Journal of Refugee Studies Vol. 23, No. 4 © The Author 2010. Published by Oxford University Press.
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doi:10.1093/jrs/feq045 Advance Access publication 17 November 2010

When Policy Creates Politics: the Problematizing of Immigration and the Consequences for Refugee Integration in the UK

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MS received January 2010; revised MS received September 2010

This article starts from the premise that the way that policy is made plays an important role in how it is subsequently received. It is argued here that New Labour asylum policy and the symbols and rhetoric that accompanied policy-making, constructed asylum seekers as a threat. This construction problematized immigration generally and created a sense of crisis within the policy field. This assumed crisis then acted to encourage hostility within the general population. The hostile political environment then raises significant problems in terms of integration for all migrant groups, but particularly for asylum seekers and refugees. The article contextualizes these developments and locates cohesion and integration 'problems' within the policy-making processes of the Government.

Keywords: asylum policy, immigration, integration, policy analysis

Introduction

The Labour Government elected in 1997 legislated on immigration on an unprecedented scale. The Acts passed have primarily focused on asylum controls, though new channels for economic migration have opened up, and changes have been made to nationality and citizenship. Nevertheless, due to their focus on unwanted migrants the Acts and the discourse surrounding them convey a dominant message that migration is a bad thing. In this paper language and symbols are shown to have been used as a means of 'dulling critical faculties' to 'evoke a conditioned uncritical response' (Edelman 1985: 124). This suasion primarily had asylum seekers as the target as they were presented as a threat, but crucially, this had consequences. Thus, following Lowi (1972), immigration policy is seen as impacting on immigration politics, a politics in which hostility towards all migrants, but particularly those

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considered least 'wanted', has been institutionalized in both the political and public debates.

Policy-making and Feedback Effects

Prior to the work of Lowi, analysts of public policy had tended to look at policy as primarily a reflection of politics. While theorists such as Lukes (1974) have highlighted the way that perceptions can be changed and/or manufactured, this view had held little sway in the essentially legalistic field of policy analysis. Lowi thus sought to integrate power, coercion and control into the relationship between policy and politics.

There are struggles to define policy, which is at the centre of political conflict, but these struggles are affected by both the power *and* legitimacy of the protagonists (Cobb and Elder 1972). Lowi (1972) was quite specific that different types of policy spawn different power relationships. The importance of suasion and/or the role of policy, language and symbols can combine with media discourses to create a dominant approach to the treatment of an issue. In this way the discussion of policy that accompanies its implementation is a key factor in how the policy is received.

Suasion is linked to the language and symbols utilized in constructing policy. In this area the work of Edelman (1985) is of importance. His insights into the role of symbols and language in impacting upon political debates show both an influence of policy on politics and the role of political contestation (see Thelen 2004 for a discussion of contestation).

Anderson (1997) highlights cumulative effects in that the passing of each policy and the attending debates increase attention to the politics. The integration of this insight with the work of Schattschneider suggests that one way of managing policy, particularly if it does not require primary legislation, is to keep attention and discussion of it to a minimum. Thus some policy or elements of policy can be 'socialized' and openly debated, while others considered politically dangerous can be privatized, that is not openly discussed or debated (see Schattschneider 1960 for the concept of privatized and socialized policy).

There can therefore be concurrent and seemingly contradictory policy proclivities evident in the relationship between policy and politics. In essence this amounts to a non-rationalist conception of Government 'muddling through' (Simon 1957), rather than a distinct and evident goal oriented, rational approach. Overall policy can exhibit both 'muddling' and 'rationalist' qualities, whereby policy is at once both incremental and crisis oriented. Thus two apparently contradictory policy areas can be pursued simultaneously. The creation of a crisis, whether real or imagined, within one aspect of policy maintains its high profile, contrary to Downs' issue attention cycle (Downs 1972). However, as the New Institutionalists argue (see for example Reich 2000), policy can be path dependent. That is, once a certain course of action begins, it can develop almost independently of policy-makers and their

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wishes. Policy-makers can therefore lose what control they had of the policy debate, and indeed the policy itself.

This does not, however, imply a uni-directional and deterministic relationship between policy and politics, nor that the maxim was entirely to restrict overall numbers. The importance of Lowi's work for this article is that there is a relationship between the creation of policies and the way this affects politics. Indeed, taking this further, and following Pierson (2006), the feedback effects of policy on politics and the symbiosis that can be developed are important factors in understanding policy and policy-making.

Labour Policy and the Problematizing of Asylum

New Labour's immigration approach has been characterized by legislative activism. With six substantive Acts of Parliament in 13 years, a raft of accompanying secondary legislation and other legislation with an immigration dimension, immigration has been subject to continual change (see Table 1). While part of the reason for so much legislation concerns changing international migratory dynamics, there was also an element of reactive policy-making, combined with populism. Policy was constructed to fix perceived problems in the immigration policy field.

Success, however, was increasingly related to numbers. Control of asylum numbers as a means of legitimizing the overall immigration system dominated. Numerical targets were set for the time of the overall process and removals, which focused increased attention on the asylum process but also provided a simple means for opponents of the Government to attack them, that of missed targets. While nobody had called for targets to be set in the first place, once they started to be used they provided a simple and straightforward means by which the administration of the system could be questioned, heightening the sense of a system in crisis. What is more, the overall aim of this approach conflicted with the Government's humanitarian commitments. Neil Gerrard, the only MP to sit on the Home Affairs Select Committee examining all immigration Acts for the whole period 1993 to 2008, criticized the target to cut application numbers:

> That target is ludicrous. It is something over which we have no control. We should be able to control the rate at which we make decisions. We should be able to control the rate at which we remove those whose applications have been rejected. We should be able to control the rate at which we deal with applications, but controlling the rate at which applications are made is a completely different matter (Hansard 26 February 2003 Col 82WH).

While there is not the space in this paper to outline all of the Acts' provisions, the trajectory of policy can be provided by briefly highlighting some of the key legislative developments. This will focus primarily on asylum as the part of the migration equation to which both policy and political debates

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were aimed. Labour migration was treated somewhat differently, with rule changes and administrative reform all that was required to alter practice, and despite the large numbers, there was little political discussion of it prior to European enlargement in 2004 (see Table 2 for numbers of asylum seekers and labour migrants). Policy itself was almost entirely focused on asylum. This is broadly characterized below as policies that aimed to make access to the UK more difficult, and those which sought to make life less comfortable for those who did arrive.

