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## **Venues and Filters in Managed Migration Policy: The Case of the UK**

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### **ABSTRACT**

The UK, like many developed world economies, has witnessed unprecedented immigration since the early-1990s. Also in line with other developed world economies, the UK has adopted a ‘managed migration’ policy paradigm. The paper argues that the operation of this paradigm is best understood with reference to two key concepts: migration policy ‘venues’ and migration policy ‘filters’. In terms of the former, the paper argues that managed migration policy is associated with outward, upward and downward rescaling and commensurate venue growth and diversification. In terms of the latter, the paper argues that six policy filters (legal, geographical, credential, transfer-based, monetary and humanitarian) are commonly used to determine legitimate forms of migration but that one (the geographical filter) has been particularly prominent within the UK’s managed migration policy paradigm.

**KEY WORDS:** Filters, Immigration, Managed, Migration, Policy, Rescaling, Venues.

## **INTRODUCTION**

The last time the UK experienced negative net migration – where emigration exceeded immigration – was 1992-1993 (House of Lords, 2008: 12). From 1993 onwards, the UK moved from a ‘zero’ to a ‘managed’ migration policy paradigm (Spencer, 1994, 2003, 2010) and positive net migration became the norm. During this period, and clearly related, the UK experienced 14 years of continuous economic growth (1994-2008) and its population grew at a record rate (over the 2001-2011 census period) (Goodhart, 2013). Quite simply “Britain became a country of net immigration for the first time in its modern history” (Schain, 2008: 275) with the foreign-born workforce rising from 2 million to 3.5 million in the decade between the nineties and noughties (Finch and Goodhart, 2010: 3). In fact, if migration trends continue, the UK population is estimated to grow from 62.3 million in 2010 to 81.5 million by 2060 (Goodhart, 2013: 22).<sup>i</sup>

In light of the above this paper seeks to critically examine the emergence of ‘managed migration’ as the dominant policy paradigm in the UK over the last three decades and also investigate and interrogate its actual operationalization. This is not the first attempt to take stock of recent UK migration policy (see Sommerville (2007) for an early example), and the literature has tended to be quite critical: both in terms of a tendency for greater control and the associated securitisation-criminalization of migration, often directed at the global poor (Anderson, 2013); and with respect to the rising rates of immigration that have ensued despite this hard-line approach (Collier, 2013; Goodhart, 2013).

The purpose of the paper is two-fold: 1) to conceptually understand the UK’s managed migration policy paradigm; and 2) to determine if lessons from this analysis are transferrable to other migration policy-making contexts, especially across so-called liberal democracies. The

case-study is timely in the sense that there is now a clear, and arguably growing, tension across the developed world between rising immigration, on the one hand, and clamours for greater nation-state control on the other. It also comes at a time when pressures on policy-makers, and also opportunities for policy-making, appear to be spreading geographically via what has been termed “policy rescaling” (Hepburn and Zapata-Barrero, 2014; Kazepov, 2010; Keating, 2009, 2014; Lobao *et al.*, 2009).

In the paper that now follows the literature illuminating the migration policy-making process will first be reviewed. The remainder of the paper will then focus on two particular facets of this, using the UK managed migration paradigm as a case-study. The first thesis we outline and evidence is as follows: “The policy ‘venues’<sup>ii</sup> used as part of the UK’s managed migration process have grown in number and diversified geographically since the paradigm first emerged in the early 1990s”. The second thesis we outline and evidence is as follows: “The ‘filters’ being used to define, select, and then justify, legitimate forms of managed migration to the UK are varied – there are six (legal, geographical, credential, transfer-based, monetary and humanitarian) – but the ‘geographical’ filter has risen to particular prominence”. These two arguments, when taken together, constitute what we term a ‘spatial reconfiguration’ of managed migration in the UK.

The main contribution of this paper to international and comparative migration policy analysis, however, is not just that there has been a specific spatial reconfiguration of policy. Above and beyond this, the broader aim of the paper is to actually identify and evidence the types of ‘venues’ and the ‘filters’ that represent UK migration management; and pose the (albeit unanswered) question of whether similar venues and filters characterise migration policy-making elsewhere in the world? To this end, the paper is designed to shed light on the

mechanisms and mechanics of migration management – and in the process liberal democratic policy-making more generally – in the hope of stimulating further conceptual insight, theoretical critique, and associated follow-up empirical investigation.

## **MIGRATION POLICY ANALYSIS: A REVIEW OF THE LITERATURE**

Most analysts of migration policy-making come from a political sciences and/ or international relations background, and many use immigration as a window into the policy process as much as topic for investigation *per se*. However, irrespective of whether analysis is designed to illuminate the policy process in general, or immigration in particular, one or more of the following four questions usually feature:

1. WHAT kind of policy are we talking about (immigration policy, immigrant policy, other policies affecting migration/ migrants)?
2. WHO is behind the policy (business, state, civil society) and WHY are they involved?
3. WHERE is the policy process enacted (usually examined at a sub-national, national, and supra-national level)?
4. If the policy involves management, HOW is management both achieved and justified?

In terms of the first of these questions, the ‘What’, this paper is not primarily focused on the vast array of policies pertaining to minority-majority relations (integration, assimilation, cohesion, multiculturalism, etc.). It is, instead, predominantly interested in the management of international migration as a geo-political process rather than the management of migrants *in situ* as a distinct socio-cultural group. Nevertheless, two caveats are worth making at this stage. First, the drivers and rationale underpinning both types of policy are often very similar (see for example: Anderson, 2013; Joppke, 2007). Second, policies not explicitly targeted at either migration as a process or migrants as a group can affect both: and indeed are often used by

states knowingly and not always visibly for such ends. Schain (2008: 283) calls this: “the reluctance of governments to acknowledge the policies that they are pursuing” whilst Balch talks similarly of states actively “maintain(ing) an information deficit” (Balch, 2010: 45) and Castles (2004) notes states’ penchant for “hidden agendas” (see for example Fitzgerald, 2012).

As far as the ‘Who’, ‘Why’ (Question 2) and ‘Where’ (Question 3) of migration policy analysis is concerned these are brought together within policy-making ‘venues’ (Lahav and Guiraudon, 2006). Across the policy literature there is growing awareness of what has been termed “policy rescaling” (Hepburn and Zapata-Barrero, 2014; Kazepov, 2010; Keating, 2009, 2014; Lobao *et al.*, 2009) whereby the policy process now encapsulates a greater diversity of actors across a wider variety of locales. This is a trend that has recently been observed with respect to migration policy (Hepburn and Zapata-Barrero, 2014: 5; Hepburn, 2014: 41) and has been conceptualised by Guiraudon and Lahav (Guiraudon and Lahav, 2000; Lahav and Guiraudon, 2000) as involving outward (outside), upward (upstream) and downward (downstream) rescaling.

Rescaling advocates do not inevitably conclude that power over policy-making and/ or implementation is *de facto* becoming more diffuse, complex, or democratic. It is widely known, for example, that political elites have significant power over immigration policy outcomes (Guiraudon, 1998; Statham and Geddes, 2006) and there is no reason to assume that this power is readily, easily or inevitably relinquished via rescaling. The point with the rescaling trend is more nuanced: that it indicates, first and foremost, a change in the nature, though not necessarily the ownership of, power and control over the policy process. In this sense, rescaling may appear at first glance to be progressive (however defined) but it may also have a number of hidden agendas.

