

migration: where next?

developing a new progressive
immigration policy

Edited by Nick Johnson



THE SMITH
INSTITUTE

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developing a new progressive immigration policy

This timely collection of essays forms part of a programme of work the Smith Institute is undertaking on migration and social cohesion. The contributors to this monograph aim to provoke a debate about what a new progressive migration policy would entail. Immigration was one of the defining issues of the 2010 general election but, in truth, it is an issue on which the centre-left has for some time failed to create a coherent policy or a positive narrative around this. We hope that this collection goes some way towards addressing these shortcomings and helps move the policy debate forward.

The Smith Institute thanks Nick Johnson for editing this publication and offers its thanks to all the authors for their excellent contributions. We also gratefully acknowledge the support of Refugee Action towards this publication and roundtable discussion.

Paul Hackett, Director of the Smith Institute

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Foreword

Barbara Roche, former Immigration Minister

The prominence of immigration as an issue and the politics surrounding it was something that Labour did not foresee when it came to power in 1997. And yet immigration has become one of the policy areas most closely associated with 13 years of Labour government.

This has naturally led to a great deal of introspection since the election defeat. The consensus, certainly among some of those who contested the party leadership, was that Labour had failed on immigration. There has also been a remarkable reversal on this issue by some on the left: their aggressive rhetoric against our "illiberal" policies has been replaced by the mantra that "we let down the white working class". However, I think it would be a real shame if this resulted in the conclusion that progressive migration policies must be abandoned.

Not only is this politically dangerous, but it also simply does not deal with the reality of globalisation. The great danger for Labour is that we could become too defensive about our record. It also leaves us without a full response to the coalition government's policy of imposing an annual cap on non-EU migration. The argument against the cap should not be left to the business sector alone: the cap is a crude instrument, which owes more to rhetoric than to well-thought-out policy.

Taking such a negative view also concedes victory to those who adopt an anti-immigration approach. Too much acquiescence on this issue will lead us to ignore the facts. Research shows that low wages, unemployment and the lack of affordable housing should not be blamed on immigration. Too great a focus upon immigration alone has caused us to ignore some of the underlying causes of these challenges.

Opposition is a time to reflect and refine, but we should not combine this with retreat. We need to be clear about the facts, clear about our values, and clear about what they mean in practice.

This collection of essays aims to elicit the lessons of the Labour years but also, more importantly, to move us forward. The key is to set out what a progressive migration policy might look like in the future. How do we frame it, what values underpin it, and how do these translate into policy and procedure?

My own experience as a minister 10 years ago shows just how difficult this is. In fact, if anything, upon my appointment to the Home Office in 1999, I underestimated how fiercely

contested this area would prove to be. Despite the difficulties we then faced around the asylum system and the mess we had inherited, I harboured the ambition that we could articulate a positive narrative about our policy.

It seemed so clear to me. The right to claim protection from persecution is a fundamental human right enshrined in the tenets of all the world's major religions and reinforced by the Geneva Convention. The convention was born out of the horrific experiences of the Second World War and the need for international humanitarian action. But such was the scale of the inadequacies of the system that we inherited in 1997, and changing world circumstances, that we were never able to get beyond a debate over the functioning of the system.

In my first few weeks at the Home Office, I asked what our policy on immigration (as opposed to asylum) was – unsurprisingly, there was no definitive answer. There had been very little proper debate on immigration over the preceding 30 years. The assumption behind the Immigration Act 1971 was that so-called primary immigration “should be ended” and that migration was not a “political good”.

I have always believed the opposite. Britain has long been a country of migrants – just read Robert Winder's remarkable book, *Bloody Foreigners*, on the history of British immigration. Furthermore, having served as a minister at the Department of Trade & Industry and at the Treasury, I was convinced that, in an age of globalisation, legal migration was an economic as well as a social and cultural good. Furthermore, in a time when the EU was expanding and the old Soviet Bloc had collapsed, we needed to look afresh at our policies.

In September 2000, I gave a speech at an Institute for Public Policy Research event in which I aimed to change the nature of the debate and create a much more positive environment about immigration. I used the speech to outline the enormous contribution that migrants had made to the UK, to argue the case for managed migration, to talk about the notion of a points-based system, and to float the idea of citizenship ceremonies. Many of these ideas subsequently became translated into government policy. Citizenship ceremonies became a reality and, despite the cynicism of many, have become a great success, especially at the local level. The points-based system was introduced, and administration at the Home Office continued to improve.

And yet Labour still appeared to be losing the public battle on immigration. In part, this was due to a hostile media environment, which turned operational shortcomings into major scandals and portrayed a system that was permanently on the brink of collapse. Some in the left-wing press were not exempt either. They portrayed our policies as too tough and

came close to arguing the case for no border controls at all. The effect of this polarised debate was to cede the centre ground, thus allowing the argument to move to the right. We should have argued the case much more forcibly and placed it in a global context. The failure to do so left us vulnerable to the anti-migration message of our political opponents and groups such as MigrationWatch UK.

The reluctance to set out a progressive vision based upon a combination of human rights and social justice, together with accepting the need for secure borders and properly managing immigration, was a mistake.

Globalisation means that the movement of people will continue. The task for progressives is to work out how to manage it fairly and efficiently. After all, Britain's identity has in part been forged by the significant contribution of generations of migrants. That is truly an achievement to celebrate. There is nothing incompatible in being robust about the need to control borders and maintaining the belief that legal migration is essential and desirable.

Labour struggled to convince the public that it had a grip on the issue, and failed to articulate how managed migration could be a source of competitive advantage. The outline of a future progressive migration policy must be one that is positive about the benefits of legal immigration, emphasises the need to build social cohesion across the whole population and is fair, efficient and transparent. Getting this right should be the focus of policy in the next few years.

Barbara Roche was immigration minister from 1999 to 2001. The MP for Hornsey and Wood Green from 1992 to 2005, she also served as a minister in the Treasury, the Department of Trade & Industry (now the Department for Business, Innovation & Skills), the Cabinet Office and the Office of the Deputy Prime Minister.

Chapter 1

Immigration policy in the UK – challenges and priorities

Will Somerville, Senior Policy Analyst at the Migration Policy Institute
in Washington

Immigration policy in the UK – challenges and priorities

Immigration has transformed the UK more than virtually any other developed country over the last decade and a half. Like other consequences of globalisation, it has unsettled parts of the population while also unlocking longer-term cultural and economic dynamism.

The 2010 general election confirmed that immigration had become a highly salient political issue. The key determinant of the election result was the economy, but a sifting of the results shows immigration to have been a substantive issue that led some people to change their votes – particularly among traditionally Labour-voting working classes.¹ Vote-switchers were not necessarily the angriest; they were those who were concerned with immigration and felt that the government had poorly managed the issue.

Consequently, the Conservatives benefited from a clear pledge to get to grips with immigration levels through a cap to limit net immigration to the “tens of thousands”. Theresa May’s announcement on 23 November 2010 was a direct result of that pledge; among the policy measures she announced was the limiting of tier 1 of the points-based system to just 1,000 visas, for example.²

The political imperative outlined by the Conservative government – lower levels of immigration delivered by capping non-EU immigration – is popular and appears to be a straightforward backlash against the “irrational exuberance” of immigration levels since the turn of the century. However, there are some critical factors that must be considered as policy develops. Three of those factors are: immigration flows now and in the future; the integration trajectories of immigrants in the country; and – a factor linked to the first two – how immigration itself is changing in an increasingly mobile world.

