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## The exclusionary implications of UK 'benefit tourism' policies on the social rights of the native population

*Increasing net migration has been the main driver for the increasing UK population over the last 20 years, and reducing immigration and limiting benefit tourism entitlement for migrants have been the two key policy foci to deal with this. This article focuses on the latter of these. This article will analyse how such changes in welfare entitlements for migrants is also impacting in an exclusionary way on the citizenship rights of the wider native population.*

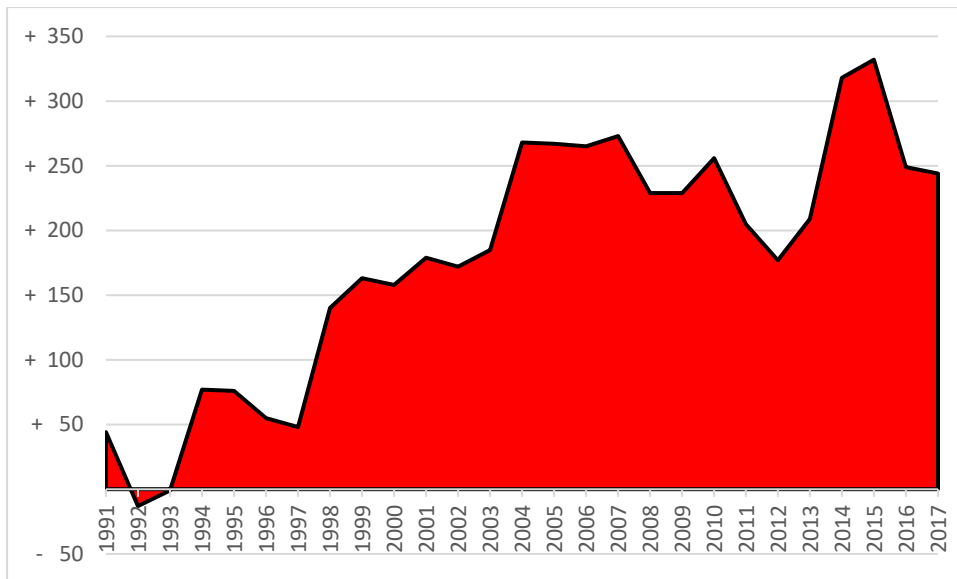
One of the most outstanding demographic trends in the UK in the last 20 years or so is the growth of the population, a growth that is higher than the EU average and highest of the four most populous EU member states (Office for National Statistics (ONS), 2014). Over the last 20 years or so, it has been increased net migration which has been the main driver for this changing demographic profile, contributing 54 per cent of the increase to the UK population, although this trend has reversed slightly in more recent years (Cangiano, 2014). There have been a number of policy changes relevant to this trend. The two key foci of these policies have been reducing net migration, and limiting entitlement to benefits for migrants, vis-à-vis benefit tourism. This article focuses on the latter of these. The important point that this article makes is that these changes in welfare entitlement are not just impacting on the rights of new migrants, but are also limiting in a parallel way on the citizenship rights of the larger non-migrant native population.

### How and why has the demographic nature of the UK been changing over the last 20 years?

The 2011 *Census of the Population* shows that while the vast majority of the population are of White ethnic group (86%), 14% of the population are from other minority ethnic groups, ranging from African, Caribbean, Pakistani, Bangladeshi, Indian, Arab, Chinese, and Mixed, according to the 2011 Census (Office for National Statistics, 2012). However, the key finding from the 2011 Census was that over the last two decades, the UK has become more ethnically diverse, with the White ethnic population decreasing from 94.1 percent in 1991 to 86 percent in 2011. This means that conversely, the minority ethnic population increased from 5.9 percent to 14 percent, which is a more than doubling over a period of 20 years, and is a trend that shows an increase in minority ethnic population.

An important reason for this is increasing net migration, as shown in Chart 1 below.

#### **Graph 1. Net Migration to the UK, 1991-2017**



Source: ONS, 2018

As Graph 1 shows, since 1997, net long-term migration has increased significantly, never being close to the pre-1997 levels, and 2014 saw the highest net migration peak for the years shown in Graph 1. There have been a number of reasons for this growth since 1997, including increasing migration from Commonwealth countries, increasing migration from EU enlargement countries, less emigration from the UK by British people, increased asylum, and economic migration.

