



REPORT

No Easy Options

Irregular immigration in the UK

Tim Finch with Myriam Cherti

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Addenda

On 27 April 2011, the following correction was made:

p52: Estimated healthcare costs for 618,000 irregulars at £200 per person is £123 million, not £1.2 billion

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Executive summary

This report aims to tackle head-on one of the most difficult public policy issues in the UK: how to reduce irregular immigration.¹ Given that the best recent estimate put the number of irregular immigrants in the UK at well over half a million,² the scale of the phenomenon is one obvious reason why it demands attention. However, it is not scale alone, but rather scale allied to the harm it does which provides the compelling imperative to take action on irregular migration.

Taking action

Harm reduction

Irregular immigration is harmful in the following ways:

- It severely damages the integrity and credibility of the immigration system, the good working of which is vital for maintaining public support for the migrant flows that this country needs.
- Despite their own agency in becoming irregular and the benefits they accrue from migration, irregular immigrants find themselves in situations of vulnerability and psychological uncertainty, and are prone to exploitation.
- While irregular immigrants are generally working, often pay taxes and have no access to welfare benefits, they impose significant economic and social costs on the UK, putting unplanned-for pressures on services and infrastructure.

The importance of maintaining an immigration system

There are those who would argue that the answer to these problems is for the UK to remove all barriers to international migration so that all migrants who come here are rendered legal. We can dispose of this argument quickly by pointing out that such a move would be massively destabilising in current global conditions and as a result there is almost no public support for it. A democratically elected government in the UK is therefore both obliged by its mandate and right in ethical terms to maintain an immigration system which controls inflows into the country at manageable levels and keeps irregularity to a minimum.

The global context

Of course, the task is very difficult to achieve. Irregular migration is not a domestic problem that the UK government can solve on its own – it is a huge global issue which is buffeting many nations. The Organisation for Economic Cooperation and Development (OECD) has estimated that between 10 and 15 per cent of Europe's 56 million migrants have irregular status, and that around 500,000 more arrive each year. The global irregular population has been estimated to be as high as 40 million (Papademetriou 2005). The gross discrepancies of wealth and opportunity in the world make migration from developing to developed countries a highly rational strategy for individuals. As a recent ippr report showed (Chappell et al 2010), migration delivers strong development gains: migrants profit greatly by moving, as do their families, communities and even states through money remitted home. Moreover, there is not only a large supply of but also a strong demand for migrants in relatively open and flexible labour markets like that of the UK.

In this report, we give credit to the UK government for improving its management of migration – but this system of management constantly faces strong countervailing forces. As long as global development conditions and domestic labour market conditions remain as they are, a proportion of the large supply of migrants – particularly in developing countries – will find ways to evade controls, however sophisticated, in order to meet the demand which still exists for their labour in the developed world.

1 Irregular immigrants are more commonly known as illegal immigrants. We explain our reasons for using the term 'irregular immigrant' in the Introduction. We define an irregular immigrant as every immigrant who is breaching any immigration rule.

2 The latest authoritative study by LSE (Gordon et al 2009) put the central estimate at 618,000. ippr has estimated that another 165,000 or so can be added to this number if various forms of illegal working by otherwise legal migrants are taken into account.

The difficulty of reducing irregular immigration

Against this backdrop, we must point out that although our research and analysis allowed us to make some recommendations for improved controls and more effective enforcement it also led us to a crucial conclusion:

A major reduction in irregular immigration in the UK will be difficult to achieve and will take a long time, particularly with respect to reducing significantly the population of irregulars that is long established in this country.

This latter point is important. A particular issue for the UK government is that it is working not only to cut the current flow of irregular immigration into this country but also to remove the irregular stock which built up when border controls and internal enforcement were not as effective as they are now.

The increased success of UK Border Agency (UKBA) enforcement action in recent years is evidenced by two roughly comparable statistics relating to the employment of irregular immigrants:

- Between 1997 and 2006, just 37 employers were found guilty of offences under Section 8 of the Asylum and Immigration Act 1996.
- By contrast, the Civil Penalty regime, introduced in February 2008, had resulted in 3,709 notices of liability up to the end of January 2010.³

This is an impressive improvement, but it is probable that even this greatly increased level of enforcement is putting little more than a dent in the problem of illegal working. The figures on the return of irregular immigrants similarly show that the authorities have increased their efforts but face a major challenge:

- Between 1997 and 2002, the annual level of return more than doubled, from some 31,000 to more than 68,000.
- Since 2002 it has levelled off at around 60,000–65,000 per annum, with low and high points at 58,000 and nearly 68,000 respectively.⁴
- However, these figures include individuals stopped at the border and subsequently returned – if these are excluded the annual rate of return is almost halved.
- In the three years 2007–2009,⁵ the return figure (including entirely voluntary departures but excluding those refused entry at the border and subsequently returned) was 105,885 or an annual figure of around 35,000.⁶
- That means that at the current rate of return it would take around 17 years to reduce the current irregular stock to zero, assuming that population was static.
- However, 5.5 million people were issued with temporary visas in the period 2007–09.
- So, even if only two per cent of the temporary visa entrants who entered in that three year period overstay, their number will exceed the total number of returns in the same period.

Prioritising certain goals

Given this background, if progress is to be made towards overall reduction of irregular immigration, certain aspects of the project need to be prioritised. We suggest that any measure should be tested against the achievement of the following goals, in order of importance:

3 Figures were given a parliamentary answer by the then Immigration Minister Phil Woolas and are the most recent the authors can find.

4 The totals for all returns since 2003 (including individuals refused entry at port and subsequently removed) are as follows. Prior to 2005, data is not directly comparable.

2003	2004	2005	2006	2007	2008	2009
64,390	61,160	58,215	63,865	63,365	67,980	67,215

5 The last full year for which Home Office Control of Immigration statistics are available.

6 Figures (including those in footnote 3 above) are taken from the *Control of Immigration Statistics Bulletin 2009*. <http://rds.homeoffice.gov.uk/rds/pdfs10/hosb1510.pdf>

1. Reducing real harm
2. Containing irregularity
3. Increasing public confidence in the integrity of the immigration system
4. Reducing irregularity in the system

Reducing irregularity in the system

Perhaps the most eye-catching aspect of this schema is that it places increasing public confidence ahead of reducing irregular numbers. This is not meant to imply that reducing numbers is materially less important, but rather that it is the most difficult goal to achieve and will take the longest time. In the meantime, if the harm caused by irregularity is reduced and the system is visibly working to contain the scale of irregularity, then we think the UK public will have greater confidence in the ability of the UK government to cope with irregularity.

At the moment, there is clear public concern about levels of irregular immigration, with 71 per cent of UK respondents in a recent major international survey saying they are ‘worried’ by it, and 90 per cent of respondents agreeing with the need for stronger border measures and tougher penalties on employers to reduce irregular immigration (Transatlantic Trends Immigration 2010). If the public was more reassured, the government would be under less pressure to go for ‘quick wins’ and would have more time and scope to deploy the range of measures needed to carry out the longer term task of reducing irregular immigration.

Over the longer term, we recommend that the following principles should underpin the process of reducing irregular immigration:

- Upstream is better than downstream
- Compliance is better than enforcement
- Cooperation is better than an adversarial approach
- Return or re-compliance is better than de facto tolerance

These principles stem from our research, which makes it clear that once irregularity ‘takes hold’ within an immigration system it is very difficult to tackle, particularly if the primary tool is enforcement within a highly contested environment. In this regard, we think it is very positive that the UKBA and the migrant-supporting sector have recently been working together in a much more cooperative spirit on initiatives such as ending the detention of children⁷ and improving ‘front-end’ legal advice for new asylum-seekers.⁸

Top 8 target areas for action

The full scope of the task and our measures to tackle it are detailed in the findings and recommendations sections of this executive summary. Here we set out the ‘top 8’ target areas that we think need to be tackled in order to achieve the prioritised goals set out above.

1. **Reducing extrinsic harm** – that is to say, removing irregular immigrants who cause harm to the UK beyond that caused by their irregularity itself. A good example of this would be the removal of foreign national prisoners who have committed crimes in the UK.
2. **Targeting criminal networks** – particularly those involved in trafficking and smuggling and in the provision of false documentation.
3. **Increasing the sophistication of visa regimes and border controls** – by introducing the most up-to-date technology and the most effective measures to ‘screen out’ migrants who pose the highest risk of irregularity.

7 On 16 December 2010, the Deputy Prime Minister announced that the detention of the children of refused asylum-seekers would end by May 2011. Parents awaiting enforced return would still be held in secure houses but their children would be assigned minders so they can move around freely. This followed months of joint work between the UKBA and NGOs.

8 In a parliamentary written answer on 8 June 2010, the Home Office Minister, Baroness Neville-Jones, said: ‘UKBA and LSC [the Legal Services Commission] are working with key asylum partners and plan to test the 2007 Solihull pilot principles of an enhanced legal service across an entire UKBA region. The process aims to improve the quality of initial asylum decisionmaking by front-loading the system and achieving cultural change in the asylum determination process on the part of the decision-maker and adviser. This will allow Government and their delivery partners robustly to test the benefits of the process and assess the viability of a national rollout.’

4. **Producing reliable migrant population numbers** – principally through the introduction of embarkation controls which ‘count in and count out’, as well as related measures for tracking the state of an individual’s compliance.
5. **Reducing demand** – by targeting unscrupulous employers, bogus colleges and rogue landlords whose business models rely on exploitable irregular immigrants.
6. **Breaking the chains** – by tackling the networks that provide forms of support which help to perpetuate irregular immigration.
7. **Taking the least harmful irregulars out of irregularity** – essentially, by issuing ‘bridging visas’ to allow what we call ‘marginal irregulars’ the opportunity to achieve compliance on a temporary basis. Individual ‘case resolution’ should also be used. We give more detail on this point below.
8. **Increasing the level of return** – through increasing the UKBA’s capacity to apprehend and remove irregulars, contracting a wider range of agencies in the operation of the return process, and developing the range of personalised incentives to encourage and facilitate return.

The UK government is already taking steps in most of these areas, or has plans to do so. Our report recommends some refinements which can be made to the system to make it both more watertight and more responsive to the competing demands put upon it. What our report does not provide is a ‘silver bullet’ solution to reducing irregular immigration. Indeed, our research has convinced us that no such thing exists. So the most obvious – and important – finding of our entire two-year project is that:

To reduce irregular immigration, the UK government needs to deploy a comprehensive range of measures and to apply them consistently over a long period at every point of the immigrant journey.

Key issues

Reluctance to return

Our primary research strongly suggests that many irregular immigrants are not ready to consider voluntary return. There are perhaps understandable reasons for this stance – they have invested a huge amount emotionally and often financially in getting to the UK, and many genuinely dread returning home. Moreover, they are often – in their own eyes at least – working productively in the UK and contributing to the public purse. A typical appeal made by irregular immigrants to our field researchers takes the form: ‘Even if it can’t happen for everyone, why can’t I be allowed to stay – I’m hard working and doing no harm.’

This sense of strong personal justification persists, despite the fact that most irregulars we talked to professed at least some unease at being outside the system and many lived in very precarious and psychologically difficult situations. Such tenacity is important because it steels irregulars to resist apprehension and removal – many feel that resisting a system which they view as ‘unfair’ is morally justified.

Gaining the moral high ground

One of the challenges for the UKBA and the government, therefore, is to ensure that the immigration system – particularly the asylum determination process – is as transparently fair and consistent as possible. This is important in itself of course, but progress in this respect also reduces the scope for irregulars and their supporters to use instances of injustice to justify resistance to all enforcement. It is for this reason that ippr would prefer to see asylum decisions taken out of the political arena and decided by an independent body outside of government. At the same time, the use of policy instruments to deny irregulars access to basic services when active steps are not being taken to remove them (perhaps because return is impossible in current circumstances) is not just morally dubious and legally questionable but also counterproductive in winning wider support for enforcement.

There is a relatively small but highly motivated and well-organised section of civil society which regards itself, in supporting irregulars and obstructing return, as occupying the moral high ground. These are largely well-intentioned people who regard current immigration processes as so flawed that large numbers of immigrants are wrongly judged as having to no right to stay in the UK. A recent focus of this minority section of public opinion has been to win so-called 'regularisation', which would allow irregulars to get onto the pathway to citizenship.

'No' to a wide-ranging amnesty

ippr has long backed earned regularisation as one option for dealing with a portion of the UK's large irregular stock which has built up in recent years. We remain of the view that, properly managed and properly explained to the public, it would be a useful policy tool (although regularisations can certainly create many problems, as the examples of Spain and Italy show). There are strong moral and practical arguments in favour of regularisation, given the UK's recent history of immigration mismanagement, and excluding it as an option will certainly make the task of reducing irregularity that much harder. However, our conclusion in this report – hard-nosed but, we think, self-evident – is that the outcome of the general election in 2010 has ended any prospect of a large-scale regularisation programme. Survey data on UK attitudes in 2010 suggested that fewer than one in four people back regularisation (Transatlantic Trends Immigration 2010)

To keep pushing for such a programme in such a political climate would be a waste of energy and, worse, would give false hope to irregular immigrants. We have therefore not included large-scale regularisation in our recommendations.

Instead, we argue for limited use of schemes which provide for individual 'case resolution' (which the government has already used extensively to resolve asylum 'legacy cases') and 'leave to remain' for some, and we also recommend allowing for temporary 're-compliance' for others. We think it is particularly important to show some generosity to irregular families with children born or brought up in the UK – as, indeed, the UK government has already done over recent years.⁹ In addition, there are grounds for granting exemptions for people who find themselves in 'legal limbo' situations, such as some British Overseas Citizens; people who are stateless (that is, not accepted as citizens by any other country); or refused asylum-seekers who cannot be removed because there are no safe routes home or the security situation in their home country is manifestly too dangerous. We should also remind ourselves that under the '14-year rule' irregular immigrants can already receive indefinite leave to remain on the grounds of long residence.

However, we should make clear that even taken together our proposed new measures and exemptions, and those that already exist, will not apply to the large majority of irregular immigrants – particularly those who have arrived more recently. For these individuals, return will remain the only option.

The limits of voluntary return

In these circumstances, entirely voluntary return would clearly be preferable. UK figures show that some 25,000 irregulars have returned on voluntary return schemes administered by the International Organization of Migration (IOM) in the five years to the end of 2009. This is a useful contribution to reducing irregularity but a relatively small one. Our survey research among irregular immigrants shows that fewer than 20 per cent were interested in voluntary return and fewer than one in 10 said they were planning to leave the UK within a year. Many talk of wanting to return home eventually – but on their own terms and timetable, having achieved personal targets, and when the situation back home suits them and their families. In most cases, this is a prospectus for staying in the UK for many years.

However, these individuals can only do so if they are able to evade the increased efforts of the UKBA to apprehend and remove them. Our research suggests that these efforts are being noticed by irregulars: 60 per cent of survey respondents thought it likely they would be caught and deported, and 45 per cent thought many more irregulars had been returned home in the last year. Nonetheless, this does not appear to be convincing many irregulars that it would be better to give up and go home. The prospect of return needs to be converted into the reality of return more frequently. While the 'carrot' has its place, there needs to be some 'stick'.

9 See for example http://news.bbc.co.uk/1/hi/uk_politics/3210605.stm

A more nuanced approach to enforced return

We argue that all irregulars should be offered a personalised package of financial help to aid reintegration in their home country. As well as in-kind assistance and payment to service providers, we think that there should be a cash element to the package (as there has been in the past) and that it should be available at all times. (At the moment, schemes tend to be offered for limited periods only.) The generosity of the package should be determined on a sliding scale according to the level of cooperation shown.

In very limited circumstances, we think a part of the package may involve some agreed time limit to settle affairs in the UK. We think that allowing irregular immigrants, by pre-agreement, a matter of a few weeks to sort out their things, prepare for departure and say their goodbyes is reasonable – as long as this doesn't become an excuse for endless delays.

We also want to see a wider range of agencies – including those which are migrant-led or have an established record of providing migrant support – contracted by the UKBA to design and deliver these personalised return packages. Contracting other agencies to help with return should contribute to increasing the rate of return – although, as our research also shows, it will not be a magic solution. Migrants who are determined not to leave the UK are likely to avoid cooperating agencies, even if they have valued their services previously. So there will still be a significant role for the state enforcement agency, the UKBA, whose aim must be that return takes place with greater frequency and more quickly than at present. While lots of measures need to be taken to bear down on irregular immigration, an effective return programme is essential among them.

Of course, action to step-up detection, apprehension and enforcement (as well as the financing of personal return and reintegration packages) will require increased investment when the Home Office is, like other departments at present, making cuts.¹⁰ Although making this point goes against the direction of current government policy in one sense, we make it nonetheless, because if reducing irregular immigration is another priority (which we understand it is) we see no alternative to investment in UKBA.

This leads us to conclude that:

In the current political context, if the stock of irregular immigrants in the UK is to be reduced UKBA will have to step up its efforts to increase enforced return, but it should facilitate this process by offering flexible packages of return and reintegration assistance to all returnees.

About the research

Our aim in this project was to study as comprehensively as possible the question of how irregular immigration can be reduced. Irregular immigration has been the subject of much previous research and we carried out an extensive review of the academic, policy, NGO and 'grey' literature (such as newspapers and websites). This was augmented by our own programme of primary research, which involved life-history interviews with nearly 80 irregular immigrants from 15 different countries and four continents. The countries represented all produce high numbers of irregular immigrants to the UK and were selected in discussion with the Foreign and Commonwealth Office (FCO).¹¹ Interviews involved irregular immigrants still in the UK and former irregulars who have returned to their home countries. We also conducted an anonymous survey of 133 irregular immigrants in the UK.

Although our research was wide-ranging, it clearly had many limitations. Funding and capacity issues mean we had to focus on some nationalities to the exclusion of others, and the difficulties of finding and talking to irregulars are obvious. Although we categorise refused asylum-seekers as irregular immigrants in this report, our primary research did not include many asylum-seekers. This is partly because other studies have concentrated on this group and partly because our selected nationalities do not include high numbers of asylum-seekers.

¹⁰ A report by UKBA's independent Chief Inspector in February 2011 highlighted continuing weaknesses in enforcement and the shadow immigration spokesman has pointed out that more than jobs are going at UKBA. See <http://www.bbc.co.uk/news/uk-12477197>

¹¹ The Migration Directorate of the FCO funded the research.

All of which demonstrates that we cannot claim that the irregular immigrants we talked to or surveyed are representative of the wider irregular immigrant population of the UK. We gained a picture of this important phenomenon but it is not the definitive picture, and in drawing our conclusions we were mindful of this important limitation.

We also carried out extensive expert interviews, drew on the expertise of an advisory board and held two stakeholder workshops.¹²

An important aspect of our research methodology was to put the crucial question of return directly to irregular immigrants: as well as asking them about how they became irregular, how they were surviving in the UK and what their motivations were, we also questioned them about their future intentions and barriers to return.

More details of our methodology – its strengths and also its weaknesses – can be found in the Appendix.

Principal findings

Most of these findings come from our primary research, with all its limitations. However, our findings are in line with those of previous studies. We have tried to give some idea of the extent of different aspects of irregularity, by giving percentages based on an analysis of our interviews and survey data. These, we should stress, are only very broadly indicative.

Numbers and categories

- The most recent authoritative estimate (by LSE) of the number of irregular immigrants in the UK puts the population at some 618,000.
- ippr has estimated that another 165,000 or so can be added to this number if various forms of illegal working by otherwise legal migrants are taken into account.
- Irregular immigrants to the UK come from all over the world (including places not commonly associated with the problem, such as Australia and the United States).
- Significant numbers come from developing countries like Nigeria, Pakistan and Jamaica, but also from more developed countries like Ukraine, Brazil and South Africa. There are also significant numbers of Chinese irregulars in the UK.
- Refused asylum-seekers – who are also technically irregulars – tend to come from places of conflict and persecution such as Afghanistan, Iran, Iraq, the Democratic Republic of Congo and Zimbabwe.
- We estimate very broadly that no more than 20 per cent of irregular immigrants are smuggled into the country or (more commonly) use false documents to enter.
- The largest group of irregular immigrants is those who have overstayed or violated the terms of their visa, making up around 60 per cent of those we talked to.¹³
- The irregular immigrant who has suffered great hardship and put him or herself in great danger to enter the UK 'clandestinely' is not the norm.
- Refused asylum-seekers probably make up a declining proportion of the irregular population (because many thousands in the stock have had cases 'resolved' and because asylum arrivals have dropped substantially – by 75 per cent from the peak in 2002).
- Irregular immigrants are not generally the 'poorest of the poor' – they are neither from the poorest countries nor are they the most disadvantaged of their home country's citizens.
- Around half of our survey respondents were educated to tertiary level; the vast majority had at least completed secondary education.

Drivers

- The main driver for irregular immigration is economic self-improvement.

¹² The views expressed in this report are those of the authors and do not necessarily represent those of advisory board members or reflect the opinions expressed at stakeholder workshops.

¹³ These estimates are broadly in line with those of others such as PICUM.

- Poor prospects at home, coupled with the availability of relatively well-paid work in the UK (albeit in low-skilled jobs) motivates both the initial travel and continuing non-compliance.
- Fully 100 per cent of irregulars surveyed or interviewed had some economic motivation for coming to the UK (including asylum-seekers).
- Around 20 per cent cited persecution, conflict and politics as the main driver of irregular migration.
- Irregular migration is driven by strong pressures from family, from local communities and even from home states, mainly for economic reasons.
- The ability to earn money either to send remittances back home and/or to accumulate cash to build a house or start a business are important motivations (Mohapatra et al for World Bank 2010).¹⁴
- There is a small but significant amount of 'lifestyle' irregular immigration for adventure or fun, generally by migrants from relatively more prosperous countries.
- There is some evidence that 'upstream' measures to prevent irregular travel, combined with the economic downturn, are reducing the number of irregulars reaching UK borders. The number of irregulars refused entry at a port in 2009 was 37 per cent down on the peak of 2002.
- In 2009, there were a total of 106,200 reported detections of illegal border crossings at the EU's sea and land borders, a decrease of one-third on 2008. Again, border measures and the economic slowdown are the most likely explanations.
- Our interviews showed overwhelmingly that irregular immigrants to the UK would advise other co-nationals not to follow their example.
- However, their testimony is often not believed by would-be migrants back home.
- Despite the introduction of tougher measures, the UK is still seen by many migrants as more easy-going in its treatment of irregulars than other EU countries.

Survival

- Irregular immigrants use both formal and informal networks to establish themselves in the UK but usually become economically self-sufficient quite quickly.
- These networks appear to be much more important than migrant-supporting organisations and faith organisations in providing support to irregular immigrants.
- Almost all our survey and life-history participants were working and earning enough to live, save and send money home (albeit by making considerable sacrifices).
- Three-quarters of those surveyed were in unskilled jobs, working in sectors like hotels and catering, cleaning and construction at a level well below their skills or education. Their jobs are often insecure and poorly paid, with exploitation a common problem.
- It appears false documents and national insurance numbers are relatively easy to come by if irregular immigrants have the money and are prepared to take the risk.
- Many irregular immigrants live in constant fear of the authorities and their lives are very restricted.
- However, they are highly motivated to stay in the UK as they see this as the best way to advance themselves and to help their families. This gives irregulars a strong sense of self-justification and increases their tenacity in avoiding apprehension and return.

Impacts

- Our analysis of available data and secondary sources shows that some sectors of the economy may have come to rely on irregular immigrants because domestic labour or legal migrant labour is not available.

¹⁴ Worldwide the latest estimate of remittances through official channels is \$325 billion in 2010. The global worth of formal *and* informal remittance transfers has previously been estimated to be \$450 billion in 2004. (All references to dollars within this report refer to US dollars.) <http://www.gcim.org/attachements/gcim-complete-report-2005.pdf>

- Other industries only function by employing exploitable labour, which helps to create further demand for irregular immigrants.
- Although we have not carried out a detailed analysis, irregular immigrants are likely to contribute more to the UK economy through their labour, their spending and their taxes than they take out in terms of benefits and use of public services – to which they have limited entitlements.
- However, irregular immigrants do put pressure on services and infrastructure, using the NHS, schools, transport and other services in ways which cannot be properly planned for. We have not carried out a detailed analysis of the costs but they would certainly run into the low billions of pounds.
- There are also obvious, if hard to quantify, negative economic impacts of irregular immigration. Irregularity means there is a ‘shadow’ workforce in our midst which allows exploitative employers to breach legal pay and conditions and avoid the national minimum wage and reasonably high employment standards that help to protect the wider UK workforce.
- Irregular immigrants have limited social impacts as they tend to occupy ‘niches’ in UK society or lead ‘quasi-legal’ lives. Aside from the ‘illegality’ of their status, they are rarely involved in crime.¹⁵
- The very existence of an irregular community, living in the ‘shadows’, excluded from mainstream society, and unable to be active and integrated citizens can be viewed damaging to the social fabric of the UK.
- Our research suggests that the political impact of irregular immigration is significant. The scale and persistence of irregularity undermines the integrity of the immigration system, which in turn undermines public confidence in legal immigration.
- There is only minority public support for amnesties or regularisation programmes.¹⁶

The hostile environment

- A key pillar of the UK government’s strategy to reduce irregularity in the UK in recent years has been to create a so-called ‘hostile environment’ for irregular immigrants and those who employ them.
- The UKBA has greatly increased its enforcement capacity and activities in recent years, and there are clear signs that this is being felt by irregular immigrants.
- Of our survey respondents, 60 per cent thought it likely they would be caught and deported, with only 15 per cent thinking it unlikely.
- The survey found 45 per cent of respondents thought many more irregulars had been returned home in the last year; just 2 per cent thought deportations were dropping.
- A large majority of our interviewees said that life for irregular immigrants was getting more difficult, and many said restrictions were much tighter than in the early 2000s.
- Workplace raids are increasing (and the fear of them more so) – more irregulars are being asked to produce documents.
- More than 70 per cent of survey respondents said it was more difficult to find work in the last year, although this was often attributed to the economic downturn.
- Workplace enforcement has increased substantially.
- Evidence from the Civil Penalties records suggests the UK government is largely focussing on small businesses, mainly ethnic-owned, small-scale food outlets.
- Most liability notices result in only a single illegal worker being apprehended; in only two cases recorded in the latest figures were more than 10 workers caught.

¹⁵ However, figures released under a Freedom of Information request in April 2011 show that 91,000 foreigners were arrested in 2010, compared with fewer than 52,000 in 2008 (see Whitehead 2011).

¹⁶ See the latest public opinion data in the Transatlantic Trends survey of attitudes to immigration, available at http://www.gmfus.org/trends/immigration/doc/TTI2010_English_Key.pdf

- The latest evidence from the UKBA's Independent Chief Inspector suggests that enforcement of the civil penalties regime is not tight enough.

Reluctance to return

- Our primary research suggests that the hostile environment is as-yet having a limited impact in encouraging return.
- A large majority of interviewees in the UK (some 75 per cent) said they had no plans to leave the UK despite the hardships they faced.
- In the survey, 40 per cent of respondents said they wanted to stay permanently, and less than 10 per cent had plans to leave within one year.
- Many irregular immigrants prefer to hang on because they say life back home would be harder still.
- Some 40 per cent of interviewees cited a lack of safety and stability in their home countries as the main barrier to return. The next most cited barrier was the failure so far to accumulate enough money in the UK to live successfully back home or pay off debts.
- Note that this contrasts sharply with the reasons they gave for migrating in the first place, which were largely economic.
- Returning before earning sufficient money is viewed as an embarrassment or failure.
- The most likely trigger for genuinely voluntary return is the desire to return to family.
- Interviewees often suggested they wanted to leave eventually, when they had achieved targets for accumulating money or reaching personal goals.
- Of the irregular immigrants we interviewed, 80 per cent wanted to see an amnesty or regularisation to allow them to stay, at least temporarily.

Level of return

- Between 1997 and 2002, the annual level of return more than doubled from some 31,000 to a peak of more than 68,000.
- In 2009, the level of return was 67,215.
- Of total returns, 43 per cent involved people who were refused entry at a port and subsequently removed, 29 per cent were enforced returns, 7 per cent used official voluntary programmes and 20 per cent were people leaving entirely voluntarily.
- The number of enforced returns was the lowest since comparable data became available (2004) and down 18 per cent on its 2005 peak. Official voluntary return programmes are also contributing fewer returns than they did at their peak in 2006.
- Figures on the number of people who have left the UK entirely voluntarily have increased dramatically from 805 cases in 2005 to 13,540 in 2009 (Home Office Control of Immigration Statistics 2009), perhaps as result of increased efforts at dealing with the backlog of case files, but perhaps also because the 'hostile environment' wears down more irregulars over time.
- Of the more than 19,000 irregular immigrants recorded as 'enforced' returnees in 2009, 12,645 were removals from detention. Of those, 8269 individuals travelled home by air unescorted. Of the balance who were escorted (4191), restraint was used on 439 occasions, or in around 10 per cent of such cases.¹⁷
- The UK government has paid IOM nearly £50 million over the last five years for the assisted voluntary return programmes it administers. That equals around £2,000 for each of the 25,000 irregulars who have left on these programmes.

¹⁷ These figures were provided by G4S, Serco and MIS – the three escort services used by UKBA – to the Detention, Escorts and Population Management Unit (DEPMIU) and are used for internal management purposes. They were supplied to the authors by the UKBA.

- Our research suggests that the majority of irregular immigrants know about financial packages for voluntary return administered by IOM but that too few – only 20 per cent of survey respondents – are interested in taking them up.

Experience of return

- Attitudes to return varied among those we interviewed and surveyed, with those who had taken voluntary packages more reconciled to return than those who had been forcibly removed.
- The majority of returnees considered the manner of their return reasonable, although a minority complained about the way the UK authorities had treated them.
- A large majority of returnees wanted to return to the UK if possible, although all said they would do so only if they could do it legally.

Policy recommendations

Our policy recommendations in this section follow the irregular migrant's 'journey' to irregularity in the UK. We set out on page 5 the main policy target areas that we think would yield results towards our priority outcomes. This more exhaustive set of recommendations amplifies and extends those ideas and underlines our contention that reducing irregularity requires the deployment of a very wide range of measures at every stage of the migrant journey.

Upstream (before irregulars reach the UK)

In origin countries

- The UK government is right to maintain its commitment to international development, human rights and good governance because a more equal and peaceful world will, over time, reduce some of the drivers of irregular immigration.
- The UK government (in conjunction with EU partners) should consider extending the use of creative initiatives, such as information campaigns, planting storylines in popular soap operas, and the opening of Migrant Information Centres to improve awareness among would-be migrants of the consequences of coming to the UK.
- These initiatives need to provide balanced and honest information about legal channels for migration alongside strong deterrent messages about irregular migration.
- The UK government should more widely publicise the penalties that anybody involved in trafficking or smuggling will face in the UK.
- A sophisticated visa regime that screens for possible irregulars in countries which produce high numbers of irregulars is also essential, although efforts must be increased to ensure that any frustration caused to legitimate travel is minimised.
- In the medium term, the UK should consider piloting temporary worker schemes for low or non-skilled migrants from outside the UK. Such circular schemes can help to meet labour demands and channel migrants away from irregular routes.
- In the longer term, the UK may need to look at opening up Tier 3 of the Points-Based System (PBS) to allow non-skilled migrants from outside the EU to migrate to the UK. It is currently closed. The basis for opening it would be clear evidence that the labour market required such workers.

Cooperation with transit countries and the EU

- More capacity-building needs to be done with key 'feeder' countries to foster cooperation in tackling irregular travel.
- A common European asylum and migration policy, setting decent standards for treatment of irregular immigrants and asylum-seekers and fostering greater cooperation in deterring and returning irregulars, would be in the UK's national interest and should be a policy priority for the UK government.
- The UK should maintain its strong involvement in and funding of FRONTEX, the EU external border agency, and should strengthen the use of 'juxtaposed' controls that stop irregulars in transit to the UK.

- FRONTEX operations must be reviewed constantly to ensure that, in deterring and stopping irregular movements, the lives and safety of migrants are protected.

Border security

- New technology and profiling techniques should be used to allow UK immigration officials posted overseas to allow through asylum-seekers with a strong prima facie case for protection so that they are not stopped from reaching safety by measures designed to prevent irregular migrants.
- The UK should constantly enhance the sophistication of its border security measures and its risk management techniques to aid legitimate entry and make smuggled or fraudulent entry more difficult.
- The planned re-introduction of computerised entry and exit controls is welcome (although the roll-out has suffered delays). The UK government needs to be able to 'count in and count out' so that it knows the scale of overstaying. When it does, it will better be able to encourage compliance and implement targeted measures to enforce removal.

Downstream (for irregulars in the UK)

Targeting the irregular immigration industry

- The UK government should constantly review the penalties for trafficking and smuggling activities to ensure that they have the maximum deterrent effect.
- Carrier sanctions should be strictly applied – delays in collecting fines undermine their effectiveness.
- The main thrust of enforcement activity should be aimed at exploitative employers, bogus colleges and rogue landlords who together create demand and help support irregular immigration.
- The UK government should tighten procedures for issuing student visas. A stronger regime around sponsoring institutions in the UK will need to be backed up by a range of other measures in countries of origin to prevent abuse, such as real-time monitoring of visa applications to identify any large-scale attempts at abuse.
- Currently, most enforcement activity seems to be targeting smaller firms. Our research suggests illegal working is also happening in larger firms, if only through their use of subcontractors. More targeting of (or better still, cooperation with) larger employers is needed.
- The Civil Penalties scheme needs to be extended and more employers need to face prosecution when caught.
- More generally, better workplace regulation is needed – including for agency workers – to ensure that there is zero tolerance of the exploitative work conditions where illegal working flourishes.

A differentiated risk-management approach to enforcement and return

- The UK government is right to take a differentiated risk-management approach which targets efforts to apprehend and remove on the most harmful irregulars, such as foreign national prisoners, as a priority.
- This targeting based on harm could be enhanced if there was scope in the system to allow 'marginal' irregulars to 're-comply'.
- 'Marginal irregularity' is defined in the box below.

'Marginal irregularity'

- Immigrants who have overstayed their working or student visa for a short time (less than six months) and for the first time.
- Immigrants who have overstayed a visitor's visa for less than three months.
- Immigrants who are in violation of working hour restrictions.
- Immigrants who have been victims of traffickers and who cooperate with the authorities.

- Re-compliance would allow migrants who had been irregular for six months or less to obtain a 'temporary bridging visa' which would:
 - bring them back into legality without facing any sanction, though there would be an escalating charge for issuing the visa; and
 - allow them to fulfil aspirations (for example, completing a work contract or allowing a child to complete a school course) up to a strict time limit of six months.
- An important principle of this sort of process, which involves some relaxation of current rules, is that the 'second chance' does not become a third and a fourth and so on.
- Re-compliance visas should only be temporary and non-renewable.
- Embarkation controls that give the UK a clearer picture of the state of compliance will provide the UKBA with a greater ability to help migrants remain compliant, through 'traffic light' warnings via SMS or email messaging.
- The limits on working hours imposed on foreign national students, which have just been tightened, should be lifted. The UKBA should redeploy whatever capacity it currently uses to enforce these rules into tackling more harmful forms of abuse.
- To balance this relaxation, we argue for stricter processes for issuing student visas in the first place.
- Re-compliance would not offer a means of large-scale regularisation.
- Only a minority of current irregulars would qualify for re-compliance.
- All other irregulars (except refused asylum-seekers) should be classified as what we call 'manifest' and be subject to the full array of enforcement and return measures.
- 'Manifest irregularity' is defined in the box below:

'Manifest irregularity'

- Immigrants who commit criminal actions in the UK*
- Immigrants who use the services of smugglers**
- Immigrants who use false documents to gain entry***
- Immigrants who overstay their visa and are not taking steps to re-comply
- Immigrants who overstay or violate their visa more than once
- Serious violators of a visitor's visa (more than three months)
- Immigrants who fail to comply with the terms of their re-compliance 'bridging visas'.

* Some exceptions could be made for very minor criminal offences

** Excluding asylum-seekers who establish a claim for protection

*** As above

- Within this strict system, scope should be retained for some limited 'case or status resolution' which would grant indefinite leave to remain on grounds of special personal circumstances.
- We also think that irregular families with children born or largely brought up in the UK should be given particular consideration for less strict treatment and that exemptions should apply to stateless people and those in legal limbo situations
- Where return is obviously dangerous and likely to be unsustainable, such as to countries where serious conflicts are ongoing, there should be also be scope for issuing 'bridging visas' that give individuals a temporary right to stay in the UK only until conditions at home improve.

- The use of measures such as case resolution and special exemptions stem from losing control of the case management process – so the government needs to ensure that the lax practices which characterised the Home Office in the late 1990s and early 2000s do not return

Increasing returns

- At present, too few irregular immigrants face the imminent prospect of apprehension and return.
- If the government is serious about reducing the size of the irregular immigrant population it needs to increase the scale and effectiveness of its enforcement capacity.
- Increased and sustained investment will be needed in UKBA enforcement activities. If the government is serious about tackling irregular immigration it cannot expect UKBA to absorb cuts in staffing and reductions in budgets, despite the current fiscal position.
- In addition, community support groups, migrant-support groups, employers, trade unions, citizens' advice groups, IOM, MPs and all government officials need to be brought into the process of facilitating return.
- It is particularly important to involve migrant-led groups. A better relationship of trust, understanding and cooperation – and increased funding – is needed so that these organisations can be co-opted into the process of facilitating return.
- Other voluntary sector organisations with a strong track record of working with migrants should be contracted to assist in the design and delivery of return processes.
- The end-to-end caseworker model, in which a single caseworker is able to develop a relationship of trust and understanding with a client, should be further developed.
- Caseworker training should emphasise that return is the likely outcome for many irregular immigrants – a culture change among voluntary sector caseworkers is needed in this regard.
- All returnees should be offered some opportunity to negotiate the sorting out of their affairs and to receive a personalised package of financial assistance to aid re-integration in their home country. We recommend that the scale of the package should be some £5000 at the top end (in line with packages on offer previously) and should be available at all times. A cash element should be included.
- The size of the re-integration package and the extent of flexibility in effecting return should be calculated on a sliding scale to reflect the level of cooperation shown by the individual.
- On their own these measures will not increase return but should increase cooperation with a more efficient return process.
- All of the above measures, which argue for increased investment, will bring savings in the longer run.
- The length of re-entry bans – which forbid returned irregulars to subsequently apply for UK visas – should also vary according to the level of cooperation shown in the return process.
- There should be a full-scale review of the use of detention for immigration purposes. In our view, detention is currently used too widely and for lengths of time that cannot be justified. Other than for very high-risk irregulars, it should be used only immediately prior to removal.
- The UK government should do more to monitor actively the safety and sustainability of returns, particularly to more unstable countries.

Introduction

Irregular immigration is one of the most contentious public policy issues in the UK.¹⁸ It is however a complex and fraught issue which throws up numerous moral, legal, practical and political dilemmas at the local, national and global level. This report does not attempt to discuss all or even most of the issues arising from irregular immigration. Instead we focus on the most thorny and pressing issue: how can its scale and impact be reduced.

In truth, our focus is narrower still: we concentrate on the UK – while not ignoring how the UK fits into the wider world – and also restrict ourselves to looking at the subject in the current political context. So, for example, while ippr has in the past argued for a major earned regularisation programme as one solution for reducing irregularity (ippr 2009), we do not advance it in this report because we have concluded that it clearly has no political traction for the foreseeable future.¹⁹

From the very start of this project, our intention was to take a much more pragmatic and hard headed approach to irregular immigration than many other studies do (for example, International Council for Human Rights 2010). We think such studies can be characterised, using the language of the political philosopher Amartya Sen, as taking a ‘transcendental’ approach to the subject (Sen 2009) – that is to say, such studies devise ‘ideal world systems’ that have no chance of being taken up by politicians and policymakers operating in the real world in real time. By contrast, we are determinedly practical in our approach, combining rigour with humanity and solid evidence with common sense.

The large scale of irregular immigration in the UK is an obvious reason why the issue needs to be addressed, but the harm that it does is the more important reason. A particular issue for ippr – which has long championed the many benefits of migration – is that irregular immigration undermines public support for migration generally. A modern, dynamic, trading nation like the UK, which wants to compete in the global market, must remain open to flows of migrants in and out. As well as economic benefits, migration brings diversity, which enriches our country socially and culturally. These tremendous gains are threatened by irregular immigration. This is particularly true in the UK political context, in which public support for immigration is low. Defending immigration through legal routes is hard enough; justifying irregular immigration is nigh-on impossible.

The evidence of opinion polls over the last decade²⁰ shows that the UK public want more control on immigration. At ippr we have consistently argued for an immigration system that is well managed and that has clear rules which are applied fairly and consistently. Ideally, these rules should be supported by everyone, including politicians, businesses, migrant communities and migrant-supporting groups. However, there will always be arguments about the exact nature of the rules. We argue in this report that there are some elements of the immigration and asylum system which are unjust, unfair and ineffective. Reform of the system is needed, we contend, not least so that resources can be focused on those aspects of irregular immigration which are most harmful to the UK and to irregular immigrants themselves. But arguing for changing the rules in some cases is a long way from arguing that it doesn’t matter if the current rules are broken. While those rules apply they should be respected.

Public support for legal immigration and its many benefits is undermined if a large number of immigrants are able to pay agents to be smuggled into the country, to use fraudulent documents to gain entry, to overstay visas, to work in the shadow economy and to remain in the UK after they have been judged to have no right to do so, sometimes for years at a time, with only a small chance of apprehension and return. Louder calls for restrictions on immigration result from this situation, restrictions which could be very damaging to the UK’s future.

18 Throughout this report we will use the term ‘irregular immigration’ to refer to an aspect of migration which is elsewhere called variously illegal or undocumented immigration.

19 A regularisation scheme – which they called a ‘route to citizenship’ – formed part of the Liberal Democrats’ manifesto in the 2010 general election, but was not included in the Coalition Agreement. Labour has also rejected the idea. There is no prospect in our view of a major programme of regularisation taking place during this Parliament or the next. That does not mean that various types of ‘case resolution’ or ‘quiet amnesty’ will not take place and we discuss these here.

20 See polling evidence on attitudes to immigration at the Ipsos MORI website: <http://www.ipsos-mori.com/Search.aspx?usterm=immigration>

We should add that irregular immigration is not an unalloyed evil. The evidence on the economic and social damage to the UK caused by irregular immigration is mixed, while the economic benefit to irregular immigrants, their families back home and their home communities and countries is often considerable and should not be discounted. We hope that in this report we do justice to these issues, even if they go against the main thrust of our argument.

One of our findings which stands out is the immense diversity of the irregular immigrant population, a fact which is frequently overlooked in migration-related discourse. In the popular debate in our newspapers, on the airwaves and in the blogosphere, irregular immigrants are often portrayed as the 'lowest of the low', a criminal and threatening underclass, with no respect for the law and deserving of little sympathy. In some of the academic literature and much of the campaigning literature they can, by contrast, be almost eulogised or romanticised as oppressed victims of a wicked 'system'. This polarised perspective leads to an unhealthy debate around tackling irregularity, which veers between the extremes of 'kick them all out' or 'let them all stay'.

In fact, irregular immigrants are generally neither criminals (beyond breaking immigration laws) nor folk heroes. The reasons why people are in an irregular situation in the UK range from desperation to cling on in a country that is considered 'safe', to a fairly relaxed desire to continue working and living in a place which is seen as fun and exciting. In the middle is much the largest group – people who cannot find any other way to stay in the UK, who do not like being outside the system, but who see that there is work available here, and who want to earn more and live better than they could at home. They also want to contribute to this country and in many cases to become full citizens.

The UKBA highlights its 'three-tier approach to migration control' – remote controls, a tight territorial border and in-country controls – which it claims create 'a triple ring of steel to control illegal immigration' (UKBA press release cited by Hampshire and Broeders 2010: 17). The efforts of the UK government, particularly in recent years, to get a grip on a once-chaotic system should be applauded (even though the effectiveness, cost and, in some cases, the ethics of these efforts can sometimes be questioned). Without such measures, the scale of irregular immigration would doubtless be bigger than it is. However, the situation the UK government confronts is a classic example of what two leading migration theorists have called 'the gap hypothesis' in which 'significant and persistent gaps exist between official immigration policies and actual policy outcomes' (Cornelius and Tsuda 1994).

So, if the UK continues to have a prosperous and dynamic economy, and remains an open and democratic country (as opposed to some kind of economically backward, closed-off fortress), people will migrate here – legally if they can, illegally if they cannot. Stopping those who are determined to come, at all costs, is difficult enough. Finding them once they are here is also difficult. Removing them if they don't want to go back is more difficult still.

This is not to argue against taking a firm stance on irregular immigration. Indeed a central conclusion of our research is that a firm stance is the only option available to the UK government in the current political context. Furthermore, this needs to be applied in the countries of origin, in transit, at the border, in the UK and in effecting return. But firm action is much harder than tough talking. Our research shows that irregular immigrants are a determined group who will work hard to get here and, once here, are rarely ready to 'go quietly', even if their life here is very precarious. Their aim above all is to stay, at least until it suits them to return.

Prevention and return are the twin solutions to irregular immigration. But the UK government needs to be straight with the public. The message needs to be that 'we will bear down constantly on irregular immigration, but it will take time and we need to take a wide range of measures to reduce it.' These measures should be smart, fair and firm, and should be consistently and relentlessly applied at every stage of the irregular immigrant journey.

If people need refugee protection they should get it. If our economy requires certain types of migrant labour we should find ways of allowing migrant workers in through sanctioned channels. If there are people here who cannot go home for certain reasons we should have ways of legitimising their stay for a temporary period at least. But we cannot turn a 'blind eye' to irregularity, still less support or celebrate it. There must be a system of regulation of immigration. The current situation, where hundreds of thousands of migrants live outside the system, cannot go on. There is certainly a place for greater humanity and flexibility in addressing this problem, but a credible and sustainable

system cannot be built on humanity and flexibility alone. A framework of rules is essential to any immigration regime and no reasonable person should be content to see rules widely flouted or rarely enforced.

This research and analysis has involved a number of elements, including:

- an extensive literature review
- 22 expert interviews
- two stakeholder and four advisory board discussions, drawing on findings from deliberative workshops on public attitudes to immigration.

Perhaps the most interesting aspect of our project was the research we did directly with irregular immigrants themselves. This included:

- 44 life-history interviews with irregular immigrants currently in the UK
- 31 life-history interviews with former irregular immigrants to the UK, now back in their countries of origin
- an anonymous survey of 133 current or former irregular immigrants living in the UK.

Interviews took place with people from: Bolivia, Brazil, China, Columbia, Ecuador, Ghana, India, Mexico, Nigeria, Pakistan, Ukraine, Russia and Zimbabwe, primarily in London, but also in Birmingham.

Overseas interviews took place in: Ghana, South Africa, Jamaica, Vietnam and Pakistan.²¹

Our research covered a wide range of countries and categories of irregular immigrant, but of course it also had its limitations. For example, although we did talk to a few refused asylum-seekers – whom we include as irregular immigrants – our research mainly focused on other categories. Had we talked to Afghans, Iraqis and Iranians, there would have been a greater focus on asylum and our research would have had a different emphasis. Part of the reason we focused less on asylum is that it has been extensively covered in other studies and, as mentioned above, primary research with irregular immigrants themselves was not the only element of our project. However, we must concede that our research only gives *one* picture of irregularity in the UK in 2009–10 (when the research took place), not *the* picture.

A particular feature of our research with irregular immigrants was that we asked them directly what ideas they had for reducing irregularity, as well as finding out about why and how they became irregular and how they survive in this situation.

We draw on all our research in painting a picture of irregular immigration in the UK in Part One. It is also crucial in informing the ideas we put forward in Part Two, which concentrates on reducing irregularity. Each of these sections is preceded by an extensive boxed section which summarises the points that are then amplified in much greater detail in the following pages. For those who do not have the time and inclination to read the full report these boxed sections provide a comprehensive digest of our main findings, conclusions and recommendations.

