwealth citizens continued at an average of over 30,000 per year throughout the 1970s, and political controversy focused heavily on these numbers and on the queues of families waiting to enter, rather than on any larger policy objective (Dummett and Nicol, 1990: 234).

Family migration was not, however, the only issue. Within a year of the 1971 Act, a military coup in Uganda and subsequent expulsion of British nationals, mostly of Indian origin, led 30,000 people to seek sanctuary in the UK. Despite their British citizenship, Ugandan Asians were met by high levels of public and media hostility, reception camps in former military barracks and attempts to prevent them settling in cities such as Leicester which had significant Asian populations and where they subsequently made a substantial economic contribution.

Community relations rationale

The rationale for tighter controls was that it was necessary to improve community relations. That was consistently challenged on the grounds that they would increase the insecurity of immigrants already living in the UK (Dummett and Nicol, 1990: 220) and undermine the positive perception of minorities on which good relations depends. Writing in 1996, with the benefit of hindsight, former Labour Minister Roy Hattersley spelt out that contradiction:

> Good community relations are not encouraged by the promotion of the idea that the entry of one black immigrant to this country will be so damaging to the national interest that husbands must be separated from their wives, children denied the chance to look after their aged parents and sisters prevented from attending their brothers' weddings … if we

cannot afford to let them in, those of them who are here already must be doing harm. (Hattersley, 1996)

Nevertheless, from the end of the 1970s there was a bipartisan consensus that increasingly tight controls were necessary. Nostalgia among some Conservatives for the Commonwealth, still evident in the 1971 debate, was no longer voiced and Labour's enthusiasm for controls was curbed only occasionally by pressure from ethnic minority constituents; to relax restrictions on foreign husbands, for instance, in 1974.

Conservative era

The choice of Margaret Thatcher as leader of the Conservative Party in 1975 marked the shift to a more populist, less inclusive, form of conservatism. Immigration policy was no exception. The British people, Mrs Thatcher famously said before the election, fear 'being swamped' by people with 'alien cultures'.[4] Elected in 1979, the government moved quickly to impose further restrictions on fiancés, spouses and elderly relatives and to limit visitors and students switching to another status in Immigration Rules the following year. In its 1981 Nationality Act, it brought nationality and immigration law into line by redefining British citizenship more narrowly to match those who now had the right to live in the UK and creating subcategories of citizenship for many who did not.

Further legislation followed in 1987 to penalise airlines and shippers that transported passengers without required visas, and in 1988 to impose additional restrictions on family reunion. When asylum seekers began to arrive from Commonwealth countries such as Sri Lanka, visa requirements were introduced to limit their capacity to reach the UK. A rise in the number of people seeking asylum after 1990, including from the former Yugoslavia, Somalia and former Soviet countries, prompted increasingly restrictive legislation in 1993 and 1996 to prevent and deter people reaching the UK (see Chapter 2).

Immigration and asylum were salient if not definitive electoral issues in the 1990s and were used overtly in the 1992 general election and

1994 European election campaigns, a Conservative party official later reported to have observed that the issue had 'played particularly well in the tabloids and has more potential to hurt'.[5] It was during this period that new vocabulary entered the discourse on asylum, of Britain as a 'soft touch' for 'bogus refugees' perceived to be 'abusing' the system and taking advantage of the goodwill of the British people (Spencer, 1998). While rising asylum numbers caused consternation, some 32,500 applying in 1997, little attention was paid to the far greater number of work permit–holders and their dependants, 63,000 approved that year (Home Office, 2001).

Neither asylum nor immigration were, nevertheless, major issues in the 1997 election. Only 3% of the public then cited race and immigration as among key issues facing the country (MORI, 2009) and Labour's manifesto gave migration little coverage beyond assurances that it would remove certain 'arbitrary and unfair' impacts of immigration control. Just six lines were devoted to asylum, the issue that would dominate its first term in office, and none to labour migration where it would fundamentally change the parameters of policy and debate.

