



RESEARCH PAPER 08/65  
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# Impacts of immigration

Unprecedented levels of immigration to the UK have focused interest in trying to assess the financial and other impacts of immigration. Numerous reports have been published by a range of organisations, and the Government has set up a new body, the Migration Impacts Forum, to collect and discuss evidence on the effects which immigration is having on communities and public services throughout the UK.

One of the main findings of these reports is that current statistics are inadequate for properly assessing the range and depth of impacts of immigration. Local authorities, schools and the police appear particularly affected and are seeking extra funding. But there seems to be an emerging consensus that the overall economic effect of migrant workers – whether positive or negative – is not likely to be large.

Perhaps as important as the actual impacts of immigration is the public perception of it. It is increasingly recognised that Government policy must deal with both.

Edited by Arabella Thorp

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## Summary of main points

The growth in global migration in the last 20 years has led to immigration becoming one of the most prominent public policy issues in the UK. Net immigration - defined as immigration minus emigration from the UK – has reached an unprecedented scale, and has been the main driver of UK population growth since the mid-1990s.

The Government has responded with increasingly major changes to immigration law and policy. Although migration routes for workers were expanded for a while, this policy direction has now been somewhat reversed. Human rights grounds for staying in the UK have been expanded but appeal rights and legal aid have been severely limited and asylum law and procedure significantly tightened. Aspects of immigration control are increasingly being shifted to airlines, employers, colleges and sponsors.

But perhaps the most obvious change in immigration to the UK in this decade was the enlargement of the EU to the Baltic and Eastern Europe. In the 2004 enlargement, when the UK opted to allow people from the accession countries to work freely in the UK under European law, nearly four times as many people as even the largest estimates had predicted came to the UK in the first three years (though there are signs that this flow is slowing and even reversing).

The Government has now begun to take action on the broader financial and social effects of immigration. A Migration Impacts Forum and a cross-governmental Migration Impacts Plan have been established, and the Department for Communities and Local Government now takes the lead on these issues.

It has a difficult task ahead. The proportion of adults who considered immigration as the most important issue facing Britain has increased from less than 5% in the mid-1990s to over 40% today. Opinion polls showed that for most of 2006 and 2007, immigration was the number one issue of concern to the British public. Attitudes to immigration appear to vary according to region, and to be more influenced by the perceived impact of immigration than by its actual impact. Other factors which influence attitudes to immigration include income and educational background, contact with ethnic minorities and political and media debate.

The recognised inadequacies of statistics for measuring both immigration and its impacts make it harder to address those impacts and public concerns about the issue. The Office for National Statistics is working to improve migration statistics.

Despite the inadequate statistics, a number of reports indicate that some public services are experiencing heavy demands as a result of increased migration:

- Although in general **local authorities** have risen successfully to the challenges posed by recent surges in migration, funding remains a major concern.
- **Translation and interpretation** costs have risen hugely for a number of public service providers, but they are being encouraged to think twice about when translation is actually necessary.
- **Schools** have been given some increased funding to help deal with the increasing numbers of pupils who do not speak English as a first language.

- High numbers of overseas **students** pose some challenges to colleges and universities, but make a large economic contribution to the country.
- Increased immigration has led to a high demand for **English language** tuition which is not being met. Government funding is being redirected towards those who have made a long-term commitment to live in the UK.
- There is very little hard data about the impact of immigration or 'health tourists' on the use of **NHS** services, but on the other hand, there is data to suggest that the NHS is particularly dependant on migrant workers.
- Although one of the main public concerns about immigration is that immigrants are a burden on the **benefits** system, there are in fact significant restrictions on what they can access.
- **Social services** departments are feeling the burden of looking after destitute adults from overseas, as a result of Home Office policy to remove support from persons subject to immigration control, as well as vulnerable immigrant and asylum-seeking children.
- There is no evidence that recent migrants are given preferential access to social **housing**, but immigration increases the demand for housing and there are concerns about the concentration of migrants in overcrowded houses in multiple occupation.
- Immigration has created pressures on **police** forces in some areas which has resulted in calls for increased resources. However, the Association of Chief Police Officers has stated that the evidence does not support theories of a large-scale crime wave generated through migration.

There has been a lot more focus on the macroeconomic, fiscal and labour market impacts of migrant workers. There are now twice as many non-UK-born individuals in employment in the UK as there were ten years ago, and their rising employment rate suggests that they are increasingly making an economic contribution. A Home Office report had suggested that migrants make a net fiscal contribution of £2.5 billion, but this research has been criticised on various grounds. The House of Lords Economic Affairs Select Committee, for instance, concluded that the main economic effect of immigration is to enlarge the economy, with relatively small costs and benefits for the incomes of the resident population, and that the overall fiscal impact of immigration is likely to be small, though this masks significant variations across different immigrant groups.

It is important to note that this recent increase in migrant workers has coincided with a period of strong economic growth in the UK. What is less clear is the impact migrant workers will have in the future should the UK experience a sustained period of economic instability and weakened growth.

As the number of migrant workers increases, so too do concerns about the particular vulnerabilities that some of them face. There are also fears that the abuse of agency workers is fuelling racism and that the lower wages of migrant agency workers are used as a benchmark by employers in pay negotiations to reduce the wages of permanent staff.

Although immigration itself is a reserved matter, dealt with by Westminster rather than the devolved administrations, many services affected by immigration have been partially or wholly devolved in Wales, Scotland and Northern Ireland. This paper considers the position in England.

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# I Introduction and background

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## A. The national and global context

Immigration has become one of the most prominent public policy issues in the UK. Net immigration - defined as immigration minus emigration from the UK - of non-British persons trebled from less than 100,000 per year in the early 1990s to over 300,000 in 2006, reaching an unprecedented scale.<sup>1</sup> Net immigration, rather than natural change (births minus deaths), has been the main driver of UK population growth since the mid-1990s. The UK population is now projected to grow from 60.6 million in 2006 to 71.1 million by 2031. More than two thirds of this growth is attributable, directly or indirectly, to future net immigration.<sup>2</sup>

Alongside this, the proportion of adults who considered 'race relations/immigration/immigrants' as the most important issue facing Britain has increased from less than 5% in the mid-1990s to over 40% now.<sup>3</sup> For most of 2006 and 2007, opinion polls showed that immigration was the number one issue of concern to the British public.<sup>4</sup>

But the impact of immigration is not an issue for the UK alone. Global migration is increasing, as political changes, differences in living standards and opportunities and the availability of cheap communications (amongst other factors) enable more people to travel, whether for short business or leisure trips or in search of a new life abroad.<sup>5</sup> In giving evidence to the House of Lords EU Committee on FRONTEX (the European Union's external borders agency), the immigration minister, Liam Byrne, set out the Government's view of how global migration pressures might increase:

The World Bank in *Global Economic Prospects*, which was published last year, forecast that something like a billion people will join the labour market in the developing world between now and 2025. The International Labour Organisation estimates that there is a five-fold difference in household income between low income and high income countries. My warning is that over the next 20 years the pressure on Europe's borders will not diminish. It will grow and it will grow sharply. We are already seeing that pressure across the Mediterranean.

The Committee agreed that pressure on Europe's borders would grow, as people were drawn to Member States by the prospect of a better life, but suggested that those Member States were also likely to benefit:

13. Many of those seeking to escape from countries at or near the bottom of the United Nations Human Development Index are likely to be the more talented. Yet

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<sup>1</sup> Office for National Statistics (ONS), *International Migration*, Series MN No.33, 2006 data

<sup>2</sup> ONS, 2006-based national population projection

<sup>3</sup> Ipsos MORI, *The Most Important Issues Facing Britain Today*

<sup>4</sup> Ipsos MORI, *Tracking Attitudes to Immigration and Asylum*, July 2007

<sup>5</sup> see for example the entry on migration in Thomas Leonard, *Encyclopedia of the Developing World*, 2006

these are the people those countries particularly need to retain if they are not to stay anchored near the bottom of the Index, unable to rise because they increasingly lack the talent they need.<sup>6</sup>

It has recently been suggested that global warming may further add to the pressure of migration: climate change will lead to more people seeking to migrate to Europe.<sup>7</sup> Senior officials at the EU are reported to have warned of the prospect of millions of environmental migrants, driven from their homes by climate change and other threats:

Within a decade "there will be millions of environmental migrants, with climate change as one of the major drivers of this phenomenon," predict Javier Solana and Benita Ferrero-Waldner, the EU's chief foreign policy coordinator and the European commissioner for external relations. "Europe must expect substantially increased migratory pressure."

They point out that some countries already badly hit by global warming are demanding that the new phenomenon be recognised internationally as a valid reason for migration.

The immigration alert is but one of seven "threats" that the two officials focus on in pointing to the security implications and the dangers to European interests thrown up by climate change.<sup>8</sup>

The need for a comprehensive debate about the economic, social and cultural impacts of immigration is increasingly recognised, in the light of the long-term demographic impacts of immigration and public concerns on the issue.

## **B. Migration statistics**

### **1. National**

Levels of immigration and emigration have increased significantly since 1991. In 2006 the number of immigrants coming to the UK reached a record high; an estimated 591,000 people entered the UK for at least one year. This continues the trend of high immigration to the UK experienced since 1998. Among these immigrants, 86 percent (510,000) were non-British citizens. The number of people leaving the UK for at least one year was also the highest in recent times. An estimated 400,000 people emigrated abroad, just over half of whom were British citizens (207,000). These flows meant 191,000 more people entered the UK than left in 2006. This was 53,000 lower than the net migration record high of 244,000 in 2004.<sup>9</sup> Figure 1 shows long-term immigration, emigration and net immigration in the UK since 1991:

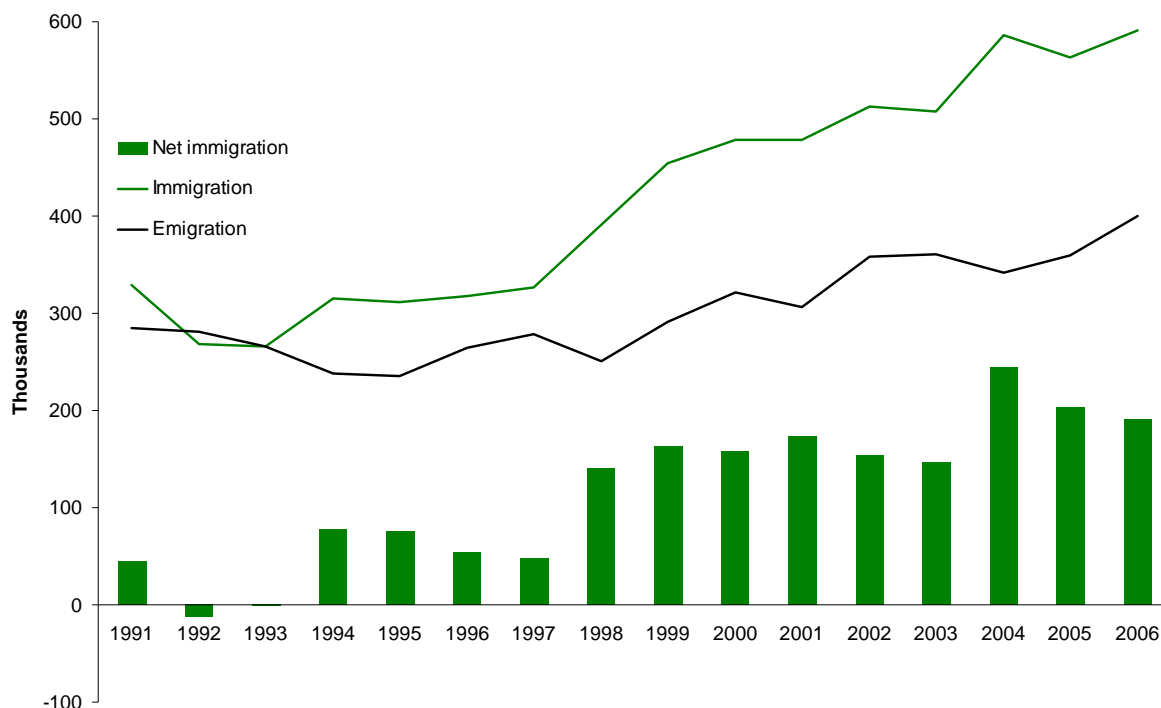
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<sup>6</sup> House of Lords European Union Committee, *FRONTEX: The EU External Borders Agency*, 5 March 2008, HL Paper 60, 2007-08, Q475

<sup>7</sup> See for example *Climate Change And International Security: Paper from the High Representative and the European Commission to the European Council*, 14 March 2008, S113/08

<sup>8</sup> Ian Traynor, 'EU told to prepare for flood of climate change migrants: Global warming threatens to severely destabilise the planet, rendering a fifth of its population homeless, top officials say', *The Guardian* 10 March 2008

<sup>9</sup> ONS, *International Migration*, Series MN No.33, 2006 data

**Figure 1 – Long-term migration, UK, 1991 - 2006**

Most of the net immigration in the last decade has been driven by rising numbers of non-British nationals (Table 1).

**Table 1 – Average annual migration 1997-2006**

|                        | <i>thousands</i> |            |            |
|------------------------|------------------|------------|------------|
|                        | Non-British      | British    | Total      |
| Immigration            | 391              | 98         | 489        |
| Emigration             | 158              | 170        | 327        |
| <b>Net immigration</b> | <b>234</b>       | <b>-72</b> | <b>162</b> |

Source: ONS, TIM tables

In 2006, the net inflow of New Commonwealth<sup>10</sup> citizens was the highest of all the foreign citizenship groups. Nearly 80 per cent of net inward migration from the New Commonwealth was by citizens from the Indian subcontinent. Immigration of A8 citizens increased to 92,000 in 2006, three quarters of whom were Polish.<sup>11</sup>

## 2. Regional

During the period 1991-2006, London, the South East and Yorkshire & the Humber accounted for almost three quarters of net immigration to the UK. Recent immigration, however, has been more widely distributed across the UK. During the period 2004-2006 London, the South East and Yorkshire & the Humber accounted for just under 60 percent of net immigration. London has seen the biggest change with more than half of net

<sup>10</sup> This includes all Commonwealth countries, excluding Australia, Canada, New Zealand and South Africa which form the Old Commonwealth.

<sup>11</sup> ONS, *International Migration*, Series MN No.33, 2006 data

immigration in 1991-2006 but only 36 percent in 2004-06 (Table 2). The recent change has been mainly due to the arrival of Eastern European migrants who have been much more widely distributed across the UK than other migrant groups.<sup>12</sup> Between May 2004 and March 2008, 'Anglia' had the greatest number of A8 workers registering with employers in the area (15 percent of the total), followed by the Midlands (13 percent) and London (12 percent).<sup>13</sup>

**Table 2 – Total international net immigration by region, 1991-2006**

|                        | 1991-2006 |         | 2004-2006 |         |
|------------------------|-----------|---------|-----------|---------|
|                        | Thousands | Percent | Thousands | Percent |
| North East             | 28        | 1.5     | 15        | 2.3     |
| North West             | 72        | 3.9     | 22        | 3.4     |
| Yorkshire & the Humber | 182       | 9.8     | 80        | 12.5    |
| East Midlands          | 87        | 4.7     | 50        | 7.8     |
| West Midlands          | 100       | 5.4     | 34        | 5.3     |
| East                   | 134       | 7.2     | 60        | 9.4     |
| London                 | 989       | 53.2    | 230       | 36.0    |
| South East             | 200       | 10.8    | 64        | 10.0    |
| South West             | 65        | 3.5     | 42        | 6.6     |
| England                | 1,854     | 99.7    | 598       | 93.6    |
| Wales                  | 27        | 1.5     | 7         | 1.1     |
| Scotland               | -2        | -0.1    | 26        | 4.1     |
| United Kingdom         | 1,860     | 100.0   | 639       | 100.0   |

Source: ONS, TIM Table 2.6

Figures for Northern Ireland are being revised. They are included in UK total but not shown separately

### 3. Foreign-born population

The rise in net immigration has increased the share of foreign-born persons in the UK population. Foreign-born persons currently account for about 10 percent of the population, up from just over 6 percent in 1981 and just over 8 percent in 2001.<sup>14</sup> Table 3 shows the share of all immigrants and new immigrants (defined as those who entered the UK up to two years ago) in the UK's working-age population by country of birth. In 2006, foreign-born persons accounted for 12 percent of the working-age population aged 16–64, up from 8.2 percent in 1995. The largest numbers of immigrants were born in Africa and the Middle East (3 percent of the working-age population) and the Indian subcontinent (2.5 percent). Two-thirds of the growth in the foreign-born population of working age between 1995 and 2006 was of people born in Africa and Asia. Those born in the A8 countries made up less than 1 percent of the working age population, 8 percent

<sup>12</sup> ONS, Population Trends No. 129, *Migrants from central and eastern Europe: local geographies*, Autumn 2007

<sup>13</sup> Home Office, *Accession Monitoring Report*, May 2004 – March 2008

In this report, regions are based on the applicant's employer postcode, where supplied. Regions are defined according to the Post Office's Postal Address Book regions, and based on the first two letters of the postcode.

<sup>14</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL Paper 82-I, 2007-08, para. 14

of the total immigrant population of working age. However, A8 immigrants account for one in three of new immigrants since 2004.

**Table 3 – Share of immigrants in the working age population (aged 16-64) by country of birth**

|                       | All immigrants |      | New immigrants |      |
|-----------------------|----------------|------|----------------|------|
|                       | 1995           | 2006 | 1995           | 2006 |
| Percent of population | 8.2            | 12.0 | 0.5            | 1.3  |
| <i>of which:</i>      |                |      |                |      |
| Accession 8           | 0.1            | 0.9  | 0.0            | 0.4  |
| Africa & Middle East  | 1.6            | 3.0  | 0.1            | 0.2  |
| Americas              | 1.0            | 1.3  | 0.1            | 0.1  |
| Australia & NZ        | 0.2            | 0.4  | 0.0            | 0.1  |
| EU14                  | 2.2            | 2.1  | 0.1            | 0.2  |
| Indian sub-continent  | 1.9            | 2.5  | 0.2            | 0.2  |
| Rest of Asia          | 0.6            | 1.1  | 0.1            | 0.1  |
| Rest of Europe        | 0.5            | 0.8  | 0.0            | 0.1  |

Source:

HL Committee on Economic Affairs, *The Economic Impact of Immigration, Volume II: Evidence* (p.394)

Based on LFS data

#### 4. Length of stay

The impact of immigration depends partly on immigrants' length of stay in the UK. Among new immigrants in 2006, 45 percent said they intended to stay for 1-2 years, followed by 17 percent who said they intended to stay for 3-4 years, and 31 percent more than 4 years.<sup>15</sup> Among A8 workers registering for employment in the 12 months to March 2008, 65 percent said they intended to stay for less than one year (including 60 percent saying that they would stay for less than three months).<sup>16</sup> It is important to note that intentions may change. Research on Eastern Europeans suggests that, over time, a significant share of immigrants change their intentions from a short-term to a longer term or permanent stay in the UK.<sup>17</sup> Other research suggests there is significant variation in return propensities across immigrants from different origin countries and of different ethnicity. Return migration is significant for immigrants from the EU, the Americas and Australia and New Zealand. In contrast, it is much less pronounced for immigrants from the Indian subcontinent and from Africa.<sup>18</sup>

Intentions of stay are related to immigrants' reasons for coming to the UK. Figure 2 shows total immigration (including British citizens) by purpose of stay for all immigrants (1991-2006) and new immigrants (2004-2006). In recent years, the main reason for immigration has been work (43 percent in 2004-2006), followed by study (26 percent)

<sup>15</sup> ONS, *International Migration*, Series MN No.33, 2006 data

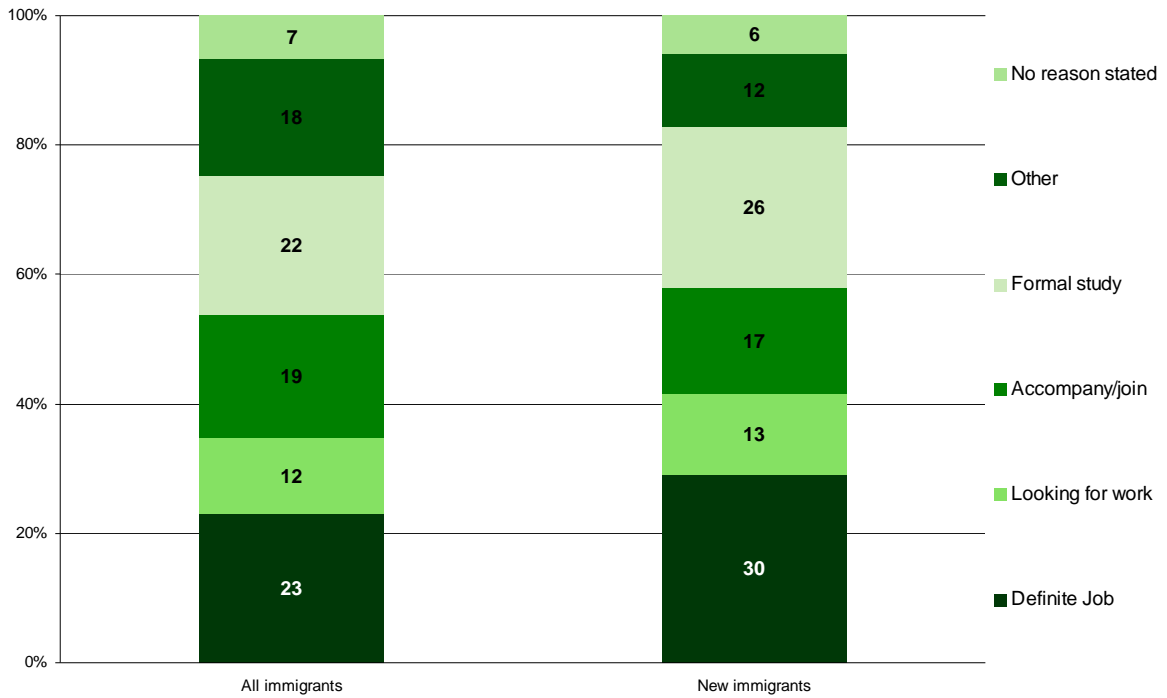
<sup>16</sup> Home Office, *Accession Monitoring Report*, May 2004 – March 2008

<sup>17</sup> Spencer, Ruhs, Anderson and Rogaly, *Migrants' lives beyond the workplace: the experiences of East and Central Europeans in the UK*, Joseph Rowntree Foundation, May 2007

<sup>18</sup> Dustmann and Weiss (2007) 'Return migration: theory and empirical evidence from the UK'. *British Journal of Industrial Relations* 45(2): 236-256

and accompanying/ joining family members/ partners (17 percent). Compared to all immigration throughout the period 1991-2006, a greater proportion of immigrants have come to the UK for work-related reasons or to study in recent years.<sup>19</sup> The Home Office publishes statistics on the immigration status of all non-EEA nationals. Among non-EEA nationals, whose immigration the UK can control, Home Office data suggest that students have been the biggest group in recent years, followed by work-related migrants and family members/dependants.<sup>20</sup>

**Figure 2- All immigration to the UK by reason of visit, 1991-2006**



## 5. Migration in the context of population change

The UK population has grown by 1.5 million in the last five years, from 59.1 million in 2001 to 60.6 million in 2006, a rise of 2.5 percent. This represents the fastest rate of growth since the baby boom of the first half of the 1960s. Most of the population growth in the last five years has been driven by rising net immigration, which accounted for almost two thirds of the UK’s population growth during the period 2001-06 (Table 4).<sup>21</sup>

The UK population is projected to grow from 60.6 million in 2006, to 71.1 million in 2031 and 85.3 million in 2081 under the principal variant of the 2006-based national population projections.<sup>22</sup> That is equivalent to an annual growth rate of 0.6 percent during the period 2006–2031, which is faster than the 0.5 percent per year growth experienced from 2001 to 2006. Just under half (47 percent) of the projected UK population growth during the

<sup>19</sup> ONS, *International Migration*, Series MN No.33, 2006 data

<sup>20</sup> Home Office, *Control of Immigration Statistics 2006*, Table 2.2

<sup>21</sup> This figure does not take account of the positive impact of immigration on fertility rates which, if included, would make the role of net immigration in accounting for population growth even bigger due to higher fertility rates among foreign-born mothers compared to UK-born mothers.

<sup>22</sup> ONS, *National Population Projections, 2006–based*, 2008



period 2006–2031 is from net immigration. 53 percent is accounted for by natural increase (births in excess of deaths). However, projected natural change and assumed net migration are not independent of each other; the projected numbers of future births and deaths are themselves partly dependent on the assumed level of net migration. Of the population growth accounted for by natural change, 31 percent would occur in the absence of immigration and 23 percent arises from the positive effect of net immigration on natural change. As a result, 69 percent of the UK's population growth during 2006-2031 in the principal projection is attributable, directly or indirectly, to future net-migration.<sup>23</sup>

**Table 4 – Components of UK population change, 2001 - 2006**

|                                 | <i>thousands</i> |         |         |         |         |
|---------------------------------|------------------|---------|---------|---------|---------|
|                                 | 2001-02          | 2002-03 | 2003-04 | 2004-05 | 2005-06 |
| Population at start of period   | 59,114           | 59,324  | 59,557  | 59,846  | 60,238  |
| Natural change                  | 62               | 77      | 104     | 127     | 159     |
| Births                          | 663              | 682     | 707     | 718     | 734     |
| Deaths                          | 601              | 605     | 603     | 591     | 576     |
| Net migration and other changes | 148              | 157     | 185     | 266     | 190     |
| Net migration                   | 149              | 154     | 185     | 262     | 189     |
| Other changes*                  | 0                | 3       | -1      | 3       | 1       |
| Total change                    | 210              | 234     | 289     | 393     | 349     |
| Population at end of period     | 59,324           | 59,557  | 59,846  | 60,238  | 60,587  |

Source: ONS, News Release 22 August 2007, UK population grows to 60,587,000 in mid-2006

\* Changes in the number of armed forces (both foreign and home) and their dependants resident in the UK

Projecting future population growth depends critically on the underlying assumptions about future natural change (births minus deaths) and future net migration. The estimates for future net migration are projections based on past trends rather than results of forecasting models. Consequently, ONS projections of net migration, natural change and population growth involve a high degree of uncertainty. Table 5 shows projected population growth under variants based on different migration assumptions.

**Table 5 – Projected changes in UK population, 2006 - 2081 (millions)**

|                                    | Population projections |      |      |      | Assumed net migration |
|------------------------------------|------------------------|------|------|------|-----------------------|
|                                    | 2006                   | 2031 | 2056 | 2081 |                       |
| Principal projection               | 60.6                   | 71.1 | 78.6 | 85.3 | +190,000              |
| High migration                     | 60.6                   | 73.0 | 82.8 | 91.9 | +250,000              |
| Low migration                      | 60.6                   | 69.2 | 74.3 | 78.6 | +130,000              |
| No migration (natural change only) | 60.6                   | 63.8 | 61.5 | 57.3 | 0                     |

Source: ONS, 2006-based national population projections

<sup>23</sup> Government Actuary's Department, *Migration and population growth*, 2006

## C. Changing immigration policy

### 1. Immigration law and policy since 1997

Against this background of increased mobility within and between nations, it is worth examining how the government in the UK has responded in recent times to problems and pressures (perceived and actual) within the immigration system.

The number of changes to immigration, asylum and nationality law and policy since the Labour administration was elected in 1997 has been striking. There has been a new Immigration Act every year or two and hundreds of changes to secondary legislation, the Immigration Rules and administrative arrangements. The UK Border Agency (UKBA) has argued that the *Immigration Act 1971* – the foundation of the current legal framework for immigration – was passed in a very different world and so these changes (and those introduced by previous administrations) have been vital in strengthening the immigration system and responding to changes in the last 30 years.<sup>24</sup>

The ten main Acts passed since the *Immigration Act 1971* are:

*Immigration (Carrier's Liability) Act 1987*  
*Immigration Act 1988*  
*Asylum and Immigration Appeals Act 1993*  
*Asylum and Immigration Act 1996*  
*Special Immigration Appeals Commission Act 1997*  
*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*

Parts of other Acts (in particular the *Human Rights Act 1998*) are also relevant. Indeed, such has been the volume and pace of legislation and related change that the Government has recognised the complexity of the existing structure of immigration law and policy and published proposals for its simplification in a partial draft *Immigration and Citizenship Bill* and associated papers on 14 July 2008. Immigration, asylum and nationality are all 'reserved' matters, dealt with by Westminster rather than the devolved administrations.

The Joint Council for the Welfare of Immigrants (JCWI) has commented on how the legislation (and the policy underlying it) has been developed:

As well as major structural changes brought in by the 2002 and 2004 Acts, for example, to the system of appeals and support, there have been over 25 statements of changes to the Immigration Rules [between 2002 and 2006]. Most of these contain multiple amendments to the various categories of admission and the requirements relating to them. In addition, there have been very significant changes to practice and procedure. For example, on 1 April 2003, 'humanitarian

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<sup>24</sup> UKBA (undated) *Simplifying legislation, processes and technology: Simplification Project*

protection' and 'discretionary leave' replaced the system of asylum-based 'exceptional leave' and they have been modified again from 30 August 2005.

Routes for economic migration regulated both by the Immigration Rules and in criteria set outside the Rules, have also been substantially developed. Further major reorganisation to these routes is being planned under the government's 'five year strategy' – *Controlling our borders: making migration work for Britain* (February 2005).<sup>25</sup> In addition, from 1 May 2004, free-movement rights have been extended, with certain restrictions, to the new countries of the European Union.<sup>26</sup>

Although migration routes for workers were expanded when economic migration was first explicitly recognised as a positive thing for the UK, this policy direction has now been somewhat reversed, with increasing restrictions on visa requirements, language requirements and the countries included in particular schemes. The JCWI goes on to suggest that many changes to immigration law and policy have been primarily concerned with control, emphasising migrants' obligations towards or contributions to the UK rather than protecting individuals' rights:

While the policy developed around these changes is strong on 'what migrants can do for Britain', it is short on rights and protections for individuals. Particularly for the less skilled, routes remain short-term and 'flexible'; able to be switched off when perceived economic imperatives no longer appear compatible with migration.<sup>27</sup>

Though human rights grounds for staying in the UK have been expanded, asylum law and procedure has been significantly tightened and appeal rights and legal aid severely limited. Access to benefits, housing and social services for people from abroad has become increasingly limited, and immigration and nationality fees massively increased. English language skills are increasingly required of immigrants, and more information about them (including fingerprints) is gathered and shared. Aspects of immigration control are being shifted to airlines, employers, colleges and sponsors.

## 2. Immigration controls: a very brief summary

Citizens of **European Economic Area** (EEA) countries (that is, the EU member states plus Iceland, Liechtenstein and Norway) and Switzerland, accompanied by their family members, can come to the UK for any purpose for up to three months, under European free movement rules. These are set by the EU rather than by the UK. Having entered the UK, they are free to take up any employment or to set themselves up in business. To stay beyond three months, they must be a worker, self-employed, a provider or recipient of services, self-sufficient, retired or a student. There are more restrictive arrangements for citizens of the 'new' EU member states: citizens of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia have to join the Workers' Registration Scheme to work in the UK; citizens of Romania and Bulgaria have to get specific permission to take up a job here.

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<sup>25</sup> Cm 6472

<sup>26</sup> JCWI (2006) *Immigration, Nationality And Refugee Law Handbook*, page iii

<sup>27</sup> *ibid*

People from the **rest of the world** have to comply with the UK's immigration laws. Under these laws they may obtain permission to enter or stay in the UK for a limited or indefinite period if they meet the conditions set out in the Immigration Rules or in published concessions outside the immigration rules, for asylum or human rights reasons or at the Home Secretary's discretion. The categories in the Immigration Rules include visitor, student, au pair, working holidaymaker, work-permit employment, minister of religion, UK ancestry, long residence, spouse and dependent child. The work and student routes are now being replaced by a points-based system, intended to be clear and objective, and other categories are also in the process of being changed.

The government has resisted calls for an overall quota on migration, or even on economic migration.<sup>28</sup> Quotas could not in any case be applied to EEA migration.

### **3. The impact of EU enlargement**

#### **a. 2004: the A8 countries, Cyprus and Malta**

Perhaps the most obvious change in immigration to the UK in this decade has been the recent enlargement of the EU to the Baltic and Eastern Europe.

On 1 May 2004 the EU admitted ten new members: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. From that date, citizens of the new member states have been governed by the laws and rules of the EU and benefit from the rights and advantages of EU citizenship, including the right to travel freely and live anywhere in the enlarged EU rather than being controlled by national immigration laws.<sup>29</sup>

However, the Accession Treaty allows the existing member states to restrict the right to work of those from the eight Central and Eastern European accession countries (the 'A8' countries) for up to seven years.<sup>30</sup> By 2011 all restrictions will have to be lifted. No transitional restrictions can be imposed on people who are not 'workers' – e.g. those who are self-employed, self-sufficient, retired or students.

The UK, Ireland and Sweden in fact gave full rights to work from 1 May 2004 but will be able to re-impose restrictions if the circumstances require. The UK Government decided to try to monitor the impact of these workers through a requirement for them to register with a new [Worker Registration Scheme](#). At the same time it introduced new restrictions on access to benefits for all EEA nationals. Other member states decided, at least initially, to restrict the right to work and/or to claim benefits.<sup>31</sup>

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<sup>28</sup> Quotas do apply, though, to two low-skilled routes to the UK (the Seasonal Agricultural Workers Scheme and the Sector Based Scheme) which are now closed except to applicants from Bulgaria and Romania.

<sup>29</sup> For full background, see House of Commons Research Paper 03/48, [Enlargement and the EU Accessions Bill](#), 19 May 2003

<sup>30</sup> Citizens of Cyprus and Malta are not subject to employment restrictions.

<sup>31</sup> See the European Commission website, [Enlargement - Transitional provisions](#)

Even before accession, large numbers of people travelled from the ten accession countries to the UK every year. Various studies before enlargement tried to predict the impact of the 2004 enlargement on the existing Member States, but both the Home Office<sup>32</sup> and MigrationWatch<sup>33</sup> underestimated the scale of migration from the accession countries: the Labour Force Survey recorded that from 2004 to 2007 the increase in workers from A8 countries was 447,000.<sup>34</sup>

**b. 2007: Bulgaria and Romania**

As a result of its experience of the 2004 enlargement – and the public reaction to it (see part D below) – the Government decided to retain restrictions on the right of Romanian and Bulgarian ('A2') nationals to work in the UK when they joined the EU on 1 January 2007. When giving evidence to the Home Affairs and European Scrutiny Committees on 7 December 2006, the Immigration Minister Liam Byrne explained the decision:

We think the impact of migrant labour from A8 has been enormously beneficial to Britain, but we also think that there have been transitional impacts. There has been anecdotal evidence that has been put up to us about some of the impacts in different parts of the country that have been created through very rapid changes in communities because of immigration, and so the decision that we had to take when it came to Bulgaria and Romania was not whether to ever open our labour market but how quickly to open our labour market.<sup>35</sup>

Information for Bulgarian and Romanian citizens is available on the [UKBA website](#). These restrictions go considerably further than those in the last round of EU enlargement. A Home Office press notice explained:

In the UK low-skilled workers from Romania and Bulgaria will be restricted to existing quota schemes to fill vacancies in the agricultural and food processing sectors. There will be no net increase in these existing schemes and workers will be required to have an authorisation document.

Skilled workers will be able to work in the UK - as now - if they get a work permit or qualify under the Highly Skilled Migrant Programme, if they are a student, are self employed or as their dependents.

These new arrangements will be reviewed within 12 months and the Government's proposed new Migration Advisory Committee will assist in this process taking account of the needs of our labour market, the impact of the A8 accession and the positions adopted by other EU countries.