We have deliberately kept this report as focused as possible and it is primarily aimed at policymakers working within current political realities. Of necessity, the subject is not explored in all its complexity. But we hope that this report will nonetheless be a useful contribution to the burgeoning literature on irregular migration.

²¹ More details of our research methods and participants can be found in Appendix A

Part One: An overview of irregular immigration in the UK

Summary

Numbers and categories

- The most recent estimate (by LSE) of the number of irregular immigrants in the UK puts the population at some 618,000.
- ippr has estimated that another 165,000 or so can be added to this number if various forms of illegal working by otherwise legal migrants are taken into account.
- Irregular immigrants come from all over the world (including places like Australia and the United States) but our research suggests the bigger populations come from developing countries like Nigeria, Pakistan and Jamaica, with other significant numbers coming from more developed countries like Ukraine, Brazil and South Africa. There are also significant numbers of Chinese irregulars in the UK.
- Refused asylum-seekers tend to come from places of conflict and persecution such as Afghanistan, Iran, Iraq, the Democratic Republic of Congo (DRC) and Zimbabwe.

Our research – both primary and secondary – suggests that irregular immigrants become irregular in a number of different ways and for different reasons.

- We estimate very broadly that around 20 per cent have been smuggled into the country or (more commonly) have used false documents.
- The biggest group of irregular immigrants however are almost certainly those who have overstayed or violated the terms of their visa (around 60 per cent of our sample).
- Other studies have shown that refused asylum-seekers make a large percentage of the irregular stock. Our sample was skewed away from asylum-seekers, but even so we think it likely that they make up a declining number of the irregular population (because many in the stock have had cases ‘resolved’ and asylum arrivals have dropped by 75 per cent from the peak in 2002).
- The image of irregular immigrants as people who have suffered great hardships and put themselves in great danger to enter the UK ‘clandestinely’ is not the norm.
- Our research suggests that irregular immigrants are certainly not the ‘poorest of the poor’ – they are neither from the poorest countries, nor are they the most disadvantaged group from their countries.
- Around half of those we researched were educated to tertiary level – and the vast majority have at least completed secondary education.

Drivers

The main driver for irregular immigration is economic self-improvement.

- Poor prospects at home, coupled with the availability of relatively well-paid work in the UK (albeit in low skilled jobs) motivates both travel and continuing non-compliance.
- 100 per cent of irregulars surveyed or interviewed for our project had some economic motivation for coming to the UK (even the asylum-seekers).
- Persecution, conflict and politics are lesser factors in driving irregular immigration – around one in five specifically cited them, though for others instability in their home country was a ‘background’ factor.
- There are strong pressures from family, local communities and even from home states driving irregular immigration. Many irregulars migrate in order to send remittances to families back home. Such migration, despite its ‘illegality’, has a high level of cultural approval.

- Returning before earning sufficient money is viewed as an embarrassment or ‘failure’.
- Personal motivations also drive travel and continued non-compliance. Often irregular immigrants have personal financial or educational ‘targets’ they are determined to achieve – less positively, many have debts they must clear.
- However, there is a slightly more frivolous form of irregular immigration – immigration for ‘life style’, where the motivation is enjoying a good time, experiencing different cultures or having an ‘adventure’. These irregulars would generally prefer to come legally, but are prepared to take risks to achieve their personal migration goals.

Survival

Our research shows that irregulars adopt many different strategies to survive in the UK.

- Networks – both formal (smugglers and agents) and informal (friends and family) – help irregular immigrants to get a foothold in the UK, to find accommodation and secure employment.
- These networks are more important than migrant charities or organisations in providing support to irregular immigrants.
- Work is the most important factor in allowing an irregular immigrant to survive. Almost all our survey and life-history participants were working, and earning enough to live, to save and to send money home (albeit by making considerable sacrifices).
- Our survey showed that nearly three-quarters of irregular immigrants are in unskilled jobs, working in sectors like hotels, catering and cleaning, well below their own skill or education level. Jobs are often insecure and poorly paid, with exploitation common.
- However, irregular immigrants often do not move out of the informal or illegal economy, even when it is possible, because of fear of detection.
- False documents and national insurance numbers appear to be relatively easy to acquire if you have the money and are prepared to take risks.
- Such documents help irregular immigrants to survive but increase the stress and anxiety of life.
- Many irregulars live in ‘constant fear’ and their lives are very restricted.
- All of these findings are in line with previous studies.

Impacts

Beyond the impacts on irregular immigrants themselves, our analysis of secondary sources and available data suggests that irregular immigration has a number of mixed impacts on the UK’s economy, society and politics.

- Some sectors of the economy may have come to rely on irregular immigrants because domestic labour or legal migrant labour is not available. Other industries only function by employing exploitable labour and they help create further demand for irregular immigrants.
- Although we have not carried out a detailed analysis, irregular immigrants are likely to contribute more to the UK economy through their labour, through their spending and through paying tax, than they take out in terms of benefits and use of public services.– to which they have limited entitlements.
- However, irregular immigrants do impose ‘knock on’ costs on services and infrastructure, through using the NHS, schools, transport and other services in ways which cannot be properly planned for. We have not carried out a detailed analysis of the costs but they would certainly run into the low billions of pounds.
- There are also obvious, if hard to quantify, negative economic impacts. Irregularity means there is a ‘shadow’ workforce in our midst which allows exploitative employers to breach

legal pay and conditions, though the national minimum wage and the UK's reasonably high employment standards help to protect the wider workforce.

- Irregular immigrants have limited social impacts as they tend to occupy 'niches' in UK society or lead 'quasi-legal' lives. Aside from the 'illegality' of their status, they are rarely involved in crime, although latest figures show a worrying increase in migrant arrests.
- However, the very existence of an irregular community, living in the 'shadows', excluded from mainstream society, and unable to be active and integrated citizens can be viewed damaging to the social fabric of the UK.
- The political impact of irregular immigration is significant. The scale and persistence of irregularity undermines the integrity of the immigration system which in turn undermines public confidence in legal immigration.
- According to the Transatlantic Trends Immigration survey 2010 71 per cent of UK survey respondents said they were 'worried' about illegal immigration (the EU average was 67 per cent)
- Only 35 per cent of UK respondents were 'worried' about legal immigration
- 75 per cent agreed that illegal immigrants 'put a burden on social services like schools and hospitals' and 63 per cent agree they increase crime
- 90 per cent of respondents agreed with the need for stronger border measures and the same percentage also backed tougher penalties on employers to reduce irregular immigration
- 67 per cent of respondents agreed that irregulars should be required to return to their country of origin compared with 24 per cent who agreed they should be allowed to obtain legal status that allowed them to stay in the UK

In Part One, we attempt an overview of irregular immigration in the UK. It is a huge, multi-faceted issue, so we can do little more than skate over the surface, even in a long report.

The aim of Part One is primarily to provide some context for the next section in which we move to the main objective of this report: to suggest ways in which irregular immigration can be reduced. With that in mind, we focus on why irregular immigration takes place, why it persists and why it is so difficult to tackle. We give less attention to what might be called the irregular immigrant's 'plight' or to their rights, not because we think these areas are unimportant, but because they have been extensively tackled elsewhere.

Part One is divided into the following chapters:

Chapter 1: Numbers and categories

Chapter 2: Drivers and motivations

Chapter 3: Survival strategies and impacts

At the end, we include a short section on the issue of rights.

Chapter 1: Numbers and categories

1.1 The big number

We start with the question that many people ask: how many irregular immigrants are there in the UK? The immediate response is that nobody knows. At present, there are no ‘official’ figures because, unlike some countries, the UK does not have entry and exit controls which ‘count people in and people out’, although a system for doing so is being rolled out. For the time being, therefore, all we have are estimates.

In this project we did not attempt to come up with a new estimate, mainly because the London School of Economics has carried out a recent exercise to do just that. What we do here is to report their estimate and methodology, and add our own estimate of the number of clandestine workers, which the LSE team did not include.

The LSE report (Gordon et al 2009) for the Greater London Authority (GLA) updated an earlier exercise by Woodbridge (2005) for the Home Office and the Office of National Statistics (ONS). It used the ‘residual’ method, which compares the total de facto foreign-born population derived from the 2001 census and the lawfully resident foreign-born population, but unlike Woodbridge it included an estimate of UK-born children of irregular migrants. It concluded that the stock at the end of 2007 was in the range 417,000 to 863,000, with a central estimate of 618,000.

Table 1.1
LSE estimates of
the UK irregular
population

Source	Estimated population ('000s)		
	Central estimate	Lower estimate	Higher estimate
Woodridge: 2001 estimate	430	310	570
2001–07 change in number of:			
Resident failed asylum-seekers	+219	+219	+219
Overstayers/illegal entrants	+50	+21	+79
Regularised 2003–07 (incl. from EU accession countries)	-166	-177	-149
Total irregular migrants at end-2007	533	372	719
Estimate for UK-born children	+85	+44	+144
Total at end-2007	618	417	863

Source: Gordon et al 2009

The LSE estimates do not include those who are legally resident but working illegally (clandestine workers). ippr has previously (ippr 2009) analysed statistics from the Higher Education Statistics Authority (HESA) for 2007–08 which showed that there were 229,640 non-EU students in UK higher education institutions, while Labour Force Survey (LFS) data suggested that there were 697,000 people from EU accession countries in the UK in 2008. ippr survey data suggested that up to 22 per cent of this group (roughly 150,000) may not have been registered under the Worker Registration Scheme. Taken together these figures led us to suggest that clandestine working could add an additional 165,000 migrants who are in some sense ‘irregular’. This does not include asylum-seekers with outstanding claims who may be working in contravention of restrictions placed on them.

Large-scale irregular migration is of course not just an issue for the UK, but is a global phenomenon. There are those who suggest that it can be exaggerated because irregular migrants are mobile relative to the rest of the population (Duvell 2008). One of our key informant interviewees, who leads an NGO working with many irregular immigrants, agreed with this view: ‘The numbers of irregulars in reality are always less than the official estimates because there is so much flux.’

However, this is not the general view. The United Nations has called irregular migration one of the fastest-growing forms of migration in the world (UN 1997). The Global Commission on Migration (2005) produced a summary of worldwide irregularity, which included the following estimates:

- 2.5 to 4 million illegal border crossings annually
- at least 5 million of Europe’s 56.1 million migrants in 2000 had irregular status (10 per cent)

- some 500,000 irregular migrants arrive in Europe each year
- an estimated 10 million migrants live in the USA with irregular status
- some 20 million migrants with irregular status live in India.

Some analysts (Baldwin-Edwards and Arrango eds 1999) have pointed out that estimates of the scale of irregular migration worldwide can be very unreliable and do vary wildly. But it is likely that the figure runs to 30 or 40 million worldwide (Papademetriou 2005). Moreover, with more and more countries restricting legal migration, it is highly likely that illegal migration is growing fast, perhaps faster than any other form of migration, as migrants are 'forced' to get around tighter rules (Castles and Miller 2009).

The LSE estimate suggests that irregular immigrants comprise around 1.1 per cent of the UK population (Duvell 2009) which is close to the estimated EU country average of between 0.6 per cent and 1.6 per cent.²² The irregular population in the United States is much higher, at around 3.8 per cent of the total population.

1.2 National groups

It is impossible to say with any accuracy where irregular immigrants come from because official data sources rarely record them. All we list below are indicators, gathered from various sources, which provide a picture of the spread of nationalities likely to make up the irregular immigrant population in the UK.

- Between 2001 and 2006, detention centre data showed that the following nationalities predominated: Jamaican, Nigerian, Pakistani, Chinese, Turkey, and Indian (in descending order).
- A Home Office study in 2003 gave broad proportions for estimates of the regional origins of people smuggled into the UK as: Africa 41 per cent, Middle East 16 per cent, other Asian regions 15 per cent, Europe 13 per cent, China 7 per cent, India 5 per cent, the Americas 3 per cent (Dubourg and Prichard eds 2003).
- Home Office data for 2008 on the nationality of refused asylum-seekers shows the top 10 countries were: China, Iran, Afghanistan, Zimbabwe, Iraq, Sri Lanka, Pakistan, Eritrea, Somalia and Nigeria.
- International Organisation of Migration (IOM) data for 2004-2006 showed that the top 10 nationalities applying for Assisted Voluntary Return for Irregular Migrants (AVRIM) voluntary return packages were: Brazilian, Jamaican, Bolivian, Zimbabwean, South African, Indian, Pakistani, Nigerian, Sri Lankan and Ghanaian.

These small-scale samples are not representative of the total of the irregular immigrant population (Vollmer 2009), though our own research does suggest that these country groups do feature prominently. Many of these countries have a colonial link with the UK, they tend to be poorer than the UK, and some are characterised by conflict and human rights abuses. But that is not to say that irregular immigrants always come from such countries. They come from almost everywhere, in fact, including places not popularly associated with irregular immigration.

1.3 Categories

This brings us the question of how you might categorise different types of irregular immigrant. A prevailing image of an irregular immigrant is of someone from a very poor country, entering the UK by hiding in a lorry and then working in a dirty, dangerous, dead-end job in the illegal economy. In some cases, this image holds. But the irregular immigrant population also includes many thousands of people who do not conform to this image, including, for example, young Australian backpackers who have overstayed their visas²³ or Brazilians who have entered on forged documents, but are migrating for 'adventure' rather than for survival.

²² The various reports of the EU CLANDESTINO project give details of irregular immigrant estimates for the European Union. <http://clandestino.eliamep.gr/category/clandestino-database-on-irregular-migration/>

²³ The Joint Council for the Welfare of Immigrants calculated in 2000 that there was a stock of 40,000 Australians in this category: see <http://cdnedge.bbc.co.uk/1/hi/world/europe/797491.stm>. One of our key informant interviewees, who worked for an Australian diaspora NGO guessed that Australian irregulars numbered around one in 100 of all Australian migrants, which works out at an annual number of 2000 or 3000 irregulars.

Moreover, there is not always a clear distinction between different forms of status in our complicated immigration system, which results in what is sometimes called ‘status blur’. In addition, immigrants can move in and out of regularity and irregularity. To take a common example, an immigrant may have entered the country via legal channels with valid documents but may have become irregular by overstaying his or her visa. In some cases, immigrants don’t even know that they are irregular, because, for example, they are in breach of work rules that have changed since they arrived. (This is now quite common in the Chinese and Bangladeshi catering industries, since the tightening of rules on unskilled and semi-skilled workers under the Points-Based System, or PBS.) It is also the case that there is, as Duvell (2008) has pointed out, a considerable space between the point at which an immigrant’s activity or situation becomes ‘illegal’ and the point at which it becomes punishable.

Ruhs and Anderson (2006) provide a useful overview by categorising different types of immigration status according to levels of compliance:

- **Full compliance** – where immigrants are legally resident and working in line with the employment restrictions attached to their immigration status.
- **Non-compliance** – where immigrants have no right to reside in the host country at all.
- **Semi-compliance** – where immigrants are legally resident but working in violation of some or all of the employment restrictions attached to their immigration status.

At present, both the non-compliant and the semi-compliant are ‘counted’ as part of the irregular population and are liable for the same sanctions, which include deportation. In Part 2 we will suggest that in reducing irregularity, a more nuanced approach could be taken when dealing with some immigrants in both the semi-compliant and non-compliant categories.

Having shown that irregularity is rarely a fixed status, it is worth doing an exercise in typology. Our definitions table borrows heavily from Papademetriou (2005).

Table 1.2
Categories
of irregular
immigration

Groups	Definitions	Examples
Clandestine entrants	Immigrants crossing borders clandestinely – includes those smuggled or trafficked	Sangatte arrivals using Channel Tunnel
Fraudulent entrants	Immigrants inspected at border crossings and allowed to enter, but using false papers	South American economic migrants ²⁴ travelling on false EU passports; Zimbabwean asylum claimants using South African or Malawian passports
Visa overstayers	Immigrants who have remained in a country beyond the time limit of their visa	Foreign students who have stayed on to work; immigrants staying on after expiry of working holiday or tourist visas
Visa violators	Immigrants who have entered the country legally and still have time left on their visa, but who are violating the terms and conditions of their visa – the most common example is working without permission	Holders of tourist visas working; foreign students working over the 20 hour a week limit; asylum-seekers in work (they are not allowed to work)
Refused asylum-seekers	Asylum-seekers who have had their application turned down on initial application and on appeal, and who are not taking steps, as the rules require, to leave the country	Many Iraqi, Iranian, Afghani and Zimbabweans fall into this category because they don’t think it is safe for them to return home

²⁴ Where we use the term ‘economic migrant’ in this report we are referring to all migrants who are travelling primarily for the purposes of taking up or seeking work in another country.

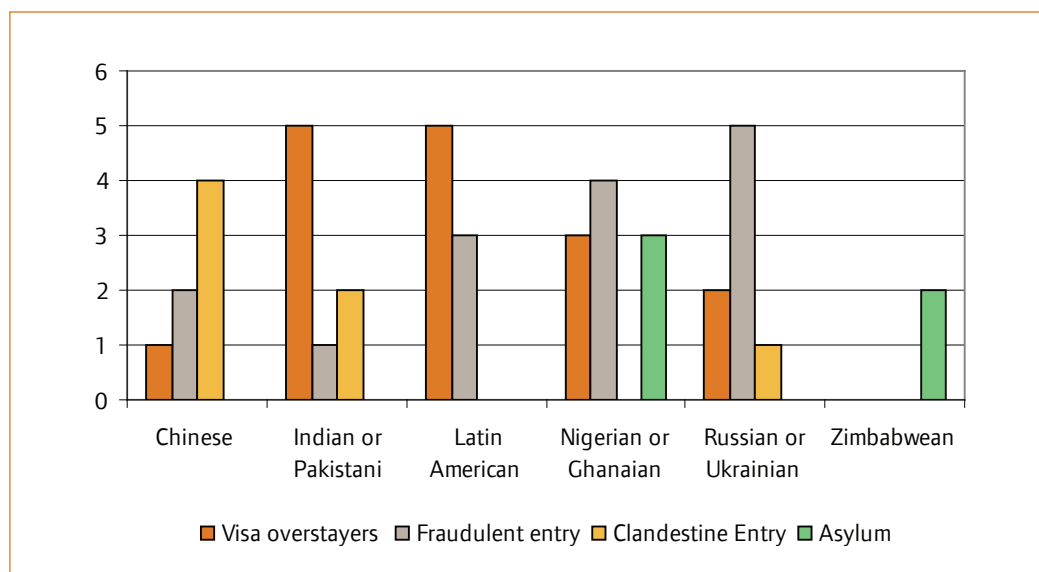
Our life-history interviews and survey data give us a picture of how the irregular immigrants we researched fit into these different categories. The survey results are set out in Table 1.3.

Table 1.3
Survey:
Immigration status
on initial arrival

Status	Number	Proportion (approx)
Clandestine entrant	36	27%
Tourist, ordinary, business visitor	41	31%
Student visa	24	18%
Work visa Tier 1 or 2 or equivalent	4	3%
Working holidaymaker, au pair, cultural exchange	1	0.75%
Asylum applicant	19	1.4%
Visa for spouse, civil partner, fiancé(e), child or other dependant	2	1.5%
Other (acquired other passport)	2	1.5%
Other (acquired false EU passport)	1	0.75%
Other (acquired false document)	2	1.5%
Other (acquired false visa)	1	0.75%
Total	133	

A slight different picture emerges from our life-history interviews, as can be seen in Figure 1.1.

Figure 1.1
Predominant mode of irregularity among life-history interviewees*



N = 44

* A number of interviewees had claimed asylum at some point during their stay in the UK. Here we have only included those who made a claim on arrival.

Clandestine entrants

Despite increased border security and ‘upstream’ measures (see Part 2), our research suggests that clandestine entrants make up a significant proportion of the irregular population in the UK. As Table 1.3 shows, 27 per cent of the survey sample falls into this category, though only seven of the 44 life-history interviewees admitted to be smuggled into the country (including four of the eight Chinese). Among the returnees we interviewed, there were also some clandestine entrants – though often the journey from home to the UK involved a number of stages, some legal, some illegal, with agents involved.

It was easy. The agent in Vietnam arranged to get me to Germany for the cost of \$8500. Before that, I had to get to [the] Czech [Republic] legally, from [the] Czech [Republic] to Germany was illegal. I stayed with my aunt, who was living in Germany, for four days. And then the agent in Germany arranged to get me to France for \$2000. Then another agent arranged to get me to the UK for \$4000. We travelled in

a van. I, with another migrant, was caught when we entered the UK, but I managed to escape and hide under a van to enter the UK.

Male, 24, Vietnamese returnee

There is a considerable volume of academic and campaign literature – as well as memoirs, films and plays – describing the sometimes harrowing experiences of irregular immigrants journeying to countries like the UK, so we will not add to it here. As previously noted, our research suggests that extreme and dangerous journeys are not the norm for irregular immigrants, although that is not to minimise the hazardous or frightening nature of irregular journeys.

Fraudulent entrants

A more common route of irregular entry is via the use of forged passports or other identity documents. Although it can be more expensive, immigrants who take this path consider it to be a quicker, more secure way of getting to the UK. For example, a cluster of the Ukrainian irregular immigrants interviewed for this study entered the UK with false documentation, arriving in the same way as other travellers by ferry or Eurostar. Most said they would have preferred to come to the UK lawfully and they had first applied for visas at the UK embassy in Kiev. But when their visa applications were refused, they considered clandestine channels. They migrated via Poland, and often on to Germany, where they obtained Polish or Lithuanian passports, either with similar photos or photos ‘pasted’ into passports.

You pay on arrival in London – because not everyone could give money in advance. It was a large amount, \$3000. If you cross, you pay in London. Naturally, [the agent] would get advance money for preparation. We gave him only \$500. He would take \$500 and you keep the rest of money on you. There were no worries. Everything was fine. No one was taking your money.

Male, 31, Ukrainian

One of the Zimbabweans we interviewed travelled to this country on a Malawian passport. This tactic rebounded on him because the use of this document contributed to his being refused asylum on the grounds that he was not a Zimbabwean national and could be returned safely to Malawi.

Visa overstaying

As both Table 1.3 and Figure 1.1 show, visa overstaying was the most common form of irregularity among the irregular immigrants we researched.

Our life-history interviews suggested that overstaying was often a pre-meditated decision, though sometimes it resulted from a change of circumstances once in the UK. For example, several young Latin American interviewees had entered the UK legally on tourist or student visas, but once here had started relationships or found work and decided to stay on beyond the terms of their original visas, so placing themselves in an irregular situation.

I had another dream which, to be honest, wasn't clear in my mind when I arrived. I began to entertain the idea of working here. This wasn't my original intention – I came here to study.

Male, 37, Brazilian

In another case, a Nigerian man came to the UK on a visitor's visa to attend an event, but ended up staying and applying for asylum status after becoming involved in expatriate circles which campaigned for Biafran independence. He is irregular by virtue of being refused asylum, not having left and working without permission.

My intention first was to come for an exhibition here ... So when I was here in the UK a lot of things started happening, the situation back home started getting worse and I felt very much annoyed. I was very, very angry about what was happening.

Male, 37, Nigerian

Among some immigrant groups, visa overstaying is regarded as a relatively minor infraction, and is not used by them as a long-term strategy for staying. A key informant interviewee who works for an Australian NGO said most Australian overstayers only remain in the UK for a few months beyond their visa, doing cash-in-hand jobs in more remote places like rural pubs or Scottish country hotels where they are unlikely to be caught. Although visa overstaying can often result from confusion about immigration law, that excuse does not extend to this group. 'Everyone knows full-well how long they are allowed to be here and when their visa expires,' one key informant interviewee, a representative of an Australian NGO in London told us.

Overstaying is not the only way in which immigrants violate the terms of their visas. Some of the people we researched were working while in the UK on a student or tourist visa, for example. Others were returning home at regular intervals to pick up new tourist visas so that they could continue working in the UK. One Pakistani returnee left and returned to the UK on a series of tourist visas over the course of seven years, returning to Pakistan before each of them ran out in order to renew them legitimately. Eventually the UK immigration authorities suspected that he was breaking the terms of entry and refused to issue him a new permit.

Attitudes towards visa overstaying or violations were varied. While many interviewees acknowledged that what they were doing was against the law, most did not see this as a criminal act, particularly the subset that broke the terms of their visa by working for more hours than the number permitted by their visas. Many felt that they were making a contribution to the UK economy through working and, in many cases, paying taxes. They thought that this should count in their favour.

Refused asylum-seekers

It is important to point out that coming to a country to claim asylum is a universal human right and is entirely legal. An asylum-seeker only becomes irregular when their claim is refused, they have exhausted all appeal rights and they are making no effort to leave the UK.

Although relatively few of the irregular immigrants we spoke to had made a claim for asylum on arrival, quite a few had done so at a later stage – some when it was their only option left. All those we interviewed who had claimed asylum were, by definition, refused – though it was often unclear if they had completely exhausted all channels of appeal or judicial review.

Interviews revealed a poor grasp of how asylum is applied in the UK. Participants generally seemed to think that anyone fleeing from a situation that they themselves deemed to be unstable or dangerous should be given automatic refugee status.

In some cases the motivation for migration was clearly politically driven – for example, interviewees included a member of the outlawed Falun Gong in China, a Nigerian who became active in the movement campaigning for Biafran independence and two Zimbabweans who were active in the opposition Movement for Democratic Change [MDC] party. In other cases, the motivation to migrate was mixed with other drivers. For example, a few Jamaican interviewees who had claimed asylum said they were fleeing political persecution but talked of difficult community situations or abusive personal relationships.

In all cases, the asylum process was very frustrating and its decisions opaque:

It was a hopeless situation for me ... I keep on meditating over what is happening, asking myself, "How long will this continue?". You're not working, you don't have the right to work, you don't have the right to do anything, you're just living at the mercy of somebody who is somewhere very comfortable dictating the pace, deciding whatever happens to your life.

Male, 37, Nigerian

The Zimbabwean interviewees had friends and family who had been granted asylum after suffering similar experiences to their own at the hands of the Mugabe regime – threats, violence, imprisonment and torture. They were very confused when their own claims were rejected. They also resented the fact that more recent arrivals had been recognised as refugees when they had not been.

The immigration system is very unfair. I think they should take time to speak to us individually, because some have been given their status, but they only arrived last year, while others who have contributed to the UK have not been acknowledged.

Female, 22, Zimbabwean

The quality of legal assistance varied considerably and the process was often costly for individuals. These difficulties were frequently compounded by poor English language skills on the part of claimants, who had often been unable to understand letters they had received. This lack of understanding was sometimes the reason for irregularity, as claimants missed deadlines or failed to fill in forms properly, which resulted in their claim being denied. In some cases people claiming asylum had moved, resulting in confusion and a failure to stay informed about the status of asylum applications:

I received benefits three or four years ago. Later ... the paper didn't work anymore ... I don't know my status now ... I did have an address at the beginning. But we moved around and changed addresses. So many of us don't know what happened to our status.

Male, 44, Chinese

In most cases, the asylum process had been very slow (the two Zimbabweans have been in the UK since 2001 and 2004 respectively), although some of this delay in getting a final decision can be attributed to attempts by the individuals to explore every possible legal channel to stay in the UK.

The evidence from our relatively limited research with refused asylum-seekers chimes with many other studies of this area: see, for example, Doyle for Refugee Council (2009), Bail for Immigration Detainees (2009), Nandy for the Children's Society (2009), Refugee Action (2005) and various reports by Asylum Aid.²⁵

²⁵ Available at <http://www.asylumaid.org.uk/publications.php?category=2&search=Search&page=3&page=1>

Chapter 2: Drivers and motivations

In this chapter we look at what are often called the ‘push’ and ‘pull’ factors that lead people into irregular immigration. These can involve personal decisions and/or powerful external impulses, at the family, community, national or even global level, which drive a person to migrate, attract them to a certain country and encourage them to stay, even though this involves breaking the law and putting themselves in a difficult – even dangerous – situation.

We have divided this chapter into six sub-sections:

- Economic
- Smuggling and trafficking
- Persecution, conflict and politics
- Family, community and national
- Personal
- ‘Lifestyle’

We conclude the section with some general observations based on our research on why irregular immigrants may choose the UK over other countries.

2.1 Economic

Our research and other studies show that much irregular migration is driven by economic self-improvement. The irregular immigrants we interviewed saw the UK as a place where they could earn more than they could in their country of origin and have better career prospects. Many aim to work hard here to secure a better future back home. For example, some had concrete goals of setting up a business or building a property. Despite experience of hardship here, the UK was widely seen as a place that could fulfil dreams of prosperity.

They [the families in Pakistan of migrants abroad] have built good big houses. They spend lavishly on the marriage ceremonies. They provide good dowry to their daughters on marriage ceremonies ... Everybody knows this.

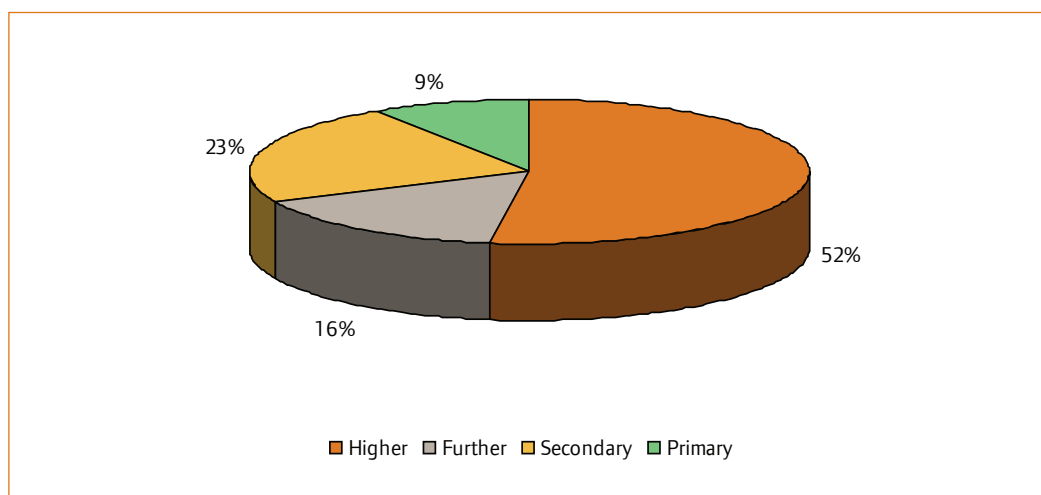
Male, 36, Pakistani returnee

Some also migrated in order to be able to send remittances home to support their families, as we shall see in section 2.4. Several people had accrued debts in their home country and had migrated in the hope of earning enough to pay them off.

Although most irregular immigrants are poor by British standards, our research also confirmed previous studies that show that migrants are better educated and better off than their compatriots even before they migrate (UNDP 2009). These factors give them the resources to move to the developed world (particularly important if using an irregular route) where their relative advantage over their compatriots is greatly increased. This means that most irregular immigrants do not conform to the popular stereotype of ‘desperate people, with no material or cultural resources, running away simply to survive – they are neither from the very poorest countries or the poorest people from their own countries’ (Reyneri 2003).

Overall, the irregular immigrants we interviewed in the UK had a relatively good standard of education and skills, despite the significant differences between the economic development of their countries and the range of ages of the interviewees (from their 20s to their 60s), as Figure 2.1 (over) shows.

Figure 2.1
Level of education of life-history interviewees in the UK



N = 44

Our survey data also shows that a majority of irregular immigrants have at least a good schooling, and in more than half of cases, education to further or degree level.

Table 2.1
Survey: Highest education level reached among irregular immigrants in the UK

Education level	Number	Proportion (approx)
None	4	3%
Less than six years of education	4	3%
Completed elementary education – equivalent to approximately six years of education	15	11%
Completed secondary education – equivalent to approximately 12 years of education	43	33%
Vocational further education	26	20%
University/academic higher education	38	29%
Prefer not to answer	1	0.7%
Total	131	

The main reason these educated people are leaving their countries is that, in developing countries ranked as ‘medium high’ and ‘high’ in the human development index (the main source countries for much irregular migration to the west), they are in surplus and cannot be absorbed into the domestic labour market (Baldwin-Edwards 2008). As Table 2.2 shows, 11 per cent of respondents in our survey of irregular immigrants specifically mentioned unemployment in their home country as a motivation for moving to the UK. More generally, the survey shows that improved economic opportunities are by far the largest factors in prompting migration to the UK.

Table 2.2
Survey: What were your main reasons for moving to the UK?

Reason	Number of responses	Proportion (approx)
To earn more money in UK	85	40%
Low income in home country	25	12%
Unemployed in home country	23	11%
Persecution or conflict	23	11%
Poor career prospects in home country	19	8%
To experience living abroad/another culture/adventure	11	5%
To take up work in the UK	6	3%
To study or learn English	10	4.5%
To accompany or join family or friends in UK	5	2.5%
Other	5	2.5%

Note: Some respondents gave more than one reason

The combination of economic push and pull factors is very striking. These factors were also strong among our life-history interviewees, both in the UK and in countries of return.

I chose the UK because I thought the UK was a rich country, there would be more opportunities for me to earn money. I had known some friends and other Vietnamese people working in the UK, and comparing them to other Vietnamese people working in other countries I concluded that moving to the UK was the best choice.

Male, 28, Vietnamese returnee

The people and friends used to tell me that I would earn in the UK more money than what a doctor earns here in Pakistan. We pondered in our country that we would earn more money than our Prime Minister is getting in Pakistan.

Male, 34, Pakistani

It is worth noting, however, that very few people in the survey had definite jobs to come to (4.5 per cent) and the same was true of our life-history interviewees.

The strong expectation that migration to the UK will lead to great financial gain exists alongside economic push factors in source countries. A number of irregular immigrants described inflation, poor wages and high levels of unemployment as being instrumental in their decision to migrate. Some interviewees said they lacked the social connections to get a (good) job in their country of origin.

My thinking was very simple then. I just wanted to earn money and seek a better living as it was comparatively hard to do so in China.

Female, 23, Chinese

Overall our research backs up a previous study by ippr and the Global Development Network (Chappell et al 2010) which shows that economic opportunities in destination countries are more important factors than conflict or poverty in the home country in motivating most migrants to move. The fact is that migration to the west from even relatively prosperous developing countries is a highly rational economic strategy for the migrants, their families and even their communities. It has been calculated that a person who migrates from a developing to a developed country can see their income increase 15-fold, see education enrolment by their children go up by nearly 100 per cent, and see the risk of child mortality decrease 16-fold compared with a similar person who does not migrate (UNDP 2009).

That said, irregular immigrants are of course less likely to accrue such gains (in the short term at least) because they generally do not find jobs commensurate with their skills and qualifications, as we will see in section 3.2.

As many previous studies have pointed out (for example, Samers 2005), increasingly segmented and unregulated employment markets in the developed world create a demand for irregular immigrants as they are often the only people who will consider the worst of the jobs in such markets. Irregular immigrants can be seen as a new service proletariat filling jobs in the informal economy and, by so doing, further strengthening it.

The most commonest jobs that illegal people can do are ... all these lower jobs that ordinarily a ... middle class person would not want to do ... There are so many of them out there.

Male, 36, Nigerian

There are writers (for example, Portes 1978 and Baldwin-Edwards 2008) who argue that whatever western governments say about irregular immigration, they actually regard it as an essential component of their neo-liberal, deregulated economies. Some of our interviewees felt strongly that there was hypocrisy at the heart of UK government policy towards them – on the one hand harassing them, but at the same time tolerating their presence:

I think that Great Britain needs illegal [migrant] workers. Why? It's a very simple reason. They are the people who pay up to 30 per cent [of their income] in taxes, and have no rights here and no opportunity to access something, and don't ask any help from the state, and survive on their own. I think it's a very big plus for Great Britain. And that's why control in construction is not so big [strong]. The police stopped me here, and it didn't even come into their heads that I could possibly be an illegal.

Male, 28, Ukrainian

Leaving aside the wilder conspiracy theories (De Genova 2002, for example), it is fair to say that governments have consistently failed to assess the levels of demand for migrant labour in their economies when setting restrictive immigration policies (UN 2006). Irregular immigrants in the UK are not generally 'taking' jobs directly from domestic workers or legal migrants, rather they are filling vacant jobs at the very bottom of the employment scale or working in industries which can only function if they have illegal (and highly exploitable) workers. The economic downturn means, however, there is a greater likelihood that irregulars are going to be competing with others for available work.

It is beyond the scope of this report to study this area in any depth, but one argument often advanced for reducing irregularity is to increase regulation in the job market. 'The focus [should be] on minimum employment conditions, much more in-depth regulation of atypical working. You have to confront the liberal market,' one key informant interviewee, a prominent UK politician, told us.

Our research does suggest that one of the additional benefits of a better regulated labour market, with improved pay and conditions at the bottom end, is that it would further isolate exploitative employers who are those most likely to employ irregulars.

2.2 Smuggling and trafficking

The smuggling of migrants has become a very profitable industry (Salt and Stein 1997), particularly as countries have made access more difficult (Cornelius and Tsuda 1994). Worldwide, the industry may be worth \$10 billion dollars (ICMPD 2009) and the size of the UK market for people smuggling was estimated to be worth around £250 million in 2003 (Dubourg and Prichard eds 2003). The fees charged by smugglers can range from a few hundred pounds to £20,000, depending on the length and complexity of the journey (UKBA 2007). Almost all of our interviewees who were either clandestine or fraudulent entrants had paid thousands of pounds in fees to people variously described as smugglers, agents and even 'relatives'.

Coming in here [from China] is not difficult – there are very established networks – it depends on what you can afford, but agents, like travel agents almost, can provide different routes. The difficulty is paying back cost once they are in the UK.

Key informant interview, Chinese IOM outreach consultant in UK

Smugglers can also benefit from the work that immigrants do when arriving in the country (Lee 2005) by finding them employment within networks they control (Koser 2008) or demanding on-going payments.

Indeed the profitability of the smuggling business and associated industries is such that it does not only satisfy a demand from would-be migrants to migrate, but it also creates a demand for them to do so.

[The agent] came to me and said: 'Would you like to go to London?' Why not? Here was a chance to go to London. [They] said they arrange everything.

Male, 31, Ukrainian

In such situations there is no coercive element – the smuggler and the migrant enter a contractual arrangement – even if it is informal and highly asymmetric (though see section 2.4 below). A distinction must be drawn between this sort of activity and trafficking, which amounts to a form of slave trading. It is officially estimated that some 4000 women are trafficked into the UK annually for the sex trade (UKBA 2007). One of our key informant interviewees from the Metropolitan Police

Human Trafficking Unit told us that, while difficult to quantify, the numbers are likely to be going up. He added however that 'most solutions to irregularity in general would not touch trafficking'.

None of our interviewees were the victims of trafficking. There are those who question whether the extent of trafficking is exaggerated by the authorities to justify crackdowns on irregular immigration in the name of 'protecting' irregulars (O'Connell Davidson 2005).

2.3 Persecution, conflict and politics

As Table 2.2 above shows, 17 per cent of our survey respondents recorded persecution and conflict as a driver of their migration. Only seven of our 44 life-history interviews involved people who had claimed asylum on arrival: four of the 10 Nigerians, both Zimbabweans and one of the eight Chinese. However, others had made asylum claims at later stages. These findings certainly reflect the nationality groups that were the focus of our research, but probably also that in recent years asylum numbers have declined sharply from the peak in the early 2000s. However, the 2009 LSE report quoted previously suggested that refused asylum-seekers could comprise upwards of two-thirds of the irregular immigrant population and a number of our key informant interviewees working with irregulars said many of their clients were refused asylum-seekers. So our findings in this area do not present a complete picture.

Defining asylum-seekers as irregular immigrants raises some controversial issues. One of the ways that asylum contributes to irregularity is that most asylum-seekers, perforce, have to 'pose' as another form of migrant or traveller in order to get to the UK to make a claim because there are no legal routes available to them (Reynolds and Muggeridge 2008). That is to say, a person who says he or she is travelling to the UK for the purposes of making a claim for asylum will not be issued with a visa. (In most cases, asylum-seekers are nationals of countries which require a visa to come to the UK.)

This, on the face of it, is perverse as it makes 'honest' asylum-seeking impossible, thereby creating irregularity where it need not exist. That said, the UK government does have a dilemma, because if visa rules or pre-embarkation controls were waived for every person who said their reason for travel was to make a claim for asylum, then it would encourage irregular immigrants to say just that.

Arguably, a refused asylum-seeker is also a special type of irregular immigrant. If the asylum-seeker has been deemed 'appeals rights exhausted' (ARE) and they are making no plans to travel home, they are technically without legal status. Despite this, many still attempt to re-launch their claims and insist that they would be in danger if they returned home.

There are moments when it really strikes me that I should return to Zimbabwe but it is a fact that though if I go back I will meet my children, after a week, maybe a month, I may be dead. So that stops me from going to Zimbabwe. As long as I know there is no peace, there is no security I can't go back – but I really want to go back.

Male, 40, Zimbabwean

2.4 Family, community and national

In many parts of the world (particularly developing countries) irregular migration is widely sympathised with, encouraged and even celebrated, at least when regular options are not open. In our research we found that among irregular immigrants themselves and among their families, in their home communities and even their states, there is often a very strong sense that to move abroad to find work, earn money, gain skills, experience and capital, and to send remittances home is a laudable aim, even a duty. It is also perceived that the restrictions put in place in destination countries (where employment is considered to be widely available) are illegitimate, not the migration strategies taken to circumvent them.

If you are not going, you are not ambitious – and if you return without money, you are a failure.

Key informant interviewee, IOM outreach consultant talking about the culture of immigration in Fujian province, China

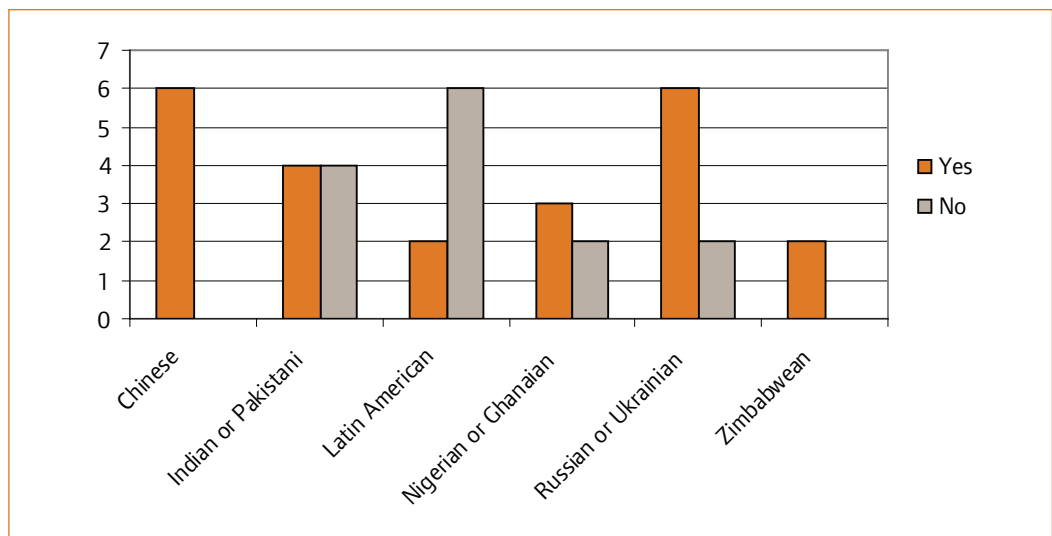
My parents wished that I should go to the UK and earn money. They wanted that I should not only make my life better but their lives too.

Male, 30, Indian

The ability to send remittances home to family and friends is a very important driver of irregular migration (as it is for legal migration from developing countries). Worldwide, the latest estimate of remittances through official channels is \$325 billion in 2010 (Mohapatra et al for the World Bank 2010) and the figure is likely to be considerably inflated by money sent through unofficial channels (Global Commission on International Migration 2005). Sending remittances is both an important and efficient way of channelling money to developing countries. It is also an important way in which irregular immigrants justify their actions to themselves and others: see more in section 2.5.

As Figure 2.2 shows, the majority of our life-history interviewees sent money home fairly regularly, although the practice varied quite considerably between different national and regional groups.

Figure 2.2
Interview: Are you sending remittances home regularly?



N = 44

The amount people were able to send fluctuated according to income, but some migrants were sending between £200 and £500 a month – a pretty significant sum for a person on low wages.

I have to send home about 80 per cent of my wages ... It's just so they could support well themselves there, feed good – children and the family. Because there is not many places you can earn [money] in the village so that you can afford something. It's not that I send money to buy petrol for a car to go on holiday. It's just for elementary [basic], simple things that people need everyday.

Male, 32, Ukrainian

In our research we also detected a darker side to this sense of 'duty' to migrate to help the family. We frequently heard people say they had 'no choice' but to immigrate illegally because of pressures put on them at home to work abroad and send money home. At this level it is arguable that this sort of irregular immigration tips over into a form of forced migration – although we would not argue that it could be seen (or treated) in the same way as refugee flight.

2.5 Personal

In all cases, irregular immigration does involve at least some of the following: forgery, fraud, duplicity, complicity with criminal networks, and evasion or non-cooperation with the authorities. Whatever the other factors driving their migration, irregular immigrants themselves know this, and in most cases are uncomfortable or embarrassed that they are undertaking such action – or (as they sometimes prefer to see it) forced to undertake such action.

However, irregular immigrants use their particular personal circumstances (which are often extremely difficult) and their personal aspirations (which are generally laudable) to over-ride

this unease. To varying degrees, our research suggested that irregular immigrants think it is the immigration laws that render them irregular which are fundamentally illegitimate, rather than their own activities. Alternatively, they think the laws are being applied unfairly in their own case.

Crime is when you do something harmful, physically. But simply working and have a life, and simply not to have documents, it's not a crime. How is that a crime?

Female, 28, Ukrainian

One of our key informant interviewees who works closely with irregular immigrants in London made the point that most have a 'strong moral compass' and that many are devoutly religious. Quite simply, they do not see that what they are doing is all that 'wrong', never mind illegal. IOM officials confirmed this view:

They don't think they are breaking the law, they think they are exercising the right to work and to help their family.

Key informant interviewee, IOM outreach consultant talking about Latin American irregular migrants in the UK

Among our life-history interviewees a number of justifications were offered as to why, in their case, they deserved sympathy and understanding from the authorities:

Of course, if they committed some crime or stole something ... those must be sent [away]. But [I'm talking about] a person like me who works, who tries to support those back home; because we didn't come here with no purpose or just to visit London.

Male, 31, Ukrainian

One of our returnee interviews in Jamaica, who had a criminal record in the UK, felt the fact that he had children in the UK should have rendered him regular automatically. He spoke with some indignation about his treatment in the UK compared with the United States.

Because I get green card in America just like that, I thought that when I came to England they would give me some status, but they don't do it like that. I don't understand that.

Male, 43, Jamaican returnee

A previous major study of irregular immigrants in the UK came up with similar findings when the authors talked to Brazilian, Polish and Turkish immigrants. 'The strategies for entering and staying revealed in their accounts are embedded in cultural understandings, justifications and practices' (Duvell and Jordan 2002).

So, in this study, Brazilians gave 'learners' accounts' – emphasising personal growth and investment in themselves; the Poles gave 'workers' accounts' – earning to save for cars or homes back in Poland; and the Turks gave 'political accounts' – emphasising dangers and threats in Turkey and the need for safety and freedom.

To put it more bluntly, many irregular immigrants show little or no shame. Indeed in some cases, we spoke to individuals who adopted a posture of almost righteous indignation.

It's the Home Office's job to see if I'm legal or illegal here ... People who work hard to hold on to their jobs are those illegals? And they pay very high ... I mean we pay taxes.

Male, 28, Ukrainian

One is an illegal migrant with fake documentation but one is a good person, with good health who comes to work not with other objectives as other people have. That is why I haven't had any problems and think won't ever have. Unless they [the police] caught me and discover my status but I'm not afraid of that because they should be

chasing the murderers who are out on the street, who have documents in this country. They should be concerned about these people but not about people like me who work and are trying to get an identity here.