The story from here is taken up in the chapters that follow, first setting out Labour's inheritance and the policies it adopted on asylum, labour migrants, students, family migrants, irregular migration and integration, before in turn handing over to the Coalition government in May 2010. We see that the Coalition has retained the thrust of much of Labour's approach but with some elements of reversal to Labour's early thinking in relation to labour migration, students and citizenship, a new 'cap' on labour migration, and steps to sever the link between temporary migration and settlement: to retain access to the 'brightest and the best' while curbing the impact of migration on population growth (May, 2010).

Migration and migrants in the UK

Before I turn to a few facts on recent migration trends there are points to note about the data and its political significance. A key difference

is between 'flow' data, showing the number who enter and leave, and 'stock' figures, showing the number present within the country at a given time. On flows, we know most about those from outside the European Economic Area (EEA) who are subject to immigration control and least about EEA nationals who are not. The UK also has limited 'stock' data on foreign nationals (non-citizens) within the UK, with a little more on those who are foreign-born, which includes those who were always or have become British citizens. Many data sources, however, only record those who identify themselves as from an ethnic minority, a majority of whom are not migrants but born in the UK. The paucity of data on those who have migrated to the UK, particularly on recent migrants, is a significant limitation on our knowledge of what happens to those who enter through various migration channels.

The political fallout of inadequate migration data, including the implications for a local authority funding system reliant on accurate local population figures, led the Office for National Statistics (ONS) to establish a taskforce to improve national and local statistics (2008–12). An e-Borders system recording entry and exit (see Chapter 5) may provide more comprehensive data by 2014.

Turning to the data we do have we should note, first, the sheer number of *arrivals* at the UK's borders each year: 101.6 million in 2009,[6] of whom 12.3 million were not EEA nationals (Home Office, 2010). It is this volume of arrivals, many of them short-stay visitors, which is relevant to any discussion on the operation of border controls – how feasible it is to carry out checks on each person who enters, for instance and to monitor whether those given temporary residence do leave when that time has expired.

Controversy often focuses on a quite separate figure, that of *net migration*: the total number of those arriving with the intention of staying for more than a year, less the number who leave with that intention. It is this figure that is relevant if the focus is on the overall number of people living in the UK, and in the Coalition government's commitment to bring net migration down to 'tens of thousands'. In most years until 1993, fewer people came to live in the UK than left, but net migration subsequently rose over the next decade to a peak

of 245,000 in 2004. In 2008, as Figure 1.1 shows, it fell during the recession but rose again to 242,000 in the year to September 2010. Significantly, this was largely because of a decline in emigration from the UK (Horsfield, 2005; ONS, 2011). Emigration levels are thus crucial to the 'net' migration figure, yet not subject to policy control – and woe betide the government that suggested more British people should leave to help bring net migration down!

If the focus is on the impact or needs of new arrivals, it is not net migration that is relevant but *immigration*: not only those arriving with the intention of staying more than a year but arguably those here for shorter periods as seasonal agricultural workers for instance or on short courses. In the year to September 2010, an estimated 586,000 people came to live in the UK for more than a year: contrary to public

**Figure 1.1:** Net migration to the UK 2000–10

Year ending

Immigration Emigration Net migration
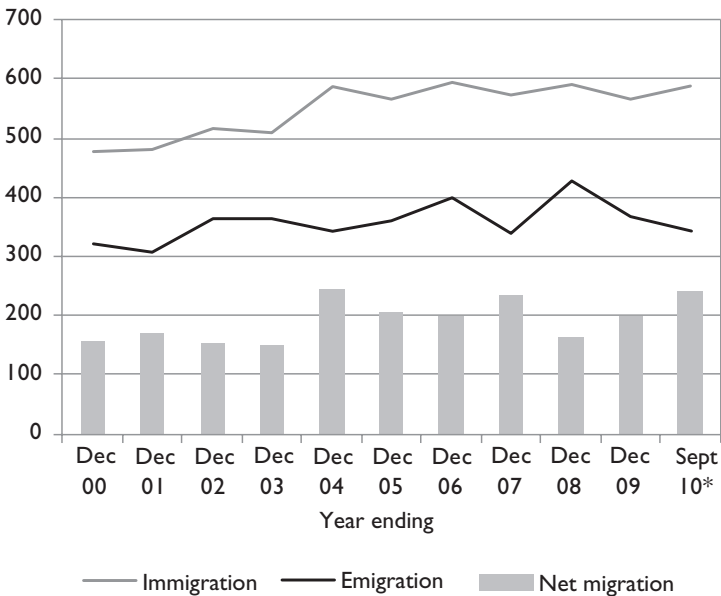
Note: *Year includes provisional estimate for 2010.

