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Policy Brief - U.K.

CLANDESTINO PROJECT OVERVIEW

The project aims

The CLANDESTINO research project was designed to support policy makers in developing and implementing appropriate policies regarding undocumented migration. **The project aims** were to (a) provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries, (b) analyse these data comparatively, (c) discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use, (d) propose a new method for evaluating and classifying data/estimates on undocumented migration in the EU.

The countries studied

The project covered twelve EU countries (Greece, Italy, France and Spain in southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe; Poland, Hungary, Slovakia and the Czech Republic in Central Eastern Europe) **and three non EU transit migration countries** (Turkey, Ukraine and Morocco) have been under study in this project.

Methods, Data and Period of Reference

Country reports. Individual country reports review all relevant data sources on irregular migration, assess the validity of the different estimates given and where appropriate produce a new estimate for the country studied. The country reports cover the period between 2000 and 2007. This quantitative analysis is complemented by a critical review of qualitative studies and by interviews with key informants with a view to exploring the pathways into and out of undocumented status in each country. It is noted that the non-registered nature of irregular migration makes any quantification difficult and always produces estimates rather than hard data.

Classification of data & estimates

The main output of the project is a **database** (<http://irregular-migration.hwwi.net/>) which presents and classifies (as low, medium or high quality) estimates and data on irregular migration in the European Union and in selected member states. The presentation is innovative in its consistent structuring and its carefully developed quality classification, which indicates whether estimates are more or less trustworthy. Quantitative information is accompanied by substantial background materials, both on issues of general concern and on the situation in individual countries. In addition, the database provides aggregate EU level estimates for the years 2002, 2005 and 2008.

Terminology

The terms irregular (with no regular/legal status), undocumented (without the appropriate papers) and unauthorized (without legal permission for entry, stay or work) migration denote different facets of the wider phenomenon of irregular migration. These terms are accepted and used by the Clandestino consortium as synonyms. The term illegal is accepted by the consortium when referring to a condition (e.g. illegal work or illegal entry) but not in relation to a person (illegal migrant).

Definitions

For this project, **irregular or undocumented residents** are defined as residents without any legal resident status in the country they are residing in, and those whose presence in the territory – if detected – may be subject to termination through an order to leave and/or an expulsion order because of their status. **Irregular entrants** are persons who cross an international border without the required valid documents, either un-inspected over land or sea, or over ports of entry. For more information see: <http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/>

Trafficking & Asylum Seeking

The Clandestino project is not concerned with Trafficking in Human Beings because it considers this as a separate even if related phenomenon. But in some countries it touches upon asylum seeking and asylum processing issues as they are related to irregular migration issues.

IRREGULAR MIGRATION IN THE U.K.

Background of migration situation in the U.K.

Until the 1960s and early 1970s, the UK hardly sought to regulate immigration flows from Commonwealth countries. Since the early 1970s however, immigration legislation became increasingly restrictive and doors for further labour immigration were gradually closed. The 1990s were characterised by numerous policy changes and whilst asylum migration was restricted labour migration was partially liberalised. The large-scale arrival of refugees, immigration of EU-8 nationals and, more recently, the issue of irregular migration became highly contentious issues on political and public agendas. The most recent policy change aims at reducing overall immigration. In 2001 (latest census), 4.9 million (8.3%) of the total population of the UK were born overseas. The most reliable estimate suggested that the irregular migrant population in the UK in April 2001 was 430,000 (based on a range of 310,000 to 570,000). This central estimate equals 0.7 per cent of the total UK population (59 million) and 11.8 per cent of the UK total foreign-born population in 2001 (see Woodbridge 2005 below).

Data sources used for estimating size & features of irregular migration

Estimates on irregular migrant populations in the UK are limited. Most figures to be found in discourses can be evaluated as guesswork, underlie highly politicised forces and are often grossly exaggerated. Some of them are pure guesswork and others lack an appropriate demonstration of their methodology.