There is no shortage of evidence with respect to policy rescaling, and in the case of the UK managed migration paradigm the evidence coalesces most strongly around upward/ upstream movement. Soysal (1994) was an early observer of the trend towards international frames of reference with respect to immigration: noting moral and legal norms and migration policy-making centred around, and sometimes initiated by, supra-national rather than nation-state institutions. As far as the UK is concerned, EU membership has fundamentally structured the immigration policy process (for EU migration policy perspectives see: Geddes, 2000, 2003; Geddes and Boswell, 2010; Guiraudon and Lahav, 2007). Explicitly, instruments such as the 1985 Schengen agreement (the removal of internal border controls), the 1992 Maastricht Treaty (the notion of EU citizenship and mobility), the 1997 Treaty of Amsterdam (common migration management) and the 1999 European Council Tampere meeting (common migration management) have been significant. There have also been EU-level policy developments not explicitly pertaining to immigration (such as EU enlargement) that have impacted upon the Home Office's managed migration paradigm. Crucially, EU-based upward policy rescaling has involved the Home Office, but, it has also been dependent upon executive-level (Cabinet Office and Number 10) and foreign-policy level UK-EU diplomacy (Lavenex, 2006).

UK policy formation and implementation within an upward/ upstream EU context has been called a “new mode of governance” (Cardwell, 2013). It has, by definition, involved cooperation and consensus within the EU and also, more controversially, cooperation and consensus between the EU and non-member states. In terms of the latter, we have seen both symbolic and substantive policy “externalization” (Fitzgerald, 2012) into transit and source “cooperating third-countries” (Samers, 2004). This extraterritorial capacity building has occurred both bi-laterally (initiated from the UK) and regionally (initiated by the EU) (Menz,



2014). Thus, the UK (and EU) border, through numerous and complex motives and means, has become increasingly “projected overseas” (Vaughan-Williams, 2010).

The influential UK think-tank the IPPR – one of the key non-state actors behind the move to managed migration – has argued that upward/ upstream policy measures focused on migration from outside the EU should now be further enhanced (Finch, 2011: 66). Current ‘success stories’ in this respect, and from a UK perspective, include: FRONTEX (established 2005), EURODAC (established 2003), specific transit and sending country capacity building partnerships, and the EU-Africa Khartoum anti-trafficking process (2014). It seems, especially in terms of controlling non-EU immigration, that what Hollifield (2004) calls an “international migration regime” has now emerged. Not only does this bring power back to the nation-state by offering international solutions to international phenomena but it also offers new venues where responsibility, and therefore blame, can be located and fixed.

Outside the EU context, there is also a broader upward/ upstream literature focused on international migration policy. True, there is debate over the pragmatics and/ or desirability of achieving genuinely international governance (Betts, 2011; Hatton, 2007; Ruhs, 2013) but at the same time international policy constellations are emerging. These centre on international institutions and their associated policy agendas (Andrijasevic and Walters, 2010; Fernández-Kelly and Massey, 2007; Fitzgerald, 2012; Geiger and Pecoud, 2013; Lerche, 2007; Pecoud and Guchteneire, 2005; Rogaly, 2008; Scheel and Ratfisch, 2013) and on international partnerships and agreements that are often driven ‘from below’ (Betts, 2011; Ghosh, 2000; Hyndman and Mountz, 2008; Kunz, 2013; Kunz and Maisenbacher, 2013). Recently, calls for a greater critical focus on global-level governance have been growing (Castles, 2014; Schierup *et al.*, 2014).

Although migration policy analysis has tended to focus most attention on upward/ upstream rescaling it is clear that, in the case of the UK, there has been considerable outward/ outside rescaling. This was most notable in the germination and early fruition of the managed migration paradigm, and especially via the role of the IPPR think-tank and associated researchers, authors and experts (Spencer, 1994, 2003, 2010). Balch (2009, 2010) talks of the ‘epistemic communities’ beyond central government, and indeed ostensibly outside the formal state, that have been influential in shaping UK policy: an observation that is not just unique to immigration. More broadly, and as part of this recognition, the literature identifies the role of myriad actors in the migration policy process (from development, to implementation, through to policy transfer and accountability). Key actors include: business interests (Freeman, 1995; Joppke, 1998); experts and academics (Balch, 2009, 2010; Boswell, 2004); lobbyists (Sciortino, 2000); unions (Hammar, 1984); specialist intermediaries (Gill, 2009) and the public via their constituency MPs (Money, 1997).<sup>iii</sup>

Finally, and given recent trends in the UK towards devolution, there has been some, albeit limited, evidence of downward/ downstream migration policy rescaling (Favell, 2008). Scotland is the UK’s *cause célèbre* in this respect (Arrighi de Casanova, 2014; Hepburn and Rosie, 2014; Houston *et al.*, 2008; McCollum *et al.*, 2013; Migration Observatory, 2014) and although immigration policy is a ‘reserved’ matter has been able to demonstrate autonomy both through concrete policy initiatives (Arrighi de Casanova, 2014: 112-116) and through a distinctly positive cultural *milieu* with respect to international migration at odds with Westminster (Hepburn and Rosie, 2014; McCollum *et al.*, 2013; Migration Observatory, 2014).

Ultimately, Scotland's 'Fresh Talent' policy initiative (2005-2008) became subsumed within the UK's 'Points-Based' system, the associated post-university international-student working visa was closed by Westminster (in 2012), and a majority of Scots do actually favour lower immigration. However, the point remains that the policy context is different and that this has involved different types of policies being advocated, if not always being enacted or ultimately preserved. Most recently, this distinction manifest itself through the SNP's (Scottish National Party) immigration policy proposals at the September 2014 independence referendum.

Beyond Scotland there are numerous other sub-state level policy analyses (see for example: Hepburn and Zapata-Barrero, 2014; Joppke and Seidle, 2012). The most notable as far as the UK is concerned come from Canada (Iacovino, 2014) where there are often regional differences in the number and type of migrant allowed entry and/ or allowed to work (usually temporarily). Prebeisch (2007), for instance, has observed how Ontario and Quebec dominate in terms of low-wage and temporary migrant farm labour via an examination of the Seasonal Agricultural Workers Programme (SAWP). Such sub-state level variation has not gone unnoticed in the UK and a "regional approach" to management was advocated at the 2010 election by the Liberal leader Nick Clegg, who then became the Deputy Prime Minister (BBC, 2010).

Overall it is clear that upward, outward and downward policy rescaling is occurring in liberal democracies and that it is occurring with increasing frequency. The exact form this rescaling takes, however, depends upon the policy field one is interested in and, as far as the UK's managed migration paradigm is concerned, there is considerable nuance and complexity in the 'venues' where policy is initiated, implemented, transferred and responsibility fixed. In a more abstract sense, one may legitimately ask what the logic is that is driving policy rescaling? Put

another way, why have particular upward, outward and downward venues become synonymous with managed migration?

There are at least four ways of responding to this question, and none are mutually exclusive. First, and most optimistically, there is the view that policy rescaling and associated venue diversification and expansion reflects a desire to democratise decision-making through processes of devolution, decentralisation, stakeholder consensus and public engagement. To this end, managed migration is part of a progressive move to allow more people to have more of a say over the policy process. The problem with this perspective is that there remains a clear and persistent gap between public attitudes towards immigration and concrete policy results (if not always policy responses) (Castles, 2004; Cornelli *et al.*, 1994; Lahav and Guiraudon, 2006). Moreover, not only has this gap remained as policy venues have expanded: it appears to have actually grown in the case of the UK's managed migration paradigm.<sup>iv</sup>

Secondly, and also optimistically, policy rescaling may be seen as a way of moving migration decisions outside of a relatively small political elite with an historically hard-line approach to migration both within, and into, the UK (see Anderson, 2013 for a review). Thus, even if the policy process is not devolved as far as the public, venue expansion can still be used to diversify the voices and interest groups ultimately shaping the policy process. Once again, though, there are questions over whether managed migration has become more or less hard-line as the paradigm has matured: with the securitization and criminalization trends in UK refugee policy often cited as reasons for caution (Ajana, 2013; Bosworth and Guild, 2008; Hyndman and Mountz, 2008; Schuster, 2011; Stewart and Mulvey, 2014; Vaughan-Williams, 2010).

