

UK Labour Migration Policy: Permanent Revolution?

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Ricerca condotta nell'ambito del progetto:
POLITICHE MIGRATORIE E MODELLI DI SOCIETÀ

Realizzato con il sostegno di

COMPAGNIA
di San Paolo

Luglio 2008

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1. INTRODUCTION

The UK has experienced a radical shift in labour migration over the past decade, in terms of both its policy framework, and the number of immigrants entering through regular channels. Between 2004-7 the country received the largest inflow of foreign nationals in its history. The inflow of foreign nationals through regular channels staying longer than one year rose from 224,200 in 1996 to a peak of 494,100 in 2004, with a total of 3.4 million between 1997-2005 (OECD 2007). The change has been inaugurated by a centre-left administration that sees selective labour migration as part of a strategy of enhancing global competitiveness in a knowledge-based economy, and which is keen to address labour shortages in a period of almost full employment. Over the course of the Blair administration (1997-2007) a total of five new immigration laws were introduced, more legislation than in any other area of social policy (Somerville 2007).¹ The changes have been rendered possible by a relatively acquiescent opposition and media, which have generally accepted the economic arguments for labour migration.

However, this expansiveness has been accompanied by a simultaneous restriction of possibilities for humanitarian categories of migrants, as well as a more symbolic and exclusionary debate on integration, citizenship and Britishness, especially in the wake of 9/11 and the 7/7 London terrorist attacks. Recent media reporting and party political debate also suggest this more open approach to labour migration may not be sustainable, especially given increasing concerns about the social impact of immigration from Eastern Europe.

2. POLITICS AND POLICIES ON IMMIGRATION: STATE OF THE DEBATE

2.1 The UK's late "discovery" of labour migration

Scholars of post-World War II UK immigration policy have frequently noted that British governments had no very explicit plan about immigration as a tool of economic or demographic policy (Freeman 1979: 179-82). Unlike in the "guest worker" countries, British openness to immigration was not based on a reflected strategy of labour recruitment, but was very much a response to (post-) colonial obligations and international interests. While this thesis may be overstated, immigration certainly did not play the explicit role in employment policy and industrial growth that it had in continental European countries. Instead, from at least the 1960s onwards immigration policy was preoccupied with attempting to restrict admission and access to citizenship, combined with efforts to improve "race relations" of those already present.

With the Thatcher administration of the 1980s, the onus was on achieving "zero migration". Economic liberalization and a free trade orientation were accompanied by a highly restrictive and culturally conservative approach to migration. Despite a loosening of the work permit system in 1991 and a relative increase in labour migrants from 1994 onwards (Boswell 2003: 37), the rhetoric remained restrictive. The expectation was that the task of British governments was to limit regular migration. In sum, until around 2000, immigration was by and large seen as something that the UK might have to accept in certain cases for political or moral reasons (asylum, family reunion,

¹ These were the Immigration and Asylum Act (1999), the Nationality, Immigration and Asylum Act (2002), the Asylum and Immigration Act (2004), the Immigration, Asylum and Nationality Act (2006), and the UK Borders Act (2007).

Commonwealth commitments); but the goal of immigration policy was generally to limit such flows as far as possible.

This legacy makes the shift inaugurated by “New Labour” all the more striking. The shift in policy did not feature in Labour’s election manifesto of 1997, but emerged from 1998-9, notably in the context of debates on skills shortages within the Treasury, the Department for Trade and Industry (DTI), and the Cabinet Office. A new Nationals Skills Task force had been established in 1998 under the chairmanship of the head of the British Chamber of Commerce, and it began to stress the need to expand the supply of foreign workers, especially in the ICT sector. This concern was reflected in the DTI’s White Paper on “Our Competitive Future: Building the Knowledge Economy” (DTI 1998). Meanwhile, in 1999 the Cabinet Office commissioned a major new research study on the economic impact of migration (Glover et al. 2001), which stressed the positive effects of migration on productivity and growth.

