



Centre on Migration, Policy and Society

**Working Paper No. 94
University of Oxford, 2012**

**What does 'The Migrant' tell us
about the (Good) Citizen?**

Bridget Anderson

WP-12-94

COMPAS does not have a centre view and does not aim to present one. The views expressed in this document are only those of its independent author

Abstract

'The Migrant' speaks both to citizenship and to the Good Citizen, to citizenship as a legal relation between an individual and a state, and as 'substantive citizenship', that is, the rich content of citizenship. It reveals how citizenship signifies closure and exclusion at the same time as it claims universalism and inclusion, and thereby calls into question the claims of citizenship as signifying equality and resistance to subordination. This paper explores these tensions and what they tell us about the nature of citizenship as a formal status, and about the nation as an imagined 'community of value', that is, status in the sense of value, worth and honour. It also examines naturalisation processes as attempts to match formal citizenship with the community of value. It argues for an analytical lens that enables us to consider the exclusion of non-citizens (migrants and refugees) alongside the exclusion of failed citizens (such as (ex)-prisoners and welfare dependents).

Keywords

citizenship, good citizen, community, nation, criminal, welfare

Author

Bridget Anderson is Deputy Director and Senior Research Fellow at the Centre on Migration, Policy and Society, Oxford University, UK.

Email: bridget.anderson@compas.ox.ac.uk

This paper draws on research and analysis conducted for a forthcoming book, *Us and Them? The dangerous politics of immigration control*, to be published by OUP in February 2013.

'The Migrant' speaks both to citizenship and to the Good Citizen, to citizenship as a legal relation between an individual and a state, and as 'substantive citizenship', that is, the rich content of citizenship. It reveals how citizenship signifies closure and exclusion at the same time as it claims universalism and inclusion, and thereby calls into question the claims of citizenship as signifying equality and resistance to subordination. In this paper I will explore some of these tensions and what they tell us about the nation as an imagined community of value (Anderson, Gibney et al. 2011). I am interested in how contingent acceptance turns migrants and other never-quite-good-enough-citizens into the guardians of Good Citizenship and what this means for the politics of citizenship.

I will begin by considering the question of formal status: Who is 'The Migrant'? The answer is much less straightforward than is often imagined. The Migrant in Law and The Migrant as a political figure do not simply map on to one another. Moreover The Migrant in Law is far more heterogeneous than the Migrant/Citizen binary suggests, and the dichotomy obscures the importance of settlement. Attention to the differences between settlement and citizenship highlights matters of non-deportability and global mobility. This indicates the importance of recognising that citizenship is not only about the relationship between an individual and a particular state, but is part of an international state system.

Citizenship is not only about formal status, but about status in the sense of value, worth and honour. Not all formal citizens are Good Citizens, and naturalisation is a way of attempting to match formal citizenship with the community of value. Naturalising migrants are required to be Good Citizens, and examining the specificities of these requirements can be very revealing. The language of tolerance squares the circle of inculcating common values while at the same time asserting respect for diversity and encouraging individualism and self-sufficiency. To be Good Citizens migrants must be tolerant, and their being admitted into citizenship is proof of the nation's tolerance. However, the tolerated citizen is never quite good enough, and I'll end by considering the distinctions within citizenship, and in particular between the taxpayer and the citizen, making apparent the importance of property ownership to Good Citizenship.

The Migrant and citizenship as a legal relation

The law is crucial in the construction of the figure of the migrant, and who is considered a migrant varies by legal regime. However, one can take as a minimum that in liberal democracies the migrant is a non-citizen, a person who does not have formal membership of the state in which they are currently residing. This is not the same as defining a migrant as a person who is subject to immigration controls and migration policy. There are multiple bilateral and multilateral agreements between states that exclude certain non-nationals from immigration controls. This can also be affected by other policies. For example, in Europe non-citizens who are citizens of other EU member

states are exempt from controls. As well as these exceptions in many liberal democratic states the foreign national long-term resident is in a different legal position to the recent arrival.¹ Newly arrived migrants are treated as separated selves, imagined as principally economic utility maximisers, or individuals who are motivated by politics or family ties. They are typically subjected to a wide range of constraints as a condition of their entry: economic migrants can be tied to named employers or labour market sectors; asylum seekers must not work etc. As they stay longer some acquire a right to settlement and those who are settled or permanent residents are recognised as whole humans, no longer radically separated – the economic migrant can make a family life, the refugee can work and so on. The settled migrant is also no longer dependent on another person for their stay, and in this sense is acknowledged as a self-owner, a person who is free to contract with any employer, and able, should they so wish, to apply for citizenship.

In many liberal democracies, equal access to the labour market, to welfare benefits and ability to sponsor a family member are rights that attach to settlement rather than citizenship, and a period of settlement is also required before an application for citizenship can be made. The residential requirement links immigration policy and practice to citizenship, but the ways in which immigration controls act as a constraint on naturalisation through their control of temporality is often obscured. Whether or not a visa is renewable, the length of time that a migrant is legally permitted to stay, and whether it is possible to switch status, determine whether a non-citizen is able to stay for long enough to fulfil the residential requirement. Those so excluded are often people whose labour is considered unskilled, or not labour at all. Through settlement, immigration does the dirty work of citizenship, and the settlement requirement excludes significant categories of people from citizenship by default.

