



Immigration under Labour

Contents

Summary	1
Introduction	2
Data Collection 1964-2010	2
Levels of Immigration, Emigration and Net Migration	2
Why did Net Migration treble in 1998?	4
Why did Net Migration continue to increase during the 2000s?	6
Overarching Government Strategy on Immigration?	14
2010 Election	22
Ed Miliband on Labour Immigration Policy since 2010	22
A Summary of Current Labour Party Policy	24
Conclusions	25

Summary

1. This study of Labour's immigration record shows that the initial leap in net migration in 1998 from 48,000 to 140,000 was largely due to factors outside the government's control. Thereafter, however, there was a deliberate policy of loosening immigration controls in almost every sector – a policy that was not declared in any of the three election manifestos. These policies accounted for two thirds of the 3.6 million net foreign migration under Labour. The other third was due to their decision not to impose transition controls on migrants from the new East European members of the EU – the only aspect of their record on immigration for which they have apologised.

2. The true motivation for these undeclared policies is not clear. Claims were made at the time of economic benefits through higher productivity and greater innovation but no study has found any significant benefits to GDP per head once the increased population has been taken into account. Less emphasised was the effect of a large supply of cheap labour in holding down wages which was, of course, welcome to the powerful business lobby.

3. There is evidence of a political motive – a desire to render society more multi-cultural. Indeed, a former Labour Special Adviser at the Home Office and Number 10 has written in a newspaper article that it was deliberate government policy from late 2000 to open up the UK to mass immigration. It is the case that migrants from Asia and Africa are significantly more inclined to vote Labour than to vote Conservative or Liberal Democrat. Furthermore, Labour declined to accept the advice of their own Attorney General that the right of Commonwealth citizens to vote in British general elections – a hangover from the imperial past – be phased out. This episode points to an awareness of the potential political benefits of immigration. At the same time there was an internationalist culture in parts of the Civil Service and the media that saw its duty as being as much towards the poor of the world as to the citizens of the

UK.

4. It was not until 2009, their last year in power, that immigration itself, as opposed to its effects, became the subject of serious Cabinet debates. By that time it was too late. Gordon Brown's dismissal of a Labour supporter who raised the question of East European migration during the 2010 general election campaign as "a bigoted woman" was the last nail in the coffin of Labour's credibility on immigration.

Introduction

5. The election in May 2015 is likely to be fought largely on the economy. However immigration will also play a key role in shaping the public's wider view of the main political parties as it continues to be one of the national issues that most concerns them. Net migration has not fallen despite a Conservative promise to reduce it to the tens of thousands by the end of this Parliament. This may prove damaging to the Conservatives as they have over promised and/or underperformed. Labour are however, unable to capitalise on the Conservative failure as their legacy on the issue is as close to toxic as is possible. This paper is designed to assess the reasons why Labour's legacy on immigration is so poor and explain why it is unable to make electoral headway in light of the Conservative failure.

6. Labour's record on immigration and its recent pronouncements suggest that the party continues to be reluctant to address the scale of immigration, hampering their efforts to develop a coherent policy on the issue and thus respond to public concern. The result is that, on the doorstep, Labour is choosing to ignore the issue (or rather move the issue on to more helpful topics).¹ More importantly, Labour's failure to arrive at a coherent policy means that, in government, they will be ill equipped to reduce the level of immigration, as the public strongly desire.

Data Collection on Net Migration 1964-2010

7. Migration data to and from the UK have been collected in some format since 1964.² For eleven years between 1964 and 1974 the total number of inward and outward migrants – internationally defined as an individual who moves to another country for a year or more – was recorded. Nationality was not systematically recorded as it is today although British citizens were recorded as they arrived and departed so it is possible to deduce levels of non-British migration. Data, including on nationality, have been collected in their current form since 1975.

8. The ONS estimates migration using the International Passenger Survey (IPS), a survey of 5,000 travellers to and from the UK. The IPS surveys passengers age, sex, marital status and reason for moving. Adjustments are made to account for asylum inflows, those who switch visas, and flows from the Republic of Ireland so as to arrive at the Long Term International Migration (LTIM) statistics. This paper will use both IPS and LTIM data.

Levels of Immigration, Emigration and Net Migration

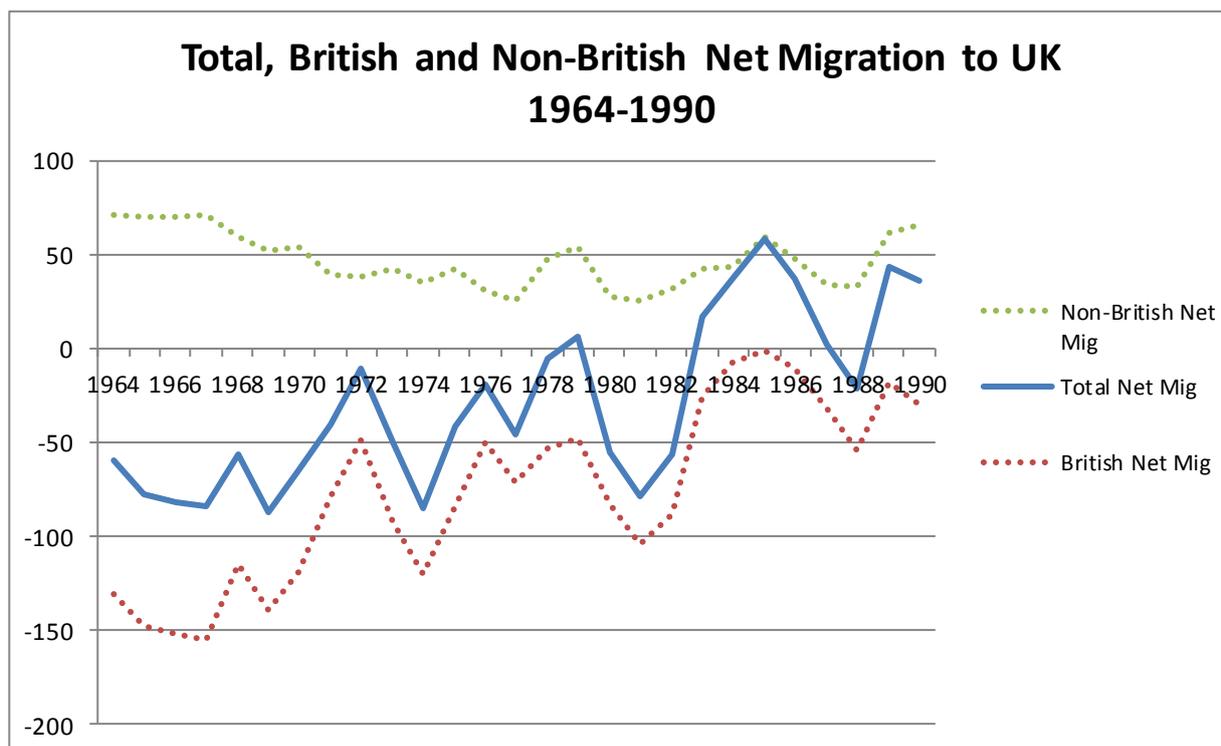
1964-1974

9. In 1964 net migration to the UK was negative with 60,000 more people leaving the country (emigrating) than arriving (immigrating) driven by a very large outflow of British citizens (202,000). Net migration was negative for this entire period with an average of around 60,000 more people leaving every year than arriving and net migration totalling -700,000. The decade was characterised by a large outflow of British citizens. See Figure 1 below.

1 Labour Party, Campaigning against UKIP, November 2014, URL: http://i.telegraph.co.uk/multimedia/archive/03138/CampaigningAgainst_3138005a.pdf

2 Previous migration to the UK is discussed here: Migration Watch UK, BP 6.1, 'A summary history of immigration to Britain', May 2014, URL: http://www.migrationwatchuk.co.uk/pdfs/BP6_1.pdf

Figure 1. Net Migration of All Citizenships, British and Non-British citizens, 1964-1990.



1975-1996

10. In 1975, when systematic recording of nationality data was introduced, net migration remained negative with 41,000 more people leaving than arriving, still driven by British emigration as non-British net migration stood at 43,000. For the next 15 years net migration was either negative or small but positive; total net migration was -85,000 and an average of 5,000 more people left the UK than arrived each year.

11. In 1990 net migration stood at 36,000 and by this point the pattern of an annual net outflow had ended. That said, total net migration per year remained in the tens of thousands during the early 1990s, reaching a high of 77,000 in 1994. Net migration between 1990 and 1996 was 274,000, an average net inflow of 39,000 a year.

1997 Onwards

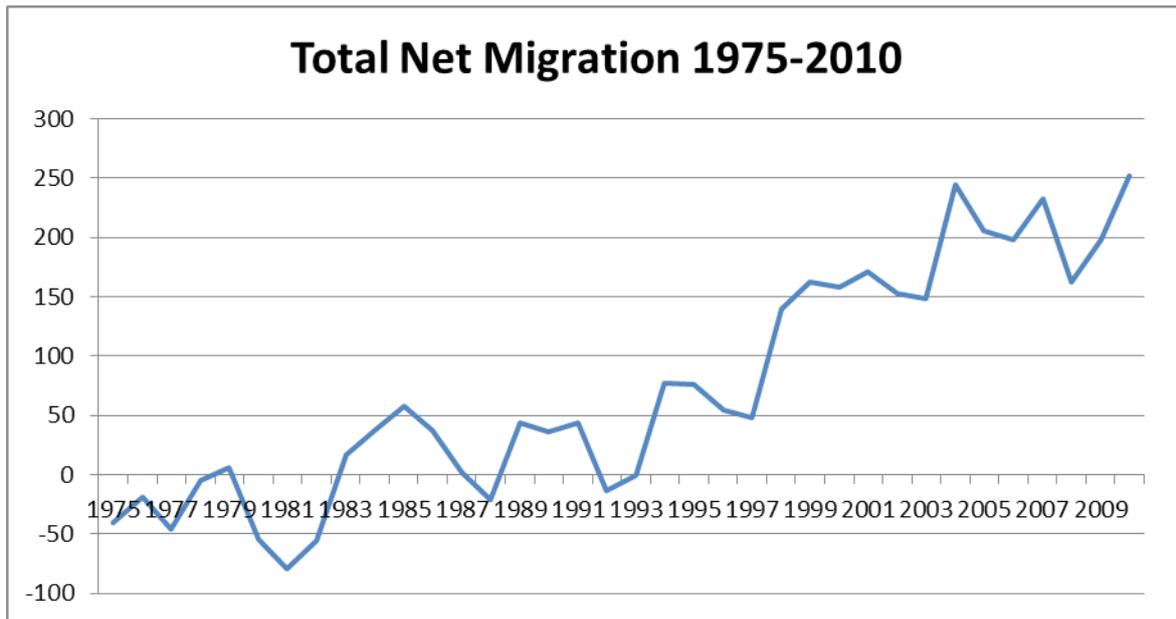
12. In 1997 net migration was 48,000 however it rose extremely rapidly, almost trebling in one year to 140,000 in 1998; it was not to fall below 100,000 again.