Prevention of Arrival: The Geneva Convention and Externalization

One key continuity in Government thinking since 1997 has been the dual process of questioning the utility of the 1951 Convention relating to the Status of Refugees (hereafter the Geneva Convention) while simultaneously externalizing immigration controls in order to contain access to the 'right' to claim asylum. Jack Straw, as the first Home Secretary after the 1997 election, began the process of questioning the Geneva Convention. His argument was essentially that the number of people able to flee regimes and claim asylum was a problem.

> The Convention is no longer working as its framers intended. The environment in which it is applied today is one that has changed almost out of all recognition from that of 1951. Numbers of asylum seekers have vastly increased (Jack Straw, Speech to IPPR, 6 February 2001).

The focus was almost entirely on numbers and extended beyond the assumed legitimacy of asylum claims. Straw added that 'there is a limit on the number of applicants, however genuine, that you can take' (*ibid.*).

Prevention of arrival was therefore key to limiting numbers. The UK was at the forefront of discussions in the EU leading to proposals for Transit Processing Centres and Refugee Protection Areas (see for example Geddes 2005b: 795). Prime Minister Tony Blair argued that all foreign policy instruments should be utilized by the British Government in order to ensure that countries of origin controlled population movement. Such instruments extended to trade and aid (Krieger 2004: 297), which although initially rejected by other European Union leaders are both symbolically important with regard to issues of control, and have also emerged periodically since, contributing to UNHCR's Convention Plus programme, for example.

The creation of 'juxtaposed controls' in 2002 allowed UK immigration officers to carry out their duties in France, thus preventing would-be asylum seekers from arriving in the UK. This process was further aided by the Dublin Regulation and the Eurodac database that made returns to other EU Member States more straightforward. (The Dublin Regulation succeeded the Dublin Convention and sought, through the accompanying EU-wide fingerprinting system, Eurodac, to prevent any secondary movement in the EU,

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by returning asylum seekers to the first state in which they arrived.) Airline Authority to Carry Schemes and the increase in the number of countries whose nationals required visas to visit or even land in the United Kingdom (through transit visas), were also externalization measures. While these developments were the concrete means by which people could be prevented from arriving, the underlying rationale was clearly spelt out by David Blunkett, who replaced Straw as Home Secretary in June 2001:

> It was not until people reached our soil that our border controls came into effect so, by the time that they did so, they were entitled to claim asylum. By moving our border controls to France, operating pre-embarkation controls, photographing documentation and having liaison officers at airports across the world, we are beginning to be able to screen people before they reach British soil (Hansard 26 October 2004 Col 1304).

Thus the 'right' to seek asylum could be geographically limited in numerous ways.

Domestic Controls: Support, Detention, Appeals and Citizenship

Support provisions were subject to huge controversy in the early years of the Labour Government. The Government operated on the unproven assumption that benefits and the 'right to work' operated as a pull for 'illegitimate' asylum claims (see Robinson and Segrott (2002) for analysis of 'pull factors'). Thus the solution was to remove the right to work (in 2001), and to make life on benefits increasingly difficult.

An explicit formulation of 'deserving' and 'undeserving' was developed whereby a separate and less generous social security system was established via the National Asylum Support Service (NASS) 2000. While Income Support levels for the general population had been established just above poverty levels (see for example John McDonnell, Hansard 16 June 1999 Col 451), NASS provision was set significantly below those poverty levels, at just 70 per cent of Income Support. Support was initially paid in the form of vouchers which could only be used at certain shops and were exchanged for goods on a no change basis (see Sales 2002 for analysis of support mechanisms creating deserving and undeserving categories). No choice dispersal accompanied these new support measures. While vouchers were later abolished, part of the *quid pro quo* for abolition was the compulsory carrying of the Application Registration Card (ARC), essentially the first non-voluntary ID card to be used within the UK. Both of these developments signified a problematization of asylum seekers as they were explicitly constructed as not being 'one of us'.

There was also an incremental extension of the 'types' of people not to be afforded NASS support. In the Nationality, Immigration and Asylum Act 2002, the Government sought to remove support from those who claimed asylum 'in-country', three days or more after arrival in UK. While this was

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ruled illegal by the Courts, future Acts also sought to remove other categories of individuals as well as families from support. Indeed the removal of support from families was presented as an incentive to return voluntarily in the Asylum and Immigration (Treatment of Claimants) Act 2004, which led to accusations that the intention was to 'starve them out' (Cunningham and Tomlinson 2005; David Winnick MP at Home Affairs Select Committee 19 November 2003).

As well as the creation of categories deserving and undeserving of support, there was also a process of criminalizing asylum seekers. One example of this was the increase in the detention estate under the Labour Government. Bloch and Schuster (2005) contextualize detention as one part of the three-pronged restriction regime that also includes deportation and dispersal. Despite usually maintaining that detention was only for those at risk of absconding (see for example Mike O'Brien Hansard 15 January 1998 Col 281), the Government at times argued that detention was a matter of capacity rather than principle. Jack Straw stated that 'there are many more people who ought to be detained than can be detained' (Hansard 27 July 1998 Col 48). The categories of individuals subject to detention were changed, meaning that capacity needed to be increased from 1,000 in 1998 to almost 4,000 by 2009 (Home Office 2009). The Government sought the ability to institute 'end to end' detention, whereby asylum seekers would be detained on arrival and remain so until they were either granted status or removed. Although this was eventually ruled illegal under the European Convention, the British Government was able to maintain elements of end to end detention, for example by renaming detention centres as reception centres. In addition, the desire to detain remained of symbolic importance in relation to how it constructed asylum seekers.