Male, 45, Colombian

Some in the general UK population will sympathise, others will be infuriated – either way, the ability of irregular immigrants to justify themselves bolsters their tenacity in staying non-compliant and in evading enforcement action, even when their situation is very difficult.

2.6 ‘Lifestyle’

Our research showed that a small, but notable number of irregular immigrants (mainly from more developed countries like Brazil and South Africa) are prepared to risk breaking immigration law in the UK simply to enjoy a new experience or have an adventure (nine per cent of our survey respondents: see Table 2.2). We might dub this syndrome ‘lifestyle’ irregular immigration.

While economic push factors were also prevalent among the Latin American irregular immigrants we interviewed, there were also cases of young middle class university graduates whose motivations were similar to those of young Europeans who take a gap year: to see the world, travel, and learn a foreign language. Some were saving money in the UK in order to travel to Europe, Africa and Asia afterwards. In the main, they had international horizons and outlooks, and talked about fulfilling their dreams.

I thought, ‘Why not?’ I want to give it a go. One of my dreams in life is to see Europe. Why not? So I thought I was going to stay 6 months, a year, no more. To visit a new place, to earn money, I wanted to earn money to travel. It’s one of my main objectives – to travel.

Male, 26, Brazilian

I’ve always had a dream to go to England. I watched those historical movies ... I’ve always liked Margaret Thatcher. I wanted to come here to see how it is here.

Female, 28, Ukrainian

Australian immigrants who become irregular also generally fall into the lifestyle category.

Aussies who overstay their visa tend to be here for fun – they just want to drag out their good time – rather than to make money. Often when people’s visa expires and they remain, they get depressed (it’s almost a syndrome) as their movement is then very much restricted ... The other reason people over-stay is because they are in a relationship, so their choice is irregularity, break-up or marriage.

Key informant interviewee, Australian NGO

This syndrome has its mirror image in Australia of course, where British backpackers who have overstayed their visas make up a high percentage of its ‘illegal’ population. The Australian authorities take a pretty relaxed view of it.

They mostly leave in the end anyway – and they’re not doing much harm. We’re not going to waste money chasing after them. Many of them just end up walking into a police station one day anyway.

Key informant interview, Australian immigrant official

While some irregular immigration of this sort might seem to be driven by fairly trivial motivations, there are other more compelling factors that can come into the equation. A significant number of interviewees talked about the social advantages of living in the UK, such as lower levels of crime and corruption, or respect for human rights. A 33-year-old Brazilian man migrated principally for economic reasons. However, he also spoke of cultural perceptions about the UK as a polite and non-violent place, both in comparison to Brazil and to other centres of migration, such as the United States.

We aim to get this visa, live here, our kids go to university and go to Brazil on holiday. We want to live in a safe place and we want to know that our children will come home safe and sound ... It pains me to say it because I love my country but it's not safe, it's corrupt ... It's a lawless country.

Male, 33, Brazilian

2.7 Why the UK?

Although the drivers and motivations considered above help to explain why irregular immigrants may want to come to a developed economy, they do not necessarily explain why the UK is the destination.

In some cases involving smuggling, the destination is not determined by the individual migrant, but in our research most irregular immigrants did choose to come to the UK. Sometimes this was because other favoured destinations – such as the United States, Canada or Australia – were deemed (at the time at least) more difficult to get to and to survive in.

I wanted to go to the US. But it was tough to get in. Li Hong Zhi [the leader of Falun Gong] went to the US ... The US customs were much stricter. They would wonder if I have anything to do with Li Hong Zhi and if I was in contact with him.

Male, 46, Chinese

In other cases, however, the UK was the country of first choice. Both Sassen (1998) and Duvell and Jordan (2002) have shown that the routes of migration are closely related to trade and investment patterns; while Cornelius and Tsuda (1994) point out the importance of transnational and social networks in facilitating migrant inflow and integration. Our research with irregular immigrants and people who work with them, leads us to list below the reasons why the UK remains a popular destination. It is a long list but even so, probably not exhaustive.

- The UK, because of our geography and history, is a major travel and business hub.
- We have a relatively open and relatively vibrant economy (recession notwithstanding).
- Moreover, our economy is based on the so-called 'Anglo Saxon' model, which is relatively flexible and unregulated, which means migrants feel they have more opportunities to work here than in more 'closed' economies.
- The English language and world class universities mean we are a magnet for international students.
- Our welfare provision and public services are relatively good by international standards.
- Our colonial history and history of emigration means that many tens of millions of people around the world have some link to the UK through ancestry or family.²⁶
- That colonial history also means that many countries around the world still view the UK as in some sense the 'mother country' or (to put it less charitably) see the UK as responsible for the economic ills, injustices and persecution in their country or region so when they seek to migrate, the UK is an obvious 'pay back' destination.
- Also because of our colonial history we have had earlier waves of immigration from former colonies which means we have established communities of immigrants which inevitably attract others from the same country (through so-called 'chain migration').
- Our capital London is one of the major global cities, making it a particular magnet for migrants.
- Our international reputation for democracy, the rule of law, freedom of speech and respect for human rights (a reputation we proudly and assiduously cultivate through such institutions as the BBC and British Council) means we are viewed as a place where the struggling or the oppressed will be accepted and given a chance.

²⁶ ippr estimates this population to total some 57 million. See Finch et al (2010) *Global Brit: Making the Most of the British Diaspora* London: ippr.

- As a member of the European Union, and because of our close links with the United States and other English-speaking countries, we are seen as 'gateway' or 'jumping-off point' to other attractive migrant destinations.

Chapter 3: Survival strategies and impacts

In this chapter we consider how irregular immigrants survive in the UK, given that they are not supposed to be here and that the UKBA has increased its enforcement activity. The ease or difficulty with which irregular immigrants can live in this country might have some bearing on their decisions to stay. This may also influence how attractive the UK appears to those who might be thinking of coming.

We also consider the impacts of irregular immigration on host communities and on the UK generally. We think this is important because many studies only seem to consider irregular immigration from the perspective of irregular immigrants themselves. While our primary research for this project mainly involved speaking to and surveying irregular immigrants, we were mindful throughout that irregular immigration has economic, social and political impacts that extend much more widely,²⁷ and that these impacts cannot be ignored in any consideration of the subject.

With regard to survival strategies, this chapter is structured in five sub-sections:

- Migrant networks and support organisations
- Work
- Securing papers
- Accommodation
- Health and wellbeing

With regard to impacts, we consider these under three headings:

- Economic
- Social
- Political

Survival strategies:

3.1 Migrant networks and support organisations

At first sight, it might seem strange to start with migrant networks when explaining how irregular immigrants survive, since most of the time they are 'on their own' and rely on their individual efforts (see section 3.5 on health and wellbeing). However, networks are important, particularly in helping irregulars to establish themselves in the UK.²⁸

The word 'networks' can imply something more formal (as we saw above, they are sometimes linked to smuggling businesses) but they are more often informal and are made up of friends or family members. Most involve helping co-nationals, with legal migrants assisting those who are irregular, or irregulars helping each other.

Well, we used to borrow off one another. If say, some girl has [the money], we would borrow and, later, get a job and pay back. Or [we] would simply borrow from friends that we've made in London, and pay them back later.

Female, 28, Ukrainian

Our research backs up other studies which demonstrate that once migrant communities are established in a country, they set up the conditions for more compatriots to follow – so-called 'chain migration'. But as well as helping (or inspiring) them to come to the UK, these networks help irregular immigrants to get a foothold here, assist them to live and work without status and (as we will see Part 2) defend them against enforcement action.

When I came to London, I knew some people. I knew them for a long time. I called them and they met in London. They were in London for a very long time, very long time They gave me money because I came without money ... They helped me to find a job. I worked in Hammersmith at the car wash. That's how it was.

Male, 31, Ukrainian

²⁷ We have drawn on the extensive literature on immigration's impacts, on key informant interviews and research that ippr carried out on public attitudes in the autumn of 2009 to inform our thinking.

²⁸ For a lively fictionalised account, the authors would recommend the novel *Harare North* by Brian Chikwava.

Brazilian irregular immigrants described receiving substantial assistance from an extended network of co-nationals, some of whom were friends and family, and some unknown to them. This help was extended along the migrant ‘journey’ and included entering the country and securing documents, finding accommodation, furnishing a flat, getting a job, circulating information and notifying each other of police presence or raids.

There’s a community, a network. It’s incredible. They give you the number of this guy to call up, and if he doesn’t need people, he gives you another number. In this respect they are good, finding you contacts for work. That’s the first thing you do is buy a mobile and put credits on it, then you call up all these numbers. They tell you, for example, there’s a job in the north, get there at 8 o’clock. You don’t choose. You don’t know what it’ll be like, you just get there and do it.

Male, 24, Brazilian

The types of network available to irregular immigrants obviously vary from nationality to nationality. A key informant interviewee told us that Australians are able to get advice and help from fellow co-nationals at the pubs and clubs they frequent. The ‘Aussie mate’ is also important in providing strong mutual support in the flatshare arrangements favoured by Australian migrants.

Despite the utility of such networks, many interviewees still described settling and finding employment in the UK as a solitary process and a ‘struggle’. In some cases, irregular immigrants depended on a relatively small group of family and friends, which resulted in feelings of isolation and a lack of choice and flexibility about where and how they lived or worked. There were cases where employers and family members held knowledge of their undocumented status against them.

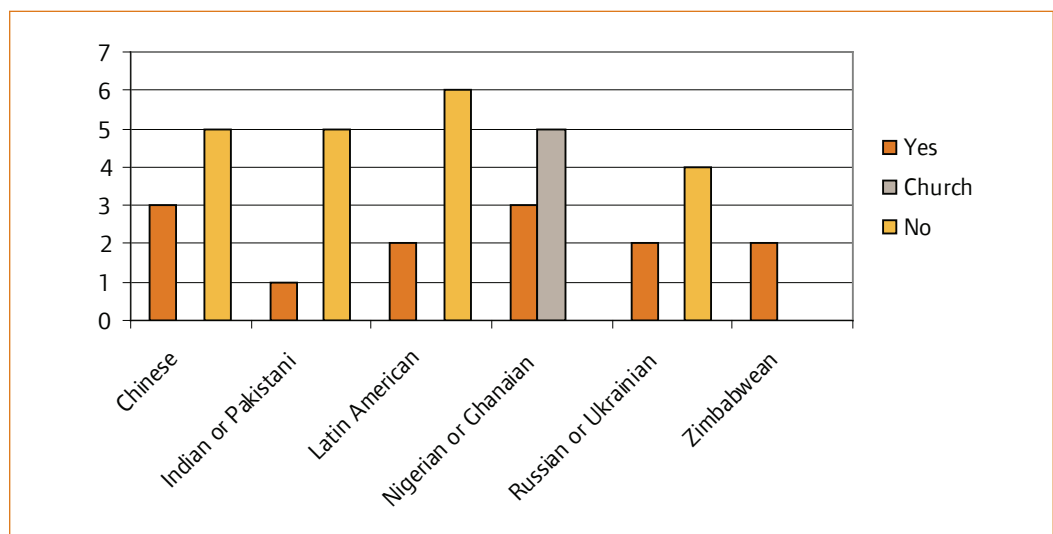
Yes, sometimes, my employer’s son [at meat-shop] shouted on me and frightened me to inform the Home Office. His son is a bastard. He himself is a kind person. My relative’s wife also threatened me that she would inform the Home Office about me.

Male, 36, Pakistani

Beyond informal networks, there is formal support available from migrant-led community organisations, migrant-supporting charities and faith groups.

Irregular interviewees had very mixed experiences and views about community or migrant-support organisations, perhaps surprisingly, given the genuine commitment to help that such organisations mostly show to irregular immigrants.

Figure 3.1
Interview: Have you been helped by organisations?



N = 44

Figure 3.1 shows that the majority of our interviewees claimed not to have received help from organisations or groups. Of those who had, many were positive about the assistance they received – especially asylum-seekers whose cases were taken up by charities or advocacy groups.

Yeah those services are helpful, really, really helpful ... [they] give them some advice on what to do ... they can get help ... they can get in touch with solicitors ... They inform me because I was tortured and all those things I need to get Medical Justice [a charity working with victims of torture] involved about it, so all those things I don't know, they let me know all those things.

Female, 33, Nigerian

The church was also a particular source of support for some. For instance, all but one of our Nigerian and Ghanaian interviewees were active churchgoers and, as Figure 3.1 shows, five of the eight had received significant help from the church. Many were members of the Cherubim and Seraphim denomination, which now has hundreds of active churches in the UK acting as readymade and supportive communities for Nigerian irregulars – helping them when they are in trouble and providing them with an inducement to stay. One man we interviewed was even being supported financially by his church.

Interviewee: *The church has been very helpful. They gave me about £200, virtually every month.*

Researcher: *And that's been going on for how many years?*

I: *I would say almost three years.*

Male, 43, Nigerian

Churchgoing – or mosque-going – was common among other irregular immigrants we interviewed, but the help provided was generally more emotional or spiritual than practical.

Everybody goes to church. I go to church. But I didn't have the need to ask [them for help] because, well, it's mainly friends [who give support].

Male, 31, Ukrainian

Some interviewees did not find their churches at all helpful. A 64-year-old Ukrainian woman was particularly upset by her treatment.

You see, I went to that church [Ukrainian Greek Catholic Church]. I spoke to a priest there. He just threw his hands out and said: 'Where you from?' I said: 'From Central Ukraine'. He told me: 'I don't help Central Ukraine. I only help people from Western Ukraine' ... I asked if I could stay there or any other help they can give. 'No, no, no, sorry, sorry' [they said]. And they stood in the corridor, waiting until I'll leave.

Female, 64, Ukrainian

Many of our interviewees felt that migrant-support organisations did not genuinely care for their welfare,

I haven't used any services and organisations because I knew that it was pointless.

Male, 31, Ukrainian

I read about the 'Citizen' organisation [Strangers into Citizens] in a church. Then, I saw something in English about different support and actions for migrants in London. But I didn't go there. I don't know. Maybe it's because I'm a realist. I don't have actually any time to go to see someone. And who shall I go to? Who's going to help me?

Male, 25, Russian

Here, nobody helps you. Here more people frighten you ... like ... do not this ... do not do that.

Male, 35, Pakistani

Some interviewees even claimed that migrant organisations were only focused on securing their own funding and were not really committed to helping irregular clients.

3.2 Work

The networks described above are particularly valuable (as we have already seen) in providing employment opportunities, which would otherwise be very difficult for irregular immigrants to find.

Work, of course, is absolutely essential for irregular immigrants who have no access to benefits or other forms of support, apart from that provided by friends or charities (and hardly any of our interviewees admitted to having received any charity handouts).

Our survey data set out in Table 3.1 suggests that immigrants are commonly employed at the lower end of the jobs market.

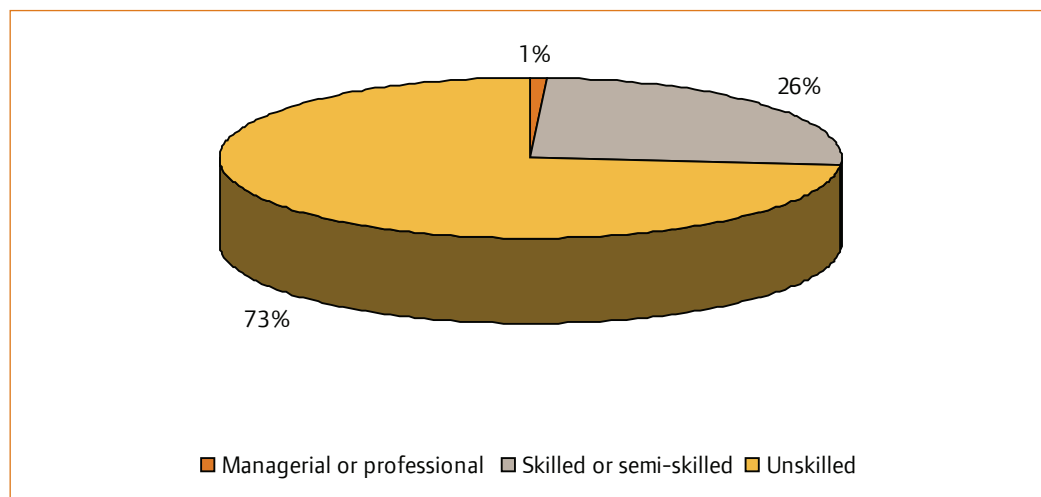
Table 3.1
Survey: What job were you doing last week?

Job	Number	Proportion (approx)
Hotel and Catering	30	22%
Cleaning	24	18%
Construction/Carpentry	14	10%
Labourer	13	10%
Domestic and caring	8	6%
Other	25	19%
Did not answer	29	21%

N = 133

When we carried out a simple coding exercise it showed that nearly three-quarters of irregular immigrants surveyed were doing unskilled jobs.

Figure 3.2
Grade of job done by survey respondents



N = 133

A similar picture emerged from the life-history interviews, with people confined to low-paid, unskilled work in industries such as agriculture, catering, cleaning and construction.

To get work was not easy, but I got a job after 15 days upon my arrival in a chicken-shop. I had to work a few weeks without salary; [my employers] said that was training and in that process they did not pay. I worked two weeks without wages just as a trainee. Afterwards, they gave me 12 hours shift every day. Initially I worked 40 hours a week. They paid me just £2.50 per hour. At the end of week, I used to earn about £100.

Male, 35, Pakistani

Cabbage picking; lettuce. They paid 15 pence for one head of a cabbage. Our job was to walk behind the tractor, cut the cabbage, put it in a small bag and put it on the conveyor. The tractor was moving and we were putting those bags on that conveyor. I worked like this for a month. Of course, earning nothing. Just to feed myself and to pay for the accommodation.

Male, 31, Ukrainian

Our research is in-line with previous studies that have looked at wider migrant employment patterns. The evidence suggests that migrant workers are more likely to work in very low-paid jobs than UK-born workers. Research for the Greater London Authority estimated that one in seven workers in London earns less than the national minimum wage, and a study by the University of London found that 90 percent of 341 low-paid workers interviewed in London were born outside the UK (Evans et al 2005).

Our life-history interviews suggested that even with all the uncertainties that irregular immigrants face, and their vulnerability to exploitation, some are able to upgrade their jobs over time, by working hard, demonstrating reliability and taking on more responsibility. Some irregulars are dismissive of sections of the UK workforce, regarding them as lazy ‘benefit scroungers’.

The goras [white people] do nothing ... just sit at home watching telly, eating benefits. The people from Pakistan [are] earning good money and sending money back home and living like a good person.

Male, 23, Pakistani returnee

Our researcher who spoke to Hindi and Punjabi speakers noted that irregular immigrants who had been in the UK for some time could earn twice as much in a day as newcomers (£85 rather than £35) because they would be working as chefs rather than dishwashers. This informal career progression in some sectors helps irregular immigrants to put up with the hardships of life and to live in hope of a better future.

But life remains precarious for most. One Russian woman interviewee managed to get a good job on the Olympic site in East London, with reasonable pay and conditions – only to find it too stressful because she feared that outside of the informal economy she was more likely to be tracked down.

That job was very good. I like working amongst people a lot. But psychologically ... my nerves gave up. I left by myself, of course ... I can only work in private [cleaning private houses] because no one knows you.

Female, 41, Russian

By comparison with some countries, the UK does have a reasonably regulated employment market, including the national minimum wage (NMW). However, there are some sectors of the economy (including agriculture, hotel and catering, hotel and housecleaning, house-building and renovation, and small-scale manufacturing) where informal employment is a common feature – particularly through sub-contracting – and the scope for exploitation is significant.

If you are illegal, they [the employers] give you too less pay for your work. There is massive exploitation. They take too much hard work from you and, in return, pay low wages.

Male, 30, Pakistani

Migrant networks often channel irregular immigrants into these sectors (Sassen 1991, Duvell and Jordan 2002). Evidence on Pakistanis and Afghans smuggled into the UK, for example, suggests that well-established networks ensure their employment in parts of the informal economy run by fellow countrymen (Ahmad 2008b). This was confirmed by our interviews with Indians and Pakistanis.

Some interviewees claimed that most employers knew they were employing irregular immigrants. It was also evident from their accounts that irregular immigrants are frequently treated worse than British and regular migrant workers. Our interviewees had experienced jobs that offered no holiday

pay, sick pay or maternity pay. Some had been paid much less than the NMW and, in some cases, less than the amount they had agreed before taking the job. Some had also worked for employers who retained their papers. The interviewees spoke of being patronised, abused and threatened, and felt that they were offered 'the worst jobs'.

A lot of people know that they are fake documents. But even so they give us jobs because they know legal migrants wouldn't do those cleaning jobs. They know you are illegal and they shout at you and are mean and you have to take all those humiliations because you need the job.

Female, 35, Bolivian

One interviewee, a Russian woman aged 51, has a doctorate in research sciences but found her first job in a sandwich factory. Conditions were very poor and she was ill-treated by her supervisors.

They were throwing rotten tomatoes, like 'come on, come on, you fool, you fool, hurry up, close [the sandwiches] faster'.

Female, 51, Russian

Complex hierarchies existed among migrant networks, with new irregular immigrants sometimes experiencing poor treatment from those that are more established in the UK. For example, while some Pakistani returned migrants thought that Pakistani employers were more likely to care for their wellbeing than *gora* (white) employers, others said they had been exploited by Pakistani employers who took advantage of the fact that irregular employees were unwilling to draw attention to themselves by complaining about working conditions or low pay.

When you are getting paid off the books, they abuse you. I mean if an Indian is working for an Indian, the Pakistani is working for the Pakistani ... the problem is that they don't give you a wage for two weeks, so that you can't run away ... and then they give you less than the minimum wage ... The law says that at the time that I was there [it was] £4.50 an hour. He used to give me £1.75 ... I worked for this guy for 72 hours and he gave me a hundred quid.

Male, 35, Pakistani returnee

Despite these hardships, it can be very difficult for irregular immigrants to move on and find other work, such is their dependence on irregular employment networks.

Two months [after I came to the UK] my Mexican friend arrived. We went to Elephant and Castle and we met a lady who has a shop there. She's Colombian. She found us work in a school, as cleaners ... Then I got another job. I met a Peruvian who got me a job in a restaurant as a kitchen porter. Then I got another, then another and another, and I stayed for a year.

Male, 27, Mexican

Being illegal limited my job opportunities. I could only work for some Vietnamese businesses who wanted to help me. When I tried to apply for jobs in other places, the employers refused because I did not have a visa.

Male, 45, Vietnamese returnee

Our research findings indicate that irregular immigrants are facing a more hostile employment environment, with employers increasingly asking to see immigrants' papers. Interviewees also believed that irregular immigrants were the first casualties of the recession. They said they were more likely to face redundancy than other workers and found it harder to find new jobs. (See more in section 7.5).

However, there was also evidence of slack practice among employers. For example, employers asked to see documents but were satisfied with photocopies or with excuses that documents had been left at home or were with the Home Office. The wide use of sub-contractors, including in the public sector, means that major employers may be using irregular workers without knowing it. For instance,

a UKBA audit of hospitals in London suggested that nearly eight per cent of staff employed by a major NHS sub-contractor in five hospitals in London and the South East were working illegally.²⁹

There have also been documented cases of illegal immigrants finding work at the Home Office itself³⁰ and the Houses of Parliament.³¹

3.3 Securing papers

Some interviewees had to buy fake documents and paperwork in order to obtain employment or to open a bank account. Although this could be a risky endeavour, the majority of interviewees were aware of how to obtain false passports or national insurance numbers.

I've got lots of friends who buy false Portuguese or Spanish IDs – they're false, not originals – or national insurance numbers. They're cheap to buy – it's just a question of finding out who sells them and for him to trust you enough to sell them to you ... It's not expensive. A Spanish identity card and N.I. number cost about £100 for both. If you want to get a passport, that's expensive. It costs about £500. I've never done it because you can't travel in the EU with that passport, because it's not an original. Many people do it to make it easier to get a job. It can help you open a bank account, because you can't open an account without one.

Male, 27, Mexican

Yes, I have been tempted [to try to get fake documents]. The community knows about how to get papers – but it is difficult. It is not like I know somebody personally {laughs} but I know somebody who knows somebody – somebody who does not want to disclose their identity. But a lot of people have got caught.

Female, 22, Zimbabwean

One returned Pakistani interviewee suggested that 'scams' in false documents were widespread and even involved Home Office officials.

Researcher: *And how does the NIN [national insurance number] work ... what is the scene with that?*

Interviewee: *That is really easy ... anyone can get it. But people don't know about it. Once I got it, I realized how easy it is ... once I knew how, I started getting them made for people ... It's made for around £100 or so ... but I used to charge above.*

R: *So the goras [British people] are involved?*

I: *Goras, desis [regular Pakistani immigrants], blacks [irregular Pakistani immigrants] – all of them are involved.*

R: *People in the government offices are also probably involved?*

I: *Obviously. They work in the same department.*

Male, 27, Pakistan returnee

One Nigerian obtained a false passport from a family in South Africa which allowed him to work for a short time before he was arrested.

Interviewee: *I am not into doing no work, no nothing, I am just like suffering ... I don't even have money to eat, nothing ... [so] I start making some enquiries from some people from South Africa, like my dad's friends and others and so, it's okay ... they send me a passport ... But it's somebody's name, yeah so when they sent it then...*

Researcher: *Did they put your picture?*

I: *Yeah, yeah they put my picture there.*

29 See <http://www.telegraph.co.uk/news/uknews/law-and-order/7591296/Illegal-immigrant-fears-at-hospitals-after-Home-Office-audit.html>

30 See <http://news.bbc.co.uk/1/hi/7149055.stm>

31 See 'Houses of Parliament: Illegal Staff', parliamentary answer, *Lords Hansard*, 17 March 2010. <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100317w0003.htm>

R: *But you were using another name?*

I: *Yeah.*

Male, 38, Nigerian

Despite the risks involved in having fake documents, they are seen by some as a form of security, though others spoke of their 'constant fear' that they would be found out. In a few cases, employers were complicit in helping interviewees to procure national insurance numbers, while in others they didn't take any trouble to check whether they were valid.

Some of our interviewees had been caught using false papers and paid a high penalty. One of the Zimbabwean interviewees had been able to obtain a false national insurance number and irregular work through a contact only to find that his place of employment was raided on his first day. This has caused him trouble ever since, as he served time in prison as a result of being prosecuted and he is now counted as a foreign national prisoner.

Some interviewees were also able to get around rules and regulations to procure other kinds of identification. For example, one of the Latin American interviewees opened a bank account with his fake Spanish passport. Another interviewee juggled lines of communication with two different banks to secure bank accounts: he opened a bank account with a letter from his employer and his tourist visa; his tourist visa shortly ran out and the bank requested to see his passport; he approached another bank, told them he already had an account with another bank and they readily opened an account for him.

3.4 Accommodation

Finding accommodation is an obvious difficulty for irregular immigrants. As we have seen they tend to be low earners so they cannot afford to buy flats, and they have no (legal) access to social housing. The only options therefore are to be a tenant in the private rented sector or to live with friends or family. All our irregular interviewees fell into these categories.

Multiple occupancy accommodation is the norm, but it is not always substandard. A number of the irregular immigrants we interviewed lived in shared rooms or flats, in conditions which they described as satisfactory. However, we also heard of a case in which 13 people shared a room. Overcrowding appeared to be quite common.

It's outrageous: we all paid £250 pounds each for two weeks for five of us to share the same room. The room had bunk beds. It was absurd.

Male, 24, Brazilian

It is clear from our research that private landlords, sometimes connected to smuggling or community networks, are able to exploit irregular immigrants, who are unable to complain or to report them.

The landlord whose house we rent is always on mortgage. We pay his mortgage in a form of our rent. He rents a room between £100 and £150 and put in it as many people as possible. He always tells the government that his house is empty. He is getting benefits both from us and government.

Male, 36, Pakistani

The problem of substandard 'tied' accommodation – provided directly by the employer – would appear to be particularly acute for Chinese irregular immigrants, who often described severely overcrowded and unsanitary conditions. Female irregular immigrants sometimes faced additional problems with accommodation, which can place them in a vulnerable situation. Some women have to share with unknown male roommates.

Some new irregular immigrants stayed with contacts in the UK, while others would rely on networks to secure accommodation. In particular, younger migrants and those without established friends or family in the UK often stayed in hostels or bed-and-breakfast accommodation upon arrival, before going on to rent. The experience of shared housing was not always negative. For example, several young Latin American irregulars lived with a large group of young people from all over the world, and described it as being 'like a big family'.

Some of our interviewees, albeit a small minority, somehow managed to access decent social housing or were earning enough (or had capital) which allowed them to live quite comfortably.

So we moved to a bigger house, with four bedrooms, a veranda in front and a yard at the back. There's loads of toys here now, a trampoline, a swing, a slide, loads of things to play with. In summer we set up their swimming pool. It was a blessing from God. He found this house for us. Things are much better in this new place, they have more space, they can run about. It's hard, in relation to our last rent, it is £500 more, but that doesn't matter.

Male, 33, Brazilian

3.5 Health and well-being

Most irregular immigrants are relatively young and fit – at least when they arrive.³² But the extreme precariousness of life in the UK leads many irregular immigrants of all types to suffer poor health, in particular poor mental health. These conditions can be worsened by difficulties in accessing health services.

Some interviewees did not need medical care while in the UK and coped with minor ailments by having medication sent from abroad, or by using across-the-counter medication. Others registered with a GP using legitimate or falsified documents. Some were forced to go to Accident and Emergency to get treatment. Others had found that doctors were not concerned about the legal status of people in their care, and were willing to provide treatment to anyone.

There are some doctors who don't bother [about status] and treat you even though they're not supposed to ... I know a family friend who was in the hospital ... In fact he was in intensive care for one month – he was severely sick, they even bypassed his heart, and he was saved. And throughout his one-month stay no doctor came to ask, even if his wife tried to tell them. They said, 'Ok, if you have something like that you contact the Home Office or the police, they will know what to do.' They never come to say, 'Hey! – out – you don't have papers.'

Male, 45, Nigerian

At the other end of the spectrum, some interviewees were so afraid of the risks involved in interacting with GPs or hospitals that they would not seek treatment for illness or injury.

More than 100 per cent [it] is difficult to get medical treatment. Luckily, this has not happened with me so far. But I know one of my friends has got sick and he cannot visit to a doctor. He lives all the time in pain; he only used dasi [traditional Indian] medicine for his cure.

Male, 30, Pakistani

Our survey data points to why some irregular immigrants fear going to the doctor or the hospital. As Table 3.2 shows, nearly half of respondents had been asked to show documentation when doing so.

Table 3.2

Survey: Have you ever been asked to show your passport or visa when visiting the doctor or hospital?

Response	Number	Proportion (approx)
Yes	60	46%
No	29	22%
Have not visited doctor or hospital	38	29%
Prefer not to say	4	3%

N = 131

Almost all our interviewees lived in constant fear of being discovered and deported, in some cases resulting in acute anxiety and high levels of stress.

³² Asylum-seekers are the exception: they are quite often in a poor physical condition because of their experiences at home or during the journey, and are also coping with the trauma of persecution and upheaval.

You are afraid of everything if you have no documents ... You are on the street, and the police or something, and you are all trembling.

Male, 31, Russian

I was always afraid, when leaving for work. My wife always worked at home. I'd work out on the streets. Before leaving for work we would pray every morning before I left the house, we were afraid of me not returning home. It's horrible having to think about this every time you leave home to go to work.

Male, 33, Brazilian

As many studies have shown (for example, Bloch et al 2009), living in constant fear of the knock on the door by immigration officials can have seriously detrimental effects on irregular immigrants, including long-term mental and physical health problems.

Although some interviewees lead relatively normal lives, fear of the police and of arrest can lead others to live restricted lives, avoiding social situations and distrusting people whom they don't know well. Difficulties in relationships are quite common, with break-ups happening as a result. Interviewees emphasised that they tried to stay out of trouble in order to avoid drawing attention to themselves. Many said they avoided arguments and conflict and were careful not to disturb their neighbours.

I would never go to a place where people would ask me for an ID like a casino or a club ... or a public place where the police is checking ... I would avoid them.

Male, 49, Pakistani

I avoid Mexican places, parties and stuff, reunions, in public you know, not friends, but in public. One time I went to a Mexican party ... Juan and me were talking and joking and it was like, 'how many illegal immigrants do you think there are in this room?' It was a big place, so imagine if the police arrive, it'd be perfect for them, like 50 illegals all in one place. So it's better if I avoid those situations and don't go. So I only go to private parties, in houses. It's not like I lock myself away scared in my house, but I'm careful, you know. I don't look for fights, better I avoid it, otherwise I'll have a bigger problem. 'Where are your papers, let's go.' It'd all be over, the dream would be over. Mentally I think that would be fatal, that you end up with nothing and that they throw you out like a dog on the street.

Male, 27, Mexican

Some interviewees felt they were unable to defend themselves in situations where they were threatened or intimidated, in case the police arrived. Many felt they could not choose the jobs that they would like to do and thus became de-skilled and de-motivated. They noted that they could not go on holiday (even if they could afford it) because of the risks of detection at border points. They also feared travelling around the UK, as this involved leaving communities in which they felt they were relatively unnoticed. They said they could not complain when people took advantage of them – such as overcharging them or providing poor service – and, as we have seen, in many cases their employment opportunities were curtailed, often leading to extreme isolation.

Without a regular status, I was very afraid. Employers are reluctant to use you because you don't have a status. If you are caught, they have to pay a fine. So I decided to become a nanny, look after children – I won't have to leave the house and they will not raid homes.

Female, 41, Chinese

While fear was pervasive among many interviewees, several others did not appear to feel greatly at risk because of their illegal status, even though they were aware of the potential consequences of being discovered.

To me it's not a risk, I was young, to me it was just for the experience, it's not like I was running away, I didn't go up on a false document, I go up on my own document – it's the fact that they just want you out, you don't really get to spend any time.

Male, 29, Jamaican returnee

Impacts:

3.6 Economic impacts

There is obviously a lack of official data and evidence in this area, so it is very difficult to be certain about the impacts, positive or negative, that irregular immigration has on the economy. However, given their likely numbers and the fact that to survive most have to work,³³ irregular immigrants clearly play a significant role in the labour market. As workers, they are confined mainly to the informal or illegal economy, but our research suggests that many are paying at least some tax. As consumers, despite the restricted lives some lead, they are also contributing to wider economic growth through their spending.

Supply and demand of labour

As we have already seen, most irregular immigrants work near the bottom of the income scale, often working for less than NMW. It is not clear to what extent demand for sub-NMW labour drives irregular immigration, as opposed to the availability of irregular immigrants driving the demand for sub-NMW workers. However, it seems clear that employers who pay sub-NMW wages are much less likely to be able to employ UK-born workers or legal migrants; low wages generate labour shortages which then create a demand for irregular immigrant workers. Employers who are breaking employment law also prefer to employ irregular immigrants because they are less likely to report them to the authorities.

These demand factors are also linked to UK policy. Persistent labour shortages in legitimate and law-abiding firms reflect problems in the UK labour market (either an absolute lack of supply of the right kind of labour, or a lack of flexibility). These problems partly reflect restrictions imposed by the UK immigration regime. Many irregular immigrants work in sectors where there are many hard-to-fill vacancies and high staff turnover (probably because of pay and conditions). As a result, irregular immigrants allow firms to overcome bottlenecks caused by recruitment problems. In particular, irregular immigrants are useful to small businesses that rely on a foreign workforce, but who may have limited access to legal migrant workers (for example, if they cannot afford the costs of sponsoring a worker to legally fill a labour gap). This seems to be true for small ethnic restaurants and care homes, for example. Care assistants and home carers form the occupational group with the largest number of vacancies in the UK (nine per cent). Chefs and cooks are the 12th-largest group, with five per cent of total vacancies in 2008 (ONS 2008).

Some irregular immigrants do have highly skilled jobs, and may play a role in filling skills gaps at this end of the labour market. Those participating in the higher-skilled sectors tend to be, in particular, clandestine workers who work more hours than the time allowed by their visa, or who work without authorisation but who are legally resident in the UK. Table 3.3 shows that more than 50 percent of non-EU students working fulltime (which is illegal) are employed in sectors that often employ relatively higher-skilled workers.

Table 3.3
Non-EU students
working fulltime
by industry sector,
2007

	Percentage of total
Public administration, education and health	35%
Financial services	29%
Hospitality	17%
Manufacturing	11%
Other	8%

Source: LFS and ippr calculations

³³ A study of irregular immigrants in detention in the UK found that three-quarters of those interviewed (83 migrants detained in three immigration facilities) had worked (Black et al 2005).

Labour market impacts

Recent research on the impact of migration on the UK labour market shows that regular migrants have little or no negative effect on the wages of UK-born workers (Reed and Latorre 2009). However, irregular immigrants might have a different impact. Our research, which supports that of others (for example, Krenn and Haidinger 2008), suggests that the vulnerable situation of irregular immigrants means that they are more willing to accept low wages. They are also less likely to complain about their work conditions or their levels of pay because they fear being reported to the immigration authorities. As a result, employers are under no pressure to improve pay and conditions, invest in training or provide other types of benefits. This suggests that irregular immigration might have a negative impact on wages in circumstances where regular migration does not.

It has been argued that competition for jobs and resources caused by immigration generally (including irregular immigration) hits the most disadvantaged in the host community hardest, including other immigrants (Somerville and Sumption 2009). However, this is not necessarily the case. It might be that irregular immigrants working for very low wages are doing low-productivity jobs that would otherwise not exist. It is also important to note that the impact that irregular migrants are having on wages other than their own is limited to a certain extent by the NMW, which protects UK-born or legal migrant workers who are able to claim their employment rights. In effect, the minimum wage segments the labour market and reduces the transmission of wage effects from those working below it to those above. In the absence of the NMW, the impact of irregular migrants on wages might be greater.

The evidence on the impact of immigrants on UK-born employment shows that they are not taking jobs from UK workers (Dustmann et al 2005). On the contrary, immigrants often work in sectors and regions with a high level of hard-to-fill vacancies. It is likely that this is also true of irregular immigrants. Table 3.4 shows that the sectors and occupations with the highest number of vacancies in the UK are mostly low-skilled. Severe and lasting shortages of labour in these occupations suggest that if, as seems likely, irregulars are working in these fields, they are unlikely to be causing unemployment among UK-born workers or legal migrants.

Table 3.4
Occupations with highest number of vacancies in the UK, 2008

Occupation	Vacancies	Proportion (approx)
Healthcare and related personal services	23,070	10%
Sales assistants and retail cashiers	19,561	8%
Sales and related associate professionals	14,356	6%
Customer service occupations	14,279	6%
Elementary personal services occupations	13,790	6%
Elementary cleaning occupations	13,733	6%
Sales-related occupations	9997	4%
Transport drivers and operatives	7916	3%
Elementary security occupations	7222	3%
Elementary goods storage occupations	6706	3%

Source: Official labour market statistics

Investment in skills and productivity

It is possible that the availability of irregular immigrant workers who are willing or forced to work for very low wages may disincentivise some firms from investing in technology or capital that would increase the productivity (and wages) of their staff (migrants and others). It could also simply lead to capital being tied up in low-productivity activities which would otherwise cease to exist in the UK. If irregular immigrants are less able to change jobs than other workers (including in the extreme cases where smuggling or trafficking is involved), this may also remove the competitive pressure that might otherwise push employers to increase wages or improve production methods.

All of the factors outlined above suggest that the economic contribution of irregular immigrants is curtailed by their irregularity. Gordon et al estimate that irregular immigrants earn 30 per cent less than other migrants, and that irregularity reduces employment by six percentage points. They calculate that eliminating these differences could raise the UK's GDP by £3 billion (Gordon et al 2009).

However, some of the economic contributions made by irregular immigrants that were discussed above may be facilitated by their irregular status. For example, the role played by irregular immigrants in filling labour shortages in sectors characterised by low-skilled and low-paid jobs is partly a result of the flexibility they are forced to show because of their irregularity. More generally, it is also possible that, precisely because irregulars operate outside the constraints of UK immigration policy, their economic contribution is more responsive to the changing needs of the economy.

Fiscal impacts

Although irregular immigrants contribute significant amounts to the exchequer through indirect taxation – VAT on consumer spending, for example – the fact that they are often employed in the informal economy implies that they (and/or their employers) may not pay direct taxes, generating fiscal losses. However, some of our life-history interviewees claimed to be paying income tax, so not all irregular employment results in a loss of revenue. Gordon et al estimate that an earned regularisation scheme (affecting around 400,000 irregular migrants) might net the exchequer around £850 million per year (including by increasing wages and employment rates in line with other migrant groups). Clearly, irregular immigrants in an irregular situation are paying nothing like this amount in tax, but nonetheless it is likely that irregulars are making some fiscal contribution.

All these estimates only take personal taxation into account. Given that employment of irregular immigrants may be a key factor that pushes some firms to operate in the informal economy, there are also fiscal losses from employers which should be taken into account.

If irregular immigrants pay less in tax than those working legally, it is also the case that they do not claim as many (or in most cases, any) benefits or access public services to the same extent as UK citizens. This means that fiscal losses resulting from irregularity through reduced tax revenue must be offset at least to some extent by savings through reduced welfare and public spending.

Under the Nationality, Immigration and Asylum Act 2002, irregular immigrants do not have any access to welfare (which includes access to income supplements, child benefits, housing benefits), and there is little evidence of irregular immigrants abusing the system (Black et al 2005). However, our life-history interviews showed that at various times – during the asylum process or when legally resident – some of our interviewees were able to access some benefits. A Department of Work and Pensions ‘impact assessment’ estimated in February 2010 that ‘155,000 (or 0.5% of the number of people working in the UK) ... might be eligible to claim contributory benefits or statutory payments despite having no entitlement to work in the UK’³⁴ because employers do not routinely ask for present proof of the right to work and instead rely on national insurance numbers which, as we have seen, some irregular immigrants can obtain falsely.

Irregular immigrants also, of course, effectively ‘free ride’ when using public transport, council services like rubbish collection and street cleaning, and when sending their children to state schools (Epstein and Weiss 2001).

An internal study for the Home Office in 2003 (Dubourg and Prichard eds 2003) makes an attempt to calculate the costs of providing healthcare and education to people smuggled into the country. The data available to them to calculate their estimates was largely about asylum-seekers (70 per cent of whom they estimated were smuggled in). On that basis, the authors calculated the education costs of people (adults and their children) smuggled into the country in 2003/04 to be £37 million and the healthcare costs to be £17 million. (It should be noted of course that many of these costs are associated with providing education and healthcare to asylum-seekers while they are in the asylum process, so therefore are legally claimed.) The asylum-seeker numbers which generate these costs were around 60,000. If we take the LSE central estimate of 618,000, we can see that a projection of the overall cost of providing even limited healthcare to all irregulars would result in a much larger figure. Indeed, if we take the average annual healthcare cost given in this 2003 report for a young to middle-aged adult of £384.76³⁵ (it is higher for children and older people) and reduce it by roughly half to £200 (to account for lower use of health services) we still get a figure for 618,000 irregulars of some £123 million – and this, remember, is for use of health services only. It costs, to take another example, around £4000 a year to educate a child in an English state

34 Department of Work and Pensions (2010) ‘Entitlement to work as a condition for contributory benefits and statutory payments’, impact assessment. <http://www.dwp.gov.uk/docs/entitlement-to-work-wr2011-ia.pdf>

35 The Dubourg and Prichard report says ‘estimates of cost by age group are based on the Wanless Report and have been updated to 2003 prices using HM Treasury Green Book GDP deflators.’ (2003: 18)

school³⁶ – although we don't have figures, there are likely to be tens of thousands of children of irregular parents in the UK school system. The internal Home Office study mentioned above gives a very approximate total figure for economic and social costs imposed by smuggling and trafficking at £2.4 billion. This, at best, is a very broadly indicative figure, and in this report we have not attempted a full analysis of the costs of irregular immigration. But it is clear that the phenomenon must be imposing costs which run into the billions of pounds, though as we saw above, this may be offset by their economic contribution.

The existence of irregularity in the immigration system also imposes other direct costs on the British state. The overall cost of the UKBA was some £1.6 billion in 2009/10 – with, for example, £484 million of that going on the Border Force.³⁷ The main fiscal cost specifically generated by irregularity is the cost of detention and deportation, but it is difficult to disaggregate this from overall costs. However, the National Audit Office (NAO) has given a breakdown of what it costs to enforce the removal of a refused asylum-seeker. The figures are between £7900 and £17,000, excluding accommodation and support costs, and between £12,000 and £25,600 including accommodation and support costs (UKBA 2009c). This suggests that the total cost of removing the 618,000 irregular immigrants estimated by LSE to be in the UK would be up to £10.5 billion excluding accommodation and support and up to £15.5 billion including these costs.³⁸

Even if it were possible to effect removal without enforcement action, detention and coercive removal – which is arguable – there would still be a call on the public purse in dealing with irregularity, due to financial packages to facilitate return and the monitoring of visa status, among other things. Moreover, the deterrence and border security measures put in place to prevent irregulars travelling or gaining entry to the UK are very likely to run into hundreds of millions of pounds a year.³⁹ Irregularity, therefore, does impose significant direct costs on the British taxpayer.

3.7 Social impacts

In this section we consider briefly the social costs of irregular immigration. The issues most often cited in the popular discourse are crime and security (although we leave aside here the contentious issue of whether irregularity itself is a 'crime'). It is true that some irregular immigrants do get involved in crime, not least because their status makes them vulnerable to criminal exploitation, although we are not aware of any study that has quantified the problem. Recent media reports highlighted figures released under a Freedom of Information request showing that arrests of migrants have almost doubled in two years, from 52,000 in 2008 to 91,000 in 2010. However, the increase seems to be more closely related to legal migrants from eastern Europe than to irregular immigration.

The extent of the security threat posed by irregular immigration is much more contestable. While immigration has certainly been 'securitised' since the events of 9/11 in the United States in particular (that is to say, restrictions on immigration have been justified by appealing to the public's fear of terrorism), there is little evidence that terrorist networks use irregular immigrants to further their aims. Indeed immigrants often feel particularly threatened by terrorist activity and the public's fear of it (see Rudiger 2007, for example).

On a more general level, the direct impacts of irregular immigration on most people in the host society are likely to be minimal. A number of studies have shown that irregulars tend to locate themselves in 'marginal niches', blending into society in ways that make them almost unnoticed (particularly in big global cities like London) and generally living lives that are indistinguishable from others around them: 'The majority of clandestine immigrants seem to conceal only some of their activities and from only some actors, and otherwise live a relatively normal, even 'quasi-legal' life.' (Duvell 2008)⁴⁰

36 See figures on Department for Business, Innovation and Skills website at <http://www.education.gov.uk/rsgateway/DB/TIM/m002001/index.shtml>

37 A more detailed breakdown of the UKBA budget can be found here: <http://www.ukvisas.gov.uk/resources/en/docs/2958881/ukbabusinessplan>

38 Based on *Control of Immigration: Statistics (2007)* showing 28,000 returns in 2007 (excluding 'at the border' returns), and LSE's central estimate of 618,000 irregular migrants in the UK.

39 The 2009/10 total budget for securing borders and managing immigration was reported by a government minister to be £2.2 billion, of which around 30 per cent is recovered through fees levied on immigrants. See <http://services.parliament.uk/hansard/Lords/ByDate/20090326/mainchamberdebates/part011.html>

40 See also Massey et al 1998, Reyneri 2003, Papademetriou 2005, Sassen 1991, Duvell and Jordan 2002, Sassen 1998.

We were struck that one of our key informant interviewees said to us that the government department responsible for community cohesion (Communities and Local Government or CLG) does not have irregular immigration on its radar as an issue at all. Moreover, irregular immigration as a specific component of overall immigration has, apparently, never been discussed at the Migration Impacts Forum (MIF), the ad hoc ministerial body which looks at the social and community issues raised by migrant inflows.

