THE MIGRATION DEBATE

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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

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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

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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
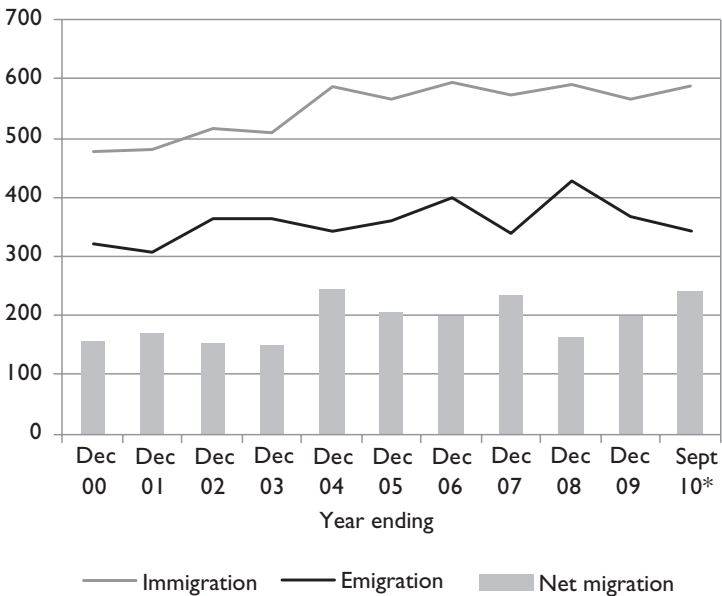
*Note: *Year includes provisional estimate for 2010.

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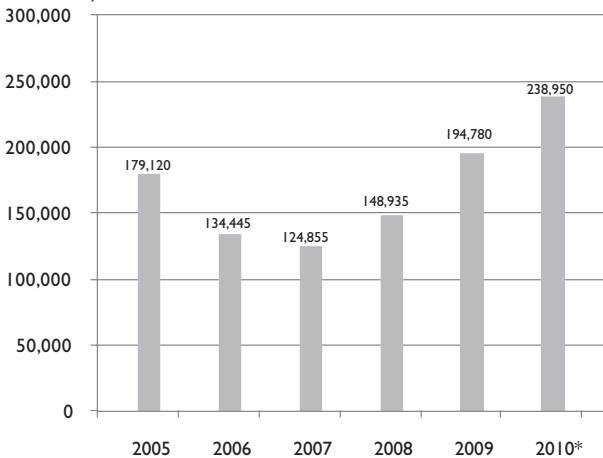
Note: *Year to September 2010
Source: Home Office Control of Immigration Statistics UK (2009, Table 4.4), Control of Immigration Quarterly Statistical Summary Q3 (2010, Table 4.3)

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

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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6

Integration and citizenship

In previous chapters we looked at policy relating to migrants' entry into the UK. It was evident that people come for different (if overlapping) reasons and stay for differing lengths of time. Here we look at policy relating to the 1,500 people who on average arrive each day and plan to stay for at least a year (Home Office, 2010). The intense political debates on migrant numbers are fuelled by perceptions of their impacts after arrival. Yet policy relating to what happens to those who come to work, study or join family in the UK has been neglected and marginal to those debates. That requires some explanation.

More than in any other chapter we find a lack of coherence on policy across government and, crucial on this topic, between government at national and local level. In part, I shall argue, this is because of a lack of clarity on what is meant by 'integration' and hence the aims of policy intervention; and in part because the policy paradigm had its origins in the post-war era and has not adjusted to the migration patterns of modern times. More recently, integration was conveniently buried within the cohesion agenda. We shall see that EU policy and funding has only impinged in limited respects and that there has been some convergence with, but also departures from, policies in other EU countries. Each, in effect, faces the same questions: what are the aims of policy intervention, which policy levers could be used and which tier of government should be responsible? Should policy target only some of those who come and to what extent should the public, employers and civil society be valued partners in delivery?

In Chapter 1, we looked briefly at some of the insights from migration theory relevant to developing appropriate policy levers. It is equally worth taking a moment to see what we can learn from analyses of the integration processes in which migrants are engaged before turning to policy at EU level and then to national policy in the

UK. Although local strategies are also crucial in this field it is on the national policy framework that I necessarily focus here.

Why 'integration'?

The evolving relationship between migrants and the 'host society' is most commonly conceptualised in European academic and policy literature as 'integration'. That term is less accepted in the UK, carrying connotations of 'assimilation': an expectation that migrants will become culturally similar to the host population and, as a policy objective, that they should (Brubaker, 2001). In policy debates it is also not uncommon to find 'integration' used to refer to a characteristic of a group or individual, as in 'they are not well integrated'. Used in this way, the term implies that the onus is solely on migrants, overlooking any responsibility that the receiving society might have to address the barriers they may face, like discrimination. Integration is also sometimes used to refer to a characteristic of a society, as in 'Britain is one of the most integrated countries in the Western world' (Alibhai Brown, 2006).

Civil society and academic critics have often avoided using 'integration' because of this emphasis on race relations, cultural change and the agency of migrants rather than on the systemic barriers to participation that minorities can experience. That scepticism was reinforced when critics of multiculturalism, following terrorist attacks in London in 2005, advocated 'integration' as the antidote, encapsulated by Prime Minister Blair in a speech entitled 'The Duty to Integrate: Shared British Values' (Blair, 2006; Kundani, 2007: 123). Critics have struggled, however, to find an alternative term. Inclusion, for instance, has sometimes been used at the local level because it chimed with the mainstream social exclusion agenda (WMSMP, 2009: 3). Inclusion, however, implies enclosure within – not the two-way process of mutual change in which migrants are engaged.

I use integration here because of a lack of an acceptable alternative and because, as used by scholars in continental Europe, it does not focus exclusively on cultural change or community relations; nor solely on the migrant's role. Rather, integration is understood as a

process engaging not only migrants but also the institutions and people among whom they live. It is the nature of the interaction between the migrant and society that has been found to determine the outcome of the process, but the two players are unequal in terms of power and resources: 'The receiving society, its institutional structure and its reactions to newcomers are consequently far more decisive for the outcome of the process than the immigrants themselves' (Penninx and Martiniello, 2004: 142).

Equally significant for policy intervention is the analysis that integration is not a single process but takes place across economic, social, cultural and political domains (Entzinger, 2000; Heckman et al, 2006). In broad terms we can define these as:

- *Structural:* participation in the labour and housing markets and in social institutions such as education and health care. Here organisations, from public agencies to small employers, are key players and the opportunities they provide or barriers they erect are influential in integration outcomes.
- *Social:* processes of interaction between migrants and non-migrants within and beyond the workplace and social institutions.
- *Cultural:* changes in values and behaviour; including attitudes and behaviour *towards* migrants.
- *Civic and political:* participation in community life and the democratic process.
- *Identity:* the process that enables individuals, notwithstanding differing cultural backgrounds, beliefs and identities, to feel at some level that they can identify with the neighbourhood or country in which, and people among whom, they are living.

In this chapter, I therefore use the term integration to mean: processes of interaction between migrants and the individuals and institutions of the receiving society that facilitate economic, social, cultural, and civic participation and an inclusive sense of belonging at the national and local level.

Underpinning participation in each domain are migrants' legal rights: whether they are permitted to work, to access public services and to vote, for instance, and their responsibilities. Whether the legal framework is inclusive or exclusive thus has significant implications for integration outcomes (Spencer, 2006a).

Integration processes: what do we know?

Comparative studies in Europe reveal similarities in the experiences of migrants from different countries of origin but also differences between and within migrant groups, not least between men and women: there is no single integration experience (Kofman and Phizacklea, 2000; Vermeulen and Penninx, 2000). Significantly, a positive experience in one domain is not necessarily mirrored in another. An individual may be securely employed for instance but have little social interaction, nor identify with their local area (Spencer and Cooper, 2006; Rutter et al, 2008).

In designing policy levers, it is helpful to clarify that there are three sets of factors known to facilitate or impede integration processes:

- *Factors relating to the migrant:* including reasons for migration; education; skill level and previous work experience; proficiency in English; age; knowledge of the ways in which the labour market and services operate; and motivation. Migrants' social and community networks also play a role in access to jobs and services (Castles, 2001; Kloosterman and Rath, 2003). Evidence on the relative importance of these factors is an essential foundation for policy intervention. We know for instance that language proficiency is strongly associated with the probability of being employed (Dustmann et al, 2003) and that migrants with poor English are least likely to have the practical information they need on arrival, to feel well treated by British people or to mix with them socially (Spencer et al, 2007).
- *Factors relating to the society:* determining whether there are opportunities open to migrants in relation to the labour market, accommodation, social and civic participation. At different points

in the economic cycle and in differing localities there may or may not be jobs that match their skills. Accommodation and other resources may be scarce; local institutions may be more or less open to participation by newcomers; and neighbours may be welcoming, distant or hostile. The history of migration into a neighbourhood, its current ethnic profile and lack of experience of migrants among local service providers have been found among the relevant factors at the local level (Waters and Jimenez, 2005; Robinson and Reeve, 2006; SC Communities and Local Government, 2008: 13).

• *Policy interventions:* including generic policies covering all residents and targeted measures such as language tuition, specialist health care and local information packs; measures to address discrimination and public hostility; dispersal to areas ill equipped to meet migrants' needs (Phillimore and Goodson, 2008a); and rules that allow or restrict migrants' access to work and services.

Looking at migrant inequality in the employment domain in particular, we find 10 causal factors identified, including language proficiency, discrimination, length of residence, lack of knowledge of job-seeking processes, poor health and immigration status. Migrants found the service at Jobcentre Plus poorly tailored to their needs (Rutter et al, 2008). An earlier study of barriers to refugees' labour market participation found language, lack of UK work experience, lack of qualifications and employer discrimination to be the principal factors (Bloch, 2004). The overall employment rate of the foreign-born is 67%, not far short of 73.5% for the UK-born (data for the first quarter of 2010; ONS, 2010); but the far lower employment rates of those born in countries such as Bangladesh and Somalia can be masked by the high rates of white migrants (Dustmann and Fabbri, 2005; Cangiano, 2007: Table 1).

It is striking that, beyond employment, evidence on outcomes for migrants, as opposed to ethnic minorities, is not routinely monitored. Even within employment there are significant gaps in knowledge essential for any integration strategy, such as the impacts of those labour market programmes for which migrants are eligible (Cangiano, 2007).

The most comprehensive review of inequality ever commissioned by government was not asked to include the foreign-born within its focus (NEP, 2010). There is an active debate on the way in which indicators can be used to measure integration, their limitations (eg in regularly omitting measures of adaptation by the host society) and the paucity of data available in practice to conduct the analysis (Entzinger and Biezeveld, 2003; Ager and Strang, 2004; Carrera, 2008; Phillimore and Goodson, 2008b; Niessen et al, 2009).