The speed with which claims for asylum were to be taken to their end point was fundamental to all other internal asylum-related measures and was a key target of policy. This meant that initial decision-making was to be speeded up, most significantly through the New Asylum Model (NAM). The NAM meant a single case owner would have responsibility for each case. There was an overall target of completing cases within six months, which was aided by restrictions in the right to appeal. There were repeated attempts to institute a 'one stop shop' whereby refused asylum seekers would have just a single right of appeal. This led to continuous reformulations of the appeals process and included attempts to restrict access to higher courts by making the Asylum and Immigration Tribunal a Court of Higher Record. While many of these attempts ran into legal trouble and therefore had to be re-thought or abandoned, they remained both policy goals and important symbols in presenting a constructed image of long appeals processes being due to illegitimate applicants and advisors 'stringing out' the process (Stevens 2004: 616; see also Good 2004 regarding court proceedings in the appeals process).

While nationality policy has been subject to many changes over the decades, perhaps most significantly in the 1981 Nationality Act (see for example

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Hansen 2004), the Labour Government's focus on both Britishness and 'active citizenship' represented something new. Despite nationality being defined by Tony Blair as a 'quiet success story' (Blair speech to Confederation of British Industry (CBI) 27 April 2004), policy and practice began to be changed under Labour. From 2002 applicants for British citizenship were required to pass an English language test. Later, tests on knowledge of life in the UK were added, and a ceremony of conferring citizenship was instituted. While this process of the celebration of citizenship was emerging, the Home Secretary was also given increased rights to remove citizenship from those involved in activities against the interests of the UK.

Internal and external control measures all maintained a high public profile for immigration issues, particularly those relating to asylum. Formal Acts of Parliament focused almost exclusively on control and acted to problematize such measures once it became clear that complete control was not possible. The next section examines the consistent attempt to exert control with its concomitant impact on the perceived legitimacy of the system.

Control and Legitimacy

Asylum controls were linked by the Government to the overall legitimacy of the immigration system (John Reid reported in the *Guardian* 24 February 2007). However, the legitimacy of that system did not increase in the minds of the public as a result of legislative activity, as people remained concerned about increasing numbers (see below for more on public attitudes). The negative construction of asylum seekers and a constantly changing legal framework helped to create a feeling of crisis that had a negative impact on perceptions of the system's legitimacy.

Media focus on non-nationals in the late 1990s and early 2000s was intense but related only to asylum seekers. Ann Karpf pointed out that in the year 2000 the *Daily Mail* ran 200 stories about asylum seekers, contributing to an inaccurate understanding among the population (*Guardian* 8 June 2002). The media had a role as both a conduit for Government arguments and a key opinion former in its own right. (The role of the media in the asylum policy field will not be discussed in full here, but see for example, Coole 2002; Lewis 2006; Lugo-Ocando 2007; Bleich 2002).

Media discourse combined with the Government's own use of pejorative language, seen for example in Reid's arguments about fairness (BBC 7 March 2007), the addition of the adjective 'bogus' to asylum seekers and Blunkett's use of 'clandestines' as a description of spontaneous arrivals (Hansard 24 April 2002 Col 342). Language and legitimacy are therefore linked. Jack Straw reportedly banned the use of the term 'bogus' in the Home Office after it had been used for a number of years (*Guardian* 25 April 1999), only to have Tony Blair continue to refer to refused asylum seekers in this way (Hansard 2 February 2000 Col 1035). The negative construction of asylum seekers was a key part of the political and media message.

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The distinction made between those who flee legitimately, and the illegitimate who arrive of their own accord was also addressed by Government policy and discourse, with just a small number ever likely to receive pre-arrival refugee status, while large numbers were labelled 'bogus' due to their spontaneous arrival. Compare, for example, the 500 pre-determined refugees in the Gateway Programme characterized as deserving (Hansard 20 January 2003 Col 5), with the numbers of spontaneous arrivals, some 49,405 in 2003 (see Table 2 for total asylum and labour migration numbers). This process of characterizing arrivals as deserving or undeserving had links back to the Government's response to the Kosovo crisis (see *Observer* 9 May 1999). It acted as a means by which the Government could claim to be fulfilling its international obligations, placating a liberal audience, most directly within its own Party, while simultaneously furthering the aim of control.

Nevertheless, economic migration was expanding at this time and continually outnumbered asylum applications. Despite a major speech made by the then Immigration Minister Barbara Roche on the benefits of economic migration (Speech to Institute for Public Policy Research 11 September 2000), the phenomenon of increased labour migration was little discussed prior to the enlargement of the European Union in 2004. The policy focus remained solely on asylum seekers and the need to control their arrival. Thus the dual immigration process was one whereby asylum seekers were contextualized as a threat and talked of in crisis language, while the numerically larger labour migration numbers were welcomed by all the political parties. Meanwhile the media were largely silent on this issue, other than claiming that most asylum seekers were actually economic migrants (who presumably did not fit the labour migration categories or numbers).

Thus the institution of asylum controls belied the fact that labour migration was rising significantly. In addition, the continual arrival of asylum seekers meant that control measures were shown to be somewhat ineffective if evaluated in terms of numbers. The focus on control and the lack of controllability of the system thus both questioned that system's legitimacy and heightened the perception that migration was a problem which needed to be dealt with.

Symbols and the Institutionalization of Hostility

Legitimacy deficits continued to problematize the policy field, aided by language and symbols in the form of framing which characterized asylum seekers as a threat. Rein and Schon define framing in a way that allows room for it to be seen in an instrumental way, 'a perspective from which an amorphous, ill defined, problematic situation can be made sense of and acted upon' (1991: 146). This also relates to traditional public policy concerns regarding issue definition. If asylum is defined as a problem to be dealt with, subsequent policy-making takes on that problematized construction. As Munck

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points out with regard to issue definition, a crisis 'only becomes one when it is narrated as such' (2004: 3).

The relationship between the framing of asylum according to harm, and policies created to remove or control the potential for harm, shows the importance of symbols as a controlling and conditioning mechanism. Bleich alludes to the use of aquatic metaphors in describing migratory movements such as 'floods', 'waves' and 'streams' (2002: 1064) that create images of deluge, but also imply the ability to switch it on and off. Thus Government framing of asylum as a numerical crisis and threat, aided by the media, not only contributed to that crisis but also implied the solution, a reduction in numbers.

Edelman, writing on the importance of language and symbols in politics, argued that

> mass publics respond to currently conspicuous political symbols: not to 'facts' and not to moral codes embedded in the character or soul, but to gestures and speeches that make up the drama of the state (1985: 172).