This increasing net migration has had an important effect on the multicultural nature of the UK, and has led some to outline the UK's as no longer being defined simply by diversity, but by 'super diversity', wherein the diversity of the UK has a level and kind of complexity surpassing anything it has previously experienced (Vertovec, 2007), and particularly characterised by a multi-ethnic society with high numbers of both white and non-white Britons from many different ethno-cultural backgrounds (Phillips and Webber, 2014). For example, in one region of Birmingham, which is the second largest city in the UK, 170 countries of origin have been identified as represented among the population (Walters, 2015)

#### What has been the main policy response to this increased net migration?

These large increases in net migration in the UK over the last 20 years or so have led to extensive debates about their causes and consequences, and there have been two overarching and linked policy responses, focusing on restricting migration and restricting the benefits paid to migrants.

The focus on restricting such migration is best exemplified by the stance taken by David Cameron before becoming Prime Minister during the 2010 general election campaign, when he outlined reducing net migration to tens of thousands as part of 'contract' with a proviso that 'If we don't deliver our side of the bargain, vote us out in five years' time' (Chorley, 2015). This was repeated and reinforced in 2011 after he subsequently became Prime Minister to a 'no if', no butts' a pledge to reduce migration; however, as shown in Chart 1 above, this has not been achieved.

Subsequently, the 2010 Coalition government put in place a number of policies towards this pledge, including:

- Limiting the number of visas available to skilled workers with a job offer, and introducing stricter criteria to determine who is eligible to stay permanently in the UK.
- Closing the visa allowing highly skilled workers to come to the UK without a job offer, but creating some more selective visa provisions for high skilled/'high value' migrants (such as investors, entrepreneurs and those with 'exceptional talent').
- Amending student visa conditions in order to deter abuse, including by re-introducing visa interviews and limiting international students' rights to work and bring family members to the UK, and subjecting education providers to more demanding requirements.
- Closing the post-study work visa and replacing it with more limited provisions.
- Introducing new family visa eligibility criteria, such as the £18,600 'minimum income' requirement for partner visas, in order to encourage integration and protect public funds.
- Restricting new migrants' entitlements to certain welfare benefits, in an attempt to address some of the perceived 'pull factors' for European immigration

(Gower, 2015:1)

This last policy reflects the second overarching strand of policy responses, that of restricting the benefits paid to migrants to reduce the 'pull' factors of benefit tourism to the UK. Benefit tourism is the claim that large numbers of migrants from the poorest EU countries are attracted to the UK by the offer of more generous state welfare benefits; it is focussed on the perceived generosity of benefits paid to such new migrants, with a belief that such generosity is an encouragement to further migration, or that migration is economically driven (Sealey, 2015). This was exemplified, according to Mayblin (2014), in the 1998 *Fairer, Faster and Firmer* White Paper which led to the Immigration and Asylum Act 1999, wherein the then Labour government suggested that welfare benefits were acting as an incentive to economic migrants to use the asylum route to enter Britain. It also suggests that the vast majority of migrants come to UK simply to claim benefits without having made any contribution to the system. Specifically, it presupposes such migrants are an economic drain to the UK welfare system, in that they are more likely to claim benefits than the native born population and so be a drain on the economic system. Benefit tourism is described as occurring especially in the NHS, but also for income maintenance benefits (such as Jobseekers Allowance, Housing Benefit and Child Benefit), and social housing.

A specific policy response to such benefit tourism has been the use of habitual residential status to restrict access to such benefits. For example, the Localism Act 2012 allowed local authorities to use local connections as a criteria for entitlement to

social housing. This means that even when a migrant family might be more in need, such local connection means that priority can be given to those who are long term residents (Oliver, 2013). As Jaywerra and Oliver (2013:56) observe, such notions are referenced to 'easing tensions arising from arising from public perceptions of migrants seen as taking resources away from long standing residents who have greater entitlement.'

In December 2013, in anticipation of the lifting of transitional restrictions on A2 Romanian and Bulgaria nationals, the government introduced several measures focussed on limited the possibility of such benefit tourism. These included:

- a 'stronger, more robust' Habitual Residence Test for those claiming means-tested benefits.
- requiring people coming to the UK to have been living in the UK for three months before they can claim income-based Jobseeker's Allowance.
- EEA jobseekers or former workers having to show that they had a 'genuine prospect of finding work' to continue to get JSA after six months (and if applicable, Housing Benefit, Child Benefit and Child Tax Credit).
- a new minimum earnings threshold to help determine whether an EEA national is or was in 'genuine and effective' work, and so has a "right to reside" as a worker or self-employed person (and with it, entitlement to benefits).
- preventing new EEA jobseekers from accessing Housing Benefits even if they are in receipt of JSA.
- new jobseekers arriving in the UK needing to have lived in the UK for three months in order to claim Child Benefit and Child Tax Credit.
- EEA jobseekers not being able to claim Universal Credit.

