



Will Sunak's 'Stop the Boats' policy have perverse consequences?

A research agenda

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Introduction

Discussions of the UK Illegal Immigration Bill aimed at preventing migrants crossing the Channel in small boats have focused on moral and practical questions. The first was magnified by the row surrounding the BBC sports commentator, Gary Lineker, who tweeted that the language used by government ministers resembled that used in Germany in the 1930s. Many other commentators have posed the practical question. Will the measures in the bill work? In particular, will the threat to deport some migrants to Rwanda act as an effective deterrent? Few have ventured further. Could the proposals have unintended or perverse consequences, with the planned solution to a problem having the opposite effect? This short working paper raises this possibility and suggests some ways forward for researchers seeking to answer this question. I discuss five starting points for constructing a research agenda and suggest some possible lines of enquiry. I conclude by raising the question of whether there is a disguised and unstated purpose behind the Illegal Immigration Bill.

Contents

Introduction2

Five starting points.....4

 Conceptual clarity4

 Relevant case studies4

 The social psychology of the migration decision7

 Understanding the EU policies on migration and Albania.....8

 Post-entry issues.....9

Conclusion: misdirection or creating an identity frontier10

References 12

Five starting points

In turn, I discuss an advance in conceptual clarity; whether there are comparable cases; the deficiencies in researching migrants' decisions; the need for a European perspective; and post-entry issues.

Conceptual clarity

When we talk about the unintended consequences of immigration policies, we need some conceptual clarity about what it is we are researching. Czaika and De Haas (2013) who talk of three 'gaps' helpfully provide this. They distinguish initially between what is in the public mind and public discourse (generally, for many in host populations, strong restrictive measures) and what is actually proposed in the legislation (a generally weaker and more targeted intervention). This is the 'discursive gap'. Next, they distinguish between what the policies formally state and what, in practice, border guards and immigration officials actually do. This is the 'implementation gap'. The implementation gap may arise from insufficient funding and training, positive or negative prejudices, an impractical scheme, unchanging habitual practices, confusion, or poor drafting of the legislation. They differentiate finally between the intention of the policies and the outcome. This is the 'efficacy gap'.

Relevant case studies

While conceptual clarity is our first starting point, our second is to find whether there are any historical or contemporary case studies that can provide comparative insights into policies that have gone wrong. Czaika and De Haas (2013) allude to a number of quantitative studies addressing aspects of the conceptual trichotomy they outline. Some researchers have introduced a 'dummy variable' that separates the years in which a particular migration policy has or has not applied. By looking at when particular policies applied and at which source countries it was directed, resulting positive or negative effects could be measured. Other scholars have built indices calibrating the intensity of restrictive immigration policies. Was there a relationship between intensity and flow? The findings they report are complex and worthy of detailed study, though generally they indicate that, even where there was some measure of effectiveness, gaps remained, often because it was difficult to separate immigration policies from wider influences on migration flows (such as economic growth, the nature of the labour market, the institutional setting, and other, non-migration, policies).

In the case of cross-Channel migration, given the uncertainty of our knowledge about the countries of origin and the near ubiquity of illegal movement, it is unlikely that the data for a dummy variable method could be collected. However, as I suggest later, it might be possible to assess whether an increase in policy intensity (or, more exactly, an increase in the harshness of policy announcements) concerning cross-Channel migrants correlate with increasing flows.