Language is therefore closely linked to perceptions that the public have as a result of framing, and is of particular relevance to immigration. Despite continually criticizing the operation and management of the system, the media largely accepted the principles underlying policy: that most asylum seekers were bogus, that there were too many of them, and that therefore numbers had to be restricted. Indeed, within public debates opposition to the construction of asylum seekers as a threat and a problem was marginal. Civil society was relatively weak in impacting on the policy debate. Statham and Geddes, for example, argue that immigration policy in Britain is 'an elite led highly institutionalized field with a relatively weak level of civil society engagement…elites dominate the field and hold a decisively restrictionist stance' (2006: 248).

The threat posed by asylum seekers was presented as having numerous dimensions, including security (see Bigo 1998 for securitization), a threat to welfare (Geddes 2003), an economic threat (*Observer* 30 September 2001), and a threat to community cohesion (see below). Jack Straw, partly in response to Reid's assertion that the Home Office was 'not fit for purpose' (Home Affairs Select Committee 23 May 2006 Question 866) blamed its problems on its 'dysfunctional customers'. He argued that:

> The fundamental problem with the Home Office is not the quality of the staff but the nature of the individuals it has to deal with….They are dysfunctional individuals many of them—criminals, asylum seekers, people who do not wish to be subject to social control (Hansard 25 May 2006 Col 1641).

Blair added that:

> The world is changing so fast that the reality we are dealing with—mass migration, organized crime, Anti-Social Behaviour—has engulfed systems designed

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> for a time gone by. When we can't deport foreign nationals even when inciting violence the country is at risk (Speech to Labour Party Conference 26 September 2006).

The linking of dysfunctionality, anti-social behaviour (ASB), organized crime and even terrorism with migration and risk clearly shows a discursive congruence. Blair also argued that liberty versus safety was essentially a zero sum game, that:

> Each time someone is the victim of ASB, of drug related crime; each time an illegal immigrant enters the country or a perpetrator of organized fraud or crime walks free, someone else's liberties are contravened, often directly, sometimes as part of wider society (Speech on Criminal Justice at Bristol University, 23 June 2006).

On the more privatized economic migration side, there was almost unanimity within public debates with regard to the positive effect of labour migration, at least up until European enlargement in 2004. Prior to that point Governmental and media focus was almost entirely asylum seeker specific, although asylum seekers also became something of a proxy for all migration related issues. There was no substantive debate and issue framing was therefore unnecessary. The social partners of the CBI and TUC, as well as the Conservative Party and initially the media were all largely supportive of labour migration. Indeed up until the enlargement of the European Union, and the large migration numbers that resulted from it, labour migration was supported through a broadly favourable but unspoken assumption of economic benefit. It was only after enlargement when migrant workers from new member states arrived in large numbers that labour migration became effectively socialized, that is, it began to be openly and widely discussed and debated. Consequently, what constituted 'unwanted' migration changed, at least among some of the public.

The Changing Contours of 'the Other'

UK policy has a history of applying scales of desirability regarding potential migrants that refer to skill levels, migration type and countries or regions of origin. Additionally, legality is not a defining characteristic of desirability. According to Jennings (2005) the most accepted migrants among the British population are generally thought to be the largest group illegally overstaying their visas, Australians and New Zealanders on the Working Holiday-Maker programme. The public, therefore, also have their own attitudinal contradictions which interact with Government policy and media constructions regarding migration and desirability.

On European enlargement in 2004 the Government twice had the opportunity to satisfy, or at least satisfice (a combination of satisfying and sufficing in Simon 1957) powerful employer interests by allowing them access to

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labour. Therefore there were only minimal restrictions placed on citizens of Accession 8 nations, those joining the European Union in 2004, to come and work in the UK, contrary to the position taken by most other EU member states. However, enlargement also gave the Government the opportunity to appear tough on another group of migrants, low skilled migrant workers from outside the EU. Such migration was therefore effectively banned.

The Government's response to a House of Lords European Select Committee report highlighted skill and desirability demarcations. It stated that:

> The net long-term benefits of admitting low-skilled workers permanently are less clear than they are in the case of highly skilled workers. If they are being admitted to undertake low paid work, there is inevitably a question about the balance between the economic contribution they would make and the burden that they and their families might in the long run place on the welfare system and public services (Filkin 2003).

Home Secretary Charles Clarke was explicit in his conceptualization of who he saw as wanted and the broad reasons why. In February 2005 he argued that:

> This country needs migration—tourists, students and migrant workers make a vital contribution to the UK economy. But we need to ensure that we let in migrants with the skills and talents to benefit Britain, while stopping those trying to abuse our hospitality and place a burden on our society (Home Office Press Release 7 February 2005).

The juxtaposition of the good migrants (those who come as part of labour migration schemes along with fee paying students), and the bad migrants (those who arrive illegally, some labour migrants and non-preselected refugees), was clear and showed an expansion of the problematized population when compared to Labour's first term in office. Policy was justified by the Government on the basis that economic value and social provision should act to encourage only the most wanted, while other migrants would face new restrictions. John Reid argued that there was 'an underlying reality that we have not been tough enough in policing access to such services as council housing, legal aid or NHS care' (*Guardian* 24 February 2007). The solution was

> a package of measures that will shut down access to benefits and services for those that should not be here. Living here illegally should become ever more uncomfortable and ever more constrained (*ibid.*).

Such arguments continued to create negative perceptions but also highlighted the issue of legality. Discourse, however, had 'jumped' from one focused on asylum seeker 'abuse' to one labelling individuals rather than their behaviours as illegal, a move that has no parallel in British law which is based on the

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illegality of acts rather than people. In addition, certain types of labour migrants were also now included in the less wanted migrant category, due to a combination of enlargement and category slippage.