Source: ONS estimates of long-term international migration to September 2010 (ONS, 2011)

perception, a level similar to the annual intake since 2004 (ONS, 2011). A striking feature in recent years has been the number of people coming from the eight accession countries of the EU ('A8'), the vast majority from Poland (Matheson, 2009), although entry declined significantly during the recession.

After varying periods of time, some migrants can apply to remain in the long term. In the year to September 2010, 239,000 people successfully applied for settlement, a significant increase on the previous year and, as Figure 1.2 shows, continuing an upward trend. The largest category is those who had originally come to the UK through a work channel (including dependants), followed by those who had come for family reasons, few having come as asylum seekers (ONS, 2010c). Those whose predominant concern is to limit population growth have increasingly focused on this settlement figure, arguing that the UK could continue to benefit from labour migration if there were tighter limits on those subsequently allowed to stay (Balanced Migration, 2010).

Figure 1.2: Grants of settlement 2005–10 (excluding EEA and Swiss nationals)
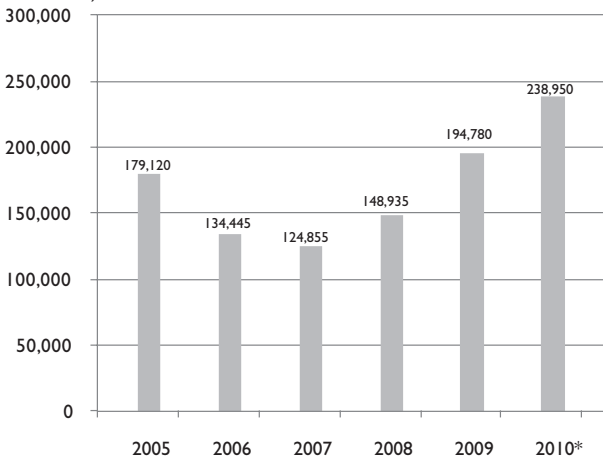
Note: *Year to September 2010

Source: Home Office Control of Immigration Statistics UK (2009, Table 4.4), Control of Immigration Quarterly Statistical Summary Q3 (2010, Table 4.3)

For those British citizens emigrating to live abroad (in 2004–08), the most popular destinations were Australia, Spain, Germany, France and the USA. Work was the main reason for leaving, followed by family or education (ONS, 2009). We know surprisingly little about those who emigrate, although there was a net loss of 2.7 million British citizens between 1966 and 2006, nor about those migrants who in turn re-emigrate, although both have potential policy implications (Sriskandarajah and Drew, 2006; Finch et al, 2009).

The UK's diverse, ageing population

Net migration was the primary driver of the growth in the UK's population for much of the past decade, natural change (the difference between births and deaths) once again becoming the main driver in 2007 (ONS, 2010b). The UK population was 61.8 million in 2009, up from 56.3 million in 1983. During that time, the proportion of the population under 16 years fell and those over 85 grew, an ageing process that will continue, leaving a smaller proportion of people of working age. Migration has helped to offset demographic ageing but cannot be the sole solution to that problem (Münz, 2007; Matheson, 2009).

At the time of the 2001 Census, around 8% of the UK population had been born abroad. By March 2010, this had risen to 11.4%, of whom a little under half were British citizens. India was the most common country of birth for those born abroad and Polish now the most common non-British nationality (ONS, 2010c). By 2008, migrants from the A8 European countries accounted for 10% of the foreign-born population. Half of them are in the 16–29 age group, but there has been an increase in family migration, raising the number of A8 child migrants under 16 in the UK to 75,000 (Matheson, 2009): small numbers in the overall migration picture but more significant for schools and other service providers.