A variety of data sets are available. The most relevant concerning international migration records are: International Passenger Survey (IPS), 2001 Population Census, annual 'Control of Immigration: Statistics UK', Labour Force Survey (LFS) as well as the statistics from the Department of Social Security and the National Health Service (NHS). The most commonly used data source is the population census, however, there are uncertainties and pitfalls as regards this dataset. Counting failures occur during the Census, which influences calculations for small population groups as is the case with irregular migrants.

The Woodbridge study (2005) is the only formal attempt of estimating a number of irregular immigrants in the UK, which used the dataset of the 2001 Population Census. It offers the most reliable estimation currently available. It is the only attempt that utilises a satisfactory methodology. Gordon et al. (2009) recently revised and updated the Woodbridge estimate. This new estimate suggested a figure of an irregular migrant population in the UK of 725,000 (based on range of 524,000 and 947,000) for the year 2007.

Although Gordon et al. (2009) suggested an increase in the total number of this population group, the UK hosts an average size of irregular immigrant population in comparison to other EU Member States. Likewise, it demonstrates that fewer of the UK's immigrants are irregular than the EU average. In other words, the UK is not in any way particularly affected by the phenomenon of irregular migration.

Social and demographic features of irregular migration

Data and research regarding main nationalities among the irregular migrant population in the UK are extremely rare and only tentative indications are available. For example, detention centres produce data that rank their populations by nationality. Between 2001 and 2006, significant numbers were from Jamaica, Nigeria, Pakistan, China, Turkey, and India (in descending order). Qualitative research projects conducted on detention centre populations indicate that the population tends to be male dominated and that the majority is between 25-29 years old. However, these small-scale samples are taken from a very specific group and are not representative for the total of the irregular migrant population.

Similarly few studies focus on irregular migrants in the workplace or the industries and sectors where migrants work irregularly. Irregular migrants are more likely to work in jobs that are commonly considered as dirty, difficult and dangerous, so-called '3-d' jobs. These include sectors such as construction, agriculture and horticulture, food processing, domestic work, cleaning, and hospitality services. Due to the under-researched nature of this field a well-founded position on the size, demographic features and composition of the irregular migrant population cannot be given.

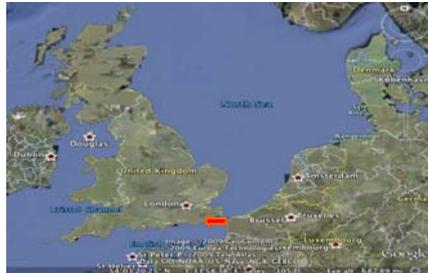
The below figures represent apprehension cases, not individuals, and therefore may include 'double-counting' due to multiple apprehension of the same person. According to a representative of the Home Office, the below data is the most recent available due to concerns about data quality as regards more recent figures, i.e. 2003 – 2008.

References:

Woodbridge, J. (2005), *Sizing the unauthorised (illegal) migrant population in the United Kingdom in 2001*, London: Home Office.

Gordon, I., Scanlon, K., Travers, T. and Whitehead, C. (2009), *Economic impact on London and the UK of an earned regularisation of irregular migrants in the UK, Interim Report*, London: London School of Economics.

Map 1: Migration flows to the UK **Table 1: Illegal Entrants 1999 – 2002**



1999	21,165
2000	47,325
2001	69,875
2002	48,050

Source: Home Office. 2006. Control of Immigration: Statistics United Kingdom

Main Pathways into and out of Irregular Status

There are various types of violations of the immigration regulations that can lead to an irregular migration situation. In legal or judicial terms such people are denoted as ‘illegal entrants’ in the UK. Most fundamentally, an “illegal entrant” is a person who:

- 1) unlawfully enters or seeks to enter in breach of the immigration laws or of a (previous) deportation order
- 2) enters or seeks to enter by means which include deception by another person.

In practice this covers clandestine border crossing as well as overt entry through ‘means of deception’. The latter involves a wide variety of practices that range from forged documents to deception about the ‘purposes of stay’ or even ‘silent deception’. Furthermore, a ‘leave to enter’ is specified by various ‘conditions’ that regulate entering and staying in the country. These conditions mainly concern employment restrictions and limited length of stay, but also access to benefits or the right to family reunification.