Models of policy intervention

Integration processes take place regardless of policy intervention. Migrants may find jobs, access public services and develop a sense of attachment to their neighbourhood without the benefit of any targeted policy measures, but policy may facilitate (or hinder) that process. The question is what forms of intervention are most likely to foster that participation and what level of resources should be invested, by and for whom. We might expect that some aspects of integration will be more susceptible to policy intervention than others.

There is a whole body of literature exploring why countries have different 'philosophies of integration', including differing traditions in the roles of public bodies and of welfare states (Favell, 2001b). Typologies often characterise countries as having clearly defined models: the French as 'assimilationist', for instance, and the UK as 'multicultural'. Evidence suggests that there may have been strengths and weaknesses in the differing approaches across integration domains: France more successful in encouraging migrant youth to identify as French, for instance, but weak on labour market integration, Germany stronger on access to jobs and training, but weak on identification (Heckman et al, 2001).

In recent times, interventions have nevertheless been more similar than those dichotomies suggest (Ireland, 2004). Policies are responding to similar pressures and interventions have shown some convergence at the national and local level: in narrowing the gap between rights enjoyed by citizens and long-term residents, for instance, and in

combating discrimination (Niessen, 2001: 31). A common feature has been policy shifts in reaction to events and to address what are perceived to be failures of earlier approaches (Doormernik, 2003). It is also common to find a gap between national policies and those at the local level where the social and economic situation may be different from that in the capital and local politicians develop their own approach (Castles et al, 2002; Ireland, 2004; Penninx and Martiniello, 2004).

Nevertheless, there remain four differences in emphasis across Europe that are reflected in recent policy shifts in the UK:

- whether policy focuses on individuals or minority communities;
- whether the priority is economic, social or cultural integration;
- which categories of migrant are the target of policy intervention; and
- whether participation in language and civic courses is voluntary or required.

Focus on individuals or minority communities?

Some European governments have, to an extent, pursued multicultural policies that see value in diverse cultural traditions, recognise ethnic (and recently faith) communities and give this recognition some institutional form (Vertovec and Wessendorf, 2010: 3). Arrangements are made to consult minority communities and minor adjustments made in law to accommodate cultural or religious differences, in relation to burial arrangements for instance. Legislation to tackle discrimination does so on the basis of an individual's membership of a group defined by race, religion or belief and data is collected on that basis to provide an evidence base.

Advocates of this approach argue that valuing cultural heritage provides a positive identity and community support to individuals who are making their way in a sometimes hostile environment. It recognises that group membership is a factor in the way an individual is treated; while collecting data according to group membership makes it possible to implement effective anti-discrimination legislation. The rights of communities can be balanced against the right not to be

part of that community (Commission on the Future of Multi-Ethnic Britain, 2000: para 3.26), and respect for cultural traditions is not to be hidebound by them:

> Multicultural integration policies support neither the crossing of boundaries from one culture to another, as do assimilation policies, nor the preservation of those boundaries, as does segregation, but aim to foster their permeability. (Spencer and Rudiger, 2003)

Critics counter that a multicultural approach can nevertheless overemphasise group differences, create vested interests in local ethnic political groupings, give too much power to patriarchal community leaders and reinforce what divides rather than what we have in common. It can ossify cultural practices that would otherwise adapt over time, pigeonhole individuals into an identity that may play a small part in their lives and encourage solidarity around ethnicity rather than political ideals. To some critics, its raison d'etre is less the protection of rights, than the maintenance of public order through managing relations between majority and minority populations (Favell, 2001a, 2001b; Ireland, 2004; Malik, 2005).

These concerns contributed to a serious questioning of multiculturalism in the UK in the past decade (Alibhai Brown, 2000; Goodhart, 2004; Phillips, 2005), reflected in Labour's community cohesion agenda and, in reform of access to citizenship, in its emphasis on strengthening the direct relationship between the individual and the state.

Priority for intervention: economic, social or cultural integration?

Across Europe, policy prioritises some domains of integration more than others. States operating temporary labour schemes, for instance, may place little emphasis on migrants' social integration, even though the migrants live within the community and may in practice remain long term (Entzinger, 2000). Equally, a focus on integration in the

labour market may neglect public attitudes towards migrants; or a focus on cultural integration may neglect access to jobs and services. Within the cultural domain, the degree to which shared norms are in fact necessary may be overemphasised (Bader, 2001) and the extent to which it is appropriate for the state to intervene to secure that goal is open to challenge. Policies relating to separate domains can also be uncoordinated or contradictory. In part this happens because strategies lack clear goals or are subject to competing departmental objectives (Zetter et al, 2002).

Which migrants?

On the first day that a migrant arrives, he or she is embarking on a process of integration into the UK's economic, social and cultural life. If the visit is a short one, it is a process that will not proceed far. If it is a permanent stay, it may continue until they participate across all domains. A key question is whether all these new migrants should be the focus of integration policies and, if not, to whom intervention should be directed.

Across Europe, it is common to find a strong focus on refugees and/or family migrants (though not the latter in the UK), while those who have come for work may also receive some support in improving their language and job skills. Mobile EU citizens are not seen as 'migrants', however (and cannot, therefore, be beneficiaries of EU-supported integration initiatives), despite facing many of the same challenges. The focus of EU and UK integration measures is invariably limited to legal migrants, although some European cities provide services to those with irregular status or fund non-governmental organisations (NGOs) to do so (CLIP, 2008) and the integration processes in which they are effectively engaged cannot be ignored (see Chapter 5). UK interventions have focused on those remaining in the long term, while EU debates increasingly recognise that temporary residents may face some of the greatest challenges.

Voluntary or compulsory?

A number of European states have recently required non-European migrants to demonstrate language skills and civic knowledge and/or to engage in integration programmes, some with compulsory testing. EU law and policy does not preclude this approach, including pre-entry testing as a condition of entry. Compulsion was first evident in relation to language and civic orientation courses for new arrivals (Spencer and Di Mattia, 2004). The Netherlands was the first EU country to expect migrants to start the integration process *before* departure, basic knowledge of the Dutch language and society being required as a condition of entry for family migrants from 2006. The test and substantial accompanying fee, it is argued, also has the implicit aim of reducing the number who enter (Carrera and Wiesbrock, 2009). Denmark is among those that have followed suit and, in relation to language proficiency, Germany and the UK (see later). We should bear in mind these differing approaches as we explore the development of integration policies first at EU level and then within the UK.

EU policy framework

Integration *per se* was not within the competency of the EU until the 2009 Lisbon Treaty. A limited role was nevertheless agreed from 2003 on the grounds that failure of one member state to implement a successful integration policy could have adverse implications elsewhere. A modest programme of activity has been underpinned by agreement on Common Basic Principles on Integration (CEU, 2004), significant despite having no legal force because they reflect a level of consensus on what is meant by integration and the shared responsibility of migrants, the state, employers and civil society to facilitate it. The 11 principles take as their premise that 'immigration is a permanent feature of European society' and that the successful integration of migrants is an essential part of managing migration effectively, but that member state policies and their target groups will differ. Integration is seen as 'a dynamic, long-term and continuous two way process of mutual

accommodation' demanding the participation not only of immigrants but of 'every resident', and the onus is on states to create opportunities for immigrants' full economic, social, cultural and political participation (CEU, 2004).

Implementation of EU policy has been through sharing evidence on good practice, including handbooks focusing on key areas such as civic participation and a dedicated website launched in 2009 (European Commission, 2010). More significantly for the UK, a fund for the integration of third-country nationals (2007–2013, following an earlier Refugee Integration Fund) has supported a modest grant programme, while allowing most of it to be allocated to funding English language tuition (UKBA, 2008: 18). The Lisbon Treaty (Art 63a.4) now provides a mandate for measures 'to provide incentives and support' for integration but still only for third-country nationals. In a debate with resonance in the UK, it has been argued that responsibility for integration should be moved from the European Commission's (then) Justice, Freedom and Security directorate, where it sits alongside immigration and security issues, to directorates with more relevant competencies and resources, such as Employment and Social Affairs (Collett, 2009).

Aspects of earlier EU policy were already relevant to integration, notably those relating to employment and social inclusion. Most significant were the Race and Employment Directives in 2000 that required member states to make discrimination unlawful in relation to employment and, to an extent, in services. EU law thus provided a framework for addressing one of the significant barriers migrants can face. Discrimination was, however, the one dimension of integration policy that was already well developed in the UK.

UK policy development

Research across Europe has found that differences between national and local contexts, the short timescale in which politicians need to see 'results' and a political climate of hostility to migrants are among factors that limit integration policy options (Penninx and Martiniello, 2004).

National policy frameworks can be slow to adapt because institutional arrangements are anchored in a particular national ideology, leading to 'pathological' policy problems on which the political system finds it hard to think afresh (Favell, 2001a: 50).

We saw in Chapter 1 how racism marred the 1964 general election and that stark evidence of discrimination led the government to outlaw discrimination in public places and incitement to racial hatred in the first Race Relations Act of 1965. Citing the goal as 'integration', Home Secretary Roy Jenkins famously defined it as 'not a flattening process of assimilation but as equal opportunity accompanied by cultural diversity, in an atmosphere of mutual tolerance' (Rose et al, 1969: 25). The policy model that emerged, including rights to stand and vote in elections, ready access to citizenship and mechanisms for managing race relations through 'community leaders', was designed for a migrant population from a limited number of countries with historical links to the UK, expected to remain in the long term. It proved slow to adapt to the 'superdiversity' and greater mobility of migrants in recent years (Vertovec, 2007). The arrival of white migrants from Eastern Europe, in particular, revealed the 'conceptual emptiness of the old policy framework' (Favell, 2001a: 55).

Significantly, while the initial target of intervention was those who had arrived from abroad, it soon shifted to the second and subsequent generations. The necessity of separating policy relating to these British citizens from that relating to 'immigrants' has meant that policy towards ethnic minorities has been divorced from, and in Whitehall institutionally quite separate from, any policy relating to new arrivals. Moreover, while policy towards minorities retained a high political profile, policy relating to new migrants did not. With the partial exception of refugees, new migrants have been marginal to the policy agenda.

From anti-discrimination to a duty to advance equality

The early Race Relations Acts were, despite their limitations, path-breaking measures to address discrimination. From the first Act in 1965, the law was strengthened over time to cover direct and indirect discrimination in relation to jobs, goods, facilities and services; and from 2000 to require the 43,000 public bodies in Britain, from government departments through to schools and hospitals, to promote equality and good race relations, a duty subsequently extended to disability and gender.