13. Between 1997 and 2010, the New Labour years, net migration averaged 200,000 per year, five times higher than under the Major government of 1990-1996. It is now clear that net foreign migration between 1997 and 2010 was 3.6 million, while nearly a million British citizens emigrated giving total net migration of 2.7 million.³

3 It was previously thought that net foreign migration between 1997 and 2010 was 3.4 million, while almost one million British citizens emigrated, leaving net migration at 2.5 million over the period. However, the 2011 Census revealed an undercount in foreign migration totalling 500,000. This means that net foreign migration between 1997 and 2010 was almost 4 million. For more on this see Migration Watch UK, BP 9.32, The Case for Revising the Immigration Figures, July 2013, URL: <http://www.migrationwatchuk.co.uk/briefing-paper/9.32>

14. The rate of inflow between 1997 and 2010 equated to one migrant arriving every minute.

Figure 2. Total Net Migration 1975-2010



Why did net migration almost treble in 1998?

15.1 Net migration increased rapidly between 1997 and 1998, rising from 48,000 in 1997 to 140,000 in 1998. This change was the result of an increase in inflow of 63,000 and a 28,000 reduction in outflow. This overall increase was partly the result of government policy but, in that year, there were also factors beyond the government's control.

a) Asylum

15.2 Home Office data show that there was an increase in applications for asylum in 1998, up by 13,500 or 42% in one year to 46,000.⁴ The conflict in Kosovo in 1998/99 produced a large number of asylum seekers. Although the number of people granted asylum in 1998 was only slightly higher than in 1997, the number of applications was far higher; this is a more accurate indicator of inflows of asylum seekers.

15.3 Every year the Office for National Statistics adds an additional component to the International Passenger Survey (IPS) numbers to estimate Long Term International Migration (LTIM). One of the additional components is an estimate of the number of asylum seekers who are not picked up by traditional counts because of the nature of their entry. In 1998 the ONS estimated the additional asylum component to be 41,000, far higher than in 1997 when an additional 24,000 asylum seekers were added to IPS.

b) Abolition of the Primary Purpose Rule

15.4 One of the 1997 manifesto pledges was to "reform the system...to remove the arbitrary and unfair results that can follow from the existing 'primary purpose' rule."⁵ In fact, in their first month, Labour abolished the Primary Purpose Rule (PPR) altogether, a rule that placed the burden of proof on foreign applicants to prove that it was not the primary purpose of their marriage to a British citizen or settled person to obtain residency in the UK. This change placed the burden of proof on the immigration officials. The government at the time suggested that in 1996 around 1,000 visas had been refused as a result of the PPR.⁶ However in 1998 32,200 visas were granted to spouses compared to 26,400 in

4 See Table 1.1 of Asylum Statistics United Kingdom 1998, 27 May 1999, URL: <http://webarchive.nationalarchives.gov.uk/20110218135832/http://rds.homeoffice.gov.uk/rds/pdfs/hosb1099.pdf>

5 Labour Party Manifesto 1997.

6 BBC News, 'Immigration Rules Relaxed', 1997, URL: <http://www.bbc.co.uk/news/special/politics97/news/06/0605/straw.shtml>

1997 and 21,000 in 1996. The data suggest that the abolition of the primary purpose rule may have had the effect of increasing the number of applicants to come to Britain for the purposes of marriage, or that many who had previously been denied entry to the UK as a result of the primary purpose rule may have then reapplied.

Figure 3. Grants of Spouse Visas, 1991- 2009



15.5 The IPS data shows no increase in the number of people coming to the UK to accompany/join family members. However there was a net increase of 6,000 of people whose reason for moving to the UK was 'Other' or 'No reason stated'.

c) Abolition of Exit Checks

15.6 In 1994 the Conservative government abolished embarkation controls (otherwise known as exit checks) for all passengers departing for EU destinations. Paper based exit checks meant that the authorities knew when someone had left the country and crucially, when someone had remained in the country illegally. It was a paper based system that was not very effective and was abolished as an economic measure. In 1998 the Labour government abolished exit checks for all destinations which meant that, from 1998 to the present day, the government has had no idea who is still in this country. British citizens were not affected and would not have noticed the change but it is likely that once exit checks had been abolished instances of visa overstaying increased. The data seem to suggest that fewer New Commonwealth citizens left the country in 1998 than 1997 which may be related to this development. In 1997 17,000 citizens of the New Commonwealth departed; this number fell to 10,000 in 1998. Whether this was due to the abolition of exit checks is not clear since in 1996 just 12,000 New Commonwealth citizens departed. It cannot however be ruled out as a possible cause among many. Certainly, in the longer term, this proved a serious mistake, striking at the root of the credibility of the entire immigration system – especially as the capacity for enforced removal was, and has remained, extremely limited.

d) British Emigration

15.7 In 1997 net British emigration was 45,000. The following year it was 11,000, a steep fall in emigration which caused total net migration to rise. British emigration is beyond the government's control and is one of the causes of the rise in net migration to 140,000 in 1998. In 1999 net emigration of British people was just 1,000 which would have increased total net migration further the following year.

e) EU Immigration

15.8 In 1997 net migration from the EU (which was then made up of 15 West European nations) was 18,000. The following year it increased to 33,000 largely because more EU citizens came to the UK for work and their numbers cannot be restricted by the government.

f) Work Immigration from Old Commonwealth

15.9 Work migration from the Old Commonwealth (Australia, New Zealand, Canada, and South Africa) also increased in 1998 from the previous year's levels, increasing from net emigration of 1,000 to net immigration of 14,000. This route was within the control of the government although the increase was not the result of a change in policy.

16. In 2001 a paper issued by the Labour government argued that increases in migration were due to economic globalisation and cited increased transport links and cheaper airfares as a cause of greater global mobility. Other noted causes were economic integration within the EU and specifically greater labour mobility, as well as global insecurities driven by globalisation.⁷ An earlier unpublished draft of this same paper, released under Freedom of Information legislation revealed that the government also believed migration had increased due to the 'declining effectiveness and enforcement of border controls – itself a consequence of economic integration'⁸. In fact, of course, the effectiveness of border controls was a matter for government.

17. A number of disparate factors came together so the leap in numbers in 1998 was not primarily due to government policy. However, there was no policy response – quite the opposite as the following section describes.

Why did net migration continue to increase during the 2000s?

18.1 Net migration continued to increase after 1998 and rose even more sharply in the mid-2000s. David Blunkett, one of the most important politicians in terms of the development of migration policy⁹, said in 2003 that there was 'no obvious limit' to the number of migrants that could come to the UK and that there was no limit to the number of people who could be housed in the country.¹⁰ This was likely the thinking in government at the time and forms the context for the many policy decisions taken that had the effect of increasing the net flow, and which are described below.

a) Expansion of work permits

18.2 Under the banner of 'Managed Migration' the Labour government expanded the work migration route massively during the 2000s, mostly by changes to the rules rather than overarching legislative change.¹¹ This meant that the rules were steadily relaxed over time with little Parliamentary oversight. In 2000 Barbara Roche gave a speech in which she outlined Labour thinking at the time, indicating that the government planned to ease restrictions on work migration.¹²

18.3 At the time the assumption within government was that economic migrants were an economic boon; this narrative clearly runs through official literature and government pronouncements during the Labour years.¹³ Labour Ministers would regularly be quoted claiming that migrants added significantly to the public purse.

7 Glover, S., *et al.* Migration: An Economic and Social Analysis, RDS Occasional Paper No 67, January 2001, p.10. URL: <http://webarchive.nationalarchives.gov.uk/20110218135832/rds.homeoffice.gov.uk/rds/pdfs/occ67-migration.pdf>

8 Glover, S *et al.*, Migration: An Economic and Social Analysis, Unpublished preliminary report, July 2000, p.13. URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61128/migrationreportjul2000_1.pdf

9 Will Somerville, *Immigration under Labour*, 2007: The Policy Press, p. 122.

10 Guardian, 'Blunkett: No UK Immigration Limit', 13 November 2003, URL: <http://www.theguardian.com/politics/2003/nov/13/immigrationpolicy.immigration>

11 See Will Somerville, *Immigration under Labour*, The Policy Press, 2007, p. 29.

12 Barbara Roche speech at IPPR event at British Bankers Association, 11 September 2000, URL: <http://webarchive.nationalarchives.gov.uk/20130128103514/http://www.homeoffice.gov.uk/ipprspch.htm>

13 See Glover, S., *et al.* Migration: An Economic and Social Analysis, RDS Occasional Paper No 67, January 2001, p.10. URL: <http://webarchive.nationalarchives.gov.uk/20110218135832/rds.homeoffice.gov.uk/rds/pdfs/occ67-migration.pdf> and HM Government, The Secretary of State for the Home Department, 'Fairer, Firmer and Faster – A modern approach to immigration and asylum', July 1998, CM 4018, URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264150/4018.pdf

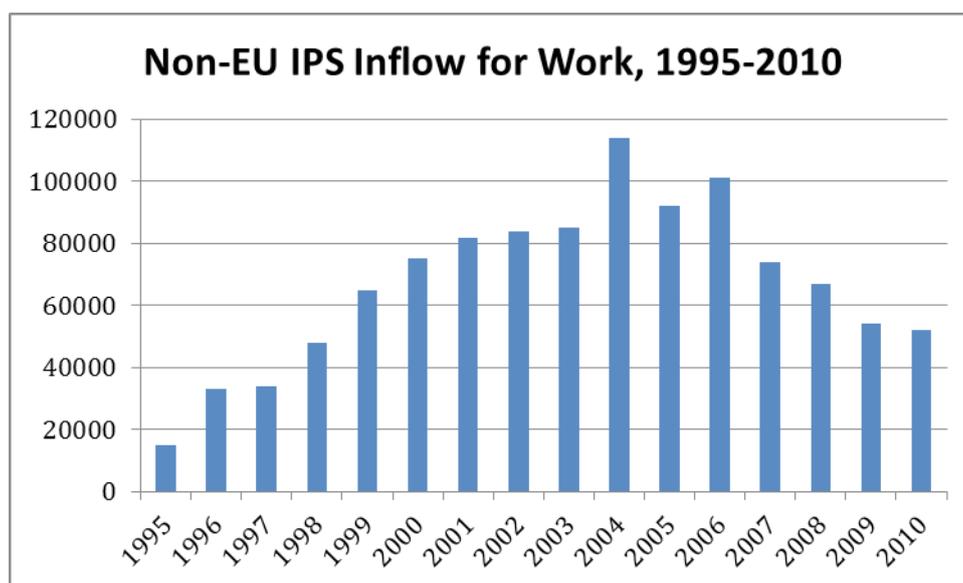
18.4 The liberalisation of the work permit system began in 2000 when entry criteria were relaxed so that applicants only had to demonstrate that they had a degree when previously work experience had also been required. In addition, various schemes were introduced expanding the route significantly, including the Innovators scheme (for entrepreneurs) and the Highly Skilled Migrant Programme (HSMP) (a pre-cursor to the Points Based System) which allowed entry to the UK for work if applicants could satisfy a points requirement with their qualifications and skills. The HSMP was slowly liberalised after being introduced.

18.5 The system was further liberalised with the introduction of the Points Based System, first outlined in 2005 and introduced in 2008. The system introduced three work 'tiers': Tier 1 which was designed for workers of such high skill and value that they could enter without an offer of employment, Tier 2 designed for skilled migrants with an offer of employment, and Tier 3 designed for low skilled workers but which was never opened.

