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"Building a Safe, Just and Tolerant Society": British Attitudes towards Asylum and Migration

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## EUROPEAN UNIVERSITY INSTITUTE, FLORENCE ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES

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#### **Abstract**

Until the end of empire, Britain did not have a well-developed policy towards nationality and inward population movement, whether as migration or for purposes of asylum. Yet, in the wake of the Second World War, significant and consistent inward flows developed. This development forced the evolution of specific policies to deal with the domestic consequences which have produced significant contradictions between popular attitudes and national interests. The issue has been compounded by the implications of Britain's membership of the European Union and the growth of securitisation policies in the face of trans-national terrorism.

#### **Keywords**

Migration, asylum, xenophobia, multiculturalism, Britain

#### "Building a Safe, Just and Tolerant Society": 1 British Attitudes towards Asylum And Migration

As a former imperial power, Britain originally made little distinction between citizen and subject or between resident and migrant. It was only with the growth of inward labour migration in the 1950s, after the Second World War, that the issue of migration became a matter of concern, as social tensions rose. These resulted, first, in the race riots of 1958 and then the first laws restricting immigration and altering citizenship ten years later. Since then there have been a whole series of measures that have been put in place to restrict immigration and, since the 1990s, asylum-seekers too. Britain has also subscribed to European policies of zero net immigration and, latterly, to managed immigration instead. This has led to complex patterns of citizenship which do not necessarily carry rights of automatic residence. There have also been proposals, linked to concerns about criminal and political violence arising from certain aspects of migration, to alter British adherence to the European Charter of Human Rights so as to facilitate the process of denial of asylum, *refoulement* and deportation.

#### **Questions of Self and Other**

However, all these restrictive processes run counter to certain underlying social and political realities. Britain, for instance, apart from the population bulge just after the Second World War, has been a country with a static demography until very recently and thus faced the problem of a declining productive base supporting ever-larger numbers of pensioners. There has also been a growing disinclination for the indigenous workforce to undertake unskilled work and there have been clear deficiencies in the provision of skilled and professional labour because of the structure of the educational system

Britain, in short, has come to depend on immigration to overcome these deficiencies but has not yet been able to adapt to the social consequences of large-scale inward migration, particularly if it involves ethnic as well as linguistic and cultural difference, despite its admired policies of multiculturalism. The old adages of the abusive use of public and social services – despite the statistical evidence – have increasingly become part of popular and formal political discourse and have, in consequence, on occasion been integrated into law. Asylum-seekers have faced constantly worsening discrimination and there has been a growing battle between government and the judiciary about how they should be handled. Even the concept of multiculturalism is now being challenged as new forms of social absorption are considered.

The British situation has been rendered acute by two recent developments, one of which affects attitudes towards migration and the other issues of asylum. The accession of former Eastern European countries to the European Union in and after 2004 produced a flood of economic migrants into the country as Britain decided not to invoke temporary bans on freedom of movement unlike most other European countries. Local administrations soon responded by protesting that they could not provide the services these new immigrants required and social attitudes began to harden against them. The growth of political violence in Europe, particularly since the events of September 11, 2001 in the United States, and the growing securitisation of the response, has led to even greater pressure on migrants and to a growth in illegal migration as asylum barriers have been raised. This has particularly affected the Muslim communities in the country.

These accelerating changes call into question many of assumptions Britons make about themselves, in terms of tolerance and hospitality (Joffé 2007b). Instead, growing suspicion and hostility have

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<sup>1</sup> The motto of the Immigration and Nationalities Directorate, now the Border and Immigration Agency, which is responsible for administering nationality, immigration and asylum legislation.

emerged, accompanied by increasingly vindictive legislation. Now multiculturalism itself is being questioned, so that minority communities are becoming increasingly marginalised, isolated and alienated. This, in turn, provokes reactive self-imposed isolation and antagonistic reactions, thus worsening the social and political crisis caused by asylum and immigration (viz. Kristeva 1988; 9-14). It is clear that a new approach to both issues is urgently needed but it seems that there is none available.

The British situation is compounded by the fact that it is, in many respects, unlike that of the rest of Europe so that the common European experience and the responses it has generated are not necessarily relevant to the British case. One important aspect of this uniqueness is that the majority of the original ethnic and minority communities in Britain did not – as was the case in Europe – come from the Mediterranean basin, coming instead from South Asia and the Caribbean. Another is the fact that support for the European Union and, thereby, for common European solutions to shared problems has never been strong in Britain and, as Euro-scepticism has grown in recent years, such support has declined even more radically. The resulting antagonism to inward migration, therefore, seems to make a mockery of the official slogan of the government department responsible for immigration and asylum control, the Border and Immigration Agency, which forms the title to this article.

The simple fact seems to be that the formal institution controlling Britain's borders, the Border and Immigration Agency, is committed to the exclusion of foreigners from permanent settlement in Britain, whether as migrants or as asylum-seekers, without formal approval. Yet such approval can only be granted by the prior provision of often expensive permission for access (economic migrants) or as the result of a complex legal process (asylum-seekers). It is therefore difficult to avoid the conclusion that, in reality, its primary functions are to exclude potential immigrants, not to facilitate their arrival. This may, however, be an unduly cynical response for the British government has to deal with a complex reality linked both to the sequelae of the loss of empire and to the contemporary problems of absorption of those often considered as "the Other" into British society (Joffé 2007a).

States in the developed world, after all, face growing difficulties in terms of the dramatic expansion in migration flows worldwide as a result of the two seemingly opposed processes of globalisation and conflict, whether inter-state, sub-state or supra-state. The economic imbalances created by globalisation, with its competition for optimal labour costs and its potential for the impoverishment of states, have generated massive labour flows, with economically active populations seeking to move from economically disadvantaged regions to more economically advantaged ones. In a similar fashion, conflict and authoritarian, arbitrary government has stimulated population movements towards less insecure and more politically-acceptable environments and, given the growth in sub-state conflict, particularly in economically disadvantaged regions, these movements have not been insignificant.