Third, policy rescaling has been linked to new conceptions of how power and control works most effectively, efficiently and sustainably in modern liberal democracies (for a classic see Foucault, 1978 [1991]). Very simply, centralised and/ or explicit forms of power and control have been increasingly supplanted, though not replaced (the continued threat of their use is often important), by more diffuse and consensual forms of what might be termed ‘governmentality’. In this respect, policy making is rescaled as part of a broader process of establishing power and control by the state that may appear at first glance to be more democratic, and certainly more creative; but may actually simply involve the same motives, and same end-points being coveted, but via a different set of means; means that may be better at masking motives and end-points if this is required, and also potentially better at manufacturing mass consent towards them.

The rescaling of migration policy across a greater diversity of venues has been called a “new regime of border control” (Andrijasevic and Walters, 2010) with this broader notion of governmentality in mind. A classic instance of new forms of state power and control in operation is the UK asylum system and the way in which, since the early 2000s, the numbers of refugees entering the UK have plummeted (Blinder, 2013). The Home Office now relies on what Gill (2009) calls “asylum sector intermediaries” as it “shies away from the political risk associated with asylum control” (219). This is an instance of the outward/ outside rescaling via what is colloquially termed ‘arms-length’ government. Similar rescaling trends are evident in broader managed migration policy in the UK (as noted above) via the use of ‘epistemic communities’ (Balch, 2009, 2010) that crucially can provide symbolic legitimation for policy (Boswell, 2008, 2009) and diffuse, or re-orientate, the ‘heat’ (usually in the form of moral panics) emanating from states’ immigration decision-making.

Fourth, and focusing in on this more cynical interpretation of policy rescaling and venue expansion, a number of migration researchers have characterised recent attempts to manage migration as largely symbolic and ultimately, and often also knowingly, pre-destined to fail. A “liberal paradox” is identified by many scholars, though it is not always called this, whereby nation-states are more ‘open for business’<sup>v</sup> than ever, on the one hand, but also more punitive with respect to immigration control on the other (Castles, 2004; Freeman, 1995; Hollifield, 2004; Joppke, 1998). This economic need for openness, it is argued, trumps the mass public’s demand for reduced immigration: and the priorities of global capital triumph over those of domestic labour. Thus, even if states continue to ostensibly appear to be on the side of the public by advocating greater immigration controls, across a greater range of venues, migration is still likely to rise (hence the ‘gap hypothesis’ discussed above).

A classic take on this argument has been advanced by Freeman (1995) via his ‘clientalist’ politics model (see also Joppke, 1998). Freeman (1995: 885) states that:

“The direction of policy is mostly a function of which fragments of the public have the incentives and resources to organize around immigration issues. As it turns out, those who benefit from immigration in direct and concrete ways are better placed to organize than are those who bear immigration’s costs. Immigration tends to produce concentrated benefits and diffuse costs, giving those who benefit from immigration greater incentives to organize than persons who bear its costs.”

Although often critiqued, in the sense that policy making is more complex than Freeman at times suggests, the basic argument of policy convergence and expansion around business interests appears to hold. Freeman’s analysis also chimes with more general claims by social scientists around neo-liberal governance being about states collaborating intimately with business in the drafting of legislation and determining of policies (Harvey, 2005). Moreover,

such precision in terms of the core motives driving policy may actually help to explain some of the rescaling and venue expansion identified above: as, at least in part, a ‘smoke and mirrors’ strategy.

It is reasonably easy to conclude, in the words of Favell and Hansen (2002: 597), that migration policy is now “defined and governed by market forces” (see Krissman, 2005 for a very interesting take on this). One can also begin to see how policy rescaling and venue expansion may be part of this: as both a new form of state power and control in general; and as a form of, albeit veiled, Clientalism in particular. Nevertheless, one must not discount the potentially laudable motives that may lie behind migration policy rescaling and venue expansion, nor should one treat the four explanations outlined above as mutually exclusive.

The state, civil society, business, the media, and the wider public are clearly all implicated in the migration policy process (Hansen, 2000), and, have become *more* implicated via the recent policy rescaling and venue expansion observed above. In this respect it remains important to differentiate, as we did at the outset, between the questions of who ultimately drives and shapes immigration policy, and why; and the questions of where policy is emplaced and how it is operationalized. Although the latter (where and how) questions are arguably less political and more empirically orientated than the former (who and why) it is noteworthy that there has been relatively little analysis or conceptualisation of managed migration in practice.

What is clear from the work that does exist is that states use a variety of what we term ‘filters’ to determine and justify legitimate migrant entry as part of a process of management when they decide that ‘zero immigration’, at one extreme, and ‘open borders’ at the other extreme are not viable options. Put another way, filters effectively explain how the walls surrounding nation-

states are built, and more specifically, how the doors within them are inserted and rendered accessible to particular types of migrant (Zolberg, 1989). States' ability to construct particular "gated communities" (van Houtum and Pijpers, 2007) appears to depend upon at least six types of filter that are usually deployed in combination: legal, geographical, credential, transfer-based, monetary or humanitarian. Crucially, they produce what has been called a "tiering of entitlements" and "stratification of rights" according to migrants' particular characteristics and circumstances (see Dwyer *et al.*, 2011). Following an examination of UK policy rescaling and venue expansion, the specific use of these managed migration filters will be explored.

## **UK POLICY RESCALING AND VENUE EXPANSION**

Following the start of the UK's managed migration era (from around 1993) action, adaption and change became endemic at the Home Office. Between 1993 and 2014 (i.e. in 22 years) there were 8 Home Secretaries, 13 Immigration Ministers, and 10 Immigration Acts (see Table 1). Whether a 'perpetual revolution' or '*plus ça change, plus c'est la même chose*', it has been clear that the policy processes occurring over this time have been located across an increasingly diverse and diffuse number of venues.

[Insert Table 1 Here]

Most obviously, the formal (though not *de facto*) start of the managed migration paradigm occurred on September 11<sup>th</sup> 2000 when the Home Office Minister Barbara Roche, via an IPPR (Institute for Public Policy Research) speech at the British Bankers' Association annual conference, delivered a seminal address. This signalled that the Labour government was planning to expand immigration (IPPR, 2005; Roche, 2010; Somerville, 2007). Loser rules were announced later that month (on September 29<sup>th</sup> 2000) and these rules, along with the



speech that preceded them, marked the symbolic end to the relatively long death of ‘zero immigration’ (for a review see Hanson, 2000).

This symbolic moment, around September 2000, involved the Home Office working together with a sizeable (though largely south-east based) ‘epistemic community’ (Balch, 2009, 2010). Most visibly the IPPR think-tank and financial services industries were ‘headlining’ Roche’s policy launch. However, even before this, experts from outside of government were influencing the policy process (Finch and Goodhart, 2010; IPPR, 2005; Spencer, 1994). The motives for this outward rescaling may have been genuine, and largely aimed at improving the policy-making process. However, one cannot discount the possibility of external stakeholders being used ‘as cover’ to help diffuse and re-orientate the ‘heat’ (usually in the form of moral panics) likely to swell from an ultimately expansionist immigration policy decision (Boswell, 2008, 2009).

The arms of the Home Office certainly remained open beyond the early days of the managed migration paradigm. Outward rescaling has, for example, now been institutionalised through the work of the ‘Migration Advisory Committee’ (MAC).<sup>vi</sup> This non-statutory and non-departmental public body was established in 2007 and consists of a group of migration experts at arms-length from government, but advising government over future policy making (see for example MAC, 2014). MAC, for instance, has helped to determine how open the five tiers of the post-2008 points-based system (PBS) are and is responsible for providing the Home Office with expert advice and research on migrant supply and demand, and for assessing whether or not migration is of economic benefit to UK plc. and the UK resident population.

In addition to MAC (with responsibility for labour migration), a similarly independent expert advisory system exists for the UK's asylum seeker and refugee policy. Established in 2002, via the Nationality Asylum and Immigration Act, the 'Advisory Panel on Country Information' (APCI), now the 'Independent Advisory Group on Country Information' (IAGCI),<sup>vii</sup> currently sits within the 'Independent Chief Inspector of Borders and Immigration' (ICIBI) (established in 2008). The ICIBI also has three additional external stakeholder steering groups: focused on refugee and asylum, seaport, and aviation communities.<sup>viii</sup> Together the IAGCI expert advisory system, the three stakeholder steering groups, and the MAC demonstrate the Home Office's readiness to gather specialist knowledge around particular forms of immigration. All have been widely praised.