Drawing on these ideas, the government launched a number of changes to labour migration rules. In 2000, it reduced the skills threshold of the work permit scheme, and included ICT in the acute shortage list. January 2002 saw the launch of a new Highly Skilled Migrants Programme, designed to attract scientists, doctors, business and finance professionals to the UK. The changes were not limited to high-skilled categories: over the following two years the government also expanded the Seasonal Agricultural Workers Scheme (SAWS), and expanded the Working Holidaymakers programme. In addition, the government introduced provisions to allow foreign graduates of UK universities access to the labour market, allowing them to work for up to one year after completion of their studies. In Scotland, where skills shortages have been more pressing, a new Fresh Talent initiative allowed foreign graduates to work for a period of up to two years (under new rules described below, the 2-year provision will become UK-wide).

The reforms were accompanied by a corresponding change in rhetoric. In February 2002 the Home Office produced a White Paper entitled “Secure Borders, Safe Haven: Integration with Diversity in Modern Britain” (Home Office 2002), which argued that “developed economies are becoming more and more knowledge-based and more dependent on people with skills and ideas. Migrants bring new experiences and talents that can widen and enrich the knowledge base of the economy” (Home Office 2002: II). In December 2002 the Home Office carried out a high-profile launch of the 1999 commissioned research on the economic impact of migration, which, in the words of immigration minister Beverley Hughes, “confirms that migrants can add to our economy, expand businesses and create success, jobs and opportunities for us all” (Beverly Hughes, cited in Boswell 2008). Hughes referred to the government’s migration reforms over this period as “a radical shift in policy, based on a recognition of the positive contribution of migration” (House of Commons 2003).

2.2 Reactions to the new approach

Given the UK’s history of restrictive labour migration policies, one would have assumed that opposition parties and the media would have reacted in a highly critical way to these changes. Yet the response was surprisingly restrained. The opposition Conservative Party largely accepted arguments coming from the Labour government and from business and economists about the economic case for immigration (although some did voice concerns about the potential social impacts). Most of the critique revolved not so much around the economic case for migration (which was generally accepted), but on problems of control. In particular, the Conservatives and the popular press continued to criticize the government for failing to cut the numbers of asylum seekers (Britain was seen as a “soft touch” for asylum seekers). These groups were also vocal in criticizing the government and the Home Office for their perceived ineffectiveness in managing migration. Over this period there were several scandals whipped up in the tabloid press, revolving around

apparent malpractice in the issuing of visas, lack of data on stocks of illegal migrants in the UK, and a failure to deport foreign nationals released from British jails.

Given these general concerns about migration control, it seems surprising how little attention was paid to possible control or compliance problems linked to labour migration. Unlike in countries with experience of “guest worker” programmes, the UK had no collective memory of the possible unintended consequences of labour migration. There was almost no debate in party politics or the media about whether any or all labour migrants would stay on and settle in the UK, or about whether temporary and seasonal programmes could be enforced. Similarly, there was very little discussion of the potential social impacts of labour migration. To be sure, certain more conservative elements of the press or party politics did raise questions about immigration placing a burden on social services (House of Commons 2003). But there was no very systematic reflection about whether labour migration would place any strain on welfare services or social infrastructure. It was as if the UK was discovering for the first time the idea of labour migration as a tool of economic policy, without any real awareness of the sorts of problems that had emerged in other European countries.

2.3 East European immigration and social impacts

Debates on the social impact of migration have, however, emerged more recently in the context of immigration from Eastern Europe. In May 2004, the UK was one of the few European Union countries (along with Ireland and Sweden) to grant immediate labour access to the eight new countries joining the EU. At the time, there was some concern about possible abuse of the UK welfare system (especially unemployment benefit) on the part of new immigrants. However, debate revolved largely around how many were expected to come, rather than on whether the potential influx would be beneficial for the economy, which was largely accepted (Boswell 2008).

Over the next four years, over 760,000 people registered on the Worker Registration Scheme, around 70% of whom were Polish nationals, mainly young and without dependents. Unusually, these immigrants found work across the UK, with East Anglia and the Midlands proving to be more important destinations than London. By 2006, there were growing reports of local services being placed under strain (schools, medical services, housing), and local authorities complained about bearing the brunt of these impacts.

The government has responded to these concerns in two ways. First, it established two new bodies to advise on immigration policy, in June 2007. One of these was the Migration Advisory Committee (MAC), a group of “independent experts” composed largely of economists. The MAC’s role is to advise the government on labour shortages in different sectors, to guide the implementation of the government’s new points system (see below). The second body was the so-called Migration Impacts Forum (MIF), a group of practitioners which advises the government on how immigration is impacting public services and local communities. The MIF is composed of representatives of local government, health, education, police, criminal justice, the voluntary sector, the Confederation of British Industry and the Trade Union Congress, and jointly chaired by the minister for immigration and the communities minister.