Given the stable and prosperous environment offered by Europe, especially since the end of the Second World War and the concomitant end of the colonial era, the European continent has been a preferred destination of both types of movement. People-smuggling, now considered to be potentially even more profitable than the drugs trade, has accelerated since the end of the Cold War at the start of the 1990s. Since the Balkan wars and the civil war in Algeria in the 1990s, there has also been a drift in European populations northwards, in addition to refugees from Algeria itself so that the countries in Europe most acutely affected by these developments tend to have been Germany, France and Britain. Not surprisingly, they have tended, in response, to seek to discourage such arrivals, particularly after major economic migrant flows from Africa, using the Maghrib as a transit region, began to develop in this decade, although, at the same time, the flows of political refugees have begun to decline.

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<sup>2</sup> Ethnic nationalism continues to be a factor within British self-perceptions, even for members of the minority communities who were born in Britain and are, therefore, both British nationals and citizens. They are still considered as the "Other" despite their formal inclusion within the British polity. See Joffé 2007a and Heckman 1994; 116-129.

This antagonism to inward flows of migrants and refugees has been heightened – at least as far as persons from certain countries and cultural domains are concerned – by the growing securitisation of external and border control policy in recent years.<sup>3</sup> This has been a consequence of the events of September 11, 2001 in the United States and the consequent change in attitudes towards migration within the European Union (Joffé 2008; 154-161). It has dignified domestic xenophobia with security anxieties, thus working directly against one of the innate assumptions of globalisation and reinforcing the distortion of the liberalisation principles underlying it – free movement of goods, capital and labour – by creating impediments to labour movements. It has also directly countered the principles underlying international legislation providing protection to refugees, particularly the 1951 United Nations Convention on Refugees and the 1967 Protocol to it by erecting such barriers.<sup>4</sup>

Such attitudes, however, directly counter social and economic need, as well as demographic realities. In the United Kingdom, for example, although the population is growing – at 3.3 per cent over the decade between 1994 and 2004 to 59.8 million – two thirds of that increase has been due to net inward migration and not to natural increase. Net inward migration has thus contributed more to overall population growth than natural increase over the decade – 71 per cent of the increase in population in mid-2002 and 68 per cent in mid-2005 – and has also grown in absolute terms, to reach 237,000 out of the total increase of 349,000 in the year to mid-2005 (National Office of Statistics (2005, 2007). Even more striking is the fact that, without migration, the population pyramid of the indigenous population in the United Kingdom will move inexorably towards older age groups.

This has very ominous implications for what has been essentially a static indigenous population since the Second World War, even if it has begun a very slow growth again in recent years. It means that the public pensions system, which is predicated on the economically-active work force providing the funds to pay out pensions, would suffer an ever-greater fiscal burden to support a system where the beneficiaries continued to grow in number and the providers were static in numbers or in numerical decline. Without inward labour migration, the burden would eventually become unsustainable. In other words, despite popular dislike and government action to restrict inward migration, the United Kingdom's long-term future depends on inward labour migration, despite domestic assumptions of ethnic homogeneity as a justification for the pervasive xenophobia that characterises much of British society.<sup>5</sup>

The further irony is that these assumptions, in themselves, are counter-factual and ahistorical. British society has always been multiethnic<sup>6</sup> and has always had to adapt to new incoming groups, even if not at the rate that has been the case during the last century. Indeed, the population of the United Kingdom has always been condemned to ethnic heterogeneity! In fact, the public discourse of ethnic homogeneity has been in large measure generated not by the fact of inward migration but by its accelerating size. Other factors have contributed to this, of course, not least the lingering racial assumption of recent empire and the current dislike of the European Union. Nonetheless, xenophobia in Britain is primarily a function of intensifying ethnic contiguity, despite assumptions about multiculturalism and social integration.

In addition, there is an incoherence about the public debate on membership of the Union which reflects an official incoherence on the issue of migration as well. After all, the British government has

<sup>3</sup> Securitisation: The term 'securitisation', in this context, is taken to mean the process by which a policy tool or instrument becomes 'an instrument which, by its very nature or by its very functioning, transforms the entity...it processes into a threat' (Balzacq 2008: 80)

<sup>4</sup> The 1951 convention was actually drawn up to deal with European refugees in the aftermath of the Second World War and the 1967 Protocol simply removed the geographic and temporal limits it contained.

<sup>5</sup> In 2001, Beate Winker, the then director of the European Monitoring Centre on Racism and Xenophobia (now the European Agency for Fundamental Rights) warned that Britain was the most xenophobic country towards asylum-seekers in the European Union (Castle 2001). This is not just a class issue but pervades society-at-large (eg Philips 2004)

The term "multiethnic" is used here in the sense of shared cultural or historical traditions rather than in terms of common biological origin

insisted on retaining its border controls and rejecting the Schengen Agreement<sup>7</sup> not only for reasons of national security. It is also a way of culturally and politically distinguishing the United Kingdom from the remainder of the European Union and thus preserving the illusion of *différance*.<sup>8</sup> Yet, at the same time, the British government, anxious to attract skilled labour was prepared, unlike the majority of its European colleagues, to adopt the principle of free movement of people from the new Accession countries in 2004 without restriction! Interestingly enough, it was not prepared to repeat this when Bulgaria and Romania joined the European Union at the start of 2007.