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<sup>32</sup> Christian Dustmann, *The impact of EU enlargement on migration flows*, Home Office online report 25/03, 5 June 2003, predicting between 5,000 and 13,000 net immigrants per year from the ten accession countries

<sup>33</sup> MigrationWatch UK briefing paper, *The impact of EU enlargement on migration flows*, 27 July 2003: <http://www.migrationwatchuk.org/>, citing Mervyn Stone, *Prediction of future migration flows to the UK and Germany: Technical exercise, honest study, or convenient obfuscation?* July 2003, and suggesting the total would be closer to 40,000 per year.

<sup>34</sup> ONS *Labour Force Survey Jan-Mar 2004*, 2008

<sup>35</sup> Uncorrected transcript of oral evidence to the Home Affairs and European Scrutiny Committees, *Migration issues relating to the accession of Bulgaria and Romania to the EU*, 7 December 2006, HC 143-I, Q1

Employers and employees will have a duty to abide by the new rules and there will be controls in place for rogue employers and illegal workers, including fixed penalty notices.<sup>36</sup>

More detail was set out in a written ministerial statement of 24 October 2006.<sup>37</sup>

Following a review, the Government announced on 30 October 2007 that it had decided to maintain the restrictions until at least the end of 2008; pressure on public services was one reason for doing this:

We have looked therefore at the evidence of the benefits and the impacts of migration from the A2 and from the A8 (eight countries which joined the EU in 2004), which we have used to inform this decision.

While initial evidence shows that there is a clear positive contribution to the economy from migration, there are some reports of pressures in other areas, including public services. The prudent balance is therefore to maintain restrictions as we monitor the medium to long term effects of accession migration.

From 2008, applications to the existing "Seasonal Agricultural Workers Scheme" will be accepted only from Romania and Bulgaria as was announced last year. The overall number of migrants coming to the UK through SAWS is unchanged.<sup>38</sup>

The Home Affairs Committee published a short report on Bulgarian and Romanian accession.<sup>39</sup> The report did not draw any conclusions but outlined the numbers involved. It said that the rationale behind the Government's decision to continue the restrictions was "the need for a balance in immigration policy in recognition of the fact that the impact of immigration on British public life is wider than simply economic". But it also noted that the Romanian Government was "surprised and disappointed by what it regards as a discriminatory decision to continue restrictions" and supported views expressed by the Joint Council for the Welfare of Immigrants and the recruitment industry that the A2 regulations present procedural problems. The Immigration Minister has undertaken to look at any further evidence of complexity to see if the regulations can be simplified.<sup>40</sup>

**c. *EU enlargement: implications for immigration from outside the EU***

The Government now expects that migration from other Member States will meet most demands for migrant labour, especially for low-skilled occupations. So, to coincide with the latest phase of EU enlargement, the Home Office has from 1 January 2007 been phasing out all low-skilled migration schemes for workers from outside the EU. The

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<sup>36</sup> Home Office press notice, *Controlled access to UK labour market for new accession countries*, 24 October 2006

<sup>37</sup> HC Deb 24 October 2006 Col 82-83WS

<sup>38</sup> HC Deb 30 October 2007 cc34-35WS

<sup>39</sup> Home Affairs Committee, *Bulgarian and Romanian Accession to the EU: Twelve months on*, 17 January 2008, HC 59 2007-08

<sup>40</sup> Home Affairs Committee, *Bulgarian and Romanian Accession to the EU: Twelve months on*, 2<sup>nd</sup> report of 2007-08, HC 59, 17 January 2008, para. 15



Government will expect employers to look to workers from EU states to meet any low-skilled labour shortages within the UK.<sup>41</sup>

#### 4. Recent initiatives on the impacts of immigration

##### a. *The Migration Impacts Forum*

Such has been the increase of interest in the financial and other impacts of migration that a new body, the [Migration Impacts Forum](#), has been set up by the Government to collect and discuss evidence on the effects which migration is having on communities and public services throughout the United Kingdom (including housing, education, health and social care, crime and disorder and community cohesion) and on how these challenges can best be met.

The Migration Impacts Forum started work in June 2007. A press release from the Home Office described its role:

The Migration Impacts Forum (MIF) will bring together experts from local government, health, education, the police and criminal justice system, the voluntary sector, the CBI and TUC to discuss with Ministers the wider social impacts of migration. Ministers will take the MIF's evidence into account when they decide where to set the 'hurdle' that migrants need to cross to work or study in the UK.

[...]

The MIF will help collect evidence on how migration affects issues such as housing, employment, education, health and social care, crime and disorder and community cohesion. It will:

- consider information about the social benefits of migration and any transitional impacts and requirements;
- identify and share good practice in managing transitional or adjustment requirements;
- bring together existing evidence about the impacts of migration; and
- suggest areas for Government research on the impacts of migration.

Various Ministers gave their views on what might be gained from the MIF's work, including a much more open debate about where migration is and is not needed, an evidence-based approach, and highlighting best practice<sup>42</sup>

The [agendas and papers](#) of the Migration Impacts Forum are available online. Through its thematic considerations it has already considered impacts on community cohesion, housing and skills, and will in future consider crime and employment.<sup>43</sup> At its most recent meeting on 16 July 2008 it received a presentation on managing the impacts of migration from the director of Migration, Communities and Local Government at the Department for

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<sup>41</sup> Home Office press notice, *Controlled access to UK labour market for new accession countries*, 24 October 2006

<sup>42</sup> Home Office Press release, *Forum to Advise on the Social Impacts of Migration Launched*, 21 June 2007

<sup>43</sup> Department for Communities and Local Government, [Managing the Impacts of Migration: A Cross-Government Approach](#), June 2008, p14

Communities and Local Government (DCLG),<sup>44</sup> as well as presentations on UK Border Agency's enforcement strategy (from UKBA's head of central operations) and on crime and policing (from the chief constable of North Yorkshire Police).<sup>45</sup>

**b. The Migration Impacts Plan**

The DCLG has taken the lead in co-ordinating different government departments' responses to the impacts of immigration. An [update](#) on government activity is available on its website,<sup>46</sup> and the Department is likely to develop its policy co-ordination role further.<sup>47</sup>

When it published a cross-governmental Migration Impacts Plan in June 2008,<sup>48</sup> the Secretary of State for Communities and Local Government, Hazel Blears, said the Government was convinced of the benefits of migration to the economy and to society and intended to maximise those benefits, whilst minimising transitional pressures experienced by communities and local service providers. She noted that the public remained concerned about immigration:

Migration brings significant benefits nationally, but the precise difference that migration makes to local places and people will vary from town to town, neighbourhood to neighbourhood and sometimes even street to street. Some local areas are more affected by change than others and some communities feel the effects of change more than others. Public concern about immigration remains, particularly about pressures on public services and impacts on the labour market.<sup>49</sup>

Ms Blears went on to suggest how public confidence in immigration might be increased:

[...] we will support people and communities to be confident in the face of change. We have already provided significant funding for community cohesion by helping new migrants understand local customs and make a positive contribution to local life and by breaking down the misconceptions that can sometimes cause anxiety or tension with the settled community. We are committed to providing further support to local authorities and their partners and to sharing the successful approaches that are already making a difference in many places— from local citizen days to migrant information packs.<sup>50</sup>

The Migration Impacts Plan contains a mix of new and existing initiatives designed to support local authorities and their partners, including some increased funding:

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<sup>44</sup> Mark Kleinman, Director of Migration, Communities and Local Government, [Managing the Local Impacts of Migration](#), presentation to MIF on 16 July

<sup>45</sup> [MIF agenda](#) 16 July 2008

<sup>46</sup> At

<sup>47</sup> See Department for Communities and Local Government, [Review of Migrant Integration Policy in the UK](#), June 2008

<sup>48</sup> Department for Communities and Local Government, [Managing the Impacts of Migration: A Cross-Government Approach](#), June 2008

<sup>49</sup> HC Deb 11 June 2008 16WS

<sup>50</sup> HC Deb 11 June 2008 16-17WS



The Government is supporting local authorities and their partners in managing the impacts of migration by:

- Making available, from this year, an Exceptional Circumstances Grant of **£10 million** for schools experiencing a rapid growth in pupil numbers during the period between the annual pupil count in January and the start of the academic year in September; or a significant influx of children who have English as an Additional Language.
- Increasing the Ethnic Minority Achievement Grant for schools working with pupils with English as an Additional Language, from **£162 million in 2004-05 to £179 million in 2007-08 to £207 million by 2010-11.**
- Providing **£200,000** to Homeless Link to co-ordinate action to reduce the numbers sleeping rough among recent EU migrants in London. This is one part of our £200 million investment in homelessness over the next three years.
- Providing **£50 million** over the next three years to support community cohesion, including:
  - tackling particular areas of tension;
  - providing positive activities for young people; and
  - supporting local cohesion projects.
- Introducing a new Transitional Impacts of Migration Fund to build capacity in local service providers and support innovative projects from 2009-10. Money for the fund will be raised through increases to certain fees for immigration applications.
- Piloting Specialist Cohesion Teams to support local authorities facing particular challenges including those related to migration. The first of these pilots will take place in the Norfolk District of Breckland.
- Developing a single online portal which will provide a regularly updated bank of good practice on promoting cohesion.
- Working with the Improvement and Development Agency to run the Migration Excellence Programme to identify and share good practice, and promote peer mentoring of local authorities.
- Developing proposals on how local authorities and their partners including the Learning and Skills Council (LSC) can prioritise public funding for English for Speakers of Other Language (ESOL) to promote community cohesion in their areas.
- Upskilling the existing workforce so that employers should not feel they have to seek migrant labour because there are avoidable local skills shortages.
- Developing a range of good practice tools to show how Neighbourhood Policing teams can identify and engage with incoming/emerging communities.<sup>51</sup>

The Migration Impacts Plan describes how the benefits of migration could be maximised:

Migration brings clear benefits to the UK economy. Migrants add to the working age population, help to meet labour and skills shortages, and have made a positive contribution to the strong recorded growth in GDP per head in the UK over the last ten years. The evidence also suggests that migrants on average make a stronger fiscal contribution than non-migrants. Evidence suggests that

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<sup>51</sup> Department for Communities and Local Government *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008, p7

migration has had a positive impact on the wages of native workers overall, although gains at the top and middle of the earnings distribution should be set against a slight dampening of wage growth at the bottom. However, the existence of the National Minimum Wage has played an important role in protecting the wages of low paid workers and, in fact, the lowest paid workers have seen real wage growth rates well in excess of the UK average.<sup>52</sup>

In examining community cohesion, the plan suggested that some concerns about the impact of migration might be grounded in misunderstanding: better communication might be the remedy:

Where people are concerned about the impact of migration on their communities, it is often because of misunderstanding and lack of communication. Of course, it is right to expect migrants to recognise our shared standards and values but we must also appreciate and respect the significant contribution they make. If we are to build inclusive, cohesive and resilient communities, we must work to develop an atmosphere of trust and understanding.<sup>53</sup>

[...]

But what makes a cohesive community? The answer is different for each area. The characteristics and history of the area and the characteristics and attitudes of residents all have an impact. Promoting cohesion, the extent to which different groups of people get on well together, can often mean addressing multiple complex issues at the same time.

Migration is just one of many factors which determines how cohesive an area is. Some areas are barely affected by it whereas, for others, it is a very big issue – especially where there are existing tensions or high levels of deprivation. The rate of increase in newcomers rather than the overall level seems to be the crucial factor. The problem is compounded in places which lack the policies, institutions or experience to respond to rapid or large-scale migration.

The plan also sets out the Government's vision of an integrated and cohesive community:

**A new definition of community cohesion**

Community cohesion is what must happen in all communities to enable different groups of people to get on well together. A key contributor to community cohesion is integration which is what must happen to enable new residents and existing residents to adjust to one another.

Our vision of an integrated and cohesive community is based on **three foundations**:

- People from different backgrounds having similar life opportunities
- People knowing their rights and responsibilities
- People trusting one another and trusting local institutions to act fairly

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<sup>52</sup> Department for Communities and Local Government *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008, pp15-6

<sup>53</sup> *ibid* p37

And **three key ways of living together**:

- A shared future vision and sense of belonging
- A focus on what new and existing communities have in common, alongside a recognition of diversity
- Strong and positive relationships between people from different backgrounds.<sup>54</sup>

Local community cohesion could be improved – it was suggested – by empowering local authorities and other agencies:

#### **Improving community cohesion**

Local people have a unique knowledge and understanding of their area. They and their representatives are best placed to manage the integration of migrants, the process by which new and existing residents adjust to one another. The role of Government is to provide the framework, in terms of funding and guidance, to allow local authorities and other agencies to manage this process. Some local authorities have developed innovative and creative solutions which have brought people together and helped to promote cohesion – from local citizen days, to information packs for new arrivals. For example, Manchester is planning a ‘Manchester Day’ to take place in the spring or summer to boost civic pride and bring migrants and long-term Mancunian residents together.

Specifically, Communities and Local Government:

- has already allocated £34 million over the next three years for those authorities who are most in need of support to tackle particular areas of tension;
- is spending £4.5 million to help schools and others offer positive activities for young people;
- is spending £3.5 million to support the National Improvement and Efficiency Strategy for local government, to support local authorities in delivering community cohesion; and
- is spending a further £8m to support local inter-faith work, conflict resolution and prevent hate crime. We will announce how this element of the funding will be spent with our interfaith strategy in July.

Communities and Local Government, working with local authority partners, has also provided practical advice and support. We have:

- produced guidance with the IDeA to help local authorities cope with the impact of migration and develop migration information packs;
- issued guidance on the use of translation, stressing that migrants should be encouraged and supported to learn English wherever possible;
- developed fact-cards to help local authorities combat prejudice and bust myths on migration; and
- developed a cohesion impact assessment toolkit to help local authorities identify where policy changes may have an impact on community cohesion.<sup>55</sup>

The plan recognises that more still needs to be done, particularly in capacity-building:

But we recognise that more needs to be done. Over the coming months, we will:

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<sup>54</sup> *ibid* p38

<sup>55</sup> *ibid* p39

- develop a cohesion delivery framework to help local areas identify and address the barriers to cohesion in their area, including issues relating to migration;
- continue our work with the Institute for Community Cohesion so that local authorities have easy access to the latest good practice in addressing these issues;
- work with our national strategic partners to help local authorities develop their capacity to respond to migration. The Regional Improvement and Efficiency Partnerships, working closely with the IDeA, will ensure that councils can find the support they need, when they need it; and
- publish a programme of further work to promote cohesion in the summer, including the piloting of Specialist Cohesion Teams to support those local authorities facing particular challenges, including those related to migration. The first of these pilots will take place in the Norfolk district of Breckland.<sup>56</sup>

The Government will report on progress in early 2009.

In its recent report on community cohesion and migration, the Commons Select Committee on Communities and Local Government remarked on the number of government departments, and other groups and organisations – including four non-departmental public bodies, local authorities and regional development agencies, the police, the NHS and many others – responsible for or involved in migration and community cohesion.<sup>57</sup> The Committee therefore considered whether this was a case of ‘too many cooks’, but agreed with the Government’s view that there was no need for a new national body which would manage the integration of migrants. It argued instead that there might be some scope for rationalisation and that all the bodies with existing responsibilities should work together with a common strategy:

We did not hear sufficient evidence to convince us that a new body is necessary at this time, and we find persuasive the Government’s analysis that establishing a new body could risk duplicating the work of existing bodies and prove costly. Instead, we recommend that all bodies with responsibility for the integration of migrants take further concerted steps to ensure that they are working together to follow a common strategic approach to the task. We also recommend that the Government review the case for further rationalisation of existing structures on migration and cohesion when it reports in early 2009 on its progress in implementing the actions set out in its report *Managing the Impacts of Migration: A Cross-Government Approach*.<sup>58</sup>

**c. The ‘Path to Citizenship’ consultation**

In February 2008 the UK Border Agency published a consultation entitled [The Path to Citizenship: next steps in reforming the immigration system](#). A [summary of consultation responses](#) and the [Government’s response](#) to the consultation exercise, were published in July 2008. As well as proposing changes to permanent residency and citizenship

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<sup>56</sup> *ibid* p40

<sup>57</sup> House of Commons Communities and Local Government Committee, [Community Cohesion and Migration](#), 16 July 2008, HC 369 2007-08, paras 71-76

<sup>58</sup> *Ibid*: page 33

status, it proposed the ‘Transitional Impact of Migration Fund’ mentioned above, as well as delaying access to public services until full citizenship or permanent residence is achieved.

The new fund has been described as a tax on migrants. The UKBA outlined it as follows:

The Home Office confirmed that newcomers will have to pay a little extra before they become citizens to create a fund of tens of millions of pounds a year to help police, schools, councils and local health services to use the money to deal with the short-term pressures of migration in their areas.<sup>59</sup>

The consultation suggested that “migrants who tend to consume more in public services – such as children and elderly relatives” would pay more than others, and that the fund would begin to operate in April 2009.<sup>60</sup> Many respondents raised concerns about this, as the government’s response made clear:

A number of respondents to the consultation expressed support for this proposal, agreeing that it was right to provide money to address the transitional pressure of migration.

*“I have seen the effects of pressures on services caused by migration and money does need to be made available to alleviate those pressures.”* (Individual)

At the same time a significant number of respondents expressed concerns about the proposed fund. Some highlighted the fact that migrants are, on average, net contributors to the economy, and as such expressed concern at the suggestion that migrants be required to contribute extra for a fund to manage the transitional impact of migration; others suggested that to require migrants to contribute to the fund would be unfair or discriminatory.

*“Migrants are already net contributors and pay more taxes on average and so already pay for the public services they use. The fact that some migrants have more dependants and so contribute less is not a justification to make all non-EEA migrants pay an additional charge.”*

We recognise that migrants overall make a positive economic contribution, but they also use public services. And with increasingly mobile migrant populations, communities in some regions experience high and rapidly-changing transitional pressures on some public services such as education and healthcare. Some migrants make claims on public services as soon as they arrive and before they have contributed significantly to the cost of these services. At the same time public antipathy to migration can be driven by a perception of unfairness, in that some migrants are perceived to receive more from the state than they contribute – and this can adversely affect community cohesion.

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<sup>59</sup> UK Border Agency press notice, [Newcomers must earn the right to stay in the UK](#), 14 July 2008

<sup>60</sup> UK Border Agency, [The Path to Citizenship: next steps in reforming the immigration system](#), February 2008

This calls for public service providers to respond quickly and innovatively to this challenge. The Government has provided a fair settlement for local government, and many are already responding to this challenge; but with a relatively small amount of additional money we could alleviate some of the short-term pressures. As such we do consider that it would be appropriate to require migrants to contribute to a fund which will allow us to release limited amounts of money quickly and responsively to address these short term pressures. **We will therefore create a fund to manage the transitional impact of migration.** The fund will be tens of millions of pounds and will operate from April 2009.<sup>61</sup>

Only non-EEA migrants would be subject to the new charge. They would pay the extra amount every time they make an immigration application, and would have to pay an additional fee per dependant.

The Government is proposing that the fund would be allocated on a regional basis through the Government Offices for the Regions, with those regions experiencing higher levels of inward international migration receiving proportionately more (see p48 below). All local service providers, including the police, local authorities and Primary Care Trusts, would be eligible to claim on the fund.

## **D. Public attitudes to immigration**

### **1. Overview**

When the Government announced in December 2002 that, unlike other existing EU member states, the UK would grant citizens of the A8 countries the same full rights to work in the UK as were already enjoyed by existing EU citizens,<sup>62</sup> Anatole Kaletsky of the *Times* hailed the move as “the most economically intelligent and socially far sighted decision to have come out of the present Government”.<sup>63</sup>

Polls and other measures of public opinion, however, have tended to suggest that the public takes a different view. The proportion of adults who considered ‘race relations/ immigration/ immigrants’ as the most important issue facing Britain has increased from less than 5% in the mid-1990s to over 40% now.<sup>64</sup> For most of 2006 and 2007, opinion polls showed that immigration was the number one issue of concern to the British public, more important than law and order, the National Health Service or international terrorism.<sup>65</sup> In January 2007, a poll conducted by MORI found that 68% of people agreed with the statement that there were too many migrants in Britain, and 47% of the Asian and 45% of the Black respondents felt that there was too much migration into Britain. More than half (56%) of all respondents felt that some groups got unfair priority

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<sup>61</sup> UK Border Agency, *The Path to Citizenship: Next Steps in Reforming the Immigration System - Government Response to Consultation*, July 2008, pp22-23

<sup>62</sup> Foreign and Commonwealth Office Press Release, *Straw announces free movement of people rights to EU Candidate countries on accession*, 10 December 2002,

<sup>63</sup> ‘Why Britain needs more people like me’, *The Times*, 12 December 2002

<sup>64</sup> Ipsos MORI, *The Most Important Issues Facing Britain Today*

<sup>65</sup> Ipsos MORI, *Tracking Attitudes to Immigration and Asylum*, July 2007

in public services like housing, health services and schools – though this figure fell to 26% when asked specifically about the situation in their local area.<sup>66</sup>

Research conducted by MORI in February 2003 on behalf of Migration Watch UK had shown that 85% of people in Britain did not agree that the government had immigration under control and 76% did not agree that the government was honest about the scale of immigration in Britain.<sup>67</sup> It concluded that:

All in all, while the research clearly shows just how widespread mounting concerns about immigration are, it is clear that in many cases the public do not base their views on any direct local experience, but rather a general anxiety and presumably media coverage. Readers of newspapers most outspoken on this issue tend to be themselves most critical, but of course, that in itself does not tell us whether they read those titles because they reflect their views on asylum/immigration, or that their views have been influenced by their newspaper choice.<sup>68</sup>

The Joseph Rowntree Foundation conducted a public consultation in 2007, exploring what it termed the “social evils” faced by Britain today. The consultation, which was conducted online, gathered the views of 3500 people. Specific concerns were voiced about the impact of immigration:

***Immigration and responses to immigration:*** participants felt that local residents lose out to immigrants in competition for scarce resources. Others criticised negative attitudes to and lack of support for immigrants and thought society should be more tolerant and inclusive.<sup>69</sup>

The researchers noted a wide variation in perspectives and attitudes. Some participants (who tended not to distinguish between asylum seekers, refugees, economic migrants and illegal immigrants) voiced concerns about the negative impacts of immigration and multiculturalism, whilst others felt that the social evil resided in the attitudes of the government and public towards immigrants. Some specific fears and concerns were cited:

Some participants felt that current flows of immigration are “unrestricted”, “unchecked” or “out of control”. Participants suggested a variety of explanations for why this is a social evil: one explained that “there is so much diversity, that we do not have common values any more”. Another person felt that “our culture is what binds us together as a people” and that multiculturalism can “cause friction and loss of common goals”. Other responses focused on the potential for immigration to cause “unrest and ill-feeling between communities”. Others were concerned that “it will create a divided society and breeds contempt and jealousy between groups” and another agreed that “indigenous inhabitants are becoming increasingly resentful and intolerant”.

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<sup>66</sup> MORI Poll, *Public Attitudes Towards Cohesion and Integration*, Commission on Integration and Cohesion, 15 June 2007

<sup>67</sup> MORI Polls and Surveys, *British Views on Immigration*, 10 February 2003

<sup>68</sup> MORI Polls and Surveys, *British Views on Immigration*, 10 February 2003, para. 12

<sup>69</sup> Beth Watts, *What are today's social evils? The results of a web consultation*, Joseph Rowntree Foundation, 2008



One key reason that immigration was identified as causing resentment between groups was the perceived unfairness associated with the allocation of resources to immigrants. One person complained for example that “British taxpayers’ money is given to anyone who wants to come and live here. It should be given back to the people who paid it in.” In addition to the perceived unfairness of redistributing money from non-immigrant to immigrant groups, some respondents felt that these “hundreds of thousands of newcomers ... do not put into the system”. One person commented that they “have no problem with those with genuine problems entering the country as long as they are working and making a contribution”, but the responses suggest that some people don’t think this is the case:

[There are] too many immigrants into the country who are unwilling to work/learn the language.

The country continues to let people in who cannot find a job and survive on state benefits, paid by the taxpayers to people that have never contributed anything to the country.<sup>70</sup>

Thus, the researchers found, both immigration and the perceived mismanagement of immigration and failure to achieve integration in a multicultural society were identified as social evils.

One person felt, for example, that “there is a lack of policy geared to effect integration”. Another observed that “the pace of change has been too fast for all cultures to be properly absorbed and integrated for the good of us all” and another identified a “lack of appropriate community spaces in which people of different cultural backgrounds can meet and learn from each other”.<sup>71</sup>

But, as noted earlier, not all participants were hostile towards immigration or towards immigrants. Some, indeed, argued for greater empathy and identified lack of compassion and goodwill as social evils in themselves:

[...] another [participant] criticised the “failure of public bodies to raise the issue of empathy to the foreground of the social cohesion debate”. Several participants implored the public to overcome these fears and embrace a more positive attitude to immigration, emphasising the diversity and economic advantages that immigration can bring. One participant said for example:

I wish people had a more rounded view of immigration, based on facts, and could see it as being part of the UK’s rich tapestry rather than focusing on the scaremongering coverage of a minority’s bad behaviour.

The report goes on to suggest that fear and intolerance of migrants is part of a wider intolerance of difference:<sup>72</sup>

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<sup>70</sup> Beth Watts, *What are today’s social evils? The results of a web consultation*, Joseph Rowntree Foundation, 2008, p31

<sup>71</sup> *ibid* p32

<sup>72</sup> *ibid* p32



**Intolerance and lack of trust: “lack of understanding, tolerance, respect and trust of ... people from different backgrounds”**

The consultation suggests that we are not only fearful and intolerant of immigrants, but of anyone who is different. For example, one participant identified a “lack of understanding of, and willingness to understand, people who are different from you”. Another focused on how our intolerance of difference promotes conformism and identified an “erosion of the right to be different – whether our conformity to lifestyles and opinions defined by advertising and the media, or the intolerance faced by ‘outsiders’”. The types of difference participants felt are not tolerated include those around sexuality, ethnicity, religion, race, disability, weight, age, region, lifestyle and gender.

People did not only feel that we fail to tolerate people who are different, but that we are fearful and suspicious of them:

The cross-governmental Migration Impacts Plan cites evidence to suggest that the UK is a generally and for the most part a cohesive and harmonious place:

**Cohesion and migration**

The evidence suggests that the UK is a place where the vast majority of people feel they get along with each other, belong, and are comfortable and confident about their differences.

Data from the 2007 Citizenship Survey confirmed that just over eighty per cent of people think that people of different backgrounds get on well in their local area. Eighty-five per cent felt they belonged strongly to Britain and seventy-seven per cent felt they strongly belonged to their neighbourhood. These are extremely positive findings. And in-depth analysis of the 2005 Citizenship Survey found that the level of ethnic diversity in a community made no difference to the level of cohesion. The message is clear – strong and stable communities do not depend on everyone having the same history and background.<sup>73</sup>

The Commons Select Committee on Communities and Local Government, on the other hand, remarked that there were ‘significant’ public concerns about both the scale and pace of immigration, which merited an informed national debate:

A November 2007 poll showed record levels of public concern about the number of migrants living in Britain. Some 41 per cent of those surveyed stated that there were too many migrants. Given the level of public concern about migration and the pace of change experienced in some communities, there is a need for an informed national debate on the effect of migration on community cohesion.<sup>74</sup>

The Committee’s report offers some case studies of the tensions and concerns expressed by people in Peterborough, Burnley, Barking and Dagenham to the committee.

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<sup>73</sup> Department for Communities and Local Government *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008, p7

<sup>74</sup> House of Commons Communities and Local Government Committee, *Community Cohesion and Migration*, 16 July 2008, HC 369 2007-08

We were struck by the similarity in the concerns expressed by migrants that we met in Peterborough, and Barking and Dagenham, to those of settled communities. Migrants acknowledged that there were valid concerns about the effect of migration on crime, litter, housing, and the limited spoken English of new arrivals. Sarah Spencer, Associate Director at the Centre for Migration, Policy and Society (COMPAS), also found from her research that migrants and non-migrants had a striking degree of agreement on issues of concern about their local neighbourhood. **Public concerns about the effects of migration cannot simply be dismissed as racist or xenophobic. Tensions often arise on real practical issues, such as the proliferation of Houses in Multiple Occupation (HMOs).**<sup>75</sup>

The pace of change in some areas had been dramatic, the committee found, and this could exacerbate public concerns and tensions:

The feeling that a community is changing too quickly can be exacerbated in areas that have little previous history of inward migration. The CIC report identified three types of areas where the newness of diversity can lead to particular cohesion problems: urban areas, such as outer London boroughs; rural areas, such as areas around the Wash; and ethnically diverse urban areas, such as inner cities that are experiencing new migration from non-commonwealth countries. Evidence from our visits supports the CIC's findings. Peterborough (located near the Wash), and Barking and Dagenham (an outer London borough) have experienced rapid change and experience poor cohesion. **The rapid pace of change experienced by many communities has led to increased local public concern about migration and can negatively affect community cohesion.**<sup>76</sup>

Nevertheless, the committee still found a positive picture of cohesion.<sup>77</sup> There was no straightforward relationship between the number of migrants in an area and levels of cohesion; even though cohesion could be weakened by migration – especially in poor areas with little previous experience of diversity - some areas with high inward migration still had good cohesion.<sup>78</sup> The committee also noted that any increase in a local population would be likely to increase pressure on local services and there had been particular pressure points (such as social and health care, schooling and English language teaching):

As well as the pressures placed on services, the public is concerned about migrants' perceived unfair access to public services.<sup>79</sup>

## 2. What underlies public attitudes towards immigration?

A paper published for COMPAS by Heaven Crawley in 2005 attempted to examine the evidence of the factors that underlie differences in attitude towards immigration at the local level and, in particular, changes over time or connected to particular national or

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<sup>75</sup> *ibid* pp9-10

<sup>76</sup> *ibid* p13

<sup>77</sup> *ibid* p14

<sup>78</sup> *ibid* p15

<sup>79</sup> *Ibid*: page 17

international events. The paper remarked that, although the information currently being collected through social surveys did not adequately capture the factors which influence attitudes towards asylum and immigration (or the interactions between them), the significant factors were:

labour market position and income, educational background, individual demographic characteristics including age, gender and race / ethnicity, contact with ethnic minorities groups, knowledge of asylum and migration issues and the context in which attitudes are formed, including dominant political and media discourses.<sup>80</sup>

Attitudes also varied according to region and were more influenced by the perceived impact of immigration than by its actual impact:

According to MORI, the regions of the UK fall into broadly three groups in terms of their attitudes in this area: the North East, West Midlands and the South West; London; and the remaining regions of the UK. The North East, West Midlands and the South West show the most opposition to multi-culturalism, immigration and asylum and London has the least opposition to these issues, with the remaining regions falling in between. MORI found that three quarters of people in London (75%) agree that it is good thing that Britain is a multi-cultural society, compared to just 39% in the North East. There is also widespread regional differences in whether or not people think immigration is 'under control' with those in London being considerably less concerned about immigration being under control than those in the West Midlands. What is most interesting here is that negative attitudes are associated less with actual impacts than with perceived impacts. As is noted by MORI themselves:

While London is obviously de facto the most multi-cultural region, what is interesting is that more or less negative or positive views on these issues seem to bear little relation to the actual number of immigrants or asylum seekers in each region. The North East for example, is almost wholly white and without huge numbers of asylum seekers, but is notably more negative about multiculturalism and asylum than many other regions. This is consistent with other research MORI has undertaken on immigration

Although London is generally more tolerant than other areas of the UK, other polls have found that those in the South East (43%) are likely to be most prejudiced against asylum seekers and refugees (Stonewall 2003). Findings in relation to other areas of the UK, most notably Scotland, are mixed. Whilst the Scottish public has generally been considered to be more tolerant of immigrants than other regions of the UK, a recent MORI poll undertaken on behalf of Oxfam in March 2005 found that of 1,000 Scottish adults, 46% believe that 'the number of asylum seekers living in Scotland is a problem; and only 26% disagree. A further 28% were undecided or refused to express an opinion. Almost 40%

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<sup>80</sup> Heaven Crawley, *Evidence on Attitudes to Asylum and Immigration: What We Know, Don't Know and Need to Know*, Centre on Migration, Policy and Society Working Paper No. 23, University of Oxford, 2005, p2

believed that asylum seekers did not make a positive contribution to life in Scotland while 28% said that they did.<sup>81</sup>

Using data from the British Social Attitudes Survey 1983-1991 (and so reflecting attitudes and circumstances pre-dating those of the COMPAS study), research by the Centre for Research and Analysis of Migration (CREAM) published in 2004 attempted to separate racial from economic components of attitudes towards immigration amongst white respondents living in England.<sup>82</sup> The research looked for connections between attitudes towards immigration and attitudes towards related concerns such as job security, benefits expenditure and racial tolerance. Hostility towards immigration was connected to concerns in each of these three areas, but expressions of hostility towards immigration were most strongly connected to expressions of racial intolerance, especially where immigration was from countries with predominantly non-white populations. The researchers remarked that, for example, there was no majority in favour of greater control of migrants from Australia and New Zealand:

The numbers indicate that the majority of respondents oppose further settlement of ethnically different populations [...] with manual workers having a slightly more negative attitude than non-manual workers. Across education groups, there is a clear tendency towards support for a more restrictionist immigration policy, the lower the educational background of the respondent. For all potential immigrant populations, the same pattern is evident, but preferences towards further immigration become more supportive, the less ethnically different the immigrant population. For Australians and individuals from New Zealand, there is no majority of respondents in any group favouring less settlement.

Of course, it is dangerous to read too much into these simple comparisons, since typical migrants from ethnically different origins are also likely to differ in typical skill composition [...].

On the relationship between levels of education and income and attitudes towards immigration, the researchers reported that;

- The more educated are more favourable towards further immigration, and manual workers seem to be more supportive of more restrictionist migration policies; but the difference, conditional on other characteristics, is significant only for Europeans and Asians.
- Individuals in higher quartiles of the income distribution are more opposed to further immigration.<sup>83</sup>

In their discussion and conclusions, the researchers from CREAM suggested that if concerns (justified or not) about the displacement of resident workers were influencing attitudes towards immigration, policies on labour market security may have knock-on effects for those public attitudes. Labour market policies were less likely, though, to influence attitudes based on racial hostility. The research found that racially-motivated

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<sup>81</sup> Ibid page 5-6

<sup>82</sup> Christian Dustmann and Ian Preston, *Racial and Economic Factors in Attitudes to Immigration: The role of the media in shaping public attitudes*, CREAM Discussion Paper Series CDP No 01/04

<sup>83</sup> *ibid* pp13-15

opposition was the most important single factor in attitudes towards immigration – more important than welfare or labour market concerns. Other factors were also implicated and, on the relationship between economic disadvantage, labour market fears and racial hostility, the researchers observed:

These results conflict with the frequently expressed opinion that greater hostility to immigration amongst the economically more disadvantaged sections of the population is driven by fear of economic competition in labour markets. On the contrary, we find an association between labour market concerns and hostility to immigration only amongst better educated and more skilled sections of the labour force. Antipathy towards immigration amongst manual and poorly educated workers is associated only and strongly with racial attitudes. This may reflect differences in the process of opinion formation towards immigration depending on levels of education. There are at least two explanations for this: Either education itself makes economic arguments more accessible to those educated, or education attracts those more inclined to think in such terms.