(Kennedy, 2015:1)

Following the Conservative Party's victory in the 2015 general election, David Cameron proposed further measures to limit the impact of benefit tourism. These included in particular the proposal to ban new arrivals from the EU from claiming benefits such as tax credits and social housing for a period of four years (Cameron, 2015).

It should be noted however that the body of evidence that exists for the claim of benefit tourism is far from clear. This is because it is not something that is easy to prove (Bridgen *et al*, 2016). Tellingly, when the UK government was asked by the European commission to substantiate its claim that benefit tourism is a real problem, its response was that the commission was placing too much emphasis on needing 'quantitative evidence', meaning too much reliance on facts and figures rather than evident 'common sense' intuition for its existence (Portes, 2014).this is supported by, research which suggests that benefit tourism is not a priority for those who migrate to the UK. Rather, research by the Migration Advisory Committee (2014) has shown that the primary reason for EU-born migrants coming to the UK is to work, with just

over three quarters of migrants from EU2 and EU8 countries reported that they came to the UK for employment reasons. This compares with just over a third of other EU-born migrants stating that they came for the same reason. This suggests that the majority of migrants who come to the UK come to work and do find employment, as migrants are more likely to be in work than UK-born citizens (CEBR, 2013). More specifically, migrants are also less likely than those living in the UK to receive state benefits or tax credits, and similarly less likely to live in social housing than people in the same region (Dustmann and Frattini, 2013). Overall, between 2001 to 2011, it is estimated that migrants contributed £25 billion more in taxation than they received in benefits (Dustman and Frattini, 2013), highlighting that 'in particular, immigrants who arrived since 2000, especially those from EEA countries, have – through their positive net fiscal contributions – helped to reduce the fiscal burden for native workers' (Dustman and Frattini, 2014:4). Burgess (2014) has argued that significant observed improvements in the educational attainment of pupils in London in the last 10 years in comparison to the rest of the UK pupil progress is entirely accounted for its increased ethnic composition which has occurred from increased migration. More recent data from the government also shows that high levels of net migration have been a key factor in present and future economic growth, and that without such high net migration the UK economy would still be suffering significantly from the economic crisis that remains in many EU countries (Office for Budgetary Responsibility, 2015). Overall, this suggest that benefit tourism is not as problematic as has been described recently.

The fact that policy has been built around the claim of extensive benefit tourism for which evidence is so sparse, even from the government, suggest a need to consider a more distinct rationale for such changes, and the potential outcomes from this rationale. This is the focus of the rest of this article.

Firstly, it should be noted that these policy responses have occurred within the context of increasing public anxiety about rising immigration. For example, prior to the 2015 general election, many opinion polls highlighted immigration as either the primary or secondary concern of British voters (Ipsos MORI 2014; Ipsos MORI 2015), which is an interesting point in the context of the high level of austerity which the UK has undergone. Additionally, analysis of reasons for people voting in the EU referendum of 2016 which resulted in a vote to leave the EU highlighted immigration as the key concern for people who chose to vote leave (Prosser *et al*, 2016). An example of this is in relation to social housing, where the claim exists that in some areas, large numbers of mono-ethnic individuals and families have displaced UK-born social housing tenants, to create mono-ethnic cultural enclaves which serve to increase both the insularity of ethnic groups and ethnic division and community tensions with the displaced native population (Walters, 2015).

The specific consequence of the focus on residential status has been that it has made it harder for welfare professionals and organisation to justify working with such migrant groups Boccagni (2015). An example of this is in relation to social housing, where the claim exists that in some areas, large numbers of mono-ethnic individuals and families have displaced UK-born social housing tenants, to create mono-ethnic cultural enclaves which serve to increase both the insularity of ethnic groups and ethnic division and community tensions with the displaced native population

(Walters, 2015). For example, as Walters (2015:9) observes in relation to social housing:

Migration has been brought into the public understanding of the 'problem' of social housing, with Rutter and Latorre (2009) finding that media reporting of issues around migration and social housing is setting an unhelpful public agenda. Anti-migration messages are more prevalent than pro-migration messages and appeal to a mass media conception of 'common sense' – for example, that migrants (and by extension, superdiverse neighbourhoods) put pressure on social housing; that migrants receive preference in the allocation of social housing; that migrants commit tenancy fraud by 'borrowing' children from compatriots.

