Immigration policy seems driven not so much by commitment to some vision, but instead policy management through tinkering and tampering. What we require is not only leadership, but a clarity and evidence-informed policy on public attitudes about migration and effective policies designed around clear principles, writes Thom Brooks.

You could easily mistake recent events as signalling an immigration clampdown. The Guardian led on the story ‘Is Britain closing its doors to overseas academics?’ detailing the increasing difficulty of securing short-term entry visas for non-EU academics to come to the UK and address conferences. One case concerned an 81-year old Algerian historian whose flights were paid by an Arts and Humanities Research Council grant so he could give the keynote speech at an All Souls College, Oxford conference. Sid-Ahmed Kerzabi’s visa request was refused on the grounds he provided ‘insufficient proof that he was not planning to settle in Britain’.

Immigration problems at universities are not limited to conference speakers, but extend beyond to student recruitment as well. This past spring the BBC reported a 46% drop in visa applications by foreign students many of whom typically apply to study at British universities. So not only are UK classrooms becoming more closed to non-EU students, but they have also become more closed to non-EU staff, too.

The government’s apparent clampdown isn’t limited to universities either. The current Immigration Bill would transform much of Britain into de facto border agents, if it becomes law this spring as most expect. Anyone looking to rent a property, open a new bank account or apply for a driving licence will be required to provide proof of their lawful residency status. The thinking is that such efforts – however inefficient – may help expose the illegal immigrants in our midst and make their ability to evade detection more difficult.

These plans are all part of the government’s clear commitment to reduce net migration, a policy supported especially by the Conservative Party. The idea is that the public favours immigration reductions and so government policy is to make such reductions a reality.

One problem is the focus on net migration. This considers not only how many new migrants are arriving into Britain, but also how many British citizens are moving abroad. Net migration can decrease despite increasing migration to Britain provided sufficient numbers of UK citizens leave the country. Indeed, reductions in net migration have been fuelled by steady emigration combined with controlling visas for non-EU students. So the problem is the policy is aimed to please a public perceived to want reductions in new migrants, but the policy does not secure or sufficiently focus on this result.

The real problem is that this is no immigration clampdown – this is an immigration meltdown. Government policy is anything but coherent and designed to achieve its stated aims. Consider permanent residency requirements for non-EU citizens, such as passing the Life in the United Kingdom citizenship test. The government launched a major revision of the test after several delays and published a test handbook with about 3,000 facts, including various dates of birth and death for leading historical figures in British history as well as the height of the London Eye and approximate age of Big Ben. But it has since emerged that no dates or height or age is actually included on the test after all – despite the official test handbook explicitly stating the contrary. We have not a principled revision of the test to get it right, but instead an ill-conceived, rushed effort that reads more like a bad pub quiz as I noted in my comprehensive report about the Life in the United Kingdom test.
The Government announced this past January it was introducing what it claimed was a more restrictive requirement on English language proficiency. New migrants seeking permanent residency have had to demonstrate English proficiency since at least the First World War. More recently, this was assessed through the Life in the UK test: passing the test was confirmation both that the applicant possessed sufficient knowledge about British life and the questions are presented in such a way that a satisfactory threshold of English language proficiency is required to pass. Curiously, the current Life in the UK test has served both purposes – confirming sufficient knowledge about life in the UK and English language proficiency – since its launch in late March 2013 and there are no plans to amend the test at present, but from 28 October 2013 it no longer confirms sufficient language proficiency. It is unclear how or why this standard was guaranteed by this test before but not any longer.

The government claimed it was ‘toughening up language requirements’ in launching this new policy. But the evidence is elusive. It turns out that there is no one test new migrants can sit to satisfy this requirement. There are also about a dozen exemptions from being from a specified (and incomplete) list of English speaking countries, such as Australia or the United States, being under the age of 18, being over the age of 65 or persons who acquired a taught or research ‘degree’ in English even if not in an English speaking country. Oh, and persons who pass the Life the UK test in Welsh or Scottish Gaelic are exempt, too. In fact, so many groups of people are exempt from this requirement it’s somewhat unclear who is left and no official statistics have been produced to confirm that this ‘toughening up’ will drive up proficiency standards.

Immigration policy seems driven not so much by commitment to some vision, but instead policy management through tinkering and tampering. Plus, it fails to consider other complex, related issues of general insecurity that might be at the root of public anxiety. What we’re seeing isn’t control, but its loss and not a clampdown, but a meltdown. What we require is not only leadership, but a clarity and evidence-informed policy on public attitudes about migration and effective policies designed around clear principles. But perhaps on an issue like immigration this might be too much to ask.

Note: This article gives the views of the author, and not the position of the British Politics and Policy blog, nor of the London School of Economics. Please read our comments policy before posting.

About the Author

Thom Brooks is Reader in Law at Durham Law School arriving in 2012. Brooks has held visiting appointments at St John’s College, Oxford; St Andrews and Uppsala and he taught previously at Newcastle. He is an Academician of the Academy of Social Sciences, Fellow of the Royal Historical Society and Fellow of the Royal Society of Arts. Brooks is the founding editor of the Journal of Moral Philosophy. He tweets from @thom_brooks.