18.6 The impact of Labour's liberalisation was that the number of visas issued soared. In 1997 62,975 visas were granted to non-EU migrants for work plus their dependants. Somerville claims that by 2005 that figure was 137,035¹⁴ however the 2014 data shows it had risen to 243,466.¹⁵

18.7 The IPS inflow for work (Figure 4 below) shows the stark rise in immigration for work from outside Europe, driven by Labour's ever expanding work permit schemes. (The IPS numbers are lower than the visa data because not all visas are taken up, not all stay for more than a year and a proportion are missed in the survey).

Figure 4. Non-EU IPS Inflow for Work (Definite Job and Looking for Work¹⁶) 1995-2010



18.8 Will Somerville *et al* argue that 2002 was a turning point for work migration because, for the first time, there was a visa for highly skilled migrants to come to the UK without a job offer based on their skills alone.¹⁷ Arguably, however, this is the point when work migration became uncontrollable because no longer did the labour market help regulate immigration according to the skills it needed but, instead, the task was given to immigration officials who could only deny a visa in the event of fraudulent documentation.

14 Will Somerville, *Immigration under Labour*, The Policy Press, 2007, p. 30.

15 Home Office Visa Statistics, Table vi_04: Entry Clearance Visas Issued by Category, URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/377154/entry-visas1-q3-2014-tabs.ods

16 1995 figure does not include those 'Looking for Work' and is therefore not exactly comparable.

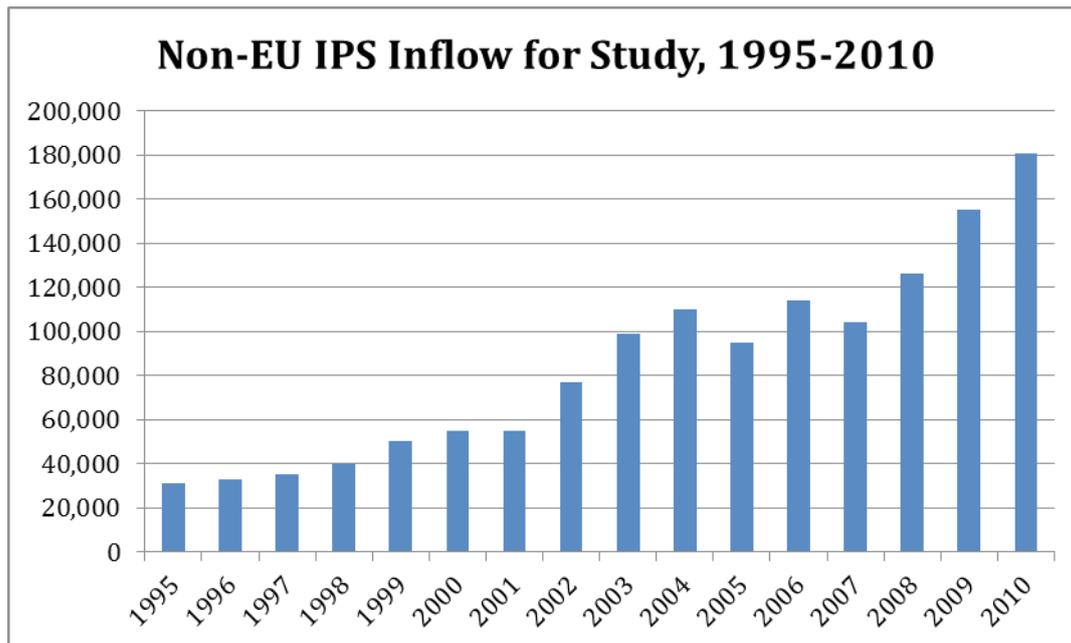
17 Will Somerville, Dhananjayan Sriskandarajah, Maria Latorre, 'United Kingdom: A reluctant country of immigration', Migration Policy Institute, 2009, URL: <http://www.migrationpolicy.org/article/united-kingdom-reluctant-country-immigration>

b) Expansion of student permits

18.9 In 1997 the IPS records the number of students coming to study in the UK (for a year or more) at 39,000. The government sought to increase that number when in 1999 the then Prime Minister launched the Prime Minister's Initiative, the aim being to increase the number of non-EU students at UK education establishments by 75,000 (50,000 at UK Higher Education establishments and 25,000 at Further Education establishments) by 2005. The initiative was successful and the number of visas granted to students increased substantially.¹⁸

18.10 The IPS figures show the increase in migration from outside the EU for study. In 2010 when Labour left office the number of students arriving for study was five times higher than when it came to office in 1997 as shown in Figure 5 below.

Figure 5. Non-EU IPS Inflow for Study, 1995-2013



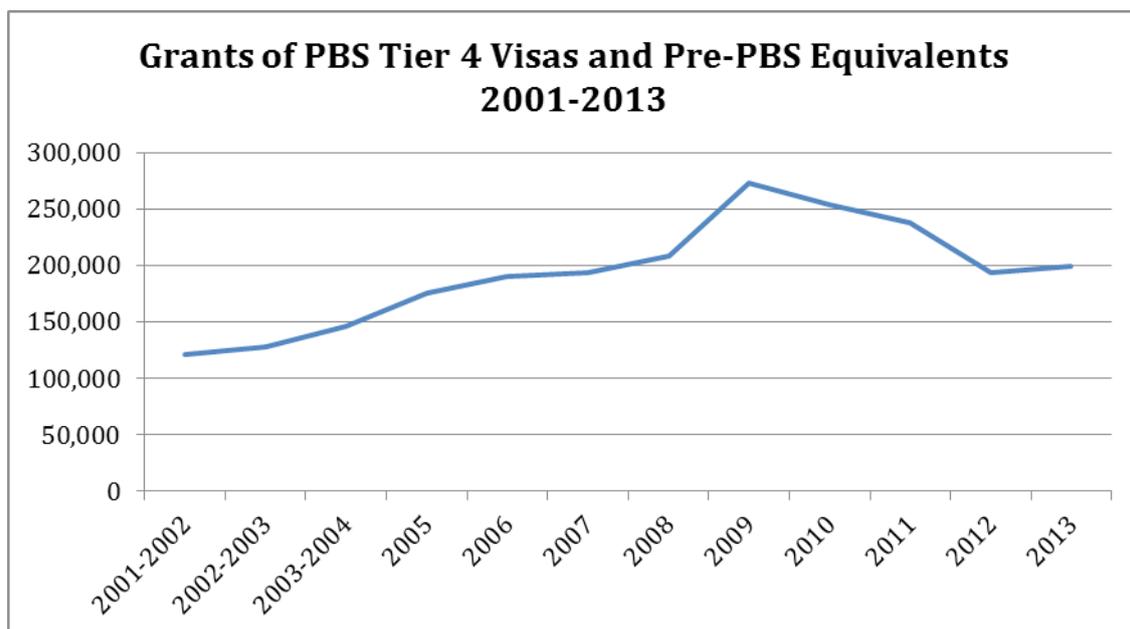
18.11 The second phase of the Prime Minister's Initiative, known as PMI2, was launched in 2006 and sought to increase numbers again. PMI2 sought to increase overseas higher education students by 70,000 and further education students by 30,000 by 2011.

18.12 The first PMI was in part achieved through a relaxation of immigration rules and post study work rules for students. It is therefore likely that, in implementing PMI2, policymakers sought to loosen the rules further and PMI2 no doubt featured heavily in policymakers' minds when the PBS Tier 4 was formulated in 2007/08. The PBS Tier 4, which was implemented in 2009, was a document based system in which applicants had to demonstrate that they had sufficient language skills, money to sustain themselves and an offer of a place to study in the UK. The assumption was that the visa would be granted if these conditions were met and any human judgement that had existed in the system in the form of interviews was removed. Numbers increased significantly in 2009. In some parts of the world there were concerns that bogus applications were being submitted on a significant scale; as a result embassies and consulates were closed to new student applicants for many months in China and India. The spike in 2009 is quite clear in Figure 6 below.

18 Department for Education, Innovation and Skills, Prime Minister's Initiative, <http://webarchive.nationalarchives.gov.uk/+http://www.dius.gov.uk/international/pmi/index.html>

18.13 The National Audit Office found that in the 2009 as many as 50,000 bogus students may have entered the UK to work rather than study and that the one third increase in applications for student visas could not be explained fully by external economic factors.¹⁹

Figure 6. Student Visa Grants 2001-2013



18.14 There are no data available that break down visa grants by education establishment. (Only recently has the government published data on visa applications by education type.) However, it is clear that the government was successful in achieving the desired increase in numbers. In 2005 the Home Office granted 176,000 student visas. By 2009, two years ahead of schedule, the government had increased numbers to 273,000, an increase of almost 100,000. The visa regime that allowed for this increase however did not ensure that the 100,000 rise was accounted for by genuine students. There were no checks on departure and the IPS was still incapable of distinguishing between workers returning home to work and those who had originally come as students returning home to work. As a result there was no information at all on the extent of student overstaying.

c) Expansion of the Post Study Work visa regime

18.15 In 2004 the government introduced the Science and Engineering Graduate Scheme that allowed graduates with a Second Class Honours degree and above in certain Maths, Science and Engineering (STEM) subjects to stay on for one year in search of work. In 2006 the government extended the scheme to include Masters graduates and those awarded a PhD in any discipline. One year later the scheme was extended for a third time to include graduates of any subject and any degree class, becoming the International Graduates Scheme. In 2008 the scheme was extended for the fourth time when the PBS was introduced and became the Tier 1 Post Study Work (PSW) scheme (later abolished under the Conservative led coalition). The PSW visa allowed all graduates of any class and subject to remain in the UK for two years in order to find work. There were no limits on the skills level of work that the students could take meaning that students were free to take low skilled and low paid work. The scheme was described by the independent Migration Advisory Committee as one of the most generous schemes of its kind.²⁰

19 National Audit Office, Immigration: The Points Based System – Student Route, March 2012, URL: <http://www.nao.org.uk/wp-content/uploads/2012/03/10121827.pdf>

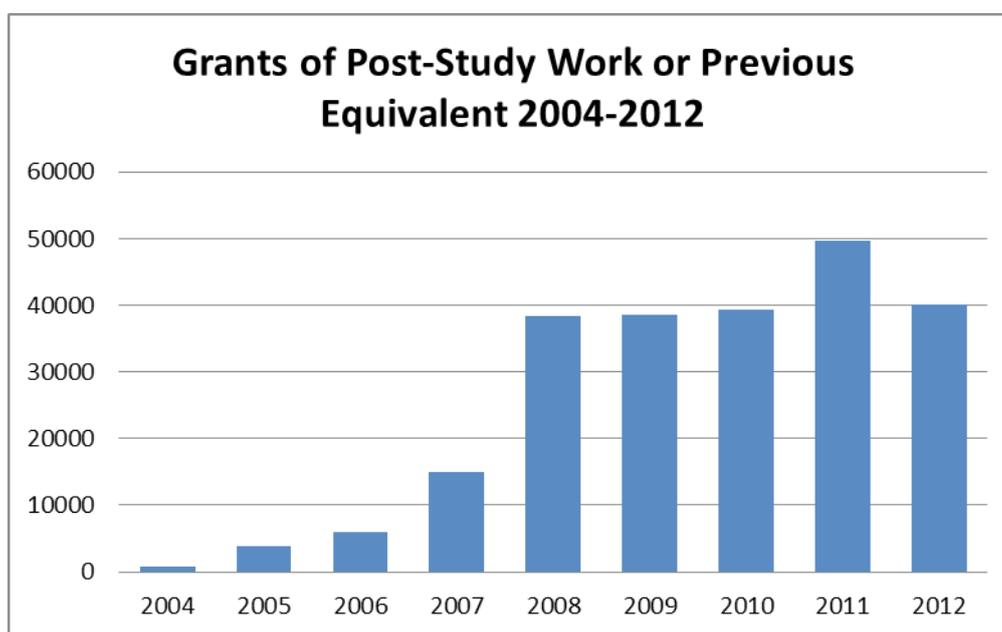
20 Migration Advisory Committee, Analysis of the Points Based System: Tier 1, December 2009, URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257267/mac-december-09.pdf, p. 8.