Settled migrants and others freed from immigration restrictions can enjoy many of the rights that tend to be associated with citizenship. This raises the question, what disadvantage is shared by these disparate groups of ‘non-citizens’, and what does this tell us about the nature of formal citizenship? Settled non-citizens are, like all non-settled migrants, deportable. Citizens in contrast have the unconditional ‘right of abode’. They cannot be refused entry to their state of citizenship and they cannot be deported². Cases such as Tula Miah, a mentally ill British citizen of Bangladeshi origin

¹ The longer migrants remain, the less their “migrancy” features for employers and the more they become like “British workers”. When employers talk of the advantages of migrant labour, their laudable ‘work ethic’ and contrast them with the lazy British they are often referring to relatively new arrivals rather than the long term settled. Employers express this development in pseudo-cultural terms, claiming that as migrant workers stay longer in the UK they become more ‘British’, more demanding and intractable Anderson, B., M. Ruhs, et al. (2006). *Fair Enough? Central and East European migrants in low-wage employment in the UK*. London, Joseph Rowntree Foundation.

² While the citizenship of dual nationals can be revoked thereby making them deportable, this is a complicated procedure and, at the moment at least, far more rarely invoked Gibney, M. (2011). *Should Citizenship be Conditional? Refugee Studies Working Paper Series*. Oxford, University of Oxford, Refugee Studies Centre.

deported from the UK to Pakistan, or Jakadrien Turner, a 14-year-old girl from Dallas deported to Colombia when she ran away from home demonstrate that in practice states do deport their citizens. Research by Jacqueline Stevens suggests that the US deported up to 20,000 US citizens between 2003 and 2010 and rendered some of them permanently stateless (Stevens 2011). Having profiled and interviewed people who have subjected to this procedure, she finds that they often have very similar profiles to the kinds of people who are apt to sign false confessions under questioning by the police, tending to be the poorly literate, the mentally ill, those with criminal convictions and otherwise marginalised people

'deportations of U.S. citizens are largely based on sworn statements stipulating to non-U.S. citizenship by indigent individuals who recently concluded a prison sentence and are incapable of obtaining assistance from attorneys or even family members, ... the incentives for U.S. citizens to provide false confessions in deportation proceedings closely resemble those in criminal contexts: a desire to escape confinement by largely destitute young men who distrust the legal system and are recently released from jails or prisons ... sworn statements made under conditions that would constitute egregious due process violations in criminal proceedings are admitted regularly into evidence in immigration proceedings and later relied upon'. (Stevens 2011: 631)

The lack of legal protection afforded to anyone caught up in immigration controls has consequences for citizens as well as non-citizens, but the citizens it impacts are largely disaffected and silenced even before they enter the legal vacuum of detention and deportation.

States do not offer blanket protection from deportation to their citizens. Non-deportability is not the same as non-removability: it is a right to reside but only in the state of citizenship and the consular passes produced to enable deportations indicate that the relation of state to citizen is not reducible to protection from the encroachment of another state. Most (but not all) states will generally facilitate the deportation of their citizens from states in which they are resident. The right to remain in one's state of citizenship is not absolute and in certain states it can be forfeited if a citizen is charged with a crime in another territory. Many (but not all) states will permit and facilitate extradition of their citizens from their own territory to be tried for criminal offences in certain other states. The crux of the right to not be deported is not then that a citizen can under no circumstances ever be removed from their state of citizenship, but rather that states cannot refuse to accept their citizens when they are ejected from another state's territory. This means that under certain circumstances effective statelessness may be preferable to citizenship, hence some migrants have a strategy of destroying their documents on arrival in a new state in order to avoid removal. Citizenship of certain wealthy states also means that a person can move. It is far easier to cross

international borders with a British, French or US passport for instance, than it is with a Sri Lankan, Colombian, or Nigerian passport, and this is particularly the case, as I will discuss below, for those who are not members of the middle class and who are seen as 'the poor'. There are global hierarchies of citizenship, both in terms of the claims that can be made of the state of citizenship, but also in the ease with which a person can travel. In the UK for instance there was a marked decline in applications for British citizenship from the 2004 EU Accession states after EU Enlargement, despite an increase in the numbers of migrants from those states. Rutter et al. conclude that this is 'because this group has the fewest restrictions in the UK on their rights of movement and abode and on their social rights, thus the least 'need' to apply for citizenship'(Rutter, Latorre et al. 2008).

Stripped back to basics, the rights of formal membership in liberal democratic states are to do with mobility and deportability, meaning they are not reducible to the relation between an individual and a single state. Attention to the formalities of citizenship reminds us that citizenship is not constituted only internally, but it is part of a global system (Hindess 2000). The 'non-citizen' is in fact rarely stateless or citizenshipless, but rather the citizen of a different state than the one in which they are currently residing. The global state system requires mutual recognition by states and, with the exception of asylum, acknowledgement of their responsibility to admit and govern their own citizens. It is this that is the critical substance of formal citizenship. It is this that underpins the irrevocability of citizenship for the majority. A person with dual citizenship can revoke one of their citizenships, but they cannot revoke the status per se. While ardent citizenship admirers, liberals and republicans alike, might feel that the intolerant, the paedophile, and the criminal do not deserve citizenship, formal citizenship cannot be stripped from them. They may be denied the privileges of citizenship in various ways, imprisoned, subject to forced labour, they may even be executed by the state, but they are still a formal citizen, whether or not they deserve this precious attribute.