There have, of course, been examples of social tension and breakdown involving immigrant communities. But given the scale of immigration into the UK in recent years, such instances have been surprisingly small in number. Nor is there evidence that irregularity itself has been an important factor in sparking trouble. Indeed, the 2001 riots in Bradford, Burnley and Oldham involved clashes with long-settled but poorly integrated immigrant communities.⁴¹

In total, four of our 44 interviewees still living in the UK reported that they had been involved in criminal activity leading to prosecution, but in two cases these were specifically related to breaches of immigration law. Among our 31 returnees, a relatively high proportion of Jamaican and Pakistani interviewees were deported as foreign national prisoners having committed crimes in the UK.

Although we think the social impacts of irregular immigration are in general limited, the existence of a large 'shadow' population which is disconnected from the normal patterns of community life is clearly a social ill. Any country that values active, integrated citizenship is damaged by the prevalence of large numbers of people who are excluded from it. As we have seen earlier, the scope for irregulars to participate in society is severely limited and, although they can often be reasonably well integrated with other (legal) migrant compatriots, irregulars of necessity live on the margins of the mainstream. If large-scale irregularity was allowed to persist over many years, social problems could increase. The experience of Turkish communities, denied full rights over generations by the German immigration rules, provide an example of what can happen if immigrant communities remain unintegrated over long periods (Saunders 2010: 241–253).

3.8 Political impact

The impact of widespread irregularity within the immigrant population on the political debate on migration seems to us to be an important question, though other studies of the issue often appear to neglect it. There has been limited specific polling of public attitudes towards irregular immigration, but data from the Transatlantic Trends immigration survey 2010 shows high levels of concern about irregular immigration in the UK:

- 71 per cent of UK survey respondents said they were 'worried' about illegal immigration (the EU average was 67 per cent)
- Only 35 per cent of UK respondents were 'worried' about legal immigration
- 75 per cent agreed that illegal immigrants 'put a burden on social services like schools and hospitals' and 63 per cent agreed they increase crime
- 90 per cent of respondents agreed with the need for stronger border measures and 90 per cent also backed tougher penalties on employers to reduce irregular immigration.

However, people do seem to recognise that irregulars are hard workers (57 per cent agree) and fill jobs that locals do not want to do (54 per cent) (Transatlantic Trends Immigration Topline Data 2010).

The Transatlantic Trends findings are in line with the general tenor of the popular discourse on immigration, from which we can assume the majority view on irregular immigration is likely to be hostile. Consistent polling over the last decade and longer has shown that the public want tighter controls and lower levels of legal immigration, and so migration outside the legal channels is likely to be particularly unpopular.⁴²

Some researchers have argued that public concern about migration generally, and irregular immigration as a particular component of it, can in some sense be 'generated' through the tough talk and actions of politicians and others. As Duvell (2008) has pointed out, 'the perception of migration as a threat coincides with the introduction of new legislation that aims to address

41 <http://news.bbc.co.uk/1/hi/england/1702799.stm>

42 See polling evidence on attitudes to immigration at the Ipsos MORI website: <http://www.ipsos-mori.com/Search.aspx?usterm=immigration>

this perceived threat.’ Research in the United States has shown that hostile attitudes towards undocumented migrants are closely related to negative portrayals of them on certain media channels, such as Fox News (Facchini et al 2009). We have no doubt that public fear of migration can be whipped up. But that does not mean it is wholly synthetic.

ippr’s recent research on public attitudes⁴³ suggested that British people do not distinguish greatly between different forms of immigration, but a high premium is put on ‘playing by the rules’ and ‘making a contribution to society’.⁴⁴ The importance of ‘giving something back’ perhaps explains why a poll for the Strangers into Citizens movement in 2007 (before the recession) found relatively high support for an earned regularisation programme for irregulars with a proven record of working.⁴⁵ However, YouGov polling during the 2010 general election found that 49 per cent of people opposed the Liberal Democrat plan for earned citizenship, compared to 35 per cent who supported it.⁴⁶ The Transatlantic Trends survey shows even stronger levels of opposition to regularisation – 67 per cent of respondents agreed that irregulars should be required to return to their country of origin, compared with 24 per cent who agreed they should be allowed to obtain legal status that allowed them to stay in the UK.

It is our judgment that, on the whole, irregular immigration increases negative public reactions to migration, making it more difficult for politicians and policymakers to pursue policies which are economically and socially beneficial to the UK. To put it another way, if irregularity could be significantly reduced, there would be greater space to pursue rational and balanced migration policies.

We have already mentioned that immigrants’ families, communities and even states often support and encourage migration of at least dubious legality, both because immigration laws in destination countries are considered unduly restrictive and because the benefits of migration are seen as so necessary and desirable. More pertinently, there is quite widespread championing (by which we mean, more than passive acceptance) of irregular immigration among significant sections of UK society.

Some support offered to irregular immigrants is highly questionable. There is in some quarters a strong ‘political extremist’ element to this championing, with irregular immigrants used as foot-soldiers in campaigns to ‘smash’ the system. At their worst, these campaigns can be highly exploitative, using the misery of irregular immigrants to advance extreme revolutionary or anarchic political agendas.

However, it is generally the case that those who provide political, moral and indeed physical support for irregular immigrants do so for the best of motives. These concerned and active citizens are genuinely perplexed, ashamed or even angered that the laws of the UK operate in such a way as to render people vulnerable and scared. They are opposed to policies which they think condemn people to being sent back to dangerous and unstable countries against their will. The Strangers into Citizens movement in particular has mobilised an impressive ‘rainbow coalition’ in support of irregular immigrants, including faith groups, trade unions, celebrities and business leaders. Other groups, such as the Migrants’ Rights Network, do very good work in lobbying for a better deal for irregular immigrants, while many migrant-led groups provide much needed support to their irregular compatriots, often helping to feed and house people who would otherwise be destitute. In these cases, groups are not working to undermine the immigration system (though they may wish to see it change) and if more trust were built up on all sides, they could become partners with government in the task of reducing irregularity.

43 ‘Communicating Migration’, a series of public meetings and deliberative workshops in the West Midlands in 2009. For research findings contact s.mulley@ippr.org

44 The views expressed in our workshops accord with those of John Denham MP, the former Home Office Minister, Communities Secretary and Chair of the Home Affairs Select Committee, who has been one of the leading advocates of introducing the concept of ‘fairness for all’ in how immigration policy is framed. See Denham’s speech to Policy Network, London, December 2009, available at <http://www.policy-network.net/uploadedFiles/Events/Events/John%20Denham.pdf>

45 <http://www.independent.co.uk/news/uk/politics/illegal-migrants-right-to-work-wins-support-of-public-in-poll-446103.html>

46 See YouGov poll on voting intentions: <http://today.yougov.co.uk/politics/latest-voting-intention-18-april>

Special note: Irregular immigration and human rights

This is one of the most sensitive and difficult aspects of irregular immigration and this short section cannot do it justice. All we aim to do is to sketch out the dilemmas raised when the policy aim of reducing irregular immigration comes into conflict with rights which irregular immigrants claim for themselves. We also offer our own views on the subject.

At one level, it is self-evident that if there is any question of a government action violating fundamental human rights then that action should not be taken. The UK government, in its determination to crack down on irregular immigration (and, as importantly, to be seen to be doing so) has often resorted to measures which run contrary to the Human Rights Act 1998 in the view of the British courts.

However, the defence of immigrants' rights can sometimes tip over into lobbying, advocacy and even legal action, resulting in the position that, in effect, no action can be taken against irregular immigrants except amnesty or regularisation. For example, in a 2009 report the European migrants network PICUM marshalled an impressive body of evidence to show that the rights of irregular immigrants are being violated and threatened in multiple ways: during their journeys, at territorial borders, in the workplace, in access to health, education and other services, and through apprehension, detention and deportation. It paints a disturbing picture of the way that the EU is rejecting its core founding values as it struggles to deal with irregular immigration. In its conclusion, the PICUM report judged that a 'more effective and humane approach' was needed:

This requires guaranteeing secure and regularised entry routes for protection seekers, implementing a fair and transparent asylum procedure across the EU, recognising the economic need for unskilled migrant workers within the EU and exploring paths to regularise those already here, guaranteeing equal rights to all workers regardless of status and finally, adhere to obligations under international human rights law and remove barriers which deny fundamental rights to migrants on the basis of status. National governments must also address the damaging effect of policies developed in response to irregular migration such as irregular entry, visa overstaying and workplace exploitation. To reach their stated aim, these policies must stem from a rights based approach and not simply re-victimise vulnerable migrants by prioritising immigration control mechanisms.

While a lot of these points are well made, there is a notable absence in this line of argument of any recognition that many forms of irregular immigration are illegitimate and undesirable (and sometimes criminal), or that governments do have the right to control their own borders and decide on their own immigration laws, and that deterrence, compliance, enforcement and return are necessary parts of that process. There is a danger therefore that a rights-based approach can amount to an argument against any disruption of irregular immigration.

There are also those who take an explicit 'no borders' view. Here the debate over rights often highlights the critical fault-line between those who believe in immigration control and those who don't. Duvell and Jordan (2002), for instance, argue that since:

the right to decide where to live and work (and which community to join) is fundamental to political justice under liberal democracy, this suggests that it is border control, not free movement, that needs to be justified.

It is surely highly arguable that this 'right' is a universal transnational right. Not only is the right to international free movement not generally applied, it is not even generally accepted – either by states or publics. So a non-EU national may decide they *want* to live and work in the UK, but it is not clear at all that they have the *right* to do so. Refugees have a right to claim protection under international convention (as set out in the 1951 UN Convention on the Rights of Refugees) and the associated right to travel to a country such as the UK – and gain entry – to have their claim heard. But no such international treaty or convention allows for free movement across all international borders and the right to live, work and settle in a country in any other circumstances. Those who argue for such a right are arguing for a right

they would *like* to see, not one which currently exists. There is indeed nothing approaching an international consensus that recognises such a right, and in our view, such a consensus has to exist for the term 'right' to have any practical meaning.

Of course, this doesn't mean that irregular immigrants in the UK (or those trying to get here) have no rights, and here is the nub of the matter. The UK government needs to recognise that if, in taking enforcement action, it violates basic human rights, then that action is wrong and is likely to be resisted by elements of civic society and by the courts. However, that doesn't mean enforcement action per se is a violation of basic human rights. The migrant rights lobby can sometimes give the impression that they think this is the case. This too is wrong in our view. They should respect the UK government's right to act reasonably against irregular immigration.

We should just take a moment to look at the issue of asylum in this context. In our view, it is legitimate to distinguish between the absolute right to claim asylum and the absence of a right to receive it in all circumstances. In other words, a person has a right to come to the UK to claim asylum under international convention,⁴⁷ but has no right to stay if that claim is fairly and justly refused. The issue of *non-refoulement* may be relevant in some instances,⁴⁸ but there have to be circumstances in which returning an individual does not amount to an infringement of fundamental rights, even if that individual's safety cannot be guaranteed. After all, when can anyone's safety anywhere be *guaranteed*? To argue that return is impossible in most or all circumstances – as some refugee organisations appear to do – is tantamount to an argument that to seek protection is to *require* protection, which makes a nonsense of any adjudication process.

Civic Stratification

One way that is helpful in negotiating our way through this minefield is to accept what Lydia Morris (2002) has called 'civic stratification' of rights, in which different groups have different and shifting rights within a society. Morris herself (2002) suggests that this concept applied to irregular migrants raises the question of:

whether their illegal status should mean the denial of all rights, whether receiving states carry some responsibility for their presence and their treatment, or whether they stand completely outside any relationship with the state and therefore any protection.

In our view, it is clear that the states do have responsibility for all the people who reside in their territory, including irregular immigrants, and this group should be accorded rights across a range of areas. In this sense, there is some universality in rights. But as Morris puts it, 'even universal human rights contain their own hierarchy of absolute, limited and qualified – which are largely defined in national interests.' Morris is perhaps more disturbed by this than we are. We feel it is reasonable that all migrants should in some sense 'acquire' full rights by passing through a hierarchy of status, with some element of selection, and not just to assume full rights on arrival. In other words, there is legitimacy in setting qualification periods for access to the full range of benefits and for access to social housing, and to limiting full rights to those who qualify as citizens and have a record of contributions. Of course, as Morris points out, such a system allows the state to exercise greater surveillance and control over migrant groups. This is problematic to some degree in a free society, but is surely inherent in any immigration system, unless that system allows total free movement through its borders and accords equal rights and access to services to all in its territory.

In our view, the state has the right to engage in 'boundary drawing' (Brubaker 1992), by which it defends its national resources with respect to welfare and labour market

47 A refugee is a person who 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.' (1951 Geneva Convention relating to the Status of Refugees)

48 '*Non-refoulement*' means that no country may deport or expel a person to a country where that person faces persecution, or risk of serious human rights violations.

systems and privileges its citizens with respect to long-term residency and, for example, voting rights. This is particularly the case in a country like the UK which allows and even encourages foreign nationals to take up citizenship, thus avoiding rather offensive notions like that of *jus sanguinis* in which citizenship is a 'right of blood' and therefore closed to people of other nationalities.

Nonetheless, there is clearly something to be said for setting international standards for the treatment of immigrants. PICUM (2009) have shown that the EU's attempts at 'harmonisation' tend to focus more on the negative than the positive, with a tendency for EU-wide policies to be characterized by a 'lowest common denominator' approach. More visionary approaches, most notably the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, have had little effect because the extent of the obligations they require of states has led most (particularly receiving states) to refuse to sign up. Only around 35 states have ratified the convention, and none of these is an OECD or EU country.

The fate of that convention takes us back to the central dilemma explored in this boxed section. Ultimately, a country like the UK is not going to accept the extension of immigrants' rights where this would impede its ability to control its borders and enforce its immigration system. Although that is troubling, it is also understandable. In our opinion, the only way to resolve this issue is to accept that immigrants' rights while they reside in a particular country are important and should be as generous as possible, but they cannot cut across the legitimate desire of the state to determine who comes in and out of its territory and on what terms.

Of course, we recognise that central to this discussion are human beings, often vulnerable and scared, who only want a better life – and whose dreams may be shattered by actions taken to tackle irregular immigration. Considerations of their rights (as well as their welfare and aspirations) are important – but, hardhearted as it may seem to some, these considerations do not trump all others.

Part Two: Reducing irregular immigration

Summary

We start in this summary by laying out the main findings from our research on the current impact of measures to reduce irregular immigration in the UK. As with our recommendations below, we trace the migrant journey.

Deterring irregular movement in the first place

- Our interviews showed that irregular immigrants to the UK would overwhelmingly advise other co-nationals not to follow their example.
- However, their testimony is often not believed by would-be immigrants back home.
- The UK is still perceived to be an attractive place for irregular immigrants.
- Our research suggests that despite a toughening of entitlements and of enforcement, the UK is seen as treating immigrants better than some other EU countries.
- However, there is some evidence that ‘upstream’ measures to prevent irregular travel, combined with the economic downturn, are reducing the number of irregulars reaching UK borders. The number of irregulars refused entry at a port in 2009 was 37 per cent down on the peak of 2002.

Stopping irregulars reaching the UK

- Our research suggests that although journeying to the UK as an irregular is difficult, irregulars are still able to leave their countries and to travel through others (including EU countries) to get to the UK in higher numbers than is desirable.
- There is evidence that sanctions against carriers who bring irregulars into the UK are not being enforced as rigorously as they should be.
- Smugglers continue to find ways to evade juxtaposed and UK border controls.

The hostile environment

- A key pillar of the UK government’s strategy to reduce irregularity in the UK is to create a so-called ‘hostile environment’ for irregular immigrants and those who employ them.
- The UKBA has greatly increased its enforcement capacity and activities in recent years, and there are clear signs that this is being felt by irregular immigrants.
- 60 per cent of survey respondents thought it likely that they would be caught and deported, with only 15 per cent thinking it unlikely.
- 45 per cent of respondents thought many more irregulars had been returned home in 2009, and just two per cent thought deportations were dropping.
- A large majority of our interviewees said that life for irregular immigrants was getting more difficult, and many said restrictions were much tighter than the early 2000s.
- Workplace raids are increasing (and the fear of them more so). More irregulars are being asked to produce documents.
- More than 70 per cent of survey respondents said it was more difficult to find work, although this was often attributed to the economic downturn.
- Evidence from the Civil Penalties records suggests the UK government is largely focusing on small businesses – mainly ethnic-owned small-scale food outlets.
- Most liability notices result in only a single illegal worker being apprehended, and in only two cases in the latest figures were more than 10 workers caught.
- The latest evidence from the UKBA’s Independent Chief Inspector suggests that enforcement of the civil penalties regime is not tight enough.

- Where the UKBA is seen to take disproportionate enforcement action it morally empowers some groups in civic society to support irregular immigrants in resisting enforcement and return.

Reluctance to return

- Our research suggests that the hostile environment is having a limited impact in encouraging return, at least in the short term.
- A large majority of interviewees in the UK (some 75 per cent) said they had no plans to leave the UK despite the hardships they faced.
- 40 per cent of survey respondents said they wanted to stay permanently, and less than 10 per cent had plans to leave within a year.
- Most irregular immigrants prefer to hang on because they say life back home would be harder still.
- Interviewees cited a lack of safety and stability in their home countries as the main barrier to return (some 40 per cent of life-history interviewees), followed by their failure so-far to accumulate enough money in the UK to live successfully back home or pay off debts.
- Returning before earning enough money is viewed as an embarrassment or failure.
- 80 per cent of irregular immigrants we interviewed wanted to see an amnesty or regularisation to allow them to stay, at least temporarily.
- Interviewees often suggested they wanted to leave eventually, when they had achieved targets for accumulating money or reached personal goals.
- Our research suggests that the majority of irregular immigrants know about financial packages for voluntary return administered by IOM but that only a minority are interested in taking them up (some 20 per cent of survey respondents).

The rate of return

- Between 1997 and 2002, the annual level of return more than doubled, from some 31,000 to more than 68,000.
- Since 2002, however, it has levelled off at around the 60,000 to 65,000 per annum mark, with the lowest rate 58,000 and highest nearly 68,000.⁴⁹
- However, these figures included those stopped at the border and who were subsequently returned. If these are excluded the annual rate of return is almost halved.
- Between 2007–09 inclusive, the return figure (including entirely voluntary departures but excluding those refused entry at the border and subsequently returned) was 105,885 – an annual figure of around 35,000 (Home Office 2009).
- That means that at the current rate of return, it would take around 17 years to reduce the current irregular stock to zero, assuming that the population remained static.
- However, 5.5 million people were issued with temporary visas in 2007–09.
- So if only two per cent of the temporary visa entrants who have entered in the last three years overstay, their number will exceed the total number of returns in the same period.
- The most likely trigger for genuinely voluntary return is the desire to return to family.
- After that, negative push factors in the UK seem to be having some impact, suggesting the ‘hostile environment’ may ‘wear down’ more irregulars over time.

⁴⁹ The totals for all returns (including people refused entry at port and subsequently removed) are as follows since 2003. Prior to 2005 data is not directly comparable.

2003	2004	2005	2006	2007	2008	2009
64,390	61,160	58,215	63,865	63,365	67,980	67,215

- The figures on the number of people who have left the UK entirely voluntarily have increased dramatically from 805 cases in 2005 to 13,540 in 2009.
- The UK government has paid IOM nearly £50 million in the last five years for the assisted voluntary return programmes it administers. That is around £2000 for each of the 25,000 irregulars who have left on these programmes.

Experience of return

- Attitudes to return varied, with those who had taken voluntary packages more reconciled to return than those who had been forcibly removed.
- The majority of returnees considered the manner of their return reasonable, although a minority complained about the way the UK authorities had treated them.
- A large majority of returnees wanted to return to the UK if possible, though all said they would do so only if they could do it legally.

Policy recommendations

Our starting position is that it is a desirable policy goal to reduce irregular immigration. Because this goal is difficult to achieve in the global context of high irregular movements and the domestic context of a high existing stock, we suggest that any action should be prioritised and guided by the following aims:

- reducing real harm
- containing irregularity
- increasing public confidence in the integrity of the immigration system
- reducing irregularity in the system.

We also recommend that the following principles should underpin the process:

- upstream is better than downstream
- compliance is better than enforcement
- a cooperative approach is better than an adversarial approach
- return or re-compliance is better than de facto tolerance.

With these in mind we set out a comprehensive set of recommendations for action which track the irregular journey.

Upstream (before irregulars reach the UK)

In origin countries

- The UK is right to maintain its commitment to international development, human rights and good governance because a more equal and peaceful world will reduce some of the drivers of irregular migration.
- Sophisticated visa regimes which screen for possible irregulars from countries which produce a lot of irregulars should be constantly updated.
- The processes for issuing student visas should be further tightened, particularly in countries where there are suspicious patterns of application.
- The UK government (in conjunction with EU partners) should consider extending pilot schemes which combine providing information on legal channels with strong deterrent messages about irregular immigration.
- While, at present, the UK government will not countenance any relaxation of its ban on low-skilled migration from outside the EU, it should study successful temporary worker schemes in other countries with a view to the longer term. Such circular schemes can help to channel immigrants away from irregular routes.

- In the longer term, the UK government should consider opening Tier 3 of the Points-Based System (PBS) – which is currently closed – to admit low-skilled migrants from outside the EU if there is evidence that the labour market requires such workers.

Cooperation with transit countries and the EU

- Cooperation with origin and transit countries – both to prevent travel and to facilitate return – should be increased.
- More capacity-building needs to be done with key ‘feeder’ countries to foster cooperation in tackling irregular travel.
- The UK should take a lead in developing a common European asylum and migration policy, setting decent standards for the treatment of irregular immigrants and asylum-seekers and fostering greater cooperation in apprehending and returning irregulars.
- The UK should maintain its strong involvement in FRONTEX, the EU external border agency, and should strengthen the use of ‘juxtaposed’ controls that stop irregulars in transit to the UK.
- FRONTEX operations must always be reviewed to ensure that in deterring and stopping irregular movements, the lives and safety of immigrants are protected
- Sanctions against carriers who bring irregulars into the UK should be enforced more consistently.
- New technology and profiling techniques should be used to allow UK immigration officials posted overseas to ‘screen’ asylum-seekers with a strong prima facie case for protection so that they are not kept out by measures designed to prevent irregular immigrants.

Border security

- The UK should constantly enhance the sophistication of its border security measures and its risk management techniques to aid legitimate entry and to make smuggled or fraudulent entry more difficult.
- The re-introduction of computerised entry and exit controls should be a priority for the UK government. It needs to be able to ‘count in and count out’ so that it knows the scale of overstaying. It will then be better able to encourage compliance and take targeted measures to enforce removal.

Downstream measures (tackling irregularity in the UK)

Targeting the irregular immigration industry

- The UK government should review the penalties for trafficking and smuggling activities to ensure that they have the maximum deterrent effect.
- Sanctions against carriers should be strictly applied.
- The main thrust of enforcement activity should be aimed at exploitative employers, bogus colleges and rogue landlords who create a demand and help support irregular immigration.
- The UK government should tighten procedures for issuing student visas. A stronger regime around sponsoring institutions in the UK will need to be backed up by a range of other measures in countries of origin to prevent abuse, such as real-time monitoring of visa applications to identify any large-scale attempts at abuse.
- Larger employers need to be targeted or encouraged to ensure that they are not breaking immigration law through the use of sub-contractors.
- More generally, better work-place regulation is needed – including for agency workers – to ensure that there is zero tolerance of the exploitative work conditions where illegal working flourishes.

A differentiated risk-management approach to enforcement

- The UK government is right to take a differentiated risk-management approach which targets efforts to apprehend and remove the most harmful irregulars, such as foreign national prisoners, as a priority.

- But a targeted approach could be enhanced if there was scope in the system to allow ‘low-risk’ irregulars to ‘re-comply’.
- Re-compliance should apply only to what we call ‘marginal irregulars’ who have transgressed the law in minor ways. This could be by overstaying their working or student visa (but not visitor’s visa) for a short time (less than six months) and for the first time, or by violating working hour restrictions.
- Re-compliance would allow migrants who had been irregular for six months or less to obtain a ‘temporary bridging visa’ which would:
 - bring them back into legality without facing any sanction, though there would be an escalating charge for issuing the visa; and
 - allow them to fulfil aspirations (for example, completing a work contract or allowing a child to complete a school course) up to a strict time limit of six months.
- All other irregulars (except refused asylum-seekers) should be classified as what we call ‘manifest’ and be liable for the full scope of enforcement and return.
- However, the UK government should retain its capability to use individual ‘case resolution’ which would grant people indefinite leave to remain because of special personal circumstances.
- We also think that irregular families with children born or largely brought up in the UK should be given particular consideration for more generous treatment and exemptions should be made for people left in legal limbo, such as some British Overseas Citizens and people who are stateless.
- Where return is obviously dangerous and likely to be unsustainable, such as in countries where serious conflicts are ongoing, there should be also be scope for issuing ‘bridging visas’ that give individuals the temporary right to stay in the UK.
- Embarkation controls which give the UK a clearer picture of the state of compliance will provide the UKBA with greater ability to help migrants to remain compliant, through ‘traffic light’ warnings via SMS or email messaging.
- While the move carries risks, we would favour ending the limit on working hours imposed on foreign national students. The enforcement capacity put into policing these rules should be redeployed to tackle more harmful forms of abuse.
- To balance this relaxation, we argue for stricter processes for issuing student visas in the first place. All these measures would reduce the likelihood of immigrants using student routes when their main aim is to work.

Increasing returns

- Significant continuing investment will be needed in UKBA enforcement activities if returns are to be increased.
- Return must be seen as firm but fair, with the UK government expediting removal in a consistent, targeted and proportionate manner.
- Community support groups, migrant support groups, employers, trade unions, citizens’ advice groups, the IOM, MPs and all government officials need to be giving advice to irregular immigrants throughout the process that return is a likely option for many of them.
- It is particularly important to involve migrant-led groups. A better relationship of trust, understanding and cooperation is needed, along with increased funding, so that they can be brought into the process of facilitating return.
- Other voluntary sector organisations with a strong track-record of working with immigrants should be contracted to assist with return.
- The end-to-end caseworker model, in which a single caseworker develops a relationship of trust and understanding with a client, should be further developed.

- Caseworker training should emphasise that return is often going to be ‘the end of the road’ for many immigrants. A culture change among voluntary sector caseworkers is needed in this regard.
- The dominant culture of the UKBA as an agency primarily focused on tough enforcement also needs to shift over time. This approach alienates many in the migration sector and is a barrier to greater cooperation.
- Continued progress needs to be made to ensure the immigration system, particularly the asylum determination process, is as transparently fair and consistent as possible.
- ippr would favour taking the asylum determination process out of government and away from political influence by setting up an independent body to adjudicate on claims for protection.
- The UKBA should continue working with migrant-supporting agencies and others to improve access to legal advice and to stop migrants falling into destitution.
- *All* irregulars should be offered a personalised package of financial assistance to aid reintegration in their home country. As well as in-kind assistance and payment to service providers, we think that there should be a cash element to the package (as there has been in the past). At the top end the assistance should be worth £5000 and its availability should be open-ended. The generosity of the package should be determined on a sliding scale according to the level of cooperation shown.
- In very limited circumstances, we think a part of the package may involve some agreed time limit to settle affairs in the UK or achieve some goals.
- The end of the detention of children is welcome. However, we believe there should be a fullscale review of the use of detention for immigration purposes. In our view, detention is currently used too widely and for lengths of time that cannot be justified.
- Tagging, monitoring and reporting will in most cases allow the UKBA to keep track of irregulars. Detention should be limited to cases where the chance of absconding is high and should be used for the shortest possible periods, for example immediately prior to removal.
- The UK offers quite generous (by international standards) financial packages to help irregulars with return and reintegration. These should be available on a consistent basis with size of the package and the scope for flexibility in effecting return calculated on a sliding scale to reflect the level of cooperation shown.
- The length of re-entry bans – which forbid returned irregulars to apply for UK visas – should vary according to the level of cooperation shown in the return process.

The extent of our research did not allow us to investigate in any detail whether returned irregular immigrants are successfully and sustainably re-integrated into their home countries. However:

- We think the UK government should do more to monitor actively the safety and sustainability of returns, particularly to more unstable countries.

In Part Two, we get to the heart of this report by considering how irregular immigration in the UK might be reduced. We draw on the extensive literature on this subject and on key informant interviewees. We also make use of the life-history interviews we conducted, both in the UK and in various countries overseas.

We take it as read that the policy goal of reducing irregular immigration is desirable. A die-hard anti-immigrant campaigner and a ‘no borders’ activist could at least agree that the less irregular immigration there is, the better – even though one may want to see that achieved through mass deportations and the other through dismantling the immigration system altogether. So, the question is not should irregular immigration be reduced, but how should it be reduced and to what extent?

In our view, there is a public appetite, and therefore a political imperative, to reduce both the flow and the stock of irregular immigration fairly substantially. Simply containing the problem is not enough. However, this is very difficult to achieve – particularly as mass deportations are impossible and a major amnesty has been ruled out. In other words, the success of a strategy to reduce irregular immigration cannot be judged by scale alone. Therefore, in shaping the overall policy goal of reducing irregular immigration we need to define and prioritise the underlying goals more precisely as follows:⁵⁰

- reducing real harm
- containing irregularity
- increasing public confidence in the integrity of the immigration system
- reducing irregularity in the system.

The third underlying goal is, as we have stressed elsewhere, an important one, as perception is important in the immigration debate. This is not to say that the public can be ‘spun’; indeed attempts to do so are generally counterproductive. Public trust in the UK of official sources of information on immigration is dangerously low (as, to its credit, the UKBA has acknowledged by setting up a Migration Statistics Users Forum to improve the dissemination of official data). But as the Australian government has found in relation to irregular immigration, if the state can demonstrate that it is genuinely tackling the problem, then the public will give it credit and be prepared to accept that dealing with the issue will be difficult and will take time.

In structuring Part Two we have considered the various stages of the irregular immigrant ‘journey’. At each point, we consider why irregularity occurs, why it is so difficult to prevent, and how it might be reduced. We venture our own conclusions and recommendations, but in the general spirit of this report, this is always done with an eye to which actions, by government or others, are feasible in the current international and domestic political climate.

Our particular focus is on those stages where interventions are most likely to be effective and, given these straitened times, cost-effective. We trust that we also give due weight to the important issues of immigrant safety and protection.

We break the irregular immigrant journey (which is, or should be, more often circular rather than linear) into two broad areas of focus: ‘upstream’ and ‘downstream’. Each of these areas has three stages to which a chapter is devoted:

Upstream

Chapter 4: In the country of origin

Chapter 5: In transit

Chapter 6: At the border

Downstream

Chapter 7: Non-compliance in the UK

Chapter 8: Return to the country of origin

Chapter 9: Reintegration in the country of origin

Our ideas are mainly directed at the principal agent of action, the UK government and in particular the Home Office or the UKBA. However, there are other important agents, including:

- supra-national bodies such as the UN, the EU and the IOM
- other government departments – in particular the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID)
- a wide range of NGOs working on migration issues (including migrant-led community groups)
- immigrants themselves.

⁵⁰ Our thinking in this area was greatly assisted by Will Somerville who discussed the issue with us and shared his forthcoming paper on *Reducing Illegal Immigration* co-authored with Demetrious Papademetriou.

Ideally, all of these agents should work together around an agreed set of principles to guide action to reduce irregular immigration. In our view these principles should be:

- **Upstream is better than downstream** – so campaigns to dissuade people from leaving their countries or measures to prevent them travelling as far as the UK are preferable to apprehension at the UK border or inside the UK.
- **Compliance is better than enforcement** – so helping people to stay within the terms of their visas is preferable to coming down hard on them when they are in violation of them.
- **A cooperative approach is better than an adversarial approach** – so all agents should be trying to find mutually acceptable solutions rather than taking an adversarial approach with ‘winners’ and ‘losers’.
- **Return or re-compliance is better than de facto tolerance** – so it is preferable if irregulars are removed or brought back into compliance rather than turning a ‘blind eye’ to a large ‘shadow’ population living without status in our midst.

Chapter 4: In the country of origin

Upstream

In the coming chapters we look at measures to reduce irregularity that can be taken ‘upstream’ – that is to say before irregular migrants reach the UK. If these measures are successful they help to stop the ‘flow’ of irregular immigrants to this country and so avoid adding to the ‘stock’ of those already here.

Latest ONS estimates suggest that there were nearly 30 million visits by overseas residents in 2009 (ONS 2009). With so many people coming to the UK in a year, it is clearly impossible to eliminate irregularity – and certainly not through ‘tough’ actions at the border or inside the UK alone. As a leading US migration expert, Demetrios Papademetriou, has argued (2005):

In no policy field within immigration has the rhetorical pursuit of perfection led to more governance (and political) ‘dead ends’ – rather than contributing toward effective solutions – than in ‘defeating’ illegal immigration exclusively through law and order responses.

Rather, a suite of smart interventions need to be taken at all points along the migrant pathway with a particular focus on measures that deter irregular travel in the first place, or detect it en route. The latest figures suggest that upstream measures may be achieving more success (with the economic downturn also contributing). In 2009, 29,160 non-asylum immigrant passengers were refused entry at port and subsequently removed from the UK (including juxtaposed controls – see section 5.3), the lowest since 1999 (26,435). This 2009 figure is down 37 per cent compared to the peak of 46,630 in 2002 (Home Office 2009).

4.1 International development

We suggested in Part 1 that most irregular immigrants are not the ‘poorest of the poor’ and that the pull factor of available work in the UK is probably the most significant single driver of irregular immigration to this country. However, it is likely that if there were greater economic opportunities in the source countries of irregular immigration then fewer people would choose to leave.

By the same token, the resolution of conflicts, greater respect for human rights and improved governance in many developing countries would reduce asylum flows which, as our research and that of others shows, can contribute significantly to ‘end of process’ irregularity in the UK.

In the broadest sense, therefore, the UK government’s continuing commitment to international development (including its promise to protect the aid budget) and the promotion of human rights and good governance is to be welcomed. Although not its primary purpose, international development does help to reduce the push factors driving irregular immigration. This, incidentally, is an argument that is regularly made by the UKBA to counterparts in the FCO and DFID.

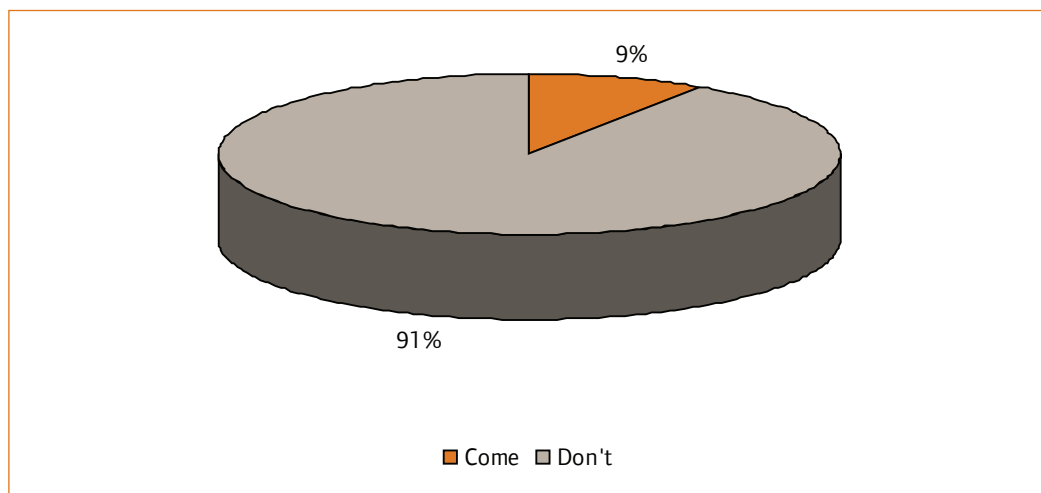
In particular, the last Labour government is to be applauded for taking the lead in the EU in proposing what is called the ‘Global Approach to Migration’ – a concept put forward by the UK’s EU presidency in late 2009 (Collett 2009). This approach recognises that the control and management of migration flows cannot be tackled in isolation from root causes such as lack of economic development or conflict situations.

However, creating a more prosperous and peaceful world is a very long-term goal of policy and well beyond the scope of this report. Having touched on it briefly, we now turn to focus on the more immediate and targeted actions which could be taken by the UK government in cooperation with countries of origin to deter or prevent irregular immigration.

4.2 Information campaigns

As Figure 4.1 (over) shows, the overwhelming majority of our life-history interviewees in the UK would advise fellow nationals who are thinking of coming to the UK as irregular immigrants against doing so.

Figure 4.1
Interview: What would you tell others from your country who were thinking of coming to the UK illegally?



N = 44

The following quotes from across the nationality groups show why irregular immigrants in the UK think others should not follow their example.

People in Pakistan think life is good here, but this is not true. Here life is very hard. There is no respect; all the time humiliation ... Life is too hard; sometimes I could not get time for a shower in six days. They [our people in Pakistan] just want money, money ... [Pause] Life is hard.

Male, 36, Pakistani

I wouldn't recommend it. Now it is more difficult to get a job. It is not like it used to be. You get less money because the exchange rate is not the same. I'd advise them to stay in their countries.

Female, 27, Bolivian

I don't advise anyone. A lot of people I know [are like]: 'Oh, you went to London. You are shovelling money with a spade.' I don't advise anyone to come here, especially paying such [big] money [for that]. For free? If you can come for free, that's fine. For free is fine to come. But to pay 3000, 4000 or now they say 5000 euros? It's simply wrong.

Male, 25, Russian

I wouldn't do it again. There are proper channels of travel that everybody must follow. And wherever I go outside the country I will go the proper way, and if my visa expires or is about to expire, I will take the necessary precautions so that nothing bad happens.

Female, 28, South African returnee

These quotes show that our interviewees felt there is a considerable mismatch between their expectations of life in the UK and the reality. On the face of it, if this sort of testimony were deployed widely, it ought to act as a powerful deterrent to would-be irregular immigrants, at very least stripping them of their more rose-tinted illusions.

However, our research also suggests that irregular immigrants do not relay this information to family and friends back home, either because of embarrassment about their own difficult circumstances or because they do not want to cause worry or upset to their families and friends. Even when honest feedback is given, it is not always believed (particularly by would-be immigrants). Some would-be immigrants may even suspect that the bleak picture being painted is an attempt by irregulars in the UK to 'pull up the drawbridge' and hoard the benefits of migration for themselves. Others just see the barriers and difficulties as a challenge they are determined to overcome.

There is a rule: The bigger the barrier, the more it's tempting [to get over it]. It's an old rule. Everyone wants to get where it is forbidden. It's always been like that. If it's hard to get here, everyone pushes through, everyone.

Male, 26, Russian

It is also the case, as we have seen earlier in this report, that however hard and difficult life is in the UK, irregular immigrants do generally gain from their time here: earning more money than they could have done at home, gaining new skills or qualifications, and acquiring valuable 'life experience'. So the likely effectiveness of information and marketing campaigns aimed deterring irregular immigrants should not be oversold. However, we do think they have some value.

Most of the initiatives in this area so far have been small-scale 'pilots' and there has been limited evaluation of their success. But through our key informant interviewees and other sources, the early signs are that information campaigns which tell people honestly and openly about opportunities that are available for legal immigration while warning them of the consequences of illegal immigration does have some traction with key audiences.

One of our key informant interviewees is a senior employee at the FCO Returns Directorate and has been working in the Democratic Republic of Congo (DRC). Her experience and expertise is illuminating:

We commissioned research and there is no point talking about one element of migration policy. If you only do that, then it's not credible. If you tell people they can't go then they will test it. Instead you need to say that this is how migration works to the UK. The first time I presented to a public audience in DRC I was booed before the end of the first page, because I talked too much about restrictions ... A tough message doesn't work because we aren't able to enforce returns on the scale that makes it credible. People know that.

Key informant interviewee, FCO Returns Directorate

Learning from a difficult start, the DRC initiative moved away from hammering home a relentlessly tough message, and instead used imaginative and creative ways to disseminate a much smarter and more nuanced message. The channels used included (all in conjunction with the DRC government):

- a migration resource centre, including a website
- an outreach programme which involved FCO staff speaking to groups across the DRC about migration opportunities but also the perils of illegal immigration
- a TV programme called *Tose Mibeko* ('Play by the Rules') which was shown on six Congolese TV channels, in theatres and cinemas, and to schools and women's groups.

The idea of moving away from government leaflets, written in off-putting official language, to using the existing popular communications channels has been extended to other countries. The FCO helped the Kenyan state broadcasting company to develop a storyline in a popular soap *Makutano Junction* which is shown across East Africa to around 20 million viewers (UKBA 2010). There are other similar initiatives in other parts of the world, for instance using BBC World Service radio programmes in Afghanistan, and street theatre in Sri Lanka.

Although there would doubtlessly be those who criticise the UK government for using financial inducements to insert its 'propaganda' into popular TV and radio dramas, in our view it is a sensible way of getting messages across.

There is a real appetite for these things. I really believe there has been a change in perception of UK migration policy between 2008 and 2009. The feedback on Tosa Mibeko is that everyone should see this – people say that for the first time they are seeing real life stories.

Key informant interviewee, FCO Returns Directorate

Of course, providing balanced information about migration to the UK does carry some risks. Our life-history interviews showed that irregular immigrants often do not understand (or will not accept)

that there are distinctions between forms of migration, some of which the UK government regards as legitimate and others as illegitimate. This confusion extends to would-be immigrants:

People are confused because at the same time the UK government is still advertising for migrants on some schemes. People still think that they come – it is inconsistency that causes difficulties.

*Key informant interviewee, IOM outreach consultant
with the Pakistani community, London*

While there is clearly a problem, it is one that can surely be overcome by clearer information and better marketing. Using the first-hand testimony of irregular immigrants in the UK and recruiting returned irregulars to tell their stories directly to local audiences could be useful in such campaigns. Our interviews with returned irregulars suggest that informally some are doing this work already.

I tell all people they shouldn't do it. This [irregular immigration] takes many risks, difficulties. Many people used to jump over vans to cross the border. Myself I realised that I and other people should obey immigration regulations. In UK there are human rights, freedom, a civilized country with kind natives. I would like to go to UK again, but [if so] I would become a legal immigrant.

Female, 56, Vietnamese returnee

Other projects have been opening in recent years with the aim of providing better information to would-be immigrants. These include the EU's first Migration and Information Centre (CIGEM) in Bamako, the capital of Mali, and Migration Service Centres (MSCs) in the western Balkans, which are run by the IOM and the EU. An important – and very sensible – element of the latter initiative is that staff in the MSCs are linked to local employment services so they can give advice on job opportunities at home as well as abroad. As the recent UNDP report observes, the information given to many visitors seeking migration opportunities will often be 'disappointing' (UNDP 2009). But in our view, it is better to let would-be immigrants know the true picture. In some cases, though not all, this will deter travel altogether.

4.3 Cooperation with origin countries

As mentioned above, it is important that initiatives aimed at dissuading people from resorting to irregular immigration are done in conjunction with origin country governments. Sometimes the cooperation can be quite informal, but in other cases written agreements are entered into and these often involve inducements. There are now many of these agreements around the world. They take various forms and seek to control or manage different migration flows, and in the process, help to 'export' the UK borders, for instance:

- **Labour migration agreements** – usually designed to manage temporary economic immigration.
- **Mobility partnership agreements** – to facilitate circular migration schemes, but in exchange for agreement by participating origin countries to clamp down on irregular migration.
- **Regional protection programmes** – these are specific EU initiatives providing aid and technical assistance to countries in eastern Europe and the Great Lakes region of Africa, to strengthen the refugee protection capacity of countries in those two regions.
- **Readmission agreements** – to facilitate the process of return of irregular immigrants.
- **Memoranda of understanding** – involving agreements that the home country will not torture or otherwise mistreat returned nationals (usually refused asylum-seekers).

The UK government uses some, though not all, of these measures to mitigate irregularity – with a particular focus on those measures which prevent any travel or facilitate return.⁵¹ Such agreements and others can be bilateral or multilateral. The EU tries to negotiate readmission agreements with countries of origin, but it is a painfully slow process. The readmission agreement with Pakistan, for instance, took 10 years to negotiate (Black et al 2010). Depending on the nature of the agreement

51 So far the UK has been resistant to temporary labour or circular migration schemes.

and in particular the nature of the governments negotiating them, they can be problematic for those concerned with protecting migrants' rights. For example, one of our stakeholder interviewees suggested that while in theory agreements between the UKBA and China to clamp down on the activities of 'Snakehead' people smugglers should help, in practice, local Chinese officials are corrupt and work hand-in-hand with the smugglers.

The UKBA and the FCO have now also developed the Risk and Liaison Overseas Network (RALON) with 100 officers in 46 countries working with local law enforcement agencies (UKBA 2010). Our key informant interviewee quoted in section 4.2 also explained how the UK government was providing training to 800 DRC immigration officers and border officials. Two new border posts were built and others refurbished. The outlay from the FCO's view is worth it, as migration flows from the DRC have been reduced. In this instance, critics might argue that the UK government is financing a regime with a dubious human rights record to keep people inside its borders against their will. More generally, there is an issue around agreements with countries of origin if they lead to refugees finding themselves trapped in situations of extreme conflict or repression.

These are real concerns, but on the other hand there does need to be some hard-headed realism in managing migration flows which may be contributing to irregular immigration in the UK. A Cabinet Office paper (2007) put the argument succinctly:

[T]he most effective – and efficient – way of addressing risks to the UK is to identify those movements which present a threat and to stop or control them before they reach the UK. (Cabinet Office 2007: 8)

Some legitimate migration and travel will be disrupted, but there is a clear mandate from the public for the UK government to take strong action to prevent irregular entry and in this context it makes sense to cooperate with origin countries to try to deter irregular travel.

4.4 Visa risk management

*Interviewee 1: If government of this country [the UK] say 'Nigerians can come here without visa for one day', give me a figure of how many Nigerians would come here?
Interviewee 2: About two million.*

This exchange between two irregular immigrants from Nigeria recorded by one of our community researchers gives an indication of how important visa regimes are in the fight against irregular immigration.

The UKBA currently uses what is called a 'visa waiver test' to prevent travel to the UK by those nationals whom it believes are the most likely to contravene UK immigration law. It also has 'risk assessment units' in 'high-volume, high-risk' countries. The UKBA reports success with such arrangements, saying that in Ghana, for example, there was a 75 per cent decline in visa applications containing forged documents (COSU 2007). Visas can also be made secure by requiring biometric information to be incorporated into them, such as digital facial images and fingerprints.

There can surely be no argument against measures to minimise identity fraud, but our research does highlight one unwitting consequence of imposing strict visa regimes. For if the rules are very tight, they can create a perverse incentive to circumvent them and to travel irregularly instead.

Because it was impossible to leave legally, because no one would issue a visa for you ... I decided to go illegally.

Male, 24, Ukrainian

Of course I wanted to get into this country legally. Not illegally, but legally. So I submitted documents to the Embassy of England and they refused me ... So I found people who, basically, knew this scheme and could help me with documents in Poland.

Male, 28, Ukrainian

We heard in our interviews with IOM officers that tighter rules around issuing visas at the British High Commission in Pakistan are causing real frustration and leading to travel without proper documentation by Pakistanis. Also, John Vine, the Chief Inspector of the UKBA, in his first annual report (Vine 2009a), noted that he made a visit to Abuja, Nigeria, to monitor entry clearance operations at an overseas visa office. He found decision-making there to be hasty and poor. Nigerians interviewed by us highlighted what they considered to be overly strict visa rules as a justification for their irregularity.

To get British visa in our country is a hell, is very very hell. If you get it you would be very happy. I am telling you. Some people have to pray, pray, pray. Some people in fact is like when you are going to heaven ... and I don't blame British for that – but it is very difficult ... even for people like me and I worked for Barclays Bank of Nigeria.