18.16 Take up of visas in the early years was modest because the scheme was only aimed at the small number of graduates studying STEM subjects. However, the PSW visa was taken up in huge numbers as, due to its generosity, students were attracted by the right to work for two years in any role after just one year's study. Courses at certain Universities came to service overseas students almost exclusively as an industry designed to facilitate student migration developed. Institutions were happy to take the fees from international students as, for other policy reasons, money paid by the government for each domestic student was reduced.

18.17 At the time the government argued that these students were the brightest and the best and that their skills should be retained in the UK. Home Office research in 2010 however found that just one in two PSW visa holders were working in a skilled role, with 29% working in unskilled roles such as shop assistants and security guards; the remaining 25% were "unclear".²¹

18.18 Effectively, the PSW scheme became a backdoor to the UK. As Figure 7 below shows there was a surge in numbers in 2008 following the fourth expansion of the scheme. The impact on net migration was both to reduce potential outflows of students and to encourage more student migration in order to take advantage of the visa.

Figure 7. Grants of Post Study Work Visa and Equivalent, 2004-2012. (Home Office)



d) Failure to impose Transitional Control on new A8 citizens in 2004

18.19 In May 2004 the EU expanded to include ten new countries, eight East European countries which at that time had a combined population of 72 million plus Cyprus and Malta. The Accession Treaty of 2003 outlined the conditions of accession and gave existing member states the legal right to restrict access to the labour market for nationals of the eight new member states of East Europe for a maximum transition period of seven years. The rationale for this was that these accessions raised the possibility of significant movement of workers which could be disruptive to the domestic labour markets of existing member states.

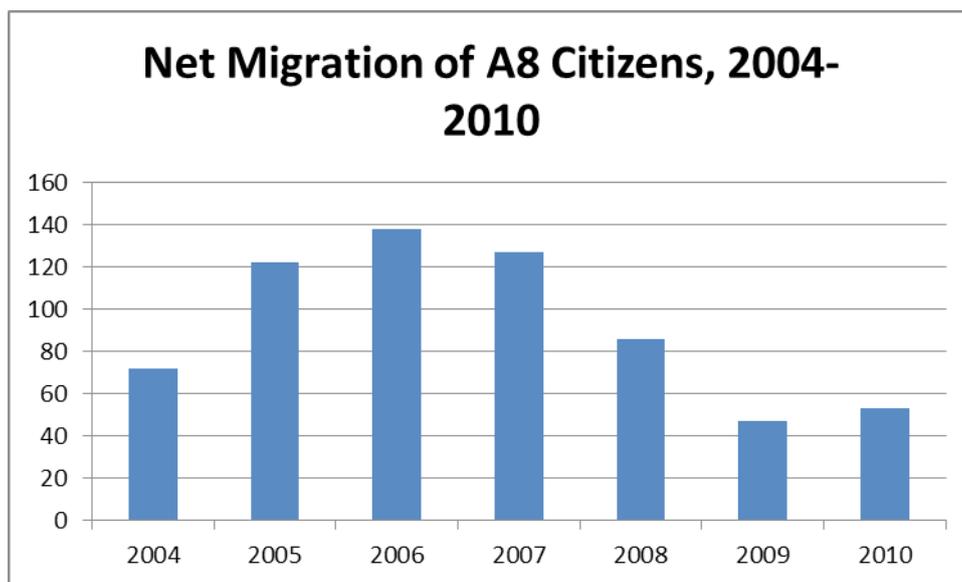
18.20 The Home Office commissioned a report to estimate the likely impact of opening up the UK labour market to citizens of the new member states. The report, written by Professor Dustmann *et al*, concluded that annual net migration from the accession countries would be between 5,000 and 13,000 if the UK labour market was opened up, and if Germany also opened up their labour market.²² In the event of Germany restricting access the report's authors concluded that some migrants would go to the UK instead but that 'even in the worst case scenario, migration to the

21 Home Office UKBA, Points Based System Tier 1: An Operational Assessment, October 2010, URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115913/occ91.pdf

22 Christian Dustmann, *et al*, The Impact of EU enlargement on migration flows, Home Office Online Report 25/03, 2003, URL: <http://discovery.ucl.ac.uk/14332/1/14332.pdf>

UK as a result of Eastern enlargement of the EU is not likely to be overly large.²³ The UK government decided against imposing transitional controls on new EU citizens, and was just one of three countries to make this decision, the others being Ireland and Sweden. The outcome is shown in Figure 8 below.

Figure 8. Net Migration of A8 Citizens, 2004-2010, adjusted for Census undercount.²⁴



18.21 The result was one of the largest peacetime movements of people in European history. At the end of 2004 the Annual Population Survey estimated that there were 167,000 people born in the A8 countries living in the UK. Within one year that number had increased by over 100,000 and by 2006 it had increased by another 156,000. Today (2013) the A8 population in the UK stands at 1.077 million, meaning that the population of A8 in the UK has increased by 910,000 since 2004, as shown in in Figure 9.

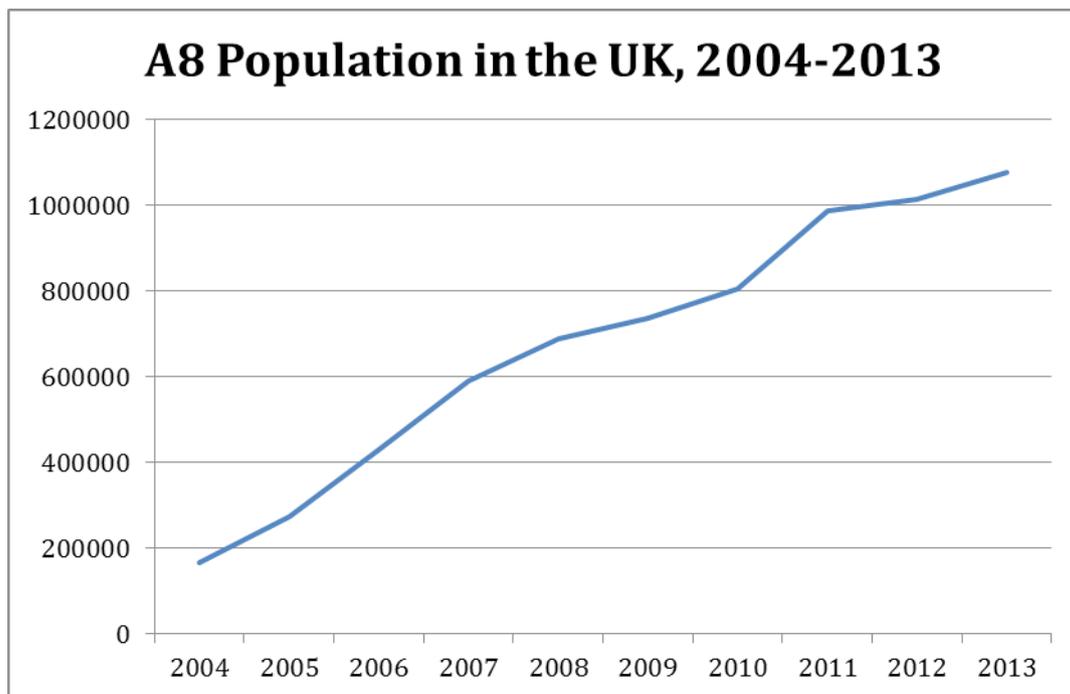
18.22 The decision not to impose transitional controls was probably the most significant *single* decision impacting migration flows to the UK taken by the previous government. There was no public discussion or consultation and David Goodhart (previously Editor of *Prospect* and Director of Demos) later claimed that this decision was taken by a small group of officials and Special Advisers prior to a European Union Council of Ministers meeting in Brussels.²⁵

23 Dustmann, C., et al. The Impact of EU enlargement on migration flows, Home Office online report 25/03, URL: http://www.ucl.ac.uk/~uctpb21/reports/HomeOffice25_03.pdf

24 The 2011 Census revealed an undercount of net migration. This undercount has been attributed to A8 citizens. For more on this see our July 2013 Briefing Paper 9.32 'The case for revising the immigration figures', URL: <http://www.migrationwatchuk.co.uk/briefing-paper/9.32>

25 David Goodhart, 'Accidental Immigration', *Prospect*, February 2010, URL: <http://www.prospectmagazine.co.uk/magazine/transforming-britain-by-accident>

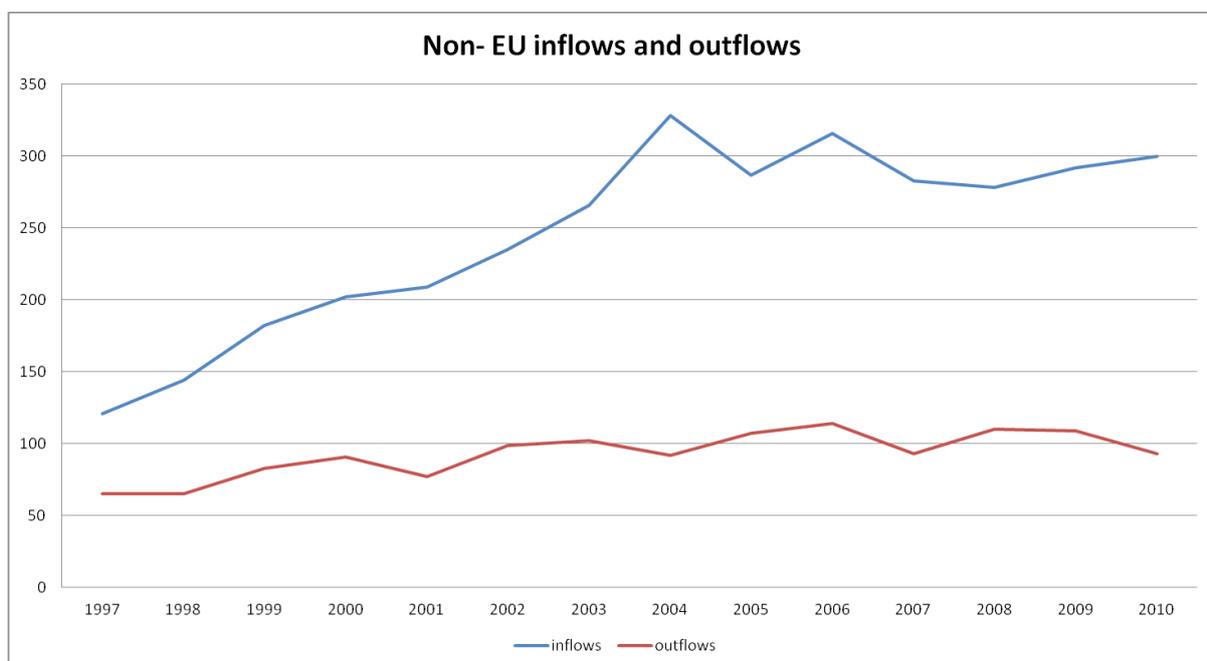
Figure 9. Population of A8 born migrants resident in the UK, 2004-2013. (ONS Annual Population Survey)



e) Failure to depart

18.23 Figure 10 illustrates that, as non-EU inflow to the UK increased, outflow remained largely constant. Non-EU migrants were either remaining legally by extending their visa and applying for settlement or remaining illegally once their visa expired. The rate of removal was very low and might have encouraged some to remain after expiration of their visa, having concluded that detection and subsequent removal was very unlikely. This failure to depart, even as the inflow was rapidly increasing explains why net migration was so high during the Labour years.