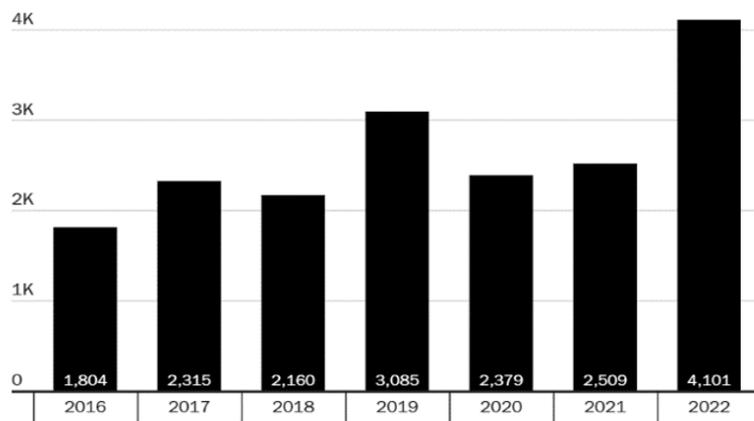
In addition to this possible line of enquiry, we have two relevant case studies. The first is an early UK study of the 1962 Commonwealth Immigrants Act by Peach (1967) in which he prefigured the intensity index. As he demonstrated, up to 1961, there was a close correspondence between labour vacancies in the UK and immigration flows from the Caribbean (then generally referred to as the 'West Indies'). However, as the popular demand for restriction grew, then the legislation made its way through parliament, then the months passed before it came into force, West Indians decided to 'go for it', whether or not they had a job in the UK. This was referred to as 'the rush to beat the ban'. Peach (1967: 39) summarizes his findings in this way:

The emphasis on the small number of immigrants after the application of the Act was mistaken: the essential point was the large number who came in in the eighteen months prior to the Act's enforcement. It has been shown that up to the beginning of 1961, West Indian immigration had been controlled by demand for labour. In 1961 and 1962, demand for labour fell but, up to the time that the Act was enforced, immigration rose. Not only was this so, but the proportion of men in this increasing number showed a decrease for the first time. Thus, the first effect of the Act came, paradoxically, before the Act was effective. West Indians hurried into the country in a declining economic situation.

A more recent case study of the perverse effect of immigration restrictions concerns the construction of 'Trump's Wall' separating Mexico from the USA. The high-volume rhetoric deployed in the period leading up to his election and during Trump's presidency far exceeded the intention of the policy. While Trump claimed that the wall was going to be both 'beautiful' and 'impenetrable', the actual policy was simply to augment and slightly lengthen existing barriers on the 1,950-mile border separating the USA from Mexico. A 2016 [video recording](#) provides a sample of the repetitive chant 'Build That Wall', which Trump deployed at many subsequent rallies. Despite the large discursive gap between what he said and what he meant, Trump's base was successfully mobilized by means of this crude slogan.

An implementation gap was also discernible in that many sections of terrain could not practically be fenced, while in total only 52 miles of wholly new ‘wall’ was added during Trump’s presidency. While Trump claimed it would cost US\$8 billion, his extensions and repairs cost in excess of US\$15 billion, and were breached (according to Border Patrol data) 3,272 times over three years. The metal palisade fence could be bypassed, scaled with a cheap ladder, tunnelled under or cut with a US\$100 steel saw. The breaches were often covered over by tinted putty to allow multiple entries (Mazza 2022). Turning to the efficacy gap, Border Patrol data on illegal entries are shown in Chart 1 below:

Chart 1: Successful breaches the ‘wall’ detected, 2016–22



Source: Bier (2022) using US Federal Government data provided under the Freedom of Information Act.

Reflecting on these data, a Cato Institute report bluntly concluded that ‘the number of successful entries – that Border Patrol saw – more than doubled after the Trump border wall was constructed. The fence has failed to accomplish its stated purpose of stopping illegal entries.’ It is difficult to state definitively that Trump’s wall caused an increased flow of migrants because we need to take account of an important exogenous variable, namely the increased incidence of civil unrest from 2019 onwards in Bolivia, Ecuador, Colombia and Venezuela. Until 2012, [over 85 per cent of migrants apprehended on the US border](#) were citizens of Mexico, a proportion that had fallen to 20 per cent by 2019, though it went up somewhat to 33 per cent in 2022. Therefore, the increased numbers apprehended may partly reflect the increased pressure from non-Mexican source countries.