Critical factors informing policy

Looking at the first of these three factors, immigration patterns have and will continue to be affected by the recent recession. Immigration is in part an economic phenomenon, but immigration flows are not neatly synchronised with the business cycle.³ Inflows to the UK have contracted as a result of the recession, and policy measures (such as the cap) will reduce gross immigration further.⁴ However, the key question is how far policy can manage

1 Ford, R and Somerville, W *Immigration and the 2010 Election* (Prospect/Institute of Public Policy Research, 2010)

2 The aim was to grant visas only to the very best. This has direct echoes of the early policy programmes such as the Innovator’s Scheme (introduced in 2000) and the Highly Skilled Migrant Programme (introduced in 2001).

3 For reasons why, see: Somerville, W and Sumption, M *Immigration in the United Kingdom: The Recession and Beyond* (Equality & Human Rights Commission, 2009)

4 The problem for the government in meeting its goals lies in a corresponding drop in emigration, which has led to an increase in net immigration since 2008.

pressure on flows, because the evidence points to continuing, high net immigration for a generation or more.

This may seem counterintuitive at a time of continuing economic fragility, yet several factors indicate that immigration flows will remain reasonably high, by which I mean at or above a gross annual inflow of 500,000 people.

What makes gross immigration likely to remain at half a million a year? Four factors in particular make it more likely than not:

1. *Skill shortages*

The UK still needs to fill jobs at both the low and high ends of the continuum and to continue to attract the most talented so that the economy retains international clout. The trend towards a service-based economy (with manufacturing contracting despite productivity gains) was actually accelerated by the recession.⁵

2. *Demographic pressures*

Immigration will not rejuvenate an ageing population, but more people of working age will mitigate the impacts of demographic change.

3. *Denser immigrant networks*

Immigration flows work in networks, with immigration begetting further immigration to some degree.

4. *An enlarged Europe*

The 103 million people who became part of the EU between 2004 and 2007 will have access to openings in the UK economy in the years to come (most will have access by May 2011 and all by January 2014) and are likely to make Europe's labour markets less "sticky".

The second critical factor for immigration policy is the integration trajectories of immigrants in the country. Much greater attention is likely to be paid in the future to how immigrants are faring economically and socially. Policy makers will be forced to think harder about immigration's effects on UK society, not least if immigration is perceived as a force that may fracture social harmony.

⁵ UK Commission for Employment & Skills *Skills for Jobs: Today and Tomorrow, The National Strategic Skills Audit for England, Volume 2: The Evidence Report* (2010), p15

Unemployment is higher among immigrants than among those born in the UK. In 2008, unemployment in the UK-born population was about 6%. However, it was 20% higher (about 7%) for immigrants, 40% higher for non-OECD immigrants, and almost 50% higher for non-OECD immigrants who had been in the country for five years or less.⁶ Such differences recede over time and levels vary among migrant groups, but the current downturn is likely to exacerbate differences – a worrying concern, given that immigrants may not be eligible for welfare⁷ and are more prone to exploitation.

Furthermore, a new generation of British children have parents of immigrant origin. In 2007, 28% of all children born in England and Wales had at least one foreign-born parent, a share that rises to 54% in London. Of all UK-born children with a foreign-born mother, about a quarter had a mother from India, Pakistan or Bangladesh, and just over a quarter had a mother from elsewhere in Europe.⁸

As a result, a substantial number of foreign-born and UK-born children now grow up in the UK with a first language other than English: at least one in 10 in secondary schools and one in eight in primary schools. English proficiency varies substantially by area, of course. In Tower Hamlets and Newham in London, over 70% of primary school pupils speak English as a second language, while other areas have rates of only 3% or 4%.⁹ This situation clearly presents challenges. However, the overall picture allows for more optimism than is often assumed, as the children of immigrants generally surpass their parents on the most commonly used socioeconomic indicators, and many outshine their indigenous peers.

The third critical factor for immigration policy is how immigration itself is changing in an increasingly mobile world. Because immigration tends to dominate the public's attention, policy makers may have missed the developing frame of reference, which is mobility rather than migration.

6 Somerville and Sumption (2009), *op cit*. See also: Papademetriou, DG, Sumption, M and Terrazas, A et al *Migration and Immigrants Two Years after the Financial Collapse: Where Do We Stand?* (BBC World Service/ Migration Policy Institute, 2010)

7 Immigrants come to the UK on a range of visas (work, study or family, for example), and different visas have different eligibility requirements for social welfare. Typically, most immigrants are ineligible for welfare benefits (unemployment and social benefits, housing, etc) for at least the first five years of residence but are eligible for free universal healthcare and primary and secondary education (ages five to 18).

8 Papademetriou, DG, Somerville, W and Sumption, M *Observations on the Social Mobility of Immigrants in the UK and the US* (Sutton Trust, 2009)

9 *Ibid*

The UK is one of a small number of countries that send significant numbers of people abroad as well as receiving them. As more British citizens emigrate,¹⁰ and immigrants to the UK stay for shorter periods, the migration experience will be characterised by increasingly complex and interdependent systems of movement. This has major implications for selection systems and for "models" of integration.

Challenges

If we accept that the critical factors above are an important part of policy making on immigration for the future, what then are the challenges facing alternative policy development?

The first challenge is for policy makers to address the public trust deficit. The core narrative of the Labour government (1997-2010, especially 2005 onwards) was the effective management of migration, largely focused on controlling flows and implementing strong border controls. However, this narrative did not result in support for immigration policies, because the public did not believe in the government's ability to achieve these goals.

This lack of faith may have several causes, among which are the disconnect between the government's message and perceived reality on the ground, media framing of government's role, prejudice toward immigrants, and statistical inaccuracies. It is patently clear that such low trust in the government's approach to immigration corrodes the ability to develop effective policies.

The second set of challenges can be loosely termed "integration challenges". They include the churn of people arriving and leaving a local area and the problems associated with delivering public services.

In more detail, churn hurts a community because new arrivals do not possess the skills or knowledge necessary to becoming part of society. This includes an ability to speak the language and an understanding of basic social norms. Local turnover and community change presents challenges for schools, hospitals and other public services, not unlike the effects that economic restructuring can have on communities. We may overstate the impacts of churn generally, but it is a reality in a number of (mostly) inner-city areas and is likely to increase over time. Economists tend to refer to such effects as "temporary adjustments", but on the ground, this adjustment can often mean two or three years of life-altering neighbourhood change.

¹⁰ The author calculates there are over 5 million children born to British citizens living abroad – an equivalent to the population of Scotland – and all with full entitlement to a British passport.

Churn issues are complicated by the UK's inflexible approach to funding public services. Local service deliverers, such as schools and hospitals, face significant obstacles in quickly adapting resources and services to new inflows of migrants. Furthermore, public anxieties are also partly built on the perception and reality of competition for scarce public resources. There is scant evidence that immigrants negatively affect native wages and employment levels or strain public resources, yet nearly half the general public believe that immigrants do both.¹¹

In many ways, the integration challenges sketched out above ask the age-old question of how we live together: how policy helps create harmonious relations in society – increasing our sense of belonging to place, people, society and laws – and admonishes and punishes discrimination. At a more concrete level, it means policy makers must consider how immigration affects race relations, community cohesion and integration agendas. Such challenges are at the heart of the future success of UK society.