Figure 10. Non-EU IPS Inflow and Outflow, 1997-2010.



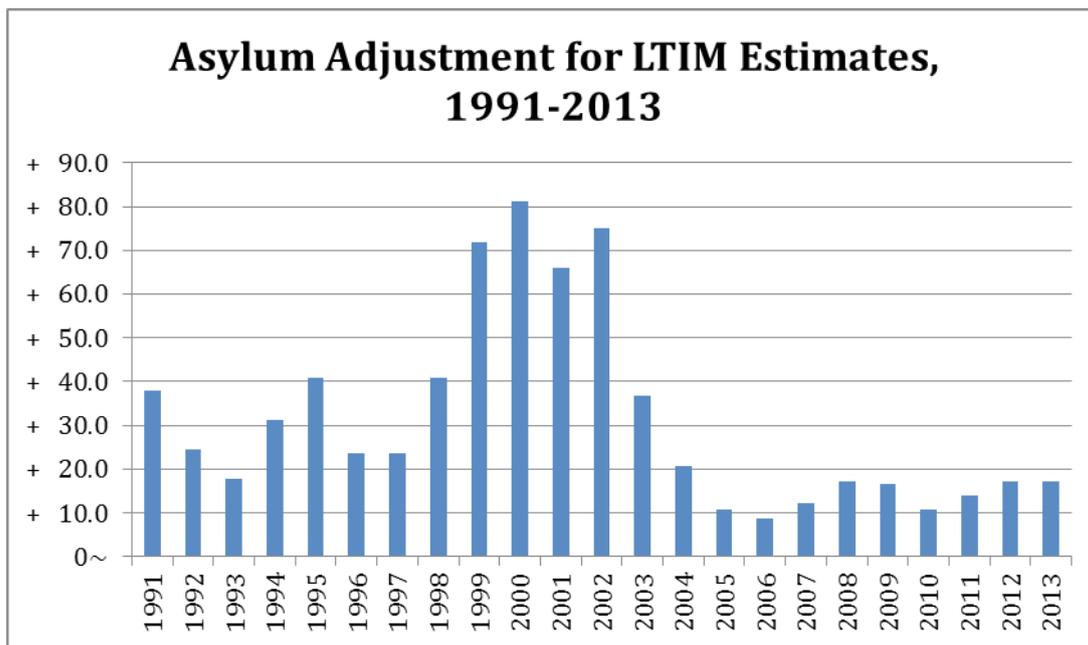
f) Human Rights Act

18.24 The Human Rights Act 2000 came into force in 2001 and had a twofold impact: it made the European Convention on Human Rights justiciable in UK courts meaning that people no longer had to go to the European court in Strasbourg to make their claims, and second, all legislation had to comply with the Human Rights Act. The Act had an impact on enforcement by extending the grounds on which it could be challenged.

g) Asylum

18.25 In the mid-2000s asylum seekers were a major component of net migration to the UK. As explained above, the International Passenger Survey counts migrants in and out of the country and the ONS then makes adjustments to these figures, taking into account asylum. It then produces final net migration statistics. Figure 11 below shows the adjustments used to estimate net migration and it shows a clear surge in the mid-2000s.

Figure 11. ONS Adjustment for Asylum Seekers (Main Applicants and Dependants) used to estimate LTIM (thousands).



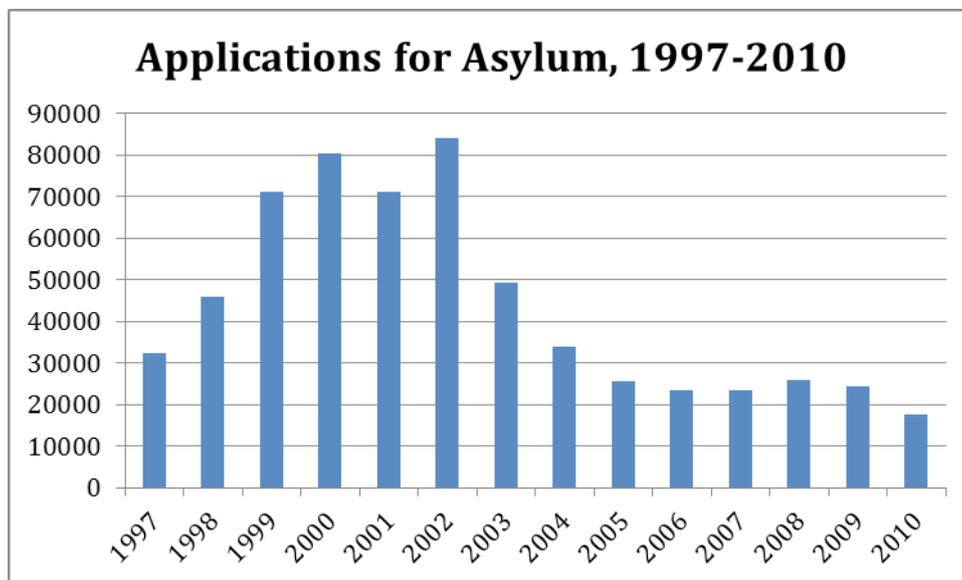
18.26 Applications for asylum increased significantly during the 2000s and in 2002 alone almost 85,000 applications were received.²⁶ The fall in 2003 perhaps reflects the implementation of the Immigration and Asylum Act of 2002 which sought to tighten the system (there is evidence that asylum applications were very sensitive to changes to legislation; asylum applications fell in 1996 after certain benefit entitlements for asylum seekers were withdrawn²⁷). The Asylum and Immigration (Treatment of Claimants, etc.) Act of 2004 further tightened the law, with particular regard to the manner in which claims should be considered. In 2005 the government changed the rules so that claimants were granted five years limited leave to remain if granted refugee status, rather than Indefinite Leave to Remain as was previously granted. While in reality those granted refugee status were able to settle indefinitely this may have created an impression that the UK was less welcoming for asylum seekers and may have led to a fall in asylum numbers. Alternatively, it may simply have reduced the number that decided to claim.

26 For a more detailed analysis of Labour's record on asylum see Migration Watch UK Briefing Paper 11.26, 'Asylum: the outcome', August 2011, URL: <http://www.migrationwatchuk.co.uk/briefing-paper/11.26>

27 HM Government, The Secretary of State for the Home Department, 'Fairer, Firmer and Faster – A modern approach to immigration and asylum', July 1998, CM 4018, URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264150/4018.pdf, para 8.20.

18.27 The government introduced six major pieces of legislation during their period of office, much of which was aimed at the asylum system.²⁸ Despite this the government never really got a hold of the issue. The rate of grants of asylum and other forms of protection (exceptional leave to remain, discretionary leave and humanitarian protection) across the whole period was 37%²⁹ but just 36% of those denied asylum were removed.³⁰ The failure to remove failed asylum seekers undermined the system and is likely to have encouraged failed asylum seekers to remain illegally. This has also led to a pool of failed asylum seekers many of whom will have accrued the right to family life under the Human Rights Act.

Figure 12. Applications for Asylum, 1997-2010



Overarching Government Strategy on Migration

19. It is clear that there were many policy decisions taken that led to an overall increase in migration to the UK;

- a) The abolition of exit controls to non-EU destinations
- b) Abolition of the Primary Purpose Rule
- c) Doubling of work permits for non-EU workers
- d) Quintupling of student visas
- e) Expansion of the Post-Study Work route
- f) Failure to impose transitional controls on A8 migrants

20.1 The question, therefore, is whether these decisions were part of a wider strategy at the highest level of government to increase migration for economic or other reasons.

28 The Government introduced the following pieces of legislation between 1997 and 2010: Immigration and Asylum Act 1999, Nationality, Immigration and Asylum Act 2002, Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Immigration, Asylum and Nationality Act 2006, UK Borders Act 2007, and the Borders, Citizenship and Immigration Act 2009.

29 Of the 660,000 asylum decisions made between 1997 and 2010, 243,000 (37%) were granted some form of protection (Asylum, HP, ELR or DL) and 417,000 were denied protection.

30 Of the 417,000 failed asylum seekers under Labour, 151,540 were returned (119,000 were removed by the UKBA). Migration Watch UK, Briefing Paper 11.26, Asylum: The Outcome, August 2011, URL: <http://www.migrationwatchuk.co.uk/briefing-paper/11.26> Paragraph 9.

a) Labour Manifestos

20.2 A major change in direction in a particular area of policy should be outlined in a manifesto. The 1997 Labour Party manifesto outlined five key objectives, focusing on education, justice, healthcare, welfare and taxation. Despite immigration becoming the most obvious legacy of the New Labour years there was almost no mention of immigration in that manifesto beyond the obvious point that 'every country must have firm control over immigration and Britain is no exception.'³¹ The party did outline their plan to review the primary purpose rule, which they abolished almost immediately after being elected in a landslide victory.

20.3 The 2001 manifesto, entitled 'Ambitions for Britain' included two small sections on immigration and asylum. On immigration the manifesto stated that 'as our economy changes and expands, so our rules on immigration need to reflect the need to meet skills shortages.'³² While this indicated that the party would continue expanding work migration there was no clear indication to the public that the government planned to continue with a policy of mass migration.

20.4 The 2005 manifesto 'Britain forward, not back' appeared to be making a case for continued migration, which at that point stood at 206,000 (later revised by the ONS to 267,000). It claimed that skilled migration was contributing to 10-15% of the UK's trend rate of economic growth, but it took no account of the increase in population. It also claimed that students were worth £5 billion to the UK economy. The party also suggested that the UK needed workers, citing the 600,000 vacancies in the economy. This was another entirely bogus argument. Vacancies have never fallen below 430,000 even at the labour market's tightest point in Spring/Summer 2009. The reason is that economies will always have a certain number of vacancies, otherwise no jobs would be available for people to move around within the labour market.