Economic policy interventions, which reduce job insecurity or welfare concerns, appear likely therefore to be effective only in reducing hostility to immigration amongst the better educated and more highly skilled sections of the labour market. Addressing the antipathy to immigration at the lower end of the spectrum of skills and education requires engaging the stereotypes which underlie the racial antagonisms driving these attitudes.<sup>84</sup>

### 3. How much reliance can be placed on opinion poll evidence?

The CREAM paper also suggested that any attempt to measure public attitudes towards immigration would be hampered by the lack of clarity about some key terms and by the sometimes poor understanding of the differences (for example) between asylum and immigration:

[...] the British public appears to have little understanding of the differences between ethnic minorities, immigrants and asylum seekers. Particular confusion exists in relation to the last two categories [...] In a context where terms themselves have become loaded with meaning and significance, it is difficult to ask respondents about their attitudes specifically about asylum issues without evoking responses about immigration or ethnic minorities more generally (Lewis 2005). Conversely questions about immigrants or ethnic minorities often elicit responses about asylum issues that may not be of direct relevance to the issues being explored.<sup>85</sup>

Further problems in interpreting or relying upon opinion poll data might arise where the questions had been loaded or weighted towards a particular answer:

Linked to this problem is a concern about the use of opinion polls commissioned specifically to achieve a particular objective and reflected in the use of loaded and sometimes leading questions. For example, a YouGov poll commissioned by The Sun newspaper (2003) asks respondents whether they consider that 'some parts

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<sup>84</sup> *Ibid* pp29-30

<sup>85</sup> *ibid* pp9-10

of British cities have become so completely taken over by immigrant communities that they are no longer truly British'. Respondents were also asked to agree with a statement that 'immigrants often fail to mix properly with the rest of society and merely congregate together'. In some cases the answers to certain questions are extrapolated across or correlated with others to make a particular argument. In 2003 Migration Watch UK commissioned a survey of attitudes to multi-culturalism, immigration and asylum which was undertaken by MORI (2003). The survey asked a series of questions about very broad and general issues the answers to which reflect broader social and cultural change across the UK, for example, the extent to which respondents agreed or disagreed that it is a good thing that Britain is a multi-cultural society and whether respondents were concerned that Britain is losing its own culture. The responses to these questions were then used in conjunction with responses to questions specifically on asylum issues to argue that the British public believes that immigration and asylum is undermining British culture and British cultural values.<sup>86</sup>

In its report on community cohesion and migration, the Communities and Local Government Committee picked up the Commission for Integration and Cohesion (CIC)'s idea that there is a need for 'myth busting', and suggested that local authorities should try to dispel myths about migrants and to prevent such myths taking root:

The people that we met on this visit all stressed the important role for councils in myth-busting. However, they equally argued that communications from the council need to be sensitive, and go beyond simply refuting myths to understanding and addressing their root causes. Research by the IPPR indicates that people can find myth-busting patronising if it is perceived as telling people that 'we know best and you don't'. Communications also run the risk of reinforcing myths if they simply repeat them and then refute them.

The CIC argued that local authorities need to take preventative action to stop myths arising, particularly myths arising from competition for resources. In Burnley, we heard that many tensions had arisen because of perceptions that regeneration funding was disproportionately benefiting Asian communities. Mr Rumbelow, Chief Executive of Burnley Council, acknowledged that one of the contributing factors to past tensions had been poor communication on why money was being invested in certain areas. In this case, the funding had been targeted at the most deprived neighbourhoods, which have high concentrations of Asian population. Councillor Birtwistle, Leader of Burnley Council, told us that local people now understood how and why funding decisions are made because of an active effort to communicate decisions to all communities. **Local authorities need to have transparent decision-making, including in relation to decisions on the allocation of social housing. Councils also must communicate effectively with their local communities to prevent myths about migrants arising and spreading.**

#### 4. The role of the media in shaping public attitudes towards immigration

A theme which has consistently arisen in discussions of public attitudes to immigration and asylum is the extent to which those attitudes are shaped or influenced by the media.

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<sup>86</sup> *Ibid* p11

Various articles have argued that politicians and the press have fomented racism and xenophobia in order to appeal to the “brutish” instincts of British people.<sup>87</sup> For example, an article in *The Financial Times* in February 2003 quoted a United Nations official as condemning the British media for their “hysterical” press coverage of asylum seekers. His concern was that this has been very damaging to the public image of refugees.<sup>88</sup> The High Commissioner for Refugees reiterated these points in May 2003, in an editorial published by the UNHCR, when claiming that certain groups of people (such as politicians, pressure groups and newspaper editors) are wilfully distorting the issue (of asylum):

I am appalled at the exaggerations, statistical manipulation and scare-mongering that have proliferated recently. This is a dangerous path for society to go down.<sup>89</sup>

A 2002 MORI poll carried out on behalf of Amnesty International UK, the Commonwealth Institute, RefAid, Refugee Action, Refugee Council, Save the Children UK and the United Nations High Commissioner for Refugees found that overall 85% of respondents to the poll associated negative words such as “illegal immigrant”, “scroungers”, “bogus” and “desperate”, with media coverage of asylum seekers. In addition, words such as “skilled”, “talented” and “welcome” were not associated with the way the media report on asylum seekers.<sup>90</sup>

In July 2003 the BBC launched ‘Asylum Day’, aimed at examining the issue of refugees and immigration. Scheduled for this day was a *Panorama* special called the “Asylum Game” which claimed to investigate the “realities of the UK’s asylum system”. Reacting to the programme the following day, the then Home Secretary David Blunkett attacked what he called the Powellite anti-immigration agenda:

I have spent two years as home secretary arguing the case for a balanced and comprehensive policy framework which recognises both the reality and the benefits of migration in a global economy and at the same time returns the asylum system to being an effective protection route for refugees. For a while, I made headway persuading people of this approach, demonstrating the real contribution migration can make to our society and economy, while reassuring the public that the asylum system was not being misused.

Recently, however, the right has regrouped and its new tactic is to use asylum as a code for attacking migration of any kind, legal or otherwise. It is in fact a return to the Powellite anti-immigration agenda. Consciously or not, *Panorama* has played into the hands of those who use the issue of asylum to attack immigration per se.<sup>91</sup>

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<sup>87</sup> See, for example: ‘For How Much Longer Will We Treat Asylum-Seekers Worse than Our Dogs?’ *The Independent*, 1 January 2001

<sup>88</sup> ‘UN criticises media reports on asylum seekers’, *Financial Times*, 11 February 2003

<sup>89</sup> UNHCR Editorial, *Op-ed by Rudd Lubbers, UN High Commissioner for Refugees*, May 2003

<sup>90</sup> MORI Polls and Surveys, *Attitudes towards asylum seekers for ‘Refugee Week’*, 17 June 2002

<sup>91</sup> David Blunkett, ‘A return to Powellism’, *The Guardian*, 24 July 2003

He concluded that the programme had in fact ignored significant developments in UK immigration and claimed that the Panorama special was “a poorly researched and overspun documentary which can only cause unnecessary alarm about Britain today”.<sup>92</sup>

Despite various attempts to guide journalists on terminology and accuracy in relation to immigration and asylum issues,<sup>93</sup> a study by Article 19, the Global Campaign for Free Expression, found that the British media used inaccurate language, exaggerates statistics and uses stereotypical images when reporting on asylum seekers.<sup>94</sup> The Executive Director of Article 19, Andrew Puddephatt, commented on this study in the bulletin of the Refugee, Asylum-seekers and the Media Project:

No-one should deny the right of the media to express strong opinions in this country but readers, viewers and listeners should be able to expect fair and accurate reporting. Sadly, to date, the debate on asylum here in Britain has been misinformed, prejudicial and biased.<sup>95</sup>

The Joseph Rowntree Foundation research, published in 2008, found that participants blamed the media and government for the portrayal of immigration and immigrants as unwelcome:

Some people clearly felt that the media and government have an important role to play here and criticised “the way immigration, and immigrants, are seen and treated as evil by the media and government (with the undercurrent of racism that goes with it) rather than a welcome, necessary and positive aspect of our society”. Asylum seekers and refugees were often perceived to be particularly vulnerable to negative attitudes. For example one participant identified as a social evil “the way we treat asylum seekers and refugees who are seeking sanctuary in our country. It is appalling that many vulnerable people are forced into destitution when their claims fail and that so many, including children, are held in detention.”<sup>96</sup>

The Communities and Local Government Committee also pointed to the role of local and national media in influencing public opinion on migration, but rejected calls for a ‘national rapid rebuttal unit’:

The national and local media have a role in influencing people's views on migrants. In Burnley, Ms Majeed, a programme manager at a local voluntary organisation, explained that in the past the local press had contributed to the spread of rumours, but that now more positive messages were being communicated. The CIC recommended that the local media be engaged in discussion about community tensions and the effect that media coverage has on

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<sup>92</sup> *ibid*

<sup>93</sup> See for example Scottish Refugee Council Press Release, *Media guide will help address asylum myths*, 21 November 2003; Press Complaints Commission, *Refugees and Asylum Seekers Embargo 23*, October 2003

<sup>94</sup> Article 19 research study, *What's the story?*, 2003

<sup>95</sup> PressWise *Refugees, Asylum-seekers and the Media Project' Bulletin No. 35*, December 2003

<sup>96</sup> Beth Watts, *What are today's social evils? The results of a web consultation*, Joseph Rowntree Foundation, 2008, p32



local communities. Through working with the local press, and broadcasters, media coverage can help to prevent and counter myths.

The CIC recommended that the Government establish a national rapid rebuttal unit to counter myths about migrants. It argued that this unit should "produce training packs for local officials and councillors dealing with positive media messaging and diversity awareness". This was the only CIC recommendation to be entirely rejected by the Government. The Secretary of State, Rt Hon Hazel Blears MP, argued that myths needed to be rebutted locally for the responses to be meaningful. We agree. **Local authorities need to take the lead in countering local myths on migrants. We see no necessity for a national rapid rebuttal unit, but recommend that central Government share best practice on myth-busting and communication strategies.**<sup>97</sup>

## E. Problems with migration statistics

It is widely recognised that the methods used for UK population statistics need to be improved to deal with an era of rapid population change underpinned by unprecedented levels of migration. Migration, particularly international migration, is the most difficult component of population change to estimate since there is no single source of information. The Office for National Statistics states:<sup>98</sup>

There is not a single, all-inclusive system in place to measure all movements of population into and out of the UK. Therefore, it is necessary to use a combination of data from different sources that have different characteristics and attributes in order to produce estimates of international migration. None of the data sources used, while offering the best data currently available, are specifically designed to capture information solely on international migration.

A recurring theme of recent inquiries into migration statistics is the inadequacy of the existing data on immigration, emigration and the stock of immigrants in the UK at national, regional and local levels. The lack of reliable and more complete data makes it difficult to assess the scale, characteristics and impacts of immigration. The House of Lords Select Committee on Economic Affairs' report *The Economic Impact of Immigration* states:<sup>99</sup>

There are significant unknowns and uncertainties in the existing data on immigration and immigrants in the UK. There are insufficient data about people leaving the UK and about short-term immigration to the UK. Existing data do not allow for accurate measurement of the stock of immigrants at national, regional and local levels. Inevitably, even less is known about the scale of illegal immigration and illegal employment of immigrants. The gaps in migration data create significant difficulties for the analysis and public debate of immigration, the conduct of monetary policy, the provision of public services and a wide range of other public policies.

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<sup>97</sup> House of Commons Communities and Local Government Committee, *Community Cohesion and Migration*, 16 July 2008, HC 369 2007-08, pp22-3

<sup>98</sup> ONS, *International Migration*, Series MN No.33 2006 data

<sup>99</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL Paper 82-1 2007-08

There are a number of reasons for the inadequacy of the current data. First, existing data do not allow for an accurate measurement of the stock of immigrants at national, regional and local levels. Labour Force Survey (LFS) data, the main source of data for measuring the annual stock of immigrants in the UK, exclude people who have lived in the UK for less than six months and people who do not live in private households.

Second, available data on gross and net immigration flows include only international long-term migrants (people who enter or leave the UK for a period of more than one year)<sup>100</sup>, and therefore exclude short-term migrants (people who enter or leave the UK for a period of less than one year). Few data exist on short-term migration to the UK; the ONS published experimental statistics on short-term migration at national level in October 2007 and an [update](#) in May 2008. However, the House of Commons Treasury Committee report *Counting the Population* states:

We are seriously concerned about the reliability and validity of ONS estimates of short-term international migrants... The ONS estimates do not reflect the scale of short-term migration into England and Wales.<sup>101</sup>

Third, there are insufficient data about people leaving the UK. The available annual emigration estimates are based on surveys which can involve samples of fewer than 1,000 migrants leaving the UK.

Fourth, little is known about the scale of illegal immigration and illegal employment of immigrants in the UK. According to Home Office estimates, there were about 430,000 migrants residing illegally in the UK in 2001, although this figure will be higher when including immigrants who are residing in the UK legally but breaching the conditions (including any employment restrictions) attached to their immigration status.

ONS is working to improve migration statistics, following a taskforce report in 2006.<sup>102</sup> Planned improvements include a rolling household survey which includes questions on migration, the inclusion of migration-related questions in the Labour Force Survey, the e-Borders project (which includes passport scanning on departure as well as entry) and improvements to estimates of short-term migration. The Treasury Committee has recommended that ONS work with local authorities to identify alternative administrative data sources that can be used into local population estimates.<sup>103</sup> It is intended that improved local estimates and projections will be ready by 2010, in time to calculate the next three-year local government finance settlement.<sup>104</sup>

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<sup>100</sup> Based on the United Nations recommendation for defining an international long-term migrant, a migrant is someone who changes his/her country of usual residence for a period of at least one year, so that the country of destination effectively becomes the country of usual residence.

<sup>101</sup> House of Commons Treasury Committee, *Counting the Population*, 23 May 2008, HC 183-I, para. 84

<sup>102</sup> ONS, *Report of the Inter-departmental Task Force on migration statistics*, 15 December 2006

<sup>103</sup> House of Commons Treasury Committee, *Counting the Population*, 23 May 2008, HC 183-I, para. 83

<sup>104</sup> Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008

## II Impact of immigration on public services

The impact of immigration on the demand for and use of public services is an issue that has attracted increasing attention and public debate in recent years. However, current information and statistics available to assess these impacts are limited, which makes it difficult for local areas to anticipate and respond to the consequences of immigration. Much of the evidence is anecdotal.

The Government's [Migration Impacts Forum](#), described on pages 23-24 above, aims to "help build the evidence base for the effects which migration is having on communities and public services throughout the United Kingdom and on how these challenges can best be met", but as the following surveys of a variety of public services show, there is a long way to go.

### A. Local authority finance

*Keith Parry, Parliament and Constitution Centre*

#### 1. Introduction: local authorities and migration

The key role of local authorities in regard to migration was summarised by the Communities and Local Government Select Committee as follows:

Local authorities are at the frontline in responding to the effects of migration, not only because of their role in delivering services but because of their role as community leaders. Local authorities have a critical role in co-ordinating action across a complex range of bodies, particularly through their leadership role on local strategic partnerships and implementing the community strategy for their areas.<sup>105</sup>

Sir Michael Lyons had highlighted the "place-shaping" role of local authorities in his inquiry into local government.<sup>106</sup> This was a key element in the 2006 local government white paper and subsequent legislation which gave a statutory basis to local area agreements (LAAs) and other aspects of local co-operation.<sup>107</sup> The LAA contains the priority targets for an area as agreed between the local authority and its partners. Some of these targets are drawn from the simplified national set and, as recommended by the Commission on Integration and Cohesion (CIC), this includes indicators on community cohesion. Thus a local authority and its partners may choose to give priority to this issue and its performance will be assessed as part of the new, area-based, performance framework.

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<sup>105</sup> HC 369-I 2007-08, para

<sup>106</sup> Lyons Inquiry into Local Government, *Place-shaping: a shared ambition for the future of local government: Final report*, March 2007

<sup>107</sup> *Strong and prosperous communities: the local government white paper*, Cm 6939, October 2006; *Local Government and Public Involvement in Health Act 2007*, part 5

The CIC also recommended that every local area should “map” its communities and use the map to identify “tensions and opportunities.”<sup>108</sup> This was echoed by the CLG Committee’s recommendation that:

In order to respond to migration effectively, it is critical that local authorities do all they can to improve their local intelligence on current and future migration flows and plan ahead.<sup>109</sup>

Two other issues which were discussed by the CIC and which formed the basis of recommendations by the CLG Committee were:

- The role of local authorities in “myth-busting”, that is, dispelling rumours which can cause tensions between communities (see also pp38 and 40-41 above); and
- The importance of developing local responses appropriate to local circumstances; and to encourage the spread of best practice among authorities.

Evidence submitted to that inquiry has supported the view that local authorities have in general risen successfully to the challenges posed by recent surges in migration.<sup>110</sup> Nevertheless, funding has remained a major concern. A research report by the Institute of Community Cohesion (ICoCo) commissioned by the Local Government Association (LGA) and published in November 2007, stated:

...it should be stressed that virtually all local authorities have been able to demonstrate a very flexible and responsive approach to new migration. In many areas commendable and innovative schemes have been developed. By and large, local authorities are just ‘getting on with the job’. Many have also recognised the benefits that migration has brought to their area, despite the challenges. Migration costs have had to be met at the expense of mainstream budgets. However, whilst benefits in financial terms have clearly accrued nationally, it is difficult to see how far these have passed to the local level and at what rate.<sup>111</sup>

## 2. Demands on local services

Concerns about the impact of immigration on local authority finances have been expressed over a number of years. In a document published in 2006, entitled *Meeting the challenges ahead*, the LGA flagged up its concern over this matter:

With latest statistics showing 1500 migrants arriving daily, this is placing an unforeseen demand on services for local authorities. A number of authorities consider that the ONS mid-year estimates understate the number of migrants. This means that authorities do not receive support from government to cover the costs, such as those outlined below:

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<sup>108</sup> Commission on Integration and Cohesion, final report, *Our Shared Future*, June 2007, para. 4.24

<sup>109</sup> House of Commons Communities and Local Government Committee, *Community Cohesion and Migration*, 16 July 2008, HC 369 2007-08, para 42

<sup>110</sup> See for example IDeA evidence Ev116; LGA evidence para 3.3

<sup>111</sup> Institute of Community Cohesion, *Estimating the scale and impacts of migration at the local level*, LGA, November 2007, p6

*One London authority has reported increased homelessness and rough sleeping, with many new migrants sleeping in squats or, if employed in the building trade, sleeping on site. An eviction from one property pushed 30 people into short-term rough sleeping. They have also reported an increased level of anti-social behaviour and street drinking. A count in one day in August 2006 revealed 106 people street drinking; 38 of these were of Eastern European origin.*

*Two primary schools in Slough have taken on 60 Somalian and 50 Polish children respectively in one term and a new assessment centre processes eight children a week and growing at a cost of £90,000 per year.*

The increasing diversity of the population poses a challenge for local government in terms of community cohesion. Creating strong, vital and cohesive communities is one of the most important issues that local government faces. Local government is best placed to make the links across service providers within communities at a local level to create and sustain cohesive communities. Our vision is one of partnership, with all agencies working together and with the local authority giving full effect to its community leadership role.<sup>112</sup>

Inward migration has figured prominently during recent years in the lists of additional demands being made on councils. As the then LGA Chairman and Leader of Westminster City Council, Sir Simon Milton, made clear in evidence to the Home Affairs Select Committee, councils can generally manage the impacts of migration quite well provided they have time to plan (and have adequate resources). However, the difference this time has been the “scale and suddenness of the increase in the number of people arriving.”<sup>113</sup> Moreover, whilst most inward migration - and certainly that of a long-term nature - has been targeted at traditional reception areas, many local authority areas with no tradition and little experience of inward migration have suddenly experienced a surge in numbers.

Many local economies do undoubtedly benefit from the presence of migrant workers. The LGA has said that it is:

...keenly aware that migration has many positive impacts. Some authorities have specifically encouraged migration to tackle imbalances in the local population and workforce profiles in order to sustain local businesses and fill hard-to-fill occupations.<sup>114</sup>

Nevertheless there are significant cost pressures for councils and these are broadly twofold. Firstly, there is the financial impact of an increased population which makes itself felt across most services; secondly, there are the costs which relate specifically to the needs of migrants. John Healey, Local Government Minister, made the point in a debate on local government finance that whilst short-term migration posed certain challenges, “...many short-term migrants are light users of local government services

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<sup>112</sup> Local Government Association, *Meeting the challenges ahead: LGA Autumn Statement 2006*, November 2006

<sup>113</sup> Home Affairs Select Committee, *Policing in the 21<sup>st</sup> century*, uncorrected oral evidence, 3 June 2008, Q355

<sup>114</sup> LGA evidence to the CLG Select Committee, para 3.26

and strong contributors to local economies and the local tax base.”<sup>115</sup> However, Julia Goldsworthy, Liberal Democrat Shadow Communities Secretary, said in the same debate:

I also have concerns about short-term migrants. In rural areas there is a lot of transitory agricultural labour. As well as the extra work that will be generated—for example, in refuse collection, which my hon. Friend the Member for Cambridge (David Howarth) has referred to—I know from speaking to my local district councils that they have felt the pressure of trying to ensure that a lot of those migrant workers are accessing everything that they are entitled to, and that there is compliance with gangmaster legislation. That has taken up significant resources....<sup>116</sup>

The report by the Institute of Community Cohesion, cited above, discussed the main areas affected by immigration as identified by responding councils.<sup>117</sup> These included:

- The impact of ‘churn’ in **schools** where an apparently static school population masks a high degree of transience. Specific pressures include: children arriving with no English, an increasing number and diversity of first languages and children arriving ‘in-year’.
- **Child protection.** It can be highly complex to investigate the family situation of transient families and ensure effective safeguarding of children, the complexities being exacerbated by language difficulties and cross-cultural issues;
- **Language barriers** – meeting the basic information needs of migrants; translation and interpretation services; insufficient provision of ESOL (English language teaching);
- **Housing** - major concerns are over-occupancy and poor and potentially unsafe conditions.
- **Community cohesion** – The potential for tension and conflict was identified as a key issue. Many responding councils had developed action plans to counter this;
- **Community safety** – migrants were said to be more likely to be the victims of crime (particularly hate crime) rather than the perpetrators;
- **Health** – Use of health services including A & E, maternity and mental health services.

These specific issues are discussed in later sections of this research paper.

### 3. The grant settlement

On average, just over two thirds of local government’s revenue expenditure is financed through the grant settlement from central government, the balance coming mainly from council tax. The settlement comprises formula grant (including redistributed business rates) and specific grants, such settlements now being made on a three-year basis in order to provide greater stability and predictability. The grant settlement is linked directly

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<sup>115</sup> HC Deb 4 February 2008 c731

<sup>116</sup> HC Deb 4 February 2008 c745

<sup>117</sup> Institute of Community Cohesion, *Estimating the scale and impacts of migration at the local level*, LGA, November 2007



to local population levels as shown in official statistics. The inadequacies of migration statistics are discussed on pages 41-42 of this paper, but the LGA has summarised the difficulties as:

- Inappropriate definition—only those expressing the intention to stay for at least 12 months are counted, as noted above. Short term migration and "churn" is not picked up in the statistics but it is large.
- Inaccuracies in estimates at the national level.
- Inappropriate allocation of in-migrants to the local level.<sup>118</sup>

The latest grant settlement covers the three-year period from 2008/09 to 2010/11. The Local Government Minister, John Healey, called it "tight, fair and affordable" in the debate on the settlement in February 2008.<sup>119</sup> Nevertheless, a number of Members raised the issue of migration. In May, the Treasury Select Committee voiced its concerns that the funding settlement for local authorities was in all probability based on "inadequate information" because the population estimates between censuses did not properly take migration into account.<sup>120</sup> The Government has established a "comprehensive cross-government programme of work led by the National Statistician" which is seeking to improve the population figures. The Government's action plan on migration has said that additional resources of £12m over three years have been allocated to the programme and that robust governance arrangements will drive it forward.<sup>121</sup> However, any improvements to the data will only begin to feed in from the next grant settlement onwards i.e. from 2011/12.

Rafiq Chohan, Slough BC's Head of Economic Development, Diversity and Equality, has been quoted in the local government press as saying that delays in improving the accuracy of population figures will mean an underpayment for Slough of £13m over three years.<sup>122</sup> Westminster City Council estimates that it will lose up to £12m (before damping)<sup>123</sup> in funding per year "...because the government is not properly counting population – particularly in relation to short term and hidden or illegal immigrants."<sup>124</sup> Both the Treasury and CLG Select Committees have called for urgent prioritisation of the work to improve the accuracy of local population statistics.<sup>125</sup>

#### 4. Additional funding

The LGA has lobbied for the establishment of a **contingency fund** of some £250m per year (equivalent to about 1% of the grant settlement) which would be available to those

<sup>118</sup> LGA evidence to CLG Select Committee, para 3.13

<sup>119</sup> HC Deb 4 February 2008 c733

<sup>120</sup> Treasury Select Committee, *Counting the population*, HC 183 2007-08, p3

<sup>121</sup> Department for Communities and Local Government, [Managing the Impacts of Migration: A Cross-Government Approach](#), June 2008

<sup>122</sup> See, for example, 'Migration plan's two-year delay for data revision', *Local Government Chronicle*, 12 June 2008, p1

<sup>123</sup> In order to protect authorities from financial instability the government sets a guaranteed minimum increase in grant compared to the previous year, adjusted to allow a like-for-like comparison. The cost of providing the guaranteed floor is met by scaling back grant increases of those authorities above this floor.

<sup>124</sup> Evidence to the CLG Select Committee, Ev 158

<sup>125</sup> HC 369-I 2007-08, para 116

authorities faced with rapid population growth. *Public Finance* magazine quoted Sir Simon Milton, then LGA Chairman, as saying:

Migration is benefiting the country, generating in total over £40bn every year. The evidence shows that industries such as fruit picking and residential care would risk collapse without migrant labour. A proportion of the additional revenue that the Exchequer gains from migrants could be put towards a contingency fund for councils that are coming under particular pressure.<sup>126</sup>

The Communities Secretary, Hazel Blears, has argued against the proposal, primarily on the grounds that the money would have to come from reconfiguring a three-year grant settlement that is barely months old.

The Government has announced the establishment of a new **Transitional Impacts of Migration Fund** to build capacity to manage migration issues (see pages 28-30 above). Money for the fund is to be raised through increases to certain fees for immigration applications. Ms Blears gave an indication of how the fund might help local authorities and their partners:

... personally I believe it can make the biggest difference not by being allocated in bits and bobs to a hospital here, or a police station there, but by supporting local service providers to come together and develop shared solutions to shared problems - say, a joint programme on interpreters or language lessons, or a website where local authorities and their partners can share information on local population change.<sup>127</sup>

The CLG Select Committee believes that a fund of this nature would amount to a mere “drop in the ocean” in comparison to the needs of local government. The Committee also argues that it is unfair that only international migrants will be paying into a fund that is designed to benefit *all* migrants, including EU citizens and those moving within the UK. The Committee has backed the LGA’s call for the establishment of a contingency fund “capable of responding effectively to the additional pressures which may be put on local government services from migration.”<sup>128</sup>

## 5. Other government initiatives

In June 2008 the Communities Secretary set out various actions which the Government was taking to manage the local impacts of migration in the cross-governmental Migration Impacts Plan.<sup>129</sup> As well as additional funding for schools and homelessness assistance, the Plan refers to wider initiatives such as the new ‘Transitional Impacts of Migration Fund’, referred to above, and £50million of funding over the next three years to promote

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<sup>126</sup> ‘Migration policy comes under fire’, *Public Finance*, 13 June 2008 p8

<sup>127</sup> Hazel Blears, ‘Migrations – making the most of the benefits, managing the challenges’, Speech at Haringey Civic Centre, 11 June 2008

<sup>128</sup> House of Commons Communities and Local Government Committee, *Community Cohesion and Migration*, 16 July 2008, HC 369 2007-08, para 126

<sup>129</sup> Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008



community cohesion. £34million of this will contribute towards the Area Based Grants for individual authorities.<sup>130</sup>

The Plan also highlights two measures specifically for local authorities:

- Piloting Specialist Cohesion Teams to support local authorities facing particular challenges including those related to migration. The first of these pilots will take place in the Norfolk District of Breckland.  
[...]
- Working with the Improvement and Development Agency to run the Migration Excellence Programme to identify and share good practice, and promote peer mentoring of local authorities.<sup>131</sup>

Hazel Blears has emphasised that one of the principal aims of the action plan is to provide “targeted support to keep services running smoothly in the places facing the biggest changes.”<sup>132</sup> The *Local Government Chronicle* said that: “...many fear the plan will be insufficient to cope with the scale of the challenge.” A separate article quoted Richard Kemp, Leader of the Liberal Democrat group at the LGA:

“It’s three-tenths of bugger all – it’s recycled ideas and recycled money,” he said. “But there is one good thing they’re doing. It shows there’s a realisation that they have to put government departments together on this issue, they’re trying to bust silos.”<sup>133</sup>

Darra Singh, who chaired the CIC and is Chief Executive of Ealing LBC, was also said to have welcomed the cross-governmental approach:

Anything that actually improves the way the government [departments] work together to support local areas can only be a good thing.<sup>134</sup>

## B. Translation and interpretation services

### *Keith Parry, Parliament and Constitution Centre*

#### 1. Introduction

The cost to public authorities of using translation and interpretation services has attracted substantial media attention. In December 2006, BBC News published the findings of an investigation into public expenditure on such services. It found that over £100m per year is spent by public bodies including local authorities (£25m), NHS trusts (£55m) and the police and courts system (£31.3m). It cited some specific examples of

<sup>130</sup> A table entitled [Communities and Local Government Grants within Area Based Grant](#) gives the distribution of cohesion and other grants to each local authority.

<sup>131</sup> Department for Communities and Local Government, [Managing the Impacts of Migration: A Cross-Government Approach](#), June 2008

<sup>132</sup> Hazel Blears, ‘[Migrations – making the most of the benefits, managing the challenges](#)’, Speech at Haringey Civic Centre, 11 June 2008

<sup>133</sup> “Look beyond the statistics”, *Local Government Chronicle*, 19 June 2008 pp8-9

<sup>134</sup> “Migration plan’s two-year delay for data revision”, *Local Government Chronicle*, 12 June 2008, p1

expenditure including: Immigration and Nationality Directorate (£8.5m), Barts and the London NHS Trust (£1m), Guy's and St Thomas' NHS Trust (£580,000), Tower Hamlets PCT (£750,000) and Manchester City Council (£800,000).

The BBC's press release stated the following:

Although government departments refer to an obligation to translate, any legal imperative is far from clear. The Race Relations Act simply says that all parts of the community should have access to services. The Human Rights Act only requires translation if someone is arrested or charged with a criminal offence. But many public bodies assume they must translate into an individual's mother tongue.<sup>135</sup>

Among those interviewed by BBC staff was a Bangladeshi woman who could not speak English despite living in the UK for 22 years. She considered that the level of translation in the UK acted as a disincentive to learning English. Phil Woolas, the then Communities Minister, was quoted as saying that the system might need to be "rebalanced" to give a greater focus on teaching English rather than provision of translation services. The matter was referred by the Secretary of State to the Commission on Integration and Cohesion (see next section).

Since the BBC study, further information has emerged on the extent to which public authorities use translation and interpretation services. Commonly this has been obtained through parliamentary questions or via requests under the *Freedom of Information Act*. For example, in April 2008 an FOI request from the Conservatives revealed that the cost of court translation services for defendants and witnesses had nearly doubled in three years. The *Daily Mail* reported:

Non-English speakers cost the courts system £16.7 million in 2004-05. But that figure ballooned to £29.3 million for 2007-2008, according to figures released yesterday.<sup>136</sup>

Recent parliamentary question 'campaigns' by Sandra Gidley and Paul Goodman to all government departments have drawn out a good deal of information on central government expenditure on translation and interpretation services, albeit not in a form which it is easy to collate and compare.

## **2. Commission on Integration and Cohesion**

The Commission had been established in August 2006 by the then Secretary of State for Communities and Local Government, Ruth Kelly. Its remit was to look at how communities tackle tensions and extremism and to suggest ways of reducing barriers to cohesion and integration. An interim statement was published in February 2007 and the Commission's Chairman, Darra Singh, said at the launch that not speaking English was

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<sup>135</sup> BBC, '[£100m spent on translation – BBC News Investigation](#)', press release, 13 December 2006. See also '[£100m translation bill for migrants who can't or won't speak English](#)', *Daily Telegraph*, 14 December 2006

<sup>136</sup> '[Bill for courtroom translators nearly doubles to £29m a year](#)', *Daily Mail*, 5 April 2008

the “single biggest barrier to successful integration.”<sup>137</sup> The interim statement acknowledged that, whilst translation was sometimes necessary (e.g. to help new arrivals) it could also hinder the integration of individuals and interaction between groups, and it could be costly.<sup>138</sup>

The Commission’s final report, *Our shared future*, was published in June 2007. It put forward a number of measures aimed at building integration and cohesion at the local level. Annex E was concerned with translation services. In its summary, the report said:

In this annex we set out our arguments for why Local Authorities and their partners should consider moving from a position of automatic translation of all documents into community languages, towards a more selective approach – driven by need, and set firmly in the context of communications strategies for all residents.

The Commission identified a number of reasons why councils chose to translate materials into languages used by ethnic minorities. But it also found evidence of (1) a “high level of more reactive approaches” with, for example, entire corporate reports being automatically translated into a set of languages; and (2) translation policies being developed in isolation with minimal sharing of resources between areas experiencing similar challenges. Local agencies were encouraged to consider four “contextual points”:

- **There is no legal reason for all materials to be translated.** The Race Relations Act simply says that all parts of the community should have access to services, and although that might involve translation, it does not always have to. The Human Rights Act only requires translation if someone is arrested or charged with a criminal offence.
- **Translation can never be a substitute for learning English.** Whatever the considerations when translated printing materials, the whole issue needs to be seen in the context of a wider drive to improve English skills in all communities. And that means a greater focus on ESOL and English language provision.
- **Translation should be reduced except where it builds integration and cohesion.** Opinion is divided as to whether translation is a barrier to integration, or whether it is a stepping stone to better language skills. Our position is that it depends on the community: where settled BME populations are still relying on community languages, then translations from English are likely to extend their reliance on their mother tongue; where new communities have arrived in a local area then clearly they need initial information in appropriate languages. Local Authorities will judge what is best – but our working assumption is that heading for the translators should not be an automatic first step in all cases.
- **Translation should be considered in the context of communications to all communities.** Materials that are just in one language can be alienating to communities that don’t speak that language. We have argued above that it is important to keep communications channels open between community groups living in the same area. Local partners should therefore consider

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<sup>137</sup> Commission on Integration and Cohesion, *‘Not speaking English is the single biggest barrier to successful integration – Darra Singh’*, 21 February 2007

<sup>138</sup> Commission on Integration and Cohesion, *Interim Statement*, February 2007

ways to use translated materials to underline their even-handed approach to all communities.<sup>139</sup>

The report included a checklist of questions for local partners to consider when deciding what and how to translate materials. The Commission recommended that the Department for Communities and Local Government should take responsibility for the issue and include these principles in future guidance.