The problematizing of migration matters was exacerbated by certain events which were either objectively linked or deliberately tied to immigration. In 2000, a lorry was found in Dover with 58 migrants concealed in the back who had suffocated en route to the UK. In 2001 and 2002 the Sangatte refugee centre in Calais made headlines, where many refugees were based prior to attempting to enter the UK illegally. In 2004, 18 illegally employed Chinese cockle pickers drowned in rising tides in Morecambe Bay. The scandal of visas allegedly being fast tracked in the Sheffield Immigration and Nationality Directorate Office led to the resignation of Immigration Minister Beverley Hughes, also in 2004, and the release of foreign prisoners who should have been subject to deportation in 2006 ended the career of then Home Secretary Charles Clarke. These all impacted on perceptions of the immigration system, mostly increasing Government hostility to immigration and twice leading Tony Blair to bypass his Home Secretary and take full control of the system himself (Spencer 2007). Indeed events that had nothing to do with asylum policy were used by the Government as a rationale for further concern about asylum seekers. While Beverley Hughes had resigned due to issues related to European enlargement and its links to labour migration, the then Home Secretary David Blunkett's response to her resignation related to asylum seekers. Blunkett responded: 'As I have done on asylum, I will ensure we get a grip of these problems, so that we restore confidence and trust' (*Herald* 7 April 2004).

Concern over integration was triggered by ethnic unrest in Burnley, Oldham and Bradford in the summer of 2001 (see Worley 2005). Plans by the far right to march in these towns were countered by the towns' Muslim youths. The result was days of street violence and a Government response that located the problems leading to these disturbances as being about a lack of integration (Home Office 2002: 28–29). The terrorist attacks of 11 September 2001 (in the US) and 7 July 2005 (in London) operated to reinforce the existing trajectory of integration policy, with its earlier focus on refugees now expanded to the long-term settled Muslim community.

Hampshire and Saggar point to the post hoc rationalization of policy in stating that 'the securitization of UK migration policy was already well under way before the bombers struck in London', but that 'there is little doubt the bombings gave an extra impetus to the securitization of migration policy discourse' (Hampshire and Saggar 2006). Blunkett argued that assumed non-integration had led to the UK being a 'coiled spring', capable of disintegration (*New Statesman* 27 January 2003). There was an overt questioning of the 'British model' of multiculturalism, with the Government now arguing, following the Cantle Report (2001), that it was leading to segregated communities. However, responsibility for this segregation was placed squarely on the shoulders of various migrant groups, but particularly existing Muslim

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communities who were being contextualized according to the dual issues of security and radicalization. A new focus on 'community cohesion' would emerge from this process, more on which below.

Spencer has argued that any positive language regarding the need for, and benefits of economic migration was consistently drowned out by negative language concerning asylum seekers, and was later superseded by the 'language of harm' (2007: 359). For Spencer, at least part of the reason for this change was that applications for asylum had dropped, resulting in more attention being paid to 'illegal' immigrants and other unwanted groups. It may be possible to extend that analysis further, and say that public hostility as well as the huge amount of attention and energy focused on the asylum seeker issue by a number of state and non-state institutions, required somewhere else to go in a form of institutional, or more accurately policy and attitudinal layering or conversion (see Weir 2006 for discussion of institutional layering and conversion). Indeed Pierson (2006) argues that policies are institutions. Thus policy itself could be seen as being subject to layering and conversion such that the same institution began to serve slightly different ends. The next section examines some of the impact of these developments on attitudes.

The Impact on Attitudes

Both the level and causes of hostility towards migrants and migration are contested (see for example Freeman 1998; Lahav 2004; Statham and Geddes 2006). However, the Government appears to have believed that there existed a majority anti-immigration feeling among the public which, if not assuaged, threatened the legitimacy of their overall migration regime, particularly the development of economic migration routes. This led them to direct attention primarily to non-labour migrants, in the shape of asylum seekers and refugees. However, it also tended to lead them to focus their attention on the proportion of the population uneasy with immigration, especially asylum seeking, rather than the 'new tolerant minority' (McLaren and Johnson 2007). Thus there was something of a symbiotic relationship between Government policy and policy-making style and an anti-immigration public, aided by a hostile media discourse (see for example Favell and Geddes 2000; Becerro 2004). The primary focus among all three of these parties to policy development in the first half of Labour's period in office was on the least wanted migrants, the most static category on the desirability continuum.

Policy therefore focused on asylum, and on the restrictions the Government felt were needed both on the right to claim asylum and the benefits accruing on that claim. Aided by the language used, the overall importance of asylum as an election issue increased substantially during Labour's period in office and, as shown above, later expanded to include other migrants who were also problematized. While the numbers applying for

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asylum had risen significantly, and thus could be seen to explain some of this rise in issue salience, there seems little doubt that the atmosphere of perpetual crisis contributed to public perceptions. Indeed the initial refugee movements from Bosnia and Kosovo had not resulted in widespread hostility (see Gibney 1999), and thus there was not a direct causal relationship between refugee movements and public hostility.

While in 1997 immigration was not seen as a top ten issue in any major opinion polls (Saggar 1997: 156), by the time of the 2001 election 14 per cent of the population felt that immigration and race relations, as they were usually taken together (Lewis 2006), were among the most important political issues in Britain. This then rose to some 34 per cent by March 2005, a level not seen for 25 years (Geddes and Tonge 2005: 283). It may be surmised that there was a mutually reinforcing relationship between hostile policy and a hostile public. Geddes and Tonge (2005) describe this circularity as a 'ratcheting effect', whereby increased salience led to increased attention which increased the number of Government statements emphasizing the negativity of such migratory movement, and thus salience.

Crawley (2008) adds that immigration may be a touchstone issue whereby non-immigration-related disaffection is reflected in attitudes to immigration as the most visible symptom of societal change. Thus anger with de-industrialization, globalization or the political system comes to be reflected in concerns over immigration. What is more, the public generally fail to distinguish between types of migrants and terms are consistently conflated. Lewis argues that '"asylum seeker" has become a "catch-all" term for any non-white person. The issue of asylum is indivisible in public debate from race and immigration more generally' (2006: 5), due at least in part to the way in which it had been framed. Thus, constant attention to asylum seekers had raised asylum as a political issue. The attention to asylum as an issue was not static, however. Misunderstanding of migrant types and hostility towards them changed to encompass economic migration, previously quietly encouraged, and indeed race relations issues more generally.