Other than these consultative structures, there is ample additional evidence of Home Office expert and stakeholder engagement from: think-tanks (CSJ, 2013; Finch and Goodhart, 2010; Finch, 2011; IPPR, 2005; Spencer, 1994); university research centres (e.g. University of Oxford)<sup>ix</sup>; business groups (CBI, 2005); independent commissions and enquiries (IAC, 2008); and from elsewhere in government, but often drawing on expertise from outside of government (APPG Migration, 2013; Glover *et. al.*, 2001; House of Commons, 2014a; House of Lords, 2008; Parliamentary and Health Service Ombudsman, 2010).

In addition to the above, the trend towards outward rescaling in UK managed migration has also actually occurred *within* the Home Office. Even overlooking the perpetual organisational change identified in Table 1, it is clear that the chain of policy responsibility through the Home Office is sometimes muddied by venue shifting and rescaling. An example of this occurred in 2008 with the establishment of the 'UK Border Agency' (UKBA). This signalled not only the

amalgamation of the Border and Immigration Agency (formerly the UK Immigration and Nationality Directorate) with UK Visas and the detention functions of HMRC, it also established the UKBA as an ‘executive agency’. This particular status made the UKBA technically independent from government: and so it became easier for Ministers and politicians to point to anonymous bureaucrats in the event of crisis, as they were removed from the firing line. In 2012-13, however, the UKBA was divided into three bodies, all within the Home Office: UK Visas and Immigration, Immigration Enforcement, and the UK Border Force. This recreated a more direct chain of policy responsibility than was possible under the UKBA arms-length ‘executive agency’ status.

So far, largely explicit forms of outward venue rescaling have been profiled but in some cases the migration policy process may be knowingly reshaped by non-migration policies, and this may not always be transparent (Balch, 2010: 45; Castles 2004: 864; Fitzgerald, 2012; Schain, 2008: 283). John Vine, head of the UK’s ‘Independent Chief Inspector of Borders and Immigration’ (ICIBI) from its inception in 2008, alluded to this issue on his departure from the organisation in August 2014: “It’s very difficult for people to understand immigration. It has now become very political and is a toxic mix of issues rather than just being about migration... It has connotations around national security, about tackling organised crime and preventing terrorism” (quoted in Wright, 2014). Thus, arguably the highest profile independent voice associated with the UK’s managed migration paradigm, was using his first interview since announcing a premature departure to stress the point that this paradigm had become part of other policy agendas, possibly for particular ends.

Academic research on how and why this form of outward migration policy rescaling occurs is somewhat limited. One of the most interesting arguments advanced in this respect comes from

the human trafficking literature. Most critically, Fitzgerald (2012) argues that value-infused, problem-based, and thus consensus forming, discourses of slavery, prostitution and organised crime have been combined to form a moral platform on which the fight against human trafficking now rests: but that this is also part of a broader but, as a result veiled, anti-immigration agenda. Put another way, hard-line policies around immigration, which many would argue are amoral, are being nested within policy discourses that are explicitly and incontrovertibly moral (e.g. Home Office, 2011, 2013). Thus, non-migration policy aims – to end human suffering by stopping slavery, prostitution, and organised crime – are being strategically associated with the management of migration (see also Anderson, 2007).

The same observations also apply to the UK's attempt to safeguard working standards and prevent what has been termed 'modern slavery' (CSJ, 2013; Home Office, 2013). The 2013 Home Office Draft Modern Slavery Bill, for example, focuses very clearly on both "immigration crime" and "organised crime perpetrated by criminal gangs with links all over the world" (Home Office, 2013: 4). Once again, a group of migrant victims are identified (this time victims of exploitation rather than trafficking *per se*) and a clear moral agenda is established that legitimized greater state control.

Interestingly, the morally-infused human trafficking and modern slavery agendas have also been associated with outward policy rescaling via the development of a vast network of NGOs (this is more true for human trafficking than modern slavery). As with the UK asylum system (Gill, 2009; Griffiths *et al.*, 2005), intermediaries are being engaged by central government in the migration policy process. This outward venue expansion is at one level about NGOs supporting vulnerable victims (whether victims of trafficking or asylum seekers and refugees),

yet at another can sometimes also be about them providing either legitimacy for state policies or assuming the risk and responsibility of these.

As far as the out-sourcing of UK human trafficking service provision is concerned, the UK's ratification of the 2006 Council of Europe 'Convention on Action against Trafficking in Human Beings' meant that the UK had a duty to support human trafficking victims from 2008-09. The 'National Referral Mechanism' (NRM) was established, and for trafficking victims to receive support through the NRM they must first be vetted by either the UKHTC (UK Human Trafficking Centre – part of the Organised Crime Command in the National Crime Agency) or the Home Office. Referral to these two 'Competent Authorities' occurs via state institutions and NGOs as Home Office approved 'First Responders'. There are currently 12 approved NGOs: Salvation Army, Poppy Project, Migrant Help, Medaille Trust, Kalayaan, Barnados, Unseen, TARA Project, NSPCC, BAWSO, New Pathways, and the Refugee Council. Alongside human trafficking identification and referral, these NGOs also provide support services to victims (once their victim status is defined by the Home Office or UKHTC). The leading NGO in this respect is the Salvation Army: having won the Home Office's human trafficking tender from Eaves Housing in 2011.<sup>x</sup>

Competitive tendering in the arena of human trafficking victim support has been criticized both for creating a shadow welfare state and for enabling the government to reduce the level and quality of service provision whilst appearing to meet humanitarian responsibilities (Butler and Travis, 2011). It has also meant that the Salvation Army is effectively employed by the Home Office, via funding of £2 million per year, and that the Salvation Army oversees a network of sub-contracted NGO as a result. Issues with the appropriateness of competitive tendering for

NGO welfare provision have been widely raised but the dominant neo-liberal ideology driving it remains.

Home office out-sourcing, as part of the new market in welfare, similarly affects asylum seekers and refugees. Service provision in advice and support, detention, accommodation, and voluntary return, have all been subject to competitive tendering. In relation to the latter, the Home Office moved much of the IOM's (International Organisation for Migration) assisted voluntary return contract to Refugee Action in 2011, demonstrating its apparent willingness to search for 'best value' (however defined). Similarly, the a highly competitive was once again emphasised in 2013 when Home Office funded asylum advice and support services were moved from the Refugee Council (the largest independent refugee charity in the UK) to Migrant Help. Earlier, in 2011, the Refugee Council (which was 78% Home Office funded at the time) had experienced Home Office cuts of around 62% (Hill, 2011).

The Home Office's role in asylum seeker detention and community accommodation is equally market-orientated. In terms of the former, detention in the UK was first enabled via the 1971 Immigration Act and it was decided at this point that service provision should be private so as not to associate detention with imprisonment via the everyday presence of the Police or Prison Service. The creation of a market (and profit) with respect to refugee incarceration developed and has been linked to a broader trend towards a "prison industrial complex" (Shlosser 1998) that appears to be of growing monetary value in the USA and UK (Newburn, 2002). The incarceration industry has been involved in extensive government lobbying in both countries and in gaining contracts in what has become a growing market (Bacon, 2005).