It is against that background that the events of the last decade must be seen, in which security issues have enabled government to give sinews to its preference for exclusion for the sake of popular short-term electoral approval. Such decisions have become increasingly conscious, as was revealed in legal proceedings in 2004 when an Egyptian national claimed he had been unlawfully detained. The judgement in the case made it quite clear that government departments had explicitly connived in contravening laws ensuring civil liberties in an attempt to exclude the individual in question from Britain, despite the fact that such actions could have seriously threatened his physical safety. It was this case that seems to have launched an on-going attempt by the British government to sign repatriation agreements in contravention of its obligations under international treaty in recent years with, amongst others, Jordan, Lebanon, Libya and Algeria. Asylum now partners economic migration as a major target of British foreign policy that seems to run counter to its domestic needs and raises the question of the degree to which the objective situation of inward migration, of whatever type, needs such responses.

#### Quantifying and legalising the problem

Despite the heterogeneity of its population, Britain has not historically been a country of net immigration. Indeed, until 1983, emigration from the United Kingdom outweighed immigration, even during the heyday of empire in the nineteenth century and the first half of the twentieth century. There were, nonetheless, notable waves of immigrants tied either to major events abroad or to British economic development and the demands it made for labour. And Britain, during the nineteen century, also acquired a reputation as a place of refuge for victims of political crises abroad. Yet, at the same time, this liberal reputation was accompanied by domestic resentment and the alleged economic and social challenges presented by migration! Thus reactions towards the Hugenots and gypsies in the seventeenth century were diametrically opposed, with the gypsies facing serious discrimination (Shah 2000; 16).

Indeed, the Hugenot emigrations from France in 1572, after the St Batholemew's Day Massacre, and again after 1685, after the Edict of Nantes was revoked, is conventionally considered as the beginning of large-scale immigration into Britain.<sup>10</sup> The first wave of migrants brought around 50,000 persons, equivalent to 1 per cent of the then British population, into the country and 80,000 followed

<sup>7</sup> The term covers the two agreements signed in 1985 and 1990 to remove border controls between European Union members. Britain and Ireland did not join their European partners, however. Romania and Bulgaria are to join in the future and Switzerland also remains outside the agreements. A third agreement, the Prüm Convention covering data sharing and police cooperation, was signed in 2007.

<sup>8</sup> In the sense of both highlighting the fact that Europeanism is only part of the British identity and of distancing Britain from assimilation into the European ideal in defining that identity (viz Derrida. 1982)

<sup>9</sup> High Court of Justice: Queens Bench Division [2004] EWHC 1884 (QB). Case No: HQ03XO3052 http://www.hmcourts-service.gov.uk/judgmentsfiles/j2758/youssef-v-home\_office.htm

<sup>10</sup> The St Bartholemew's Day Massacre was the wholesale slaughter of the Hugenot French Calvinists by France's Catholics at the end of the Third War of Religion with the tacit approval of the French monarchy, possibly to avoid a Hugenot-inspired war with Spain over the Netherlands, then under Spanish occupation. The Edict of Nantes was a document drawn up in 1598 as a compromise to the persistence of Protestantism in France, whereby Hugenots were guaranteed security within the Catholic French state. It was revoked in 1685 by Louis IV in the Edict of Fontainebleau, thus provoking a further wave of emigration.

in the second wave. No doubt, since they were mainly highly skilled refugees – the word "refugee" was coined to describe the Hugenot migrants (Price 2006) – they were generally welcomed and have since been integrated into the British population.

They were not the first significant inward migration, however. Quite apart from the consequences of the waves of invasion that Britain had faced from Roman times, a Jewish minority first appeared in the wake of the Norman invasion after 1066. Its members faced an increasingly insecure existence and the community, 3,000-strong, was eventually expelled in 1290. Some refugees from the Inquisition, before the Spanish and Portuguese expulsions of Jews from the Peninsula after the Reconquista in 1594, made their way to Britain in 1540 but it was only under the Commonwealth, in 1656, that Oliver Cromwell, as Lord Protector, allowed a formal Jewish community, largely Sephardi, to be re-established in Britain.

By the start of the nineteenth century, the community had grown to around 25,000 and by midcentury to around 40,000 persons. They were largely Ashkenazi, fleeing the increasing persecution in Eastern Europe and, after the Pale of Settlement was established in Russia in the 1830s, from Russia as well. The steady flow turned into a flood after the pogroms of 1881, with the Jewish population in Britain rising to around 250,000, 120,000 of them in London's East End alone (Edelman 2002). The community was further expanded by 70,000 Jewish refugees from Germany and Austria who fled Nazism after 1933, mainly in 1938 and 1939 (Brinson 1997; x-xiii).

It was the post-1881 influx of Jewish refugees that led to the first legislation directed specifically at nationality and asylum, the 1905 Aliens Act (Collinson 1994; 35) and, after it, the 1914 British Nationality and Status of Aliens Act. Until 1914, nationality had been governed by common law which established nationality through allegiance to the sovereign as natural-born subjects within his dominions in return for royal protection. This established *jus solis* – citizenship by place of birth, as opposed to *jus sanguinis*, citizenship by descent – as the basis of nationality and was only modified by naturalisation of an alien through an act of parliament, a legislative initiative, or by denization through the exercise of royal prerogative, an executive action. Both statuses granted rights of citizenship but not political rights, such as holding an office of state. The concept of denization lasted up to 1949 but was then repealed, having been gradually eroded by naturalisation in legislation passed in 1844, 1847 and 1870.

The 1914 Act enshrined *jus solis* as the principle for citizenship but allowed for limited *jus sanguinis* for persons born to British subjects abroad and for naturalisation. It was thus a positive legal statement about nationality, now no longer simply a consequence of birth within the royal domain. It also provided for such nationality to be lost, by marriage to foreigners for British women, by naturalisation in a foreign state or by renunciation. Despite these legal restrictions on personal status, however, up to 1905 and the Aliens Act, access to Britain had not been restricted by specific legislation and a liberal asylum policy was maintained throughout the nineteenth century.