### 3. Government response and guidance on translation

The Government gave its response in *Guidance for local authorities on translation of publications*, which was published in December 2007.<sup>140</sup> It agreed with the Commission's emphasis on the need for both new and longstanding migrants to speak English. It said that the main concern was not to reduce the costs of translation but rather to ensure that authorities provide services that are needed by their communities (especially the more vulnerable ones) and in a way which does not appear to favour one community at the expense of others. It agreed that local authorities and other public bodies should "...think twice before continuing with, or providing new, written translation materials." It added:

In short, we would encourage local authorities to consider whether translation is necessary, for which documents it is appropriate, whether it should be available on demand, and whether it can be done in a way that helps people learn English.<sup>141</sup>

The **guidance** reproduced the contextual points made by the Commission (see above) and set out a revised checklist to be applied by local authorities when making decisions on translations. The accompanying press release gave examples of these "key tests":

- Is it essential that this material is translated - and what is the evidence of both need or that people will be disadvantaged without it?
- If it is essential, are you using sound data when deciding which languages you translate into? (There have been examples of automatic translation into languages which are not even spoken in a region).
- Does the information need to be translated in full or could this information be better provided by a community partner?
- If the information is needed (such as for safety or health reasons) can you promote English alongside it? So for example, using pictures or symbols with English alongside or bilingual translation including English.<sup>142</sup>

### 4. The police

#### ***Pat Strickland, Home Affairs Section***

Clearly translation and interpretation poses particular issues for the police, when dealing with suspects, victims and witnesses. Codes issued under the *Police and Criminal*

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<sup>139</sup> Commission on Integration and Cohesion, *Our shared future*, June 2007, Annex E

<sup>140</sup> DCLG, *Guidance for local authorities on translation of publications*, December 2007

<sup>141</sup> *ibid* p10

<sup>142</sup> DCLG press notice, '[Bleas calls for a commonsense approach to translation](#)', 7 December 2007

*Evidence Act 1984* require the provision of suitably qualified interpreters, where possible drawn from the relevant registers.<sup>143</sup>

Amounts spent by police forces are not collected centrally,<sup>144</sup> but information on some forces is available. The Metropolitan Police (by far the largest force in the country) spent just under £10 million on language services in 2007-08, including interpreting and translation fees and expenses for interpreters.<sup>145</sup> This had risen from just under £7.5 million in 2003-04. West Midlands Police spent £2 million on interpreters in 2007-08.<sup>146</sup> Cambridgeshire constabulary stated that “translation costs linked to dealing with incidents and crime are close to £1 million a year”.<sup>147</sup> The annual cost of interpreters in Thames Valley Police was more than £1 million in 2007-08, having risen from just under £80,000 in 1997-08.<sup>148</sup> The cost of Kent Police’s translation services increased by just over 30% between 2003/04 and 2006/07, when it stood at £419,531.<sup>149</sup>

In February 2008, the results of FOI requests to police forces in England and Wales were published. The *Daily Telegraph* reported:

Thirty-seven [out of 43 police forces in England and Wales] replied, revealing a total bill of £24.1 million for translation in 2006-07, up 64 per cent from £14.6 million in 2004. The biggest increases were recorded by forces in Cumbria, up 386 per cent, Durham up 293 per cent, and Gwent, where costs rose 250 per cent. Gwent was the only force able to provide a language-by-language breakdown. In the past year it spent almost £6,900 on Vietnamese translators, £6,850 on Arabic and £4,350 on Urdu. It also had to call in experts in other languages such as Lithuanian, Moldovan and Slovak.<sup>150</sup>

## C. Education

### 1. Schools

***Christine Gillie, Social Policy Section***

#### ***a. Growth in numbers of immigrant pupils***

In recent years there have been increasing numbers of pupils who do not speak English as a first language. As at January 2008, the first language of 12.6% of pupils in maintained primary schools in England was not English, up from 9.7% in 2003 and 7.8% in 1997.<sup>151</sup> The figures for pupils in maintained secondary schools were 10.5% in 2007

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<sup>143</sup> [Code of Practice for the detention, treatment and questioning of persons by police officers](#), PACE Code C, Paragraph 13.1, commencing January 2008.

<sup>144</sup> HC Deb 22 February 2008 c1085W

<sup>145</sup> HC Deb 28 April 2008 c95-6W

<sup>146</sup> West Midlands Police, [Annual Review 07/08](#), p7

<sup>147</sup> Cambridgeshire Constabulary, [The changing demography of Cambridgeshire: implications for policing, 2007](#), p2

<sup>148</sup> “Cost in translation”, [Police Review](#), 28 September 2007, p8 – figures confirmed with force

<sup>149</sup> Kent Police, [The Impact of Population Growth on Kent Police Business](#), October 2007, p6

<sup>150</sup> “Police spending £2,700 every hour on translators”, [Daily Telegraph](#), 22 February 2008

<sup>151</sup> DCSF, [Pupil characteristics and class sizes in maintained schools in England](#), January 2008

and 7.3% in 1997.<sup>152</sup> The number of schools with more than half of their pupils having English as an additional language in January 2007, broken down by local authority, was given in a recent written answer to a PQ.<sup>153</sup> This showed that in 1,149 maintained primary schools,<sup>154</sup> 205 maintained secondary schools<sup>155</sup> and 45 special schools in England,<sup>156</sup> fewer than half of pupils spoke English as their first language.<sup>157</sup>

Guidance on the New Arrivals Excellence Programme, issued by the Department for Children, Schools and Families in September 2007,<sup>158</sup> described some demographic background to newly-arrived pupils:

High mobility within school populations has been a common feature of many cities in England for decades. In these cities, schools have become accustomed to welcoming new arrivals and supporting them with induction procedures that enable children and young people to rapidly become accustomed to schooling in the UK and make good progress. Indeed, many new arrivals outperform their peers after a few years of education in the UK (note 1).

[...]

Many pupils from Eastern Europe are Roman Catholic and this has had an impact on voluntary aided schools that are inexperienced in receiving bilingual new arrivals in some parts of the country. In addition, although the number of asylum seeking pupils arriving in the UK has decreased year on year since 2004, there are some groups from some countries that continue to remain at the top of the list of applications each quarter including pupils from Afghanistan, Iran, Eritrea, China and Somalia (note 2).

The total number of pupils in primary and secondary maintained schools learning English as an additional language (EAL) has risen from 653,800 in 2003 (9.6% of the school population) to 789,790 in 2007 (12% of the school population) (note 3). The largest increases in pupils learning EAL were in the North West, Yorkshire and the Humber, the East of England, Inner London and Outer London. Over 50% of pupils in Inner London are learning EAL.

Notes:

- 1 Ofsted 2003 The education of asylum-seeker pupils
- 2 [www.homeoffice.gov.uk/rds/pdfs07/asylumq107.pdf](http://www.homeoffice.gov.uk/rds/pdfs07/asylumq107.pdf)
- 3 Annual Schools Census 2003–2007 (DfES)

Some commentators have expressed concern about whether there is sufficient funding for schools to cope with the current level of immigration.<sup>159</sup> Others have noted that

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<sup>152</sup> HC Deb 9 May 2008 cc 1201-2W

<sup>153</sup> HC Deb 28 April 2008 cc 218-224W

<sup>154</sup> Including middle schools as deemed

<sup>155</sup> Includes middle schools as deemed, and city technology colleges and academies

<sup>156</sup> Includes maintained and non-maintained special schools, but excludes general hospital schools

<sup>157</sup> The number of pupils by their first language expressed as a percentage of the number of pupils of compulsory school age and above

<sup>158</sup> DCSP, *New Arrivals Excellence Programme Guidance*, September 2007

<sup>159</sup> e.g. 'Language barrier makes more work for teachers' *Times*, 30 April 2008, p4; 'Immigration undermining education, warns Clegg' *Daily Telegraph*, 28 April 2008, p6; 'English is minority language in 1,300 schools', *Daily Telegraph*, 17 December 2007, p1; 'The struggle to cope when children do not

schools have responded well to the challenges of having children whose first language is not English.<sup>160</sup>

The House of Lords Select Committee on Economic Affairs in its report, *The economic impact of immigration*, noted some of the findings on the costs and benefits of newly-arrived immigrants for schools:

In the last two decades, children have come to the UK from an increasing range of different countries. The LGA and Dr Janet Dobson both pointed to increasing costs that schools have consequently incurred on translation, English language training and books such as bilingual dictionaries (p 259, p 208). The National Union of Teachers (NUT) referred to Government figures showing that almost 790,000 school children in England—12% of all pupils in 2007—did not speak English as their first language, up from 9.7% in 2003 (p 211).

Dr Dobson noted that smaller primary schools also find it more difficult to organise necessary support for immigrants as smaller budgets are less flexible than at larger schools (p 208). Most immigrant children still go to schools in towns and cities. However, the dispersal policy for asylum seekers and the move to rural areas of more immigrants, especially from Eastern Europe, has led to numerous schools across the UK either receiving immigrant pupils for the first time or experiencing a sharp increase in their numbers (Q 343).

Both the LGA and Dr Dobson also noted the problems for schools in assessing the needs of the children of newly arrived immigrants, due to a lack of records and/or poor English (p 259, p 208). Faced with such pupils, who were largely an “unknown quantity”, Slough Council set up a dedicated centre at one of its secondary schools to assess the needs of new immigrant children before they entered mainstream classrooms. The centre costs £92,000 a year to run and can only handle eight pupils at a time compared to the 89 secondary-age pupils who arrived in Slough during the summer holidays in 2006 (p 275).

Immigrants arriving in the middle of the school year create extra administrative costs. The LGA quoted an Association of London Government study that found the additional administrative costs of registering a new child after the start of the school year amounted to £400 per child at primary level and £800 for secondary schools (p 259). Dr Dobson, who had worked in schools which had taken in 120 to 150 pupils at non-standard times, said the process for each child was time-consuming, it “often involves several members of staff” and “it does have this very negative impact in terms of diverting resources” (Q 342).

Dr Dobson noted that many immigrant families make frequent changes of residence in the early part of their stay in the UK. This leads to continuous inflows and outflows of pupils at some schools. These “high-mobility” schools face bigger problems as they frequently repeat many of the routines outlined above. (p 209)

However, immigrant children also create benefits for schools. Dr Dobson told us many immigrant children study hard and that the extra investment for immigrant pupils can raise the quality of education for all children at the school (p 209). The

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speak any English’, *Times*, 21 March 2008, p27; ‘Schools show the new make-up of Britain’, *Times*, 28 September 2007, p21;

<sup>160</sup> Letter from Sir Robin Wales, Mayor of London borough of Newham, *Daily Telegraph*, 2 May 2008, p25; ‘No place here for language barriers’, *Times Educational Supplement*, 18 April 2008, pp22-23



NFU suggested immigration has contributed to the maintenance of some local village schools as the children of immigrants boost enrolment (p 102).<sup>161</sup>

The Government's response to the House of Lords Economic Affairs Committee report emphasised the increased funding that the Government had made available to schools experiencing a growth in pupil numbers as a result of migration:

The provision of increased funding for schools experiencing growth in pupil numbers as a result of Migration - the ring fenced Ethnic Minority Achievement Grant (EMAG) has risen from £162m in 2004/05, to £179m in 2007-08 and will continue to rise to £207 million by 2010/11.<sup>162</sup>

Additional funding for schools is discussed in section c below.

In *Managing the Impacts of Migration: A cross-government approach*, which was published alongside the Government's response to the House of Lords Economic Affairs Committee report, it was noted that only a small proportion of migrants from the new European member states had dependants who would potentially require support from schools.<sup>163</sup>

#### **b. Access to schools**

The position was summarised by the government's paper *Migration Impacts Plan* as follows:

Schools are open to all children residing in the UK. The same rules apply to pupils who have lived in a local area for some time, to pupils who have recently moved to the area from other parts of the UK, and to migrant pupils from outside the UK. Parents of migrant pupils may express a preference for their children to attend a maintained school in the same way as a parent who has been resident in the area for some time.

To ensure that any children arriving new to an area are found a suitable school place quickly with a minimum of disruption, local authorities may include migrant children in their Fair Access Protocol which secures education quickly for those without a school place in-year (i.e. applying outside the normal school admissions round).<sup>164</sup>

Detailed guidance on school admissions for children from overseas is contained in paragraphs 1.52 to 1.58 of the [School Admissions Code](#) issued by the Department for Children, Schools and Families.

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<sup>161</sup> House of Lords Select Committee on Economic Affairs, *The economic impact of immigration*, 1 April 2008, HL 82-I, 2007-08, paras 139-144

<sup>162</sup> *The economic impact of immigration, Government reply to the first report from the House of Lords Committee on Economic Affairs, Session 2007-08, HL Paper 82*, Cm 7414, 11 June 2008, para. 1.6

<sup>163</sup> Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008, p12

<sup>164</sup> *ibid* pp 24-25



The Government's policy is 'to encourage rapid English language acquisition as the key to successful integration into the UK education system and the wider community.' Ministers have noted that pupils with English as an additional language typically catch up with their peers in attainment terms within two years of their first admission to a school in England.<sup>165</sup>

**c. Additional support for schools**

Funding for children, including those with English as an additional language (EAL), is provided through the Dedicated Schools Grant. An Exceptional Circumstances Grant has been introduced to reflect changes in local authorities' pupil numbers which occur after the three-year indicative allocations of the Dedicated Schools Grant have been announced. In addition, provision for EAL is made through the ring-fenced Ethnic Minority Achievement Grant:

In some areas migration has increased demand for school places. The Government has a programme of support in place to ensure areas manage their needs without disadvantaging other children. This support consists of both additional funding and practical solutions. We provide funding to schools for pupils, including newly arrived children to the UK and those for whom English is an Additional Language (EAL), through the Dedicated Schools Grant (DSG). In addition, we make substantial provision for EAL through the ring fenced Ethnic Minority Achievement Grant (EMAG), which has risen from £162m in 2004-05, to £179m in 2007-08 and will continue to rise to £207 million by 2010-11.

For local authorities experiencing rapid growth in pupil numbers between the annual pupil count and the start of the academic year, or a significant influx of children with EAL needs, there will be an Exceptional Circumstances Grant of £10 million available from 2008-2009. Eligibility for the Exceptional Circumstances Grant will be determined in autumn each year. These additional resources help ensure that schools are equipped to support children coming to the UK with limited English. A number of schools use this resource to employ bilingual teaching assistants or specialist English language support teachers. Some local authorities employ a team of these specialist teachers whose services are bought in by schools. Specialist English language teachers or advisers work in collaboration with classroom teachers to plan lessons and teaching materials. A West Midlands secondary school with a high proportion of pupils with English as an Additional Language has used EMAG to fund a full-time language support coordinator, a part-time language support teacher and 25 hours of teaching support time divided between two bilingual teaching assistants.

Some local authorities have raised concerns that there is a shortage of suitably trained teachers to work with children with English as an Additional Language. In response, the Department for Children, Schools and Families (DCSF) is in discussion with the Training and Development Agency for Schools (TDA) and others to identify professional development routes to increase the numbers of teaching and non-teaching staff with the skills to support pupils with EAL.

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<sup>165</sup> e.g. see HC Deb 21 April 2008 cc 1562-3W

The Government has also introduced the New Arrivals Excellence Programme which provides advice guidance, training and a range of resources to enhance the support schools give to newly arrived pupils. Its aim is to build capacity within schools to welcome pupils and offer the most effective EAL teaching. This ensures that pupils can access the curriculum as quickly as possible. Additional resources for schools mean that all pupils have the opportunity to benefit, not just migrant pupils.<sup>166</sup>

Detailed guidance on Ethnic Minority Achievement Grant and Exceptional Circumstances Grant is set out in the *Standards Fund Guidance for 2006-08*. This explains the conditions of the grant for the 2008-11 funding period.<sup>167</sup>

The *New Arrivals Excellence Programme Guidance*<sup>168</sup> draws attention to the importance of initial assessment for new arrivals, sets out issues for schools and local authorities/Children's Services to consider, and advises on appropriate methods to meet children's needs. It emphasises that new arrivals are not a homogenous group and do not necessarily have a common set of educational needs; however, they need to be fully integrated in schools:

All new arrivals including refugees, asylum seekers and economic migrants from overseas have the right to enjoy a welcoming, safe and stress-free environment within school. They need to know that they are valued and that they belong even if their stay in your school is short. They need to have their bilingualism (and sometimes multilingualism) recognised as a positive part of their intellectual development and they need opportunities to use their home language to support their learning and development of English. It is important that they are made to feel part of the normal lessons and learning environment as soon as possible in order not to experience marginalisation and exclusion. All new arrivals must be given learning opportunities that are accessible, relevant and purposeful within the context of the National Curriculum. New arrivals need to be able to see themselves, their languages, culture and identity reflected not only in the classrooms but also in the wider school and through an inclusive curriculum.<sup>169</sup>

The guidance states that all children are entitled to access the National Curriculum and that this is no different for newly arrived children, including those new to English. It considers issues relating to additional support; in relation to primary school children it notes:

The level of additional support available for newly arrived children will vary from school to school. Some schools, particularly those with large numbers of EAL learners, may have EMA specialists on their staff. Other schools may be able to contact the LA EMA service for support and there may be bilingual staff available who share the same language as the child. Many primary classes will also have a TA<sup>170</sup> available to them at least some time in the week.

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<sup>166</sup> Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008, pp 28-29

<sup>167</sup> DCSF, 12 November 2007

<sup>168</sup> DCSF, *New Arrivals Excellence Programme Guidance*, September 2007

<sup>169</sup> *ibid*, pp 10-11

<sup>170</sup> Teaching assistant

Effective use of additional staff means involving them actively in enabling new arrivals to access the curriculum and to develop English. Class teachers need to ensure that there is a consistent and coherent approach to supporting new arrivals, especially those new to English. The curriculum itself should form the foundation of any support provided.

It is therefore crucial that a culture of communication be built into the support programme. Collaborative planning by adults will support the two-way flow of information that will enable both teachers and support staff to appropriately differentiate lessons and tasks.

Class teachers need to share children's targets, the learning objectives for units of work and for the lesson, and the teaching plans with the additional adults. EAL and bilingual specialists will contribute to the teaching plans by providing guidance for scaffolding tasks<sup>171</sup>, resources and curriculum contexts which will engage the learners. All staff need to be clear about assessment opportunities and develop systems for sharing the information so that it informs planning. The specialists will provide guidance on appropriate assessment for new arrivals.

Partnership teaching provides an excellent model of support where the class teacher and EMA teacher jointly plan, deliver and evaluate lessons. They are able to share their distinctive expertise and knowledge and thus create a more inclusive curriculum for EAL learners.

In addition to quality first teaching which meets their needs on a daily basis, some children may require a short-term intervention programme to accelerate their progress in a particular area. This should always be time limited and, wherever possible, take place in the context of the classroom and be linked to classroom activities. One example of a programme for EAL learners is Talking Partners (Bradford Education) which is designed to accelerate children's progress in speaking and listening.<sup>172</sup>

Some asylum-seeker pupils arrive here with severe psychological distress and trauma. Research published by Ofsted in 2003 found that that many asylum-seeker pupils made good progress in relatively short periods of time and almost all made at least satisfactory progress. The research noted that the combination of their determination to succeed and the strong support of their parents provided a potent recipe for success. But it also noted that some schools in the dispersal authorities struggled initially to meet the learning needs of the pupils, and that teachers, in particular, lacked expertise with pupils new to English.<sup>173</sup>

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<sup>171</sup> N.B. 'scaffolding' as a teaching technique is when a teacher provides the support needed for the child to achieve a successful outcome and then gradually withdraws or reduces the support in order to allow the child to develop confidence in their independent performance. Further information on this in relation to language learning is given on pp24-28 of the *New Arrivals Excellence Programme Guidance*, DCSF, September 2007.

<sup>172</sup> DCSF, *New Arrivals Excellence Programme Guidance*, September 2007, p29

<sup>173</sup> Ofsted, *The education of asylum-seeker pupils*, 2003

#### **d. Schools and social cohesion**

The *Education and Inspections Act 2006* introduced a duty on all maintained schools in England to promote community cohesion. This came into effect in September 2007. From September 2008, as part of regular school inspections, Ofsted will assess the contribution schools make to promoting community cohesion. In July 2007, the Department for Children, Schools and Families published [guidance](#) on the duty to promote community cohesion. The *Race Relations (Amendment) Act 2000* already requires a school to have in place a race equality policy which states their commitment to valuing diversity, promoting equality of opportunity and challenging racism.

The *New Arrivals Excellence Programme Guidance*<sup>174</sup> observes that in some parts of the country the number of families from minority ethnic communities is fairly small, and that when new arrivals and their families move into these areas they can feel isolated. It provides practical guidance on how schools can tackle this and associated problems.

A recent report published by the Refugee Council, *Beyond the school gates: supporting refugee and asylum seekers in secondary school*, identified significant barriers to inclusion faced by refugee and asylum seeking children such as bullying, racism, and delays in accessing school places. It proposes a series of solutions for improving cohesion and integration in schools and communities.<sup>175</sup>

## **2. Further and higher education**

### **Sue Hubble, Social Policy Section**

#### **a. Introduction and background**

Students make up a large proportion of immigrants to the UK. In 2006 it was estimated that 27% of all migrants to the UK would cite formal study as their main reason for migration.<sup>176</sup> Historically, students have come to the UK to obtain internationally-respected, high-quality qualifications,<sup>177</sup> and the UK has remained second only to the USA in attracting international students for many years.<sup>178</sup> The international student market is highly lucrative and generates much income for universities and the wider economy.<sup>179</sup> In 1999 the Prime Minister launched the first phase of the 'Prime Minister's Initiative' (PMI), a strategy aimed at making the UK a leader in international higher education; this phase of the initiative was a success and a second five year phase was subsequently announced in April 2006.<sup>180</sup> The second initiative aims to increase the

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<sup>174</sup> DCSF, [New Arrivals Excellence Programme Guidance](#), September 2007

<sup>175</sup> Refugee Council, [Beyond the school gates, supporting refugees and asylum seekers in secondary school](#), May 2008

<sup>176</sup> HC Deb 21 April 2008 c1701

<sup>177</sup> 'Welcome to campus UK', *The Independent* 31 January 2008

<sup>178</sup> HEPI Report Summary 36 *The Bologna process and the UK's International Student Market*

<sup>179</sup> HC Deb 31 March 2008 c595

<sup>180</sup> DCSF Press Notice 2006/0058, [Prime Minister launches strategy to make the UK a leader in international education](#), 18 April 2006

number of international students studying in the UK by 100,000 by the year 2011; the policy has been welcomed by universities and private sector companies.<sup>181</sup>

However, the landscape of international higher education is changing and the UK's position may alter. Many students from Asia who in the past would have chosen to study in the UK are now opting to study in Australia, Canada and New Zealand, possibly due to the high costs associated with studying in the UK.<sup>182</sup> The UK also faces competition from European universities, many of which now offer degrees taught in English.<sup>183</sup> Further – and perhaps more significantly – many countries such as China and Malaysia are rapidly transforming their own education systems. Partly in response to these changes some UK universities are establishing campuses overseas. The University of Nottingham has campuses in China and Malaysia<sup>184</sup> and these bodies are seen as a valuable way of maintaining links abroad.

Commentators are predicting a 'marked change' in the position of the UK higher education sector in the future<sup>185</sup> and the Government has commissioned Professor Drummond Bone to conduct a review of the international challenges facing higher education.<sup>186</sup>

#### **b. Numbers of overseas students in further and higher education**

The UK higher and further education sectors attract a high number of overseas students. In 2006/07 there were just over 350,000 overseas students on higher education courses at UK universities, 15% of all students in higher education. This number has increased by 77% over the past decade. In 2006/07 184,000 (52%) were on postgraduate and 167,000 were on undergraduate courses. Just under one third of all overseas students were from other EU states. The largest number of students came from China (50,000), India (24,000), the US, Greece and Ireland (all 16,000).<sup>187</sup> Data from UCAS on applicants to full-time undergraduate courses in 2008 show that the number of Chinese applicants increased by 23% compared to the same period in the 2007 entry cycle.<sup>188</sup>

The further education (FE) sector attracts fewer overseas students than the higher education sector but the numbers of students studying in the UK are still significant; in 2004/5 figures published by the UKCISA showed that 87,845 overseas students were studying in FE colleges in England, Scotland, Wales & Northern Ireland, 2% of the total.<sup>189</sup> In 2005/06 there were 70,000 overseas students in English FE

<sup>181</sup> *ibid*

<sup>182</sup> HEPI Report Summary 36 *The Bologna process and the UK's International Student Market*, para. 13

<sup>183</sup> *ibid* paras 18 and 19

<sup>184</sup> University of Nottingham News Archive, [Education Secretary says 'follow Nottingham's example' in establishing campuses overseas](#), 16 November 2004

<sup>185</sup> 'Denham announces reviews to map out the sectors future', *The Times Higher* 6 March 2008

<sup>186</sup> Department for Innovation, Universities and Skills, [John Denham HE speech Wellcome Collection Conference Centre](#), 29 February 2008

<sup>187</sup> *Students in higher education institutions 2006/07*, and earlier, HESA

<sup>188</sup> UCAS media release 16 July 2008 *Latest university application figures show 9.1% rise*

<sup>189</sup> [UKCISA Further Education Statistics](#)

establishments.<sup>190</sup> The largest numbers came from Poland (13,600), China (3,700) and Spain (3,200).<sup>191</sup>

**c. Financial support for overseas students**

Eligibility for student support in further and higher education depends on whether a student meets the requirements for classification as a 'home/EU' student, or whether they are allocated 'international' status. Only students classified as home/EU are eligible for financial assistance. Each student is assigned a classification based on their individual circumstances, taking into account their immigration status and residency.

The Government is required under Article 12 of the EC Treaty to treat EU students as favourably as UK students with regard to tuition fees. This is to ensure that the UK complies with its obligations to allow equal access to higher education. In practice this now means that EU students are eligible to apply for a non-means-tested student loan for fees in the same way as home students. Before 2006-07 this support was available in the form of a means-tested grant.

All students must repay their student loans after they have graduated. As the loans are income-contingent, UK resident students repay them through the PAYE system. EU students however must make individual arrangements to repay their loans directly to the Student Loans Company (SLC). Concerns have been expressed that students may fail to repay their loans; in 2006 therefore the Department for Education and Skills set out plans designed to address this and to ensure that EU students repaid their loans.<sup>192</sup>

Since 1999-2000, on average 22% of EU-domiciled students have received fee grants or loans.<sup>193</sup>

EU students studying for further education qualifications may be eligible for Education Maintenance Allowances, Adult Learning Grants or Learner Support Funds on the same basis as home students. Furthermore, following the European Court of Justice ruling in the case *R (Bidar) v the London Borough of Ealing*,<sup>194</sup> some EU students who have been resident in the UK for three years before the start of their course may additionally get help with living costs. University bursaries may also be available depending on the policy of the individual university.

International students studying in FE and HE colleges and universities are ineligible for public funding. International students pay unregulated fees which are generally higher than fees for home/EU students; these can range from £3,500 to about £18,000 per year depending on the institution, the level of course and the type of course.<sup>195</sup>

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<sup>190</sup> Excludes students whose country of domicile was not known.

<sup>191</sup> *Learner number and enrolment analyses - FE Learner Numbers by Country of Domicile*, LSC

<sup>192</sup> DfES 2006/007 "Government outlines proposals to ensure EU students repay student loans" 23 May 2006

<sup>193</sup> HC Deb 28 April 2008 c116

<sup>194</sup> *R (Bidar) v the London Borough of Ealing* C-209/03

<sup>195</sup> UKCISA Information sheet for students, *Tuition fees: will I pay the 'home' or 'overseas' rate for study in England, Wales or Northern Ireland?*, July 2008

**d. Economic costs and benefits of overseas students**

Overseas students appear to make a significant contribution to the UK economy. Details of the exact economic benefit are difficult to assess but some figures on this have been given in answer to a Parliamentary question:

**Overseas Students**

**Ben Chapman:** To ask the Secretary of State for Innovation, Universities and Skills what assessment he has made of the contribution to the UK economy made by students from overseas at educational institutions in the last five years.

**Bill Rammell [holding answer 18 March, 2008]:** The Department has made no specific assessment of the contribution to the UK economy made by students from overseas at educational institutions. However, global value surveys commissioned by the British Council estimate the total value of international students to the UK economy as nearly £8.5 billion in 2003-04, compared with £7.5 billion in 2002-03 and £6.2 billion in 2001-02. Information on later years is not available.<sup>196</sup>

A report by the Higher Education Policy Institute (HEPI) in July 2007<sup>197</sup> analysed the impact that overseas students in higher education had on the UK economy. Its conclusions were:

**Costs**

There are two costs incurred from the presence of EU students. First, they benefit from the subsidised loan that is provided by the Government to enable students to pay undergraduate fees. This was estimated by the Government at the time of the passage of the Education Act at around 40 per cent of the level of the fee charged, and is now estimated to be 33 per cent. With an annual fee of £3,000, that amounts to a subsidy of £1,000 per full-time undergraduate student per year. Non-EU international students do not benefit from this loan, so this is not a cost attributable to such students.

The second cost, incurred in respect of both EU and non-EU students, is, quite simply, the cost that the university incurs in providing for the student. We do not yet have good information about teaching costs (though information is improving with the introduction of TRAC). For the purpose of these calculations it is assumed that the home and EU undergraduate fee plus the HEFCE grant equates to the cost of provision (HEFCE does not differentiate between undergraduate and postgraduate students, and funds them as if the costs are similar). The total average resource per student in 2004-05 was about £5,000.

**Benefits**

The economic benefits of EU and non-EU international students have been explored fully in this report, and arise from payments that students make for fees

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<sup>196</sup> HC Deb 31 March 2008 c595

<sup>197</sup> Vickers P and Bekhradnia B., *The economic costs and benefits of overseas students analysed the financial impact of overseas students*, Higher Education Policy Institute, July 2007



and living expenses, as well as the taxes paid and the contributions to GDP made by students who stay on in employment after graduating. Annex A shows the detailed calculations that underpin the conclusions that:

- The net direct cash benefit from the fee income and living expenditure of EU students amounts to at least £800 million per year
- The fiscal benefit arising from the presence of EU students who then go on and work after graduating is at least £100 million per year
- The increase in GDP arising as a result of the presence of EU students who then go on and work after graduating is at least £1 billion per year
- The net direct cash benefit from the fee income and living expenditure of non-EU students amounts to at least £3.3 billion per year
- The fiscal benefit arising from the presence of non-EU students who then go on and work after graduating is at least £100 million per year
- The increase in GDP arising as a result of the presence of non-EU students who then go on and work after graduating is at least £1 billion per year.<sup>198</sup>

**e. *Effect of international graduates on the labour market***

The HEPI report suggested that many international students stayed in the UK after graduation:

Every year, several thousand international students remain in the UK to work following graduation from a UK HEI. This clearly has an impact on the UK economy. It can be assumed that the majority of these individuals would not have moved to the UK had they not studied here, and therefore this impact can be viewed as a direct result of the UK hosting them as international students. In fact, students remaining in the UK and entering the labour market following graduation are likely to have the same impact as new immigrants. The impact is two-fold: first, they pay tax and consume welfare benefits – the fiscal impact; and second their economic activity contributes to the nation's GDP – here called the economic impact.<sup>199</sup>

The report analysed the effect that these graduates had on the labour market and reached the conclusion that the 'presence [of overseas graduates] almost certainly contributes to net economic growth:

There is a general perception that immigration worsens the labour market conditions for domestic workers, in the form of lower wages and decreased levels of employment for the domestic workforce. Whilst this may be the case for low-skilled workers (as found in several empirical studies), it is less clear what the effect of immigration of high-skilled workers would be. Immigration of very highly-skilled workers (such as fully qualified, practising, doctors and engineers for example) is generally considered to be of economic benefit to the country, and these perhaps even "create jobs for the less-skilled sections of our economy".

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<sup>198</sup> *ibid* Executive summary paragraphs 24-26

<sup>199</sup> *ibid* Executive summary paragraph 15



As with any market, however, the effect of increased supply of a product or service will be determined by whether or not there is currently a shortage or an excess. This is no different in the labour market – the effect of an increased supply of workers caused by the presence of recently graduated international students will depend on the current labour market conditions - not aggregated across the whole labour market, but for workers with given skills or skill-levels. For example, it would be unlikely that allowing some of the many international students studying engineering to stay and work in the UK upon graduation would have a detrimental impact on the labour market conditions for recently qualified engineers in the UK. Looking at the UK graduate job market as a whole, there is currently a relatively low level of unemployment, indicating that the presence of recently graduated international students is unlikely to be detrimental to the employment prospects of recent graduates from the UK, or to their salary levels.

The fact that these individuals are unlikely to have any significant effect on the UK labour market means that their presence almost certainly contributes to net economic growth. Using the assumptions about numbers entering employment, starting salaries and wage increases described previously, if the average length of stay of recent graduates is five years, each year graduates from EU countries alone will earn a total of nearly £700 million in pre-tax wages, and, on the prudent assumption about staying on rates described above, non-EU individuals will earn the same - £1.4 billion in total.

So, assuming these individuals are not to the detriment of UK workers in any way (i.e. their presence does not affect the conditions of employment – the wages and level of employment, and the levels of consumption of UK citizens), their presence will result in a considerable net increase in GDP, and so in levels of consumption, and hence real economic growth throughout the economy.<sup>200</sup>

#### **f. Provision for overseas students**

In 2008 the Department for Innovation, Universities and Skills (DIUS) published a report *European Union Students Studying in English Higher Education Institutions*<sup>201</sup> which detailed the migration of EU students to English higher education institutions and discussed the implications with regard to provision of courses, post-graduate recruitment and tuition fee loans. The report identified a shift in the pattern of student recruitment and suggested that this could impact on the planning of courses:

Over the last four years, there has been a notable shift in the balance of non-UK EU students coming to England. Across all such countries, there has been a decline in both the overall numbers and the proportion of students from founder nations (from 38% to 35%) and other western non-founder nations (from 61% to 48%) and a growth in the numbers and the proportion of young people from the Baltic States, Eastern Europe and late accession countries (from two per cent to 17%). At the same time there has also been a shift in the courses being followed by non-UK EU undergraduates; a shift that has not been consistent across all 26 non-UK EU countries. While business and administration studies, for instance, appeared to be both the largest (and fastest-growing) course, the proportion of

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<sup>200</sup> *Ibid* full report paragraphs 44-46

<sup>201</sup> Marian Morris and Simon Rutt, [European Union Students Studying in English Higher Education Institutions](#), DIUS Research Report 08 09, 2008

applicants for such places declined amongst the seven non-UK non-founder nations. The proportion of entrants to most STEM subjects<sup>202</sup> (other than those related to medicine or biology), law and languages, have, in contrast, seen a marked decline. Accompanying these shifts, there has also been a change in the pattern of applications, with post-1992 universities appearing to benefit most from the arrival of the students from the Eastern European countries, Baltic States and the late accession countries, but losing favour amongst other non-founder EU nations.

These changes provide a significant challenge to HEIs in their longer-term planning. To what extent can one anticipate that existing patterns of non-UK EU student recruitment will persist, particularly in relation to the variations seen between students from founder, Western and Eastern European countries? Will business and administration remain a growth area? Amongst the survey respondents, a key factor in electing to come to an English HEI appeared to be one that was instrumental - the prospect the course afforded for a future career. Far fewer respondents said that they had based their decision on the lack of a particular course in their home country, a preference for a particular assessment strategy or the length of the course. Will English universities continue to be able to capitalise on potential career premiums and what steps do they need to take (if any) to ensure that the courses that they are offering maintain this advantage?<sup>203</sup>

A report by UKCISA, the UK Council for International Student Affairs, has suggested that further education colleges should provide a wide range of services for overseas students so that students receive a satisfactory education experience.<sup>204</sup> UKCISA have also suggested that HEIs should instigate a benchmark for provision of services for international students such as giving pre-departure advice and providing orientation programmes.<sup>205</sup>

However it would appear that some universities are having difficulty coping with the demands of overseas students. A study by the Society of College, National and University Libraries (Sconul)<sup>206</sup> said that increased demand from an ever-wider range of students was causing problems for libraries:

Overseas students tend to require more help than home students. The report said that many need what are in effect "exclusive" services just to stay on a level playing field with UK nationals. Overseas students pay very high fees, and they are typically among the most diligent students on campus.