The nation and the community of value

'The Migrant' draws attention to citizenship as a legal status, and through this to the globalism of state rule through citizenship. But modern states portray themselves not as arbitrary collections of people hung together by a common legal status but as communities of shared value (Anderson, Gibney et al. 2011). While the state might be designated as comprised of formal legal members, the nation (in whose name the state can claim to act) is more nebulous. This is imagined as comprised of those who share certain ideals deemed admirable (such as fair play, inventiveness, thrift etc.) and patterns of behaviour (i.e. queuing, going to the library, playing football). A community of value is more useful than 'national identity'. It is more malleable, sounds more open and tolerant and switches seamlessly between scales, between the imagined national and the imagined local. It is valuable, in the sense of holding values and having virtue and in this sense it is priceless, but the virtue of its members is also manifest in economic value. The community of value is comprised of law-

abiding, hardworking, independent people living in responsible families, unchallenged by gender and class relations, but potentially victimised by immigrants, criminals and others.

'The Migrant' in political rhetoric and public debate is counterposed to the Good Citizen who is a member of the community of value. Formal citizenship does not map on to membership in the community of value. The debates around immigration are fundamentally about the community of value as much as they are about trade-offs and impacts. Terms like 'immigrant', 'foreigner' and 'asylum seeker' are often not simply descriptive of legal status but are value laden and negative. Take the *Daily Mail* headline of 11 January 2011 'Asylum seeker who claimed to have been gang-raped and witnessed family's murder in Somalia exposed as £250K benefit fraudster'. It becomes apparent in the article that 'she cannot be deported because she is a British citizen' i.e. she is not designated an asylum seeker because of her legal status. The term was not used to describe her formal status, but her moral status, firmly outside the community of value.

This 'migrant' is a folk devil, the manifestation of a phenomenon that the state must 'do something about' in deference to the mobilized opinions of common sense. The migrant as folk devil is not the same as the migrant in law. The migrant in law (and in data) can be a US banker or Australian management consultant, but the migrant as folk devil is poor. This migrant is gendered: male and oppressive of women; or female, passive and victimised – perhaps a victim of trafficking – if not, she is a criminal or a prostitute and in either case, she has too many children. Crucially, the migrant as folk devil is racialised, so these are the wrong type of children. It is relatively uncontroversial to hold that 'modern states --- particularly those in Europe --- were built on notions of shared identity and values, constructed or otherwise' (Phillips 2011). But the migrant as folk devil makes explicit the ways in which race and ethnicity map on to these notions of 'shared identity' and relates this to values. 'Race' is not concerned simply with skin colour, and the whiteness of certain groups (Irish, Jews, Travellers, 'the white working class') is contingent and visible. David Starkey, an historian, provoked outrage in August 2011 when he brought together race, foreignness and class in his discussion of the riots earlier that month:

A substantial section of the chavs have become black. The whites have become black. A particular sort of violent, destructive, nihilistic gangster culture has become the fashion. Black and white, boy and girl, operate in this language together. This language which is wholly false, which is a Jamaican patois, that's been intruded in England, and this is why so many of us have this sense of literally being in a foreign country.

David Starkey: *Newsnight*, Friday 12 August 2011

Immigration enforcement and the community of value: The case of the UK

The ways in which immigration and ideas of the community of value work together in practice depend on the particularities of immigration and citizenship, criminal law, welfare benefits, and other regimes, as well as social and cultural practices and expectations and the individual and collective responses of people themselves. For this reason I will consider the UK as an exemplification of these processes. The UK is particularly sensitive to claims that immigration controls and practices are racist because of the history of differentiated British subjecthood (Dummett and Nicol 1991). There have long been claims that this has meant that it has been impossible to have a 'sensible' debate about immigration that is free from accusations of racism. In recent years however, politicians and commentators have made much of being able at last to have this sensible debate. Post 2004 EU Enlargement, there is considerable hostility to Eastern European migrants who are 'white', and does this not suggest that the worry is about immigration per se rather than opposition to 'coloured immigration' of the Post War years, particularly since British black people too often object to immigration. The problems of immigration are not racial per se, but are to do with culture and values. However, people from Eastern Europe may be 'white' for the purposes of not-racist-to-talk-about-immigration, but they are nevertheless not 'properly' white and like the Jews and the Irish before them, they represent a contingent and degraded form of whiteness, they are not 'truly European'.

The political claim that immigration policies are not designed to keep out black people is not paralleled by a claim that 'immigration controls are not designed to keep out the poor'. Indeed, it is the poor, in their guise as 'low skilled', 'low waged', and 'poorly educated' that have long been the targets of respectable controls. Minimum income requirements, language tests, educational and skills measures all disproportionately affect the poor, and poor women in particular can thereby be handed polite refusals with no mention of gender or race. In contrast, visas for 'The Brightest and The Best', investor visas, visas for high net worth individuals, and for highly skilled people are relatively free of restrictions. For example, the UK government has recently relaxed restrictions on all those with more than £2 million to invest in the British economy at the same time as toughening controls for the vast majority. In the same way as those people who were able to pay £10 a year rent on their tenement were permitted to 'settle' under the 1662 Poor Relief Act (Feldman 2003), those who wish to enter EU states or extend their visa to work or study or to sponsor a relative must earn above a certain threshold and have a certain amount in their bank account. They and their relatives must not be, in the words of the 1662 Act, 'likely to be chargeable'.