The second shift has been to tighten up policy on recruiting additional labour migrants. This has occurred through the new “Five-Tier System” rolled out from 2008 onwards (Home Office 2006 – see below for details). The more restrictive approach was also manifested in the government’s decision not to allow labour market access to the newly acceding countries Bulgaria and Romania in 2007, restrictions which remained in place in 2008. As the Home Office put it in October 2007, while “there is a clear positive contribution to the economy from migration, there are some reports of pressures in other areas, including public services. The prudent balance is therefore to maintain restrictions as we monitor the medium to long term effects of accession migration” (Home Office

2007). As a consequence, the government would open labour market access to nationals of Bulgaria and Romania “only gradually” (ibid.).

2.4 Current debates

The Conservative Party has been quick to criticize the government for neglecting to predict the level of post-EU enlargement immigration, or to adequately plan for and counteract its impact on local communities and social services. It has argued for putting an annual cap on immigration, based on consideration not just of economic need, but also housing, public services and “social cohesion”. While it is difficult to assess public opinion on immigration, some polls suggest that many parts of the UK would be sympathetic to Conservative Party concerns about immigration.

The tabloid press is much more vocal in its critique of Labour’s migration policies. Newspapers such as the *Daily Mail* and *The Sun* have printed numerous articles about the negative impact of central European immigrants on social services, with coverage of Roma immigrants being particularly scabrous. However, the media remains far more vitriolic regarding other groups, especially asylum-seekers and, increasingly, the Muslim community. Labour migrants are not generally the object of concern: far more prominent are perceived problems of security, radicalization, and Islamism. Concerns about the apparent “abuse” of the asylum and welfare system also remain a theme, targeted in particular against asylum seekers. Many of these concerns are now captured in a rather nebulous debate about “Britishness”, and increasingly stringent expectations about the responsibilities and obligations of potential members. These are articulated in often highly symbolic measures on citizenship tests and acquisition (see below).

In addition, much of the critique of government handling of immigration revolves around the generally negative image of the Home Office. This organization is seen as hugely inefficient and incompetent, with recurrent scandals linked to processing of visas and asylum applications, failure to combat irregular migration and work, foreign prisoners, and so on.

Generally, despite the larger than expected inflows following EU enlargement, there remains a general confidence in labour migration policy as a tool for economic steering. Indeed, the Labour government recently launched a new set of initiatives in the area of labour migration, revolving around a new Australian-style points system (see below). The proposals have received relatively little coverage in the mass media, and a relatively positive reception in party politics. This reflects the UK political elite’s generally liberal economic approach, and its goal of adapting dynamically to the demands of competitiveness in a globalized economy – an orientation which is shared by all major parties.

3. SELECTING MIGRANTS: ACHIEVEMENTS, TRENDS AND OPTIONS

Labour migration policy has evolved in two main phases since around 2000. The first phase was an expansion of existing labour migration schemes and the creation of new channels, as described above. Notably, the Labour government introduced a new Highly Skilled Migrants Programme, and expanded existing schemes, including the work permit system, SAWS, the Working Holidaymaker Scheme, as well as labour market access for foreign students. This phase saw a general shift towards opening the labour market, as well as a prioritization of skilled migrants who were seen as enhancing productivity and growth, or filling serious gaps in particular sectors. In addition, shortages in low-skilled sectors were filled through immigration from over half a million nationals

from newly acceded EU countries, as well as the entry of some non-EU nationals through temporary labour routes.

The second phase appears to involve a consolidation and rationalization of this approach, as well as a (relatively) more restrictive approach. In 2007 the government attempted to rationalize the large number of channels for labour migration, launching a new “five-tier” points-based system, described below.