Moira Bent, liaison librarian at the University of Newcastle and a national teaching fellow, said the extra demand has increased the burden on librarians and the range of cultural and other issues they must deal with.<sup>207</sup>

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<sup>202</sup> STEM means science, technology, engineering and mathematics

<sup>203</sup> *Ibid* page 39

<sup>204</sup> UKCISA, *New Horizons The experiences of international students in UK further education colleges*, 2008

<sup>205</sup> UKCOSA, *Benchmarking the provision of services for international students in higher education institutions*, 2007

<sup>206</sup> Society of College, National and University Libraries, *Library services for international students*, 2008

<sup>207</sup> 'Demands by overseas cohort for "exclusive services" tests hard hit librarians', *The Times Higher*, 28 May 2008

### 3. English for Speakers of Other Languages (ESOL)

#### **Sue Hubble, Social Policy Section**

Increased immigration has led to a high demand for English language tuition. Moreover, as indicated on page 57 above, the Government is seeking to encourage a shift in emphasis away from translation and towards training in the English language. However, one of the key issues identified by the Institute of Community Cohesion in its report on the impact of migration at the local level was the lack of availability of English language teaching to meet increasing demand.<sup>208</sup>

In 2005-06 the Learning and Skills Council (LSC) spent more than £270 million on ESOL provision – just under 14% of the entire adult education budget for that year.<sup>209</sup> Spending on ESOL classes reached such a level that in October 2006 the Government announced changes to the funding arrangements.<sup>210</sup> The changes removed automatic fee remission for home and EU students and withdrew funding for asylum seekers. The changes caused great concern among many organisations, and following the publication of a Race Equality Impact Assessment<sup>211</sup> (REIA) report in March 2007 Bill Rammell agreed to reinstate free tuition for certain vulnerable groups.<sup>212</sup> Nevertheless, the Communities and Local Government Committee found evidence that “large numbers of migrants who want to learn English are unable to because of restrictions on, or lack of, free provision.”<sup>213</sup> It recommended that the Government take immediate action to collate national data on the type of learners who access tuition and levels of unmet demand, and review ESOL provision in the light of these data.<sup>214</sup>

The Commission on Integration and Cohesion (CIC)’s June 2007 report, *Our Shared Future*,<sup>215</sup> acknowledged the difficulties faced by the Government in funding the growing demand for ESOL:

The Commission has heard loudly and clearly concerns about ESOL – about changes in the way it is funded – about lack of provision. We recognise that Government is between a rock and a hard place on this – funding of ESOL has increased greatly, and demand has increased at an even greater rate.<sup>216</sup>

To alleviate some of the funding problems, the report suggested that employers should take on some share of the costs of provision. The Communities and Local Government

<sup>208</sup> Institute of Community Cohesion, *Estimating the scale and impacts of migration at the local level*, Local Government Association, November 2007

<sup>209</sup> HC Deb 30 January 2007 c214

<sup>210</sup> DIUS Press Release, *New English Language Qualifications for Migrant Workers and Employers*, 16 October 2007

<sup>211</sup> DFES and Learning and Skills Council, *Race Equality Impact Assessment on proposed changes to the funding arrangements for English for Speakers of Other Languages and asylum seeker eligibility for Learning and Skills Council: Further Education funding report and emerging proposals*, March 2007

<sup>212</sup> Department for Education and Skills Press Release 2007/0050, *Bill Rammell publishes Race Impact Assessment and announces new measures*, 26 March 2007

<sup>213</sup> House of Commons Communities and Local Government Committee, *Community Cohesion and Migration*, 16 July 2008, HC 369 2007-08, para. 95

<sup>214</sup> *ibid* para. 98

<sup>215</sup> Commission on Integration and Cohesion, *Our Shared Future*, 14 June 2007

<sup>216</sup> *ibid* page 73 para 5.38

Committee agreed that the Government should examine the case for introducing financial incentives for employers to pay more towards the provision of English language tuition for their employees, but was not convinced that compulsory measures were needed. It added that such measures should not detract from the need to ensure that English classes are available to all those in greatest need, including in particular Asian women in settled communities.<sup>217</sup>

Funding for ESOL courses has, over the last few years, been focused towards learners most in need of language classes for basic skills and employability purposes. However, the current debate has shifted and focus has fallen on the role of language skills in integration and community cohesion. As noted on p50-51 above, Darra Singh, Chair of the CIC, has said that not speaking English is the single biggest barrier to successful integration and cohesion.<sup>218</sup>

A Department for Innovation, Universities and Skills press release in January 2008 suggested that in future funding would be targeted where it would have the biggest impact on community cohesion and integration.<sup>219</sup> Under this system, priority would be given to people who had made a long-term commitment to live in Britain. The Department is now analysing responses to its consultation exercise, *Focusing English for Speakers of Other Languages (ESOL) on Community Cohesion*, which closed on 4 April 2008.<sup>220</sup> The Secretary of State for Innovation, Universities and Skills, John Denham, said that the responses showed “overwhelming support” for moving the overall direction of ESOL funding towards fostering community cohesion and integration, and included many constructive comments. A particular theme was that local, regional and national bodies would need to work closely together. A full report of the responses is expected this summer.

The Government’s June 2008 Migration Impacts Plan added that a range of shorter, more work-related qualifications called ESOL for Work was introduced in September 2007. Initial trials are currently underway in London with a view to making the qualifications available through ‘Train to Gain’.<sup>221</sup>

## D. The NHS

### *Jo Roll, Social Policy Section*

Two aspects of immigration that have attracted particular attention in relation to the NHS are the use of services by immigrants and the contribution of the immigrant workforce to production.

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<sup>217</sup> House of Commons Communities and Local Government Committee, *Community Cohesion and Migration*, 16 July 2008, HC 369 2007-08, paras 103-4

<sup>218</sup> Commission on Integration and Cohesion, ‘[Not speaking English is the single biggest barrier to successful integration – Darra Singh](#)’, 21 February 2007

<sup>219</sup> Department for Innovation Universities and Skills Press Release *Funding for English classes to be retargeted to aid integration*, 4 January 2008

<sup>220</sup> Department for Innovation Universities and Skills, *Focusing English for Speakers of Other Languages (ESOL) on Community Cohesion*, 4 January 2008

<sup>221</sup> Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008

## 1. Use of services

### a. Lack of data

The NHS does not identify “immigrants” as a particular category. Its concern with people from overseas is focused on a more specific issue, often referred to as “*health tourism*”. This mainly concerns people here on short-term visits and those who are considered to have come to the country deliberately to seek treatment without authorisation. Subject to certain exceptions, such people must be charged for the treatment that they receive. For this purpose the NHS does not necessarily need to know about a person’s country of birth or the country of birth of a person’s parents.

In a Written Answer earlier this year, Dawn Primarolo, Minister at the Department of Health, said:

...Successive governments have not required the NHS to provide statistics on the number of foreign visitors seen, treated or charged under the provisions of the charging regulations nor any costs involved...<sup>222</sup>

Attempts to survey the evidence have been inconclusive. For example, The House of Lords Report, *The Economic Impact of Immigration*, found that there was very little hard data about the impact of immigration on the use of NHS services. The evidence that it did uncover was patchy. For example, the relative youth of migrants was used to argue that they had little impact on the cost of the NHS and also to argue that they were making heavy use of maternity services. Some reports have been concerned about possible overuse of accident and emergency departments while others have been more concerned about immigrants failing to register with a GP.<sup>223</sup>

There does not appear to be much hard data about “health tourists” either although there are from time to time reports of about the way the rules about charging them are being applied. These reports also tend to be patchy and inconclusive. For example, the BBC reported one survey which suggested that around a third of NHS hospitals (NHS Trusts) were not enforcing the rules rigorously enough,<sup>224</sup> whereas Medecins du Monde, operating in East London, found them being harshly enforced so that some people were not getting care to which they were entitled.<sup>225</sup>

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<sup>222</sup> HC Deb 26 March 2008 c208W

<sup>223</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL Paper 82-I 2007-08, paras 145-8. See also, for example, Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008; and House of Commons Communities and Local Government Committee, *Community Cohesion and Migration*, 16 July 2008, HC 369 2007-08 para. 37.

<sup>224</sup> BBC survey, ‘*Eligibility checks are ‘not done’’*, BBC news online, 3 May 2008

<sup>225</sup> *Migrant Health Tourism: Myth or Reality?* Medecins du Monde UK, *Report* and *press notice* 12 May 2008

## 2. Entitlement to NHS treatment

Although the rules about entitlement to NHS treatment do not specifically identify “immigrants” as a category, an overview of the way that entitlement to NHS treatment works may help to understand how immigrants fit into the system.

The NHS is based on the principle that it is free at the point of use unless charges are explicitly allowed for by statute. This applies throughout the UK, although decisions about specific charges are devolved and charges may differ in the different countries of the UK. This brief account of entitlement to free NHS treatment relates to England.<sup>226</sup>

Section 175 of the *National Health Service Act 2006* enables Regulations to be made regarding charges for NHS services provided to anyone who is not *ordinarily resident* in Great Britain. The meaning of *ordinarily resident* is not defined. Government guidance to NHS bodies says that it is a common law concept which was considered by the House of Lords in 1982 in the context of the Education Acts. It also says that the decision in that case has since been taken to have wider application so that, when assessing the residence status of a person seeking free NHS services, decision-makers need to take into account whether the person is:

living lawfully in the United Kingdom voluntarily and for settled purposes as part of the regular order of their life for the time being, whether they have an identifiable purpose for their residence here and whether that purpose has a sufficient degree of continuity to be properly described as “settled”.<sup>227</sup>

*The NHS Charges to Overseas Visitors Regulations 1989*<sup>228</sup> create a general rule that overseas visitors (defined as people who are not *ordinarily resident* in the UK) should be charged for treatment provided by certain NHS bodies<sup>229</sup>. In effect this covers hospital treatment but not GP treatment. The Regulations also create certain exemptions from charges. The main criterion for free NHS hospital treatment in England is thus being *ordinarily resident in the UK*, or if that is not the case, being subject to one of the exemptions specified in the Regulations.

GP practices have the discretion to offer NHS treatment to all people – UK residents and overseas visitors from any country. Practices may refuse to accept people as patients but there are restrictions on the circumstances in which they can do so. For example, a Practice with an open list can refuse an application to join its list only if it has reasonable grounds for doing so. These must not relate to the applicant’s race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition.<sup>230</sup>

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<sup>226</sup> Library Standard Note SN/SP/3051 and the documents to which it refers provide more detail.

<sup>227</sup> [Implementing the overseas visitors hospital charging regulations, Guidance for NHS trust hospitals in England \(updated January 2007\)](#) (last accessed 10 July 2008)

<sup>228</sup> SI 1989/306 as amended

<sup>229</sup> NHS Trusts, NHS Foundation Trusts, and Primary Care Trusts.

<sup>230</sup> The rules governing what GP Practices can do are mostly contained in *The National Health Service (General Medical Services Contracts) Regulations SI 2004/291* and *The National Health Service (Personal Medical Services Agreements) Regulations 2004, SI 2004/627*



Under existing rules,<sup>231</sup> immigrants may thus qualify for free NHS treatment regardless of their nationality or country of origin. This is not to say that nationality and country of origin may not be relevant in some circumstances as they may affect how easy it is to become *ordinarily resident* or come under one of the exemptions.

### 3. Future policy

The rules have been subject to change over time and could be subject to future changes. A recent Court judgement about the right of a failed asylum seeker to be treated as 'ordinarily resident' has called into question one of the existing rules,<sup>232</sup> and the Government has said on a number of occasions that it is considering changes to the rules.

In 2004 the Department of Health issued a consultation document about the possibility of introducing regulations for GP services along lines similar to those for hospitals, [Proposals to Exclude Overseas Visitors from Eligibility to Free NHS Primary Medical Services](#) and in March 2007, the Home Office published a document [Enforcing the rules: A strategy to ensure and enforce compliance with our immigration laws](#), which included a review of the rules governing access to the NHS by foreign nationals.

Neither the results of the 2004 consultation nor the healthcare aspects of the review started by the Home Office have yet been published. But the [Migration Impacts Plan](#), published in June 2008 by the Department for Communities and Local Government, said:

[...] However, there is a balance to be struck between the long-standing NHS principle of free universal healthcare and considerations of fairness – and there have been some concerns about the possibility of 'health-tourism'. To that end we are examining the rules that apply to migrants and other foreign nationals accessing healthcare. In March 2007, the Home Office published [Enforcing the rules: A strategy to ensure and enforce compliance with our immigration laws](#), a cross Government enforcement strategy. It included a commitment by the Department of Health (DH) and the Home Office to work together to:

- consider the rules governing access to the NHS by foreign nationals; and
- work with the NHS to implement any new rules flowing from the review, including a programme of communication and good practice to organisations and individuals applying those rules.

The Government is committed to keep these rights of access under consideration.

### 4. Healthcare workforce

The economic impact of migrant workers through employment is discussed in other sections of this Research Paper and is not covered here except to note that the NHS is

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<sup>231</sup> House of Commons Library standard note SN/SP/3051 and the documents mentioned in that note provide further details.

<sup>232</sup> For information about the court case, see House of Commons Library standard note SN/SP/3051.

often considered to be one of the areas particularly dependant on migrant workers. For example, the *Migration Impacts Plan* said:

....It is important to remember that migrants play a key role in the delivery of public services. In healthcare seventeen per cent and in social care eighteen per cent of workers are from overseas. International recruitment has made a key contribution to the delivery of services in the NHS and is a two way process. Welcoming staff from abroad enables the transfer of experience and the sharing of ideas, which can be extremely valuable to patients, the individual and their colleagues, and to both the NHS and the recruit's own country. However, it is essential that this is not done to the detriment of countries experiencing staffing difficulties. The UK has developed an ethical code of practice for the recruitment of healthcare professionals which aims to direct recruitment away from those developing countries with capacity problems. A code of practice has also been developed for the international recruitment of social care workers.<sup>233</sup>

In practice, policies have varied over time in the extent to which they have treated migrants as a desirable addition to the NHS workforce, depending partly on whether they have been needed to solve the problem of skills shortages in this country.<sup>234</sup>

As at September 2007, around 37% of doctors working in the NHS had qualified outside the UK, compared with 31% in 1997 (a 19% increase).<sup>235</sup>

## **E. Social security benefits and tax credits**

***Steven Kennedy, Social Policy Section***

### **1. Introduction**

Although one of the main public concerns about immigration is that immigrants are a burden on the benefits system, there are in fact significant restrictions on what they can access. Access to benefits, housing and social services for people from abroad has become increasingly limited since the mid 1990s.

The rules governing entitlement to social security benefits and tax credits for people coming to the United Kingdom from abroad are complex. Immigration status does not in itself prevent a person claiming benefits which depend upon National Insurance contributions, such as contribution-based JSA, Incapacity Benefit and the Retirement Pension, but in practice a person from abroad is unlikely to have paid sufficient contributions to qualify for benefit. Moreover, restrictions on migrants' employment in the UK may make it difficult or impossible to build up a sufficient record of National Insurance contributions.

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<sup>233</sup> Department for Communities and Local Government, [Managing the Impacts of Migration: A Cross-Government Approach](#), June 2008

<sup>234</sup> A brief history of immigration rule changes relating to doctors, for example, was provided in February 2008 the House of Lords judgement on the case brought by BAPIO: *R (ex p. BAPIO Action Limited and another) v Secretary of State for the Home Department and another (Appellant)* [2008] UKHL 27

<sup>235</sup> Department of Health Hospital and Community Health Services (HCHS) annual medical workforce census



For other types of benefit, the link between immigration status and entitlement is more explicit. Most people seeking asylum are not eligible for mainstream social security benefits. People coming to the United Kingdom from outside the European Economic Area are likely to have conditions attached to their leave to remain which prevent them from claiming benefits. Nationals of EEA countries may have more rights to benefits but, broadly speaking, this is dependent on them remaining economically active.

The available evidence on benefit and tax credit claims from people who have come to the UK from abroad is summarised below. This is followed by a more detailed description of the rules on access to benefits and tax credits for different groups.

## 2. Benefit and tax credit claims from people from abroad

Statistics on claims for social security benefits and tax credits from people who have come to the UK from abroad are not readily available. Statistical data routinely held by the Department for Work and Pensions on benefit claimants do not include information on immigration status or nationality/country of origin.

Statistics on benefit claims by nationals of the A8 states are however included in the quarterly *Accession Monitoring Report* produced by the Home Office in conjunction with various Government departments including the Department for Work and Pensions. The latest edition gives statistics for the period from May 2004 to March 2008. In relation to the principal income-related benefits the report shows that:

Between May 2004 and March 2008, there were 8,899 applications for Income Support, 15,495 for income-based Jobseeker's Allowance and 456 for State Pension Credit.

5,818 applications (including 437 allowed on reconsideration or appeal) were allowed to proceed for further consideration of whether the claimants meet the other conditions of entitlement.

Although increasing, the numbers of A8 nationals applying for tax-funded income-related benefits and housing support remain low. For example, 3,007 applications for Income Support and Jobseeker's Allowance were processed in Q1 2008, of which 918 were allowed to proceed for further consideration, compared to 3,442 and 848 in Q1 2007.

In all, so far 23% of applications have been allowed and the majority (77%) were disallowed on the basis of the Right to Reside and Habitual Residence Tests.

Most applications were from Polish (50%), Lithuanian (14%) and Czech (12%) nationals.<sup>236</sup>

153,689 applications for Child Benefit were received from A8 nationals between May 2004 and March 2008, of which 102,029 (66 per cent) were approved. Over the same

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<sup>236</sup> p25

period, 88,927 claims for tax credits were received from A8 nationals, of which 58,394 (66 per cent) were approved.<sup>237</sup>

A report published by the Institute for Public Policy Research (IPPR) in April 2008 summarised the available evidence on the impact of EU enlargement on the benefits system as follows:

As members of the European Union, A8 and A2 nationals enjoy broadly the same entitlements to benefits and support as British nationals who live and work in the EU outside the UK. The possibility of enlargement resulting in large numbers of what the tabloid press has labelled 'benefit tourists' coming to the UK to enjoy relatively better state benefits was a prominent concern in discussions of EU enlargement. Yet the evidence suggests that only a small proportion of post-enlargement migrants have claimed benefits, and where they have claimed benefits these have principally been tax credits and Child Benefit claimed by migrants who are working.<sup>238</sup>

The authors of the IPPR study also looked at data from the Labour Force Survey for the fourth quarter of 2007 and found that almost exactly the same proportion of A8/A2 nationals claimed Child Benefit (four per cent) and tax credits (nine per cent) as UK nationals (five per cent and 10 per cent respectively. While 26 per cent of UK nationals were in receipt of other state benefits, the proportion of A8/A2 nationals claiming these was likely to be less than five per cent.<sup>239</sup>

The payment of Child Benefit and Child Tax Credit for children of migrant workers resident elsewhere in the EEA has been a particularly sensitive issue (see page 79 below). At the end of June 2008, Child Benefit was being paid for just over 44,000 dependent children resident in A8 countries; the following written answer<sup>240</sup> gives a breakdown by country:

#### **Child Benefit: EU Nationals**

**Mr. Philip Hammond:** To ask the Chancellor of the Exchequer how many nationals of each A8 country were receiving child benefit for a child or children living in another EEA member state at the end of June 2008; and in respect of how many such children child benefit was being paid on that date. [219241]

**Jane Kennedy:** Around 7.5 million families are currently claiming child benefit for around 13 million children. Out of that total, at the end of June 2008, around 0.3 per cent. (26,703) were ongoing child benefit awards to A8 nationals recorded as receiving child benefit for 44,008 children living in another EEA member state. These awards are made by virtue of EC social security co-ordinating regulations which the UK has administered since it joined the European Economic Community in 1973.

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<sup>237</sup> pp27-28

<sup>238</sup> Naomi Pollard, Maria Latorre and Dhananjayan Srisankandarajah, *Floodgates or turnstiles? Post-EU enlargement migration flows to (and from) the UK*, IPPR, 2008

<sup>239</sup> p32

<sup>240</sup> HC Deb 16 July 2008 c457w

The estimated breakdown by nationality is as follows.

| <i>Country</i> | <i>Number of children included in awards</i> | <i>Number of awards at 30 June 2008</i> |
|----------------|--|---|
| Czech Republic | 266  | 160                                     |
| Estonia        | 26   | 15                                      |
| Hungary        | 90   | 54                                      |
| Latvia         | 334  | 259                                     |
| Lithuania      | 1,040  | 709                                     |
| Poland         | 39,867                                       | 24,135                                  |
| Slovakia       | 2,382  | 1,369                                   |
| Slovenia       | 3  | 2                                       |
| <i>Total</i>   | <i>44,008</i>                                | <i>26,703</i>                           |

The Government has stated that information on Child Tax Credit payments for children resident overseas is not available.<sup>241</sup>

### 3. Entitlement for different groups

To explain the rules on access to benefits and tax credits for people coming to the UK from abroad, it is helpful to split the migrant population into three broad groups:

- People seeking asylum
- Nationals of European Economic Area (EEA) countries
- Nationals of non-EEA countries

What follows is merely an overview of the rules. More detailed information is available in the Child Poverty Action Group's annual *Welfare benefits and tax credits handbook*, and *Migration and social security handbook*.<sup>242</sup> Detailed guidance for benefits staff is in Volume 2 of the Department for Work and Pensions *Decision Maker's Guide*, which is available at the DWP website.<sup>243</sup>

#### a. Asylum seekers

People who claimed asylum after 3 April 2000 are not entitled to mainstream non-contributory social security benefits including income-based Jobseeker's Allowance, Income Support and Housing Benefit. Instead, those who are destitute may be eligible for asylum support from the UK Border Agency.<sup>244</sup> Cash support is set at 70 per cent of Income Support rates and accommodation is provided in dispersal areas outside London and the South East.

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<sup>241</sup> HC Deb 10 September 2007 c1968w

<sup>242</sup> 4<sup>th</sup> edition 2007

<sup>243</sup> The *Decision Maker's Guide*, or DMG, is the guidance used by benefits staff making decisions on individual benefit claims. While the DMG provides a summary of the relevant statute and case law, it does not in itself have any force in law.

<sup>244</sup> *Immigration and Asylum Act 1999* ss95 and 98

Destitute failed asylum seekers may be entitled to accommodation and vouchers if they cannot return home.<sup>245</sup> Asylum seekers who are subsequently granted refugee status, or given time-limited 'Humanitarian Protection' or 'Discretionary Leave', are able to claim benefits if they satisfy the usual conditions.

**b. Nationals of EEA countries**

**Main benefit rules**

There is no *general* entitlement to benefits for people coming to the UK from other countries in the European Economic Area (EEA).<sup>246</sup> The provisions in European law to coordinate social security rules for people moving from one Member State to another exist primarily to facilitate the free movement of labour within the EEA. As such, they apply mainly to economically active people and their families. Economically inactive people, such as non-working lone parents, may face restrictions on their entitlement to benefit.

In May 2004 the legislation governing access to certain social security benefits was amended so that a person cannot be 'habitually resident' (a condition of entitlement to benefit) unless they have the 'right to reside' in the Common Travel Area.<sup>247</sup> This was in response to concerns about the impact of the 2004 enlargement of the European Union.

The benefits covered by the 'right to reside' requirement are:

- Income Support
- Income-based Jobseeker's Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit
- Child Benefit
- Child Tax Credit

The term 'right to reside' in this context is perhaps a little confusing. Having a 'right to reside' does not simply mean that the person can live in a particular country. Not all EEA nationals will have the 'right to reside' even though they can all exercise free movement rights whatever their personal circumstances. This is because not all migrants can move from one EEA country to another and engage in certain activities, such as claiming benefits. In other words, only certain categories of person moving within the EEA will have, under European law, certain guaranteed rights attached to their residence in the host country. This is what is meant by EEA nationals having a 'right to reside'. It is perhaps more helpful to think of 'rights of residence', and indeed the new EC Directive

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<sup>245</sup> *Immigration and Asylum Act 1999 s4*

<sup>246</sup> The EEA comprises the EU Member States plus Iceland, Liechtenstein and Norway. Switzerland is not a member of the EEA but as a result of an agreement with the EU that came into force on 1 June 2002, Swiss nationals enjoy broadly the same rights as EEA nationals with regard to freedom of movement.

<sup>247</sup> The United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland

which sets out who has a right to reside when moving within the EEA is sometimes known as the *Rights of Residence Directive*.<sup>248</sup>

Broadly speaking, a person who moves from one EEA country to another has a right to reside if they are working, or are able to support themselves. This applies to people from the 'old' EU countries as well as those from the new 'accession countries'. Right to reside status also extends to family members living with the principal person. 'Family members' for these purposes include:

- Spouses and civil partners
- Direct descendants under 21 or over 21 (if dependant) of the principal person or their spouse/civil partner
- Dependent relatives in the *ascendant* (i.e. parents or grandparents) of the principal person or their spouse/civil partner
- Separated or divorced spouses/civil partners<sup>249</sup>

On 30 April 2006, the new *Rights of Residence Directive* 2004/38/EC came into force, giving everyone, including economically inactive people, a right to reside for the first three months; but the UK Government amended the rules on access to benefits to ensure that people who have a right to reside solely on the basis of the new three-month right of residence will not satisfy the requirements.<sup>250</sup>

Article 7 of the new Directive sets out who has 'the right of residence' after the initial three- month period. This includes:

- workers or self-employed persons in the host member state, and their families, and
- students attending institutions in the host member state and their families, provided they can support themselves

All other groups only have the right of residence if they-

have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence and have comprehensive sickness insurance cover in the host Member State<sup>251</sup>

A 'worker' has the right of residence – and with it access to benefits and tax credits – for as long as they are in 'genuine and effective work'.<sup>252</sup> A worker can however retain worker status when they stop working if:

<sup>248</sup> Directive 2004/38/EC *on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States*

<sup>249</sup> The new Directive also includes an 'extended family member' category which covers more distant relatives; see Article 3(2) *Rights of Residence Directive* 2004/38/EC

<sup>250</sup> The *Social Security (Persons from Abroad) Amendment Regulations 2006* SI 2006/1026

<sup>251</sup> Article 7(1)(b)

<sup>252</sup> CH/3314/2005, CIS/3315/2005 paras 21-30; Case C-357/89 *Raulin* (1992) ECR 1027

- they are temporarily unable to work due to illness or accident **or**
- they are in duly recorded involuntary unemployment after having been employed in the UK, as long as they have registered as a jobseeker with the relevant employment office **and**
  - they were employed for a year or more before becoming unemployed
  - they have been unemployed for no more than six months **or**
  - they can provide evidence that they are seeking employment in the UK and have a genuine chance of being engaged **or**
- they are involuntarily unemployed and have started vocational training **or**
- they have voluntarily stopped working and have started vocational training which is related to their last employment<sup>253</sup>

For most workers coming to the UK from one of the new EU Member States, there are further conditions that must be satisfied. To have a right of residence, most workers from A8 countries<sup>254</sup> need to be in work and registered under the Home Office Worker Registration Scheme. They have the right of residence – and with it access to in-work benefits – for as long as they are in registered employment. Once an A8 national has legally worked in the UK without interruption for a period of 12 months they do not have to register with the Home Office and have the same rights and access to means-tested benefits and tax credits as other EEA nationals. An A8 worker must not be out of work for more than a total of 30 days in the 12 month period. If they have completed 12 months uninterrupted work they can only retain worker status if they claim Jobseeker's Allowance (JSA), unless they are temporarily sick and have had an accident which temporarily prevents them working.

Nationals of A2 countries (Bulgaria and Romania) are not covered by the Worker Registration Scheme. However, A2 nationals wishing to work in the UK must, except where they are exempt from the requirement, obtain a 'worker authorisation document' before they commence employment in the UK. To have a right to reside as a worker, an A2 national who is subject to worker authorisation must have a worker authorisation document and be working in accordance with the relevant conditions. An A2 national who has worked legally in the UK without interruption for a period of 12 months is exempt from worker authorisation and has the same rights and access to benefits and tax credits as other EEA nationals. For these purposes, therefore, the rules closely mirror those for A8 nationals.

EEA nationals and their family members who have legally resided in the UK for a continuous period of five years can acquire a permanent right of residence. In certain circumstances a person may however be able to acquire the right to reside in the UK permanently before then, for example family members of a worker who has died, or workers who become permanently incapable of work after having resided in the UK for at least two years.

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<sup>253</sup> The *Immigration (European Economic Area) Regulations 2006*, SI 2006/1003, r6

<sup>254</sup> The 'A8' comprises the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia

The Department for Work and Pensions is currently examining EEA nationals' rights to access benefits, including the impact of the current rules on both UK nationals and EEA nationals and "future options for managing eligibility for benefits to support the aim that EEA nationals should make a positive contribution to the UK."<sup>255</sup> The conclusions will be report in autumn 2008.

### **Child Benefit and Child Tax Credit for dependent children in other EEA countries**

Certain benefits for children may be payable to migrant workers in the United Kingdom from EEA countries in respect of dependent children living elsewhere in the EEA. This right to benefit stems from long-standing provisions in European law on the co-ordination of social security systems within the EEA.

The 'family benefits' which may be paid for children living in another EEA country are Child Benefit, Child Tax Credit, and Guardian's Allowance. People claiming these benefits/tax credits must meet all the usual conditions for entitlement, but the ordinary residence and presence requirements for the child or children do not apply, provided the claimant comes within the scope of the relevant provision in European law, namely Council Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community.

The UK cannot restrict payment of Child Benefit, Child Tax Credit and Guardian's Allowance to families with children resident here, under European law. The domestic legislation in fact already prohibits payment of these benefits for children not present in the UK. EC Regulation 1408/71 however enables migrant workers to claim family benefits for children residing in another EEA country. EC Regulations have direct effect in UK law. European law prevails in any conflict with domestic legislation, so the provisions in EC Regulation 1408/71 effectively override the domestic legislation.

The relevant provision in European law is Article 73 of Regulation 1408/71<sup>256</sup> which states:

An employed or self-employed person subject to the legislation of a Member State shall be entitled, in respect of the members of his family who are residing in another Member State, to the family benefits provided for by the legislation of the former State, as if they were residing in that State, subject to the provisions of Annex VI.

'Family benefits' in EEA member states may have widely varying conditions of entitlement and it is possible that a family of a migrant worker may be entitled to family benefits from more than one country in respect of the same child or children. If this is the case, 'overlapping benefits' provisions apply so that the same family is not paid twice. Instead, the family will receive the highest amount of benefit which is provided under the legislation of the states concerned.

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<sup>255</sup> Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008, p15

<sup>256</sup> EC Regulation 574/72 lays down the procedure for implementing Regulation 1408/71

### **Non-EEA nationals**

Non-EEA nationals with indefinite leave to remain (often called ‘settled status’) have no time limit on their right to stay in the UK, and no conditions may be attached to their leave. They can therefore access social security benefits and tax credits on the same basis as British citizens (unless their right to remain was awarded as a result of a formal undertaking by another person to maintain and accommodate them).

The main category of person likely to be excluded from social security benefits and tax credits by their immigration status is those with limited leave to remain. Limited leave means leave for a limited period of time. Most people with limited leave to remain are subject to the condition that they have ‘no recourse to public funds’ during their stay in the UK. A person with limited leave to remain who has recourse to public funds in breach of their leave conditions can find themselves liable to removal, refusal of further leave and/or prosecution.

‘Public funds’ is defined in the *Immigration Rules*<sup>257</sup> and includes the following social security benefits and tax credits.<sup>258</sup>

- Attendance Allowance
- Carer’s Allowance
- Child Benefit
- Child Tax Credit
- Council Tax Benefit
- Disability Living Allowance
- Housing Benefit
- Income Support
- Income-based Jobseeker’s Allowance
- Pension Credit
- Severe Disablement Allowance
- Social Fund payments
- Working Tax Credit

In certain circumstances a person can however claim benefit without being considered to have had recourse to public funds. For example, a person may claim Income Support at the reduced ‘urgent cases’ rate for up to 42 days if they are temporarily without funds through circumstances beyond their control, for example due to disruption of the financial sector in their home country.<sup>259</sup>

Separately, section 115 of the *Immigration and Asylum Act 1999* provides that a **person subject to immigration control** is not entitled to most social security benefits and tax credits, except in certain limited circumstances. In this context, ‘person subject to immigration control’ has a specific meaning. Section 115(9) of the 1999 Act states:

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<sup>257</sup> Paragraph 6 HC 395 of 1993-94 as amended

<sup>258</sup> Public funds also includes housing and homelessness assistance under Part VI or VII of the *Housing Act 1996*, under Part II of the *Housing Act 1985*, and under the corresponding legislation in Scotland and Northern Ireland

<sup>259</sup> *Immigration Directorate’s Instructions*, Chapter 1, Section 7, annex W, para 2.2



“A person subject to immigration control” means a person who is not a national of an EEA State and who—

- (a) requires leave to enter or remain in the United Kingdom but does not have it;
- (b) has leave to enter or remain in the United Kingdom which is subject to a condition that he does not have recourse to public funds;
- (c) has leave to enter or remain in the United Kingdom given as a result of a maintenance undertaking; or
- (d) has leave to enter or remain in the United Kingdom only as a result of paragraph 17 of Schedule 4.

Paragraph (d) here refers to paragraph 17 of Schedule 4 of the 1999 Act. This related to people who were appealing a decision about their immigration status, stating that while the appeal was outstanding, the leave to which the appeal related and any conditions subject to which it was granted continued to have effect.

The benefits and tax credits which a person subject to immigration control is normally excluded from are:<sup>260</sup>

- Attendance Allowance
- Carer’s Allowance
- Child Benefit
- Council Tax Benefit
- Disability Living Allowance
- Housing Benefit
- Non-contributory Incapacity Benefit for those incapacitated in youth
- Income-based Jobseeker’s Allowance
- Income Support
- Pension Credit
- Severe Disablement Allowance
- Social Fund payments

Immigration status does not affect eligibility for those benefits which depend on National Insurance contributions, such as contribution-based JSA, ordinary Incapacity Benefit and the Retirement Pension. Other work-related benefits including Statutory Maternity Pay, Statutory Adoption Pay, Statutory Paternity Pay, Statutory Sick Pay and Industrial Injuries benefits are also payable regardless of immigration status. However, a person from abroad may not have worked in the UK and might not therefore be able to claim these benefits.

People coming to the UK from EEA countries, or countries with which the UK has a bilateral reciprocal social security agreement, may however be able to use periods of residence and contributions paid in those countries to help them qualify for benefits in the UK. The scope of the agreements, both in terms of the benefits covered and the

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<sup>260</sup> Section 115(1) *Immigration and Asylum Act 1999*; regulation 16 *Social Security (Incapacity Benefit) Regulations* SI 1994/2946; regulation 3(1) *Tax Credits (Immigration) Regulations* SI 2003/653

categories of people that can take advantage of them, differs from country to country. Further information is available via the A-Z index at the Department for Work and Pensions website.

There are certain exceptions to the general rules as outlined above. These are explained in Library standard note SN/SP/3683, *Immigration status and entitlement to social security benefits and tax credits*.

## **F. Social services**

### ***Manjit Gheera, Social Policy Section***

#### **1. Community care services for adults**

##### **a. No recourse to public funds**

The duties on local authorities to support certain categories of foreign nationals, arises as a result of Home Office policy to remove support from persons subject to immigration control. Local authorities have a legal duty to support certain people who are:

- subject to immigration control;<sup>261</sup>
- have no recourse to public funds (NRPF); and
- who are “destitute plus”.

NRPF means someone who is subject to immigration control who has no entitlement to welfare benefits, to Home Office asylum support for asylum seekers, or to public housing. A person is defined as destitute plus if they are assessed as having a need for care and attention that is over and above the “mere” lack of accommodation and subsistence.

Eligible foreign nationals may be provided with local authority social services support under community care legislation which was intended primarily to meet the needs of old and/or disabled people. Under Part III of the *National Assistance Act 1948*, the *Chronically Sick and Disabled Persons Act 1970* and section 117 of the *Mental Health Act 1985* local authorities have a duty to accommodate people who are shown by a community care assessment to have a need for care and attention due to age, illness or disability. “Accommodate” has a wide meaning and includes food etc as well as housing and assistance with travel for certain purposes, but does not include cash (though in some circumstances the local authority can make direct payments to allow a person to secure community care services for him- or herself).<sup>262</sup>

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<sup>261</sup> This includes an asylum seeker or failed asylum seeker

<sup>262</sup> *Health and Social Care Act 2001* s57 and *Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003* SI 2003/762

**b. Exceptions under the Nationality, Immigration and Asylum Act**

Local authorities are not obliged to provide community care services to all foreign nationals facing destitution. This is because section 54 and Schedule 3 to the *Nationality, Immigration and Asylum Act 2002*, cuts off a range of social services, including residential accommodation, under section 21 of the *National Assistance Act 1948*, from:

- individuals with refugee status in other European Economic Area countries;
- citizens of other EEA countries;
- failed asylum seekers who have not co-operated with removal directions;
- failed asylum-seekers with families who have not co-operated with removal directions and are certified by the Home Secretary; and
- individuals who are unlawfully in the United Kingdom but are not asylum seekers.

