LSE

Ros Taylor   July 11th, 2016

Five problems with UK immigration control post-Brexit

7 comments

Estimated reading time: 5 minutes

*Most Leave voters expected Brexit to deliver a cut in immigration. In fact, says **Patrick McGovern**, they may see the very opposite. Points-based systems like the one advocated by Ukip do not cut migration. He discusses the possibility of a last-minute surge in EU migration, the effect of family reunification and the risk that irregular migrants will find new routes. Additionally, the porous Irish border with Northern Ireland poses a challenge for the UK Border Agency, which has already struggled to implement its e-borders policy.*

Having struggled to convince voters of the economic case for leaving the European Union, the Leave campaign surged in the polls when it promised to end immigration from the EU. No longer would Britain have open borders and unrestricted immigration from 27 EU countries. Instead the UK would take back control by adopting the Ukip proposal to extend the existing points-based system to migrants from the EU.

But controlling flows of people is not the same as controlling the flow of goods or services. There are at least five non-trivial problems that will make it difficult to reduce immigration to the UK in the short-term. There is also a possibility that they could even lead to immigration increasing, especially if the UK economy is able to ride through any post-Brexit contractions.

Migrants climb into a lorry at Calais in June 2015. Photo: Trollman Capote. Public domain

Immigration might not fall in the short term (and could even rise)

Though it might seem somewhat perverse, and may greatly annoy Ukip supporters, there are good reasons for thinking that immigration could actually increase in the short term. For instance, those who had only ever vaguely considered coming to Britain from the EU might decide to do so before the UK withdraws from the EU and its freedom of movement principle. Given that this is unlikely to happen until two years after Article 50 is triggered, there is ample time for migration to rise, as the Home Secretary acknowledged in an interview shortly after the referendum.

A further reason for expecting EU migration to continue is family reunification. The experience of the United States, which sought to curtail immigration with the Immigration and Nationality Act of 1965, is relevant here. Instead of immigration tapering off, the Act proved to be counterproductive. One reason was that the restrictions led to surge in naturalisation by Mexican migrants who became U.S. citizens in order to bring family members into the country. The result was that family migration expanded to the point where it became the single largest channel for legal immigration in the decades that followed.

Within the European context, Article 8 of the European Convention on Human Rights (which is not formally part of the EU) provides for the right of individual persons to have a family life. Aside from EU citizens, economic migrants, refugees and students from countries in the European Economic Area, such as Iceland and Norway, can apply to have their partner and children as well as extended family members such as brothers, sisters, cousins, aunts, uncles, nieces and nephew join them in the UK.

Even if the UK were to withdraw from the European Convention on Human Rights, it might not be able to reduce family migration much by narrowing the definition of what constitutes a family. The reason is that such a move might trigger a surge in claims for UK citizenship (assuming the Brexit decision has not already done so). EU citizens who

have lived in the UK for more than five years or those who are married to a British citizen and have lived here for more than three years are eligible to apply. Either way, this only serves to remind us of one of the complexities of migration, which is that it is not necessarily an individual phenomenon. Most of us originate in families of some kind, and many go on to start their own.

Irregular migration will probably rise

By its very nature, irregular migration is difficult to control because those who live under this category do not wish to be caught. The two main ways in which an individual can become an irregular migrant are to enter the country in a clandestine manner, such as being smuggled in a lorry from Calais, or else by entering the country legally for a fixed period but remaining on after the visa has expired.

Obviously, the irregular migrants in the UK do not come from the EU or the European Economic Area. But the reason I raise irregular migration is again because of the post-1965 US experience. Doug Massey has demonstrated rather convincingly that when opportunities for legal entry ended as the US tried to restrict migration, the massive flow of migration from Mexico simply re-established itself though irregular channels and only began to fall away some fifteen years later, partly because of massive investments in border enforcement.

Irregular migration helps to illustrate yet another complexity of migration, which is that once flows are established, they may not respond immediately to policy changes because the flows seem to take on a life of their own. Social networks, particularly in the form of chain migration, have a cumulative effect. As each individual arrives, they bring with them a set of social ties with family, friends and neighbours

for whom they can act as a point of contact in the new country. This in turn helps to create and perpetuate a 'culture of migration' in the place of origin while also providing a specific link form a particular origin to a specific destination. Then there is the almost inevitable creation of a people-smuggling industry that follows on attempts to close borders. Add in the willingness of some employers to pay 'cash in hand', especially for semi and unskilled labour, and the flow of work hungry people will continue. It is worth adding here that in structural terms, the UK economy is surprisingly dependent on cheap labour. When compared to other OECD countries, only US, Ireland and Canada have greater proportions of their labour force engaged in low-wage work.

The Irish border: EU immigration through the back door?

One of the unintended consequences of the Brexit vote is that the UK government is faced with an awkward dilemma in relation to Northern Ireland: should a border that has been removed as part of the Irish peace process be restored in order to control immigration? If not, what is the alternative?

The Irish border is highly porous. It extends over 300 miles, has an estimated 200 public crossing points and is extremely irregular, as it winds along hills, streams and drains with no discernible pattern. When the 'Troubles' escalated during the 1970s, the British army accepted that it was too long and had too many lanes for fixed checkpoints. Instead random checkpoints appeared on 'unapproved' roads that did not have official crossing points.