The third challenge surrounds governance, particularly how to handle illegal immigration, which is at the heart of the public's perception that immigration is being managed "unfairly". There are a number of strategies to deal with illegal immigration¹² – including early interventions beyond the border, increasing border infrastructure, voluntary and forced return, legalisation, opening up legal channels, employer sanctions, labour market reforms, and creating a hostile environment – but they work better in concert with each another than independently. The public, which significantly overestimates the size of the illegally resident population, opposes legalisation and greater legal immigration, reducing the space for creative policy approaches.

New policy directions

To meet such challenges it is worth stating two principles that should inform better policy making on immigration. First, immigration policy should, wherever possible, avoid running counter to the market and to the motivations and aspirations of individual immigrants. Second, since every immigration system in the world blends several legal mandates – for example, refugees fleeing persecution, or workers selected to contribute to the economy – policy making needs to be sensitive to these different mandates and stakeholders.

11 See: German Marshall Fund "Transatlantic Trends: Immigrations" for 2008 and 2009 (<http://www.transatlantictrends.org/trends/>)

12 Papademetriou, DG and Somerville, W *Reducing Illegal Immigration* (Migration Policy Institute, forthcoming)

How then could UK policy makers respond differently than they have done? Examining the political and policy landscape, there appears to be room for all actors in the immigration debate (including both advocates and opponents of immigration) to agree on an agenda of improving public trust, immigrant integration and good governance.

In political terms, these three strands would be brought together in a single, overarching strategy underpinned by a core narrative. For the purposes of analytical rigour, it makes more sense to describe them discretely.

Public confidence and co-operation

Public confidence is crucial to the effective functioning of an immigration service, and political leaders should take greater responsibility for leading the debate. For instance, the more balanced and less heated debate in Scotland is partly due to political leaders taking a more positive approach.¹³ Inadequately articulated goals and the use of negative language over the past decade have often inflamed the debate rather than damping it down.

A broader public communications strategy would probably bring results. Canada, for example, expects its politicians to discuss immigration with voters. A new law may be unnecessary, but obligating local leaders to effectively prepare and develop their communities for new immigrants would be likely to reap results.

Policy makers also have a responsibility to present transparent strategies that withstand scrutiny. Obvious failings in this regard include the basis for all policy: empirical evidence. UK immigration statistics collected by the government have been rightly critiqued by many actors, from advocates and the media to the Conservative opposition, as misleading, inaccurate and inadequate to the task. Long overdue is an independent source of data that effectively communicates with the public and media and reveals the evidence base for policy in a transparent and comprehensible way.

Government engagement of immigrant communities themselves on core issues (such as migrant rights) and, more generally, an expansion of the currently embryonic migrant-advocacy sector in the UK, particularly through concerted non-governmental action, would also allow for more co-operation in the long term, which in turn would lead to better policy outcomes.

Investing in immigrant integration

Current integration efforts do not meet the needs of UK immigrant communities. During

13 Lewis, M *Warm Welcome? Understanding Public Attitudes to Asylum Seekers in Scotland* (Institute for Public Policy Research, 2006) (<http://www.ippr.org.uk/publicationsandreports/publication.asp?id=474>)

an economic downturn, investment in immigrant integration policies and programmes becomes more, not less, important. What does investment in immigrant integration mean in practice? Policies can be broadly grouped into those aimed at immigrants and those aimed more broadly at society.

In order of importance, the following three reforms would add the greatest value: making greater investments in English language training; focusing on moving immigrants into work; and building frameworks for recognising credentials or qualifications earned outside the country. This implies a number of policies, from how government can best use the scarce resources dedicated to language learning, to how public services can be personalised to better meet immigrant needs. It is also vital that the government understands integration to be a dynamic and long-term process and that policy be calibrated accordingly.

Policy makers should think beyond a set of government programmes aimed at immigrants, and to policy approaches that encompass everyone. After all, policy makers cannot ignore evidence indicating that some host communities do lose out from immigration, particularly those with low wages, low skills, and non-language-intensive jobs.¹⁴ A package of better regulation, active labour market policies, and government emphasis on volunteering and mentoring are possible policy options. This last could aim to bring together immigrants and host communities through initiatives such as TimeBank's Time Together, which connects members of the UK public to newly arrived refugees.

More specifically, a renewed examination of labour-market regulation of key sectors, supply chains and working practices would increase public trust and yield some tax revenues if employers with unauthorised workers were uncovered. Such regulation would also reduce exploitation by unscrupulous employers. These types of measures might be possible under existing law, and we can learn from recent experience.¹⁵ Similarly, active labour market policies would help educate and train workers who face competition from new migrants. This assistance may involve wage subsidies or specialised training, and should be part of the government's overall investments in skills and training. Employers, as noted above, may have an important role to play.

For such work to be effective in the long term, there must be a discussion on responsibilities and a devolution of power where necessary in order to meet these goals: actively welcoming

14 Somerville, W and Sumption, M *Immigration and the Labour Market: Theory, Evidence and Policy* (Equality & Human Rights Commission, 2009)

15 The mandate of the Gangmasters Licensing Authority – a government agency set up to protect workers from exploitation in the agriculture, horticulture, shellfish gathering, and food processing and packaging sectors – could be extended to other sectors of the economy, or powers that it uses could be brought to bear by other government actors.

foreigners; better measuring of belonging;¹⁶ and finding ways to overcome funding mechanisms that do not provide the flexibility to local services facing sudden increases in arrivals.

Good governance and legality

The UK immigration system has undergone major surgery in recent years, providing a new platform for reform. Across the different immigration mandates, clear levers exist to stabilise flows – from the points-based system for workers and students, to the new system for processing asylum applications.

New institutions offer similar opportunities. The Migration Advisory Committee (MAC), a group of economists who help the government determine “shortage” occupations, may increase public confidence in decisions about economic-migration criteria. The new UK Border Agency regulator could help change how the public (and non-governmental organisations) perceive operational matters. However, the greatest gains will come from improving how the immigration system works horizontally (across relevant departments) and vertically (at local, regional and European levels).

At the core of good governance lie independent and accountable institutions. The ability to strengthen the migration delivery structure will have positive consequences for public willingness to trust government action. Broader regulatory principles (such as transparency, accountability and targeted action) that underlie effective public-sector organisations apply (and should apply) just as much to immigration functions.

Two issues – expectations around the integration of legal immigrants, and the problems of illegally resident immigrants – present challenges for good governance. Good governance means immigrants in the country should enter legally and comply with the terms of their entry. However, recent discussions and current legislation around citizenship have focused on elongating the process and excluding some from a route to settlement.

Few would argue that citizenship should not be valued; indeed, valuing citizenship appears to be guiding the direction of policy. But making the barrier higher – or, in some cases, impossible – means that immigrants are less likely to naturalise, with negative consequences for integration. Instead, the frame of the debate could change if government expected all new immigrants, if they stay for the long term, to become UK citizens. This would be likely

¹⁶ The UK tends to measure “belonging” or “community cohesion” with a standard polling question, typically a variation of “Do you feel like community cohesion has improved in your neighborhood over the last 12 months?” The answers themselves are ambiguous as they do not probe why a respondent thinks community cohesion in an area is or is not improving. But above all, there is little nuance or contextual data that long-term ethnographic research would reveal.

to lead to a policy that starts from the assumption of encouraging naturalisation. Second, the question of illegality must also be addressed. The debate is fraught, but it is essential that reducing illegality, through all available means, be among the top priorities.

The importance of narrative

The size and the complexity of international migration comprise a huge political and policy challenge. How governments can smartly and efficiently manage the way migration will transform society is a pressing question for all developed countries. The policy options above offer some insights into the levers that could be pulled. However, a transformative policy will be effective only if it coalesces around clear goals and a clear narrative.