The Department of Health has published a “Note of Clarification” on this section. The summary of the note reads:

Councils are advised that EEA adult nationals who work in the UK or used to work in the UK, and have the right to reside in the UK, should be able to access community care and other social services on the same basis as UK nationals. This right extends to family members. Self-employed, former self-employed workers and students from the EEA, with the right to reside in the UK, should also be able to access community care and other social services on the same basis as UK nationals. All such EEA nationals would need to be able to establish their work/student status and their right to reside in the UK.<sup>263</sup>

The aim of Schedule 3 is to deprive people of support under community care legislation if they are deemed to have the option of leaving the country. In the case of *R (on the application of Kumani) v Lambeth LBC*<sup>264</sup> the court held that a state owes no duty under the *European Convention on Human Rights* to provide support to foreign nationals who are in a position freely to return home.

The note further provides:

The policy intention was to ensure that such individuals could not move to the UK for the sole or main purpose of accessing residential accommodation and other services in preference to similar services in the EEA country of origin. Prior to the NIA Act there was considerable evidence that large numbers of individuals were entering the UK from the EEA in order to engage in “entitlement shopping”, at great cost to the public purse.<sup>265</sup>

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<sup>263</sup> Department of Health, [Section 54 - Note of clarification](#), para1

<sup>264</sup> [2004] 1 WLR 72

<sup>265</sup> *ibid*, para 4

**c. Financial impact on local authorities**

The Home Office policy of withdrawing support from persons subject to immigration control in a bid to convince them to leave the country has led to community care legislation primarily intended to support the old and/or disabled, being used to support persons with NRPF. Supporting additional groups that were not originally intended to benefit from community care provision has led to increased costs for local authorities with high asylum populations. Local authorities have also complained that Government failure to provide guidance on how to balance immigration concerns with welfare and human rights concerns has left them in limbo.<sup>266</sup> However, the exact costs have proved difficult to quantify due to inaccurate data on the numbers of immigrants entering and leaving the UK. Evidence given by local authorities to a recent Parliamentary enquiry into *The Economic Impact of Immigration*<sup>267</sup> claimed that the number of immigrants in local areas were significantly underestimated by current statistics. Hammersmith and Fulham Council described the Office of National Statistics figures on immigration as “plainly wrong”. Slough Council described official methodology to collect statistics as “not fit for purpose”.<sup>268</sup> Local councils argued that, since funding from central government is directly linked to the size of each council’s population, the underestimate of immigrants has led to inadequate funding for public services.<sup>269</sup>

A 2006 survey by Islington Council of seven London borough councils and 19 local authorities outside London found that many of the councils did not know how many people they were supporting or how much this cost. Of the 15 local authorities that did provide cost information, one indicated that it expected to spend well over £2 million in 2006/7, six indicated they expected to spend over £1 million, four indicated they would spend between £500,000 and £1 million and one indicated it would spend between £250,00 and £500,000. Local authorities’ structure and approach to support also varied greatly, with some authorities having a dedicated NRPF team while others took an ad hoc approach.<sup>270</sup>

A London School of Economics report on *The impact of recent immigration on the London Economy* found social services costs for adult immigrants were still much lower than average for native Londoners as they are less likely to use social services. However the report predicted that the situation would change over the longer term.<sup>271</sup>

The provision of information and translation services and cultural awareness training in areas of high immigration also increase costs for local authorities. In addition, local authorities face various process problems in assessing whether applicants are eligible

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<sup>266</sup> and Barnados, *The End of the Road: Impact of Section 9 of the Asylum and Immigration (Treatment of Claimants) Act 2004*.

<sup>267</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL Paper 82-I 2007-08

<sup>268</sup> *ibid*, p10

<sup>269</sup> *ibid*, pp44-45

<sup>270</sup> Islington LBC, *Destitute People from Abroad With No Recourse to Public Funds: A survey of local authorities*, September 2006

<sup>271</sup> London School of Economics, *The impact of recent immigration on the London Economy*, City of London, July 2007, p68

for service. Key obstacles include obtaining information on a person's immigration status and establishing whether another authority is already supporting an applicant.<sup>272</sup>

## 2. Children

### a. Child protection

The number of children in the UK who are subject to immigration control is not known.<sup>273</sup> A report from the Commission for Social Care Inspection (2005) concludes that the lack of available information about the range of children in the UK who are subject to Immigration control itself raises considerable safeguarding problems.<sup>274</sup> A report published for the Local Government Association in 2006 stated:

[I]t can be highly complex to investigate the family situation of transient families and ensure effective safeguarding of children, the complexities being exacerbated by language difficulties and cross-cultural issues. In addition, some councils are incurring costs linked to the care of unaccompanied children, be they from countries with unregulated entry to the UK, or linked to asylum seeking.<sup>275</sup>

Particular concerns have been raised in relation to children who have been trafficked or have entered the UK and been privately fostered. A February 2006 report by the Immigration Law Practitioners' Association, *Children first, migrant second: Ensuring that Every Child Matters* identifies the difficulties:

Whatever the circumstances of their arrival, trafficked children are extremely vulnerable and it is the responsibility of the professionals who come into contact with them to provide appropriate support and protection. There is evidence that because of the limited information available regarding the scale of the problem in the UK context, many of those coming into contact with these children – including immigration officers, social workers and legal representatives – do not identify them as actual or potential victims of trafficking. Nor do these professionals recognise such children as having particular safeguarding and welfare needs.<sup>276</sup>

Concerns have also been raised that children and young people may be being brought into the UK under private fostering arrangements which are unsatisfactory or even exploitative, and that the children do not receive the services and protection to which they are entitled. Although there is a requirement that local authorities should be notified of private fostering arrangements<sup>277</sup> local authorities are not currently required to formally approve or register private foster carers. Even if private foster carers are aware of the requirement for them to notify local authorities of a placement, they may be reluctant to

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<sup>272</sup> Islington LBC, *Destitute People from Abroad With No Recourse to Public Funds: A survey of local authorities*, September 2006

<sup>273</sup> House of Commons Home Affairs Committee, *Immigration Control*, 23 July 2006, HC 775 2005-06, para. 264

<sup>274</sup> Joint Chief Inspectors, *Safeguarding Children: The Second Joint Chief Inspectors' Report on Arrangements to Safeguard Children*, Commission for Social Care Inspection, 2005

<sup>275</sup> Institute of Community Cohesion, *Estimating the scale and impacts of migration at a local level*, LGA, 2006

<sup>276</sup> *ibid.*, p48

<sup>277</sup> *Children Act 2004*, s44

do so because of concerns about the immigration-related consequences of notification. The Home Affairs Select Committee, in its 2006 report, *Immigration Control*, recommended:

The Government must consider introducing a registration and approval system for private foster carers. It should then explore whether this would allow tighter immigration controls to be placed on children entering the country without their own parents. The Government should also provide support for communities where private fostering is common to develop their own ways of protecting privately fostered children.<sup>278</sup>

**b. Unaccompanied Asylum Seeking Children**

Support for destitute asylum seeking adults and their dependent children who arrive in the UK is provided by the immigration authorities. However, separated asylum seeking children, or unaccompanied asylum seeking children, remain the responsibility of the local authority in the area in which they seek assistance. In 2006, the Home Office estimated that 3,245 unaccompanied asylum seeking children aged 17 or under applied for asylum. The Home Office also estimates that there are around 6,000 such children in the UK at any one time.<sup>279</sup>

Unaccompanied asylum seeking children (UASCs) in England are supported by local authorities under the *Children Act 1989*. A UASC is defined as:

- (i) an individual who is under 18 and applying for asylum in his/her own right; and is
- (ii) separated from both parents and not being cared for by an adult who by law or custom has responsibility to do so.<sup>280</sup>

Section 17 of the *Children Act 1989* imposes a statutory duty on local authorities to provide certain services to 'children in need' in its areas:

- to safeguard and promote their welfare; and
- so far as is consistent with that duty, to promote their upbringing by their family.

Section 17 of the *Children Act 1989* relates primarily to the provision of services for children in need and their families. So although it can be used to *support* UASCs, it will not normally be the most suitable provision under which *accommodation* is provided for them.<sup>281</sup> However, there is specific provision under s20 of the *Children Act 1989* to accommodate lone children. Section 20 imposes a duty on local authorities to:

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<sup>278</sup> House of Commons Home Affairs Committee, *Immigration Control*, 23 July 2006, HC 775 2005-06, para. 284

<sup>279</sup> Home Office, *Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children*, Consultation Paper February 2007

<sup>280</sup> Home Office, *Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children – Consultation Paper*, February 2007

<sup>281</sup> LAC (2003) 13

Provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:

- (a) there being no person who has parental responsibility for him;
- (b) his being lost or having been abandoned; or
- (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

The provision of accommodation under the two sections has different consequences for the child. Section 17 accommodation does not give a child 'looked after' status so does not entitle him to support under the *Children (Leaving Care) Act 2000* once he leaves care.<sup>282</sup> Section 20 does give a child looked after status and entitles him to support after the age of 18.

Cases of local authorities refusing to recognise the looked after status of UASCs have led to a number of challenges in the courts. The courts have ruled that where a local authority provides accommodation for a child in need and, on the facts, a duty to provide accommodation has arisen, then the authority must be regarded as providing accommodation under s20 and not under the general duty established under s17.<sup>283</sup>

### **c. Impact on local authorities**

Unaccompanied children pose a considerable challenge for some authorities, especially those close to points of entry such as Hillingdon, West Sussex and Croydon. Local authorities can claim back some of the costs of looking after these children. For children under 18, the local authority is able to claim grant funding from the Home Office to meet the costs of support. Until 1 April 2008, funding for local authorities' costs in supporting former UASCs (over 18) was provided by the Department for Children, Schools and Families (and previously the Department for Education and Skills). From 1 April 2008, responsibility for funding for former UASCs has been passed to the Home Office, but those who turned 18 before 1 April 2008 will continue to be funded by DCFS.

The grant will not always cover the total cost of supporting a child. The Home Office's grant instructions show that it will pay up to a daily limit (which they determine), and set out a number of exclusions (such as indirect administration, health care and education costs).<sup>284</sup>

Both the Children's Legal Centre and the Local Government Association (LGA) have criticised the current system for supporting UASCs and have called for a dramatic overhaul.<sup>285</sup> They state that local authorities seeking to ensure the welfare of children

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<sup>282</sup> See leading case of *Berhe v London Borough of Hillingdon* [2003] EWHC 2075 (Admin)

<sup>283</sup> *H Barhanu and B v LB of Wandsworth, LB of Hackney, LB of Islington and the Secretary of State for Education and Skills (Interested Party)* [2007] 2FLR 822

<sup>284</sup> UK Border Agency, [Local authority grants](#), 30 January 2008

<sup>285</sup> Dorling, Kamena, 'Seeking change: reforms to the protection of unaccompanied asylum seeking children', *ChildRight*, No. 245, April 2008

“struggle with a system that is under resourced and often appears to prioritise immigration concerns over the best interests of the child.”<sup>286</sup>

The [LGA response](#) to a Border and Immigration Authority consultation on supporting UASCs stated:

Councils are currently caught in a conflict between immigration laws and children’s rights laws. Local authorities help people to fulfil their full potential and believe the welfare of the child should always be the priority.

**d. Proposals for reform**

A Border and Immigration Agency consultation paper, [Planning better outcomes and support for unaccompanied asylum seeking children](#) was published in February 2007. The Government response to the consultation, [Better outcomes: the way forward](#), was published earlier this year and reforming the process surrounding UASC by:

- Improving procedures for identifying and supporting UASC who have been trafficked to the UK, to include implementing obligations under the Council of Europe Convention on Action Against Trafficking in Human Beings.
- Placing UASC with specialist local authorities outside the South East, to start in autumn 2008.
- Developing specialist centres for social workers to carry out age assessments and establishing a working group to review age assessment procedures.

In addition, the Government has stated its intention to publish draft legislation setting out proposals to place a statutory duty on the UKBA to safeguard and promote the welfare of children who pass through its care.<sup>287</sup>

## **G. Housing**

**Wendy Wilson, Social Policy Section**

### **1. Migrants’ eligibility for social housing**

Much of the debate around the impact of immigration on housing has focused on migrants’ eligibility for social housing. It is worth noting that there is no general entitlement to social housing for anyone in England, including British citizens. It should also be noted that even those people from abroad who may be eligible for housing assistance still have to qualify for assistance in line with an authority’s housing allocation scheme, or meet the criteria under which a statutory duty arises to households that are homeless.

The rules on eligibility for housing assistance in relation to persons from abroad are extremely complex; specific advice should always be sought when considering individual

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<sup>286</sup> *ibid*

<sup>287</sup> House of Commons debate on the Children and Young Persons Bill, HC Deb HC Deb 24 June 2008 c27



cases - the brief summary below should not be treated as a definitive guide. Detailed guidance can be found in chapter 9 and annexes 11-13 of the *Homelessness Code of Guidance for Local Authorities* (last updated in July 2006) and in a Library note entitled *EU migrants: entitlement to housing assistance (England)*.<sup>288</sup>

Broadly, restrictions on eligibility for social housing concern only local authority housing and local authority nominations to housing associations. Categories of people who are ineligible for housing and homelessness assistance include:

- Most asylum seekers – these people receive limited assistance with accommodation through the Border and Immigration Agency.
- People allowed entry to the UK on the basis of having “no recourse to public funds”, such as spouses of people already resident here or work permit holders from non-European countries.
- Workers from A8 countries registered on the Worker Registration Scheme who have been here for less than 12 months and who lose their job.

Refugees can become eligible for local authority housing once they receive a positive decision on their asylum application. Workers from EEA countries, including those whose work is temporarily disrupted by sickness or unemployment, are eligible for local authority housing (but not if they enter the UK as jobseekers). A8 nationals who are registered in the UK and are working are also eligible and after 12 months in continuous employment they gain the same rights as EEA nationals generally.

## 2. Do recent migrants jump the social housing queue?

An oft-cited claim is that “migrants jump the queue” for social housing. The issue attracted substantial publicity in May 2007 after Margaret Hodge, then Minister at the Department for Trade and Industry, wrote an article for the *Observer* newspaper in which she said:

We prioritise the needs of an individual migrant family over the entitlement others feel they have. So a recently arrived family with four or five children living in a damp and overcrowded, privately rented flat with the children suffering from asthma will usually get priority over a family with less housing need who have lived in the area for three generations and are stuck at home with the grandparents.

We should look at policies where the legitimate sense of entitlement felt by the indigenous family overrides the legitimate need demonstrated by the new migrants.

We should also look at drawing up different rules based on, for instance, length of residence, citizenship or national insurance contributions which carry more weight in a transparent points system used to decide who is entitled to access social housing. There are a small number of confirmed refugees who, of course, would receive the same entitlements as British citizens. However, most new migrant

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<sup>288</sup> SN/SP/4737

families are economic migrants who choose to come to live and work here. If you choose to come to Britain, should you presume the right to access social housing?<sup>289</sup>

The article prompted Nancy Kelly, head of international and UK policy at the Refugee Council to stress that asylum seekers are not entitled to council housing and that EU migrants from the accession states have restricted access to public resources, including housing. A number of MPs moved to distance themselves from Margaret Hodge's remarks.<sup>290</sup>

In response to suggestions that migrants are "queue jumping" access to social housing, the Equality and Human Rights Commission (EHRC), in conjunction with the Local Government Association (LGA), commissioned research from the Institute of Public Policy Research (IPPR) to look at the facts behind these suggestions. The research, launched in November 2007, posed three questions:

- Who is entitled to social housing?
- Who receives social housing?
- Do some groups have unfair access to social housing?

The IPPR's [interim findings](#) were published in April 2008. Announcing the findings, the EHRC said:

Neither the qualitative analysis of local authorities' policies, nor the examination of the patterns of tenure offer any evidence to support the hypothesis that recent migrants are given preferential access to social housing.

The key findings include:

- New migrants to the UK over the last five years make up around three per cent of the total UK population but are less than two per cent of the total of those in social housing.
- 90 per cent of those in social housing are UK born.
- Most new migrants to the UK over the last five years, particularly from the new European Union member states such as Poland, have been ineligible to claim entitlement to social housing.
- There is no evidence in the research thus far of any abuse of the system including 'queue jumping' to the significant detriment of any group, including white families.
- 11 per cent of new migrants have been allocated social housing. The comparable figure for UK born residents is 17 per cent, and for all foreign born UK residents is 18 per cent indicating that though some migrants do benefit from social housing, they are unlikely to do so until they have been settled for several years and become British citizens; and that they are not significantly more likely to benefit than other residents.

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<sup>289</sup> *Observer*, "A message to my fellow immigrants", 20 May 2007

<sup>290</sup> See EDM 1521 of session 2006-07

- More than 60 per cent of new migrants to the UK over the last five years are housed in private rented accommodation.
- In an LGA survey of housing managers, two out of three said that they attributed the shortage of social housing in their area to high house prices. 6 per cent said that the reason for shortages is new migration.
- Perceptions that migrants displace UK-born social housing applicants may arise from the fact that much of the private rented housing which is now home to many newly arrived immigrants is former social housing stock. Local residents may believe it is still 'owned by the council' despite it now being in the private sector.<sup>291</sup>

The full IPPR briefing, [Social Housing and Migrants](#), is accessible on the EHRC's website. The next stage of the research will attempt to "drill down" and look at dynamics in specific local areas and consider how people formed their views about housing allocations. It is accepted that the findings of the research alone will not necessarily challenge the public perception that social housing is allocated unfairly.<sup>292</sup>

Similar issues in relation to unfair access to social housing were raised in evidence submitted to the Communities and Local Government (CLG) Select Committee's 2007-08 inquiry into community cohesion and migration:

In Barking and Dagenham ... we also heard that black and minority ethnic families were getting unfair priority access to social housing. It was suggested that this myth arises because these families were seen living in properties that were formerly council housing which had been purchased under the Right to Buy, but which were physically indistinguishable from social housing.<sup>293</sup>

The Committee called for transparent decision making by local authorities in relation to the allocation of social housing and said that "councils must also communicate effectively with their local communities to prevent myths about migrants arising and spreading."<sup>294</sup>

Research published by the Joseph Rowntree Foundation (JRF) in July 2008 into immigration and social cohesion in the UK draws on original material gathered from six UK areas with different experiences of migration and post-industrial transformations, and comprising different populations of long-term residents and new immigrants. People participating in the research felt that their prospects were reduced because of recent immigration, particularly in terms of housing:

Many of the settled population in poor housing felt marginalised and unsupported. This sense of unfairness was exacerbated when new arrivals, particularly asylum seekers, were seen as having privileged claims to housing. These perceptions of limited entitlements to housing and equity being undermined by immigration created hostility to new arrivals rather than criticism of housing provision.

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<sup>291</sup> *ibid*

<sup>292</sup> *Inside Housing*, "Migrant reality is proven but perception remains", 18 April 2008

<sup>293</sup> House of Commons Communities and Local Government Committee, [Community Cohesion and Migration](#), 16 July 2008, HC 369 2007-08, para. 44

<sup>294</sup> *ibid*, para 46

The report suggests ways in which these perceptions can be overcome:

Many issues around overcrowding and understanding local conventions and expectations could be successfully mediated if social agencies, including local authorities, simultaneously supported new arrivals and settled residents in the private and social housing sectors.

"But what's happened there is a real transformation. Because you did have a community that was up in arms because that was a poor community and they saw people ... seeking asylum coming in and being given these furnished houses ... And what has happened now [after agency support] is that that very community who was up in arms against the asylum seekers is now ... they are now working together and community integration up there is fantastic." (Key informant, Glasgow)<sup>295</sup>

On 16 May 2008 Iain Wright, Under-Secretary of State at CLG, provided the following response to a PQ on the subject of social housing lettings to EU nationals:

**Mr. Clappison:** To ask the Secretary of State for Communities and Local Government (1) how many new (a) local authority social lettings and (b) registered social landlord lettings were made to foreign nationals from (i) EU member states and (ii) non-EU states in each year since 1997; (2) how many foreign nationals obtained a tenancy of social housing without holding an existing social housing tenancy in each year since 1997.

**Mr. Iain Wright:** I would like to apologise for the delay in answering these question.

Information on the number of foreign national households allocated social housing is collected in the Continuous Recording of Letting form (CORE). A question on nationality was first introduced to the form for the 2006-07 data collection period. CORE is collected on behalf of the Department for Communities and Local Government by St. Andrew's University. Historically CORE has only collected information from registered social landlords. An increasing number of local authorities are now providing information through this process as well, but there are still some gaps in the data.

In 2006-07 for registered social landlords, there were 1,769 new general needs lettings made to foreign nationals from European Economic Area (EEA) countries and 2,259 from non-EEA countries.

Adjusting for missing data from local authorities, we estimate there were around 7,000 general needs local authority lets to foreign nationals. It is not possible to estimate the split between EEA and non-EEA foreign nationals.

Overall, we estimate that around 6 per cent. (equivalent to around 11,000) new general needs lettings were made to foreign nationals in 2006-07. This estimate adjusts for missing local authority data, and includes lets made to nationals from EEA countries.

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<sup>295</sup> Joseph Rowntree Foundation, *Immigration and social cohesion in the UK*, July 2008

These estimates are the first to be made on the basis of a full year's information and are therefore the most robust information available.<sup>296</sup>

In recognition of the existence of a perception that migrants sometimes receive preferential treatment in the social housing allocation process, the Government has said that it will bring forward a Green Paper on housing reform near the end of 2008 which will consider how transparency in the housing allocations process can be improved.<sup>297</sup> The Government has rejected a suggestion by the Commission for Integration and Cohesion (CIC) to establish a national rapid rebuttal unit to counter myths about migrants on the grounds that local authorities need to take the lead in countering these myths – as noted on pages 38 and 40-41 above, the CLG Select Committee saw no need for such a unit but has recommended that the Government share best practice on myth busting and communication strategies.<sup>298</sup>

Underlying much of the concern about increased competition for scarce resources, such as access to social housing, is the question of adequate funding and adequate statistics, addressed on pages 44-48 above. The CLG Select Committee describes the need to take account of the number of migrants in funding local services as being “of vital importance for effective service delivery and community cohesion.”<sup>299</sup>

### 3. Demand for housing

The House of Lords Select Committee on Economic Affairs, in its April 2008 report *The Economic Impact of Immigration*, considered, amongst other things, the impact of immigration on demand for housing.<sup>300</sup>

A key aim of the Government is to tackle the shortage of affordable housing in England – in 2007 a goal was set of increasing the supply of housing to provide three million new homes by 2020.<sup>301</sup> This goal was set in response to the fact that housing supply had failed to keep up with rising demand from an ageing, growing population. Much of the projected growth in housing demand is expected to come from people living in smaller household units and choosing to live alone.

The Select Committee noted that “relatively little attention has been paid to the impact of immigration on housing” and expressed surprise given that evidence submitted by Professor Christine Whitehead of the London School of Economics indicated that about a third of the projected household growth in England over the next 15-20 years will be

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<sup>296</sup> HC Deb 16 May 2008 c1800W

<sup>297</sup> Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008

<sup>298</sup> House of Commons Communities and Local Government Committee, *Community Cohesion and Migration*, 16 July 2008, HC 369 2007-08, para. 48

<sup>299</sup> *ibid*, para 112

<sup>300</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL Paper 82-I 2007-08

<sup>301</sup> Communities and Local Government (CLG), Housing Green Paper, *Homes for the Future: more affordable, more sustainable*, July 2007

due to net immigration. Professor Whitehead has also predicted that about two-thirds of the projected increase in households in London until 2021 will be due to immigration.<sup>302</sup>

The Committee concluded that immigrants tend to demand less housing on average than UK born people but “immigrants who stay in the UK choose to live in smaller households over time, which means their housing demand becomes more similar to that of residents.” The Committee concluded that the Government should assess the impact of immigration on Britain’s housing provision.<sup>303</sup>

In January 2008 Iain Wright responded to a PQ on the likely impact of immigration on housing demand:

**Mr. Lilley:** To ask the Secretary of State for Communities and Local Government what her most recent estimate is of the number of additional new households which will be formed in the next 25 years beyond those expected in a zero net migration scenario; and what proportion of total household growth such households will represent over the same period.

**Mr. Iain Wright:** The latest 2004 based household projections showed annual average household growth of 223,000 per year from 2004 to 2026 in England, of which 73,000 (33 per cent.) are attributable to net migration.<sup>304</sup>

The Government’s response to the report of the Lords Select Committee notes that net migration estimates are already taken into account, alongside household projections, in estimating future housing need and demand.<sup>305</sup>

Evidence from local studies, and from the two national datasets on housing allocations and homelessness, show that, to date, demand for social housing from recent migrants has been limited.<sup>306</sup> This is possibly because many new migrants, particularly from the accession states, are not eligible for social housing. However, it is recognised that the number of new migrants who *are* eligible to access this sector may grow if they decide to stay in the UK for longer periods. Applications from this group may also increase if they seek to move out of the poor conditions currently experienced in the private rented sector (see section 5 below).<sup>307</sup>

As far as the broader range of more recent migrants is concerned, including refugees and economic migrants not from the EU accession states, there is evidence of some use and demand for social housing, particularly in some localities. The Chartered Institute of Housing has noted, however, that there are far fewer sources of information on aspects of new migration amongst groups other than those from the accession states.<sup>308</sup>

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<sup>302</sup> *Op.cit.* para 162

<sup>303</sup> *Op.cit.* paras 163-4

<sup>304</sup> HC Deb 16 January 2008 c1259W

<sup>305</sup> *The Economic impact of immigration: Government reply to the first report from the House of Lords Committee on Economic Affairs, Session 2007-08 HL 82*, Cm 7414, June 2008, para 2.32

<sup>306</sup> Chartered Institute of Housing, *Allocation of Social Housing to Recent Migrants*, 2008

<sup>307</sup> *ibid*

<sup>308</sup> *ibid*

In *Managing the Impact of Migration*, published alongside the Government's response to the Lords Select Committee report on 10 June 2008, a commitment is made to improve data on the numbers entering and leaving the UK in order to, *inter alia*, better plan for future housing needs.<sup>309</sup> Furthermore, the paper sets out the Government's intention to revisit the rules on access to social housing for non-EEA and EEA migrants:

The Government has already strengthened the rules on access to social housing for foreign nationals. Our Earned Citizenship proposals are a further step to put into practice our belief that the rights new migrants enjoy should reflect the contribution they make. Under these proposals, migrants from outside the EEA, arriving on the 'family' or 'economic' migration routes will not be eligible for social housing until they become British citizens or permanent residents. There are limited exceptions to this policy when we meet our commitments under international agreements.

Our Earned Citizenship proposals also commit us to reviewing access to benefits for EEA migrants including the eligibility of EEA migrants for social housing, to ensure that the rules support free movement and discourage abuse.<sup>310</sup>

#### 4. House prices

The House of Lords Select Committee on Economic Affairs noted a link between immigration and house prices despite the fact that a majority of recent immigrants to the UK live in private rented accommodation. This impact comes from a higher demand for houses by immigrants and also through a boost to the buy-to-let market. An excerpt from evidence submitted to the Committee by Professor Nickell on the impact of immigration on house prices is reproduced below:

Professor Nickell, who advises the Government on affordable housing, said that since 2000 the ratio of average house prices to average annual earnings had risen from four to seven. If net immigration had been zero, house prices would, according to Professor Nickell, still have risen to 6.5 times average income. Professor Nickell also forecast that, if the current rate of house building is sustained for the next 20 years, house prices will rise to 9.3 times average income if there is zero net migration. But if there is 190,000 net immigration each year, house prices will rise to 10.5 times average income—13% higher than they would be with zero migration.<sup>311</sup>

The Committee noted that immigration is only one factor contributing to higher house prices but that this should be "an important consideration" when assessing the economic impacts of immigration on the resident UK population.<sup>312</sup>

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<sup>309</sup> Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008

<sup>310</sup> *ibid* p27

<sup>311</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL Paper 82-I 2007-08, para 171

<sup>312</sup> *ibid* para 172



## 5. The private rented sector

The majority of recent migrants to the UK are accommodated in the private rented sector. The Local Government Association and individual local authorities, including Slough and Westminster, submitted evidence to the House of Lords Select Committee expressing concern about the vulnerability of A8 nationals living in poor-quality, overcrowded, privately-rented homes.<sup>313</sup> The National Housing Federation and Shelter have suggested that migrants, particularly those here for a relatively short time, want to:

...maximise their profit from their experience in this country and send as much money home as they possibly can. Under those circumstances, they are willing to tolerate quite appalling housing conditions because that means the rents are very low.<sup>314</sup>

The concentration of migrants in overcrowded houses in multiple occupation, often at high risk of fire, has had an impact on the authorities in which they are concentrated in terms of inspection and measures to ensure that the standard of these homes meet legal requirements. Slough Council told the Select Committee:

It has 1,050 such homes on its records. The council calculates that it will take over £400,000 of new funding to make these homes meet legal requirements.<sup>315</sup>

Adam Sampson, Director of Shelter, referred in his evidence to the negative “spill-over” effect that overcrowded housing can have on other properties within the local area.<sup>316</sup>

The Committee concluded that the Government “should assess whether its housing standards are being compromised and whether more inspections are necessary.”<sup>317</sup>

Increased demand for private rented properties for migrants in some areas has also had an indirect impact on authorities that use this sector to cope with demand from homeless households, e.g. as temporary accommodation. Westminster Council’s evidence to the Committee noted that increased demand in the sector had made it more expensive to obtain this type of housing.<sup>318</sup>

In *Managing the Impact of Migration* the Government recognises the impact that migration has had on the private rented sector in some areas:

The Government recognises that in some areas the rapid increase in migrants has increased demand for particular forms of housing which may have an effect on the wider community. Some towns and rural communities report a particular problem with migrants living in Houses in Multiple Occupation (HMOs). Some local authorities report that neighbours are concerned by problems such as

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<sup>313</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL Paper 82-I 2007-08, para 173

<sup>314</sup> *ibid* para 167

<sup>315</sup> *ibid* para 174

<sup>316</sup> *ibid*

<sup>317</sup> *ibid* para 175

<sup>318</sup> *ibid* para 177



excessive rubbish, lack of parking and noise pollution which have led to tensions between migrant and settled communities. In some areas there have been reports of overcrowding and tenants who work and sleep in shifts so that accommodation is occupied twenty-four hours a day. We also recognise that in some types of accommodation especially where tenancy is linked to employment, migrants may be vulnerable to exploitation by unscrupulous landlords.<sup>319</sup>

While re-stating that authorities already have powers to tackle many of these issues under the *2004 Housing Act*, the Government has said that it is committed to doing more to consider the effects of migration on the private rented sector. This issue will form part of the review of the sector which was announced in January 2008 and which is being carried out by the Centre for Urban Policy at York University. The review is due to report in October 2008.<sup>320</sup>

The concentration of migrants in HMOs is also considered in the CLG Select Committee's July 2008 report *Community Cohesion and Migration*. The Committee welcomed the Government's commitment to consider the effect of migration as part of its review of the private rented sector but calls for powers to make it easier for authorities to regulate HMOs and to extend licensing to properties not currently covered by the mandatory licensing requirements.<sup>321</sup>

## 6. Homelessness

As noted above, few recent migrants to the UK are entitled to social housing even if they are homeless. The Lords Select Committee report states "only a few hundred A8 immigrants were recorded as homeless in 2006".<sup>322</sup> Data for 2007 show that 440 Eastern European applicants were accepted as statutorily homeless over the year, comprising 0.7% of total homeless acceptances over that period.<sup>323</sup> This number may grow over time as the new economic European migrants remain working in the UK for longer and gain eligibility for housing assistance.

There has been some increase in street homelessness amongst recent migrants:

Hammersmith and Fulham Council said a minority of new immigrants have found themselves unemployed and living on the streets, placing a burden on publicly funded hostels and day care centres.<sup>324</sup>

A Westminster Council survey carried out in 2006 found that around half of the rough sleepers in London at that time were A8 migrants. These findings have been reinforced

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<sup>319</sup> Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008, p30

<sup>320</sup> *ibid* pp31-2

<sup>321</sup> House of Commons Communities and Local Government Committee, *Community Cohesion and Migration*, 16 July 2008, HC 369 2007-08, para. 21

<sup>322</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL Paper 82-I 2007-08, para 178

<sup>323</sup> HL Deb 17 June 2008 146WA

<sup>324</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL Paper 82-I 2007-08, para. 178

by a 2008 survey by Homeless Link which found that, among rough sleepers in Greater London, 18% were from the A8 countries, Bulgaria or Romania.<sup>325</sup>

The Lords Select Committee recommended that “the present and likely scale of homelessness among A8 and non-European immigrants should be thoroughly assessed as a first step to determining the implications of recent immigration for social housing provision.”<sup>326</sup>

In *Managing the Impact of Migration* the Government sets out various measures it is taking aimed at tackling homelessness amongst migrants:

We have invested in an extensive information campaign in accession state countries to discourage those who are unlikely to be able to find work from coming to the UK in the first place. A limited number of people do, nonetheless, come unprepared and find they are unable to get a job or see their arrangements fall through, and as a result they may end up sleeping rough on the streets. As part of our £200 million investment to tackle homelessness over the next three years, the Government has provided funding to support local authorities help accession state nationals travel back to their own countries in cases where they are unable to find work. As of March 2007, the City of Westminster, the borough most affected, had helped over 450 individuals return home.

Homeless Link is now taking forward work on behalf of the voluntary sector to co-ordinate action to reduce rough sleeping among accession state nationals in London. Communities and Local Government is providing £200,000 to support that work and Homeless Link are publishing an action plan to reduce rough sleeping alongside this document. Those proposed actions include expanding and developing return home schemes; ensuring that people are better prepared about what to expect before deciding to travel to the UK; and improving information available to those at risk and support and enforcement agencies.<sup>327</sup>

## H. Policing

### *Pat Strickland, Home Affairs Section*

#### 1. Immigration issues for the police

There have been few in-depth analyses of the impact of immigration on policing. Most of the recent press attention has focussed on reports and comments by individual forces and chief officers, a number of which have called for additional resources to help deal with rapid population growth caused by migration. However, the 2007 Audit Commission report, *Crossing Borders*, did provide an overview of some of the issues facing the police as a result of migration. These included negative community perceptions, issues over

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<sup>325</sup> *London's Homelessness: Results of the State of the Sector Survey*, May 2008, para 179

<sup>326</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL Paper 82-I 2007-08, para. 180

<sup>327</sup> Department for Communities and Local Government, *Managing the Impacts of Migration: A Cross-Government Approach*, June 2008, p32

vehicles, alcohol and road safety, problems associated with overcrowded accommodation, racism, and mistrust of the police:

**65** There is little evidence that the increased numbers of migrant workers have caused significant or systematic problems in respect of community safety or cohesion. Despite this, community perceptions about migrant workers can be inappropriately negative. They are often confused with asylum seekers and refugees, and the tone of some national and local papers can encourage hostility. While British papers worry about the number of people coming to Britain, Polish papers blame their government for allowing so many skilled youngsters to leave.

**66** Issues can arise that cause concern in the local communities where migrants live and work. Police officers are usually the first to recognise them, because they monitor incidents and emerging tensions. In particular, they have noticed an increase in incidents linked to vehicles and, with some Eastern Europeans, to alcohol.

**67** Road policing officers highlight the need to educate some migrant workers about road safety and vehicle regulations. Their concerns include:

- the roadworthiness of some vehicles, both those owned by migrant workers and those owned by some employers for transporting workers;
- a lack of seat belts and child seats;
- inadequate documentation and insurance, sometimes because of misunderstandings; and
- poor driving, including driving when overtired, speeding, and drinking and driving.

**68** Migrant workers can be victims of crime, with much reported crime internal to new communities. Overcrowded and physically insecure rented accommodation, where individuals are sharing with others they may not know, makes theft easier and increases tensions between individuals, which can in turn lead to assaults. Poor English makes some particularly vulnerable. Some of the individuals involved in the worst exploitation of new workers are also involved in criminal activity.