20.5 The 2005 Manifesto seemed to be a defence of the levels of migration that the country was experiencing and it did not indicate that the government had any intention of limiting migration. The manifesto outlined plans for a points based work migration system, ID cards and a reintroduction of exit checks to track whether or not migrants and visitors (of more than three months) were leaving the country, thus giving the impression that the government's approach was one of toughness.

20.6 The 2005 manifesto also committed to 'building a strong and diverse country' and stated that 'for centuries Britain has been a home for people from the rest of Europe and further afield. Immigration has been good for Britain. We want to keep it that way.'³³ This could be seen as both a defence of previous levels of migration and a commitment to maintain the status quo.

20.7 Taken as a whole, the manifestos did not indicate that Labour planned to open up the UK to large scale migration. In fact it was not until 2005 that any economic defence of migration was put forward with the issue largely ignored until that point. If there was an overall strategy to increase numbers of workers, students or family members then this was not articulated and, if there was an overall strategy to increase migration in the round, that was not articulated either.

31 Labour Party, *New Labour: Because Britain Deserves Better*, April 1997

32 Labour Party, *Ambitions for Britain, Labour's Manifesto 2001*, URL: <http://www.politicsresources.net/area/uk/e01/man/lab/lab01.htm>

33 Labour Party 2005 Election Manifesto, 'Britain Forward Not Back', 2005, p.51, URL: <http://ucrel.lancs.ac.uk/wmatrix/tutorial/labour%20manifesto%202005.pdf>

b) The culture in government

20.8 The New Labour years were characterised by a change in culture that was not shared by the wider public. The mood at the top of government circles (politicians and senior government officials) was distinctly internationalist in its outlook and viewed national borders as an increasingly archaic feature in this new globalised world. This manifested itself in a weakening of the sense of duty that politicians had to their own citizens who put them in government. David Goodhart, in his book 'The British Dream: Successes and Failures of Post-War Immigration' wrote: "There has been a huge gap between our ruling elite's views and those of ordinary people on the street. This was brought home to me when dining at an Oxford college and the eminent person next to me, a very senior civil servant, said: 'When I was at the Treasury, I argued for the most open door possible to immigration [because] I saw it as my job to maximise global welfare not national welfare'."³⁴

20.9 This view was not just held by those in government; the media were also drawn from the same social circles and shared this view. This goes a long way to explaining why those in the media, most notably the BBC³⁵, failed to give due weight to the impacts of immigration and portrayed those who spoke out against mass immigration as extreme. Goodhart continued 'I was even more surprised when the notion was endorsed by another guest, one of the most powerful television executives in the country. He, too, felt global welfare was paramount and that he had a greater obligation to someone in Burundi than to someone in Birmingham.'

20.10 A view which was previously held by an exclusive few in academic and NGO circles suddenly became the basis for government policy and was *de rigueur* for those in government and the media.

c) The Business Lobby

20.11 Big business and the umbrella groups paid to lobby on their behalf found an unlikely ally in the Labour government as they sought to maximise their earning capacities. Businesses favour immigration on the grounds that a greater supply of labour can have the effect of reducing their wage bill while also increasing demand for their product. There are virtually no downsides to businesses from increased labour migration while society bears the associated costs of housing, integrating, educating and providing healthcare for labour migrants and their families.

20.12 The business lobby argued in favour of greater labour migration. For example, prior to accession business lobby groups argued against transitional controls on the grounds that businesses would be able to fill vacancies and access skills by being able to recruit from a greater pool of labour. ³⁶ This marriage of minds between government and the business lobby is demonstrated by a joint press release from the Home Office and the CBI (as well as the Trades Union Congress) in 2005 which said:

*'Now more than ever, we need the skills and enthusiasm of people from around the world who have chosen to make their homes here and to contribute to our economy and society. To help them to do that, the country needs to invest wisely in their potential within the context of a migration system that is managed in the national interest. Government, employers and trade unions, in their separate spheres, are all crucial to this process. The Government, the CBI and the TUC support this statement that sets out, for the first time, how we can ensure that the contribution made by workers from overseas is both recognised and enhanced to the full.'*³⁷

34 David Goodhart, 'The British Dream: Successes and Failures of Post-War Immigration', 2013, Atlantic. Serialised in The Daily Mail, URL: <http://www.dailymail.co.uk/news/article-2297776/SATURDAY-ESSAY-Why-Left-epic-mistake-immigration.html>

35 Ed West, 'Groupthink: Can we trust the BBC on Immigration', New Culture Forum, 2013, URL: http://www.newcultureforum.org.uk/home/pdf/bbc_immigration_report.pdf

36 Jason Heyes, 'EU Labour Migration: Government and Social Partner Policies in the UK', in *EU Labour Migration since Enlargement: Trends, Impacts and Policies*, Edited by Galgoczi, B., Watt, A., and Leschke, J. 2013, Ashgate.

37 Joint Home Office, CBI and TUC Press Release, 5 September 2005, URL: <http://www.tuc.org.uk/international-issues/migration/managed-migration-working-britain-joint-statement-home-office-cbi-and>

d) Economic Benefits

20.13 The government regularly used the economic case put forward by business to justify the scale of migration. Migration was espoused as the panacea for many of the UK's problems including an ageing population and the pension deficit, skills shortages and unfilled vacancies. The government would also claim that migration was making significant contributions to overall production and increased GDP.

20.14 These claims have been shown to be largely bogus or misleading. The Turner Commission on Pensions found no evidence that immigration was a solution to an ageing population and claimed that "only high immigration can produce more than a trivial reduction in the projected dependency ratio over the next 50 years" largely because immigrants also grow old and require support.³⁸ On skills shortages and vacancies in the labour market the House of Lords Economic Affairs Committee said in a major 2008 report on immigration that 'we do not support the general claims that net immigration is indispensable to fill labour and skills shortages...such claims are analytically weak and provide insufficient reason for promoting net immigration.'³⁹ On whether or not immigration was of economic benefit the House of Lords report said 'We also question the Government's claim that immigration has generated fiscal benefits...The overall fiscal impact of immigration is likely to be small, though this masks significant variations across different immigrant groups' and regarding the of-repeated claim that immigration added significantly to GDP the Committee was clear:

Overall GDP, which the government has persistently emphasized, is an irrelevant and misleading criterion for assessing the economic impacts of immigration on the UK. The total size of an economy is not an index of prosperity. The focus of analysis should rather be on the effects of immigration on income per head of the resident population. Both theory and the available empirical evidence indicate that these effects are small, especially in the long run....⁴⁰

20.15 That said, Will Somerville notes that Gordon Brown (Chancellor of the Exchequer until Tony Blair resigned in 2007) 'consistently recognised the macro-economic benefits of migration'.⁴¹ Although GDP is a useless metric for measuring how well off individuals are and how much better off they are as a result of a particular policy, consistent growth in GDP did provide the government with favourable headlines. The Department for Business, Innovation and Skills and its previous incarnates were also strongly in favour of immigration.

20.16 By contrast, the House of Lords Economic Committee reported that they had "found no evidence for the argument made by the government, business and many others, that net migration generates significant economic benefit for the existing UK population."⁴² Their seminal report has stood the test of time.

38 Pensions Commission, Pensions: Challenges and Choices, The First Report of the Pensions Commission, 2004, URL: <http://image.guardian.co.uk/sys-files/Money/documents/2005/05/17/fullreport.pdf>

39 House of Lords Select Committee on Economic Affairs, 1st Report of Session 2007-08, The Economic Impact of Immigration, Volume I: Report, April 2008, URL: <http://www.publications.parliament.uk/pa/ld200708/ldselect/ldeconaf/82/82.pdf> Abstract, paragraph 4.

40 House of Lords Select Committee on Economic Affairs, 1st Report of Session 2007-08, The Economic Impact of Immigration, Volume I: Report, April 2008, URL: <http://www.publications.parliament.uk/pa/ld200708/ldselect/ldeconaf/82/82.pdf> Abstract, paragraph 2.

41 Will Somerville, Immigration under Labour, 2007: The Policy Press, p. 123.

42 House of Lords Select Committee on Economic Affairs, 1st Report of Session 2007-08, The Economic Impact of Immigration, Volume I: Report, April 2008, URL: <http://www.publications.parliament.uk/pa/ld200708/ldselect/ldeconaf/82/82.pdf> Abstract, paragraph 1.

e) *David Goodhart Comments*

20.17 In a 2010 article, David Goodhart wrote of Labour's 'accidental immigration'. Goodhart argued that rather than Labour having a clear strategy on immigration, a series of small (and in some cases, he says, sensible) decisions led to high levels of migration.⁴³ Those small decisions, cited by Goodhart, include the decision to abolish the primary purpose rule which increased spouse migration, the decision to make the European Convention on Human Rights justiciable in UK courts by introducing the Human Rights Act making it far more difficult to clamp down on asylum, the decision to liberalise the work and student visa regimes which saw numbers double, and finally the decision not to impose transitional controls on new East European workers following EU enlargement in 2004. Goodhart also noted that the UK was a very attractive destination for migrants during this period, with an economic boom taking place within a very lightly regulated labour market. Essential in understanding the phenomenon that took place was the cultural outlook of those at the top of decision making bodies (government, charities, civil service) who Goodhart called the 'metropolitan middle class' who were of the left, liberal on immigration and content to enjoy the economic benefits that migrants brought in the form of cheap nannies, cleaners, builders and gardeners. He noted that between 1998 and 2010 there was no strategic discussion of migration at cabinet level.

f) *'Fairer, Faster and Firmer'*

20.18 In 1998 the Government presented to Parliament a White Paper entitled 'Fairer, Faster and Firmer – A modern approach to immigration and asylum'.⁴⁴ The paper sets out the government's agenda for reform, identifying administrative problems with the immigration and asylum system and offering solutions to those failings. It is clear from this document that the government believed that there were benefits to be gained from migration and that these benefits had not been maximised.

20.19 The paper outlined the government's plans in terms of pre, on and after-entry controls, appeals, asylum, citizenship, enforcement and detention and combined both tightening and relaxing of the rules. For example, the government set out its plans to reduce the time before which refugees could apply for settlement and to introduce new criteria which instructed case officers to give due weight to compassionate factors at all stages of the immigration decision making process. Equally the government sought to confer on registrars greater powers to tackle sham marriages as well as increasing the size of the detention estate to facilitate a greater number of removals.⁴⁵

20.20 What is clear from the 'Fairer, Faster and Firmer' paper was that the government envisaged a total overhaul of the system, leaving almost no aspect of immigration control untouched.⁴⁶ There was no suggestion whatever that a massive increase in immigration was envisaged.