They must also often possess a certain level of education, even if they are not entering as a student or as a skilled worker. Those who want to enter as a spouse or civil partner (but not those who wish to enter as a spouse of partner of the highly-skilled) must now have a graduate or post-graduate

degree taught in English, come from a state where English is the majority language or they must pass a UKBA approved language test in their country of origin. UKBA estimates that this requires 40 to 50 hours of tuition which the applicant must pay for themselves. It is argued that this test is required with a view to facilitating integration, work and successful applications for citizenship (all necessary for Good Citizenship), but this raises real issues of affordability, provision and fairness for those who are poorer, less educated, and in situations of conflict or war.

Thus it is not only a question of the money and education of individuals, but also about state of citizenship. It is much easier to have access to the resources to pass a test in some states than in others. More generally states make considerable distinctions by citizenship for visa requirements, and they may subject some nationalities, typically those from a country with lower GDPs, to higher evidential requirements than others. The independent race monitor, an official appointed to monitor immigration practices' compliance with race relations legislation between 2003 and 2008 noted in one report:

It seemed to me that passengers from certain nationalities with a record of refusals or of immigration breaches were less likely to be given the benefit of the doubt when compared with passengers from nationalities with a good record. What in some nationalities is viewed with scepticism will be accepted in others. *To this extent the use of information on adverse decisions and breaches may become self-reinforcing.*

Annual Report of the Independent Race Monitor 2003/4 para 11

Nevertheless in a little noticed announcement of January 2011 this appears to have been formalized as the Immigration Minister authorised UKBA to give greater scrutiny and priority to particular nationalities when it comes to entry and enforcement, and gave powers to refuse entry simply on the grounds of their nationality. The list of nationalities was to be personally approved by the Minister on the basis of 'statistical evidence'. However, it was also to be kept secret, it was claimed, because of concerns that the states on the list might thereby withdraw from cooperation with the UK on migration and on other issues, and because passports from states that are not on the list might then be used by organised criminal gangs. Moreover, the use of the list must not be disclosed to those that it is used against.

The claim that immigration policies are not designed to keep out black people is not paralleled either by a claim that immigration controls are not designed to keep out certain nationalities. The distinction, between lawful discrimination on the grounds of nationality, and unlawful discrimination on the grounds of race or colour (lawful only if for the purposes of national security) is extremely difficult to maintain in practice. In order to be able to maintain it, it is necessary to make explicit the relation between nationality, race and financial status. A Home Office study (Woodfield, Spencer et

al. 2007) into the decision making of immigration officers (IOs) with non-EEA passengers arriving at UK ports found that they did not stop a disproportionate number of non-white passengers on relatively tenuous grounds *once one controlled for economic differences*. The relationship between ethnicity and economic status was acknowledged by IOs as difficult to manage, and it is only treating them as fixed rather than mutually constitutive that allows for the assertion that it was economic status NOT race or ethnicity that accounted for apparent discrepancies. Interestingly, there was an exception made for Canada and South Africa (though the sample size was small). For Canada, stopping rates were 4 per 10,000 White passengers and 35 per 10,000 for non-White passengers. One might expect adjusted rates allowing for socio-economic factors to make the discrepancy smaller (as proved to be the case with respect to US citizens), but for Canadian nationals they increased to 54 per 10,000 for non-White passengers. For South Africans the stopping rate was 14 per 10,000 for white passengers, and 148 for non-White, rising to 254 for adjusted figures (Woodfield, Spencer et al. 2007). Wealthy Black Canadians and Black South Africans are suspicious, – because they are supposed to be poor?

Enforcement of immigration controls is not only a border matter, but in the UK at least, is increasingly conducted on state territory. Enforcement guidelines in 2007 were relatively explicit about the prioritisation of migrants from particular nationalities in the context of estimates that a significant proportion of overstayers were from the USA and Canada. The guidance was that overstayers from a country with a high GDP were unlikely to be a problem as in the end they would return and should not therefore be a priority for enforcement action. In contrast, overstayers from a country with a low GDP might make a false asylum claim and so were suitable for targeted enforcement. This leaves it up to enforcement officers to decide how to distinguish between those nationals from countries with a high and low GDP.

Naturalisation and the community of value: The case of the UK

Citizenship acquisition, as Honig (2003) discusses, demonstrates the choiceworthiness of citizenship. It also indicates the delineations of the community of value, for the migrant is expected to comply with the idealized citizen, to be a 'good citizen'. Ways in which non-citizens can become citizens, or acquire citizenship are not simply legal details and technicalities but indicate and shape the foundations of how membership is imagined (Honig 2003; Cole 2009). 'National values' are reified through naturalisation processes and the rhetoric associated with them. The ways in which individuals become citizens, and who is able to become a citizen, reveal ideals of citizenship, membership and statehood in specific states, and how the nation/state community is imagined. In this way naturalisation links formal and substantive citizenship to reveal citizenship's moral spaces that extend beyond the migrant.