In practice, the 'race equality duty', like the earlier anti-discrimination measures, has largely been used to address issues relating to ethnic minorities rather than recent migrants (McCarvill, 2011). Although the term 'racial' in the Race Relations Act means 'colour, race, nationality, ethnic or national origins', its relevance to people from abroad facing discrimination on the basis of nationality or national origins has received little attention. The Commission for Racial Equality (CRE), established to promote and enforce the Act, had the power to investigate the operation of immigration control but migrants were never central to its agenda (Dummett and Nicol, 1990: 252). The CRE's successor, the Equality and Human Rights Commission, has shown greater interest in embracing them within its remit.

An EU Directive and pressure from Muslim communities prompted government to extend the law to discrimination on grounds of religion or belief. The Equality Act 2010 subsequently went further in providing a single duty on public bodies to advance equality on all grounds and to promote good community relations. That duty is potentially a powerful means to ensure that public bodies, in their employment and service provision, advance equality for all residents, including migrants. Yet the intentional exclusion of some migrants from full access to jobs and services, on the basis of their immigration status, may leave public bodies unsure as to whether the duty to advance equality should embrace this section of the community or not.

Equality for whom? Legal restrictions on access to jobs and services

While new migrants are entitled to civil rights such as freedom of speech as soon as they arrive, for many – as we have seen – the law restricts access to jobs, services, social housing, welfare benefits and voting: a pattern of restrictions that has developed ad hoc with no clear rationale. Migrant children can nevertheless attend state schools and there are no restrictions on using services such as public libraries or emergency health care. The result is complex, different categories of migrant having differing entitlements depending on their immigration status, country of origin and length of residence in the UK (Spencer and Pobjoy, 2011).

This pattern of inclusion and exclusion reflects a tension between the benefits to individuals, the economy and society of allowing access, and competing political and fiscal pressures to restrict it. Services such as English language tuition contribute to employability, and exclusion from a service can prove counterproductive: for instance, use of hospital emergency services when treatment by a GP would have been more cost-effective. Human rights obligations have constrained attempts to limit access in some cases (see Chapter 2); and government has seen a strong public health rationale for allowing all migrants to have access to treatment for communicable diseases (see Chapter 5). Nevertheless, provision incurs costs, not least if migrants have particular needs such as for an interpreter.

Underlying the tension between inclusion and exclusion can also be a difference of view as to whether entitlement should be on the basis of need or long-term residence or 'belonging'. Social housing is the service that, rationed for all residents, most acutely highlights the implications of that choice. Where long-term residents wait long periods to access suitable accommodation, ill feeling may be generated if migrants are perceived to 'jump the queue' (Dench et al, 2006). Yet assessment of entitlement solely at the local level is not possible when migration contributes disproportionately to the national public purse, while having social costs that are concentrated among residents competing in a 'scarcity auction' for social housing at the

local level (Keith, 2008). Government estimates that only 6% of social housing lettings to new tenants went to foreign nationals in 2006/07. Nevertheless, 'people feel very strongly about these issues, which go to the heart of their sense of fairness' (CLG, 2008b: 24). The fact that most new migrants are ineligible for social housing and that there is evidence of extreme housing need has not resolved that tension for which the underlying cause is the shortage of accommodation (SC Communities and Local Government, 2008: 18; Robinson, 2010a).

Despite the significance of health, education and housing services in particular to integration processes, and the emphasis on advancing equality for ethnic minorities, government has not developed an evidence base on the impact of excluding migrants from these key services. Evidence on their implications should be part of any review of the efficacy of the current policy framework.

Targeted integration strategy: refugees only

Recognition of the importance of jobs and services to new migrants has indeed been the rationale for the only targeted integration strategy that the UK has seen: for refugees. Reflecting the rise in refugee numbers and evidence of poor education, health and employment outcomes, the catalyst for *Full and Equal Citizens* (Home Office, 2000) was the availability of a new EU funding stream, the Refugee Integration Fund. Politically, it also served as a positive counterweight to the increasingly negative measures being taken to deter asylum seekers (Spencer, 2007). The aim was to help refugees secure access to jobs, accommodation, benefits, health, education and language services and to encourage community participation, all cited as key factors in 'the integration process'. But there was no question of extending it to other migrants: "The assumption was that if coming to the UK is planned then you would be better prepared. But at the time it wasn't discussed if it should be a broader strategy".[1]

A National Refugee Integration Forum with strong NGO participation was set up to identify barriers to integration and practical solutions (with a parallel arrangement in Scotland). Its work

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on employability was instrumental in the Department for Work and Pensions' own strategy, *Working to Rebuild Lives* (2003, revised in 2005), targeting practical assistance on refugees seeking to enter the labour market, including access to National Insurance numbers, employment training and adaptation of professional qualifications obtained abroad. Significantly, this labour market focus in particular has never been replicated for other migrants (Cangiano, 2007).

The emphasis in the strategy was on opportunities for refugees to develop their potential, moving to self-sufficiency through work and inclusion in community life, with assurance that 'inclusion in our society does not mean that a refugee is required to assimilate' (Home Office, 1999: para 2.3). Revised in 2005, at the end of a decade in which more than 250,000 people had been granted refugee status or exceptional leave to remain (Home Office, 2005) it was sold to the press as a strategy to ensure that refugees contribute to the UK. It nevertheless remained focused on opportunity not compulsion and, significantly, defined integration as:

> the process that takes place when refugees are empowered
> to achieve their full potential as members of British society,
> to contribute to the community, and to become fully able to
> exercise the rights and responsibilities that they share with
> other residents. (Home Office, 2005: 6)

Noting barriers such as lack of access to training, the aim was a personalised service in which refugees' needs were assessed so that they could be signposted to relevant services. From 2008, a Refugee Integration and Employment Service was established to provide a 12-month advice, employment support and mentoring service but the level of support provided, including that given to refugees on the Gateway programme (see Chapter 2), has never proved sufficient to address the disproportionate unemployment or broader challenges they experience (Phillimore and Goodson, 2008a; Evans and Murray, 2009).

Government insistence on the exclusion of asylum seekers from the strategy has also been a significant concern. NGO critics insist that the

integration process starts when the claim for asylum is made and that access to language support, decent housing and health care is critical to the longer term: a difference of view that reflects the tension between the Home Office's overarching concern to limit asylum numbers and competing integration objectives (Refugee Council, 2009).

It is not only asylum seekers that have been excluded, however, but migrants who come to work, for family reasons or to study. There has thus been no review of the evidence on the barriers they experience, or consultation on how they might similarly be empowered to achieve their full potential as members of British society. A government review of the language requirements for accessing citizenship in 2003 did argue that more should be done to foster the integration of new migrants (Life in the UK Advisory Group, 2002, 2003). Ministers, however, had no appetite for a broader strategy: "There was no money to do something for new arrivals. Ministerial level discussion agreed that we would start with those applying for citizenship and work back from there".[2]

English language proficiency

In the absence of a broader strategy for newcomers, expansion of English language tuition – through increased demand rather than strategic intention – is the principal means through which integration can be said to have been fostered. The central government budget contributing directly to integration in 2008 was estimated to be £350 million, of which more than £250 million was for English language courses (UKBA, 2008: 16–17). A level of English language proficiency is widely recognised as critical for those supporting families, accessing services, employability and communicating with the wider community (DIUS, 2009: 7). The cost of provision, however, raises the question of who should pay, whether learning English should be voluntary or required (before or after arrival), whether it should be a priority for those whose residence is only temporary, and whether translation of information into migrant languages reduces the incentive

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to learn English (Audit Commission, 2007; SC Communities and Local Government, 2008: 42).

Access to education for children has been the service in which the importance of universal access has effectively outweighed counter-pressures. The principal challenge for schools is language support for the rising number of children for whom English is an additional language and the range of first languages spoken. From the 1960s, additional resources have been provided, latterly through an Ethnic Minority Achievement Grant (CLG, 2008b: 7). Schools can also be affected by unanticipated increases in pupil numbers and 'churn' during the school year and by the needs of parents unfamiliar with the UK school system (Audit Commission, 2007).

For adults there is no separate introductory language programme for newcomers as in some European countries. Migrants may attend mainstream English for Speakers of Other Languages (ESOL) classes, or a combined 'language with civic content' course. The increased demand for tuition following EU enlargement in 2004, coupled with requirements on applicants for citizenship to pass a language test (see later), led to increased provision and expenditure more than tripled between 2001 and 2008/09 while still failing to meet demand. To cut costs, asylum seekers in the UK for less than six months were excluded from fee remission from 2007 as were those on 'no recourse to public funds' (Phillimore and Goodson, 2008a).

Women from low-income families and low-paid workers were among those most affected (NIACE, 2008; SC Communities and Local Government, 2008: 39). Critics argued that the cutbacks would make it more difficult for those no longer eligible to become self-sufficient and to qualify for citizenship. Those who have entered the UK as spouses do not qualify for free language tuition in their first year, for instance, yet may have started a family or entered work during that period, reducing their subsequent availability for classes. Moreover, the earlier tuition starts, the quicker English is learnt and delay leads to additional costs if translation and interpreters are needed. The expert agency on adult education, the National Institute of Adult and Continuing Education (NIACE), argues that all those with language

skills below ESOL level 1 should at least be entitled to free provision until they reach that level (NIACE, 2008).

There has been a long-term concern that those working shifts or anti-social hours find it difficult to access tuition. More than two thirds of those who speak little English on arrival do not take English classes (Bloch, 2002: Table 4.3; Spencer et al, 2007). An inquiry in 2006 found the quality of some teaching to be substandard and a lack of qualified teachers in parts of the country (Grover, 2006). Research also found provision to be insufficiently vocational and to offer little opportunity for the highly skilled to attain a necessary level of English to work in their profession. Failure to employ learning as a tool for integration means migrants have limited opportunities to develop their employability (Phillimore and Goodson, 2008a: 112). At the time of writing, it is unclear what impact further public expenditure cuts in 2011 may have on the capacity of ESOL provision to meet demand.

Sharing the cost: employers

The cost of tuition raises the question whether employers who benefit from migrant labour should contribute. Labour argued that they bear some responsibility but was reluctant to insist:

> Where employers fail to support English language training they are effectively externalizing the costs of employing migrant workers onto local services in their area. Businesses clearly benefit from a well integrated work-force that can speak English. Employers should look to include English language training as a part of creating a successful long-term sustainable business which adds value to the community. (CLG, 2008b: 33)

Some employers do take steps to facilitate integration, encouraged to do so by a Business in the Community Code of Practice on 'how they can make migrant workers feel welcome and … integrate more effectively into their workplace and the community' (BIC,

2008: 2). Nevertheless, many are unable or unwilling to provide language training: 'Widespread employer buy-in has not been secured through the prevailing system of voluntarism and exhortation' (NIACE, 2008: para 45).

