

New Labour and post-war immigration policy

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ANDREI DUMITRACHE, MAR 11 2011

Can the lessons over post-War immigration policy drawn by Randall Hansen be extended to include 'new Labour's' political programme?

At the beginning of the 21st century European cities look a lot different from the immediate post-war period. Subsequent waves of immigration have changed the urban character of many European communities contributing further more to the cultural diversity the continent has always possessed. It is correct to affirm that the development of the migration phenomenon in Europe is one of 'unforeseen developments and unintended consequences' (Hansen, 2003:25). Starting in the aftermath of World War II the former colonial powers such as the United Kingdom, France, Belgium, the Netherlands or Germany have all experienced a long process of sometimes contradictory policy-making processes, aimed at regulating the flows according to the economic necessities of their domestic markets. Randall Hansen has introduced the concept of "path dependency theory" to explain the dynamic chronological developments in migration legislation across post-war Europe. In the United Kingdom the post World War II government policies addressing 'managed migration' (Blunkett in Somerville, 2007:29) have developed in a slightly distinct way than the mainland European pieces of legislation and this was mainly due to an already existing citizenship regime inclusive of more than 600 million colonial subjects, a regime based in the 1948 British Nationality Act which guaranteed full political, social and economic rights to all the British crown subjects. This initial welcoming attitude has changed starting with the 1962 Immigration Act onwards and legislation has become harsher on all newcomers, a trend that has also continued under the New Labour government although to a more moderate extent. Using the latter statement as an analytical axiom this paper will seek to prove that the lessons Randall Hansen has drawn over post-war immigration policy can be extended to include the political programme of the New Labour party both before during and after the 'long electoral winter' (Sagaar, 1998:6) of Labours' Opposition. The argument structure of this paper will systematically analyse and compare New Labour's policies to the lessons Hansen has identified and the extent to which they overcome or continue the legislative mistakes of previous British or European governments. The concluding statement will then be a matter of empirical deduction and will most certainly assert the strong inclusiveness of New Labour's policies in the historical lessons Randall Hansen has provided the field of migration studies with.

Ever since the 1970s Labour has been the prominent British party to attract the electoral sympathies of the members of the 'black' community, despite the fact that along time the party has generally had an ambiguous position towards immigration. This was due to the rising reformist voices in the party such as Neil Kinnock, John Smith or Tony Blair, which by 1995 had isolated the left wing and embarked on a process of modernization shifting the party policy towards a US style market -economy dominated political thought (Shukra in Sagaar, 1998). This clash between intra-party forces explains why Labour has failed to react when confronted with the socio-political developments of Milwall in 1993. After winning the 1997 elections New Labour has promised to deliver innovative outputs through its political programme that no government has managed before. This has been the case also for the migration policy which has been guided around the sidelines of governmental macro policy targets such as increasing the competitiveness of the British economy, managing the arising national security threats and lowering the costs of migration management for the state budget (Somerville, 2007). It is correct to point out that New Labour's political programme has been fairly consistent in terms of amount of policy aimed at managing migration. Having said this, this paper will now proceed to

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present all the major policies present in New Labour political programme and their relationship with Hansen's lessons.

While in power, New Labour has implemented legal measures such as the removal of the right to work in 2002 and the creation of a separate systemic path for asylum-seekers meaning that the latter would be excluded and isolated from society and especially the vital public services such as social housing or healthcare during the period of institutional processing. The goals of such policies have been to 'demagnetise the United Kingdom' (Somerville, 2007: 67) but also to increase the speed of processing and the numbers of deported individuals. This type of policies contradicts the lessons Hansen has drawn from the history of post-war Europe. Hansen holds that politicians should understand that 'temporary immigration will almost assuredly become permanent' (2003:31) and that they should seek to address public fears about immigration. He further adds that if politicians such as Tony Blair or Jack Straw embark on electoral promises involving the deportation of thousands of failed asylum seekers, they are promoting anti-immigration sentiments which are counterproductive for the society as whole (2003). Hansen also supports the view that it is imperative to guarantee the asylum-seekers the right to work therefore transform them in incentives for the economy and not in a burden as the New Labour's restrictions do, although he maintains that some controls on entry and limits on access to welfare need to be maintained. Additional measures have been to enforce the legal leverage the state has on the transport sector, but also on employees by introducing new penalties under the IAN Act of 2006 for those transporting illegal immigrants or hiring them. Another top priority has been to increase the securitization of borders through a process of externalization of border checkpoints. A subsequent policy has been the adoption of the 1999 Act aimed at dispersing across parts of the United Kingdom of asylum-seekers in order to diminish the pressure exerted by these on the London area's housing sector. This particular measure if analyzed in contrast with Hansen's lesson on community cohesion and integration is most counterproductive for any present or future attempt to limit segregation, increase integration, promote tolerance and mutual understanding in the British society. Looking so far at some of the agenda topics of Labour's political programme can only suggest that the party itself is repeating some of the mistakes done by governments in the last century, mistakes that Hansen has precisely identified while looking at the post-war immigration legislation in Europe.