The 2010 election has given the UK's two major parties room to develop a more nuanced narrative. We are only at the start of a dialogue about what the content of that narrative might be, but such a conversation could start with a vision based on evidence and the likely migration trends of the future. There are likely to be several interlocking elements to such a narrative, and their sequencing will be critical. Thus, outlining the case for intervention in promoting a stable flow while acknowledging impacts – some benign, some not – is an important first step in making the case for reducing the number of people illegally in the country.

The narrative could focus on the UK's interest and what its role in the world might be. Elements could include:

- the premium on knowledge that requires the brightest talent for competitive economic advantage;
- the imperative to meet the needs of residents who do not have the requisite skills to enter and advance within the labour market; and
- the importance of strengthening communities, perhaps by making a clear statement – at every level of government – that foreigners are welcome and, if they stay, are expected to become British citizens.

Equally, a narrative might build on Britain's role in the world and her history: as a global economic hub and as a promoter of freedom. Fundamentally, for any narrative to be effective, it must be entrenched across Whitehall in a co-ordinated communication strategy.

The objectives of a smart immigration approach (and the policy tools necessary to achieve it) explored above are hardly the final word but the beginning of a discussion. Success

promises political and economic gains through migration's dynamism and potential for contributing to growth and prosperity. Failure risks social unrest and political instability. Migration, in all its forms, is set to be one of the defining challenges of the coming century.

Chapter 2

The principle of sanctuary

Dave Garratt, Chief Executive of Refugee Action

The principle of sanctuary

In a “things could change forever” political year, the matter of immigration was never going to sit quietly. Accusations that the main parties were shying away from the issue in the run-up to the election were forgotten in the storm that broke in Rochdale on 28 April, when Gordon Brown was caught on microphone referring to pensioner Gillian Duffy as a “bigoted woman”. Candidates from across parties and throughout the country breathed a sigh of relief that this difficult topic, the most talked-about issue on doorsteps after the economy and spending, would now be addressed by their party leaders.

When the party manifestos were published earlier that month, the difference in each party's approach to immigration could be clearly seen. The Liberal Democrat take on it, which saw immigration as part of the party's vision for communities, at least attempted to highlight the positive contribution migrants make to our society. It also contained a separate section detailing its asylum policy and advocating the removal of the system from the Home Office and into the hands of an independent agency.

However, the party manifestos of Labour and the Conservatives revealed the immigration issue lurking in the sections on crime and on the economy respectively. Neither saw any need to separate decisions being made on the merit of asylum claims from a government that is bound by public concern that immigration is too high. Both main parties' manifestos included a mention of sanctuary for “genuine refugees” but with little acknowledgement of the difficulties of determining such status inherent in the present system.

This is the type of thinking that fuels a misinformed media and encourages negative attitudes to those who seek sanctuary in the UK. As a charity that works for and with refugees and asylum seekers, we have watched from the sidelines as the discourse surrounding our clients has become locked into a downward spiral of negative media scrutiny and public demand for action. While trying to improve the day-to-day lives of our clients, many of whom live in poverty and great uncertainty, we have seen the faulty system haemorrhaging public confidence. We have now reached the point where one in four people think that asylum applications exceed 100,000 annually – the figure is in fact under a quarter of that. And while the UK hosts only around 3% of the world's refugees, on average British people think we host a quarter.

At its most extreme, this type of thinking has helped create a modern scapegoat out of asylum seekers, and even more so of the mythical figure of the “bogus” asylum seeker. This character, here illegally, apparently intends to live like a king on generous government handouts, while playing the public for fools. The fact that asylum seekers are legally in

the UK, surviving on next-to-nothing and experiencing a combative and often confusing asylum process, has been swept under the carpet. Yet for many people, understandably concerned about the economy and their own standards of living, this "bogus" asylum seeker has become the face of Britain's supposed soft touch.

Part of the problem is the way that asylum has become, for many, virtually indistinguishable from other forms of immigration. One in four people in the UK think that an asylum seeker is someone who has come here to work illegally. Few voices have been called on to enlighten the electorate to see that asylum seekers are generally not allowed to work, are not entitled to council housing and face huge restrictions in accessing the public services the rest of us take for granted. Instead, at the last election we saw BNP and UKIP candidates taking the opportunity to use the recession – and a plethora of deep-rooted social problems – as symptoms of an immigration system (in which they conflated asylum and economic migration) seen as spiralling out of control.

The reluctance to distinguish adequately between those arriving to seek safety from persecution and those arriving to work or study blurs the boundaries of an already heated discussion. The fact is that asylum is different. It has a clear ethical dimension, which has been forgotten along the way. By failing to present asylum as an entirely independent issue from other forms of immigration, our politicians have allowed the moral threads that bind the duty to provide refuge to unravel. The principle of sanctuary has been lost. Now, perhaps more than ever, that moral argument for why we should provide asylum needs championing.

When the UK signed the Refugee Convention almost 60 years ago, it agreed that everyone has the right to seek and enjoy asylum from persecution in other countries. Aside from our treatment of them being a measure of our compassion, refugees are of great benefit to us, being more likely than the resident population to be skilled and qualified. As the recent debates around the coalition government's immigration cap have highlighted, economic migrants too bring with them skills of great benefit to the rest of us. But there is no human right to immigration, so why has the government, aided and abetted by a hostile and sensationalist press, allowed two distinct groups of people to become viewed as one? At a time when asylum applications are at their lowest since the 1980s, the government now has the opportunity to make clear this important distinction and to encourage understanding of the reasons why asylum seekers leave their countries.

At Refugee Action, we are able to do a small amount of outreach work across England, in schools and at festivals and public events. Our experience is that, once the media rhetoric and political wrangling are stripped away, the British people are still more than willing to

abide by the principle of sanctuary for those fleeing their countries in fear of their lives. When the truth is told about people who claim asylum in the UK, our country is not the scared, insular nation the far right would have us believe. It is instead a confident, fair-minded society with a long tradition of providing refuge to those in need of protection. In fact, fewer countries have a prouder history of doing so than the UK. The Huguenots of the 16th century, the victims of the Terror of 1790s France, the Jews fleeing the Nazis in the 1930s, those of Asian origin fleeing Idi Amin's Uganda in 1972, the Vietnamese boat people in 1975, the Bosnians fleeing ethnic cleansing of the 1990s, the Iraqis and Afghans of today; all have sought, and been granted, asylum by the British people.

For the vulnerable people we work with, for Refugee Action and for organisations like ours, 2011 will pose new challenges. As cuts to public spending really start to hit us hard, the 60th anniversary of the United Nations Refugee Convention next year is well timed to remind us of the importance of the work we do. Continuing to deliver the best services we can, in the face of massive budget cuts and swathes of redundancies, will be our objective and that of other refugee organisations. Some of those may not survive, and UK asylum seekers have already suffered the loss of Refugee & Migrant Justice in the summer of 2010. Without adequate funding, the voluntary sector cannot hope to play its part in delivering the "big society" vision, despite having the expertise and experience to do so.

The immigration debate will continue, and with the immigration cap now set, the Home Office plans to cast its gaze towards the asylum system in the coming year. There are without doubt significant improvements to be made. The provision of just one location in the UK where "in-country" asylum claims can be made is not only exhausting and expensive for new arrivals; it is nonsensical and costly for the Borders Agency and should be another focus for change. And the asylum support system, which expects asylum seekers to live on about £35 a week and those who have been refused asylum often to live on nothing, could be delivered much more cheaply by local jobcentres alongside mainstream benefits such as jobseekers' allowance. There are many, many alterations that could be made to the system which would cut costs but also improve the lives of some of the most vulnerable members of our society.