Pre-entry English requirements

Concern that migrants should have sufficient English on arrival led to a requirement that labour migrants have a level of proficiency in speaking, reading and writing English before coming to the UK. More controversially those coming on the basis of marriage or civil partnership are now also required to speak some English before arrival (UKBA, 2009). The level required is said to need 40–50 hours of tuition and is justified in terms of future employability and savings to the taxpayer of translation services. The UK is not alone in taking this route, Denmark, Germany and the Netherlands, for instance, all having done so. Nevertheless, there is limited access to English classes in some regions of the world and those who are not literate in their own language or cannot afford classes may struggle to reach the level required. Hence they will not be able to join their families in the UK (see Chapter 4).

Community cohesion agenda

The absence of a broader strategy to promote integration can in part be explained by Labour's heavy focus after 2001 on community cohesion, notwithstanding that its target group only latterly included migrants. The driver of cohesion policy was disturbances in northern towns in the summer of 2001. A subsequent inquiry was:

> struck by the depth of polarisation in our towns and cities.…
> Separate educational arrangements, community and voluntary
> bodies, employment, places of worship, language, social and
> cultural networks, mean that many communities operate on

> the basis of a series of parallel lives. (Cantle and Community
> Cohesion Review Team, 2001)

The target of concern was second-generation ethnic minority youth, not newcomers to the UK. The agenda that emerged, resonating with critiques of multiculturalism, emphasised contact across community divides, civic participation and a shared sense of belonging based on common goals and shared values (Home Office, 2001). The focus was on addressing ethnic divides rather than the economic inequalities that underlay them (Flint and Robinson, 2008). Within weeks of the disturbances, the events of 9/11 in New York had added a security dimension to the agenda, reinforced by the London bombings of July 2005, but the focus was the radicalisation of British-born people. When the Department for Communities and Local Government (CLG), now responsible for the cohesion agenda, published its 152-page progress report the following year, reference to migrants merited less than a page (CLG, 2006). There was by then a lively debate on whether the diversity brought by migration undermined social solidarity and support for the welfare state, a 'progressive dilemma' that meant supporters of the welfare state could not simultaneously support high levels of migration (Goodhart, 2004). Nevertheless, the thrust of the argument was for less migration, not for measures to promote the integration of those already in the UK. Empirical evidence also cast doubt on the underlying claim (Banting and Kymlicka, 2006; Evans, 2006).

The relevance of migration to the cohesion agenda was however brought to the fore by the Commission on Integration and Cohesion (CIC), established to explore ways in which empowerment of local communities could build capacity to prevent and address community tensions (CIC, 2007a). The timing, following a major terrorist attack in London in 2005, was no coincidence. Nevertheless, the CIC struck a new tone in taking as its starting point that 80% of the public think people in their area get on well together, and challenged claims that Britain was 'sleepwalking to segregation' (see also Finney and Simpson, 2009). It also questioned the narrow focus of the cohesion agenda on the 'parallel lives' scenario, arguing that the causes of community

tension differ. Competition for limited public resources could, for instance, create community divides if there was a perception that migrants were receiving special treatment to which longer-term residents were denied.

The CIC saw integration as a process running in parallel to cohesion, defining it as 'the process that ensures new residents and existing residents adapt to one another' (CIC, 2007b: 9). Nevertheless, and to that end, it argued that it was in the UK's interests for migrants – whether temporary or permanent – to be able to participate fully in the labour market and in their local communities. Identifying a series of 'barriers to integration', from lack of information and advice through non-recognition of qualifications to public hostility, it noted that there was no single place in Government responsible for helping to address those barriers. Support of migrants was falling by default to local areas, leading to ad hoc local initiatives and some duplication of effort with no central guidance. All levels of government should do more, supported by an independent agency with a remit to foster economic, social and political participation: a source of evidence and guidance on good practice that could support local practitioners, 'secure buy-in' from Whitehall and the third sector, and act as a catalyst for policy development. Alongside action to address the concerns of settled communities, it advocated local contracts, in which new migrants would register at their local town hall and be given information and advice, there being a need to find creative ways to provide 'cultural briefing' on the norms and expectations particular to local areas (CIC, 2007b: paras 5.24–5.45).

'Integration' subsumed within cohesion

In its response, however, the government rejected the call for a broad integration agenda, subsuming 'integration' within the good relations parameters of cohesion:

> Community cohesion is what must happen in all communities to enable different groups of people to get on well together. A

key contributor to community cohesion is integration which is what must happen to enable new residents and existing residents to adjust to one another. (CLG, 2008a: para 1.3)

That definition of integration bears little resemblance to that we saw in the Home Office's Refugee Integration Strategy, with its emphasis on the empowerment of refugees to achieve their full potential, a distinction recognised by UKBA:

"There is a much narrower definition of integration in CLG. It is seen as people getting on, as a subset of cohesion. It is a slightly different focus from the UKBA perspective. We recognise that integration takes place at different levels. We have a sharp focus on language and on knowledge of life in the UK, and a stronger focus on support for the individual whereas CLG are looking at the big picture, and the big picture is cohesion."[3]

Defining integration in this way enabled CLG to fit the language of integration within its existing agendas, not only cohesion but a related issue that hit the radar of CLG after enlargement of the EU in 2004: the impacts of migration on local services:

"CLG ministers were not trying to make a grab for migration policy. They didn't want to take on the responsibilities of other departments. But there were two things that were not covered – community impacts and coordination. So CLG took that on. The implicit assumption was that someone else was dealing with support for newcomers. It wasn't their job."[4]

Focus on impacts of migration at the local level

The government had not anticipated the significant number of 'A8' migrants that would come to the UK following enlargement of the EU. No consideration was given to the implications for services or to wider steps to facilitate integration. Yet EU citizens can experience many of the same challenges as other migrants (Markova and Black, 2007; Spencer et al, 2007a).

Local service providers complained that they had insufficient resources to address the additional demands placed on them, in part because data on local population numbers (on which eligibility for funding is based) did not take account of recent changes. Had there been any overarching strategy for migration it might have been anticipated that investment in public services would need to keep pace, but there was no mechanism for forward planning of that kind. The Audit Commission found unanticipated numbers of East European children in schools, overcrowded housing posing health and safety risks, community tensions (for instance, in relation to rubbish disposal), and service providers facing communication barriers in meeting the needs of newcomers (Audit Commission, 2007).

Guidance was provided for local authorities on good practice (IDEA, 2010) and a fund resourced by visa fees was established to support service providers. However, it was deemed a 'drop in the ocean' by a parliamentary Select Committee which heard that Westminster City Council, one of those most affected, would receive a maximum of £120,000 a year and some authorities less than the amount needed to fund one full-time post (SC Communities and Local Government, 2008: 110, 129). A Migrants Impacts Forum brought local government, police and other stakeholders together "to get grass roots evidence and so that government could be seen to be listening",[5] but it was a less substantial initiative than the Migration Advisory Committee advising on labour migration (see Chapter 3) and, in the event, short-lived.

Fragmented responsibility in Whitehall

CLG's new interest in migration meant that there were now two loci of responsibility for migrants: its own focus on cohesion and the impacts of migration at the local level and the Home Office responsibility for refugee integration and for citizenship. A small Migration Directorate was established in CLG which, following an internal review, rejected the CIC's view that an external integration agency was needed. While it found that there was no strategy drawing together relevant activity across government, it was confident that it could now ensure 'a stronger narrative and greater coherence of government policy around migrant integration' if resourced to do so (CLG, 2008c: 8). At the time, the Migration Directorate had just 15 staff. Within the year it had been absorbed into the Cohesion Directorate.

A Select Committee inquiry on the impact of migration on cohesion in 2008 noted the lack of any policy or guidance on what action is needed for the integration of short-term economic migrants. It reflected on the 'myriad' of departments involved, the Audit Commission's view that local authorities did not always know where to go for information and that there was evidence of conflicting approaches within government. However, if any national strategy emerged:

> Central Government should not dictate to local authorities what practice should be adopted locally. Rather, the role of central government should be to set a national policy framework for action on integration and community cohesion, and provide guidance and support to others, particularly local government. (SC Communities and Local Government, 2008: 33–43)

The Select Committee's remit was the impact of migration on communities and integration was considered through that prism. Had the starting point been integration across socio-economic, cultural and civic domains, the barriers to integration they explored and the range

of interventions identified to address them would necessarily have been much broader. In the absence of that analysis, the government resolved with the Select Committee's blessing that leadership on 'integration' should be split between CLG and the Home Office but gave neither the mandate or the resources to fulfil that role.

Citizenship and civic participation

Back at the Home Office, policy had been developed for migrants intending to remain in the long term: on access to British citizenship and to the permanent residence status that preceded it, Indefinite Leave to Remain (ILR). Until 2004, the UK had had a laissez-faire policy towards citizenship, the Nationality Act 1981 allowing those with long-term residence rights to apply after five years in the UK and to retain the citizenship of another country (dual citizenship): 'A low-key, private and bureaucratic process' (UKBA, 2008: 13). Access to citizenship was not used instrumentally to foster integration: applications were not encouraged, nor were new citizens provided with any symbolic acknowledgement of their new status, in contrast to the citizenship ceremonies popular in Canada, the US and Australia.

Home Secretary David Blunkett saw that as a wasted opportunity: access to citizenship was a lever that could be used to encourage civic participation and a sense of belonging to the wider community. He proposed that acquisition of citizenship should be celebrated in civic citizenship ceremonies but should also be a little harder to achieve: applicants required to provide, from 2004, evidence of a level of English language proficiency. Applicants would also (from 2005) be expected to demonstrate some knowledge about life in the UK in order to 'develop a sense of civic identity and shared values' (Home Office, 2002). An Advisory Board on Naturalisation and Integration (ABNI) provided guidance on the tests and on citizenship ceremonies. It argued that its integration remit should be extended to cover those newly arrived in the UK but was abolished in 2008 (ABNI, 2008).

While the threshold for access to citizenship had been raised, the intention was not to limit the numbers achieving that goal. It was

desirable that long-term residents eligible to apply for citizenship should do so, the incentive of citizenship status thus being used to lever some improvement in English and knowledge of life in the UK. Those requirements were extended to applicants for settlement in 2007. More failed the test than anticipated in the early years, an average pass rate until 2007 of 67% (UKBA, 2008: 14). Moreover, pass rates near or below 50% for a dozen countries, including Iraq, Bangladesh and Turkey, were masked by the success of those from English-speaking countries; thus the consequences for family migrants and refugees may have been greater than for labour migrants (Ryan, 2008).