After the horrifying terrorist attacks of September 11 2001 the tendency in New Labour's policies has been to promote a greater securitisation of the homeland by enforcing immigration control. This meant that due to the new security dimension the migration issue had just acquired, all matters falling under this policy area could be dealt with in 'extraordinary ways' (Buzan et al. in Somerville, 2007:39). This can be seen in the 2001 Anti-terrorism Act but also in the speeches of prominent public figure such as then Home Secretary, David Blunkett who stated that it is 'our moral obligation and love of freedom not to extend our hospitality to terrorists' (Somerville, 2007:40). The fight against terrorism has brought with it both the introduction of biometric identity card (Asylum Registration Cards) for all asylum-seekers and also the public acknowledgement by political figures such as Gordon Brown that 'promoting common values, identity and the integration of migrants' (Brown in Somerville, 2007: 41) can be an effective counter-terrorism strategy. The governments' strategy was heading towards an 'exclusionary' (Hansen, 2000: vii) policy path. It is here that a new different New Labour political strategy with regards to integration appears. If in 1967 multiculturalism was seen by Labour as 'not a flattening process of assimilation but equal opportunity accompanied by cultural tolerance' (Somerville, 2007:51), New Labour viewed integration to a certain extent as a process of assimilation. This political attitude is deductable from some of the governments' policies such as the requirement to take an oath to the Queen as part of the 'citizenship ceremony' (Goldsmith, 2007:9) or the extension of both the English Language requirement to all those applying for long-term residence, but also the 'adaptation of the Life in the UK test' (ibid.). After the 2001 Bradford, Burnley and Oldham riots, the government has put further emphasis on community cohesion and social inclusion and exclusion policies, with reforms being implemented to reduce unemployment, integrating people in the labour market or giving targeted support to ethnic minorities (Somerville, 2007). It is fair to mention that New Labour exhibited another multicultural attitude by passing the 'politically symbolic' (Straw in Solomos, 2003:93) 2000 Race Relations (Amendment) Act which is the first attempt to tackle institutionalised racism, but also the 2006 Racial and Religious Hatred Act which was on the agenda of many advocates of the Muslim community for a very long time. Further on it is under New Labour that the concept of the integration process being a 'two-way street' has been implemented in the public stream and political speech. The policies highlighted so far concerning integration prove that some of Randall Hansen's lessons have been learned by the mainstream politicians. Hansen agrees with the concept of language requirement and teaching, concept that he

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holds is vital for the economic success of any immigrant. Still some of the policies presented so far may seem contradictory reason why, New Labour's government could be described as "double faced". With regards to refugees there have been two political initiatives in 1999 and 2005, both focusing on aid and employment. During New Labour there was also a focus on decreasing low-skill migration from outside the European Union by implementing a Resident Labour Market Test, a legal mechanism obliging all employers to prove that they could not identify an EU citizen capable of doing the job required. This builds on an increasing role of the UK-EU relationship under New Labour's government, which clearly touches on the need to develop at the European level a 'proactive, managed immigration policy' (2003:37) as Randall Hansen has suggested. Claude Moraes, MEP (2003), has also drawn attention to the matter by suggesting that while EU governments need to tackle phenomena such as 'asylum shopping' (2003: 118), they need to increase labour mobility especially in the high-tech industry and to enhance policy coordination in order to make a common immigration strategy implementable at the EU level. Further on with regards to students the New Labour has promoted a policy of making the United Kingdom the 'most attractive place for international students to study' (Blair in Somerville, 2007:36). This open door policy for students also suggests a certain compatibility with Hansen's lessons. He holds that 'Europe should open the immigration doors fully to the developed world' and although this specific policy that New Labour has implemented with regards to students is not as encompassing as Hansen's views it is clearly a step in that direction. It is also included within another of Hansen's lessons more specifically the one drawing attention on the need to develop immigration policy to serve long-term interests and not short-term ones as the 20th century European governments did. In a constant attempt to increase spending efficiency, the New Labour government has focused in its migration policies on 'extracting more money' (OpenDemocracy, 2010) aspect also contradictory to Hansen's lesson of individual focused policy and not mere economic calculus.

Having seen what some of the main points of New Labour's political agenda have been and how they have conceptually collided with Hansen's lessons, this paper will now proceed with the concluding arguments on whether the historical lessons identified by Hansen have been learned by New Labour politicians and whether these lessons can be extended to include most of the New Labour's political programme. The immigration policies under the New Labour Government can be characterised as fairly mixed. As an example parts of the post 1997 legislation was springing as data added to a policy-time continuum such as the Public Sector Agreements which have pushed the government forward 'away from inputs and towards outcomes' (Somerville, 2007:153) drawing on the Thatcher governments' New Public Management programme. Other legislative initiatives such as the Race Relations (Amendment) Act of 2000 or the 2006 Racial and Religious Hatred Act prove that New Labour has managed to draw from the historical lessons highlighted by Hansen and promote innovative policy designed to fit the United Kingdom in the Pan-European puzzle of progressive immigration policy. This is also the case of the 2009 Citizenship, Borders and Immigration Act which continues on the "path dependency" (Hansen, 2003) of British immigration policy. With such progressive approaches such as the new market driven political ideology of the New Labour or the emphasis on 'racial equality' (Solomos, 2003:92), there are clear signs that the bifurcated immigration policy model of the 20th century or the era of 'effective controls' (Hansen, 2000:144) has come to an end and that the issue of limiting and restricting immigration is no longer a prerequisite of governmental policy. This assumption can lead us to the conclusion that the general tendency under New Labour has been to reshape immigration policy making it compatible to a certain extent with the lessons drawn by Randall Hansen. Proceeding with one of the final arguments I will add that whether New Labour's political programme has responded positively or negatively to Randall Hansen's lessons it is fair to say that either way those lessons can be expanded to include both the failures and the successes of New Labour's governmental political programme. This is also true because of the inherited relationship between linearity and policy changes along time, a concept Randall Hansen has coined as "theory of path dependency". As a last remark I will have to disagree with Hansen on the fact that 'asylum policy appears to be in a cycle of unending restrictionism' (Somerville, 2007:66) and conclude that although New Labour has had as its policy the 'numbers game' when it comes to immigration, overall it has represented a radical shift from the traditional approach to immigration policy. Of course the contrary can be argued by saying that although some of the policy was not 'racist in design' (Hansen, 2000:262) it was 'racist in effect' (ibid.), therefore highly incompatible with Hansen's lessons.

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