3.1 The new tiered points system

The government claimed the new tier system involved a consolidation of over 80 existing work and study routes into five main categories:

- Tier 1: Highly skilled migrants, admitted on the basis of skills, qualifications, earnings, age and language ability, to contribute to growth and productivity (launched at the beginning of 2008). This tier effectively replaces the Highly Skilled Migrants Programme. Entrants under this category have unlimited labour market access, and are allowed to bring dependents with them. After a two year period, the points will be re-assessed and, assuming the person has demonstrated high earnings or a high skilled job, will have their leave extended. They have the possibility of switching to permanent residence after 5 years.
- Tier 2: Medium and high-skilled workers with a job offer, who gain points based on gaps in particular sectors (to be launched in the third quarter of 2008). This tier replaces the work permit system, and is likely to cover the majority of skilled migrants entering the UK. The job will have to be either an occupation which has been identified as a shortage by the Skills Advisory Board, or will need to have passed a labour market test demonstrating that no EU worker was available for the job. In the latter case, the person will need to meet additional skills and salary requirements. Migrants entering under this tier will be allowed to bring dependents, and will need to be resident a minimum of five years before qualifying for permanent settlement.
- Tier 3: Low-skilled workers filling specific temporary labour shortages, replacing the Seasonal Agricultural Workers Scheme and the Sectors Based Scheme (covering food processing). The government has no current plans to implement this tier, holding the view that demand is currently met by EU nationals. The Home Office has said it will not make use of tier 3 while restrictions are still in place on labour market access for Bulgarian and Romanian nationals. However, it may be introduced at some point in the future if labour market conditions so require.
- Tier 4: Students (to be launched in 2009), covering the period of study at a specified and registered institution in the UK. This tier does not allow for a switch to permanent residence or citizenship: it is intended to be a temporary arrangement. However, graduates will have the possibility of switching to tier 1 (the “post-study work” category) for a maximum two-year period, thus replacing the graduate access scheme.
- Tier 5: Youth mobility and temporary workers, permitted to work for a limited period of time, for primarily non-economic objectives (to be launched in the third quarter of 2008). This embraces the previous Working Holiday-Maker scheme, as well as the au pair scheme.

Points may be awarded through different combinations of “attributes tests” (features perceived to be linked to labour market success, such as English language, skills, qualifications, previous salary, age); and a “control test” (relating to likely compliance with conditions of leave, such as availability of funds, compliance with immigration conditions, and, for tiers 2-5, a recognized sponsor). For

tiers 1 and 2, points are awarded on the basis of attributes and control tests (though for tier 1 they exclude the requirement of having a sponsor); for tiers 3-5, only control features are relevant for accumulating points.

Within this new framework, the Labour government is attempting to limit immigration in a number of ways. First, it is emphasizing the role of “sponsors” in helping to regulate and ensure compliance with the measures. Employers and educational institutions will participate in a new sponsorship system, guaranteeing compliance for all tiers (except tier 1, under which immigrants are exempt from sponsorship requirements). Recognized sponsors may be attributed either “A-rated” or “B-rated” sponsor status, which are associated with different levels of points. A-rated sponsors have the “full confidence” of the Home Office, while B-rated ones elicit less confidence, based on their previous record.

Second, there is an emphasis on temporary stay for tiers 3, 4 and 5 (except in the case of certain types of students who will be encouraged to stay). For these categories, there will be no possibility of switching between tiers, and migrants will have to leave the UK after a maximum period of 12 months (tier 3) or 24 months (tier 5).

At the same time, the government has been keen to explore the creation of other sorts of incentives, to make the UK more attractive to the right skills groups. For example, the Home Office recently announced a new initiative to try to tap the investment and trade opportunities offered by diaspora communities based in the UK. UK Trade and Investment (the government body tasked with supporting UK-based firms in becoming more globally competitive), is in contact with representatives from the Indian and Chinese communities in the UK “to explore ways of enhancing trade in financial, legal and business services with the two countries” (HO and FCO 2007). There are plans to further support access by diaspora communities to financial services, and to encourage cultural and work exchanges between non-EU countries

It is difficult to make any precise predictions about the numbers that will be admitted under each category. The government is reluctant to put a numerical cap on admissions, preferring to maintain flexibility to respond to labour market requirements and economic conditions.