Figure 6.1: Grants of British citizenship (1990–2009)
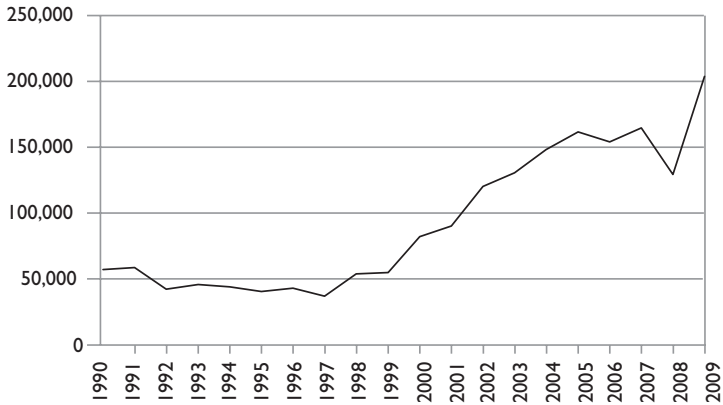
Source: Home Office British Citizenship Statistics UK 2009 (2010: Supplementary Table A)

Earned citizenship

Grants of British citizenship nevertheless rose to 165,000 in 2007 (see Figure 6.1), amongst the highest levels in Europe (Eurostat, 2009). Whether or not in response to that trend, the threshold was raised. Where citizenship had been seen as a means to promote integration, it must now be seen to be earned, with applicants demonstrating an

economic and social contribution through volunteering and evidence of tax and law abidance. A new stage of 'probationary citizenship' (Borders, Citizenship and Immigration Act 2009) would, from 2011, lengthen the time taken to acquire full citizenship, during which time access to benefits and services would now be restricted (Home Office, 2008). This extended period would allow the individual 'to demonstrate their commitment to the UK and earn the privileges of citizenship' and in so doing improve public perception of the contributions migrants can make (UKBA, 2008: 21; 2009: Annex A). A 'good character' requirement for citizenship had already been tightened up in 2008, excluding those who have all but the most minor conviction for an offence that is not 'spent'. A more radical proposal to refuse or delay citizenship for those whose children committed criminal offences was dropped (Thorp and Garton Grimwood, 2009). Students, temporary workers and those on youth mobility schemes do not, as before, have access to citizenship status.

The reforms proved controversial in Parliament, in particular the extent to which details on implementation had been left to ministerial discretion, the additional complexity of the rules on access to benefits and the criminal justice connotations of the term 'probation' (Thorp and Garton Grimwood, 2009). Beyond Parliament, critics questioned the assumption that migrants should necessarily want to be British, the logic of establishing further obstacles to that status and the ever-present threat 'that one slip may take you off the ladder and out of the country' (Dummett, 2008). The inclusion of a particular form of social participation, 'active citizenship', raised concern that increasingly prescriptive integration requirements would deny opportunities to those who fail:

> The paradox of this strategy is that, in the name of integration, migrants are left either with an inferior legal status, or are simply excluded from the UK altogether. The focus of integration policy is no longer on the equalisation of opportunity, but rather on the discouragement and

penalization of migrants who do not possess certain attributes.
(Ryan, 2008)

Labour intended, nevertheless, to go further, regulating access to probationary citizenship through a points system designed, in particular, to limit access for labour migrants, now deemed necessary 'to manage population growth'. External lobbying had contributed to that shift in emphasis:

> "The size of the population is now part of the discussion. Migration Watch has contributed to that thinking. They are very wised up with their statistics, a powerful lobby group and influential with the media and through them with the public. Ministers are aware of that."[6]

Labour migrants would be awarded points for such factors as earning potential and having worked in regions such as Scotland in need of further immigration, while points would be deducted for anti-social behaviour 'or in circumstances where an active disregard for UK values is demonstrated' (UKBA, 2009: Exec Summary, para 10). Those who did not secure sufficient points for probationary citizenship would have to leave the UK once their visa had expired. Formal consultation found limited enthusiasm for the proposals and questioned the potential fairness of the system, but public polling found greater support (UKBA, 2010a).

What had arguably begun as an attempt to celebrate acquisition of citizenship without accentuating the divide between citizens and non-citizens, had become an attempt to create an inclusive civic Britishness for those who earn that status at the expense of those who do not. The Coalition government will not pursue the 'complicated, bureaucratic and ineffective' earned citizenship policy but nevertheless believes it is 'too easy' to move from temporary residence to permanent settlement (UKBA, 2010b). No doubt further measures will follow. Rather than reinforce a divide between citizens, permanent residents and non-citizens, an inclusive sense of identity could alternatively be

forged on the basis of shared experiences, common interests and equal participation, while addressing the underlying causes of insecurity for which migrants get the blame: 'Citizenship and a sense of belonging cannot be built on nationalism but must be based on some common form of social, economic and democratic equality' (Lawson, 2008: 10). Evidence from local campaigns in which British citizens are strongly supportive of migrants suggests that policy could be designed to build solidarity rather than to create further divides (Squire, 2009).

Civic participation

While the citizenship reforms were intended to encourage volunteering, there has been little attempt to bring migrants within successive governments' broader civic participation agendas.

A review of integration policies across Europe did rate the UK favourably in relation to political participation: allowing migrants to join political parties and form associations that can attract public funds and granting more generous rights to vote and stand for election than in many EU states. Only in its lack of any formal mechanisms for consulting migrants or their associations did it score 0% (Niessen et al, 2007: 185). The UK does indeed allow citizens of Commonwealth countries to vote in national and local elections and EU citizens in local and European elections. The former arose historically from the UK's relationship with its colonies, the latter a requirement of membership of the EU. Neither thus derives from an intention to foster integration but, in allowing participation in the democratic process, has contributed to that goal. Beyond elections, the failure of many UK institutions to engage effectively with migrant community organisations has been documented, although there are instances where they have succeeded in shifting policy agendas (Anderson, 2010; Phillimore and Goodson, 2010).

Integration policy: whose responsibility?

We saw in Chapter 1 that fragmentation of responsibility between tiers of government can inhibit coherent policymaking and implementation. In relation to integration, we see not only the consequences of fragmentation in Whitehall but lack of consensus on the respective roles of central and local government.

There has been a strong view, reflected by the Select Committee that reported on migration and cohesion in 2008, that integration is primarily a local responsibility. Many issues are indeed most effectively addressed at that level: the Select Committee arguing, for instance, that negative public attitudes are fuelled by local misunderstandings and that local government could help prevent myths arising through transparent decision-making in relation to social housing and resource allocation (CLG, 2008b; SC Communities and Local Government, 2008: 23). Local action, however, cannot address the role played by national media, nor the role of central government in setting the tone of national debates (Maclaren and Johnson, 2004; Greenslade, 2005; Spencer, 2006b: 28; see also Chapter 2). It is also, moreover, only central government that can set the legal framework for integration, including equality law and the restrictions on migrants' conditions of stay; that can ensure an adequate evidence base, and the coordination of private, public and civil society partners to mainstream integration objectives nationwide.

There is nevertheless a key role for local government. Across Western Europe, cities have often taken the lead in developing integration programmes, with differing levels of central guidance, requirements and resources. There is a series of networks in which local authorities share experiences, independent of dialogue at national or intergovernmental level, and a growing body of knowledge on policy drivers, levers and outcomes (CLIP, 2008; British Council, 2010; Cities of Migration, 2010; Eurocities, 2010). In the UK, government has not encouraged local authorities to develop integration strategies per se, nor considered whether national policy supports or hinders local authorities in that role. It has, moreover, failed to resource them adequately to manage the

challenges for new migrants and settled residents: 'local communities have been abandoned to manage these challenges alone' (Robinson, 2010b: 17). While some authorities nevertheless have policies relating to refugees and ad hoc initiatives with a broader target group, the Mayor of London is unusual in having supported a cross-cutting integration strategy for migrants, building on an earlier strategy for refugees, *London Enriched* (MOL, 2009, 2010).

The government consulted in 2009 on the desirability of extending the role of local authorities and devolved administrations. UKBA had already instructed the 11 regional refugee partnerships that it funded to broaden their remit to other migrants but only to facilitate cooperation, with a budget to match: for the East Midlands, for instance, just £130,000 a year (Local Government East Midlands, 2009). The remit of those partnerships nevertheless had the potential to support the mainstreaming of integration objectives across the work of local agencies, to build an evidence base and spread good practice, if prioritised to do so (MOL, 2010). UKBA has used this structure to talk to local agencies; channels not available when A8 migration aroused their concern. The 2009 proposals suggested that local authorities could provide more advice and signposting to migrants (on a full cost recovery basis). Mentoring schemes and orientation days were among the limited options proposed. The latter could be on a compulsory basis, attract points towards probationary citizenship and provide information about services, volunteering and 'British values'. They would have the side benefit of providing local authorities with data about newcomers in their area (UKBA, 2009). Being a low-key exercise, the proposals attracted scant attention. Nor were they intended to lead to any shift in scale, either in the development of a national integration strategy or in a programme to deliver it (UKBA, 2010a). The severe budget cuts now facing local authorities threaten their capacity to retain even current levels of engagement, including the financial support on which many refugee and migrant community organisations depend.

Conclusion

The intense political debates on migration are fuelled by perceptions of migrants' impacts after arrival yet policy to foster economic, social and civic participation has been neglected and marginal to those debates. In the UK, there has been no strategy to foster the integration of migrants, only piecemeal interventions that lack the clarity of objectives and coherence in approach that such a strategy could provide. No department has been charged with providing leadership, neither the Home Office nor CLG having been given the mandate or resources to do so, leaving an extraordinary lack of coherence across Whitehall and between central and local government. The relationship between migrants and social policy agendas addressing exclusion, poverty or inequality, 'place shaping' or most recently 'the Big Society' has been left unexplored. Encouragement from the EU to develop a coherent approach has had little influence on developments in the UK.

Beyond a limited strategy for refugees, English language provision and an increasingly divisive 'earned citizenship' agenda, policy has focused on ethnic minorities, not on those who have recently arrived. Integration goals have not been embedded in mainstream agendas such as civic participation, so that key elements of an effective strategy are missing and mainstream provision can be out of tune with migrants' particular needs. Little attention has been paid to understanding the causes of public hostility or the means by which it could be addressed. Rather, there has been an assumption that concerns can be assuaged through the robust and repeated assertion that migration is now more tightly controlled, coupled with an assurance that migrants will only access services and resources to which their contribution makes them entitled. Evidence that the percentage of the public who deem immigration and race to be among the 'most important issues facing Britain today' rose in the 10 years after Labour came to power from 3% to 40% in June 2007 (MORI, 2009) suggests that approach has not been successful.