In order to acquire the rights of formal citizens, those who want to naturalise have to demonstrate 'super citizenship' in a way that citizens by birth do not, and migrants must gain entry to the community of value and not simply the state. In the debate around the 2009 citizenship proposals, then Immigration Minister Phil Woolas was clear about this. When questioned about the proposal to reject naturalisation applicants who demonstrated 'an active disregard for British values' he had refused to rule out the possibility that protesting about British intervention in Afghanistan and Iraq might be treated as such a disregard:

"As a point of principle ... if you don't break the law and you are a citizen, that's fine. But if someone is applying to be a citizen to our country we do think that you should not only obey the law but show you are committed to our country." (in *The Guardian* 3 August 2009)

The form requirement on naturalising citizens is that they are of 'good character' in the UK, Australia, Canada, Spain, France, of 'good moral character' in the USA. In the USA there is more specificity than in many states: involvement in prostitution, polygamy, or being a habitual drunkard all exclude from citizenship. What this means in practice is not well defined, but it usually requires a person to have no serious criminal convictions, to agree to a background check, and in some states, to have a citizen of standing (a professional or other Good Citizen) prepared to attest to your worthiness.

In the UK there is no definition of 'good character' in nationality law, but interpretation of this requirement has become increasingly harsh as the rhetoric about British values has become more strident. The 'good character' requirement accounts for an increasing number of rejections of naturalization applications, accounting for 28.5% of all refusals in 2010, up from 11.5% in 2002. A good character is required of all those aged over 10 years old, and if an applicant is the parent of a child who was convicted of an offence or subject to an Anti-Social Behaviour Order this might justify refusal on the grounds that the applicant was 'negligent in ensuring their good behaviour'. The good character requirement is described in the immigration rules as demonstrating 'respect for rights and freedoms of the UK, [having] observed its laws and fulfilled your duties and obligations as a resident'. To fulfil this requirement, citizenship applicants are expected to not have any unspent criminal convictions, not to have served a prison sentence of more than 30 months; they must not be an undischarged bankrupt; and they must have paid tax and national insurance contributions if they have been employed or self-employed. These run alongside the requirements not to be involved in terrorism, crimes against humanity, war crimes or genocide. Thus the genocidal dictator and the person who has made an error in their tax form, may both fail on grounds of good character.

The formal requirements of naturalisation are good character but this is referred to in the political rhetoric and citizenship education materials as 'British values'. When specified it seems that British values are surprisingly universal, or at least might reasonably be held by liberals regardless of

nationality: 'All good citizens are expected to help the police prevent and detect crimes whenever they can'. Freedom of speech, respect for the rule of law and democracy, and particularly the Universal Declaration of Human Rights are the main requirements. One element that is particularly emphasized in the rhetoric about citizenship and Britishness is 'diversity' and multiculturalism. The Home Office published booklet *Life in the UK* is the basis for the citizenship test, and it explains: "The UK has been a multi-national and multi-cultural society for a long time, without this being a threat to its British identity, or its English, Scottish, Welsh or Irish cultural and national identities". The history of England's accommodation of Scottish, Welsh and Irish claims within the polity has had a profound impact on the ways in which pluralism has developed as a means of shoring up power within the establishment and within different 'communities', however defined (Feldman 2011). For now this diversity is principally associated with migration. Its ahistorical, empire-free presentation means that as well as indicating diversity, migration also stands as proof positive of the choiceworthiness of the United Kingdom as a place to live. It demonstrates that Britain is a 'stable and attractive place in which to settle' (Home Office 2002).

Migration is typically presented as both a threat to and constitutive of British citizenship, and citizenship policy allows for the assertion of British values simultaneously as stable, and as under threat. Far from immigration controls serving to institutionalize racism, they are in fact necessary to avert racism. Then Home Secretary, David Blunkett's foreword to *Secure Borders, Safe Haven* asserted the need to control the movement of foreigners in order to limit 'hate, intolerance and prejudice'. This is echoed in multiple Home Office forewords and introductions to immigration and citizenship white papers and legislation. The watchword is 'tolerance': 'we' are proud to be a 'tolerant' society. Tolerance is, as Wendy Brown has discussed, a civilizational discourse and associated with western liberalism, posing as universal, but in fact designating the difference between the civilized and the barbaric (Brown 2008). Tolerance plays two roles here: the incorporation of migrants, particularly those of a 'different culture' into British citizenship is held up as proof that Britain is tolerant. But tolerance is also demanded of migrants and especially of naturalizing citizens. Tolerance is simultaneously a requirement for inclusion and grounds for exclusion, it is both welcome and threat.

The presentation of tolerance as a distinctively British value is important in managing the invisible whiteness of the Good Citizen, and squaring the circle of how to inculcate common values like individualism and self-sufficiency while continuing to assert respect for diversity. It is not only Britain that claims tolerance for its own: Canada, the USA and Australia all assert 'tolerance'. What is not tolerable is racism and sexism: 'it will sometimes be necessary to confront some cultural practices which conflict with these basic values – such as those which deny women the right to participate as equal citizens' (Home Office 2002). Tolerance is a mark of self-mastery. The citizen chooses what she thinks and exercises rationality over emotion, tolerating even what she finds deeply distasteful.