4. MANAGING MIGRATION: CURRENT APPROACHES AND OPEN QUESTIONS

4.1 Border and internal controls

Border control has traditionally been the cornerstone of UK migration management, and this remains firmly the case today. However, there has been a discernible shift towards “smarter” border control, which seeks to filter out “wanted” from “unwanted” entrants with maximal efficiency and minimal disruption. Thus recent documents from the Border and Immigration Agency of the Home Office have put the emphasis on “risk management” as a strategy of border control, oriented towards identifying and screening out risky migrants and visitors from desirable tourists, business visitors and immigrants (Hampshire, 2008). New e-borders and biometric technologies aim “to fix people’s identities at the earliest point practicable” (Home Office and Foreign and Commonwealth Office 2007). Part of this strategy is the introduction of biometric passports, as well as the introduction of biometric identity cards for non-EEA nationals from 2008 onwards. This is clearly in line with EU developments on data and biometric passports.

In terms of internal control, as we saw earlier, a major new strand of the five-tier points system is the notion of sponsorship. Potential sponsors, including employers and education establishments, must apply to the “register of sponsors” to acquire a certificate of sponsorship from the Home

Office. In order to be recognized as an “A-list” sponsor, sponsors must comply with a number of reporting and record-keeping duties, or risk being downgraded to “B status” (associated with less points), or even having the certificate of sponsorship withdrawn.

In addition, the UK has stepped up penalties for illegal employment. In a November 2007 document it proposed a maximum penalty of £10,000 for each illegal worker employed. Compared to some other European countries, these penalties remain relatively low, and enforcement tends to be patchy. For example, between 2001-2005 there were court proceedings against just 43 employers, of which only 24 were found guilty (Home Office, Control of Immigration Statistics). The low level of enforcement and problems prosecuting employers in part reflects difficulties in checking the validity of documents. Partly in response to this problem, the government plans to introduce compulsory ID cards for foreign nationals working in the UK for six months or more. It argues that the inclusion of biometric data on these cards will simplify the procedures for employers checking on the residence and work status of potential employees. It is expected that the first cards for foreign nationals will be issued towards the end of 2008.

4.2 Regularization and status adjustment

Concerns about irregular migration and illegal residents in the UK surface periodically in political debate. The Home Office has estimated that there are around 570,000 illegal migrants resident in the UK, but others, such as the right-wing think tank Migration Watch, put the figure at over one million. This compares to the roughly 25,000 illegal migrants (mainly rejected asylum-seekers) who are deported each year.

UK governments have generally been sceptical about regularization as a route to regular stay and work. However, there have been debates about the possibility of allowing some to adjust their status if they meet certain conditions. In 2003 the Home Secretary David Blunkett flirted with the idea of introducing a form of “earned regularization”, according to which certain immigrants might be offered an amnesty if they met conditions linked to length of stay, contribution to the economy, and absence of any criminal offenses or welfare abuse. However, the plans were soon dropped. NGOs such as the Joint Council for the Welfare of Immigrants have continued to push for an amnesty for immigrants, and the Liberal Democrat Party is generally more amenable to the idea, while the Conservatives are wholly opposed.

4.3 Rights of labour migrants

There are a number of provisions that apply to all legally resident migrants in the UK.

Health. There is a general right of free access to the National Health Service, covering access to general practitioners, treatment for routine ailments as well as emergency treatment.

Education. School attendance is compulsory for all children between five and 16 who are resident in the country, including those with an irregular status. Adults may also enroll in part-time educational courses where attendance does not conflict with work obligations, though those enrolling in full-time courses need to be resident for at least three years in order to be exempt from overseas fees.

Social benefits. Migrant workers are generally not entitled to social security payments (unemployment benefits, housing and council tax benefits, disability allowance, child benefit,

maternity allowance, or retirement pension).² In principle, workers on schemes whose stay extends beyond two years (tiers 1 and 2) are entitled to unemployment benefit if they have made sufficient contributions; however, in practice this is unlikely to arise, as their status is linked to employment or earnings, almost by definition excluding the possibility of staying on without having a job. Nationals of the newly acceded EU countries who are registered under the Worker Registration Scheme are entitled to income benefit to supplement low salaries, but otherwise do not qualify for welfare benefits during the first 12 months of their employment. After this initial 12 month period they have full access to social security benefits on the same basis as other EU/EEA nationals and UK citizens. However, even EU immigrants must fulfill the so-called “habitual residence” rule, i.e. be legally resident for an “appreciable period”, and have the intention of remaining permanently settled in the UK (Flynn 2006).