Confusion within government on the meaning of integration, from the Home Office's refugee definition emphasising economic and

social participation to CLG's narrow focus on 'getting on' with other residents, has muddied the water, demonstrating that the way in which an issue is conceptualised in government can limit its capacity to act. The model developed in response to Commonwealth immigration has proved ill adapted to the diversity of modern migration and left a legacy of scepticism on the language of 'integration' that any new strategy would need to overcome.

Experience abroad and in the UK suggests that local authorities could be key players. Employers and civil society could also be mobilised to make a far greater contribution, not least in the context of the severe limits on public funds that will constrain any future intervention. Nevertheless, government cannot simply devolve responsibility to the local level. It needs to identify those barriers that can only be addressed at the national level, ensure that integration goals are built into mainstream programmes and, crucially, set the tone of public and media debates. The new duty on public bodies to promote equality and good community relations could be one lever to drive this agenda forward.

The lack of a strategic overview of integration processes and of an evidence base on the impact of existing interventions has enabled contradictory policies to emerge: contradictions that reflect competing pressures on government but whose impact could be mediated if acknowledged and addressed. Notable here are the conditions attached to immigration status, which for many new migrants limit participation; conditions that could be reviewed to assess whether, in the light of evidence on their impact, all of the restrictions are necessary and proportional.

An evidence-based review could lead to a holistic strategy across the labour market, social, cultural, political and identity domains in which integration processes take place; facilitating a level of participation by all migrants, not only those with the right to settle. Integration processes start on day one, not least through interaction with neighbours, employers and service providers and it is in the early months that challenges can be most evident.

There is a plethora of advice on what such a strategy might contain in relation to integration in the labour market (LDA, 2005; Rutter et al, 2008; Phillimore and Goodson, 2008a; OECD, 2009) and other domains (Grover, 2006; Spencer et al, 2007; CLIP, 2008; European Commission, 2010; Haque, 2010). The goal would be to identify and address barriers to participation in each sphere, for which responsibility would lie not only with government and public agencies but with a broad range of actors from employers and trades unions, voluntary and community-sector organisations, to neighbours and migrants' families and communities (Spencer, 2006b: 9). In that way, the focus of the strategy would not be top-down instruction from national government but the mobilisation of key partners at the national and local level to foster integration processes as a shared responsibility, to the mutual benefit of the economy and society as a whole. Within the 'Big Society' umbrella, an integration agenda could foster an inclusive civic identity based on shared experiences, rather than a divided society in which some are never allowed to feel that they have earned the right to belong.

Notes

[1] Interview with Home Office official, 6 August 2009.
[2] Interview with Home Office official, 6 August 2009.
[3] Interview with Home Office official, 6 August 2009.
[4] Interview with former CLG official, 18 August 2009.
[5] Interview with former CLG official, 18 August 2009.
[6] Interview with Home Office official, 6 August 2009.

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7

Conclusion

In the course of this book I have looked at the context in which migration and integration policies are developed; at policies towards those seeking asylum, migrant workers, international students, family members and irregular migrants before turning to migrants' economic, social and civic participation. In this chapter I draw out the common themes that have emerged, look at what we have learnt about policymaking on migration, address some overarching debates and conclude with an alternative way forward.

We saw in Chapter 1 that the UK is far from alone in experiencing migration on a significant scale; the outcome of global, economic, social and political forces which will ensure that, at differing levels and in evolving forms, migration will be a permanent part of our future. Recognising that structural context does not mean that governments are powerless to intervene but is to understand that managing migration necessitates addressing underlying causes, at home and abroad, and devising policy tools that reflect the complexity of the processes at play. Despite decades of experience, however, successive governments have reacted to migration with ad hoc initiatives; presenting no vision of what they want to achieve or coherent strategy to deliver it. In this chapter I suggest how that could change.

There are influential voices who argue that the overriding priority for government should be to limit entry and settlement severely in order to curb population growth. Tighter controls are needed, it is suggested, to reduce pressure on housing and public services, protect jobs for existing residents, strengthen cohesion and avoid support growing for far-right parties. Regardless of the weight that government gives to the case for further limits on migration, however, there are competing priorities to which it has to give credence. There are also significant constraints on its capacity to determine who comes to the

UK, and who stays. Any analysis of the efficacy of migration policy must take account of the ways in which it can unravel, at national or local level, when it moves on from policymakers to the operational phase.

Competing priorities and constraints

We saw that the first constraint is that the very nature of migration means UK policy cannot be devised in isolation from that of other states, or from the UK's broader international interests. Relationships with Commonwealth countries had to be taken into account in the early decades after the Second World War; their influence subsequently giving way to that of our European neighbours on whose cooperation the UK relies to strengthen the EU's external borders, prevent 'asylum shopping' (as it is perceived) and facilitate removals. Nevertheless, the optional 'opt-out' from EU provisions has allowed the UK to pick and choose those policies deemed in the national interest (albeit at some political cost), so that UK policy developments have often proceeded in parallel to those at EU level rather than dictated by them.

With EU membership, however, comes non-negotiable free movement of EU citizens to work in Britain. In 2004, the UK could have chosen to take advantage of transitional arrangements to limit the entry of the 'A8' nationals of the enlarged EU for seven years. The decision not to do so brought economic benefits but subsequently a high political cost, not mitigated by the quid pro quo that UK citizens could then study or take up employment in 24 other member states. Free movement for EU citizens means that restrictions to limit the numbers who enter can generally only apply to those coming from beyond the EU (or indeed EEA) borders. Yet it is the highly skilled workers and international students among them from whom many of the benefits to the UK economy derive.

Bilateral relationships can equally be crucial, as in securing the cooperation of France to close the Sangatte refugee camp in Calais (in a way that met the UK's immediate need to curtail entry, not the needs of the refugees concerned). But international relations work through reciprocity: the Coalition government finding in 2010, for example,

that the price for India's cooperation on favourable terms of investment was to be given a say in how its citizens would be treated by the cap on non-EEA migrant workers. Reciprocity in broader international agreements can equally be a constraint; business benefiting from the UK's participation in the General Agreement on Trade in Services (GATS), for instance, but that in turn imposes limits on the extent to which intra-company transfers of staff can be curtailed by the cap (see Chapter 3). The absence of a UN framework for the broader governance of migration has led to a proliferation of mechanisms for dialogue and collaboration, demonstrating that migration cannot be addressed effectively on a unilateral basis (see Chapter 1).

Human rights obligations

Governments are further constrained by obligations under international human rights treaties and by the ethics that underlie their existence: public acceptance in a liberal democracy that people should be able to choose their life partners and children allowed to live with their parents, for instance, imposing some constraint on government's freedom to curtail family migration beyond any impact of human rights law. There are instances where government has felt it necessary to address the conflict between immigration controls and those principles: Labour honoring its 1997 manifesto commitment to remove the 'primary purpose' rule, for instance, taking action to curb the excessive delays faced by families waiting in the Indian subcontinent and removing the bar on entry for same-sex partners. At other times thinly disguised attempts have been made to bypass such ethical considerations, leading to scepticism that steps taken to protect individuals (such as those to prevent forced marriages) are in fact designed to limit the number of people allowed to enter (see Chapter 4).

The UN Convention on Refugees is one significant constraint on policy options on asylum. There has remained a commitment in principle to its core requirement that all who ask for sanctuary should have their case considered and not be returned to a country where they could face persecution. When the number of applicants

rose significantly in the 1990s, however, the then Conservative administration began to erect barriers to entry, remove safeguards in the determination process and use exclusion from welfare provision as a means of immigration control, a process taken to extraordinary lengths by the Labour government over the next decade.

The Human Rights Act 1998 enabled individuals more readily to challenge immigration rules breaching the European Convention on Human Rights and, to ministers' regret, their decisions have repeatedly been subject to court challenge under this and other statutes. Some significant changes in policy and practice have had to be made as a result, not least to provide a level of support to refused asylum seekers and to refrain from removals to countries where the individual could face torture (see Chapter 2). Such reforms have not changed the direction of policy but have relieved some of its harshest effects on people's lives.

The considerable strengthening of discrimination law has created the potential, if not yet the reality, that migrants will derive benefit from that protection. Yet the statutory discrimination against new arrivals, in the patchwork of restrictions attached to conditions of entry that limit access to work, services, benefits and the democratic system, militates against equality of opportunity and thus economic, social and civic integration.

Legacy of the past

We saw, furthermore, that new governments do not start with a clean slate and their scope for action is limited, to a degree, by the legacy they inherit. Historic patterns of immigration have created networks of co-nationals, family and friends that influence the paths of future migrants; and policy frameworks are already in place, bringing with them the constraining paradigm in which they were conceived.

A new government, moreover, inherits a system for administering and enforcing immigration controls that is more or less fit for purpose. Labour's inheritance in 1997 included rising numbers of asylum seekers, a backlog of 50,000 applications and a system of administration severely

ill equipped for policymaking or the operation of immigration control. Its legislative hyperactivity then exacerbated the problems staff faced, with no less than seven major pieces of legislation on immigration, asylum and citizenship in the decade 1999–2009. More fundamentally, it inherited a way of thinking about migration as a problem not an opportunity, which in part it overcame; and a way of thinking about integration, which it did not.

Economy rules

Most significantly, as the Coalition government is finding to its cost, government cannot shut the door to migration because of the economic price that the country would pay. Even the British National Party agrees that the UK should remain open to 'genuine' international students and to labour migrants if there is 'a need to rebuild British industry or when there is a genuine shortage of skills' (BNP, 2010: 19).

In its shift to 'managed migration', Labour departed from the ad hoc expansion of work permits that the Conservative administration had overseen in the 1990s, to an overt strategy of making the UK competitive in the global market for talent, intent on maximising the economic gains and expansion of public services that the mobility of the highly skilled could bring. Recruitment from developing countries raised concerns about the impact of that 'brain drain', leading to a modest shift in NHS recruitment practice. Yet few questioned the benefits to Britain when the NHS plan, launched in 2000, heralded an increase of 9,500 doctors and 20,000 nurses that could only be delivered by staff from abroad; or disagreed when business, in a period of economic growth, demanded red tape be scrapped to enable them to hire the IT specialists and engineers they needed and to bring in their own staff from abroad (see Chapter 3).

Nor did the Opposition challenge the wisdom of Blair's campaign, launched in 1999 and reinforced in 2006, to secure 25% of the English-speaking student market. International students make a substantial economic contribution, expand the range of courses available to UK students and bring cultural benefits to education that are more

difficult to quantify. Students from EU countries, through reciprocal arrangements, pay the same fees as UK students; hence those most lucrative as a source of income are those from beyond the EU's borders – the very people whom a tight limit on numbers would need to control (see Chapter 3).