Male, 50, Nigerian

As we will see in more detail in Chapter 9, many returned irregulars would like to come back to the UK if possible, but they find the process of applying for a visa onerous and even humiliating.

What I did was to pick this form from the British High Commission. I didn't want to go to battle with them, its embarrassing to even go and stand up out in the sun at their gate, I don't like that you are actually on your knees begging these people to get into their country and they just refuse you.

Male, 29, Jamaican

As well as the issues already mentioned, there is the risk that strict visa rules damage diplomatic relations with foreign governments, deter some highly beneficial migration and even damage the UK's wider international reputation.

One Pakistani returnee, who generally was positive about the UK, spoke strongly about the way co-nationals are currently treated by UK immigration authorities.

Since the past year they [Pakistani travellers] are being very unfairly harsh ... people who make policies must keep in mind that each country has a standard. Pakistanis have not ruined their standard, the rest of the world is defiling us and they accept it blindly. Even when our minister goes abroad, even they get asked to take their clothes off. Even if a third class gora [foreign national] comes from there, we treat him very special. The rules have gotten very tough. A general visitor, who is genuine and can afford to go with complete documentation is rejected visa ... they expect everyone to be a criminal and treat them suspiciously ... UK is specially acting with a cheap mentality these days.

Male, 49, Pakistani returnee

There are other issues around strict visa regimes which are important but which we do not discuss here because they are not central to this report's objectives.⁵² As far as preventing irregular immigration, on balance we think such regimes are sensible and helpful. We believe that the UK government is right to be following the typically no-nonsense approach of the Australian government to visa management: 'if you are a risk you don't get in in the first place' (Key Informant Interviewee).

4.5 Legal routes for low or non-skilled immigration from outside the EU

Finally, we raise very briefly the question of opening legal routes for migration from countries which produce a lot of irregulars. Currently, Tier 3 of the PBS is closed, meaning that there are no legal gateways into the UK for low or non-skilled immigrants from outside the EU. We acknowledge that in the current political and economic circumstances there is no chance of Tier 3 being re-opened. However, in the longer term, there are arguments for allowing some low-skilled migration from

⁵² For example, there is the issue of whether refugees can legitimately and safely travel to the UK given current visa requirements. The Refugee Council and others have floated the idea of 'asylum visas' which would allow people with prima facie cases for protection to travel openly as asylum-seekers. We think this idea has some merit, but recognise that in the current political climate there is no possibility of it being pursued.

outside the EU, both to meet labour demand in some sectors (seasonal agriculture, hotel and catering, care work) and to divert irregular immigrants into legal migration channels. It is worth looking at examples of well-managed temporary foreign worker (TFW) programmes from other countries, such as Canada and Spain. Some of our life-history interviewees voiced support for such schemes, though the motivation may have been to argue for regularisation in their own case (a theme we will return to).

The best would be to give some, to give some concession. Say, some working visa for half a year.

Female, 41, Russian

I will pay as much tax as you want me to, if you can grant me legal status. I can say that for many people from Fujian. If we have status, we can go home and come again.

Male, 34, Chinese

While TFW programmes have their place, the experience of schemes such as the *gastarbeiter* scheme in Germany shows that employers in non-seasonal industries do like to hang on to migrant labour that has been trained in the job. This militates towards allowing migrants to be allowed to stay longer term and even settle, if labour shortages in certain industries are expected to persist. A final thought on this: the Australian government (often cited for its supposed robustness) recognises the logic of this position, as one of our key informants told us.

If you want the employer not to employ someone unlawfully, you need to give them a lawful programme and that's why we've experimented with schemes in the Pacific.

Key informant from Australian Immigration Department

Chapter 5: In transit

5.1 Cooperation with transit countries

In the following sections we look in more detail at measures to stop would-be irregular immigrants to the UK en route. Here we confine ourselves to observing that if irregular immigration is to be reduced, there needs to be greater cooperation not just with countries of origin, but also with transit countries. 'We need more capacity-building in transit countries, such as Armenia and Azerbaijan,' according to one of our key informant interviewees, a UKBA official.

Many of our irregular immigrant interviewees had travelled through other countries to get to the UK and yet few of them seemed to have had any great difficulty travelling across borders, even though they were often without documentation, using false papers or travelling with agents.

I went to Poland and stayed in Poland. Well, stayed – we were in a hotel, waiting 'til documents are ready. Then we went to Germany ... There were four of us in a car. Then [we got some] other documents. Then we went to France. We spent six days in France, waiting 'til people [guards] change at the border. I mean when some [officers] go to have a coffee, other [officers] would just look at your face and let you through.

Male, 31, Ukrainian

A particular issue for the UK is that, for the reasons set out in section 2.7, this country is often a major destination of choice for many types of migrant. While migrants may travel through (or even live and work for years) in other countries, the UK remains their ultimate goal. This being the case, the authorities in other countries – which do not want irregular immigrants any more than the UK does – are not readily inclined to stop irregulars in transit unless they are encouraged or incentivised to do so. Even within the EU, where there have been repeated attempts to forge common policies on migration (see more in section 5.2) there are numerous instances of situations where partner countries appear to encourage onward movement of irregulars, albeit implicitly.

The experience of Australia is instructive in this context, although its geographical isolation means that we must be cautious in suggesting that Australian policies are directly applicable to the UK. It has concentrated a lot of energy and resources on developing regional relationships with so-called 'feeder countries', such as Thailand, Malaysia and Indonesia. Working with the IOM, the Australian government provides financial and other assistance to the governments of these countries to try to ensure that irregular flows are stemmed at this point. The cooperation extends across the areas of surveillance, enforcement and return but, crucially, also involves some opportunities for entry into Australia by asylum-seekers through planned resettlement.

There are those who are critical about any policies that involve 'off-shoring' immigration control or getting other countries to crack down on our behalf, particularly when this involves countries where official attitudes towards immigrants' rights do not meet even meet minimum international standards. But the alternative – only seeking to prevent irregular immigration at the border or in-country – can hardly be said to be preferable.

5.2 Common European asylum and migration policy

Unlike the United States and Australia, the UK's approach to stemming irregular immigration flows at points before the territorial border must take into account its 'secondary border' – that is, the border of the EU. Once an irregular immigrant has crossed into the EU they are, at least to some extent, 'our problem' – or at least they can be if other EU states do not act in cooperation with the UK but instead take steps, explicitly or implicitly, to move immigrants on.

This is true even though the UK is not one of the 22 member states which signed up to the Schengen *acquis*, the agreement which operates as a passport union without internal borders. For a start, despite having opted out of Schengen so it could keep its own border control arrangements, the UK has chosen to opt in to the Schengen Information System (SIS), so that we have access to cross-border data sharing (Gregory 2009).⁵³ The UK has also sought to get access to the Visa

⁵³ The border between the UK and the Republic of Ireland is regulated by the Common Travel Area arrangements, which also apply to the Crown dependencies of the Isle of Man and the Channel Islands.

Information System (VIS), and is seeking to widen the scope of the proposed EU Passenger Name Record (PNR) framework so that it can be applied to migration as well as terrorism and organised crime (Gregory 2009).

Although it is rarely seen this way, the UK is, in the narrowest terms, well placed within the EU to shield itself from irregular flows because of its geographical position on the outer western fringes of the Union. Most irregular flows come – and are likely to come in future – from the south and east. Direct flights apart, irregular immigrants, like other migrants, have to cross other EU countries in order to reach the UK. With a crude national interest uppermost in mind, the UK has more to gain than many other EU states from taking a lead in establishing a common European asylum and migration policy that would make the outer borders of the EU a strong first line of defence against irregular movement.

There have been myriad attempts to build a common European policy in this area. To take just one example, in the 1990s all member states began fingerprinting asylum applicants and irregular immigrants. All the records are housed in the EU's Eurodac database, which went online in 2000. Fingerprinting is now being extended to all visa applicants, whose data will be housed in a new EU visa information system. Information-sharing is now routine, and over time, this will include biometric information.

More recently, and on a wider scale, EU states have agreed a so-called 'Pact on Immigration', which was led by the French EU presidency and signed in October 2008. Among its provisions are increased cooperation, particularly on strengthening border controls, and a pledge to increase funding and powers for FRONTEX (Collett 2008).

Another sign of the greater cooperation is the 2008 'Returns Directive'. It contains provisions on maximum detention periods, deportation decisions, re-entry bans, the treatment of unaccompanied minors, and appeals (Baldacinni 2009). However, the UK and Ireland have opted out of this directive.

In December 2009, a new five-year programme for Justice and Home Affairs – called the Stockholm Programme – was adopted. The Stockholm Programme continues an approach to migration set out in the Pact on Immigration. It is focused on:

- tightening border controls
- increasing sanctions against smugglers, traffickers and employers of irregular immigrants
- negotiating agreements with origin countries to take back deported nationals
- ad hoc (sometimes unacknowledged) regularisation programmes.

This approach has tended to result in member states only acting together when they see opportunistic, short-term political gains. European action has been criticised by some as 'one-sided' (PICUM 2009) or obsessed with security (Baldwin-Edwards 2006). Some have gone as far as to describe EU joint policy as amounting to little more than increased 'militarisation of migration and crime control along the EU's Mediterranean borders' (Lutterbeck 2006).

However, European cooperation to police its common borders with the aim of reducing their porosity to irregular immigrants has had some success. The mid-2000s saw increases in deportations, only for them to decline again more recently (Gibney 2008, cited by Black et al 2010).

Clearly, a common European approach to migration and asylum should not be limited to border control, intelligence-sharing and enforcement. There are strong arguments, not just on ethical but also efficacy grounds, for the EU to move towards common standards relating to the treatment of irregular migrants and respecting their rights. At present, there are countries like Greece and, increasingly, Italy, where irregular immigrants are treated very harshly. Even if we disregard the inhumanity of such treatment, it leads irregular immigrants to avoid these countries or to use them only as points of entry to the EU. This in turn leads to more onward journeying through the EU to countries like the UK, where they perceive they will be received with greater generosity. The danger is that a downward spiral is created, with each country introducing ever harsher regimes in the hope of pushing irregulars onto their European neighbours. It can therefore be argued that the UK has a strong national self-interest in working to stop this spiral and in seeking the introduction of common standards across the EU. This would ensure that irregular immigrants and asylum-seekers receive more or less the same treatment in each member state.

There will be some potentially difficult trade-offs. States like the UK may need to embrace the idea of genuine burden-sharing – such as taking in sub-Saharan and North African migrants who have landed in places like the Italian island of Lampedusa for asylum determination in the UK – if frontier states such as the ‘Quadro group’ of Cyprus, Greece, Italy and Malta (and indeed EU ‘transit’ states) are to be incentivised to support the UK’s policy goal of stopping irregulars en route. There are also strong arguments for more information exchange at the European level, for more cooperation with developing countries that allows for some legal routes of entry and for common approaches to regularisation (ICMPD 2009).

5.3 FRONTEX

In this section we amplify some of the ideas we developed in section 5.2, by looking at the work of the EU external border agency, FRONTEX. It is charged with patrolling and protecting the EU borders – a daunting task, as the size of the EU border is vast.⁵⁴

FRONTEX was established in October 2004.⁵⁵ As a non-Schengen state, the UK is formally excluded from the agency, but in practice the UK has been one its strongest supporters, has observer status on its management committee, and participates actively in its operations.⁵⁶

The UK has an obvious interest in actively cooperating with FRONTEX to ensure the success of its various duties, as they all contribute to reducing irregular flows.⁵⁷ For example, the UK was one of nine member states to participate in a special operation in 2007 called NAUTILUS, which aimed to stop irregular journeys by boat from Libya and which resulted in more than 3,000 irregular migrants being detected.⁵⁸

In 2009, there were a total of 106,200 reported detections of illegal border crossings at the sea and land borders of the EU, a decrease of a third on 2008 levels. FRONTEX put this down partly to declining job opportunities in Europe during the economic downturn, but also to the ‘strong deterrent effect’ of reinforced naval patrols in the Mediterranean.⁵⁹

In December 2010, the UNHCR reported ‘dramatic reductions’ in arrivals by sea, saying that it estimated that only around 8800 people had come into countries like Italy, Greece, Cyprus and Malta on boats in the first 10 months of 2010, compared with 32,000 in the same period in 2009 – a 72 per cent decrease. At the same time, however, there was a sharp rise in overland arrivals in the Evros region of Greece.⁶⁰

Of course, it is impossible to assess the extent to which irregular immigrants are evading FRONTEX operations. Our research suggests that the agents and smugglers (and indeed determined and desperate immigrants travelling alone) are finding ways to get through. The number of apprehensions is likely to be exceeded substantially by the number of successful entries. For instance, in the early 2000s, the Spanish police estimated that they caught one in four of the ‘pateras’ (small boats) which tried to cross the Straits of Gibraltar (Arango and Martin 2005).

54 The EU border is early 5000 miles long in the east and the Balkans, while the maritime border is 50,000 miles long, with around 22,000 miles of that on Europe’s southern fringes.

55 It followed the watering down of 2002 proposals by the European Commission to set up a joint European Border Guard as a step towards common rules and standards for border controls.

56 FRONTEX has six main tasks:

- organising operational cooperation between member states in the field of managing external borders
- assisting member states in training national border guards, including the establishment of common training standards
- carrying out risk analyses
- following up on the development of research relevant for the control and surveillance of external borders
- assisting member states in circumstances requiring increased technical and operational assistance at external borders
- providing member states with the necessary support in organising joint return operations.

(Source: House of Lords (2008) *FRONTEX: the EU external border agency*, European Union Committee Report with Evidence)

57 The EU’s own evaluation of FRONTEX suggests that it is achieving some success. In 2006 and 2007, 53,000 persons were apprehended or denied entry, 29,000 false travel documents were confiscated and 58 smugglers or traffickers arrested (Commission Communication 13 February 2008: Report on the evaluation and future development of the FRONTEX Agency, doc. 6664/08, COM(2008)67)

58 FRONTEX Press Kit, volume 2/11, issue 1

59 Figures from FRONTEX *General Report 2009*: www.frontex.europa.eu/download/./fran_q01_2010_.pdf

60 Evros recorded 38,992 arrivals in the first 10 months of 2010, compared to 7574 in the same period in 2009 – a 415 percent increase. UNHCR 2010: http://www.unhcr.is/en/News/press10/press_101210-frontex.html

Critics suggest the main impact of FRONTEX has been to push migrants into using routes that are more expensive and dangerous (PICUM 2009). A particular concern is that tighter borders lead to more deaths among migrants. One study estimates that more than 3000 people drowned between 1997 and 2005 in the Straits of Gibraltar while trying to enter Europe illegally on makeshift boats (Branca 2005). Another report has suggested that nearly 15,000 migrants have died in attempts to reach Europe during the decade to 2008 (PICUM 2009). These are shocking numbers, equivalent at the higher end to a major cruise ship sinking with all hands every year. It is incumbent on the EU to be taking greater steps to reduce this death toll.

But in doing so, the answer cannot be to abandon FRONTEX and let craft travel unimpeded. It is not the primary aim of FRONTEX patrols to 'rescue' irregular immigrants from unseaworthy boats, but as part of its operations, it should be doing just that. However, once a pick-up has taken place the result should be speedy processing and repatriation (with the exception, of course, of well-founded asylum claims).

5.4 Juxtaposed controls

UK border officials now operate inside other countries to screen documents and prevent embarkation by some people intending to travel to the UK. These measures are known as 'juxtaposed controls'. The extent of these operations can be gauged from the fact that UKBA officials now work in 135 countries worldwide.

Controls can be placed in origin countries, but also along well-known points of transit, with the most obvious to British eyes being the Channel tunnel terminus in Coquelles, the ferry port in Calais and the Eurostar termini at Paris and Brussels. In these places, the distinction between juxtaposed controls and the UK border itself is increasingly blurred.

The UKBA reports considerable success from the use of these controls.⁶¹ In some quarters, they have been criticised as a 'blunt instrument', causing inconvenience for a lot of legitimate travellers and preventing flight by asylum-seekers who may have a strong case for protection (Reynolds and Muggerridge 2008).

It is obviously naïve to suggest that anyone who says their intention is to claim asylum in the UK should be waved through, as this would invite all irregular migrants to adopt this stratagem. But greater recognition is needed of the fact that asylum-seekers will often have to travel with incomplete or even false documentation, having departed in hasty circumstances and using irregular routes. Improved 'profiling' techniques are being used to screen for the most dangerous migrants (criminal and terrorist suspects), so similar techniques should be developed to assess asylum claimants. Improved training of airline liaison officers could also help (or more pertinently, a change in their working culture so that they were not only judged on how many people they keep out). In other words, juxtaposed controls could be used not only to intercept obviously suspicious travel by migrants likely to be irregulars, but also to facilitate onward journeys by migrants with a strong prima facie case for asylum in the UK.

5.5 Carrier sanctions

Another measure that the UK government is using to prevent irregular travel is Carriers Liability Regulations, through which airlines and other carriers who bring migrants into the UK without proper documentation can be fined up to £2000 per person.

More controversial have been fines imposed on haulage companies or lorry drivers who are found to be carrying illegal immigrants. The level of fines can go up to £4000 for each immigrant and carriers who fail to pay up can have their vehicles impounded. When the fines were first introduced, the road hauliers took legal action, resulting in the penalties being ruled unlawful in the High Court in 2001.⁶² Lorry drivers complained that the penalties could be imposed even if irregular immigrants were

61 In its 2007 document *Enforcing the Rules*, the UKBA said that in five years it had prevented 150,000 passengers from boarding, and that this contributed to 'reducing the number of passengers found to have reached the UK with fraudulent documents from 8258 in 2004 to 5485 in 2005; and reducing the number of undocumented passengers from 4609 in 2004 to 2730 in 2005' (UKBA 2007). A House of Lords report suggested that juxtaposed controls in France stopped 16,898 people from crossing the Channel illegally in trucks and refused 6801 people entry, with 80 per cent of passengers identified as requiring detailed examination in Calais subsequently refused entry (House of Lords 2008: 17).

62 BBC News (Dec 2001) 'Stowaway Fines ruled illegal'. <http://news.bbc.co.uk/1/hi/uk/1693386.stm>

‘stowaways’ who had got into the back of their vehicles without their knowledge. However, despite this early legal setback, the UK government has maintained and strengthened its carrier sanctions regime, as part of efforts to deter smuggling and trafficking.

The effectiveness of the carrier sanctions regime has been questioned recently by the UKBA Chief Inspector, John Vine. In his first annual report, he drew attention to the fact that £1.5 million pounds of fines remained unpaid and there was a backlog of 600 companies on a list to have their vehicles impounded. He also pointed out that a previous backlog of unpaid fines had been written off (Vine 2009a).

Despite these issues – and complaints from migrant-supporting organisations which argue that fear of fines can turn airline staff into quasi (and over-zealous) immigration officers – the sanctions regime obviously has a role to play in making sure that carriers are allies with the UK authorities preventing irregular immigration. Under the e-Borders programme, carriers are increasingly being relied on to use Advanced Passenger Information (API) and Other Passenger Information (OPI) to carry out ‘watch list’ checks on passengers in transit. A trial scheme of API involving 27 million passengers, resulted in 16,000 alerts and 1300 arrests (Gregory 2009).

As this sub-section has shown, the UK government is now working with lots of countries (in particular in the EU) and using a range of measures to try to apprehend irregular immigrants in transit. These appear to be having some success. If the government wants to reduce irregular inflows further, strengthening these measures makes sense. Whether spending constraints will allow for this is another matter.

But it is worth ending with a word of caution. Our research suggests that irregular immigrants and, in particular, the industry of smugglers and agents which has grown up to support them, are always one step ahead of the authorities.

It doesn't matter how complicated and difficult it is, you will find a way, by a passport, by false documents, or by being smuggled.

*Key informant interviewee, IOM outreach consultant
with the Latin American community, London*

Chapter 6: At the border

6.1 Border controls

As we saw in section 5.4, border security now starts well in advance of the UK's own airports and ports. Nevertheless, the UK's border posts do provide the last line of defence. A former home secretary Jacqui Smith claimed: 'ours is one of the toughest borders in the world'.⁶³ There are now some 9000 members of the uniformed Border Force, which works closely with the Serious Organised Crime Agency and Special Branch.⁶⁴ This sounds like a large number, but these officials have the immense task of trying to ensure that irregular immigrants cannot get into the UK. Nearly 220 million passengers and 440 million tonnes of freight crossed the UK border in 2007 (Cabinet Office 2007). As one of our key informant interviewees, a European Commission official, pointed out: 'fully secure borders are a fantasy'. That does not mean that border security has no impact on irregular immigration: it obviously results in some people being prevented from entering and will have a deterrent effect on others. It also increases the costs for those irregular immigrants who do get through, as tighter border security forces them to use (and pay for) false documentation and/or the services of smugglers. More controversially, it also can force desperate immigrants to take dangerous risks. Probably the most infamous example of this was the episode in which 54 Chinese immigrants suffocated in a sealed container during a five-hour trip from the Dutch port of Zeebrugge to Dover in 2001.⁶⁵ Our interviewees did not have such dangerous journeys, though a small number were smuggled into the UK (or smuggled themselves) inside lorries.

Interviewee: It was quite a long journey from docks to docks ... eight hours.

Researcher: How did you spend this time?

I: Just stuck in the lorry. Couldn't move. Didn't know what was happening outside.

R: Did you have water to drink or something?

I: I had only some biscuits and a bottle of mineral water with me.

Male, 34, Chinese

I stayed in Calais between three and four months. One day we fell out in the camp over eating stuff and accidentally a person was killed. Then one day I concealed myself in a lorry and came to the UK.

Male, 34, Pakistani

The measures taken to detect such entrants are now increasingly sophisticated. They include:

- passive millimetre wave imagers, which use natural background radiation to generate an image of the interior of soft-sided freight vehicles
- CO₂ probes, which operate by detecting in a vehicle the elevated levels of CO₂ exhaled by humans
- body detection dogs
- heartbeat detectors – sensors which when placed on the main chassis of a vehicle can within seconds detect the presence of a hidden person (House of Lords 2008).

Of course there is a trade-off between the most stringent border security and a number of other factors. These include:

- individual liberties and human dignity
- EU (and international) law
- the disruption to legitimate travel and trade
- the high cost.

63 See: <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/primeministerlaunchescontract>

64 The Coalition government, in line with a Conservative manifesto pledge, is carrying out further changes to create a 'Border Police'.

65 <http://news.bbc.co.uk/1/hi/uk/1194455.stm>

For example, the Cabinet Office estimated that the cost of a 10-minute increase in the time spent in passport clearance for the 32 million tourists in 2006 would represent an opportunity cost of £400 million a year (Cabinet Office 2007, cited by Gregory 2009). Any government is therefore going to want to adopt, as the UKBA does, a balanced risk-management approach to border security, concentrating on the most harmful irregularity, such as possible terrorist or criminal suspects (Hampshire 2008).

In concluding this sub-section, it is worth mentioning an unintended consequence of strict border controls: if getting into a country is made more difficult then those who do get through are more likely to stay longer, not least because they need to work for longer periods to recoup the cost of entry. Our research has shown this to be happening, confirming the findings of previous studies (Finch et al 2009, Duvell 2008, Massey 2005).

6.2 e-Borders and other identify verification measures

Since its creation, the UKBA has put a high priority on acquiring the most advanced technology and deploying it at the border as quickly as possible. Central to this strategy is the acquisition of biometric information on individuals, which allows for face, fingerprint and iris recognition. Since 2006, all UK passports have contained chips with digital facial images, and in 2009 a £400 million contract was awarded to incorporate fingerprint biometrics as well.⁶⁶ Many countries are now introducing biometric passports, with central databases to support them. These e-passports should increase identity security for most travellers and migrants, while the Iris Recognition Immigration Scheme (IRIS) allows registered passengers to pass quickly through automated border-points.⁶⁷

As many countries (particularly in the developing world) do not issue their nationals with biometric passports, the UK government is moving towards requiring biometric visas and compulsory identity cards (containing biometric information) for foreign nationals (from outside the EEA and Switzerland). They were introduced in late 2008, and by 2011 all immigrants wanting to extend their stay in the UK or come to this country for more than six months will need to apply for one as part of their immigration application. Inside the UK, foreign national identity cards have been introduced explicitly 'to combat illegal work and reduce illegal immigration'.⁶⁸

Gregory (2009) points out that biometrics and other related measures have two key weaknesses. These are that biometrics cannot detect if a person matching a passport, visa or identity card has created a false identity; and that 'watch lists' only work if people's names remain on the 'flagged list'.

It is of course true that however sophisticated the security measures, there will always be those who find a way to get round them. There have been newspaper stories showing that hackers can 'cheat' biometrics,⁶⁹ but there is also a strong counter-argument that a system somewhere short of perfect is better than no system at all. It is perhaps uncomfortable to contemplate a future in which some (elite and privileged international travellers) sweep through airports in a few minutes because they have the most high-tech documents, while others without them are subject to tighter scrutiny and long delays. There are also privacy and civil liberties issues to take into account. But from the relatively narrow perspective of reducing irregular immigration, it is hard to argue against the role of e-Border type programmes, which do attempt to limit identity fraud to a minimum.

6.3 Counting people in and counting people out

In 1994, the Conservative government abolished embarkation controls on EU citizens, and in 1998 Labour abolished them for the rest of the world.

A paper record of arrivals and departures (which is what we had in those less computerised days) was expensive to administer and ineffective in practice. However, the result has been that through the boom years of immigration to the UK the government has had very little information on who is coming into the country and even less on who is leaving it.

66 See <http://www.computing.co.uk/computing/news/2244006/government-awards-400m-contract>

67 See <http://www.bia.homeoffice.gov.uk/managingborders/technology/iris/>

68 <http://www.bia.homeoffice.gov.uk/managingborders/idcardsforforeignnationals/>

69 "Safest Ever" passport is not fit for purpose' *Daily Mail* (2007) <http://www.dailymail.co.uk/news/article-440069/Safest-passport-fit-purpose.html> and 'Hackers Reveal Flaws in Biometric Passport after cloning one for Elvis Presley' *Daily Mail* (2008) <http://www.dailymail.co.uk/sciencetech/article-1067370/Hackers-reveal-flaw-biometric-passports-cloning-Elvis-Presley.html>

The then-Immigration Minister, Liam Byrne, acknowledged this issue when he gave evidence to the House of Lords European Union Committee in 2008:

Mr Byrne accepted, 'one of the most basic requirements of a border control is the ability to count people in and to count people out of the country' and added, 'you had better make sure that the person you are counting in is the same person as you are counting out.' (Q 457, House of Lords 2008)

This 'basic requirement' has been just what the UK has lacked since 1998. Government statisticians, academics and others have to rely on International Passenger Survey (IPS) data to get a picture of inflows and outflows from the UK. IPS has many limitations, not least the sample size – just 0.2 per cent of travellers to and from the UK are interviewed for the survey.⁷⁰ A number of methodological enhancements were put in place in 2009 after a study by the Inter-departmental Migration Task Force Report in 2006.⁷¹ These are welcome, although they are only really designed to 'fill the gap' until the e-Borders programme brings back (this time in a high-tech, electronic way) the 'counting in and counting out' capacity.

The UKBA was aiming to have 95 per cent of passenger movements in and out of the UK covered by e-Borders by 2011, with 100 per cent coverage by 2014 (House of Lords 2008). The House of Lords criticised this schedule and called for e-Borders to be rolled out more quickly. It is now not entirely clear when embarkation controls will be fully functioning – and in July 2010 the contract of the main supplier, Raytheon, was cancelled because of poor performance.⁷² However, when embarkation controls are in place, they will have important implications for controlling irregular immigration. 'Thanks to e-Borders, we'll know how many have overstayed. This will have major political and policy implications,' a key informant interviewee at the UKBA told us.

The Australian government's embarkation controls enable it to know the extent of their overstaying problem (some 45,000 arrivals – 0.3 per cent of total movements). This is vital information, but as another key informant interviewee told us, it also means ministers cannot claim, as British officials do now, that they do not know the extent of the irregular stock. This political issue aside, embarkation controls will give the UKBA much greater information (and the public greater visibility) of irregular immigration trends – and allow it to take measures at an earlier stage to deal with overstayers (see below).

70 Q&A on the International Passenger Survey (IPS): http://www.visitbritain.org/Images/Q%2526A%2520for%2520external%2520IPS%2520users_tcm12-37885_tcm139-168078.pdf

71 See Inter-departmental Migration Task Force Report 2006: <http://www.statistics.gov.uk/about/data/methodology/specific/population/future/imps/updates/downloads/ExecutiveSummary151206.pdf>

72 See <http://www.bbc.co.uk/news/uk-politics-10727637>

Chapter 7: Non-compliance in the UK

Downstream

We move now to consider how irregularity can be reduced once migrants have reached the UK. In Part One, we saw how irregular immigrants in this country have devised survival strategies which help them to live and work despite their lack of status. As long as such strategies achieve success, irregularity will persist. The aim of the UK government, therefore, must be to undermine such strategies. There are two main ways it can do this:

- Through creating conditions (in the workplace and in society) in which it becomes harder and harder to sustain irregularity.
- Through active enforcement measures to apprehend irregular immigrants and to remove them from the country.

The first of these initiatives leaves the irregular immigrant two ways to become an active agent in their return home:

- Through deciding not to continue trying to survive in the UK and returning home of their own accord.
- Through cooperating with the authorities and signing up for an assisted voluntary return package.

As we will see in the following sections, the evidence suggests that despite the UK government's increasing efforts to create a 'hostile environment', there is only limited evidence that it is leading to irregular immigrants choosing to return. Therefore, there will need to be an even greater focus in future on 'enforced' removal. However, we do suggest below that the distinction between 'voluntary' and 'enforced' removal can be a false one (or at least very blurred) and that some of the negotiated cooperation and financial and other incentives included in current 'voluntary' return packages could be deployed when enforcing return.

All of the above implies that the only solution to irregularity is return. In the majority of cases this is appropriate, but in others (particularly involving refused asylum-seekers) there are solutions which involve staying in the UK – if only temporarily. We consider these while acknowledging that they are politically contentious in the current UK context.

7.1 The extent of non-compliance

Before discussing the various ways of reducing irregularity once immigrants have reached the UK, we pause to remind ourselves of the extent of the challenge.

- As we have seen, the best and most recent estimate of the size of the irregular immigrant population in the UK is 618,000.⁷³
- This estimate does not include immigrants who are here legally, but may be working illegally. In 2009, ippr estimated this group could add 165,000 to the irregular population (ippr 2009).
- Between 1997 and 2002, the annual level of return more than doubled, from some 31,000 to more than 68,000.
- Since 2002, however, it has levelled off at around the 60,000 per annum mark.
- In the years 2007 to 2009, the return figure was just over 197,000 (reduced to 110,000 if those refused entry at the border and subsequently returned are excluded⁷⁴) at a fairly consistent rate of 65,000 per annum.
- That means that at the current rate of return, it would take around 17 years to reduce the current irregular stock to zero, assuming that population remained static.
- However, 5.5 million people were issued with temporary visas in the period 2007 to 2009.

⁷³ This figure is the central estimate of the number of irregular residents (migrants and their children) in the UK at the end of 2007 made by Gordon et al (2009a).

⁷⁴ ippr calculates the exact figure of returns, excluding those refused entry at the UK border or at UK juxtaposed controls, to be 110,375 between Q3 2007 and Q2 2010 (inclusive). Figures taken from *Control of Immigration: Quarterly Statistical Summary*, August 2010: <http://rds.homeoffice.gov.uk/rds/pdfs10/immig210.pdf>

- So if only two per cent of the temporary visa entrants who entered in the three year period overstay, their number will exceed the total number of returns for the same period.

ippr has long argued for what might be termed a ‘predictive’ rather than ‘restrictive’ approach to immigration. Central to the predictive argument is that the multiple push and pull factors which drive individuals to migrate, and the complex and interlocking demographic, economic, social and cultural forces which shape migration flows, will be more significant determinants of the size and make-up of such flows than any system of immigration control. In our view, governments that recognise these facts are much likely to be able to control and manage flows in ways that benefit their economies and societies, and at the same time, maintain public confidence in immigration. However, this is not to argue against immigration systems, nor to suggest that large migrant movements are somehow ‘better’ than smaller ones. It is only to underline the limitations that states face in trying to control international migration.

7.2 A differentiated risk-management approach

Tackling irregular immigration is particularly difficult. One obvious answer is to take a differentiated approach towards the sub-groups of the irregular immigrant population, based on an assessment of risk, as the UK government already does. To take an obvious example, one of the main focuses of enforcement action since 2006 has been foreign national prisoners (FNPs).⁷⁵

Few, if any, would argue against targeting FNPs as a priority for removal. But as well as targeting the most harmful, the UKBA is driven by targets, which lead some critics to argue that it also goes after ‘easy pickings’ as well as the most obvious threats. One of our key informant interviewees, who works in a senior role at UKBA, put it this way: ‘In the course of going after serious criminals, we come across low-hanging fruit, which we cannot then ignore.’

Others would suggest that the focus on soft targets is more systematic. Either way, different groups of irregular immigrants, who are more or less harmful, are all swept up into the same apparatus of enforcement, detention and removal. ippr knows from its work with government that when evaluating success in carrying out returns, government departments do little to distinguish between FNPs and failed asylum-seekers (FAS) even though the latter group is clearly very different in terms of its likely vulnerability and threat level. Also, both groups – and other irregular immigrants – are subjected to raids, detention in the same facilities and the same coercive deportation methods, if returnees do not cooperate.

We are not arguing against the use of robust enforcement measures – and certainly we are not suggesting that they should be targeted at FNPs alone. But we do think that a more differentiated approach should be taken which allows some scope for low-risk/low-harm groups to be treated differently.

This is where the concept of what we call re-compliance is useful – that is to say, putting procedures in place which allow some irregular immigrants to come back into compliance with immigration regulations, without facing the ultimate sanction of immediate removal. (We outline our ideas for re-compliance in section 7.7 below). We know that the Home Office has actively considered such an idea and we outline below how we think re-compliance could work. But of course raising it as one of a suite of measures to tackle irregularity begs the question of which irregular immigrants could be eligible for it and which not.

7.3 Distinguishing between manifest and marginal irregularity

Our answer to the question is to propose that a distinction can be made between what we shall call ‘marginal’ irregularity and ‘manifest’ irregularity, based on the level of risk that an irregular immigrant poses. (There would also be a third group, ‘refused asylum-seekers’, who we believe need to be treated as a separate category.) This sort of exercise, using different terminology, is already used to some degree within the UKBA. Such a distinction once drawn allows for the differentiating of irregular immigrants and a better targeting of a range of initiatives to reduce their irregularity – including re-compliance, but also smarter enforcement measures.

⁷⁵ Charles Clarke lost his job as Home Secretary in 2006 after admitting that the Home Office had freed 1,023 FNPs who should have been considered for deportation.

Marginal irregularity

We use this term to describe forms of irregularity which are not substantially different from regular forms of immigration, which are close therefore to the margin of regularity as currently defined, and which are marginal also in the sense that they are of ‘minor importance and having little effect’.⁷⁶

Manifest irregularity

This term describes forms of irregularity which are not close to the margins of regular immigration and which transgress the current immigration rules in ways which could be considered ‘clear’ and ‘obvious’.

Of course, an exercise in drawing such a binary distinction is as essentially flawed as the distinction that is currently drawn between legal and illegal immigration. To all intents and purposes, it is the same exercise, for deciding who should be one side or another of an artificial line, just based on different criteria. The only obvious thing achieved by the exercise is to shrink somewhat one category and to expand the other, thereby moving the line. For once the move to bring ‘marginal irregulars’ across the line has been made, they would become regulars, leaving only the ‘manifest irregulars’ in irregularity. However, the shrinking of the irregular side of the line is, in our view, a useful move for the three reasons we have made already:

1. The current size of the irregular population is too large to be tackled effectively through enforcement measures alone.
2. The current scope of irregularity includes many immigrants who could be brought back into regularity without posing economic and social damage to the UK (and without destroying the integrity of the immigration system).
3. The shrinking of the irregular population so that it includes only ‘manifest’ irregulars allows for efforts at enforcement and return to be concentrated on the most serious cases with greater hope of success.

The approach proposed is therefore largely a pragmatic one – although it does have an ethical dimension. Of course, the whole issue of ‘the line’ remains highly problematic, and we can only say (lamely perhaps) that we have to ‘draw the line somewhere’. The following two boxes in which we set out criteria by which irregular immigrants might count as manifest or marginal are therefore necessarily broadbrush – and even then, studded with caveats.

Box 7.1 Definition: ‘Manifest irregularity’

Manifest irregularity

- Immigrants who commit criminal actions in the UK*
- Immigrants who use the services of smugglers**
- Immigrants who use false documents to gain entry***
- Immigrants who overstay their visa and are not taking steps to re-comply
- Immigrants who overstay or violate their visa more than once
- Serious violators of a visitor’s visa (overstaying by more than three months)
- Immigrants who fail to comply with the terms of their re-compliance ‘bridging visas’ (see below).

* Some exceptions could be made for very minor criminal offences

** Excluding asylum-seekers who establish a claim for protection

*** As above

Irregular immigrants who fall into these ‘manifest’ categories would be subject to full enforcement action, with the object of removing them from the country forthwith.

⁷⁶ Definitions taken from *The New Shorter Oxford English Dictionary*.

Box 7.2

Definition:
'Marginal
irregularity'

Marginal irregularity

- Immigrants who have overstayed their working or student visa for a short time (less than six months) and for the first time
- Immigrants who have overstayed a visitor's visa for less than three months
- Immigrants who are in violation of working hour restrictions
- Immigrants who have been victims of traffickers and who cooperate with the authorities.

In the case of 'marginal' irregulars, they could apply for re-compliance through the granting of new, temporary 'bridging' visas, the terms of which could be personally negotiated, within strict limits.

An important principle of this sort of process, which involves some relaxation of current rules, is that a 'second chance' does not become a third and fourth and so on. Re-compliance visas should only be temporary and non-renewable – when they expire the immigrant should honour their commitment to go home. Not doing so would put them firmly back into manifest irregularity, with all that this implies in terms of enforced return and bans on re-entry.

As pointed out above, we do think that asylum-seekers should be treated as a separate category of irregular immigrant. We expand on the differences in Chapter 8 below, but at this stage we would note that although there are some special circumstances pertaining to this group, increasing the number and the speed of return is just as important among this group, as any other. In particular, it is important that irregular immigrants are not tempted to use the asylum process as a means by which to extend their stay in the UK.

In stakeholder discussions around earlier drafts of this report, we were asked if it was possible to provide any estimate of the numbers of irregular immigrants who might fall into the different categories. We have considered how we might do this, but concluded that we do not have data of sufficient robustness to do anything more than make a guess. Based on our research, a relatively low proportion of existing irregular immigrants would fall into the marginal category and thus be eligible for re-compliance. The majority of current irregulars would count as 'manifest'. This means that our differentiated approach does not open up the possibility of large-scale regularisation.

We will expand on this as we proceed through the downstream measures below, but first we turn to an issue which might help to avoid irregularity in the first place and thus any need for re-compliance or enforcement action.

7.4 Making compliance easier

In *Enforcing the Rules*, the UKBA sets out 'to make it as straightforward as possible for migrants to stay compliant' (UKBA 2007). However, our research suggests that significant numbers of irregular immigrants start off inside the system, only to become irregular later on. We calculate that 17 of our 44 life-history interviewees in the UK could be put in this category (if we include the seven who claimed asylum on arrival but were subsequently refused). Around 30 per cent of the returnees we interviewed in their countries of origin also felt they had become irregular 'by mistake'.

I got very sick during my first year of college, and I had to go to the hospital, so I missed some days of college. Later they told me that this was why they were sending me home. I did not get to finish my course, although I had paid for all of it. When I had to spend time in the hospital, my attendance record was off. But I did not know I was supposed to be there certain days; they had not told me.

Male, 37, Ghanaian returnee

Another issue that came up for some interviewees was that it can be difficult and expensive to move from one legal status (for instance, a student visa) to another (a working visa).

There were not many free legal services and some of the fees were quite high. We were not earning a lot then. So we stopped thinking about hiring a lawyer. I did think about applying for residency, but I didn't do anything about it.

Male, 44, Chinese

As the above example shows, non-compliance can result from individuals simply failing to take responsibility for their own status, or being cavalier about how the rules apply to them. But it is still the case that a complex and constantly changing immigration system can help to 'create' irregularity. Among our interviewees, it was often felt that the UKBA did not keep consistent records, that it was common for documents to be lost, and that the system as a whole did not treat people consistently over time.

Sometimes they even forgot the applications there. You don't know actually, if they are treating it or aren't treating it [your application].

Male, 45, Nigeria

Interviewees also said they were confused about communications that they received regarding their asylum applications; it was felt that the Home Office had deferred decisions for a long time before making decisions very suddenly, resulting in an immediate change of status. One interviewee described how immigration staff claimed to have no record of her latest application for asylum when they came to deport her:

When I look out I see immigration, so I said probably they come to the wrong door because I haven't had a refusal letter ... So when I actually open the door now, they said, 'Are you Monica?' and I said: 'yeah'. They said: 'well we've come to take you to the detention centre, but you come down to office first.' I said: 'but I've got my case pending' and this man said: 'It is? Well have you got the letter with you?' So I go up and show him and he goes on the phone ... and he makes a call and he says: 'they don't know nothing about that'.

Female, 31, Jamaica

There was much confusion about the way in which the immigration system operates in theory and in practice. Many irregular immigrants were unclear about their own status. There was no doubt there was some self-justification in the explanations that irregular immigrants gave to us in their life-history interviews – that is, blaming the system rather than themselves. However, our research suggests that the scope in the current system for immigrants to become irregular without even realising it is too great.

The Australian government claims to have 99.7 per cent compliance and they achieve this, so our key informant interviewee argued, by 'building in compliance from the start'. They are able to do this because they have embarkation controls in place which allow them to know whether an immigrant has left the country. As noted above, the UK lacks such a system currently, but once it is in place the UK could do the same.

A couple of ideas that the UK government which may want to take forward include:

- Providing more information and education about compliance (in countries of origin and here in the UK).
- Utilising a 'traffic light' system of warnings (via SMS, email or letter) to visa-holders to remind them of the time left on their visa and, if they have overstayed, to tell them how they can apply for re-compliance, with the cost of so doing escalating the longer they fail to take steps.

Both of these ideas (and others) imply a greater interaction between the UK authorities and temporarily resident migrants than is often now the case. It also requires being in possession of information that can only come from having embarkation controls in place. In order for such ideas to work, more active monitoring of temporary visa-holders would be needed as well as more rigorous pre-assessment of applicants for visas. Both these steps are potentially costly and so may be difficult to envisage in the current economic climate, but nonetheless they might help to reduce subsequent irregularity.

7.5 The hostile environment

We now turn to consider in some detail a key element of UK government strategy to reduce irregularity – the creation of a so-called ‘hostile environment’.⁷⁷

In the past we have not been tough enough in enforcing the rules. That is why the time is now right to tackle the exploitation underpinning illegal immigration. We have to tackle not only the illegal trafficked journeys, but also the illegal jobs at the end of them. We need to make living and working here illegally ever more uncomfortable and constrained.

John Reid, then Home Secretary, in Enforcing the Rules (UKBA 2007: foreword)

The legitimacy of such a strategy has been questioned by some migrants’ rights campaigners (see MRN 2008 for example), but in this sub-section we focus more on the efficacy of it. Are the measures being taken by the UKBA and the Home Office making the lives of irregular immigrants ‘ever more uncomfortable and constrained’ and, more to the point, is this prompting them to give up and go home?

Is life getting more difficult for irregular immigrants in the UK?

Previous studies, notably Duvell and Jordan (2002), have shown that in the early 2000s, despite public assurances from the Home Office, it was ridiculously easy for irregular immigrants to live, work (and even prosper) in the UK. Migrants openly talked of the laxity of immigration enforcement in the UK compared with other European countries. At that time, there were few proactive enforcement actions, with the Immigration and Nationality Directorate (a predecessor of the UKBA) relying mainly on help from the police, benefits offices and even denunciations by other irregular immigrants. There was also a reluctance to prosecute employers.

This situation was hardly surprising given that the Immigration Service Enforcement Department – the department responsible for enforcement at the time – had only 564 staff in 10 offices across the UK. Officers saw their aim as being to ‘let people know they were about’ and to hope that a ‘certain amount of mythology about their effectiveness, together with denunciation and betrayal would keep irregular migrants on their toes’ (ibid: 196).

Now the situation is different. Some 7500 UKBA staff are involved in enforcement action, organised into 70 or 80 Local Immigration Teams deployed across the UK. The UKBA aims to have complete UK coverage by the end of 2011. The aim is for these teams to work more closely with other local agencies – including the police – to create Immigration Crime Partnerships, and with employers and other agencies in Joint Workplace Enforcement Pilots (JWEP). Local Immigration Teams also are trying to work more closely with migrant-supporting agencies on intelligence-gathering and enforcement.

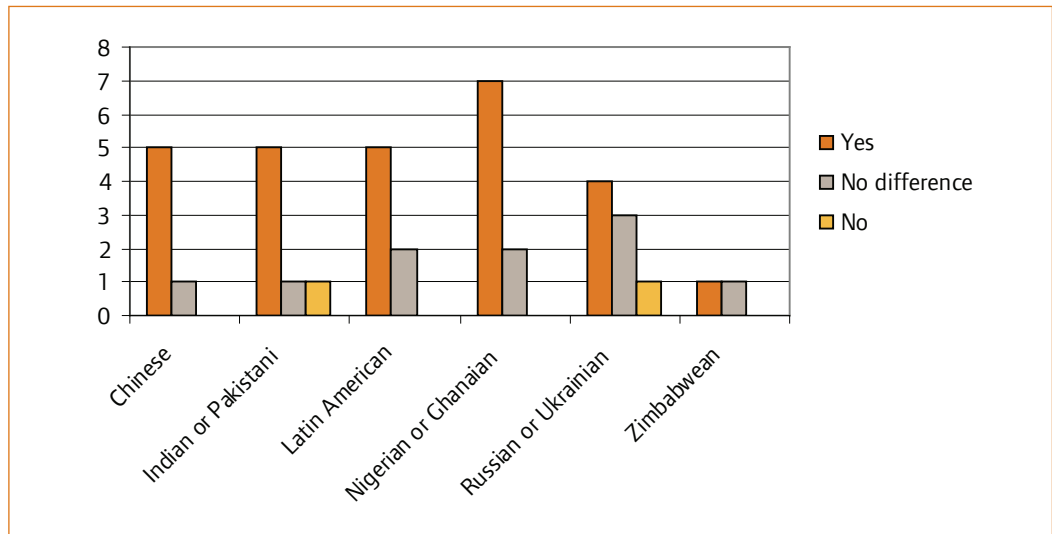
Given the scale of the irregular population, enforcement action has to be targeted. The UKBA’s ‘strategic enforcement measures’ aim to pick up the ‘worst’ irregular immigrants as a priority, through high-profile, high-impact raids, rather than general sweeps. A new era was signalled in 2003 when funding for Reflex (the immigration crime taskforce) trebled and 800 new enforcement officers were recruited. Since that time, a quarter of all work by the Serious Organised Crime Agency (SOCA) has been devoted to tackling immigration crime.

As part of our research we asked our life-history interviewees if, in their experience, life had become more difficult for irregular immigrants in recent years (see Figure 7.1, over). Although they had spent different lengths of time in the country and answered the question in different ways and from different perspectives,⁷⁸ it is quite striking how many of them did feel that life is harder.

⁷⁷ For use of this phrase see for instance – ‘making the UK a hostile environment for those that break our laws or abuse our hospitality’ (UKBA 2010: 7).

⁷⁸ Some referred to their own experiences, others told stories of acquaintances or made observations about the general political situation. More recent arrivals were, for obvious reasons, more likely to say that they had not seen much difference.