Both Lavenex (2001) and Kastoryano (2002) argue that frames can develop and become independent from the power relations that gave them importance once they become institutionalized. In a sense this relates to Pierson's work on feedback effects (2006), that policy and its impacts are not entirely based upon rational choice motivations on the part of decision-makers. Instead, policy interacts with the political world, and what returns to policy-makers can be substantially different to what was intended, if indeed intentions and motivations are discernible. In the case of Labour immigration policy the language of harm and the creation of a set of 'others' against which 'we' require protection reached beyond the limits set by the initial framing. Hostility based on the interactions of policy and its framing with the public, but filtered through a hostile media, became self-reinforcing and was able to 'jump' targets to include some of those the Government initially perceived as being on the good end of the desirability continuum, migrant

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workers. This was one of the consequences of both the direction and tone used in asylum policy-making. Further ramifications are highlighted below.

The Emerging Agenda: Community Cohesion

The consensus that developed in the 1960s that good race relations required firm immigration control (Hammar 2006), rhetorically if not in practice as actual migration continued beyond the assumed 'turning point' of the early 1970s, re-emerged under New Labour although it was now linked to 'community cohesion'. The problematizing and category slippage in immigration was reflected in Government thinking on cohesion, as integration strategies for refugees expanded to much broader assumptions about cohesion. The concept of community cohesion and the debates that accompany it are too vast to be addressed here. However, some general explanatory comments will help to contextualize Government thinking.

Community cohesion emerged as an all-encompassing term that included but was not limited to the need for a common value system and 'domains' of social solidarity and social capital (see the Cantle Report 2001). At its best cohesion implies some notion of equality whereby barriers based on race, for example, are absent. However, it can also be taken to imply a more homogenous set of values that encompass 'Britishness'.

For Worley community cohesion has become the official race relations policy of the UK (2005: 487), and signifies a move away from multiculturalism. She argues that it has not only become a proxy term for race, but that it has often been used to reflect broad conceptions of what integration is (2005: 488). Vasta takes that argument one step further in highlighting that the Government's view of cohesion owes much to the ideas espoused by David Goodhart, that too much diversity inhibits social solidarity (Goodhart 2004). Consequently the Government sought to include and integrate certain migrants by making them 'less different', a nod to historic assimilationist approaches rather than the multi-cultural model developed since the 1960s (Vasta 2009: 4).

While the Government occasionally argued that cohesion and integration were not about assimilation (Home Office 2005), there was this implication in many of the pronouncements made by Ministers, such that commonality could extend to mono-lingualism (see David Blunkett in *Observer* 15 September 2002 and in speech to Labour Party Conference on 1 October 2002). Certain cultural practices were characterized as an imposition of difference. Somerville alludes to the pressures on 'Britain's traditionally liberal religious accommodation policies' (2009). He points to Jack Straw's comments in 2006 that the headscarf represented 'a visible statement of separation and difference' (Somerville 2009).

New and long term settled migrant communities were portrayed as not having the values of the British population. Such representations fed into the developing arguments about 'Britishness', a concept which was never

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fully defined. While there may have been political motivations for a Scottish Prime Minister in a devolved system (Gordon Brown in 2006) emphasizing Britishness, the crudeness of the arguments had the effect of legitimizing the exclusion of the ill-defined non-British. Vasta argues that this approach has extended to viewing inequalities as socially rather than politically and economically constructed (2009: 20). Thus migrants are responsible not only for cohesion problems, but also for their own inequalities.

Blame for the lack of cohesion was put on ethnic minority communities themselves rather than difficulties they faced in attempting to integrate. The relative success of the British National Party was part of the rationale for this form of reactive policy-making (Sales 2005: 446). Labour politicians regularly argued for the need to address these 'problems' on the basis that if they did not, then racists would (see for example John Reid in *Guardian* 24 February 2007). This led to the Government using far right ideas and rhetoric in order to try to defeat the far right; 'to cure the patient the patient must be killed' (Bigo 1998: 160).

It is widely accepted that myth and rumour play a role in migration politics (see for example Lewis 2006 and Independent Asylum Commission 2008), and they therefore have the potential to impact upon cohesion. Lack of public knowledge of the realities of immigration is at least partly due to the political atmosphere within which immigration operates, an atmosphere that the Government helped to create. Periodic scapegoating added to the sense of crisis and acted to increase overall hostility to anyone seen as not 'one of us', negatively impacting upon the Government's own professed goal of community cohesion. It may therefore be argued the New Labour immigration policy is something of a misnomer, and that the Government were either reactive in policy making, or were simply muddling through and satisficing (Simon 1957).

Cohesion also implied more attention to identity and citizenship. The Government began to argue for a celebration of Britishness, which for wanted immigrants entailed language tests and citizenship ceremonies and for existing immigrant communities more attention to integration, and restrictions on links with their nation of origin. This would be achieved through limitations on family visits without financial bonds and a questioning of arranged marriages with citizens of other nation states. Blunkett argued that arranged marriages should be contemplated only by partners who speak the same language, with the subtext that they should have been born in the UK. He argued that:

> We need to be able to encourage people to respond, particularly young women who do actually want to be able to marry someone who speaks their language—namely English—who has been educated in the same way as they have, and has similar social attitudes (*Independent* 7 February 2002).

A sense of common values was highlighted, although not fully defined, and based around the concept of British citizenship. The 2002 White Paper stated

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that greater emphasis and value needed to be placed upon the significance of common citizenship. Such commonality:

> means ensuring that every individual has the wherewithal, such as the ability to speak our common language, to enable them to engage as active citizens in economic, social and political life. And it means tackling racism, discrimination and prejudice wherever we find it (Home Office 2002: 28–29).

Spencer highlights research conducted by the Joseph Rowntree Foundation that found that levels of discrimination impacted upon 'sense of belonging' (Hansard 1 April 2008 Select Committee on Communities and Local Government Questions 175–179), that migrants wanted to 'belong' but contrary to the Government's perspective were being prevented from doing so. Lack of integration was not a result of the behaviour of the immigrant communities themselves. Although many reasons for this discrimination were mentioned, one key variable was seen as being:

> The national discourse about migration and about Muslims, the negative terms of the debate, the suggestion that migrants were a drain on public services, a perception that they do not share our values, and association with terrorism, undermined their attempts to create a more inclusive sense of community, sense of shared citizenship (*ibid.*).

Consequently the political atmosphere and the problematizing of migrants and long-term settled Black and Minority Ethnic (BME) people operated against the Government's desire for more cohesive communities. These contradictory focuses would have an impact on the hostile audience, but also on the lives of those coming to live in the UK, particularly the least 'wanted'.