Thus Samuel Smiles in 1867 could refer to London as, "The world's asylum, the refuge of the persecuted of all lands...one of the most composite populations found in the world." and nineteen years before, the *Times* had described Britain as "the asylum of nations" (Price 2006). However, at the same time, resentments over refugees was growing, over both the growth of anarchism, brought in from abroad and conflated with the rise of Jewish immigration, and over the increase of criminality in major cities such as London which was also attributed to foreigners. This made legislative action inevitable, particularly in view of the growth of political violence in Britain's major cities, especially London.

In 1894, a law was proposed to limit political and Jewish refugees entering the country which failed to be passed because it was perceived to contradict British principles of free trade (Collier 2005). However, in 1905 a heavily amended version of the law was passed which provided for the exclusion of steerage passengers if they lack the means to support themselves. The passage of the law reflected the fact that unemployment had begun to rise from 1901 onwards and popular anxiety, targeted directly at Jewish immigrés, had risen because of popular perceptions of the growth of crime

linked to the latest wave of Jewish immigration and its alleged links to political extremism (Castles and Miller 1993: 54-56).

There had been a third major wave of immigration into Britain before the First World War, too, which had conditioned British attitudes towards migration and had profoundly affected the makeup of British society, especially in the nineteenth century. From the eighteenth century onwards, particularly in the mid-nineteenth century, as the British population failed to grow rapidly enough to satisfy the labour demand of the industrial revolution, Ireland was treated as a labour source for British development (Castles and Miller 1993; 55). In addition to this pull-factor, famines in 1822 and 1846-7 acted as very powerful push factors for migration to Britain, the United States and Australia.

In Britain, Irish migrants built the canal and railway systems, as well as moving into the textile industry and the building trades. By the mid-nineteenth century, there were 700,000 Irish migrants in Britain, forming 3 per cent of the English and Welsh populations and 7 per cent of that of Scotland (Castles and Miller 1993: 55). Their living conditions were dreadful and tensions between them and the indigenous British population persisted well into the twentieth century. It is worth noting, however, that the Irish, unlike the other two major waves of immigrants, were British subjects and the discrimination against them highlights the unresolved problem of what precisely Britain's "indigenous society" might have been.

This was to become significant as migration began to become a major social problem after the Second World War. Interestingly enough, the Jewish experience did not mirror that of the Irish for, as they rapidly became English subjects, they were effectively assimilated into the dominant host community. The war itself also highlighted another aspect of the migration issue in Britain, the phenomenon of temporary immigration from countries which were the scene of conflict. Although the majority were only temporary refugees, inevitably some remained after hostilities ended, thus forming small but permanent immigrant and refugee communities. Thus, in the First World War, in which 9.6 million Europeans were displaced, 240,000 Belgians found temporary shelter in Britain, although, by 1921, only 10,000 remained there. The Spanish Civil War also produced a new Spanish immigrant community in London (Price 2006).

In the Second World War, at least 30 million people were displaced from their homes, with 20.1 million being forced out of their countries-of-origin (Fassman and Münz 1995; 470) Britain received over 100,000 migrants, of which 60,000 were to remain afterwards (Knox 1999; xxiv, 172). They included, in addition to more Jewish refugees, Poles, Czechs and Hungarians, communities which were to be swelled immediately after the war as Communist control was imposed throughout Eastern Europe. Reception was not always very welcoming, particularly just before the outbreak of hostilities, when evidence of means of support was often demanded. After hostilities began, persons from Germany were subjected to possible internment, whatever their personal circumstances had been (Brinson 1997; x).

#### Changes in the post-war scene

With the end of the war, it was clear that future refugees would find a less than welcoming attitude from both government and population in Britain, even if the legislation governing access continued to be relatively liberal. Both legal and social attitudes were soon to face a massive test as Britain responded to its straitened post-war circumstances. Firstly, as Britain's colonial empire began to disintegrate, attention had to be paid to the citizenship status of former colonial subjects and the inhabitants of the dominions in the Commonwealth which was to replace empire. Secondly, Britain, like much of Europe in the aftermath of the war, had to cope with a major labour shortage which neither Europe nor Ireland could satisfy. Allied to that issue were growing demographic pressures in former colonial countries added powerful push factors to the pull factor of British labour demand.

As a result, in 1948, the British Nationality Act was passed (Collinson 1994; 47). This confirmed the old concept of British subject status, applicable to all members of the former empire, now members of the new Commonwealth, and created a new class of citizenship for residents in the United Kingdom and its remaining colonies. Both subjects and citizens had right of free access to Britain, even though members of the colonies also enjoyed citizenship status in the new, independent countries of the Commonwealth. This meant that labour supply could now easily be supplemented from the so-called "New Commonwealth", those states created out of former colonial possessions whose nationals still enjoyed unfettered access to Britain. The iconic date that marks the change in the nature of immigration into Britain, is the arrival of the passenger ship, the Windrush, from Jamaica on June 22, 1948, carrying the first group of labour migrants.

West Indian migrants were sought by the public services – the National Health Service and London Transport, in particular – and were the first to arrive in significant numbers. The beginning of the 1950s marked the start of mass migration, partly because of damage caused in Jamaica by a hurricane in 1951, which peaked in 1961, with 129,800 registering for work between 1950 and 1960 and an estimated 259,500 arriving in Britain between 1955 and 1962 and 30,000 having arrived before that date (Fryer 1984 and Spencer 1997; 88). South Asian immigration starts slightly later, in the early 1950s, reaching an initial peak in 1956 but then falling off again until 1961 when it increases fourfold, marking the beginning of mass immigration from Pakistan and India and, later, Bangladesh. Thus total South Asian and Caribbean arrivals totalled 46,050 in 1956, 21,600 in 1959 and a staggering 136,400 in 1961 (Spencer 1997; 87) (See the statistical appendix for details of migration patterns)

South Asian immigration also differed in nature from that from the Caribbean. In the latter case, migration was the consequence of recruitment by British agencies in the Caribbean, in the former case much of the migration was "chain migration" – initial migrants brought in relatives and contacts from their places-of-origin in South Asia once employment opportunities had been identified. And employment was often in the private, rather than the public sector, particularly in textiles, although government agencies did recruit in Pakistan. Thus 90 per cent of South Asians in Birmingham and Bradford originate from Mirpur in Pakistan, whereas Punjabi Sikhs are concentrated in Southall and Wembley in West London and Bengalis and Bangladeshis moved into Tower Hamlets in East London, ironically enough the original location at the start of the twentieth century for London's Ashkenazi Jewish community.