Whatever the source countries and numbers, the Trump wall has failed and is simply the latest example of what Douglas Massey (2020) calls ‘counterproductive outcomes’. Earlier work by Massey et al. (2016) had conclusively demonstrated that increased border enforcement measures

in the 1990s led to a large growth of the undocumented population in the USA as circular patterns of migration were disrupted and border crossings became more hazardous or expensive. Illegal migrants dug in and persuaded their family members to join them in the USA. As Massey (2020) concludes, 'the massive settlement of Mexican migrants during the 1990s cannot be undone, and the United States is projected to become 22% Latino by 2035, up from 18% today and just 4.7% in 1970.' The social and political effects of having such a large unauthorized population (approximately half of all Latino immigrants are in this situation) need separate discussion but raise realistic fears of future social crises, one that could be mirrored, as I suggest later, in the UK.

The social psychology of the migration decision

In all the cases discussed there is a marked lack of attention to the motivations, reactions, ambitions, expectations and general attitudes of the principal actors, the migrants, themselves. Attention to this deficiency should be our third starting point. Immigration policy has almost entirely been framed and advanced in the form of a dialogue between politicians and their electorate. In the case of Sunak's 'Stop the Boats' policy, the dialogue has also been between the cabinet and the different factions of the Tory party – an important section of which wants restrictions both because of their convictions and in response to electoral calculations.

As migration scholars, we will naturally have to consider such issues but, arguably, we have been too focused on UK politics in the case of cross-Channel migration and too neglectful of researching the decision-making processes by migrants themselves. We know from many wider studies of migration of the salience of cultures of migration, global networks, chain migration to join family and kin, and other ways in which individual and group migration decisions are reached. Yet, I struggled to find any sustained discussion of these elements and reliable data on what I have loosely called 'the social psychology of the migration decision' in the case of cross-Channel migrants. From time to time, a newspaper article surfaces to suggest that the policy is misfiring. For example, Kelly (2022) in the *Daily Mail* quotes Pierre-Henri Dumont, the French National Assembly member for Calais, who argued that the continued crossings in May 2022 'showed that migrants were undeterred by the Rwanda plan. He claimed smugglers used the plan as a "commercial argument" to urge people to "cross quickly", despite the Government saying that anyone who has arrived after January 1 will be eligible.' Similarly, Sleigh (2022) in the *HuffPost* writes that 'people smugglers are targeting migrants by warning them they must make it to Britain before the Rwanda policy takes effect, according to reports.'

The observations of M. Dumont may be significant, but the expression ‘according to reports’, is hardly social science – so we need to remedy our own lack of systematic investigation of the migrants themselves.

Understanding the EU policies on migration and Albania

Just as there is too much attention given to UK politics, there is not enough attention given to the policy constraints, predilections and legal framework governing EU migration decisions. In this respect, scholars need to discard the post-Brexit habit of British politicians who immediately reverted to a nation-to-nation form of discussion. ‘The French’ loomed large in these post-Brexit tropes. In fact, the word ‘discussion’ is something of an exaggeration, as three politicians, in turn, managed to offend normal diplomatic niceties. First up was Priti Patel (then home secretary) who published her demands about cross-Channel migration before talking to her French counterpart. Next, Boris Johnson (then prime minister) taunted President Macron in childish Franglais. ‘Donnez-moi un break’, he squealed. Finally, Liz Truss (then an aspiring prime minister) announced that ‘the jury’s out’ on whether President Macron was a friend or a foe.