The exercise of tolerance indicates reason, and the power to abstract from one's own 'culture'. It is the virtue held by rational self-owners, and working class people and other people who are 'degenerately white' are often represented as not as tolerant as the middle classes.

Today's social democrats may have to admit that there are limits to the tolerance and understanding of ordinary people and recognise that it is fundamentally undemocratic, as well as unrealistic, to stretch things beyond that limit (Bale 2011).

Hostility to immigration is not of its nature racist, is one of the tropes of this type of argument. This is simply a patronising middle class dismissal of the white working class. It is the white working class who compete for jobs and services, not the elite. One might equally add that it is those on benefits and low incomes, whatever their race, who are likely to be hardest hit by immigration controls that require for instance that one earn above a minimum income threshold before being allowed to be joined by a foreign spouse. What is interesting is that while class has largely disappeared from public discourse it has re-emerged in a critique of multi-culturalism and immigration which claims that there has been a prioritisation of ethnicity over class. So precisely at the moment when immigration debates have made the 'race' of white UK working-class citizens and Eastern European nationals (but not white middle-class people) more visible, it is characterised as raceless. And at a time when discrimination on the grounds of poverty is endorsed, immigration is acknowledged by elites as a 'class issue'.

Citizenship: Teleology and equality

Migrants are imagined as coming for a short time at first, then settling and finally attaining citizenship. This teleology itself has its symbolism: The language of journey is often used – the booklet, *Life in the United Kingdom* is subtitled: *A Journey to Citizenship*. This move from a negatively charged exterior to inclusion and equality is a progressive liberal narrative that enhances the stability of citizenship. It may be struggle to arrive, but it is secure, and having arrived, a citizen is British, one of 'our' citizens, in possession of a unified and honourable status. Naturalisation is the process through which individuals can become citizens, given the same status as those who are 'natural-born' citizens (or subjects), hence the term. In this way citizenship is a unitary status with no distinction between the natural born and the naturalized.

Yet there is a distinction that is increasingly manifest in data and in policy if not in law. Analyses of the impacts of 'migrants' on the UK economy usually define them as 'foreign born', but this definition disregards British citizenship: a person may be 'foreign born' and nevertheless be a British citizen by naturalisation, or be a British national born abroad by for example being a child of a parent serving in the British armed forces. This has policy implications as it means that labour migration policies are informed by data that uses a definition of 'migrant' that is different from the population that the

policies are enacted on. It also reveals that formal citizenship is not enough to leave behind migrant status. UK-born are increasingly designated 'native' or 'indigenous'³. This is a claim to authenticity and belonging that was previously associated with imperial subjects who were worth of special protection because of their tribal rather than citizenship status. It designated those who were not yet ready for self-government, but is now being summoned in the spirit of autochthony.

The rhetoric around family migration is a good example of how naturalised citizens are distinguished from other citizens. Ninety per cent of grants of settlement to family members go to dependents of UK citizens (Blinder 2011), but there is clearly a strong policy assumption that many of the British citizens supporting the applications of dependents and spouses are 'born abroad'. For example, in 2011 there was a suggestion that a person should have had a certain period of legal residence in the UK in order to be able to sponsor a marriage visa (Family Migration: A Consultation, Home Office, UKBA 2011: Para 2.14 and 2.15). That is, in practice the status of citizenship in itself would not be enough to give a person the right to sponsor a family member. There was also a proposal that marriage applicants should be able to demonstrate a *combined* "attachment" not just to each other, but to the UK. In a research paper written to accompany the 2011 Family Migration Consultation, the Home Office included a table on 'sponsor history' that distinguished between those sponsors who were British citizens from birth and those who were not. Those who had acquired British citizenship were included with sponsors who were settled non-citizens (UK Home Office 2011).

The distinction between foreign born and foreign national and more particularly between the British citizen born abroad and the British citizen born in the UK has long lurked in the data and debate on economic migration. This differentiation emerges rather differently when it comes of family migration, and is encapsulated in a distinction between the 'citizen' and the 'taxpayer'.

Families are the bedrock of society... It is obvious that British citizens and those settled here should be able to marry or enter into a civil partnership with whomever they choose. But if they want to establish their family life in the UK, rather than overseas, then their spouse or partner must have a genuine attachment to the UK, be able to speak English, and integrate into our society, and they must not be a burden on the taxpayer. Families should be able to manage their own lives. If a British citizen or a person settled here cannot support their foreign spouse or partner, then they cannot expect the taxpayer to do it for them.

Family Migration: A Consultation, Home Office, UKBA 2011: Home Secretary's Foreword

Marrying someone from abroad is presented principally in terms of potential expenses and the taxpayer is the independent person who has to foot the bill. Both the taxpayer and the public are

³ See for example <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/mac/27-analysis-migration/01-analysis-report/analysis-of-the-impacts?view=Binaryreport>

different from these citizens ‘We want to see a system that is fair and that is seen to be fair – to applicants, and, more importantly, to the public’ (Family Migration: A Consultation, Home Office, UKBA 2011:3). This seems to rest on the assumption that the public has conflicting interests from ‘applicants’ even though most sponsors presumably share some interests with applicants and are also, as British citizens, members of the public. Those who seek to sponsor foreign national partners may be British citizens, but they are not to be confused with the taxpayer or the public – who it seems are the British people the government has the strongest responsibility to.