Recruiting also took place elsewhere, such as Northern Morocco for the National Health Service and, in the 1960s, for the hotel and leisure industry as well. It is from this initiative that Britain's Moroccan community stems, together with a small Tunisian community as well. The Algerian community, mainly in London, however, was primarily a product of the flood of asylum-seekers and economic migrants in the 1990s (Joffé 2007c). In this first flood of migrants into Britain, from 1948 up to 1962, 472,000 migrants arrived, at a rate of around 75,000 a year at the start of the 1960s.

This created major social tensions as the indigenous population, particularly in London, found it difficult to cope with the rapid changes in urban society that resulted. In 1958, there was a series of violent riots in Notting Hill in London which targeted the growing Caribbean community there. Four years later, alarmed by the growth of social tensions in major cities and by the sudden explosion in Indian and Pakistani immigration the previous year, the government introduced new legislation designed to stem the inflow, the 1962 Immigration Act.

This was the first coherent attempt to limit inward migration and its primary objective was to prevent inflows from the New Commonwealth countries – Britain's former colonies. The primary weapon that was used was the imposition of quotas for immigration for persons coming from countries which issued their own passports to their nationals, rather than holding passports issued by the United Kingdom itself. Although the quota set in 1962 for 51,000 permitted entrants was exceeded – over 63,000 persons actually arrived – by 1963 new immigrants had dropped to 4,700! In effect, the Act killed off primary immigration by the 1970s, although it allowed for family reunion and did not try to

enforce repatriation through "assisted return" schemes which were introduced in the 1970s under a Conservative government.

However, despite the effectiveness of the new laws in cutting back on primary immigration, domestic anxieties about assimilation of new migrant inflows continued to be acute and, in the mid-1960s, a new danger appeared. This was the decision by Britain's East African former colonies to indigenise their economies. Both Kenya and Uganda had been developed during the colonial period through the import of indentured labour from South Asia. Many of the labourers had subsequently settled and had come to form an economic elite which was greatly resented by the indigenous African populations. Those that had British passports and had retained the right to settle, of course came to Britain, thus creating a new wave of East African Asian immigrants.

The new policies of Africanisation began in Kenya and, between 1965 and 1967, 23,000 Kenyan Asians emigrated to Britain. The British government responded by drawing up new laws to limit access, passing the Commonwealth Immigration Act in 1968 (Randall 2000). The new act, which amended the 1962 act, introduced a new concept into citizenship by denying access to Britain for British passport-holders who could not meet a new "patriality" rule. This denied settlement rights in Britain if the person concerned could not demonstrate that he or she had a parent or grandparent who had been born in the country and therefore had had citizenship. In essence the new law also addressed the issue of immigration from the "Old Commonwealth" as well, for it applied equally to the Dominions. It was also, in effect, a nationality law, rather than a measure directed specifically at immigration and it ended the anomaly of the imperial legacy of universal citizenship.

The new law was further refined by the passage of the 1971 Immigration Act which removed quota restrictions but required the patriality rule to be satisfied before a potential immigrant was allowed into Britain. This removed the quota restrictions of the 1962 and 1968 acts but introduced five different categories of citizenship, of which only British nationals, as defined by the patriality rule, qualified for unfettered access and settlement. Non-nationals, even if they qualified for one of the other four categories of British nationality, required work permits for entry or had to be able to claim rights of family reunion, unless they had permission to enter as seasonal agricultural workers.

The new act had been provoked by an awareness of the increased tensions in East Africa over indigenous Asian communities there. Eventually, as a result of a decision by of the Ugandan dictator, Idi Amin, to expel East African Asian residents of his country in early August 1972, 80,000 Asians were given ninety days to leave Uganda. Despite growing antagonism in Britain, 28,600 of them were eventually resettled in Britain, with the British government unsuccessfully attempting to direct their settlement patterns away from London and Leicester – only 38 per cent of the new arrivals actually settled in other areas designated by the government (Kushner 1999). Public antagonism to migration became, however, ever more hostile, as the popular support for politicians such as Enoch Powell demonstrated (Castles and Miller 1993; 252-253: Lewis B. and Schnapper D. 1994; 83).

In legal terms, however, the question of immigration control had been resolved through a judicious redefinition of citizenship in the wake of empire Castles and Miller 1993; 198-199). Only those who were defined as citizens – a definition which was to be refined by Acts of Parliament in 1981, 2002 and 2006 – had rights of free access to Britain and the vast majority of those who had been imperial and colonial subjects only had such rights if they could invoke the patriality rule. All others would only be admitted for temporary settlement on grounds of prior authorisation to work in Britain (in which case they could apply for naturalisation after five years residence) or as students, or on a permanent basis for family reunion with recognised British citizens.

This, in essence, continued to be the situation until the 1990s and the success of the policy is demonstrated by the way in which, after the start of mass immigration in the 1950s the proportion of Britain's foreign-born population grew by over 4 per cent up to 1971 but then increased by only just over 1 per cent between 1971 and 1991 (Collinson 1994; 51). The actual settlement rate fell from an average of 72,000 persons per year in the 1960s to around 50,000 a year in the 1980s and 1990s. Most

of those arriving in the latter period came from zones of conflict – Chile, Vietnam, Cyprus, Sri Lanka, Turkey (Kurds) Iraq and Iran – and often sought political asylum. Indeed, it was asylum which was to spark off the major round of immigration in the 1990s as a result of conflict in the Balkans, North Africa and the Gulf, backed up by the consequences of the Maastricht Treaty in 1991 and the expansion of the European Union in 2004.