It took an inordinately long time for the penny finally to drop that insulting ‘the French’ and the country’s president was not the best way to secure their cooperation. UK politicians and the right-wing media remain largely oblivious to regional issues, the special issues facing Calais, wider EU constraints and migration policies (Fakhoury 2022), the precarity of President Macron’s political mandate and the views of French NGOs like Utopia 56 and France terre d’asile. There is also the simple legal matter, which the right-wing media in the UK conveniently ignore, that the right to leave a country is guaranteed in Article 2 of Protocol No. 4 to the European Convention on Human Rights (Council of Europe 2013). Simply demanding that ‘the French’ stop the boats as well as admit migrants that the UK authorities choose to send back (Farrell 2022), reveals a studied and determined ignorance about EU migration policies. From the point of view of a researcher, the constraints and possibilities open to ‘the French’ (a category that has itself to be deconstructed) have to be systematically addressed, especially in the wider EU context.

Although not yet a member of the EU (accession talks started in March 2020), Albania and Albanians have loomed large in the demonology of UK immigration discourse. According to Priti Patel, Albanians have been ‘asylum shopping’ to join criminal gangs in the UK. Her successor as home secretary, Suella Braverman, suggested that Albanians were making ‘spurious’ claims to be ‘modern slaves’. She later used the word ‘invasion’, referring to Albanians using cross-Channel crossings, declaring also that Albania was a safe country and there was no reason for them to

leave. As Walsh (2022) has pointed out, this harsh exclusionary language is difficult to reconcile with the fact that Home Office asylum statistics show that in the first half of 2022, 55 per cent of adult Albanian asylum applications were successful at the initial Home Office decision, a figure that is likely to go up, assuming that some of the remaining 45 per cent make a successful appeal. As I indicate in my conclusion, demonizing a particular group at a particular time is part of a continuous process of 'othering'.

Post-entry issues

The fifth and final starting point I advance concerns what happens to cross-Channel migrants after they arrive. For many of those who seek asylum, the answer is not very much for quite some time. As a House of Commons report (Sturge 2023) indicates:

As of June 2022, the total 'work in progress' asylum caseload consisted of 166,100 cases. Of these, 101,400 cases were awaiting an initial decision, 4,900 were awaiting the outcome of an appeal, and approximately 38,900 cases were subject to removal action. The total asylum caseload has more than doubled in size since 2014, driven both by applicants waiting longer for an initial decision and a growth in the number of people subject to removal action following a negative decision.

Do these delays reflect a lack of efficiency or the intricacies of the cases concerned (the likely explanations), or are they meant to be a form of deterrence? In an earlier period, asylum seekers, overall, showed remarkable forbearance and a determination to wait their turn for a favourable decision. Stewart and Mulvey (2014) recorded a number of interviewees who looked forward to becoming British citizens. One, 'Joshua' from East Africa, explained: 'rules change and if you don't become fully British or become naturalised and fully British then at the back of your mind you might think, at some stage, they might revoke your status, or the rules might change.' Another, 'Jacob', from the Middle East, said, 'When I get a British passport, I will talk again. ... It's now like temporary here now. After five years, maybe I have a chance to get a British passport or not. If I have a chance, 100 per cent my life change.'

Now extended delays, attacks on hotels housing asylum seekers and incendiary remarks by politicians have soured the atmosphere. An NGO, Refugee Action (2023: 5) described the conditions faced by many asylum-seekers:

The reality behind what we call 'asylum accommodation' in the UK is a system in which tens of thousands of people are living for many months and years in conditions that actively harm their physical and mental health and violate their basic human rights. At the time of writing, there are 105,522 people in asylum accommodation. They are detained indefinitely, segregated from communities, do not have access to legal or welfare services and have limited contact with the outside world due to restrictions and the cost of transport and communications. They live in an environment of fear of attacks by racist groups stoked by dangerous, inflammatory, racist language of politicians and sections of the media. In this system, people who came to the UK seeking safety are forced to live in conditions so bad that they present a clear threat to their lives.

As conditions deteriorate and the political atmosphere becomes more febrile (according to Refugee Action some asylum seekers have been threatened with deportation to Rwanda if they complain about rotten food), the reasons for patience evaporate. It is likely that absconding from detention centres, hotels and processing centres will become common and a large population living in the shadows will develop. Access to schooling and health care will become difficult as will legitimate job opportunities. Survival may mean entering the informal economy and engaging in criminal activities.