But just as the formalities of having citizenship are not sufficient to gain entry to the community of value, neither in practice it seems, is paying taxes, even if the taxpayer is imagined as unproblematically ‘British’. In January 2012 an article was published jointly authored by the Immigration and Employment ministers, about research on migrants and welfare benefits. Headlined as “370,000 migrants on the dole” the research as usual included the foreign born as ‘migrant’. The figure of The Taxpayer was once again invoked in contrast to the citizen:

“The integrity of our benefits system is crucial to the reputation of our welfare state – to whether taxpayers feel they are getting a fair deal. There’s a natural instinct that says that no one from other countries should receive benefits at all. But if someone works and pays taxes here, it is not unreasonable that we should help out if they fall on hard times.” (Grayling and Green 2012).

Migrants and welfare benefits are linked together, and migrants (including citizens) not only threaten the integrity of the immigration system, but potentially the integrity of the welfare state itself. The language of fairness and integrity that has been so fundamental to immigration and asylum policy is mirrored in the language of welfare benefits. The authors make a claim to the ‘naturalness’ of belonging and claims making that seems to derive from being born in ‘the country’, but as liberals are able to assert reason over instinct in a somewhat hedged about way (‘it is not unreasonable’). Even then this reason does not allow that welfare benefit is a right for those who have paid taxes, who do not seem to be the same as the taxpayers who must get a fair deal. Rather, for those not born in the UK this is ‘helping out’, a mark of the tolerance of the UK rather than any entitlement on their part. Thus is it through The Taxpayer that the property ownership of the true citizen stakeholder is made manifest. Like the Good Citizen, The Taxpayer not only excludes migrants (whether or not they have paid their taxes), but also the benefit claimant and the dependent spouse.

Malleable exclusions and political consequences

Given that citizenship as formal status is not sufficient to secure entry to the community of value, those who fall outside it are not only migrants. Different groups and individuals can slip in and out of the community of value: sometimes accepted, sometimes marginal, sometimes examples of Britain’s

tolerance and generosity, and other times a threat to British identity or proper place in the world. Once visible, the borders are multiple and exclude formal citizens, most obviously 'criminals' and 'benefit scroungers'. These categories are gendered, and women are differentially excluded often through 'the single mother'. The categories are partially state constructed and the law gives them significance and makes them measurable, but they are also normative, so there will always be too many of them. The media response to deportations of British national offenders to the UK indicates that ideally such people would be physically expelled and it is only with reluctance that they are permitted entry. These are the undisciplined poor with a problem of culture and values, fecklessness and ill-discipline leading to welfare dependency. This can have strong 'genetic' versions, or weak 'cultural' versions with claims of generations of family dysfunction, bad parenting and poor attitudes to employment. In this way they challenge the boundary between the entitled and the not entitled, between the honourable claim to belonging and the drain on taxpayer resources.

The possibility of inclusion is held out, but some categories have an easier exit than others. Criminals will always be ex-offenders, racialised migrants 'foreign born' or 'second/third generation'. The possibility of contingent inclusion can be allowed for particular sub-groups as long as they differentiate themselves from the rest. Thus the Illegal Immigrant and Benefit Scrounger serve as powerful warnings to benefit claimants and legal migrants of what they might become, and what they must dissociate themselves from. In the same way that the immigrant is faced with actual and rhetorical slippages into illegality, the claimant must constantly beware the slippage into the scrounger, - which begins by being 'benefit dependent'. This slide from dependent to scrounger to cheat is all too easy even for the deserving claimant and 'decent families'. On 22 April 2011 the Prime Minister David Cameron stated that

'We are finding a large number of people who are on incapacity benefits because of drug problems, alcohol problems or problems with weight and diet and I think a lot of people who pay their taxes and work hard will think, "That's not what I pay my taxes for. I pay taxes for people who were incapacitated through no fault of their own".'⁴

The benefit dependent, not having the self-mastery to control their consumption slips effortlessly into the benefit scrounger and from thence into criminality.

Both 'illegal immigrant' and 'benefit scrounger' are set up as legitimate targets of state coercion and punishment and both have contested relations to work – though they are contested in different ways. They also both have criminal tendencies, and are a potential threat to the social order. They can be used to discipline the real (not figured) benefit claimants and migrants who threaten to fall into scrounging and illegality. Indeed, state over regulation of these 'innocents' is justified on account

⁴Read more: <http://www.dailymail.co.uk/news/article-1379391/Fraudsters-work-dole-cost-taxpayer-100m-ONE-year.html#ixzz1Kjy5B47Z>

of their shadow figures. Both benefit scrounger and illegal immigrant in different ways, are not modern citizens. The benefit scrounger is not the flexible neoliberal subject, with their portfolio career, making the most of every opportunity, upskilling and selling their labour to the highest bidder. Moreover, tellingly the depiction is often one of near Neanderthal gender relations of oppressive masculinity and excessive femininity (Webster 2008). Similarly the illegal immigrant is often depicted as subject to slave labour and feudal obligations. They too are a site of oppressive gender relations. Indeed the Illegal Immigrant and the Benefit Scrounger draw on a long historical relation between mobility, welfare, labour and crime, they have, in effect, the same ancestors, the vagabonds, the valiant beggars and the sturdy rogues.