Fundamentally, though, any asylum system is about protection – whether it is granted and what happens if it is refused. Far too many initial asylum refusals are wrong and are overturned later on down the line. Any evolution of our asylum system must concentrate on getting asylum decisions right the first time, reducing the number of costly appeals and permitting those in need of protection to be sure of their safety more quickly and so support themselves and contribute to the UK economy.

Even more important are the cases where asylum is wrongly refused and yet, for a variety of systemic, bureaucratic and resource-based reasons, people are not able to take up their right to appeal, either to the appropriate tribunal or the courts. It is often said that if the refugee sector wants the asylum system improved, and if we expect the public to support the UK's tradition of protection for those in need, it is imperative we simultaneously recognise that the UK has a right to remove those who do not have that need for protection. In theory this is all well and good; in practice it is often impossible to engage in the issue of return when the system currently makes too many wrong decisions and refuses asylum to those who really do deserve it. Clearly, the refugee sector must continue to address the issue of return, not least in order to ensure that those who do have a right to protection are properly respected and supported. However, in doing so we must extract the maximum gains from policy makers over protection determination. Our narrative should be: get protection determination right and we will support your right to remove; get it wrong and we simply cannot.

We must also understand that the clients we work with have a right to choose to return to their countries voluntarily should they wish, regardless of whether they have a protection need and regardless of how fair or unfair we perceive their situation to be. It is our job to provide all the information and advice that we can, but we must know that ultimately we cannot make decisions on behalf of our clients. Respect for our clients is everything, and that includes respecting the right to make their own choices alongside their right to claim asylum in the first instance.

There is no question that immigration is a complex issue. There is no question that asylum is a complex issue. However, our message to today's policy makers is simple: There is a difference. Asylum is all about sanctuary. Get the process of determining sanctuary right and you will have a system that is both just and cheaper. You will also have a system that will connect with the British people – who, if given the chance, really do understand the notion of sanctuary. However you decide to take forward the immigration debate – and we hope you do so rationally and without fear – please remember that asylum policy is not of the same mould. It has a moral foundation and a history which, if you are brave enough to understand and broadcast it, will connect with rather than alienate the British people.

Chapter 3

Why migrants' rights should be integral to a new immigration policy agenda

Ruth Grove-White, Policy Officer for the Migrants' Rights Network

Why migrants' rights should be integral to a new immigration policy agenda

Over the course of the past 10 years, immigration policy has been subject to rapid changes as successive ministers have attempted to effectively manage immigration to the UK. Political strategy has increasingly favoured pitting migrant interests against those of the British public, presenting the "benefits of immigration" as a zero-sum game within which the UK's interests can best be secured by increasing the costs for migrants coming here, and making it harder for them to come. As a result, the scope for the rights and interests of migrants to be built into immigration policy has been steadily eroded, while public mistrust of the government has grown with regard to this issue.

A new approach is needed if we are to develop a sustainable system that inspires trust and generates positive outcomes for the wide range of people affected by immigration to the UK. This will need to be framed in terms of a long-term, evidence-based policy approach that openly acknowledges the role of immigration within the UK economy and society.

This must be accompanied by a measured narrative that acknowledges and accommodates the diverse interests involved. In order to succeed in attracting and retaining the migrants that the UK will continue to need, and to support the integration of diverse communities in the long term, a new policy agenda will need to have at its heart a clear regard for the rights and concerns of migrants themselves.

Managing migration, minimising rights: the new Labour approach

New Labour's electoral defeat on 5 May 2010 has been frequently linked to the widespread loss of public faith in its immigration management. Post-election analysis has focused on different dimensions of Labour's record on immigration, with senior ministers quick to point to the high levels of immigration that followed the 2004 EU expansion as a moment of historic error for the party.¹ Other perspectives have pointed to the leadership's reluctance to take a strong line on the intersection between immigration, race and cultural diversity,² to the party's lack of understanding about the way that local effects of migration were

1 See: Ed Balls "We Were Wrong to Allow So Many Eastern Europeans into Britain" on Guardian Comment is Free (June 2010) (<http://www.guardian.co.uk/commentisfree/2010/jun/06/ed-balls-europe-immigration-labour>)

2 See: Owen, E "Reactive, Defensive and Weak" in *Immigration Under Labour* (Institute for Public Policy Research, November 2010)

felt and addressed,³ and to Labour's inability to be upfront about the cosmopolitan benefits of immigration for the UK.⁴

But if Labour lacked a coherent approach to addressing the in-country impacts of immigration, it was certainly not short on reforms to the immigration system itself. By the time the party's period of office came to an end, it had undertaken major reforms affecting routes for entry into and stay in the UK.

On-going reforms primarily focused on non-EU migration to the UK, under the umbrella of the 2005 managed migration strategy. Measures including a new points-based system, expansion of foreign student intake, and introduction of an independent Migration Advisory Committee aimed to "make migration work for Britain". The asylum system was revamped in order to get a grip on the 500,000-odd outstanding "legacy" cases and increase the speed and efficiency of application processing.

Although Labour's reforms did improve the rationality, and to some extent the efficiency, of the tangled systems previously in place, the overriding goal of the managed migration programme was to maximise the benefits for the UK – and in particular the national economy – from immigration.

The system aimed to select only those migrants viewed as most productive, by introducing higher costs and hurdles for those coming to work and stay in the UK. The selective nature of the points-based system introduced higher insecurity for economic migrants and students from outside the EU seeking to come here, with a rack of regularly shifting application requirements.

The government's uncompromising application of these new rules resulted in victorious court challenges by migrants, successfully arguing that changes to the immigration rules were being unlawfully applied.⁵ Many migrants seeking protection in the UK also experienced increased difficulties, compounded by the government's overt aim to reduce numbers of asylum seekers, and the increasingly limited access to legal aid support in order to challenge erroneous first-instance decisions on asylum applications.

3 See: Denham, J "Fairness, Entitlement and Common Obligation" in *Immigration Under Labour* (Institute for Public Policy Research, November 2010)

4 See: Flynn, D "Where Was the New Radical Cosmopolitanism?" in *Immigration Under Labour* (Institute for Public Policy Research, November 2010)

5 See the cases of *R (HSMF Forum Ltd) v SSHD* [2008] EWHC 664 (Admin); *RHSMP Forum, R (BAPIO Action Ltd) v SSHD* [2008] UKHL 27, *SSHD v Pankina et ors* [2010] ECWA Civ 719; and *R (English UK) v SSHD* [2010] EWHC 1726

Labour accompanied these over-arching reforms with a strong message about the need to act tough on immigration. A set of new and increasingly uncompromising penalties were introduced for non-EU migrants, particularly aimed at those described as "bringing harm" to the UK. Enforcement measures against irregular migrants included re-entry bans, expansion of the UK's detention estate (including continued detention of children) and employer sanctions for irregular working. The human costs for migrants of these measures have been widely reported by NGOs and academics, pointing to increasing risk of exploitation among migrants at the bottom end of the labour market, rising rates of destitution among migrants, and loss of life within immigration detention and during removal from the UK.⁶

Major challenges around immigration management, however, emerged at the local level, where the limitations of "tough talk" on immigration became apparent. During Labour's time in government, many areas with little previous history of immigration became the destination for new arrivals, particularly from central and eastern Europe, bringing unanticipated pressures.