Civil and political rights. All migrants have rights to basic civil liberties, though there are concerns that those with an irregular residence or employment status may not avail themselves of such rights because of fears of being apprehended. Commonwealth citizens also have full voting rights (at local and national elections), implying more extensive entitlements than EU nationals, who may only vote in local and European Parliament elections.

Other rights – notably **family reunion, length of stay, access to permanent residence or citizenship**, and the entitlement to **change employers** – are contingent on category of labour migration. As the tier system makes clear, different labour migration statuses are correlated with substantially different packages of rights. Indeed, the new system augments the gap between high-skilled migrants, who are given relatively generous treatment and encouraged to settle, and the low-skilled, whose temporary status is being emphasized. Thus, for example, those entering under tiers 1 and 2 have immediate rights to family reunion, and access to permanent residence or citizenship after 5 years. Those entering on tier 1, which is not linked to a specific employment offer, are free to take up work where they want. However, their earnings will be assessed after the first 2 years to see if they still qualify under the scheme. For those under tier 2, entry is linked to a specific job offer, and the prospective employer must possess a certificate of sponsorship. However, there is a possibility of switching jobs if the new job fills similar criteria and the employer has a certificate of sponsorship.

Those under tiers 3, 4 and 5 have far less extensive rights. For those under tier 3, there is no right to family reunion. The maximum period of stay is 12 months, after which the migrant must return. There is no possibility of switching to permanent residence or another immigration status. For tier 4 (students) there is an entitlement to family reunion for the duration of the stay. For tier 5, there is no right to family reunion (for most categories – there are some exceptions); length of stay is limited to a maximum of 24 months, with no possibility of switching to another tier or permanent settlement/citizenship.

Recently, the government has shown an interest in encouraging the **naturalization or permanent settlement** of “people with the right qualifications”. In a Green Paper published in February 2008 it proposed three “paths to citizenship” for highly skilled and skilled workers under the points system, and their dependents (it also applied to family members of British citizens and refugees/those granted humanitarian protection). The new “path to citizenship” would involve three stages: temporary residence, probationary citizenship, and British citizenship or permanent residence. The most innovative and controversial component of the proposal was so-called “probationary citizenship”, which could last between one and three years. The idea was to match migrants’ rights and benefits with “responsibilities and the right contribution to our country” (Home Office 2008).

² There are some exclusions, e.g. nationals of states which have ratified the European Convention on Social and Medical Assistance – see Flynn 2006 for details.

This probationary stage involved meeting four requirements in order to “progress” to the third stage of citizenship or permanent residence:

- (1) language requirements;
- (2) paying tax and becoming self-sufficient (or being in a relationship with a British citizen or permanent resident demonstrating self sufficiency);
- (3) obeying the law;
- (4) “joining in with the British way of life”, involving “playing an active part in their community”, through voluntary work of some type.

While the proposals were ostensibly aimed at incentivising citizen acquisition, they would effectively extend the residence period required before becoming a citizenship. Whereas previously those entering under tiers 1 and 2 could switch to permanent residence after 5 years (and family members of citizens after 2 years), the probationary phase adds an additional one to three years to this period. Those entering under tiers 3, 4 and 5 would not be eligible to participate at all. Public consultations on the proposals are still ongoing (as at March 2008).

4.4 The institutional set up

Immigration has fallen under the jurisdiction of the Home Office (HO) since the 1793 Aliens Act, and in the post-World War II period the HO was also responsible for so-called “race relations”. Within the Home Office, these issues have been dealt with by the Immigration and Nationality Directorate (IND), by far the largest part of the Home Office (comprising 15,000 staff, around 80% of the HO). In 2006 many aspects of race relations were transferred to the new Department for Communities and Local Government, which assumed responsibility for issues of diversity, anti-discrimination, integration and social cohesion – though IND retained responsibility for the integration of refugees. In Spring 2007, the IND was split off into a separate executive agency, the Border and Immigration Agency (BIA), though the agency remains within the Home Office. In a final twist, this agency was renamed the Border Agency in Spring 2008 – a largely cosmetic change, but one that might reveal something about the control-oriented message the government is seeking to put across.