Figure 7.1:
Interview: Is life getting more difficult for irregular immigrants?



The picture among returned irregulars was even clearer: all but two of the 31 interviewees indicated that they felt life had become more difficult for irregular immigrants in the UK. (This is perhaps not surprising given that these interviewees had, by definition, either left the country by choice or been apprehended and deported.)

Our survey (Table 7.1) also shows that the fear of being apprehended and sent home was very strong among survey respondents. Nearly 60 per cent thought it very or fairly likely that they would be caught and deported, with only 15 per cent thinking it unlikely. The expectation was particularly strong among Indian and Pakistani respondents.

Table 7.1
Survey: How likely or unlikely do you think it is that you will be caught by the police or immigration officers and sent home?

Response	Number	Proportion (approx)
Very likely	49	37%
Fairly likely	26	19%
Not very likely	9	7%
Not at all likely	11	8%
Don't know	34	25%
Refused to answer	4	3%

N = 133

When respondents were asked about overall rates of apprehension and deportation in the last year, around 45 per cent thought many more had been caught and returned, and only two per cent thought the rate was decreasing (Table 7.2).

Table 7.2
Survey: Over the last year do you think more, fewer or about the same number of illegal immigrants have been caught in the UK and sent home?

Response	Number	Proportion (approx)
Many more	60	45%
A few more	21	15%
About the same number as before	11	8%
A few less	3	2%
Many less	0	–
Don't know	38	28%
Refused	0	–

N = 133

Among our interviewees was a man, now back in Ghana, who was able to compare the current environment with an earlier period. His testimony is worth quoting at some length.

Back in the 1990s, they were more relaxed. I went legally – I have always entered legally – with a six-month visa that said you couldn't work. You could extend it in those days. So you have to say you are visiting, but you must be very rich to stay and only visit your friends. Really you have to work – rent is expensive, food is expensive, transport is expensive. So they can't expect you not to work. So you work, but you keep it quiet. You work with friend; you keep your head down.

Back in 1999, when you got caught, they would send you to the police station, they would ask for your documents. When they saw them, they said 'these are not correct'. But they won't send you home ... Then if you get a lawyer, you can get it put right ... You can often get it put right many times. But now, if you get caught, they take you and you go straight to Heathrow, often they put the handcuffs on you, or the chains on your legs. They send you straight back, and you have to stay out for a long time. It has happened to many of my friends, women and men.

Male, 53, Ghanaian returnee

Many of our irregular immigrant interviewees in the UK spoke – sometimes with great feeling – about how tough their existence was because of the measures being taken to bear down on irregularity.

Interviewee: Yes, now it is very difficult time for the illegal migrants, especially to get work is very difficult.

Researcher: When you came here in 2004, it was easy? And now become difficult?

I: At the time was fairly all right but now it has become very hard.

Male, 39, Indian

Because the immigration system is getting tighter and tighter, if you go to anywhere to work they ask you, 'okay we would like to see your passport, we would like to see your documents before we can give you a job'. Because the majority of the companies that you see on the telly with illegal workers have been fined £10,000 or £5000 and that is making so many employers think twice before they employ someone without papers. So things are not as easy as before – that's what I say to them: if you have got a good job back home, just stay back home, they are better off there.

Male, 43, Nigerian

Not just harder but unbelievably harder. Why? Because before, you can get a job just with some [silly] ID. Some people were able to arrange for [National] Insurance [number]. But at least some documents. And documents were demanded less. But now it's unbelievable.

Female, 51, Russian

Researcher: Have you ever been frightened of being caught and sent home? And are there situations or places that made you worried about being caught?

Interviewee: I am worried every moment, at home, at work ... We are afraid of all time and every moment.

Male, 34, Pakistani

The indignities suffered in the course of being an irregular immigrant were a common theme in the interview responses, with many describing the humiliation and dehumanisation they felt as a result of their status as an irregular immigrant, or simply as a foreigner.

My experience as an illegal is that nobody listens to you, they ignore you, here you are 'Mr Nobody'. When I went to register [with a doctor] they told me that I didn't know the UK and therefore I didn't deserve a GP, I deserved nothing. They made me cry and I was very sensitive because I was pregnant. That was my worst experience. I told them, if you were in my country they would care after for you, we

are humanitarian, whereas here you have to be from the UK to get help. That made me cry a lot, I feel like an animal.

Female, 35, Bolivian

While a number of voluntary returnees mentioned racism, the hostile media culture and the general atmosphere in the UK towards immigrants (as well as such things as the fast pace of life, the lack of opportunities for social interaction, and the weather) as being implicit push factors encouraging them to move home, it is important to note that not all irregular immigrants had such negative experiences. Many others spoke very positively of the UK, even though they had chosen to leave. (Crucially, all of these interviewees made the point that if they did try to come back, they would only do so in a legal way.)

Our research among irregular immigrants who are still in the UK also showed that the hostile environment does not extend to all areas of life and work. Some still found it easy to survive in the UK – or felt that the consequences of being caught were not very frightening.

Here? Everything is so simple here ... It was a very big surprise for me ... England, looking from the outside and from the inside, is very different. From the outside, it's very difficult to get here. But here, there is a total anarchy. You can do what you want and as much as you want. There is no problem with anything in England. You can get [things], and you can register. The English are so naive that they permit everything to everyone.

Male, 24, Russian

Yes, there was fear that I would be captured one day. Anyway, up to the present, nobody asked me about my status. I have been here now eight years ... until now, immigration authorities did not ask me.

Male, 35, Pakistani

Coming here does have its risks, but I don't live with paranoia, with fear ... you know that if they do get you, you're not committing a serious crime, you're not murdering anyone or stealing. They can still put you in prison if you're an immigrant ... but only in certain immigration cases. I think the maximum is six months or a year, or they can deport you back to your country. The consequences if the police catch you can be very serious. If I had to go to prison for six months, I wouldn't mind. The prisons here are very different from ours.

Male, 24, Brazilian

The workplace

Employers can play a key role in enhancing the 'hostile environment' if they are strict about ensuring all employees have the relevant documents and permissions to work. Without the ability to work, life for an irregular immigrant is very precarious. So we were interested to find out to what extent irregular immigrants were subject to checks from their employers.

Table 7.3 below shows that among the irregulars we surveyed in the UK there was a mixed picture. Although the largest single percentage response suggests that employers are quite scrupulous, another way of reading the data is that in many cases (perhaps the majority) irregular immigrants are working without any checks on their documents.

Table 7.3

Survey question:
Have you ever been asked to show your visa or identity documents at work?

Response	Number	Proportion (approx)
Yes, in all the jobs I have done	49	38%
Yes, in some of the jobs I have done	46	36%
No	31	24%
Prefer not to answer	2	1.5%

N = 128

Our life-history interviews showed a similarly mixed picture. In some cases, irregular immigrants reported finding it more difficult to work illegally; in other cases, it did not seem to be difficult at all – as these two contrasting quotes indicate.

Rights are getting more limited [systems being tightened] and things are getting worse and worse. Firstly, with earnings too, hard to find a job. Because employers these days are not very keen to take [irregular immigrants] ... Knowing who we are ... A lot of men told me that they [employers] simply don't give them jobs because they [employers] are afraid that they will be, well, called to account for this. And that's why it's so hard with jobs now.

Female, 41, Russian

I went with my CV [to a bar for work]. The managers don't know anything. I took my CV and they said 'OK, come for training' ... They put me down for Saturday night. I went, and they said, 'Ok you can stay' and they didn't ask me for anything. Then they asked me for my bank details. I said, 'no I don't have one'. 'National insurance?' 'No, I don't have that either.' They said it wasn't a problem. I can use Juan's bank account so they can pay me through that. They said that was fine. So I filled out a form and took in a copy of my passport. They said that was fine.

Male, 26, Mexican

Of course, where employers were checking documents supplied by our life-history interviewees they were, by definition, being shown false ones. While it is difficult for employers, particularly in small firms, to distinguish between genuine and fake visas, national insurance numbers and identity cards, there are clearly some questions raised about how seriously some employers take their legal responsibilities. Our research certainly suggests that a lot of employers are 'going through the motions' or 'turning a blind eye' – with employers who are themselves (legal) migrants among the worst offenders.

Moreover, some employers, far from cooperating with UK government efforts to crack down on irregularity, are actually creating a pull factor to the UK by operating businesses which deliberately employ irregular immigrants.

Researcher: How has being illegal affected the type of work you have been able to do?

Interviewee: No big difference for me. I am doing the same job. After my arrival, I began to work in a meat-shop and am still working in the same shop.

R: Have you had to provide passport or other identity documents and a current visa to get work?

I: No. They know I am illegal. They know my relative [who helped him come to the UK] for many years. They gave me work because of his reference.

Male, 36, Pakistani

Workplace raids and employer sanctions

In instances like the one above, the UK government has to resort to strict enforcement measures. As one of our key informant interviewees, a senior UKBA official, put it: 'we need to make the UK much less attractive for employers to employ irregulars'.

The emphasis put on workplace enforcement has increased considerably in recent years. Between 1997 and 2006, just 37 employers were found guilty of offences under Section 8 of the Asylum and Immigration Act 1996.

By contrast, the Civil Penalty regime, introduced in February 2008, had resulted in 3709 notices of liability up to the end of January 2010.

Others have pointed out that there appears to be some discrepancy between the figures claimed in the UKBA's press releases and other figures relating to the numbers of notices served published on the UKBA website (MRN 2008), but there is no doubt that greater enforcement action is taking place. However, a report by John Vine (UKBA Chief Inspector) highlighted what he called a 'largely

passive approach towards the Civil Penalties scheme' which was 'too accommodating towards attempts by employers to reduce penalties' (Vine 2010a).⁷⁹

Raiding workplaces does have its critics. Australian key informant interviewees told us that they thought raids were the 'high-cost/low-results' option and said that more focus should be put on employer education, backed by a stiff system of fines.

The UKBA does already deploy a suite of measures: including the issuing of licences for employers and colleges; the 'naming and shaming' of rogue employers; the creation of shared 'watchlists' with the Department of Work and Pensions (DWP), HM Revenue and Customs (HMRC), financial services, and telecoms and utility companies through membership of the fraud prevention agency (CIFAS); and new partnership arrangements with HMRC and workplace enforcement agencies for intelligence exchange and joint targeting (UKBA 2008).

However, it is probably still true, as many writers have observed (see Cornelius and Tsuda 1994, Castles and Miller 2009) that punitive actions against employers will only go some way to reducing irregular immigration, because workplace inspections are too few and too sporadic, the penalties are not severe enough, and ways will always be found to foil enforcement agencies.

*Researcher: Was your employer or shop ever raided by immigration officers?
Interviewee: This never happened with me. No, this did not happen at my shop. But I know many friends were caught at their workplace. The raids, in many cases, happen at those places where many illegal people work in regular shifts. At my shop, where I work, two British-born also work there. They work at counter and till, while I work behind. Therefore anyone who comes in the shop is dealt by them. I thought there is no any chance of police raid [at my shop].*

Male, 34, Pakistani

Another Pakistani interviewee argued that although more workplace raids were taking place, they seemed to be no more than token efforts.

[The immigration authorities] don't bother everyone even though they know everyone is working. They will sometimes catch four or five to show that the immigration people are doing their job. Basically they have permitted them but also scaring them [from] time to time. Everyone gets work but there are also raids on the other hand.

Male, 32, Pakistani

In our view, the limitations of an entirely punitive approach strengthens the argument for the UKBA to further develop its positive cooperation with the business community, helping them to avoid situations in which irregular immigrants are employed, while coming down hard on the worst offenders. Currently, employers (particularly SMEs), do find the constantly changing immigration rules hard to understand. We think it is likely that some businesses employing illegal immigrants are doing so unwittingly. Clearer information and, at some point, an end to the constant tweaking of the rules, would be helpful. On the other hand, there are sectors of the economy where there has been an overly casual approach to the employment of irregulars. The Chinese and Bangladeshi catering industries are cases in point. An overdue clampdown of very lax employment practices is now taking place. But representatives from those industries have a point when they argue that their business models have been disrupted and that some transitional arrangements should have been put in place to allow them to adapt.

It is notable too that most enforcement action seems to be aimed at very small employers. A check on the UKBA website where the quarterly 'Lists of civil penalties issued to employers' are published⁸⁰ – shows that in the vast majority of cases these penalties are issued to employers whose names suggest they are ethnic food outlets. These type of outlets tend to have only a handful of employees. Most frequently, only one illegal worker is apprehended, sometimes a few more.

79 Seventy per cent of Notices of Liability are challenged by employers, while approximately 23 per cent of penalties were reduced or cancelled as a result of objections and/or appeals. The Chief Inspector calculates that total potential fines are worth nearly £40 million, but only £5.5 million has been collected.

80 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/listemployerspenalties/>

In only two cases in the latest figures (updated in August 2010) do those apprehended run into double figures (10 and 16). The authors of this report have been monitoring these ‘naming and shaming’ lists for some time and the pattern is fairly consistent. It suggests either that these types of business are particularly targeted (which is most likely) or that the scale of illegal working is much smaller than we estimate because it is only concentrated in these sectors (much less likely). Either way, there is a striking absence of apparent enforcement action against bigger firms. If illegal working really is to be reduced substantially then this targeting needs to change. The former Cabinet Minister John Denham underlined this point in 2006, when the Home Office itself was embarrassed by press revelations that it was employing irregular immigrants:

Most illegal work services the legitimate economy, from offices to building sites, hospitals to supermarkets. The companies that really benefit insulate themselves through complex webs of contractors and subcontractors; while not illegal, this should not protect their reputations from harm. If we can establish a zero-tolerance approach to workplace exploitation, we should be prepared to name and shame the companies at the top. The Home Office should not be the only organisation exposed for using illegal labour to clean its offices.⁸¹

The impact of the economic downturn

We have painted a picture in which the environment is, by and large, becoming more difficult for irregular immigrants. However, this is not entirely due to the actions of the UKBA. An important factor in recent years has been the sharp economic downturn in the UK. Just as a booming economy helped to suck irregular immigrants into the UK and make it relatively easy for them to find work up to 2007, so the financial crash, the recession and its aftermath is causing some irregular immigrants to find life much more difficult here.

Our survey data shows clearly that irregular immigrants are experiencing greater difficulties in securing employment in the UK, almost certainly because the general economic climate is so poor (see Table 7.4).

Table 7.4
Survey: How difficult has it been for you to find work in the past year (2009)?

Response	Number	Proportion (approx)
Yes, much more difficult	97	73%
A little more difficult	25	19%
Neither more or less difficult	2	1.5%
A little easier	0	–
Much easier	0	–
Don't know	6	4.5%
Prefer not to answer	2	1.5%

N = 132

Generally, the picture was similar among our life-history interviewees, with some communities faring particularly badly. The following exchange with a Chinese irregular immigrant gives some idea of how the Chinese community is affected.

Researcher: So your work has never stopped in England?

Interviewee: Just this year it stopped for a while.

R: This year? How come?

I: The economy's no good. No projects to work on, I've only worked 100 days within these six months. A friend of mine said that he has only worked 70 days in these six months ... The money has almost run out.

Male, 34, Chinese

Another Chinese man even suggested that the economic downturn was impacting severely on the business model of the people smugglers – the so-called ‘Snakeheads’.

81 John Denham (2006) on *Guardian* Comment is Free: <http://www.guardian.co.uk/commentisfree/2006/jul/26/comment.society>

Interviewee: It's no good here ... The pound is going down fast ... and jobs are hard to find ... No one wants to be smuggled here now. Some are coming on student visas. But those people have their fathers working here already. They're hoping to study English first, and then start work.

Researcher: So it's more the younger people coming here now?

I: Yes. The older generation has stopped coming here. People in their 30s and 40s aren't coming anymore.

R: No one is being smuggled here? There's no more business for the Snakeheads?

I: Er ... not anymore. They aren't doing Britain anymore. They are now doing Canada and the US. Over there ... it's possible that the whole family can move there after a few years. That's not possible here. You are always alone here.

Male, 34, Chinese

Bogus colleges and student visas

The further and higher education sector is another area where the fight against irregular immigration is targeted. As we have seen, some irregular immigrants arrive legitimately as foreign students and enrol in the normal and proper way at bona fide universities and colleges. They only become irregular by dint of overstaying their student visas or working beyond the existing 20-hour limit while they are studying.⁸² Other irregulars use the student visa route more cynically

These days, certain colleges take a lot of money from you ... and you are not really studying but they process a student visa for you.

Male, 28, Pakistani

As the rules around immigration to the UK for work have tightened, there have been increasing reports that economic migrants have been trying to get round the rules via the student visa route.⁸³ It is impossible to say how many people enter the UK in this way, and the data that does exist suggests that non-compliance accounts for a relatively small proportion of international students (Mulley and Sachrajada 2011), but the overall population of international students is large, so it is not surprising that it has been estimated that the number runs into 'tens of thousands'.⁸⁴ Meanwhile, the number of bogus colleges (based on the discrepancy between the old Register of Education Providers and the new register of sponsors under the PBS) could be in excess of 2000 (Home Affairs Select Committee 2009).

Among our interviewees were a few irregular immigrants who, perhaps unwittingly, were students at bogus colleges.

The North London College was de-listed in 2005. So they were not allowed to take foreign students then, but they did not tell us. We were all enrolled, we had paid our fees. They didn't want to give us our money back. So they said nothing. There were hundreds of us, and we all had our visas revoked and had to leave the country.

Male, 26, Ghanaian returnee

Past problems with the Register of Education Providers, coupled with the UKBA's lack of capacity to do much more than carry out reactive, intelligence-led visits to suspect colleges, meant that irregularity among foreign students was a serious problem. However, UKBA has been taking firmer steps in recent years to stop abuse of the student visa system – both through more careful vetting of applications and through a greater level of regulation of educational institutions, which now have to register and be approved by the UKBA and one of its approved accreditation bodies. In 2009, 150 colleges were blacklisted as a result, which has caused some anger and threats of legal action.

⁸² In late March 2011, the rules were tightened further. Permission to work was ended during term time for all students other than those at university and public-funded education colleges, who will be allowed to work for 20 and 10 hours per week respectively. See <http://www.homeoffice.gov.uk/publications/about-us/parliamentary-business/oral-statements/foreign-student-visas/>

⁸³ See *The Times*, 21 May 2009: <http://www.timesonline.co.uk/tol/news/uk/education/article6330037.ece>

⁸⁴ Evidence of Chief Executive of English UK, Tony Millns, to House of Commons Home Affairs Committee (2009): <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/595/595.pdf>

In February 2010, the UK government announced another tightening of the rules, including the following measures:

- Students from outside the EU have to speak English to nearly GCSE level
- Students taking courses below degree level are only allowed to work for 10 hours rather than 20
- Tighter rules on bringing in dependants
- Tighter rules on work placements.

Bogus educational institutions and economic migrants who try to enter as students are perceived to be common problems in developed countries. But these countries are simultaneously trying to attract genuine foreign students in what has become a competitive global marketplace. The UK is second only to the United States as a world leader in the foreign student market, and it is very important that measures taken to clamp down on abuse do not damage the UK's standing as a destination for the global 'brightest and best', not least because the business model of the higher education sector now relies heavily on the income from overseas fees. However, reputable establishments, including private colleges, should have nothing to fear from a stricter regime of registration, accreditation and inspection.

There have been strong criticisms of the current system for issuing student visas from some pressure groups, such as Migration Watch,⁸⁵ which has argued that the processing of applications is over-mechanistic, and doesn't give officials sufficient discretion to use their personal judgment to refuse applications. In April 2011, the government introduced new measures to curb foreign student numbers, including more measures to tackle bogus colleges, greater restrictions on study below degree level, reductions in the hours some students are allowed to work, and stronger tests of English language capability. In our view lessons should be learnt from recently-introduced systems, including the new sponsor registers, as well as from other, more ad hoc measures, such as the suspension of applications from particular countries or regions in response to real-time information about rapid increases in applications. More systematic evaluation of these measures could provide the basis for more effective policy in the future. Of the proposals suggested by the government, the most likely to have a positive impact in this area is the tightening-up of accreditation procedures for sponsoring education institutions. In general, we believe that a focus on sponsoring institutions is a more effective way to tackle abuse than proposals which focus on further restricting immigration by particular categories of students.

In the academic year 2008–09, 42,000 non-EEA students used the Post Study Work route, which allows some international students in the UK to stay in order to work or look for work after completing their courses. The Migration Advisory Committee has described this route as 'probably one of the most generous schemes of its type in the world' (MAC 2009: 14). Although we disagree with the government decision to tighten the rules around the Post Study Work route, because of its impact on both the UK economy and the attractiveness of the UK as a place to study, we do think it would be worthwhile to look again at the scope and operation of this route to ensure that it is not being abused.

Rogue landlords and the housing market

Another key theatre of enforcement is the housing market. As we have already seen, many irregular immigrants are in poor quality accommodation and are victims of highly exploitative landlords.

The UKBA has in recent years stepped up its actions against such landlordism which, as one of our key informant interviewees pointed out, creates its own demand for irregular immigration. For example, the UKBA has been working with the London Borough of Haringey to identify rogue landlords who are accommodating irregular immigrants, and it has also 'cleansed' social housing lists and trained council benefits officials to identify forged documents. Of course, these enforcement measures target vulnerable people living in difficult conditions, as well as those who exploit them, but it is clearly legitimate for the authorities to try to tackle this end of the housing market which remains a scar on our society.

85 See *Daily Mail*, 30 December 2009: <http://www.dailymail.co.uk/debate/article-1239301/ANDREW-GREEN-10-reasons-visa-rotten-core.html#ixzz0bBhPvOIL>

Sham marriages

Finally, we touch very briefly on the thorny issue of sham marriages. One of the Labour government's early – and most symbolic – changes to immigration rules was to abolish the so-called 'primary purpose' rule which had required applicants to prove that they were not marrying primarily to enter the UK. The abolition has led to a big increase in immigration by spouses and has led some critics to suggest that marriage is being used as means of gaining entry to the UK (Migration Watch 2009).

In 2005, changes were made to crack down on 'suspicious' marriages. Official figures show that reports from registrars dropped from 3740 in 2004 to fewer than 200 between February 2005 and March 2006 (UKBA 2007).

This is clearly a very sensitive area and a careful balance needs to be struck between rooting out abuse and respecting privacy and family life. However, relationships and family cannot be excluded from immigration processes if irregularity is to be reduced, since it is as vulnerable to abuse as any other area.

Is the hostile environment leading to irregular immigrants returning home?

We now move to the crucial test of the hostile environment strategy. As we pointed out above, the environment for irregular immigrants was, as recently as the early 2000s, woefully lax. Our new research has shown that systems are now much tighter and irregular immigrants themselves are feeling the pressure. It is important, however, to ask whether the hostile environment is actually helping to reduce irregularity. In other words, is it actually leading to irregular immigrants going home?

Research in the United States (Vaughan 2006) suggests that 'attrition through enforcement' (combined with strong borders) does 'significantly reduce' the size of the irregular population. Indeed, Vaughan went as far as to claim that it would lead to a 50 per cent reduction in five years. Another more recent American report (Camarota and Jensenius 2008) makes similar claims, suggesting that more proactive enforcement is seven times more effective in encouraging illegal immigrants to go home of their own accord than official removal programmes. Whether these claims will be borne out or not remains to be seen. But a recent study by the prestigious Pew Hispanic Center, based on the 2009 US census, reported that the number of undocumented immigrants had dropped for the first time in 20 years (Passel and Cohn 2010). The estimated number was 11.1 million, eight per cent down on the 2007 peak of 12 million. The economic slowdown in the United States, increased border controls and deportations were all offered as explanations. (It should be noted that this reduction in numbers comes at a cost. A recent paper from the Center for American Progress (Fitz et al 2010) calculated the cost of Immigration and Customs Enforcement in 2008 at \$1.24 billion with a cost per apprehension of more than \$18,000).

Among our life-history interviewees who had returned, only a minority of participants had left the UK of their own volition, though this varied considerably from country to country. All the five Jamaican interviewees had been deported, while the interviewees in South Africa had all made use of IOM voluntary return packages. (These differences to some extent reflected the methods used by our field researchers in these countries to locate interviewees.) The three Vietnamese interviewees had been assisted by IOM – though two were foreign national prisoners who had been imprisoned for working in marijuana factories. The Ghanaians and Pakistanis who returned were a mixture of deportees, IOM returnees and a few who had returned of their own accord – including one Pakistani who had visited the UK frequently before but was driven to leave on the most recent occasion by a combination of the hostile environment and a lack of work opportunities.

Interviewee: When I went for the fifth time [with a two year visa], I stayed for three months, but I couldn't find work. People were under a lot of stress and there were raids so people were cautious. The police would check your passports, national insurance numbers and papers on the spot, so no one was hiring.

Researcher: So you didn't try to get permanent there?

I: Well there seemed to be no way so ... no possibility ... so how could I try?

R: And there is no way for anyone to sponsor you or something? So you didn't come back happily?

I: Yes because I couldn't find work in three months.

Male, 31, Pakistani, returnee

This interviewee was one of a number who had struggled to support themselves and their families while living illegally in the UK and felt unable to have any kind of quality of life. For example, one South African immigrant explained that she voluntarily decided to return home because she felt that working so hard without any respite was unhealthy:

Every time you have to be at work. You cannot socialise. On Saturday you would go to church, but then you would head straight to work after that. Going to work after church! There was no chance for us to sit like this. There is no life. Most people from home are cold now. They have no warmth. All they think about is the pound.

Female, 43, South African returnee

A second key 'push' factor was the emotional distress caused by the ongoing uncertainty and anxiety experienced by people, constantly fearful of being caught by the authorities. The extent to which this influenced decisions over leaving or remaining in the UK depended on each individual's level of emotional vulnerability or resilience. While some irregular immigrants described themselves as unable to cope emotionally with the ongoing pressure, others described how they gradually got used to it, became numb to it, or learned to live with it.

You know what they say about the 'illegals'? They come here and they change. A person becomes overgrown psychologically. They start to rely only on themselves. They start to operate more instinctively. Their personalities become stronger. Or they simply break down. Those psychological issues of [imagining] living on the street or going home [to Ukraine] without a penny ... It's first of all a psychological factor.

Male, 28, Ukraine

For individuals who had experienced mental health problems either prior to or as a result of their experience as an irregular immigrant, the stress and anxiety of the process was more likely to lead them to leave the UK. For example, a Jamaican with a history of mental illness who was held in a detention centre, described how he agreed to return to Jamaica while his case was still ongoing.

I volunteered to come home, because I was feeling so ill, I was all stress, I say it's better for me if I come down [home].

Male, 45, Jamaican returnee

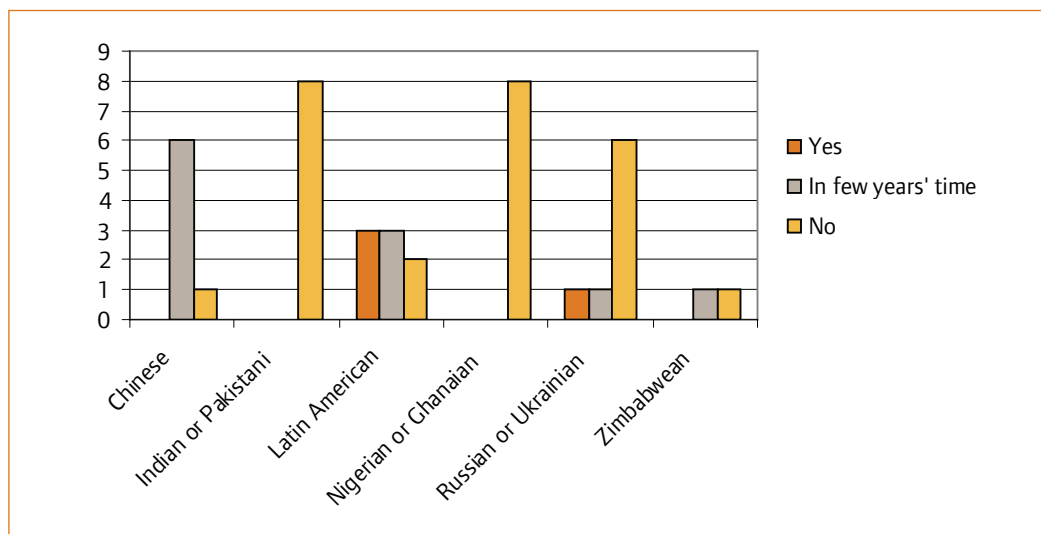
The stress caused by the uncertainty was particularly an issue for immigrants who had come to the UK escaping from violence or persecution or who were facing the additional pressure of caring for children in the UK. In contrast, techniques for handling the pressure were described by less vulnerable economic migrants, who tended to focus on the time-limited nature of their situation.

Well, I've lived [here] for four years. If I last another year, it would be good. If it's only for a year, because my nerves are really giving out ... When they [authorities] started tightening everything from every side, restricting our rights, naturally, you can't cope ... every person I've spoken to ... everyone is on tablets, most of them: their nerves can't cope.

Female, 41, Russian

Despite the quote above, among our life-history interviewees in the UK there was not much indication that the hostile environment, which most had experienced, was driving them to consider returning home imminently, as Figure 7.2 shows (over).

Figure 7.2
Interview: Are you actively considering returning home?



N = 44

It seems that even a difficult life in the UK is often preferable to life back home, and people are able to rationalise to themselves a decision to cling on in the UK even when they are suffering.

I had a very bad life experience in the UK. From the first day when I left my home I put my life at risk. I spent sometime without food and water. I faced many difficulties and hard circumstances. I spent time in jails. Since I arrived here, I have been experiencing difficulties, fears and worries. Police took my fingerprints that all time worried me. I did many hard jobs. I worked in different restaurants, and managed my own living expenditures. I am quite responsible now. Here I understood what life is. When I try to compare things with Pakistan, I feel a big difference. Here my life is secured. [If we are legal] here is no problem of doctor. But life is very hard back home.

Male, 30, Pakistani

All the irregular immigrants we interviewed for this project – in the UK and abroad – had managed to survive in the UK, despite experiences of living in conditions of poverty. None of those who had returned home had done so because of experiences of destitution.

I don't think it is working [the hostile environment] – people don't have the illusion it is easy, but they want to move [abroad], they want to make money, so they don't mind that much if it is difficult or dangerous, because they fulfil what they want from it.

Key informant interviewee, IOM outreach consultant working with the Chinese community in London

Despite the fact that irregulars think they will eventually be caught and deported (see p88), only a minority of people we interviewed in the UK suggested that return was gathering speed at all.

Interviewee: It's much harder ... but what can people do if there is no way out? People simply live, thinking that it would hopefully get better. Some are leaving because everyone has their own situation. Some might have children back home, and parents are working [abroad] to give them education. And if they have nothing to live on here and have to create huge debts so they could still help [their] children, then it is unknown how it would end. And some people go back home and others ... Well, it's how they manage here mainly. Not everyone stays. Like I was saying, the strongest will survive, and the most persistent ones.

Researcher: So now you've heard that people are returning back home because it's getting harder here?

I: Look. I used to hear about when [new] people would arrive. Illegally mainly. Now I don't even hear much about someone who came recently ... In the past, some would

just go illegally, hoping that some work will be there. But now, to go illegally? I don't hear about it now any more.

Female, 28, Ukrainian

The irregular immigrant quoted above was suggesting that the hostile environment was creating some sort of deterrent effect on would-be immigrants. She also hinted that for those here, the judgment on whether to stay or return is more finely balanced. However, as we showed in section 4.2, it is often the case that information about how hard life is for irregular immigrants in the UK is not conveyed back to would-be immigrants in origin countries.

Everybody has a mobile phone and is constantly calling back. Irregulars here do say life is hard and difficult, but people back home don't see or want to hear the negative picture.

Key informant interviewee, IOM outreach consultant working with the Chinese community in the UK

Although things are difficult, it is not deterring people from coming. The community is feeding back dishonest information – you say you are working in an office when you are a cleaner, so people in Latin America don't get proper information.

Key informant interviewee, IOM Outreach Consultant working with the Latin American community in the UK

In our anonymous survey we asked irregular immigrants how they long they wanted to stay. Nearly 40 per cent said they wanted to stay permanently, and less than 10 per cent had plans to leave within a year (Table 7.5). There was no sign here that the hostile environment is encouraging irregulars to give up and go home.

Table 7.5
Survey: How much longer would you like to stay in the UK?

Response	Number	Proportion (approx)
Less than 3 months	1	0.75%
Between 3 months and a year	8	6%
Between 1 and 3 years	17	13%
Between 3 and 5 years	4	3%
More than 5 years	7	5%
Permanently	51	38%
Don't know	35	26%

N = 123

Generally, our primary research suggests that among our interviewees and survey respondents return will not be greatly accelerated by the hostile environment strategy. However, it may be that its impact will grow over time as more irregular immigrants are 'worn down'. The officially recorded numbers of people who have left the UK without informing the immigration authorities (in other words, entirely voluntarily) have increased dramatically from 805 cases in 2005 to 13,540 in 2008 (Home Office 2009). Perhaps this is evidence that the environment created by increased enforcement activity is having the impact the UK government wants. However, it may also be possible that during the recent exercise to clear the backlog of files the Home Office concluded that a large number of previously undealt-with files could be recorded as voluntary returns.

In section 8.2, on barriers to return, we explore the range of stronger inhibitors that are pushing in the opposite direction – in other words, factors pushing irregular immigrants to cling on in the UK. But for the moment, we conclude by observing that if irregularity is going to be reduced in the UK, then the hostile environment on its own will not do the job. The UK government will have to take more active steps to increase return. We consider these steps below, as well as the idea of re-compliance which would reduce irregularity in another way. Before we do either, however, we pause briefly to consider the support that irregular immigrants receive from some quarters to avoid compliance and return.

7.6 The role of migrant-support agencies and other support networks

One of the many ironies in this complex and sensitive issue is that as the UK government has become more effective in dealing with irregular immigration – largely under heavy pressure from public opinion to do so – a small, but highly motivated section of civic society has been given (in their own eyes) greater legitimacy to oppose these actions. Indeed, this is sometimes to the point where frustrating the will of Parliament and of state actors who are going about their lawful business is seen almost as a moral duty. As Papademetriou (2005) points out, talking of the American context, there are those with a ‘near calling’ to support undocumented immigrants.

Civic society groups are bolstered in their actions by some trade union groups and public sector employees (if not employers), who – fired by the strong ethos of anti-racism and non-discrimination – think that they should not just help irregular immigrants where they can but that they should actively resist immigration enforcement. Duvell and Jordan (2002) quote a teacher as saying: ‘We made it clear that we didn’t think it was our job to check people’s immigration status and that we weren’t prepared to do that.’

Since the early 2000s such resistance has, if anything, grown, with medical professionals,⁸⁶ social workers⁸⁷ and university staff⁸⁸ among others, demonstrating their antipathy to immigration checks which sometimes involve them, or so they see it, acting as ‘unpaid immigration officers’. One of the authors of this report – at a Unison conference in 2009 – heard union activists voicing strong resentment that they were expected to be part of the official enforcement apparatus.

There are those who argue that the migrant-supporting lobby has disproportionately influenced immigration policy in liberal democracies (Freeman 1994). In the UK at least, this may have been the case in the past, but it is increasingly less true. (The anti-migration lobby, represented most visibly by Migration Watch UK, is small but has growing influence, because it is seen to chime with majority public opinion.) However, the migrant-supporting lobby – particularly through its use of legal challenges and to a lesser extent through media campaigning and direct action – retains its ability to inhibit government action. As Flynn (2006) has pointed out, there is a ‘moral dimension’ to enforcement action against irregular immigration and the government cannot totally ignore those who are passionately opposed to it, even if they are a small minority of public opinion.

In this section we consider the extent and ways in which the irregular immigrants interviewed for this study were assisted or encouraged to avoid compliance by members of their community, NGOs, faith groups or civil rights/legal organisations. In doing so, it is important to differentiate between general support offered to migrants in order to survive life in the UK and support specifically offered in order to avoid compliance.

In section 3.3, we saw that many irregular immigrants spoke of the relative ease of obtaining false documentation, although these papers were supplied by criminal gangs. It was very rare to hear of instances in which civil society groups were involved in such activities. One exception was a participant who described encountering people through her church who offered to help her stay in the UK by obtaining fake documents for her. She suggested that they were using that church as a cover for a fraudulent operation designed to con new immigrants out of money.

I used to go to one church and it happened so that, well, I got to know some people from my place [in Russia] there. They are ‘surrendered’ [slang for ‘applied for asylum’] here, and they said that they will help me to stay here. They said that they will ‘do’ papers for me. They made some fake [useless] papers using a scanner. Later, they even threatened [blackmailed] me. Well, they took £1200 for those fake [useless] papers. They cover themselves up by that church ... So I stopped going to that church and have no communication with it at all because of all that. They go [there] and are under its cover.

Female, 41, Russian

86 See <http://news.bbc.co.uk/1/hi/health/3355751.stm>

87 Cited in Refugee Council (2006) *Inhumane and Ineffective – Section 9 in Practice*: http://www.refugeecouncil.org.uk/Resources/Refugee%20Council/downloads/researchreports/Section9_report_Feb06.pdf

88 See, for example, campaign against reaction to immigration raid on the School for African and Oriental Studies: <http://freesoascleaners.blogspot.com/2009/07/another-immigration-raid-on-workers-who.html>

This example was obviously an isolated case. More generally, in our research we heard of groups, including churches, which provided what might be termed ‘active moral encouragement’ to irregular immigrants to remain non-compliant.

The churches they don't want people to go back – they actually want to keep their congregations – it is a competition to have the biggest congregations!

Key informant interview, IOM outreach consultant, Brazilian community

IOM outreach consultants also suggested that some community organisations can act as barriers to return. One example given was of Colombian community leaders who are highly politicised and who mainly came to the UK in the 1980s or 90s as refugees.

They can't understand why any Colombians would ever want return, and they will fight for a person to stay for as long as they can, and will only do return as a very last option.

Key informant interview, IOM outreach consultant, Colombian community

The other organisations that offered support, mentioned by interviewees, were civil rights and legal advice organisations. Help had been provided with applications to remain in the UK and with appeals against mistreatment by the immigration authorities. However, there were no indications that these organisations had explicitly helped individuals to avoid compliance with the law.

In contrast, accounts were given of specific private lawyers and solicitors, generally working within particular migrant communities, who had advised individuals to avoid compliance. Participants felt that they had been exploited and badly advised in these cases by these individuals.

He [the private solicitor] did not tell me about the rules and regulations because I wanted to follow the rules and regulations. That guy told me not to go there to sign at the police station. And I said 'What is the reason? I am a genuine guy.'

Male, 35, Pakistan

As we have seen, irregular immigrants are often highly dependent on the support networks provided by friends, relatives, and more established members of migrant communities in the UK in order to survive in the UK. In some cases, interviewees told us of how these networks explicitly worked together in order to help migrants to avoid the authorities.

When the situation gets worse ... I usually stay at home for a while and stop working ... waiting for the situation to get better. If the number of raids increase, people don't dare to go out to work anyway. We all want to stay home and wait. We hear about arrests, for example, in Chinatown, people said there were raids and checks. Some of those people live around us ... they stopped working for a while.

Male, 44, Chinese

Brazilians communicate a lot with one another, tell one another if the police are arriving or something like that. That's the one thing I miss about them, this circulation of information, this network for getting anything you needed.

Male, 24, Brazil

As has been described in Part One, these networks clearly operate according to complex hierarchies and their ‘support’ can be both necessary but also disadvantageous for new irregular immigrants. Many interviewees emphasised the risks entailed in trusting these contacts who were also responsible for informing on immigrants and whose networks were often operated as profit-making businesses.

Finally, it is important to note that along with non-compliance being encouraged by others, there are also cases where non-compliance is imposed on immigrants. This was illustrated by the case of a female immigrant from Pakistan who had married into a family that migrated from Pakistan to the UK. Her own family claimed that she had deliberately been kept ‘illegal’ within the UK as a way for her in-laws to maintain control over her.

She had a visa for a year and her husband should have gone to the relevant office and he should have told them that he works there and she is his wife. This guy did not ... they had planned it all along ... they wanted to keep her captive illegally.

Female, 28, Pakistan returnee

Returning to the more formal migrant-supporting organisations, many feel justified in helping irregular immigrants, sometimes up to the point of aiding their non-compliance, because they feel that immigration processes are unjust and inhumane. Fighting the Home Office and the UKBA every inch of the way is seen as a noble and moral cause, sometimes with little or no distinction made between different groups of immigrants. 'Interviews showed that the support group staff largely shared the perception of the UK government's motives put forward by the irregular migrants themselves' (Jordan and Duvell 2003).

Some of our key informant interviewees came close to taking this view, justifying it by reference to the injustices they had personally witnessed while working with immigrant clients. While groups say they are ready to build constructive relationships with the authorities, this is set in the context of the government needing to move first on the 'migrant rights agenda' (Flynn 2006). We understand some of the concerns of migrant-supporting organisations, but continue to argue that they should be active in encouraging and facilitating their immigrant clients to be fully compliant and to cooperate with the relevant authorities throughout the immigration process, including on returns.⁸⁹

Of course, there are some dangers in this approach, which we acknowledge. Our research suggested that some irregular immigrants are already distrustful of migrant organisations or community groups. If these bodies are more involved in return, irregulars may avoid them altogether. There is always a risk of pushing the problem further underground. However, we feel that migrants need to know from day one that if, at the end of the process, they have been fairly judged to have no right to remain in the UK, and there are no special circumstances, every reputable organisation they turn to will give them the same message: that return is the only option.

It should be noted that while some of the stakeholders we interviewed from migrant-supporting organisations expressed discomfort at the idea of their playing an enforcement role, none of them explicitly suggested that they saw their job as being to help irregular immigrants to defy the immigration system. It is not unrealistic to expect civic society – often part-funded by the state – to support democracy and the rule of law in the UK, including when they find it uncomfortable to do so.

On the other hand, one of the challenges for the UKBA and the government is to continue to improve immigration systems – particularly the asylum determination process – so that it delivers decisions that are as transparently fair and consistent as possible (see section 7.9). This is right to do anyway, of course, but it also increases the likelihood that migrant-supporting bodies will be comfortable with being active partners in the return process.

7.7 Re-compliance

We now move on to the idea we floated above: 're-compliance'. What we are suggesting is the use of what are called elsewhere in the world 'bridging visas' – in effect, short-term, negotiated extensions or revisions to an immigrant's original (and now violated) visa. Such a bridging visa would:

- Retrospectively cover the period during which a marginal irregular was in the UK outside their visa terms, meaning that they would face no further sanction.
- Allow the migrant to fulfil time-limited aspirations (for example, completing a study course or a work contract, meeting a 'target' for money earned, or allowing a child to complete a school term) as agreed with a UKBA caseworker in line with a set of clearly established criteria.

The idea of bridging visas comes directly from our research during which we met a small number of irregular immigrants whose irregularity resulted from 'marginal' transgressions. These particular irregular immigrants were very anxious to return to legality and had time-limited aspirations related to remaining in the UK. They were in breach of their visas and so were technically irregular. However, we argue that the endgame of their return would be best pursued through a process of re-compliance and cooperation, even if this delayed return for a short period.

⁸⁹ See for instance <http://liberalconspiracy.org/2010/07/28/having-a-better-immigration-system-also-means-returning-immigrants/>

We should stress that among our life-history interviewees probably only a minority would, under the terms set out above, qualify for re-compliance. Only 10 of the 44 (excluding the refused asylum-seekers) could be reasonably judged as ‘marginal’ irregulars in the first place, and when they were asked whether they were actively considering return, the majority said no. (Only marginals prepared to consider return within six months could self-select for re-compliance under our criteria).

However, a number of interviewees did speak of having specific goals that they wanted to achieve before going home, while stressing that they did not intend to stay in the UK forever.

It was so hard getting here and you cannot come back once you return home. I have invested more than 10,000 dollars of my money. I want to stay here for another one or two years and earn more money so it makes my trip here worthwhile.

Male, 47, Chinese

These people [immigration authorities] will not legalise us. But I am not going back. I will continue to work here what I am doing currently. When I get tired of work I will decide to go back. A few years maybe.

Male, 34, Pakistani

In addition to our life-history interviewees, a quarter of those we surveyed said they planned to stay in the UK for no more than another five years, suggesting their objectives were time-limited, albeit nowhere near the six-month limit we are proposing.

The idea of a bridging visa is bound to face many objections from those who argue that it is rewarding ‘law breakers’ and sending out the wrong signal to would-be irregular immigrants. To overcome these objections, we acknowledge that it would have to be tightly focused on bringing non-compliant immigrants back into compliance ahead of their return – and it could not be a backdoor entry to a much longer stay or the possibility of settlement. As such, the parameters of bridging visas, although allowing room for some negotiation around exact terms, would have to be fairly strict. We suggest the following rules:

- The length of a bridging visa period would be set at a maximum of six months.
- No extensions would be possible.
- At the end of the bridging visa period, return would be the only option available to the migrant.

As mentioned above, the exact terms of the bridging visa might be best set through negotiation between the individual immigrant who is seeking re-compliance, a UKBA caseworker and (if desired) an NGO advocate (not a lawyer) for the immigrant. The terms and conditions would be set out in a written contract, compact or agreement.

Of course, these would not be legally binding, so when it came to the point at which return should be taking place, the authorities would only have the moral force of the personal commitment made by the immigrant to persuade them to honour the agreement. It is entirely possible that some irregular immigrants (who as we have seen are often desperate not to return home) would back out at the last minute. That said, contracts or compacts (albeit in very different circumstances) have been shown to have some psychological power and people do want to be seen to be consistent with their previous decisions (Halpern 2009).

Before drawing this section to a close, we add a couple of points. The issuing of a bridging visa obviously implies no sanction for transgressing immigration rules. To answer that point we suggest:

- That there should be a charge for the issuing of a bridging visa (to cover at least some of the cost of issuing it)⁹⁰
- This charge should escalate the longer an irregular immigrant takes to seek re-compliance – giving an incentive to act early and applying a penalty for longer term evasion.
- A strict limit of six months during which re-compliance is possible – after that period has elapsed, the option to seek re-compliance would lapse.

⁹⁰ This would be in line with the UKBA’s current policy of making visas a ‘self-financing’ venture.

- Application for re-compliance and receipt of a bridging visa should be kept on record. This might count against the immigrant if they were ever to seek re-admission to the UK after return. (However, there would be no formal re-entry ban as applies in other cases of removal – see below).

Re-compliance through the issuing of bridging visas would therefore offer a limited number of irregular immigrants in the UK now and in the future the opportunity to come back into regularity ahead of return. However, it would not be applicable for the bulk of the existing irregular immigrant stock.

7.8 Regularisation

It is for this reason that we must touch on the issue of regularisation. This is one of the most-discussed issues relating to irregular immigration in the academic, policy and campaigning worlds, and it is partly because of this that we deal with it so briefly here. There is a voluminous literature⁹¹ on regularisation, which more often than not argues for it, while pointing out some of the weaknesses of the various amnesties that have taken place in the past.

ippr has given support to the ‘Strangers into Citizens’ campaign for a programme of earned regularisation (ippr 2006 and 2009) and we remain of the view that a strictly one-off regularisation can be justified in the UK in 2011 given the following historic-specific set of circumstances:

- The level of net migration (a component of which is irregular immigration) has been running at historically high levels in the last decade or so.
- At the same time, the immigration system has, until relatively recently, been chronically ill-equipped to cope with these high numbers.⁹²
- As a result, there are large numbers of people who have been in irregularity for such long periods that they have put down roots in the UK, despite the uncertainty of their lives.
- The obverse of this is that their links with their home countries (and sometimes even with families and communities) have been severed.