Currently there are 11 ‘Immigration Removal Centres’ (IRCs) in the UK with 3,341 places at the cost of £120 per place per day (Silverman and Hajela, 2013: 5). In any one day, 2,500-2,900 foreign nationals are detained (Bosworth, 2011: 2) with circa 11% of all new UK asylum seekers part of this process (according to the UNHCR).<sup>xi</sup> As far as commodification is concerned, seven of the eleven IRCs are private: run by G4S, Serco, Mitie and GEO. The value of the Home Office contracts for G4S and Serco, for instance, was recently publicised as follows: Brook House IRC (G4S) £93.6m over five years; Tinsley House IRC (G4S) £72.9m over five years; Colnbrook IRC (Serco) £213m over ten years; and Yarlswood IRC (Serco) £96m over eight years.<sup>xii</sup> IRCs have been criticised both in principle, especially those that are privately operated, and in terms of their everyday operation. The UK’s Chief inspector of Prisons, for example, accused GEO in 2014 of a “shocking lack of humanity” at its Yarlswood IRC (Travis, 2014).

In terms of asylum seeker community accommodation, required because most asylum seekers are barred from paid employment, there are an estimated 23,000 destitute asylum seekers in need of support at any one time in the UK (House of Commons, 2014b). Accommodation provision largely occurs via a privatised system known as COMPASS. In 2012 the Home Office decided to restructure this provision to make efficiency savings. It replaced 22 separate contracts with six much larger and more lucrative regional contracts. In the event, three companies (G4S, Serco and Clearel) secured the six contracts, though the tendering and commissioning process was criticised. Most notably, G4S and Serco, although they already had Home Office contracts to run IRCs, did not have any experience of providing asylum seeker accommodation in the community. Ultimately the four streamlined contracts awarded in 2012 to G4S and Serco yielded them £205 million and £190 million respectively over five

years.<sup>xiii</sup> The UK government's House of Commons 'Committee of Public Accounts' was not, however, impressed (House of Commons, 2014b).

The commodification of asylum seeker 'support' – whether through detention or accommodation – reflects a broader neo-liberal out-sourcing ideology that now permeates the UK state. Not only does the approach create a private market, it also allows the Home Office to: “shy away from the political risk associated with control” (Gill, 2009: 219). One must not forget, for instance, that until recently the Home Office was declared “not fit for purpose” by the then Home Secretary John Reid (see also IAC, 2008) due largely to its failings with respect to the asylum and refugee policy process.<sup>xiv</sup>

Arguably the most explicit recent example of this risk/ responsibility 'burden sharing', via competitive out-sourcing, occurred in 2012. The firm Capita were awarded a potential £30-£40 million contract to locate and evict the 174,000 'illegal' migrants on the Home Office's 'Migrant Refusal Pool' database. Ultimately, the numbers actually evicted by Capita, the work they carried out (sending texts and letters to 'illegals'), and the fact that the Home Office could have done this work themselves, were all issues raised in annoyance by the UK Government's 'Home Affairs Committee'. The Chair of this committee (Keith Vaz MP) called the Capita contract “money for old rope” via a question to the Chief Executive only a year after the contract was announced: “Mr Pindar...you have worked for the company for 25 years. This seems to me like a bit of money for old rope. Don't you sit there and think, "Why couldn't the UKBA do this themselves?" If it is taking data out of their own computers and ringing people up and sending them texts and making sure they leave the country, is this not core work for the UKBA?” (Question 37).<sup>xv</sup>



One might infer from the above that the Home Office is trying to evade some of the risk and responsibility associated with managed migration (Gill, 2009), whilst also advancing the broader neo-liberal ideology driving welfare state retrenchment and out-sourcing (Menz, 2013). This may be true some of the time, but it is certainly not always the case. Indeed, the Home Office has not always been at the heart of decisions affecting migration management in any case and, associated with this, would probably have liked to have had more responsibility for the managed migration paradigm at times. This is especially true with respect to the relationship between EU integration, EU enlargement, and UK migration.

Most famously, the UK's decision not to impose transitional restrictions on EU migrants following the May 2004 'A8' enlargement – when ten new member states joined the EU – was determined by special government advisors (between 2002-2004) outside of the Home Office. There is also evidence of Number 10 and Cabinet Office input into the early formal stages of the managed migration paradigm from 1999-2000 (Glover *et al.*, 2001) and a genuine lack of Home Office insight (via dramatically inaccurate migration predictions) with respect to the relationship between migration management and EU enlargement (Dustman *et al.*, 2003).

The issues of EU integration and enlargement take us from outward to upward migration policy rescaling. Most famous, in this respect, is the Schengen system: dating back to an agreement in 1985, and incorporated into the EU via the 1997 Treaty of Amsterdam. This states that: “Internal borders may be crossed at any point without any checks on persons being carried out” (Article 2.1 of the Schengen Convention). The UK (along with only Ireland) opted out of Schengen but migration policy making, as well as broader attitudes in the UK towards the EU and European immigration, has undoubtedly been shaped by it. Other than Schengen, the 1992 Maastricht Treaty on European Union shifted the emphasis of the ‘freedom of movement’

principal from a restrictive view focused on paid workers to a an inclusive view focused on ‘European Citizens’ (as newly defined). As with Schengen, the UK was not enthusiastic, and recently launched a concerted attempt to reduce the rights of non-working European migrants (BBC, 2014).

Schengen and EU citizenship debates aside, the UK did embrace post-cold-war EU ‘A8’ (2004) and ‘A2’ (2007) enlargement. Whilst, little was made of the relationship between EU enlargement and immigration before 2004, there were various negotiation stages – negotiations began in 1990, the Copenhagen Criteria were established in 1993, membership applications were received around 1995, formal negotiations began around 1998, and the ‘Treaty of Accession’ was signed in 2003 – where migration issues would have featured. However, the role of the Home Office during this process was arguably more limited than say the Cabinet Office, the Foreign Office and HM Treasury; and even the establishment of the seven-year ‘transitional restrictions’ in 2003 made little impact. In the event, the Home Office (and UK government) appeared ill-prepared for EU enlargement with statistical predictions very poor (Dustman *et al.*, 2003) and the implementation of the ‘Worker Registration Scheme’ (WRS) for A8 national looking at best rushed (Hansard, 2004).

The Home Office has not always worked at arms-length from the EU, however. Following the 1997 Treaty of Amsterdam, asylum, trafficking and smuggling, human rights, and third-country cooperation policies all became areas where member states agreed to cooperate, and cooperation began in earnest after the 1999 European Council meeting in Tampere, Finland. Asylum and refugee policy, for instance, was fundamentally affected by the Dublin I (1997) and Dublin II (2003) regulations. These established the principal that asylum seekers must claim asylum in the first safe EU country they enter: thus contributing to a *de-facto* tightening

of UK refugee policy: associated with a fall in asylum applications (excluding dependents) from circa 84,000 in 2002 to circa 20,000 by 2011 (Blinder, 2013).

The EU has also developed a cooperative policy platform around the 'EURODAC' fingerprint database (operational from 2003) which ensures migrants can be returned to the EU country they first entered. In a similar post-Tampere vein, the EU established FRONTEX (in 2005) to increase surveillance of, and security at, the external border. FRONTEX works with other agencies, like EUROPOL and UNHCR, not only to police the border but also to build capacity in sending and transit third-countries. Also from 2005, the European Commission's Home Affairs Directorate promoted migration profiles, migration missions, cooperation platforms, and mobility partnerships with third-countries in order to reduce irregular migration into the EU as part of the 'Global Approach to Migration and Mobility' (GAMM) framework. Most recently, this activity has been advanced with respect to human trafficking via the 2014 'EU-Horn of Africa Migration Route Initiative' (known as the 'Khartoum Process'). The Khartoum Process involved negotiations between Ministers of the 28 EU countries and Eritrea, Ethiopia, Somalia, South Sudan, Sudan, Djibouti, Kenya, Egypt and Tunisia with the aim of reducing human trafficking and smuggling into the EU. Instruments like EURODAC, FRONTEX, GAMM and the Khartoum Process demonstrate how parts of the managed migration paradigm in the UK have been "externalized" (Fitzgerald, 2012; Samers, 2004; Vaughan-Williams, 2010) and the views amongst policy experts towards this upward rescaling has generally been positive (Finch, 2011).