Heightened by the recession, an increasingly negative picture of immigration was painted by the media, which pitted migrants and Brits (particularly the white working class) against each other in competition for jobs, housing and public services. Rather than addressing the wider causes of social and economic deprivation in some areas or the factors affecting the dependency of some employers on migrant labour, instead political strategy (most famously Brown's call for "British jobs for British workers") seemed to lend weight to fears that migrants posed a threat to local people.

This approach was also reflected in government policies aimed at addressing the local impacts of immigration, which designed "solutions" to local issues in terms of increasing the costs and hurdles to migrants coming here. The 2008 Migration Impacts Fund, for example, was introduced in order to alleviate some of the local issues relating to EU migration. This was funded by increases to non-EU migrant visa costs, with the message that migrants were "being made to pay extra" towards public services.

The proposed "path to citizenship" for non-EU migrants was presented in 2008 as a key strategy for addressing concerns about integration of migrants into local communities (many of which had been affected by EU migration inflows). Had earned citizenship entered into force, it would have required migrants to undertake a series of increased costs and

⁶ See, for example: Birnberg Peirce Et Partners, *Medical Justice and the National Coalition of Anti-Deportation Campaigns Outsourcing Abuse* (2008); Lewis, H *Destitution in Leeds* (Joseph Rowntree Charitable Trust, 2008); Migrants' Rights Network *Papers Please* (2008)

hurdles to reach citizenship. Such an approach was unlikely to have developed common ground between migrants and local communities.

Overall, Labour's approach, which placed migrants at the sharp end of policy development, seemed to do little to meet growing concerns about the real experiences associated with migration. Local research indicates that many migrant communities felt the government policy response was disproportionate and unfairly punitive towards them.⁷ Worse still for the government, polling indicates that the government was hitting the wrong buttons on immigration as far as the general public was concerned. In March 2010, 67% of the general public polled agreed that Labour's immigration management was "bad for Britain".

The coalition government: what scope for migrants' rights?

Since May 2010, the debate over immigration has continued to play a central role in continuing political reforms, with the lines drawn even more sharply than under the previous government. The Conservative manifesto pledge and the subsequent coalition government's agreed aim is to "reduce immigration to the levels of the 1990s – the tens as opposed to hundreds of thousands". This aim can be expected to underpin much of the government's policy agenda on immigration – with the exclusion of the coalition's pledge to reduce the detention of children in the UK, which remains under development.

A series of announcements on policy and practice since May indicate that the government's intention is to move quickly towards a reduction in immigration to the UK, generating significant concerns about the potential impact of this on migrants. The recently announced cap on economic immigration has been met by widespread concern from significant "sending countries" for workers coming to the UK, such as India. Restrictions on students and family reunification in the UK, now planned for 2011, are likely to give rise to further substantial concerns about the impact on people coming here. The new English-language threshold will require those coming to the UK in order to join a spouse or civil partner to pass an English language test. The legality of this last measure has yet to be established and is likely to be challenged in the courts.

Although immigration minister Damien Green has announced that new Labour's unpopular "earned citizenship" policy has been jettisoned, we know that substantial changes to settlement policy will be made in its place. In particular, it seems these changes will affect those migrants wishing to "switch" immigration status from temporary routes to those leading to settlement in the UK, in order to break what the government refers to as "the

7 See: Migrant & Refugee Communities Forum *Should Citizenship be Earned through Compulsory Volunteering? Migrant and Refugee Voices on Active Citizenship* (July 2010)

automatic link between temporary migration and settlement". This will significantly affect the capacity of migrants to progress through the UK with flexibility, and has the potential to be detrimental to the attractiveness of the UK as a destination for migrants.

Overall, the strategy and accompanying rhetoric taken by the coalition government does not significantly deviate from the direction of travel set by Labour.

What it does do is to leave little space for the contribution made by most migrants to the UK economy, public services and society to be read into political debate, or for diverse concerns to be met around the experience of migration for those coming to the UK. By seeking to reduce immigration, rather than to address the diverse experiences associated with it, policy makers may find it difficult to move beyond the pitfalls experienced by the previous government.

Moving forward

As we move into the next stage of immigration management, there is an opportunity to think through the components of an alternative policy agenda, and to consider some lessons from Labour's time in government. Labour's reluctance to read a more cosmopolitan concern for migrants' rights into the debate left the UK with a system that was overly geared towards control and enforcement, and a debate which is highly polarised between the interests of Britons and those of migrants themselves. Continuation of this strategy is unlikely to bring more than short-term gains at best, in terms of public confidence. It can, however, be relied upon to erode the confidence of migrants themselves in the capacity of the UK to both treat them fairly and offer the opportunities to meet their interests in coming here.

This policy direction is likely to have negative impacts within the UK at both local and national levels. Rather than the overtly negative picture painted by some sectors of the media, research indicates that many local communities have been relatively accommodating towards new arrivals. Tensions related to diversity are often highly dependent on local circumstances, such as the availability of employment and social support.⁸ I would add that closing down the options open to migrants in the UK is increasingly likely to generate resentment and frustration among newer arrivals, potentially damaging local relations. As such, national policy makers would do well to take a more nuanced approach to addressing immigration, with the aim of building solidarity rather than competition between diverse communities wherever possible.

⁸ See: Hickman, M, Crowley, H and Mai, N *Immigration and Social Cohesion in the UK: The Rhythms and Realities of Everyday Life* (London Metropolitan University, 2008)

Contrary to dominant political messages, the national interest may also not be best served by policies that seek to lock down the options open to migrants in coming to the UK. In order to meet the UK's needs in the global economy, it is likely that the UK will continue to need migrant labour and capital into the future. Research consistently reminds us that the UK will not necessarily remain a popular destination for migrants in decades to come. This will have profound social and economic consequences. Increasing the restrictions on entry and settlement here are likely to reduce the UK's attractiveness for people seeking more than just an opportunity to benefit the national economy.⁹ To this end, considering the validity of migrants' interests will be critical if the UK is both to remain an attractive destination and to genuinely accommodate the diverse interests associated with immigration.

There is a great deal of political trepidation about being seen to diverge from an approach aimed at controlling immigration flows and enforcing increasingly strict rules targeting migrants. But ultimately I would urge that reading migrants' rights into the debate will not be the hallmark of a weak policy approach, but of a strong one.

⁹ See, for example: Shaheen, F, Neitzert, E, and Mitchell, S *Why the Cap Won't Fit: Global Migration Realities 2010-2050* (New Economics Foundation, November 2010)

Chapter 4

Immigration – getting it right

Kamaljeet Jandu, National Equality Officer at the GMB

Immigration – getting it right

It was like a production line. The queue of cars stretched for at least 100 metres, everyone waiting for their vehicles to be reborn clean and shiny. For the immigrant workers in the human car wash in London, there was little time for rest and relaxation. One would aim the hosepipe, two finish off and then others vacuum the interior. And yet for this hard manual labour, the rewards were paltry for the Polish, Lithuanian and Slovak workers: just £4 an hour, well below the national legal minimum wage.

But this case of exploitation is not the exception. The GMB union has discovered many.

There have been unofficial disputes at major engineering construction projects across the UK, for which more often than not the underlying reason was the undercutting of UK labour rates by foreign contractors, through underpaying and exploiting migrant workers. At one construction site in Nottingham, for instance, it was discovered that the subcontractor had underpaid foreign workers for a significant period.