Conclusion: misdirection or creating an identity frontier

I have suggested a number of starting points for researching the pressing question of whether one important component of the UK's immigration policy is poorly designed and may result in unintended, even perverse, consequences. To address this question, researchers will have to deploy a wide range of techniques – documentary and legal evidence, ethnographic studies in a number of languages and interviews and surveys in the countries of origin, camps, hotels and processing centres. The views of NGOs, those rescuing migrants at sea, local politicians, residents living near hostels, and others, also should be sought.

By way of conclusion, I need to raise the question of whether many immigration policies may be more symbolic than real – in other words the intention may be to create an *appearance* of control rather than put into place truly effective and workable measures (Massey et al. 1998: 288 et seq.) I somewhat prefer the expression *illusion* of control (which evokes the techniques of misdirection and sleight of hand used by adept magicians). Resorting to such tricks may reflect the fact that it is impossible to reconcile public opinion, which might be pulling in opposite directions – for

example, business leaders and farmers wanting to loosen immigration controls, while xenophobes demanding further restrictions. In the UK case, there are particular electoral calculations – weighing the loyalty of former Labour voters in the so-called ‘Red Wall’ seats against the pressing need to import building and transport workers and those prepared to work in Britain’s struggling health service and social care sector.

These contradictory pressures raise the possibility that Sunak’s ‘Stop the Boats’ policy is an act of ‘performative cruelty’, a sleight of hand not seriously intended to slow down migration (Connelly 2022). Rather, the policy is designed to toss some red meat to the right-wing media while simultaneously allowing a considerable rise in net migration to stimulate the economy and cover sectoral labour shortages. Make a noise about the first and keep silent about the second is a classical example of misdirection.

I do not discount the misdirection explanation, but I prefer the idea that Sunak and his predecessors are constructing a ‘frontier of identity’, a notion I explored (Cohen 1994, 1995) some time ago. I argued then that the notion of ‘Britishness’ is particularly elusive or ‘fuzzy’ and that ‘frontier guards’ (by whom I mean guardians of identity, not Border Force staff), are assigned the task – or volunteer for the role – of separating ‘the British’ from the ‘Other’. These ‘Others’ have variously been defined by their alien religion, race, ethnicity, culture or language. However, frontiers of identity are far from stable. As Massey (2020) explains, ‘whenever immigrants enter a society, they are vulnerable to the framing actions of persons wielding power and influence.’

There are, interestingly, three persons wielding power and influence in the UK of rather similar backgrounds, all of whom have been ardent advocates of stopping small boat crossings across the Channel. Priti Patel (the former home secretary), Suella Braverman (the current home secretary) and Rishi Sunak all have East African Asian parentage. Without offering a clumsy psychoanalytical explanation of their significant roles in policing the British–Other frontier, it is perhaps permissible to assume that their families’ experiences made them particularly sensitive to the intricacies of their British, Indian and African heritages. All three of these powerful actors have explicitly discarded issues of race, religion and ethnicity in favour of the overriding distinction between legality and illegality. Their parents arrived *legally*, as do some Afghans and Hong Kong Chinese on approved schemes, but cross-Channel migrants have arrived *illegally*, and have thus, as the parable in Matthew 8: 12 put it, to be ‘cast out into the outer darkness’.

When developing a research agenda to address the issue of possible perverse consequences arising from the Illegal Immigrants Bill it is perhaps unnecessary to decide the question of

whether the policy is intended to slow migration or a sleight of hand to give that illusion. However, the framing of the unwanted immigrants in terms of their illegality does have long-term consequences. If such migrants are subject to a realistic threat of deportation and are automatically excluded from asylum, legal residence or British citizenship, they will have no incentive to cooperate with the authorities and will, instead, abscond. Those who rail against illegal entrants will, paradoxically, have created a large illegal population.

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