A common breach of conditions is that of working in violation of employment restrictions. Such restrictions refer to hours worked per week or period of stay, and often involve students, au-pairs or working holiday makers.

An unauthorised transfer from one employer to another employer, or from one job to another, may also be regarded to contradict the original ‘purpose of stay’ and therefore would constitute a breach of conditions.

Another common breach of the conditions of ‘leave to enter’ is not leaving the country by the expiry date of the visa and instead overstaying. Finally, evading immigration controls by crossing the borders clandestinely is a breach of immigration law. In essence, any movement or action that is not explicitly allowed is denoted as ‘illegal’.

Overstaying and/or breaking conditions of work restrictions make up the largest proportion of people who could count as irregular migrants. The majority of people enters legally and subsequently moves into an irregular status. Although it is unknown how many people clandestinely cross the borders it can be safely assumed that this is the smallest group. In this light the term ‘illegal entrant’ misleadingly suggests that irregular migrants are mostly ‘illegal intruders’. Instead, the reality is that the majority of migrants overtly enter the UK but slip into irregularity at a later stage of their stay. A special group of irregular residents is asylum seekers who discontinue to register at the given reporting centre and who are assumed to be still residing in the UK (so-called ‘absconded asylum seekers’).

Pathways out of irregularity are less complex and extremely limited. In the case of overstaying for 10 years or more in the UK, an indefinite leave to remain may be granted on discretion of the Secretary of the State.

Regularisation can also be granted on ‘compassionate grounds’ by order of the Secretary of the State for the Home Office. Such ‘mini-regularizations’ are granted on a case-by-case basis.

Besides individual regularisations, collective regularisations were granted in 2003. A discretionary ‘family amnesty’, as ordered by the Home Office, was granted to all asy-

lum seekers. 16,870 families had benefited from this discretion by January 2006. In 2004, 4,080 settlements were granted on humanitarian and compassionate grounds.

**Key
Messages
for Policy
Makers**

- More careful discussion of the issue – Political language nourishes an inaccurate and negative image of irregular migrants. Some parts of the media contribute to this process of stigmatisation and demonization. Both policy-makers and the media should be aware of the problems associated with oversimplifying the phenomenon of irregular migration.
- Clarifying legal categories - The concept of ‘irregularity’ or ‘illegality’ remains elusive and increasingly complex in legal and judicial terms. Agreeing clear-cut legal definitions and fine-tuning legislation may prevent a further blurring of the notion.
- Comprehensive and differentiated data - The scattered state of available official data complicates formal and methodologically rigorous estimations of irregular migrant populations. A comprehensive revision of data sets based on new and nuanced legal categories could facilitate producing more reliable estimations and would lead to a more balanced debate.
- Transparent and sound quantitative methodologies - All publications quantifying irregular migrant populations should disclose and justify their methods. This would facilitate evaluation and assessment of such quantifications. For instance, reports need to clarify if stated numbers refer to cases or individuals.
- Sensitive enforcement - The effectiveness of the current and proposed measures, such as ID cards for immigrants or new enforcement operations, may cause disruptive effects on community relations. Enforcement officers could be specifically trained to consider the degree of the issue’s sensitivity and the vulnerabilities of irregular migrants.
- Legal migration channels - The new ‘Points-Based System’ potentially envisages simplified paths of migration. Some sources also suggest that more legal migration channels provide more opportunities for migrants to maintain regular status. In this respect, further consideration is now needed.
- Flexible immigration regulations - A more flexible regime may also be considered. Regulations that lead into irregular status may need to be eased in their stringency and rigidity. Regulations offering a change of status, a change of purpose of stay or an extension of stay may potentially prevent the number of regular migrants slipping into an irregular status.

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All Project Reports and Policy Briefs as well as the Database are available through the project’s web site <http://clandestino.eliamep.gr>

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You may also visit the Social Sciences and Humanities Research Programme of the European Commission: <http://ec.europa.eu/research/social-sciences/>

[index_en.html](http://clandestino.eliamep.gr/index_en.html)