Economic growth brought demand for high-skilled workers for the knowledge economy but also an expansion in low-wage jobs. In opening up entry channels for low-skilled workers and later for A8 'migrants' from an enlarged EU, Labour recognised that the absence of legal channels in face of strong demand for labour in sectors like construction, agriculture and hospitality could only fuel demand for irregular workers. The consistently high employment rate of A8 workers demonstrates that the jobs were indeed there to be had.

In its openness to the economic benefits of migration, Labour transformed the parameters of policy and debate, its success in marking Britain as a country open to overseas talent confirmed by the insistence of the Coalition's first Home Secretary, Theresa May, that the government would ensure the country continued to attract the 'brightest and the best'. Nevertheless, as we emerge from recession, there is less consensus now on the overall benefits of labour migration and greater awareness that the benefits to employers do not necessarily equate to benefits for all.

Managing demand

'Demand' for migrant workers can reflect a shortage of people in the resident workforce with suitable skills but also the pay and conditions employers are willing to provide. Upskilling at the high end of the labour market has, to an extent, been a priority: expansion of training places for doctors and nurses did substantially address the NHS's heavy reliance on overseas health professionals. No such intent, however, has been evident in reducing the need for migrants in occupations such as social care, where in London more than 60% of care workers are foreign-born. In sectors facing public expenditure constraints, cutting off the supply of migrant workers will thus not necessarily

lead to an increase in suitable domestic supply. Improvements in pay and conditions, training, and support in making the transition from benefits to work are key elements of that equation.

Where employers and agencies are determined to exploit irregular migrants, paying below the going rate, tackling the incentives for migrants to overstay and work without permission (and for traffickers to profit) means closing down the spaces where this can happen. The Gangmasters Licensing Authority and enforcement of the minimum wage play a key role but are inadequate in their reach to prevent vulnerable workers from exploitation (whether migrants or not), and hence the ongoing demand for their labour. Protecting the rights of migrant workers alongside those of other staff is essential to prevent their employment undercutting the rate for the job. It is also in the interests of employers who do not want to face unfair competition from those willing to break the rules.

The solutions to the level of demand for skilled and low-skilled migrant labour thus lie in education, skills and employment policy more than in migration policy. Hi-tech border controls to keep unauthorised workers out are no substitute for tackling the incentive for them to be there. The Points-Based System provides a mechanism to match supply to demand but the core issue is managing demand (see Chapter 3).

There are thus, as in other areas of migration policy, competing priorities and interests at stake. Government must consider the pros and cons of importing skilled migrants to address gaps in the labour market for which there may be alternative solutions; and assess the value of tackling demand for irregular migrants by enforcing employment standards, against labour market flexibility in a deregulatory climate. It must consider, with developing countries, the risk of denuding those countries of skilled staff, against the value of migrants' remittances to their economies and of migrants' skills and ideas if they return: development goals need not be antithetical to a labour migration policy but do need to be reflected within its objectives.

We saw that those whose primary concern is to limit population growth now focus not solely on the numbers who enter but on those allowed to settle, arguing that Britain could continue to benefit from

skilled workers from abroad as long as there are tight restrictions on who is allowed to stay. Yet here again there is a downside to consider: the most sought-after workers might be expected to choose a country that allows them to put down roots (why disrupt your career and family with a further move?). Those who know they will have to leave may moreover be less motivated to make a full social and civic contribution while in the UK; while for employers, temporary staff entail the cost and disruption of replacement when they leave.

Limits of border controls

Governments also face limits on what can be achieved by border controls and not only because of the pull factor of labour market demand. More than a hundred million people arrive at the UK's borders each year, of whom the majority are British and European citizens enjoying freedom to travel for work, leisure or family reasons, but who nevertheless need to pass through passport control. More than 12 million are people subject to immigration controls, many of them contributing to the £16 billion the tourism industry earns from international visitors each year, helping to sustain Britain's fifth largest industry, which is forecast to support nearly three million jobs by 2020 (see Chapter 5). We saw that each minute of delay in passing through immigration control has an economic cost. Government cannot afford to threaten that income: plans to curb the time limit for tourist visas from six to three months in 2008 were reportedly dropped on those grounds. Managing the entry and exit of that volume of people does not permit 100% surveillance because of the time and level of intrusion; border control is thus, of necessity, a risk management exercise. No government is likely to want to go so far as one columnist has suggested and say that it is powerless in the face of porous borders (Toynbee, 2010). Nor would that be true. Yet a reality check suggests that government should not over-promise what cannot be delivered.

This is not to say that more could not be done to manage borders effectively. The E-borders information system should by 2014 provide information on whether each migrant has left the UK by their

appointed date. Significant resources would, however, then be required to track down and remove those who have not and a cost borne if the individual was by then fulfilling an essential role. Migration Watch suggests that a far greater number of prospective students should be interviewed before receiving a visa in order to improve detection of those who are not genuine in their intent to study (Migration Watch, 2010). This could be done but government has to balance the potential advantage of so doing against the staff costs, delays and deterrence effects that this would entail in an increasingly competitive market for international students.

We saw in relation to asylum that it is difficult to assess how effective policy has been overall in curtailing numbers because there are so many variables at play, not least the cessation of conflicts that were the immediate cause of flight and the time-lag in the effects of new measures. Extension of visa requirements and carrier sanctions has undoubtedly prevented an unknown number of would-be asylum seekers from reaching the UK. Whether that counts as success depends on whether one considers the impact on the individuals among them who were in need of protection and who thereby failed to receive it.

Ethics and efficacy of internal controls

Finally, governments are constrained by the ethics and efficacy of internal controls intended to ensure that people observe their conditions of stay and leave when their visa has expired. We saw in Chapter 5 that the vast majority of irregular migrants (estimated at 618,000 in 2007) arrived legally but overstayed; and that there is a further number who are 'semi-compliant': irregular because they are working or accessing services to which they are not entitled. The law defines all of these as criminal offences for which the individuals are subject to removal, making no distinction between those who arrived in the back of a lorry and those who are simply working longer hours per week than permitted – an inflexible legal framework in need of reform. Removals are also costly and beset with difficulties, hence the numbers removed scarcely touch the numbers who remain, whose

removal would in itself be highly disruptive and controversial. Public support for curbing migration does not, moreover, preclude fervent resistance to the removal of families settled within a local community.

When the Coalition government dropped plans to introduce identity cards for British citizens it retained them for foreign nationals. This leaves open the continuing expectation on local service providers that they will police entry to services, informing the immigration authorities if they suspect irregular migration status. That approach has met with some resistance from service providers, not least health professionals who do not consider this to be their role; and it carries social as well as individual costs, including to public health if individuals cannot access essential services. An information 'firewall' barring transfer of information relating to key services does and could further protect access regardless of immigration status where it is deemed that social policy objectives or human rights protection need to be accorded greater priority than immigration control.

Policy trade-offs to meet competing objectives

The government's freedom of manoeuvre in devising migration policy is thus circumscribed by competing pressures and constraints. Governments can shift priorities and occasionally the paradigm, as Labour did in opening up Britain to 'the brightest and the best', but refining entry channels and border controls does not address the structural factors that drive migration; and each shift in priorities can carry a cost, whether or not explicit in the policy debate.

The decision to impose a cap on migration from outside the EEA has brought into the open some core tensions, notably between the immediate economic benefits of overseas labour and students and the long-term goals of reducing the dependency on migrant labour and curbing population growth. A less explicit trade-off is the exclusion of most new migrants from 'recourse to public funds', with a prior requirement to demonstrate that such support will not be needed if entry is allowed. That exclusion from services and welfare benefits protects the public purse from those who have not contributed to

it and is intended to reassure the taxpayers who have. The downside is that excluding newcomers from that safety net lays them open to exploitation at work and to violence within the home (by limiting their freedom to walk away), while exclusion from free health care may also have public health implications. Underlying this particular debate lie differing views on the basis of entitlement, most evident in relation to a tightly rationed resource, social housing: whether access should be on the basis of need (where those of newcomers could trump those of longer-term residents) or on the basis of residence, belonging and previous contribution to the public purse (or, at its most extreme, ethnicity, the BNP asserting in this context 'the importance of the prior status of the indigenous people'; BNP, 2010: 21). The question is whether, in a society that will continue to have a diverse section of the community who do not hold UK nationality or permanent residence, exclusion from the safety net of the welfare state is a means to secure their acceptance or more likely to perpetuate economic inequality and social divides.

Lack of a governance structure to match the task

Trade-offs, winners and losers are the stuff of politics but migration policy has lacked a governance structure that has the competing interests facing each other around the table, to make those choices, and the costs attached, transparent.

Transferring responsibility for labour migration across to the Home Office in 2001 made it possible, in theory, to develop a holistic migration policy – linking labour migration, family, asylum and integration for the first time. The downside is its isolation in the Home Office from departments that could tackle the causes of demand for migrant labour, and continuing separation from departments responsible for international development, justice, education and health, for instance, which urgently need to be given a say. Officials communicate where their agendas meet but there is no mechanism to recognise and reconcile competing national policy objectives, to engage the devolved administrations and local government whose

interests can diverge from those of central government, or to ensure that broader local impacts are consistently taken into account – hence the kickback when the number of A8 migrants brought unanticipated consequences for local services.

The weakness in governance arrangements has often allowed the imperatives of migration control, felt keenly in the Home Office, to override other considerations, and to conflict with mainstream policy objectives. Where departments have held the Home Office back, as in the influence the Department for Business, Innovation and Skills exerted to rein in steps to curb student numbers in 2009, it has tended to happen behind the scenes with little public debate on the pros and cons, winners and losers, of that decision. One counter-factor has been the space provided by the Migration Advisory Committee (MAC). Taking evidence and applying rigour to its analysis of the need for and implications of labour migration, the MAC has since 2007 brought greater transparency and reasoned debate to this one aspect of migration policy, the value of which was recognised in the Coalition government's decision to retain access to its advice. When the MAC asked, in the context of its consultation on the cap, *how* it should balance conflicting economic and social impacts, it began to open up that debate (see Chapter 3). Yet it is also necessary to consider broader impacts, on international relations or development, for instance; and what impacts there *could* be if there was an effective integration strategy for new migrants, reducing the social and economic costs of adjustment in the early months after arrival.

The quid pro quo of the lack of joined-up policymaking has been the near exclusion of migrants (and migrant voices) from consideration in mainstream policies. Where it is now expected that policymakers will consider the potential implications of policy on women, ethnic minorities or disabled people (and that their voices will be heard in the policymaking process), there has been no such expectation in relation to migrants: hence policies that could help to foster integration processes, like initiatives on civic participation or employment services, have largely not been expected to take that role on board.