In 2005-6, there was a total of 662,400 arrivals in Britain who registered for work and were granted a national insurance number, compared with only 349,200 three years before. The difference, of course, came from the ten new Accession countries to which Britain had raised no barrier upon Accession despite on-going popular antagonism towards immigration. Interestingly enough, the new arrivals met little of the hostility that had been manifested previously. The reason was almost certainly the fact that, since the mid-1990s, such hostility had been directed towards the sudden flood of asylum-seekers that had arrived in Britain. As many new arrivals did not register with the authorities for work, it is believed that the true figure for EU-Accession county migrants in 2006-7 was really 562,000, not the 321,200 who registered for a National Insurance number, as shown in Table 6 (www.dwp.gov.uk).

#### Migration and securitisation

This had meant that settlement in Britain had suddenly doubled, reaching 97,000 in 1999, just as the asylum rate reached its peak between 1998 and 2002, with the proportion of foreign-born persons in Britain rising to 7.53 per cent in 2001. Asylum applications, which had averaged just over 5,000 a year during the 1980s, suddenly tripled in 1989 and continued to grow thereafter, having doubled again by 1998. Then the number suddenly doubled again in 1999 before tailing off after 2003, perhaps because only 3 per cent actually gained asylum although 10 per cent overall were formally allowed to remain temporarily, at least (See Gibney 2004; 107ff).

The reasons for these fluxes in the statistics are complicated for they reflect not only the patterns of violence in the Middle East and North Africa, as well as Sri Lanka and Central Africa. They also – at least for North Africa and the Middle East – also reflect the complex and kaleidoscopic situation of asylum and refugees in Europe itself as a result of the replacement of zero immigration policies by managed migration policies at the start of the 1990s, given the implications of the Single European Act and the removal of internal borders (Collinson 1993; 37). In many cases, it is undeniable that economic migrants, desperate for work and aware of European barriers towards them, have tried to exploit the asylum alternative. As intra-European cooperation has increased, so Britain has been increasingly dragged into the complexities of European migration policy as well.

Interestingly enough, public attitudes towards asylum seekers are much more hostile than they are generally to migrants. The British Council has recently developed a migrant integration policy index which highlights attitudes towards migrants (see Appendix) and it notes that over two-thirds (67 per cent) of Britons consider diversity as a social enrichment, although only a 42.7 per cent minority supported family reunion and all generally recognised that ethnic discrimination in Britain was fairly widespread. More than half of those questioned also believed that migrants faced ethnic discrimination in the workplace and 72 per cent supported positive discrimination to reverse this. Asylum-seekers are, however, treated with far greater hostility and the hostility has intensified during the first decade of the twenty-first century.

One reason for this is the on-going generalised attitude that asylum-seekers threaten British social services – although most services originally available for asylum-seekers have been withdrawn by government fiat. Another reflects the worsening public attitude towards foreigners arising from the

<sup>11</sup> Indeed, in 1992, the government claimed that it had to control asylum through new legislation precisely to avoid popular hostility! (Collinson 1993; 5)

events of September 11, 2001 in the United States and the subsequent securitisation of migration at a popular and official level, both within European Union member-states and through the Union's external action as well (Miles and Thränhardt 1995; 51). In this respect, Britain – otherwise a maverick and resentful member of the Union – has been increasingly faithful to the policies enunciated within the context of the Justice and Home Affairs pillar of the Maastricht Treaty, as well as those within the Common Foreign and Security Policy, at least as far as trans-national violence is concerned.

Britain, of course, has had specific experience in this regard, after the tragic events of July 7, 2005 in London and the attempted bombings in the capital two weeks later. However, it is worth noting that, unlike the experiences of Spain on March 11, 2004 and the frustrated attempts at trans-national violence elsewhere in Europe, the British experience did not involve people of North African or Middle Eastern origin, nor did they involve migrants. Instead they involved British citizens, either second-generation migrants from South Asia or converts, often from the Caribbean. In other words, the British experience was *sui generis* and had had little to do with the experiences of the rest of Europe.

A further consequence of the way in which migration has been restricted and, more recently, asylum has been controlled has been that there is a growing problem of illegal migrants in Britain. People-smuggling into Europe has become a massive illegal business and Britain has become a destination as well. The flows are not restricted to economic migrants but many asylum-seekers have to make use of such illegal paths of transfer as well. One of the characteristics of British society is that, traditionally, residents have not been required to carry with them proof of identity, although there are now plans for this tradition to be changed. It has meant, however, that persons who do not have official permission to reside in Britain can be extremely difficult to identify and, in recent years, the numbers of illegal residents – both economic migrants and failed asylum-seekers – have ballooned.

Recently the first-ever estimate of illegal immigration in Britain was made, with the Home Office publishing figures of between 310,000 and 570,000 persons estimated to be illegally here. The best-guess estimate was 430,000 and had been arrived at by subtracting the known number of legal migrants in the country from the total foreign-born population as estimated from the last census in 2001, not a very accurate method because of census under-reporting amongst immigrants (BBC 2005). Some 8.7 per cent of the total population are said to be immigrants – 5.3 million out of a total population estimated in July 2006 to be 60.6 million-strong (Office of National Statistics 2007) – who pay 10.2 per cent of all taxes! Thus illegal immigrants are at least around 10 per cent of the legal immigrant population and the government intends to control this by introducing a biometric identity card system for all foreign born residents in the future.