Upward policy rescaling has also been initiated by UK independently of the EU. In 2011, for example, the Home Office explicitly called for "international action to stop trafficking happening in the first place" (Home Office, 2011: 3) and had in mind UK-initiated work as

well as EU-based activity. Most obviously, the UK's NCA (National Crime Agency) is networked into EUROPOL and INTERPOL and plays a key role (domestically and overseas) in supporting the prevention of human trafficking, smuggling and modern day slavery. The UK has also worked bi-laterally with France over the past couple of decades to first force the closure of the Sangatte refugee camp (established in 1999 but closed in December 2002) and to then erect a 20km, 2.75m steel fence around the port of Calais (in 2014). The fence supplements the estimated £150 million spent by Eurotunnel on its own border security and is explicitly designed to: "Push our border controls across the Channel" (Home Secretary David Blunkett, BBC Radio 4's 'World at One', December 2<sup>nd</sup> 2002). There are numerous other examples of UK-led overseas initiatives designed to reduce migratory pressure. The main Home Office initiatives have occurred via the 'Risk and Liaison Overseas Networks' (RALON) and 'Immigration Liaison Managers' (ILMs) that cover more than 120 countries.

In a more limited way, and often more symbolically than substantively, UK migration management has experienced downward rescaling. Scotland is the most obvious example of this (Arrighi de Casanova, 2014; Hepburn and Rosie, 2014; Houston *et al.*, 2008; McCollum *et al.*, 2013; Migration Observatory, 2014) with concrete policies being developed (especially by the SNP) and sometimes implemented (e.g. Fresh Talent from 2005-2008), and, a distinct pro-migration culture emerging. Thus, whilst migration policy has remained Home Office based (as a 'reserved' matter) some ownership over the managed migration paradigm (though only very limited) has been devolved. Alongside the post-1998 devolved approaches to migration, most evident in Scotland, the 12 UK regions have been given 'strategic migration partnerships' via annual Home Office funding. This means that all regions have some say in relation to the local policy process, and associated partnership working, as it pertains to migrant

and minority groups. However, these regional bodies have relatively limited say over migration *per se*, with the emphasis being more on *in-situ* migrant groups.

Table 2 summaries some of the key UK evidence supporting the rescaling and venue expansion thesis at the three levels identified above (outward, upward, downward). Given that migration has continued to expand, and that the UK public remains largely anti-immigration in sentiment, it is reasonable to ask whether the managed migration paradigm has succeeded? Certainly, the gap between policy aims and outcomes remains (Castles, 2004; Cornelius *et al.*, 1994) yet despite this it is also the case that the management of migration has become more diverse, diffuse, sophisticated, and arguably more pervasive, over the past three decades. The managed migration paradox that has subsequently emerged – greater immigration controls alongside greater immigration – could be interpreted as a form of clientalist ‘in-fighting’ and it is certainly not restricted to the UK.

To elucidate, it is not only in the interest of organised business groups to maintain the supply of labour (and indeed consumers) via expansive immigration – as Freeman (1995) points out – it is also in the interests of some to increase the size of the ‘migration industries’ that both prevent and encourage population migration (Gammeltoft-Hansen and Nyberg-Sorensen, 2013). To this extent, the growth of both migration and migration controls may be desirable from a clientalist perspective; and even if it is not it has certainly become an important feature of managed migration.

[Insert Table 2 Here]

## **UK POLICY FILTERS**

With both migration controls and migration pressures rising, that state is left to decide who to allow in, and how to justify this rationing process. Filters are an essential part of this as the very notion of management requires some selective admission, and this must also be deemed successful (however this is judged). The question of how the drawbridge is selectively lowered is something that will now be explored. There are at least six main filters constituting the UK's managed migration paradigm:

1. **Legal:** This filter relates to states admitting migrants but granting them differential citizenship status according to where they come from, their skill level, and/or the resources they bring with them. Citizenship can affect migrants' access to welfare, political rights, workplace rights, and the time they are able to remain within the country (Anderson, 2010; Dwyer *et al.*, 2011). Groups such as low-wage migrant guestworkers, granted only partial citizenship status, have been termed "denizens" (Hammar, 1989; Standing, 2011). Examples of the legal filter being used in practice in the UK to limit citizenship rights and entitlements are the now defunct Seasonal Agricultural Workers Scheme (SAWS) (Scott, forthcoming) and the overseas domestic worker visa (Lalani, 2011). In most cases limited citizenship, via the use of legal filters, represents an attempt by the state to make low-wage migration both more publically acceptable, because it is temporary (Castles, 2006; Davis and Green, 2006), and more lucrative economically (Ruhs, 2013). The legal filter does, though, also affect skilled migration (Koslowski, 2014).
2. **Geographical:** This filter limits or enables access according to the status of the migrant sending state within the migrant receiving country. In the UK, until 1962, migrants from Commonwealth states were given preferential access to the UK labour market via the 1948 Nationality Act creating the category of 'Citizen of the United Kingdom and Colonies' (Hansen, 2000). This preferential access diminished from 1962, with the imposition of the Commonwealth Immigrants Act and the UK's decision to join the EU, and from 1973,

when the UK actually joined the EU.<sup>xvi</sup> Today, whilst migrants from EU Member States enjoy free access to the UK labour market, it is nonetheless also the case that migration flows from Commonwealth countries continue. The UK's geographical preference for first Commonwealth and then EU immigrants both now fundamentally shapes the migrant mix in the country.

3. **Credential:** The credential filter often intersects with the citizenship filter. It relates to states using a migrant's educational, professional and/or financial status to determine access and subsequent citizenship entitlements. The credential filter is most evident in points-based migration systems (Koslowski, 2014). In the case of UK managed migration, this filter became significant from 2001 when the Highly Skilled Migration Programme (HSMP) was announced (Cerna, 2011). Operational from 2002 this drew on best-practice from points-based migration systems elsewhere in the world (most notably Australia and Canada) to allow skilled migrants to enter the UK from outside the UK temporarily, though permanent settlement was permitted after 4-5 years. The HSMP acted as the main 'laboratory' for the subsequent roll-out, announced in 2006, of the overall five-tier UK points-based migration system. The points based system (PBS), as it is known, became operational from 2008 with Tier 1 entry determined by credentials (education, skill level, experience, income and wealth) irrespective of an employer-sponsor (the latter being a requirement of Tier 2).
4. **Transfer-Based:** Certain migrant workers may be allowed explicitly, or by the state turning a blind-eye, to shift their status having already settled in a country. Most obviously, international students, asylum seekers and irregular migrants may all move over from illegal or 'semi-compliant' (Ruhs and Anderson, 2010) status in the labour market to fully regularised and legal. It is the transfer filter that enables this and states can use this filter, which has various complex regularisation mechanisms, to reduce the size of the informal economy and the size of the illegal migration problem. This effectively occurred in May

2004 when the transfer and geographical policy filters were used together and the hundreds of thousands of Poles working illegally in the UK (Jordan and Düvell, 2002) were regularised via EU enlargement.

5. **Monetary:** Simply put, this filter relates to a willingness to allow migrants to enter a nation-state to study and/ or work based on them purchasing a good or series of goods. The long-term rise in international student numbers in the UK – up to almost 500,000 in the academic year 2011/12<sup>xvii</sup> – is an example of this filter in operation; whereby migrants are granted temporary visas dependent upon them enrolling on, and purchasing, educational courses (though they are allowed to work up to 20 hours per week during term time and full-time over the holidays). The growth of international student migration has been occurring since the 1980s (Agarwal and Winkler, 1985) though levels increased dramatically in the UK with the onset of the managed migration paradigm.
6. **Humanitarian:** A state's decision to allow entrance based upon national (though also usually international) human rights obligations can act as a key policy filter and explain expansionary immigration policies (Joppke, 1998). In the UK, the establishment of legal precedents around family unification (the right to family life) and refugees (the right to asylum) were particularly significant during the 'zero' migration paradigm and have continued to be prominent during the 'managed' migration era (Morris, 2002). However, refugee inflows and family unification, though both still highly significant, appear to have peaked. The family unification figures, for example, increased from an average of 35,000 per year in the 1990s to 74,000 in 2006 but then fell back to 56,000 in 2010. They still, though, make up 17% of all non-EU immigration to the UK (Blinder, 2012: 4). Similarly, asylum applications (excluding dependents) rose from just circa 4,000 in 1987 to 84,000 in 2002 but have now declined to around 20,000 (2011) (Blinder, 2013). The reduced openness of the humanitarian filter, as well as its reduced importance relative to other



policy filters, is one of the defining features of managed migration in the UK. It has raised human rights concerns over both denying migrants family life (APPG, 2013) and over the criminalization and exclusion of refugees (Bosworth and Guild, 2008; Stewart and Mulvey, 2014).