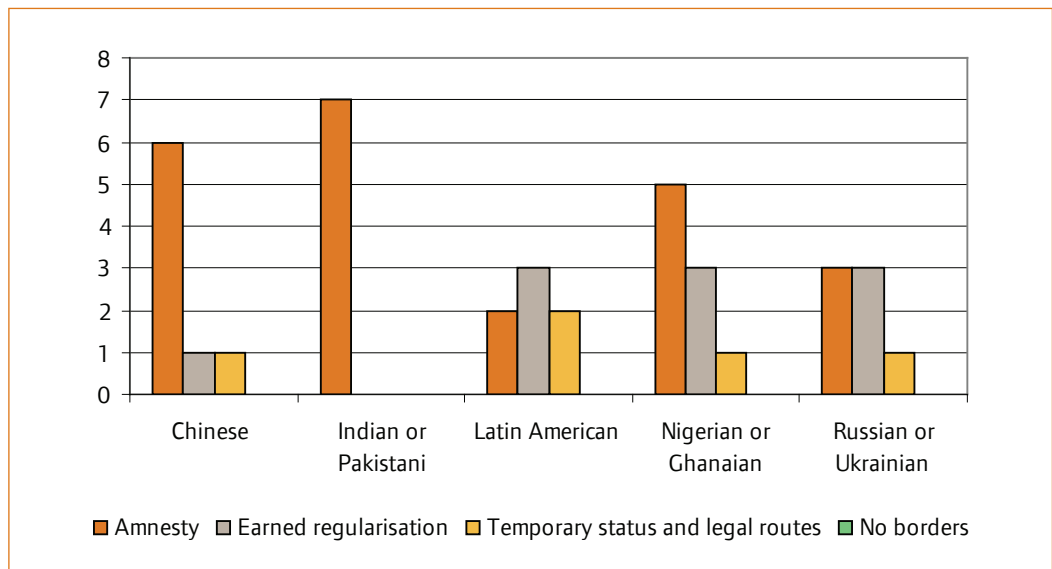
It is with reluctance that we rule out any recommendation to pursue an earned regularisation programme as part of a suite of measures to reduce irregular immigration. However, in the spirit of this report we acknowledge that there is now no political will for a regularisation programme. The Liberal Democrats were the only mainstream party in the 2010 general election to include regularisation in their manifesto, but it is widely perceived to have been among their most unpopular policy ideas and it was strikingly absent from the Coalition Agreement. By contrast, the Conservatives – the dominant partner in the Coalition – have always been firmly against any regularisation programme, and the same is true of the opposition Labour party. There is also clearly very limited public backing for the idea. It is therefore inconceivable that a regularisation programme will be announced in this Parliament or the next. Quite simply, it is off the political agenda for at least a decade.

Even so, for the record, we should add that our research among irregular immigrants in the UK and indeed with key informants showed widespread support for regularisation. With the first group, this finding – which is shown in Figure 7.3 (over) – is hardly surprising. As we saw earlier, most of our interviewees wanted to stay in the UK, so it is understandable that they will pin their hopes, however forlornly, on regularisation.

91 See for example Apap et al 2000, Cobb-Clark and Kossoudji 2002, ICMPD 2009, Krikorian 2004, Levinson 2005, Marmora 1999, Papadopoulou 2005

92 Most famously, then Home Secretary, John Reid, called his own department ‘not fit for purpose’ in 2006: http://news.bbc.co.uk/1/hi/uk_politics/5007148.stm

Figure 7.3
Interview:
Preferred
solutions to
irregularity



Various arguments were deployed in support of regularisation. Some participants felt that the UK economy is dependent on the ‘informal’ employment market to fill jobs that UK citizens don’t want to do.

Many people like me are not criminals or illegals, we just want to live peacefully and pay taxes and contribute to the society, but the UK government is hypocritical. It labels them as ‘illegals’ but at the same time it needs them to do the jobs the locals do not want to do. How many locals do you know will do this work? They will not because they’d rather live off their welfare benefits and the hard-earned money of the immigrants.

Female, 55, Chinese

Other interviewees argued that regularisation would bring potential benefits for UK culture. It was suggested there are many highly skilled irregular immigrants in the UK, working at a level far below their qualifications, from whom the UK economy could benefit greatly if they were allowed to use their skills.

Another set of arguments focused on the need for the UK government to recognise the common humanity of all people. Immigration controls were seen as arbitrary and discriminatory – particularly against people from outside the ‘rich west’. In addition, it was seen to be visibly unfair that immigrants from the expanded EU had a range of opportunities denied to those from neighbouring countries.

Why are they [people from Britain/EU, etc] allowed to go to any part of the world and we are not? [Why] our right should remain restricted? In what way we are worse than them?

Female, 27, Ukrainian

Immigrants from Latin America emphasised that migration is an opportunity to learn about other cultures and bemoaned the fact that they did not enjoy the same opportunities that other ‘westerners’ took for granted. The unfairness of the current system was also highlighted by Nigerian participants who referred to Britain’s colonial past; while Jamaicans argued that the British brought Caribbean people to the UK in the past when they needed them to work and that this should be acknowledged in its current approach to immigration rules.

Finally, regularisation was argued for on the basis that the current system cannot continue as it results in crime and exploitation, illegal businesses, which would not be able to operate if the ‘black’ market were dissolved through legalisation.

A number of key informants were also supportive of various types of regularisation. This view is not surprising perhaps from those who work for migrant rights groups and charities, but support was not confined only to such interviewees. One senior MP argued:

I don't think there would be huge problem with speeding up [the] legacy and resolution process. You know, the public do get it, if it is put in proper context – you have to locate it within a discussion about a system that failed and link it into a system that now has greater integrity ... If people have more confidence in the system then you could create a route map to regularisation – if it's not at their expense.

We should also point out that, despite official hostility to an amnesty or a sweeping regularisation programme, regularisation takes place all the time and always has done (Somerville 2007). Irregular immigrants who have lived in the UK for 14 years can apply via the long resident scheme for legal residence,⁹³ while since 2006 the UKBA has been using a specially created Case Resolution Directorate (CRD) to run a 'case resolution process' which has cleared an estimated 220,000 of 450,000 cases on the asylum backlog, with many clients being granted leave to remain.

Case resolution is due to be completed in July 2011, although an assessment by the UKBA Chief Inspector (Vine 2009b) suggests it is unlikely that the full backlog will have been dealt with by then. Almost certainly, the Home Office and the UKBA will retain some scope for continuing the case resolution of 'legacy' asylum cases. More generally, we would argue that other forms of 'status resolution' should not be ruled out, such as allowing irregulars without an asylum claim to argue for the right to stay in the UK because of long residence or other special personal circumstances.

We think it is particularly important to show some generosity to irregular families with children born or brought up in the UK – as the UK government has done over recent years. In October 2003, the Home Office announced its Family Indefinite Leave to Remain (ILR) programme which granted asylum-seeking families ILR if they had been in the UK for more than three years. By 2006, between 17,000 and 20,000 families had benefitted from the programme.⁹⁴ We do not propose a repeat of this exercise, which was specifically designed to clear a large backlog of family applications, and which, if open-ended, could lead to irregular immigrants starting families with the explicit aim of qualifying for ILR. But the removal of families is particularly difficult, and so the system should include some flexibility. The UKBA's current internal policy guidance to caseworkers is that they should consider any period over three years as a significant factor for consideration in family cases where removal is a prospect – a shorter period than for non-family cases. However, the 'case by case' principle is, rightly, asserted.

More generally, case resolution is, as one key informant interviewee put it, a 'tool in the box' which any immigration service should want to retain, even if it is used only sparingly and without great fanfare.

There are also grounds for treating some irregulars as 'special cases'. An example is the approximately 1000 ethnically Chinese Malaysians who came to the UK after being given false legal advice that they could qualify for British Overseas Citizenship. Immigration rules have been tightened in recent years, resulting in these people no longer having the right to settle in the UK. However, in the meantime, they have given up their Malaysian citizenship and so have been effectively rendered irregular and stateless. This is one of those cases where migrants have been caught out by a legal scam and changes in immigration law, and have paid a very heavy price. More

⁹³ Paragraph 276B of the Immigration Rules currently states:

Requirements for indefinite leave to remain on the ground of long residence in the United Kingdom

276B. The requirements to be met by an applicant for indefinite leave to remain on the ground of long residence in the United Kingdom are that:

- (i) (a) he has had at least 10 years continuous lawful residence in the United Kingdom; or
- (b) he has had at least 14 years continuous residence in the United Kingdom, excluding any period spent in the United Kingdom following service of notice of liability to removal or notice of a decision to remove by way of directions under paragraphs 8 to 10A, or 12 to 14, of Schedule 2 to the Immigration Act 1971 or section 10 of the Immigration and Asylum Act 1999 Act, or of a notice of intention to deport him from the United Kingdom

Available at: <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part7/>

⁹⁴ See *Family Amnesty Changes – A Policy Update*: <http://www.childrenslegalcentre.com/OneStopCMS/Core/CrawlerResourceServer.aspx?resource=5DA37F72-33DA-461A-9250-08ACF6442A61&mode=link&guid=88c7f3cce4f446728654c0ccd7d6d60d>

widely, the issue of statelessness⁹⁵ (which is currently being researched in the UK by UNHCR and the charity Asylum Aid) does mean that some irregulars simply have no country which accepts them as its citizens. This means deportation is impossible – and yet they remain in an irregular situation in the UK.

We conclude where we started in this section by saying that if there was previously a political window for a large-scale regularisation programme,⁹⁶ that window has now been slammed shut by the general election in 2010. And as we have seen in Part One, recent survey evidence shows growing public opposition to regularisation. We therefore think that it is both a waste of political energy to argue for a major regularisation scheme and, worse, gives false hope to irregular immigrants. In our research, we heard from many irregular immigrants and people working with them who mentioned the ‘mixed messages’ they received, including from senior politicians. We think the responsible course for all mainstream politicians (and others with influence in the immigration debate) to take now is to stop even floating the possibility of any amnesty or widespread regularisation. Such talk encourages irregular immigrants to cling on, when the message they should be getting is that return (or in limited cases, re-compliance or case resolution) is their only option.

7.9 Refused asylum-seekers

We end this chapter by considering briefly the situation of some refused asylum-seekers. There are undoubtedly some grounds for arguing that the asylum system is abused by economic migrants seeking to get into this country or remain here. It is particularly striking that 80 per cent of claims in 2006 were made by immigrants who were already in the UK (UKBA 2007). Our research along with previous studies (Duvell and Jordan 2002) suggests that the asylum process is sometimes used as a ‘last resort’ for irregular immigrants who otherwise would face removal from the UK.

However, others have argued that the asylum system is overly characterised by a ‘culture of disbelief’ and a politicised ‘target culture’ which leads to an excess of negative decisions against well-founded cases (Independent Asylum Commission 2008). This has led some NGOs (see Refugee Council et al 2004, Centre for Social Justice 2008, Williams and Kaye 2010) to argue that decisions on asylum cases should be taken out of the hands of the government and given to an independent body.

We think this idea has merit, as an independent body would be less likely to face the charge that its decisions were subject to political influence. Canada already has such a system. One of the outcomes of the present system – it might well be true of an independent process as well, of course – is that there are a large number of negative decisions, which in turn means there is a large pool of refused asylum-seekers who should be leaving the country. In many cases, that is fair enough, but for some national groups or particular categories, return is not an immediately viable option. There are a number of reasons for this:

- conflict or unstable political situations in their home countries mean return is too dangerous
- their home authorities won’t accept them as citizens
- there are no safe routes of return.

At present, people in this situation are left in limbo. They may get the most basic level of state support (so-called Section 4 or ‘hard case’ support); otherwise they end up either working illegally or becoming destitute.

The ‘Still Human/Still Here’ coalition has argued strongly that in clear cases where the general situation in the country of origin is dangerously unstable people refused asylum on personal grounds should be given ‘category protection’ (Williams and Kaye 2010), which would be similar to the Exceptional Leave to Remain (ELR) status that was scrapped in 2002. We have some sympathy for this idea, but think it is politically unfeasible at present. We also think it cuts across the important principle of judging every individual asylum case on its merits.

95 To be stateless is to be without nationality or citizenship. The legal bond between a state and an individual has ceased to exist.

96 As was arguably the case in 2008 when the Strangers into Citizens campaign was endorsed by the successful Conservative candidate for London mayor Boris Johnson, prompting speculation that he might be ‘kite-flying’ for an incoming Conservative national government.

In the case of asylum-seekers, a dispensation to work would mean that those who end up staying in the UK for long periods (as some would do even under a much speedier end-to-end system) would not end up being a burden on the taxpayer and would not be 'de-skilled' while they remain in this country. A 2010 Supreme Court decision appears to open up the possibility of this happening in some circumstances, though the Home Office looks set to limit the impact of the ruling.⁹⁷

⁹⁷ <http://www.guardian.co.uk/uk/2010/jul/29/restrictions-sought-asylum-seekers-jobs>

Chapter 8: The process of return

We turn now to the central issue of return. Although we do think re-compliance and individual case resolution offer some scope for the UK government to reduce irregularity in the UK, it will only apply to a fairly limited number of irregular immigrants. For the others, the only option will be return.

8.1 The level of return

The level of return by irregular immigrants (including refused asylum-seekers) has increased since the late 1990s – though that rate of increase has levelled off in recent years.

Between 1997 and 2002, the annual level of return more than doubled, from some 31,000 to more than 68,000. The 2002 figure of 68,630 has proved to be the peak; since then the annual rate of return has been as shown in Table 8.1.

Table 8.1
Total annual returns, 2003–09

	2003	2004	2005	2006	2007	2008	2009
Total	64,390	61,160	58,215	63,865	63,365	67,980	67,215
Asylum cases	17,895	14,915	15,685	18,280	13,705	12,875	11,635
Others	46,495	46,245	42,530	45,585	49,660	55,105	55,580

Source: Home Office Control of Immigration Statistics 2009
Note: data prior to 2005 is not directly comparable

The figures in Table 8.1 suggest that while the overall level of return has been fairly consistent over the seven years to 2009, the number of asylum departures has decreased (down in 2009 by 36 per cent on the peak in 2006) and the rate of return of other irregular immigrants has increased. However, these overall totals disguise some interesting trends in returns. Data from the years prior to 2005 is not directly comparable, so in the next table (8.2) we take the last five years (2005–09 inclusive) and look at some more detailed figures.

Table 8.2
Form of return, 2005–09

	2005	2006	2007	2008	2009
At port ⁱ	29,805	31,895	31,145	32,365	29,160
Enforced returns ⁱⁱ	23,950	21,320	21,180	21,305	19,570
Assisted voluntary returns	3,655	6,200	4,155	4,295	4,945
Other voluntary departures ⁱⁱⁱ	805	4,450	6,885	10,010	13,540

Notes:

ⁱ Non-asylum cases refused entry at port and subsequently removed.

ⁱⁱ Figures include persons departing voluntarily after enforcement action had been initiated against them, cases dealt with at juxtaposed controls, removals performed by immigration officers at ports using enforcement powers and a small number of cases whom, it has been established, left the UK.

ⁱⁱⁱ People established to have left the UK without informing the immigration authorities.

Table 8.2 shows that in 2009, 43 per cent of total returns involved people refused entry at a port and subsequently removed, 29 per cent were enforced returns, 7 per cent used official voluntary programmes and 20 per cent were people leaving entirely voluntarily. However, the number of enforced returns was the lowest since comparable data was available (2004) and down 18 per cent on the peak in 2005. Official voluntary return programmes are also contributing lower numbers of overall totals than they did at their peak in 2006. Meanwhile the number of ‘other’ voluntary departures, has been increasing, perhaps as a result of increased efforts at dealing with the backlog of case files, but perhaps also – as we mentioned above in section 7.5 – because of the effect of the hostile environment.

However, a strategy that relies on entirely voluntary returns is not on its own going to deliver the reductions in irregular numbers which the UK government is looking for. So if irregularity is to be reduced, the authorities will have to step up their attempts at effecting return – either through:

- active apprehension and enforced removal, or
- greater persuasion to take up facilitated return packages.

We have deliberately avoided the word ‘voluntary’ in drawing this distinction – although it is commonly used to distinguish between the two kinds of return, with great emphasis being put on the desirability of voluntary return over enforced return.

However, most irregulars who return ‘voluntarily’ (either of their own volition or through government-sponsored voluntary return packages) do so only because the option of staying in the UK is closed to them. The choice available to them therefore is between increasingly uncomfortable non-compliance (and eventual enforced return) and going quietly. Asylum campaigners often put the choice more starkly: it is, they argue, ‘sign up or starve’.⁹⁸ So for irregular immigrants with no right to stay in the UK, voluntary return means something quite different than it does for, say, immigrants from within the EU who can stay if they want to or choose to return home.

The key difference between voluntary and enforced return for irregular immigrants therefore is more to do with the mode, mood and prerequisites of removal. If a person does choose the ‘voluntary’ option they can expect to be treated with more respect and dignity by enforcement officers and they can access financial packages to help with return and reintegration.⁹⁹ They also avoid the stricter sanctions on readmission. Enforced removal, by contrast, can involve coercive methods – and has in limited cases led to allegations of brutality resulting in injury or even death.¹⁰⁰

However, the chances of any individual facing enforced return are also quite slim. In the end, the most important consideration for most irregular immigrants is not ‘what is the best form of return’ but rather ‘what is the best way to remain’. This is fertile territory for game theorists, but our own observations are that at present the rational way to play the game is to stick, not twist.

That needs to change. Far fewer irregular immigrants should be able to calculate that if they don’t cooperate with the authorities they will not have to return. Return should be the only option for all those without status or whose visa has expired – which of course means that the voluntary or enforced distinction becomes essentially meaningless. This is a very hard-line position, some will argue. Not so, we respond, because although return is the only option there is no reason why it shouldn’t be carried out in as respectful and dignified a way as possible.

There are critics who say that these words – respectful, dignified, ‘safe’ and ‘sustainable’ – have become buzzwords to justify increased repatriation (Bradley 2007). To which we respond: first, that governments should not have to ‘justify’ removing those not entitled to be in the country, and second, that if a cooperative approach to return is taken, then these words can become meaningful concepts.

In fact, the vast majority of current enforced returnees taken under security to airports travel unescorted on the plane. The government’s own figures for 2009 show that of the 12,465 removals from detention, 8269 individuals were unescorted. Of the balance who were escorted (4191) restraint was used on 439 occasions, or in around 10 per cent of cases.¹⁰¹

8.2 Barriers to return

In our research we found that when asked about their future intentions, many irregular immigrants in the UK did not want to face up to the only prospect which should really be open them: imminent return. Indeed, as Figure 7.2 showed, some 75 per cent of our life-history interviewees said they were not considering leaving the UK at all, with another 14 per cent saying they might go in a few years. Meanwhile nearly 40 per cent of survey respondents said they wanted to settle permanently in the UK, and fewer than 10 per cent had plans to leave the country within 12 months. Further analysis showed that we could group intentions under four categories:

- intending to settle in the UK

98 See *Guardian*, March 2009: <http://www.guardian.co.uk/uk/2009/mar/16/asylum-seekers-immigration-poverty>

99 The current package (at December 2010) under the VARRP programme administered by IOM is worth a total of £2500. (Refugee Council Information ‘Voluntary Assisted Return and Reintegration Programme (VARRP)’, February 2010)

100 See reports of the death of deportee Jimmy Mubenga in the *Guardian*, October 2010: <http://www.guardian.co.uk/uk/2010/oct/14/security-guards-accused-jimmy-mubenga-death>. It should be said that the circumstances of this death are the subject of an ongoing police investigation and that a post-mortem examination on 14 October 2010 failed to establish the cause of death.

101 These figures were provided by G4S, Serco and MIS (the three escort services used by the UKBA) to the Detention, Escorts and Population Management Unit (DEPMU) and are used for internal management purposes. They were supplied to the authors by the UKBA.

- not intending to return home for the foreseeable future
- ambivalent feelings about the prospect of return
- intending to return home after a specific time-limited period.

It is important to note that in many cases, life-history interviewees were not consistent in their accounts of future intentions and moved between these different positions in the course of their interview. For many, the shifts between these positions reflected the gap between their hopes (to remain in the UK legally) and their acknowledgment that this was unlikely in reality – despite the fact that, as we saw in Figure 7.3, some 80 per cent thought amnesty or regularisation was the best solution to irregularity.

What was very clear was that there is a determination to remain non-compliant coupled with a high level of wishful thinking among this irregular population – a potent mix working against the UK government’s stated aim of large-scale return. We have shown above that while, for some, life in the UK is a rewarding experience in every sense of the word, for many others it has been a sometimes bitter disappointment and a major challenge. So why not just go home?

The answer of course is that there are number of factors, in their own minds at least, which make that course of action very difficult or even impossible. Table 8.3 gives an idea of the range of factors inhibiting return among life history interviewees.

Table 8.3
Interview: What are the barriers to return?

	Fear of conflict, instability or persecution at home	Failure to accumulate enough money in the UK or to clear debts	Problems with documents	Family problems back home	Lack of work back home	Made a life in the UK
Indians or Pakistanis	4	1	1	2	–	2
Russians or Ukrainians	2	1	2	–	1	1
Nigerians or Ghanaians	6	1	–	1	1	1
Chinese	1	5	–	–	1	–
Latin Americans	1	1	1	–	–	–
Zimbabwean	2	–	–	–	–	–
Total	16	9	4	3	3	4

This table suggests that the largest inhibitor to return among many irregular immigrants is the geo-political situation back home. (Note that this contrasts quite sharply with the reasons they gave for migrating in the first place, which were largely economic. This, we feel, is a key discrepancy that weakens the grounds for staying in many cases.) People who cited conflict, instability or fear of persecution in their country did not always express a desire to settle in the UK, but rather to stay here until things improved back home, however long that took. This formula was seen by interviewees as highly reasonable – a strong justification both for their current non-compliance and for some sort of regularisation to give them status while they remained in the UK.

In 10 years time, as long as that country [Nigeria] is not okay then I’m going to be here, do you understand?

Male, 45, Nigerian

Unsurprisingly, the viewpoint that people should be allowed to stay in the UK for as long as they felt it was unsafe for them to return home was particularly prevalent among those who had sought asylum.

For as long as Mugabe is in charge, he is still in charge of the security forces, he is still in charge of the army, I'm scared of going back. Of course Tsvangerai is in post and there are others, but they are top government officials: but what about me just a general Zimbabwean. If I was detained today, beaten today, I think people won't even know that I was even here. I am scared to go back to Zimbabwe.

Male, 40, Zimbabwean

However, other irregular immigrants – who were quite open that their main motivation for coming to the UK was economic – also argued that it was personal safety which was deterring their return. For instance, one interviewee referred to returning to Pakistan as the ‘maximum risk’. Another described Pakistan as lawless, without security or regulations, with a corrupt judiciary and police. He compared this to the UK’s open, multicultural society and equal human rights, noting he was now ‘much disciplined’ because of ‘this system’.

Suppose, I go back then what I would be there, nothing. There is uncertainty in Pakistan. People are dying because of the fear of Taliban. There are explosions of bombs because of the Taliban. The people are dying. For example, if you are passing by the roads bombs can blow you up. You cannot live there comfortable. There is no life ... the situation is very volatile.

Male, 17, Pakistani

Some participants reported that state authorities (and sometimes communities) had negative perceptions of people who had fled the country. Chinese immigrants expressed concern that they would face a heavy fine or prison on return to China or that they wouldn’t be allowed back in to the country.

You can never go home. They can check you and send you back from Shanghai airport – back to England – if they can't find you as a registered person. Many people were sent to Beijing and were found that they reported false identities, and so they were sent back to England. Many people are like that.

Male, 48, Chinese

The next biggest barrier to return voiced by our life-history interviewees was the failure to earn enough money in the UK to fulfil financial ambitions or obligations – the latter sometimes involving the repayment of debts to smugglers and agents who had facilitated their irregular journeys to the UK in the first place.

At this given moment, it's really got harder because many are jobless [in the UK]. A lot of people don't know what to do. They came, they paid money [for the trip], and they don't even have [money] to go back home. A lot of debts back home – how to repay? They are afraid to go home because when you borrowed money, you have to pay it back plus [interest] rates.

Male, 31, Ukrainian

This problem of debts accrued in making the journey to the UK on top of debts back home was a particular issue for Chinese irregular immigrants.

Returning to my country? I owed so much money! I couldn't go back.

Male, 50, Chinese

Some irregular immigrants voiced their intention to remain in the UK until they had earned a ‘target’ amount of money, which would enable them to repay debts and achieve specific goals, such as building a house, setting up a business or paying for their children’s education, when they returned to their home country. This intention was particularly strong among older immigrants, who were hoping to return to their country of origin to live out their later life, having earned enough money in the UK to support themselves.

If I win the lottery I would leave today but if I don't I will work for about another five years and go back. In the first case I am getting old. In the second case the condition turns out too tight here, and the weather is too telling on us, and I feel that my age, when I'm about 60 I should be home.

Male, 52, Nigerian

Another reason for earning a target amount of money before returning home was to provide a form of insurance against the political consequences of returning. For example, a Chinese immigrant interviewee described how, with enough money, it would be possible to bribe his way out of prison if he was arrested on returning to China:

In China if you have money, you can buy off someone and avoid prison. At that time I didn't have money and so I had to leave. But now I've earned some money, maybe I can pay someone ... China's laws – you know what it's like.

Male, 46, Chinese

Other irregular immigrants reported they were under heavy pressure from family back home to remain in the UK and to keep on remitting to help them survive economically.

Members of my own family: they want me to earn money for them. They do not want me coming back in Pakistan forever. My family say they sent me here after selling property and jewellery. They want me to earn what they invested in me.

Male, 36, Pakistani

Another factor inhibiting return is fear or embarrassment at being seen as a failure back home. These feelings are often bound up with an individual's calculations as to whether or not the goal that drove them to migrate in the first place has been achieved. For example, a number of those we interviewed were anxious to return home, but felt bound to stay until they had accumulated enough money to have made the journey worthwhile.

Others were unwilling to return without anything to show for their time abroad, even if they were living in desperate circumstances in the UK. For example, one of the Nigerian interviewees had completed an educational qualification in the UK but was living in a refuge with her son and not working. Even though she had family back in Nigeria, her perceived lack of success was holding her back from returning home:

Going back and starting from where, after all these wasted years? Yeah, that's how I see it.

Female, 33, Nigerian

The same feelings were expressed by many others – particularly from poorer parts of the world:

Until recently, I did not think about going back to Pakistan ... at this juncture, I will not go back. Indeed I am facing many problems here but still I have to make my future better.

Male, 30, Pakistani

Another barrier to return was concern over the economic situation back home. Participants argued that political instability, lack of infrastructure and therefore the lack of employment opportunities meant that it was simply unfeasible to live to a decent standard in their country of origin.

The only barrier is that there is no stability in our country, and there is an awful mess – they do what they want. A lot of unemployed [people] back home. And it's no point to return home. To get married and to have nothing to feed your family with? You have no chance to feed them because you have no job back home. All prices gone up. But it won't be possible for me to earn money to feed my family.

Male, 31, Ukrainian

The economic argument was sometimes used to bolster the argument that the home country was not safe. For example, the Zimbabwean quoted above who said his life was in danger if he returned to a Mugabe-led country, also said that he could not contemplate return because of the dire state of the economy.

Even aside from economic circumstances, and the high level of unemployment, I have little to go back to, so for me to return it seems to me unreasonable.

Male, 40, Zimbabwean

Many of our interviewees had very mixed feelings about the prospect of return linked to their sense of being trapped between equally impossible options. On the one hand they feared violence, insecurity and joblessness back home, while on the other they were living very marginal and uncertain lives in the UK, and were missing their families and home cultures. To take one example, a Pakistani interviewee explained that he couldn't return to Pakistan because he feared for his life: a violent family feud had already resulted in the murder of his relatives and meant that he was at risk of being killed if he returned. At the same time, he was struggling to survive without documents in the UK, both economically and psychologically. This man expressed contradictory feelings about his future, at one point saying that he would never voluntarily return but later suggesting that he would reconsider returning home in a few years. His account reflected the double bind that he was in: facing uncertainty about how long he could survive either in the UK or back home. One consequence of these difficult choices was that many irregular immigrants, like this man, had a sense of being out of place, both in the UK and in their country of origin.

Table 8.3 showed that among our interviewees another barrier to return was their unwillingness to contemplate abandoning the life they had built in the UK. A child born in the UK was often a strong factor in binding participants to this country. The line of argument went: 'my child was born here, so this is her country and she should share in its educational and economic advantages.' Some interviewees felt that having a UK-born child should enhance their case for permanent leave to remain or UK citizenship.

Our family plans now depend on our child. Because [our] child was born here, we believe that he should put his roots down here ... Despite our, say, breaching of immigration rules and staying here, overstaying our visas, we believe that [our] child was born on this soil and he can claim some part of it.

Female, 27, Ukrainian

8.3 Triggers for return

Before turning to how the barriers to return can be overcome we should briefly mention that our research did show that some irregular immigrants do return home. In section 8.5, we will see that some irregular immigrants can be persuaded to take up the financial reintegration packages that are made available as an inducement to return. But in these and other cases, other pull and push factors are often at work.

Homesickness and family responsibilities

For irregular immigrants who have left close family overseas – including parents, spouses and children – the desire to return home can be very strong. Life-history interviewees often described the pain of missing significant family events, such as family weddings and the funerals of parents, and of being absent in the early years of their children's lives. Others feared that prolonged separation would damage their marriages or relationships with their children. In a few cases, interviewees in the UK did suggest that these factors would eventually spur their return (while returnees sometimes cited family and personal reasons as key to their return).

When we asked irregular immigrants what reasons might induce them to leave the UK, only 58 of the 133 survey respondents answered – suggesting that many did not want to face the prospect of leaving at all. As Table 8.4 (over) shows, among those who did answer the reasons given were very mixed – even with some clustering of responses under broad headings, a clear picture did not emerge. Perhaps the most that can be said is that positive pull factors such as returning home to family were slightly more likely than push factors associated with the hostile environment.

Table 8.4
Survey: Why might you want to leave the UK?

Reason	Number	Proportion (approx)
Pull of home	16	28%
• For reunion with family and friends outside the UK	11	14%
• To return home	4	7%
• To retire	1	2%
Pull of other countries	3	5%
• To study outside the UK	2	3.5%
• A higher standard of living	1	2%
Hostile environment	17	29%
• Discrimination and other injustices	5	9%
• Difficult life	4	7%
• Unable to find enough money in the UK	3	3%
• Poor career prospects in UK	1	2%
• Scared of being caught and deported	1	2%
• Health reasons	1	2%
• Job insecurity	1	2%
• Family member deported	1	2%
Miscellaneous	22	38%
• Other	8	14%
• Don't know	8	14%
• Rather not be illegal	5	9%
• Saved enough	1	2%

N = 58

However, as we have shown earlier in this report, concerns about separation from family and indeed the home country tend to be countered by the economic responsibility felt by irregular immigrants to earn money overseas – often, as they see it, to benefit their families. Therefore, the desire most commonly expressed by these individuals was not to return home permanently but to receive legal status providing freedom of movement in order to *visit* home. That, or to receive such a status that would allow their family to join them in the UK.

Involuntary triggers

For those returnees who had not left the UK entirely voluntarily or via IOM schemes, the factors that had resulted in them leaving included:

- being reported by a friend or relative
- committing a crime and being handed over to the immigration authorities by the police
- a raid on their employer
- being identified as a result of their college being de-registered or not providing information to meet their visa criteria
- having an asylum application turned down.

These factors all suggest that the so-called ‘hostile environment’ created by the UKBA can help to create return ‘through attrition’. It may be the case that the longer the hostile environment remains in place, the more likely it is to ‘wear down’ irregular immigrants. Although some will question whether such an approach can be justified on ethical and humanitarian grounds, we can only conclude that it does seem to be having some effect. However, at the same time, a more cooperative approach to facilitate a more orderly return process – involving all those who come into contact with irregular immigrants – is surely preferable, as we argue later in this chapter.

Among our interviewees who had returned home involuntarily, there were very mixed feelings about return. This was related to the conditions back home and whether their original intentions had been to stay in the UK long-term or to return home after some limited period. Irregular immigrants who felt that the political situation in their home country had improved, or who felt that they had nearly achieved their target earnings, were relatively at ease with their situation, even when they had been forcibly removed from the UK.

I didn't have family problems and I had more or less met my target but of course no one wants to come back the way I did. But I guess that's the way it is.

Male, 32, Pakistani

Turning to the group of participants who returned home 'voluntarily', our analysis reveals the ambiguity of this term when it is applied to individuals who were all operating in a context of highly restricted options. There were those who did return home entirely of their own volition, without any interference from the authorities. But, in the majority of cases, immigrants who returned 'voluntarily' were facing the option of being detained while their cases were considered or the threat of being deported in such a way that they would be banned from returning to Europe for at least 10 years. In this context, their 'voluntary' return was considered to be a decision to choose the lesser of two evils.

Participants who had given themselves up to the authorities, or who had agreed to return after having been detained by the authorities, did so for the following reasons:

- After taking the advice of lawyers or other respected figures (such as people from their church) who suggested they should give themselves up to the authorities.
- Being detained while their case was being considered and then voluntarily agreeing to return in order to leave the detention centre.
- Choosing to return because they had reached their 'target' earnings.

8.4 Overcoming barriers to return

Given the multiple barriers to return (which are often interlinked and self-reinforcing), it proved difficult to extract many practical ideas from our interviewees about how return might be expedited. Understandably, they consistently focused on the prospect of regularisation – even though many used language that suggested that they viewed this prospect more in terms of hope than expectation.

The hard fact that emerged from our research is that most irregular immigrants are only going to face up to the prospect of return if and when there is absolutely no other alternative. Even among returnees who had taken up voluntary return packages, the willingness to go home often came at the end of a long drawn-out process of trying to stay in the UK.

I had asked for asylum, I got rejected, appealed, got rejected, and made another appeal, I am not sure if I got an answer for that. But with the appeal they also give you a leaflet with IOM details, which was saying if your application for asylum had been unsuccessful or you were an irregular migrant, they could assist you in returning to your home country. I phoned them and made an appointment.

Female, 28, Zimbabwean returnee in South Africa

A key issue here is that many irregular immigrants know that the UK authorities have a reputation (deserved until recently at least) for being slow at getting round to deportation. Key informant interviewees working within government and the enforcement agencies spoke often of the issue of 'spinning out' – that is to say, the ability of irregular immigrants and their advocates to frustrate and delay the 'end of process'.

Similarly, many of our interviewees gave accounts of reaching the point where return should have taken place, only for it to be stopped by a last-minute legal injunction or an administrative obstacle. Once that occurred, some interviewees described being returned to an irregular situation, sometimes for many months or even years without much or any contact from the authorities. Sometimes, and again very suddenly, the process of enforcement, detention and return would start

again – only to break down once more. The timeline of one life-history interviewee, who has now been returned to Jamaica, serves to illustrate both how easy it is (or was) to ‘spin out’ an irregular stay, and how inefficient and slow the return process can be.

Table 8.5
Individual timeline
of an irregular im-
migrant to the UK

Time	Event
25 May 2000	Left Jamaica for the UK
January 2001	Started college in Brixton, London
January 2001–January 2002	One year extension on visa
2002–2003	No legal status, no further visa extension granted
December 2004	Claimed asylum
February 2005	Received housing in Liverpool, placed in two-bedroom house
2007	Moved to three-bedroom house in Liverpool; completed legacy form
January 2008	Received refusal letter, advised there were no grounds for appeal and told to take steps to leave the country
April 2008 (Monday)	Removed to Dungavel Detention Centre in Scotland
April 2008 (Friday)	Travelled from Dungavel to Gatwick Airport, obtained reprieve, flight cancelled, returned to home in Liverpool
August 2008	Received warrant from immigration
September 2008	Applied for new legacy asylum claim
November 2008	Informed that case was pending
11 January 2009	Removed to Yarlswood Detention Centre
15 January 2009	Flown back to Jamaica

Such a timeline is by no means atypical, and it clearly illustrates a system that is failing to deliver timely and efficient removals. Note, however, that the process is not simply delayed by bureaucratic inefficiencies, but also by irregular immigrants using every possible avenue to stay – are there really likely to have been plausible reasons for a Jamaican to seek refugee protection in the UK some four and half years after arriving as a student? The ritual of appeals and last-minute legal challenges which migrant-support agencies and lawyers sometimes make also hamper progress.

In cases like this one, the Home Office and the UKBA needs to speed up its processes, find ways of stopping the abuse of immigration processes, tighten the law to stop speculative legal challenges and ensure that migrant agencies (many of which rely on government funding) become partners, not opponents, of the process of return.

This is clearly tough language – and it will upset some in the migrant-supporting sector. But while we retain a lot of sympathy and indeed respect for many irregular immigrants, we were also dismayed by some of the stories we heard during our research of blatant and persistent disregard for immigration law.

However, if a more rigorous approach to return is to be successful, it is vital that actions taken are proportionate and targeted on the right cases – and we turn to this briefly in the next section.

8.5 Consistent, targeted and proportionate enforcement

One of the key reasons why it is so important for the UKBA to get enforcement right is that it needs to maintain the widest possible public support for its more rigorous actions, which will, of necessity, involve coercive measures. In recent years, the agency has celebrated its tough policy through such initiatives as the Home Office-funded Sky One documentary *Border Force*, which costs an estimated £400,000 of taxpayers’ money.¹⁰² This might go down well with some sections of public opinion, but not all. A small but significant, often well-organised and highly motivated, section of civil society is currently being alienated by what they see as draconian measures taken by the UKBA, and this gives them moral authority in their eyes to attempt to frustrate enforcement.

102 See *Evening Standard*, May 2008: <http://www.thisislondon.co.uk/news/article-23486287-home-office-funds-sky-propaganda-show-with-400000-of-taxpayers-money.do>

The Fast Track process

One way that the Home Office and the UKBA tries to accelerate return is the use of the Detained Fast Track system, through which asylum-seekers and other immigrants who are deemed to have a 'manifestly unfounded cases' are taken straight from the port of entry into the detention estate. Their cases are processed quickly (seven or 21 days, depending on appeal rights) and with minimal legal support. A number of reputable agencies have voiced serious concerns about the operation of the Detained Fast Track process, including the Independent Asylum Commission (2008), the National Audit Office (2009) and Human Rights Watch (2010).

In our view, the Detained Fast Track process is justified and necessary if irregular immigration is to be reduced. But care does need to be exercised to ensure that people going through it get a fair hearing – even if it is a speedy one.

Raids

There is also reason to question the use of the 'battering ram' approach to enforcement raids which often target immigrant-owned businesses and legal immigrants (MRN 2008). Apart from the fact that they anger many people who should be supportive of the government's efforts to enforce immigration law, they also often appear to be disproportionate. Some of our interviewees had experienced raids which they regarded as heavy-handed.

There were 13 of us living in the same house. There was a Brazilian who had not paid a driving fine that was due, something like that. Letters came through the post about it but he ignored them, and knowing that problems would arise, he moved out beforehand that same week, not telling anyone in the house. There were lots of illegal people living there. The police arrived, my friend was in her room, having a shower. She looked out of the window, she was only in her towel. Anyway she was going down to open the door, she herself was illegal but she was going to talk to them and try to sort it out but before she could open the door, the police broke in through the window of the downstairs room and got into the house. They started knocking on all the doors, demanding everyone's papers.

Male, 24, Mexican

One day he [the interviewee's partner] was out, very early in the morning. I heard a knock on the door, and I peeped through the curtain. And a lot of police, a lot of firearms, you know, carrying guns, and outside our house, and when I opened for them they said they were looking for him, 'Where is he?' I said, 'No, he went to a friend's house, to spend the night there.' I was so frightened, because they were knocking, and when I opened the door ... it's like they were coming to look for a criminal, they were carrying guns and wearing navy blue shirts and trousers, and carrying guns, and they were just turning things upside down.

Female, 33, wife of deported irregular immigrant from Nigeria

In July 2010, a report by the UKBA Chief Inspector was particularly critical of the use of dawn raids to effect removal of asylum families, which have become the 'norm'.

Arrests of families occurred primarily at the family home between 6.30am and 7.00am. While there were reasons for arresting at this time of day, there was no evidence that an assessment had been made of each family's individual circumstances to decide if this was the most effective or proportionate approach (Vine 2010b: 5).

There is no doubt that it is sometimes necessary to carry out dawn raids with teams of enforcement officers trained and equipped to deal with violent situations. But our research suggests that such situations are likely to be the exception rather than the norm.

Judicial review

Our research, and that of many others, shows that the process of removing irregular immigrants is too often frustratingly slow. The fact that immigrants judged to have no right to remain in the UK

continue to live and work here relatively freely, sometimes for many years, is deeply damaging to the integrity and credibility of the immigration system.

Alongside other measures to try to speed up the end of the process, the UK government has over recent years reduced appeal rights against refused asylum claims and attempted to reduce the scope for judicial review of decisions to remove. However, migrant-supporting organisations still manage to use the courts to delay or even prevent deportations. We have argued above that one of the reasons why these agencies feel legitimised in frustrating removal processes is because the Home Office is perceived at times to take a cavalier approach to issues such as asylum claims, respect for human rights, *refoulement* and the sustainability of return. Many of our interviewees felt that their rights were being trampled on by the UK authorities in attempts to remove them.

I believed that I was being done a very great injustice, because I felt within the armpit of the law, the law should be on my side to protect me because I took reasonable steps to do what the law said, and then the Secretary of State was trying to use their prerogative power to remove me.

Male, 27, Nigerian

It is of course impossible to judge whether individual irregular immigrants have a strong case when they make claims like those above. In some situations, their accounts are probably highly self-serving and they may raise issues of their rights being violated only because they don't want to return home. But again, the Home Office does need to tread carefully, even when it is highly frustrating to do so, because the UK courts have shown repeatedly that they will stop executive actions which they feel they contravene domestic or international law. That indeed is their job as guardians of the UK's human rights legislation.

Destitution

The use of destitution as a tool of policy only applies to refused asylum-seekers – although, of course, irregular immigrants can find themselves in destitute situations if they fall out of employment. When an asylum claimant becomes 'appeal rights exhausted' (ARE), they lose their entitlement to accommodation and asylum support. As they are not allowed to work either, this leaves them destitute. In certain circumstances (such as ill health, or lack of a safe route home) they can claim Section 4 support – bed and board, or vouchers – otherwise they become reliant on charity or community support for as long as they remain in the UK. Many reports have highlighted the impacts of this policy (see for example Refugee Action 2005) and it has drawn criticism from a wide spectrum of civil society.

It was a hopeless situation for me ... how can somebody be kept in this kind of system, wasting away without any hope of survival? You're not working, you don't have the right to work, you don't have the right to do anything, you're just living at the mercy of somebody who is somewhere very comfortable dictating the pace, deciding whatever happens to your life.

Male, 33, Nigerian

As with other policies, the evidence suggests that harshness is coupled with ineffectiveness, as forced destitution does little to spur asylum-seekers to cooperate with removal or to sign up for voluntary return. Indeed, if anything, it seems in some cases to harden a determination to hang on.

Destitution stems from the fact that refused asylum-seekers are not allowed to work. One of the other problems this creates is that the refused asylum-seeker becomes de-skilled during the time that he or she stays on in the UK, making the prospect of successful reintegration on return less likely.

No one would want to employ me because I've not been working for seven years, so if I became re-skilled, re-educated, and then offered a better package – because I said before I've got nowhere to go and stay – so I need some work or get employed or to start my own business. I'm not talking about the £500 that is being offered, but talking about big money. Something tangible, something that if I go there I won't regret doing it ... But I need to be re-skilled – it needs to be here in the UK.

Male, 40, Zimbabwean

We think that as long as refused asylum-seekers are in the UK they should be allowed to work or study. But such a dispensation (which would undoubtedly lead to some economic migrants abusing the asylum route) could only be offered if the period between an asylum refusal and removal was greatly reduced.

Detention

The detention estate remains a key component of the UK government's strategy to bear down on irregular immigration. There were some 3000 detention spaces in Immigration Removal Centres (IRCs) and Short Term Holding Facilities (STHFs) (as of January 2010), and plans to expand capacity by more than 50 per cent. The official line on detention is that it is necessary to maintain an effective immigration system and to help with effecting removal.

We question these assumptions and argue that the widespread use of detention is often unnecessary and disproportionate. Some 30,000 people go through the immigration detention process each year, including around 2000 children. Most detainees represent little or no threat to the public, so detaining them out of administrative convenience, without trial and without time limit, is very difficult to justify. The psychological and medical pain and distress it causes has been extensively catalogued (BID 2009, Zimbabwe Association 2009, Human Rights Watch 2010, Zimbabwe Association 2009). It also causes massive damage to the reputation (at home and internationally) of the UKBA and the Home Office.

While it is true that some campaign groups exaggerate the conditions in detention centres, the centres remain, to all intents and purposes, prisons – despite the attempts of those who run them to create humane conditions.

Detention centres are erroneously called 'Immigration Detention Removal Centres', suggesting that they are places in which immigrants with no right to stay in the UK are held for a few days prior to removal. In reality, detainees are often held for many months, while bureaucratic processes grind on.

They just had me in Collingbrook detention centre for, like, 16 months ... So there was some people called 'Bail Immigration'¹⁰³, they saw my case and they took it up, because at the time I was still ill, they just had me in the system spinning me around and round ... So I was there for 16 months and these lawyers they took my case and threatening the Home Office. I am registered disabled and their policy is that people with mental health problems [are] not to be detained for any time only in exceptional circumstances and they couldn't find any exceptional circumstances when they had me, all they were saying was that they were waiting on travel documents to remove me. And the Jamaican High Commission at the time said that Jamaica is not taking me back, reason being that in Jamaica they don't have the facility to take care of me and the medication I am on, you can't get it out here, and I have no family out here.

Male, 45, Jamaican returnee

Around 20 per cent of our life-history interviewees in the UK had experienced a period of detention, although when we spoke to them they had been released and were living freely in the community. We came across a few cases of people who had been detained on a number of occasions, but each time they were released. This experience of detention followed by release rather than removal is relatively common. The report by the UKBA Chief Inspector records that of the 1168 children who left detention in 2008–09, 539 were deported from Britain but 629 were released (Vine 2010b).

It is to be welcomed that one of the first steps of the new Coalition government was to announce its intention to end the detention of children for immigration purposes – a pledge that it has honoured with an announcement that no children will be held after May 2011. However, we would like to see ministers go further and carry out a fundamental review of immigration detention as a whole, which we think is costly and ineffective.

There is, in our view, an argument for genuine removal centres to which irregular immigrants go for a matter of days before they fly out of the country. In effect, such centres would be short-term holding and processing centres, which could be more or less secure depending on the type of immigrant they housed. For FNPs they would be more secure; for others, such as families and

103 Bail for Immigration Detainees (BID)

children, they would be more like hostels. The current detention estate appears to us to be part of the punitive apparatus of the UKBA – designed to send out a harsh deterrent message. Our research suggests it is not working and that arbitrary detention is another aspect of policy which reduces support for enforcement and removal measures.

Consistency of methods

One key informant interviewee who works for a migrant-supporting agency said that the UKBA should ‘get tough with the minority of tough people, but stop picking the low-hanging fruit’. We disagree with this point, if what was meant was that ‘low-hanging fruit’ (signifying an often vulnerable low-risk irregular) should never be returned. But we do think such irregular immigrants (including the majority of even our ‘manifest’ category) do not need to be subjected to the full panoply of current enforcement measures. This is not just a humanitarian point, but also a tactical point. Every time the UKBA uses the toughest measures unnecessarily, it loses some of the good will it requires to make the difficult task of enforcement and removal more manageable.

Another key criticism of the system that emerged from our research is that enforcement is applied in ways that are (or seem to be) arbitrary and inconsistent. Participants reported experiences of situations in which irregular immigrants in apparently similar circumstances were treated differently, seemingly at the whim of the immigration staff involved. It was presumed by some immigrants that this arose because staff need to meet target numbers of detentions or deportations.