Nonetheless, there is a major problem of control that the government has yet to address, which adds to its problems with failed asylum-seekers. Government sources have estimated, incidentally, that illegal immigrants, many of them often failed asylum-seekers, perform a vital task in filling low-paid but essential jobs, worth £6 billion a year, which would, if their status was legalised, contribute £1 billion a year-worth of additional taxation, although a House of Lords committee has recently disputed the relevance of these figures<sup>12</sup>. Even more striking is the fact that their deportation would cost the British state £4.7 billion (Institute of Public Policy Research 2006; 12). Such statistics raise therefore, some difficult questions about the relevance of the government's current efforts, in the face of an extremely hostile public opinion, to increase the number of failed asylum-seekers it deports.

It is, in short, removing a highly economically-efficient and essential resource! The problem has been compounded by the way in which, in effect, it has tried to cap immigration by denying the need for unskilled and semi-skilled labour in order to prioritise the admission of skilled and professional

<sup>12</sup> The committee, in April 2008, suggested that there were no net benefits from migration to the wider British population because increased numbers of migrants required increased services, thus wiping out benefits obtained through increased productivity. Furthermore, the committee argued, migrants forced down wages, thus disadvantaging the native-born population. See Economic Affairs Committee 2008.

individuals through the adoption of a points system. Yet the labour shortages facing the British economy are more acute in the semi- and unskilled domain. Nonetheless, the realities of electoral politics dictate that this is the approach that it is forced to adopt, thus adding the final incoherence to a system for the control of population expansion that is now hardly "fit-for-purpose", given the pressures upon it and the contradiction between Britain's need for labour and distaste for foreigners.

#### Conclusion

What the British experience really showed was the basic failure of the model Britain had adopted to promote the integration of its minority populations – a kind of passive multiculturalism which, for some, was merely the mirror-image of the racism they believed characterised host and minority community relations in Britain (Shah 2000; 58-93: Collinson 1993; 23: Nonneman, Niblock and Szajkowski 1997; 171). The fact has been that British minority communities are profoundly alienated from the host community of which, formally and legally at least, they should now form a part (Joffé 2007b). The ideal of a plurality of cultures sharing the social space has not achieved the social integration expected and, under the pressure of trans-national violence in recent years, the ideal of "hospitality" (Derrida 2006) has been replaced by growing mono-cultural intolerance.

This raises the question of what governmental responses to such popular attitudes should be. Is it forced, by the nature of the mandate it enjoys from the electorate, to which it therefore owes a duty of protection and provision, to follow public opinion or can, indeed should it contest popular prejudices in terms of economic and social rationality? This is, of course, the permanent dilemma facing any government and the temptation to yield to popular pressure in order to court electoral success is bound to be part of the equation that determines immigration policy. The Labour government in Britain since 1997 has, sadly, often yielded to and exploited popular prejudice to its own electoral benefit, particularly when confronted with political parties to its right which seek even more extreme outcomes.

Yet, in the end, governments surely should look beyond electoral considerations despite the pressure from public opinion to determine what, objectively, would best serve the national interest and then seek to condition public opinion to that end. It has been done in the past, as the consequences of Enoch Powell's famous speech<sup>13</sup> have demonstrated, even if success has only been partial. In the current climate, however, such action does not appear to be contemplated as public dislike of asylum-seekers melds with resentment over migration and is justified by the reification of both as a major and existential security threat. And that, in turn, is seen to be legitimised by the increasing alienation that minority – formerly migrant – communities themselves now demonstrate.

The whole problem of dealing with the balance between satisfying labour demand through immigration and responding to popular antagonism towards the growing heterogeneity of the British population is profoundly complicated, furthermore, by Britain's membership of the European Union and its policies of free movement of persons. Even if Britain wishes to retain control of its borders for security reasons and thus has not joined the Schengen Agreements, it cannot impede the free movement and settlement of European Union nationals because of its own membership of the Union. Indeed, it has been this factor which, since 2004, has been responsible for the sudden expansion in net immigration. Thus the panoply of measures now introduced to restrict immigration cannot address the major cause of disquiet!

Although there is evidence to show that the inward flow of European migrants may be slowing, the problem of social integration will remain in principle, for migration is an inescapable feature of the modern world. Even though social and cultural differences may be far less than that which had existed

<sup>13</sup> Given in Birmingham on April 20, 1968. In discussing immigration, he uttered the line that has given the speech its notoriety: "As I look ahead, I am filled with foreboding. Like the Roman, I seem to see 'the River Tiber foaming with much blood".

between the indigenous British population of the pre-1950s period – before mass inward migration had really started – it still engenders hostility and xenophobia. In any case, what was formerly a set of immigrant communities has now become a set of minority communities in Britain and, in their turn, have been "indigenised". They form part of the rich cultural admixture that characterises the contemporary state, so that the constant attempts to look back to a mythological past of cultural homogeneity are irrelevant to the evolving society of Britain in the twenty-first century. Indeed they always were for Britain has never enjoyed the cultural uniformity innate in the myth but has always had a cultural environment evolving in consequence to the admixture of migrant inflows. That, perhaps, should be a matter for celebration rather than denial!

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#### **Statistical Appendix**

Care must be taken with British immigration statistics as, until very recently, there was no single registry and different statistics were recorded by different government agencies. They may loosely agree about orders of magnitude and trends but are rarely in precise agreement. Thus, in 1991, immigrant figures taken from work permit issues totalled 28,978; according to the government's Labour Force Survey (which depends on sampling techniques) 50,500; according to the International Passenger Survey, operated at points-of-entry 75,000; and according to the Department of Social Services 81,503!