As Walters further observes, such problematizing, particularly in the context of austerity, can and has become the basis for community tensions within super diverse neighbourhoods, particularly from the perception that such migrants are displacing UK born citizens from provision. This is significant in the context of Mulvey's (2015:372) observation that immigrant integration into a new environment 'is clearly affected by the degree to which they feel welcomed within any particular spatial unit.' This means that those delivering services have increasingly had to actively and publically challenge such misperceptions, in order to justify the services they provide to such groups. Additionally, due to the complexity of rules and their constantly changing nature, most time is spent on learning and interpreting such rules, rather than frontline services delivery (Oliver, 2013a). It is also relevant to note that this mirrors an observed wider 'hostile' shift to 'responsibilities rather than rights' for the general population, not just migrants (Oliver, 2013a).

Phillimore (2011) defines such actions as the use of welfare as a tool of welfare 'restrictionalism', and identifies a whole range of different measures that have been enacted which exemplify such welfare restrictionalism. The key point about such welfare restrictionalism is that it *de facto* sanctifies poor welfare outcomes for migrants and immigrants, through the experiences of high levels of unemployment, poor housing conditions, low levels of educational attainment and poor health outcomes that occurs from such policies (Phillimore, 2011:11). For example, the policy of limiting subsidised English language courses for non-native speaker's also works against their integration, as the evidence from other countries suggest that this is the most fruitful for integration' (Oliver, 2013a). This is because limiting language skills has a major impact on migrants' ability to access basic welfare provision such as healthcare, help their children with school work, and that speaking English is one of the requirements for the Life in the UK citizenship test (Oliver, 2013).

One specific consequence of this is that when such migrants do work, because they lack the knowledge of basic welfare entitlements, they are often subject to experiences of labour market exploitation, such as in relation to low wages, poor conditions and precarious employment. Furthermore, such evident marginalized status can and often does lead to exploitation in further areas, such as the sexual exploitation of undocumented women migrants workers (Wilkinson, 2012). An example of this is the tied visa system introduced by the coalition government in 2012, from which such tied workers are not allowed to leave their employer, or if they

do they have to leave the country. According to Mantouvalou (2015:5), 'the effect of this has been conditions close to 'slavery' for worker, wherein 'the effect of the visa appears to be the creation of an extremely vulnerable workforce that stays in the UK undocumented and fearful, trapped in ongoing cycles of exploitation.' What this highlights is that the Coalition government focus has been on tackling illegal immigrants, not migrant worker exploitation, such as worker rights (Wilkinson, 2012). This is significant because such negative experiences have impacts beyond the citizenship of such migrants, also affecting the citizenship of UK nationals, as for example:

...a lack of rights and knowledge, discrimination and exploitation  
...often reduce housing options and result in migrants living in  
overcrowded accommodation lacking basic facilities, furniture ...  
The poor state of migrant accommodation and overcrowding can  
lead to tensions with long-term residents who blame migrants,  
rather than neglectful landlords, for deteriorating housing stock  
(Pemberton, Phillimore and Robinson, 2014:11).

Another relevant example here is the experiences of low pay, and the claim that such migrants, in being prepared to work for much lower wages than UK nationals, are dragging down wages for the native population. However, as Hill (2007) notes, it is not the migrants that are dragging down the wages, but the active creation of a 'reserve army of labour' by employers, wherein the lack of rights for newer migrants makes their lower cost and greater flexibility particularly attractive to employers, and this in turn reflects in higher unemployment rates among earlier migrants. So here, we can see how the codified, limited citizenship rights of migrants is impacting negatively on the living standards of the native population, and therefore also their social rights as citizens, suggesting that as Craig (2015:16) argues 'increasing diversity of itself does not undermine social cohesion but political and public responses to it do.'