GMB has warned employers that these practices have been happening because employment laws remain weak, and has lobbied government on numerous occasions. But what really angered many trade unionists was the ill-advised comment made by former prime minister Gordon Brown at the TUC Congress in 2008, that “British jobs [were] for British workers”. With delegates it went down like a lead balloon, the inference being that the phrase was meant for white people. It seemed to be moving Labour into a place where many trade unionists found themselves very uncomfortable. What he should have emphasised was the need for employment protection for all workers. Sustaining good employment conditions and wages for all is the way to address this issue – not dividing workers into “us” and “them”.

The 1996 European Posting of Workers Directive, which was adopted in the UK, was supposed to allow better mobility of workers across Europe. The aim of the legislation was twofold: to protect the rights of people sent abroad to work in another EU member state, and equally to ensure that domestic workers and contractors in the host country were not put at a disadvantage by unregulated wage rates and conditions. Although the intentions of the law were positive, in the end GMB believes it was not strong enough to stop companies circumventing the provisions.

GMB believes that the legislation was further weakened through damaging and wrong-headed judgments handed down by the European Court of Justice over the

past four years. Now some foreign companies consider they are required to observe only the minimum standards of worker protection, and that collective industrial action to secure improved rights is a restriction of freedom. These decisions are causing intolerable uncertainty regarding the scope of trade unions to protect basic rights in the UK and across Europe, and GMB has campaigned and lobbied to get changes made.

GMB wants a level playing field of job opportunities, with a fair and transparent recruitment process and equal treatment in pay and conditions. That way skilled workers in Britain have the same chance of getting a job as have posted migrant workers. The terms and conditions of collective agreements must be fully respected and not undermined by exploiting vulnerable posted workers and undercutting labour standards either in Britain or elsewhere in Europe. GMB also believes that there is an urgent need for legal reforms to ensure that the law is both fit for purpose and rigorously enforced. To this end, we have actively recruited, organised and developed migrant workers to become active in the work of the union.

The European Commission is now planning to bring forward some measures on posting of workers early in 2011, although it remains unclear whether these will solve the problems highlighted above. GMB continues to work with EU trade union colleagues to ensure positive progress is made on this crucial issue. That is something else we should all recognise when it comes to the debate over immigration: that organisation and solutions at an EU level are required.

However, these very practical issues are rarely central to the national debate over immigration. In this changing and shrinking world, immigration continues to be one of the top issues on the political agenda.

After the initial surge of immigrants from new EU countries, the number of people entering the country began to fall when the recession reduced the UK's attractiveness to economic migrants. Now research shows that migration has become more stable. Around 200,000 people come to Britain for a better life each year. The coalition government wants to reduce the figure, but many remain sceptical that a real reduction can ever be achieved. But the influx of migrants has seen a growth in xenophobic attitudes towards people coming into the UK to find work, particularly from eastern Europe. In areas of Britain with higher rates of unemployment there has been growing resentment.

At the Labour Party conference last year I told delegates that there was a real need, almost a desperate need, to develop a new narrative and a new approach to immigration,

and that GMB was ready to engage in the development of a progressive policy on immigration.

We are, after all, a nation of immigrants. Just in the last century, we have experienced migration from Europe and the rest of the world. That immigration has helped make us the country we are today: for instance, Jewish people founded many of our historic retail and banking institutions, Irish people were to a large extent responsible for building our great railways and canals, while people from the Commonwealth play a big role in staffing our hospitals and transport systems. In London, 23% of doctors and nearly half of all nurses working in the health service were born outside the UK.

But what worries GMB members is the resurgence of extreme right-wing forces, particularly the BNP. In Barking and Dagenham, which has a large ethnic-minority population, the party managed to get 12 councillors elected in 2006, as well as its first member in the London Assembly. For the first time there was a real possibility that BNP leader Nick Griffin might gain a parliamentary seat in the 2010 general election. The party in the end received a setback last May, but we must not be complacent and we should be concerned that they got as far as they did.

Why did this happen? I believe that they tapped into the alienation of white working-class people in the area, who blamed immigrants for the shortage of housing, school places, and jobs.

This view was supported by a report from the Institute for Public Policy Research last year, in which it was suggested that alienation rather than immigration was the real problem: the inability of people living in diverse areas to overcome social challenges such as isolation and low skills. The research, which covered 150 local authority areas, warned that these problems were the main drivers for BNP support, and the study contradicted the argument that immigration is to blame for pushing voters into the arms of the far right.

GMB is trying to set the record straight by promoting a series of myth-busting facts, first published by the Migration Parliamentary Group.

- *On schools:* Extra investment in migrant education can raise the quality of education, and contribute to the maintenance of some local village schools.
- *On housing:* Immigrants tend to demand less housing on average than UK-born persons, and the majority of recent immigrants live in the private rented sector.

- *On health:* Public services are dependent on the skills of many people overseas. It has been estimated that one in every 10 of all first-time registrations of nurses in the UK are from abroad, with the main contributors being the Philippines, South Africa and India.
- *On employment:* Migrant groups make a positive economic contribution.

But there are also other strange stories about immigrants that seem to encourage festering resentment. However ridiculous they may sound, they never seem to disappear. Just some of the crazier stories that have made it into the national press, as well as being passed by word of mouth in many communities across the country, are that the eastern European arrivals have eaten all our swans, shipped all our £50 notes back to their home countries, and even that they are responsible for filling up our churches so that traditional churchgoers can no longer attend. Slightly more menacingly, immigrants are also blamed for rising crime and an increase in car crashes.

We now live in a global economy, with much freer movement of people and labour than previously, and this is unlikely to change. Businesses in Britain close factories here, replacing them with plants in eastern Europe or the Far East to take advantage of lower wage rates; the Americans buy up British institutions, and UK firms do the same overseas. The world is getting smaller, it is easier to travel, and borders are coming down.

It is hardly surprising that people want to come to Britain; we are no longer the isolated island that we were in the 19th century. Instead of fighting change, we should acknowledge our history and the role of immigrants in revitalising and reinvigorating Britain. I remember having a dispute once with a man over car parking. He looked at me and said, "Why don't you go back to where you came from?" I did not have the heart to tell him: I may be brown, but I come from Coventry. We are a nation of immigrants.

Chapter 5

What next for Labour and immigration?

Nick Johnson, Research Fellow at the Smith Institute and Principal Associate at the Institute of Community Cohesion

What next for Labour and immigration?

"We got it wrong on immigration" has become one of the standard refrains of Labour's leadership election. On that, the majority of candidates seem to be agreed. What is less clear is what they think getting it right would have looked like or might look like in the future.

In looking at that challenge of identifying a progressive immigration policy in the years to come, we face daunting public opinion figures showing us that people's concerns about immigration come second only to those on the economy. Only a third think that immigration is good for the economy: despite overwhelming evidence to the contrary, two-thirds were dissatisfied with Labour's handling of immigration, and clear majorities in every age and social-class demographic say there are too many immigrants in Britain.

Therefore, on the level of public opinion – a perspective so dear to new Labour's heart – we can say with certainty that the previous government did get it wrong. Despite almost constant talk of clampdowns and restrictions, people lost confidence in the system. And that mattered in electoral as well as social terms. Among those C1 and C2 voters who deserted Labour, immigration was undoubtedly an issue, although perhaps not in the traditional way that many have assumed since the election.

This was not the triumph of prejudice. It was the triumph of fear and insecurity. By looking at the other issues that motivated these groups – concern about crime and antisocial behaviour, a sense of lacking respect and of not belonging to their community – we can develop a better understanding of why immigration caused concern and how we might respond to it.