Consequences for Refugee Integration

The public and political debates about immigration had been dominated by asylum and there was an emphasis on the negativity of migratory movements (Geddes 2005a). Arguments about community cohesion were a response to a political climate that emphasized the negativity of migratory movements. Cohesion 'problems' were characterized as resulting predominantly from the attitudes and behaviours of the migrant communities themselves. However, this viewpoint, with the assimilationist perspective it contained, acted to exacerbate negative perceptions rather than assuage them, as various migrants were constructed as a threat. Thus Government policies and pronouncements not only acted to legitimize hostility, but also created policy momentum in which further restriction and hostility became the default option. This was particularly pronounced for asylum seekers and refugees as the most 'unwanted' migrant group, having been the subject of most

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political and public focus on migration, at least in the early years of the Labour Government.

In policy terms the hostility of the public was used as a rationale for policies that would not only prevent arrival, but would negatively impact upon the lives of asylum seekers and refugees in the UK, and subsequently the ability of refugees to integrate. This perceived lack of integration would then become the focus of yet more policy and pronouncements, which began the vicious circle once more.

The UK Government published two separate strategies concerning refugee integration over the period under review. Asylum seekers were excluded from these strategies, their integration not considered a policy goal. A major symbolic development in this regard occurred in early 2007 when free English language lessons for asylum seekers were abolished in England, although provision in Scotland and Wales was somewhat different. At a time when integration and cohesion had become a key issue it may seem slightly contradictory that such a move should be undertaken, especially given the language demands being placed on potential citizens. However, this was an institutional reaffirmation of existing policy developments. Despite a desire to create linguistic and cultural 'unity', asylum seekers were excluded, their 'unity' with the rest of society not a desired policy outcome. This had consequences for the asylum seekers themselves, but would also negatively impact upon recognized refugees as they would have fewer language skills on receiving refugee status. However, it was designed to appease a particular audience. An image of strong Government took precedence over cohesion and integration.

The removal of the employment concession in 2002 eliminated the right to work for those going through the asylum system. This was based on the never empirically proven assumption that work operates as a pull factor for illegitimate asylum claims. The result was a more expensive system as all asylum seekers were forced into a reliance on welfare, as well as leading to skill atrophy and isolation. This was joined by limits to certain types of education, which would also contribute to de-skilling, and later to under-employment, an existing issue for all minority communities. All these developments would impede the integrative capacity of refugees themselves and build structural barriers to integration more generally. The symbolism of attacks on the social provision available to asylum seekers is also important.

This perspective also encompassed recognized refugees, when in 2005 the Government removed permanent refugee status, replaced by a temporary period in which conditions in the applicants' country of origin would be kept under review. If conditions were seen to have improved within five years of the granting of temporary status, the refugee would be expected to return. This 'cessation clause' was criticized for ensuring that recognized refugees 'live through five years of uncertainty until the UK Government confirms they can remain here permanently' (*Independent* 8 February 2005). Neil Gerrard

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MP, long-serving member of the Home Affairs Select Committee, also condemned this as a reversal of the Government's 1998 position:

> The arguments that we made in 1998 for indefinite leave were not about numbers or time scales for decision-making. They were about principles—what was the best way to help people whom we recognized as refugees to integrate into society, and how could we best operate our commitments under the 1951 Convention? (Hansard 10 October 2005 Col 127).

The degree to which people recognized as in need of protection can integrate if their tenure is uncertain raises questions as to the desire to have them integrate. Indeed, they were being characterized as temporary residents and were seen as having a liminal status. The likelihood of employers providing training and academic institutions giving long term places to refugee students would be questioned. This re-emphasizes the importance of the audience. It is difficult to see any benefit to the Government resulting from the bureaucratic exercise of review (due to take place in 2010). Two potential rationales are that the Government would have the opportunity to appear tough on refugees and/or there was a lack of coherence to policy. Feedback effects are once more evident.

As far as the stratification of rights is concerned, the number of applicants receiving limited forms of leave to remain, rather than refugee status under the Geneva Convention, is also evidence of a reduction in integrative support. Not only do those with various forms of humanitarian protection have fewer rights than refugees recognized under the tight Geneva Convention criteria, statutory support for their integration is also absent. This means that a large proportion, 38 per cent of those obtaining leave to remain in 2008 (Home Office 2008), have fewer rights and less ability to operate as full members of their communities than recognized refugees.

Adding to these problems is the Government's more recent proposal to move towards probationary citizenship. Indeed the period of probationary citizenship would begin after a migrant had been resident in the country for five years, meaning that it could potentially take up to 10 years for someone wishing to become a citizen to be able to do so, impacting further on the integration of the people involved, depending on whether citizenship is seen as a tool or a reward for integration (Jurado 2008). There were obvious ramifications for the integration of refugees. Yet they remained a soft target for policy and discourse, particularly at a time of economic decline. In addition, the preoccupation with people acquiring British citizenship is particularly contradictory when placed against the obstacles to gaining citizenship, especially in light of recent suggestions that even taking part in demonstrations could damage any application for citizenship (see *Guardian* 3 August 2009).

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Thus recent and developing policy has isolated refugees and asylum seekers as being at the far end of a desirability scale. The Government accept a small number of pre-accredited refugees each year in order to fulfil international obligations, but are less accepting of spontaneous arrivals. Nevertheless, even those pre-accredited and supported, as well as those supported through the integration strategies, are required to live in a hostile political environment where they are variously characterized as an economic and welfare threat and are even included within security and terrorist legislation and language (see Bigo 1998 and Huysmans 2000 on securitization). In addition, the 'hostile audience' that the Government has sought to assuage through their policy making grew inexorably, and thus demanded further hostile and restrictive legislation. The feedback effects (Pierson 2006) not only show some degree of independence from policy-making, but also show a symbiotic relationship between policy and politics, with negative ramifications for the migrants themselves, but also for the Government's expressed aim of community cohesion.