The Home Office has a well established reputation within British politics as having to deal with a nearly impossible set of tasks. Issues of criminal justice, policing, prisons and immigration are among the most politically salient and contested in British politics. And the organisation has had to respond to often unrealistic public expectations about its capacity to reduce crime, control immigration, or provide internal security. Failure to meet performance indicators with respect to border control or deporting rejected asylum seekers is frequently the object of political and media scrutiny – indeed, the organisation is constantly held to account for its supposed transgressions or ineffectiveness. This form of critique appeared to reach a peak in Spring 2006, with the eruption of a scandal on the Home Office’s apparent mishandling of a number of cases of foreign nationals released from UK prisons. Following the resignation of the Home Secretary Charles Clarke, his replacement, John Reid, laid the blame squarely on the Home Office, famously declaring that the department was “not fit for purpose.” He commented that the Home Office was “inadequate in terms of its scope, it's inadequate in terms of its information technology, leadership, management systems and processes”. (BBC Online, 2006).

This highly unusual step clearly represented an attempt to shift responsibility away from the political leadership to the department itself. Indeed, John Reid publicly announced that he would be dismissing a number of senior civil servants who were assumed to have been responsible for the problem. This trend was reinforced with the creation of the Borders and Immigration Agency,

envisaged as a quasi independent organization responsible for ensuring efficient implementation of policy. The agency structure is intended to screen the department from political meddling, allowing it to operate more rationally and efficiently (Interview, May 2007). Arguably, it also represents an attempt to distance politicians from responsibility for what appear to be structural and chronic impediments to effectively meeting performance targets.

The centrality of the HO's role in immigration has also been somewhat diminished by the new labour migration agenda. The more liberal approach is very much backed by the more economically oriented ministries: the Treasury, the Department for Work and Pensions, and the Department for Business, Enterprise and Regulatory Reform (previously Trade and Industry). The HO has traditionally been far more conservative and control-oriented, and thus often seen as a constraint to, rather than a motor of, reform.

5. NATIONAL AND EU LEVEL: WHICH RESPECTIVE ROLES?

The UK government has had a mixed attitude towards EU cooperation in Justice, Liberty and Security. It is still not a member of the Schengen Area, and also negotiated an "opt in" arrangement for all areas of cooperation on borders, immigration and asylum under the Amsterdam Treaty (1997). This has created some problems in participating in areas of cooperation where the UK has more interest, notably FRONTEX and the Schengen Information System.

Despite its general reticence about committing to harmonization, the Labour Government has been a keen supporter of a number of areas of EU cooperation, and especially measures designed to control irregular migration. It generally favours cooperation that is "intelligence-based" and with an operational focus, hence its interest in the development of FRONTEX, as well as the Rapid Border Intervention Teams. It was the UK presidency of the second half of 2005 that provided the impetus for launching the Global Approach to International Migration, which initiated a raft of new measures to control or prevent migration from African countries. The UK has been an enthusiastic participant in maritime patrols of the EU's southern coast, and engaged in a number of bilateral schemes with other EU countries to combat trafficking in the Balkans, or curtail illegal border crossing. It also has a history of cooperation with France, dating back to the Sangatte question of 2002, when the UK and French governments negotiated a "solution" to the problem of irregular crossing via the channel tunnel from an accommodation centre for illegal migrants near Calais. President Sarkozy and Gordon Brown recently renewed their commitment to working together to combat irregular migration.

The UK has also generally supported harmonization of asylum systems, since it tends to see itself as a "soft touch" compared to most other EU countries. In this sense, convergence of standards is considered a potential means of ensuring a more balanced distribution of applicants between EU countries. The government has therefore opted into the package of measures on asylum and temporary protection adopted after the Amsterdam Treaty. At the same time, the UK tends to be more sceptical about ceding sovereignty in the areas of entry and integration. It has not so far opted into EU measures in the areas of economic and other forms of legal immigration. Reluctance to cooperate in this area partly reflects a concern to preserve control over borders.

The UK is also keen to develop cooperation on migration control with other, non-European immigration countries. It is currently developing a system of electronic border screening, which it hopes can be made compatible or interoperable with those of "allied countries" (certain EU countries, Australia and the US). The government is also keen to extend data sharing arrangements – such as that developed under the EU visa information system (VIS) – to the Four Country Conference (UK, USA, Canada, Australia) of April 2007.

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