From the above it should be clear that states have a number of options available to them in order to translate migration management, and arguably mismanagement, into practice. Management must involve some form of rationing of access as it sits in-between zero immigration and complete open borders. This rationing occurs via the filters above, and all have been used as part of the managed migration paradigm in the UK. The filter that has been most prominent, however, is the geographical filter.

### **GEOGRAPHICAL FILTERING**

Until the 1970s the bulk of the UK's immigrants came from Ireland and the Commonwealth, and migrant access to the UK was very much rationed by a combination of the legal (the notion of British citizens and subjects) and geographical (the Commonwealth and the special relationship with Ireland) filters. Whilst flows from this historic filtering process continue today, the UK's decision to join the EU in 1973 signalled a commitment to the freedom of movement principle within Europe (though the debate at present is whether, and how, this principle should differentiate between working and non-working European migrants). Thus, immigration policy became inherently more geographical from the 1970s with the UK opening up a migratory door to all EU citizens.

The A8 (Poland, Latvia, Lithuania, Estonia, Hungary, Czech Republic, Slovakia, Slovenia) EU enlargement in 2004 and A2 (Bulgaria and Romania) enlargement in 2007 were significant in

this respect because they remade UK immigration policy by expanding the importance of the geographical filter. In the run up to 2004 enlargement, a significant number of UK employers were actually using irregular A8 labour to meet their low-wage employment needs (Jordan and Düvell, 2002). Like in the US, there was a ‘gap’ (Castles, 2004; Cornelius *et al.*, 1994) between policy objectives (to manage immigration) and outcomes (rising irregular immigration and a lack of control) and the UK decided to close it through EU enlargement. To this end, EU enlargement functioned as a *de facto* process of regularisation (i.e. combining the geographic and transfer-based filters).

There is debate over whether this informal regularisation was ‘stumbled upon’ or known about in advance (Finch and Goodhart, 2010). What we do know is that a decision was made not to impose transitional restrictions on ‘A8’ migrants from new EU member states via two policy meetings. First, at the Copenhagen European Council on December 10<sup>th</sup> 2002 it was decided that enlargement would provide a sufficiently large pool of labour to meet the needs of the UK’s low-wage employers.<sup>xviii</sup> Second, at a Council of Ministers meeting in Brussels shortly before EU enlargement, an executive-level decision was taken by special government advisors (outside the Home Office) not to impose ‘transitional restrictions’ on A8 migrants.<sup>xix</sup> This second decision placed the UK alongside only Ireland and Sweden in completely opening its labour markets to migrants from the 2004 accession states and was undoubtedly influenced by the 2002 decision that preceded it.

An interesting question for policy analysts is how much was known about the impact of remaking migration policy through EU enlargement in the 1970s when the UK joined the EU, in the 1990s when post-cold-war enlargement was agreed, and in the 2000s when this enlargement actually occurred? And how much did the Home Office know? Certainly, there

were woefully inaccurate predictions over the likely number of A8 migrants to enter the UK (put in the tens of thousands) and resultant chaos at the Home Office (Dustman *et al.*, 2003). The question is whether or not mass A8 and A2 immigration was genuinely a surprise within and beyond the Home Office? In other words, how consciously and explicitly were the geographical and transfer-based filters deployed?

In the view of this author, policy may have looked chaotic and conformed to Spencer's (2003) observation of being reactive and shaped by "unforeseen developments and unintended consequences" but, at the same time, there appears to have been an undercurrent of expansionism – consistent with Freeman's (1995) thesis – that was a largely "hidden agenda" (Castles, 2004) wrapped up within the geographical filter of EU enlargement and not always located within the Home Office. Business needed managed migration (CBI, 2005; Glover *et al.*, 2001) and managing migration through the geographical filter of EU enlargement was seen as, and probably was, the optimal way to go about this. Moreover, it was optimal in part because EU enlargement was the primary policy goal and migration the secondary outcome of this policy. Crucially, then, the government was not directly sanctioning more immigration but was aware that some more immigration would inevitably result. Schain (2008: 283) calls this: "the reluctance of governments to acknowledge the policies that they are pursuing". Balch talks similarly of it being in states' interest to "maintain an information deficit" (Balch, 2010: 45).

The question that is now raised is whether this expansionism using the geographical policy filter was the least-worst option for the UK? In other words, other filters could have been used to manage migration in an expansionist way, but was the use of the geographical filter the most sensible and most progressive choice?

The view of this author is that it was. Very simply, the EU is the closest we have to what Hollifield (2004) has called an “international migration regime”. It brings power back to the state by offering international solutions to an international phenomenon and locating migration policy at an EU level makes sense for states struggling to be seen to be in control of an issue that extends beyond borders. It also gives business a larger community of workers to draw on (meeting underlying clientalist priorities that are unlikely to go away) whilst giving states transnational reach to control the potential inflow of regular and irregular workers (meeting the concerns of citizens). Crucially, and this brings us back to the earlier discussion of policy-making venues, the EU geographical filter also fixes the blame for any problems associated with immigration ‘upward’ at a European level and above and beyond national government. The EU, in this respect, becomes the target for the publics’ and politicians’ anger over rising immigration: explaining a large part of the 2011 promise by the UK Prime Minister for an in/out EU referendum by 2017.<sup>xx</sup>

Thus, far from being about the relinquishing of control, managed migration via the geographical filter of EU enlargement has been about the UK state meeting competing interest group pressures, maintaining control, increasing immigration, whilst also deflecting some policy responsibility onto other venues. Management may have appeared unplanned at times, with Home Office’s 2003 migration predictions woeful, and the organisation declared ‘not fit for purpose’ in 2006, but underlying this was a need to meet labour market shortages (in ‘quality’ and more arguably quantity) in what might be termed a gentle (i.e. veiled) manner.

Finally, some have implied that the use of the EU geographical filter has underpinned *de facto* white-only immigration (McDowell, 2009). Certainly, the EU is a white Christian club and on first glance this might appear to be the case. However, throughout the spatial reconfiguration

of UK immigration policy, migrant inflows from outside the EU have continued apace and other filters have remained open. Thus, the Europeanisation of migration, since A8 (2004) and A2 (2007) enlargement, has occurred but it has not crowded-out other forms of immigration. In fact, non-EU migration still outnumbers EU migration at a ratio of 60:40: even if this ratio has been narrowing since the 2004 and 2007 enlargements (MAC, 2014: 2). Certainly, the EU may have been more favoured in the UK's managed migration paradigm, and part of what has been termed a "hierarchy of foreign worker acceptability" (McDowell, 2009: 31), but it is wrong to argue that non-EU immigrants overall have been displaced.

What has occurred then is a complex spatial reconfiguration of policy, using the geographical filter, to enable (relatively) free access to the UK labour market for more European citizens. At the same time, inflows of non-EU migrants have continued. Latest figures, for example, show that whilst 44% of all EU migrants to the UK are now A8 nationals, A8 national still only account for 14% of all international migrants coming to the UK (Vargas-Silva, 2013: 4-5). Moreover, the vast majority of EU migrants come to the UK as (low-wage) labour migrants whereas the 'international student' and 'family reunification' routes are used much more by the more numerous non-EU immigrants: routes that continue for monetary and humanitarian reasons respectively (Goodhart, 2013: 36).