Moreover, such policy ignores the contradictory barriers that exist in, for instance, the labour market, which work against the integration of both new and long established migrants (Herbert *et al*, 2006). For example, as Anderson and Ruhs (2012) observe, a significant factor in the increase in migrant labour force is the demand from employers for cheap labour, as reflected in employers' common claims that migrants have a superior 'work ethic' and 'attitude', especially when comparing relatively new arrivals to native foreign-born people more generally. This is a factor which works against not only the integration of the existing migrant population through the low wages that it provides, but also against the integration of established migrants through their effective exclusion from the labour market. This suggests that rather than self-segregation, it is exclusion by others which works against the integration of established migrants.

The proposed abolishment of the Human Rights Act 1998 (which is the enshrinement of the European Convention on Human Rights into British law) and its replacement with a Bill of Rights exemplifies how limiting migrants rights also impacts on non-migrants rights. One of the main reasons given for such abolishment is from its claimed abuse by migrants, particularly Article 8 which is the



right to family life. Various cases have been highlighted where such abuse has ostensibly taken place, most famously the claim by the Home Secretary that an asylum seeker's cat had enabled them to avoid deportation (Wagner, 2011). It is interesting to note that any abolishment of the HRA 1998 would not only affect migrants' human rights, but also the native population, particularly those most vulnerable (Equalities and Human Rights Commission, 2011).

A relevant point to note in this respect is that the UK has no codified political constitution that guarantees citizenship rights. This means that the meaning of citizenship can and has been open to both political and legal change (Craig, 2015). Instead, T.H. Marshall's (1950) seminal analysis of the development of citizenship in the UK is very often the reference point to citizenship rights in the UK. Marshall's conceptualisation foregrounds civil, political and social rights as the three elements of citizenship, with the development of social rights as the last piece in the citizenship jigsaw; as Dwyer (2010:4) outlines 'social citizenship is a centrally important aspect of any wider notion on citizenship, and rights to welfare continue to be regarded by many as a centrally important aspect of 'effective citizenship'...Rights, and in particular social or welfare rights as they are often referred to, are central to the idea of citizenship'.

This emphasis on citizenship from social rights was encapsulated for Marshall by the development of the UK welfare state in the late 1940s, and particularly the emphasis on the principle of universalism to an extensive set of guaranteed social policy provisions in many welfare services, such as health, education and income maintenance provision. In particular 'rights to welfare continue to be regarded as a central important aspect of 'effective citizenship'...Rights and in particular social or welfare rights as they are often referred to, are central to the idea of citizenship' (Dwyer, 2010:4), and meant that some modicum equality became a basic principle of citizenship (Olssen, 2004). In this context, we can see that the use of residential status as a defining criterion for accessing such provision, particularly for income maintenance benefits, has limited this principle of universal rights, and hence the notion of citizenship. Thus, just as the access to such benefits delineates 'the right to share in the full heritage and to live the life of a civilised being according to the standards prevailing in the society' (Olssen, 2004:179), so the restriction of access to welfare benefits paid to migrants demarcates no such privileges, as these are reserved for those deemed to be full citizens. Rather, it means that state sanctioned welfare status diminution, and therefore status diminution to that of second class, of those legally entitled to be residing in the country.

## Conclusion

The significant rises in net migration in the UK over the last 20 years has led to its transformation from mere diversity to superdiversity. However, it is the case that this has become an increasingly problematic political and public issue, as evident from the result of the EU referendum vote in 2016. This is apparent from the two main policy emphasis of reducing immigration and limiting entitlement to benefits for migrants.

This changed policy emphasis has fundamentally redefined the notion of citizenship as it applies to migrants, as it means the state sanctioned welfare status diminution to that of second class citizens of those legally entitled to be residing in the country. This has made it harder for welfare professionals and organisation to justify working with such migrant groups, and so increased their already marginalized status. However, just as significantly is that such negative experiences have impacts beyond the citizenship of such migrants, also affecting the citizenship of UK nationals, *de facto* state sanctioned persistent low pay being a good example of a factor which works not only against the integration of the existing migrant population through the low quality of life is enables, but also against the integration of established migrants through their effective exclusion from the labour market. This suggests that rather than self-segregation, it is exclusion by others which works against the integration of established migrants. The prominence given to the abuse of the Human Rights Act by migrants as a rationale for it prospective abolishment is a very good example of this. In a wider sense, it shows that a failure to defend the basic citizenship rights of the most vulnerable in society can and does lead to the co-incident loss of those social rights which define us as citizens.

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