The diversity of countries from which migrants now come is a very different picture from the post-war period. Britain's foreign-born population has also become more diverse in terms of religion, language, socio-economic status, immigration status, transnational connections

and location in the UK. By 2001, there were already people from 179 nations in London, 45% of whom had arrived since 1990, and 300 languages were spoken in the capital's schools. Dubbed 'super-diversity', a 'level and kind of complexity surpassing anything the country has previously experienced', this is significant because it has brought new patterns of inequality and prejudice, differing needs and barriers to service delivery (including the implications of language diversity for translation and interpretation services), and requires new modes of consultation with migrant communities (Vertovec, 2007: 1024).

Chapters of this book

I began this chapter with a paradox – the gap between public demands for tighter controls on migration and successive governments' reluctance or failure to deliver – and suggested that, in this experience, the UK is no exception. I set out the range of conflicting policy objectives and constraints which in practice limit both the policy options and the efficacy of controls, including limitations within the policymaking system itself, and argued that the options and constraints are rarely transparent to the public, nor the rationale for decisions clearly explained. I drew on migration theory to show that policymakers need to take account of the powerful structural drivers of migration and the actual motivations of migrants if they are to design appropriate policy levers, but also need to acknowledge the limits on their capacity to manage this complex, global process. Finally, I gave a brief overview of the history that precedes the chapters in this book, drawing out themes from decades past with surprising resonance for migration debates and policy interventions today.

In the next chapter I turn to the issue that dominated the decade to 2004, asylum, showing how the unprecedented number of arrivals and the media and public reaction to it shifted first a Conservative and then a Labour government to deploy extreme measures to deter and remove people perceived to be abusing British hospitality rather than in need of protection. In Chapter 3, I shift focus to look at policy on labour migration, tracing the way in which policy has both shaped

and responded to demand for skilled and low-skilled labour through the shift to 'managed migration' to maximise the UK's economic interests a decade ago and the enlargement of the EU in 2004, to the Points-Based System and its subsequent reversal in some respects by the Coalition government. I am also concerned here with policy on international students, the largest intake of migrants to the UK and, like labour migration, overtly geared towards maximising economic benefits for the UK and its education providers until competing policy objectives brought the primacy of those objectives into question.

In Chapter 4 I turn to family migration which highlights themes that have already emerged in earlier chapters: the gap between the rights enjoyed by EU nationals and other migrants; the close relationship between entry and post-entry restrictions on access to jobs and services; the impact of the courts in curbing government policy options; and the stark contrast between the perspectives of policymakers seeking to regulate entry and those of individuals whose lives can be deeply affected by the rules that they make.

In Chapter 5 I focus on irregular migrants, finding that most of this eclectic category of people came legally and overstayed or are in breach of their conditions of stay. We see that the enforcement measures used to deter, detect, detain and remove them can be disproportionate and of limited effect set against the limited priority attached to tackling the structural causes of irregularity. As in other chapters, we find that there are conflicting interests at play, constraining in some crucial respects the extent to which governments have been willing or able to intervene; and suggest that a note of realism needs to be injected into the promises that are made to the public and in the approach to more than half a million irregular migrants currently living in the UK.

The intensity of political debate on the numbers who enter reflects concern about impacts after arrival, not least on the labour market, public services and relationships with existing residents. Chapter 6 is devoted to policies relating to the participation and inclusion of newcomers and those who settle in the UK, or rather in significant respects to explaining a policy vacuum in that field. The Conclusion draws together key themes that emerge and suggests reforms that

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could help to shift both the politics of migration and the outcomes of the migration process.

Notes

[1] The Immigration and Asylum Act 1999; Nationality, Immigration and Asylum Act 2002; Immigration and Asylum (Treatment of Claimants etc) Act 2004; Immigration, Asylum and Nationality Act 2006; UK Borders Act 2007; Criminal Justice and Immigration Act 2008; and Borders, Citizenship and Immigration Act 2009.

[2] Including the Channel Islands and the Isle of Man.

[3] Now the 'Court of Justice of the European Union'.

[4] *World in Action*, January 1978.

[5] Head of the Conservative Party Research Department, quoted in the *Observer*, 3 September 1995.

[6] Not including Ireland. Note that throughout the book migration statistics are rounded to the nearest thousand.

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