**69** There is also evidence of racist views and hostility towards migrant workers in some areas and some migrant workers hold racist views too. Police report isolated examples of hate crimes, but there is no regular or widespread disorder.

**70** Some migrant workers may not trust the police in their home countries and so treat British police with suspicion. Differing assumptions can include expecting the police to require bribes. Such expectations hinder crime reporting and intelligence gathering, making prevention and cohesion activities harder.

**71** Local police, especially diversity officers, are striving to make links, understand migrant workers' needs and improve trust, often alongside more trusted groups:

- In Cornwall and Cumbria police attend some employer induction talks and work alongside union representatives.
- Police may collaborate with local authorities and others to set up and support local migrant worker groups.
- Some forces use ESOL classes as an opportunity to meet migrant workers and talk about issues such as personal protection and road safety.

**72** Police led work to educate migrant workers about life in the UK includes providing small cards with visual reminders about road safety and simple leaflets covering basic laws and regulations. Some are promoting additional driving training for those recruited abroad as heavy goods vehicle drivers.

**73** Cohesion cannot be taken for granted and small tensions can develop, which can fuel local resentment. These include noise and disruption when large numbers of migrant workers leave for work early in the morning, noise linked to increases in the numbers living in individual properties, street drinking, failures to understand local refuse and recycling systems, tensions over other residents' parking spaces if HMOs do not have adequate parking, and migrant workers appearing to monopolise the internet in libraries.<sup>328</sup>

More recently, the Communities and Local Government Committee summarised the issues for the police in their July 2008 report, *Community Cohesion and Migration*:

38. During our visits we learnt from the local police about the effects of migration on the prevalence of different types of crime. In Peterborough, certain types of crime were seen as increasing as a consequence of migration: these included the growing of cannabis, the trafficking of Eastern European women and girls, drink-driving and knife crime. In Barking and Dagenham, white-on-white crime between different nationalities and ethnic groups was the most significant race issue for the police. In Burnley, the prevalence of forced marriages was an issue of particular concern. The effect of migration on crime levels is debated—it has been argued, sometimes on the basis of the same evidence, that migration leads to increased crime and that it does not. Peter Fahy, co-author of an Association of Police Chiefs (ACPO) recent paper on the subject, said “the influx of eastern Europeans has created pressures on forces in some areas” but also stated that “the evidence does not support theories of a large scale crime wave generated through migration”. Professor Cantle told us that migrants are “more often victims of crime than perpetrators”. Our evidence suggests the types of crime committed in areas experiencing migration is influenced by changing profile of the people living in the area. This requires the police to adapt to the changing local need. For example, in Peterborough we met Petr Torak, a Roma Gypsy originally from the Czech Republic who works as a Police Community Support Officer. He is fluent in five languages, which helps him to resolve tensions with migrants.<sup>329</sup>

## **2. Calls for additional resources**

In September 2007, Cambridgeshire Constabulary published a report arguing that it required additional funding to cope with the effects of migration, particularly in view of what its authors regarded as inaccurate information about the impact of changing demography and an inflexible funding formula:

The county of Cambridgeshire has changed and grown significantly in the last 25 years. Latest projections indicate that continuing prosperity and economic growth, together with factors such as migration and house building programmes,

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<sup>328</sup> Audit Commission, *Crossing Borders Responding to the local challenges of migrant workers*, January 2007 pp25-6

<sup>329</sup> Communities and Local Government Committee, *Community Cohesion and Migration*, HC 369 2007-08, 16 July 2008

will accelerate the transformation in both the density of the population and its cultural mix. Together these issues will continue to have a significant impact on policing and law and order.

The change in Cambridgeshire's profile has, by and large, had a positive impact on the county in terms of economic development and jobs. However resources for policing have fallen behind as a result of an outdated, unresponsive and inflexible funding formula. In real terms, the county is losing money for policing year-on-year. In essence Cambridgeshire is being short-changed as a result of inaccurate information about the true impact of changing demography. This has led to a serious misperception in Whitehall about the county and the issues it faces.<sup>330</sup>

Amongst the impacts on policing identified were issues which could potentially affect community cohesion. Whilst the report accepted the Audit Commission's findings that here was little evidence of significant or systematic problems with community relations, it argued that there was increased potential for incidents to turn "critical" and therefore difficult and resource intensive to police. A number of the problems identified were associated with multi-occupancy housing:

One potentially de-stabilising feature of many migrant communities is the link with multi-occupancy housing. This increasing volume of people within a neighbourhood has a number of implications for service providers. For example:

- Car usage and parking issues;
- Waste disposal services;
- Policing resources necessary to keep volatile situations under control;
- Transport facilities;
- Neighbourhood tension around life-style and noise issues;
- Dangerous fire safety issues;
- Violence and sexual assault against women in mixed houses;
- Petty robbery and disputes within households;
- Tax evasion by owners and consequent refusal to facilitate the access of housing benefit support for tenants;
- Summary eviction and temporary homelessness;
- Resentment against 'greedy' and 'unscrupulous' landlords
- Lack of 'ownership' of property and degradation of property values
- Artificially diminishing costs of housing and keeping low wage economies serviced with labour<sup>331</sup>

The report also highlighted substantial increases in costs of translation and interpretation (see pages 49-53 above) and increases in the time detainees spend in the custody suite, which can be significantly higher for non-UK nationals, partly because of the need for interpreters, and partly because of immigration enforcement issues.

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<sup>330</sup> Cambridgeshire Constabulary, *The changing demography of Cambridgeshire: implications for policing*, 2007, p2

<sup>331</sup> Ibid, pp18-19

At the time of the report's publication, the Chief Constable of Cambridgeshire, Julie Spence, was widely reported in the press making the case for additional funding to help the force cope with these pressures.<sup>332</sup> She has since reiterated her arguments, for example in June 2008 in oral evidence to the Home Affairs Committee:

**Ms Buck:** Chief Constable Spence, what is your assessment of the impact of population change and mobility on your resources for policing?

**Ms Spence:** It is immense. (...) In many respects the position six to nine months ago is not the position today. I have been doing a lot of research to understand it. There has been a good deal of press coverage about the Polish community going home. I wanted to know exactly what the reality was. It is as you say; there is tremendous churn; we are in an era of super-mobility. Some males are leaving but families are arriving. The number one nationality now going through "New Link", which is the receiver of new arrivals in Peterborough in particular, is Czech-Slovak, not Polish. We have lots of new nationalities in the communities that we did not have six to nine months ago: Albanians, Russians who purport to be Poles – there are some immigration issues in that regard – and now new Arab communities from Morocco and Egypt. We also see seasonal or weekly commuting where people have different work patterns. I understand that worker registration is down nationally by 17% but it has decreased by only a small amount in Peterborough. We have no idea exactly how many there are in the black economy.

**Chairman:** What is the answer to Ms Buck's question about resourcing issues?

**Ms Spence:** There is tremendous pressure. While officers are dealing with either crimes or victims they cannot be doing other things. The real resourcing issue is the fact that one has to translate issues, whether they involve on-the-ground problems or those in custody where investigations take two or three times as long. A Police and Criminal Evidence Act review that an inspector could deal with in 10 minutes could take 90 minutes in the case of someone for whom English is not his or her first language. There are basic day-to-day problem-solving issues. There are also incidents we now investigate that we would not have investigated in the past, labour and sex trafficking being examples. There is pressure all round. That is why we have recruited PCSOs to provide language skills. We got to a point where we could not do our job properly if we did not have language skills.

**Ms Buck:** I think that is a very fair assessment based on experience elsewhere. Research has been published recently. In terms of the incidence of criminality by new communities, is it your experience that that trend is consistent with the general population or are there different patterns of criminal activity?

**Ms Spence:** There has been no crime wave per se. The pattern is similar to that for the rest of the community except for certain pockets. For example, we have identified that particularly where alcohol is concerned there is much more alcohol-fuelled criminality. Forty per cent of our detainees for drink driving, for example, are migrants particularly from Eastern Europe. We know there is under-reporting.

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<sup>332</sup> See for example 'Police face growing bill for interpreters', *Daily Telegraph* 21 September 2007 and 'Plea for cash to fight immigrant crime', *Financial Times*, 20 September 2007

Talking to hospitals we know that there is a pattern of assaults in relation to debt recovery, and in some communities because of their background and previous experience there is an issue of confidence in the police and a reluctance to report crime. But in relation to day-to-day policing and criminality there is a lack of understanding of the law particularly, motoring offences. We also find that they do not understand that once they have been disqualified they cannot drive, so there are frequent arrests of disqualified drivers. In terms of normal criminality it mirrors the resident population but it takes twice or three times as long to deal with it.<sup>333</sup>

Shortly after Cambridgeshire Constabulary's report was published in September 2007, Lincolnshire Police issued a press release stating that it, too, had been affected by patterns of migration. It emphasised that the main issue had been population growth rather than greater criminality amongst immigrant groups:

Lincolnshire Police responded today to comments made in the media by Ms Julie Spence, Chief Constable of Cambridgeshire, a neighbouring force. Like Cambridgeshire, Lincolnshire has been affected in recent years by the impact of migrant workers on the county's population. The implications of this on the policing of the county range from cultural differences which can affect the attitude of migrants towards the law, manifesting themselves in unacceptable behaviour (such as the carrying of weapons and drink driving), to practical operational policing implications, dealing with difficult situations which are exacerbated by parties experiencing language barriers, often requiring translation and interpretation.

The figures suggest that in Lincolnshire, foreign nationals are generally no more likely to offend, to be victims of crime, or to be involved in serious road collisions, than British citizens. While there are some specific issues which are tackled proactively by the force – for example by publishing a law guide in the nine most commonly spoken languages, or occasionally targeting a specific type of offending – the main impact on the force's funding is overall population growth, with the county being the second fastest growing in the country in recent years.

"We consider the impact of people from other countries coming to live and work in Lincolnshire to be a positive one", say Assistant Chief Constable, Peter Davies. "We have therefore devised long term arrangements to meet the needs of the whole community. This includes a drive for enhanced community engagement, which has helped considerably in tackling many of the issues concerning migrant workers. The migrant worker population brings with it many economic and cultural benefits to the county, and it would be wrong to focus purely on the negative effects on Lincolnshire. The issue of real importance to the policing of Lincolnshire, is the increase in number of people within Lincolnshire, not the nationality of these people".<sup>334</sup>

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<sup>333</sup> Home Affairs Committee, *Policing in the 21st Century Uncorrected Transcript of Oral Evidence*, 3 June 2008 (to be published as HC 364-v 2007-08 - the published transcript is uncorrected and is not yet an approved formal record of these proceedings.)

<sup>334</sup> Lincolnshire Police *Issues surrounding the Impact of Migrant Workers on the Policing of Lincolnshire*, Press Release, September 2007

In October 2007, just after the publication of the Cambridgeshire Constabulary report, Kent Police published an analysis of the impact of population growth on its business. It summarised the issues as follows:

While Kent is not the only Force to be experiencing above average population growth, Kent displays a range of factors which combine to exert a significant impact on resources.

- Growth of the Kent population is occurring at a higher rate than the England average. More than three quarters (78%) of this growth is accounted for by migration.
- In conjunction with population growth, the number of incidents in Kent has increased by nearly a fifth between 2003/04 and 2006/07.
- Despite an increase in the number of police officers, the significant increase in the volume of business has resulted in the ratio of incidents per officer/PC increasing; thus impacting on workload.
- The cost of dealing with incident related activity increased by just under £34 million or by nearly a third between 2003/04 and 2006/07. Over the same period Kent Police's total income increased by less than 8% highlighting the disparity between rising costs and income.
- Overall, the total cost of translation services in Kent increased by £98,000 or nearly a third between 2003/04 and 2006/07. The cost of Language Line alone rose to £113,372 in 2006/07; an increase of 75% since 2003/04.
- As the Gateway to Europe, Kent has unique geographical status which impacts upon and places considerable strain on limited resources.
  - Nearly two-thirds of all goods vehicles using a UK port used a Kent port while nearly 9 out of 10 foreign registered vehicles used Kent ports in 2006.
  - Foreign registered vehicles account for about three quarters of the total goods vehicles using Kent ports and are more likely to contravene working hour regulations, overloading and roadworthiness standards.
  - Overall, there has been a 16.9% increase in goods vehicles using Kent ports between 2003 and 2006 with a similar increase in foreign registered goods vehicles. This impacts significantly on Force resources demonstrated by an exponential increase in the cost of Operation Stack rising from £3,792 in 2003 to £81,160 in 2006; an increase of 2,140%.
- Based on an extrapolation of the current costs per head of population according to the projected population in 2028, additional costs to the Force would be the equivalent of 561 PCs based on current rates.<sup>335</sup>

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<sup>335</sup> Kent Police, *The Impact of Population Growth on Kent Police Business*, October 2007



### 3. ACPO conference on EU migration and UK policing

The Association of Chief Police Officers (ACPO) held a conference in Crewe on 28 February 2008 to discuss the impact of EU migration on UK policing. A report of the conference discussion was produced by the Chief Constable of Cheshire constabulary, Peter Fahy and the Chief Constable of North Yorkshire, Grahame Maxwell.<sup>336</sup> It was a summary produced primarily for the benefit of those who attended the conference, and not an in-depth analysis of the impacts of migration on policing by its authors. Whilst the report was not published, various press organisations did obtain extracts or full versions of it. The *Guardian* ran a story on 16 April 2008 stating that the report had “concluded that the surge in immigrants from Eastern Europe to Britain has not fuelled a rise in crime”:

The report says: "While overall this country has accommodated this huge influx with little rise in community tension, in some areas sheer numbers, resentment and misunderstanding, have created problems." It adds that the immigration from Eastern Europe has been different to previous arrivals, because it happened much more quickly. The report says that new migrants may be more likely to commit certain types of offences. Polish people are linked to drink-driving, and problems have arisen in central London with some Romanian children being used by adults to commit petty robberies.

There are also problems with people trafficking and exploitation, but while these may be more likely in some migrant communities, other types of offences are less likely to occur.

The report calls for new agreements with east European countries to share intelligence and information on less serious crimes, such as domestic violence and serial theft.

It also calls for immigration authorities, schools and the health service to share information with police about new nationalities in their areas.<sup>337</sup>

The following day, the *Daily Mail* criticised the *Guardian's* emphasis:

The study actually gives a startling insight into the impacts of mass immigration on local communities. (...)

It warns that the sheer scale and speed of mass immigration has caused problems, quoting Government figures showing "over one million" eastern Europeans now live in the UK.

It states: "EU migration has brought with it a huge surge in the exploitation of migrants and organised crime.

"EU accession migrants are continuing to present challenges across a range of policing activity, including minor public order, increased violence and drink-related offences.

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<sup>336</sup> ACPO, *The Impact of EU Migration on UK Policing*, 2008, unpublished

<sup>337</sup> 'Migrant crime wave a myth - police study', *Guardian*, 16 April 2008

"Notable changes in crime patterns include extortion, 'dipping' [pickpocketing], human trafficking and a growing sex trade."

Smaller police forces in rural areas, where hundreds of thousands of eastern European migrants congregate to work on farms, are facing "the biggest challenges".<sup>338</sup>

Whilst they did not publish the report, ACPO did respond to the media reports by publishing what it described as a "comment on migration and policing" as a press release:

Responding to media reports concerning the impact of migration on policing, Peter Fahy, chief constable of Cheshire constabulary and co-author of an ACPO paper on the subject said:

"Migration has had a significant impact on UK communities in past years but while this has led to new demands made on the police service, the evidence does not support theories of a large scale crime wave generated through migration. In fact, crime has been falling across the country over the past year. Many migrants are young professionals looking to earn money and return to their home countries. Cultural differences such as attitudes to offences like drink driving may exist, but can be exaggerated.

"The influx of eastern Europeans has created pressures on forces in some areas, including local rumour and misunderstandings fuelling tensions which police have had to be proactive in resolving, and leading to significant increases in spending on interpreters, which can also make investigations more complex. Better forecasting and data-sharing between local agencies to pick up changes in local populations quicker is necessary to help anticipate the issues.

"Ministers acknowledge some of the challenges arising for the police service and we welcome the opportunity for a proper debate about the issues."<sup>339</sup>

The report was touched upon at a meeting of ACPO's Chief Constables' Council with the Home Secretary Jacqui Smith, on 17 April 2008. In an ACPO press release on the same day, Grahame Maxwell described the discussion with the Home Secretary in the following terms:

"A constructive and positive discussion followed in which there was agreement that issues arising from immigration, for policing as much as for other public services, relate more to effective service provision rather than direct impacts on crime levels.

"The Home Secretary signalled the start of a debate to be continued through the government's Migration Impacts Forum on which I represent ACPO. She also agreed to consider whether the impact of migration was something that needed to be reflected in future police funding settlements and asked for ACPO's input into the current Government consultation to help manage issues caused by migration through a new transitional fund.

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<sup>338</sup> 'Police chief calls for more cash to fight migrant crime despite official report claiming there isn't a problem', *Daily Mail*, 17 April 2008

<sup>339</sup> ACPO Press Release, Ref 041, *ACPO comment on Migration and Policing*, 16 April 2008

“ACPO looks forward to further discussions about how to take forward these ideas.”<sup>340</sup>

The new transitional fund referred to was that proposed in the government’s Citizenship Green Paper in February 2008,<sup>341</sup> and later confirmed in the Government’s response to the consultation<sup>342</sup> (see pages 28-30 and 48 above). In their response, the Government stated that the fund could, amongst other things, enable the recruitment of Police Community Support Officers from migrant communities, or provide a pool of interpreters across local services, and that they would “continue to discuss the practicalities of the fund” with police and other agencies.<sup>343</sup>

### III Economic impact of migrant workers

*Ed Beale, Economic Policy and Statistics Section*

#### A. Introduction

Several studies have attempted to assess the impact of migrant workers on the UK economy, and in particular the effect of workers from the eastern European accession countries who joined the EU in May 2004. The House of Lords Economic Affairs Select Committee’s recent report on the *Economic Impact of Immigration*<sup>344</sup> offers a particularly in-depth analysis, and its conclusions are more nuanced than press reports suggested. The main findings of the report were that:

- The main economic effect of immigration is to enlarge the economy, with relatively small costs and benefits for the incomes of the resident population.
- The economic impacts of immigration depend critically on the skills of immigrants: different types of immigrant can have very different impacts on the economy.
- Immigration is unlikely to be an effective tool for reducing job vacancies other than in the short term.
- The overall fiscal impact of immigration is likely to be small, though this masks significant variations across different immigrant groups.
- Rising population density has potentially important economic consequences for the resident population, including impacts on housing, as well as wider welfare effects, especially in parts of England where immigrants are most concentrated.
- Arguments in favour of high immigration to defuse the "pensions time bomb" ignore the fact that, in time, immigrants too will grow old and draw pensions.

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<sup>340</sup> ACPO Press Release Ref 042 [ACPO comment on council discussion on migration](#), 17 April 2008

<sup>341</sup> Border and Immigration Agency, [The Path to Citizenship Next steps in reforming the immigration system](#) February 2008, pp35-6

<sup>342</sup> Border and Immigration Agency, [The Path to Citizenship Next Steps in Reforming the immigration system, Government response to consultation](#) p 23

<sup>343</sup> *ibid*

<sup>344</sup> House of Lords Select Committee on Economic Affairs, [The Economic Impact of Immigration](#), 1 April 2008, [HL 82-I](#), [HL 82-II](#), 2007-08

It is the view of many commentators that net inward migration has boosted the UK labour market. In recent years the UK economy has grown and unemployment has fallen. In the past, this may have led to wage inflation, followed by measures to slow the economy; however, the long period of economic growth has not led to a sharp increase in wages. This may partly reflect the success of the Bank of England in keeping inflation expectations under control. However, it may also be due to significant inward migration moderating wage growth: there are now twice as many non UK-born individuals in employment in the UK as there were ten years ago, and their rising employment rate suggests that they are increasingly making an economic contribution.<sup>345</sup>

On the recent increase in migrant labour in the UK, the Bank of England stated in evidence to the Treasury Select Committee that:<sup>346</sup>

[...] the UK labour force has been augmented by a significant rise in net inward migration, especially since May 2004 and the enlargement of the European Union to include eight central and eastern European countries. The data in this area are poor, so it is difficult to know by exactly how much the labour force has been boosted. But it seems likely that migration from the A8 countries has added between 215 thousand and half a million people to the UK labour force since May 2004.

These various structural changes have served to increase the supply capacity of the economy. As the associated increase in incomes is likely to lead to higher demand, particularly if it is also associated with higher investment by businesses, the net impact on inflationary pressures is in principle uncertain. But in practice, it seems likely that the increase in supply did not immediately lead to an equivalent increase in domestic spending, especially since migrants typically remit a substantial fraction of their earnings to their home country. So the increase in the effective labour force has probably tended to reduce inflationary pressures, providing a beneficial “tailwind” similar to that offered by globalisation.

It is important to note that this recent increase in migrant workers has coincided with a period of strong economic growth in the UK. What is less clear is the impact migrant workers will have in the future should the UK experience a sustained period of economic instability and weakened growth.

## **B. Statistics on migrant workers in the UK labour market**

It is estimated that there are currently approximately 5.2 million foreign-born individuals of working age currently resident in the UK (13.7% of the working-age population). Of these, 3.7 million are in employment.<sup>347</sup> These figures have risen significantly since 1997 and in particular since EU enlargement in May 2004.

The table below provides a UK labour market summary by country of birth for Jan-Mar 1997, 2004 and 2008. ‘A8 countries’ refers to the eight eastern European countries that

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<sup>345</sup> ONS, *Labour Force Survey*, Jan-Mar 1997 & 2008; see table in section B below for more details.

<sup>346</sup> Treasury Committee, *The Monetary Policy Committee of the Bank of England: ten years on, 2006-07*, HC 299-II, Ev 9

<sup>347</sup> ONS, *Labour Force Survey*, Jan-Mar 2008

acceded to the EU in May 2004,<sup>348</sup> while 'Other EU25' refers to all other EU member countries prior to the accession of Bulgaria and Romania in January 2007 (Bulgaria and Romania have been excluded from this total as the UK Government maintained a number of restrictions upon the movement of workers to the UK from these two countries upon accession).

These data are based on country of birth rather than nationality. The Office for National Statistics (ONS) has stated that country of birth is its preferred source when defining migrant workers because:<sup>349</sup>

[...] this cannot change, whereas citizenship can change across time. [However] The country of birth rule is not without problems, because a number of those people classified as foreign born were either British at birth, or have subsequently acquired citizenship. Others may consider themselves British, irrespective of their citizenship, or hold dual nationality. However, the country of birth gives an indication of the country of origin and the background of the worker. The nationality of long term migrants is also likely to differ from short term migrants (see Box 1) because they are more likely to apply for and receive British citizenship. However, work may be the primary reason that both short and long term migrants enter the UK.<sup>350</sup>

In Jan-Mar 2008 there were 3.7 million non UK-born individuals in employment in the UK compared with 1.9 million in 1997. This increase of 1.8 million represents 55% of the total increase in the employment level in the UK over this time period. Over this period the working age employment rate of non UK-born individuals has also increased from 62.5% to 69.3%.<sup>351</sup>

The key figures in relation to UK employment by country of birth are:

- The number of non-UK-born workers in Jan-Mar 2008 was 3.7 million (12.5% of total UK employment), a significant rise since 2004 when there were 2.6 million non-UK-born workers (9.1% of the total) and 1997 when there were 1.9 million (7.3% of the total).

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<sup>348</sup> Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia.

<sup>349</sup> Please note, there are a range of further caveats associated with country of birth data:

- The figures presented are weighted to population estimates published in 2007.
- Non UK-born individuals will include UK nationals born outside the UK.
- All estimates are subject to sampling variability; in particular, estimates below 10,000 should be treated with a degree of caution.
- The country of birth question in the Labour Force Survey (LFS) may undercount foreign born individuals because:
  - It excludes students in halls of residence who do not have a UK resident parent.
  - It excludes people in most types of communal establishment (eg hotels, boarding houses, hostels, mobile home sites).
  - It is grossed to population estimates that only include long-term migrants (staying 12 months or more).
  - Prior to December 2007 respondents to the LFS had to be resident in the UK for six months.

<sup>350</sup> ONS, [Employment of Foreign Workers in the United Kingdom \(1997-2008\)](#), 2008, p4

<sup>351</sup> ONS, *Labour Force Survey*, Jan-Mar 1997 & 2008; see table in section 2 below for more details.

- This increase of 1.8 million since Jan-Mar 1997 accounted for 55.1% of the total increase in UK employment; the increase in UK-born workers over the same period was slightly lower at 1.4 million (44.9% of the total increase).
- Since Jan-Mar 2004 the increase in number of UK-born workers was 13,000 (1.2% of the total increase) while the increase in non UK-born workers vastly outstripped this at 1.1 million (98.7% of the total increase). A8 workers accounted for less than half of this: from 2004 to 2007 the increase in workers from A8 countries was 447,000 (40.4% of the total increase).
- The working-age employment rate of non-UK-born workers in Jan-Mar 2008 was 69.3%, an increase on the 1997 figure of 62.5%, indicating that the foreign nationals coming into the UK are increasingly making an economic contribution. The employment rate for UK-born workers is higher but not rising so fast: 73.1% in 1997 and 75.5% in 2008.

**UK labour market summary by country of birth**

Jan-Mar of each year; not seasonally adjusted

|  | A8<br>countries | Other EU25<br>countries | Rest of<br>World | Overseas-<br>born total | UK-born | Total  |
|--|-----------------|-------------------------|------------------|-------------------------|---------|--------|
| <b>Employed aged 16+ (000s)</b>                                |                 |                         |                  |                         |         |        |
| 1997   | 26              | 248                     | 1,647            | 1,921                   | 24,323  | 26,245 |
| 2004   | 63              | 362                     | 2,164            | 2,589                   | 25,742  | 28,331 |
| 2008   | 510             | 727                     | 2,444            | 3,682                   | 25,755  | 29,438 |
| <b>Unemployed aged 16+ (000s)</b>                              |                 |                         |                  |                         |         |        |
| 1997   | 3               | 21                      | 215              | 240                     | 1,850   | 2,090  |
| 2004   | 4               | 28                      | 169              | 200                     | 1,230   | 1,430  |
| 2008   | 29              | 41                      | 211              | 280                     | 1,329   | 1,610  |
| <b>Economically inactive of working age (000s)</b>             |                 |                         |                  |                         |         |        |
| 1997   | 9               | 9                       | 2,078            | 883                     | 6,862   | 7,746  |
| 2004   | 32              | 32                      | 2,501            | 1,153                   | 6,757   | 7,914  |
| 2008   | 77              | 77                      | 2,866            | 1,313                   | 6,670   | 7,988  |
| <b>Working age total (000s)</b>                                |                 |                         |                  |                         |         |        |
| 1997   | 35              | 355                     | 3,940            | 2,986                   | 32,278  | 35,265 |
| 2004   | 97              | 508                     | 4,834            | 3,868                   | 32,794  | 36,667 |
| 2008   | 613             | 915                     | 5,521            | 5,173                   | 32,530  | 37,708 |
| <b>Employment rate (% of working age population)</b>           |                 |                         |                  |                         |         |        |
| 1997   | 65.3%           | 67.6%                   | 40.7%            | 62.5%                   | 73.1%   | 72.2%  |
| 2004   | 63.8%           | 68.3%                   | 43.6%            | 65.0%                   | 75.7%   | 74.6%  |
| 2008   | 82.8%           | 76.3%                   | 43.1%            | 69.3%                   | 75.5%   | 74.6%  |
| <b>Unemployment rate (% of economically active population)</b> |                 |                         |                  |                         |         |        |
| 1997   | 10.9%           | 7.9%                    | 11.6%            | 11.1%                   | 7.1%    | 7.4%   |
| 2004   | 5.3%            | 7.1%                    | 7.2%             | 7.2%                    | 4.6%    | 4.8%   |
| 2008   | 5.3%            | 5.4%                    | 7.9%             | 7.1%                    | 4.9%    | 5.2%   |
| <b>Economic inactivity rate (% of working age population)</b>  |                 |                         |                  |                         |         |        |
| 1997   | 25.5%           | 2.5%                    | 52.7%            | 29.6%                   | 21.3%   | 22.0%  |
| 2004   | 32.5%           | 6.2%                    | 51.7%            | 29.8%                   | 20.6%   | 21.6%  |
| 2008   | 12.6%           | 8.4%                    | 51.9%            | 25.4%                   | 20.5%   | 21.2%  |

Notes: All data rounded to the nearest thousand

Employment rate uses all those in employment aged 16-59/64 rather than all aged 16+.

The working age population includes men aged 16-64 and women aged 16-59.

The Labour Force Survey sample covers people living in private households, those in NHS accommodation, and student halls of residence (provide the student has a UK resident parent).

Sources: ONS, Labour Force Survey, Jan-Mar (1997, 2004, 2008)

**C. Labour market effects****1. Methodological problems**

Any analysis of the labour market impact of immigration is subject to a number of caveats and methodological difficulties, as outlined by the House of Lords Economic Affairs Select Committee report:

- Immigrants tend to go to areas that are experiencing strong economic growth and labour demand; rising growth in wages and employment may therefore cause immigration as well as being affected by it.

- Immigration from abroad into a certain area may cause some residents to move from that area to another part of the country or abroad. If this happens, the labour market impact of immigration into a certain area may be dissipated across the country, which makes it harder to measure through local labour market analysis.
- The available migration data are often based on small samples of the population and may thus be subject to significant measurement error.<sup>352</sup>

A Learning and Skills Council report from January 2007 made the following general comments about the impact of migrant labour in the UK:

Despite high-profile media debate on the issue, it is generally accepted within evidence-informed debate that migrant labour does not generally disadvantage existing workers by displacing them or depressing wages. In the main, it is argued that this is because migrant labour tends to fill skills gaps or shortages and thus assists in the expansion of growth sectors rather than simply displacing existing workers, especially in relation to skilled employment (Glover et al., 2001; Gott and Johnston, 2002; Gilpin et al., 2006). However, the impact of migration in this regard is highly dependent on a number of factors such as the speed and scale of migration and the extent to which migrants are in competition with existing workers. It may thus be that while the general effect is not significant, there may be some negative impacts on existing workers in very specific circumstances and locations.<sup>353</sup>

## 2. Overall findings

A Department for Work and Pensions paper published in 2006 found that, overall, the economic impact of migration from the A8 countries had been modest, but broadly positive, reflecting the flexibility and speed of adjustment of the UK labour market.<sup>354</sup> The key findings of this study were as follows:

- There is no statistical evidence of a link between increased migration and an increase in the Jobseeker's Allowance (JSA) claimant count resulting from increased competition for entry-level jobs.
- There is little statistical evidence of a fall in nominal wage growth in the whole economy and across the main industrial sectors since EU enlargement. However, the study found over 80% of new migrants were earning between 47% and 63% of average UK hourly earnings.
- Employment rates of migrants from the A8 countries in the UK have risen sharply, a reflection, the study concludes, of the fact new migrants from these countries are coming to the UK to work and not claim benefits. This increase also supports the view that the number of illegal or unreported workers from these countries may have been reduced as a result of the decision to provide unrestricted access to the UK labour market to individuals from the A8 countries.

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<sup>352</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, [HL 82-I 2007-08](#), pp26-7

<sup>353</sup> Learning and Skills Council, *Migrant Workers and the Labour Market: Review of LSC research on labour market participation, skills and skills provision for migrant workers*, January 2007

<sup>354</sup> Gilpin et al., *The impact of free movement of workers from Central and Eastern Europe on the UK labour market*, DWP Working Paper, No 29, 2006



- New migrants were predominantly filling low-skilled vacancies within the UK labour market, with the most popular industrial sector for workers being hotels and restaurants, followed by manufacturing and then agriculture and fishing.

More recently, the DWP published a follow-up study analysing the impact of workers from the A8 countries on 'native' UK workers. Consistent with the previous DWP study mentioned above, it was found that there was no evidence that migration from these countries has had any adverse impact on native workers' employment or wages, or on the number of individuals claiming JSA.<sup>355</sup>

### 3. Wages

The two DWP studies mentioned above found little evidence of a wage effect from migration. However, A 2007 report for the Low Pay Commission by Dustmann *et al* found that migration had a significant positive impact on wages at the middle and upper ends of the earnings distribution, though a negative one at the bottom.<sup>356</sup> Each 1% increase in the ratio of immigrants to natives in the working age population led to a 0.5% decrease in wages at the 1<sup>st</sup> decile (the lowest 10% of wage earners), a 0.6% increase in wages at the median, and a 0.4% increase in wages at the 9<sup>th</sup> decile.<sup>357</sup> However, it should be noted that this paper looked at a more diverse group of migrants over a longer period of time than the DWP studies.

Overall, on wages, the House of Lords Economic Affairs Select Committee report concluded that:<sup>358</sup>

The available evidence suggests that immigration has had a small negative impact on the lowest-paid workers in the UK, and a small positive impact on the earnings of higher-paid workers. Resident workers whose wages have been adversely affected by immigration are likely to include a significant proportion of previous immigrants and workers from ethnic minority groups.

### 4. Unemployment

Dustman *et al* had concluded in 2002 that "...if there is an impact of immigration on unemployment then it is statistically poorly determined and probably small in size".<sup>359</sup> And while the DWP papers summarised above found that there was little evidence of an unemployment effect from migration to the UK, there are some contrary studies.

The National Institute of Economic and Social Research (NIESR), in evidence to the House of Lords Economic Affairs Select Committee inquiry, found that immigration in the

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<sup>355</sup> Portes & Lemos, *The impact of migration from the new European Union Member States on native workers*, DWP Working Paper, No 52, June 2008

<sup>356</sup> Dustmann *et al*, *A Study of Migrant Workers and the National Minimum Wage and Enforcement Issues that Arise*, Low Pay Commission, 2007

<sup>357</sup> *ibid.* p50

<sup>358</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL 82-I 2007-08, para. 78

<sup>359</sup> Dustmann, *et al.*, *Migrants in the UK: their characteristics and labour market outcomes and impacts*, RDS Occasional paper 82, Home Office, December 2002, p24

short term increased unemployment with close to zero effect in the long term; their simulations, looking at the effect of migrants from the A8 countries since 2004, found that the ILO unemployment rate (as opposed to the JSA claimant count)<sup>360</sup> returns to its baseline rate by around 2012 and, at its peak, is only 0.43 percentage points higher than baseline.<sup>361</sup>

Additionally, a recent ITEM Club<sup>362</sup> report highlighted the potential negative impact of immigration on youth unemployment.<sup>363</sup> It noted that youth unemployment has increased by around 100,000 since early 2004 and the participation rate has dropped from 69.4% to 67.4%; “[given] the age and skill profile of many of the new immigrants, it is possible that ‘native’ youngsters may have been losing out in the battle for entry-level jobs”.<sup>364</sup>

However, in oral and written evidence to the House of Lords Economic Affairs Select Committee both a current and a former member of the Bank of England’s Monetary Policy Committee stated that in theory immigration had the potential to reduce unemployment. In summarising Professor Stephen Nickell’s evidence the report stated that:

[...] immigration may reduce the equilibrium rate of unemployment. “This will happen if, for example, immigrant workers are more flexible and reduce the extent of skill mismatch, are more elastic suppliers of labour with higher levels of motivation and reliability ... This effect may, however, decrease over very long periods of time as migrants become more like the native population”.<sup>365</sup>

Professor David Blanchflower argued that, on balance, the recent inflow of workers from Eastern Europe had lowered the natural rate of unemployment.<sup>366</sup>

## D. Macroeconomic and fiscal impact

In 2006, the NIESR concluded that the “overall impact of immigration on GDP growth is substantial. Taking 2004 and 2005 together, the economy grew by 5.3%. Of this, 0.9 percentage points (or 17% of total growth) can be attributed to the direct effect of immigration after allowing for some unemployment effect.”<sup>367</sup> In addition NIESR

<sup>360</sup> The claimant count only includes individuals who claim JSA and therefore does not account for those individuals who are unemployed but not claiming JSA. The claimant count as a measure of unemployment is thus distinct from the International Labour Organisation (ILO) definition of unemployment which includes all individuals out of work and actively seeking or about to start work regardless of whether they are claiming benefits or not.