43 David Goodhart, 'Accidental Immigration', Prospect Magazine, February 2010, URL: <http://www.prospectmagazine.co.uk/magazine/transforming-britain-by-accident>

44 HM Government, The Secretary of State for the Home Department, 'Fairer, Firmer and Faster – A modern approach to immigration and asylum', July 1998, CM 4018, URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264150/4018.pdf

45 HM Government, The Secretary of State for the Home Department, 'Fairer, Firmer and Faster – A modern approach to immigration and asylum', July 1998, CM 4018, p. 4-5, URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264150/4018.pdf

46 See Chapter 4 of HM Government, The Secretary of State for the Home Department, 'Fairer, Firmer and Faster – A modern approach to immigration and asylum', July 1998, CM 4018, URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264150/4018.pdf

g) Andrew Neather in *The London Evening Standard*

20.21 The existence of a wider strategy to encourage immigration to the UK was revealed in an article by Andrew Neather in *The London Evening Standard*. In October 2009 Andrew Neather, a former speech writer for Tony Blair, David Blunkett and Jack Straw, wrote that immigration did not just happen, instead 'the deliberate policy of ministers from late 2000 until at least February last year, when the Government introduced a points-based system, was to open up the UK to mass migration.'⁴⁷ Mr Neather questioned why Ministers had been so poor at communicating a message on immigration when behind closed doors there was an obvious policy to open up the country to what he described as the benefits of mass immigration. Mr Neather also suggested that all of this was done by some 'to rub the Right's nose in diversity and render their arguments out of date.' Mr Neather cited a policy paper 'RDS Occasional Paper 67', which made an economic case for migration but he revealed that earlier drafts of the paper contained a clear objective: 'that mass immigration was the way that the Government was going to make the UK truly multicultural.'

20.22 Andrew Neather's remarkable admission in *The Evening Standard* strongly suggests that the government had a very clear objective to increase migration on a significant scale but were unwilling to communicate this to the public.

20.23 Within Labour circles there have been attempts to extinguish Andrew Neather's argument. Shammit Sagar, a Sussex University academic and immigration campaigner, has described Neather's admission as 'fantasy' and an 'imagined unspoken conspiracy.'⁴⁸ This overlooks the fact that Neather was, on his own account, a lead author of a key speech by the Minister of Immigration, Barbara Roche, designed to prepare the way for a new immigration policy without revealing its extent.

h) *Occasional Paper No 67*

20.24 In 2001 the government released RDS Occasional Paper 67 'Migration: An Economic and Social Analysis'. It was this paper that Andrew Neather cited in his article and revealed that earlier versions contained references to a wider social objective to use mass immigration as a means of creating a truly multicultural society. Unpublished drafts of the paper were requested under Freedom of Information legislation and four drafts were released.

20.25 The published version of the paper makes an economic case in favour of migration. While the paper recognises the differing labour market outcomes of different migrants there is an assumption that migration is economically positive, indeed the paper states that 'restrictions on immigration are likely to have economic costs.'⁴⁹ The authors contemplate the growth in migration and conclude that it would be very difficult to slow that growth and that in any case 'it would be counterproductive'. An earlier version stated that attempts to limit the growth in migration would 'clearly be counterproductive'.⁵⁰

20.26 In the published version there is just one reference to the government's 'social objectives' on immigration however in the earliest unpublished draft released under Freedom of Information there are six references to these social objectives although it is not made clear what these objectives are.

47 Andrew Neather, 'Don't listen to the whingers – London needs immigrants', *London Evening Standard*, 23 October 2009, URL: <http://www.standard.co.uk/news/dont-listen-to-the-whingers--london-needs-immigrants-6786170.html>

48 Shamit Sagar, 'Immigration as performance politics', *Immigration under Labour*, IPPR and Prospect Pamphlet, 2010, URL: http://www.ippr.org/assets/media/images/media/files/publication/2011/05/Immigration%20under%20Labour%20Nov2010_1812.pdf, p. 42-3.

49 See Glover, S., *et al.* Migration: An Economic and Social Analysis, RDS Occasional Paper No 67, January 2001, p.10. URL: <http://webarchive.nationalarchives.gov.uk/20110218135832/rds.homeoffice.gov.uk/rds/pdfs/occ67-migration.pdf>, p. vii.

50 Preliminary Report on Migration, Earliest Unpublished Version of Glover, S., *et al.* Migration: An Economic and Social Analysis, RDS Occasional Paper No 67, July 2011, URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61128/migrationreportjul2000_1.pdf. p. 14.

20.27 The final draft is heavily edited down from the earliest original version released under Freedom of Information. What can be said with certainty is that the government and policy makers did not believe that it was possible to be open and honest with the public about the direction of policy and the thinking behind it.

i) Commonwealth votes and Labour voting tendencies of migrant communities

20.28 Occasional Paper 67 notes the voting rights of different nationalities in Britain and 'Fairer, Faster and Firmer' has a whole section entitled 'Encouraging Citizenship'. Citizenship and the rights conferred on citizens in the form of voting rights were therefore in the minds of those formulating policy at the time. It is difficult to say with certainty that the government sought to advance its electoral prospects by encouraging immigration from certain parts of the world in the knowledge that African and Asian migrants and their descendants were more likely to vote Labour.

20.29 Census analysis indicates that there are 960,000 Commonwealth citizens living in the UK who do not also have British passports but can vote in general elections. Many of these will have come to the UK during the Labour years. Many hundreds of thousands of non-Commonwealth migrants will – rightly – have acquired the right to vote upon receiving British citizenship. However, the question is whether or not the Labour government saw electoral advantage in encouraging immigration for this end. The propensity to vote Labour amongst migrant communities must have played a key role in the government's burial of the Goldsmith Report which recommended that votes for new Commonwealth citizens be phased out.⁵¹

20.30 While there is no direct evidence to suggest that Labour encouraged immigration to enhance its electoral prospects it could reasonably be argued that the fact that migrant communities were more likely to vote Labour was, to say the least, regarded as a fortunate side effect. After all, would the government at the time have encouraged citizenship – and the voting rights that it confers on its holder – if it was known that migrants had a much greater propensity to vote for parties of the centre-right?

j) Incompetence and Fear rather than Strategy

20.31 Writing in the aftermath of Labour's loss at the 2010 General Election, Ed Owen, former Special Adviser to Jack Straw (Home Secretary between 1997 and 2001), claimed that prior to 1997 and while in opposition Labour had failed to develop a strategy on immigration. The confusing relationship between race and immigration that was felt by many Labour party activists and members meant that the conversation within the party never took place.⁵² Failure to develop a coherent immigration policy while in opposition, essentially fearing that it was racist, meant that in government Labour went from crisis to crisis in a defensive mode. This narrative sees Labour's handling of immigration as characterised not by incompetence but perhaps by fear of appearing racist and a desire to appease party activists at the expense of voters.

20.32 In October 2008, after being appointed Immigration Minister Phil Woolas claimed that those in government did not know what they were doing on the issue of immigration. Mr Woolas acknowledged that the Labour party had lost the confidence of the public, explaining:

"A prerequisite in my opinion is to provide the confidence for society that the authorities, including the government, know what they are doing because, just like in the Netherlands, people did not believe the authorities knew what they were doing. There was a very good reason for that. It is because we didn't - that is the reason."⁵³

51 Lord Goldsmith, *Citizenship: Our Common Bond*, 2008, URL: <http://image.guardian.co.uk/sys-files/Politics/documents/2008/03/11/citizenship-report-full.pdf>

52 Ed Owen, 'Reactive, Defensive and Weak', *Immigration under Labour*, IPPR and Prospect Pamphlet, URL: http://www.ippr.org/assets/media/images/media/files/publication/2011/05/Immigration%20under%20Labour%20Nov2010_1812.pdf p. 15.

53 The Guardian, 'We have lost people's trust on immigration, minister admits', October 2008, URL: <http://www.theguardian.com/politics/2008/oct/21/immigrationpolicy-immigration>

20.33 Mr Woolas' remarks seem to suggest that the Labour years were characterised by incompetence. The high turnover of Home Secretaries during the Labour years lends some evidence to this assertion; there were six Labour Home Secretaries between 1997 and 2010 and it is unlikely that any would have a proper grasp of their brief before being moved on or having to resign due to a major error which became a media/political scandal.⁵⁴

20.34 Incompetence also goes a long way in explaining why so many foreign nationals were granted leave outside the immigration rules through the various backlog clearing exercises that took place. Over 220,000 failed and delayed asylum seekers and migrants have been granted indefinite leave to remain outside the immigration rules in three separate clearance exercises under Labour amounting to an effective amnesty.⁵⁵ The present government has inherited a backlog of 368,100 from Labour, consisting of the Migration Refusal Pool estimated at 173,500 and which is made up of pre-2008 applicants that have failed in their visa application but have not left the country. The Independent Chief Inspector of Borders and Immigration has identified an additional 168,300 pre-2008 cases that had not been reported to Parliament and which should be included in this Migration Refusal Pool. There is also a backlog known as the 'Live Cohort' which is made up of largely asylum cases (but also some immigration cases) which pre-date 2007 and are yet to receive a decision. There are currently 26,300 cases in the Live Cohort.⁵⁶

20.35 Phil Woolas later wrote that Labour were too fearful of talking about immigration, fearing that it was racist and people would be offended.⁵⁷ He also claimed that by the time Labour had got a grip on the issue in 2009 (when they introduced the Points Based System) the public were not listening to their message.

k) The dog that didn't bark

20.36 It is at least arguable that the major lasting impact of the period of Labour government from 1997 – 2010 was the mass immigration of 3.6 million that took place. Yet Tony Blair's autobiography of over 700 pages barely mentions immigration (as opposed to asylum). Only about two pages are devoted to the subject. They describe his successful avoidance of a Tory attack during the 2005 campaign. A speech in Dover put ID cards at the centre of the argument. He concluded that "Because our position was sophisticated enough – a sort of "confess and avoid", as the lawyers say – we won out."

54 David Blunkett was forced to resign in 2004 after just three years after it was alleged that he had helped fast track a visa for an acquaintance. Charles Clarke was moved on in a Cabinet reshuffle after just 18 months in the job after it was revealed that over 1,000 foreign national prisoners had been released from prison without being considered for deportation.

55 Migration Watch UK Briefing Paper 11.25, 'A Quarter of a Million Failed Asylum Seekers Granted Amnesty Since the Early 1990s', 2011, URL: <http://www.migrationwatchuk.co.uk/briefing-paper/11.25>

56 See the Migration Transparency Data released 28 November 2014, URL: <https://www.gov.uk/government/collections/migration-transparency-data> and the Independent Chief Inspector of Borders and Immigration, 'An Inspection of Overstayers: How the Home Office handles the cases of individuals with no right to stay in the UK', May – June 2014, URL: <http://icinspector.independent.gov.uk/wp-content/uploads/2014/12/Overstayers-Report-FINAL-web.pdf>

57 Phil Woolas, 'Untying the gag', Immigration under Labour, IPPR and Prospect Pamphlet, 2010, URL: http://www.ippr.org/assets/media/images/media/files/publication/2011/05/Immigration%20under%20Labour%20Nov2010_1812.pdf, p. 34-5.