Conclusion

The community of value is strongly drawn yet malleable. Its tropes are strongly nationalistic, racialised, gendered and classed and consequently there are many contingent members. The fragility of hold of the nearly-good-enough-citizen, the contingently accepted, permeates the politics of citizenship. On the one hand the illegal immigrant is a foil to British folk who are not getting jobs because they are being undercut by people prepared to flout the rules. This is the white working class as 'beleaguered native', let down by a government that failed to provide British jobs for British workers (Rogaly and Taylor 2009; Anderson 2010). Both claimants and scroungers may manifest their resentment in racism – which of course is never endorsed, though it is explained through reference to illegality, and is implicitly set in contrast to the 'multiculturally sophisticated middle classes' (Rogaly and Taylor 2009) (including those designing and writing the policy documents). On the other hand, the hard-working legal immigrant with their impressive 'work ethic' (disciplined by deportability and the figure of the illegal) is a reproach to the lazy and lack lustre benefit dependent, the 'chav' (Anderson and Ruhs 2010). And the categories can morph one into the other: the immigrant and the criminal, the woman and the benefit scrounger, each one a potential victim and a potential villain. They are not firmly established in the community of value, but must be endlessly proving themselves, marking the borders, particularly of course by decrying each other. These relations are complex and they change, but they offer important insights into political possibilities and the limitations of calls for citizenship.

References

- Anderson, B. (2010). "Migration, Immigration Controls and the Fashioning of Precarious Labour." Work, Employment and Society **24**(2): 300-317.
- Anderson, B., M. Gibney, et al. (2011). "Citizenship, Deportation and the Boundaries of Belonging." Citizenship Studies **15**(5): 547-563.
- Anderson, B. and M. Ruhs (2010). A need for migrant labour? Oxford, Oxford University Press.
- Anderson, B., M. Ruhs, et al. (2006). Fair Enough? Central and East European migrants in low-wage employment in the UK. London, Joseph Rowntree Foundation.
- Bale, T. (2011). The Right Side of the Argument? The centre-left's response to migration and multiculturalism. Exploring the Cultural Challenges to Social Democracy: anti-migration populism, identity and community in an age of insecurity. P. Network. London, Policy Network: 9-14.
- Blinder, S. (2011). Settlement in the UK. Oxford, Migration Observatory.
- Brown, W. (2008). Regulating Aversion: Tolerance in the Age of Identity and Empire. New York, Princeton University Press.
- Cole, P. (2009). Introduction: 'Border Crossings' - the dimensions of membership. Citizenship Acquisition and National Belonging. G. Calder, P. Cole and J. Seglow. Hampshire, Palgrave Macmillan: 1-23.
- Dummett, A. and A. Nicol (1991). Subjects, Citizens, Aliens and Others: nationality and immigration law. London, Weidenfeld and Nicolson.
- Feldman, D. (2003). "Migrants, Immigrants and Welfare From the Old Poor Law to the Welfare State." Transactions of the Royal Historical Society **13**: 79-104.
- Feldman, D. (2011). Why the English Like Turbans: a history of multiculturalism in one country. Structures and Transformations in Modern British History. D. Feldman and J. Lawrence. Cambridge, Cambridge University Press: 281-302.
- Gibney, M. (2011). Should Citizenship be Conditional? Refugee Studies Working Paper Series. Oxford, University of Oxford, Refugee Studies Centre.
- Grayling, C. and D. Green (2012). 370,000 Migrants On The Dole. The Daily Telegraph. London.
- Hindess, B. (2000). "Citizenship in the International Management of Population." The American Behavioral Scientist **43**(9).
- Home Office (2002). Secure Borders, Safe Haven. Integration with Diversity in Modern Britain. London, HMSO.
- Honig, B. (2003). Democracy and the Foreigner. Princeton, Princeton University Press.
- Phillips, T. (2011). The Three I's: Immigration, Integration and Islam. Exploring the cultural challenges to Social Democracy: Anti-migration populism, identity and community in an age of insecurity. M. McTernan. London, Policy Network: 16-52.

Rogaly, B. and B. Taylor (2009). Moving Histories of Class and Community: Identity, Place and Belonging in Contemporary England. Basingstoke, Palgrave Macmillan.

Rutter, J., M. Latorre, et al. (2008). Beyond Naturalisation: Citizenship Policy in an Age of Super Mobility. London, IPPR.

Stevens, J. (2011). "U.S. Government Unlawfully Detaining and Deporting U.S. Citizens as Aliens." Virginia Journal of Social Policy and the Law **18**(3): 606-720.

UK Home Office (2011). Family migration: evidence and analysis. London, Home Office. **94**.

Webster, C. (2008). "Marginalised White Ethnicity, Race and Crime." Theoretical Criminology **12**(3): 293-312.

Woodfield, K., L. Spencer, et al. (2007). Exploring the decision making of Immigration Officers: a research study examining non-EEA passenger stops and refusals at UK ports. Home Office Online Report. London, Home Office.