Different types of policy filters, then, apply to different types of migrant. Just because we are arguing that the geographical filter of the EU has become relatively more important in relation to managed migration in the UK (and specifically in relation to employers accessing low-wage workers) this does not mean that other policy filters are not also affecting managed migration. To put this in perspective it is worth consulting Table 3. This shows net migration to the UK from 1988-2011 and it is clear from the table that whilst European immigration into the UK

accelerated considerably from the mid-1990s (commensurate with the beginnings of the managed migration paradigm) so too did immigration from outside the EU. In fact, and despite the claims that Europe is becoming a fortress, the spatial reconfiguration of the UK's managed migration policy around EU enlargement is arguably a smaller story than the continued openness of the UK to third-country nationals.

[Insert Table 3 Here]

## **CONCLUSIONS**

Aside from Protestant (mainly Huguenot and Palatine), Irish and Jewish migrants, the UK has not historically been a country of immigration. This situation changed from the late 1940s with mass Commonwealth immigration. From the early 1990s, Commonwealth and European labour migration both became significant, as did refugee flows (at least until the mid-2000s) and international student migration. This meant that, whereas 2 million migrants arrived in total in the UK between 1948 and the early 1990s, around 4 million migrants have arrived since then (at an average of 500,000 migrants per annum) (Goodhart, 2013: 210).

It is against this backdrop that the paper has sought to conceptualise and critique the associated managed migration paradigm that emerged in the UK from the early 1990s (though was only formally announced in 2000). Two arguments have been advanced and evidenced: 1) that the migration policy process in the UK has been rescaled around an increasingly diverse and diffuse range of venues: outward, upward and downward of the Home Office; and 2) that the managed migration paradigm has been operationalized in practice via six policy filters, but that the geographical filter has been most prominent. Given both arguments are inherently geographical – that the migration policy process has expanded into new areas, and that there

has been an overriding European dimension to this – we also argue that the UK’s managed migration paradigm has been defined by a twin-track process of spatial reconfiguration.

The next challenge following on from this paper is to use the venue-filter framework to conceptualise and critique migration management elsewhere in the world. Have policy-making venues expanded in the same way? What examples are there of outward, upward and downward policy rescaling outside the UK? What are the logics behind this venue expansion? How successful has it been? Moreover, what are implications of using different combinations of policy filters when managing migration? How are these different combinations justified by states? Finally, have we missed, or misrepresented, any forms of venue expansion (or contraction)? And have we missed or misrepresented any policy filters?

These questions, we hope, will stimulate further and genuinely comparative research on international migration from a range of disciplinary perspectives. In the process, we also hope that what we term the “clientalist in-fighting” that has upped the *ante* – in terms of both the burgeoning migration market (controlling and facilitating international mobility) and the rising demand for, and supply of, international migrants (as workers and as consumers) – can be critically examined and new solutions uncovered to solve this very modern managed migration paradox.

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<sup>i</sup> Non-British net migration was just under 300,000 in 2011, with two-thirds from outside the EU. In response to this, the Conservatives promised to cap net migration at the ‘tens of thousands by 2015’ (Goodhart, 2013: 35-37).

<sup>ii</sup> ‘Venues’ is a term borrowed from Lahav and Guiraudon (2006).

<sup>iii</sup> In the UK context, the opportunities for voters to influence the migration debate via their constituency MPs largely occur via three formal permanent mechanisms: parliamentary questions; the All Party Parliamentary Group (APPG) on Migration (<http://www.appmigration.org.uk/members>); and the House of Commons Home Affairs Committee (<http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee>). [Last accessed: 22/01/15].

<sup>iv</sup> A YouGov poll, for instance, found that the UK public were more concerned about immigration than the economy for 2014 as a whole (see: <https://yougov.co.uk/news/2014/12/28/5-public-opinion-trends-2014>). [Last accessed: 22/01/15]. Similar polls have been produced by MORI. They date back to the 1960s and have always shown public negativity towards rising immigration. The issue is how the level of negativity is changing, how it manifests itself in attitudes and behavior, and how the broader ‘problematisation’ of migration/ migrants over recent years (as distinct from public attitudes) feeds into this (see Anderson, 2013: 49).

<sup>v</sup> This was a phrase used by the UK Prime Minister David Cameron in February 2013 when discussing bi-lateral trade links and immigration flows between the UK and India (see: <http://www.independent.co.uk/news/uk/politics/david-camersons-message-to-india-were-open-for-business-8497375.html>) [Last accessed: 22/01/15].

<sup>vi</sup> See: <https://www.gov.uk/government/organisations/migration-advisory-committee> [Last accessed: 22/01/15].

<sup>vii</sup> See: <http://icinspector.independent.gov.uk/country-information-reviews/> [Last accessed: 22/01/15].

<sup>viii</sup> See: <http://icinspector.independent.gov.uk/stakeholder-engagement/> [Last accessed: 22/01/15].

<sup>ix</sup> The University of Oxford currently houses four specialist migration centres: COMPAS (<http://www.compas.ox.ac.uk>), the International Migration Institute (<http://www.imi.ox.ac.uk>), the Migration Observatory (<http://migrationobservatory.ox.ac.uk>), and the Refugees Studies Centre (<http://www.rsc.ox.ac.uk>). These can be accessed via a central portal: <http://www.migration.ox.ac.uk>. [Last accessed: 22/01/15].

<sup>x</sup> See: <http://www.salvationarmy.org.uk/modern-slavery-section> [Last accessed: 22/01/15].

<sup>xi</sup> See: <http://www.unhcr.org/uk/about-us/the-uk-and-asylum.html>.

<sup>xii</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/287153/29746\\_-\\_Table\\_-\\_Length\\_and\\_value\\_of\\_Contracts\\_between\\_Home\\_Office\\_and\\_G4S\\_Serco\\_Capita\\_Atos\\_organisations.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287153/29746_-_Table_-_Length_and_value_of_Contracts_between_Home_Office_and_G4S_Serco_Capita_Atos_organisations.pdf)

<sup>xiii</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/287153/29746\\_-\\_Table\\_-\\_Length\\_and\\_value\\_of\\_Contracts\\_between\\_Home\\_Office\\_and\\_G4S\\_Serco\\_Capita\\_Atos\\_organisations.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287153/29746_-_Table_-_Length_and_value_of_Contracts_between_Home_Office_and_G4S_Serco_Capita_Atos_organisations.pdf)

<sup>xiv</sup> The issue of migration made the Home Office a somewhat poisoned chalice in the 1990s and 2000s. Barbara Roche, for instance, admitted to being “appalled” at being appointed Immigration Minister (Roche, 2010).

<sup>xv</sup> See: <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmhaff/uc914-i/uc91401.htm>

<sup>xvi</sup> The 1981 British Nationality Act formally ended the notion of British nationality for Commonwealth citizens.

<sup>xvii</sup> See: [http://www.ukcisa.org.uk/about/statistics\\_he.php](http://www.ukcisa.org.uk/about/statistics_he.php) [Last accessed: 22/01/15].

<sup>xviii</sup> The UK then formally stated in 2005: “The government is not convinced that there is a need for low skill migration schemes for non-EEA nationals” (Home Office, 2005: 22). This position as a long-term strategy has, however, been questioned by the influential IPPR think-tank (Finch, 2011).

<sup>xix</sup> ‘A8’ refers to migrants coming from the 8 countries in the 2004 accession round that were subject to transitional restrictions of up to 7 years (determined at an individual nation-state level on a two year, three year, and two year rolling basis). These countries are: Poland, Latvia, Lithuania, Estonia, Czech Republic, Slovakia, Hungary, and Slovenia. The restrictions were established by the EU as part of the 2003 ‘Treaty of Accession’ process.

<sup>xx</sup> To-date only Greenland (1985) and Algeria (1962) have left the EU, and only the former via a referendum. The UK held a successful EU membership referendum in 1975, having already joined. In 2014 Scotland would have had to leave the EU had the SNP won the vote for independence.