2010 Election

21. Immigration played a major role in the 2010 election with Labour going into the election claiming to understand public concern.⁵⁸ The 2010 manifesto pointed to their Points Based System as a means of controlling immigration as the economy recovered. In response to the public's concern that some migrants had immediate access to public goods such as welfare and social housing to which they had not contributed, it argued for migrants to earn citizenship and entitlement.⁵⁹

22. Labour lost the election in part because of immigration; they were seen by the public as having lost control of the UK's borders. The 2010 British Electoral Study found that it was on immigration that the public gave Labour its lowest rating.⁶⁰ The public did not accept Labour's claims that they understood their concerns on migration. This was exemplified by Gordon Brown's pre-election encounter with Gillian Duffy, in which he described a lifelong Labour voter who asked him about East European migration as a 'bigoted woman'. The encounter, which occurred just over a week before the 2010 General Election, was deeply damaging both for Labour and Gordon Brown and was a 'crystallising moment' for the public.⁶¹

23. In November 2010, Matt Cavanagh, a former Special Adviser at Number 10, wrote an important article for Prospect and IPPR.⁶² In it he explained that it was only in early 2009 that immigration itself became the subject of serious Cabinet debate. It was agreed that they should talk more about immigration, admit some mistakes, recognise that not all immigration was good and set out, for the first time, a clear position on numbers. They would reject the idea of a cap but accept that numbers matter and reassure people that they would come down. However, the Cabinet and the official machine remained in denial. He concluded that "it became increasingly clear that, for this electoral cycle at least, Labour had lost the argument. More importantly, we had lost people's trust."

Ed Miliband on Labour Immigration Policy since 2010

24. Speaking following his election as Labour party leader Ed Miliband said "we lost the election and we lost it badly. My message to the country is this: I know we lost trust, I know we lost touch, I know we need to change. Today a new generation has taken charge of Labour, a new generation that understands the call of change."⁶³

58 BBC News, Election 2010: Parties clash over immigration and EU, 4 May 2010, URL: http://news.bbc.co.uk/1/hi/uk_politics/election_2010/8660653.stm

59 Labour Party Manifesto 2010, 'A future fair for all', URL: <http://www2.labour.org.uk/uploads/TheLabourPartyManifesto-2010.pdf>, p. 5:2.

60 The public gave Labour a negative rating of -58.1, once positive ratings are subtracted from negative ratings. Rob Ford and Will Somerville, 'Immigration and the 2010 General Election: More than meets the eye', Immigration Under Labour, IPPR and Prospect Pamphlet, 2010, URL: http://www.ippr.org/assets/media/images/media/files/publication/2011/05/Immigration%20under%20Labour%20Nov2010_1812.pdf, p. 10.

61 Rob Ford and Will Somerville, 'Immigration and the 2010 General Election: More than meets the eye', Immigration Under Labour, IPPR and Prospect Pamphlet, 2010, URL: http://www.ippr.org/assets/media/images/media/files/publication/2011/05/Immigration%20under%20Labour%20Nov2010_1812.pdf, p. 10.

62 Matt Cavanagh, 'Numbers Matter' in *Immigration under Labour*, Edited by Tim Finch and David Goodhart. November 2011, URL: http://www.ippr.org/assets/media/images/media/files/publication/2011/05/Immigration%20under%20Labour%20Nov2010_1812.pdf

63 BBC News, Ed Miliband is elected leader of the Labour Party, September 2010, URL: <http://www.bbc.com/news/uk-politics-11412031>

25. In his first Conference speech in September 2010 Miliband made a fleeting reference to immigration claiming that “you wanted your concerns about the impact of immigration on communities to be heard, and I understand your frustration that we didn’t seem to be on your side.”⁶⁴ The following year his Conference speech included just one line on immigration in which he said: “And we have seen immigration policy which didn’t work for the people whose jobs, living standards and communities were affected.”⁶⁵ Very little progress was being made on the development of a coherent immigration policy at that stage. In early 2012 Ed Miliband appointed the MP for Dagenham and Rainham, Jon Cruddas, to the role of Coordinator of Labour’s policy review.

26. In 2012 Ed Miliband delivered his One Nation speech in which he seemed to begin to flesh out the direction of Labour policy on immigration, referring to the undercutting of local wages by those who employ migrant workers. Labour were choosing the path of greater labour market regulation rather than addressing the wider issue of the level of net migration to the UK.⁶⁶ The 2013 Conference Speech included the now obligatory reference to a Labour supporter who was concerned about immigration, as if to reassure voters that it understood their concerns. However there was no further policy development outlined by the Labour leader.⁶⁷

27. In 2014 Ed Miliband delivered his Conference speech without notes and forgot to deliver the section on immigration (and the deficit). Labour released the speech after it had been delivered but the absent contents were peripheral.

28. Although immigration was largely absent from conference speeches, Miliband has delivered three major speeches on the topic. In June 2012 he talked of Labour having been ‘too dazzled by globalisation and too sanguine about its price’ and claimed that he understood that ‘rapid changes in population’ had placed pressure on local services and housing.⁶⁸ Despite his description of the problem which focused on scale, the solutions proposed focused exclusively on greater labour market regulation (transitional controls for new EU member states, better enforcement of the minimum wage and better regulation of recruitment agencies that informally exclude locals from their books). On scale Miliband said “of course we’ll look at caps, limits and numbers.”

29. In December 2012 Miliband returned to the issue of immigration and in particular integration.⁶⁹ He stressed the importance of speaking English for integration, of cracking down on criminal landlords who housed migrants in poor conditions, and of ensuring that public facing public sector workers speak English. On non-EU migration Miliband said “we will look at the whole system of control for non-EU migration, including the Government’s cap, to ensure a system that works” however details of Labour’s thinking have not been forthcoming.

30. In December 2014 Ed Miliband delivered another speech in which he outlined Labour’s plans to “make it illegal for employers to undercut wages by exploiting workers”⁷⁰ and called for a new law to tackle extreme exploitation. Mr Miliband also reiterated the promises made by Rachel Reeves, as Shadow Work and Pensions Secretary, to introduce a two year residency restriction on those wishing to claim benefits.

64 BBC, Ed Miliband: Labour leader’s 2010 conference speech in full, September 2010, URL: <http://www.bbc.co.uk/news/uk-politics-11426411>

65 Telegraph Online, Labour Party Conference: Ed Miliband Speech in full, September 2011, URL: <http://www.telegraph.co.uk/news/politics/ed-miliband/8791870/Labour-Party-Conference-Ed-Milibands-speech-in-full.html>

66 LabourList, Ed Miliband’s conference speech – the transcript, October 2012, URL: <http://labourlist.org/2012/10/ed-milibands-conference-speech-the-transcript/>

67 NewStatesman, Ed Miliband’s speech to the Labour conference: full text, URL: <http://www.newstatesman.com/politics/2013/09/ed-milibands-speech-labour-conference-full-text>

68 Ed Miliband Speech, 22 June 2012, URL: <http://www.politics.co.uk/comment-analysis/2012/06/22/ed-miliband-s-immigration-speech-in-full>, , December 2014, URL:

69 Ed Miliband Speech, 14 December 2012, URL: <http://www.newstatesman.com/staggers/2012/12/full-text-ed-miliband-immigration-speech>

70 Ed Miliband Speech, 15 December 2014, URL: <http://labourlist.org/2014/12/we-will-control-immigration-with-fair-rules-miliband-announces-labours-second-election-pledge/>

31. The Labour leadership seems unwilling to discuss immigration in a way that is meaningful to the public. The focus is more often than not on East European migration – both Ed Miliband and Yvette Cooper (Shadow Home Secretary) regularly admit that they made a mistake in the past by not imposing transitional controls on new A8 workers, despite two thirds of net migration under Labour coming from outside the EU. By avoiding the issue of the scale of immigration Miliband is failing to address voters' concerns on the pace of change in their communities and the impact of population growth on the provision of public services and housing. This failure to outline what level of immigration is acceptable – or unacceptable – for the UK suggests that Labour will not be willing or even capable of controlling the scale of immigration in the future.

A Summary of current Labour Party Policy

32. Although there has yet to be any discussion of the scale of immigration to the UK the Labour party has been fleshing out policies that its plans to implement if it is elected. This section summarises their plans so far.

33. The Party website outlines six overarching objectives that are 'tough and fair' to control immigration and its impacts. Labour has pledged:

a) To "control immigration" and count people "in and out at the border." That said, Labour have already announced that they will scrap the government's target to reduce net migration to the tens of thousands. In a 2013 speech on immigration the Shadow Home Secretary, Yvette Cooper, called the target 'simplistic'⁷¹ and at a fringe event at the 2014 Party Conference she announced that Labour would abandon the target altogether, thus leaving the party with no plan to limit numbers.⁷²

b) To "cut illegal immigration" by reinstating fingerprint checks at UK borders and tackling the abuse of short term student visitor visas.

c) To "tackle the exploitation of migrant workers that undercuts local workers". This will be achieved through a ban on recruitment agencies from hiring overseas staff without advertising in the UK and tougher enforcement of the minimum wage. This however ignores the fact that low skilled labour from Europe can undercut local wages without exploitation or minimum wage laws being broken.

d) To "ensure migrants better integrate into British society." This will be achieved by ensuring that migrants learn English. Public facing public sector workers will be required to speak English. For many communities integration is made much more difficult by the scale of migration into their area. Communities need time to adapt to change and English language provision for new migrants is insufficient to address this.

e) To "require every firm hiring a migrant worker from outside the EU to offer an apprenticeship in return" so that young people can acquire the skills and opportunities they need. It is not yet clear how Labour will ensure that these apprenticeships will be restricted to young British workers without breaking EU law on non-discrimination. In principle however this is a good idea although it may not have much effect in bringing down immigration.

f) To "make sure that the system is fair and seen to be fair". They say that Labour will introduce fairness to the benefits system with regard to EU workers by introducing a six month residency requirement for EU migrants wishing to claim benefits, although Ed Miliband and Rachel Reeves have also said that they will work with colleagues in the EU to withhold benefits for two years. Labour also pledges to deport EU migrants who commit crimes soon after arriving in the UK.

71 The NewStatesman, 'Yvette Cooper's speech on Immigration: In Full' September 2014, URL: <http://www.newstatesman.com/politics/2013/03/yvette-coopers-speech-immigration-full-text>

72 The Financial Times, Labour vows to scrap Tories' net migration target, September 2014, URL: <http://www.ft.com/intl/cms/s/0/48ec1e02-4322-11e4-9a58-00144feabdc0.html#axzz3M9oi5PRw>

Conclusions

34. Labour policy on immigration is not a clear and coherent strategy to reduce levels of immigration. Rather, it is more akin to a sticking plaster to address some of the pressures and problems associated with large scale immigration. Labour announcements are very often sound bites with no real substance, as exemplified by most of Ed Miliband's speeches at Conference and elsewhere. Indeed the party seldom discusses non-EU migration, the only aspect of total net migration that can be controlled, preferring to talk about Eastern European migration in the past and transitional controls on new member states in the future, despite two thirds of net migration coming from outside the EU.

35. It seems that the Labour Party continues to be torn between what it needs to do in order to get elected – the party is aware of public concern on the matter – and the instincts of the party, charities and think tanks which ignore the genuine concerns of ordinary people (and traditional Labour party voters) in favour of a self-styled 'progressive' approach to immigration.

36. In order to overcome this schism the party seems to be projecting an impression that it has learnt its lessons and has a new immigration policy. In reality, however, it has failed to develop a coherent policy to control numbers. The Party's guidance to candidates facing a threat from UKIP, issued in December 2014, suggested that, if immigration was raised on the doorstep, the candidate should seek to move the conversation on to safer topics such as the NHS and housing. That advice speaks volumes.

2 March 2015