The BNP may have exploited this concern and put a racist face on it, but, by and large, this popular concern was not motivated by racial hatred or prejudice. It was not even necessarily driven by local experience of immigration. Indeed, the percentage of those who say that immigration is a concern in their local area is about a third of those who say it is a problem nationally. If we see immigration through the prism of race, we play into the hands of the far right and we also cannot solve the issue of public concern.

Concerns about immigration are rooted in people's insecurity – magnified by economic uncertainty and fear of public spending cuts – and a reduction in community. Immigration becomes the scapegoat for a variety of other issues, ranging from population mobility, through poor work-life balance, to graffiti in the neighbourhood.

Therefore talk of border controls and ever-more restrictive policies does not meet the needs of those who are concerned. We need to rebuild the social fabric of our communities – investing in the infrastructure that supports people in getting to know one another and having high social capital in their neighbourhoods.

In many traditional communities, a loss of identity has accompanied profound socioeconomic changes. Worklessness and the loss of stable jobs have damaged social structures and brought a decline in traditional institutions such as trade unions and social clubs. In some places, these issues do become racialised as competition for resources or perceptions of bad service are exploited by extremists and “the other” is blamed. Labour did begin to address this, and the Connecting Communities programme launched by John Denham last year was a major change in policy. However, it was too little, too late. And now it has been scrapped by the new administration.

We need to bury the myth of myth-busting. No amount of facts during the past decade has turned around public opinion on immigration. We can talk all we like about the numbers in real terms and the economic benefits but it does not get through. There is no marketplace of ideas operating here. If people are presented with facts that do not match deeply held beliefs and fears, they will simply not believe them, particularly if those facts are being offered by a distrusted politician.

One thing I do think the left has got wrong is that it has automatically equated liberal immigration policies with progressive policy. Is this really the case? When it comes to accepting refugees and asylum seekers it is certainly the case, and it is perhaps unfortunate that the first assault on immigration under Labour was concentrated on reducing the number of asylum seekers. But are open borders necessarily progressive? Support for minority communities and inclusive integration policies are not the same thing as allowing anyone into the country.

Last month, the Office for National Statistics showed that the great wave of EU immigration has come to an end. This might be a blip but, for our purposes, let us assume it is correct and use the opportunity to take stock. In just over five years, over a million eastern Europeans entered Britain. At the height of this trend in 2007, an additional 200 people arrived every day. Since 1997, inward migration increased threefold. Not only was this increase grossly and negligently underestimated by the government in its predictions, it has also had a profound effect on our communities. I think we need to say that we got this wrong. We should have had transitional controls on the A8 countries. We should have been better prepared, and we should

have supported front-line service providers to deal with the influx of people registering for schools and GPs. The failure to do these things allowed others to fuel public hostility. It is all very well to castigate the *Daily Mail*, but we have given it the ammunition.

And our responses, while not altogether wrong, seem to miss the point. The introduction of the points-based system may well prove to be the right thing in the long term, but the idea of "probationary citizenship" is clearly unfair. We are expecting immigrants who want to settle here to be better citizens than the rest of us.

But these measures also fail to address the issue. None of the measures introduced have any effect on those million-plus eastern Europeans who have arrived, or on those who continue to arrive. The EU's free movement of people means that eastern Europeans can come and go as they please, no matter what other border controls we have; they do not need to worry about learning the language or earning their citizenship. Instead, we have simply made it harder for non-EU immigrants to come here and settle. There is a danger that we are in effect saying that it is only black and brown immigration we are concerned about.

If we are serious about addressing immigration, then, as Ed Balls recently said in *The Observer*, it is at the EU level that something needs to be done. And here are three things that might help. Firstly, we need to work with other governments to develop a better system of tracking who is living where. This is not just a UK problem, and even aside from the question of restrictions, we need to know who is where so we can provide services for them. Secondly, the EU should bolster its funding support for migrant integration, providing funds for language classes, and encouraging bi- or even tri-lingualism across Europe.

Lastly, we need to be able to reflect the real cost of immigration in our tax system. I am not convinced that immigration has had such a deflationary impact on wages as Ed Balls believes, but what if we put an extra penny on employers' NI contributions for every non-British worker they employed? This would not necessarily deter them, but it might allow for extra funding to be channelled back to service providers to allow them to employ the extra teachers, GPs or police that areas with growing populations need.

Business and the economy have undoubtedly been boosted by recent immigration, but the benefits have been realised at a national or corporate level while the costs

are being borne at the local level. Even if the overall balance sheet is positive, that has not been the case locally. This has been exacerbated by the new arrivals' disproportionate distribution across the country. Over a third have come to London, and a fifth to Yorkshire & Humber, with another significant share to the Eastern region. A national economic boost does not reflect these local pinch points.

For too long our financial approach to immigration has been regressive, with employers and business reaping the benefits while many vulnerable communities have suffered in terms of increased competition for resources. It is time to change that.

We also need to get better at integration. I do not subscribe to the David Goodhart thesis that diversity is incompatible with a strong welfare state, but where he has a point is that we do need to generate solidarity to support a strong state. It is a similar argument to the one made by the Fabians in their report on the need for universalism in the benefit system to maintain popular support. We need to feel that we are all in this together. And how we do that in a world that is more mobile and diverse needs to be different. It does also require the state to facilitate this.

One of the primary challenges posed to cohesion from migration is the inequality and high levels of social exclusion faced by many refugee and new migrant communities – we need to ensure that they receive better health, education and housing services. Leaving vulnerable people behind simply because they have not paid into the welfare system is not only morally wrong but also self-defeating in the long term. However, it is easier to look after people if we have some control over how many people there are.

We need to promote citizenship and a sense of civic duty for all people – not just new arrivals. We need to provide better and cheaper language services in return for requiring people to learn English. We should investigate the establishment of a mobility fund, which would enable areas experiencing short-term changes to bid for one-off payments. All of this requires the state – and resources, which could at least partially be paid for by the suggested surcharge on employers' national insurance. It also shows just why leaving integration to the "big society" is a recipe for disaster.

We also need to get real about irregular migrants. It was embarrassing during the prime ministerial debates to watch Gordon Brown attack Nick Clegg over the Liberal Democrats' plans for amnesty. It may be unpopular, but we need to spell out the fact that deportation is simply a non-starter. Even if we can find people, the costs of

apprehension, detention and transport overseas are prohibitive. Recent costs for the enforced removal of a single failed asylum seeker were given as £11,000; even on a conservative estimate of the number of irregular migrants in the country, this would add up to more than £5 billion overall. Far better to have a path to citizenship and not only start receiving the tax revenues from these people but also take them out of criminal activity and help them integrate into society.

So let's be positive and confident about immigration. Let's call out racism and prejudice when we see it and trumpet the contributions that immigrants have made and will continue to make to our country. But let's also make sure that immigration works for everyone – migrants and host communities alike. Let's put in place the support as well as the obligations to encourage and support new arrivals to become equal and active members of our society. Let's not get ever more draconian with third-country migration while not acknowledging that the concerns of recent years have been driven by the EU.

Let's do integration properly, but recognise that some of the economic benefits of migration need to be passed back to the communities dealing with change and paid for by those benefitting. In recognising the real issues faced by some communities, we can respond to them and thus remove grievances that others can exploit. Then we can be positive about immigration and tell the story of just how good it has been for this country.

The Smith Institute

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