TABLE 1: ARRIVALS FROM THE CARIBBEAN

1948	1949	1950	1951	1952	1953	1954	1956	1957	1958
700	250	200	1,000	2,000	2,000	24,000	26,000	22,000	16,000

Source: Fryer 1984

TABLE 2: REGISTRATIONS FOR WORK (NATIONAL INSURANCE)

	1956	1957	1958	1959	1960	Total
West Indies	30,442	19,567	17,084	17,895	44,825	129,822
Pakistanis	2,828	5,000	5,892	5,387	5,272	24,379
Indians	6,764	5,933	4,571	5,031	7,088	29,387
TOTAL	169,226	168,463	139,182	143,523	192,914	813,308

Source: Spencer 1997; 90

TABLE 3: HOME OFFICE NET ENTRY ESTIMATES

	1955	1956	1957	1958	1959	1960	1961	1962*
West Indies	27,550	29,800	23,000	15.020	16,390	49,670	66,290	31,800
Indians	5,800	5,600	6,620	6,200	2,930	5,920	23,750	19,050
Pakistanis	1,850	2,050	5,170	4,690	1,800	2,500	25,080	25,090
E/W Africa**	2,200	2,660	2,830	1,380	1,880	-240	18,110	8,940
TOTAL	37,400	46,880	42,400	29,900	21,600	57,700	136,400	94,890

Source: Spencer 1997; 91

Notes: \* first half year figures only; \*\* mainly East African Asians

TABLE 4: FOREIGN-BORN: PERCENTAGE OF TOTAL POPULATION

	1971	1981 1991		2001
Population	52,559,260	53,550.270	54,888,744	57.103.331
Foreign-born	2,390.759	2,751,130 3,153,375 4,301,2		4,301,280
Percentage	4.55	5.14	5.75	7.53

Source: Census statistics 2001 (National Office of Statistics 2003)

TABLE 5: ASYLUM-SEEKERS – 1980-1992

Date	United Kingdom	Europe Total
1980	9,950	158,950
1981	2,400	113,700
1982	4,200	85,300
1983	4,300	71,150
1984	3,850	104,350
1985	5,450	170,500
1986	4,800	205,700
1987	5,150	189,550
1988	5,250	290,700
1989	15,550	349.500
1990	25,250	443,800
1991	44,750	546,000
1992	24,605	700,850
1993	22,370	545,710
1994	32,830	318,500
1995	43,965	319,870
1996	29,640	276,240
1997	32,500	312,970
1998	46,015	314,606
1999	71,160	386,889
2000	80,315	405,812
2001	71,025	416,023
2002	84,130	407,394
2003	49,405	339,619
2004	33,960	268,565
2005	25,710	227,425

**Source**: United Kingdom figures:

www.ind.homeoffice.gov.uk/rds/pdfs07/asylumq406.pdf

European figures:

www.unhcr.org/statistics/STATISTICS/3bfa31ac1.pdf

(EU15 up to 1997)

 $http://ec.europa.eu/justice\_home/doc\_centre/asylum/statistics/wai/doc\_asylum\_statistics\_en.htm$ 

(EU25 up to 2005)

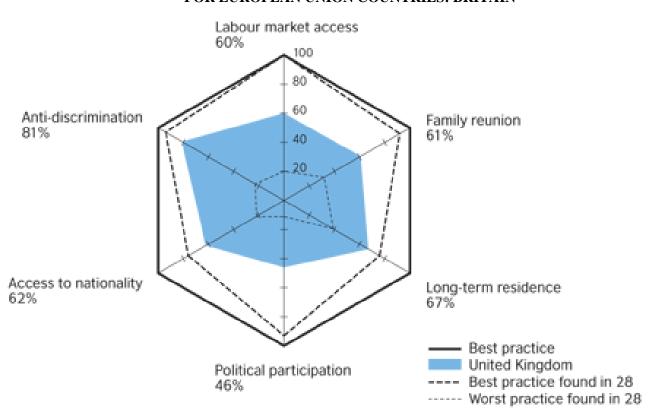
TABLE 6: ARRIVALS BY NATIONAL INSURANCE REGISTRATION

('000s)	2002/3	2003/4	2004/5	2005/6	2006/7
EU Accession (12)	17.9	28.7	119.2	276.7	321.2
EU-15	80.7	84.9	81.3	97.6	103.7
Europe non-EU	14.7	15.8	14.1	15.5	16.3
Asia-Middle East	114.5	115.0	110.5	134.2	145.4
Australasia	27.3	24.2	23.4	32.5	33.2
Americas	26.6	31.2	26.7	31.4	31.8
Africa	66.6	70.1	64.5	73.9	61.4
Other	0.8	0.8	0.6	0.6	0.5
TOTAL	349.2	370.7	439.7	662.4	713.5

**Source**: Department of Work and Pensions

http://www.dwp.gov.uk/asd/asd1/niall/niall\_first\_release.pdf

### THE BRITISH COUNCIL'S MIGRANT INTEGRATION POLICY INDEX FOR EUROPEAN UNION COUNTRIES: BRITAIN



"This old country of immigration has seen new unprecedented waves of labour migration in the past few years. Larger numbers than predicted arrived from the new EU Member States after their accession in May 2004, with inadequate preparation for their integration(1). Large flows of non-EU nationals continue to arrive for high-skilled work, study and family reunion, though flows of refugees have declined steeply. Most are Commonwealth citizens who enjoy certain advantages and civic rights. The UK is also increasingly recognised as a country of significant emigration(2).

Britons increasingly rank immigration and race as their top policy concerns. Anxieties over Islamism and terrorism have also fuelled public debates on integration(3). Government discussions have centered on a points-based system for 'managing' migration and employer sanctions for illegal work. Efforts on integration include reform of governance structures and a renewed, inclusive concept of Britishness. The UK opted out of most sections of European cooperation on migration.

According to MIPEX, legally-resident third-country nationals (hereafter 'migrants') in the UK benefit from slightly favourable **labour market access**, **long-term residence**, **family reunion**, and **access to nationality** policies. **Political participation** policies score around halfway to best practice. **Anti-discrimination** laws and policies are particularly strong and have improved since 2004"

Source: http://www.migpolgroup.com/documents/3901.html

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