<sup>361</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, [HL 82-II](#), 2007-08, Ev 151

<sup>362</sup> The Independent Treasury Economic Model (ITEM) Club is an independent economic forecasting group sponsored by Ernst & Young. For more information see: [http://www.ey.com/global/content.nsf/UK/Economic\\_Outlook](http://www.ey.com/global/content.nsf/UK/Economic_Outlook)

<sup>363</sup> ITEM Club Special Report, *Migration and the UK economy*, December 2007

<sup>364</sup> *ibid.* p9

<sup>365</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, [HL 82-I](#), 2007-08, para. 94

<sup>366</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, [HL 82-II](#), 2007-08, Ev 199

<sup>367</sup> National Institute Economic Review, October 2006, p9

estimated that the inflow from the new EU member states alone in 2004 accounted for 0.2% of GDP in 2004/05.

A 2007 report prepared jointly by the DWP and the Home Office stated:

The Treasury estimates that between Q3 2001 and mid-2006 migration added 0.5 per cent per annum to the working age population and therefore supported growth in economic output. On this basis, migration contributed around £6 billion to output growth in 2006.<sup>368</sup>

Notably, the House of Lords Economic Affairs Select Committee concluded that GDP per capita was a better measure than GDP of the economic impacts of immigration on the resident population, as it takes account of the fact that immigration increases not only GDP but also population. The Home Office submission to the Committee's enquiry stated "there is no quantitative evidence available on the impact of immigration on GDP per head".<sup>369</sup> However, NIESR have undertaken some research simulations on the subject which estimate that migration from the A8 countries since 2004 has a negative impact on GDP per capita over the first four years (due to a short-term increase in unemployment and the slow adjustment in the capital stock in response to immigration) and a positive but small impact on GDP per capita in the longer run (0.27% higher by 2015).<sup>370</sup>

Other estimates of the overall effect of immigration to the UK economy include a 2002 Home Office report which is the source of two statistics often quoted by the Government regarding legal migrants:<sup>371</sup> legal migrants constitute 8% of the population but contribute 10% of GDP; and legal migrants contribute £2.5 billion more in taxes than they consume in services;<sup>372</sup> i.e. they make a net fiscal contribution of £2.5 billion.<sup>373</sup> The report also pointed out that, in addition to this direct fiscal impact, immigrants brought wider economic benefits, for example by setting up new businesses and creating jobs.

More recent work by the Institute for Public Policy Research (IPPR) updated the Home Office research using the same methodology. The report found that migration has a positive and growing impact on the public finances.<sup>374</sup> By 2003/04 the IPPR estimated that migrants contributed 10% of government receipts and accounted for 9.1% of government expenditure. Overall, total revenue from immigrants grew in real terms from £33.8 billion in 1999-00 to £41.2 billion in 2003-04; a 22% increase compared with a 6% increase for the UK-born over this period.

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<sup>368</sup> Home Office and DWP, *The Economic and Fiscal Impact of Immigration: A Cross-Departmental Submission to the House of Lords Select Committee on Economic Affairs*, October 2007, p11

<sup>369</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, HL 82-II, 2007-08, TSO, 2008, Ev 318

<sup>370</sup> *ibid.* Ev 149

<sup>371</sup> Gott and Johnston, *The Migrant population in the UK: fiscal effects*, Home Office RDS Occasional Paper, No 77, 2002

<sup>372</sup> Based on an estimate for 1999/00 of legal migrants contributing £31.2 billion in taxes and consuming £28.8 billion in benefits and state services.

<sup>373</sup> Although it should be noted the report attached a range of caveats to these figures, most notably that the £2.5 billion figure is "subject to a wide margin of error given that more accurate data is not available."

<sup>374</sup> IPPR, *Paying their way: The fiscal contribution of immigrants in the UK*, April 2005

However, in this context, the IPPR report criticised the 2002 Home Office report for quoting a net contribution without putting it into budgetary context. The report noted that the public finances in general were in surplus in 1999/00, meaning that the nation as a whole, and not just immigrants, were paying more taxes than the cost of benefits and services they were using. The IPPR therefore adopted a measure independent of the budgetary stance: the net annual fiscal contribution (NAFI) expressed as a ratio of migrants and the UK-born populations' respective contributions to their consumption of public expenditure. The IPPR found that, in each of the five years between 1999/00 and 2003/04, the NAFI ratio was higher for foreign-born residents than for UK-born residents, and that the gap was growing. It found that, in 2001/02, while the UK-born NAFI was net negative, the foreign-born NAFI remained positive. That is, while the UK-born were net recipients of public expenditure, the foreign-born were actually net contributors to the exchequer. In financial terms this is equivalent to saying that the average foreign-born person contributed £331 to the exchequer in 2001/02, while the average UK-born person consumed £222. Indeed, the report concluded:<sup>375</sup>

In each of the years we have examined, immigrants have become proportionately greater net contributors to the public finances than non-immigrants. In 1999–00, when there was a budget surplus, immigrants' NAFI was 1.06 compared to 1.01 for the UK-born. By 2003–04, when the budget was in deficit, immigrants' NAFI stood at 0.99 compared to 0.88 for the UK-born.

Migration Watch UK has criticised both the Home Office and the IPPR studies for omitting the costs of educating the UK-born dependent children of migrant parents from the calculation of the costs attributable to migration.<sup>376</sup>

On inflation, Professor David Blanchflower, in written evidence to the House of Lords Economic Affairs Select Committee, suggested that recent immigration seemed to have reduced inflationary pressures in the UK by increasing potential supply more than demand. He highlighted three reasons for this: native workers have cut consumption because of greater "fear" of unemployment; because remittances by migrant workers mean that less of their earnings is spent in the UK; and finally because firms may substitute between capital and labour offsetting some of the potential for investment spending to rise.<sup>377</sup> In their evidence, the NIESR found that immigration from the A8 countries lowered inflation slightly in the short to medium term (following a slight increase in the very short-term), however, inflation almost returned to its base level over a period of ten years.<sup>378</sup>

## E. Impact of illegal workers

Due to its very nature, there is (as noted on page 42 above) an inevitable problem with accurately estimating the scale of illegal immigration and employment in the UK. A Home Office report from 2005 estimated that in 2001 there were approximately 430,000

<sup>375</sup> *ibid* p12

<sup>376</sup> See Home Affairs Committee, *Immigration Control*, 23 July 2006, HC 775, para. 29

<sup>377</sup> House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration*, 1 April 2008, [HL 82-II](#), 2007-08, Ev 199

<sup>378</sup> *ibid*, Ev 151

migrants residing illegally in the UK (albeit with a range to this estimate of 310,000 to 570,000).<sup>379</sup>

A 2006 report from the IPPR estimated that the potential extra fiscal revenue from the income taxes that “irregular” migrant workers could be paying is at least £485 million per annum; this figure is based on the Home Office estimate of illegal migrants provided above, assuming a fixed employment rate and earnings at the minimum wage. However, the IPPR suggests that the real figure is more likely to be around £1 billion given that some irregular migrant workers will be earning more than the minimum wage.<sup>380</sup> Given the rather crude methodology of such estimates and the assumptions and caveats associated with it, these figures should be treated with a degree of caution.

Additionally, the Government’s evidence to the House of Lords Economic Affairs Select Committee highlighted a 2000 report by Lord Grabiner QC, produced for the Treasury, which suggested that companies employing illegal workers could have an unfair competitive advantage; this in turn may force competitors to resort to illegal employment as well, or move parts of their production to countries where labour is cheaper.<sup>381</sup>

## F. Vulnerable migrant workers

### *Vincent Keter, Business and Transport Section*

As the number of migrant workers increases, so too do concerns about the particular vulnerabilities that some of them face.

#### 1. Problems faced by migrant workers

A Citizen’s Advice Bureau report published in 2004 outlined the following common themes that had emerged from their advice work with migrant workers in the UK:<sup>382</sup>

- The misleading recruitment of workers in their own country on false promises of good pay, conditions, and housing (with the latter provided by the agency or gangmaster);
- The arrangement of, and payment for, travel to (and usually from) the UK by the agency or gangmaster;
- A reality of extremely long hours, low gross rates of pay and substandard accommodation;
- The making of excessive deductions from pay in respect of accommodation, transport between the accommodation and place(s) of work, utilities (such as gas and/or electricity), and repayment of the cost of travel to the UK;

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<sup>379</sup> Woodbridge, *Sizing the unauthorised (illegal) migrant population in the United Kingdom in 2001*, Home Office Online Report 29/05, 2005

<sup>380</sup> IPPR, *Irregular migration in the UK, an IPPR factfile*, April 2006, p12

<sup>381</sup> Home Office and DWP, *The Economic and Fiscal Impact of Immigration: A Cross-Departmental Submission to the House of Lords Select Committee on Economic Affairs*, October 2007, p40 (reference is to: HM Treasury, *The Informal Economy: A report by Lord Grabiner QC*, March 2000)

<sup>382</sup> Citizens Advice, *Nowhere to turn*, 27 February 2004

- An almost invariable failure to provide a contract of employment and/or proper pay slips, and denial of other basic employment rights (such as those to paid holiday, maternity leave and pay, and Statutory Sick Pay);
- Considerable uncertainty and confusion about who is actually the worker's employer, and a frequent failure to ensure that the worker has a National Insurance number, with the apparent non-payment (by the employer) of tax and National Insurance contributions; and
- The summary dismissal, and immediate eviction from any associated accommodation, of workers who assert their legal rights or otherwise 'rock the boat'.

A Westminster Hall debate on 28 June 2005 by Gwynneth Dunwoody MP considered employment agencies and recruitment from overseas. She outlined some of the problems that migrant workers may face:

Such workers then come here and sign contracts, sometimes in languages that they do not understand. They are told that their accommodation, transport and employment will all be taken care of. In some instances, they are put into accommodation that is grossly overcrowded and that does not offer the level of care that would be expected as a very minimum. They are offered work. They do not speak the language of the country. They do not know their rights and they are unable to access that information.

[...]

Many of those workers, who have paid to come here, paid for accommodation and been informed that they will have jobs, discover that whatever the job—in many instances, it is extraordinarily lowly paid—there are large numbers of deductions from the amounts that are paid to them on a number of grounds. Their passports are confiscated. In many instances, they are kept apart from the people of the area so that they are unable to seek support. There is also the issue of what happens if for any reason their employment ceases. For example, in the case of agricultural workers, people have frequently been driven to an agricultural job and told when they arrive that it is not available. They have then been driven back again and charged for the transport even though they have not received any payment.<sup>383</sup>

The Trades Union Congress (TUC) Commission on Vulnerable Employment reported in May 2008.<sup>384</sup> This summarised some of the problems faced by vulnerable migrant workers:

Many vulnerable workers suffer because they do not legally count as 'employees' with a contract of employment. Those considered simply as 'workers' or who have been forced into bogus self-employment not only have few rights, but lack any security, meaning that employers can sack them if they complain. Working through an agency can also create similar uncertainty and precariousness at

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<sup>383</sup> [HC Deb 28 June 2005 cc372-3WH](#)

<sup>384</sup> TUC, *Hard Work, Hidden Lives*, 7 May 2008



work. Immigration status is complex and can act to make workers more vulnerable by making them entirely dependent on their employers.<sup>385</sup>

The report was “based on testimony from vulnerable workers, oral evidence, statistical analysis and written submissions from academics, employment rights professionals and experts in the field” and called for the following action:

- Improved awareness and advice
- Better enforcement of employment rights
- Better regulatory and legal protection for vulnerable workers
- Improved union organisation of vulnerable workers
- Guaranteeing rights down the supply chain

There have been various concerns expressed that the abuse of agency workers is fuelling racism and that the lower wages that migrant agency workers are paid are used as a benchmark by employers in pay negotiations to reduce the wages of permanent staff. These issues are frequently voiced in the context of calls to give agency workers equal rights through legislation.<sup>386</sup> For example, a recent Guardian article articulated these concerns as follows:

When employers use migrant, often east European, agency labour to undercut directly employed British workers, they are fanning the flames of xenophobia and racism in the workplace and beyond.<sup>387</sup>

A [Vulnerable Worker Enforcement Forum](#) was launched in June 2007. Its members include representatives of industry, unions, enforcement agencies and Citizens Advice, and it is chaired by the Minister for Employment Relations.

## 2. Information on employment rights

The Department for Business, Enterprise and Regulatory Reform (BERR formerly the DTI) has produced information leaflets on UK employment rights in Polish, Portuguese and Lithuanian:

- BERR, [Working in the UK, Information for migrant workers](#)

These contain many useful contacts of organisations in the UK and abroad which provide support, information and advice for these respective nationals.

The relevant countries’ embassies in the UK are providing advice and assistance, as are groups like the Federation of Poles in Great Britain:

- [Federation of Poles in Great Britain](#), 240 King Street, Hammersmith, W6 0RF

<sup>385</sup> TUC, [Hard Work, Hidden Lives](#), 7 May 2008, page 4

<sup>386</sup> For example see: [HC Deb 22 February 2008 c666](#)

<sup>387</sup> [Seumas Milne, “This is a chance to reverse casualisation and insecurity”, \*The Guardian\*, 31 January 2008](#)

### 3. Oversight of agencies and gangmasters

The two most important regulators for those employing migrant workers are the Employment Agency Standards Inspectorate and Gangmaster Licensing Authority.

Many migrant workers are employed via agencies. Employment agencies in England, Scotland and Wales must comply with the *Employment Agencies Act 1973* and regulations. The Employment Agency Standards Inspectorate is part of BERR, carrying out routine inspections of agencies and investigating complaints about agency conduct. There is an enquiry line:

- **0845 955 5105** (Monday - Friday 9:30 - 16:30).

The Inspectorate has produced guidance on employment agencies legislation and procedures for laying complaints.<sup>388</sup>

The Gangmasters Licensing Authority was set up by the *Gangmasters (Licensing) Act 2004* and regulates those who supply labour or use workers to provide services in agriculture, forestry, horticulture, shellfish gathering and food processing and packaging.<sup>389</sup> Section 4 of the 2004 Act specifies who needs a licence within these sectors. As long as the work is done within the UK, a licence is required even if the employer is based outside the UK. In general, the following things require a licence:

- supplying labour to work in the licensed sectors
- using workers to provide a service in the licensed sectors
- using workers to gather shellfish

### 4. Temporary agency workers directive

There have been ongoing calls for agency workers to have the right to equal treatment in comparison with permanent employees in the end user organisation. The European Commission published its original *Proposal for a directive of the European Parliament and Council on working conditions for temporary workers* (COM(2002)149) on 20 March 2002. It is being considered under the co-decision procedure which involves the European Parliament and is subject to qualified majority voting in the Council of Ministers.

The Commission's PreLex database sets out a chronology of the progress of the proposals so far together with links to relevant documents.<sup>390</sup> For many years Member States failed to reach agreement about the draft directive in the European Council of Ministers. A key point of disagreement was the qualification period. The draft Directive proposed six weeks subject to agreement for a longer period between social partners.

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<sup>388</sup> BERR, [Employment Agency Standards](#)

<sup>389</sup> [Gangmasters Licensing Authority](#)

<sup>390</sup> [The European Commission, PreLex: Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND THE COUNCIL on temporary work](#)



The UK Government has opposed the draft directive on various grounds. In January 2003 the Government set out its reservations concerning the proposed directive in submissions to Europe by the DTI (now the Department for Business, Enterprise and Regulatory Reform):

The Government believes that temporary agency workers deserve adequate protections, which is why the national minimum wage and working time legislation make specific provisions to cover them. Agency work can provide a useful way in to the labour market for workers. It can increase labour market flexibility in ways which benefit both business and workers. It can also offer workers who want to control or vary their patterns of work greater choice than permanent work. The Government can support a directive which would achieve these aims.

However, the Government remains concerned that the Directive risks decreasing the attractiveness of agency workers to user companies, which might reduce the number of jobs available. It is necessary that the Directive is suitably flexible to accommodate UK practices.<sup>391</sup>

At the meeting on 5 December 2007, under the Portuguese Presidency, it became clear that the UK had lost its blocking minority on the proposal. The reasons for this are complex and are related to a separate issue concerning the working time opt-out provisions which the UK has been struggling to retain. The Portuguese Presidency proposed that these separate matters be considered together in light of the deadlock. There was also domestic pressure for agency workers rights, including Andrew Miller's Private Members Bill, which precipitated an agreement between the TUC and the CBI.<sup>392</sup> This agreement provided that agency workers would get the right to equal treatment with permanent employees in the end user organisation after a period of 12 weeks.

At the subsequent meeting of the European Council on 9 June 2008 agreement was reached on a common position. This required amendments to ensure that the UK national-level agreement between the TUC and CBI would allow derogation from the "day one" rights provided for in the draft directive. The proposals will now go forward to the European Parliament. Given the delays that have occurred and the fact that European Parliament elections are due in 2009, there is generally a strong will from all concerned to conclude the legislative process by the end of the current EU Parliament in 2009. It is not clear precisely when this will translate into domestic legislation.

## 5. UN Convention on migrant workers

The *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* was adopted by United Nations General Assembly resolution

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<sup>391</sup> *Explanatory Memorandum on European Community Legislation: Amended Proposal for a Directive on Temporary Work* [15098/02 COM(02)701]. Submitted by the Department of Trade and Industry on 10 January 2003.

<sup>392</sup> See Library Research Paper RP08/17, *Temporary and Agency Workers (Equal Treatment) Bill 2007-08*, Bill 27 of 2007-08, 18 February 2008

45/158 of 18 December 1990.<sup>393</sup> It entered into force on 1 July 2003. A UN press release explains the intention of the Convention as follows:

The Convention seeks to play a role in preventing and eliminating the exploitation of migrant workers throughout the entire migration process. In particular, it seeks to put an end to the illegal or clandestine recruitment and trafficking of migrant workers and to discourage the employment of migrant workers in an irregular or undocumented situation. It provides a set of binding international standards to address the treatment, welfare and human rights of both documented and undocumented migrants, as well as the obligations and responsibilities on the part of sending and receiving States.<sup>394</sup>

The Convention provides for labour rights to apply to all migrant workers, regardless of their status including a prohibition on forced or compulsory labour.<sup>395</sup> They must be given equality of treatment with citizens in the host country in terms of employment rights and working conditions including in pay. In particular, the Convention seeks to make it unlawful for employers to discriminate between migrant workers and native workers in private employment contracts.<sup>396</sup> The UK has been reluctant to become a signatory of this convention. The Coalition for Migrant Workers' Rights is an ad hoc group supporting UK ratification. The House of Commons International Development Committee published a report on 8 July 2004 which included the following information on this:<sup>397</sup>

67. Several organisations are urging the UK Government to ratify the UN Convention. Oxfam argues that migrant workers are particularly vulnerable to exploitation, and should therefore be entitled to special protection above that provided by existing legislation. Noting that no other EU state has ratified the Convention, the Government says it has no plans to ratify the UN Convention, believing that it has "struck the right balance between the need for immigration control and the protection of the interests and rights of migrant workers". The Government also believes that migrants' rights are adequately protected by existing legislation including the Human Rights Act of 1998.

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<sup>393</sup> OHCHR, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*

<sup>394</sup> United Nations Press Release, 19 March 2003

<sup>395</sup> Article 11

<sup>396</sup> Article 25 (2)

<sup>397</sup> House of Commons International Development Committee, *Migration and Development: How to make migration work for poverty reduction*, HC 79-18 2003-04, July 2004

## IV Select bibliography

### *Angela Rushbrook, Home Affairs Section*

#### **a. Parliamentary papers**

- Select Committee on Communities and Local Government, *Community Cohesion and Migration*, 16 July 2008, HL369, 2007-08, TSO 2008

This is the report of the committee's inquiry into the impacts of migration on local communities.

- Select Committee on Economic Affairs, *The economic impact of immigration*, 1 April 2008, HL 82, 2007-08, TSO, 2008

This reports looks at the current debate on the economic impacts of immigration and how they may affect the resident population in the UK.

- House of Lords European Union Committee, *FRONTEX: The EU External Borders Agency*, 5 March 2008, HL 60, 2007-08, TSO.

Frontex is a relatively new agency, set up less than three years ago, and operational for barely two years. Its remit is to manage the policing of external borders cooperation between the border guards of the different States

- Home Office and Department of Work and Pensions, *The economic and fiscal impact of immigration*, Cm 7237, TSO, October 2007.

This command paper is a cross-departmental submission to the House of Lords Select Committee on Economic Affairs.

- House of Commons Treasury Committee, *Counting the Population*, 14 May 2008, HC 183, 2007-08, TSO

This report considered the problems faced by some Local Authorities in estimating their highly mobile populations.

- Home Affairs Committee, *Immigration Control*, 13 July 2006, HC 775-1, TSO, 2006.

In October 2005 the Committee decided to inquire into the policy and practice of immigration control, examining the entry clearance (visa) system, the granting or refusing of further leave in the UK and the enforcement of immigration control.

- House of Lords European Union Committee, *Economic migration to the EU*, 16 November 2005, HL 58, 2005-06, TSO.

This report considers economic migration to the European Union (EU) and the level at which it should be regulated.

#### **b. Official publications**

- UK Border Agency, *The Path to Citizenship: Next Steps in Reforming the Immigration System - Government Response to Consultation*, July 2008

This is the conclusion of a consultation exercise launched in February 2008. It includes Government proposals for changes to permanent residency and citizenship status, a new 'Transitional Impact of Migration Fund', and delaying access to public services until full citizenship or permanent residence is achieved.

- Department of Communities and Local Government, [Managing the Impacts of Migration: A Cross-Government Approach](#), June 2008.

This document sets out the Government's approach to managing the impacts of international migration locally and nationally.

- [The economic impact of immigration, Government reply to the first report from the House of Lords Committee on Economic Affairs, Session 2007-08, HL Paper 82](#), Cm 7414, 11 June 2008

The Government's reply welcomes the House of Lords Economic Affairs Committee report, comments on its conclusions, and gives a point by point response to its recommendations.

- Jonathan Portes and Sara Lemos, [The impact of migration from the new European Union Member States on native workers](#), DWP Working Paper, No 52, DWP, June 2008

This paper examines the impact of migration from the new EU Member States on the labour market outcomes of natives in the UK

- Home Office Border and Immigration Agency, [The Path To Citizenship: Next Steps In reforming The Immigration System](#), Borders and Immigration Directorate, February 2008.

This Green Paper sets out the Government's proposals for a new path to citizenship, as well as details of the plans to simplify the law on immigration.

- Department for Communities and Local Government, [The Government's Response to the Commission on Integration and Cohesion](#), 4 February 2008

This set out what the Government had already done in the area of integration and cohesion and what further action the Government will take "to support strong cohesive communities".

- Home Office, [Better outcomes: the way forward, improving the care of unaccompanied asylum seeking children](#), January 2008

This paper sets out how proposals to reform the way unaccompanied asylum seeking children are supported will be taken forward.

- Home Office, [Planning better outcomes and support for unaccompanied asylum seeking children](#), February 2007

This consultation paper proposes solutions to problems faced by those engaged in the immigration and child care processes and seeks views on how the needs of these young people can be best met.

- Sally Dench et al. [Employers' use of migrant labour: main report](#), Home Office Online Report 04/06, Home Office, April 2006.

This study looks at how employers recruit and use migrant workers it also looks at employers' use of various schemes that allow non-UK nationals to work legally in the United Kingdom.

- Nicloa Gilpin et al, *The impact of free movement of workers from Central and Eastern Europe on the UK labour market*, DWP Working Paper No. 29, DWP, February 2006  
This paper estimates the impact of migrants from the May 2004 EU accession countries to the UK on employment, unemployment, vacancies and wages.
- Jo Woodbridge, *Sizing the unauthorised (illegal) migrant population in the United Kingdom in 2001*, Home Office Online Report 29/05, Home Office, 2005  
This report details how the Residual Method methodology has been adapted to obtain an indication of the number of unauthorised immigrants living in the UK.
- Jonathan Portes and Simon French, *The impact of free movement of workers from central and eastern Europe on the UK labour market: early evidence*, DWP Working Paper No. 18, DWP, May 2005  
This paper draws together the available evidence in order to make an early impact assessment for the response of the UK labour market to migrant flows from the May 2004 EU accession countries.
- Christian Dustmann, et al. *The impact of EU enlargement on migration flows*, Home Office Online Report 25/03, Home Office, 2003.  
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- Michael A Shields, and Stephen Wheatley Price, *The labour markets outcomes and psychological well-being of ethnic minority migrants in Britain* Home Office online report 07/03, Home Office, July 2003.  
This report looks at the factors influencing ethnic minority migrants' labour market performance, in particular access to employment and participation in the labour force, its main objective is to quantify the impact of different labour market outcomes on the well-being of the largest groups of ethnic minority migrants resident in the UK.
- Christian Dustmann, et al. *The local labour market effects of immigration in the UK*, Home Office Online report 06/03, June 2003.  
This report is concerned with an empirical analysis of the impact of immigration on outcomes of currently resident workers in local labour markets. The report aims to provide a comprehensive analysis of the mechanisms by which immigration may have an effect on labour market outcomes of workers.
- Christian Dustmann, et al. *Labour market performance of immigrants in the UK labour market*, Home Office Online Report 05/0, May 2003  
This report analyses the performance of immigrants in the UK labour market. It looks at four economic performance indicators: employment, labour force participation, self-employment, and wages. The analysis distinguishes between males and females, and between groups of different origin.
- Christian Dustmann, et al. *Migrants in the UK: their characteristics and labour market outcomes and impacts*, RDS Occasional paper 82, Home Office, December 2002  
This paper outlines some of the existing knowledge on the economics of migration and summarises the results from several pieces of work commissioned and conducted by the Home Office and the Department for Work & Pensions (DWP) between December 2002 and June 2004.

- Ceri Gott and Karl Johnston, [The migrant population in the UK: fiscal effects](#), RDS Occasional Paper No 77, Home Office.

This report is part of a research project undertaken to assess the economic and social effects of migration in the UK in collaboration with the Performance and Innovation Unit (PIU) of the Cabinet Office and the Institute for Public Policy Research. The parent report, 'Migration in the UK: an economic and social analysis' was published previously.

- Stephen Glover, et al. [Migration: an economic and social analysis](#), RDS Occasional paper 67, Home Office, 2001.

This research study aims to bring together theory and evidence on the economic and social impacts of migration, looking at the background trends of migration, from post-war and moving onto a discussion of policy up to 2000.

**c. Think tank and other reports**

- Joseph Rowntree Foundation, [Immigration and social cohesion in the UK](#), July 2008

This research draws on original material gathered from six UK areas with different experiences of migration and post-industrial transformations, and comprising different populations of long-term residents and new immigrants.

- David Coats, [Migration Myths: Employment, Wages and Labour Market Performance](#), The Work Foundation, April 2008

This report suggests that the recent high levels of inward migration have, on balance, been a significant advantage for the UK economy. It finds little evidence to show that recent migrants have displaced UK nationals or that there has been significant downward pressure on wages.

- Naomi Pollard, Maria Latorre and Dhananjayan Sriskandarajah, [Floodgates or turnstiles? Post-EU enlargement migration flows to \(and from\) the UK](#), IPPR, 30 April 2008.

This report provides information on the scale and nature of immigration from the eight new Central and Eastern European countries that joined the EU in 2004 and to a lesser extent, from Romania and Bulgaria which joined in 2007.

- IPPR briefing, [Social Housing and Migrants](#), April 2008

In response to suggestions that migrants are "queue jumping" access to social housing, the Equality and Human Rights Commission (EHRC), in conjunction with the Local Government Association (LGA), commissioned research from the Institute of Public Policy Research (IPPR) to look at three questions: Who is entitled to social housing? Who receives social housing? And do some groups have unfair access to social housing? This is the interim report.

- Beth Watts, [What Are Today's Social Evils? The Results of a Web Consultation](#), Joseph Rowntree Foundation, 2008

Using online consultation carried out in 2007, this report attempts to identify the "social evils" facing the UK today.

- Miguel Martinez Lucio et al., *Migrant workers in the labour market: the role of the union in recognition of skills and qualifications*, research paper 7, UnionLearn, TUC, December 2007

This report looks at issues related to the question of qualifications and the recognition of skills of migrant workers in the UK.

- Institute for Community Cohesion (ICoCo), *Estimating the scale and impacts of immigration at the local level*, Local Government Association, November 2007.

This report presents and analyses material provided by local authorities about the scale and nature of impacts of immigration on local services

- LSE and the City of London, *The Impact of Recent Immigration on the London Economy*, July 2007.

This research report examines the composition and dynamics of migrant flows, and their impact on the housing and labour markets. In addition, it considers the consequences of increasing diversity for the government of London and how it is financed.

- Commission on Integration and Cohesion, *Our Shared Future*, final report, June 2007

The report of this independent fixed-term body includes a new analysis of what influences integration and cohesion; a new definition of integration and cohesion; and a new typology of local areas. It also made a number of recommendations concerning migration issues.

- TUC, *The economics of migration: managing the impact*, June 2007

This report looks at five key questions: Has migration led to unemployment? Has migration driven down wages? Does migration cost the taxpayer? Does migration damage developing countries? Does migration hurt migrants?

- CEBR, *Future flows: Forecasting the current and future economic impact of highly skilled migrants*, June 2007

This report presents results and forecasts for an investigation into the impact that migration will have upon the United Kingdom economy in 2007 and 2012. In particular, it looks into the extent to which migration is high value/highly skilled and how much it is supporting economic growth.

- Audit Commission, *Crossing Borders: Responding to the local challenges of migrant workers*, January 2007

This report focuses on workers in lower-paid employment, and is intended to help local authorities and their partners manage local changes, by understanding better what is going on locally and developing appropriate strategies and services. It will be most useful for organisations in areas with limited recent experience of migrant workers. The report also suggests how national and regional responses could be better targeted to support local change.

- Learning and Skills Council (LSC), *Migrant Workers and the Labour Market*, Review of LSC research on labour market participation, skills and skills provision for migrant workers, January 2007

This paper provides a review of four (unpublished) studies carried out by the Learning and Skills Council which investigated the links between migration and skills.



- Christian Dustmann et al. *A Study of Migrant Workers and the National Minimum Wage and Enforcement Issues that Arise*, Low Pay Commission, 2007

This report commissioned was by the *Low Pay Commission*, it investigates the impact that the inflow of immigrants over the last decade had on the British labour market.

- Office for National Statistics, *Report of the Inter-departmental Task Force on migration statistics*, 15 December 2006

This report sets out the recommendations of the Task Force to provide better migration data between 2008 and 2012, delivering more comprehensive, timely UK statistics, including those on short term migration. The recommendations cover port surveys, population surveys and the 2011 Census, timely access to administrative information, better links between information from administrative sources and better statistical techniques.

- Dhananjayan Sriskandarajah, Laurence Cooley and Howard Reed, *Paying their way: The fiscal contribution of immigrants to the UK*, IPPR, April 2005.

This paper seeks to fill a gap in the public understanding of the actual impact of immigration on public finances, by estimating the scale of, and changes in, the contributions made by immigrants to government revenue and expenditure

- Heaven Crawley, *Evidence on Attitudes to Asylum and Immigration: What We Know, Don't Know and Need to Know*, Centre on Migration, Policy and Society Working Paper No. 23, University of Oxford, 2005

This study examines the factors that underlie differences in attitude towards immigration at the local level and, in particular, changes over time or connected to particular national or international events.

- Christian Dustmann and Ian Preston, *Racial and Economic Factors in Attitudes to Immigration: The role of the media in shaping public attitudes* Centre for Research and Analysis of Migration, Discussion Paper Series CDP No 01/04

This discussion paper attempts to separate racial from economic components of attitudes towards immigration amongst white respondents living in England.

- Mervyn Stone, *Prediction of future migration flows to the UK and Germany: Technical exercise, honest study, or convenient obfuscation*, CIVTAS, July 2003.

This analysis of Chapter 6 of Home Office Online Report 25/03 reveals that the Report's low predictions of net migration for the UK are not based on any convincing modelling of historical data series. The forecasts are found to be essentially matters of lay judgement that can be made without appeal to mathematical or econometric expertise.

- MigrationWatch UK *The impact on immigration of the EU expansion to Eastern Europe*, Briefing paper 4.1, MigrationWatch UK, 27 July 2003.

MigrationWatch disagreed with the Home Office Online Report 25/03 which estimated the impact of EU enlargement on migration flows to the UK would be between 5,000 and 13,000 MigrationWatch suggested that the total would be closer to 40,000 a year.



- Tito Boeri and Herbert, Brücker, *The Impact of Eastern Enlargement on Employment and Labour Markets in the EU Member States*, European Integration Consortium, a study for the European Commission Directorate General for Employment and Social Affairs, 2000.

This is an in-depth study on the projected impact of EU enlargement on employment and labour markets.

- Thomas K. Bauer and Klaus F. Zimmermann, *Assessment of Possible Migration Pressure and its labour market impact following EU enlargement to Central and Eastern Europe*, IZA research report No. 3, study for the Department for Education and Employment, UK July 1999.

This report analyses the fear that cheaper, unemployed worker from Central and Eastern European EU-candidate countries will flood the current EU, reducing the wages of native workers or pushing them out of their jobs.

#### **d. Books**

- Thomas M Leonard, Editor, *Encyclopedia of the Developing World*, Routledge Taylor and Francis Group, 2006.

This is a comprehensive work on the historical backdrop and current status of developing countries.

- Ian A Macdonald, and Frances Webber, *Macdonalds immigration law and practice*, 6<sup>th</sup> ed, Butterworths, 2008.

This is the main practitioners' textbook on immigration, asylum and nationality law

- Duran Seddon, *JCWI Immigration, Nationality & Refugee Law Handbook*, Joint Council for the Welfare of Immigrants, 2006 edition

This is an approachable and practical guide to immigration, nationality and refugee law and practice.

#### **e. Library papers**

- Carole Andrews, Christopher Barclay, Christine Fretten, Vaughne Miller, Edward Potton, Patsy Richards, Arabella Thorp and Tim Youngs, *Enlargement and the EU Accessions Bill*, House of Commons Library Research Paper 03/48, 19 May 2003

- Adèle Brown, Vaughne Miller, Ed Potton and Ian Townsend, *The European Union (Accessions) Bill*, House of Commons Library Research Paper 05/71, 26 October 2005

- Steven, Kennedy and Wendy, Wilson, *EU enlargement: entitlement to social security benefits, tax credits and housing assistance*, House of Commons Library standard note SN/SP/3092, 19 July 2004

- Wendy Wilson, *EU migrants: entitlement to housing assistance (England)*, House of Commons Library standard note SN/SP/4737, 3 June 2008

**f. Periodical articles**

- Kamena Dorling, "Seeking change: reforms to the protection of unaccompanied asylum seeking children", *ChildRight*, No. 245, April 2008

This article examines the current system for supporting unaccompanied asylum seeking children and further looks at the proposals for reform.

- Rebecca Riley and Martin Weale, "[Immigration and its effects](#)" & Barrell, Ray et al, "[Migration in Europe](#)", *National Institute Economic Review*, No. 198, October 2006

- Christian Dustmann et al., "[The Impact of Immigration on the British Labour Market](#)", *The Economic Journal*, No 115, November 2005

This article provides an empirical investigation of the way immigration affects labour market outcomes of native born workers in Britain, set beside a theoretical discussion of the underlying economic mechanisms.

- Christian Dustmann et al., "[The Labour Market Effects of Immigration](#)", *The Economic Journal*, No 115, November 2005

This article addresses a number of questions: Do immigrants reduce wages and employment rates for non-immigrant workers? What are the adjustment mechanisms through which immigrant labour is absorbed into the economy? How do immigrants perform in the UK labour market and how and why do they suffer disadvantage in the competition for jobs?