Conclusion

Throughout Labour's period in office migration issues were presented as if the system was in perpetual crisis. A scale of desirability of migrants was constructed. Asylum seekers and refugees were placed at varying points on the unwanted side of this spectrum while forms of labour migration initially oscillated towards the more wanted side. This involved numerous pieces of legislation aimed at control of asylum seekers and asylum seeking, while labour migration was initially less restricted. Part of the rationale for this was undoubtedly electoral, with the Government assuming that its hostility towards those migrants being characterized negatively could act as an electoral boon. Nevertheless, the presentation of asylum seekers as a threat and danger questioned the legitimacy of the overall immigration system as the Government lost control of the parameters of the debate and the hostility that it had helped to foster not only grew in size, but also expanded beyond a single focus on asylum.

A vicious cycle of hostility was the outcome of these political considerations. In a sense the initial decision-making over asylum seekers, and the language used by the Government to justify those decisions, created a policy momentum that was self-perpetuating. Immigration policy aided the development of a hostile politics that was then responded to by further immigration policy. Thus the whole policy field was problematized and many migrants were 'othered'.

One ramification of this has been that attitudes towards migration generally have hardened. Consequently one outcome of Government policy-making was to raise questions of belonging, leading to a move away from a multi-cultural policy approach to one aimed more at assimilation and loyalty to 'British values'. The community cohesion agenda placed responsibility for lack of 'integration', as defined by Government, on the migrants

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themselves. Nevertheless, the atmosphere of political and public hostility inhibited the ability of many migrants to integrate. This was most pronounced for the least wanted migrants: asylum seekers and refugees.

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Annex

Table 1

Immigration Legislation Under New Labour	
Human Rights Act 1998	Incorporated the European Convention on Human Rights into UK law. The Act allows asylum seekers who don't qualify for refugee status to claim leave to remain if return to country of origin would infringe on their human rights.

(continued)

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Table 1 **Continued**

Immigration & Asylum Act 1999	Asylum seekers removed from mainstream welfare system. National Asylum Support Service (NASS) created to administer support to asylum seekers, which included subsistence vouchers and the option of accommodation. Retrospective payment of income support to successful claimants. Office of Immigration Services Commissioner established. Increased powers for immigration officers; strengthening of immigration controls.
Race Relations (Amendment) Act 2000	Broadened antidiscrimination legislation to apply to the police and immigration service and created a 'positive duty' for race equality on public authorities.
Antiterrorism, Crime & Security Act 2001	Part 4 of the act legislated that suspected terrorists who were immigrants could be interned (potentially on a permanent basis). The Special Immigration Appeals Commission (SIAC) reviews decisions, but the act does not permit judicial review of the SIAC.
Nationality, Asylum & Immigration Act 2002	Asylum seekers prevented from working or undertaking vocational training. Requirement for asylum seekers to report to immigration at agreed intervals. Non-suspensive appeals introduced, allowing immigration officials to return people with 'clearly unfounded' asylum applications without appeal. NASS support contingent on asylum claim being submitted 'as soon as reasonably practicable' and on applicant's co-operation with authorities. Failed asylum seekers without dependents ineligible for further support, but 'Section 4' support available to refused asylum seekers unable to return home. Voluntary Assisted Returns introduced for individuals wishing to return to home country. Exclusion of criminals from Convention protection.
Asylum & Immigration (Treatment of Claimant) Act 2004	Refused asylum seekers with dependents ineligible for further support; children would be supported and if necessary taken from their families. Criminal offence to enter UK with no travel documents 'without reasonable excuse'. Section 4 support could be contingent on participation in community service activity. Retrospective payment of income support to successful claimants abolished. Appeals to be heard by Asylum and Immigration Tribunal; judicial oversight retained only where judgement contested on a point of law. Failure to co-operate with removal, without reasonable excuse, becomes a criminal offence.
Controlling our Borders: Making Migration Work for Britain (2005)	Published three months before the 2005 election, the plan set out a strong set of measures on gaining control of borders and managing migration through a new points system.
Integration Matters: The National Integration Strategy for Refugees 2005	Strategy meant to integrate refugees, including new 'integration loans' and the piloting of a one-to-one caseworker model. Built on strategy formulated in 2000.

(continued)

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Table 1 **Continued**

Immigration, Asylum & Nationality Act 2006	The Act contains several provisions empowering the Home Secretary to deprive a person of British citizenship if it is considered that such deprivation is 'conducive to the public good'. It also brought a number of changes to the immigration appeals system.
UK Borders Act 2007	Increased powers for immigration officers at ports and introduced reporting restrictions on those granted leave to remain in the UK.
Borders, Citizenship and Immigration Act 2009	This Act, which was only partially enacted, was designed to make the process for gaining citizenship harder and longer and introduced the idea of 'Probationary Citizenship' (being reviewed by the new Government). It also removes in Scotland the right to appeal to the Court of Session and replaces it with a new upper tier of the Asylum and Immigration Tribunal.

Source: Somerville (2009) with additional information provided by Clare Tudor and Jamie Spurway at Scottish Refugee Council.

Table 2

Figures for Asylum Application and Labour Migration[1]

	Asylum applications	Work permits issued[2]	Workers' Registration Scheme[3]
1997	32,500	63,000	Pre-enlargement
1998	46,000	67,900	Pre-enlargement
1999	71,100	76,000	Pre-enlargement
2000	80,315	91,800	Pre-enlargement
2001	71,365	108,825	Pre-enlargement
2002	84,130	120,115	Pre-enlargement
2003	49,405	119,000	Pre-enlargement
2004	33,960	124,000	Pre-enlargement
2005	25,710	137,000	Data not centrally collected
2006	23,610	145,000	235,000
2007	23,430	124,040	218,000
2008	25,670	112,485	235,000
2009	24,250	Not available yet	113,445

[1] Adapted from Home Office, *Control of Immigration Statistics*, http://rds.homeoffice.gov.uk/rds/immigration-asylum-publications.html.
[2] These numbers refer to individuals applying for work permits prior to arriving in the UK. Most of these permits were issued to people with a job offer, although certain highly skilled migrants would not have required such an offer. These figures do not include European Union nationals, but up until European enlargement in 2004, they do include Accession 8 nationals.
[3] On the enlargement of the European Union in 2004, nationals of Slovenia, Slovakia, the Czech Republic, Poland, Latvia, Lithuania, Hungary and Estonia were entitled to come to the UK to work providing they joined the Workers' Registration Scheme, or were self-employed.

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