Some people were deported. Something wrong with the brains of the officers – they arrested three people out of 10. The other seven or eight people were OK and not arrested. We didn’t know why.

Male, 48, China

Another sign of the inconsistency of the system was in the behaviour of individual members of staff, who were described as varying greatly in their levels of helpfulness. At one extreme, examples were given of immigration staff offering individuals the opportunity to escape at the point of being detained or of staff advising individuals that they would be able to avoid deportation with the help of a lawyer. At the other extreme, some staff were perceived to be deliberately cruel and aggressive – in one instance humiliating individuals during the deportation process in front of their children.

The man put the handcuff on my hand, put me in the van – I said ‘What you handcuffing me for, I’m not a prisoner you know?’ and then he’s putting my kids in. I said ‘No, I need to sit beside my kids.’ ‘Oh no you can’t sit beside your kids [so on and so forth]’. I said ‘They are my kids.’ They are crying, saying they need mammy, they need mammy and that, and then they started to tell me in the van ‘Oh, we don’t want to do this but we have to.’ I said ‘No, you don’t have to cuff me like that.’

Female, 31, Jamaican returnee

More positive experiences of enforcement

After these criticisms we want to end on a more positive note. Our research did show that, in some cases, the UKBA was carrying out enforcement and removal in a way that combined rigour with respect – which is line with the UKBA figures on page 110. Life-history interviewees quite frequently contrasted the humanity, trustworthiness and relatively non-corrupt nature of the UK system and its officials with processes in their home country. This formed part of a broader narrative in which the UK was admired and appreciated for its approach to human rights and welfare.

There is stability in the country. How can I say? Secondly, laws [the justice system] are good. You are treated normally anywhere you go. Even when I was deported, the police treated me good. No one ever hurt you. Even though you are not the resident of this country.

Male, 31, Ukrainian

The system there [the UK] is just fine. Immigration I guess ... but you know it's not their fault. People who go from here ... it's their fault. It's their job to stop such people.

Male, 47, Pakistani returnee

Researcher: So throughout the deportation process, how was their attitude towards you – did you feel harassed?

Interviewer: No. There wasn't a problem. They were fine.

R: Were they helpful?

I: They have some people you can talk to, and they do talk to you and tell you what you should be doing. They are helpful in this regard, so they don't just catch you and keep you in the dark.

R: Right. So it's not like Pakistan?

I: Definitely.

Male, 32, Pakistani returnee

These examples suggest that it is possible to carry out return firmly but fairly, and we think that it is this combination which is the key to increasing the pace and scale of returns which is so necessary.

8.6 Voluntary return

Although we have questioned the distinction between enforced and voluntary return, we recognise the work of recent programmes to help irregular immigrants to return, administered by the International Office of Migration (IOM) in conjunction with the UKBA. At the time of writing (February 2010), IOM UK runs two programmes. The first, the Voluntary Assisted Return and Reintegration Package (VARPP), is currently available to asylum seekers and other temporary migrants. As well as a free flight home, it provides forms of reintegration assistance which can include:

- Help with temporary accommodation
- Payment of childcare or school fees for infants
- Small business set-up
- Vocational training
- Job placements.

At the time of writing, there is no cash element to the package – money is paid in-kind or to a service provider – although at other times cash has been included. (For example, a package on offer to Zimbabweans in 2009 included a £2000 cash payment, and an earlier financial incentive available in 2007 included a £500 cash payment at the airport). Also, the overall value of the package often changes – it has been as high as £6000 but is more usually worth around £2000 – and there is usually an element of 'hurry while stocks last' to the deal.

Moreover, while help to return is provided, reintegration assistance is not generally available to those who return under the other programme, the Assisted Voluntary Return for Irregular Migrants (AVRIM) scheme. However, exceptions are made for particularly vulnerable groups on a case by case basis, such as unaccompanied minors and victims of trafficking. Most of the irregulars we researched would only qualify for AVRIM, which may explain why they show relatively little interest in voluntary return (as we see below)

IOM reports that more than 30,000 people have returned to around 140 countries since 1999 through these two programmes.¹⁰⁴ More recent information, released under the Freedom of Information Act, shows that nearly 20,000 people have returned under the VARRP programme and 4600 under AVRIM in the last five years (with returns under the latter programme growing steadily).¹⁰⁵ While this is a very small proportion of the overall number of irregular immigrants in the UK, it nonetheless remains a significant number of people. IOM has received around £77.5 million pounds in total from the UKBA in the last five years, and around £46.5 million on VARRP and

104 See <http://www.iomlondon.org/doc/stories/A5%20Stories%20of%20Return%20%20Jamaica.pdf>

105 The figures for assisted voluntary returns shown in Table 8.2 vary slightly – the numbers for 2005–09 add up to 23,250. The figures are taken from different time periods.

AVRIM¹⁰⁶ – which works out at around £2000 per removal. The immigration minister Damian Green has announced that he is looking into the value-for-money that IOM offers.¹⁰⁷

Many elements of these programmes – such as targeted financial assistance for business start-ups, training courses, salary supplements for job placements, and Individual Return Plans (IRP) – are very sensible, and we incorporate them into our own proposals for a more effective and humane returns programme (outlined below).

A considerable proportion of the returnees we interviewed had used IOM schemes – and they were generally very pleased with how they had operated.

Researcher: Did you find IOM people helpful?

Interviewee: Very.

R: What would have been different had the IOM people not been there?

I: I wouldn't be here. I would not have money to buy the plane ticket to come here.

R: When you got here, did you find that they were helpful here as well, in South Africa?

I: When you enter the country you have to call them. So as soon as I got here I contacted the office, and they said when I could come and see them. When you come to the office they ask you what kind of business you want, because it's a reintegration programme. So if it's not business, they ask what kind of training you can do. So they also provide money for the education of the child. You also get funds for setting up your business if you don't want to train or go to college. So we did that. They gave me three months to think about what I wanted to do. So we sat down and filled in everything that I wanted to do. I sent them the form and waited for approval which was a week later, but already my child was already in a nursery.

Female, 28, Zimbabwean returnee in South Africa

They picked me up at the airport, helped me carry my luggage and buy a souvenir.

The total support I received was equivalent to £3000. I opened a grocery store with it.

Female, 53, Vietnamese returnee

Other returnees who had been helped to return through IOM schemes were less enthusiastic about the process and sometimes were not clear about how it worked.

Researcher: How did IOM get involved in your case?

Interviewee: They came to me several times, and I run them [told them to go away] because they say I qualify ... I say I don't want no IOM, just get away from me, but because they know I have mental problems ... I tell you what, I never ask them for it, they sent me a letter to say that I was accepted. They said they wanted me to come back, I've seen a lot of guys apply for it and never get it. I never ask them for it.

R: But has it been helpful?

I: Yeah, I've got the card here with £450 and they've got £2500. I've been up there, I just need to sort my head out, where I am going to go, but they say as soon as I put a little business plan together I can come back and see them.

Male, 45, Jamaican returnee

Since 2008, the UKBA has removed some 11,000 FNPs, around a quarter under the Early Removals Scheme (ERS), which prisoners can apply for when they have served half their sentence in UK prisons. More controversially, FNPs can also leave on the Facilitated Return Scheme, which includes a financial package that has been worth up to a maximum of £5000. In 2008, 1350 of the record 5400 FNPs deported from the UK took up the money. Some of our interviewees who had returned home were beneficiaries of this scheme.

106 Funding received by the IOM (July 2010). <http://www.homeoffice.gov.uk/about-us/freedom-of-information/released-information1/foi-archive-about-us/13808-iom-funding/iom-funding?view=Binary>

107 See <http://www.dailymail.co.uk/news/article-1299534/13m-missing-Labours-attempts-bribe-illegal-immigrants-home.html>

We were a group of six people living in a house cultivating marijuana. One morning when we were sleeping, police raided in to catch us. I did not know how they knew ... I was in the prison for about one year. Then I asked to come back to Vietnam. I did not know I was in the IOM programme until two weeks after I got home when friends said that I will receive 2000 US dollars from IOM.

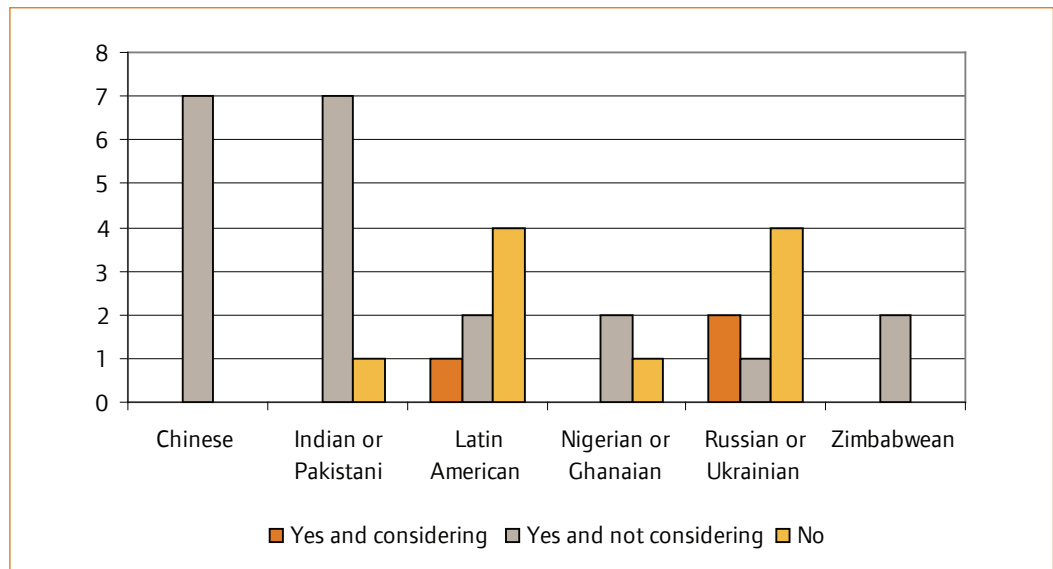
Male, 28, Vietnamese, returnee

Giving payments to FNP's has caused outrage in sections of the press.¹⁰⁸ But while it may be distasteful to offer money to criminals to facilitate deportation, in our view it is a pragmatic and cost-effective policy, given the expense of prison or other forms of detention.

So far in this section, we have been looking at the responses of returnees. In our research with irregular immigrants still in the UK we found very different attitudes to voluntary return and financial assistance packages.

Our life-history interviewees were much more suspicious of IOM return packages and, as Figure 8.1 shows, most expressed no interest in considering them.

Figure 8.1
Interview: Are you aware of IOM return packages, and are you considering them?



A similar picture emerged from our survey data: more than 60 per cent of irregular immigrants had heard of IOM but only around 20 per cent would even consider taking up a return package.

Table 8.6
Survey: (1) Have you heard about the IOM assisted return programmes for illegal immigrants? (2) Would you ever consider using one?

Response	Number	Proportion (approx)
1)		
Yes	83	62%
No	47	36%
Refused to answer	3	2%
2)		
Yes	28	21%
No	98	73%
Refused to answer	7	5%

The level of information about IOM return schemes varied between nationality groups. Indians, Pakistanis and Chinese tended to know the schemes existed but no individual participants were thinking of using them. There was a more mixed picture among Russians, Ukrainians and Latin Americans.

¹⁰⁸ See <http://www.telegraph.co.uk/news/newstopping/politics/lawandorder/6616252/The-multi-million-pound-bribe-to-send-foreign-criminals-home.html> and <http://www.dailymail.co.uk/news/article-1237860/Bribed-quit-Britain-Foreign-criminals-offered-5000-agree-home.html>

Those participants who claimed not to have heard of IOM responded in different ways to information about it. One view was that if people had more information about voluntary return schemes, they would be very likely to take up the opportunities offered.

A lot of us [migrants from Ukraine] don't know about this organisation [IOM]. I think it's because it's not advertised a lot. I think that everyone who knew that there is organisation like that would go there anyway. Because if they [do] they take some of your worries from you.

Male, 32, Ukrainian

An alternative view expressed by some participants was that they couldn't believe that an organisation could exist that would help people who were illegal. They simply refused to believe researchers who told them about the IOM schemes. Others knew about the schemes but had high levels of distrust of IOM's true purpose. Perhaps unsurprisingly, this view was expressed by individuals who had encountered corruption and persecution in their countries of origin.

They will never give you money. They just harass you and watch you.

Male, 27, Pakistani

Another reason for distrust was the lack of belief that organisations such as IOM would be able to offer sustainable help given the level of political corruption and disorganisation in the interviewees' home countries. Related to this, it was suggested that returned immigrants might face long-term negative political repercussions as a result of having sought help from an international organisation.

Say I would go now and approach that organisation and ask [them] to help me to settle there, to start life there and help with a job ... In six months, this organisation will forget about it because I, say, settled and things. But after six months, our local authority will simply 'eat me up ... You approached an international [organisation]', you see? It's like a minus [bad mark/stain] for our country that I approached [somebody] and asked for help. At first they would treat me like usual but later, it would end in not a pleasant way. And many people who live in our country would be in the same situation.

Female, 41, Russian

Another response to voluntary return schemes was that their offer doesn't compensate for the political or economic problems facing individuals in their country of origin. Some argued that no amount of money could compensate for the risk to their lives that they would face should they return home. It was also argued that the support offered by schemes such as IOM couldn't overcome the systemic problems of lack of infrastructure and the disorder of the economic system back home.

What they were offering is just for you, just a little amount just to sustain you when you get to your country, nothing else. And I was like, well that will not go too far.

Male, 43, Nigerian

Chinese and Pakistani interviewees suggested that IOM couldn't provide enough money to help them pay the bribes that they would need to offer in order to set up their own business.

What we can do with £500 or £1000? Nothing, even if they give us £2000 or £3000, what is the benefit to go back? If we go back to Pakistan, there is no check and balance in system. The prices of civic commodities change every day, some double rapidly. So, what we will do with 600,000 rupees [about £5000]? We cannot buy a shop, we cannot set up a business.

Male, 35, Pakistani

Concern was also expressed that using voluntary return schemes such as IOM would prohibit people from returning to the UK in the future, as participating would mean that individuals are registered in the immigration system. This view – which is in fact mistaken – was expressed by participants

who were in a financial position to buy their own ticket home, should they choose to leave, and who therefore felt that this was a safer long-term option.

Views about voluntary return schemes were clearly related to individuals' attitudes towards the prospect of return. For example, Latin American migrants who had always intended to return to home eventually said that they would use schemes such as IOM at the point when they wanted to return.

I've seen them advertised on Latin American newspapers in London. When I decide to go back I'll apply for their programmes. If they can help me it would be great. If not, I'll just go to the airport and say: 'I've been working here with a fake identity but I'm not a murderer. I have worked and paid taxes using a different identity but those who have done worst things are still out in the street.'

Male, 45, Colombian

One Mexican irregular immigrant we interviewed gave this response when told about IOM by one of our community researchers.

Interviewee: It's not a bad idea, but, my plan is to go travelling, but maybe after I've travelled if I get back to London and I don't have money for my flight back to Mexico.

Researcher: I must admit, that's what I thought when I heard about it, free flight!

I: It's not a bad idea! Who knows, it's not in my plans.

Male, 27, Mexican

This highly pragmatic (or cynical) approach to using IOM packages was something that IOM 'outreach consultants' working in the UK also mentioned. For instance, the South American officials said Brazilians were pretty brazen in their attitude to IOM schemes. They suggested Brazilians arrive knowing about IOM – and use its return programmes when it suits them. 'It is fairly well known that if you come to IOM you can get a free ticket home,' one outreach consultant said.

Other outreach consultants suggested community gatekeepers could pose a barrier to getting information about voluntary schemes to those irregular immigrants who might be interested in them. A Pakistani outreach official claimed that some influential community groups were refusing to allow IOM to even come and talk to members of their community. However, when this denial of access had been overcome, the IOM officials reported that they well received.

People will say that you are doing a good job, because illegals are in a tunnel and this is good in creating an option for them. They are scared to go embassies and [the] Home Office and even their own communities, so [the] IOM route is a very good option.

Key informant interviewee, IOM outreach consultant working with the Pakistani community in London

The UKBA and IOM have gone to considerable efforts to increase awareness of Assisted Voluntary Return (AVR) programmes and to build up trust with diaspora communities. The schemes are widely publicised through Local Immigration Teams and AVR teams, while migrant-supporting organisations such as Refugee Council, Refugee Action and the Migrant Rights Network use their caseworkers, information leaflets and websites to provide up-to-date information about voluntary return.

However, generally, our research suggests that it remains a considerable challenge to persuade irregular immigrants that they are better off giving up their dreams of life in the UK and returning home with some financial assistance. This finding is in line with a report reviewing what its authors called 'non-coercive return' across Europe. While governments are increasingly keen to invest in such programmes, the evidence suggests that the sign-up rate by irregular immigrants remains disappointing (Black et al 2010).

8.7 Firm and fair returns

All of the sections above lead us to the conclusion that if the UK government is determined to reduce irregular immigration substantially, it will have to step up enforced return. Our research does not suggest that irregular immigrants can be driven out of the UK in sufficient numbers simply

by making their life difficult through a hostile environment strategy. Even if return packages are relatively generous, this does not compare with what irregular immigrants can earn in the UK if they keep their heads down and work hard. Factors such as conflict and political instability back home, a lack of employment prospects, and family and community pressure to remain abroad also act as strong inhibitors against return.

So if they won't go of their own accord, irregular immigrants simply have to be forced to go. This does not mean that the process of enforced removal has to be brutal in any way. As we set out in section 8.1, enforced removal does not generally involve strongly coercive methods. However, at times, such measures are used – often, in our view, unnecessarily. We think that the use of dawn raids and detention should be limited to the most difficult cases, and we think the Home Office should be careful to respect human rights legislation, even if this results in some frustrating delays. The key is persistence. It sounds cruel, but irregular immigrants have to know that there is nowhere to turn that will allow them to stay. Everybody they come into contact with – community support groups, migrant support groups, employers, trade unions, citizens' advice groups, IOM, immigration officials – all need to be giving the same message consistently: that return is the only option.

Giving migrants a greater voice and making migrant-led groups more integral to the immigration system

Key to this approach is that migrant-supporting organisations – including those that are migrant-led – should be actively involved in all elements of the immigration system, including compliance and enforcement. It is therefore most important that the government has in place mechanisms that ensure that migrant representatives are listened to more extensively and carefully.

Over the years, various forums and consultative bodies have been set up to listen to and consult with migrant groups. None of them seems to last long. There is also a tendency, perhaps inevitable, to talk mainly to 'community leaders', who are not always as representative of their communities as they like to think. Some Migrant and Refugee Community Organisations (MRCOS) are very effective, as are some second-tier migrant-supporting agencies. But individual immigrants – particularly those from more vulnerable and excluded groups – are particularly voiceless. 'UKBA is typical of an institution which deals with people without rights: what makes institutions good is when their users have a voice – accountability is key,' said one key informant interviewee, a senior politician.

We suggest that, in order to build trust, understanding and cooperation around some of the thorny issues of irregular immigration, a proactive approach to communication with migrants themselves is vital. As one of our stakeholder interviewees pointed out, it is in these communities that much of the evidence required for evidence-based policymaking exists. The communities also provide many of the support networks that irregular immigrants can rely on. Community groups should be co-opted into the immigration process to a greater degree and increased investment in such groups would help to achieve this end.

Therefore we think the government should re-establish, maintain and take seriously migrant consultative forums, using its decentralised Local Immigration Teams. It should also make more use of polling and deliberative workshops to gather the views of immigrants – including the most excluded – the findings of which should be an element in shaping policy. And it should actively recruit community groups as funded partners in the immigration process, including returns and reintegration programmes.

Greater deliberative consultation with the wider public on immigration issues

While migrants are an important constituency, immigration is not just a migrant issue. It also affects the wider public. As polling over many years has shown, the public regards immigration as one of its top issues of concern. The government does of course use polling and focus groups to test public opinion and in recent years can be seen to have listened to popular demands. But we argue that more could still be done to involve the wider public in constructing an effective immigration system.

This report has shown the full complexity of the issue of irregular immigration and how it does not lend itself to simplistic solutions. Public engagement therefore needs to be done in a sophisticated way, which allows the issues to be discussed with appropriate seriousness. At present, we feel 'feedback' to the public rarely extends beyond telling people what the government thinks they want to hear.

To go some way to overcoming the problems highlighted by critics (see Cornelius and Tsuda 2004)¹⁰⁹ our favoured approach is to have a rolling programme of deliberative workshops or citizen juries, where members of the public are given the chance to discuss issues at length and are empowered to take a rigorous, solutions-focused approach. Our own research in this area has shown that the public is both hungry for such engagement and clearly capable of thinking about the issues intelligently and constructively.¹¹⁰

Voluntary sector-run return programmes

Trusted and reputable voluntary sector migration bodies need to step up, and to be supported and funded to manage return programmes.

We understand why some bodies are very wary of such involvement, particularly given the way that immigration control has been handled by the government, the UKBA and its predecessor bodies. But just as we argue that the UKBA could be less macho in some of its rhetoric and methods, we also argue that migrant-supporting bodies need to 'get real'. Too often they pay lip-service to the idea that return is acceptable, while finding every possible objection to it in almost every case. This approach needs to end – particularly among organisations that receive large amounts of state funding.

As we showed in Part One, our research suggests that irregular immigrants claim not to make use of migrant-supporting bodies, partly because they are suspicious of their intentions or confused about their independence from the government. Given this level of suspicion, becoming more actively involved in return programmes is a risk for organisations whose core mission is to support migrants. Our proposal is clearly not a magic bullet, but we nonetheless maintain that if migrant-supporting organisations – with a human rights ethos and staff who respect migrants and want to support them in every way – were contracted to run return programmes, as well as reception, advice and integration programmes, more immigrants who had reached the 'end of the line' would trust and cooperate with return processes.

Various pilot programmes have been run around the world in which voluntary organisations have run 'end of process' schemes designed to encourage and facilitate human return, although evidence on how well they have worked is thin on the ground (Black et al 2010). One of the best-known is the Hotham Mission Project in Melbourne, which works with families at all stages of the asylum process in Australia. An important principle of its work on return is that a dedicated caseworker looks first to see that there are no outstanding protection issues. Clients are offered good quality legal advice and only when it is clear that return is the appropriate option do caseworkers provide practical and emotional support to facilitate voluntary return (Bercow et al 2006).

The UK government is currently looking at various pilot schemes in relation to alternatives to detaining children. One of the schemes' weaknesses is that families in such projects seem to be able simply to reject voluntary return packages. As we have stressed throughout this report, we do not think 'rejection of return' should be an option open to irregular immigrants. There have been many weaknesses with the unsuccessful pilot schemes to encourage return (such as Clannebor in Leeds and the Millbank project in Kent). But the flaw not sufficiently recognised in evaluations so far (see Nandy 2009) is that not enough was done to impress on clients of the schemes that it is not a question of whether they *want* to return, but only of how they can be helped to do so. At present, among some migrant-supporting organisations, including the more mainstream ones, there is too strong an ethos that return should be resisted at all costs.

Tagging, monitoring and reporting arrangements

While arguing against the use of detention as an instrument of immigration control in all but exceptional circumstances (as we did in section 8.5), we realise that authorities do need some mechanisms for 'keeping track' of irregular immigrants prior to removal. Although the risk of absconding is sometimes exaggerated, it is obvious that migrants faced with the imminent prospect of return may be tempted to move address or otherwise 'disappear'.

109 Cornelius and Tsuda point out three limitations on using public opinion to overcome policy gaps: (1) that the public are not in possession of full information; (2) that they may not agree with policy aims in first place; and (3) that the public is not monolithic and often pulls in different directions.

110 In the autumn of 2009 ippr held a series of deliberative workshops in the West Midlands as part of our 'Communicating Migration' project.

For this reason the UKBA is right to utilise technological solutions such as electronic tagging, as well as old-fashioned reporting requirements, to prevent absconding.

Electronic tagging and voice verification techniques are already used by the UKBA to maintain contact and control prior to removal. Extensions of these schemes are planned. There are civil liberties issues to be taken into consideration, but we think such controls are greatly preferable to detention.

Personal return packages

We have already made the point that the distinction between voluntary and enforced return has outlasted its usefulness. In our view, all irregular immigrants who do not qualify for re-compliance (as set out in section 7.7) or who do not qualify for forms of temporary or indefinite leave to remain for humanitarian or other special reasons (as set out in sections 7.8 and 7.9) – in other words, all irregulars whom we categorise as ‘manifest’ irregulars (see section 7.3) – should have only one option: imminent removal.

However, we do think that to facilitate return all irregular immigrants should also be able to access a return package, personally tailored to their needs. As we saw in section 8.6, the Voluntary Assisted Return and Reintegration Package (VARPP), which is currently available to asylum seekers and other temporary migrants, provides a model, as its terms are negotiated between the contracting client and an IOM official and it includes reintegration assistance. As well as in-kind assistance and payment to service providers, we think that there should be a cash element to the package to incentivise return. More importantly, we think that the value of the package should be pitched at the more generous levels of recent years – perhaps £5000 at the top end – and should be available at all times. (In recent years, these packages have tended to be available only for limited periods.) We would also recommend extending such a scheme to include all irregulars – currently most only qualify for the less-generous AVRIM scheme.

There is no doubt that such schemes can be seen to be generous to some irregular immigrants who, it can be argued, should never have been in the UK in the first place. However, a £5000 package is cheaper than the estimated £11,000 cost of enforced return and, more to the point, if the main aim is to increase returns then financial inducements will be needed.

We should make clear that under our plan not all, or even most, irregular immigrants would be able to negotiate a ‘top of the range’ package. We suggest that the level of assistance is related to the degree of cooperation shown. However, we do think that irregulars should be able to access some assistance to return (including reintegration funding) at any stage of the process. In other words, there should not be cut-off points where they qualify or they don’t.

That said, there should clearly be scope of officials to refuse a financial package when it is clear that an individual is requesting it for entirely cynical or frivolous purposes, such as to claim a free ticket home and some easy cash, when they don’t need such support. This would probably apply to many cases involving Australian, American or Brazilian overstayers.

In very limited circumstances, we think the package may involve some agreed time limit to settle affairs in the UK. The process of uprooting irregular immigrants literally overnight – especially those who have been in the UK for many years – seems particularly harsh and unnecessary. We think that allowing irregular immigrants, by pre-agreement, a matter of a few weeks to sort out their things, prepare for departure and say their goodbyes is reasonable – as long as this doesn’t become an excuse for endless delays.

Migrant-supporting organisations and in particular migrant-led community groups should be involved in these processes (and funded to do so), acting as advocates for returnees, providing emotional and practical support with winding up affairs, and providing sureties for their cooperation up to final departure. The Strangers into Citizens group has been piloting schemes through which churches or other groups in the UK effectively ‘sponsor’ or ‘follow the progress’ of returnees – this seems to us a good idea worth pursuing.

We also think it might be helpful to consider a ‘de-escalating’ re-entry ban imposed on irregular immigrants, so that the more they cooperate in the process of return, the fewer the number of years for which they will be barred from applying for a visa to come to the UK in the future. The current system means that an irregular immigrant who leaves voluntarily at their own expense is barred for 12 months; a person who uses a voluntary return package is barred for five years, and the re-entry

ban for deportees is 10 years. Among some of our interviewees, the length of the deportees' re-entry ban was a big factor in making them stay on in the UK.

Of course if they stop me, I am out of here for I think 10 years maybe. This is very difficult for me. I must try to stay and to work.

Male, 34, Pakistani

IOM officials also pointed out that the re-entry ban was an issue they had faced.

One thing, the biggest deterrent to it (return) is the re-entry ban. Because it is very difficult to get out of Nigeria these days. The High Commission in Lagos is the busiest in the world, I think. So it is a nightmare for everyone to get a visa. So for people returning, they are put off by not being able to get back for five years. So you will only do [it] when up against the wall. The whole notion of a ban, the impossibility of coming back even as a visitor or tourist – that is big, big thing.

Key informant interviewee, IOM outreach consultant working with the Nigerian community

We argue that the re-entry bans should be more closely and personally weighted to the degree of cooperation shown by an irregular immigrant towards returning. In some instances, the ban on re-entry might even be higher than 10 years, but in other cases, even involving those who are forcibly removed, the tariff could be set lower as an incentive towards cooperation.

Let us stress again: return itself in these situations should be strictly non-negotiable. If an irregular immigrant still has an asylum claim outstanding, or is in the process of challenging a removal order in the courts on whatever grounds, then they are, by definition, not at the end of the process. Otherwise, there should be no reason why a removal should be further delayed.

In section 8.5 we voiced our disquiet about the ethics and efficacy of immigration detention, but we also suggested that some use of secure units immediately prior to removal was probably required. It is at this stage that the risk of absconding is very real – and holding people in secure hostel accommodation close to an airport for a night or two does not seem to us unreasonable.

Clearly, our research suggests that some irregular immigrants will resist the last attempts to remove them. It is a cruel business to remove someone who has set their heart on staying in the UK, made many sacrifices to get here and stay here, and who faces a possibly bleak, if not dangerous, situation back home. But to argue that in these circumstances the government should simply adopt a strategy of big-heartedness and let people stay on is to argue against anything approaching a sensible or credible immigration system. No doubt people will sometimes kick and scream as they are led to coaches or escorted onto planes. But such behaviour should not, in all but exceptional circumstances, lead to a delay in their departure. If return is to be stepped up, it needs to be fair, but also firm.

Chapter 9: Reintegration in the country of origin

This is a short concluding chapter, not because the subject is unimportant but because the scale of our research did not allow us to explore in any great depth the extent to which returnees had reintegrated successfully or not into their home countries. This is an area of returns policy which needs further research, not least because a number of key informant interviewees for this project and other leaders of migrant-supporting organisations known to the authors have stressed that if irregular immigrants are returned in ways that are not safe and sustainable they simply migrate again – often finding ways to return to the UK. This is clearly an unsatisfactory outcome.

We were not able to verify such claims in our research, although among the irregular immigrants in the UK we did meet some who had been in and out of the country more than once. Our research with returnees did suggest that many were at least considering returning to the UK (four out of five Jamaicans and five out of six Ghanaians). However, all of them said to researchers that they would only do so if they could come legally. The reason they mainly gave for wanting to return was quite simply that they retained a positive view of the UK in comparison with their own country.

I say that [the UK] is a good country with a good environment and good people who care for human beings. It is a better society compared to Pakistan. Over here, a poor person cannot live. Rivalries, party-based enmities. Over there, people go and spend their life in peace. Earn a living for your kids. No tension.

Male, 49, Pakistani returnee

The ability of individuals to cope with the experience of returning to their country of origin depended on the situation to which they were returning, the extent to which they had networks of support available, and on their mental health. Refused asylum-seekers described feeling suicidal and desperate following their return. For those returning home without housing or family networks of support to draw on, their situation was described as extremely precarious. A second issue that resulted in psychological distress was the experience of separation from children, who remained in the UK. For example, one woman who had been treated abusively by her in-laws while living in the UK still wished to return to the UK in order to be re-united with her daughter.

I have noticed a lot of changes for sure ... it's a huge mountain that fell on me ... how can I be happy ... people go abroad ... and people have a different perceptions ... people talk about me ... I can't sleep at night. I think about my daughter ... I hear her voice...

Female, 28, Pakistani returnee

As this example illustrates, separation from children was one reason why individuals who had returned to their country of origin still wished to try to come back to the UK by any means. There were also other reasons why returned immigrants wished to return to the UK. A key issue was that, in many cases, the initial economic and political 'push factors' which had led people to migrate to the UK remained just as pressing.

However, there was also recognition of the potential barriers to returning to the UK. Returned migrants from all countries expressed the view that it is harder to avoid being caught as an irregular immigrant, now that controls are tighter and there are more raids on employers.

They have totally stopped illegal people from working and the people who are legal, they just claim benefits. They don't work at all.

Male, 49, Pakistani returnee

For all the participants who wished to return to the UK, the ideal was to do so legally. Many were hopeful that this would be possible and, in some cases, this optimism prohibited them from discussing whether they would come back illegally if their applications for legal status failed. It was significant that, when discussing the possibility of returning to the UK legally, 'marriage' was consistently perceived as a key 'legal' means of returning to the UK.

Generally, we should make the point that none of the returnees our researchers spoke to appeared to be in any danger, although many were living in marginal and precarious ways. Of course, the sample of returnees we were able to locate was somewhat skewed towards those who had used return packages, and also to those who could be more easily found and who were willing to talk to us.

Return and re-admission agreements with origin countries

We have already touched on this area in our recommendations on cooperation with origin countries, but we return to it briefly to consider how these agreements can help with facilitating return. At present, the FCO operates a £40 million Returns and Reintegration fund which is used to help strengthen ties with origin countries to help increase the number of returns (UKBA 2008). The fund is currently being evaluated.

While there are criticisms that can be made of cooperation with origin countries to facilitate return – for instance, around so-called memoranda of understanding by which countries agree not to mistreat or torture returnees – generally, we think it makes sense to try to forge more formal agreements with countries from which many irregular immigrants come. These can help to tackle issues such as non-recognition of identity documents, ensuring smooth routes of return and reception arrangements for returnees.

Active monitoring of the safety and sustainability of return

Our final recommendation is one that many migrant support agencies, particularly in the refugee field, have been making for many years: that the UK government should be taking more care to check up on what happens to people who are returned, either as a result of deportation or through voluntary return programmes. The argument for such monitoring is two-fold:

1. It is important to know if people are safe and well in their home country, both because a returning state has some responsibility for those it deports and because having this information can inform decisions on whether other nationals of that country should be returned.
2. Without monitoring, the UK cannot really judge if its returns programmes are sustainable. Many migrant organisations say that immigrants returned, particularly forcibly, simply migrate out again, sometimes returning to the UK.

It is true that some monitoring of returnees is done through IOM, and doubtless FCO missions (and indeed juxtaposed officials) also gather some intelligence on people deported, particularly if they are regarded as a security or crime risk. However, we would like to see monitoring extended and more information published.

Appendix: Methodology

Overview of research methods

In addition to an extensive literature review of irregular immigration in the UK and comparative countries abroad, the project adopted three primary research tools: life-history interviews, an anonymous survey and interviews with key stakeholders. These three methods were selected because of their complementary nature, manageability and their suitability given the sensitive nature of the research project.

Life-history interviews

A total of 75 life-history interviews were completed with 44 current irregular immigrants in the UK and 31 former irregular immigrants living overseas. The interviews were conducted by 12 trained researchers who had the relevant language skills. Eight of these researchers were based in the UK while four were based in Ghana, South Africa, Jamaica, Vietnam and Pakistan. Interviewees were recruited with assistance from NGOs, IOM, the local community and the researchers' networks.

Interviews took place with people from: Bolivia, Brazil, China, Colombia, Ecuador, Ghana, India, Jamaica, Mexico, Nigeria, Pakistan, Ukraine, Russia, South Africa, Vietnam and Zimbabwe, primarily in London but also in Birmingham. These interviews represent a range of demographic characteristics and types of irregularity in the UK. The sample does not claim to be statistically representative, but does provide a good indication of the diversity of irregular immigrants currently living and working in the UK.

Life-history interviews with irregular immigrants still living in the UK were carried out with the following nationalities:

- 8 Chinese speakers
- 8 Nigerians or Ghanaians
- 8 Hindi or Punjabi speakers
- 8 Russian or Ukrainian speakers
- 8 Latin Americans
- 2 Zimbabweans

Life-history interviews were also carried out with former irregular immigrants to the UK who were now living back in their country of origin:

- 9 Ghanaians
- 9 Pakistanis
- 5 Jamaicans
- 5 South Africans
- 3 Vietnamese

Research participants included four of the top five nationalities in the irregular population, based on enforcement data for 2007.

1. Brazil – 6725
2. India – 3995
3. Pakistan – 3895
4. Nigeria – 3500
5. United States – 2245

As one of the project's aims was to explore the complexity and fluidity of migration status, interviews were carried out with a range of irregulars, including:

- asylum-seekers and refugees
- rejected asylum applicants

- people who had entered the country without permission or overstayed their visa
- those residing legally but working without permission or beyond their permitted hours
- those who had previously been irregular but since gained legal status.

Interviewees were asked to draw a timeline showing where they had lived at different times in their lives, marking key dates and events, places of residence and specifying whether they had a legal or illegal residence status. The timeline served as a chronological guide for the rest of the interview.

Life-history interviews enabled us to explore immigrants' motivations for remaining in the UK, factors that prevented them from returning to their country of origin, and any future intentions regarding migration. The final part of the interviews adopted a solutions-based approach where interviewees were asked what they thought UK politicians should do about irregular immigration based on their experiences.

Survey

We conducted an anonymous survey of more than 133 current and former irregular immigrants in the UK. The survey was designed to build a wider demographic profile of the irregular immigrant population in the UK. It was distributed by researchers and with the help of community and faith organisations.

The survey form is reproduced in full below.

Key informant interviews

Twenty-two key informant interviews were carried out with policymakers, international experts and stakeholders, community leaders, and representatives from migrants' and refugee organisations. The purpose of these interviews was to gain a broader perspective on trends and policy on irregular immigration. Key informants suggested a range of immediate and long-term policy solutions for irregular immigration in the UK.

Research challenges

Recruiting current and former irregular migrants

Gaining access to irregular immigrants was inevitably a difficult task, as immigration status has no visible marker. Fear of being reported and scepticism about the research outcomes also added to the challenge. The researchers used a variety of recruitment strategies, but personal contacts were the most effective in gaining the necessary trust, particularly where researchers were from the immigrants' own communities. Where personal contacts were not an option, researchers had to rely on 'gatekeepers' to the community. Migrant or refugee support organisations, community centres and churches played an instrumental role. Using intermediary organisations, however, was sometimes problematic. Researchers frequently had to reassure people about the aims of the research.

Recruiting returnee irregular immigrants in their home countries was particularly challenging. Firstly, it was difficult to identify former irregular immigrants who had been in the UK. Secondly, once identified, many people were reluctant to recount their past experiences. There were also some difficulties in working with overseas researchers who were being instructed and managed at arm's length from the UK-based project team.

Informed consent and interview recording

Obtaining informed consent is required for all research. Researchers provided the participants with full information about funders, research methods and dissemination plans, the ground rules and potential risks and benefits. The aim was to ensure that the individual could make an informed decision about whether to participate. Informed consent normally requires a written or verbal agreement with research subjects. Written consent, in the context of irregular immigration research, can create suspicion because it undermines the interviewee's anonymity and safety and can deter them from participating. In this project, we did not ask for written informed consent, but made it clear that the interviewee had the right not to take part, not to answer certain questions and to withdraw from the interview at any time.

The majority of researchers found that interviewees were willing to be recorded. However, on some occasions, particularly when discussing very sensitive issues, the recorder was turned off, or further

data was gathered after the end of the interview and the recording, and permission was then sought from interviewees to use this material.

Some interviewees were initially reluctant to open up because of audio-recording. To build up trust, I visited a few times to build up rapport and to get the respondent to open up. Still, I felt during the absence of recording and during informal meetings some spoke much more openly – and in some case their voices, to some extent, were different from the recorded ones.

ippr researcher

With only few exceptions, research subjects did seem to welcome being interviewed, appreciated being listened to, and sometimes seemed to find the process therapeutic. The solution-based approach adopted in the interviews also gave the interviewees an opportunity to contribute to the design of solutions to their situations, hence empowering the research subjects.

However, with the built-in rapport between interviewers and interviewees came the risk of informants disclosing names and places or detailed violations of the law. In such instances, researchers would intervene and explain that this information was not relevant to the research or that it was too sensitive. However, sometimes it was important not to disrupt the flow of the conversation. Thus, as part of our ethical responsibilities, such data was either not recorded or was deleted afterwards.

Telling the 'right' story

The limitation of life-history interviewing is that it usually elicits what people are prepared to tell the interviewers, which is often an edited version of a morally acceptable story. In fact, the limitation when recording people talking about their involvement in activities, which are socially perceived to be 'illegal' or 'illegitimate', is that they often lack the confidence and openness they allow during informal conversation. The real challenge in these cases, as the discipline of oral history has illustrated, is to treat these silences as potential omissions, revealing what the subject might be unable to acknowledge and verbalise.

That said, interpreting silences as omissions can be a very dangerous exercise when doing research as it can lead the researcher to presume to know what the interviewee 'really' wants to say, even when nothing or the contrary is said. The danger here is to apply to everybody the same pattern of interpretation and to presume the existence of a false consciousness for people who do not subscribe to a hidden research agenda. In our case, there was none and we tried to stay clear of interpreting silences or omissions too much. In the interpretation of the research material, we tried to keep away from interpreting too much the unsaid or the unspoken, except when what was said during the interview was flagrantly in contradiction with the observation of actual behaviours.

Managing expectations

Researchers found that the research subjects and the organisations that served as brokers to access the interviewees had certain expectations of the researcher and the project as a whole.

Both organisations and migrants wanted to know if their participation would bring clear, tangible benefits to themselves. This was sometimes a hard sell, as the research itself might not necessarily lead to positive policy outcomes for the irregular migrants.

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Often this was based on beliefs of mutual obligation and rather more personal ideas of reciprocity between the researcher and the researched. Researchers sometimes found it inevitable or indeed reasonable to respond to some requests within limits. For instance, they were able to refer interviewees to other NGOs for advice and support.

The cooperation of researchers with other actors such as state or international agencies raised another set of challenges, as the research can lead to the discovery of employers, patterns and strategies which could inform enforcement operations. Hence, information produced during this research not only involves risks for the research subjects but also raises wider ethical implications

that might be interpreted as contributing to these organisations' agendas rather than simply as conducting independent research.

Power relationship between the researcher and the research subject

Researchers and irregular immigrants often enter into a complex and unbalanced relationship. We have always aimed to achieve relationships based on a humane approach and on respect. The irregular immigrants nevertheless do hold a position of key influence in the research context, namely the ability to decide whether to tell their story and participate in the research or to refuse. At the same time, the interviewees can potentially misinterpret the role of the researcher and believe that researchers can positively influence their situation because they are 'powerful'.

With this in mind, some researchers were hired from the same ethnic, cultural and/or linguistic group as the research subjects. This created a point of contact and facilitated relationships of trust and familiarity. Such a strategy improved communication and went some way towards addressing the difference in power and status between interviewer and interviewee.

Another set of issues lies in the level of trust emerging from this encounter and the consequences that this has for both parties. After an interview, an interviewee may wonder whether the information is actually in safe hands and so may consequently experience a period of stress. At the same time, the researcher may discover information that they find emotionally distressing.

On occasion, the interviewee wanted to continue the relationship in the hope that the researcher could do something to improve their situation. In general, we felt that we should do whatever was possible to live up to such expectations if such expectations were considered reciprocal and fair, and as long as they were not immoral, illegal or disproportionate. Deciding in advance the kind of reciprocity we would consider ethical in our relationship with informants made our position much more tenable.

Survey form

The survey set out below was distributed by field researchers via churches, mosques, community groups and other networks to irregular immigrants in London and Birmingham. 133 completed survey forms were returned to ippr. 17 respondents were from African countries, 25 were Chinese speakers, 25 were Russian or Ukrainian speakers, 26 were Hindi or Punjabi speakers and 40 were of various Latin American origin.

Survey: Understanding the motivations and intentions of irregular migrants in the UK

ippr is one of the UK's leading independent research institutes. ippr has been working on migration issues for over ten years and is currently doing some research that examines the experience of irregular (illegal) migrants in the UK.

I would appreciate if you take a few minutes to complete this survey. The aim of the survey is to collect general information of people who have spent some time in the UK as an irregular migrant. The surveys will then be analysed and this information will be used in our report. All surveys will be anonymous. It will not be possible to identify you in the report.

1. What is your country of birth? _____
Prefer not to answer

 2. What is your present nationality? _____
Prefer not to answer

 3. What was the maximum level of education attained in your home country?
(please tick only one option)
- | | |
|--|--------------------------|
| None | <input type="checkbox"/> |
| Less than six years of education | <input type="checkbox"/> |
| Completed elementary education – equivalent to approx 6 years of education | <input type="checkbox"/> |
| Completed secondary education – equivalent to approx 12 years of education | <input type="checkbox"/> |
| Vocational further education | <input type="checkbox"/> |
| University/academic higher education | <input type="checkbox"/> |
| Prefer not to answer | <input type="checkbox"/> |

4. What job were you doing in your home country? _____
Prefer not to answer

5. What were your main reasons for moving to the UK? _____

6. How long have you lived in the UK?
Less than 1 year
Between 1 year and less than 2 years
Between 2 years and less than 5 years
5 years or more
Prefer not to answer

7. How much longer would you like to stay in the UK? (please tick only one option)

- Less than 3 months
Between 3 months and a year
Between 1 and 3 years
Between 3 and 5 years
More than 5 years
Permanently
Don't know

If your answer is 'permanently' or 'don't know' please go to question 10.

8. To what country do you want to move to? _____
Prefer not to answer

9. Why do you want to leave the UK? _____

10. What was your immigration status when you first entered the UK?

- Clandestine entrant
Tourist, ordinary, business visitor
Student visa
Work visa, Tier 1 or 2 or equivalent
Seasonal Agricultural worker or SBS
Working holiday maker, au pair, cultural exchange
Asylum applicant
Ancestry visa
Visa for spouse, civil partner, fiancé(e), child or other dependent
Other (explain) _____
Prefer not to answer

11. What is your present immigration status?

- Current legal status
Irregular status
Prefer not to answer

12. How many hours did you work over last week? _____
Prefer not to answer

13. What job did you do last week? _____

14. How much money did you take home during last week?
(please enter the amount in British pounds) _____
Prefer not to answer

15. What other jobs have you done since you came to the UK? _____

16. Did you pay taxes or national insurance for any of this work?

- Yes
Paid tax for some but not all of this work
No
Prefer not to answer

17. Have you ever been asked to show your visa or identity documents at work?

- Yes, in all the jobs I have done
- Yes, in some of the jobs I have done
- No
- Prefer not to answer

18. Have you been in the UK for more than one year?

- Yes
- No

If your answer is 'no' please go to question 20

19. During the last year do you think it has become more difficult or easier for illegal immigrants to find work in the UK?

- Yes, much more difficult
- A little more difficult
- Neither more or less difficult
- A little easier
- Much easier
- Don't know
- Prefer not to answer

20. Since you arrived in the UK have your earnings ever been so low that you have not been able to buy enough food for yourself and your dependents?

- Yes
- No
- Prefer not to answer

21. Have you ever been asked to show your passport or visa when you have visited the doctor or attended hospital?

- Yes
- No
- Haven't visited doctor or hospital in UK
- Prefer not to answer

22. How likely or unlikely do you think it is that you will be caught by the police or immigration officers and sent home?

- Very likely
- Fairly likely
- Not very likely
- Not at all likely
- Don't know
- Prefer not to answer

23. Over the last year do you think more, fewer or about the same number of illegal immigrants have been caught in the UK and sent home?

- Many more
- A few more
- About the same number as before
- A few less
- Many less
- Don't know
- Prefer not to answer

24. Have you heard about the International Organisation of Migration assisted return programmes for illegal immigrants?

- Yes
- No
- Prefer not to answer

25. Would you ever consider using the International Organisation of Migration assisted return programmes for illegal immigrants?

- Yes
- No
- Prefer not to answer

Demographic questions

26. Gender

- Male
- Female
- Prefer not to answer

27. Age

- Less than 20 years
- Between 20 years and 24 years
- Between 25 years and 29 years
- Between 30 years and 34 years
- Between 35 years and 39 years
- More than 40 years
- Prefer not to answer

28. Are you...?

- Married
- Divorced
- Widowed
- Living with a partner
- Single
- Prefer not to answer

29. Does your partner or spouse live with you in the UK?

- Yes
- No
- Prefer not to answer

30. Do you have any dependent children aged under 18? If you do, how many do you have?

- Yes
Number of dependent children aged under 18 _____
- No
- Prefer not to answer

31. Do any of them live with you in the UK?

- Yes
- No
- Prefer not to answer

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