At the first post-Brexit EU meeting of the Irish Dail, the Taoiseach, Enda Kenny, informed the house that all three administrations – London, Belfast and Dublin – wished to retain the common travel area policy that had existed between the islands since shortly after the foundation of the Irish Free State in 1922. Certainly, this would be the ideal solution for the Irish, in that the absence of a border would continue to be one of the dividends of the peace process and allow people to shop, work and play sport on either side of the border.

The problem with this position is that it leaves a backdoor open for EU migration to the UK. Someone from as far away as Bulgaria or Romania could fly to Dublin, hire a car and drive to Belfast before travelling by ferry to Britain. Indeed one EU commissioner has expressed the fear that Irish border towns could become the new 'Calais' by attracting migrants who would wait until they could steal across the border into Northern Ireland. It should also be noted here that the population of the Republic of Ireland has changed dramatically since the common travel area policy was originally introduced. Specifically, it has become a country for immigration as well as emigration. According to the Irish Census of 2011, there are over 300,000 EU citizens living in the Republic and around 250,000 from outside the European Union. There is little to stop these migrants from driving across the border or, if necessary, taking out Irish citizenship to do so.

Another option, which was mentioned in passing by David Cameron in the Commons on 15 June, would be to maintain a common travel area on the island of Ireland but introduce passport controls on entry to Britain. While there is a historical precedent with the wartime restrictions that were introduced between Britain and Ireland during the second world war, these controls were not lifted until 1952 -much to the consternation of Ulster Unionists, many of whose sons had served patriotically during the same war. There is no reason to believe that

Unionist sentiment would have changed. Why would they wish to show their passports to enter their own country?

Points-based systems don't reduce migration

When challenged on what exactly they would offer post-Brexit, the Leave campaign adopted the Ukip proposal to extend the UK's existing points-based system for the entry of non-EU migrants to would be migrants from the EU. As Australia and Canada already use versions of a points-based approach to admissions, this seemed to be one area where the Leave campaign had anything like a considered plan.

The problem with points-based policies, however, is that they are primarily for selection rather than restriction. In contrast to the UK, Australia is intent on attracting large numbers of migrants and offers a large number of places on an annual basis (190,000 in ~~2015-16~~). It uses a points-based system to identify people for the Skilled Migration category (128,550 places in 2015-16). Points are allocated on the basis of such criteria as age (up to a maximum age of 50), English language proficiency, and level of education attained. Applicants must also nominate an occupation on the Skilled Occupation List in which they can claim competence.

So where does that leave the UK? Most likely, the Home Secretary would seek to place place numerical limits on various tiers within the extended points-policy approach. But the legitimacy of that decision will depend, at least in part, on subject to consultation with employers, universities and the devolved administrations within the UK, all of whom wish to attract migrants of some or other kind (e.g. Scotland wants the post-study work visa reintroduced).

More pressure on the (failing) UK border control agency

One of the major preoccupations of the immigration policy literature is with the growing gap in all major democracies between the goals of national immigration policy and the actual results of policies in this area (policy outcomes). Some of this implementation gap is attributed to the inability of national border control agencies to enforce immigration legislation.

Within the UK, the border control agency has had an extraordinarily unhappy history over the past few decades. It has, for instance, been formally criticised by the Parliamentary Ombudsman for consistently poor service, having an increasing number of complaints and generating a backlog of hundreds of thousands of cases. Indeed the credibility of the border control function has been so damaged that the various radical reforms have meant a change in name. The most recent was a change from the UK Border Agency to the UK Visas and Immigration agency.

What is probably less well known is that recent governments reduced the number of staff working on UK border control, while simultaneously claiming to be tough on immigration. To be fair, the governments have argued that the introduction of a fully automated e-borders system would make control more efficient while reducing costs. However, the BBC has reported that the Home Office spent at least £830m on the e-borders programme that was supposed to be in place by 2011 but is now not expected to be fully operational until 2019. Raytheon, the US firm that was handed the original £750m contract, was fired by the coalition government in 2010, though the report notes that the

government had to reach a £150m out-of-court settlement. Meanwhile, the speed with which UKBA cut jobs drew criticism from the National Audit Office in 2012, because the agency was subsequently forced to hire extra staff and increase overtime to meet its workload.

Currently, the annual budget for immigration control is £1.8bn. Post-Brexit, it seems reasonable to expect a substantial increase in the annual budget, not only to cover the cost of controlling the Irish border but also to meet raised expectations of reduced migration on leaving the EU. However, that money may be difficult to find during a period of sustained cuts in public expenditure, especially if the economy should contract.

To conclude, I have raised a number of potential problems with immigration control that are likely to follow the decision to leave the European Union. To be clear, I do not wish to imply that reducing immigration is not possible over the longer term. Rather my argument is that the difficulty of this task has been seriously underestimated. With the Leave campaign having raised expectations of an impending reduction, the danger is that a failure to see immediate results may lead to an escalation in episodes of racial abuse against migrants and visible minorities. Sadly, there is evidence that this has already started. In the week that followed the Brexit result, the police have reported a five-fold increase in race-hate complaints nationally.

This post represents the views of the author and not those of the BrexitVote blog, nor the LSE.

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