The Home Office has been given huge discretion to change the Immigration Rules with scant parliamentary scrutiny. The scope of that freedom, however, differs across the system, the expansion of labour migration largely delivered by changing the rules but asylum reform requiring primary legislation, bringing media attention as well as parliamentary debate. Parliamentary Select Committees have played a key role, focusing a spotlight on the operation of the system and its impact on individuals and human rights norms that would not otherwise have occurred. NGO voices have consistently identified the impact of immigration controls on migrants' lives and, with ethnic minority communities, have secured some changes to policy and practice where the evidence left government little option but to respond.

Weak evidence base

The trade-offs implicit in migration policies are rarely explicit in policy debates. Nor is the evidence base on which to make reasoned choices available in many instances because of a lack of data or research addressing the questions to which policymakers need answers. In recent years the evidence gap has begun to be addressed in relation to labour migration and asylum but it is still severely limited in relation to family migration, irregular migration, students and integration. Hence we know surprisingly little, for instance, about the impact of 'no recourse to public funds' on those subject to that constraint in their early years (is it a proportional response to the need to protect public funds or a counterproductive barrier to integration?); or about the ways in which, and reasons why, those who come legally to the UK subsequently acquire irregular status. A stronger evidence base is needed to underpin a more effective policymaking process – and a more informed public debate.

Polarised public debate

The constraints that government faces in managing migration have largely not been shared with the public. Where the door remains open, the rationale has not been explained. Governments have not chosen or felt able to share with the public the opportunities and constraints, the conflicting objectives, winners and losers, and tough choices to be made. They have not given the public the information that explains the apparently inexplicable, why government cannot simply shut the door.

Instead, successive governments have sought to reassure the public that migration is under control when rising numbers suggested it was not. Tabloid media pressure is at times intense, ready to exploit any instance of abuse (and sometimes to invent it; see Chapter 2), creating a climate in which it is difficult for government or external voices to foster an evidence-based examination of the options. In face of that challenge, the response – in promising ever-tougher measures to address abuse – has arguably served to reinforce concerns among a public sceptical that the next measure will be any more effective than the last. In reinforcing the anxiety they sought to assuage, ministers have exacerbated their own predicament.

Ministers have thought it possible, moreover, to send a mixed message: that some migrants are good for Britain while others are unwelcome. At the very time that government was reinforcing negative perceptions of asylum seekers in 2000–05, it was campaigning to attract more international students and skilled workers, in some cases from the same source countries. There was no recognition that the public might need some explanation. The economic contribution of workers and students at a national level might be very different from that of asylum seekers (who are, after all, not allowed to work); but the perception of these newcomers at the local level may not mirror that distinction.

Highly problematic for government is that the heat of the 'debate' encourages those who benefit from migration policy to keep their head below the radar, employers' representatives rarely speaking up publicly in favour of relaxing controls, choosing to lobby in private rather than attract unwelcome publicity for an unpopular sentiment. NGOs,

meanwhile, find significantly more to criticise in government decisions than to praise. Hence government regularly finds itself isolated in this policy field, on the defensive, apparently unable to please regardless of ever-greater levels of legislative reform and resources deployed in its attempt so to do.

Lack of a strategy to promote 'integration'

Public concern about migration numbers reflects perceptions about their impact after arrival. Yet an extraordinary policy omission has been the lack of any strategy to foster the economic, social and civic participation of new migrants – the 1,500 people who, on average, have arrived each day to stay for more than a year. Fostering participation requires engagement from the institutions and people in mainstream society as well as migrants, and policy intervention can facilitate – or hinder – that process (see Chapter 6).

With the exception of refugees, there has been a policy vacuum on this agenda: no department charged with leadership, no clarity of objectives and no framework in which to mobilise employers and civil society partners or support local authority initiatives. In Chapter 6 we saw how early measures relating to Commonwealth immigrants remained focused on those communities as minority ethnic groups, no longer addressing issues related to newcomers; and how latterly 'integration' was subsumed within the narrower cohesion agenda. For long-term residents, encouragement to learn English and knowledge of 'life in the UK' gave way to 'earned citizenship' provisions likely to further marginalise migrants from the mainstream. The relationship between migrants and broader social policy agendas addressing exclusion, poverty, inequality, place-shaping and most recently the 'Big Society' is as yet unexplored. Those concerned that migration may undermine cohesion have been more likely to argue for less migration than to consider the policy levers that can ensure communities are strengthened by the cultural diversity migration brings.

Moving forward

What does this suggest could be done to detoxify migration as a divisive issue and design policies that find a better balance in meeting conflicting policy objectives?

First, there is no alternative to engaging the public in a debate that is honest about the options and what can and cannot be delivered: the trade-offs and constraints that explain why bringing migration down to zero is not an option – the costs to the tourist industry; to small businesses, universities and prospective UK students; to families divided from loved ones; to refugees denied sanctuary; to families unable to find a carer for an elderly relative; and to Britain's international reputation. The public has been given no explanation, no rationale. They have not been consulted on the choices to be made. Knowing the reasons may not change minds but it could form the basis of a more reasoned, inclusive, debate.

This will not be easy. There are genuine conflicts of interest for some sections of the public that cannot be ignored. There is also a lack of information, some misinformation and epistemic uncertainty, as well as unhelpful divisive rhetoric. That could be redressed in a communication strategy designed to ensure that the public has the facts, without caveat and without exaggeration. The communication, however, needs to be two-way. Regular consultation, in fora that enable differing viewpoints to be heard on the basis of evidence on the choices at stake, should inform future policy reform.

Second, a step that lies entirely within government control: a governance system that ensures across central, devolved and local government that the implications of migration and conflicting policy choices can be aired and resolved, and barriers to implementation identified and addressed. Migrants, and those who engage with them as employers and union representatives, service providers and community groups, also need to be heard. No longer should it then be possible to plan an expansion of migration without considering the implications for housing or education provision; a curtailment of numbers without considering the costs to those sectors of the economy, devolved nations

or families affected; or to devise procedures relating to vulnerable migrants divorced from the standards of care considered acceptable for other members of the public. Migration cannot be managed effectively or humanely without the cooperation of EU neighbours, and the UK also needs to consider whether its repeated opt-out of agreements (which would often in practice only require modest changes in policy) is the best way to secure it.

Third, on the basis of those deliberations and public consultation, government should identify and make explicit the positive objectives that its migration and integration policy is intended to achieve. If limiting the growth of the population is an objective it should be explicit here, alongside the commitment to uphold the UK's obligations under international law and, one might hope, to ensure that families are not divided; while creating conditions conducive to the economic, social and civic participation of migrants and an inclusive sense of belonging for all residents at the national and local level.

Having identified its objectives and sought a stronger evidence base, government could develop a comprehensive migration policy. The chapters of this book have been replete with suggestions on what it could entail, both within the migration system itself and, in relation to labour migration, in addressing the underlying conditions that create demand for legal and irregular migrant labour.

On labour migration, the optimal first step is to secure investment in skills training and improvements in pay and conditions in low-wage occupations, and more effective supervision of employment standards, to reduce demand for migrant workers. If, as seems likely in a time of severe public expenditure constraints, that is not going to happen, then we need honesty that there will be a continued reliance on migrants and make provision accordingly, not least to ensure access where needed to English language tuition. There is infinite scope for nuancing the criteria for access to labour market entry channels to raise the threshold for entry, but the absence of mechanisms to match demand from among local workers can only incentivise employers and migrants to break the rules. On students, the alternative to lucrative international fee-payers is less clear. Universities and colleges rely

on that income to keep courses open for UK students and there are broader, less quantifiable benefits to international relations and trade. Further steps could be taken in issuing visas to ensure a genuine intention to study; and further measures taken within the UK to foster a positive experience in education and employment to support their studies, enabling the UK to continue to attract students in an increasingly competitive international market.

On asylum, there has been no shortage of suggestions for restoring safeguards in the refugee determination system; for raising levels of welfare support to end destitution; and for alternatives to detention and forced returns (where incentives for voluntary return have been shown to be both more cost-effective and humane). For those who are vulnerable, not least children and women in need of maternity care, the government should ensure that standards of care are no less than considered acceptable for other people in the UK (see Chapter 2).

On family migration, we saw the strongest need for an evidence base to inform future policy: on the implications of dividing or uniting families, age restrictions on marriage, lack of recourse to public funds and English language requirements before entry and settlement. We need to know what impact family migrants have on the labour market, what facilitates participation at a level commensurate with education and skills and what the most effective means might be to facilitate their full social and civic participation. Armed with that evidence, family migration – including dependants of labour migrants and students – could be fully integrated into a holistic migration policy (see Chapter 4). A major concern in the current strategy to cut net migration is that the axe will fall on family migrants for whom, unlike labour and student migration, there is no powerful interest group to fight back. Yet it is cuts in this entry channel that would have the most direct impact on people's lives in the UK.

On irregular migration, I argued that the 1971 legal framework, which criminalises minor breaches of conditions of stay alongside evasion of immigration control, contributes to a focus on enforcement at the expense of prevention and militates against a proportionate and hence effective response. Recategorising minor breaches so that they

attract civil penalties, with a view to ensuring future compliance, would enable criminal enforcement activity to focus where it is most needed. The core strategy, nevertheless, should focus on prevention, reducing demand for irregular migrant workers and identifying ways in which the design and operation of entry controls and conditions of stay foster the propensity to irregular status. The government should ensure that those whose status is irregular can get access to basic services (essential on social as well as human rights grounds), and identify pathways for some of the estimated 618,000 irregular migrants, just 1% of the population, to return to legal status (see Chapter 5).

On integration, I argued that the capacity to facilitate economic, social and civic participation and a mutual sense of belonging is primarily that of organisations and individuals at the local level, from employers and unions through to community groups, neighbours and migrants' own families. Nevertheless, government needs to provide a conducive legal and policy framework, clarity on objectives and an inclusive rhetoric to facilitate that process (see Chapter 6). The government's rationale for the drive to create a 'Big Society' is that 'we need to draw on the skills and expertise of people across the country as we respond to the social, political and economic challenges Britain faces' (Cabinet Office, 2010). Integration is one of those challenges and could be at the heart of that agenda.

I noted in Chapter 1 that policymaking is not a linear or necessarily rational process, hence I am not imagining that the path to reform could progress in the logical way that I have suggested. Nevertheless, if the government is to break the pattern of reactive reforms in which its room for manoeuvre is severely constrained by a poorly evidenced, polarised debate, then it could do worse than to start by sharing with the public the opportunities and constraints that it faces; by establishing a governance system that enables the full range of competing issues to be considered and resolved; and by setting clear public objectives for migration policy on which it could attempt to build the consensus that has been, and remains, so evidently lacking in this policy field.

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